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The Hui Muslims' Identity Negotiations

A Socio-Legal Investigation into the Relations between the Sharīʿa and the
Chinese Legal Systems

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by

Gang Li

Born on 31 January 1983
in Xinjiang, China

Supervisors

Prof. C. K. M. von Stuckrad

Prof. M. Nekroumi

Co-supervisors

Prof. M. Rohe

Dr. S. Travagnin

Assessment committee

Prof. D. Müller

Prof. M. Lackner

Prof. O. J. Moore

Prof. T. H. F. Halbertsma

Propositions of the Dissertation

1. For the Hui Muslims following the Sharī'a law, though to various degrees, defines their identity of being a Muslim, and respecting and being subjects of the Chinese law defines one's Chineseness.
2. In traditional Chinese society, although no major wars or battles existed in the process of the introduction and localization of Islam in China, from the outset of Islam in Chinese history, Muslims have been facing the challenges of how to live in China and get along with the Chinese. This involved reconciliation with a strong and powerful tradition that had already established itself before Islam and Muslims reached China. It is the institutionalized and legalized Chinese tradition that made it challenging for the Hui Muslims to become Chinese.
3. Instead of being a uniform and fixed system of static norms, the Sharī'a has been defined and practised in diverse ways in different Hui Muslim communities over the changing dynamic of the Chinese socio-political contexts. Both the Chinese and the Islamic (legal) traditions have provided, and indeed functioned as, the grounds on which the Hui Muslims' social identity is built.
4. In the context of traditional Chinese society, the tensions between the Hui Muslims' practice of the Sharī'a and the Chinese legal system were partly the result of the tradition which constructed the very idea of China as a geographical, cultural, racial, and most importantly, a monotheistic divine entity. In the context of the modern Chinese nation state, the Sharī'a and the state legal system are not necessarily incompatible with each other. In other words, the Hui Muslims' practice of and identification with the Sharī'a does not necessarily lead to a decrease in their "Chinese" identification.
5. Two general and fundamental Chinese approaches to dealing with non-Chinese, including the Hui Muslims, could be observed, that is, what I termed as the "separative" and the "assimilative" approaches. The former held that the non-Chinese should be separated and excluded from China and the Chinese, while the latter held that the non-Chinese could and sometimes should be assimilated to the Chinese.
6. Among the initiators of various Chinese nation-building projects was a shared belief of the superiority of the Han Chinese over the non-Chinese, the minorities, as well as the Hui Muslims. The traditional Chinese perception of the superiority of the Han Chinese over the minorities has not only been unchanged and unchallenged in the context of the Republic of China, but has indeed been reinforced. To achieve a Han Chinese nation-state required not only expelling the Manchus but indeed all non-Han Chinese. This was crucial for all the non-Han Chinese peoples, including the Hui Muslims, to redefine their identity, for this indicated that to be a Chinese then was to be a Han.
7. The Jingtang education came about when the Chinese Ming Dynasty imposed discriminative laws and policies against the Hui which resulted in a religious (and later economic and political) crisis. The modern educational reformers targeted either the traditional Jingtang education that was overly influenced by Chinese culture, or the new situation in which the Hui Muslims were supposed to live, cooperate, and, maybe more importantly, compete with the Chinese. Public and private systems of education have been playing a crucial role for the Hui Muslims in China to negotiate among competing and conflicting sets of norms and ideals. The Hui Muslims' Islamic education projects, both the traditional Jingtang education and the modern educational reforms, have been a channel through which the Hui Muslims tried to deal with the internal and external crisis, chances, and challenges.
8. Hajj is a religious activity, but also has significant social, political, intellectual, and economic implications for the Hui Muslims. It has facilitated the introduction of Sufism in China, which added a unique layer of identity among the Hui themselves, the *menhuan* 門宦 (Sufi orders). In the context of the late nineteenth and early twentieth centuries, Hajj turns out to be an essential source for the building of the Hui Muslims' Chinese identity, particularly in their understanding of the relations between being a pious Muslim and a patriotic Chinese nationalist.
9. Marriage contributed to the introduction and localization of Islam in traditional China. During the Republican period, the modern national legal system and the Islamic Sharī'a norms are not necessarily incompatible or irreconcilable with each other. How the Hui Muslims would deal with the Sharī'a marriage rules, to what extent they would refuse the state law and follow the Sharī'a law, and vice versa, have largely been determined by how the Hui Muslims were positioned and treated by the cultural, the socio-legal, and the political spheres in Chinese society.

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To myself, I wish the completion of this dissertation marks the beginning, rather than the end, of my academic quest, which I wish does not stay merely a wish.

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Notes on Translation and Transliteration

For all foreign terms, I generally follow the guidelines provided by *The Chicago Manual of Style* (Sixteenth Edition). For Chinese terms below sentence level, depending on the use and the context in which the Chinese terms appear, I either provide first the English translation followed by the Chinese term in its romanized form (the Hanyu Pinyin romanization system) and original Chinese character in its traditional form (*fanti zi* 繁體字) in parentheses or vice versa. For those Chinese sources that are of sentence level, I give only the original Chinese characters in round brackets without Pinyin, following the English translation.

For Arabic and Persian terms, I largely follow the romanization rules applied by the *International Journal of Middle Eastern Studies*. On the bases of this, I do not transliterate such Arabic terms as, for example, Islam, Quran, or Sufi, which have been integrated into the English language.

Introduction

In the summer of 2017 when I was doing my fieldwork in a Hui Muslim community in Yunnan 雲南 Province, I came to know Ismail,¹ a Hui Muslim teenager originally from Xinjiang Uyghur Autonomous Region. Ismail came all the way from Xinjiang to Yunnan in the hope that he would advance his knowledge and skills in Arabic language and Islamic theology by joining the local Muslim scripture school (*jingwen xuexiao* 經文學校). However, his study trip did not go well, for after the 2014 terrorist attack at the Kunming railway station the provincial government of Yunnan issued a local regulation prohibiting all teachers and students from other provinces to teach or study at the local private Islamic schools in Yunnan. Fearing that he would be repatriated like some of his classmates, Ismail “escaped” from the school. Ismail and I often met each other at the Grand Mosque in Shadian 沙甸, one of the most well-known Hui Muslim communities in China. After several meetings and conversations, which mostly took place after the daily prayers, Ismail told me that such conversations as we were having would never happen in his hometown Xinjiang 新疆, for people under the age of eighteen, according to the regional regulation in Xinjiang, were not allowed to go to the mosque at all. Before I finished my fieldwork, Ismail told me that he might turn to his friends who were doing business in Malaysia and see if it was possible to pursue the study there. Being aware of the difficulties, Ismail nevertheless still decided to take the risk. For him, as he told me, to be a Muslim means to follow the laws of Allah and the teachings of the Prophet. In other words, it was in following the Shari‘a, which requires Muslims to seek at least basics of religious norms, that Ismail saw how he could become a qualified Muslim.

In 2018, along with the contested issue of the “vocational training centres” in Xinjiang, a more or less neglected issue was the conflict between the local Muslims and the government of Tongxin 同心 County over the demolition of a newly renovated mosque that, according to the official statement, violated the original building plan. One week after the conflict, the editor of the *Global Times* (*Huanqiu shibao* 環球時報) commented that,

It should be our priority to stick to the leadership of the Party and to make sure that the **authority of law** over religious affairs [is maintained]. All the religious activities should be governed **according to the law**... the Grand Mosque of Weizhou, seen from the pictures, is not only enormous in scale but has also adopted the typical appearance of mosques in the Middle East, with eight huge domes. We cannot keep silent but to say that, under the current circumstances of China in which religious issues are highly sensitive, the newly built mosque will make different people feel differently... In this case, we must make it our priority to maintain the authority of the general policies of the state and to promote the general solidarity of the society...²

Among others, one point that interests me here is the mention of the mosque’s eight huge domes that “adopted the typical appearance of mosques in the Middle East.” The Arabic style of the mosque seems particularly problematic for Chinese authority. This, to a certain degree, represents the policy of the “five identifications” (*wuge rentong* 五個認同) brought up by President Xi Jinping in 2015,³ which also echoes the project of

¹ For the privacy and safety of my informants, their names I quote in this dissertation are not real names.

² Original Chinese: “堅持黨的領導，樹立法律對宗教事務的權威應當是第一位的。所有宗教活動都應受到依法治理... 韋州清真大寺從照片上看不僅規模宏大，而且採用了中東清真寺的典型外貌，有八個大穹頂。不能不說，在中國當下宗教問題很敏感的環境下，這個新建的清真寺會讓不同的人產生不同的感受和聯想... 在這種情況下，大家一定要把維護國家大政策的權威和促進全社會的團結置於優先地位...” See the editorial of the *Global Times* published on the 11 of August, 2018. The citation here is from the reprint from *News Sina* (*Xinlang xinwen* 新浪新聞) available online at <https://news.sina.cn/gn/2018-08-11/detail-ihhqtaww8406200.d.html?cre=tianyi&mod=wpage&loc=14&r=0&doct=0&rfunc=100&tj=none&tr=4> (accessed July 1, 2020). Besides, all the translations from Arabic and Chinese in this dissertation are mine, unless stated otherwise.

³ The “five identifications” are: to enhance the identification of the masses of all ethnicities towards the great homeland of China (*weida zuguo* 偉大祖國), the Chinese nation (*Zhonghua minzu* 中華民族), Chinese culture (*Zhonghua wenhua* 中華文化), Chinese Communist Party (*Zhongguo gongchandang* 中國共產黨), and the Socialism with Chinese characteristics (*Zhongguo tese shehui zhuyi* 中國特色社會主義). President Xi first initiated the “five identifications” at the Sixth Symposium of the Party’s Work on Tibet.

“sinicization of religion” (*zongjiao zhongguohua* 宗教中國化)⁴ initiated in the same period. These policies and projects demonstrate the efforts of the Chinese Communist Party (hereafter CCP) and the Chinese government to build a Chinese Islam together with the Hui Muslims’ Chinese identity. In other words, referring to various local and national official regulations, the CCP emphasized the importance of “governing all the religious activities according to the law” aiming, though partially, at constructing the Chinese identity of the Muslims.

These are just two of the cases I encountered during my study and research. These two examples highlight how the Hui Muslims and the CCP tried to construct and maintain the identities that they respectively prioritized through emphasizing the adherence to their respective legal traditions and/or institutions. In other words, both the Hui Muslims and the CCP related their identity claims to, and indeed built them on, certain legal traditions and/or institutions, which are, respectively, the Islamic Shari‘a tradition and the Chinese legal tradition plus official institutions. This dissertation seeks to contribute to the investigation into these normative traditions, particularly in their roles in the construction of the Hui Muslims identities. To put it briefly, my research will assess under which conditions the two legal traditions, the Shari‘a and the Chinese official law, shaped the dual identity of “Muslim” and “Chinese” for the Hui Muslims, and whether a merging of these two identities has been realized. The thesis will then discuss how the Hui Muslims dealt with the changing dynamic and oftentimes tensional relations of the two traditions in different socio-political situations of Chinese society over time. Instead of dealing with the relations between the Shari‘a and the Chinese official law in the socio-legal and political context of contemporary China,⁵ the current research would focus on the history before 1949 when the CCP came into power, with major emphasis on the Republican period when China started building a modern Chinese nation-state. It tries to make sense of the relations between the Shari‘a and the Chinese official legal system that are the background of what happens today.

1. Relevance of the Research Theme

The original idea of the thesis was inspired by several analytical concepts, like identity, law, and society, which deserve a definition in this preliminary section. On the one hand, I try to demonstrate the importance of law, by which I mean the Shari‘a and the Chinese law in Chinese society, in constructing the Hui Muslims’ dual identities of a Muslim and a Chinese. However, to make sense of the concept of law here in the current research, the socio-political environment of China, which generated the law and in which the law functioned, should be taken into consideration. To put it briefly, China started building its current legal system and institutions in the late 1970s, largely modelling on the Western civil law system. However, the quick establishment of contemporary legal systems and institutions is undermined by a lack of corresponding legal culture from within that is essential for the proper implementation of these institutions. That is to say, the stipulation of law in China is one thing; the practice of it is another. The Chinese legal culture, by which I mainly mean the patterns of people’s actual practices concerning legal matters, is still largely rooted in China’s own tradition. This fact asks us to take seriously this tradition and the historical processes of its formation and transformation.

Instead of doing a study that merely deals with legal stipulations, this dissertation takes “law” as a text in its own context. Law, or *falü* 法律 in Chinese, is a system that has its logic, language, and way of functioning. However, this does not mean that law is completely isolated from other social systems, including religion. It also in no way means that the law is value-free. On the contrary, the law exists as a sub-system in a society consisting of other interrelated sub-systems. It reflects the values of the society and traditions that partially define and determine the law itself. Law, be it the Shari‘a or the Chinese law, is not simply norms, but is the product and representation of a tradition, history, and people’s way of life, therefore, in this sense, a discussion

⁴ The concept of *Zhongguohua* 中國化 has various meanings in different contexts. For example, it can mean a process of localization of “foreign” ideas, religions, ideologies, and institutions after they came to China. In other words, it means something foreign becomes Chinese. However, this actually speaks nothing for what it means “to become Chinese,” for the very meaning of concepts of “China” and “Chinese” is diverse, particularly when it is, though unintentionally, intertwined with the majority Han Chinese. I shall discuss the issue of China, Chinese, and one’s Chineseness, and how these concepts have influenced the Hui Muslims self-identification in Part Two of the dissertation.

⁵ I should mention here that Matthew Erie (2016) has published the first ethnography of the Shari‘a in contemporary China. To integrate his approach, I will focus on the pre-modern and especially the Republican era.

on “law” will then intersect with the discussion on “identity.” In other words, the current research on the Sharī‘a and the Chinese law deals not only with specific norms but also with the socio-political environments that create these norms and in which these norms function. To understand the socio-political context in which the law as a text was made and practised leads us to not merely asking questions concerning what the law is but also to questioning what the law does in reality and why. Therefore, it is necessary to ask by whom, for what purpose, and how the law was made, namely, what people did to the law. On the other hand, we should also tackle the question from the other perspective, namely, what did the law do to people. For example, I will demonstrate in the following chapters that for the Hui Muslims following the Sharī‘a law, though to various degrees, defines their identity of being a Muslim. For the Chinese, at least in pre-modern society, it more or less is the same story, namely, respecting and being subjects of the Chinese law defines one’s Chineseness. Here come in possible conflicts, or at least tensions, between the Sharī‘a law and the Chinese law. This research aims to tackle, on the one hand, these conflicts and tensions faced by the Hui Muslims, and various Chinese socio-cultural and political contexts, on the other hand, which created these conflicts and tensions, starting from the Tang Dynasty when Islam and the first Muslims came to China. What’s more, a socio-cultural focus is applied not only because of this “law as text-and/in-context” approach but also because of the nature of the Sharī‘a. In this dissertation, the terms “Sharī‘a” and “Islamic law” will be used interchangeably, meaning the religious, moral, and legal norms of Islam. The comprehensiveness of the Sharī‘a as regulations for religious rituals, moral teachings, and legal norms in one keeps us from limiting ourselves in legal texts only, but to take it as the Hui Muslims’ actual way of life.

The answers to these questions are important, not only to better understand the Hui’s situation and the historical interactions between the Sharī‘a and the Chinese official law in pre-Communist China, but also to better understand the general perceptions of Chinese culture and such concepts as China (*Zhongguo* 中國), Chinese (*Zhongguo ren* 中國人), and one’s Chineseness or Chinese identity (*Zhongguo rentong* 中國認同).⁶ Contrary to some discourses that generally take Muslims as challenges to the society, and claim that Islam and the Sharī‘a are incompatible with modern states or secular states unless Islam, Muslims, and the Sharī‘a are reformed according to certain dominating “modern” forces, this research demonstrates, on the one hand, what Sharī‘a law means to the Chinese Hui Muslims, and what it means for them to follow the Sharī‘a in terms of their perceptions of who they are. More importantly, on the other hand, the dissertation will also demonstrate what challenges the Hui Muslims encountered facing the Chinese official law. In other words, as I mentioned, the Chinese state law, and indeed any law, is not value-free but implies and represents specific cultural stands. The cultural stands not only largely define one’s Chineseness but also, oftentimes, make it challenging for the Hui Muslims, and presumably all other ethnoreligious groups in China, to identify themselves as Chinese sincerely. Without taking into consideration the Hui Muslims’ experiences with the Chinese official law and the general socio-cultural environments that supported the law, a legitimate state legal system, as well as a recognized shared Chinese identity, is impossible. The Hui Muslim’s “horizon,” in Gadamer’s term, is indispensable in legitimizing the Chinese legal and political institutions. Without this process of shared legitimization, a Chinese identity and the so-called “five identifications” could turn to be just coercion, and the legitimacy of the official law that aims at the construction of these identities and identifications will remain questionable and challenged.

2. Theoretical Framework

It is no easy task to describe and understand something that has a history of more than 1400 years, especially when it comes to the interactions between two civilizations each of which has its strong and unique path of evolution, such as Islam and China. In other words, the issue of how Islamic law and state law in China interacted with each other is one that needs to put into consideration the historical perspective. Concerning the understanding of history, tradition, and the interactions between different cultures, I find Gadamer’s theory of philosophical hermeneutics particularly helpful.

For a long time, hermeneutics has always played an important role in the process of generating truth, especially in the theological and legal fields. As Gadamer (2004) demonstrated, in humanities and social field, there is no universal experience and more importantly, the results we get from natural sciences would be of no help in

⁶ I shall discuss these concepts of China, Chinese, and Chineseness, in detail in chapter three.

dealing with moral issues and the legitimacy of norms. In brief, the basic theme in Gadamer's philosophical hermeneutics is how to get rid of the objective view of the truth of Scientism and at the same time to avoid the subjective view of the truth of Relativism, and thus, how, between participants of a communicative process, who are of different moral, legal, cultural, and political perspectives, a higher and more universal agreement is possible, particularly in the field of moral sciences and humanities.

Many scholars have contributed to the development of hermeneutics, among whom Schleiermacher, Dilthey and Heidegger, from the perspective of theology, history and philosophy respectively, have the most significant influence on the formation and development of Gadamer's philosophical hermeneutics.

Friedrich Schleiermacher (1768–1834), a German theologian, philosopher, and biblical scholar, holds that, firstly, understanding and interpretation are interwoven. For Schleiermacher, “every problem of interpretation is, in fact, a problem of understanding” (Gadamer 2005, 239). There are two different kinds of understanding, namely “a looser hermeneutical praxis,” in which understanding follows automatically, and a stricter one that begins with the premise that what follows automatically is a misunderstanding. To avoid misunderstanding, he provides us with two methods, grammatical and psychological/technical rules of interpretation. Grammatically, the meaning of the “part” can be discovered from the context only — i.e., ultimately from the “whole.” Schleiermacher further applies it to psychological understanding, which necessarily understands every structure of thought as an element in the total context of a man's life (Gadamer 2004). This reminds us that when dealing with Chinese “legal texts” and those of the Hui Muslims' it is necessary to take them as a “part” of the “whole.” In addition to the grammatical understanding of the meaning of the texts, the whole context in which the author created the “text” enables us to ask under which conditions and for what purposes the text was created and what consequences it had in the specific context. This is useful in many cases I will examine in the following chapters, particularly concerning the Han Kitab⁷ authors. Previous research tends to suggest that the Han Kitab tradition represents an ideal example of, in contrast to Huntington's theory of “Clash of Civilizations,” inter-civilizational dialogue, in which the Han Kitab authors tried to argue for the compatibility between the Islamic teaching with that of the Chinese authority, or Neo-Confucianism. With Schleiermacher's insights, we believe that to understand the Han Kitab authors and their works as the “text,” the Chinese socio-political context in which they produced these texts and the total context of their lifeworld should be taken into account. Besides, Schleiermacher also pulled together the intellectual currents of his time to articulate a coherent universal hermeneutics, a hermeneutics that did not relate to one particular kind of textual material (such as the Bible or ancient text), but linguistic meaning in general.⁸ However, as a theologian, Schleiermacher's theory of understanding still aims at discovering the original and real intention of the author, rather than the meaning and implications of the text. The latter is exactly one of the focuses of the approach adopted in this dissertation.

This is further confirmed and developed by another German historian and hermeneutic philosopher, Wilhelm Dilthey (1833–1911). From the outset, “Dilthey's efforts were directed toward distinguishing relationships in the historical world from the causal relationships of the natural order” (Gadamer 2004, 219). Dilthey holds that, in human sciences, humans and the environment interact with each other, namely humans are restricted by the environment and at the same time affecting it. He emphasizes the importance of the human mind with limits conditioned by both natural and cultural environment. This suggests the historicity of man, which “takes into consideration both man's conditioning by... the environment into which he is born and his capacity to respond creatively to these circumstances on the basis of his ability to interpret in novel ways the meaning these givens have for him” (Bulhof 1980, 193). One of the insights provided by Dilthey to hermeneutics in general, and to my study on the Shari'a and the Chinese authority in particular, is that he includes human behaviour and cultural practices as “texts to be interpreted.” In other words, the lived experience of human life as hermeneutic texts “explains why each period and each culture have experienced and interpreted it so differently” (Bulhof 1980, 193). From this perspective, law, especially the Shari'a practised by the Hui Muslims and the Chinese

⁷ *Han* here means the Han Chinese language (Hanyu 漢語), and *Kitab* is the Arabic word for book. The Han Kitab, known as *Hanketabu* 漢克塔布 in Chinese, therefore refers to a body of Islamic texts written in Chinese by the (Hui) Muslim scholars during the Ming-Qing periods. For detailed discussions, see the following chapters.

⁸ Furthermore, he also has a well-known saying that the interpreters' understanding towards the author is superior to the author's understanding towards him/herself, which means the interpreter's understanding is not restricted to the author's.

official law, is no longer merely rules in the book, but indeed living practices with various forms and patterns over time and place. This also echoes my working definition of law to be elaborated later. Dilthey holds the opinion that “the author’s meaning can be derived directly from his text; the interpreter is contemporaneous with his author... to understand the mind of the past as present, the strange as the familiar;” a profound sense of triumph that Dilthey has (Gadamer 2005, 233). However, he still regards hermeneutics as a method, which does not see its ontological possibility. Like Schleiermacher, Dilthey also aims at finding the real and original intention of the author, which is eventually confined to the pursuit of the objective truth, as natural sciences do, in which way he deconstructs the spatiotemporal-ness of the historical texts and the dynamic and initiative roles of the interpreters.

The last figure who perhaps influenced Gadamer’s hermeneutics most is his teacher Martin Heidegger (1889–1976), who is best known for his contributions to Phenomenology and Existentialism (Richardson 2012). For Heidegger, understanding has two directions: the authentic and the inauthentic. As for the former, which arises out of one’s own self, we see the outside world according to our own disclosing of it. While regarding the latter, which is the interpretation of the “They” or the “Other,” we are coming to an understanding which is pushed upon us by our involvement with others in the world. Hence, interpretation and understanding are the ways we conceive of the world. What’s more, “understanding is the original form of the realization of Dasein⁹... [and] the Dasein’s mode of being” (Gadamer 2004, 250). With his analysis, Heidegger does make the human sciences look different, for the concept of understanding is “no longer a methodological concept... understanding is the original characteristic of the being of human life itself” (Gadamer 2004, 250). As is shown in the German word “Dasein,” “Da” indicates a kind of “thereness” of the human being as being in the world, thus Dasein always finds itself in a particular “thrownness” (Geworfenheit) which indicates a certain “facticity” that Dasein is being subjected to by the world (Heidegger 2009). With this “thereness” and “thrownness,” Dasein’s understanding, and thus its way of being, is restricted to the fore-structure to it, which consists of “fore-having” (Vorhabe), “fore-sight” (Vorsicht), and “fore-conception” (Vorgriff).¹⁰ In other words, understanding starts with pre-understanding. The real question, as is stated in Heidegger’s *Being and Time*, is not how being could be re-understood, but how understanding itself is being. Another important direction for Gadamer is that the process of understanding is the interaction between the interpreters and the text, which is restricted to the fore-structure (prejudice or tradition). The way we understand the world is the way we exist in the world. In terms of the Shari’a practised by the Hui Muslims in different Chinese socio-political contexts, in light of Heidegger’s perspective, hermeneutics is no longer just a tool or method to understand the “legal texts” in its entire contexts but indeed makes us rethink how the Hui’s understanding to the “legal” texts and the contexts helps us understand the very existence of the Hui in Chinese society. Particularly illuminating are the ways in which the restrictedness of understating and interpretation takes place. The “fore-structure” of understanding, or indeed existence, defined by Heidegger has directed us to pay attention to the actual conditions of the “thrownness” on which one’s understanding actually emerges. This is more systematically developed by Gadamer.

One of Gadamer’s achievements is that he expands the application of hermeneutics into moral and social fields. Gadamer has established his analysing framework on the structure of interpretation, a dialogue between the text and the interpreter. What is essential here is not the relationship between the author and the reader, but the participation and conscious involvement in what the text delivers (Gadamer 2005, 506). Gadamer (2004, 179) argues that “the effort to understand is needed wherever there is no immediate understanding —ie., whenever the possibility of misunderstanding has to be reckoned with.” Understanding and interpretation cannot be separated into sequential moments, but are intrinsic components of the one hermeneutic act of understanding-interpretation-application, the three elements of interpretation (Gadamer 2004, 305). Through findings of linguistic studies, Gadamer (2005, 548) has argued that all thinking is some kind of self-talk, and thinking as

⁹ Dasein, for Heidegger, is the being for whom being is a question. In other words, the centrality of Dasein is simply that of a being which understands being.

¹⁰ Roughly speaking, fore-having is the appropriation of understanding in which interpretation works out a totality of involvements; fore-sight is that the interpretation is grounded in something that we see in advance, namely we already have a pre-understanding of what we see; fore-conception is that we already have a way of grasping something in advance, in conceiving it in a certain manner. See Philipse (1998).

internal voiceless languages is the understanding of existence and thus part of it. Concerning the relationship between interpretation and understanding, Gadamer informs us that understanding is and has always been interpretation, for interpretation is not outside or after understanding but rather within it and is actually the representation and demonstration of understanding. It is in the process of interpretation that the interpreters are able to form their own horizon of understanding of the text, which is the prerequisite for the fusion of horizons with the text. This theory has contributed several ideas to the dissertation. In addition to legal texts in books, it philosophically legitimizes the application of the theoretical framework of hermeneutics into the analysis of a much wider moral and social field of the Hui Muslim communities in traditional Chinese society. With his basic structure of interpretation, we are able to establish a framework into which the research questions will be situated. Therefore, just like Dilthey, as the object of interpretation, “text” in Gadamer’s philosophical hermeneutics does not merely mean written material but rather refer to any object of interpretation which together with interpreters consists of the basic structure of interpretation. However, when the process of interpretation starts the interpreters would no longer be the subject and the text would no longer be the object, due to the fact that the two, the interpreter and the text, are in a dialogue, and they are the object of each other.

What is also helpful for my research is that Gadamer told us that to understand the works is not to understand the real intention of the author,¹¹ but the process of dialogue between the text and the interpreter. This is inspiring for my research project. Instead of setting up a framework in which the “interpreters,” be it the Chinese authority or the Hui Muslims, and the “texts,” be it the Chinese official legal system or the lived practices of the Sharī‘a by the Hui Muslims, are put into a dichotomous relation, Gadamer’s hermeneutical approach defines the two into a dialogical and communicative pattern, in which a creative agreement might be possible.

With this general framework, Gadamer (2005, 400) has also elaborated on the process and principles of interpretation and understanding. All texts come from history, and so do the interpreters. So, understanding in human sciences is in essence historical, which means the text is understood differently due to the fact that different interpreters live in a different historical and social context,¹² which also partially justifies my focus on historical investigations. The historicity of the text and its understanding by the interpreters represents the “thrownness” that Heidegger argues. It demonstrates that neither the text nor its interpreter would be able to surmount history. Gadamer ironically uses the word “prejudice,” namely the pre-judgement from the interpreter, which roots in the tradition(s) and the age we are living in, the self-understanding that we have formed in family, society and nation-state where we live before we understand ourselves through self-reflection. Prejudice, for Gadamer, is rather the prerequisite for understanding and interpretation, for we cannot imagine how valuable interpretations would be possible when the interpreter has nothing in his or her mind, without any pre-judgement. As we mentioned before, the truth in moral sciences and humanities could only be understood via human experience, which would be tested in the historical process. The experience we talk about here is the historical experience of ourselves, and tradition is the carrier of this experience, thus, understanding is the activity in history (Gadamer 2005, 365–75). Here the inspiring historical consciousness requires that we need to view the “text” as a product of history in its own past historical context, which means only when we get into its historical horizon of the text would we be able to go into the historical context of the text and reflect on the meaning of the text. These insights help me to develop further questions in the context of the research themes of the dissertation. To understand under which conditions the Sharī‘a and the Chinese state law co-existed among the Hui Muslims as well as how they influenced the Hui Muslims’ self-identity, it is essential to, on the one hand, clarify the historicity of these processes and conditions as the “texts,” while taking different Hui Muslim communities and the Chinese authority as the “interpreters”; and investigate into, on the other hand, the prejudices each of them has that determined their pre-judgement and therefore shaped their ways of understanding. We have to carefully examine what the historicity of certain Chinese laws is, and the socio-political contexts in which the Hui perceived and practised the Sharī‘a. How does the prejudice of

¹¹ According to Gadamer, firstly, the author may have more than one real intention, which may even contradict one another. Secondly, the author may have no real intention at all. Even though the author does have a real intention, the audiences and readers are not restricted to it and are free to have their own understanding of the works.

¹² Here we intentionally use the word different, which indicates that interpretation would only generate different meanings of the text, the subsequent meaning, however, does not mean a deeper or advanced understanding.

the Chinese legal tradition come about, what consequences these prejudices have in terms of the Hui's self-identification as a Chinese, and how they were dealt with by the Hui?

Now, the problem remains as to what exactly we are to understand. Conventionally, to understand a text is to not only understand the form of the text, namely to understand the individual word in its context and/or to understand the works in accordance with the genres of literature, but also to understand the real intention of the author. While for Gadamer this is misleading. It is rather the meaning and relevance of the text that we are to understand, a process where the interpreters and the text, through recursive interaction and communication, interact intrinsically with each other to finally get an agreement on the meaning of the text, which Gadamer calls the Hermeneutical Circle. This proves especially helpful in my analysis of the Chinese legal code, including several terms dedicated to Muslims as an alien group. With this theoretical perspective, we are able to challenge the existing somehow decontextualized interpretations of the law and come up with different interpretations that take into consideration the historicity of the text as it was produced in certain historical moments, and go beyond the text itself and into the socio-political implications and consequences the text has on the Hui Muslims and the Chinese society at large.

This Hermeneutical Circle is realized by the fusion of horizon between the interpreters and the text. When the interpreter comes into contact with the text, he or she begins to reflect on his or her own horizon and thus gives up some prejudice. In this sense, before the interpreters actually get into contact with the text, they are not able to find their own prejudice and even not able to know themselves; it is when they encounter the other that their own prejudice and horizon would emerge. We could say that without the past, it would be impossible to form our current horizon, and without the "other," it would be impossible to know ourselves. This fits into the centre-periphery paradigm of the relations between the majority Han Chinese and the minorities, including the Hui Muslims. A deep investigation into the dynamic relations and interactions between the Hui Muslims and the Han Chinese dominated society would not only help us understand the Hui minority and their socio-legal positions in China, but also contribute to our general perceptions of China and the Chinese by showing how they understand themselves when exposed to the Other.

According to Gadamer, the main objective of hermeneutics "is not to develop a set of rules and procedures for textual interpretation but rather to identify what is actually happening to the interpreter beyond his desires and actions in the process of interpretation" (Merezhko 2014, 4). Thus for me, hermeneutics is important and inspiring due to the fact that it frees us from the presupposition that there is only one correct way of understanding social behaviour, cultures, and norms, including the law. This approach is illuminating, especially in an ethnocultural diversified society, like China for example, in that people of different religions may have different and sometimes even conflict views on "the good" represented in their legal cultures. As Gadamer has done, we are not going to provide any rules to guide the judges on how they should interpret or understand the law, what I hope to achieve, however, is to show how the fusion of horizon between the Hui Muslims and the Chinese governor in history was/was not achieved concerning their understanding of law based on their different world and cultural views, their respective prejudice and traditions, and further how this process could shed light on the identification and legitimization of law by ethno-culturally diversified Chinese citizens and legal democratization in China today.

3. Methodology

The dissertation expands the scientific understanding of how the two lived legal traditions of the Han Sharī'a, in Erie's (2013) term, and the pre-Communist Chinese legal systems have shaped the Hui's dual-identity of a Chinese and a Muslim. I decided to focus on the historical investigation of the relations between the Sharī'a and the Chinese state for several reasons. Briefly speaking, to understand the Hui and their practice of the Sharī'a in contemporary Chinese society, it is necessary to go back to the historical circumstances where the Hui Muslims come from. The historical investigation will reveal how the Islamic tradition of the Hui Muslims and the Chinese legal tradition were constructed. Besides, history is not understood in this dissertation as something that has passed already. It is rather currently alive. This is particularly true when it comes to socio-legal studies on China with a long history. These are, for the Hui Muslims, an essential part of their tradition based on which they define who they are in relation to the majority Han Chinese and the Chinese authority.

As a historical examination of the socio-political process of the construction of the Hui Muslims dual-identity, the major data of the dissertation include historical texts found among the Hui Muslim communities. My initial plan was to focus on the Hui Muslim communities in Yunnan, and see how they historically dealt with the issues in question. However, Hui Muslims in Yunnan are historically connected with other Muslim communities in China, particularly evident in the case studies on ḥajj and education. This required to look outside Yunnan and change the original focus on a specific Muslim community in the southwest of China to a wider networked area, and demonstrate that the practices of the Sharī‘a among the Hui are contextual. To contextualize these processes the project examines not only the “legal texts” but also the socio-political environment in which the texts were produced, transmitted, and evaluated, therefore the data on the general local, regional, and national history would also be included.

To this end, I rely on available databases for historical texts. The databases could be categorised into two kinds: those that provide information on general situations of the Chinese society and official legal documents in different periods, including, for example, Database of the National People's Congress (*Quanguo renmin daibiao dahui ziliao ku* 全國人民代表大會資料庫), Database of Chinese Classic Ancient Book (*Zhongguo jiben guji ku* 中國基本古籍庫), China's Borderland History and Geography Studies Database (*Zhongguo bianjiang shidi yanjiu ziliao shuju ku* 中國邊疆史地資料數據庫), Database of Chinese Local Records (*Zhongguo fangzhi ku* 中國方志庫), and the Shutongwen Ancient Books Database (*Shutongwen guji shuju ku* 書同文古籍數據庫), which includes a most comprehensive collection of Chinese classics; and those that provide works on or by the Hui Muslims themselves, especially the Early Twentieth Century Book in China, 1912–1949 (*Minguo tushu shuju ku* 民國圖書數據庫), the National Newspaper Index (*Quanguo baokan suoyin* 全國報刊索引) which gives access to the early period of Chinese periodical publishing covering the time from late Qing up to the end of the Republican period, and the Digitalized Database of Books, Republican Period (*Minguo tushu shuzihua ziyuan ku* 民國圖書數字化資源庫) available on the website of the National Library of China (*Zhongguo guijia tushu guan* 中國國家圖書館), to name a few. Besides, I also did fieldwork to find those that have not been retrieved and digitized yet.

During my fieldwork in Yunnan in 2017 and 2018, I visited Muslim communities in Kunming 昆明, capital of the Province, Shadian, which is accusingly called “the Islamic regime within China” by the Han Chinese, and Najiaying 納家營, one of the centres for Islamic education in Yunnan. In each of the cities and towns, I visited the local libraries and archives. Particularly helpful are the provincial library of Yunnan, the library of Yunnan University, the Wu Mayao Museum of Anthropology at Yunnan University, the private Islamic Cultural Museum in Shadian, the library of the Yufeng Primary School (Yufeng Xiaoxue 漁峰小學) established by the Hui Muslim communities in Shadian, and the reading rooms in various mosque based Islamic schools. My connections and interactions with the local Muslim communities started with my visits to the major local mosques, such as the Shuncheng Mosque in Kunming, the Grand Mosque in Shadian, and the Grand Mosque in Najiaying. I interviewed the *ahong* 阿訇 (Akhūnd, the learnt, those in charge of the religious affairs in a mosque) in the mosque, who were almost always quite enthusiastic and supportive in discussing the history of the mosque and the local Muslim community. With their help, I am directed to the “local elites,” who are the “expert” on the issue I inquire about. Another important place where I conducted interviews and participation observation is the private Islamic schools located in or outside the mosque. I visited all the Islamic educational institutions in Shadian and Najiaying, where I conducted interviews with the directors, teachers, visitors, and students. In Najiaying, I benefited a lot from participating in the summer school the local mosque and the Islamic Culture Institute (Yisilan Wenhua Xueyuan 伊斯蘭文化學院) organized that admitted undergraduate students from all over southwest and northwest China. I was able to establish connections and conduct in-depth interviews with not only the students from various parts of the Muslim communities with diverse backgrounds but also with prominent Imams, Hui Muslim scholars, university professors, artists, government officials, community leaders, Muslim activists, and even Hui Kong Fu masters. It is these connections I developed during the fieldwork that directed me to other neighbouring Muslim communities and made it possible for me to get access to several under-researched materials I will discuss in detail in the following chapters. From my interactions with them, I also realized how Muslims from different socio-cultural and political settings

experienced and responded to the Chinese society and the daily challenges they faced. This became more explicit during my visits to the Hui Muslim communities in Xinjiang.

I had already done fieldwork in Xinjiang concerning the Hui Muslims' education during the Republican period before the start of this PhD research. The previous fieldwork and my own living and working experience in Urumqi, the capital of Xinjiang, enabled me to have good connections with not only major Hui communities, but also with people working in the field of law, including professors at university law schools, practising lawyers, government officials, and court judges. In Xinjiang, my main fieldwork was done in Urumqi 烏魯木齊, Changji Hui Autonomous Prefecture 昌吉回族自治州, Turpan 吐魯番, and Shanshan 鄯善. My visits to the local mosques, private libraries and museums helped me obtain the sources demonstrating the connections between inland Hui Muslims with the Hui communities in China's far west region of Xinjiang, especially in terms of hajj, education, and the spread of Sufism in northwest China. These visits also made me aware of the difference between the Uyghur Muslims and the Hui Muslims with regard to how their self-identification as Chinese was or was not influenced by the Chinese approaches of identity building. Though my fieldwork conducted in 2017 and 2018 was largely restricted by the tightening government policies and laws on almost any activities related to religion and Islam in particular, this unique experience actually served as a living example of how the Hui Muslims deal with the tensions between their practice of the Shari'a and the assimilative and sometimes discriminative and oppressive policies of the Chinese regime. This represents how state law as a text can be understood, interpreted, defined, and applied by an ethnoreligious minority. This is the case I constantly encounter in several issues examined in the following chapters, where the Hui Muslims responded differently and pragmatically facing different audiences in different environments. For example, an Imam in Urumqi had to strictly follow the instructions issued by the government concerning the contents, among other things, of the *khutba* and *wa'z*, delivered during the congregational Friday prayer. However, privately he might come up with a different opinion concerning the same issue. Therefore, not only conversation topics depend on the place where it takes place, but also the meaning and relevance of the conversation changes as the context differs.

In addition to the major places in Yunnan and Xinjiang, I also made short research trips to additional places. In Lanzhou City, Gansu Province, I visited mosques, Sufi institutions, private Islamic schools, and Hui community leaders. In Beijing and its neighbouring Hebei Province, in addition to the National Library of China, I visited major mosques, including the well-known Niujie Mosque and the Dongsi Mosque in Beijing, and the Haigang Mosque and Shanhaiguan Mosque in Qinhuangdao 秦皇島. I was able to establish connections with some prominent Imams who turned out to be quite active in collecting and writing the history of the Hui and Islam in the eastern part of China. With their help, I was able to be connected with, for example, the manager of the Islamic Book Store (*Qingzhen shuju* 清真書局), which not only sold but also edited and published books on a diverse range of topics on Islam; founder of the website of Chinese Muslims (*zhongmu wang* 中穆網), which was one of the most active websites among the Hui Muslims in China that covered a variety of themes from general Islamic religious knowledge, reports on the conflicts in the Middle East, to the local history of a Muslim community, biography of a prominent Imam, and online fatwa on daily issues; and owner of a Muslim Travel Agency, who was trying to promote what he called the Halal business in China. Though all these institutions were later shut down for various reasons, I did, through listening and talking to them, get a better understanding of how the Hui Muslims produced knowledge, negotiated the Truth, and travelled between the identities of a Muslim and a Chinese. In addition, I also visited libraries at the Katholieke Universiteit Leuven, including the East Asia Collection of the University Library, and the Maurits Sabbe Library of the Faculty of Theology and Religious Studies. In the East Asia Library, where there is a fine collection, among others, of textbooks published during the Republican period, I was able to look closer into the contents of public education and work out a more comprehensive curriculum of the Hui Muslims' educational programme.

4. Structure of the Dissertation

The dissertation is divided into three parts. Following the Introduction, part one aims at providing a survey on up-to-date scholarship regarding the research topic, followed by some background information on the research topic, and a general historical line of the Shari'a in traditional Chinese society. Part two deals with various

issues regarding the Hui Muslims' experiences of the tensions between being a Muslim and a Chinese in the changing socio-legal contexts of Chinese history up to the Republican period. Prior to the Conclusion, part three will analyse how these tension related issues are reflected in the realm of the Hui Muslims' practice of the Shari'a in three case studies on education, Hajj, and marriage.

Part one is subdivided into two chapters. In chapter one, I offer first of all a detailed examination of the state of the scholarship in the field, giving a comprehensive background of what has been done in both Chinese and Western (mainly English-speaking) academia in terms of the research topic in question. It is intended to demonstrate how this dissertation is related to previous scholarship and what this dissertation aims to contribute. It shows that there is a lack of comprehensive academic research on the historical investigation into the socio-legal experiences of the Hui Muslims and their identity formation and transformation. Then I will turn to several concepts that are crucial in developing the dissertation, namely, history and tradition, law and identity, the Hui Muslims and the Han Chinese. In chapter two, I offer a historical account for Islam and the Shari'a in pre-modern China, from the Chinese Tang Dynasty (618–907) to the end of the Qing period (late nineteenth century). This chapter aims at giving a brief overview of how Islam and Muslims came to China, and more importantly, how the Hui Muslims practised the Shari'a law in the socio-legal contexts of traditional China.

Part two is composed of three chapters organised in chronological order. In chapter three, I focus on the establishment of the Chinese tradition to practise “Othering” before the arrival of Islam, so as to show what are the tensions for the Hui Muslims to become Chinese without losing their identity as a Muslim, how does this tradition establish itself with the help of Confucianism as the Chinese state ideology since the Han Dynasty (202 BCE–220 AD). My examination will tackle the issue in question from two perspectives, namely, how the Chinese conceive the concepts of and relations between “Us” and “Others.” I start with the commonly used Chinese terms for foreigners, who are at the same time regarded as barbarians. Muslims since the Tang Dynasty when they first started settling in China were categorised as one of these alien groups. This is closely related to how the Chinese define themselves. To this end, I will examine the multifaceted concept of China as a geographic, cultural, racial, and divine entity, a divine political entity that is itself like a monotheistic religion. This is crucial in understanding the complexity of the Hui Muslims experiences of being and becoming Chinese. It is this already well-established dominant tradition that Islam and Muslims had to face, reconcile, adapt, resist, and fight after they came to China in the seventh century. What's more, as I will demonstrate, this tradition, in and via which one's identity as a Chinese was defined, did not merely exist as cultural, but was actually institutionalised and legalised, particularly through Confucianism which constructed and supported the idea of China as a divine entity and developed a systematic discourse on the Chinese-Barbarian Distinction (*Yixia zhibian* 夷夏之辨). According to the Confucian theory of *Qi* 氣, non-Chinese, including Muslims, were inferior and their inferiority was unchangeable.

Chapter four has two main sections, dealing in more detail with the issue of Islam and the Hui Muslims' experience in traditional Chinese laws. Section one will focus on Muslim related Chinese laws from the Tang Dynasty to the Qing Dynasty (1644–1912), and section two will focus on the Hui Muslims' experiences of becoming Chinese in traditional China. In section one, I will provide various examples in the traditional Chinese official legal system where the two approaches of the Chinese towards non-Chinese, namely the separative as well as the assimilative approaches, were represented. On the one hand, my analysis of the legal term *Huawaren* 化外人 in the *Tang liu shuyi* 唐律疏議 (Tang Code), a legal concept that has much to do with the Chinese understanding of “Us” and “Others,” shows that Muslims were categorised as the *Fan* 藩 and *Yi* 夷 barbarians. It also demonstrates how the Chinese tradition of “othering” influenced and shaped the Hui Muslims identity formation. Seen as outsiders and inferior barbarians, the early Muslims' apparently “autonomous” and “independent” status actually reflects the fact that for the Chinese these barbaric Muslims as well as their bestiality and inferiority were not changeable, and therefore not worthy of being governed by the Chinese Son of Heaven (*Tianzi* 天子) and the Chinese law, hence should be best left alone to practise their own laws. On the other hand, various Chinese-making laws and policies seen since the Ming Dynasty represent the assimilative approach. These two approaches coexisted and continued throughout imperial Chinese society, and went even worse during the Qing Dynasty when a series of official laws specifically targeting the Hui Muslims were issued along with the stigmatizing discourses among Qing emperors and government officials.

In section two, I will examine how the Hui Muslims reflected and responded to the Chinese official laws. I will demonstrate that the Hui Muslims were in no way passive subjects but had different reflections and reactions dealing with reality.

Chapter five will focus on the Chinese tradition of “othering” and the Hui Muslims’ efforts to cope with it in the context of modern Chinese nation-state building in the Republican period. First, I describe the process and the social conditions in which the concept of *minzu* 民族 is introduced to China as well as various Chinese nation-state building projects inspired by this concept during the late Qing and the Republican periods. I will examine several understandings and interpretations of *minzu* among the reformers and the revolutionaries in late Qing. This is crucial in investigating how the China Nationalist Party (Zhongguo guomin dang 中國國民黨, hereafter KMT) actually initiated various theories, projects, and institutions to build the modern Republic of China in which being a Chinese meant being a Han. The second section deals with how the Hui Muslims came up with a variety of pragmatic strategies to define their positions in relation to the Islamic *jiao* 教 (teaching, or religion) and the modern Chinese *guo* 國 (nation, or state). The core issue that concerned the Hui Muslims was the question: if, and later how, the Hui Muslims were just a religious group or a nation. I will present different answers to this question by different Hui communities and associations during the late Qing and the Republican periods, including the Hui Muslim students in Japan, the Hui Muslim intellectuals, teachers, Imams, young scholars, government officials, and military Generals, to name a few. Besides, I will also try to investigate into their social, professional, legal, as well as personal backgrounds so as to make sense of the reasons why they differed from each other, and again later reached an agreement, on the issue of the Hui Muslims’ being a *minzu*. I try to argue how the Hui Muslims made use of the legal and political settings provided within the framework of the modern Chinese nation-state to seek for a new identity that might let them get rid of the Chinese-Muslim identity trap.

The in-depth investigation in part two of the Chinese tradition of “othering,” either in imperial China or in modern China as a nation-state, explains the causes of the tensions for the Hui Muslims to become Chinese. In part three, following the same historical trajectory, I will deal with three case studies on the Hui Muslims’ practices of the Sharī‘a law in relation to Chinese official law, so as to see how the tensions were specifically represented, understood, interpreted, and addressed by the Hui Muslims in the fields of education, Ḥajj, and marriage.

Chapter six will address the issue of Islamic education of the Hui Muslims. The chapter is organised in chronological order, following the development of Islamic education of the Hui Muslims. In the first section regarding a historical overview of the Hui Muslims education during the Tang-Song-Yuan periods, I will demonstrate that the Hui Muslims have been following and shaped by the two educational traditions, one Chinese and the other Islamic, which simultaneously contributed to the formation of their dual identities of Muslims and Chinese. Section two and three will focus on the traditional scripture hall education (*jingtang jiaoyu* 經堂教育, hereafter Jingtang education) of the Hui Muslims and the modern educational reform of the Hui Muslims in late Qing and the Republican periods. I will argue that both Jingtang education and the modern educational reform projects serve the Hui’s efforts to search for a new identity, to define and redefine who they are in response to the changing and challenging conditions of Chinese society.

Chapter seven deals with the religious aspect of the Sharī‘a law represented in the case of pilgrimage in Islam: Ḥajj. The chapter is divided into three sections. In the first section, I will analyse how the Hui Muslims deal with the issue of Ḥajj in history, especially since the Yuan Dynasty (1271–1368) when written Chinese sources regarding the issue of Ḥajj are available. In the second section, I will look into the evidence that reflects the connections between some Chinese Sufi orders with the centre of Islam via Ḥajj. And in the last section, the chapter will focus on the issue of Ḥajj in the context of China’s modernization process since the late Qing period. This section is further subdivided into the late Qing and the Republican periods. With two examples of Ḥajji Ma Lianyuan, and Ḥajji Ma Wanfu, in the late Qing period, I aim to explain why and how Mecca, instead of the “advanced” European countries, became the priority destination for the Hui Muslims in an era of China’s great transformation into a modern nation-state. These cases will show exactly how Ḥajj as the religious dimension of the Sharī‘a has contributed to the survival and revival of Islam in late Qing China. As for the section on the Republican period, I will provide a variety of Ḥajj cases, from Hui Muslim officials, Imams,

businessmen, to Muslim students, and ordinary Muslims, male and female, young and old. These cases will highlight my argument that Mecca is not only a holy city that is essential for the Hui Muslims in defining the “authenticity” of their religion, a holy city that they have for a long time defined as their “homeland” (*zuguo* 祖國), hence crucial for their identification as a Muslim. I will argue that Mecca, and the Muslim world in general in the late nineteenth and early twentieth centuries in particular, also turns out to be an essential source for the building of the Hui Muslims’ Chinese identity, particularly in their understanding of the relations between being a pious Muslim and a patriotic nationalist. I believe that the historical analysis of the situations regarding Ḥajj may be beneficial to understanding, and perhaps also to solving, the current dilemma concerning the issue of Ḥajj in contemporary China.

The last chapter, chapter eight, deals with the legal aspect of the Sharī‘a law. It is a chapter on the issue of marriage among the Hui Muslims. In this chapter, I will examine the historical interactions between the Hui Muslim communities and the Chinese authority in the field of marriage in both traditional Chinese society and modern China. In the first section, I will address the Hui Muslims’ marriage practices in pre-modern China, showing how they negotiated the Sharī‘a with the Han Chinese laws from the Tang Dynasty to the Qing period. My investigation shows that marriage for the Hui Muslims denotes diverse meanings, and perhaps a most notable one is that it carries, and is also shaped by, both the Chinese and the Islamic traditions. In traditional Chinese society, especially during the early period of Islam in China (Tang-Song-Yuan dynasties), marriage played a crucial part in the formation, localization, and integration of the Hui Muslims in China. It demonstrates that following the Sharī‘a and being subjects of the Chinese regime is not necessarily incompatible with each other. This is particularly true during the Yuan Dynasty when Muslims became legally Chinese. However, the examination of marriage in traditional China also demonstrates that Muslims, facing either the forced assimilation, hostile discrimination, or even violent oppression and elimination, as seen in the Ming and Qing periods, are much likely to become more defensive, conservative, and uncritical, hence more likely to be self-isolated, and resist to be integrated. Section two, which deals with the issue of marriage in the context of China’s transition to the modern nation-state, shares a lot with the traditional. It again demonstrates that, on the one hand, the modern national legal system and the Islamic Sharī‘a norms are not necessarily incompatible or irreconcilable with each other, and that, on the other hand, how the Hui Muslims deal with the Sharī‘a marriage rules, to what extent they would refuse the state law and follow the Sharī‘a law, and vice versa, are largely determined by how the Hui Muslims were positioned and treated by the cultural, the socio-legal, and the political spheres in Chinese society.

The dissertation ends with a Conclusion that summarizes the main findings as well as the limits of the research.

PART ONE
Preliminary Notes on Topic and Related Scholarship

CHAPTER ONE

The State of the Scholarship in the Field

Introduction

Although the issue of Islam and Muslims in China may be positioned as marginal in both China studies and Islamic studies, scholarship on the Chinese Muslim experience has repeatedly demonstrated that the study of the Hui Muslims can yield theoretical insights that profoundly reshape the broader field of China (legal) and Islamic studies. In recent years, the issue of Islam in China in general, and that of the Sharī'a in the Han Chinese dominated society in particular, are increasingly getting scholarly attention, both in Western academia and in China. Nevertheless, a detailed historical investigation into the relationship between the Sharī'a and the Chinese official law, as well as their roles in constructing the Hui Muslims identities, has not yet been systematically explored by either Chinese or Western scholars. As I mentioned, the research theme of the dissertation involves the topic of the socio-legal conditions of the Hui Muslims in history, the dual-identities of the Hui Muslims with regard to the relations between the Sharī'a and the Chinese law, plus three case studies on ḥajj, education, and marriage of the Hui, as will be illustrated in the following chapters. This chapter is dedicated to the state of the scholarship in the field and preliminary explanations on the understanding of some basic term. First, I will give a general overview of the literature survey on these themes so as to describe what has been done so far in term of relevant research themes in this dissertation. Then I will turn to several terms that are constantly present throughout the dissertation, namely, history and tradition, law and identity, the Hui Muslims and the Han Chinese.

1. Status quo of the Scholarship

The pioneering research in Western academia on the general history of Islam and Muslims in China has provided a brief account of the social conditions of the Hui Muslims in China. In this regard, several works are especially helpful in developing the current research.

The first attempt to provide a book-length exploration of the history of Muslims in China in the western language is Israeli's (1978) *Muslims in China: A Study in Cultural Confrontation*. Together with his later book of an essay collection titled *Islam in China: Religion, Ethnicity, Culture, and Politics* (Israeli 2002), Israeli investigated the relations between the Hui Muslims' survival and identification in China, normative Islam and secularisation, the Hui Muslims' rebellions against the Qing, and Muslims in early People's Republic of China (hereafter PRC). He held an essentialised assertion of the incompatibility between Islam and the Chinese order and emphasised the assimilative measures taken by the Chinese authority. In this regard, he pointed out that fundamentally the Hui's identity belonged to the Islamic umma. Via a deeper analysis of the socio-cultural and political traditions of China, my research would, on the one hand, further demonstrate how the tensions between the Hui Muslims and the Chinese order came about, and argue that, on the other hand, the Hui Muslims' reactions dealing with the tensions are much more complicated than Israeli's essentialist observation. Besides, the dissertation also hopes to contribute to Jonathan Lipman's (1997) approach of "a history" of Muslims in China. In his book *Familiar Strangers: A History of Muslims in Northwest China*, Lipman focused on the history of the Hui Muslims in northwest China (Gansu 甘肅 and Qinghai 青海 provinces, and the Ningxia 寧夏 Hui Autonomous Region), and argued for "parallel or alternative narratives" to avoid universalism and overgeneralization in describing the Hui's history (1997, xxxiii). My research hopes to contribute "another history" of the Hui Muslims by showing how different Hui Muslim communities, instead of Lipman's focus on northwest China, dealt with the tensions between following the Sharī'a and being subjects of the Chinese official law in various times and places in Chinese history. In this sense, through my fieldwork results, I would contribute to the study of the local history of the Hui Muslims, looking at localities not yet investigated so as to, though still limited, shift the attention from the Northwest to the Southwest. In addition, what is particularly useful about Lipman's research, as well as that of his teacher Joseph Fletcher's (1975, 1978, 1995), is their preliminary investigation into the Sufi *ṭarīqas* (Sufi orders, or teaching schools) prevalent particularly in

northwest China. My research continues these investigations with new sources found within the relevant *ṭarīqas*.¹³

In terms of the Sharīʿa in China, several books specifically dealing with this topic have been published. Firstly, the one that inspired the current research is Matthew Erie's (2016) book *China and Islam: The Prophet, the Party, and Law*, which is the first ethnographic study of the Hui Muslims' practice of the Sharīʿa in contemporary China. Erie developed the term "*minjian* 民间," a term that he connected with Moore's "social field." According to Erie, the Hui social field "generates its own set of norms in accordance with Islamic law, and yet Hui practice is thoroughly localized according to the various pressures of Chinese society." (Erie 2016, 23). He held that "the *minjian* is a middle ground where the Party-State and Hui meet to solve problems, articulate needs, and most importantly work toward their respective views of the good." (Erie 2016, 343) His research encompasses a comprehensive analysis on the practices of the Sharīʿa by the Hui Muslims in the field of religious rituals, legal education, marriage, moral economies, and procedural justice. It highlights how the Hui defined themselves in the *minjian* in relation to the Communist authority in contemporary Chinese society. My research will look into the historical processes of the interactions between the Sharīʿa and the Chinese law, especially focus on the Republican period, and show that the "*minjian*" may not only serve as the social field or middle ground, as Erie defines it, but it may also indicate the status of the Sharīʿa in Chinese society, namely, being marginalised as a minority religion for the minority group. In other words, I try to further answer why and how the Sharīʿa is made as "*minjian*." This is where my research will make a contribution through the socio-historical analysis of the Chinese legal tradition and the Hui's responses in different contexts. Besides, the current project also aims at demonstrating the diversity and differences within the Hui and their relations with the state in different times. Instead of focusing on Hezhou 河州 (nowadays Linxia 臨夏 Hui Autonomous Prefecture in Gansu Province), China's Little Mecca and "a Muslim city --- architecturally, aurally, and spiritually" (Erie 2016, 90), I choose another region, Yunnan Province in southwest China, to conduct the fieldwork and try to include comparisons with other Muslim communities and intellectual schools on three issues of ḥajj, education, and marriage.

Secondly, in terms of the historical research on the Sharīʿa in China, James Frankel (2011) and Roberta Tontini (2016) have contributed to the field with their respective books titled *Rectifying God's Name: Liu Zhi's Confucian Translation of Monotheism and Islamic Law*, and *Muslim Sanzijing: Shifts and Continuities in the Definition of Islam in China*. However, both research focuses on the specific genre of Chinese Islamic scholarship, the Han Kitab, or one of its authors, Liu Zhi 刘智 (1669–1764)¹⁴ and his legacy in specific. This dissertation, in addition to including the Han Kitab authors' contributions, gives a more comprehensive socio-historical analysis of the issue in question. I provide not only enquiries into the theological arguments of the Han Kitab authors but also put their discourses in the context of and in relation to the Chinese society in general and the specific Chinese legal settings in specific.

In dealing with the Sharīʿa as religious, moral, and legal norms, the dissertation has three case studies on ḥajj, education, and marriage. Specifically speaking, as for the topic of ḥajj of the Hui Muslims, there is no comprehensive research published in Western languages so far. However, Oliver Moore (2015, 113–36) has published an article titled "Ḥajj from China: Social Meanings and Material Culture," in which he gave a preliminary review of the history of Chinese Muslims' ḥajj experiences. Besides, Kristian Petersen (2017) dedicated a chapter in his book *Interpreting Islam in China: Pilgrimage, Scripture, and Language in the Han Kitab*, in which he analyses the construction of the idea of pilgrimage among three prominent Han Kitab authors,

¹³ This is true in all the case studies covered by the dissertation, and particularly so when it comes to the issue of ḥajj. See chapter six.

¹⁴ As one of the most important authors in the Han Kitab tradition, academic research on him has been done both in Chinese and Western languages, though mostly focusing on the philosophical aspect of Liu Zhi's contribution. The research proves to be vital in understanding the general intellectual background and development of Liu Zhi. For a comprehensive study on his legal work of the *Tianfang dianli* 天方典禮 (Norms and rites of Islam), see Frankel (2011); for the discussions on the Chinese and Islamic intellectual traditions in his works, see Murata, Chittick and Tu (2009) and Lee (2014). Relevant research in Chinese, see Jin (1999), Sha (2004), and Liang (2004).

Wang Daiyu 王岱輿 (1584–1670),¹⁵ Liu Zhi, and Ma Dexin 馬德新 (1794–1874) in particular. Their studies on the general history of Chinese Muslims' ḥajj and that of the prominent Han Kitab authors aid the current research in locating several important primary sources. My research continues the investigation with new sources and emphasizes the role of ḥajj in connecting the Hui Muslims with the centres of Islam, and further how it contributes to their Muslim identification.

As for the research status quo concerning the issue of marriage of the Hui Muslims in the pre-1949 period, except for Erie's (2016, 220–59) chapter on “wedding laws” in his ethnographic studies on Islamic law in China, so far, there is no book-length research or article dedicated to the historical investigation into how marriage norms in the Sharī'a and the Chinese laws respectively shaped the Hui's marriage practices and their identity. Based on the history of Islam in China, it is reasonable to assume that marriage and its rules, especially those concerning the inter-religious marriage in Islam, must have played a crucial part in the formation, localization and integration of the Hui Muslims in China. My research intends to fill this gap by showing how the Hui Muslims understood and practised the Sharī'a norms in terms of marriage rules in the changing Chinese socio-legal settings, and how they negotiated the tensions between the Sharī'a and the Chinese legal norms in history.

Among the three cases, probably the most well studied is the issue of Islamic education in China. In this regard, Zvi Ben-Dor Benite's (2005) book *The Dao of Muhammad: A Cultural History of Muslims in Late Imperial China* is of particular importance to the current dissertation. Benite gave comprehensive documentation of the network of the traditional Jingtang education of the Hui Muslims and its relations with the formation and spread of the Han Kitab authors. I try to further this research by providing more new sources within the Hui communities, and also include further development of this tradition in the context of Chinese nation-state building, namely the Republic of China, when public education was somehow compulsory to all citizens of China, including the Hui Muslims.

My PhD research also benefits from other research contributions of neighbouring disciplines, including, for example, anthropology and history. The most inspiring is almost all the works by Dru Gladney. Particularly his deconstruction of the concept of *minzu* 民族, variously translated as nation, nationality, race or ethnicity, and his reconstruction of the Hui Muslims identities (1987; 1987a; 1991; 1994; 1994a; 1999; 2004). His theories and observations help me rethink the process of the construction of not only the Hui Muslim minority as a *minzu*, but indeed the Han Chinese made into the majority. This approach encourages me to ask, in terms of the Hui Muslims' dual identities of being a Muslim and a Chinese, who are the (Han) Chinese, what it means to be and belong to the (Han) Chinese, and, most importantly, what all these mean for the Hui to be a Chinese in different historical contexts.

In terms of the local history of the Hui Muslims in Yunnan where I conducted my fieldwork, David Atwill's (2005) book on the Panthay Rebellion in Yunnan led by Du Wenxiu 杜文秀 (1823–1872) helps me understand the political complexities the Hui Muslims were facing. The historical sufferings of the Hui Muslims and the political complexity in the region of the Muslim Dali regime are crucial as backgrounds in understanding why the Hui Muslims later came up with such countermeasures in the Republican period when they argued for the reform of Islam.

In terms of the Han Kitab tradition, particularly important and helpful are the contributions by Sachiko Murata, including her translation and preliminary studies on Wang Taiyu (2000, 2017) and Liu Zhi (2009). In discussing the dual identities of the Hui Muslims, one of the key concepts is “China” or “Chinese,” and the Chinese ways to distinguish “Us” and “Others.” In this regard, some research proves to be very helpful for the current project to locate the Hui Muslims into this historical contexts, including Chang's (2009, 2009a, 2015) historical survey on the concept of Zhongguo 中國 (the central kingdom, namely China) and the distinctions between the Chinese (*Hua* 华) and the non-Chinese (*Yi* 夷), and Yang's (2014, 2014a, 2016, 2019) research on the historical discourse analysis of how the Chinese defined themselves and marginalized the non-Chinese as barbarians

¹⁵ It is not clear how long Wang lived. His birth and death year here is based on the research of Jin (2008, 63-68), which is the most comprehensive study on Wang Daiyu and his works in Chinese. For a general introduction of Wang in English and one of his works, the *Qingzhen dxue* 清真大學 (Great learning of the pure and real), see (Murata 2000).

during the Tang and Song periods. But with the Hui Muslims' experience, I argue for a more complex interpretation within its historical context and come up with slightly different conclusions.

Besides, Schneider's (2017) book *Nation and Ethnicity: Chinese Discourses on History, Historiography, and Nationalism*, which analyses the nation-building discourses of Liang Qichao 梁啟超 (1873–1929), Zhang Taiyan 章太炎 (1869–1936), and Liu Shiwei 劉師培 (1884–1919) during late Qing, and the continuation of these discourses in the Republican period, helps me understand the socio-political environment in which the Hui Muslims struggled with the new identity of a *minzu* in an emerging Chinese nation-state. Also helpful in terms of the Chinese context of the development of the *minzu* paradigm is Masumi Matsumoto's (2003) book *Studies on the Ethnic Policy of China: On the Minzuism from late Qing to 1945*.

As a comprehensive study on the history of the Sharī'a and Chinese state law, one of the sources that the research benefits and focuses on is the Chinese text available since late Qing and especially during the Republican period. In addition to and as a continuation of the Han Kitab tradition, which is the first period when the Hui Muslims started to produce Islamic religious texts in Chinese, during the Republican period, the Hui Muslims established various schools and associations, along with which they published books, journals, magazines, and newspapers of their own. Some examples of these are: *Yuehua zhoubao* 月華週報 (Moonlight weekly), *Tianfang xueli yuekan* 天方學理月刊 (Magazine of Islamic ethical science), *Chengshi yuekan* 成師月刊 (Chengshi monthly), *Huijiao qingnian yuekan* 回教青年月刊 (Islamic youth monthly), *Yili yuekan* 伊理月刊 (Islamic teachings monthly), *Huijiao zhoubao* 回教週報 (Islam weekly), and *Qingzhen duobao* 清真鐸報 (Islamic Bell), etc. These are important sources but somehow have not yet been systematically studied, particularly in Western academia. In addition to the relevant texts that have been analysed in current research, future projects that deal in more detail with these sources in this period are needed.

There is also a growing literature in Chinese concerning the research topics dealt with in this dissertation. Qiu Shusen 邱樹森 (1992, 1996, 2001, 2001a) and Bai Shouyi 白壽彝 (1952, 1983, 1992, 1997), among others, have provided comprehensive research on the general history of Islam in China, and together with Yu Zhengui's 餘振貴 (1996) detailed analysis on the relations between Islam and the Chinese authority in history, and Ma Kelin's 馬克林 (2006) historical survey into the Hui Muslims' traditional legal culture, I was able to depict the general history of the Sharī'a in China.

As for the topic on the Sharī'a, which has been either transliterated into *Shaliya* 沙裡亞 or as *Yisilan fa* 伊斯蘭法 (Islamic law) or *Yisilan jiaofa* 伊斯蘭教法 (Islamic religious law) in modern mandarin, relevant research in Chinese academia only started in the 1980s, when two translations were published, one by Wu Yungui 吳雲貴 (1986) who translated Coulson's classic work on the history of Islamic law, the other by Ma Saibei 馬塞北 (1986) who edited the Chinese translation of the abridgement of the *wiqāya* (*weigaye* 偉噶耶, one of the most popular books of the Hanafi legal school among the Hui Muslims in China). During the 1990s, two full translations of the *wiqāya* were published in 1993 and 1999, respectively. And Wu Yungui (1993, 1994) and Gao Hongjun 高鴻鈞 (1996; 2004), two non-Muslim scholars, have published the first books on the Sharī'a written by contemporary Chinese scholars. In the twenty-first century, Wu Yungui (2003) has published a book on the contemporary development of the Sharī'a; Zhang Bingmin 張秉民 (2002) and Chen Yufeng 陳玉峰 (2016)¹⁶ have published books on Islamic legal theory and legal philosophy. Ma Mingxian 馬明賢 (2011) published a more comprehensive book on the summary of classical Islamic law and its various contemporary renovations in different Muslim majority countries. Notably, unlike all these books that introduce the basic theories and general historical development of Islamic law, in 2011 another Hui Muslim scholar Ha Baoyu 哈寶玉 published a book on the so-called modern interpretation of Islamic law, in which he included a chapter on the development of the Sharī'a in China. Generally, the overall research in Chinese academia on the topic of the Sharī'a has not yet been well developed. This situation indicates the extent to which relevant knowledge

¹⁶ Chen is an Imam. The book he edited, *Yisilan jiao falixue* 伊斯蘭教法理學 (Islamic jurisprudence), was first published by the Hong Kong Publisher, *Xinyuan shufang* 新源書坊, in 2007. Later in 2016, the book was published in mainland China.

on the Sharī'a is made available to the Chinese intellectuals as well as to the general public in China. But the "unofficial" publications on the topic, particular those related to religious rituals, are circulated among the Hui Muslims throughout China, though not always publicly.

As for the practice of the Sharī'a among the Hui Muslims, which, as Erie's (2016) research has mentioned, is named as the Hui Muslims' customary law (*xiguan fa* 习惯法), two books have been published in this field in 2006 and 2010, respectively. However, both books deal with how Sharī'a is practised in the Muslim communities and its relations with the official legal institutions in contemporary Chinese society, and have not included any analysis of historical development. What's more, it seems that they also treated the concepts of the Sharī'a and the Chinese official law as given and fixed. One of the aims of this dissertation is to point out the complexity of how the Sharī'a has been defined and practised in different Hui Muslim communities over the changing dynamic of the Chinese socio-political contexts. In general, there is still a lack of comprehensive and book-length research in Chinese academia concerning the issue of the Sharī'a and the Chinese state in general, and that of how the Hui Muslims have tried to reconcile the order of Allah and that of the Chinese authority in particular, both in history and in the contemporary context. This general research overview on the topic in question also demonstrates my argument that the Sharī'a's being "*minjian*" means not only unofficial but indeed being alienated, devalued, and marginalized by the mainstream Chinese society.

In terms of the history of the Hui Muslims in Yunnan, the current research benefited from Chinese literature. The Hui Muslim scholars in Yunnan have been quite active in this regard. In 1994, Yang Zhaojun 楊兆均 published an edited book on the general history of the Hui Muslims in Yunnan, in which he briefly discussed the political, economic, and cultural situations of the Hui Muslims in Yunnan since the Mongol Yuan period. In the twenty-first century, two more books on the Hui's history in Yunnan were published, one by Na Qi 納麒 (2011), in which he discussed how the Hui Muslims in Yunnan tried to integrate their unique historical experiences into the modern world, and the other by the Chinese State Ethnic Affairs Commission (Guojia Minwei 國家民委) (CSEAC 2009), who published a series of collectanea (*Congshu* 叢書) on the socio-historical situations of various Hui communities in Yunnan. These publications have provided me with a comprehensive historical background of the Hui Muslims in Yunnan. Notably, in addition to the history of the Hui Muslims, there are also several publications on the history of Islam in Yunnan. Particularly helpful is the book by Yao and Li (2005), in which they not only discussed briefly the history of Islam in Yunnan but also included important information on Islamic education in Yunnan or the Yunnan School. Though the issue of the Sharī'a is not specifically addressed in these books, they have helped me in locating the research question in the socio-cultural and historical context of the Hui communities in Yunnan.

As a distinguished example in the Han Kitab tradition, and the first Muslim community in modern China that established connections and intellectual exchanges with the Muslim world, Yunnan plays an important role in several topics addressed in the dissertation. In this aspect, my research is based on several previous research. After the conference on "The Contemporary Value of the Worldview of *Huiru* and Islamic Studies in China" organized by the Institute for Advanced Humanistic Studies at Peking University in 2012, Feng (2016) has published a comprehensive book on the *Huiru* 回儒 (Muslim Confucians) studies, in which he analysed the philosophical and methodological characteristics of the *Huiru*. Hua and Yao (2017) have edited and published an essay collection, in which they advocated what they call the "correct and rational voice," the "dialogues between civilizations" by elaborating on the Chinese Muslim scholarship of the *Huiru*. They provided quite insightful findings, particularly in terms of some key concepts developed by the Han Kitab authors. However, my research gives more weight to the socio-legal context of the Chinese society in which the Han Kitab authors produced the texts, coming up with different conclusions in terms of the Han-Kitab authors' "dialogue-between-civilizations" thesis. Besides, it is also necessary to point out that the Han Kitab authors, despite their significance in Chinese Islam, represent only one of the approaches applied by the Hui Muslims to deal with the tensions that I examine in this dissertation, however, more approaches and responses from the Hui's side should and will be discussed in the following chapters. One publication that needs to be mentioned is an essay collection privately published by the Chinese Islamic Academic City (*zhongwen Yisilan xueshu cheng* 中文伊斯蘭學術城) and the Islamic Book Store (*qingzhen shuju* 清真書局), in which they reflected on the issue of whether Islam in China was Confucianised or it was rather the other way around, that is, a reinterpretation of

Confucianism in line with Islamic teachings. In addition, in terms of the connections between Chinese Muslim communities and the centres of Islam during the Republican period, especially with Egypt, two essay collections have been published in 2011 (Ma, Na and Li) and 2012 (Gao and Yao), respectively. These research projects investigated the general history of how the Hui Muslims were connected with the Islamic world and provided some valuable primary sources, especially with regard to the personal experiences of some key Muslim figures.

As for the three case studies on ḥajj, education, and marriage that my thesis explores, most Chinese research is published as journal articles, and there is a lack of comprehensive book-length studies in Chinese academia concerning the three research topics in question. In the research field of ḥajj, the published academic articles discussed various issues, including a brief history of Muslims ḥajj, social and religious implications of the ḥajj rituals, as well as gender issues. Quite relevant to the research theme of the dissertation are the articles that discuss the connections between ḥajj and the establishment of Islamic legal schools and particularly the Sufi orders in China. As I mentioned before, I intend to contribute to this field by including new sources and reinterpretations of the sources available with the help of hermeneutical approaches. The most comprehensive examination of the history of Chinese Muslims ḥajj is the book published by the Ningxia People's Press in 1994. It contains useful historical sources based on which the current dissertation is able to, with the help of detailed study on other primary sources, depict a more detailed historical overview of the Hui Muslims pilgrimage to Mecca. Worth mentioning are the documents called "ḥajj guidance" published by the Chinese Islamic Association (Zhongguo Yisilanjiao Xiehui 中国伊斯兰教协会) and the Ningxia People's Press. These books, to a certain degree, function as "legal" books guiding the Hui Muslims to perform the ḥajj rituals. More importantly, they also include a summary of the various legal requirements by the Chinese government, urging that the pilgrims should "observe the disciplines and laws, and submitting to the authority" (遵纪守法, 服从组织).

In the field of marriage, most Chinese articles concentrated on the Hui's marriage practices in contemporary Chinese society. Little has been done in Chinese academia in terms of how historically the Hui managed the issue of marriage, how marriage, and particularly intermarriage with other non-Muslim Chinese, influenced the formation and development of their identity, and how their marriage practices were influenced by the Chinese law and the Chinese approaches to dealing with it within the Chinese legal context.

The most fruitful literature exists in the field of the Hui Muslims education. In addition to the longstanding interest in the topic in question represented in the growing literature in the journals and essay collections, the most comprehensive discussion of the history of the Hui Muslims education was published in 2008. Following the chronological order, the author, Zhou Chuanbin 周傳斌 (2008) illustrated the main contents and characteristics of the Hui Muslims' education from the Tang Dynasty to the end of the twentieth century. It proves to be very helpful in understanding how the Hui Muslims have carried out their education in Chinese history. However, deeper investigation is still needed, particularly in relation to the Chinese Confucian education, the Imperial Examination (*keju kaoshi* 科举考试), and their impact on the formation and adaptation of the Hui's dual identities. Another book that is dedicated to the issue of the Hui's education was published by Gu Yujun 顧玉軍 (2016), in which he examined the educational thoughts of the Hui elites that were influenced by traditional Islamic educational thoughts, Chinese Confucian thoughts, and Sufism. Gu's research emphasized, on the one hand, the influence of Chinese Confucianism on the Hui's perception of cultivating the qualified Muslim, and the internal connections, on the other hand, between the traditional Jingtang education of the Hui and the Han Kitab authors. However, he did not pay much attention to the role that education played in constructing the Hui's dual identities, and especially the aspects of legal education of the Hui, the legal texts used in the Jingtang education and the Han Kitab tradition.

My dissertation has also benefited from several other existing research contributions in Chinese academia. Among them, Hsü's (2000) excellent research on Chinese history enabled me to have a critical perspective on the historical context of the Chinese society in which the Hui Muslims lived. Huang Zongzhi's 黃宗智 (Philip Huang) (1996; 2001; 2006; 2010; 2014) ground-breaking and systematic research on the Chinese civil law and society during the Qing and the Republican periods provided a useful perspective through which the dissertation is able to deepen the analysis of the relations between legal code, custom, and judicial practices.

Systematic research on the individual Han Kitab authors, including Yu Zhengui's (1986), Jin Yijiu's 金宜久 (2008) and Jin Gui's 金貴 (2013) books on Wang Daiyu; Jin Yijiu's (1999), Sha Zongping's 沙宗平 (2004) and Liang Xiangming's 梁向明 (2004) books on Liu Zhi; and Sun Zhenyu's 孫振玉 (2002a) and Yang Guiping's 楊桂萍 (2004) books on Ma Dexin, which, although they rarely analyze the legal texts of these Han Kitab authors, have enabled me to have a comprehensive understanding of the biographies of these authors and the main concepts they developed in their works.

2. Concepts

Given the research topic of the Hui Muslims identity in the context of their engagement with the Sharī'a and the Chinese official law in various social-political settings in Chinese history, and the theoretical framework of hermeneutics that emphasizes the role of tradition in the interpretation and understanding of any cultural, moral, and legal behaviours, several critical terms are central to the current research, and thus need clarification, which are: tradition and history, law and identity, the Hui Muslims and the Han Chinese.

2.1 Tradition and History

The concept of tradition/history is important in the dissertation. It is one of the concepts that underpin the theoretical framework of the research. It helps me to understand where the Hui Muslims come from, what they perceive to be essentially true and indispensable in defining who they are, and, among others, why they come up with diverse approaches and reactions towards the Chinese society, especially in time of crisis. According to Gadamer, "it is almost impossible for human beings to triumph over tradition due to the finitude of human existence" (Kim 2011, 7). We were born in a tradition (or several traditions) that determines our prejudice towards our understanding of ourselves and others. The concept of tradition is not only widely used in daily life, but also in almost all disciplines. However, despite the wide usage of this concept, we find ourselves almost in the same position when Edward Shils (1981, preface) started writing the first book on tradition, where he states that "There is however no books about tradition which tries to see the common ground and elements of tradition and which analyzes what difference tradition makes in human life."

The term "tradition," Shils notes (1981, 16), derives from the Latin term "traditio" that signifies a legal method in Roman law of transferring the ownership of property. It was, as Jacobs (2007, 140) notes, "not until the eighteenth century A.D., however, that European thinkers fully conceived of the idea of tradition." For example, we are told that tradition is "the delivering of a precious deposit, whose source is held to be divine, to a specially selected person" (Harnack [1897] 1961, 207), which itself needs further clarification about what is meant by being divine. It is also said that "Tradition, for the Romans who submitted their own thought to the inherited tradition of Greece, is a conscious taking-over of what was another's" (Friedrich 1972, 25). Besides, we have scholars who discuss tradition but employ other terms, such as Burke using the term "prescription," a legal term referring to a common law doctrine on the basis of which a claim of title to something is usually established by use and enjoyment of it for a period fixed by statute, and he believes that "linked with custom and convention, with heritage and the wisdom of one's ancestors, tradition is a guide superior to all rational theory" (Friedrich 1972, 22), and "It is the result of the thought of many minds, in many ages; it is no simple, no superficial thing" (Burke 1803, 535).

Most sociologists and anthropologists are methodologically empirical who focus on current situations and their conceptual framework is mostly atemporal (Yu 1985, 3–5). We, however, do find some who deal with the issue of tradition in their career, such as the anthropologist Kroeber in his book *Configurations of Culture Growth* (1944) and sociologist Sorokin in *Social and Cultural Dynamics* (1957). Among these scholars, Max Weber is the one we should not ignore, who "spoke of tradition as one of the three possible sources of authority and legitimacy" and "defines tradition in passing as that which has always existed (das immer gewesene)." But in doing so, "he did not discuss tradition... rather treated it as a matter of course" (Friedrich 1972, 31). Weber, by investigating the concept of tradition which was unrefined and in contrast with rational and charismatic forms of the sources of legitimacy, added a sociological dimension to the analysis of political phenomena, without further indicating what he meant by speaking of tradition. In sum, there is obviously a blind attitude of social scientists to tradition that they "avoid the confrontation with tradition and with their omission of it from explanatory schemes by having recourse to historical factors. In this way, they treat tradition as a residual

category, as an intellectual disturbance which is to be brushed away” (Shils 1981, 8). This somehow has been changed since the 1980s when Shils published his book titled exactly as *Tradition*.

From a sociological perspective, Shils mainly discusses the conception, formation and transformation of tradition, as well as its relationship with rationality; besides, he also discusses anti-traditionalism since the Enlightenment, different traditions in social institutions, religion, science and literature, etc. Through criticizing the idea which has been popular in Western societies since the Enlightenment that tradition and science/rationality are contrary to one another, he points out that tradition is not completely the obstacle to the development of modern society, and both scholars of the Enlightenment and proponents of Scientism are not able to free themselves from tradition. Tradition, for Shils (1981, 12), is “simply a traditum; it is anything which is transmitted or handed down from the past to the present”; it is the way of behaviour which is passed down from generation to generation in different realms; it is a kind of cultural power which has a normative and moral influence on social activity, which at the same time is indeed the sediment of the creative imagination of human beings in history. Any society, including China, thus, is only able to make its creative reform based on the old tradition(s) and is unable to thoroughly eliminate its tradition or restart everything and completely replace the old tradition with a new one. However, the question remains, namely, how long can “anything transmitted from the past to the present” be taken as tradition and in what manner could “anything that is transmitted” be recognized as a tradition?

Shils himself admits that we cannot give a satisfactory answer to the question of how long must a pattern go on being transmitted and received for it to be regarded as a tradition in the sense of an enduring entity. But he still insists that “at a minimum, two transmissions over three generations are required for a pattern of belief or action to be considered a tradition” (Shils 1981, 15). This has several problems, especially in that, it views tradition as something static and unchanged in its transmission across generations. This perception ignores the fact that tradition always changes with external socio-historical situations. As Grieve and Weiss (2005, 3) have pointed out, this perspective that takes “tradition as constant across generations would necessitate the impossibly imprecise task of measuring meaningful change.” Tradition, according to hermeneutics, is never ahistorical “pure texts,” but it actually is shaped and constructed through history, and “gains its authority from its context” (Grieve and Weiss 2005, 4).

This gets more explicit when we look at the pre-modern Islamic perspective of the concept of tradition. In the Islamic context, Tradition refers to the Sunnah of Prophet Muhammad. One could also say that Sunnah is the traditions and practices of the Prophet. In this sense, it is closely bound to the concept of authority. As one of the divine sources of the Shari‘a, Sunnah tends to be understood as “something unchanging and fixed” (Colby 2005, 33). However, there is more than one Arabic word that could be translated into the English term of tradition, including Sunnah and hadith. This, somehow unreflective, translation ignores the possibility that Muslims refer to different prophetic traditions to support different assertions. Furthermore, although the collected texts of Sunnah might remain relatively unchanged, the way people approach, understand, and interpret these texts under various circumstances has always been subject to change. As a matter of fact, the very survival and vitality of the Shari‘a lie in its capacity to adjust to changing circumstances. Despland (2005, 19) has rightfully pointed out that tradition “is received as a voice of the past generations, but it is always the living who declare what the dead say.” In other words, tradition exists in the interpretation and reinterpretation of the past by the present living, hence is a matter of meaning. My usage of the term “tradition” in the dissertation recognizes the livingness, changeability, and adjustability of tradition.

Broadly speaking, anything that has been passed down from generation to generation could be conceived as tradition, which includes material products, ideas and thoughts, and various perceptions about people, events, conventions and institutions. Specifically, tradition includes all the symbolic constructions which have been preserved in people’s memory and language and those buildings, monuments, landscapes, sculptures, paintings, books and instruments, etc. Das Nibelungenlied, the Parthenon in ancient Greek, any unique way of behaviour and ideas or faith towards such unique way, all these are traditions in the sense that they have been passed down from generation to generation. Shils (1981, 12) puts it, that “in the case of practices and institutions made up of human actions... the transmissible parts are the patterns or images of actions which they imply or present and the beliefs requiring, recommending, regulating, permitting, or prohibiting the reenactment of those patterns.”

However, tradition has a more special content, namely a chain of variants which are transmitted for generations, that is to say, “a sequential chain of beliefs with which they possess an identity or close resemblance ... [which] are functions of reception of the beliefs from their earlier state in the sequence or intertemporal pattern” (Shils 1971, 133). We, therefore, could say that a kind of religious belief, philosophical thoughts, an artistic style, or a social system, although would change during their transmission in history, do keep some “unchanged” theme, same source and similar ways of manifestation and starting point, thus these variants are in fact connected by the chain which may be broken, or preserved and inherited. That is what we normally say the tradition of Platonism, the democratic tradition of ancient Greek, the tradition of individualism, the tradition of Islam, of Judaism, of Christianity, or of Confucianism, etc. Tradition is the cultural heritage of a society, a symbol of that society where people created and are still creating institutions, faiths, and ways of action and so on so forth, which enables the continuity and sameness among different generations and constitutes the cultural code for a society’s creation and re-creation and brings meaning and order for human beings. In this sense, tradition provides, and indeed functions as, the grounds on which one’s social identity is built.

In this regard, the Chinese tradition is the grounds on which one’s Chineseness is defined, same with the Hui Muslims’ Shari‘a or Islamic tradition. These traditions provide the contents that define who they are, how they act or react in certain circumstances, how they live their lives and interact with others. It is “one of the most important cultural forms in forging communities... [which] is guided by a particular orientation to history which ascribes authority to the past” (Grieve and Weiss 2005, 6). In light of Gadamer’s philosophical hermeneutics, in which, we are informed, subject (the reader) and object (the text) no longer hold the corresponding subjectivity or objectivity but form a communicative pattern and become subject to each other, the group of people and the tradition they inherit and develop also exist in an inter-relational form. In other words, tradition is not merely constructed, or invented, as Hobsbawm (1983, 1–14) terms it, by the people as the subject, it also contributes to the identity construction of the subject. It is in this sense that we deem the concept of tradition as essential to the exploration of the Hui Muslims identity construction in the framework of the Chinese and Islamic legal traditions.

In Weber’s description of tradition, or traditional actions, tradition is rarely meaningful but just habitual imitation, which is “a matter of almost automatic reaction to habitual stimuli which guide behaviour in a course which has been repeatedly followed” (Weber 1978, 25). With the development of science and technology in Western societies, the trend of rationalization encourages people to challenge all the existing non-scientific ways of living, including tradition. For Weber, four types of rationality lie at the heart of his theory of rationalization (Brubaker 1984; Habermas 1984; Kalberg 1980), according to which rationalization could be summarized as “the coherent ordering of beliefs and actions in accordance with a unifying central criterion... the organization of actions aimed at the attainment of an optimal combination of ends... the systematization of belief... the systematization of action” (Shils 1981, 291) and in this process “the traditional modes of legitimation were obliterated” (Shils 1981, 292). By the end of the 1980s, researchers on modernization have, to some degree, inherited Weber’s idea, and they insist that rationalization is the core of modernization, for, according to Weber’s viewpoint, scientification, legalization, monetarization, secularization, and bureaucratization are diverse and key manifestations of rationalization. Rationalization has been regarded as the essence and fundamentals of the whole process of modernization; while tradition is seen as the sworn enemy of modernization and rationalization. Shils, however, tells us that those so-called total rationalizers who are opponents of tradition “are in other words living from and in the grip of the past no less, but differently, than those whose traditionality they disparage; ... those who are blind to tradition live in its grip, just when they think that they are really rational and really scientific” (Shils 1981, 307–11). As Gadamer teaches us in his philosophical hermeneutics, there is no way that we get rid of tradition/history, and it is only within the tradition that we can understand who we are. However, taking into consideration the thesis of Hobsbawm who argues for the concept of tradition as invention, these two assertions, i.e. tradition as imitation and tradition as invention, seem to argue for the two extremes of the spectrum. This represents the two circumstances where tradition is intertwined with the Foucaultian concept of power, where tradition is imitation it becomes hegemonic; and where tradition is invention it becomes ideological (Grieve and Weiss 2005, 5–6).

Tradition in society, especially the culturally and ethnically diversified society of China, should be understood as traditions in its plural. In this respect, it is essential to discuss it in terms of its philosophical perspective, which emphasizes different paths and dimensions of the term.

Among other philosophers, Alasdair MacIntyre deserves special attention for our understanding of tradition, who defines tradition as “a historically extended, socially embodied argument, an argument precisely in part about the goods which constitute the tradition” (MacIntyre 1984, 222). However, from this abstract description it is difficult to grasp what MacIntyre means by this, and even for himself “the concept of tradition on MacIntyre’s view suffers from an ambiguity” (Devine 2013, 108). As he has said in the preface of the Chinese translation of *Whose Justice? Which Rationality?* (MacIntyre 1996) that the book “is partially the one which concerns the possibility of conversation between scholars and thinkers from very different and diverse intellectual as well as social traditions, for it is a book on the nature of tradition, especially on extended inquiries into the nature of tradition,” MacIntyre never gives a thorough analysis of the traits of tradition, and he would rather let the concept reveal its meaning and implications in his description of specific events where he discusses in detail four traditions, namely “Aristotle’s theory; Aquinas’ synthesis of Aristotelianism and Augustinian Christianity; the seventeenth- and eighteenth-century Scottish tradition; and liberalism”, which, unfortunately “does not result in a unitary conception” (Annas 1989, 389). Despite the fact that MacIntyre did not provide us with a precise definition of tradition, he turns our attention from asking what tradition is to questioning our very inquiry into the question itself, namely why tradition is important.

The concept of tradition is in MacIntyre’s philosophy a bridging terminology that connects his book of *After Virtue* (1984) with that of his *Whose Justice? Which Rationality?* (1988, 1996). The topic in *After Virtue* is morality, in which MacIntyre tries to deal with the nature of virtue by means of analyzing the historical development of theories of morality in the Western world. This nature, via practice and individual life, ultimately lies in the community, whose history is called tradition. Justice is the topic in *Whose Justice? Which Rationality?*, in which MacIntyre shows that there exist different views of justice in different traditions of moral inquires by discussing in great detail various theories of justice since ancient Greek, as mentioned before. Although tradition is dealt with in both works its meaning is different. In general, he contends that any philosophical studies would be impossible without taking tradition into consideration; that is to say, it would be impossible to understand any philosophical concepts or to avoid misunderstandings of such concepts outside the framework of tradition. Besides, those unique traditions are incommensurable. We obviously find this incommensurability among traditions within Western history and among traditions in other societies all over the world, including our current research on the Hui Muslims perceptions of the Sharī‘a or Islamic tradition in the context of the Chinese legal tradition.

For MacIntyre (1988, 12), tradition is not or not merely theoretical arguments; it is more than the discussion and transmission of ideas. What matters for him about tradition is what he calls “socially embodied” (MacIntyre 1984, 222). In short, a tradition is historical integrity composed of both theories and, more importantly, practices; any tradition comes into being and develops under unique conditions and no tradition is universal. In this sense, tradition stands in a relation of opposition to the universal claim of rationalization or modernization represented by the Enlightenment. However, the fact that the historical particularities of tradition does not in itself mean that those histories cannot travel to and even settle in environments “not only different from but even hostile to those in which a tradition was originally at home” (MacIntyre 1988, 392). This is the case of the experiences of the Sharī‘a tradition among the Hui Muslims in Chinese history. In other words, to some extent, we are facing and trying to resolve similar questions, which for this study are the possibilities of the reconciliation of a religious legal tradition, the Sharī‘a, with a more secular one of China.

The relationship between different societies and cultures, when they encounter other societies and cultures which are different and even may conflict with each other, turns out to be this: when they could not find an approach to constructive communications between their theoretical and practical traditions, the usual, and even the only solution is that one, or both of the parties would resort to violence so as to enforce their own ideas and ideals that in fact emerge from, and thus would best make sense in, its own particularly contextualized social and cultural background but unfortunately are believed to be neutral and universal. Under this situation, each party, when they are able to, would regard their own particular conceptions as universally true, and censure the other party, their opponent, for not realizing the universality in it and further in the name of “universal values”

legitimizing their force and even violence. This attempt to use violence, even arbitrarily, instead of constructive communication, is obvious in all societies, including China. We will come back to it later to illustrate it in the context of China in the following chapters. This insight of constructive communication between different and opposing traditions provided by MacIntyre, to my understanding, has considerable resonance with what Gadamer calls “fusion of horizon,” and it is in this process that today a new (emerging) tradition, which should be open and inclusive enough for the coexistence of those conflicting and incompatible traditions, would exist and develop.

Another theoretical framework helpful in defining and understanding the concept of tradition is the paradigm of “great tradition and little tradition” provided by Robert Redfield, which reveals different dimensions of tradition in a complex society. Robert Redfield (1956, 68) believes that “The culture of a peasant community.....is an aspect or dimension of the civilization of which it is a part,” which makes the study of such societies different from the one of an isolated primitive band or tribe.

These two concepts of “great tradition” and “little tradition” are used by European scholars and modified into “elite culture” and “popular culture,” emphasizing that in the history of Europe these two kinds of traditions are spread asymmetrically. On the one hand, great tradition is spread through formal and closed schools which do not open to ordinary people; little tradition, on the other hand, exists through informal ways, such as in a church, hostel and market, which are open to everyone. Thus, the elites have participated in little tradition while the masses are excluded from great tradition. For this reason, little tradition is affected by virtue of the intervention of the elite, while the localized little tradition only has few influences on great tradition (Zhuang Kongshao 2000).

The insights Redfield gets is inspiring because it shows different dimensions of tradition in a complex society, especially in China which not only has a long history but also has the superposition among different traditions of different cultural and ethnoreligious communities. Based on this idea, a Chinese scholar, Ye Shuxian 葉舒憲, has developed his theory of great tradition and little tradition. Ye (1998; 2003; 2005; 2012) says that we have to redefine what great and little traditions are, that is to say, “take those written traditions as little tradition and those unwritten traditions as great tradition, and thus, seeing from the perspective of cultural history, we could easily draw a very clear line between great tradition and little tradition” (Ye 2012). For Ye, the emergence of written language/characters is essential due to the fact that characters are divinized and connected with political power, and are further monopolized by the upper class of the society, which makes it impossible for people to grasp their tradition and culture without written documents. The emergence of written characters indicates the development of human intelligence, however, in the process of its abstract record and the divinization of what has been recorded, the written history is regarded as something more real, more authentic, and reliable than the real world. Both Redfield and Ye agree that there are different dimensions of tradition in a complex society, which are all named as great and little traditions, although they refer to different things. For my study, I would like to apply the theory of great and little traditions to the analysis of the interactions of Islamic law with Chinese tradition. Those traditions that are, though to some degree, excluded from the mainstream official written tradition are great traditions, and their “greatness” lies in the fact that these traditions are connected with and rooted in the everyday life of the masses without whom tradition would be meaningless. In this sense, Islamic law in China as the tradition of the Hui Muslims is one of these traditions, while the written official Chinese traditions are little traditions and their “littleness” lies in the fact that their role and function among the masses depend on how much they are recognized and identified by the masses as binding. Chinese state or official law is from this perspective treated as the representative of such traditions.

The distinction made above does not indicate that the great tradition and little tradition are isolated from each other. I would rather agree with Redfield that the great and little traditions are interdependent. The importance of tradition in the legal context has been emphasised by Martin Krygier (1986, 237–62) who correctly asserts that law is a profoundly traditional social practice. And this statement is in sharp contrast with the mainstream legal philosophy which “has concentrated on the world of the present, i.e. the world of commands, sanctions, rules and principles” (Tontti 1998, 27). Now we would turn to the second key concept, law.

2.2 Law and Identity

Almost every time I talk with others about my PhD research, a study on the historical relationship between Islamic law and state law in China, they would be surprised and ask the same question: is there Islamic law in China? Well, it depends, I would say, on what kind of concept of law you have. As Hart (1994, 1) states at the beginning of his book that “few questions concerning human society have been asked with such persistence and answered by serious thinkers in so many diverse, strange, and even paradoxical ways as the question ‘What is law?’.” In this section, I will first explore the ideas of what law is within legal disciplines, namely jurisprudence, and then turn to relevant disciplines including anthropology and sociology, so as to give a working definition of law understood in this dissertation. After that, I will briefly define what is Islamic law, or the *Shari‘a*, in the Chinese context, and how it is related to the identity issue of the Hui Muslims.

There have been plenty of different legal schools which could be differentiated by their respective understanding of what law is (Morrison 1997). However, for ordinary people, even though few of us have studied law, we still have our understanding of what law is from common sense. “Any educated man might be expected to be able to identify these salient features (of law) in some such skeleton way” (Hart 1994, 3), which generally includes the following: a. law is the rules of behaviour which is enacted or recognized by the ruler or the state and further implemented by their compelling force, hence, the institution which implements the law, namely the court, is obliged to do so, and b. as defined as such, therefore, in legal practice, we could use it as the criterion to distinguish the legal and the non-legal norms.¹⁷

Seemingly, it is relatively clear what law is, but the question remains due to the fact that, on the one hand, we do find situations in legal practices that the judge does not follow exactly what the law says, but instead would, under certain circumstance, deviate from what is explicitly stipulated in the law. On the other hand, “besides the clear standard cases constituted by the legal systems of modern states ... there exist also doubtful cases, and about their ‘legal quality’ not only ordinary educated men but even lawyers hesitate” (Hart 1994, 3).

Thus, we have to question the “common sense” about what we understand as law. Theoretically, if we regard law as the rules of behaviour that are enacted or recognized by the legislature on behalf of the ruler or the state, it seems to be true that the existence of the legislature, on the contrary, depends on the existence of law, for it is impossible to distinguish the institution which has the authority of legislation from those institutions which have not such authority unless we know what law is. We are therefore in a vicious circle. More fundamentally, it seems to be of no dispute to speak of law as rules, however, “dissatisfaction, confusion, and uncertainty concerning this seemingly unproblematic notion underlie much of the perplexity about the nature of law. What are rules?” (Hart 1994, 8). In our daily life, we have different kinds of rules, like rules for playing football, rules of language, etc. So “even within any one of these spheres, what are called rules may originate in different ways and may have very different relationships to the conduct with which they are concerned” (Hart 1994, 9). Hart puts forward, among others, the question of “what are rules and to what extent is law an affair of rules?” (Hart 1994, 8).

The way in which law is defined as rules of behaviour is *per genus et differentiam* which requires the knowledge of the genus of the one to be defined.¹⁸ This understanding of the law is still the basis of how people normally understand law, which identifies law as rules of behaviour enacted or recognized by the state and implemented by its compelling force. This understanding of the law is connected with, or more specifically originated from Jeremy Bentham (1970) and John Austin (1995) who are considered as the founding fathers of analytical jurisprudence or legal positivism, which regards law as the order from the sovereign, and emphasizes the distinction between Is and Ought to be.

¹⁷ Similarly, Hart (1994, 3) has also given these criteria as common sense, which include, a. rules forbidding or enjoining certain types of behaviour under penalty; b. rules requiring people to compensate those whom they injure in certain ways; c. rules specifying what must be done to make wills, contracts or other arrangements which confer rights and create obligations; d. courts to determine what the rules are, and when they have been broken, to fix the punishment or compensation to be paid; and e. a legislature to make new rules and abolish old ones.

¹⁸ For example, if we would like to give elephants a definition, we need, according to this form of definition, to know what animals are as the definition of genus of elephants, and similarly, to know what animals are we need to know what bionts are, the inquiry of which could be endless.

However, in the practical implementation of the law, we often find the situation where the judges do not base their judgement on the law in the books, which suggests that the judges often have to face different cases with different levels of complexity, in which they need to give their respective reasoning other than just simply come up with judgement according to the written rules, a situation quite different from what the above mentioned analytical jurisprudence believes that we are able to find answers to all the questions in the perfect, complete code which always needs interpretation (Kaufmann 2004). As Gray (2019) argues that there is no such thing called law or legal rules which pre-exist and are simply discovered by the judges. It is the court and the judge who in the end determine the meaning of the law, be it the statutory law or case-law, and it is based on the meaning claimed by the court, rather than other meanings given by, for example, the lawyers or legal scholars, that law in practice functions. Thus, the law is in this sense regarded as what the judge says, argues and interprets in the decision. In such a way, the so-called legal realism scholars have extended the denotation of the concept of law. If we take this idea of what law is as true, then when we talk about law we should also take into consideration the moral, political and even religious views of the judges. And in this way, the determinacy of law, as is believed by legal positivists, seems to be an illusion.

Through the observation of legal practices, we find that the judges frequently exercise their power beyond the explicit regulations. As far as statute law and case law are concerned, they are merely one of the many legal sources based on which the judges give their ruling to each specific case. Law only exists in the concrete binding judgement made by the judges, which is the core of the theory of legal realism. And both legal positivism and legal realism, concerning the fact that law is binding rules, are unable to, among others, distinguish law from orders backed by threats. However, the idea that law comes from the interpretation of its readers is important and is still having its impact on legal theory and practice; what they (those who implement and interpret law, normally the judges) interpret is no longer limited to legal rules or law in the books but those social principles, policies, and political and moral norms which are the background of the rules. Nevertheless, their understanding for me is limited, for they merely take the judges or government officials as the interpreters whose interpretations are what in reality functions as law, and thus they neglect, to some degree, the masses as interpreters whose understanding/interpretations are increasingly playing an unavoidable role in the process of rule of law, and I shall elaborate this later in this chapter.

In sum, the above mentioned legal positivism and legal realism, from the perspective of hermeneutics, could be seen as follows. Analytical jurisprudence takes “the law in the books” as the “text,” the ruler or the sovereign as the author of the law, and those who implement the law and the ordinary masses as the readers of law. The meaning of the “text,” for them, is determined by the author. Once the “text” is “created,” it exists objectively and has nothing to do with the readers as well as how they read the “text.” In other words, the readers could not determine the meaning of the “text,” hence, the core idea of analytical jurisprudence is the reader-text unification, which naturally locates “the meaning and knowledge of the law” in the reading of the law in the books. While legal realism scholars contend that the meaning of the law is determined by the readers, i.e., the judges. What the judges say and what the masses and lawyers forecast are the interpretations of the readers, which to some degree denies the objectivity of law, although it later has been revised by Dworkin (1986) and further deepened by postmodern jurists who regard law as a kind of local and contextualized knowledge (Geertz 1983).

Now I would like to turn to the sociological and anthropological understanding of what law is so as to generate the working concept of law in our research.

Although since long ago socio-legal scholars have noted a difference between the “law in books” and the “law in action,” “the contrast between law in the books and law in action is a contrast between state law as officially written and state law as experienced in practice...there is no challenge to the idea that the state and lawyers monopolize the whole of law” (Cotterrell 2009, 97). This distinction enables legal scholars, especially jurisprudents, to see the law from an outside point of view and to expand the horizon of legalists by asking how law is experienced instead of what law is. For me, these questions are important but still not satisfactory ones. What is more fundamental may be the question of “what do people experience as law,” a question Eugen Ehrlich’s work has shed light on.

Ehrlich is regarded as one of the founding fathers of modern sociology of law, however, “many, if not most, sociologists of law today would be hard pressed if asked how their work was related to Ehrlich’s foundation of the sociology of law” (Ziegert 2002: 19). As Hertogh (2009, 19) pointed out that “Ehrlich’s work is characterized by a number of serious ‘gaps,’ which leave room for multiple interpretations and misunderstandings,” my work is inspired by his theory of sociology of law, especially the concept of living law.

According to Ehrlich (2002, 83–190), there are three sources or types of law, namely, state law, the juristic law and the so-called “facts of the law” which could be classified into four categories: custom or usage; relations of domination and subjection; relations of possession; and declarations of will. The first two are still closely connected to the state, with the first, state law, roughly referring to statutes, and the second, juristic law, roughly referring to legal norms that judges devise to resolve cases brought to them. In my opinion, these two kinds of law are official law and state-centered, quite different from the third, facts of the law or living law, which “are social relationships that are also legal relationships...made and maintained by the people themselves” (Klink 2009, 128) and are far more important than state law and juristic law, for living law, in Ehrlich’s (1936, 493) view, is “what dominates life itself,” despite the fact that it is not posited in legal propositions. This kind of law is observed in official legal documents, and “direct observation of life, of commerce, of customs and usages and of all associations ... but also of those that it has overlooked and passed by, indeed even of those that it has disapproved.”

With the concept of living law and his other arguments, Ehrlich put the centre of law “in the social associations of life that provide its normative meaning and essential authority” (Cotterrell 2009, 87). Bart Van Klink (2009, 128) also pointed out that “‘official’ law owes its conception and continued existence to the social arrangements that precede it in time... and always run the risk of becoming a mere dead letter by losing touch with the society in which it operates.”

Ehrlich’s theories also get criticized, with Kelsen (Kelsen and Ehrlich, 2003) being the most famous, for not distinguishing what is “Is” from what is “Ought” and thus without a clear definition of law.

In Kelsen’s view, sociology, or sociology of law, as an empirical science has its limits of only being able to describe and explain how things are instead of how they ought to be. For us, and for Ehrlich, the demarcation between different kinds of norms is somewhat arbitrary and “it is difficult to draw a line between legal and other norms with scientific accuracy” (Ehrlich 2002, 84; Klink 2009, 137). Besides, facts and norms are in practical inseparable because “facts are never neutral, but always value-laden. Values are an intrinsic and essential part of the institutions that are created by men and women” (Klink 2009, 141). In this sense, I think Kelsen’s criticism toward Ehrlich for not distinguishing facts and norms is indeed a misunderstanding of Ehrlich who is not initially interested in what law is, but what law does and more importantly what law tells us about society (Silbey 2005, 334). In general, Ehrlich’s work, especially his concept of living law is difficult to systemize but still inspiring to my research. It draws our attention to a more practical question that reminds the state, the most powerful and influential entity in modern society, that it needs a new and deeper self-consciousness to survive in the increasingly powerful disintegrating tendencies produced in its “periphery.” In other words, as Ehrlich (2002, 184) says, “the legislator ... ought to attempt to mould life according to his own ideas only when this is absolutely necessary; and where he can let life take care of itself, let him refrain from unnecessary interference.” Instead of focusing on official legal texts, Ehrlich’s theory and his approach to law enable me to expand the scope of investigation in the current dissertation. It is in this sense that I justify my definition of law in general, and approaches to the study of the Sharī‘a law in relation to the Chinese legal tradition in particular, as one of “a direct observation of life, of commerce, of customs and usages and of all associations.”

Through Ehrlich’s work, we can challenge the idea popular among legalists that the insiders of law, including judges, lawyers and other state officials, are the ones whose understanding about law matters, while the outsiders’ should not be taken seriously as legal. He inspires us to question this dichotomy of margin/centre, insider/outsider of law, and, moreover, who has the authority to decide the status. Ehrlich correctly and revealingly points out that state law, if it loses touch with the real-life of those who are not only the objects of the law but at the same time also its subjects, would merely be the dead letters on the book and thus loses its

legitimacy. He, however, might not see the other side of the coin and does not provide any explanation for the situation where living laws might be in conflict with each other. Besides, we are dealing with a society which is different from Ehrlich's. This is particularly true with Chinese society and the case of the Hui Muslims, where the Chinese state, and the Hui Muslims alike, tried to reasonably decide the competing claims of different legal traditions.

Instead of treating the Sharī'a law as living law defined by Ehrlich that takes it "as consensual and non-contentious," we believe Luhmann's theory of law is helpful here. Interestingly, Luhmann seems to have the same or similar starting point as Ehrlich. They both try to avoid a state-oriented concept of law which is overwhelmingly used and promoted by Weber. What is important is that Luhmann (1988, 17) contends that "law exists only as communication (or, in psychological terms, as the prospect of communication)." Because of his understanding of law as communication, Luhmann (1976, 524; 1979, 68) considers the subject of law, I, not that "I" equals "I" but rather that which always presupposes the existence of the Other, an intersubjective perspective, which "requires that law respect social differences when it is institutionalized" (Murphy 1984). What is crucial here for our research is Luhmann's emphasis on the word "communication." Without the dimension of communication, living law itself is, on the one hand, not able to deal with the question of how to make a practical decision when different conceptions of law conflict with each other, but also, on the other hand, be challenged by a practical situation where "some people or groups in society are capable of dominating others" (Klink 2009, 140).

It also reminds us about what we discussed at the beginning of this chapter that to understand law or social order in general, the fusion of different horizons represented by different groups of the society would be desirable. To be more specific, law, if it is to be applicable, should at least, via communications among its subjects, take the interest of all seriously, be it an economic, political, cultural or religious one, so that it is recognized and identified as legitimate and valid and thus has meaning, particularly in an ethnically and religiously pluralistic society, rather than degraded as dead letters or forced compliance and even "naked power," or a farce.

Along with the theoretical insights above and our analysis of the concept of law comes my conception of Islamic law. The meaning of the concept "Islamic law," with which this dissertation is concerned, is not completely explicit. It may be used in two different terms. It can stand for, on the one hand, the ritual, or religious, moral, and legal normativity of Islam, in its broad sense. As such Islamic law is equivalent to the term of the Sharī'a. In a narrow sense, Islamic law can, on the other hand, mean only the legal normativity of the Sharī'a. As Peters and Bearman (2014, 1) wrote in their "Introduction" to *The Ashgate Research Companion to Islamic Law*, the Sharī'a, in its strict sense, "is the set of divine commands, transmitted by God through the foundational sources of Quran and Sunna." As the divine and normative guide for Muslims, the Sharī'a is religious, moral, and legal in one, and it is the way of life Muslim lives.

As religious law, Sharī'a for Muslims is Allah's commands representing His way to salvation. Broadly speaking, it has the highest authority, which means no other authorities may claim superiority over it and anything that goes against it would be invalid. Compared with secular state law, which changes across place and time, the Sharī'a is believed to be internal, which is not restricted to the changing human society, and it is the law for not only this life but also the hereafter. On the other hand, the religious nature of the Sharī'a is also represented in its sources, with the Quran and the Sunnah of the Prophet (Rohe 2014, 61–73) being the noblest.¹⁹ Specifically speaking, the five pillars of Islam, in terms of the contents of the Sharī'a, which includes the very assertion of one's faith (shahāda), the performing of prayers (ṣalāt), the fulfilment of the religious obligation of alms-giving (zakāt), the fasting in the month of Ramadan (ṣawm), and the pilgrimage to the holy city of Mecca (ḥajj), are themselves essential parts of the Sharī'a. The Sharī'a is therefore religious, for "it

¹⁹ The religious character of the Quran, as Allah's own word to Human beings, and the Sunnah, as the exemplary words and deeds of His Messenger, is not contested. However, the other two major sources of the Sharī'a, the ijma' (consensus of the legal scholars) and the qiyās (analog) are different. These two are largely seen as human interpretations through reason. It has to be pointed out that ijma', as consensus of legal scholars, is reached in line with the principles in the Quran, so does qiyās, which is also based on the Quran and the Sunnah. Furthermore, the purpose of them is to discover and understand Allah's commands. As Gao Hongjun (2004, 149) has pointed out, "human reason here is not the purpose, but serves the religious faith."

contains rules that are primarily meaningful in the relationship between a believer and his or her Creator ... ('ibādāt)' (Peters and Bearman 2014, 2).

The Shari'a as Allah's ordinances that aim at leading humans to the right path of Allah "encompass a set of moral qualifications of all human acts" (Peters and Bearman 2014, 3). Obviously, the Shari'a as comprehensive guidance, rules, orders, and teachings to the final salvation is made up of various moral norms. And the Shari'a's indistinction between the legal and the moral, seen from the dominating modern Western legal perspective, renders the Shari'a as "ineffective, inefficient, even incompetent... and paralyzed" (Hallaq 2009c, 2). However, we have to keep in mind that the boundaries we at present day take for granted between the moral and the legal are the product of not only "particular philosophical and historical developments within Europe... but also.. of the very culture that produced this philosophical discourse" (Hallaq 2009a, 256). In other words, in the Islamic Shari'a tradition, at least in its pre-modern period, the legal is identical with the moral, and vice versa.²⁰ This actually is not unique in Islam, but may as well be particularly true in the Chinese legal tradition, especially in terms of the Confucianisation of law and the integration of the moral norms of *li* 禮 into state legal systems.²¹ Therefore, it is in this sense that we further justify our deviation from the modern Western conceptions of law that are not only state-centred but also separated from morality. It has to be mentioned here that unlike the perception that morality serves for the foundation of legal norms, which is one of the criteria measuring the legitimacy of legal stipulations, in the Shari'a tradition such relations of morality over law does not exist, since there is no distinction between the moral and the legal. In other words, religious faith is the foundation and final criterion for both law and morality. All the aspects of the Shari'a, the religious, the moral, and the legal are subject to the authority of Allah. My socio-historical analysis of the Shari'a in Chinese society will demonstrate that the moral-legal character of the Shari'a actually "equipped it with efficient, communally based, socially embedded, bottom-top methods of control that rendered it remarkably efficient in commanding willing obedience" (Hallaq 2009c, 2).

To deal with the Shari'a, including that in the Chinese history, is not to deal with a set of static norms, but a discursive practice, which involves interrelated formal and informal institutions, moral communities that are connected to an intellectual network where the legal professions are, at the same time, educators, thinkers, historians, theologians, authors, activists, who contribute to the studying, teaching, writing and documenting of the law and strategies of resistance against political and other abuses, particularly in times of crisis. It is "a discursive practice that structurally, organically tied itself to the world around it in ways that were vertical and horizontal, structural and linear, economic and social, moral and ethical, intellectual and spiritual, epistemic and cultural, and textual and poetic" (Hallaq 2009c, 544).

The Shari'a with these characteristics is the Shari'a I will examine, the discursive, contingent, and complex norms and normative claims that regulate the Hui Muslims. My point and methodology here are not to provide an accurate concept of the Shari'a, but to locate the practice of the Shari'a with regard to the issues of hajj, education and marriage in the Chinese historical context, and ask how did the Hui understand the law including the Chinese official law as well as the Shari'a law; what did the laws do to the Hui Muslims and how did they respond. Therefore, to this end, the last question and last key term I would clarify is who are the Hui Muslims in relation to the Han Chinese.

2.3 Hui Muslims and Han Chinese

Lastly, I would like to talk about "who are the Hui Muslims" identified in this dissertation. In Western scholarship, they are oftentimes simply named as "Chinese Muslims." Literally, the Chinese Muslims are those Chinese who believe in Islam.²² But a more fundamental question remains: who are Chinese, a vague question

²⁰ Therefore, there is no such dichotomy between legal and illegal in the Islamic legal system. According to the Islamic jurisprudence, human actions, or the Shari'a rulings, are categorized into five kinds: obligatory (*farḍ*), recommended (*mustahabb*), neutral (*mubāh*), reprehensible (*makruh*), and forbidden (*ḥarām*).

²¹ I explain the Confucianisation of law and the Confucian term of *li* 禮 in detail in chapter three.

²² Since, at least in English, the term "Chinese" can mean the "Chinese language," *Zhongwen* 中文 (language of the Central [State]) which is taken as equivalent to *Hanyu* 漢語 (language of the Han [ethnicity]), or "of or relating to China," or "Chinese people, Chinese citizen," *Zhongguoren* 中國人, it is always confusing in which context the term "Chinese Muslims" is referred to. The literal meaning

yet not fully discussed. Earlier studies on China conducted by Western scholars have taken for granted the Han 漢, the major ethnic group in China, as Chinese, and “there have been few studies giving voice to those subalterns who have independent histories and cultural memories that cry out for understanding on their own terms, rather than being placed in a peripheral, subregional, or subethnic position” (Gladney 2004, 14). To some degree, their approach of identifying the Han as Chinese is understandable especially when we take into consideration the population of China as is shown in the table below, in which I indicate the Han and the Muslim ethnic groups.²³

Table One: Muslim Population compared with Han Chinese in China²⁴

Ethnicity/Group	Population	Percentage
The whole population of China	1,332,810,869	100%
Han 漢	1,220,844,520	91.59%
Hui 回	10,586,087	0.79%
Uyghur 維吾爾	10,069,346	0.76%
Kazak 哈薩克	1,462,588	0.11%
Dong Xiang 東鄉	621,500	0.05%
Kyrgyz 柯爾克孜	186,708	0.01%
Salar 撒拉	130,607	0.01%
Tajik 塔吉克	51,069	0.006%
Bao An 保安	20,074	
Uzbek 烏孜別克	10,569	
Tatar 塔塔爾	3,556	
Number of Non-Han Groups above	23,142,104	1.7%

However, being understandable does not mean acceptable and reasonable. More importantly, as for the majority, the Han Chinese, who constitute over ninety-one per cent of the whole population of China, we can't help but ask who are the Han as an ethnic group; what could be told concerning the understanding of Chinese as a *minzu* 民族, and further to which extent this concept of Chinese Muslim is or is not helpful in identifying the research subject of this dissertation. In this section, I will first see if the abovementioned “understandable” approach to largely define Chinese as the Han is problematic or not, namely if it is appropriate in theory and practice to draw an equal sign between “Chinese” and the “Han,” and as next step to question if there is an ethnic group called the Han. In other words, as Gladney (2004, 32) reminds, “how the Han became the 91 per

of “Chinese” I discuss here is the same in phrases like, Chinese history (*Zhongguo lishi* 中國歷史), Chinese citizen (*Zhongguo gongmin* 中國公民), etc. Hence, “Chinese Muslims” refer to *Zhongguo muslimin* 中國穆斯林 in Chinese language.

²³ In China there is no officially recognized Muslim group, but there are ten ethnic groups (*shaoshu minzu* 少數民族) who, according to the government (such as the State Administration for Religious Affairs of People's Republic of China), are considered as Muslims. I refer to these ten ethnic groups so as to have a rough picture of the population of Muslims in China, although in practice there are a few non-Muslims in each of these ethnic groups and also a few Muslims in other ethnic groups, such as the Han, Tibetan and Mongol. The issue of ethnicity and religious identity of the Hui is contested and complicated. I shall deal with it in detail in the following chapters.

²⁴ The population indicated here is based on the Sixth National Population Census 2010, published by National Bureau of Statistics of the People's Republic of China (Guojia Tongji Ju 國家統計局, hereafter the NBS). For details see Tabulation on the 2010 Population Census of the People's Republic of China at the website of NBS <http://www.stats.gov.cn>.

cent majority of China.” The investigation into these questions is crucial in that it, on the one hand, challenges the assumption that concepts such as the Han together with China and Chineseness are a unified, and even unchanging entity and it could also, on the other hand, shed light on how Muslims identify themselves as Chinese, or, indeed, how this conception of being a Chinese makes it challenging for the Muslim groups in China to become a member of this group.

Chinese as nationality (*guoji* 國籍), legally, refers to the people with the citizenship of China. The term “China” nowadays is used as the translation of the name of the People’s Republic of China.²⁵ However, this translation is sometimes causing problems. The English word “China” is probably derived from Sanskrit “Cina.” Marco Polo may be the first to introduce it into European languages, which was later Latinized as “Sina.” Cina may be the transliteration for the Chinese Qin Dynasty (221–207 BCE). In ancient Chinese documents related to that period, the Chinese term “*Qinren* 秦人,” Qin People, was used to refer to the people of the Dynasty, which in my view emphasized the political dimension that those people were under the ruling of the Qin emperor. However, Chinese scholars have made a somewhat different story about the “imagined” continuity of the Chinese as one unified ethnic group. Gladney (2004, 21) is right to have pointed out that Zhongguo, the Central Kingdom, “originally referred to only one among many equal kingdoms or states, and gains meaning only in terms of its relation to those other entities.”²⁶ I would ask to which extent we are to understand the central position of that kingdom and what implication it has for our understanding of the Muslims in it. The problem to define Chinese Muslims also involves the concept of *minzu* which in different contexts could be translated into nation, nationality, ethnicity, or even race. In Chinese official documents, there has been a trend in recent years to differentiate ethnicity from nation/nationality, with ethnicity referring to different officially recognised fifty-six ethnic groups and nation referring to the Chinese nation, the former emphasizing its different cultural features and the latter emphasizing the unity of all ethnic groups as a unified Chinese nation (*Zhonghua minzu* 中華民族).²⁷ However, since they still use the same Chinese word for ethnicity/nationality and nation, it does cause some problems and confuses people in reality, especially when they generally regard the Han ethnicity as the Chinese.

Let us take a brief look at the first question of who are the Han, the ninety-one per cent majority that is considered as Chinese in general as a *minzu*. Lardy (1994, 25) argues that “while one cannot rule out the possibility of China fragmenting into autonomous or quasi-autonomous regions... Above all, China is not divided by historical, religious, racial, and other cleavages that have been so important in the disintegration of the Soviet Union and Yugoslavia. China is populated overwhelmingly by those of the Han,” so the homogeneity of the Han, if there is such homogeneity among them, is deemed as one of the reasons to explain why China remains unified, despite the fact that at least in the last one or two centuries or so it has not been as unified as it is claimed, not to mention its diversified historical transformations of dynasties over two thousand years.

But does this homogeneity of the Han really exist? This question has been discussed since ancient China in the form of *Huayi zhibian* 華夷之辯,²⁸ or the differentiation between Chinese (*Hua* 華) and the barbarians (*Yi* 夷). I would argue that the so-called *Hua* not only exist when compared with the *Yi* 夷 or *Yi-Di* 夷狄 but also come

²⁵ Although officially Taiwan is called the Republic of China, scholars normally just call it Taiwan. I am not concerned here about the relationship between mainland China and Taiwan, so I just follow the common usage to refer People’s Republic of China as China and the Republic of China as Taiwan.

²⁶ I would elaborate the issue in chapter three, but mention here that Wang Hui 汪暉 has talked about this idea that the Central Kingdom requires the existence of several kingdoms at the peripheral, and the centrality of the Central Kingdom does not necessarily lie in its geographic location, which is always changing if seen from different perspectives, but could always be found in its “power” to “attract” those kingdoms around it and finally make itself the central. I am highly suspicious about the theory of “power-attractiveness” of the Central Kingdom. For the discussion about the idea of China, see, Wang Hui (2004) and Li Ling (2016), and my critical analysis in part two of the dissertation, especially chapters three and five.

²⁷ The Chinese nation in different historical contexts means different groups, for example, in some cases, it refers to the five groups of the Han, Manchus, Mongols, Hui/Muslims, and Tibetans as Dr. Sun Yat-sen termed it, and in some other cases, the fifty-six ethnic groups as the Communist Party propagandizes nowadays.

²⁸ *Hua* 華, especially in pre-modern China, refers to the Han people which I would argue is an unclear concept, and *Yi* 夷, along with other terms such as *Man* 蠻, *Rong* 戎, *Di* 狄, and *Fan* 番, refers to the internal and external non-Han foreigners. For the usage of terminology used to indicate minorities in ancient China, see Yang (2014b), Bergeton (2006), and my discussion in chapter three.

from the *Yi-Di*. The *Hua*, also called *Xia* 夏, *Zhuxia* 諸夏 and later *Huaxia* 華夏, is related to the first dynasty of China, the Xia Dynasty.²⁹ According to *Shiji* 史記 (Records of the grand historian), during the time of the Yellow Emperor (Huangdi 黃帝), one of the Five Emperors in legendary Chinese history who “was hailed as the first ancestor of the Han race” (Dikötter 2015, 73), there were tens of thousands of “nations” or “states” who intermarried to, as well as fought against, each other (Xu 2014a). Interestingly, it is believed that the Han originate firstly from the Yellow Emperor within whose group people from different races intermarry to each other, and secondly from the so-called *Rong* 戎, *Yi*, *Man* 蠻, *Di* 狄, *Baiyue* 百越 and *Miao-Man* 苗蠻, who are labelled as barbarians or foreigners.³⁰ So I would argue that if we, as argued by Xu Jieshun 徐傑舜 (1992; 1999) who is the expert of Han studies, agree that from the formation period of the Han, like other ethnicities, they are the product of the interactions among different races and ethnicities, especially with those “barbaric” *Man* and *Yi*, then the idea which most of us take for granted that the Han or Chinese are unified and even unchanging entity is in fact just an illusion. Later, during the Xia, Shang and Zhou dynasties (roughly between 2000 BCE to 771 BCE), people under these regimes were called *Huaxia*,³¹ which shows their feelings of superiority in opposition to their or part of their ancestors, the other backward ethnic groups living around them. It is obvious that from the very beginning the *Huaxia* establish their identification through, first, the comparison with the marginalized ethnic groups and, second, the connection with the political regime. It is obvious that the very reason why the *Huaxia* people are regarded as a unified group is that they are under the same political regime, and it has also been the case for the Qin people and Han people under the regime of the Qin and the Han dynasties.

In the time of *Chunqiu* 春秋 and *Zhanguo* 戰國 (Spring and Autumn, and Warring States periods, 770 BCE–220 BCE), although it is an important or even the most important period for the establishment and development of Chinese philosophy, the time of contention of a hundred schools of thought, such as Daoism and Confucianism, to name the most well-known, in reality, what really functioned at that time was the law of the jungle. For example, Qin Shi Huang 秦始皇 (259–210 BCE), First Emperor in Chinese history, was not among the *Xia* or *Huaxia* people. Qin Shi Huang and his ancestors were people of the *Rong* (Xu 2014b) who definitely were outside the *Huaxia*. What makes him succeed and even one of the most important persons in Chinese history is his effort to unite China at that time. We have to remember that it is his military power, which may be inherited from his ancestors as being the barbaric *Rong* people, meaning people good at fights and military affairs, that made him the first to be able to stop the five-hundred-year fighting among vassal states, not Confucianism or other cultural factors that the *Huaxia* people were proud of.³² So far what we have discussed literally has nothing to do with the Han people, for it only becomes possible to talk about the Han people when it comes to the Han Dynasty (202 BCE–220 AD).

People of the Han Dynasty were not called Han people (*Hanren* 漢人) at the beginning of the Dynasty but Qin people (*Qinren* 秦人), as how the great historian, Sima Qian 司馬遷 (c. 145–c. 86 BC) termed them in *Shiji*

²⁹ There has not been any written record found from the Xia Dynasty, and the knowledge we know about the Xia Dynasty is mainly speculated from later records and archaeological discoveries, especially from Hongshan 紅山 and Erlitou 二裡頭 relics. See Zhang Guangzhi (1977, 1990).

³⁰ In ancient Chinese books and records, naming different races or ethnicities in different locations as *Rong* in the West, *Yi* in the East, *Man* in the South and *Di* in the North is actually the invention of the people in post-Qin Dynasty who considered themselves as in the centre and more civilized, and those around them as not only geographically peripheral but also culturally unenlightened. The terms used for the minorities, such as *Man-Yi*, are associated with animals so as to build their own superiority by discriminating the Others. See detailed discussions in chapter three.

³¹ The ancient Chinese word *Huá* 華 is equal to *Huā* 花, which means flower, and has the same pronunciation with 華. In fact, in ancient Chinese the flower of the woody plant is called 華, while the flower of the herbaceous plant is called 花. Both of them indicate that those who call themselves *Hua* are not only as beautiful as flowers but also own the same beautiful and elegant culture.

³² Here we witness again that terms of the Qin people, the Han people (at least in its early times), do not have any ethnic or cultural implications. What made them a group of people is the fact that they were under the same political regime. The Qin people means the people living in and governed by the Qin Dynasty. And this might serve as an explanation for the Chinese concept of *Tianxia* 天下 (All under Heaven). Some claimed it to be the idea of universe in ancient Chinese, which I would argue that *Tianxia* is in this sense a political idea that indicates the land, or territory, under the domination of the Son of Heaven (*Tianzi* 天子), namely the Chinese emperor. The discussion of the idea of *Tianxia*, see Zhao (2005). For a detailed discussion relating to our understanding of the Chinese Muslims, see chapter three.

and later what Ban Gu 班固 (32–92 AD) did in the *Hanshu* 漢書 (Book of Han, written in 82 AD). However, what is interesting here is that at first naming people of the Han Dynasty as *Qinren* is actually the practice of the minorities in the margins, which could be proved by the fact that the term of *Qinren* appears only in those treaties concerning the minorities.³³ Later it becomes the self-proclaimed name of the Han people, as exemplified in *Hou Hanshu* 後漢書 (Book of the Late Han). Although, as I suggested earlier, at that time the term “Han people” only refers to people of the Han Dynasty, which is a concept that connects the people with the political regime and has nothing to do with the group of people as ethnicity, race or nation. Therefore, at least in the Han Dynasty, though many historians believe that the Han as an ethnic group starts from the Han Dynasty (Xu 1995), Han people, as a term, only means a group of people living under the regime of the Han Dynasty, however, at the same time, within the group, there are great diversities, both ethnically as well as linguistically and culturally. From 220 AD to 581 AD, it is the so-called period of the Three Kingdoms (*Sanguo* 三國), East and West Jin dynasties (*Liangjin* 兩晉) and Southern and Northern dynasties (*Nan-Bei Chao* 南北朝), which “saw a huge wave of social turmoil and a great integration of nationalities” (Zhang 2014, 191). During this time, those minority groups, such as *Xiongnu* 匈奴, *Xianbei* 鮮卑, and the *Qiang* 羌 from the north, as well as, partially, the minority groups from the south, such as the *Liao* 遼, were integrated into the Han, which made the population of the Han people in the Han Dynasty reach about fifty-nine million to eighty or ninety million by the beginning of the Tang Dynasty (Wang 1995, 213, 297).

As we have shown before, it would not be difficult to grasp that in the Tang Dynasty the people living under this regime is called the Tang People (*Tangren* 唐人),³⁴ however, the term Han or *Hanren* was still used during the Tang Dynasty and has been kept till the Qing Dynasty. Later in the Song (960 AD–1279 AD) and the Yuan (1279AD–1368 AD) dynasties, the integration of different ethnic groups into the Han continued, especially in the Mongol Yuan regime, where the Mongol rulers categorized all the population into four groups hierarchically with the *Hanren* and the *Nanren* 南人 (the Southerners) as the lowest two groups. It is believed that *Nanren* in the Yuan Dynasty means those Han people living in the south (Jia 1985). This may explain why during the later period of the Yuan Dynasty no exact distinctions were made between the *Hanren* and the *Nanren* (Xu 1995).

In the Ming Dynasty (1368 AD–1644 AD), the ruler issued a policy ordering the *Huren* 胡人 (a term used to refer to the minorities in general) to change their family names into the Han name. It is said that at the end of the Ming Dynasty, the population of Han people reached around 150 million (Ho 1959, 37). This process of the making of Han people continued till the Qing Dynasty (1644–1911 AD), however, it is clear that *Hanren*, as a notion referring at first to people of the Han Dynasty named by the peripheral ethnic groups was not a notion as a nationality or ethnicity until late Qing Dynasty or the beginning of the Republic of China, when China “shift from Chinese empire to modern nation-state” (Gladney 2004, 32). The concept of nation came to China around the end of the nineteenth century and early twentieth century, and it is said that there was or still is no appropriate translation for the term in Chinese. This explains, though partially, why we could find papers named as, for example, “The Nationless State: The Search for a Nation in Modern Chinese Nationalism” (Fitzgerald 1993). During this process of “the search for a nation,” people believed that the formation of China is the process of Hanicization (*Hanhua* 漢化, to become Han), which is problematically seen equally as sinicization (*Zhongguo hua* 中國化, to become Chinese), so “the recognition of the Han as a unified majority played a fundamental role in forging a unified Chinese nation” (Gladney 2004, 13).

Clearly, here the way the *Hanren* were made a unified majority was closely related to how different minorities, including the Muslims, were marginalized in this process, which I will elaborate on in detail in the following chapters. But to make the Chinese nation with the Han being the majority and other ethnic groups being the minority, the first thing to do is to identify who are the Han and who are the minorities. This was achieved

³³ For example, in the “Treaties of Xiongnu” in the book of Han (*Hanshu*, “Xiongnu Zhuan 匈奴傳”).

³⁴ The term of *Tangren* is as famous as the Tang Dynasty not only in China but also around the world, for example the Chinatown that we could find almost in every big cities around the world is called Tangren Jie 唐人街 in Chinese (Tang people’s street). And the term of *Tangren* was used especially by those who established the connection with China in the Tang Dynasty, such as Holland and Siam. See Xu (1995).

through the “Ethnicity Identification Campaign” (*minzu shibie* 民族識別) started in the 1950s and has not yet finished completely till today.³⁵ When this campaign was first initiated together with the first national demographic census in 1953, there were more than 400 applications asking for the government’s official recognition as ethnic groups, and in the end, thirty-eight ethnic groups were recognized then. Later in 1964, during the second national demographic census, there were 183 registered ethnicities, and fifteen new groups were recognized. From 1965 to 1978, the identification campaign was forced to stop due to the Cultural Revolution. In 1990, the fourth national demographic census, the government finally claimed that there were fifty-six officially recognized ethnic groups in China.³⁶

Whereas, people tend to refer to the Han majority when they use the term Chinese, which again leads us to question how Chinese is understood. I would argue in detail in the following chapters that Chinese (and China) is a complicated concept with multifaceted meanings, understood as a geographical, racial, cultural, political, and essentially a religious concept. We have already talked about Chinese as a racial concept referring to *Qinren* and *Hanren* or the Han *minzu* (Han ethnicity), which is problematic and indeed makes no sense when the diversity of Han as showed briefly above is taken into consideration. I would say that the Han as an ethnic group is the invention and construction in modern times especially through the Ethnicity Identification Campaign. Secondly, Chinese as a cultural group is normally spoken highly of by most scholars who argued, for example, that Hanicization (*Hanhua* 漢化) is sinicization (*Huahua* 華化) and both are equivalent to Confucianization (*Rujia hua* 儒家化) (Ho 1998). I am not denying that Confucianism is important in understanding concepts including China, Chinese and Chineseness, especially the Han and their culture and personality, in spite of the fact that the Han are very different regarding how they consider the role Confucianism plays in shaping their identity as a group of people. However, what I am questioning here is whether it is appropriate to say that Confucianism is the thing “that unites the Chinese nation,” no matter the Chinese nation here means the Han or all the Chinese citizens, and what Confucianism means to the Mongols, the Uyghurs, the Tibetans and even the Hui Muslims in their identification as a Chinese.

Concluding Remarks

As for Chinese as a political concept, I believe Wang Hui (2004, 6) is right when he tries to define China as “understood as a continuously evolutive entity formed through the interaction between various forces in history.” So Chinese, in this sense, should be understood not as something unchanging, fixed and unified but as something emerging with no predetermined essence, be it Confucianism, Buddhism, Daoism or Marxism. By this, I mean Chinese as an identity should be, ideally, understood as something that is capable of being inclusive of all diversities existing in its history. In other words, if the idea of Chineseness fails to be inclusive of its historical diversities then the Chineseness itself would not be able to survive. In this study, Chinese Muslims refer to those who as Muslims believe in Islam and keep engaging themselves in the process of making their Chineseness in different space and time across Chinese history. This concept also has the potential to enable us to view all Muslims in China, regardless of their ethnicity, as Chinese Muslims, rather than use it to just refer to the Hui Muslims who speak the Chinese language. In sum, Chinese Muslims include the Hui Muslims, the Uygur Muslims, and even Han Muslims, etc. and within each group there are diversities. For the current dissertation, the Hui Muslims, the majority of the Muslim population in China today, refer to those Muslims who belong to the Hui ethnicity. The following chapters aim at seeing in more details and applying these key concepts I discussed here in the Chinese historical contexts concerning how the Hui Muslims defined and redefined themselves around their identities of being a Muslim who followed the Sharī‘a law and being a Chinese who were subject to the Chinese official law.

³⁵ There are still, at least according to the demographic census in 2010, 640,101 individuals whose ethnicity are still unidentified.

³⁶ The terms ethnicity, nationality and nation are all translated into the so-called “*minzu*” in Chinese. However, Gladney used ethnicity to mean “the self-perception of cultural difference and collective identity” and nationality to mean “those groups recognized officially by the state.” Some other scholars maintain that we should use ethnicity to refer to the officially recognized groups which based on the current understanding emphasizes the cultural characteristics of each group (see Ma Rong 2014) and nationality to refer to the legal right to be a citizen. As for nation, this term is used to refer to those who have the political identification towards the country. So in the context of China, there are officially fifty-six ethnicities who legally have the Chinese nationality and are constructing the identification towards the Chinese nation. For detailed discussions on the Hui Muslims’ perceptions towards the concept of *minzu*, or nation, see my discussions in chapter five.

CHAPTER TWO

Historical Account for Islam and the Sharī‘a in Pre-modern China

Introduction

According to the theory of hermeneutics, no single understanding is neutral, or totally objective. There lies prejudice, or the so-called pre-understanding, behind our understanding. As a matter of fact, we were born into this pre-understanding, the culture, history, and tradition that function as the departure point, and indeed the very roots, for our understanding. As Ricoeur (1991, 72) maintained, “history precedes me and my reflection; I belong to history before I belong to myself.” Therefore, to understand the relationship between the Sharī‘a law and the Chinese official law, it is essential to understand its history, including the historical process of how the Sharī‘a came to China, under which conditions the Sharī‘a developed, what were the main features of the socio-cultural and political situations of the Chinese society that contributed to the development of the Sharī‘a, and how these process of development of the Sharī‘a shaped the formation, and transformation of the Hui Muslims identity in Chinese history. This chapter aims at providing a brief historical account of Islam, and the Sharī‘a in particular, in pre-modern China. Being aware of the complexity of this history of over thirteen centuries, I have to restrain myself from claiming to offer a comprehensive account of the history in question. Instead, I hope that readers could bear in mind with me the complexity of the socio-political situations in traditional Chinese society over such a long time span. Furthermore, I wish this chapter would be able to enable the readers to get a general overview of how Islam developed in China with a highlighted role that the Sharī‘a played in different historical periods.

The chapter starts with the seventh century of the Chinese Tang Dynasty and ends with the late nineteenth century of the Manchu Qing. I did not include the Republican period here, for detailed analysis of the socio-legal history of the Sharī‘a in this period would be provided in the following chapters. As for the current chapter, I relied mostly on primary Chinese sources. As socio-legal research, historical legal documents are inevitable. In this regard, the main legal codes of each Chinese dynasty, particularly those articles that addressed Muslim issues, are briefly discussed. I referred, for example, to the *Tanglü shuyi* 唐律疏議 (Interpretation of the *Tang code*), the *Dayuan shengzheng guochao dianzhang* 大元聖政國朝典章 (Statutes of the sacredly governed the state of the Great Yuan dynasty), and the *Daqing lilü* 大清律例 (The great Qing code). Besides, to understand the legal documents, as I discussed in the previous part of the dissertation, it is necessary to go beyond the legal and into the socio-cultural, so as to make sense of how the legal came into existence and worked in reality. To do this, I made use of several historical documents, including the official history of each Chinese dynasty, such as the *Xin Tangshu* 新唐書 (New book of the Tang), *Jiu Tangshu* 舊唐書 (Old book of the Tang), *Songshi* 宋史 (History of the Song), *Song Huiyao* 宋會要 (Institutional history of the Song dynasty), *Mingshi* 明史 (History of the Ming), and *Qing shilu* 清實錄 (Veritable records of the Qing dynasty). These Chinese primary sources, among others, have enabled me to describe the socio-legal environment in which the Sharī‘a was practised by the Hui Muslims. In addition, it is necessary to mention that the primary sources from the Muslims’ side are particularly useful and important. On the one hand, they work as supplements where Chinese sources are unclear or not available, such as the travel logs recorded by the Muslims who travelled to China. On the other hand, particularly during the Ming and Qing periods, the Hui Muslims themselves started producing Chinese Sharī‘a texts, in which they elaborated on the issue of Sharī‘a and its relations with the Chinese authority. Works produced by the Han Kitab authors, such as Wang Daiyu, Liu Zhi, and Ma Dexin are of special benefit in this regard. The archaeological discoveries in recent decades plus the research on these discoveries have also contributed to our understanding of the general history of Islam and the Sharī‘a in China.

With the help of these sources, I structure the chapter in chronological order, starting from the Tang Dynasty, followed by the Song, Yuan, Ming, and the Qing dynasties. In each section, I firstly give a brief overview of the situation of Islam and Muslims in the respective Chinese regime. Then the main development of what happened to the Sharī‘a is followed.

1. Tang (618–907): Introduction of Islam into China, and the Early Muslims' Practising the Shari'a in the "Foreign Block" as the *Huawairen* 化外人

The communication between China and the Arab World had already been established before Islam came to China in the Tang Dynasty. In 97 AD, Gan Ying 甘英 was appointed by the Han government to visit Daqin 大秦³⁷ and on his way, he visited Tiaozhi 条支, which might be the mis-transliteration for Antiochia used to refer to Mesopotamia (Bai 1983, 2; Zhang Xinglang 2003). Later, historical recordings from both Chinese and Arabs³⁸ indicate that communications between the two had already been established before Islam. When Islam came to China in the Tang Dynasty, it was called and written as Dashi 大食, which was the transliteration for the Persian word *Tazi* or *Tasi*.³⁹ There exist different opinions on when, where, and how exactly Islam came to China,⁴⁰ and so far scholars disagree on the time when Islam came to China during the Tang Dynasty. However, it is highly likely that Islam came to China with the Arab and Persian representatives and merchants who travelled to the Tang Dynasty via either the land route, the ancient silk road established in the Han Dynasty (202 BC–8 AD), or the water route during the seventh century.⁴¹ In addition to diplomatic as well as trade relations between the Tang and Dashi, which we will come into more details later, there were also military interactions between the two. In 751 AD, for example, Tang and the Abbasid Caliphate⁴² had a military engagement in the valley of the Talas River,⁴³ which ended up with the failure of the Tang. However, after the battle hundreds of thousands of Chinese, including soldiers, workers, and scholars, were captured and brought back to the Caliphate.⁴⁴ Du Huan 杜環, for instance, nephew of the famous Chinese historian and politician Du You 杜佑 (735–812), was taken back to the capital of the Caliphate, Kufa, and spent twelve years there. After returning to China in 762 AD, he wrote a book, titled *Jing xing ji* 經行記 (A record of passages and travels),⁴⁵ in which he recorded what he experienced in the Abbasid Caliphate. This book makes him the first Chinese who recorded Islam in Chinese history. Another important military interaction was the An Lushan Rebellion (*An Shi zhiluan* 安史之亂), in which the Tang court requested Dashi for support and Dashi, in 757 AD, sent troops to support Tang China. After that, most of the Arab soldiers, approximately thousands of them (Ma Ping 2006, 11), stayed in Tang China (Qiu 1996, 11). These soldiers, as well as most other Muslims who came to China at that time, got married to the local Chinese women who probably converted to Islam.⁴⁶

There were many diplomatic representatives, merchants, and soldiers from Arabia and Persia staying in Tang China. Some of them became government officials,⁴⁷ but most of them were doing business. It is worth noting

³⁷ Daqin, is the ancient Chinese name for the Roman Empire. Besides, John Foster (1939, 3) defined it as part of the Roman Empire "which alone was known to the Chinese, Syria."

³⁸ Here Arab or Arab World refers mainly to Persia Kingdom or people from the Persian Gulf.

³⁹ In the Chinese sources of the *Xin Tangshu* and *Jiu Tangshu*, the ancient Chinese transliteration for the Arab Empire was Dashi 大食 or Duoshi 多氏, both of which were the transliteration for the Persian word *Tazik* or *Tasi*. See Qiu (1996, 8).

⁴⁰ In Chinese history, there are mainly five recordings concerning the introduction of Islam in China, namely, 1) 580–604 AD; 2) 618–626/622 AD; 3) 627/628/632 AD; 4) 651 AD; and 5) 900s. There has been no agreement in academia concerning the exact time of the introduction of Islam in China. However, most Chinese scholars consider the year 651 AD to be the time when Islam came to China, for it was recorded in the *Jiu Tangshu* that Caliph Uthman (644–656) sent envoys to the Tang Dynasty to establish diplomatic relations with the Tang. We believe that the time when Islam as a religion came to China is different from the time when the two entities established diplomatic relations.

⁴¹ For the detailed information about the land and water routes mentioned here, see Qiu (1996), and Zhang Xinglang (2003). The routes were also mentioned by some Arab travellers who came to China during the Tang Dynasty, see for example Sulayman (2006).

⁴² The Abbasid Caliphate was called Heiyi Dashi 黑衣大食 (Arabs in black) in Chinese history; and the Umayyad Caliphate was called the Baiyi Dashi 白衣大食 (Arabs in white).

⁴³ The battle was recorded by both Chinese and Arabic historians. It is called *Daluosi zhizhan* 怛羅斯之戰 in Chinese sources.

⁴⁴ The battle did not destroy the relationship between the Tang and Arab World. There were still plenty of representatives and merchants coming to China by sea. Unexpectedly, it was those Chinese captured in the battle that brought the art of printing to the Arab World, which later spread to Europe. See Needham and Tsien (1985, 296–98); Bai (1936).

⁴⁵ For a general introduction of the *Jing xing ji*, and a modern English translation, see Akin (2000, 77–102).

⁴⁶ The first Muslims coming to China were mostly male, as we can assume from their occupation, such as soldiers and merchants. However, some archaeological evidence also suggests that there might be some females among the early Muslims to China. For detailed discussion, see chapter seven.

⁴⁷ The diplomatic representatives were at the same time merchants; some of them stayed in China, got married and settled in China. In 787 AD, the Tang government did a census on foreign representatives in Chang'an 長安, capital of Tang at that time and known as

here that the Tang government had a relatively open policy towards foreigners. As far as the foreign representatives were concerned, if they were not willing to go back to their home country, they would “be given a position in the government and became officials of the Tang” (*Shouyi zhiwei, gei fenglu wei tangchen*, 授以職位, 給俸祿為唐臣) (Qiu 1996, 15). Their long-term staying and settling in China, working in the government, and getting married to the local Chinese play a decisive role in introducing Arabic, Persian and Islamic cultures to China.⁴⁸ As for the merchants from Arab and Persia, they were named “foreign merchant” (*fanshang/hushang* 蕃商/胡商).⁴⁹ Most of them were doing business in coastal cities, such as Guangzhou 廣州 and Quanzhou 泉州. According to Qiu (1996, 85–88), there were then tens of thousands of Muslims in Guangzhou. Due to the huge amount of Muslim merchants and representatives who settled in China, the Tang government changed the previous open attitude towards foreigners and forbade the marriage between Chinese and foreigners, including the early Muslims. Besides, *fanshang* were also not allowed to live in the Chinese communities any longer (Wang Pu 2017), thus the “foreign block” (*fanfang* 蕃坊) came into existence.

Due to the large number of Muslim merchants in cities such as Guangzhou, Quanzhou, and Xi’an, we can assume that most foreigners living in the *fanfang* were Muslims. This should have been an excellent point for our study on Muslims’ life in Tang China. Unfortunately, we do not know much about what happened in the Muslim communities there. However, the recordings by Sulayman (2006), a Persian Muslim merchant who travelled to China and India, when he visited Guangzhou, China in 851 AD, may give us a general picture of Muslims’ life in *fanfang* during the Tang, and presumably the Song as well, especially how the early Muslims practised the Shari‘a at that time in the socio-historical contexts of the Chinese Tang official law.

Ha Baoyu (2011, 176) in his research on the Shari‘a in China touched upon the issue in question. According to him, Sulayman’s report demonstrated that “in Guangzhou, there is an area for foreign merchants to live in which is separated by a river with the Chinese city. This area is called *fanfang*, led by its leader, *fanzhang* [蕃長]⁵⁰ who is appointed by the Chinese government to deal with the disputes among foreigners.” It tells us that in Guangzhou, which has been an important and prosperous port since the Tang Dynasty, there were so many *fanshang* that, in order to keep them from the Chinese, they were forced to form their own community, *fanfang*, a name that can still be seen in the Muslim communities in China today.

In addition, Sulayman (2006, 7–8) gave us more information:

Canfu⁵¹ is the Port for all the Ships and Goods of the Arabs, who trade in China...there is a Mohammedan appointed Judge over those of his Religion, by the Authority of the Emperor of China; and that he is Judge of all the Mohammedans who resort to these Parts. Upon Festival Days he performs the public Service with the Mohammedans, and pronounces the Sermon or Kotbat, which he concludes, in the usual form, with Prayers for the Soltan of the Moslems. The Merchants of Irak who trade hither, are no way dissatisfied with his Conduct, or his Administration on the Port he is invested with, because his Actions, and the Judgements he gives, are just and equitable, and conformable to the Koran, and according to the Mohammedan Jurisprudence.

We are not sure whether the “Mohammedan appointed Judge... by the Authority of the Emperor of China” was a Chinese or a Muslim foreigner; however, what we can be sure of is that he must be an expert on Islamic

Xi’an 西安 today, and according to *Zizhi tongjian* 資治通鑑 (Comprehensive mirror to aid in government), there were more than 4,000 of them. Also see Qiu (1996, 16).

⁴⁸ Not all Arabs and Persians were Muslims at this time. Most Persians became Muslims, for instance, till the ninth century. Most Persians who came to China during the Tang Dynasty were Manichaeans. See Leslie (1986, 20–32).

⁴⁹ The terms *fanshang* 蕃商, *hushang* 胡商, and *fanke* 蕃客 during the Tang and Song dynasties (618–1279) did not exclusively refer to Muslims from Arab or Persia. In fact, all foreigners from west Asia, south Asia, central Asia, Europe and Africa, were named this way. Though most of them were Muslims, there were also believers in, for example Nestorianism, Zoroastrianism, Buddhism as well as Judaism.

⁵⁰ The term *fanzhang* 蕃長 was first mentioned by the Tang official-scholar Li Zhao 李肇 (1979, 63) during 806–820 AD, referring to the leader of the community (*fanfang*) who is in charge of all foreign merchants in Tang. In addition to *fanzhang*, there are other terms in Chinese sources, including *fanqiu* 蕃酋, *Huijiao panguan* 回教判官, and *Huijiao mushi* 回教牧師. According to Wang Dongping (2004, 30), the original Arabic term used by Sulayman was *Hākim*, meaning a ruler, governor, or judge.

⁵¹ Namely Guangzhou today.

jurisprudence. He is the judge and Imam who works in a mosque. And the mosque then “must be where the Islamic court is” (Bai 1983, 330). The description given by Sulayman is in accordance with the official law of the Tang, which stipulates that “disputes among those *Huawairen*⁵² who share the same customs and have laws of their own, should be resolved with their own laws; while disputes among those who have different customs and laws the Tang official law shall be applied” (Zhangsun 1983). So as the *Huawairen* with the same customs and laws,⁵³ Muslims could resolve the disputes between themselves by their judge in line with the Islamic Sharī‘a law, as Sulayman described. During Tang, and as has been seen in Tang official law, Muslim merchants, diplomatic representatives and soldiers who stayed in Tang China were still foreigners, although we also find some of them staying in Tang China for a relatively long period and becoming, somehow, well-integrated or assimilated into the Chinese society, as we shall see in the case studies on education, for instance. Thus, Muslim *fanke*, as the majority of the *Huawairen*, apply their own Islamic law in civil and criminal cases, for they share the same culture, religion and law which is highly related to their identity as a Muslim. While disputes between Muslim *fanke* and other foreigners or those between them and the Chinese would be solved according to Tang official law. This is the legal life and legal relationship of Muslims living in their own community, the *fanfang*, in the Tang Dynasty.

The first Muslims who came to China during the seventh century were mostly merchants, though as we mentioned above, those diplomatic representatives and soldiers who settled in China also lived on business.⁵⁴ Doing business and making profits were their main purpose and most of them were living a rich life. However, what they brought to China with them were not only goods for trade but also their religion of Islam, its Sharī‘a law, and the unique Islamic way of life. It is interesting to see how, on the one hand, the so-called cosmopolitan Chinese Tang Dynasty welcomed, and later restricted, the early Muslims, alienated and excluded them by categorizing them into the legal subject of the *Huawairen*, and how successful and diligent, on the other hand, the Muslims were to make a good living in a faraway non-Muslim dominated country. They first lived with and married the Chinese,⁵⁵ and later formed communities of their own. It is a pity, based on the historical documents we can find today, that our knowledge of the practice of the Sharī‘a among Muslims in *fanfang* in the Tang Dynasty is still quite limited.

2. Song (960–1279): Muslims as Indigenous Foreign Guests, and the Emergence of the Sharī‘a with “Chinese Taste”

After the Tang collapsed in 907 AD, five states and dozens of small kingdoms were established. This was an era of political upheaval in ancient China, called the Five Dynasties (Wudai 五代 907–960).⁵⁶ After this short period, there were successively several regimes in different parts of what we call China today. This includes the Chinese regime of Northern Song (Beisong 北宋 960–1127), and Southern Song (Nansong 南宋 1127–1276), the Liao 遼 established by Khitan people (916–1125), Jin 金 established by the Jurchen (1115–1234) who conquered the Northern Song in 1127, Xixia 西夏 which was established by the Tangut people in 1038

⁵² *Huawairen* 化外人, roughly translated as those beyond the Chinese teaching, refers to peoples who know nothing or little about Confucianism representing and represented in the Chinese culture, civilization or law (Su 1996, 141–51). It is obvious bias and discrimination to both foreigners and minorities. I will discuss in greater detail on the legal concept of the *Huawairen* as well as the implications and consequences of the early Muslims’ being categorised as such in chapter four.

⁵³ Due to the limited primary sources we have at present, it is still impossible to give a comprehensive description of the general situation of the influences of different Islamic legal schools on the early Muslims in China. However, Ha (2011, 77) pointed out that “an undisputed fact is that the most influential Islamic legal school [within the early Muslims in Tang China] is the Hanafi school.”

⁵⁴ For such cases, see a more detailed discussion in chapter six.

⁵⁵ At the beginning, Muslims were allowed to live with and marry the Chinese. See *Tang huiyao* 唐會要 (Institutional history of the Tang dynasty) (Wang Pu 2017). But later due to the increasing number of Muslims coming to and settled in Tang, the Tang government made some restrictions to the Muslims, which turned out not to be quite successful. See *Zizhi tongjian* (Sima 2009, 779–87) and Qiu (1996, 39–41).

⁵⁶ The Five Dynasties and Ten Kingdoms, (*Wudai Shiguo* 五代十國) refers to Houliang 後梁 that was established in 907 AD, Houtang 後唐, Houjin 後晉, Houhan 後漢, and Houzhou 後周 that was vanquished in 960 AD. During the same period, there were ten small kingdoms, mostly in South China. And the last of the ten kingdoms, Beihan 北漢, was not vanquished until 979 AD.

and was also vanquished by the Mongols in 1227, and the Kara-Khanid Khanate (840–1212).⁵⁷ Two points are important to note here. First, as far as the Song dynasties are concerned, the number of Muslims coming by sea to coastal cities, such as Guangzhou and Quanzhou, increased greatly and more mosques were built. They followed their ancestors, doing business while maintaining their own religious identity, while we also see from the Chinese sources during this period that Muslims played a much more important role, compared with their ancestors, in not only economic and social affairs but also political ones. On the other hand, the Islamization of Kara-Khanid Khanate in 960 AD and the Muslims in the Liao and Xixia dynasties started the gradual spread of Islam and Sufism in the west and northwest parts of China, which formed the important and second-largest Muslim community in today's China, the Turkish-speaking Uyghur Muslims.

As for the Song dynasties, there were several military conflicts between the Song and their western minority regimes, which resulted in the discontinuity of the traditional Silk Road during this period. Maritime trade, instead, became more important to the Song governments and social economy.⁵⁸ The maritime trade in the Song extended much more in scale and quantity than that in the Tang period. And Dashi,⁵⁹ among all other foreign traders, topped the list for trade during Song (Zhou and Sha 2002, 49). Their business covered not only the traditional coastal cities such as Guangzhou and Quanzhou but also Hangzhou, Mingzhou 明州 (known as Ningbo 寧波 today), Xiuzhou 秀州 (known as Jiaxing 嘉興 today), Wenzhou 溫州, Yangzhou 揚州, Zhangzhou 漳州, etc. The Muslims who settled in China during the Tang Dynasty, together with those coming during the Song dynasties were in general still called *fan Shang* or *fanke*, which means that until the Song dynasties, these Muslims were still considered as, at least officially, foreigners, even though some *fanke* had already settled in China for generations.⁶⁰ By doing business, mostly, they made a living in a non-Islamic state. They married Chinese wives, and their descendants, in the Song dynasties, were called *Tusheng fanke* 土生蕃客 (indigenous foreign guest), who took over the family business. The Song governments generally did not regard these *Tusheng fanke* as domestic citizens, but rather treat them as foreigners.⁶¹ However, in the Song dynasties the number of *fanke*, both the indigenous ones who had settled in China for generations and those constantly coming for business by sea, had increased greatly. One evidence of this is that cemeteries from the Song dynasties were found in Guangzhou, Quanzhou, Yangzhou etc. (Li Xinghua 2010a; EBECI 2007, 135, 149, 209, 320).

With the increase of the Muslim population that settled in China since the Tang Dynasty, they established more communities of their own, namely more *fanfang* were seen in the Song dynasties. *Fanfang* in the Song dynasties and its functions remained basically the same as that in the Tang. It functioned as a religious community, as described by Sulayman; conflicts between Muslims would be dealt with by the Muslim community leader, *fan zhang*, who actually was simultaneously an Imam, a judge, and a local government official appointed by the Chinese authority. In addition to their legal life that we will discuss in detail later, in the Song dynasties, another important phenomenon we see is *fanxue* 蕃學.⁶²

⁵⁷ The Kara-Khanid Khanate was a Turkic regime. In Chinese documents it has been called Heihan Wangchao 黑汗王朝, or Xiaoshi 小食. In 960, they declared Islam as their state religion. It is the first Islamic state established by Turkish people in history, and according to some Chinese scholars (Qiu 1996, 33; Zhou and Sha 2002, 54–56), it is also the first Sino-Islamic regime established by Chinese ethnic minority.

⁵⁸ The capital of the Song dynasties is not Chang'an 長安 or Luoyang 洛陽; it is first Kaifeng 開封 and later Hangzhou 杭州 which lies in the northeast of China. So the change of political as well as economic centres of the Chinese state towards the coastal area also required the government to apply more positive policies to encourage maritime trade. In addition, in the Song dynasties the development of techniques and skills in shipbuilding and navigation, such as the invention of compass, also saw the great contribution to the regimes' maritime trade (Huang Chunyan 2003, 61–85).

⁵⁹ As we have explained how this term was used in the Tang Dynasty, in the Song dynasties, it refers to a larger area of the entire Muslim World.

⁶⁰ In Chinese documents, we see terms like *Wushi fanke* 五世蕃客 (Foreign guests of five generations), and here the number "five" only indicates that these *fanke* have already settled in China for several generations.

⁶¹ In the official documents of Song, *Tusheng fanke* were always mentioned as the same with *fanke* in general. See for example, the *Song huiyao* 宋會要 (Institutional history of the Song dynasty).

⁶² The term *fanxue* 蕃學 in the Song dynasties or in Chinese history in general refers to different things. See Sun (2015, 84–85). Here it refers to the education among Muslim *fanke* seen in Guangzhou and Quanzhou. Hence, I translate it into education for the *fanke*. Detailed discussion would be provided in chapter six on Islamic education in China.

The issue of education has always been important for Chinese Muslims so that they may live a better life and get to know more about the people, state and society they live with. In the Song dynasties, the Chinese government paid special attention to education, especially to ethnic minorities and foreigners. In order to adapt to Chinese society and maintain their Muslim identity, Muslims living in *fanfang* were also very enthusiastic about education. In the year around 1107 to 1117, Muslims in Guangzhou and South Quanzhou applied for the establishment of *fanxue* (He 1995). There are mainly two different opinions on *fanxue* in Muslim communities in terms of its contents and purpose. Qiu (1996, 100–06) hold the idea that *fanxue* is the embryo of Islamic education in China. The younger generations were taught knowledge of Islam in the mosques, such as the Arabic language, Quran, Hadith, and the Shari‘a. However, other scholars believe that *fanxue* was actually established for the Muslims to study Chinese culture, mostly Confucianism, which enabled them to attend the national civil servants' examination (*keju kaoshi* 科舉考試).⁶³

Anyway, since the establishment of *fanxue*, we have seen many Muslims taking part in the national civil servants' examination of the Song and became government officials, who must have known Chinese culture and Confucianism. In sum, with the development of maritime trade and the Silk Road trade since the Tang Dynasty, which helped Muslims or the *fanke* gain high economic status, and with the establishment of the *fanxue* which enabled the *fanke* to learn Chinese and the Han culture to integrate into the Chinese society, especially to become government officials, there were several quite important and influential Muslim figures since the Tang Dynasty.⁶⁴ One of the most well-known in the Song dynasties is Pu Shougeng 蒲壽庚 (1245–1284) who, according to Qiu (1996, 70), got an important position in the government in charge of the maritime trade in Quanzhou because of his achievements fighting against the pirate.

Compared with the Tang Dynasty, in the Song dynasties, Muslims had a great increase in both populations as well as social impact.⁶⁵ However, since Islam and the Shari‘a in this period were only practised privately in *fanfang*, the mainstream Chinese society in the Song dynasties still did not know much about Islam and their Muslim neighbours. The increasing interactions between *fanke* and the Chinese society did make some changes in terms of the practices of the Shari‘a both from the Muslims side and from the Chinese government. Islam as well as the Shari‘a in the Song dynasties, as Ha Baoyu (2011, 186) argued, already have some “Chinese taste.”

For example, according to the Hanafi School, Muslims are not allowed to marry non-Muslims. In the Song dynasties, however, it was quite common that the Muslim *fanke* married non-Muslim Chinese, even to the royal family (Ha 2011, 182–85). We see here the changes in the attitude of Muslims towards intermarriage with non-Muslims. It is forbidden by the Shari‘a, but politically and socially speaking, we see, on the one hand, that the social status of Muslim *fanke* had raised, and that, on the other hand, it helped with their trade business and the introduction of Islam and the Shari‘a to Chinese people.

Another example can be seen in the book *Guixin zashi* 癸辛雜識 (Miscellaneous news from Guixin [Street]) written by Zhou Mi 周密 (1232–1298), a scholar of the Southern Song period who used to be a government official. Zhou (1988, 143) told us about the funeral customs of Muslims in Hangzhou:

As for the funeral customs of the Huihui,⁶⁶ there is a specially appointed person to wash the body of the deceased with a big copper pot...after washing the body, silk fabrics would be used to dry the body. Then the body of the deceased would be wrapped with ramie or silk, naked ... All the relatives...would jump up and down crying... Three days after the funeral, when they return to

⁶³ For detailed analysis and examples of Muslims in the Tang and Song dynasties who participated and succeeded in the *keju kaoshi*, see chapter six.

⁶⁴ For example, Li Yansheng 李彥昇, who was an Arab, came to the Tang Dynasty and became *Jinshi* 進士, namely, someone who passed the highest level of the *keju kaoshi*. Besides, there were Muslims like Li Xun 李珣 and his sister Li Shunxuan 李舜絃 in the field of poetry; Mi Fu 米芾 and his son Mi Youren 米友仁 in the field of painting. A more detailed discussion on Li Yansheng, would be given in chapter four.

⁶⁵ One of the evidence is that some of the earliest mosques built in China were seen in the Song dynasties, such as the mosques in Guangzhou, Quanzhou, Hangzhou, Yangzhou, Beijing, and Xi'an (Ma Ping 2006, 29).

⁶⁶ *Huihui* 回回 is the term referring to the Hui Muslims in China today. However, during the Song period, it referred to Muslims in general.

the place where the body was buried, the rich would slaughter a cow or a horse to serve neighbours and paupers... The body would be put into the grave...facing the west.⁶⁷

The abovementioned contents concerning Muslim's funeral customs are generally in consistence with the Hanafi School of law in Islam. However, silk is forbidden for the deceased in Islam. The usage of silk, an article of everyday use, in funerals is a typical local Chinese tradition in Hangzhou that is quite famous for the production of high-quality silk. In addition, howling and wailing, according to Hanafi School, is also not allowed in funerals, but is allowed and even encouraged in Chinese traditions. We can see here that "Muslims did absorb and assimilate some Han Chinese customs and traditions...in Song dynasties Hanafi School has changed essentially in China" (Ha 2011, 183).

These changes we see in the Song dynasties result from both Muslim *fanke*'s subjective desires to adapt to and integrate into the Chinese society that they live in as well as the policy and law of the Song government.

With regard to criminal law, for example, the Song dynasties applied Chinese official law to foreigners, unlike the Tang Dynasty that left the legal issues to foreigners to apply their own laws, especially in *fanfang*. According to Chinese historical documents, Wang Huanzhi 王煥之, who was Mayor of Guangzhou at that time, applied Song official law in a case where a Muslim *fanke* killed his servant, instead of following the "tradition" to send the Muslim to the *fanfang* and let the Muslim leader, the *fanzhang*, give the judgement according to the Shari'a (Tuo 1977, 11,000). Another Chinese official in the Song dynasties, Wang Dayou 汪大猷 (1120–1200), who was Mayor of Quanzhou, held that Chinese official law should be used in any case where a foreigner committed a crime. He said, "It is unacceptable to use barbaric customs or laws (*yisu* 夷俗) in China. Since they are in our territory, our law shall be applied" (Tuo 1977, 12,145). According to the above historical recordings,⁶⁸ Muslims in the Song dynasties were no longer allowed to use their own law, especially in severe and criminal issues.

Muslim *fanke* and the practice of their law, the Shari'a were changed. This, partially and partly, was due to the needs and demands to submit to the laws of the Chinese government, under whose authority Muslim *fanke* had lived for generations. It is also a result of the subjective desires of the Muslims to integrate into and adapt to the society where they made a living and had interactions with their non-Muslim Han Chinese neighbours.

3. Yuan (1271–1368):⁶⁹ Legal Recognition of the Hui-hui Muslims as Subjects of the Chinese Regime, and the Institutionalization of the Qadi Department

Genghis Khan (1162–1227, known as Yuan Taizu in Chinese) established the Great Mongol Empire in 1206, and he, together with his successors Ogodei Khan, and Mōngke Khan, made several invasions and conquests during the thirteenth century, which resulted in the Great Mongol Empire covering much of Asia and Eastern Europe (Saunders 2001; May 2013). During the invasions and conquests, plenty of states were conquered by the Mongols, most of which had already been Islamized. One of the consequences of these conquests was that a large number of Muslims were brought by the Mongols back to China as prisoners of war. Some of them also helped the Mongols with wars against the Chinese and later with the ruling and administration of the Chinese Yuan Dynasty that was established by Kublai in 1271. Thus, Muslims in Yuan China, in general, enjoyed a privilege over the Han Chinese, which helped the development and spread of Islam in China. The Mongol Yuan government, as the first "foreign" regime in Chinese history, had quite different views towards its Muslim population. It appointed Muslims as government officials in all levels of administration, financial management, education, foreign trade, etc. Islam and its culture played an important role at that time in China, and even the language of Muslims, Persian or Arabic, used to be one of the official languages of the regime. As historians

⁶⁷ The original Chinese of this paragraph is "回回之俗，凡死者專有浴尸之人，以大銅瓶... 淨洗，洗訖，然後以帛拭乾，用苧絲、或娟、或布做囊，裸而貯之... 眷屬皆... 蹙躃號泣... 后三日，再至瘞所，富者多殺牛馬以饗其類，並及鄰里與貧丐者... 葬于穴，以尸面朝西..."

⁶⁸ The same cases where Chinese official law began to be applied to Muslim foreigners in *fanfang* could also be found in inheritance issues. See Ha (2011, 185).

⁶⁹ I chose to use the term Yuan, instead of Mongol Empire as most western scholars do, to limit myself in the discussion. I will mainly focus on the period from 1271 when Kublai established the Yuan Dynasty in China, instead of from 1206 when Temujin, also known as Genghis Khan, established the Mongol Empire, to 1368 when Zhu Yuanzhang 朱元璋 (1328–1398) established the Ming Dynasty.

recorded in the succeeding Ming Dynasty, “in the Yuan period, the Hui-hui (from Samarkand) spread over the whole of China. By the Yuan Dynasty, the Muslims had extended to the four corners of the country, all preserving their religion without change” (quoted in Leslie 1986, 79). Under these circumstances, the Sharī‘a, due to the fact that there were huge numbers of Muslims who played various important roles in the politics and economy of the Empire, was largely officially recognized and the Yuan government established for the first time in Chinese history an official institute in charge of Muslim affairs. The Mongols, though they relied much on Muslims in political and economic administration, nevertheless “restricted the activities of the Muslims, particularly their religious practices” (Dillon 1999, 26). The vicissitudes of the Muslims in the Mongol Yuan regime did contribute and lead to the formation of the Muslim ethnic groups and their current distribution in China today. Furthermore, it changed the identification of the Muslims, both those who had already settled in China since the Tang Dynasty and the newcomers during the Yuan, from being the foreign guest to, at least legally, subjects of the Chinese regime.

The Mongol emperor considered himself as “ruler of the World,”⁷⁰ and all those conquered were the subjects of the Empire, though still Muslims were given many privileges. In the Yuan Dynasty, Muslims were called Hui-hui 回回⁷¹ and belonged to the second-highest level of the categories that the Mongols classified their subjects into. Rulers of the Mongol Yuan learnt from the Jurchen Jin regime that classified its subjects into different categories. One vivid example could be the development of Islam and the Muslim communities in Yunnan Province, where the first provincial governor was a Muslim named Sayyid Ajall Omer Shams al-Din (Saidianchi Shansiding 賽典赤·瞻思丁). Both Sayyid Ajall Omer Shams al-Din and his sons held high office in Yunnan and they played a decisive role in the development of Islam in Yunnan, which is reflected in their activities of building mosques and Muslim communities. Omer himself was in office in Yunnan from 1274 to 1279, during which time he initiated the building of the first mosques in Yunnan. According to Bai’s research (1983, 290–98), in the city of Kunming alone there are twelve mosques⁷² built by Omer or his sons. Besides, Omer and his family also took efforts to build Muslim communities in Yunnan.⁷³ Another two important sources showing us the situation of Islam and Muslims in Yunnan during the Yuan Dynasty are Marco Polo’s *The Travels of Marco Polo the Venetian* and the *Jami’ al-tawarikh* (Compendium of chronicles) by Rashid-al-Din Hamadani. In the chapter of “the Great Province of Karaian,”⁷⁴ Marco Polo (2006, 189) recorded that “at the end of these five days you arrive at its capital city, which is named Yachi⁷⁵ and is large and noble. In it are found merchants and artisans, with a mixed population, consisting of (the native) idolaters, Nestorian Christians, and Saracens or Mahometans.” In *Jami’ al-tawarikh* we found similar descriptions, “the tenth province lies in Caratchang,⁷⁶ and formed its own Kingdom. In the great city of Yatchi, the inhabitants are all Muslims” (Rashid,

⁷⁰ For example, Alā’ al-Dīn ‘Atā Malik Juvaini (1958), author of *The History of the World—Conqueror*, named Ogoidei Khan this way.

⁷¹ The usage of the term of Huihui in Chinese history needs further clarification. In the Yuan Dynasty, Huihui was used to refer, but not exclusively, to Muslims from Central Asia, Jews (called *Shuhu* 術忽 in Chinese, the transliteration of the Arabic word *Juhud* for Jews), the Gypsy from Persia and other peoples believing in Christianity which was called *Yelikewen jiao* 也裏可溫教 at that time. See Ma Jianchun (2006, 39–44), Moriyasu Takao (2011, 339–60), and Johnson (2013).

⁷² These mosques are Nancheng Mosque, Jinniujie Mosque, Shuncheng Mosque, Yongning Mosque, and Taoyuan Mosque. Of course, not all the mosques have been preserved, and most of them actually have already been destroyed, including those in Wuhua Mountain, Yukeji Street, one near Yunjin Market and one near Daximen.

⁷³ The majority of the first Muslims coming to Yunnan were soldiers. This special historical situation determines the characteristic of the first Muslim communities built in Yunnan, for these Muslim soldiers were first garrison troops who also worked as peasants when there were no wars, thus the Muslim communities they built were most of the time located at militarily and economically important sites, where normally one or more mosques were also built. This geographical distribution is essential in understanding Hui’s identity and their history, for later in the Ming and Qing dynasties, even till present days, the distribution of the Hui Muslim communities and mosques stayed more or less the same as it was in the Yuan Dynasty. For example, during my fieldwork in Yunnan, I was often told that the local history of the Muslim communities there can be traced back to the Yuan Dynasty, which has also been proved by the records of the local county annals (*Xianzhi* 縣誌) and the genealogical research on the local Hui Muslims (Gao 2000). Generally, the Muslim communities were already well established during Yuan Dynasty: Shadian district in Gejiu City; Dazhuang in Kaiyuan City; Huilong in Jianshui County; Shiping County; Najiyang in Nagu County; Wenshachong and Dabaiyi in Eshan County; Daying and Dongying in Yuxi City; Kunming City; Shaotong, Ludian, Qujin, Luliang, and Dongchuan in northeastern Yunnan; Chuxiong, Guangtong Street, Yuanma Mountain, Dali, Shangxing Village, Weishan and Baoshan City in western Yunnan, etc. written recordings were found indicating the establishment of the Hui communities there in Yuan Dynasty.

⁷⁴ The name of Karaian, according to the footnote by the translator, refers to the province of Yunnan or its north-western part.

⁷⁵ Also spelled as Jacin or Jaci, referring to the city of Kunming today.

⁷⁶ Namely Yunnan.

cited in d’Ohsson 1962, 371). Though the focus of the two works cited here is Kunming city, it still gives us a general picture to estimate how Islam is visible and developed in the Yuan Dynasty in the rest part of the province.

Wherever Muslims settled there was normally a mosque built. The Muslim soldiers coming from different regions of Central Asia and the Western Region (*Xiyu* 西域), in general, spoke different languages and kept diverse ways of life, whereas they reunited by setting up their own communities around the mosques they built in a non-Muslim state to avoid being assimilated and to preserve their identity, with their religion of Islam being the core of their life. During the ninth till the thirteenth centuries, regions like Central Asia and Persia, the regions where the Muslim groups in Yunnan mainly came from, acted as the periphery of the Arabic Empire, where those who had different political or religious views with the Umayyad or Abbasid Caliphate could go for safety and protection, for example, Sufis and Shiah Muslims.⁷⁷ This might be one of the factors in their later life to integrate into the local Chinese and Yunnan society. In general, Muslims in Yunnan, as Muslims in the rest of China in the Yuan Dynasty, followed the teachings of Islam, to recite the Quran, to pray five times a day,⁷⁸ to fast, to go to Mecca for pilgrimage, and donate for zakāt. Culturally, they kept the customs from their Central Asia “hometown.” For example, they used their own languages; they did not have a Chinese name, and they wore their Turkic-styled clothes. It is natural to ask why and how these Muslims could keep their religion, their Islamic way of life in Yuan China, a non-Islamic nation, and in Yunnan, a region with a huge ethnic and religious diversity. The quick answer is they were capable of achieving it. Up until now, no official laws and decrees were found from the Dynasty, however, “in Yuan official documents, all of the migrants from Central Asia to China were classified as *Semu* 色目.”⁷⁹ The more detailed reasons why the Hui-hui Muslims in the Yuan Dynasty were given a higher status over the majority Han could be:

Firstly, Muslims contributed a lot to the invasions and conquests that led to the establishment of the Mongol Empire. There were artisans as well as soldiers among the Muslims conquered by the Mongols, who helped the Mongols in their wars with the Chinese.⁸⁰ After the wars, those Muslim soldiers who made battle achievements were entrusted with important posts that could be and actually were inherited by their descendants. Muslims supported the Mongol regime not only militarily but also financially. Those Muslims who came to and settled in China before the Yuan were mostly successful merchants and they offered strong economic support to the Mongols during and after the wars, such as the well-known Pu Shougeng. Secondly, as we mentioned before, many Muslims, those who settled in China before the Yuan and those who came to China during the Yuan, were successful merchants and were quite good at managing money matters. This was just what the Mongols needed when they established the Great Mongol Empire and were badly in need of Muslims’ financial expertise.⁸¹ As Dillon (1999, 24) pointed out, throughout the Yuan period, “much of the Yuan dynasty’s income from statutory offerings and customs tax depended on Muslim merchants.” Furthermore, the superior status that Muslims enjoyed over the majority Han was for the Mongols to actually make sure that “the Chinese and the Muslims would frequently be at odds” (Dillon 1999, 26).

Muslims were officially registered as subjects of the empire, which gave them legally a Chinese identity. They also enjoyed the second-highest status of the categories of the subjects, which not only enabled them to

⁷⁷ According to Yang Zhijiu’s (1988, 192–97) research, there were already Sufi and Shiah Muslims in Yuan China. For example, the Imams would cite Ali and the Twelve Imams on their Friday sermon, and they attach great importance to maulidan-nabiy, an activity to commemorate the Prophet.

⁷⁸ Another example of the Persian influence is that Chinese Muslims, even today, use the Persian words, Bamdad, Pishin, Digar, Sham, and Khuftain, for their five-times daily prayers instead of the Arabic words, Fajr, Dhuhr, Asr, Maghrib and Isha.

⁷⁹ As Dillon (1999, 21) suggested that *Semu* is “a term which is often translated as coloured eyes or blue eyes to indicate that these were westerners whose eyes were not uniformly dark like those of the Chinese.” However, the term first appeared in the *Tang Code*, meaning item, type or kind. In Yuan, it refers to all different kinds of peoples except the Mongol and the Han (Wang Dongping 2001, 41–45).

⁸⁰ Some of the Muslim troops who came to China with the Mongols were “enlisted in the Mongol forces such as the multi-ethnic Tammaqi Army [*Tanmachi jun* 探馬赤軍], the elite forward unit (sometimes translated as the Loyal Mounted Scouts), which served Khubilai Khan in his campaigns to subjugate China and undertook garrison duties in occupied territories” (Dillon 1999, 21).

⁸¹ For example, the direct reason why Genghis Khan invaded Khwarezm was that the trade caravans he sent out were killed by Khwarezm. Besides, during Kublai’s regime a Muslim called Ahmed (Ahema 阿合馬) was appointed Prime Minister, and the government took several actions to protect the merchants, including Muslim merchants. See Meng (2006, 70–91) and Li Zhankui (2008, 81–87).

participate in the political and economic administration, but also made them an important group that cannot be ignored, neither by the Mongols nor by the Han Chinese. Muslims in the Yuan Dynasty enjoyed a much better position, compared with those coming in the Tang and Song dynasties, and so did Islam and its law.

The Sharīʿa, in the Yuan Dynasty, was called *Huihui fa* 回回法 (law of the Huihui people) in Chinese, and Muslims were variously called Musuluman 木速錄滿, Dashiman 答失蠻/答失曼, or Dashima 大石馬 in Mongol,⁸² and Huihui in Chinese. According to the estimation of some scholars, there were about one million Muslims in Yuan China (Li Zhankui 2008, 86–87; Mi and You 2000, 90–96). In addition, hundreds of mosques were built all over China (Ha 2011, 188). Based on the study of the steles from the Yuan Dynasty and the historical records, we know that in the Yuan period the Sharīʿa was, though not always, fully functioning, and by “fully” I mean both the rules regulating the relationship between God and humans (*ibādāt*), as well as the rules regulating the relationship between humans (*muʿāmalāt*) were practised. However, as we mentioned above, the Mongol conquerors also, now and then, restricted the practice of the Sharīʿa.

Muslims coming to China since the Tang Dynasty observe the duties of the practice of *ibādāt*, namely the practice of the five religious duties: the assertion of one’s faith (*shahāda*), prayers (*ṣalāt*), fasting (*ṣawm*), almsgiving (*zakāt*), and pilgrimage to Mecca (*hajj*), and so were the Muslims in Yuan (Ha 2011, 189–92). However, this was not always easy to maintain, in the time of Yuan Taizu, Genghis Khan had forbidden the “ritual halal slaughter of animals for food in a renowned *yasa*,”⁸³ the Mongol legal pronouncement, and his successors were more or less lenient...and Moslems were forced to eat carrion” (Dillon 1999, 23–26).

As far as the rules of *muʿāmalāt* were concerned, in principle, when it comes to civil legal relationship, which traditionally refers to the issues of family and inheritance, they were considered as the legal sections of the Sharīʿa, or the narrow interpretation of the Sharīʿa (Rohe 2014, 16–18). The Yuan government stated in its laws that different peoples shall “apply their own laws” (*gecong bensu fa* 各從本俗法), which legally acknowledged the validity of the Sharīʿa in dealing with legal issues among Muslims (Wang Dongping 2001, 41–45). For example, as for marriages between people of the same race (*tonglei zixiang hunyin zhe* 同類自相婚姻者) their own laws shall be applied, while marriages between people of different races, the law of the husband shall be applied.⁸⁴ According to Yang’s (1985, 156–62) research on the intermarriage between Huihui Muslims and the Han Chinese, most of the time it was the Muslim man who marries a Han Chinese wife, though there were a few cases where a Muslim woman married a Han husband (Chen Wei 2010, 9–16).⁸⁵ The same also applies to the issue of funeral, namely the Mongols and the Hui-hui shall apply their own laws (Wang Dongping 2001, 41–45).

It is worth noting here that the first official legal institution in charge of the Muslims appeared in the Yuan Dynasty, the Muslim Qadi Department (Huihui Hadi Si/Suo 回回哈的司/所). Due to the socio-political and economic situations that the Mongols were facing, its policy and attitudes towards its Muslim population also changed. This can be reflected in the changing functions and duties of the Muslim Qadi. According to Qiu (2001a, 152–60), the Muslim Qadi Department was established during the regime of Kublai Khan (1260–1294), and it was an institution administrating religious as well as ethnic affairs. Before 1311 when Yuan Renzong 仁宗, Ayurbarwada Buyantu Khan, dismissed the Department, the Muslim Qadi Department had been in charge of the criminal, financial, legal issues as well as household registration and religious affairs among the Hui-hui Muslims, which was quite similar to the *fanzhang* in the Tang and Song dynasties. During that time, the Qadi, whose office, namely the Qadi Department, was in a mosque, applied the Sharīʿa law in both the religious and

⁸² All these Chinese words were the transliteration of the Persian word *Danishmand*, meaning the learned. And in the *Secret History of the Mongols*, written originally in Mongol in the Uyghur script but extant only in a phonetic rendering of the Mongol sounds by Chinese characters, the Chinese word “saertawule” (撒兒塔兀勒), which was the transliteration of the Mongol word *Sartg* or *Sartagtai* were used to refer to Muslims (Qiu 1996, 130–32).

⁸³ *Yasa*, or *Yassa*, *Yasaq*, or *Zasag*, is the oral law code of the Mongols, though it was never made public.

⁸⁴ The contents could be found in the *Dayuan shengzheng guochao dianzhang* 大元聖政國朝典章 (Statutes of the sacredly governed the state of the Great Yuan dynasty), available on the website of Chinese Text Project at <https://ctext.org/library.pl?if=en&res=2376&remap=gb> (accessed on 23 October, 2018).

⁸⁵ The Han husband does not necessarily mean a non-Muslim. According to Islamic marriage law, it is probable that the Han husband has converted to Islam before the marriage.

the socio-economic affairs, just as the Yuan government allowed them to “apply their own laws.” However, from 1311 till 1332 the Qadi was only allowed to act as a religious leader, due to the fact that Muslims, especially those who used to hold a high political position in the government, were involved in the Court battles and did not get supported from the emperor. While with the help of the discovery of new historical records, scholars are able to point out that until the period of the Yuan Shundi 順帝, Toghon Temür, the Hui-hui Qadi Department was already recommissioned (Qiu 2001a, 159; Ma Jianchun 2005, 117). This is in conformity with what the Moroccan traveller Ibn Battuta experienced, who travelled from Tangier to China in the fourteenth century when he visited China in 1346. Ibn Battuta (2012, 207–21) reported that:

The King of China is... one of the descendants of Jengiz Khan... In all the Chinese provinces, there is a town for the Mohammedans, and in this they reside. They also have... mosques... I was visited by the Mohammedan judge, the Sheikh El Islam, and a number of the Mohammedan merchants, who treated me with great respect... nor is there any doubt that there must be, in all the towns of China, Mohammedan merchants who have a Judge and a Sheikh El Islam, to whom their matters are referred... When we approached this city we were met by its judge, the presbyters of Islamism, and the great merchants. The Mohammedans are exceedingly numerous here.

We thus could conclude that during the Yuan period the Shari‘a was recognized by the Mongol government and was practised and applied both privately by individual Muslims, especially the *ibādāt* rules, and officially by the Hui-hui Qadi. However, these practices were influenced by the political situations of the Mongol regime. When it came to the relationship and interaction between Muslims and non-Muslims, the Mongol official law would be applied, as had been the case in the Tang and Song dynasties.

4. Ming (1368–1644): Hanization of the Hui Muslims by the Chinese Authority, and the Hui’s Reconciliatory Countermeasures via Jingtang Education and the Han Kitab

The period of Ming is vital for both the study of Chinese history in general and the study of the history of Islam in China, especially for the Hui Muslims who are the majority of Muslims in China today. Most historians maintain that the Ming Dynasty marks the re-emergence of Han Chinese culture with the Mongol Yuan preceding it and the Manchu Qing following it, the two major regimes established by ethnic minority groups. As for the history of Islam in China, scholars regard it as a crucial turning point, for Muslims who used to be called foreign guest, *fanke*, then “changed from being Muslims in China to Chinese Muslims” (Leslie 1986, 105). Though the term Hui appeared as early as the Song dynasties and was used quite common in the Yuan Dynasty, referring to Muslims (and sometimes also non-Muslims) coming to China from the Western Region (*Xiyu* 西域) with various backgrounds, it is during the Ming period that “it is possible to speak of a group of Muslim Chinese with common bonds who can be called the Hui” (Dillon 1999, 27). The “turning point” can also be demonstrated from other aspects, including the increase of Muslim population, the institutionalization of Islam, the interaction and integration of Islam with/into Chinese culture reflected typically in the emergence of the Scriptural Hall Education (*jingtang jiaoyu* 經堂教育) and the *Huiru* 回儒 (Muslim Confucians) along with the Han Kitab genre. On the other hand, the policy of the Chinese Ming government also contributed to the turning of the Hui Muslims from “Muslims in China” to “Chinese Muslims.” Therefore, it indeed is a crucial period to observe what it meant to be a Chinese, how this was achieved, and what reactions and consequences were/are from the Hui Muslims’ side.

The foreign policy of the founding father of the Ming Dynasty, Zhu Yuanzhang 朱元璋 (1328–1398), was in general peaceful, including his policies towards Xiyu and other Muslim regions. Emperor Zhu was also quite active in establishing diplomatic relationships with other states (Qiu 1999, 330–33). For example, one of the most successful ambassadors sent by the Ming government to Central Asian states was Chen Cheng 陳誠 (1365–1457), who visited, since 1414, seventeen Central Asian states.⁸⁶ During the Ming period, the Chinese

⁸⁶ These states include Dashigan 達失幹 (Tashkent), Sailan 賽藍 (Shymkent in Kazakhstan), Yangyi 養夷 (Jambyl in Kazakhstan), Jieshi 竭石 (Shahrisabz in Uzbekistan), Dielimi 迭裏迷 (Termez in Uzbekistan), Bohuaer 蔔花兒 (Bucharra in Uzbekistan), Andegan 俺的幹 (Andijan in Uzbekistan), Huolazha 火刺剌 (Khujand in Tajikistan), Badaheishang 八答黑商 (Badakhshan in Afghanistan),

communications, both officially and privately, with Islamic states in the Arab world, Turkey and Southeast Asia⁸⁷ were very common and brought a large number of *Xiyu Huihui* 西域回回 (Muslims from the western regions) to Ming China. As Qiu (1996, 352) suggested, “there were Hui-hui from every *Xiyu* state and region that had communications with the Ming Dynasty, coming and settling in China.” According to He’s (1992, 52) research, there were then 150,000 to 160,000 recorded Huihui Muslims settling in China, which, together with those Chinese who converted to Islam via marriage, increased substantially the population of the Hui Muslims. As Dillon (1999, 28) argues, the Huihui “were dispersed around China, mostly in areas where they were greatly outnumbered by the Han population, but they countered this by establishing Hui villages... or in the towns and cities, Hui streets, wherever they settled.” This also echoes the observation of Matteo Ricci (1953, 107), who was one of the founding figures of the Jesuit China missions and visited China during the period of the Wanli Emperor 萬曆 (1573–1620), that Muslims in China

are everywhere... and they have become so numerous that their thousands of families are scattered about in nearly every province and are to be found in nearly every sizable city. In the cities in which they are numerous, they have their children circumcised and in which they recite prayers at stated times and hold other religious functions.

In general, the overall policy and attitude of the Ming government towards Muslims were favourable (Jiang 2010, 75–81). For example, in 1368 when Zhu Yuanzhang came to power, he issued an order to build a mosque in the capital, Jinling 金陵 (known as Nanjing 南京 today), and wrote an encomium (*Zhisheng baizi zan* 至聖百字贊)⁸⁸ for Prophet Mohammed. Besides, there are imperial edicts from Ming Taizu that are still preserved today in mosques in Xi’an, Nanjing, Quanzhou, Fuzhou, and Yangzhou, showing how the Ming government supported Islam and Muslims. It is worth noting here that the Ming government financed the building and rebuilding of many mosques, which is quite rare in Chinese history. Ali Akbar Khata’i (1988, 41–46), the author of the *Khataynameh* (Book of China), who visited China during the Ming period, said that

...at the suburb of Hanbali [the city of Beijing today], the Chinese emperor built a mosque...four mosques were built in Hanbali by the Chinese emperor for Muslims. There are ninety mosques in China, which were built by the government.

Moreover, the Imams who were in charge of those mosques built by the government, according to the rules of the Ming court, were treated as government officials and wearing official uniforms (Ding 1993, 24–29).

There have been several opinions regarding the reasons why Islam was “favoured” by the Ming court. Firstly, it is widely believed that if it were not for the Muslims Zhu Yuanzhang would not have been able to establish the Ming Dynasty.⁸⁹ It is because of those Muslim soldiers and generals with battle achievements that the Ming government supported Muslims and Islam. Secondly, though mainly based on folklore and assumptions, it is believed that Zhu Yuanzhang, his Queen and his descendants were actually Muslims.⁹⁰ For example, Taizu

Anduhuai 俺都淮 (Andkhoy in Afghanistan), Yisifuhan 亦思弗罕 (Isfahan in Iran), Shilasi 失刺思 (Shiraz in Iran), Hulumosu 忽魯謨斯 (Hormuz in Iran), and Taolaisi 討來思 (Tabriz in Iran). See Qiu (1996, 339–42).

⁸⁷ These states and regions include: Baigeda 白葛達 (Baghdad in Iraq), Zufaer 祖法爾 (Dhofar in Oman), Lasa 刺撒 (Mukalla in Yemen), Adan 阿丹 (Aden in Yemen), Modena 默德那 (Medina in Saudi Arabia), Mixier 米昔兒 (Egypt), Tianfang 天方 (Mecca in Saudi Arabia), Lumi 魯迷 (the Ottoman Empire). And the southeast Asian states include: Zhuawaguo 爪哇國 (Java in Indonesia), Boniguo 渤泥國 (Brunei), Manlajiaguo 滿刺加國 (Melaka in Malaysia), Sumendalaguo 蘇門答刺國 (Sumatra in Indonesia), Suluguo 蘇祿國 (Sulu Archipelago in Philippines), and other states in the Indian subcontinent. See Qiu (1996, 340–51) and He (1992, 40–52).

⁸⁸ As for the original Chinese and the English translation of the *Zhisheng baizi zan*, see appendix one.

⁸⁹ Those who helped Zhu Yuanzhang establish the Ming Dynasty were mostly Hui-hui Muslims, such as Chang Yuchun 常遇春, Hu Dahai 胡大海, Mu Ying 沐英, Lan Yu 藍玉, Fengsheng 封勝, and etc. See (Bai 1988, vol. 15 and 16) Besides, Ming Taizu also canonized seven of them as princes (Zhang 1988, 1–44).

⁹⁰ One of the evidence, in addition to the abovementioned fact that Muslims helped him establish the regime and he himself built several mosques and wrote the psalm to praise Prophet Mohammed, for example, is that Zhu Yuanzhang buried his parents in the Muslim way instead of using coffins as the Han Chinese did when he lost his parents at the age of seventeen (Ma 1973). Another scholar, Hajji Yusuf Zhang Zhaoli 張兆理 (1987, 62–78), who claimed to be a descendant of Zhu Yuanzhang pointed out that

once mentioned that the former Mongol rulers were those that his ancestors benefited from when his Premier suggested that the Mongol prisoners be presented to the Ming Royal Ancestral Hall (Zhang Zhaoli 1988, 11). According to Hājjī Zhang Zhaoli (1991, 23), Emperor Zhu Yuanzhang said:

Do you realize that when China was ruled by the Mongols for one hundred years, both our ancestors depended upon their generosity for survival? Why do you want me to persecute them as you suggest? All of you should feel ashamed.⁹¹

In addition, according to Wang Daiyu, one of the Han Kitab authors who lived in the late sixteenth and early seventeenth centuries, Emperor Wuzong 武宗 (1491–1521) of the Ming Dynasty once commented on the religions in China and said,

Confucianism, though it can help learn practical knowledge, lacks spirituality; Buddhism and Daoism, though seem to be good at seeking spiritual knowledge, cannot lead one back to the Original and the Real, thus the Dao of those religions only sticks to their own arguments, and are not as comprehensive as that of the Pure and Real of Islam, which leads us to the knowledge of the Lord, seeks the Original with the right path. This is why it will be followed for thousands of generations and be everlasting.⁹²

According to Ma (1973), Wuzong even gave himself a Muslim name, Miaoji Aolan 妙吉敖蘭, which is the transliteration of the Arabic word Majd Allāh, meaning Glory of Allah.

Interestingly, the assumption that the emperors of the Ming Dynasty are Muslims is also recorded in Ali Akbar's book (1988, 41–45), in which he said,

... all these that the emperor did is to go to the mosque and pray there. He [the emperor] went out of the palanquin, took off his shoes, worshipped the All Mighty Allah in front of the mosque, barefooted.... Seen from what he did, the emperor himself is a Muslim.

Ali Akbar (1988, 45) also pointed out that the reason why such evidence concerning the Muslim identity of the Ming emperors could not be found in Chinese sources was that “the emperor is scared that he may lose his power to the country of China if he makes his religion public due to the law, custom as well as the specific conditions of his country.”⁹³

However, Dillon (1999, 30) was right to have pointed out that “whatever the ethnic origins of Ming Taizu, the Ming Dynasty was an important period for the Hui community whose status gradually changed from outsiders to insiders,” which has also been described by many as a process of acculturation to Han Chinese norms. In 1368, Taizu issued an edict ordering all the *Semu*/Hui-hui to wear Han clothes, adopt Han names and speak the

Zhu Yuanzhang– Ming Taizu– was a descendant of a *Semu* officer in the Mongol Tammachi Garrison force in Anhui... It was the expectation of the Han Chinese that the Hui who had collaborated with the Mongols to build the Yuan dynasty would be persecuted. However, they were instead given religious, political, economic and social freedoms by the Ming emperor. Several hundreds of thousands of them were in the Ming military service and many of their leaders were appointed to high military and civil posts. One more important factor that points to the Islamic identity of the Ming ruler was that Emperor Zhu Yuanzhang's queen, Ma Hou, was a Muslim and that some of their sons and daughters married Muslims. Under this favourable political climate, the Hui minority lived in peace, prosperity and happiness for a period of 276 years. The fact that Ming Taizu was a Muslim was kept a highly guarded secret in Ming history, undiscovered by any Chinese historian or scholar during the last six centuries.

⁹¹ The original Chinese is “元主中國百年，朕與卿等父母皆賴其所養，奈何為此浮薄之言，亟改之。” This could also be found in the *Mingshi* 明史 (History of the Ming).

⁹² The original Chinese is “儒者之學，雖可以開物成務，而不足以窮神知化；佛老之學，似類窮神知化，而不能複命皈真。然諸教之道，皆各執一偏，惟清真認主之教，深原於正理。此所以垂教萬世，與天壤久也。” See Wang (1987, 23). Wang Daiyu's report was reprinted from Chen Dace 陳大策, who recorded it in the fourteenth year of Zhengde, namely, 1519.

⁹³ Zhang Zhaoli who claimed to be the descendant of Zhu Yuanzhang also mentioned in his research that “It was the emperors' policy to protect the Muslims by having them completely Sinosized (sic) and to dilute the hatred of the Han Chinese who had been harshly treated by the Mongols and the Semus... For this reason the Emperor forced Muslims to attend Chinese schools, to speak the Chinese language, to wear Chinese clothes, to adopt Chinese names and to marry Chinese spouses” (Zhang 1987, 62–78).

Han language.⁹⁴ In the same year, he issued another important edict, “providing government employment opportunities for the educated and talented Semu and Mongols” (Zhang Zhaoli 1988, 12), which read: the country should be governed by the wise men ... Any Mongols or Semu who is well-educated and talented should be persuaded to work for the government. Only after four years, another even more strict order was issued, which stated that the *Semu/Hui-hui* were not allowed to marry among themselves but to marry Chinese.⁹⁵ I will provide a detailed analysis of these rules and orders in the following chapters, however, in different times of the Ming Dynasty, the foreign maritime trade which had been prosperous since the Tang Dynasty was banned several times, and it was Taizu Zhu Yuanzhang who started it (Ding 2009).⁹⁶ The connections between Chinese Muslims with the Islamic world via maritime trade was cut off. This largely resulted in the situation when Hu Dengzhou, founding father of the Scriptural Hall Education, was dedicated to Islamic education that Islam in China lacks religious clerics, few students, the meaning and translation of the Quran is not clear and thus no one is able to write and interpret the important religious texts.

Under these circumstances, until the middle and late Ming period Muslims in China, especially the Hui, were no longer able to speak and read their mother tongue, be it Arabic or Persian, and Chinese finally became their native language. Thus, on the one hand, the internalization of their religion, Islam and its teaching, required the Hui Muslims to follow the path of Allah, while the external factors, especially the assimilative policies and laws from the Ming government, on the other hand, required them to behave and live as a “Chinese” or a Han Chinese. The Hui Muslims and those Hui elites, in particular, have always been struggling between these two requirements till present-day China. As far as the Ming Dynasty is concerned, the struggle is represented in the emergence and development of Islamic education to maintain their (religious) identity and the movement of “Interpreting Islam with Confucianism” (*Yiru quanjing* 以儒詮經) so as to find a way of reconciling Islam with Confucian China. In addition, the interactions between Islamic law and Chinese/Han customs could also be seen in areas like marriage and funeral.

According to Qiu (1996, 381), till the Ming Dynasty, the Han language was already widely used among the Hui Muslims and Han language has become the native language of the Hui. While the daily languages spoken by the Hui’s ancestors, such as Arabic, Persian, and Turki, were mostly forgotten and only part of them was preserved for religious purposes. At that time few Hui people were able to read and understand the Quran, together with the abovementioned assimilative policies from the Ming government, Muslims started to find ways to maintain their (religious) identity, and education was the countermeasure.⁹⁷ It is generally regarded that Hu Dengzhou 胡登洲 (1552–1597) is the founding father of Islamic religious education, or Scriptural Hall Education (*jingtang jiaoyu* 經堂教育). Following his initiative, his students and those who followed them became active in reforming and developing Islam via Scriptural Hall Education. Three main schools were formed during this process, namely, the Shaanxi School 陝西派, Shandong School 山東派, and Yunnan School 雲南派. At first, Hu taught students at home and later they moved to the mosque, the form of which then has continued till present-day China. The emergence and evolution of the *jingtang jiaoyu* are crucial in the development and localization of Islam in China. It not only cultivates religious clerics that are essential for providing Islamic religious knowledge and for Chinese Muslims in maintaining their religious identity in the Han-majority China, but is also fundamental for what emerged in late Ming and early Qing periods that see the

⁹⁴ The second month after Zhu Yuanzhang came to power in 1368, he decided to restore the Chinese Tang instructions on dress, and banned the dresses, languages, and surnames of the *hu* 胡 (foreigners), including Muslims as one of the *semu* foreigners. According to vol. 30 of the *Taizu shilu* 太祖實錄 (Veritable records of Taizu), the original Chinese of the edict is, “其辮發椎髻胡服胡語胡姓一切禁止, 斟酌損益, 皆斷自聖心, 於是百有餘年胡俗, 悉復中國之舊矣。”

⁹⁵ Scholars have different interpretations towards Zhu Yuanzhang’s orders. Some regard the orders to be discriminative to Mongols and Muslims and see them as Zhu’s Han Chinese nationalist policy; while others, including Ali Akbar, believe that the rules and orders from Taizu actually helped *Semu/Hui-hui* to establish themselves in a non-Islamic country of China.

⁹⁶ The maritime embargo of the Ming was inherited from the Yuan Dynasty. The first law to ban the maritime trade was issued by the first Ming emperor Zhu Yuanzhang in 1371. Later other edicts were issued and the main contents include the banning of private maritime trade, private exportation, and the purchasing of imported commodities by private agencies. See Yang (2015).

⁹⁷ Islamic religious education was carried out mainly in family since the Tang Dynasty when Islam came to China. Scholars argue that the *fanxue* in the Yuan Dynasty marked the starting of the official or public Islamic religious education in China. We, however, as mentioned above, cannot be sure what the contents of *fanxue* was. Detailed discussion on Islamic education will be provided in chapter six.

localization of Islam in China, represented by the movement of “Translation and Writing of Islamic Religious Literature” (*Hanwen yizhu huodong* 漢文譯著活動), which tries to elaborate the teaching of Islam with/by using, reinterpreting, and improving the ideas and terms of Confucianism, Buddhism, and Daoism.⁹⁸ These attempts that Muslims in the Ming Dynasty made indicate precisely the duality of the Hui identity(ies) and the tensions for them between being a Muslim and a Chinese.⁹⁹

The practices of the Sharī‘a among the Hui Muslims during this period also experienced great changes. The interactions between the Hui Muslims and the Han Chinese society, and partially the integration of the former into the latter, have witnessed the changes in their interpreting and practising the Sharī‘a and the birth of Chinese Islamic law, or the Han Kitab. As we mentioned above, the Ming government required the Hui Muslims to learn and speak Chinese and gave Muslims equal rights to be employed as government officials, which motivated them to learn Chinese, especially the teaching of Confucianism. At the same time, the Scriptural Hall Education founded by Hu Dengzhou cultivated quite a few religious clerics who were qualified Imams, Qadi, and Muftī. Both contributed to the emergence of those Hui Muslims who were experts in both Confucianism as well as Islamic religious knowledge. These experts, or the *Huiru* 回儒, Muslim Confucians, to use the late Japanese scholar Kuwata Rokuro’s (桑田六郎) term, translated many classic Islamic books from Arabic, Persian and Urdu into Chinese and tried to reinterpret Islamic teachings using the ideas and terms from Buddhism, Daoism and Confucianism in particular, which continued till the Qing Dynasty and inspired the birth of one of the Chinese Islamic teaching schools (*Jiaopai* 教派), the Xi Daotang 西道堂.

In addition, the Ming Dynasty sees the transformation of the functions of the Imam or Qadi. In Tang, Song and Yuan dynasties, as we discussed before, the *fanzhang*, and the Qadi Masters (*Hadi dashi* 哈地大師) were allowed to deal with legal disputes among Muslims, however, since the Ming Dynasty, the Imams were allowed to be in charge of religious rituals only, while the Qadi who used to apply the Sharī‘a in disputes among Muslims were officially dismissed. Even such titles as Imam or Qadi were not allowed to use, and instead, they were all called *Laoshifu* 老師傅 (old master). It also marked the transformation and emergence of the management of mosques in modern China. In the Ming Dynasty, the Imams in the mosque (*Zhangjiao* 掌教, the one who is in charge of all the affairs in the mosque) were only allowed to deal with religious affairs. Others, such as administrative and legal affairs were in the charge of the Ming government. It was in the Ming Dynasty that the *San Zhangjiao Zhi* 三掌教制 (the institution of the three supervisors) was established. The three supervisors are the Imam (*Yimamu* 伊瑪目), who leads the daily prayers; the Khatib (*Haituibu* 海推布), who gives the Friday sermon; and Muezzin (*Muanjin* 穆安津), who calls Muslims to prayers.¹⁰⁰ Unlike *fanzhang* in the Tang and Song dynasties as well as the Qadi Master in the Yuan Dynasty who are both leaders of the Muslim community and government officials appointed by the Chinese emperors, the leadership in the Ming Dynasty of the *Zhangjiao* is shared by the abovementioned three religious clerics and they are only allowed to deal with religious affairs and other apolitical issues, such as education. In accordance with the administration

⁹⁸ There are quite a few scholars and Imams, together with their works, to be noted here: for example, Zhang Zhong 張中 and his *Guizhen zongyi* 歸真總義 (General thesis on returning to the Real); Wang Daiyu and his *Qingzhen daxue* 清真大學 (Great learning of the Pure and Real), *Zhengjiao zhenquan* 正教真詮 (True interpretation of the authentic teaching), and *Xizhen zhengda* 希真正答 (Orthodox answers in search for the Real); Wu Zunqi 伍遵契 and his *Guizhen yaodao* 歸真要道 (Essential path to returning to the Real), and *Xiuzhen mengyin* 修真蒙引 (An introduction to the Sharī‘a); Liu Zhi 劉智 and his masterpieces of *Tianfang xingli* 天方性禮 (Nature and principle of Islam), *Tianfang dianli* 天方典禮 (Norms and rites of Islam), and *Tianfang Zhisheng shilu* 天方至聖實錄 (Real records of the greatest prophet of Islam); Ma Zhu 馬注 and his *Qingzhen zhinan* 清真指南 (Guidance to the Pure and Real), Ma Dexin 馬德新 and his *Baoming zhenjing zhijie* 保命真經直解 (A direct explanation of the treasured mandate of the true scripture), *Sidian yaohui* 四典要會 (Essential understanding to the four classics), and *Dahua zonggui* 大化總歸 (A summary of the great transformation). I will touch upon and provide a more detailed analysis on some of these works in the following chapters, though no comprehensive research on them is available in western academia.

⁹⁹ The next chapter and the chapters that follow aim at elaborating on the tensions that the Hui Muslims have experienced in defining themselves as a Chinese and a Muslims represented in practicing the Islamic Sharī‘a law and following the Chinese official law.

¹⁰⁰ Mazhu 馬注 in his *Qingzhen zhinan* 清真指南 (Guidance to Islam), used the terms of *Dazhangjiao* 大掌教 (the primary Imam), *Erzhangjiao* 二掌教 (the second Imam), and *Sanzhangjiao* 三掌教 (the third Imam), referring to the Imam, Khatib, and Muezzin, respectively (Mian 1988, 51–58; 1997, 165–89). The numerical order of the three should not be understood as hierarchical.

institution of the *Lijia* (*Lijia zhidu* 裡甲制度)¹⁰¹ and the local quasi-autonomous setting,¹⁰² the clerics of a mosque were only in charge of the mosque community, the *jamā'a* (*zhemati* 摺麻體), while the jurisdiction of *fanfang* and the Muslim Qadi Department were much larger. However, in addition to religious affairs, due to the nature of the *Sharī'a* that functions as religious, moral, and legal norms, the religious clerics, mainly the Imams, still played an important part in mediating and arbitrating issues concerning marriage, funeral, and civil disputes (Qiu 1996, 538). This situation does not change until the People's Republic of China was established in 1949 when the mosque administration committee was founded and the *San Zhangjiao Zhi* was replaced.

5. Qing (1644–1912): The Hui Muslims' Rebellions against the Qing, Evolution of the Chinese *Sharī'a* Scholarship, and the Spread of Sufi *ṭarīqa*

As the Ming Dynasty ended, Muslims in China experienced the most difficult period of their struggle to survive in China, at the same time, it also witnessed the emergence of the so-called Islamic Renaissance in modern China, which, I would argue, shaped the situation of Islam and Muslims' broader environment in China till the present day. To depict the general picture of Islam and the *Sharī'a* in the Qing Dynasty, I would take as the departure the analyzing of the policies of the Qing government towards Islam, which changed from being tolerant so as to make use of it to legitimize its rule at the beginning of the establishment of the regime towards being crucial to suppress.

As Lipman (2006, 105) concluded in his research that “Qing emperors and officials could not formulate consistent guidelines for relations between Muslims and non-Muslims, nor codify consistent use of state power to control these next-door neighbours who were also Others,” however, through investigations into both official and private historical documents, I would argue that there lies consistency in these contradictory policies and laws from the Qing government. Given the ethnocultural diversity of the Hui, the reality is far more complicated than the “consistency” I argue here when it comes to specific Hui communities, their identities and practices in different regions in Qing China.

Chinese scholars (Li 1981, 8–16) hold the idea that year fourth-six of Qianlong Emperor (1781) sees a dramatic shift of the policies of Qing towards the Hui Muslims. On the establishment of the Qing Dynasty in 1644, the Manchu governors were fairly aware of their ethnic identity as rulers of China, which encountered challenges from mostly the Han Chinese. As for their general principles towards ethnic issues, they used the policy of “stick and carrot,” namely conciliation as well as oppression were simultaneously applied. In its early years, especially during the regime of the first three emperors (1644–1735), the Qing government showed a certain degree of tolerance and even respectfulness towards Islam, for the main task of these emperors then was to stabilize the newly founded regime. As we know from Jin Yong's *金庸* (Louis Cha, 1924–2018) popular novel, such as the *Deer and the Cauldron* (*Luding ji* 鹿鼎記), there were military rebellions almost all over China in the early Qing Dynasty by the Han to fight against the Manchu. The typical slogan of these rebellions was “*Fanqing Fuming* 反清復明,” namely fighting against the Qing to restore the Ming, which again indicates the challenges against the legitimacy of the Manchu Qing by its Han subjects. Interestingly, in 1648, two Hui Muslims, Mi Layin 米喇印 and Ding Guodong 丁國棟 also joined these rebellions to fight for Zhu Shibei 朱識鏞, a member of the royal family of the Ming Dynasty. In July that year, the Muslims led by Mi and Ding

¹⁰¹ In 1381, the “Institution of *Li* and *Jia*” (*Lijia zhidu* 里甲制度) was officially established by the Ming government, which stipulated that every 101 households constituted a *li* 里 in which every ten households constituted a *jia* 甲; the inner part of the city was called *fang* 坊 while the outer part was called *xiang* 廂.

¹⁰² In accordance with the *Lijia zhidu*, the Ming Dynasty, in the form of the *Jiaomin bangwen* 教民榜文 (Instructions to the people), established the “elders in charge of the *lijia*” (*Laoren lijia* 老人裡甲) in dealing with civil and minor criminal cases, including marriage issues. The *Jiaomin bangwen* was a collection of special decrees issued by the Emperor himself, mostly by Taizu Zhu Yuanzhang though, which established the grassroots judicial system, the *Laoren lijia*. It was a system where local disputes within the *li* were solved by the local elders (*laoren* 老人), who, according to the *Jiaomin bangwen*, should be just, well-respected among the people in the *li*, be above fifty years old and of experiences. The judgement of the *Laoren lijia* was binding and recognised by the Ming government. However, we do not know the details of how this system worked in Ming China in general, and in the Muslim communities then in particular. For a comprehensive introduction of the *Jiaomin bangwen*, see Liu and Yang (1994), a general introduction of the *Laoren lijia*, see Han (2000, 137–47).

crossed the Yellow River and occupied Lanzhou 蘭州, Lintao 臨洮, Weiyuan 渭源, Linxia 臨夏, Lintan 臨潭, and Longxi 隴西 districts (Qiu 1996, 555). Their resistance continued for twenty-two months. As for the reasons why the Hui were so active in taking part in these rebellions to fight for the Ming Dynasty, most Chinese scholars say that it is because, unlike the Ming Dynasty whose policy for different ethnic groups are acceptable, or at least tolerable, the Manchu Qing implemented much harsher and more discriminatory policies towards non-Manchu Chinese, including the Hui. However, I think this may as well be related to the assimilation policy of the Ming, which, as most Chinese scholars say, turned the Hui Muslims, to a certain degree, into Chinese Muslims. The direct reason why Mi and Ding took part in the rebellion was the Manchu Qing's order to have their hair cut. And this was seen, according to the teaching of Confucianism, as huge humiliation and unacceptable.¹⁰³ This may indicate that up to the early Qing period the Hui Muslims already shared a lot in common with the Han Chinese, for example, they already took it for granted to adopt a Chinese name.¹⁰⁴

The rebellion did not draw much attention from the Qing emperor at that time. However, there were, for instance in 1694, several reports from the local officials to the emperor, discriminating against the Hui Muslims and their religion. The Han Chinese believed that Muslims “do not respect Heaven and Earth... they aid the evil and harm the people,” so they asked the emperor to “force them [Muslims] from their [perverse] teaching and destroy their mosques” (Lipman 2006, 88). However, facing requests like this, the first three emperors of the Qing did not take any of these suggestions, instead, the government officials were blamed orally or asked to resign. Emperor Yongzheng 雍正 (1678–1735), for instance, told his Grand Secretariat in 1729 that, “The local officials should not discriminate the Hui [Muslims] but to treat them equally the way other people are treated.”¹⁰⁵

Behind the attitude of tolerance among the first three emperors towards the Hui Muslims and Islam lies the intention of the emperors to legitimize their rule over the non-Manchu majority Chinese. Their real motivation is to stabilize the regime. That is why later in the Qianlong 乾隆 (1711–1799) period when the regime of the Manchu Qing is well established, their policies and the official edict changed. Islam and the Hui communities in this period did develop, especially in terms of the abovementioned Islamic Renaissance in China. This includes, on the one hand, the production of the introductory works on the Shari‘a and other theological topics by the Hui Muslims themselves in the Chinese language, and the revival of Islamic education, on the other hand, which I would discuss in detail in next chapters.

The rule of Emperor Qianlong is based on the contributions of his father and his grandfather whose ethnic policies, including policies towards the Hui Muslims, are considered to be of justice, relatively speaking. Unfortunately, this wisdom of the “lesson from the past” was not learned or passed down to Qianlong and his descendants. Unlike his father and grandfather who refused to take the suggestions of the local officials to suppress the Hui Muslims, Qianlong publicly approved those kinds of similar suggestions from the local Han officials and even made it the official law and abandoned the principle to “treat the Hui the same way as others

¹⁰³ Yang Rubao (1998, 67–79, 129–72 211–52) has pointed out that the ideas about the body in ancient China come mainly from two sources, namely the *Yijing* 易經 (Book of changes) and traditional Chinese medicine. Broadly speaking, the former is most comprehensively inherited and developed by Confucianism, while the latter has been largely influenced by Daoism, as represented, for example, in the *Huangdi neijing* 黃帝內經 (The inner canon of the Yellow Emperor). In the Confucian tradition, hair plays a crucial role in one's sociopolitical life. For ordinary Chinese, hair was believed to be connected to one's life, and that it was able to affect one's state of mind and physical health, even when cut off. This idea might have something to do with the influence of Daoism on Chinese medicine, where hair was believed to be the remaining of blood and thus it had the same function with blood. So hair is seen as the essence of human, just as blood is, and is connected with life, sometimes even with fecundity. Wakeman (1985, 646–50) has pointed out when the Manchu were going to establish the Qing Dynasty, they ordered the Chinese to cut their hair, which encountered great resistance, for the common Chinese people believed that if they cut their hair, then they would lose their wives due to the reduction or loss of fecundity resulted from haircutting.

¹⁰⁴ For example, one of the leaders' name, Ding Guodong, showed this explicitly. In Chinese, *Guo* 國 means state or Kingdom, and *Dong* 棟 means a pillar. The phrase *Guodong* 國棟 therefore means pillars of the Kingdom. Obviously, for Ding, the state or Kingdom here refers to the Chinese Ming Dynasty, instead of the Manchu Qing.

¹⁰⁵ The original Chinese is “要在地方官吏不以回民異視，而以治眾者治回民。” See vol. 94 of the *Veritable Records of Emperor Yongzheng* (*Qing Shizong shilu* 清世宗實錄).

are treated.” According to Lipman’s (2006, 90) research, in 1750, Doubin 豆斌, the provincial commander-in-chief in Guangxi 廣西, secretly wrote to Qianlong concerning the issue of promoting Ha Panlong 哈攀龍, a Hui Muslim, as military commander in Guyuan 固原, Gansu Province. Dou reported:

This sort of people [Sino-Muslims] put violence before everything and have no loyalty to the state. The rich among them make trouble and the poor go in for thieving. They are basically different from ordinary folk. Now Ha P’an-lung [Ha Panlong] . . . too is a *huizi*. Granted that he is not lax in discipline, but what if he shows religious sympathies?¹⁰⁶

Receiving the memorial, Qianlong answered in an affirmative manner: “This memorial is highly commendable. Noted.” The situation became worse in 1762 when he was once again reported by another official who suggested that the Hui Muslims were brutal, thus special legislation concerning the Hui Muslims’ crimes should be made. The suggestion later became an official law by the Ministry of Punishments (Xingbu 刑部), stipulating that “the Hui [Muslims] who committed theft in a group of over three people...regardless of the amount, times and their role, being a principal or an accessory, shall be banished to Yunnan, Guizhou, or Guangdong and Guangxi.”¹⁰⁷ This official legislation is crucial to Qing law, afterwards “Muslim criminals should be treated more harshly than Chinese criminals because they are Muslims, a perception that would haunt Qing legal opinion for the remainder of the dynasty” (Lipman, 2006, 91).

In the following chapters, I shall give a more thorough analysis of these official laws of the Qing court and the socio-political situations in which these laws were created. These Qing laws mark the turning point of the situation of the Hui Muslims in Manchu Qing, particularly since the year 1781, late in Qianlong’s regime.

In 1761, Sheikh Wiqāyatullāh Ma Mingxin 馬明心 who had studied Naqshbandi Sufi order in Yemen¹⁰⁸ came to Xunhua and established his teaching school of Jahriyya.¹⁰⁹ This alerted another local Sufi master Ma Laichi 馬來遲, Sheikh of Khūfiyya, for many of his followers turned to the so-called *Xinjiao* 新教 (new teaching) of Jahriyya. This led to several disputes and conflicts between the two Sufi teaching schools. In 1773 two Muslims of Khūfiyya were killed on their way to report to the local Qing government officials that the *Xinjiao* Jahriyya Muslims “forced” their followers to convert to the teaching school of Jahriyya. Since then conflicts between the two continued for the following twenty years or so. The Qing government, in this regard, took the policy of “*yihui zhihui* 以回制回”, namely, to suppress the Hui [of Jahriyya] with the Hui [of Khūfiyya], which made the Jahriyya Muslims not only suffered a lot but also be determined to fight against the Qing government instead of the other competitive Sufi teaching school. The Hui Muslim rebellions led by Su Sishisan 蘇四十三 broke out in 1781 in Xunhua 循化, today’s Qinghai 青海.¹¹⁰ It lasted for four months, with tens of thousands of Muslims killed, including Sheikh Ma Mingxin, his disciples, and the leader of the rebellion, Su Sishisan.¹¹¹

¹⁰⁶ The original Chinese is 此種人惟恃強梁，不講忠義，富則多事，窮則為竊，其性原與人殊。今哈攀龍又系回子，從不瞻循，其如教親何？ The translation here is from Lipman (2006, 90). The original Chinese is from the *Veritable Records of Emperor Qianlong* (*Qing Gaozong shilu* 清高宗實錄).

¹⁰⁷ The original Chinese of the law reads that, 回民行竊，結夥三人以上……不分首從，不及隣數，次數，改發雲貴兩廣極邊煙瘴充軍。 See Zhu (2004, 12). For detailed analysis, see chapter five.

¹⁰⁸ In 1782 Ma Mingxin went to Mecca with his uncle and on his way to pilgrimage he visited different Sufi masters and studied with them. Different sources indicate different places where he studied. For example, Jin Jitang (1971, 120) argued that he studied in Bukhara; in Qing documents it was in Yarkand and Kashgar that he obtained his Sufi knowledge. However, most scholars agree that he studied Naqshbandi order in Yemen (Yang 1981, 57).

¹⁰⁹ The introduction of Sufi teaching schools into the Hui communities is important to the development of Islam in modern China. I shall discuss it in detail in the chapters concerning case studies, particularly on hajj in chapter seven.

¹¹⁰ The detailed description of the rebellion see (Qiu 1996, 557–63; Yang 1981, 47–107).

¹¹¹ The topic of Jahriyya Muslims’ rebellions against the Qing government is still a sensitive one in China today, and only few academic research was conducted. Thanks to the recordings from the Jahriyya Muslims themselves, we mainly get the internal ideas of their history from the book, *al-Kitab al-Jahri* by Ma Xuezhì 馬學智 (1850–1923), with a Chinese title of *Zhehanye daotong shizhuan* 哲罕耶道統史傳 (History of Jahriyya orthodoxy) originally written in Arabic and later translated into Chinese by Ma Zhongjie 馬忠傑, Wang Youhua 王有華 and Su Dunli 蘇敦禮 as internal material (*Neibu ziliao* 內部資料), and the book *Xinling shi* 心靈史 (History of the soul) written by Zhang Chengzhi 張承志, a Chinese Muslim author and probably the most influential Muslim writer in China today.

The Qing government made use of the disputes and conflicts between the two Sufi teaching schools and crucially suppressed the rebels. What is worse is the way they “rehabilitate” the Muslim communities after the rebellions. According to Li (1981, 10–11), most of the male Muslims who followed Jahriyya with Ma Mingxin were killed with their female family members being banished to Yili 伊犁 (in today’s Xinjiang Uyghur Autonomous Region) as slaves or servants, and children being banished to Yunnan. Their houses were destroyed and farming lands were redistributed to Khūfiyya Muslims who fought together with the Qing soldiers against Jahriyya Muslims.

Jahriyya was deemed as heresy (*xiejiao* 邪教). Its mosques were destroyed, and religious clergy were not allowed to be named as Imam, *Ahong* 阿訇, or Master. What’s more, the institute of *Xiangyue* 鄉約 was set up in all Hui communities. *Xiangyue* was originally a kind of autonomous or semi-autonomous system, however, it was officially implemented among the Hui communities, where the Hui were set into groups with a leader, normally an old man deemed as decent and loyal, in charge of the community members to ensure that everyone obeyed the state law and no one practised Jahriyya any longer.

Seemingly, these actions targeted the Jahriyya Muslims, however, they had essential impacts on Muslim communities all over. The Hui Muslims were demonized and stigmatized. The Islamic Renaissance in the early Qing period was gone. Not only tens of thousands of Muslims were killed or imprisoned, but even the books they wrote were also questioned. This could be testified by the case of Hai Furun 海富潤 that happened one year after the suppression of the rebellion.

Hai Furun was a Hui Muslim in Sanya 三亞, Hainan 海南 Province. During the years 1774 till 1781, he studied Islam at different places in China. At that time, there were thousands of poor Hui Muslim students like him who lived mainly on the donation of the Muslim communities where they studied. On his way to Hankou 漢口, Wuhan 武漢 Province, he was ill, with most of his hair fallen. Later, this brought him big trouble. When he arrived in Guilin 桂林, the local government security guards arrested him, for his appearance looked suspicious and they could not tell if he was a monk or not, as he did not have much hair left. During the interrogation, the provincial court of Guizhou 貴州 Province found several Islamic writings which were either transcribed by Hai himself as textbooks when he studied or books given to him as gifts by the Muslims he met during his study journey. The government official of Guizhou Province, Zhuchun 朱椿, held that these books spoke highly of Mohammed, King of the Western Region, and were full of presumptuous words.

Hai Furun was accused of treason and a supporter of the Hui rebellion supposed a year before. Consequently, they searched Hai’s house and confiscated his property. Furthermore, those Hui Muslims who gave the books to Hai as gifts were arrested as well. The local officials even wanted to arrest the authors of these books, such as Liu Zhi, only to find that the authors were already dead.¹¹² Instead, they arrested the descendants of the authors and those who managed the publication of these books or contributed a preface to the books, some of whom were already in their eighties. Several provinces were involved in this case.¹¹³

When the case was brought to Emperor Qianlong, he unexpectedly blamed the local officials and let them release all those arrested. This of course does not mean that Qianlong showed respect to Muslims or Islam. In his reply to his officials, he said,

The words in these books that Zhuchun reported were mostly vulgar rather than arrogant or provocative. Such Hui [Muslims] are stupid and ignorant, just let them live with their religion. It would be tiring if every case like this is brought to me.¹¹⁴

¹¹² Among them, the most well-known authors involved in this case were: Liu Zhi, Jin Tianzhu 金天柱, Yuan Guozuo 袁國祚, Yuan Guoyu 袁國裕, Liu Zuyi 劉祖義 (grandson of Liu Zhi), Gai Shaoxian 改紹賢, and etc.

¹¹³ A detailed recording of this case, see Li (1981, 12–14), and Na (2000, 25–28).

¹¹⁴ The original Chinese is “朱椿現在簽出書內字句，大約鄙俚者多，不得竟指為狂悖，此等回民，愚蠢無知，各奉其教，若必總繩以國法，將不勝其擾。” The text is recorded in *Qingdai wenxian dangji* 清代文字獄檔輯 (Archives collection of the literary inquisition of the Qing dynasty), available on the website of Chinese Text Project at <https://ctext.org/wiki.pl?if=en&chapter=212662&remap=gb> (accessed on the 8th of August, 2018).

Violent events as such continued until the end of the Manchu Qing Dynasty.¹¹⁵

To summarize, the Qing Dynasty witnesses the rebellions of the Hui Muslims in its most furious and sanguinary way throughout Chinese history. The rebellions of the Hui Muslims towards Manchu Qing started with the establishment of the Manchu regime and did not stop until its downfall in the early twentieth century. The reasons for these actions from the Muslim's side vary, the discriminative policies from the Qing government, however, are the most important and decisive ones, which has been demonstrated by both Chinese and Western scholars. Bai Shouyi (1983, 28) argued that "the Qing government treated the Hui Muslims from being discriminative to being oppressive, with several articles in the *Qing Code* that gave heavier punishments to the Hui compared with the Han, for example." Authors (Liu and Smith 2006, 212) of the *Cambridge History of China* also noted that "beginning in 1762, however, severe discriminatory laws against them [Hui Muslims] were decreed by the throne. Theft and robbery committed by Muslims in Shensi and Kansu were, for example, punishable by exile to Yunnan and Kweichow... much heavier penalties than that of light flogging dealt out to other Chinese in comparable cases."

It was in this situation that Islamic law developed in the Qing Dynasty. Several aspects are worth studying. I, however, will focus on the Chinese writing and translation of Islamic religious/legal works by Muslim scholars during this period, and deal with the issue of Sufi orders and Islamic education in the chapters on case studies.

As we have argued before, the Hui Muslims were well Sinicized due to the laws aiming at assimilation by the Ming Dynasty, thus up till the Qing Dynasty, the Hui Muslims were already unable to speak their own languages, normally Arabic and Persian. There were fewer and fewer Hui Muslims who could read the original scriptures and understand its meaning, which caused serious crisis, as Muslims in the Qing described that "our religion [Islam] is in the far east of China, where there is the lack of scripture and scholars. There is no way we can interpret and promote it, for no clear translations are available."¹¹⁶ The lack of knowledge on Islam, especially on the Sharī'a, which was likely to lead to the anomie among Hui communities then, is the prior motivation that urged the Hui scholars to translate and write Islamic works.

Broadly speaking, the term Sharī'a "stands for Islamic normativity in the field of ritual, morality, and law... For Muslims, the Sharī'a is morality, law, etiquette, and religion in one" (Rudolph and Peri 2004, 1). In this regard, the Hui Muslims in China are no exception. Moreover, for them, another issue should be dealt with first, namely, how to reconcile the relationship between traditional Chinese laws or code of conduct, which represent the supreme authority of the Chinese emperors, and the Sharī'a, the guide from God, the One and Only. This is the question those Hui Muslim scholars and authors had to answer in their works.

The British missionary I. Mason has collected the documents concerning the writings on Islam and Muslims by the Hui Muslims themselves, and he has listed 318 documents in his book *Notes on Chinese Mohammedan Literature*, most of which were written in Chinese. According to Bai (1983, 39), the contents of the works by these Muslim scholars were mainly focused on *tawhīd*, the philosophical elaboration on the oneness of Allah, and *fiqh*, an indiscriminate and interchangeable word for the Sharī'a. In Islamic jurisprudence, the rules on 'ibādāt, regulating worship and religious rituals, and the rules on *mu'amalat*, regulating social conduct, are separated. Officially, the Hui Muslims, unlike the Turkic-speaking Uygur Muslims in Xinjiang,¹¹⁷ were only able to follow the Sharī'a in the field of 'ibādāt in their private life, as the Qing government intended to separate their religious life from the political. Practically, due to the existence of the institution of *Xiangyue*, as I mentioned before, we could assume that some minor disputes were handled by the local authority, probably according to their own shared religious regulations, but we are lack of evidence to see if and how the Sharī'a got engaged.

¹¹⁵ The detailed description of Hui Muslims rebellion during Qing Dynasty, see Bai (1952), and Chu (1964). The rebellion in Yunnan led by Du Wenxiu shall be discussed in the following chapter, about the rebellion, see Atwill (2005).

¹¹⁶ The original Chinese is "吾教之流於中國者，遠處東極，經文匱乏，學人寥落，既傳譯之不明，復闡揚之無自。" This is cited from "Inscription for the building of the tomb for Sheikh Hu" (建修胡太師祖佳城記) transcribed by Feng (1981, 25). I will deal with it in detail in chapter six, and a full translation and original Chinese of the document could be found in appendix four.

¹¹⁷ The Qing government applied different policies in Xinjiang. The religious leaders there were allowed to keep their authority in adjudicating civil and criminal cases. See (Wang 1998).

Before we discuss the rules and works in detail, it is necessary to say something about the translation of the term *Sharī'a*. Prior to the Qing Dynasty, the term *Sharī'a* had not been recorded in Chinese documents, but the terms like *Dashi fa* 大食法 (law of Arabs), or *Huihui fa* 回回法 (law of Muslims) in Chinese had been used, with no distinction between Islam as a religion and its law. Almost all the Hui Muslim authors, however, in the late Ming and Qing dynasties discussed the term of *Sharī'a*, and they either used a new Chinese term, borrowed from Confucianism or Buddhism, or made the transliteration. Wang Daiyu, for example, made the distinction between Islam as a religion, the *Sharī'a*, and the Chinese Ming official law. He used “*qingzhen*¹¹⁸ *zhengjiao* 清真正教” (the authentic teaching of the Pure and Real) for the religion of Islam, and “*shi fa*¹¹⁹ 世法” (worldly law) for the Chinese state law, while when it comes to the *Sharī'a*, he further distinguished between the norms from the Quran and those from the Sunna. For the Quranic legislation, he interchangeably used “*mingming* 明命” (explicit orders), “*jiaolü* 教律” (religious laws), and “*jinglü* 經律” (scriptural laws), by which he explained, “the rules of *mingming* came to our Prophet, with 6,660 chapters/verses as the whole of the *tianjing* 天經 [heavenly scripture, namely the Quran].”¹²⁰ As for rules from the Sunna, Wang used the term of “*shengze* 聖則” (prophetic rules), explaining that “*shengze* are the words and deeds of the Prophet,” which “include *shengxiu* 聖修, the deeds of the Prophet himself, and *shengfa* 聖法, the orders from the Prophet.” Since Liu Zhi the term “*lifa* 禮法” (ritual law), a term borrowed from Confucianism, has been used to translate the *Sharī'a*. In the bibliography of the *Tianfang dianli* 天方典禮 (Norms and rites of Islam), we can see that most of the books on Islamic law that Liu Zhi cited were translated as *lifa* in Chinese.¹²¹ Translating the *Sharī'a* with the Chinese term of *lifa* is not a random decision of these authors, it rather reflects the characteristic of the *Sharī'a* that does not have a strict distinction between morality, law, etiquette, and religion.

Besides, some scholars just used the transliteration of the term. Liu Zhi, for example, in some occasions used “*Shelier* 捨禮二” in the *Tianfang dianli* and *Tianfang zhisheng shilu* 天方至聖實錄 (Real records of the greatest prophet of Islam),¹²² and Wu Zunqi 伍遵契 used “*Shelierte* 設理而忒” in his translated works *Guizhen yaodao* 歸真要道 (Essential path to returning to the Real) for the term *Sharī'a*.

One of the strategies these Muslim scholars used to have their works accepted by their fellow Muslim sisters and brothers as well as the non-Muslim Chinese is to use the terms from Confucianism and/or Buddhism, as has shown above in the case of the translation of the term *Sharī'a*. These scholars believed, or at least appeared to convince their audience, that the teachings of Islam are the same as those of Confucianism. According to Liu Zhi (1988, 20), for instance, the Islamic teaching

though is recorded in the book from *Tianfang*, however, it is of no difference from the teachings of Confucianism; following the *Sharī'a* is indeed following the teachings of the previous saints and kings, for the teachings of all the prophets are the same, be it from the west or the east, from ancient times or present days.¹²³

¹¹⁸ The term of *qingzhen* 清真 is widely used by the Hui Muslim communities today in China. It normally means *halal*, as in *qingzhen* restaurants referring to restaurants serving *halal* food. While originally, it was used for Islam or being Islamic. Literally, *qing* 清 means pure and peaceful, and *zhen* 真 means of authenticity and truth, which indicates that the Hui Muslims believed the nature of Islam as a true and peaceful religion. See (Gladney 1987a, 1991). Used in the works of the authors here, it means the religion of Islam.

¹¹⁹ This and the following Chinese terms used in this paragraph were cited from the work of *Zhengjiao zhenquan* 正教真詮 (Authentic interpretation of Islam) by Wang Daiyu. See Wang Daiyu (1999, 5, 22–26).

¹²⁰ The original Chinese of Wang Daiyu's (1999, 94) argument is “吾聖之時，降傳明命，六千六百六十章，始成天經全部。”

¹²¹ As for the Arabic and Persian books used by Liu Zhi, See distinguished work by Leslie and Wassel (1982, 78–104), and a list I summarized, see appendix two.

¹²² See in particular volume 15 of the *Tianfang zhisheng shilu*.

¹²³ The original Chinese is from Liu Zhi's *Tianfang dianli*, in which it reads “雖載在天方之書，而不異乎儒者之典，遵習天方之禮，即猶先聖先王之教也。聖人之教，東西同，古今一。”

Hence, it is no surprise to see in the section on marriage in the *Tianfang dianli* that the author Liu Zhi used the traditional terms in Confucianism¹²⁴ to discuss the Islamic rules on marriage.

As Wang (2002, 49–58) argued, the possibilities of the existence and development of Islamic law in China lies partially in the complementarity between traditional Chinese laws and the Shari‘a, for the former has a well-developed criminal law and underdeveloped civil law system while the latter, the Shari‘a, has its strength particularly in private issues, such as marriage, inheritance, commercial field, etc. However, this does not mean that the two legal systems do not have potential conflicts. Unfortunately, the way the Han Kitab authors dealt with this reality of conflicting norms between the Shari‘a and the Qing law was to just ignore them. Take Liu Zhi as an example, when he wrote his Shari‘a work, *Tianfang dianli*, he did not mention anything about penal law, tax law, or treason, in comparison with the source he used, *Sarh al-wiqaya*, one of the most popular and authoritative books on the Shari‘a/fiqh in China today. Given the Muslim policies and the social-political conditions of the Qing Dynasty, it is understandable and indeed a safe way for these authors to have left aside those Islamic rules concerning, for example, criminal cases, or jihad, which are likely to be controversial with the Qing law. On the one hand, they claim that there is no inherent conflict between the Shari‘a and Chinese law, however, they deliberately avoid those sensitive topics which were in reality in conflict with the Qing official law. They believe that it is a rule in Islam to obey the authority, as Ma Fuchu 馬復初 (namely Ma Dexin 馬德新), a leading Hui scholar in Yunnan in late Qing, once said,

...there are only few Hui Muslims in China, [compared with the Han,] if we fight against them, we, in the end, are to fail. It is law and morality that we could rely on... If we respect morality and follow the state law, while others [the Han Chinese] do not respect morality or break the law, who bully and humiliate us, or abuse us, we still could turn to the state law for help. But if we ourselves break the law first, what else then is left to protect us?¹²⁵

On the other hand, as far as the field of *‘ibādāt* is concerned, where the Hui Muslim scholars seemed to have more freedom, they developed the unique system of Shari‘a in China. From Liu Zhi’s work and the sources he used, for instance, we can see that up to the Qing Dynasty, Hui Muslim scholars have translated and in practice used many books, at least some of the most prominent ones, mainly from the Hanafi School. However, they did not follow the Hanafi School strictly, at least the impacts of other legal schools, especially from Sufism and the influence from Chinese cultures/Confucianism were also obvious.

The emergence of different teaching schools (*jiaopai* 教派) in Islam in China comes about during the Qing Dynasty, due to the fact that the Hui Muslims were once again able to travel and establish certain connections with the Muslim world, via Hajj for example. The oldest teaching school is Qadim (Gedimu 格底目) which exists since Islam came to China in the Tang Dynasty (Ma 2000, 88–89). Qadim is an Arabic term meaning ancient, however, as a teaching school it only exists in China and they claim to be the followers of Imam Ab-Hanifa. They have their own mosques, among which no hierarchical administrative subordination relations exist. Each mosque was in the charge of the Imam who led the daily prayers and organized madrasa education, with the assistance of the Khatib and Muezzin. With the spread of Sufism during the Qing Dynasty, we see a mixture of Hanafi jurisprudence with Chinese/Han cultures in the practice of Qadim followers. For example, they put on white clothes and held a memorial ceremony for the deceased every seven days, as the Han Chinese did. Besides, Qadim also recognize both male and female saints and they see Fatima, daughter of the Prophet, as a saint, while the Hanafi School hold that there is no saint/prophet following Prophet Mohammed (Ha 2002, 100). In a word, the historically unified Qadim, which did not encounter major challenges since Tang, has been transformed into one of “the teaching schools that localized and had more Chinese characteristics” (Li 1998, 653).

¹²⁴ The terms he adopted were, for example, *wenming* 問名, *nading* 納定, *napin* 納聘, *qingqi* 請期, and etc. I shall discuss these terms in detail in chapter eight on marriage law.

¹²⁵ This is recorded in the *Poxi shilue* 婆兮事略 (An account of the Poxi incident), which has been collected by Bai Shouyi (1952, 354). The original Chinese is “我們回教在中國內很少，若與漢教爭鬥，終要失敗的。我們所賴以存在的，就是道德與法律... 若我們重道德，守法律，人不重道德，不守法律，欺辱我，侵害我，我還可以訴法律。若果我們違犯法律，還有甚麼保護我？”

As we have mentioned above, with the development of the Han Kitab tradition since the late Ming Dynasty, there were already a huge amount of works translated or written by these Muslim scholars. Ma Qixi 馬啓西, founding father of the Chinese Islamic teaching school, Xidaotang 西道堂, used the Han Kitab works, especially the *Tianfang zhisheng shilu*, as their theological basis for Islam. Ma Qixi learned Islamic knowledge and Chinese traditional cultures when he was young¹²⁶ and he himself as a Sufi follower founded his own teaching school in 1904. This Islamic school is the only one in Chinese history that claimed to use the Han Kitab texts as their chief source for the Sharī‘a (Ha 2002, 100–01), thus as for their practice of the Sharī‘a, it is a typical mixture of both the Islamic and the Chinese cultures. As they stated in their “General Regulations of the Xidaotang” (*Jianze* 簡則), “we apply the doctrine of Jielian [namely Liu Zhi], according to the teaching of Islam and all the orthodox doctrines, to advocate Islam to our coreligionists and non-Muslims in China with Chinese cultures.”¹²⁷

There are different reasons why Islam and the Sharī‘a developed in a unique way in Chinese history, especially during the Qing Dynasty, which sees the variation of Hanafi jurisprudence in a Chinese context. However, it is without doubt that the spread of Sufism did contribute to this process. There are four main Sufi orders (*ṭarīqa* in Arabic, *menhuan* 門宦 in Chinese) in China: Khūfiyya, Gadriyya, Jahriyya, and Kubriyya (Ma 2000, 152–336). The Sufi orders, like other Islamic teaching schools in China, are also a mixture of Sufism, the Hanafi jurisprudence, and Chinese traditions and cultures, and it is an “extended *jiaofang*”¹²⁸ (Mou and Zhang 2000, 929). The most distinguishing feature of the practice of these Sufi orders is that within the *ṭarīqa* there is always a guide/leader, a *murshid*, who holds the secret path to approach God by performing special and mystical rituals, for example, each *ṭarīqa* has its own way to perform the *dhikr*. Thus, in addition to, and even instead of, performing the obligatory rituals, the five-times daily prayers, for instance, they pay more attention to the teachings by their *murshid* who hold the authority to interpret the Sharī‘a and to give *fatwa* (adjudication) under circumstances of new situations or new problems. Naturally, the way they interpret and practise the Sharī‘a varies and this is potentially the cause of the conflicts between different Sufi orders that were made use of by the Qing government and later led to the rebellions. Influenced by Confucianism and Buddhism (Ha 2002, 101–04), nowadays followers of the Sufi orders hold several big memorial ceremonies every year in memory of their previous *murshids*. Worshipping the tombs of one respected *murshid* (*gongbei* 拱北, *qubba* in Arabic), particularly one who sacrificed himself in the Hui rebellion in late Qing and is seen as a saint, distinguishes the Sufis from the rest of the Muslims in China. These features of the interpretation and the practice of the Sharī‘a by Muslims in the Qing Dynasty were constructed in its specific historical and cultural context. We could see the same trajectory in terms of the development of the Sharī‘a in other parts of the Muslim world.

In summary, the Qing Dynasty is crucial to the development as well as the understanding of Islam and the Sharī‘a in China. During this period, Hui Muslims experienced and survived the battles with the Qing regime, the fiercest ones in the Hui’s history in China. It also, on the one hand, sees the institutionalization of the Hui Muslims religious lives, which could still be seen in China today. On the other hand, it witnesses the first attempts of the Hui Muslims to deal with the reality that urged them to find the reconciliation between what defines their identity and guide their everyday behaviour, the Law of Allah, with the real and powerful Chinese state. These activities were primarily motivated and forced by the discriminative social and political situations the Hui Muslims in the Qing Dynasty were facing. What’s more, it also reflects the fact that the Hui Muslims already identify themselves as Chinese. Do not forget that every time there was a criminal case happened between Jahriyya and other Sufi *ṭarīqas* or non-Muslims, the instinct step they took was to sue in front of the Qing government, showing the recognition of the legitimacy to the Qing regime. The oppression of the Qing government was grievous, while the Hui Muslims were not defeated. They felt and were trying to deal with the

¹²⁶ He learned Islamic knowledge from his father who was an Imam in the local community and later he turned to the old-style private school to learn Confucianism and attended the national exam at the county level. In 1891 he started teaching Confucianism and Islam at his own house and performed Sufi ritual practices at the same time (Ma 2000, 118–22).

¹²⁷ The original Chinese is “本道堂根據伊斯蘭教義，綜述伊斯蘭教正統，以宣傳金陵介廉氏學說，而以本國文化宣揚伊斯蘭教學理，務使本國同胞瞭解伊斯蘭教教義為宗旨。” See Ma (2000, 140)

¹²⁸ *Jiaofang*, in Chinese 教坊, is a term equal to *jamā‘a* in Arabic which means Muslim community. It is a term inherited from *fanfang* 蕃坊 in the Tang and Song dynasties. In China today it refers to a Muslim community living around a mosque.

tensions between being a Muslim and a Chinese. These attempts resulted in the renaissances of Islam and the Sharīʿa in China, with, for the first time, the production of plenty of religious and legal books by professional and erudite Imams and Muslim scholars, which were passed on to the next generations in the Republican period and even benefited Muslims in China today. It is the Islamic education initiated by Hu Dengzhou in the late Ming Dynasty that made the progress in the Hui Muslim communities possible.

Conclusion

In this chapter, I have provided a brief introduction of how Islam and the Sharīʿa developed in traditional China. Islam came to China mainly with those Muslim merchants who came for business and finally decided to settle down. During the Tang and Song periods, Muslims were treated as foreigners by the Chinese authority. As the *Huawairen*, although they were generally discriminated by the Chinese then, they somehow were able to enjoy certain unexpected autonomy, which allowed them to practice the Sharīʿa in their isolated “foreign block.” In the Mongol Yuan period, Muslims in China were no longer treated as outsiders, or foreigners, but were registered with the Yuan court as subjects of the Chinese regime. From a legal perspective, Muslims in the Yuan period became Chinese Muslims. Due to the fact that Muslims as the *Semu* people enjoyed a socio-legal status much more privileged than the Han Chinese, they were officially able to, though with interruptions at times, apply the Sharīʿa law within the framework of the Muslim Qadi Department. Along with the collapse of the Yuan and the establishment of the Chinese Ming Dynasty came various Chinese state laws and policies aiming at the Hanisization of the Muslims. This witnessed a turning point of Islam and the Sharīʿa in Chinese history, for the Hui Muslims then had to decide if and how to maintain their Muslim identity while being a loyal subject of the Chinese regime. It also witnessed the birth of the Chinese Islamic education, the *jingtang* education, and the production of the Chinese Sharīʿa by the Han Kitab authors, which, partially, supported the Hui to survive the brutal oppressions in their history in traditional China during the Manchu Qing period.

Seeing from the general history of Islam and the Sharīʿa in traditional China, it seems true that no major wars or battles existed in the process of the introduction and spread of Islam in China. However, this in no way suggests that the two have always been harmonious, respectful, or peaceful with each other. Since the very beginning of Islam in Chinese history, Muslims have been facing the tasks, or indeed oftentimes challenges, of how to live in China and get along with the Chinese. Dealing with these tasks and challenges involved dealing with a strong and powerful tradition that had already established itself before Islam and Muslims reached China. Therefore, to become Chinese was and is largely to accept and integrate into this tradition. What exactly is this strong tradition in general, and what it means for the Muslims’ interaction with and potentially integration to this tradition? This leads us to the discussion on the tensions observed in this interaction and integration process.

PART TWO

Being Chinese, Being Muslims: Exploring Formation and Interactions among Identity Layers

CHAPTER THREE

The Chinese Way to Practise “Othering”: Before the Arrival of Islam

Introduction

I have argued for the general relations between law and the Hui Muslims identity formation in previous chapters and will deal with this issue in greater detail in chapters four and five. However, I maintain that to have a comprehensive understanding of these relations, law should be taken as text in its contexts, that is to say, to investigate the socio-cultural environment which created the law and in which the law functioned. In other words, law is not value-free, but the product and representation of the tradition, and without a proper understanding of the external environment and the tradition, one could hardly make sense of the law, its effect and functions in reality. This chapter aims at reconstructing, analysing, and, to some degree, criticizing the already existed and established Chinese tradition, the Chinese way to practise “othering” in terms of the complex paradigm of the Chinese perceptions of, institutions on, and approaches to non-Chinese, including the Hui Muslims. This chapter tries to give a historical account for the socio-legal and political situations in Chinese society and Chinese intellectual history that Muslims have been facing, negotiating, reflecting, responding, fighting, and resisting since the beginning of their arrival in China. My intention is to provide this complex paradigm and situation as the “pre-understanding,” in the hermeneutical sense, that partially determined how the Hui Muslims and the Chinese authority interacted with each other in the field of law.

To this end, the chapter relies mainly on primary Chinese sources, especially Confucian Classics, which turn out to be helpful in locating the issue of how the Chinese perceptions and approaches towards non-Chinese developed. This includes, among others, the *Liji* 禮記 (Book of rites), *Shangshu* 尚書 (Book of documents), *Lunyu* 論語 (The analects), *Zuozhuan* 左傳 (The commentary of Zuo), *Lüshi Chunqiu* 呂氏春秋 (Lü’s Spring and Autumn annals), *Shiji* 史記 (Records of the grand historian), *Hanshu* 漢書 (Book of the Han), and *Baihu tongyi* 白虎通義 (General consensus on the meanings [of Confucian Classics reached upon at] Baihu), to name a few. These are also important sources I rely on so as to deal with the multifaceted concept of China. Besides, I maintain that the Chinese way of “othering” was a tradition that was both institutionalised and legalised, therefore, I also refer to Chinese official legal code and documents in ancient China, including *Tongdian* 通典 (Comprehensive institutions), *Datang liudian* 大唐六典 (The six statutes of the Great Tang), and *Tang da zhaoling* 唐大詔令 (The Great edict of the Tang).

Following the Introduction, the chapter starts with a detailed analysis of the Chinese terms designated to non-Chinese. I argue that via such terms as *Man* 蠻, *Yi* 夷, *Rong* 戎, *Di* 狄, and *Fan* 蕃, the Chinese alienated the non-Chinese, termed and regarded them as barbarians who were inferior to the Chinese. This is related to the Chinese way to define and distinguish “Us” and “Others.” Therefore, I then turn to the section that addresses the issue of multifaceted concepts of China, in which China is understood not only as a geographical location, a cultural entity, and a racial group, but also as a religion, a faith, and a monotheism, which I shall demonstrate through the idea of Heaven (*Tian* 天) in Chinese tradition. This idea and ideal of China as a monotheistic religion, the divine, is crucial in understanding the Hui Muslims, their experiences in China, and their identity issue. It is established and reinforced by Confucianism, via which it became institutionalised, and legalised. This leads me to the next section on the topic of Confucianism, its legalisation, and the approaches developed within it to dealing with the non-Chinese. The relations between Confucianism and Chinese official law will reveal the importance of the former in understanding the latter, which also justifies my focus on Confucian discourses on the Chinese-barbarian distinction (*Yixia zhibian* 夷夏之辯). After this, the chapter summaries two approaches prevalent among the Confucians, and presumably among the Chinese in general, to dealing with the non-Chinese, including the Hui Muslims. Finally, the chapter ends with a Conclusion before giving an account for the Chinese theory of *Qi* 氣 that explains why the Chinese deemed that the non-Chinese are not only inferior to them but also that this inferiority was deemed to be unchangeable.

1. Othering the Non-Chinese and China as the Divine

I shall demonstrate in the following chapters that the legal experiences of the Hui Muslims witnessed the complex processes of exclusion and assimilation by Chinese society. The reasons for the complexity, partially, lied in the ways how the Chinese drew the boundaries between “Us” and “Others.” It is in this processes of othering that the Chinese dehumanised all the non-Chinese, including the Hui Muslims. As I have mentioned in the history of Islam and the Shari‘a in China, the early Muslims came to China during the Tang Dynasty as foreign guests or foreign businessmen. This is represented in the *Tang Code* (*Tanglü* 唐律)¹²⁹ in relation to foreigners. However, without clarifying the meanings of various original and related Chinese terms regarding non-Chinese, it would be misleading to make sense of the law in its context. Thus, before we go into the detailed analysis of these specific legal provisions, in this section it is helpful to first give an overview of the relevant terms, and the Chinese socio-cultural and political settings that created these terms.

1.1. General Terms Designated to Non-Chinese

Several terms were specifically designated to non-Chinese throughout Chinese history, among which four were the most frequently and widely used, namely, *Man* 蠻, *Yi* 夷, *Rong* 戎, and *Di* 狄.¹³⁰ The analysis of the morphology of these terms would be useful for us to understand their social meanings in Chinese history. According to *Shuowen jiezi* 說文解字 (Explaining simple and analysing compound characters), one of the oldest Chinese dictionaries edited by Xu Shen 許慎 (30–124), a scholar from the Han Dynasty in the second century, *Man* referred to people from the south that were deemed as of the same group of snakes and thus “shared the attributes of reptiles” (Dikötter 2015, 3). It is still used in the modern Chinese language as an adjective to describe someone fierce and reckless. *Yi*, according to Xu Shen, referred to people from the east. In the Chinese oracle bone script, the word *Yi* was written as *Shi* 屍. Chen (1987, 821) argued that the word *Shi* symbolized a person who bent his body and went down on his knees. Hence, the Chinese discriminatively called the remote ethnic minorities *Shi* or *Yi* to show that the minorities should kowtow to the Chinese. The word *Rong*, as shown in the composition of the word, has something to do with military forces. Besides, the *Liji* 禮記 (Book of rites) has it that the west and people from the west are called the *Rong*. *Shuowen jiezi* mentioned that *Rong* meant weapons, and was further referred to as people that held the weapons. Luo (2002, 47) argued that *Rong* meant the ethnic groups who were the enemies or bandits from the west. One of the Confucian Classics *Zuozhuan* 左傳 (The commentary of Zuo) even went further and claimed that “the *Rong* are birds and beasts” (Dikötter 2015, 3). The last most widely used term for foreigners or non-Chinese is *Di* 狄, which, as the north tribe, are “assimilated with the dog” (Dikötter 2015, 3). The Chinese and the *Man*, *Yi*, *Rong*, and *Di* were together called the peoples from the five directions, with the Chinese in the centre, the *Man* in the south, *Yi* in the east, *Rong* in the west, and *Di* in the north, as the *Liji* stated. It seems that these terms were used directionally. However, they, as well as the combination of some or all of these terms,¹³¹ were also used as generic terms referring to the non-Chinese in general.

¹²⁹ There have been different forms of law in Chinese history, including *xing* 刑 (penal law), *lü* 律 and *fa* 法 (comprehensive code), *ling* 令 (institutional stipulations), *ge* 格 (supplementary stipulations to *lü* and *ling*), *shi* 式 (regulations of administrative institutions), and etc. However, since the Tang Dynasty, *lü* had been the most authoritative and the main form of Chinese official law. For the forms of the law in different dynasties in Chinese history, see Zhang (1992, 2014), Chen and Liu (2012). Besides, the *Tanglü* that I am using in this dissertation refers to the *Tanglü shuyi* 唐律疏議 (Interpretations of the *Tang Code*, hereafter *Tang Code*) which included the *Yonghui lü* 永徽律 and equally binding commentaries and interpretations by government officials in 653. The *Tang Code* is by far the earliest and most comprehensive legal code in ancient China that has been preserved up until present day. For a general introduction of the law, see Li (1989, 1–8), and Twitchett (1957, 23–76). Besides, other legal documents of the Tang would be mentioned below, such as the *Datang liudian* 大唐六典 (Six statutes of the Great Tang) and the *Tang da zhaoling* 唐大詔令 (Great edict of the Tang). All these official legal documents were collectively referred to as the Tang law.

¹³⁰ For a more detailed introduction and a more comprehensive bibliography on the research of these terms, see Chang (2009a, 52–54).

¹³¹ For the analysis of these blanket terms, such as *Man-Yi*, or *Dong-Di*, see Poo (2005, 45–46).

As far as Tang China was concerned, Muslims¹³² or Islam were regarded as one of these alien groups, as was stated in the *Tang Code* to be specified later.¹³³ For example, Du You 杜佑 (735–812), a prominent historian and politician in the Tang Dynasty, recorded the most comprehensive accounts of the Arabs during the Tang period in his *Tongdian* 通典 (Comprehensive institutions), a book that “dealt with the whole history of human institutions from earliest times down to the end of the reign of emperor Hsuan-tsung (712–56)” (Hoyland 1997, 244). In addition to the information that Du provided in terms of the Chinese knowledge of the Arabs during the Tang,¹³⁴ what is of particular interest here for our context is that Du You treated the Arabs (Dashi 大食) under the title of Western Rong (*Xirong* 西戎), as a subsection of Border Defence (*Bianfang* 邊防).¹³⁵ It is clear that the Arabs, and possibly Muslims in general, were categorised as one of the *Rong* people when they first entered China and started building their own communities in the Tang Dynasty. I shall come back to this point later as for what it meant to be one of the *Man-Yi-Rong-Di*, and how the Chinese were supposed to deal with them.

In addition to the abovementioned terms that were conventionally designated to foreigners in general, another neglected term turns out to be also quite relevant, that is, *Fan* 蕃, which is also seen in the article in the *Tang Code*. As a matter of fact, Yang (2014b, xxi) argues that “the most common term used in a dichotomous relationship with Han (Chinese) from Tang to Northern Song times was *Fan* 蕃.” He claims that the usage of the word *Fan* under Tang China was “geopolitical, not ethnic” (Yang 2014a, 9), and thus “did not carry connotations of inferiority” (Yang 2014b, xxi–xxii). However, I partially agree with Yang concerning his analysis of the word *Fan* but maintain that the actual usage of the term was more complicated.

Firstly, in ancient Chinese, the homophone word *Fan* 蕃 and *Fan* 番 were used interchangeably (Beckwith 2009, 359–60).¹³⁶ According to *Shuowen jiezi*, the word *Fan* 番 symbolizes the feet of the animal and beast. Probably in this sense, it was used to “replace *Rong* 戎 as the generic term for barbarians of the west, southwest, and south” (Wilkinson 2012, 354). In addition, the usages of the term found in other documents of the Tang period further reflect the complexity of the term in question. It shows that the term was oftentimes used interchangeably with other terms designated to foreigners in general that connoted a sense of inferiority.

As we have seen in the *Tongdian*, much of which was drawn upon in the official history of the Tang (Hoyland 1997, 250), several chapters were devoted to the topic of “Border Defence.” It seems that the author Du You was a follower of environmental determinism, and he believed that the nature of the people was influenced and determined by the energy (*qi* 氣) of the geographic location. Thus he claimed in the general introduction to the chapters on “Border Defence” (in which he actually introduced foreign countries, foreign people, and their relations with the Chinese, especially with the Tang) that “the Chinese living in the Central Lands received the correct *qi* (coming from the land)” and thus were “harmonious by nature and intelligent in their mental facilities... therefore the (Chinese) sages were born and their laws and teachings were implemented... it was indeed for this reason that the Chinese were greatly rewarded.”¹³⁷ While on the other hand, the foreigners and the foreign countries that he introduced following this introduction were regarded as “located in the peripheral and thus the *qi* there was very much blocked up... (as a result) no sages were born there... and the [Confucian]

¹³² Muslims and Islam were not specifically mentioned in the Chinese sources from the Tang period, though, as Leslie (1986, 10–19) pointed out, there were several references to Persians (*Hu* 胡, or *Bosi* 波斯 in Chinese) who might be followers of Mazdeism, Nestorianism and Manichaeism other than Muslims.

¹³³ Jin (1935, 60) in his research on the history of Islam in China also reported some occasions in Chinese history where Islam and Muslims were mentioned as *Yi* (barbarians), or *Hui Yi* 回夷 (Muslim barbarians).

¹³⁴ For the English translation and a more detailed introduction of the Muslim information in the *Tongdian*, see Hoyland (1997, 244–49).

¹³⁵ As a matter of fact, in the chapter of “Border Defence,” Du You strictly followed the traditional designation of the *Man*, *Yi*, *Rong*, and *Di* with the four directions of south, east, west, and north, respectively. All the non-Chinese peoples were classified into one of these categories.

¹³⁶ Yang (2014a, 11–17) also mentioned the interchanging usage of the *Fan* 蕃, which either meant foreigners or used as an abbreviation of the Tibetan empire, and *Fan* 藩, which meant “princely/feudal states.”

¹³⁷ The original Chinese is “華夏居中土，生物受正氣... 其人性而和才惠... 所以誕生聖賢，繼施法教... 生人大賚，實在於斯。” Part of the translation is from Yang (2014b, 103).

ritual and moral duties could not be reached and be implemented.”¹³⁸ His description of the Chinese and the foreigners here shares the core argument of the Chinese discourses distinguishing “Us” and “Others.” What is interesting is that his argument of the different *qi* shaping the Chinese and the foreigners served as a basis for his anti-expansion assertion. As he believed, the wars that aimed at the expansion of the Tang Empire, such as the Battle of Talas that the Tang had with the Abbasid Caliphate in 751, were unnecessary and undesired.

Other examples from the *Tongdian* also seem to go against the argument that the term *Fan* is a neutral term merely meaning foreign or abroad without any connotation of inferiority. The most explicit evidence is found in the way how foreign countries and foreigners were categorized. In fact, all of them, the non-Chinese, were listed under chapters entitled either as *Man*, *Yi*, *Rong*, or *Di*, the four traditional terms used for barbarians. For example, Silla (Xinluo 新羅), which was called as the *Fan* from the east (*Dongfan* 東蕃) since the Sui Dynasty, was somehow listed by Du You in the *Tongdian* under the title of the *Yi* from the east (*Dongyi* 東夷); the countries listed under the title of the *Rong* from the west (*Xirong* 西戎), including Persia (Bosi 波斯) and Arab (Dashi 大食), were also called the countries of the west *Fan* (*Xifan zhuguo* 西蕃諸國). In his report to Empress Consort Wu 武則天 (624–705), Chancellor Di Renjie 狄仁傑 (630–700) argued that the Tang should give up Koguryo (Gaojuli 高句麗). Notably, his argument for this was based on the belief that, as one of the *Fanyi* 蕃夷 barbarians, Koguryo did not deserve to be kept in China, for “its land cannot be used for agriculture, and the people there are not enough for tax.”¹³⁹ Di Renjie concluded that this kind of action “that benefited the people of the Four *Yi* [*Siyi* 四夷, the barbarians from the four directions] and devitalized the Chinese [by which he meant to keep Koguryo in the territory of Tang China] was not the common practice.”¹⁴⁰ Di Renjie combined the term *Fan* and *Yi* and used them as synonyms. And it seems that *Yi*, or the Four *Yi*, has been used as a generic term for all the non-Chinese without indicating any people coming from a specific place. This usage is further confirmed elsewhere in the *Tongdian*, where the author stated that “the *Yi/ Yi* people are the generic terms for the four *Fan*.”¹⁴¹

Furthermore, the interchangeable usages of *Fan* and other such terms as *Man*, *Yi*, *Rong*, and *Di* are also reflected in the political institutions and legal stipulations of the Tang. The *Datang liudian*, or *Tang liudian* 唐六典 (Six statutes of the Great Tang),¹⁴² a compendium of state offices of the Tang Dynasty, had a section describing the administrative offices in charge of foreign countries and foreign relations. Under the supervision of the Court of State Ceremonial (Honglusi 鴻臚寺) was the Department for Foreign Visitors (Diankeshu 典客署). As the law stated, the director of the Department was responsible for maintaining records of

¹³⁸ The original Chinese is “其地偏，其氣梗，不生聖哲... 禮儀之所不及。”

¹³⁹ The original Chinese is “得其地不足以耕織，得其人不足以賦稅。”

¹⁴⁰ The original Chinese is “肥四夷而瘠中國，恐非通典。”

¹⁴¹ The original Chinese is “夷者，四蕃之總號。”

¹⁴² The *Tang liudian* was an administrative code of the Tang, comprising thirty fascicles. It took almost two decades (722–739) for a team of state officials to finish. The name Six Statutes (*Liudian* 六典) indicates that the code was meant to be structured according to the model of the Confucian Classic Rituals of the Zhou (*Zhouli* 周禮), which include the code of governance (*Zhidian* 治典), religion (*Jiaodian* 教典), ritual (*Lidian* 禮典), politics (*Zhengdian* 政典), penal law (*Xingdian* 刑典), and administration (*Shidian* 事典). However, it was actually structured based on the actual political/ administrative settings of the Tang Empire. The Code includes the following contents: the Three Preceptors, the Three Dukes, the Department of State Affairs (Sanshi, Sangong, Shangshusheng 三師三公尚書省), the Ministry of Personnel (Shangshu Libu 尚書吏部), the Ministry of Revenue (Shangshu Hubu 尚書戶部), the Ministry of Rites (Shangshu Libu 尚書禮部), the Ministry of War (Shangshu Bingbu 尚書兵部), the Ministry of Justice (Shangshu Xingbu 尚書刑部), the Ministry of Construction (Shangshu Gongbu 尚書工部), the Chancellery (Menxiasheng 門下省), the Palace Secretariat, the Academy of Scholarly Worthies, the Historiography Institute, the Office for Petition (Zhongshusheng, Jixianyuan, Shiguan, Guishhi 中書省集賢院史館匭使), the Department of Palace Library (Mishusheng 秘書省), the Palace Administration (Dianzhongsheng 殿中省), the Court of Imperial Sacrifices (Taichangsi 太常寺), the Court of Imperial Entertainments (Guanglusi 光祿寺), the Directorate of Education (Guozijian 國子監), and etc. The administration that dealt with foreign countries and foreign relations was stipulated in the eighteenth fascicle named the Court of Judicial Review, the Court of State Ceremonial (Dalisi Honglusi 大理寺 鴻臚寺).

...the names and numbers of the eastern *Yi*, western *Rong*, southern *Man*, and northern *Di* who have submitted (to the rule of the Chinese emperor), adopted (the Chinese customs) and dwelled in the *Fan*.¹⁴³

Yang argued that the term *Fan* was only used as a neutral term referring to foreign countries and foreign people, as I mentioned before. I guess that was why he translated the above stipulation concerning the *Fan* as “in or among the *Fan*.” For him, here “the category *Fan* also encompassed northern and eastern peoples and therefore fully generic” (Yang 2014a, 15). I, however, would argue that the term *Fan* here could mean the living blocks that were designated to the foreigners within the Tang territory, that is the *fanfang* 蕃坊. This interpretation could also be supported by statements in the *Tongdian* where Du You argued that the Department for Foreign Visitors was to be in charge of “the *Fanke*... and the *Yi-Di* who are in the Tang court.”¹⁴⁴ It seems that there was no strict distinction between the term of *Fan* and *Yi* or *Yidi* 夷狄. In fact, the Tang’s establishment of the Department for Foreign Visitors was inherited from the preceding Sui Dynasty that named the Department as *Dianfanshu* 典蕃署. According to the *Suishu* 隋書 (Book of the Sui), the *Dianfanshu*, or the Institute of the Four Directions (*Sifangguan* 四方館) that worked under its supervision, was responsible for the visitors from the four directions, namely the eastern *Yi* from the east, southern *Man* from the south, western *Rong* from the west, and the northern *Di* from the north.¹⁴⁵ Obviously, the term *Fan* was often interchangeably used with some other terms for foreigners with a sense of inferiority.

In the *Tang da zhaoling* 唐大詔令 (Great edict of the Tang), Emperor Xuanzong of Tang (685–762) issued an edict in 714, asking all the foreign guests to study the Confucian teachings and rituals at the Directorate of Education (*Guozijian* 國子監) (*Ling fanke Guozijian guan lijiao chi* 令蕃客國子監觀禮教敕). The Emperor said:

Indeed, the Chinese culture is the basis for the establishment of the [Chinese] teaching. Thus observing the Classics could get one to know the Origin, and applying the Classics could complete the transformation... True, the *Rong* and *Di* [barbarians] are coming over and pledging allegiance [to the Chinese] and they are paying pilgrimage [to the Emperor] day and night, looking up to the Chinese customs and attaching great importance to the Confucian rites... From now on, the foreign guest (*Fanke*) making the pilgrimage to the court shall be led to the Directorate of Education and be asked to observe the Confucian rites.¹⁴⁶

Clearly, from the perspective of Emperor Xuanzong, the *fanke* who made a pilgrimage to him were the *Rong-Di* that were coming over and pledging allegiance to the Chinese. It is worth noting that the Emperor used the term *Rong-Di* as a generic term for the non-Chinese instead of *Man*, *Yi*, *Rong*, or *Di* separately. In other words, *Fan* was used just as a synonym for the *Man*, *Yi*, *Rong*, and *Di*, who were also oftentimes called as *Fanyi* 蕃夷, *Manyi* 蠻夷, *Yidi* 夷狄, or *Rongdi* 戎狄.

These concepts constantly appeared in various official documents in ancient China, including legal documents. Muslims since the Tang Dynasty when they first started settling in China were categorised as one of these alien groups. This situation did not change much till the Song dynasties, though they had already been living in China for several generations. My analysis of these concepts shows the Chinese perception of “Others,” and how non-Chinese, including Muslims, are “othered” by the Chinese. To better understand the socio-cultural factors dominating the legal discourse that is not only based on these factors but also reinforced them in an institutionalised way, it is essential to take a look at how the so-called “Us,” that is the Chinese themselves, is perceived and constructed. This leads us to questions, such as what China is, and what means to be Chinese. Hence, let us take a look at the multifaceted concept of “China.”

¹⁴³ The original Chinese is “東夷、西戎、南蠻、北狄歸化在蕃者之名數。” Part of the translation is from Yang (2014a, 14).

¹⁴⁴ The original Chinese is “蕃客... 及在國夷狄”.

¹⁴⁵ The original Chinese in the *Suishu* read that “典蕃署... 以待四方使者... 東方曰東夷使者，南方曰南蠻使者，西方曰西戎使者，北方曰北狄使者。”

¹⁴⁶ The original Chinese is “夫國學者，立教之本，故觀文可以知道，敷文可以成化... 戎狄納款，日夕歸朝，慕我華風，敦先儒禮... 自今以後，蕃客如朝，並引向國子監，令觀禮教。”

1.2. Concepts of China, and China as the Divine

Chang (2015, 7–11) has pointed out that the concept of China exists in three dimensions, namely a geographical China, a cultural China, and a racial China. These dimensions of what is, and how to define China determine the very essence of the orthodoxy of the Chinese regime (*Zhengtong* 正統) as well as the legitimacy of being Chinese. Accordingly, being a Chinese requires one to be dwelling in the geographical China, to follow the Chinese culture, and to recognize the legendary Yellow Emperor (Huangdi 黃帝) as one's ancestor. These criteria are particularly compelling and crucial when it comes to the Chinese way of distinguishing “Us” and “Others.” In a way, a Muslim has to fulfil one or all of these criteria to become Chinese. In addition to a brief description of these criteria, I would go further to contribute to the understanding of the concept of China. I would argue that China itself has also existed as a monotheistic entity, a monotheism itself. One of the main arguments of this section is to demonstrate that the tensions for the Hui Muslims between being a Chinese and being a Muslim partially lie in the fact that being a Chinese does not only involve socio-cultural and political assimilation but also requires them to be a believer of this monotheistic “religion” of China.

The concepts of China (*Zhongguo* 中國) and its equivalence “All under Heaven” (*Tianxia* 天下)¹⁴⁷ are key to the understanding of Chinese political and ethnical/racial thoughts. The earliest record of the term *Zhongguo* we could find today comes from an ancient Chinese bronze vessel, Hezun 何尊, which dates back to the early Western Zhou 西周 (1046–771 BC) (Behr 2004, 176). Scholars agree that the term *Zhongguo* in the Hezun refers to the capital of the Western Zhou and its neighbouring area (Chang 2009a, 173). However, it would be interesting to ask what it meant when the capital was called *Zhongguo*. The investigation of the word *zhong* 中 up to the Warring States 戰國 (475–221 BC) indicates that the term *zhong* was used as a geographical term, meaning the middle or centre among all other four directions.¹⁴⁸ Notably, the middle or centre exists only in comparison to the other four directions, the periphery. On the other hand, the term *guo* 國, generally speaking, refers to an area of land protected by force, and, later, a city with four walls in its four directions respectively (Chang 2009a, 178–79). Thus, the earliest *Zhongguo* probably means a city, or the capital, which is built in the middle of other cities. *Zhongguo* was just a neutral description of the geographical location of one city, maybe somehow a special one, among all other *guo*, or cities that located in the periphery of the four directions. However, as Chang (2009a, 175–76) pointed out in his research on the *Zhouli* 周禮 (Rites of Zhou), there also exists another interpretation of the term, which defines *Zhongguo*, not as a geographical middle, but as a place where “Heaven and earth integrate, the four seasons intersect, wind and rain meet, and the *yin* and *yang* are harmonious... hundreds of things are abundant.”¹⁴⁹ While the other four directions are described as the south being too warm, north too cold, east too windy, and west too gloomy. In other words, the middle, the *zhong*, is just better than other places.

There are several other possibilities of the usage of the term *Zhongguo* in the early Western Zhou period,¹⁵⁰ but the main connotation seems to be a neutral geographical concept. This usage continues during the Spring and Autumn period 春秋 (771–476 BC).¹⁵¹ However, the superior-inferior dichotomy between Chinese and non-Chinese already existed during this period. More importantly, another essential term, which was interchangeably used with *Zhongguo*, All under Heaven, or *Tianxia*, was used more frequently. The two

¹⁴⁷ I decide to use the transliteration of the two terms, instead of translating them into China and All under Heaven respectively. The term *Zhongguo* has been variously translated as China, the Central Kingdom, the Central State, the Central Country, or the Middle Kingdom (Fairbank 1974, 2), and the term *Tianxia* has been translated as All under Heaven. As Chang (2009a) has argued that the English terms of State, Kingdom, or Country are misleading in that the Chinese term *guo* 國 was not used as a term as such. The same general remarks could also be made in terms of the translation of the term *tian* 天. The discussion of the term *tian* used by the Chinese and the Muslims will be given in the following section.

¹⁴⁸ For example, the *Master Lü's Spring and Autumn Annals* (*Lüshi chunqiu* 呂氏春秋) has it that “the ancient Kings establish their capital (*guo* 國) in the middle of the *Tianxia*, establish the Palace in the middle of the *guo*, and establish the court in the middle of the Palace.” The original Chinese is “古之王者，擇天下之中而立國，擇國之中而立宮，擇宮之中而立朝。” It is clear that here *zhong* 中 means the middle, which also denotes a sense of superiority.

¹⁴⁹ The original Chinese is “天地之所合也，四時之所交也，風雨之所會也，陰陽之所和也...百物阜安。”

¹⁵⁰ For example, *Zhongguo* could mean the capital of the Zhou among other cities, or the Zhou as a political entity.

¹⁵¹ For the different meanings of the term *Zhongguo*, see Chang (2009a, 185–90).

components of the term are *tian* 天 and *xia* 下. The word *xia* 下, not mistaken with *Xia* 夏 referring to the first legendary dynasty of China and the Chinese,¹⁵² simply means below, under or beneath, indicating a lower position and/or status. The problematic and complicated one is the term *Tian* 天, which literally means Heaven. Gan (2005, 21) argues that *Tian* means not (only) the physical sky, but (also) the transcendent god, or godhood. It might be one of the earliest Chinese political thoughts that the god Heaven (*Shangdi* 上帝) has the authority to rule those living below. However, Heaven has, it is believed, authorised King of the Zhou to rule the *Tianxia* on his behalf. Thus, the area that King of the Zhou ruled was actually the *Tianxia*, and those who lived outside this area were not (regarded as) human (Gan 2005, 22). Here it is obvious to notice the connection of above (Heaven), authority (godhood and King), as well as the middle (*Zhongguo*), and their superiority over the below and the peripheral.

The idea of *Tianxia* is always connected with that of the Son of Heaven (*Tianzi* 天子). Heaven has the authority, but it is through his agent, the Son of Heaven, that he rules the earthly world. In other words, the Son of Heaven, namely the Chinese King or Emperor, is the ruler in reality on behalf of the “god Heaven.” It is through this political construction that the Son of Heaven rules All under Heaven that the somehow transcendent concept of Heaven turned into the earthly authority the Chinese King/Emperor holds. The concept of *Tianxia*, hence, refers to the territory that the Chinese King/Emperor rules, that is China.

What is notable is the development of *Tianxia* in the Warring States period, when the construction of the *Tianxia* is oftentimes made in comparison with the periphery, that is the *Man*, *Yi*, *Rong*, and *Di* barbarians. Chang (2009a, 200–18) has pointed out that the most often used terms referring to China during the Warring States period are the Nine States (*Jiuzhou* 九州) and the Four Seas (*Sihai* 四海). The term *Sihai* seems to be the one that sets a boundary between the Chinese and the non-Chinese, despite the fact that the term *hai* 海 itself means the sea. According to *Erya* 爾雅 (Approaching elegance), the earliest surviving Chinese dictionary, “the Four Seas are the nine *Yi*, eight *Di*, seven *Rong*, and six *Man*.”¹⁵³ *Sihai*, the Four Seas, are the places where the *Man*, *Yi*, *Rong*, and *Di* are dwelling, and the regions surrounded by the *Sihai* are the *Jiuzhou*. This *Jiuzhou*, which locates in the middle of the *Sihai*, is China, or *Tianxia* in its narrow sense (Chang 2009a, 205–06, 212).

The *Tianxia*, in its broad sense, could also refer to the Nine States plus the Four Seas. In other words, the concept of *Tianxia*, or China, indeed has several dimensions. As far as the *Sihai* or the *Man-Yi-Rong-Di* barbarians are concerned, the concept of China can be exclusive as well as inclusive. I shall come back to this inclusive-exclusive-ness of the concept of *Tianxia* China later in this chapter. Here I would like to continue with the idea of *Tianxia*. The concept of *Tianxia* from the outset comes as a religious, or transcendent one, with a sense of godhood, or divinity. This idea of China being a divine entity has been developed by the contemporary political scientist, Zhao Tingyang 趙汀陽 in his book *China as a Divine Concept*¹⁵⁴ The author, though, does not claim to be a Chinese Culturalist himself, argues that one of his purposes is to demonstrate why and how China in its ancient times formed an irresistible allure, a game that once joined [by the non-Chinese] could not get away any more. Throughout the book, it seems that the idea of *Tian* serves as a core concept for the divinity of China. As the author (Zhao 2016, 12–13) argues, it is because China as a state has an internal structure of *Tianxia* that China is a divine concept, just like the *Tian* that is divine. Although I disagree with Zhao’s justification of the divinity of *Tianxia* as for its inclusiveness (*wuwai* 無外), his claim on the connection between China (*Zhongguo* 中國), Heaven (*Tian* 天), All under Heaven (*Tianxia* 天下), and the divine, is worth noting, particularly for our understanding of China as a monotheist religious idea. The core argument of China being a divine entity lies in the concept of *Tian*, and more specifically to Match Heaven (*peitian* 配天).

¹⁵² As for the usage of *Xia* 夏 referring to the Chinese people themselves, see my discussions in chapter one.

¹⁵³ The original Chinese is “九夷，八狄，七戎，六蠻，謂之四海。”

¹⁵⁴ The original Chinese title of the book is *Huici Zhongguo: Zuowei yige shenxing gainian de Zhongguo* 惠此中國：作為一個神性概念的中國。However, it seems that the author made a different English title for the book, that is *The Making and Becoming of China: Its Historicity*. I choose not to use the author’s own English title, but to give a literal translation of the subtitle of the book by myself.

The concept of *Tian* is one of the fundamental terms in Chinese tradition. Zheng (2015, 63) has argued that “if one could not understand the implications of *Tian*, it would be difficult to clarify those vital issues in Chinese intellectual history.” Several scholars have discussed the concept. For example, the well-known historian, politician, and philosopher of the Song Dynasty Zhu Xi 朱熹 (1130–1200) subcategorised the *Tian* into Heaven as the physical blue sky (*cangcang zhitian* 蒼蒼之天), Heaven as the supreme power (*zhuzai zhitian* 主宰之天), and Heaven as a rationalistic principle (*yili zhitian* 義理之天). Generally, the majority of contemporary scholars follow the modern Chinese philosopher, Feng Youlan 馮友蘭 (1895–1990), who argued,

In the Chinese written language, the so-called *Tian* has five meanings. The material sky (*wuzhi zhitian* 物質之天)... The Heaven as the supreme power (*zhuzai zhitian* 主宰之天), namely, the so-called Supreme Ruler of Heaven, an anthropomorphic Heaven, or god. The Heaven as the (pre-)destination (*mingyun zhitian* 命運之天), which refers to those in our lives over which we do not have any control.... The natural Heaven (*ziran zhitian* 自然之天), which refers to the order of nature or its laws.... And the Heaven as the rationalistic principles (*yili zhitian* 義理之天), namely, the ultimate principles of the cosmos.¹⁵⁵

It is obvious that some of Feng’s categorisations about the *Tian* overlap (Zheng 2015, 64–65). Feng (1996, 55) himself in the same place also pointed out that in Confucian Classics, such as “*Shijing* 詩經 (Classic of poetry), *Shangshu* 尚書 (Book of documents), *Zuo Zhuan* 左傳 (The commentary of Zuo), and *Guoyu* 國語 (The discourses of the states), Heaven is understood either as the material sky or as the supreme power.” Thus, it is essential for us to see what the relationships between the two dimensions of Heaven are in general, and what it means to regard Heaven as the Supreme Power in particular.

Why in the first place was *Tian* so important for the Chinese people that they believed that it was *Tian* that determined the life and death of people? Based on the earliest surviving written documents from the Shang period, Sugamoto (2016, 344–48) argues that the reason probably lies in the possibility that for the Shang which was heavily dependent on agriculture, Heaven seemed to have the power to determine and control the quality of agriculture, on which the people and the regime of the Shang lived. And hence, Heaven was regarded as the god or supreme power who bestowed wheat upon the ancestor of the Shang. On the other hand, Wang Guowei 王國維 (1877–1927) (1999, 10a) demonstrated that the word *Tian* in ancient Chinese language was an imitation of human in shape, and meant crown of the head, as the *Shuowen jiezi* stated as well. People during the Shang period used to name the Chinese King as *da* 大, which literally means big or great. They believed that when the great King passed away he became a god in Heaven, and in order to distinguish this meaning from the literal one, they used the word *Tian* for the great god King (*Dashen* 大神) (Gu 1935, 67–69). The research indicates that the physical sky, which played a vital part in the development and quality of agriculture of the Shang people, was promoted and divinized as the god(s) in Heaven, who determined the legitimacy and survival of the earthly regime. Another point that has to be mentioned is the close connection between Heaven as the Great god and the earthly King. According to Li’s (2009, 34–36) research, people of the Shang believed that the Kings would continue their life as servants for the god in Heaven after their death. Therefore, the deceased ancestors became the medium between the earthly King of the Shang and the god in Heaven. This might account for the Chinese ritual to worship ancestors. Anyways, if the concept of *Tian* served as a divine power that determined the life and death of the earthly world, the fact that they named the King as the Heaven, such as the Son of Heaven, might as well indicate that Heaven (*Tian* 天), All under Heaven (*Tianxia* 天下 that is China), as well as the earthly King (*Tianzi* 天子) also shared this divinity.

According to Zhao (2016, 12), the divinity of China, or China as the divine, lies in the idea that it has been having the capacity to match Heaven (*peitian* 配天). My analysis of the concept of *Tian*, its divinity, and its connections with the earthly political power shed light on the idea of matching Heaven. The ideology of the

¹⁵⁵ The original Chinese is “在中國文字裡，所謂天有五義：曰物質之天... 曰主宰之天，即所謂皇天上帝，有人格的天，帝。曰命運之天，乃指人生中吾人所無奈何者... 曰自然之天，乃指自然之運行... 曰義理之天，乃謂宇宙之最高原理” See Feng (1996, 55).

Shang people that the ancestors of the Kings' served the Heavenly god and as the medium between the god and the Kings shows that only the ancestors of the Kings' were qualified to match Heaven. However, this belief was somehow challenged by the fact that it seemed that the Shang was no longer favoured or protected by god, for they were later defeated by the succeeding Zhou Dynasty. Naturally, one of the most pressing issues the Zhou was facing was to demonstrate the orthodoxy of the regime. In other words, the Zhou had to answer the question of why the connections between the great Heavenly god and the Kings of the Shang were interrupted, and why the King of the Zhou was chosen by god as the Son of Heaven. These are important questions to understand the development of the idea of Heaven and the changing discourse of China as the divine entity.

The idea and practice to “match Heaven via the ancestors” (*yizu peitian* 以祖配天) of the Shang people continued during the Zhou period. The sacrifice ritual of the Zhou was an imitation and continuation of the Shang people and was further developed into a ceremony that was explicitly dedicated to the ancestor of the Zhou people. Li (2009, 37–38) has pointed out that it was the patriarchal clan system (*zongfa zhi* 宗法制) established during the early Zhou period that contributed to the idea of matching Heaven via ancestors. As the *Liji* recorded, “all things on earth originate from Heaven; all humans originate from the ancestor, and that is why they deserve matching the Heavenly god.”¹⁵⁶ On the other hand, there do exist certain differences between the Shang and the Zhou in terms of how to match Heaven. Here we see how the Zhou people developed the theory that justifies the legitimacy of its rule. Basically, what they tried to argue was that Heaven chose the most suitable to be the earthly King, that is to say, instead of choosing the Kings from one family, such as the royal family of the Shang, the choice of Heaven might change, not randomly, but on certain conditions.¹⁵⁷ By dealing with this pressing orthodoxy challenge, people of the Zhou tried, on the one hand, to justify the transformation of the earthly authority from Shang to themselves, and on the other hand, to think about and remind themselves of the conditions that would enable them to keep their ruling and authority, namely, how to maintain the preference of Heaven forever.

The crucial point here is the conditions that the Zhou people considered to be vital to maintain their earthly authority to match Heaven. They believed that cultivating morality so as to match Heaven (*xiude yi peitian* 修德以配天) would enable them to keep the regime forever. The King's having or not having the morality determined Heaven's will to maintain or to transform the earthly authority. Until the early Zhou period, though there existed certain differences between the Shang and the Zhou, the idea and practice of matching Heaven had been monopolised by the Kings, the Son of Heaven. In other words, the morality that determined Heaven's will actually meant the morality of the ruler that was related to various aspects of his actions, including, for example, his ways to deal with the divine Heaven, his subjects, and his own self-cultivation.

The connection between the earthly King and the great Heavenly god, either via the ancestors or the morality of the King, had an exclusive dimension. For people of the Zhou period, the Heavenly god was not universal but had a perspective of exclusively protecting its own people. As the *Zuozhuan* stated, “people other than our own group/race must have a different heart/mind.”¹⁵⁸ In other words, the Heavenly god also shared the mentality that people other than his own group/race were excluded. In summary, the concept of China was divinised and promoted as a monotheism religion via the development and elaboration of the idea of Heaven (*Tian* 天), and concepts like All under Heaven (*Tianxia* 天下), Son of Heaven (*Tianzi* 天子), etc. Indeed, the contents, usage, and understanding of these concepts were changing, however, one of the essence within the changing discourse was to demonstrate that China, the Central Kingdom, was a regime that deserved matching Heaven, and thus “became a divine being and the faith itself” (Zhao 2016, 16).

The above section demonstrates one of my arguments that the tensions for the Hui Muslims to become Chinese or those between the Shari'a and the Chinese official law, have been rooted partly and partially in the fact of

¹⁵⁶ The original Chinese is “萬物本乎天，人本乎祖，此所以配上帝也。”

¹⁵⁷ This theory served several purposes. It first of all recognised the ultimate authority of Heaven to make the decision to choose its earthly agent as the King, which means that the divinity of the earthly King and his authority was reinforced. Besides, it solved the question of the regime legitimacy, namely, it justified the possibility that the earthly authority might be transformed from one family to another. In addition, it also worked as a reminder to the kings of the Zhou that they should not take their kingship for granted and that they should always keep in mind that certain conditions should be met so as to keep the rulership and authority.

¹⁵⁸ The original Chinese is “非我族類，其心必異。”

China as a multifaceted entity. I have for now showed that to talk about China is not only to talk about certain geographic locations that have changed throughout history, but also to talk about a set of cultural, political, and legal rules represented by Confucianism, and moreover, a divine political entity that is itself like a monotheistic religion. This made it a challenging task for the Hui Muslims, and probably all the followers of other monotheistic religions, to become a Chinese, and to find reconciliations between the two “religions.” This divinization and religionization of China as a political entity was realized and supported particularly by Confucianism, which has developed a systematic theory of the Chinese-Barbarian Distinction (*yixia zhibian* 夷夏之辨).

2. Confucianism, Law, and the Chinese Approaches towards Barbarians

Of course, first of all, it is reasonable to ask why Confucianism? Why not Buddhism? Not even Daoism? Well, there can be long answers and short answers. The short answer is that Confucianism was nationalized, institutionalized, and more importantly, as for my research theme, legalized. Now we need the long answer to explain briefly what I mean by the above –ized? After that, I will briefly focus on the discourse of the Chinese-Barbarian Distinction in the Confucian tradition and summarise the different Chinese approaches to dealing with the non-Chinese barbarians. This section would end with the preliminary elaboration of the reasons for the non-Chinese’s inferiority constructed by the Chinese.

2.1. *Li* and Its Introduction and Integration into Chinese State Legal System

Rite (*Li* 禮) in Confucianism serves as the ideal norm that regulates relations between individuals as well as those between individuals and the society in general. Zhang Jinfan (1998, 204) has argued that *Li* is the core of traditional Chinese culture that influences every aspect of social life. *Li* in Chinese tradition is from the outset related to religious rituals.¹⁵⁹ Later during the Shang, especially the Zhou period, *Li* was developed from religious rituals to social norms that defined kinship, marriage, and political relations. It is Duke Zhou (Zhougong 周公) who initiated the systematisation and normalization of *Li* (Zhang Jinfan 1998, 205). As a set of systematic social norms, *Li* aims at the maintenance of the hierarchical family and social relations, namely, in one’s public and political life, one should show respect for the honourable (*zunzun* 尊尊), and when it comes to one’s private life, one should show affection for the family (*qinqin* 親親). And thus, *Li* is a combination of private filial piety and public or political royalty in one. The *Shiji* 史記 (Records of the grand historian) made it clear that *Li* was to guarantee that the superior-inferior hierarchy between the King and the subjects was maintained and that the distinctions with the laypeople in terms of the criterion concerning dress, house, marriage were observed. In short, *Li* as a set of norms that define differentiated social relations has been institutionalised since Duke Zhou initiated the *Zhouli* 周禮 (Rites of Zhou). *Li* was later constructed by Confucianism and supported by the Chinese regime as the highest moral, religious, and political standard that was, or should be, transcendent and eternal.¹⁶⁰

Two relevant aspects concerning *Li* is crucial for our research theme here. One is the fact that *Li* is regarded as the criterion that distinguishes human beings from animals, the civilizational superior from the barbaric inferior, and indeed, the Chinese from the non-Chinese. And the other one is the introduction and integration of the *Li*-norms into the Chinese state legal system along with the establishment of Confucianism as the state ideology.

Previous research has shown that the idea of Chinese identity as a race lies in ancient China in the identification to the (Confucian) Chinese culture (Dikötter 2015, 1–12). And the *Li* that we are discussing here in Confucianism is deemed as the very standard that distinguishes one as a human from the non- or less- human, or more specifically speaking, the Chinese from the non-Chinese. According to *Lunyu* 論語 (The analects), Confucius once said:

¹⁵⁹ According to *Shuowen jiezi*, *Li* means to serve the god and pray for blessing (*shishen zhifu ye* 事神致福也).

¹⁶⁰ It is interesting and essential to note the similarities between the Chinese Confucian *Li* and the Islamic *Shari’a* in terms of their indistinction between the religious, moral, and legal normativity.

Today people say that filial affection means the ability to support one's parents. The dogs and horses are also capable of supporting their parents, without respect, how could we humans be distinguished from the animals.¹⁶¹

Here Confucius believed that it was the intention of respect (*jing* 敬) from the junior to the senior that distinguished man from dogs and horses. And it is the *Li* that enables one to generate the intention of respect to one's family. *Liji* also held that:

The parrot could speak, but still belongs to birds; the orangutan could speak, but still belongs to animals. Today the people behaving without the *Li*, though they could speak, aren't their heart of no difference with that of the animals?... Therefore, what the sages have done is to teach the people the *Li* so that people behave with *Li* and could be self-conscious of their difference from the animals.¹⁶²

Generally speaking, those who followed the Chinese rites were considered human, and those who did not were obviously seen as animals. The rites here do not seem to connote any sense of universal morality but are very much intertwined with the Chinese and Confucian idea and ideal of being moral. In other words, only those who are behaving in accordance with the Chinese Confucian morality and/or political ethics are considered to be human. The *Yi-Di* are dehumanised just because they do not behave like the Chinese or they do not acknowledge the legitimacy of the Confucian moral and political norms.

The second point is the integration of *Li* into Chinese state legal systems, by which I mean that, on the one hand, *Li* is written in state legal code as state law, and the state law is interpreted in accordance with the *Li*; moreover *Li* itself, on the other hand, is used as the law in resolving legal disputes. Confucianism advocated governance by *Li* (*Lizhi* 禮治). This advocacy was supported by the court since Han Wudi 漢武帝 (156 BC–87 BC) made Confucianism the official ideology of the regime. It is said that the integration of *Li* into Chinese official law, and the intertwining of *Li* and state law, are the most essential characteristic of Chinese legal culture (Zhang Jinfan 1998, 204). Ma Xiaohong (2004, 150) even argues that as long as one understands the rites and moral duties (*Liyi* 禮義), one has grasped the core and spirit of traditional Chinese law. In this sense, the *Li* and the *Lü* 律 together made up of the law in traditional China, broadly speaking (Gao 2019, 1–48). Qu (1996, 328–46) has convincingly demonstrated that “the so-called Confucianisation of law (*Falü Rujia hua* 法律儒家化) was, in essence, the introduction and integration of *Li* into state legal system, an issue that concerned how the spirit of *Li* should and could be disguised in law.” This was achieved through several channels.¹⁶³ For example, many Confucian scholar-officials were at the same time appointed as government lawmakers or executors so that they were able to put institutions that represented Confucian ideals into the state legal system and to interpret state law in accordance with the ideology of Confucianism.¹⁶⁴ What's more, the Confucian

¹⁶¹ The original Chinese is “今之孝者，是謂能養，至於犬馬，皆能有養，不敬，何以別乎。” See Li Ling (2007, 77).

¹⁶² The original Chinese is “鸚鵡能言，不離飛鳥，猩猩能言，不離禽獸。今人而無禮，雖能言，不亦禽獸之心乎？...是故聖人作，為禮以教人，使人以有禮，知自別於禽獸。”

¹⁶³ Scholars differ in opinion concerning the origin of the introduction of *Li* into state legal system. But generally, it is believed, this was initiated since the Han Dynasty when Confucianism was promoted as the state ideology.

¹⁶⁴ The legal institution of “Mutual Concealment” (*Xiangyin* 相隱) could be an example illustrating the case of introducing Confucian ideals into state legal system. This legal institution already existed in pre-Qin China (Fan 1997a, 87–104, 1997b, 114–23, 127), but was best exemplified in the *Tang Code*. One Article in the “General Principles of the Tang Code” (*Mingli* 名例) stated that “All cases involving those who dwell together or relatives of the third or closer degree of mourning, including maternal grandparents, grandsons in the female line, the wives of grandchildren in the male line, and a husband's brothers and their wives allow mutual concealment should one of them commit a crime... if the crime is plotting treason or more, this article is not applicable.” The original Chinese is “諸同居，若大功以上親及外祖父母、外孫，若孫之婦、夫之兄弟及兄弟妻，有罪相為隱...若犯謀叛以上者，不用此律。” The law in question existed up to the Republican period. The system of “Mutual Concealment” between certain family members and relatives in traditional Chinese law actually originated from Confucius himself. According to the *Analects*, Confucius said that “among us in our part of the country, those who are upright are different from this, the father conceals the misconduct of the son, and the son conceals the misconduct of the father. Uprightness is to be found in this.” The original Chinese is “吾黨之直者，異於是，父為子隱，子為父隱，直在其中矣。”

Classics were, in certain cases, directly applied in resolving legal disputes, especially in cases that were not covered by the state law.¹⁶⁵

A general look at the relations between Confucianism as the state ideology and the introduction and integration of the Confucian *Li* into the state legal system not only justifies our focus of Confucianism in terms of the analysis of Confucian ideas of who are, or should be, the Chinese, but may also indicate the fact that has been so far neglected, namely these conceptions of who are the Chinese do not merely exist as a cultural identity or a racial identity but are in reality legalized, and institutionalized. Based on my analysis in the last section, it becomes clear that Confucianism plays a decisive role in constructing China as a divine entity, which, I argue, serves as one of the causes of the tensions, to put it briefly, we observe in the process of the Hui Muslims' attempts to become Chinese. Now, I have demonstrated that the tension derives not only from the Chinese cultural imperative that is itself essentially a monotheistic "religion" but also from the fact that it is a systematized, officially legalized and institutionalized "religion."

Having said the above, let us now look at this legally institutionalized tradition. The focus of my research here is to get a general understanding of how the concepts of "Us" and "Others" were constructed in Confucianism up to the Tang Dynasty. It aims to demonstrate how complex and powerful the so-called Chinese Culturalism was and has been that the Hui Muslims' experiences have not only been ignored by the majority Han Chinese but also by academic research. By lightening a historical picture of how the Hui Muslims have been trying to reconcile between the two legal systems that dominate their earthly life and that of the hereafter, I wish to make the unvoiced heard, and that their neglected experiences would contribute to the rewriting of the known stories.

2.2. Confucian Discourses on the Chinese-Barbarian Distinction

In recent years, more in-depth research has been conducted concerning the Chinese-Barbarian Distinction.¹⁶⁶ Most scholars agree that it is Chinese culture that was deemed as the criterion distinguishing the Chinese and the barbarian,¹⁶⁷ as I have touched upon in the last section concerning the discussion on *Li*. However, Wei (2013, 38–89) has argued that it does not seem to be important as for if it is true that culture distinguishes the Chinese and the non-Chinese. What matters is the political discourse itself and the power relation behind the discourse that really matters. Besides, political belonging, as well as blood lineage, were also used as criteria determining one's Chineseness since ancient times (Yang 2014b, XXIII). As Li Feng (2007, 331) argued, it is blood lineage, thus a sense of race, together with the culture that defines one's Chineseness.

Since I am focusing on Confucianism here, it is essential to talk about the conceptions of Chinese-Barbarian Distinction by Confucius himself. Song Confucians believed that "observing the purport of the *Chunqiu* on [the balance between] advance and retreat, giving and depriving, one knows the way to stabilize the Central *Xia* (China/Chinese) and to suppress the Four *Yi*."¹⁶⁸ Of course, it is possible that the Song Confucians reinterpreted the *Chunqiu* according to their own needs. What Confucius meant in the *Chunqiu* might be better understood in his own words. The most cited piece from Confucius in terms of his idea of Chinese-Barbarian Distinction is recorded in the *Analects*. It read:

¹⁶⁵ The existence of settling a lawsuit via the Confucian Classics of Spring and Autumn (*Chunqiu jueyu* 春秋決獄) demonstrated that the book of *Chunqiu* or Confucian Classics in general were applied in lawsuits, and became the de facto principle for court judgement. It was initiated by Dong Zhongshu 董仲舒 (192BC–104 BC), the leading figure who was responsible for the promotion of Confucianism as the official ideology in the Han Dynasty. The legal institution in question differed from the above case in that it not only introduced the Confucian ideals to the state legal system but also made the *Li* as legally binding norms, which means that in practice *Li* was applied in cases where no state law was available for application. In this sense, it is not surprising to claim that the studies on Chinese legal histories without including the studies on the Confucian *Li* have missed a big part of the whole picture.

¹⁶⁶ As for relevant research, see Tong (2004, 169–76), Qian (1992, 41–46), Li (1984, 11–14), Pines (2005, 59–102), Chang (2009a; 2009b, 169–256), Wei (2013), and Yang (2014b, 2019).

¹⁶⁷ Yang (2014b, XXV) has pointed out that "in modern studies of the concept of the Chinese-barbarian dichotomy, the idea that the Chinese have ritual and moral duty and the barbarians do not has frequently been misinterpreted as a discourse on cultural difference or cultural superiority." For example, the eminent historian Qian Mu 錢穆 (1988, 35) held that it was culture (*wenhua* 文化) other than race (*zhongzu* 種族), blood lines or ancestry (*xuetong* 血統) that differentiated the Chinese from other peoples in ancient times. Besides, Xiao Gongquan 蕭公權 (1946, 55–57), the political scientist, asserted that via the adoption and application of the Chinese Confucian culture the non-Chinese barbarians were always able to become civilized Chinese.

¹⁶⁸ The original Chinese is "觀春秋進退予奪抑揚之旨，而知安中夏，討四夷之道矣。"

Zigong said, “Was not Guanzhong a benevolent man? When Duke Huan killed (his brother) prince Jiu, (Guanzhong) was incapable of dying, and then even became his Minister?”

The Master (Confucius) said, “After Guanzhong became Minister to Duke Huan, he made the Duke leader of the feudal princes, and entirely reduced the All under Heaven (the Empire) to order, so that (the Chinese) people today are still benefiting from him. If it were not for Guanzhong, I should be wearing my hair loose and folding my clothes to the left (as the barbarians do).”¹⁶⁹

Zigong 子貢 (520 BC– 456 BC) was one of the best disciples of Confucius. For him, Guanzhong’s 管仲 (725 BC?– 645BC) morality was questionable, for Guanzhong somehow was supposed to sacrifice his life for his master prince Jiu. However, Confucius, instead of criticising Guanzhong’s betrayal to his master Jiu, spoke quite highly of him, saying that everyone benefiting from his benevolent deeds should be grateful to him. It seems to Confucius that the contribution which made Guanzhong a great man was his effort that now no Chinese had to dress and live like a barbarian who wore their hair loose and folded the clothes to the left. Obviously, as far as Confucius was concerned, loyalty to the Chinese regime, or to protect the Chinese from becoming the barbarian, was far more important than being loyal to one’s own master (Fan 2011, 15).

Later the same question was also posted to Confucius concerning the morality of Guanzhong,¹⁷⁰ and Confucius’ reply again confirmed that Guanzhong was indeed a man of benevolence (*junzi* 君子¹⁷¹). No doubt, it is essential in Confucius’ thoughts to repel the barbarians. For Confucius, and also for Confucianism in general, the appearance of “wearing one’s hair loose and folding one’s clothes to the left” is crucial in that it relates to the very core principle of the *Li* that distinguishes the Chinese from the barbarians. The *Li* determines how one should be dressed in conformity with one’s social status, and further how a proper human, namely the Chinese, should be dressed. This seemingly superficial issue of appearance represents the value and significance of the ritual and moral duty, which is the core of Chinese culture and Chinese identity itself. It is likely that it is Confucius who introduced this idea of Chinese superiority (Chang 2009a, 190), though not necessarily with an ethnic/ racial connotation.

Wei (2013, 192) has summarised in his PhD dissertation that the viewpoint of Confucius in terms of the Chinese-Barbarian dichotomy was characterised as honouring the Chinese and opposing the barbarians. Although previous research shows that Confucius’ Chinese-Barbarian Distinction was culture oriented, namely he believed that, among others, the difference between Chinese, their superiority and the barbarians and their inferiority lied in culture, Dikötter (2015, 1–30), on the other hand, has demonstrated that there was no real dichotomy between culture and race in traditional China. In other words, the Chineseness in its racial dimension was determined by Chinese culture. Hence, Chinese as a racial concept was defined by one’s identification with the Chinese culture, and the Chinese-Barbarian Distinction in the very early period of Chinese history already had a racial and exclusive dimension.

This tradition that the Chinese are the people of morality and benevolence, and hence superior, has been inherited and developed afterwards, particularly so in various Confucian Classics (Wei 2013), including the *Zuozhuan*, the *Gongyang zhuan* 公羊傳 (Gongyang commentary on the *Spring and Autumn Annals*), and the *Guliang zhuan* 古梁傳 (Guliang commentary). As a matter of fact, Guanzhong himself, according to the record of the *Zuozhuan*, once said that “*Rong* and *Di* are wolves and jackals who cannot be satiated. All the *Xia* (Chinese) are kin who cannot be abandoned.”¹⁷² It becomes prevalent throughout Chinese history, especially among the Confucian elites. Chang (2009a, 66–112) has pointed out that the distinction between the Chinese and the *Man-Yi-Rong-Di* during the Spring and Autumn periods was most of the time an insider-outsider dichotomy, though certain discourses of Chinese superiority vs. barbarian inferiority already existed. This understanding became more explicit and, at the same time, more complicated in the Warring States period.

¹⁶⁹ The original Chinese is “管仲非仁者與？桓公殺公子糾，不能死，又相之。子曰：管仲相桓公，霸諸侯，一匡天下，民到於今受其賜；微管仲，吾其被髮左衽矣...”

¹⁷⁰ As for this example, see vol. 14 of the *Analects* where Zilu 子路 asked “was not Guanzhong a man without benevolence, since he did not die together with his master when Duke Huan killed him?”

¹⁷¹ As for Confucius’ perceptions of the concept of *junzi*, see my discussion in chapter six.

¹⁷² The original Chinese is “戎狄豺狼不可厭也，諸夏親昵不可棄也。” The translation here is from Pines (2005, 64).

Generally, there have been two main approaches of the Chinese to dealing with the barbarians, which I term as the “separative” and the “assimilative,” where the former held that the non-Chinese should be separated and excluded from China and the Chinese, while the latter held that the non-Chinese could and sometimes should be assimilated to the Chinese.

On the one hand, in the Warring States period, some literati believed in the doctrine of universal human nature (Chang 2009a, 201), which held that the Chinese and the barbarians were of the same nature, and it was merely the customs and education that they received afterwards that distinguished them. The thesis of universal human nature does not mean the acknowledgement of equal humanity between the Chinese and the barbarians but has its own political and military purposes, namely, the barbarians should be submissive to and dominated by the Chinese ruler. For example, some Confucian literati held that the universal human nature guaranteed a kind of universal human inclination, such as worshipping Heaven (*jingtian* 敬天), which made it possible for the Chinese ruler to manage these inclinations so as to rule them all. Others, such as Confucius himself, believed that if the barbarians shared the universal human nature with the Chinese it would be possible, and maybe also desirable, to assimilate the barbarians into Chinese via the teaching of Chinese culture.¹⁷³ This echoes my previous discussion on the concept of *Tianxia*, which holds that China and the barbarians lived together in the All under Heaven, and since the Chinese emperor was chosen by Heaven as the earthly authority, the Son of Heaven, he was entitled to rule everyone under Heaven, both the Chinese and the barbarians. The way the Chinese Son of Heaven dominated the barbarians was through his heavenly teaching. For example, Mencius argued that as long as the Son of Heaven governed his subjects in accordance with the Confucian morality, namely the benevolent governance (*renzheng* 仁政), the Chinese as well as the barbarians would strive to submit to the authority of the Son of Heaven. They believed that the Son of Heaven’s benevolent teachings, and later Confucius and his teachings were so powerful that even the real wild animals and plants were benefiting from them. Obviously, up to the Warring States period, there had been a clear and strong tendency to advocate the possibility and even the desirability to include or assimilate the barbarians into the Chinese via the Confucian teachings. However, the so-called universal human nature here actually was the universalization of the Chinese view. The non-Chinese’s difference would either be conquered and judged by the Chinese ruler, or be culturally assimilated into the Chinese. The Chinese’s monopolization of the contents of the “universality” excluded the possibility of any other alternatives and possible dialogues with other non-Chinese cultures.

On the other hand, as for the separative approach, it is indeed a continuation of the earlier attitude, namely, the barbarians being less- or non-human, should, according to the Chinese, be excluded and separated from the Chinese. They were just not human enough and thus not suitable for the Chinese Son of Heaven’s teachings. For example, some people viewed the barbarians, in contrast to the Chinese, as stupid, equivalent to animals and beasts, or even demons.¹⁷⁴ Along with this trend of thoughts was the belief that the Chinese were superior to the barbarians. It seems that, for people who held these ideas, the barbarians should best be kept separate from the Chinese. Yang (2014a, xxiii) held that the Han Dynasty saw the development of “the idea that barbarians’ inferiority to the Chinese was rooted in a lack of proper ritual norms,” where the idea of people of the Han (*Hanren* 漢人) had been developed as a “coherent Classicist ideology.” For example, Yang Xiong 揚雄 (53 BC–18 AD) in his *Fayan* 法言 (Model words) claimed that,

¹⁷³ Pines (2005, 73) has argued that for the Chinese statesmen and thinkers in ancient China “any human being is transformable and changeable, and even the erstwhile barbarian can turn into a sage.” However, Yang (2014a, xxvii) tried to demonstrate that such arguments of the openness of the possibility for everyone to become Chinese “is actually a relatively late development that arguably did not become prominent until the Qing Dynasty (1644–1911).”

¹⁷⁴ In Chinese mythology, there believed to have been four demons or the four perils (*Sixiong* 四凶). According to the *Shangshu* and the *Zuozhuan*, two versions of the four perils existed, namely Gonggong 共工, Huandou 歡兜, Gun 鯀, and the Sanmiao 三苗; or the Hundun 混沌, Qiongqi 窮奇, Taowu 檮杌, and Taotie 饕餮, respectively. Despite the fact that the four perils in the two versions referred to separate groups, they were gradually regarded as referring to the same groups and used as generic terms for those who either had moral or ethical flaws or were rebellious to the authority of the Son of Heaven (Lin 2018, 201–11). Notably, the four perils were regarded as similar to the barbarians in a way that they were all located in the peripherals of the Central Land. As a matter of fact, the four perils might be sent to these places where the barbarians were dwelling so as to change and hopefully correct the barbarians (Lin 2018, 218–19). The discursive construction of the four perils as both geographically and culturally marginalized groups as the barbarians, Zhuang (2011, 23–73) argued, was as the counterparts to support the unity and superiority of the Chinese.

The [Chinese] sages governed All under Heaven by setting constraints with the rites and ritual music. Those without [rites and ritual music] are animals (literally “birds”), and those with different [rites and ritual music] are barbarians.¹⁷⁵

Another later example during the Tang period is Han Yu 韓愈 (768–824), who tried to argue that the Chinese “are meant to be masters over barbarians and animals,” for Han Yu believed that “being human, being Chinese, and being an orthodox Classicist are one and the same thing” (Yang 2014a, 143–44).

The above discussions have shown us the complexity of the Chinese traditions in terms of how to view and deal with the barbarians. In a word, for the barbarians, there was not a lot for them to choose. It seems that they were left within a situation where they had to choose from either being excluded from the Chinese or be assimilated into them. Very little space was left for them to preserve and develop their own religious and cultural identities. Chang (2009a, 213) has pointed out that one of the characteristics of Chinese intellectual history was its consecutiveness. The ideas of the Chinese-Barbarian Distinction during the Spring and Autumn and Warring States periods that I have discussed above were crucial and became the ideological, intellectual, as well as normative sources, and a framework, relying on which later Chinese rulers and scholars built their racial/ethnic thoughts.

2.3. The Theory of *Qi* and the Unchangeability of the Barbarians Inferiority

Several theories have been developed explaining why the Chinese deemed that the non-Chinese were not only inferior to them but also that their inferiority was unchangeable. The majority opinion, especially among contemporary Chinese scholars, asserts that it was mainly because of the geographic location of China that somehow isolated China from its outside neighbours that contributed to the idea of Sino-centrism. In other words, the particular geographic position of China in Asia has limited the communications of China with the rest of the world, which has been blocked by either the desert, the ocean, the Himalayas, the Gobi, or any other geographical barriers surrounding China. The lack of communication with others made the Chinese believe that they were the centre of the world, maybe, that they were the world, and thus the only human civilization. However, anyone with proper knowledge of history would not buy this assertion, for it simply is not the truth. My analysis of the history of Islam and the Shaṛī'a in China would serve as an example here demonstrating that the connections and communications between China and other parts of the world have never stopped. If the Chinese have since long ago known that they are not the world, nor the centre of it, and of course not the only civilization, then why the assertion of Sino-centrism that the Chinese are superior to others has not been well challenged? Two points are important to make sense of this assertion.

The first one is the theory of *qi* (*qilun* 氣論), or psycho-physical energy that “provided a theory for a kind of geographic-ethnic determinism separating different folk groups and differentiating their *tao* 道” (Tillman 1979, 404). Although Tillman (1979, 425) elaborated the theory of *qi* in his discussion regarding a Song nationalist Chen Liang 陳亮 who “was moving in the direction of the ‘closed’ nationalism... where biological and historical determinism dictated purity of national character and preserved it from alien influences,” the belief that “geographical environments possessed different spatial energies” which “helped shape cultural-spiritual forces as well as biological activities” (Tillman 1979, 406–07) had already existed long before that.

The concept of *qi* 氣 has been developed at a very early period of Chinese tradition (Lin 2004, 42–51). Later, because of the promotion of the Huang-Lao Daoist School, it “becomes an important theoretical concept in the history of Chinese philosophy” (Chen 2006, 5–18). During the Warring States period, it served as one of the theories explaining the reasons for the Chinese superiority over the barbarians (Chang 2009a, 172–80). In the *Liji*, it reads:

People of the five directions, namely those of the Central Land, and of the *Rong-Yi*, all have their natures, which are not analogical (Zheng:¹⁷⁶ the *qi* from the earth or spatial energy has made it so). People from the east are called the *Yi*,... People from the south are called the *Man*, ... People from

¹⁷⁵ The original Chinese is “聖人之治天下也，禡諸以禮樂。無則禽，異則貉。” The translation is from Yang (2014a, xxiii).

¹⁷⁶ Here it refers to the interpretation of Zheng Xuan 鄭玄 (127–200) to the *Liji*.

the west are called the *Rong*, ... People from the north are called the *Di*... People from the five directions (of the east, the south, the west, the north, and the centre) do not understand each other's languages...¹⁷⁷

Several points are worth noting. First, as I have pointed out before, the idea of China and the Chinese was, among others, understood as a geographical one surrounded by other lands and peoples. Second, these different geographical locations led to different and un-analogical natures of the peoples and their respective cultures, such as languages (Chang 2009a, 174). This assertion of China as a quasi-racial concept was responsible for the later development of Chinese ethnic nationalism. Anyways, until the late Warring State, or early Han periods, it was already obvious that peoples from different locations differed from each other and had different human natures due to the differing spatial energy of the specific locations.

The Chinese theory of *qi* shares many similarities with European environmental determinism (Yoon 1982, 77–80). In general, it holds that nature is the prime active and determining factor that controls human behaviour and culture. In other words, the environment is “the force shaping human life” (Yoon 1982, 79). In the Chinese tradition, the theory of environmental determinism, or the theory of *qi* was comprehensively elaborated on among the Confucian official-scholars by the Han period. The *Baihu tongyi* 白虎通義 (General consensus on the meanings [of Confucian Classics reached upon at] Baihu),¹⁷⁸ which was the “first known attempt at identifying an ideological basis for regarding the boundaries of the Chinese empire to be both conterminous with the classical geopolitical concept of the Central Lands and exclusive of the opposite category, the barbarians” (Yang 2014b, 14), argued that there were three groups of people that the Chinese King should not govern. No doubt the barbarians are included here. What is interesting for us is the justification the Han Confucian scholars provided as to why the barbarians should not be governed. The *Baihu tongyi* states:

The barbarians (*Yi-Di*), whose customs differed from those of the Chinese, lived in the lands that are cut off from the Central Lands (China). They [the barbarians] are not born from the balanced and harmonious energy (*Qi*), and could not be transformed or integrated using the Confucian ritual and moral duty. That is why the [Chinese] King should not take them as his subjects. The *Commentary to the Chunqiu* says, “the barbarians deceive one another, and a man of noble character does not abhor it.”¹⁷⁹ The *Great Commentary to the Book of Documents* says,¹⁸⁰ “Those to whom the standard calendar has not been granted (as a symbol of suzerainty), a morally superior Chinese ruler does not consider his subjects.”¹⁸¹

The same topic that certain people should not be governed by the Chinese Kings has been seen in several other documents (Yang 2014b, 13–15). As for the reasons why the Chinese Kings should not try to make the

¹⁷⁷ Original Chinese: “中國，戎，夷，五方之民，皆有性也，不可推移（鄭注：地氣使之然）。東方曰夷...；南方曰蠻...；西方曰戎...；北方曰狄...。五方之民，言語不通...”

¹⁷⁸ This book by Ban Gu 班固 (32–92) is the recording of a series of discussions on the “true meanings” of the Confucian Classics which took place in 79 AD at the White Tiger pavilion (Baihu guang 白虎觀) in the capital of the Han Dynasty. As for the name of the book, Baihu 白虎 means White Tiger, referring to the place where the meeting was held, while *tongyi* 通義 has several indications (Zhang Quancai 1990, 213–15), and generally it means a general consensus on the meanings (of the Confucian Classics) (Wang Sida 2001, 123). The book is important in the study of Chinese philosophy in general, and in our research of the concept of China and Chineseness in particular, in several aspects. On the one hand, the book demonstrates the aim of the Han court to make both the Chinese Han emperor as the essence of the state, and the Heavenly god as the essence of state religion. More importantly, it marks the official reinterpretation of the relationship between the two (Hou 1957, 225–36). On the other hand, it sees the completion of the deification of Confucianism as State ideology, which sets the paradigm of State ideology for the rest of the Chinese imperial history (Zhu 2008, 71–73). We shall come back to these points later in this section.

¹⁷⁹ This citation from the *Commentary to the Chunqiu* should not be understood without its own context. According to the *Gongyang Commentary on the Spring and Autumn Annals*, the behaviour of the barbarians who deceive one another was actually abhorred by a man of noble characters. As the text followed, “why does not a man of noble character abhor this (immoral) behaviour? It looks like so (that this behaviour is not abhorred), however, in fact (a man of noble character) indeed abhor it very much.” Of course, the behaviour of “the barbarians who deceive one another” was the Confucian scholars’ stigmatisation of the military strategy of their barbarian enemy at war. The original Chinese in the *Gongyang Commentary on the Chunqiu* is “曷為不疾？若不疾，乃疾之也。”

¹⁸⁰ The translation of the citation from the *Great Commentary to the Book of Documents* is from Yang (2014b, 13).

¹⁸¹ The original Chinese is “夷狄者，與中國絕域異俗，非中和氣所生，非禮義所能化，故不臣也。《春秋傳》曰：‘夷狄相誘，君子不疾。’《尚書大傳》曰：‘正朔所不加，即君子所不臣也。’”

barbarians his subjects, the author argued that it was most importantly, among others, due to their “inborn moral inferiority and untransformability,” which originated from their imbalanced and disharmonious *qi*. As we have seen before, the idea of China as the Central Lands indicated a belief that the Chinese superiority lied just in its location of being in the centre where “Heaven and earth integrate, the four seasons intersect, wind and rain meet, and the *yin* and *yang* are harmonious... hundreds of things are abundant.” This theory was also reflected in Ban Gu’s *Book of the Han*, where it was said:

The barbarians are avaricious and given to pursuing benefits (at the expense of others). They wear their hair untied and fasten their robes on the left side; they have the faces of men and the hearts of beasts. Their ritual clothing and customs are different from those of the Central Lands; their diet, too, is different, and their language is unintelligible to us. They live far away in the cold dew-watered northern wilderness, following their livestock in search of pasture, feeding themselves by hunting with bow and arrow... For these reasons, the sage-kings reared them like birds and beasts, neither making covenants with them nor attacking them. When we make covenants with them, we buy them off at much cost, only to be deceived. When we attack them, we exhaust our armies and invite more raids. Their land cannot be ploughed to grow food, and their people cannot be reared like imperial subjects, That is why the sage-kings kept them outside and not inside (of China), far off and not close by; they neither granted these people their governance and teaching, nor granted their country the standard calendar.¹⁸²

These differences have also been used by the Confucian scholars in favour of their criticizing and excluding Muslims in China, even over a millennium later in the Qing Dynasty. Notably, these differences seem to be unchangeable, for they have derived from the fact that the barbarians “live far away in the cold dew-watered... wilderness.” This geographical wilderness seems to, too, account for the wildness of the barbarians, and hence their bestiality, for their geographical wilderness lies in where “Heaven and earth have cut off the outer from the inner.”¹⁸³ This attitude is more explicitly expressed by another Han scholar-official, who claimed that there is no difference between the barbarians and the birds and beasts due to the fact, according to him, that they “were made of abnormal *qi* from the four quarters of the world.”¹⁸⁴ It turns out for the author that the only way to prevent the barbarians from “throwing the natural *qi* into disorder and defiling good people,”¹⁸⁵ is to keep them apart, and not allow them to reside in China. For some of the Han Confucian scholars, the essence of one of the teachings in the Confucian *Spring and Autumn Annals* was that “the Chinese King should not rule over the barbarians.”¹⁸⁶

In general, until the Han period, the theory of *qi* has been quite clear. Beginning with the theory, the Chinese Confucian tradition has held that it is the *qi* of the geographical locations of the barbarians, namely being not in the central lands but the peripherals, that determines and results in the inferiority of the barbarians.

My research also echoes the findings of Yang’s (2014b) research on the barbarophobic and barbarophilic rhetoric of the Tang Dynasty. Up to the Tang period, it seems that the idea of *qi* and its connections with human nature has been comprehensively developed and integrated into the theory of *yin* 陰 and *yang* 陽. The *Zhoushu* 周書 (Book of Zhou) completed in 636 argued in the chapter of “Foreign Lands” (*Yiyu* 異域) that,

All man are created in the image of Heaven and earth, and they get their spirit and intelligence from the *yin* and the *yang*. It is this natural order (of the *yin* and the *yang*) that makes one’s stupidity and intelligence, and it is water and earth that generate one’s strength and weakness. Therefore, the Chinese are those [who live in a place/ China where] rain and dew get together; the

¹⁸² The original Chinese is “夷狄之人貪而好利，被髮左衽，人面獸心。其與中國殊章服，異習俗，飲食不同，言語不通。辟居北垂寒露之野，逐草隨畜，涉獵為生。... 是故聖王禽獸畜之，不與約誓，不就攻伐。約之則費賂而見欺，攻之則勞師而招寇。其地不可耕而食也，其民不可臣而畜也。是以外而不內，疏而不戚，政教不及其人，正朔不加其國。” The translation is from Yang (2014b, 18).

¹⁸³ The original Chinese is “天地所以絕內外。”

¹⁸⁴ The original Chinese is “四方之異氣。”

¹⁸⁵ The original Chinese is “錯亂天氣，汙辱善人。”

¹⁸⁶ The original Chinese is “春秋之義，王者不理夷狄。”

wind passes through; the nine rivers guard the guiding principles; and the five mountains¹⁸⁷ guard and pacify [the five directions]. People who were born there [namely the Chinese] will therefore have humaneness and moral duty.¹⁸⁸

The author seemed to believe that the Chinese and the barbarians shared something similar, namely, they were all “created in the image of Heaven and earth.” However, this did not guarantee the same treatment among them. The natural order of the *yin* and the *yang* promoted the spirit and intelligence of the people in the Central Lands, namely the Chinese. Therefore, only the Chinese were born with humaneness and moral duty. It is, too, this “natural order” and the *qi* in the barbaric lands that formed the nature of the people there, the barbarians. The author argued, when it comes to the barbarians, that people from the west, the east, the north, and the south, the surrounding of the Central Lands, “are separated from us... and as for people there who are affected by the local *Qi*, they are bound to have a malevolent nature.”¹⁸⁹ For the Chinese, all the barbarians from different places, although they differed in their respective customs and desires, were defined by the same nature of “being greedy and insatiable, cruel and rebellious.”¹⁹⁰ In the end, the author concluded that: the different natures of the Chinese and the barbarians, especially the inferiority of the barbarians, were all the Mandate of Heaven (*Tianzhi suoming* 天之所命). A clear discourse of environmental determinism represented by the Chinese theory of *qi* was applied by the author to explain the difference and inferiority of the barbarians. This theory was also seen in Du You’s *Tongdian* from which much of the earliest Chinese knowledge on Islam derived.

Throughout my analysis, two attitudes are explicit. On the one hand, the Chinese see the non-Chinese as outsiders. Some of the Chinese hold that it is the geographical energy, the *qi*, of the non-Chinese that makes the outsiders unable to receive, or unworthy of receiving, the Chinese sage king’s teachings. And that makes them barbarians, inferior to the Chinese. Accordingly, these barbarians cannot be governed, and are not worthy of being governed, by the Chinese kings, and they should be best left alone. On the other hand, contrary to those who assert that the barbarians born from the unbalanced *qi* are unchangeable, some other Chinese believe that the barbarians actually share the same human nature with the Chinese, and that means for them that the barbarians are able to change and be “promoted” to the Chinese. My point here is that both attitudes and the respective approaches they promote to dealing with the barbarians prioritize the Chinese and the Confucian teachings. What is left for the non-Chinese is either exclusion or assimilation.

Conclusion

This chapter starts with the terms that the Chinese designate to de-humanize the non-Chinese, including the Hui Muslims. These terms constantly appeared in various documents in ancient China, including legal documents. My analysis on these terms reveals how the Chinese drew the boundaries between “Us” and “Others,” which is also represented in the ways how the concepts of China are constructed, as a geographical, a cultural, a racial, and most importantly, a religious one. This is important in understanding the Hui Muslims and their legal experiences in China, for to become a Chinese means to fulfil one or all of these criteria. Particularly challenging for the Hui Muslims to become Chinese is that China itself existed as a monotheistic entity, a monotheism itself. The multifaceted concepts of China indicate the challenges and tensions the Hui Muslims were facing while negotiating between being Chinese and being Muslim. This is the already well-established dominant tradition that Islam and Muslims had to face, reconcile, adapt, resist, and fight after they

¹⁸⁷ To understand this passage, it is necessary to point out that several terms in this passage are related to the Chinese philosophy, or the religious thoughts. For example, the term *yin* and *yang* are in the *Yijing* tradition considered as the two fundamental elements that are dynamic and the interaction of which generates the world. Besides, the concepts of “water and earth” (*shuitu* 水土) are two elements of the so-called “Five Agents” (*wuxing* 五行), with the rest being Fire (*huo* 火), Wood (*mu* 木), and Metal (*jin* 金). These five elements are considered in the Chinese tradition as the five dominating *qi* in the world. In addition, the Nine Rivers actually represent nine rivers in the imagined Nine States, or the *Jiuzhou* 九州, another term I mentioned in ancient Chinese referring to China. While the Five Mountains, the *wuyue* 五嶽, are the five mountains that are imagined to guard the five directions. This concept also symbolizes China.

¹⁸⁸ The original Chinese is “凡民肖形天地，稟靈陰陽，愚智本於自然，剛柔繫於水土。故雨露所會，風流所通，九川爲紀，五嶽作鎮，此之謂諸夏。生其地者，則仁義出焉。”

¹⁸⁹ The original Chinese is “感其氣者，則凶德生焉。”

¹⁹⁰ The original Chinese is “貪而無厭，狠而好亂。”

came to China in the seventh century. What's more, as I demonstrated, this tradition, in and via which one's identity as a Chinese was defined, did not merely exist as cultural, but was actually institutionalised, and legalised, particularly through Confucianism which constructed and supported the idea of China as a divine entity, and developed a systematic discourse on the Chinese-Barbarian Distinction. For the Chinese, non-Chinese were inferior whose inferiority was unchangeable, according to the theory of *qi*.

The Chinese established their Chinese identity and Chinese superiority by dehumanising, by and large, all the non-Chinese. It is no easy task for the barbaric non-Chinese, such as the Hui Muslims, to become, and be recognised as, Chinese, as a result of the complexity of the concept of China itself, and the exclusive divinity of China as such. Muslims coming to China have been facing this situation while attempting to find possible reconciliations to become Chinese. However, this could not be easy at all. My research shows that there existed very few options for the Muslims: they were left with such possibilities as to either be isolated from the Chinese, as in the case of *fanfang*; or to give in, be assimilated to the Chinese, and become followers of the religion of divine China. More essentially, I argue, this tradition is not only longstanding and resilient, but has also been institutionalised, legalised, and consequently quite powerful.

This is the background of my analysis of the Hui Muslims' experience in traditional Chinese laws that will be articulated in the next chapter.

CHAPTER FOUR

Islam and the Hui Muslims' Experience in Traditional Chinese Laws: From the Tang to the Qing

Introduction

Following chapter three that described the Chinese tradition in terms of their ways to practise “othering” represented in various terms, concepts, and institutions found in Confucian Classics that have been legalised, this chapter aims at illustrating how this tradition influences and is represented in official laws in imperial Chinese society, and how the Hui Muslims deal with it with diverse approaches. I will focus on several specific Chinese official laws, particularly those Muslim related legal provisions from the Tang to the end of the Qing periods, trying to make sense of how the law was made, interpreted, in which context, and for what purposes. My approach to analysing the law differs from previous research by asking under which socio-political circumstances the law was made and how these circumstances have made it possible for me to have an alternative understanding of the law and its consequences on the Hui Muslims. This approach enables me to examine why the Chinese official law treated the Hui Muslims in a certain way, and the socio-cultural conditions that created and supported the law and that the Hui Muslims had constantly to face. It also reveals the Chinese legal culture and the Chinese tradition that cultivated this culture and tradition and was discussed in the previous chapter. The solution to all these questions lies in the very idea of what it meant to be a Chinese, particularly for the Hui Muslims who, facing this powerful Chinese legal tradition, came up with diverse responses from complete assimilation to complete rejection, with all other possible intermediary responses.

As a socio-legal investigation, the Chapter is mainly based on Chinese legal documents, ranging from the *Tanglü shuyi* 唐律疏議 (Interpretation of the Tang code, hereafter the *Tang Code*), to the *Daqing lilü* 大清律例 (the Great Qing code). My analysis of these laws is, on the one hand, related to other relevant legal provisions, official legal interpretations, as well as legal and administrative institutions, but also, on the other hand, in the context of and in relation to the local, regional, and personal background. I achieve this through relating my analysis to such documents as, for example, the *Xin Tangshu* 新唐書 (New book of the Tang), *Jiu Tangshu* 舊唐書 (Old book of the Tang), *Quan Tangwen* 全唐文 (The whole collection of Tang period literature), *Tang huiyao* 唐會要 (Institutional history of the Tang dynasty), *Zizhi tongjian* 資治通鑒 (Comprehensive mirror to aid in government), the *Fengtian tao mengyuan xiwen* 奉天討蒙元檄文 (Warning proclamation of punitive campaigns against Mongol Yuan in the name of Heaven), *Ming Taizu shilu* 明太祖實錄 (Veritable records of Taizu of the Ming Dynasty), *Ming Shizong shilu* 明世宗實錄 (Veritable records of Shizong of the Ming Dynasty), the *Daming lü* 大明律 (The great Ming code), *Daqing lilü*, the *Daqing lü jizhu* 大清律輯注 (Compilation and interpretation of the great Qing code), and the *Duli cunyi* 讀例存疑 (Enactment reading and remaining doubts), to name a few. Particularly helpful are the four volumes collections of Muslim related edicts issued by emperors of the Manchu Qing Dynasty, the *Qingshilu musulin ziliao jilu* 清實錄穆斯林資料輯錄 (Collections of Muslim related materials in the veritable records of the Qing Dynasty) edited by Ma Saibei (1988). These primary sources have not only enabled me to examine the Chinese official laws in their contexts, but have also revealed the socio-legal conditions the Hui Muslims were living, and how they responded to these conditions. To better understand the Hui Muslims responses towards the Chinese official laws, I benefited from my fieldwork in the Hui Muslims' communities, and the publications produced by the Hui Muslims themselves. These include the textbooks used in the Jingtang education, the inscriptions found in the Hui Muslims' mosques, and, above all, the writings of the Han Kitab authors, such as Wang Daiyu's *Zhengjiao zhenquan* 正教真詮 (The real commentary on the true teaching).

This chapter is formed of two main sections. The first section explores Muslim-related Chinese laws from the Tang to the Qing periods; I focus on the legal term of the *Huiwairen* 化外人 in the *Tang Code*, and the legal provisions targeting the Hui Muslims in the *Great Qing Code*, respectively. The second section addresses how

Muslims responded to the Chinese laws, the Confucian idea of Heaven (*Tian* 天), Mandate of Heaven (*Tianming* 天命), and Son of Heaven (*Tianzi* 天子), and the Chinese tradition of “othering” at the basis of these laws. I examine the Hui Muslims’ (legal) experiences of being Chinese in traditional China and have detailed several cases that demonstrate how the Hui Muslims proposed diverse theories, practices, and approaches so as to solve the tensions between being a Muslim and a Chinese in imperial China.

1. Muslim Related Chinese Laws from the Tang to the Qing

In this section, I provide an analysis of the laws, legal provisions, edicts from the Chinese Emperors, and policies of the Chinese regime, which are either related to or specifically issued to Muslims. My analysis starts from the Tang period, with the legal term of *Huawairen* 化外人 found in the *Tang Code*.

1.1 *Huawairen* 化外人 in the *Tang Code*

I have already analysed the terms of *Fan* and *Yi*, and other related terms in the last chapter. It is evident that as foreign guests or foreign businessmen, the Muslims in the Tang period were able to enjoy certain autonomy and extraterritoriality (Leslie 1987, 175–79). This autonomy and extraterritoriality were most typically represented in the stipulations of the *Tang Code*. Several articles in the *Tang Code* involved foreigners, while the most direct and essential one was seen in Article four of Volume six of the General Principles (*Mingli* 名例) in the *Tang Code*. The law read,

Among all the foreigners, as for any disputes that have happened between members of the same group,¹⁹¹ their own customary laws shall be applied; as for any disputes that have happened between members of different groups, the law (of the Tang) shall be applied.¹⁹²

Following the law, the official interpretation went on saying that,

foreigners are called people of the *Fan* and *Yi*, who have their own leaders, and each of whom has their own different customs and laws. If the foreign people of the same group quarrel, [the authority] shall consult their own laws and institutions, and the case shall be tried in accordance with the laws of the foreign group. If the foreign people of different groups quarrel, such as a man from Gaoli (Silla) and a man from Baiji (Paekche), cases like this, the charge and the punishment shall be decided according to the official law [of the Tang].¹⁹³

Here we have the first term in the *Tang Code* referring to non-Chinese, the *Huawairen*, which I translate as “foreigner,” or “those beyond the Chinese teachings.” In classical Chinese, the word *hua* 化 basically means “to change,” and “to turn into,” or more specifically means “to correct,” normally a misguided person, by education, persuasion, etc. The word *wai* 外 means outside, beyond, or foreign. According to Su (1996, 142), the so-called *Huawai* 化外 refers to the places where the (Confucian) ritual and moral duty (*Liyi* 禮義), as well as the laws of the Chinese authority, cannot reach or be implemented. Hence, *Huawairen*, or people of the *Huawai*, are those who live and/or come from these places, or simply people without proper ritual and moral duty, according to, of course, the perspective of the Chinese.

Two aspects of this understanding need to be taken into consideration. As the counterpart of the *Huawairen*, the *Hua’neiren* 化內人 means people living in the *Hua’nei* 化內 where the (Confucian) teaching of the ritual and moral duty as well as the laws of the Chinese authority could reach and be implemented (Liu Junwen 1989, 88). As Gan (2011, 6) summarised, the *Huawairen* differed from the *Hua’neiren* in three different aspects, namely: 1) politically, the *Huawairen* were not subject to the Chinese authority, but that of their own Kings,

¹⁹¹ Here, the original Chinese term for “members of the same group” is *tonglei* 同類. Leslie (1998, 3) translated this term as religious or ethnic group. And Johnson (1979, 252) translated the term in his research on the general principles of the *Tang Code* as different nationalities.

¹⁹² The original Chinese is “諸化外人，同類自相犯者，各依本俗法；異類相犯者，以法律論。” See (Zhangsun 1983, 133).

¹⁹³ The original Chinese is “化外人，謂蕃夷之國，別立君長者，各有風俗，制法不同。其有同類自相犯者，需問本國之制，依其俗法斷之。異類相犯者，若高麗之與百濟相犯之類，皆以國家法律論定刑名。” See, (Zhangsun 1983, 133). Besides, the translation of the two countries, Gaoli and Baiji, see Leslie (1986, 34).

the Kings of the barbaric *Fan* and *Yi*; 2) legally, the *Huawairen* were under the jurisdiction of their own laws, not the Chinese Tang law; and 3) culturally, the *Huawairen* had their own customs other than the Chinese Confucian ritual and moral duty. Whether one followed the ritual and moral duty as well as the laws of the Chinese authority served as the core criterion determining if one belonged to the people of the internal *Hua'nei* or the external *Huawai*. I translate the term as “foreigner,” of course, not in a modern sense of private international law, meaning that they were coming from a different country or had a different nationality, but to indicate that these people were regarded by the Chinese (the *Hua'neiren*) as someone who did not belong to the Chinese cultural sphere. In general, the main point here is that the term *Huawairen* is a legal term that has much to do with the Chinese understanding of “Us” and “Others,” the insiders and the outsiders, which we shall come in detail later in this section.

An issue that has long been neglected in the study of the *Huawairen* is the fact that *Huawairen* were deemed not only as outside the Chinese culture sphere but were also explicitly referred to as people of the *Fan* and *Yi* who had their own Kings and leaders. To put it simply, the legal distinction of the *Huawairen* and the *Hua'neiren* shares the same logic with the categorisation of the Chinese and the non-Chinese barbarians. The majority of studies by contemporary Chinese scholars have been speaking highly of this legal article. They held that this law, which not only recognized but also respected the culture and customs of the foreigners, actually gave preference to the foreigners, including the early Muslims, made them willing to settle down in China, and contributed to the spread of Islam in China (Bai 1983, 9–10; Qin 1992; Ge 1996, 71–76; Yang Wenjun 1998, 63–71; Jiang 2006, 80–86). Some Chinese scholars even went so far as to claim that the legal article in question was “the most graceful and attractive one in Chinese legal history” (Xu 1958, 45, Shen 2006, 115). For them, the *Huawairen* are not foreigners (*waiguoren* 外國人) in a modern national legal sense but rather refer to peoples of different cultural background. They believe that “the existence of the *Huawairen* in the imperial/ feudal Chinese legal system represents the fact that, in the process of the formation of a unified multi-ethnic country of China, certain legal recognition and reasonable adjustment, such as the one in question, are made in favour of the interest of different peoples/ethnic groups, and in terms of legal conflicts between them” (Su 1996, 151).

As far as the Tang Dynasty is concerned, it seems true that the early Muslims were able to benefit from this and other legal provisions which gave them certain autonomy to practice the *Sharī'a*. However, I disagree with the abovementioned argument of this law being the “most graceful and attractive one” in that, I argue, the intention of the lawmaker or the Chinese authority of the Tang might have been different from what the majority of Chinese scholars have argued. To make myself clear, it is necessary to look again at the official interpretation of this specific law and other legal provisions of the Tang that dealt with the *Huawairen* in general.

As the official interpretation of the *Tang Code* argued, the foreigners were the *Fan* and the *Yi* who had their own Kings and leaders. Obviously, they were not regarded as Chinese, but as outsiders, or even barbarians.¹⁹⁴ Let us take a look at how the non-Chinese were treated during the Tang and if the Chinese authority actually respected the laws and customs of the foreigners, including Muslims.

First of all, all the foreigners during Tang China were not allowed to travel freely, and in fact, the Chinese were forbidden to communicate with them. For example, according to Chen Huixin (2003, 12–13) certain certificate or travel documents, which were equivalent to today's visa or residence permit, were needed for foreigners to enter, travel, and live in Tang China.¹⁹⁵ The *Tang Code* stipulates,

¹⁹⁴ It is generally agreed in academia that the terms *Man* 蠻, *Yi* 夷, *Rong* 戎, and *Di* 狄 are to be translated as the English term barbarian. I have also demonstrated that the term *Fan* actually was interchangeably and un-discriminatively used with these terms in Tang China and thus would also be translated here in my discussion of the Chinese Hui Muslims in traditional China as barbarian. However, not all scholars agree with the usage of translating the Chinese terms of *Man-Yi-Rong-Di* into barbarians in English. Some (Hall 1991, 4, Di Cosmo 2002, 95; Gillett 2009, 397) argued that there was no exact equivalent in Chinese vocabulary as barbarian for the foreigners. For the discussion of the translation of the Chinese terms into barbarian, see Yang (2014b, xiii–xviii).

¹⁹⁵ The information contained in these documents was complicated, including the status, name, age, and travel aims of the foreigner, the places that the foreigners had travelled to in China and those he would travel to, time period he had spent and would spend in these places, and etc.

Those who cross the border un-documented shall be sentenced to one year's imprisonment; while those who cross the border secretly shall be sentenced with a severer punishment.¹⁹⁶

And the official interpretations state,

anyone who wishes to pass through the checkpoints at the border shall have official documents... first, the document for permission shall be applied for before one could go through the border. Those who pass through the border without the official document shall be sentenced to one year's imprisonment... Secretly going through the border instead of going through the border gate/checkpoint shall be sentenced to one and a half years' imprisonment.¹⁹⁷

This law, as it stated, applied to everyone, the *Huawairen* and *Hua'neiren* alike. Thus, without the official travel document, the foreigners were not allowed to enter, travel or live in Tang China, otherwise, they would face at least a one-year imprisonment. Notably, this law also applied to the *Hua'neiren*, the Chinese, which, still, lowered the chances for the Chinese to have any contact with the foreigners.

A careful reading of other legal provisions in the *Tang Code* reveals that, as a matter of fact, all the foreigners and their activities in China were under severe surveillance, including foreign ambassadors, the status with which most early Muslims came to China. One article in the *Tang Code* states,

any secret transactions with the foreigners, which means to take [anything] from or give [anything] to [the foreigners], if the transaction in question shall be measured more than thirty-one centimetres, [the people involved] shall be sentenced to a two and a half years' imprisonment... [anyone] who marries a foreigner shall be sent into exile.¹⁹⁸

The interpretation also gave more specific stipulations concerning this article, which reads,

according to other stipulations in the *Ge* and *Ling*,¹⁹⁹ all foreigners shall not take the Chinese woman to their home country, whom they marry as their wife or concubine. Furthermore, according to the stipulation in the Host-Guest *Shi*, on the foreign guests' way to the Chinese court, the lay people shall not have contact with them, and they shall also not be allowed to communicate with the laypeople. Government officials of the province and county level, if not for official business, shall not have contact with the foreigners. [It is stipulated] that Chinese government officials, as well as laypeople, shall not have any communication with the foreign guests. Marriage between them shall also be punished as mentioned above... if allowed (by the Chinese authority), the foreigners may settle down (in China) and marry a wife or concubines. If they take [the women] back to their home country, they shall be punished.²⁰⁰

The Chinese official laws like these that forbade the interactions between the Chinese and the foreigners were seen throughout Tang history.²⁰¹ Contrary to what most Chinese scholars argue that every aspect of the legal rights of the early Muslims, and presumably also other foreigners during the Tang period, were protected, my research on the *Tang Code* concerning the foreigners shows that much of the activities of the foreigners in Tang China were restricted and the Chinese government tried to keep the Chinese separated from the foreigners,

¹⁹⁶ The original Chinese is “諸私度關者，徒一年。越度者，加一等。” See Zhangsun (1983, 172).

¹⁹⁷ The original Chinese is “行人往來皆有公文... 自餘各請過所而度。若無公文，私從關門過，合徒一年。越度者，謂關不由門，津不由濟而度者，徒一年半。” See Zhangsun (1983, 173).

¹⁹⁸ The original Chinese is “共化外人私相交易，若取，與者，一尺，徒二年半... 共為婚姻者，流二千里。” See Zhangsun (1983, 177).

¹⁹⁹ For the legal form of *Ge* 格, *Ling* 令 here, and *Shi* 式 below, see chapter three

²⁰⁰ The original Chinese is “又准別格，諸蕃人所娶得漢婦女為妻妾，並不得將還蕃內。又准主客式，蕃客如朝，于在路，不得與客交雜，亦不得令客與人言語。州縣官人，若無事，亦不得與客相見。即是國內官人，百姓，不得與客交關。私作婚姻，同上法。如是蕃人入朝，聽住之者，得娶妻妾，若將還蕃內，以違敕科之。” See, Zhangsun (1983, 178).

²⁰¹ Leslie (1986, 34) has recorded several of these laws. For example, one edict issued in 779 read that “Uighurs and other foreigners in the capital should wear their own costume and not copy Chinese men. Formerly, Uighurs in the capital, about a thousand men... some wore Chinese costume and enticed (Chinese women) so as to obtain wives and concubines. This is forbidden.” And later in 836, it is reported that “in Chang'an, a memorial strongly requested that private relations of Chinese with foreigners be forbidden, of trade, of marriage, visits, mortgages, and slaves.”

particularly from their religious practice. In general, we can say that the *Hua'neiren* actually refers to the Chinese, who live in the places where the “universal” teaching of Confucianism and that of the Son of Heaven (*Tianzi* 天子, the Chinese emperor) could reach, that is China; while the *Huawairen* are the non-Chinese foreigners. It seems very difficult for me to conceive that the foreigners’ customs were recognized and respected by the Chinese authority when the Tang government, on the other hand, were trying to prevent its people as well as officials to have contact and communication with them. Especially when one takes into consideration the laws concerning marriage restrictions between the Chinese and the foreigners, as Leslie (1986, 35) argued, “these laws regarding relations with Chinese women surely reflected popular feelings.”

The stipulation in the *Tanglü shuyi* concerning the *Huawairen* seems to indicate that as the *Huawairen*, the early Muslims in the Tang Dynasty were able to enjoy certain autonomy. This has not only been demonstrated by the Chinese scholars today but also by the Persian traveller named Sulayman who came to China during the Tang period by sea.²⁰² My point here is, however, to show that taking into consideration how foreigners, including the Muslims of course, were treated in general in the Tang court, we might have a different understanding of the relevant articles in the *Tang Code*. In other words, it would be misleading to put the law in question out of the socio-cultural and political context where it was created and functioned. Contrary to the common understanding that the law in question was created out of the good intention of the Chinese authority who recognized and respected the foreign customs, I would argue that the Muslims were, together with other foreign peoples, categorised as either the *Fan*, or one of the *Man-Yi-Rong-Di* who were associated with animals by the Chinese. This seemingly “the most graceful and attractive law in Chinese legal history” was in fact based on the Chinese way of distinguishing “Us” and “Others.” Probably that is why very few, if not none, of the research on the law in question mentioned the fact that the foreigners were called people of the *Fan* and *Yi* (*Fanyi zhiren* 蕃夷之人).

It is true that, as Sulayman reported when he visited Guangzhou, Muslims were appointed by the Chinese authority with a judge of their own who was able to apply the Shari‘a within their own community, the *fanfang*. However, we still have to be very careful to claim that this legal and administrative setting was a result of the Chinese Emperor’s respect toward the Muslims. Particularly so when it is so obvious that as one of the alien groups Muslims were categorised as such groups as sharing connections with animals. How could one show respect to a group of people when, on the other hand, the group was intentionally dehumanised? This was the situation the early Muslims were facing in Tang China. As Young (1990, 164–65) maintained, “assimilation always implies coming into the game after it is already begun, after the rules and standards have already been set, and having to prove oneself according to those rules and standards.” For those Muslims who came and decided to settle in China, they had to find a way to become Chinese, that is to “become human,” since all the non-Chinese were deemed as non-human and were marked as the “Others.” The legal provisions of the Tang that I discussed here lacked certain capacities of inclusion of other cultural, legal, religious, and ethnic groups.

Now it is only natural to ask the question of why in the first place the Tang government even allowed and gave the “privileges” to the foreigners if the Tang court considered the non-Chinese as not only foreign but also inferior. Previous studies on Chinese culture and Chinese identity conceived pre-modern Chinese identity as “belonging to a universalizing civilization, and sharing common, predominantly Confucian culture... (which) was inclusive, as those foreigners who acquired, consciously or through diffusion, Chinese cultural values became ‘Chinese’” (Pines 2005, 59). However, the validity of this universalizing Confucian culture has been questioned recently (Townsend 1992, 98–103; Duara 1993, 1–26; Dikötter 2015, 1–20; Yang 2019, 2–23). And a Chinese identity that has been exclusive and ethnocentric already existed for centuries in traditional China. Therefore, I would argue that the Tang court’s attitude toward the non-Chinese, or the *Fan* and *Man-Yi-Rong-Di*, was not unique but a continuation of the long history prior to it, as I described in the last chapter.

Chinese legal historian Zhang Jinfan (1982, 215) argued that “the Tang Empire was then the political, economic, and cultural centre of Asia and even the world. There were a large number of foreign people coming to Tang China to study and/or do business. The Tang had frequent and quite intensive contacts with foreign countries.” In other words, Zhang assumed that it was the need in reality that the Tang government encountered to deal with the disputes between the Chinese and the foreigners and between the foreigners themselves that required

²⁰² Concerning Sulayman, and his travel experience, see chapter two.

the Tang to have made this law. But still, it does not say much about why the law was made the way it was. Most research claimed that the law in question was a representation of the open-minded ethnic and foreign policies of the Tang, especially the early Tang emperors, such as Taizong.

Taizong, Li Shimin 李世民 (598–649), was regarded as the founding father of the Tang Dynasty, and it is said that his open-minded ethnic policy won him the title of the Celestial Khagan (*Tian Kehan* 天可汗)²⁰³ among the non-Chinese peoples. He was widely recognized by modern Chinese historians as having “an exceptional ability to recognize the humanity of ‘barbarians’ and accord them equality with the Chinese” (Yang 2014b, 1).

Two of his pronouncements were frequently cited as evidence for this evaluation, if not compliment, to Taizong. One read,

Since antiquity, everyone has seen the Chinese of the Central Kingdom as superior and the barbarians (*Yi-Di*) as inferior. I, as Emperor, alone love them equally, and that is why their clans and divisions have all cleaved to Me, the Emperor, as if to their own parents.²⁰⁴

As Yang (2014b, 10) argued that “modern historical scholarship frequently quotes Taizong’s words in a wholly decontextualized form,” this claim also works true in our case. Taizong made the above pronouncement when he was making a tour in his newly built palace in 647, while he asked his ministers about the reasons why “the ancient Kings cannot bring the *Rong-Di* barbarians to submission but were only able to pacify the Central Lands.”²⁰⁵ It was clear that the actual question he was asking was why what the ancient Chinese rulers had not achieved was finally achieved by him. Before his ministers answered his question, he himself listed five possible answers to his question, or his success and achievement specifically. Being able to treat the barbarians equally was, as he stated, one of the reasons, and probably the most important one for his success to bring the barbarians to submission, which the ancient Chinese sages were not able to achieve. Yang was right to have pointed out that this pronouncement by Taizong, when put into its context, should be understood as Taizong’s strategy towards the contest he had with his ministers who tried to “restrain his militaristic and expansionist tendencies... that threatened the stability and longevity of the Tang empire” (Yang 2014b, 2). Of course, it also served for his “carefully constructed self-representation as both a sage ruler and the greatest conqueror in history” (Yang 2014b, 2). Taizong’s claim that he loved the barbarians and the Chinese alike should neither be over-interpreted as a shred of strong evidence for his open-minded ethnic policies nor as an example for early Tang’s cosmopolitanism, but indeed a political discourse of the ambitious Emperor’s expansionism.

As for the second pronouncement that was widely cited as a piece of evidence to praise for Taizong’s open-minded ethnic policies, there are three different versions.²⁰⁶ Basically what Taizong tried to state, according to these versions, was that “if a ruler will only be free of distrust, then even barbarians (*Yi-Di*) can serve him loyally,” for he believed that “barbarians (*Yi-Di*), too, are human beings. If they are governed with moral power, they can be made to become family-like.”²⁰⁷ Again, Taizong’s statement that “barbarians are also human beings” should be read in its context, that is, “an ongoing debate over the strategic merits of the Goguryeo expedition” (Yang 2014b, 49).

These two pronouncements should both be read and understood in their own context and in the context of other occasions when Taizong and his ministers made other controversial statements that dehumanized the non-Chinese. For example, in 641 shortly after the people of Seyanto (Xueyantuo 薛延陀, one of the ancient Turkic peoples) were defeated, their leader Inanch (Yinan 夷男) asked to marry a daughter of Taizong’s. In 642, Taizong stated that “I am the parent for every common people living under Heaven. If I am able to benefit

²⁰³ It is said that after the defeat of the Eastern Turks by Taizong in 630, he was already given the title of Celestial Khagan, meaning the Heavenly Khagan, which probably was the translation of old Turkic *Tängri Khagan*, often transliterated in Chinese as *Tenggeli Han* 騰格裡汗. For a more detailed introduction of the title, see Chu (2009, 28–30, 88–90, 100–02, 217–18; 2010, 183–208) and Skaff (2012, 119–22, 124).

²⁰⁴ The original Chinese is “自古皆貴中華，賤夷狄，朕獨愛之如一，故其種落皆依朕如父母。”

²⁰⁵ The original Chinese is “自古帝王雖平定中夏，不能服戎狄。”

²⁰⁶ For the details of these different versions, see Yang (2014b, 45–49). For that recorded in the *Zizhi tongjian* 資治通鑑 (Comprehensive mirror to aid in government), see Skaff (2012, 92–94).

²⁰⁷ The original Chinese is “但君無疑貳，夷狄可以效忠，” “夷狄亦人，以德治之，可使如一家。”

them [with one of my own daughters], how could I be reluctant to give her up?”²⁰⁸ However, he went back on his word before long. This time he did not seem to care much about his statement that he loved the barbarians and the Chinese alike, nor the Confucian teaching of ruling the people with moral power. When his ministers tried to urge their Emperor to keep his promise, for they believed that “marrying the princess to (the leader of) the Seyanto could buy some time for our borders to rest and develop... so do not break the promise to the *Fan* people.”²⁰⁹ Emperor Taizong made it very explicit the reasons why he refused to marry his daughter to Inanch, leader of Seyanto. The Emperor said,

You, my ministers, only know the ancient but not the present day. Back in the old days during the Han Dynasty, Xiongnu (barbarians) were strong and the Chinese were weak, and that was why we marry our children with lavish gifts to the Chanyu (emperor of the Xiongnu people). (However), today the Chinese are strong and the Eastern *Di* are weak... The reason why Seyanto now kneels and surrenders to the Chinese... is that the newly established King of the Seyanto, who are living among the alien peoples, are dependent on us Chinese great power so as to make the alien peoples obedient to him... and (the alien peoples) do not dare to attack (the Seyanto), because (the leader of) Seyanto was titled and supported by us, whom they are indeed afraid of. If I marry my daughter to him today, as the son-in-law of us great Chinese power... the alien groups would be more subservient to him. How can we expect the people of the *Yi-Di* to be grateful? When they are just slightly unsatisfied, they would dispatch troops down to the south [and attack China]. This is so-called to nurse a viper in one’s bosom.²¹⁰

Taizong did not take the people of Seyanto as equals to the Chinese this time. For him, these people were the people of the *Yi-Di* barbarians, who were not grateful and trustworthy, and they were actually, according to Taizong himself, like the viper that would, in the end, kill the one who showed mercy and kept the promise to them. Some member in Taizong’s court also argued against the wedding with the Seyanto, maintaining that “the barbarians (*Yidi/Rongdi* 夷狄/戎狄) are animals that cannot be reared using ritual and moral duty.”²¹¹

Noticing these contradictions and inconsistencies, Li Dalong (2006, 306–07) argued that “it is difficult to imagine that all these statements actually came from the same person, Taizong.” The same puzzle was raised by Skaff (2012, 58) as well, who commented that “it is difficult to determine whether this rhetoric actually represented Taizong’s personal view because his statements about nomads often varied depending on the audience.” For Taizong, his claim that he treated the Chinese and non-Chinese equally and the non-Chinese barbarians were also human was strategic and served his military and political agenda. That the Chinese and non-Chinese were equal in front of him only meant that he himself was the greatest conqueror in history that was fit to rule them all. I am not going into detail concerning the general pictures of the Chinese-Barbarian dichotomy in the Tang period. My point here is to show that arguing the strong notion of equality and humanity of non-Chinese foreigners during Tang China as the evidence to make sense of the *Tang Code* concerning the *Huawairen* is not convincing. The notion itself was, as Yang (2014b, 78) held, “far too simplistic a way of understanding both Taizong and the early Tang.”

If it was not because of the open-mindedness of Taizong toward the non-Chinese, or the early Tang’s cosmopolitanism, what could be the motivation behind the law concerning the *Huawairen* in the *Tang Code*? I have to stress here, again, that the stipulation in the *Tang Code* concerning foreigners, the *Huawairen*, did make it possible for the early Muslims to enjoy certain autonomy. However, the motivation behind the law was obviously not the good intention of the Tang emperors, nor his open-minded-ness towards the foreigners’ cultures, but a mindset that had long existed in the Confucian-dominated Chinese tradition, namely the inferiority of the barbarians who were not worthy of being governed by the Chinese sage teachings, and thus should be best left alone with their own customs and laws, unless or until they were assimilated (*hua* 化) into/by

²⁰⁸ The original Chinese is “朕為蒼生父母，苟可以利之，豈惜一女？”

²⁰⁹ The original Chinese is “許公主以妻延陀，邊境得以休息，不可失信於蕃人。”

²¹⁰ The original Chinese is “君等知古而不知今，昔漢家匈奴強而中國弱，所以厚飾子女，嫁與單於。今中國強而北狄弱... 延陀所以扶服稽顙... 以新得立為君長，雜居非其本屬，將倚大國，用服其眾... 所以不敢發者，以延陀為我所立，懼中國也。若今以女妻之，大國子婿... 雜姓部落，更尊服之。夷狄人豈知恩義，微不得意，勒兵南下，所謂養獸自噬也。”

²¹¹ The original Chinese is “夷狄/戎狄不可以禮義畜。”

the Confucian teachings. Interestingly, the two attitudes and approaches of the Chinese towards the foreigners that I discussed before, namely the “separative” and the “assimilative” approaches, were simultaneously represented in the *Tang Code*. As we have mentioned before, the second part of the law states that “as for any disputes that have happened between members of different groups, the law (of the Tang) shall be applied.” It seems that by applying the Tang law, the Tang court also aimed at transforming the barbarians into Chinese. That is why, as the *Tang Code* stated, “the foreign *fanke* making a pilgrimage to the Tang court shall be led to the Directorate of Education and be asked to observe the Confucian rites,” for they believed “applying the Classics could complete the transformation (of the *Yi-Di* barbarians into Chinese).”

1.2 Continuation and Further Development of the Chinese Legal Tradition of “Othering”: Song, Yuan, and Ming Periods

These are the causes of the tension that challenges the Hui Muslims throughout Chinese history, and arguably last until the present day, a very simple one, namely, to be a Chinese. We do not know much about how the tensions were tackled by the Muslims themselves before the late Ming Dynasty, particularly in terms of the *Shari‘a*, when for the first time we have a comprehensive and systemic response to the challenges as represented by the Han Kitab genre. There might be several reasons for this. During the Tang and Song dynasties, though we did see an increase in the Muslim population in China, the fact was that they were only a tiny amount of people, compared with the overall Chinese population. Meanwhile, since the Chinese authority insisted that the foreigners, such as Muslims, be separated from the Chinese, Muslims in China developed their own communities, the *fanfang*. This habitation arrangement also contributed to the separation of the Muslims from the Chinese. Most importantly, it was Confucianism, the mainstream Chinese way of living, and its attitudes and approaches towards “Others” which were represented in the Chinese imperial code, namely the foreign barbarians should be left alone, that accounted for the apparently peaceful co-existence of the *Shari‘a* in the Chinese society.

This situation was greatly changed since the Mongol Yuan Dynasty when large amounts of Muslims came with the Mongols from Central Asian, Persian, and Arab countries as conquerors to China. It has to be mentioned that before the Mongol Yuan period, Muslims living in China were considered foreigners, though many of them had stayed in China for generations. As I will show later in the next chapters, the Mongol Yuan Dynasty marked the localization of Muslims in China, particularly from a legal perspective. Muslims were appointed by the Mongols as high government officials ruling the Chinese, and they were for the first time recognized by the imperial court as subjects of the regime and were given the legal identity of being a Chinese. The Yuan government even established the Qadi Department of the Muslims to solve the legal issues among the Muslims in accordance with the *Shari‘a*. Briefly speaking, the Mongols’ unique way of ruling China together with the Muslims they brought back from their conquer of the Muslim world, and the relatively weak position of the Han Chinese and Confucianism in the Yuan society helped the Muslims in China to maintain their own ethnoreligious identity. In other words, their being legally Chinese during the Yuan period did not pose serious challenges that forced them to rethink who they were. This changed nearly a century later when the Yuan regime was overthrown by the Chinese Ming Dynasty, and the Chinese were finally able to defeat the Mongols and restore the Chinese rule. Naturally, the Muslims who, together with the Mongols, used to be the conquerors of China were then not welcomed,²¹² and various legal measures were taken to make them Chinese.

Having “driven the Mongols out” (*Quchu Hulu* 去除胡虜), the Ming court initiated a series of policies to “restore China” (*Huifu Zhonghua* 恢復中華). As the previous assistants to the Mongols, Muslims were not

²¹² As a matter of fact, the Han chauvinism was one of the factors that the founding father of the Ming, Zhu Yuanzhang, made use of to realize his military ambition. In 1376, the Emperor said, “Since ancient times, the Kings rule the All under Heaven, the Central Lands locate in the centre, dividing and dominating the barbarians (*Yi-Di*), and the barbarians locate in the periphery, serving and offering the Chinese with respect. We have never heard of the situation where the barbarians are in the Central Lands ruling the All under Heaven.... Now, with the circulation of the Heavenly Will and the flourishing of the *qi* in the central region, a sage was born out of billions of people, who is destined to drive the Mongols out and restore China.” The original Chinese is “自古帝王臨禦天下，中國居內，以割夷狄，夷狄居外，以奉中國。未聞以夷狄居中國治天下者也... 當此之時，天運迴圈，中原氣盛，億兆之中，當降生聖人，驅逐胡虜，恢復中華。”

driven out but supposed to be assimilated to Chinese, with a variety of laws, policies, and edicts from the Chinese Emperor.

I shall specify these laws and policies in detail, particularly the ones that forbade Muslim to marry between their own people but to the Chinese, in the following chapters on case studies. It would be helpful to give a summary here. These include, among others, first, foreigners were not allowed to move and settle in China. Besides, all private overseas trips were forbidden. These two policies made it difficult, if not completely impossible at all, for Muslims to get connected with the Muslim world. The networks that used to connect Muslims in China with the centres of Islam in terms of cultural, religious, and intellectual exchanges were cut off. Secondly, some Muslim families and their descendants were excluded from participating in the Imperial Examination. What's more, Muslims' dressing code, surnames, and languages, which were deemed by the Chinese as foreign (*hu* 胡) were all banned. Apparently, to become a Chinese then, according to Chinese laws, meant to dress like a Chinese, to name like a Chinese, and to speak the Chinese language. The law concerning language was particularly important here, for not before long the majority of Muslims lost their ability in the Arabic language, and Chinese became their mother tongue.

These laws and policies did not make the Ming Chinese satisfied and happy with their Muslim subjects and neighbours. In addition to the founding father of the Ming court who, just like Taizong of the Tang, showed two different faces towards the Hui Muslims,²¹³ a sense of deep distrust and discrimination was also visible among the Confucian scholars. For example, in 1376 a teacher at the local official Confucian school in Zhejiang wrote to the Emperor,

[I have] observed that recently the Mongols and the *Semu* people (Muslims) have adopted Han Chinese surnames, who are now of no difference with the Chinese. Some have pursued official positions, some have got quite high offices, and some have become rich businessmen. The ancients said, “those who are not of our group/race must have a different heart/mind.” How can it be that they do not hide their evil and heretical heart, and how can they not complain?²¹⁴

This message sounds very familiar to us. It reminds me of the discourses of Taizong of the Tang period, and also those among the Chinese, particularly represented by the Confucian scholars, since the Spring and Autumn period. Hundreds of years had passed, though, it seemed that this attitude towards the non-Chinese remained. Interestingly, the Emperor, to whom this message was addressed, was the one who issued the edict to ban the foreign surnames of the Mongols' and the Muslims', and he, instead of feeling offended, awarded the man and granted him a promotion. It would not be surprising to say that this kind of mindset was not uncommon among the Chinese. In 1537, another high official who was sent to supervise Gansu, a western province in China, reported to the Ming court that “the Muslim barbarians (*Huiyi* 回夷), among all kinds of barbarians, are the most treacherous.”²¹⁵

Feng (2016, 19–20) claimed that “the fundamental purpose of the policies of the Ming regime was to guide the Hui Muslims so that they would have the identification and recognition to the regime and the Chinese culture.” To achieve this, the Ming court also intervened in the religious practices of the Muslims. For example, the building of the mosque, which literally was the centre of Muslim's daily life, could only be carried out in the name of “praying for the prolonging of the Chinese sage Emperor's life” (*Zhuyan shengshou* 祝延聖壽). It is said that throughout the Ming and Qing periods Muslims were asked to pray for, and sometimes to pray to, the Chinese Emperor (Feng 2016, 18–19). Broomhall (1910, 228) has reported that Muslims were by state law required to worship the Chinese Emperor, Confucius, and idolatry. Generally, a tablet that read “Long live the

²¹³ For example, Emperor Zhu Yuanzhang once said, “the barbarians are birds and beasts. Therefore, Confucius discriminated them” (夷狄，禽獸也。故孔子賤之), see vol. 15 of the *Ming Taizu shilu* 明太祖實錄 (Veritable records of Taizu of the Ming Dynasty). On another occasion, he said, “it is human nature to do good. To transform the barbarians by/into the Chinese has been the way since ancient times” (人性皆可以為善，用夏變夷，古之道也), see vol. 28 of the *Ming Taizu shilu*.

²¹⁴ The original Chinese is “竊觀近來蒙古，色目人，多改為漢姓，與華人無異，有求主官者，有登顯要者，有為富商大賈者。古人曰‘非我族類，其心必異’。安得無隱伏之邪心，懷腹誹之怨謔。” See vol. 109 of the *Ming Taizu shilu*.

²¹⁵ The original Chinese is “諸夷之中，回夷最黠。” See vol. 196 of the *Ming Shizong shilu* 明世宗實錄 (Veritable records of Shizong of the Ming Dynasty).

Emperor” (*Huangshang wansui wansui wanwansui* 皇上萬歲萬歲萬萬歲) was set up in the mosque, and Muslims were required to pray toward this tablet. This is a typical example of China, the Chinese emperors, and the Chinese Son of Heaven, as a religious concept.

1.3 Socio-Legal Treatment towards the Hui Muslims during the Qing Period

These assimilative Chinese-making strategies put the Muslims in a situation in which their Muslim names, languages, dressing code, marriage rules, etc. were forbidden by law. However, the situation only got worse in the Qing Dynasty. With the development of the so-called “New Qing History” (*Xin Qingshi* 新清史), scholars started paying more attention to the ethnic and religious policies of the Qing regime and the ways the Manchus as a minority regime established and ruled the Great Qing Empire, a multi-ethnic entity that included not only China proper but also Mongolian, Tibet and nowadays Xinjiang region in Central Asia. However, little has been done on the Hui Muslims and their identity issues during the Qing period in Western academia, particularly from a socio-legal perspective.

The first occurrence addressing the Hui Muslims²¹⁶ in Qing official law appeared in 1762. There are in total fifteen Articles in the *Daqing lüli* 大清律例 (Great Qing code) targeting the Hui Muslims (Su 2016, 29). Before we go into detail regarding these legal stipulations, it is necessary to take a look at the general attitude of the Qing officials and emperors prior to the special codification of the Hui.

The prominent historian on Chinese Islam, Jin Jitang 金吉堂 (1908–1978), argued that Gu Yanwu’s 顧炎武 (1613–1682) *Rizhilu* 日知錄 (Daily insights) was the first written record published in the Qing period that discriminated against the Hui Muslims. Interestingly, Jin (1935, 172) commented that “rather than call it ‘discrimination towards the Hui Muslims,’ I would say that it was a continuation of a tradition that excluded all outsiders.” Jin’s argument was not of no ground. Probably due to the rebellions led by the Hui Muslims at the beginning of the Qing Dynasty plus the longstanding ignorance of the Han Chinese towards Islam and Muslims, several local and central officials condemned Muslims. Most likely referring to Muslims’ fasting in the month of Ramadan, some officials accused that the Hui Muslims were suspects who “gathered at night and separated at dawn, conspiring against the regime” (*Yeju xiaosan tumou fanpan* 夜聚曉散, 圖謀反叛), a common accusation against heresy (*Xiejiao* 邪教)²¹⁷ (He 2008). I have mentioned this in previous chapters, particularly in chapter two. I will provide more detailed examples below.

In the winter of 1724,²¹⁸ the second year of the Yongzheng 雍正 (1722–1735) regime, the newly appointed Provincial Governor of Shandong 山東, Chen Shiguan 陳世倌 (1680–1758) reported to the Emperor that,

²¹⁶ In the Qing documents, Muslims living in China were generally addressed as *Hui* 回, which included nowadays Huizu 回族 (the Hui ethnicity) and Turkic-speaking Muslims, such as the Uyghurs in Xinjiang. Though more detailed research is needed to address the usage of the term *Hui* 回 as a group identity in Chinese history, my use of the term *Hui* here refers to those appearing in the *Daqing lüli*. As for the legal situation of the Uyghur Hui (*Chanhui* 纏回), the Qing court had a separate legal code called the *Huijiang zeli* 回疆則例 (Legal regulations in the Hui territory).

²¹⁷ The idea of “gathering at night and separating at dawn” contradicts the traditional (Han) Chinese conception of how to allot day and night and thus is deemed as an abnormal way of life, discriminated. This is particularly true, and indeed problematic for ordinary Chinese and the authority, when the “gathering” takes place in a collective form. Ge (2003, 44) points out that “these events that take place at night and attract so many enthusiastic participants must be derived from fanatical belief... which concerns the Chinese society and the government and is therefore deemed as secret events out of their sight and out of their control.” Obviously, the darkness of night is associated with the assumed dark nature of the event as conspiratorial, chaotic, and rebellious. This cultural imagination of the Chinese is associated with and constructed by the traditional idea that “the abnormality in everyday schedules is the subversion of the Chinese universal norms of morality.” Among all these kinds of events, for the Chinese authority, the most intolerable was those “night-gatherings” conducted by a religious group (Ge 2003, 44). Therefore, the “night-gathering” activities were not only abnormal but also had been illegal since the North Song up until the end of the Qing. For a preliminary discussion of Chinese law concerning “night-gathering,” see Ge (2003, 46–49).

²¹⁸ According to the sources from the Hui Muslims, Emperor Kangxi 康熙 (1661–1722) already issued an edict in 1694, which says that,

Having evaluated and analysed the Hui’s Classics and those of the Han... we deem that they at the very beginning all aimed at promoting the righteous Path... Considering that those Han (Chinese) officials who receive royal appropriations regularly attend court only once a day, while the Hui Muslims who do not have any royal appropriations still worship God and praise the sages

The heretical way misleads the people, so the law strictly prohibits it. Such is the religion of Islam, which does not respect Heaven and Earth, nor does it offer sacrifice to the gods. They follow their own authority [other than the Manchu Qing regime] and apply their own calendar. The members of their clique are increasing, and their numerous villainy causes great harm to people. Please ban the religion [of Islam] and destroy their mosques.²¹⁹

Having received the memorial, Emperor Yongzheng replied that,

Such teachings of the Hui [Islam] is absolutely with no merit. However, it came [to China] a long time ago. Besides, their religion [of Islam] has not been popular in China proper and is despised [by the Chinese]. As for those in their religion who are knowledgeable, [their following the religion of Islam] seems to be forced and against their own will... I ordered you to investigate the shocking events that incite the masses... today if you propose to banish the Muslims and prohibit their religion for no reason, it is not only impossible but just vainly causes more trouble.²²⁰

Contrary to Lipman's (2006, 89) argument that Yongzheng's 1724 edict was a "reiteration of his impartiality," I would say that this edict reflects the arrogant Emperor's ignorance and prejudice to Islam, an attitude constantly seen among the Chinese towards Islam and Muslims throughout Chinese history. It seems difficult to claim that through issuing the edict Yongzheng was defending Islam and Muslims. It is obvious, however, to read between the lines of the edict that the Emperor was just indifferent to "the teachings of the Hui," and for him not to banish the Hui Muslims or officially prohibit Islam was just because it "vainly causes more trouble" (*Tuzi fenrao* 徒滋紛擾).

No doubt the Emperor's attitude allowed, if not encouraged, the officials' prejudice and discrimination towards the Hui Muslims. Five years later in 1729 Chen Shiguan again submitted another memorial, in which he listed four reasons why the teachings of the Hui Muslims should be prohibited. He reported:

Everyone living under Heaven follows the [Chinese] Imperial Calendar and the Emperor's laws. Only the Hui...do not follow the official laws or pay respect to His Majesty. Besides, [the Hui Muslims] favour white colour and wear a white hat on the street, without scruple. This is the first reason why it should be banned. The Hui are everywhere under Heaven... any [Hui] traveller would greet each other with incantations so that even if they do not know each other the stranger would be invited to stay...they gather together so as to form their own clique. This is the second reason. The Hui keep under control of many important commercial centres in a city, a town, or at a ferry-place... monopolizing the market, benefiting from unfair gains... and threatening the local populace. This is the third reason. The Hui, furthermore, have built mosques everywhere, with groups of hundreds or thousands of people going to the mosque reciting the scripture. They are

five times a day, the Han are certainly inferior to the Muslims. Every province shall be informed that anyone who, due to minor mistakes, brings a false charge against the Hui being rebellious, shall be beheaded.

Lipman (2006, 88) has argued that this edict was issued by the Qing rulers to "proclaim their impartial benevolence toward Sino-Muslims and non-Muslim Chinese, repeating the slogan 'Equal benevolence toward Chinese and Muslim' (*han hui yishi tongren*)." However, since this edict is not recorded in the official Qing document and there exist several versions of it with minor discrepancies, scholars differ in opinion concerning why Kangxi issued such edict. For example, Jin (1935, 172) claimed that it was in order to rectify the Han official's (mis- or intentional)interpretation of Muslims' fasting during Ramadan that the Emperor issued the edict; while Jiang (1984, 43–44) explained that Kangxi issued the edict because of the false charge against a Hui Muslim in Beijing called Saeed Ma Tengyun (賽以德 馬騰雲).

The original Chinese of the edict is "朕評回漢古今之大典，自始之宏道也... 漢諸臣授官分職，時享君祿，按日朝參。而回逐日五時朝主拜聖，並不食朕俸，亦知報本，而漢不及回也。通曉各省，如官民因小不忿，藉端虛報回教謀反者，職司官先斬後奏" (Xia 2003, 40). Part of the translation is from Lipman (2006, 88). For the analysis of different versions of the edict, see Hu (2013, 9–12).

²¹⁹ The original Chinese is "左道惑民，律有嚴禁。如同教不敬天地，不祀神神祇，另立宗主，自為歲年，黨羽眾盛，濟惡害民，請概令出教，毀其禮拜寺。" See Shi Song (2000, 96).

²²⁰ The original Chinese is "此種回教原無一可取，但其來已久，且彼教亦不為中土所崇尚，率皆鄙薄之，即彼教中稍有知識，亦似有不得已之情... 朕令汝等嚴禁眩幻駭人動眾之事... 今無故欲一時改革禁除，不但不能，徒滋紛擾" See Liu Xiaodong (2000, 395).

people of fierce and ferocious character... who committed such criminal cases as murder and stealing... And this is the fourth reason why it should be banned.²²¹

We do not know whether Chen specified the four reasons in his memorial this time because his last one five years ago was commented by the Emperor as “with no reason” (*wugu* 無故). Clearly, the reasons he listed were his biased (Han) Chinese attitude towards the Hui Muslims.

The stereotypical descriptions of the Hui as “not following the Chinese way” or “being brutal and fierce” were not uncommon among the Qing officials. Only thirteen days later on the fourth of May, 1729, another high official, Yue Zhongqi 岳鍾琪 (1686–1754) submitted a secret memorial, saying that “the Hui people maintain their separate religion, speak a foreign language, and wear foreign clothes. They are fierce, malicious, and lawless... This is true in every province, and particularly so in Shaanxi... Please put them under strict control and severe punishment.”²²² Emperor Yongzheng responded differently this time, He first made a comment, comparing the Hui with the Han, and said, “Compared with the Han, the Hui only make up less than one out of a thousand. There surely exist minor illegal conducts [among the Hui], but not more.” One could easily read between the lines that, instead of regarding the Hui as a threat, the Emperor seemed much more concerned about the Han. He changed his indifferent attitude expressed a few years earlier and defended the Hui by saying that “the Hui people in different places are the loyal subjects of the state and shall not be seen differently.” As for the Hui’s differences from the Han Chinese, such as language, clothes, etc. mentioned by Yue Zhongqi, Emperor Yongzheng maintained that “the Hui people’s religion has been preserved since their ancestors... [to deal with them we shall] let them follow their customs and take suitable actions accordingly.” Though the Emperor took Islam as the “customs” of the Hui Muslims, probably being the governor of a minority conquest regime himself, he made a unique decision to “let them follow their customs,” at least theoretically. He informed all the local officials that “they shall not see the Hui people differently, but to govern the Hui the same way they govern the (Han Chinese) majority.”²²³

The “changes” of the Emperor’s attitude and the imperial stand against anti-Muslim prejudice seemingly shown in his 1729 edict. Indeed, almost all research in Chinese and Western academia takes it as an example to demonstrate the equal and even favourable policies towards the Hui Muslims in the early Qing period. However, my contextual analysis and interpretation below might provide a different understanding.

First of all, who is the official Yue Zhongqi to whom the 1729 edict was addressed? Was it because of him that Emperor Yongzheng changed his attitude towards the Hui Muslims? Or there was something else that contributed to the Emperor’s changes. Yue Zhongqi was a military commander of the Qing Dynasty and was believed to be a descendant of the Song patriot and folk hero Yue Fei 岳飛 (1103–1142).²²⁴ Probably because of his distinguished military achievement as a Han Chinese, he was often slandered by his Manchu colleagues. A turning point in his career during the Yongzheng regime was the well-known Lü Liuliang Case (*Lü Liuliang*

²²¹ The original Chinese text is recorded in page 900 of vol. 12 of the *Gongzhong dang Yongzheng chao zouzhe* 宮中檔雍正朝奏摺 (Edicts of Yongzheng regime of the palace archive), which read that “普天率土莫不凜遵正朔，恪守王章，惟同...往來賀節，並不遵奉寶曆，又崇尚白色、制為本帽，往來街市，略無顧畏，其應禁者一也；且種類遍滿天下，聲氣周通遠近，凡行客出外，以誦經咒為號，即面生無不相留...連植黨羽，互相糾結，其應禁者二也；凡城市鄉鎮關津渡口之所，把持水陸行埠，壟斷罔利，嚇壓平民，其應禁者三也；又各處創立禮拜寺，千百成群，人寺誦經，而其性兇悍...人命盜案...其應禁者四也。”(quoted in Zhuang Jifa 2000).

²²² The original Chinese is “回民自為一教，異言異服，悍強刁頑，肆為不法...各省截然，陝西尤甚...請嚴加懲治約束。”(Shi Song 2000, 378)

²²³ The original Chinese of Emperor Yongzheng’s edict cited here is “回民較漢人，千分中不及一分，小不法則有之，無能為者...各處回民俱為國家之赤子，不容異視。回民之有教，乃其先代遺俗...要亦從俗從宜...要在地方官吏不以回民異視，而以治眾民者治回民。” See (Shi Song 2000, 378).

²²⁴ Yue established his military career at the age of twenty in Sichuan. During the Kangxi regime, he was appointed Ministry of War (*Zuo Dudu* 左都督) and Viceroy of Sichuan because of his military achievement in Tibet. Later in 1723 during the Yongzheng regime, he was honoured Duke of Prestige and appointed as military commander and administrative governor of Gansu, a Muslim concentrated region.

An 呂留良案²²⁵ in 1728, which resulted in Emperor Yongzheng's distrust in him. Only three years later in 1731, this successful military commander was stripped of all honourable titles and official positions, detained. His secret memorial advocating severe punishment and strict control over the Hui Muslims was submitted one year after the Lü Liuliang Case. One of the key points in this case that needs mentioning is the advocacy of Lü Liuliang's theory of Chinese-Barbarian Distinction. Actually, two weeks before Yue submitted his memorial, the Emperor was dealing with the Lü Liuliang Case and issued a long edict clarifying certain sensitive issues, including the debate on Chinese-Barbarian Distinction. Therefore, taking this general historical background into consideration, it makes more sense when, at the beginning of the Emperor's comment to Yue's memorial, a comparison between the Hui with "minor illegal conducts" and the majority Han Chinese was made. It seems that, as a Manchu Emperor ruling the Han majority China, the Emperor was very much aware of the ethnic tensions among different groups, particularly between the Manchus and the Han Chinese; thus this time he intentionally refused the Han officials' anti-Hui Muslims prejudice and emphasized the principle of every group, regardless of ethnoreligious backgrounds, being loyal subjects to the Qing regime so as to be treated equally. In sum, my point here is that Emperor Yongzheng's 1729 edict should not be interpreted and understood as a general policy towards the Hui Muslims, but rather, though still arguably, a strategic response to the then rising anti-Manchu and anti-Qing thoughts. This also echoes Lipman's (2006, 83) argument that the Qing officials and emperors "did not work within a single system of categories or vocabulary, nor did they have a unified and consistent system of precedents to guide them."

Along with the ambiguous attitudes of the emperors were the continued discriminations and accusations of the Qing officials towards the Hui Muslims (Yu 1996, 182-83), which, among other things, resulted in a series of discriminative legislation and stipulations by both the local and the central Qing governments.²²⁶ The first legislation against the Hui Muslims in the *Great Qing Code* appeared in 1762, which read,

As for the Hui Muslims who committed theft... in which more than three men are gathered, among whom at least one holds weapons, regardless of ropes, whips, small knives, or sticks, no leaders or followers shall be differentiated; neither the amount of the stolen goods nor the number of offences [shall be considered]. The criminal shall without exception be sent to join the army for penal servitude in the farthest miasmatic frontiers of Yunnan, Guizhou, Guangdong, or Guangxi.²²⁷

²²⁵ Zengjing 曾靜 (1679–1735), a *Xiucai* 秀才 in early Qing, was a Ming loyalist Han Chinese who, being an advocator of Lü Liuliang's theory of Chinese-Barbarian Distinction, was not satisfied with the Manchu Qing regime and wanted to restore the previous Ming court of Han Chinese. Having known that Yue Zhongqi was a descendant of Yue Fei who fought against the Jurchen Jin Dynasty (established by the ancestors of the Manchu Qing), he sent his student Zhang Xi 張熙 to Yue Zhongqi in the hope that Yue would join and support their plot to overthrow the Qing government. However, Yue Zhongqi pretended to agree with them but on the other hand reported their plot to the Qing court.

²²⁶ Prior to the official legislation against the Hui Muslims by the central government, in 1751 the local governor of one of the largest Hui Muslim concentrated provinces of Shaanxi, Chen Hongmou 陳宏謀 (1696–1771) issued the "Covenant to Instruct and Admonish the Muslims" (*Huahui Huihui tiaoyue* 化誨回回條約). This Covenant included a series of prejudices against the Hui Muslims. For example, Chen described the Hui as a group of people who would seek revenge for the smallest grievance (*yiyou weixian jisibaofu* 一有微嫌 即思報復), and he asked the Hui Muslims, in case of any conflict with the Han Chinese, to first "claim down and make peace with the Han" (*pingxin xishi* 平心息事). In this official document Chen explicitly claimed that "the Hui Muslims are by nature atrocious and bellicose" (回回習尚強橫生事). Deeming that the Hui Muslims were not of the same race with the Chinese (回回種類雖殊), Chen still believed that the Hui should have been assimilated by the Chinese ritual and moral duty. While he still asked, "How can they become accustomed to defiance and unrestrained criminality, entirely without scruples?" (何至習於凶頑, 肆橫無忌). Even up until the eighteenth century the local Chinese officials still saw the Hui Muslims as the *Huawairen* 化外人, as Chen admitted "the local officials, due to the untamed nature and customs [of the Hui], see the Hui Muslims as the stubborn and disobedient people outside the Chinese civilization" (地方官因其性習難馴, 率視為化外頑民). As Lipman (2006, 91) concludes in his analysis of this document, according to Chen's view, and also very much likely according to that of his Chinese colleagues, Muslims are evil and tend to commit crimes, and thus they "should be treated more harshly than Chinese criminals because they are Muslims, a perception that would haunt Qing legal opinion for the remainder of the dynasty." The original Chinese text of Chen Hongmou's *Huahui Huihui tiaoyue* could be found in Chen (1751 [2010], 7–11).

²²⁷ The original Chinese is "回同行竊... 其結夥三人以上, 但有一人執持器械, 無論繩鞭、小刀、棍棒, 俱不分首從, 不計贓數次數, 改發雲、貴、兩廣極邊煙瘴充軍。"

According to Xue Yunsheng's 薛允升 (1820–1901) *Duli cunyi* 讀例存疑 (Enactment reading and remaining doubts),²²⁸ this article was codified because of the memorial submitted by the judicial official of Shandong (Shandong Anchashi 山東按察使) Min Eyuan 閔鶚元 (1720–1797). Min suggested that,

The Hui people are accustomed to being fierce and ferocious, who gather and form a gang of thieves. It would not be enough to just punish them according to the normal stipulation. Please, from now on, punish the Hui people, who committed theft in the form of more than three people and/or with weapons, in line with [the punishment for] habitual criminals to send them to join the army for penal servitude in the farthest miasmatic frontiers of Yunnan, Guizhou, Guangdong, or Guangxi, regardless of leaders or followers, amount of the stolen goods, or the number of offences. Those [Hui people] shall with no exception be punished who harbour theft suspects or who share the loot.²²⁹

The *Duli cunyi* admitted that “the punishment stipulated in the article in question is severer than that on the [Han] Chinese (*minren* 民人).” According to the “Article on Theft” (*qiedao* 竊盜) in the *Great Qing Code*, normal punishment varies in terms of the amount of the stolen goods. While in cases of gang theft (*jiehuo xingqie* 結夥行竊), the Hui were treated differently with severer punishment. For example, normally, gang theft in the *Great Qing Code* referred to “gathering of more than ten people (*jiuhuo shiren yishang* 糾夥十人以上),” but for the Hui, a gathering of more than three people would suffice “gang theft.” Besides, even in cases of “gang theft,” where more than ten people gathered with one of them holding weapons, a distinction in terms of punishment was made between leaders and followers, with the leaders being sent to the “farthest miasmatic frontiers” and the followers being punished with one-hundred floggings plus three years imprisonment. No such distinction existed when it comes to the Hui Muslims. Other legal stipulations that targeted the Hui Muslims, including tattooing on the face,²³⁰ the practice of filial mitigation,²³¹ and cases involving “gun-

²²⁸ A digital version of the document is available on the website of Terada's Homepage for Chinese Legal History Studies in Japan at http://www.terada.law.kyoto-u.ac.jp/index_cn.htm, accessed on the 10th of May, 2020.

²²⁹ The original Chinese is “回民悍成習，結黨為匪，僅照常例辦理不足示懲。請嗣後回民行竊但經結夥在三人以上及攜帶兇器者，不分首從，不計髒數、次數，悉照積匪例發雲、貴、兩廣極邊煙瘴地方充軍。窩竊、分贓之家一律治罪。” See (Ma Saibei 1988, 448).

²³⁰ Su (2016, 33) pointed out that in 1768 it was stipulated that “any Hui who committed theft, given first or second offender, shall be tattooed on his arms and/or face with the two characters ‘*Huizei* 回賊.’” *Huizei* literally means the Hui thief or Hui traitor, with the word *zei* 賊 indicating the committed crime of theft and the disloyalty of the Hui toward the Qing regime. Additionally, “if the crime was committed by a group of more than three [Hui] people holding weapons such as ropes or whips, two more characters ‘*gaiqian* 改遣’ shall be added.” This remained in the *Great Qing Code* with little amendment until the end of 1805 when Emperor Jiaqing 嘉慶 (1760–1820) ordered to use “*qiezei* 竊賊” instead (Guo 2012, 1178). On the contrary, for those Han Chinese who committed the crime in question and should be tattooed, only the characters *qiedao* 竊盜 was used, without indicating their ethnic identity or any connotation of disloyalty towards the regime. The original Chinese of the article in question is “凡回民行竊，分別初犯、再犯，於臂膊、面上概刺‘回賊’二字。如結夥三人以上，及執持繩鞭器械，例應改發者，仍再刺‘改遣’二字。” For the original article and its later amendments, see Guo (2012, 1176–78). Su (2016, 39–40) seems to argue that the article in question “existed in total during the Qing period for only thirty-seven years” and thus its social influence towards the Hui Muslims and Han-Hui relations should not be overestimated. He even goes so far as to maintain that the amendment issued by Emperor Jiaqing to use “*qiezei* 竊賊” instead of “*huizei* 回賊” demonstrates that “at least on the surface the Qing court pays great attention to the equality between different ethnic groups.” However, I disagree with him in that, firstly, if it were for Emperor Jiaqing's advocacy of “equality between different ethnic groups” how could we make sense of other legal articles in the *Great Qing Code* that represents different and discriminative treatments between different ethnic groups; secondly, although there is no doubt that, as Su (2016, 40) admitted, only few Hui Muslims committed theft and was tattooed with “Hui Muslim thief/traitor” during the thirty-seven years when the law in question was legally binding, the social impact of the officially legalised discrimination towards an entire ethnoreligious group should not be underestimated. Chances are that it might just because the Qing court was very much aware of the potential influence the article in question might have on the Hui Muslims and their relations with the majority Han plus those with the Qing court that the amendment was later issued.

²³¹ The practice of filial mitigation refers to the stipulation of “*cunlin yangqin* 存留養親” in traditional Chinese legal system. According to the *Great Qing Code*, it means the convict of a harsh sentence (such as death penalty or long-term imprisonment) could first apply for a suspension of sentence, stay at home and care for the elders of his close family members, provided the elders (parents aged over seventy, grandparents, great-grandparents, and great-great-grandparents) are in poor health, and that the convicted offender is the only male adult aged over sixteen in the family. Lipman points out that the stipulation in question “limited punishment to one hundred blows, eliminated any other penalty, and returned the convict to his family.” No doubt there existed several exceptions to the stipulation, and in 1801 during the regime of Emperor Jiaqing, the Hui Muslims were also excluded. The law read, “the Hui people who committed

shooters,²³² etc. were constantly seen in the following years until the late Qing period. The official law of the Qing in question mirrored the Qing emperors and their officials' longstanding attitude towards the Hui Muslims. Taking into consideration the socio-political situations of the Hui Muslims during the Qing period, which would be analysed in the following chapters on case studies, my analysis here at least proves the following points. First, a clear continuation of discriminative discourses towards the Hui Muslims has been obvious throughout the Qing period, particularly among the Han Chinese officials. These stigmatizing discourses go so far as to call for the criminalization of the Hui's ethnoreligious belief and practice, such as their following the Islamic calendar instead of the Imperial one (*buzun zhengshuo* 不尊正朔), using Arabic and Persian vocabularies in their everyday life plus dressing in line with the Islamic tradition other than the Han Chinese way (*yiyan yifu* 異言異服), and most importantly, maintaining their separate religion other than worshipping Heaven and Earth as the Chinese do (*ziwei yijiao bujing tiandi* 自為一教 不敬天地). In a word, the very essence of being a Muslim was challenged. Second, the fact that the Hui people (*huimin* 回民) are dealt with, though limited in certain fields, as a separate group in the *Great Qing Code* indicates that their distinctness from the Han Chinese is legally recognized by the Qing court,²³³ and unfortunately as “a fierce and brutal people” (Lipman 2006). Most importantly, though the implementation of these legal stipulations in reality and their impacts on the Hui Muslims still need further detailed investigations, the socio-political influence of the discriminatory treatment towards the Hui Muslims in official law shall not be underestimated.

This situation forced the Muslim communities to rethink who they were and how they should live in the Chinese society. Like the Chinese side who had different attitudes and approaches towards the Hui Muslims, there were then also several responses to the Chinese-making challenges from the Muslims' side. However, before I proceed further, it is necessary to look into the case of a Muslim who was regarded as having a Chinese heart (*Huaxin* 華心) during the very early period of Islam in China.

2. Muslims Experiences of Becoming Chinese in Traditional China

2.1 Li Yansheng: A Muslim Candidate with a Chinese Heart

In Chinese academia, scholars of the history of imperial ethnic policy in general, and those of Islam in China in particular, often emphasize the importance and representativeness of an Arab people of the Tang who have passed the Imperial Examination (*Keju kaoshi* 科舉考試). This case, its background and implications, serve as a typical example explaining my points here.

As I have argued before, one of the criteria of becoming Chinese is to follow the Confucian teachings, as well as the ritual and moral duty. Naturally, learning Confucianism and attending the Imperial Examination is seen as one of the markers of Sinicization (*Huahua* 華化). Li (2012b, 129) has argued that “the most significant feature of the Imperial Examination system during the Tang Dynasty was the fact that it kept open to everyone.” However, this openness is questionable and more complicated than it seems, at least in the case of an Arab candidate during the Tang. The Tang government indeed accepted foreign candidates to attend the Imperial Examination (Dang 2002, 152–57; Shi 2004, 338–41; Guo 2017, 105–14). However, as this man called Li

group theft with more than three people, holding weapons (ropes and/or whips)...shall not be allowed to apply for filial mitigation.” According to the *Daqing lili genyuan* 大清律例根源 (Roots of the *Great Qing code*), the Hui Muslims were excluded from applying filial mitigation, because “they are different from the ‘normal’ thieves,” without further detailed explanation. Su (2016, 40–41) tries to argue that this stipulation shall not be considered as one that discriminates the Hui people, for “there exist other twenty-seven occasions in which other criminals, including those of the Manchu ethnicity, are also not eligible to apply the law in question.” I disagree with him. Obviously, the point here is not “whether there are other exceptions in applying the law in question,” nor “if certain Manchu criminals are also excluded from the implementation of the law,” but that as far as “gang-theft with more than three people” is concerned, the Hui Muslims are the only group that are excluded from applying for filial mitigation. In other words, the “difference” that made the Qing regime offer an exception in dealing with gang-theft committed by the Hui is just their identity as a Hui. The original Chinese of the law in question is “回民犯竊，結夥三人以上，執持繩鞭器械者...俱不准聲請留養。” For a detailed records concerning the law in question and various amendments, see Guo (2012, 78–114, particularly 99–100).

²³² For the analysis on this article and others, see Su (2016, 34–35), Lipman (2006, 93–103).

²³³ Wen and Zhou (2020, 136–42) have pointed out that the emergence of an institutionalized identity of the Hui has already been established during the Yongzheng regime, particularly through the role of the religious leader (*zhangjiao* 掌教) within the local administrative setting of the *Baojia* 保甲, a household registration system in traditional China.

Yansheng 李彥昇 who came from Arab was recommended by a Chinese high official, a commander-in-chief, to attend the Imperial Examination, some other Chinese officials criticized it and argued that,

The city of Liang (nowadays Kaifeng city in Henan Province) is the capital, and the commander-in-chief is a man of great virtue and talent, who submits to and is appointed by the Chinese Emperor. He, the commander-in-chief, and his salary and position are dependent on the Chinese people. However, he turned to the non-Chinese *Yi* when it comes to personnel recommendation. Isn't the Chinese worthy of being recommended? Are the non-Chinese *Yi* people worth the position only? I am still in the end confused about the commander-in-chief's action.²³⁴

Having heard these critiques, a Tang Confucian scholar Chen An 陳黯 responded with an article titled "Chinese Heart" (*Hua xin* 華心), in which he said

At the beginning of the year Dazhong (847), the commander-in-chief, Duke Fanyang, at the capital recommended an Arab man, Li Yansheng, to the Emperor. The Son of Heaven issued a decree, ordering the Examination Officer at the Ministry of Rites to have his abilities tested. The next year (848), he passed the exams for the subject of *Jinshi*, which won him a high reputation. [His achievement] is beyond compare with that of the ordinary foreign candidates.... Say, the true intention of the commander-in-chief was indeed to recommend the personnel based on one's morality and talent, without being personal. If we talk about geographic locations, there exists a distinction between the Chinese and the non-Chinese *Yi*. When it comes to the (Confucian) teachings, does the distinction between the Chinese and the non-Chinese *Yi* still exist? The Chinese and the non-Chinese *Yi* indeed differ in their heart/mind. The way that distinguishes their heart/mind lies in the observation of one's inclination and aspiration. There are those who were born in the Central Lands but whose behaviour violates the (Confucian) ritual and moral duty, and they are indeed those who have a Chinese appearance but a non-Chinese *Yi* heart/mind. Those, who were born in the non-Chinese lands of the *Yi* but behave in accordance with the (Confucian) ritual and moral duty, are the people who have a non-Chinese *Yi* appearance but a Chinese heart/mind.... With this said, everything depends on one's inclination and aspiration. Now, the candidate Li Yansheng coming from abroad is able to be well acquainted with the commander-in-chief through the (Confucian) Path/Dao. That is why the commander-in-chief gave him preferential treatment and recommended him to the Emperor, so as to encourage the barbarian *Rong-Di* and make everyone living in the light of the sun and the moon submit to the (Chinese) moral and bright teachings. That is because the sinicization lies in one's heart/mind other than the geographic locations....²³⁵

Several points are immediately noticeable. First of all, the fact that the Arab candidate Li Yansheng was called the non-Chinese *Yi* (belonging to the barbarian *Rong-Di*) and that his being recommended to participate in the Imperial Examination was deemed as "confusing" demonstrated my previous arguments. That is, the early Muslims in the Tang Dynasty were seen as not only foreign but also were dehumanised as barbarians who were inferior to the Chinese. Besides, the commander-in-chief mentioned in the article was Lu Jun 盧鈞 (778–864). He was an important and successful politician during the late Tang period. From 836 to 840, Lu Jun was the regional military governor of Lingnan (Lingnan Jiedushi 嶺南節度使), in charge of parts of nowadays Guangdong Province, Guangxi Province, and Guizhou Province. Probably during his office in Guangzhou, one of the most Muslim concentrated regions during the Tang period, Lu Jun got to know the Arab man, Li Yansheng (Qin 1995, 12). Several years later when he submitted the personnel recommendation to the Emperor,

²³⁴ The original Chinese is “梁大都也，帥碩賢也，受命於華君，仰祿於華民。其薦人也，則求於夷。豈華不足稱也耶？夷人獨可用也耶？吾終有感於帥也。”

²³⁵ The original Chinese is “大中初年，大樑連帥範陽公得大食國人李彥昇，薦於闕下。天子詔春司考其才。二年以進士第，名顯然，常所寶貢者不得擬..... 曰，帥真薦才而不私其人也。苟以地言之，則有華夷也。以教言，亦有華夷乎？夫華夷者，辨在乎心，辨心在察其趣向。有生於中州而行戾乎禮義，是形華而心夷也；生於夷域而行合乎禮義，是形夷而心華也。..... 由是觀之，皆任其趣向。今彥昇也，來從海外，能以道祈知於帥。帥故異而薦之，以激夫戎狄，俾日月所燭，皆歸於文明之化。蓋華其心而不以其地也.....”

he was holding the positions of Right Deputy Director of the Department of State Affairs, Head of the Censorate, and Regional Military Governor of Xuanwu in charge of nowadays Henan Province and parts of Shandong and Anhui provinces. My point here is that, unlike what some scholars argued that the Tang Dynasty was quite open to foreigners, the fact that a recommendation submitted by such a high central official as Lu Jun was challenged as being “making people confused” indicated that the openness of the Tang might be questionable. This point becomes clearer when we consider the contents of the article.

The central argument of the article was that one’s Chinese-ness lied in one’s heart/mind other than the geographic locations that one came from, as indicated in the title of the article. Obviously, this argument was not a consensus among the Confucian scholar-officials during the Tang. For some, regarding a foreigner, a barbarian, as having morality and talent, and recommending him to participate in the Chinese Imperial Examination was definitely unacceptable. In other words, “turning to the foreigners or the barbarians for their virtue and talent was to humiliate the Great Chinese, and to despise China” (Ma Zhenglu 2012, 58). On the other hand, the author of the article, together with the commander-in-chief who recommended Li Yansheng, held a different opinion. It seems that the author, Chen An, represented a more complicated example of the Chinese view towards the non-Chinese. It was obvious throughout the article that Chen was, at least partially, a Chinese culturalist, namely he believed that the fundamental criterion distinguishing the Chinese from the non-Chinese was the “observation of one’s inclination and aspiration” (*Cha qi quxiang* 察其趣向), by which, as later he made it explicit, he meant the observation of the Confucian ritual and moral duty. As long as one followed and behaved in accordance with the Confucian ritual and moral duty, one was deemed as Chinese, otherwise a non-Chinese, and maybe even a barbarian.

Two more points have to be made concerning the culturalism of the author. Unlike the popular argument in Chinese academia that the openness of the Chinese towards the non-Chinese lied just in the belief that following the Confucian teachings made one a Chinese, I have pointed out before that in ancient China the cultural identity based on Confucianism, to a large extent, was inseparable from the Chinese as a racial identity. In ancient China, cultural was oftentimes racial as well. Furthermore, the deeper aim behind the culturalism of the author was clearly to demonstrate his self-assumed universality of Confucianism. Accordingly, anyone who wanted to become a Chinese should subordinate to the heavenly order of Confucianism and that of the Chinese Son of Heaven. Actually, the author had made his assimilative approach quite explicit. For him, the Chinese should not forbid the barbarian candidate, in this case, the Arab Muslim Li Yansheng, to take part in the Imperial Examination, but, on the contrary, they should “encourage the barbarian *Rong-Di* and make everyone living in the light of the sun and the moon submit to the (Chinese) moral and bright teachings.” In the end, the Chinese, either those who opposed Lu Jun’s recommendation that Li Yansheng participate in the Imperial Examination, or those who supported it, they were of no difference, in that they both believed in and aimed at the promotion of the Chinese superiority over the non-Chinese, and in this case, the Muslims.

The complexity of Chen An’s article and his argument of the Chinese heart/mind also lied in the fact that he, at the same time, seemed to be a follower of the Chinese theory of *qi*, or geographical determinism. This seems particularly true when we take another article of his into consideration.

The article was titled “A Memorial on Behalf of the Elders of Hehuang” (*Dai Hehuang fulao zou* 代河湟父老奏),²³⁶ which “was almost certainly composed in 846–848²³⁷ when the Tang court was holding discussions on the possibility to take advantage of the collapse of the Uyghur and Tibetan empires by retaking the Hehuang region” (Yang 2016, 166). Chen An argued in the article to Emperor Xuanzong 玄宗 (846–859) that a military campaign should be launched so as to liberate the Chinese there from the Tibetan rule. The memorial stated,

Your subjects and their ancestors were Han Chinese. Although our land was conquered by the western barbarian caitiffs, we have long harboured the desire to return to Tang rule. Back then,

²³⁶ Hehuang referred to the regions during the Tang period of the Gansu Corridor, the south-eastern region of Gansu, and the Kokonor frontier.

²³⁷ Wu (2000, 3) assumed that this article was written by Chen An around the year 827. However, he unfortunately did not give any evidence to justify his claim. Given the fact that this article was addressed to the Emperor, I tend to argue that this article, as a representation of Chen An’s motivation to get involved in imperial politics, was written no earlier than 845 when he initiated his first attempts to the Imperial Examination (Song and Wang 2006, 62–63).

we could not find a way to do so, and therefore had no choice but to drag out an ignoble existence. But now that an age of peace and prosperity has begun, how can we remain silent?... The Tang (China) owns All under Heaven, which goes far beyond the Zhou and Han dynasties. It unites the six regions into one family and makes millions of people one heart. Now it is only the *Quan-Rong* barbarians that still make us worried.... Nonetheless, although our strength is inadequate, our hearts have not abandoned Tang China. That is why we do live in the Hehuang region admonish one generation after another to be loyal to the Tang and to this day have handed down and preserved the caps and robes of the Han Chinese. Every Lunar New Year's Day, when we make offerings to our ancestors, we always put them on to show that we have not forgotten the rituals of the Han.... The barbarians (*Rong-Di*) are also (generated by) the *Qi* of Heaven and Earth, and they cannot be thoroughly extinguished but be abandoned and driven out.... What we recover today are the former territories west of Qinzhou and Weizhou that our dynasty has lost.... Your subjects could finally discard the *Rong* barbarians and approach the Chinese.... That would be our greatest lifetime fortune!²³⁸

In this article, the criterion distinguishing the Chinese from the non-Chinese was not one's inclination and aspiration, as the author held in his article of the "Chinese Heart." Chances are that he followed a more traditional approach, particularly so when he mentioned the rituals of the Han Chinese (*Hanyi* 漢儀), such as, "the caps and robes of the Han Chinese," offerings to the ancestors during Lunar New Year's Day, etc. Instead of the cultural assimilative approach which the author advocated in the previous article, in this article, the way that Tang China "unites the six regions into one family, and makes millions of people one heart," as the author argued, seems to be much more aggressive now. This, however, could be well explained by his idea of environmental determinism, as he admitted that "the barbarians (*Rong-Di*) are (generated by) the *Qi* of Heaven and Earth," and thus "they cannot be thoroughly extinguished but should be abandoned and driven out."

Having briefly discussed the two articles of Chen An, the situation seems to be more confusing, which leads me to rethink and re-evaluate my understanding of the author's position concerning Li Yansheng, the Muslim candidate's participation in the Imperial Examination. How could one say something quite opposite concerning the same issue in different cases? Though they were all addressed as non-Chinese, or even barbarians, there were indeed differences between the Muslim candidate Li Yansheng and the Tibetans. The former was a well-assimilated foreigner who sought to pursue a political career in Tang China, while the latter was definitely a threat to the Tang Empire that made them "worried." It indicates that the so-called culture in the Chinese culturalism approach was by no means universal but contextual. The complexity that we encounter when analysing Chen An's articles, for example, demonstrates the complex reality of the Chinese society that different ethnoreligious groups, including Muslims, live in. In addition, it is worth reminding that Chen An himself lived in and, to some extent, was also a product of this complex reality. Yang (2016, 166) has pointed out that Chen's surviving articles, presumably including the two that I discuss here, were probably "written for the literary portfolios (*Xingjuan* 行卷) that he presented to examiners and potential patrons in Chang'an during the examination season." Just like what Taizong did, for Chen An, his statements about the barbarians also often varied depending on the audience. Chen An himself was such a dedicated candidate that he, since his forties, spent almost two-decade time and took the Imperial Examination eighteen times. It is natural to assume that by writing these articles he was also hoping to benefit from them for his own political ambition, and therefore that these articles probably must have been manipulated by the political agenda of the Tang court.²³⁹

²³⁸ The original Chinese is "臣等世籍漢民也，雖地沒戎虜，而常蓄歸心。時未可謀，則俛僂偷生，既遭休運，詎可緘默...唐有天下，邁于周漢之道，一家其六合，一心其兆人。唯茲犬戎，未能無患...然雖力不支而心不離，故居河湟間，世相為訓，今尚傳留漢之冠裳。每歲時祭享，則必服之，示不忘漢儀...戎翟者，亦天地間之一氣耳，不可盡滅，可以斥逐之...今之所取，願止於國朝已來所沒秦渭之西故地...則臣得棄戎即華...生死幸甚！" The majority of the translation is from Yang (2016, 167) with minor adjustment and additions of mine.

²³⁹ I would restrain myself from arguing that all of his writings were the results of political manipulation. I am, however, aimed to point out that these writings should be put into its own social, political, and personal contexts. It is inappropriate and would also do no good to just draw conclusions based on the decontextualized text. It reminds us, as well, the importance of distancing ourselves, as researchers, from political manipulation, if at all possible.

The case of Li Yansheng and the discourse analysis of its author Chen An demonstrate my previous assertions. It points out the different theories and approaches the Chinese had towards the non-Chinese. And these theories and approaches were also applied to Muslims. On one occasion, when it was believed that the Chinese culture was “universal and open,” Muslims would have to be actively assimilated into the Chinese, for instance, through education and participating in the Imperial Examination. Or on another occasion, Muslims would be seen as unchangeable, or not worthy of being changed, into the Chinese, therefore be left alone. On a worse occasion, when they threatened or were believed to be threatening the Chinese, the Chinese might be left with no other choice but to “thoroughly extinguish them,” as constantly happened since the Ming and throughout the Qing dynasties. Unfortunately, we are unable to get any trace of what happened to Li Yansheng, the presumably first Muslim *Jinshi* 進士 in Chinese history, and how he conceived the complexity of living in the Chinese dominated society. This only becomes possible until the Ming Dynasty, particularly among the Han Kitab genre.

2.2 Reflections and Reactions from the Hui Muslims during Ming and Qing Periods

The Ming Dynasty saw the formation of a Muslim group in China who could be called the Chinese Muslims. It also enables us to see the circumstances under which the Hui Muslims tried to negotiate and reconcile their dual identities of being a Muslim and a Chinese.

As I mentioned before, the Ming court issued a series of policies and laws aiming at transforming the loyalty of the Muslims to Allah to that of the Chinese authority. These assimilative policies and the sociocultural conditions that generated them challenged, arguably for the first time, the Hui Muslims’ identity. They had to deal with the tensions one way or another. As we shall see in detail in the following chapters, the Hui Muslims were not passive subjects facing these situations but had different reflections and reactions towards the challenges. As for their ways of dealing with the new circumstances, those that did not endanger their fundamental Muslim belief were somehow accepted, of course in their own ways.²⁴⁰ While others that might violate Allah’s Path, the Shari‘a, showed a more complicated picture. Some Muslims, especially those living in the middle or eastern parts of China, tended to accommodate the Chinese Confucian ritual and moral duty. The Han Kitab authors, by and large, represent this tendency. However, not all Hui Muslims agree with the Han Kitab authors, who intentionally used the language and vocabulary of Confucianism, Buddhism, and Daoism to reinterpret Islamic ritual and faith. There were some other Hui Muslims who did not seem to be willing to assimilate into the Chinese, particularly when their basic Islamic faith was under threat. Let us take a look at some examples.

Facing the reality where the Chinese authority ordered the Hui Muslims to worship the Chinese Emperor and put a tablet for the Emperor in the mosque, the Hui came up with several strategies to cope with it. Broomhall (1910, 228) reported,

In prostrating themselves before the Emperor’s tablet or idol they will avoid bringing the head in contact with the ground, which they do when worshipping Allah, and they thus satisfy their consciences that the true significance of the rite has been avoided, or that it has been merely an empty official ceremony.... (The Emperor’s tablet in the mosque) is either removed during worship or has, as some assert, a small piece of paper with Chen Chu (Allah) placed in front when the prostrations are made.

This example perfectly shows what would happen when the law is, and indeed is not, believed in. On the one hand, when the Chinese authority tried to place the political power over Muslims’ fundamental religious principles, such as the oneness of Allah that is the Supreme Power, these attempts would only turn out to be “a

²⁴⁰ For example, the majority Hui Muslims had used their Arabic or Persian names before the Ming Dynasty issued the edict that ordered them to change into Chinese names. Since the Ming, the Hui had to adopt the Chinese surnames. Probably in order to keep their own identity as a Muslim, what they did was to mostly use one of the characters of the Chinese transliteration of their Arabic names. For instance, the Chinese transliteration of the name Muhammad was Ma Ha Ma 馬哈麻 or Ma Ha Mo 馬哈默, thus nowadays the most common Hui surname in China is Ma 馬. Besides, in addition to their Chinese names, the Hui still privately used their Arabic names, particularly in cases that had significant meanings to them, such as birth, marriage, and death. The Arabic name given to a Muslim is called “names from the Scripture” (*Jingming* 經名).

merely empty official ceremony.” The official law became dead letters not only because it put the Chinese political power over Muslims religious faith, but perhaps more generally we could argue that it was, for the Chinese and for Muslims alike, a political monotheism vs. a religious one. The fact that the concept of China and the Chinese teachings existed as a monotheist entity made it all difficult for any foreign religions, be it Islam, Christianity, or even Buddhism, to escape from the Chinese “authority, the sheer mass and attractive power of Confucianism” (Zürcher 1994). Or as Frankel (2011, 178) argued, Islam as one of the religions based on monotheism “would encounter a barrier... even to complete harmonization with the dominant indigenous ideology.”

These complex interactions between the assimilative, if not exclusive, Chinese society and the Hui Muslims were also represented in the case of the language created and applied in some of the Hui Muslim communities. As I mentioned, the Hui lost their ability in the Arabic language due to the Ming government’s language policy. Its significance for the Hui as Muslims is undeniable. Some Hui elites were quite aware of it. As we shall see in detail in chapter six on education how the Hui tried to deal with it, the example I provide here aims at another measure taken by the Hui to keep resisting the Han Chinese assimilation. Losing the language is losing one’s identity. A forced law that ordered the Hui Muslims to speak no other languages but the Chinese language disabled the Hui to practise their religion. One of the features of the Chinese Islamic education, the so-called Scriptural Hall Education, was the language it applied, at least among some of them. Some Hui clerics intentionally distanced themselves from the Chinese language, not to mention the Chinese Confucian culture. What they used in teaching and spreading Islam among their younger generations was the *Xiao'erjing* (written in Chinese as 小兒經 or 小爾錦) or *Xiaojing* (小經 or 消經), the writing of the Muslim local Chinese dialect with Perso-Arabic script. The dominating Chinese culture backed by the socio-political force was for sure so powerful that the Hui Muslims, as a marginalized minority group believing and practising a marginalized minority religion of Islam, indeed had no other choice but to obey the law. But this did not mean that they were not aware of what the law would do to them. It certainly also did not mean that they were not able to fight against it. The language of *Xiao'erjing* was a way of reconciliation that they worked out. This language also demonstrated how the Hui tried to negotiate the tensions caused by the official law of the Ming government, and how they succeeded to preserve their Muslim identity. They actively isolated themselves from mainstream Chinese society and cultural domination. This is their way of “not being governed” (Scott 2009), and this is one of the “weapons of the weak” (Scott 2008).

If the Han Kitab authors represented one kind of integration into the Chinese society, that is a high degree of acknowledgement and identification, if not a total absorption, to the Chinese Confucianism, the above-mentioned examples showcased some other different kinds of integration. My findings here also echoes Zürcher’s (1980, 401, 409–11) arguments concerning his research on the integration of Buddhism into China, that is, in our case the Hui Muslims responded to the Chinese society, not in one single model but, as Nicolas Standaert (2008, 481) summarized, in ways “ranging from total absorption to total rejection, with all the intermediary types of adoption, selection, and change of emphasis, restructuring, compartmentalization, hybridization, and stimulated development.”

To some degree, this also applies to the Han Kitab authors. It would be mistaken to generalize all the Han Kitab authors in terms of their approaches to the Chinese Confucian culture. So far, my main focus is the circumstances under which the Han Kitab authors started their writing. Zürcher’s (1994, 40–41) argument concerning the foreign religions’ responses to the Chinese society works true in this case when he argued,

No marginal religion penetrating from the outside could expect to take root in China (at least at the social level) unless it conformed to that pattern that in late imperial times was more clearly defined than ever. Confucianism represented what is *zheng* 正, “orthodox” in a religious, ritual, social, and political sense; in order not to be branded as *xie* 邪, “heterodox” and to be treated as a subversive sect, a marginal religion had to prove that it was on the side of *zheng*.

This is exactly what the Hui Muslims were facing and what the Han Kitab authors did. Although no official edict was found during the Ming period that banned the practice of Islam, unlike what happened to some other

religions, such as Buddhism and Christianity,²⁴¹ these policies did aim at the transformation of Muslims' loyalty and the assimilation of them into the Chinese (Feng 2016, 15). As for the former, the so-called loyalty-transformation (*zhuanxiang* 轉相), the Ming government tried to transform Muslims' loyalty toward Allah to that of the Chinese Emperor. To achieve that, what they did, in addition to the previously mentioned assimilative policies, was to emphasize the similarity between Islam and the Chinese official ideology, the New Confucianism, or *Li Xue* 理學 so that "the ethnoreligious consciousness of the Muslims would gradually be wiped out and they would finally be assimilated into the Han society" (Yu 1996, 115). This forced the Hui Muslim scholars who were cultivated both in the Islamic tradition and the Chinese Confucian tradition to prove that, largely to the Chinese authority and the Han Confucian scholar-officials as we shall see later in the following chapters, Islam was on their side. Next, I will look briefly into the issue of Heaven (*Tian* 天) in the Confucian tradition and see how the Hui Muslims and the Han Kitab authors related it to the Islamic teachings.

2.3 Muslims' Perceptions on the Chinese Concept of *Tian* 天

As Leslie (1986, 35) argued that "for the T'ang and even the Sung, we have very little concrete evidence" as for how early Muslims lived and were treated in China. However, the existing primary source does provide us with some information in terms of how the Confucian concept of *Tian* was applied by the Chinese to understand the new coming religion of Islam. Still, let us first take a look at some examples of how the Chinese during the Tang and Song periods wrote about Islam.

After the Battle of Talas between the Abbasid Caliphate and the Chinese Tang Dynasty in 751 AD, a Chinese scholar and military official Du Huan 杜環 was captured, who "spent more than ten years living and travelling in Arab countries, including, Iraq and Syria, before he finally came back in 762 AD with his book *Jingxing ji* 經行記 (A record of passages and travels) that was the earliest primary source in Chinese concerning Arab countries" (Peng and Huang 2004, 354). Though the book is lost, much of the contents were recorded by his uncle Du You 杜佑 (735–812) in his *Tongdian* 通典 (Comprehensive institutions). Referring to the *Jingxingji*, Du You recorded,

[According to] the so-called Law of the *Dashi* [Islam or the Sharī'a]... eating flesh from pigs, dogs, donkeys, or horses are forbidden. They do not worship the King or their parents. Neither do they believe in ghosts or the spirits. They just worship Heaven.... In the Arab countries... women's faces are covered when they go out. No matter the noble or the mean, everyone worships Heaven five times a day.... Their custom is to worship Heaven, and not to eat dead meat/carrion.²⁴²

The recording in the *Tongdian* of the Tang concerning Islam and Muslims in the Arab countries is considered one of the "most accurate" (Chen Yuan 1980, 546) in Chinese sources. As a Tang scholar, Du Huan must have been familiar with the teachings of Confucianism and, having spent more than a decade in the Arab countries, he must have been an expert in the Arabic language as well. It is worth noting that he translated Allah into the Chinese term of Heaven (*Tian* 天) (Bai 1983, 101), as shown in the above passage. Regardless of its accuracy, at least it shows that the concept of *Tian* does for the Chinese have a religious connotation. This usage was represented later in other Chinese sources, such as the official history of the Tang (Wang and Qiang 2013, 35). Most scholars argue that the Chinese term of *Tian* is equivalent to the Islamic term of Allah (Bai 1983, 101, Feng 2002, 532), however, my reading of the sources shows that during the Tang, and probably the Song as well, people did notice the distinctions between the "*Tian*" that was worshipped by Muslims and the "*Tian*" in its Chinese Confucian context.

It was recorded in the *Jiu Tangshu* 舊唐書 (Old book of Tang) that during the early period of Kaiyuan 開元 era (713–741), an Arabic diplomatic mission was sent to pay a visit to the Chinese Emperor. At the imperial court, it was recorded,

²⁴¹ For the treatment of Buddhism, Christianity, and other religions during the Ming period, see (Feng 2016, 11–14).

²⁴² The original Chinese is "其大食法者，... 不食豬，狗，驢，馬等肉，不拜國王，父母之尊，不信鬼神，祀天而已... 大食，... 女子出門，必擁蔽其面。無問貴賤，一曰五時禮天... 其俗禮天，不食自死肉及宿肉。"

The envoy presented himself (before the Emperor), only standing without giving the Chinese rite of touching the ground with the forehead [as a sign of respect and submission to the Emperor]. While the Office of Inspection was about to correct the envoy, Zhang Yue (張說 663–730), Head of Secretary-General, reported that “people of the *Dashi* (Arab) have a different custom. They came from far away for our righteousness. We shall not punish them for this.” The Emperor, thus, made an exception.²⁴³

The source continued that “the Arab envoy himself said that in their own country they only worship the Heavenly God. There is no such a rite to pay respect as to kowtow even when visiting the Emperor.”

As I have argued before, the Chinese concept of *Tian*, though having a religious dimension as the supreme power, was connected to and meant to justify the earthly authority, the Chinese Emperor as the Son of Heaven and his regime. There was no such connection between Allah and the earthly kings in the Islamic tradition. That is why in Islam the supreme authority is Allah, the True God (*Zhenzhu* 真主), while in the Chinese tradition, the concept of Heaven is pragmatically transformed as a political term that was determined by human. This distinction is more explicitly reflected in the relationship between *Tian* and Man (*Tianren guanxi* 天人關係) in the Chinese Muslims’ literature.²⁴⁴

Comparing the Confucian concept of *Tian* with Allah in Islam, one of the Han Kitab authors, Wang Daiyu, criticized the idea that Heaven was the Master and Lord that created the cosmos. In the chapter of “*Sizhen* 似真” (Resemblance to the real) of his *Zhengjiao zhenquan* 正教真詮 (The real commentary on the true teaching), Wang held that the Chinese schools of Confucianism, Buddhism and Daoism could not be compared with Islam, for they all “destroyed the essence and blocked the Origin” (*huiben saiyuan* 毀本塞源). And that was why, as Wang argued, Confucianism seemed to have mistaken the essence of the Creator.²⁴⁵

Wang Daiyu argued that between the two perceptions on the Creator held respectively by Confucian’s theory of Heaven and Islam, “one of them must be wrong.” We shall see later in the following chapters that Wang Daiyu, as well as other Han Kitab authors, did incorporate a large amount of Chinese Confucian teachings, particularly in terms of political morality and family ethics, into his reinterpretation of Islam. However, when it comes to “such essential questions” as the Creator as the Supreme Power, he insisted that as for “the self-single Unique One, the Real Lord of the creative transformation of heaven, earth, and the myriad things, how can it be possible that the orthodox people do not recognize Him and fail to think deeply about Him,”²⁴⁶ the True Lord of Allah. Wang Daiyu was quite aware of the differences between Confucianism and Islam in terms of their perceptions regarding the Creator of the universe. It seemed that he did not want to compromise but, to reflect on Confucianism from his Muslim perspective. He pointed out the inconsistency of Confucian scholars in their theories of Heaven as the Supreme Power, and also criticized the theory of *qi*. For him, these theories were all “not the essence of the real transmission of (Allah’s) explicit mandate but their own arbitrary human speculations.”²⁴⁷

It is interesting to reflect on his attitudes and approaches towards Confucianism and other religions, such as Buddhism and Daoism. He addressed Confucianism in the chapter of “Resemblance to the Real,” by which he maintained that Confucianism belonged to “the so-called those that resemble the Real and share similarities with Islam.”²⁴⁸ While as for Buddhism and Daoism, he put them under the title of “Breaching the Real”

²⁴³ The original Chinese is “其使謁見，唯平立不拜，憲司欲糾之，中書令張說奏曰，‘大食殊俗，慕義遠來，不可置罪’。上特許之。”

²⁴⁴ Another interesting comparison between the Muslim tradition and the Chinese tradition can be found in Tsai (2020, 11–34), where the author compared the discourse of the Confucian li-rites and that of the Muslim Shariah. I will touch upon this issue in detail in the following chapters on case studies.

²⁴⁵ Concerning Wang Daiyu’s discussion on the Confucian concept of *Tian*, see appendix three.

²⁴⁶ The original Chinese is “況單另獨一，造化天地萬物之真主，正人豈不認識而深思焉”。The translation is from Murata (2017, 81–82). I, however, translate the term *Zhengren* 正人 as “orthodox people” instead of Murata’s translation of “true people” since this term seems to be more probably translated as *Zhenren* 真人, just as the True Lord (*Zhenzhu* 真主) in the translation of Allah.

²⁴⁷ The original Chinese is “皆任性忖度之說，非明命真傳之謂”。See Yu and Tie (1999, 104).

²⁴⁸ The original Chinese is “所謂似真者，乃相似清真也。” See Yu and Tie (1999, 99).

(*Meizhen* 昧真), which shows that he considered them to be those that “take their own nature as the Lord... (which are), on the basis of principles, unreal and absurd.”²⁴⁹ This differentiation did suggest that he tended more to demonstrate and recognize the resemblance between Islam and Confucianism and that Islam was the orthodox teaching and Muslims were the same orthodox people as the Confucians. But still, as a Muslim scholar, he knew that certain principles were not negotiable. He pointed out that the Chinese idea that Heaven was the Creator was unacceptable from his perspective as a Muslim theologian, and that Heaven was actually one of the creations by the True Lord. To make himself clear, he argued in a metaphorical way that heaven and earth were like a palace, and this palace must have had a Master. The Confucians mistakenly took the palace as the Master, the creature as the Creator. Along with this logic, he continued,

Therefore, the Master is Master by Himself, and Heaven is heaven by itself. Nowadays, people take Heaven as their Lord, so they do such kinds of things as worshipping Heaven, serving Heaven, submitting themselves to Heaven, and offering sacrifice to Heaven. Besides, nothing among the thousands of things has no names, and it does not make any sense that the Lord of Heaven and Earth Himself has no names. Who, after all, made Heaven the name of the Master? If we say that He named it Himself... why the Lord of Heaven and Earth named Himself exactly after one of His own creations, with no distinction between the Master and the servant? If we say it was given by man, it then looked as if the Master followed the names of his servants, and the sons and grandsons followed the names of their grandfathers and fathers.... After careful investigation, such principles are in no way acceptable.²⁵⁰

Wang Daiyu’s criticism of the Confucian belief of Heaven as the Supreme Power was based on the Islamic tradition. Elsewhere in the book, he commented that the arguments concerning the “Original Beginning” (*yuanshi* 元始) of the cosmos provided by Confucianism, Buddhism and Daoism were “all guesses and suppositions in the dark, without any real evidence.”²⁵¹ Instead, as a Muslim, Wang Daiyu argued that Heaven is one of the creatures of the Supreme Power of the True Lord. It was created by God on the Days of the Portent (*Zhenri* 朕日), which “is the largest of the things having no spiritual awareness. Its form is perfectly spherical, its body solid, clear, and transparent, and is not similar to any other things that can be altered and spoiled.”²⁵²

Notably, Wang Daiyu also elaborated on other terms related to the Confucian Heaven, such as Son of Heaven (*Tianzi* 天子), and the Mandate of Heaven (*Tianming* 天命). For him, the Confucian idea that Heaven was the Supreme Power was unacceptable, nor did the belief that the Emperor, as Son of Heaven, inherited the Mandate of Heaven to rule the earthly world, simply because as a Muslim he believed that Allah was the true and only God and the Supreme Power that “begets no son, and has no partner” (Quran 17:111). He specified that the meaning of Mandate of Heaven was “the Real Lord’s imperial mandate to the heavenly immortals, who descended and then transmitted it to the Utmost Sage.”²⁵³ Obviously what he meant by Mandate of Heaven here was the *Sharī‘a* transmitted through the Quran to Prophet Muhammad. In order not to mistake his usage of the term with that of the Confucians or other religions, he argued that “(the Mandate of Heaven) comes down from Heaven, which is why I call it the Mandate of Heaven. It should not be mistakenly understood as the mandate made and descended by heaven.”²⁵⁴

In general, Wang Daiyu’s usage of the Confucian term Heaven showed, on the one hand, his creativity in interpreting Islam with the terms and vocabularies of the Chinese tradition, and his attempt, on the other hand,

²⁴⁹ The original Chinese is “那樣人，彼以己之性為己之主也。…… 據理而言，其妄可知。” See Yu and Tie (1999, 115).

²⁵⁰ The original Chinese is “所以主宰自是主宰，天自是天。今人以天即謂之主宰，若拜天事天，聽天祭天之義，皆類此耳。且萬物莫不有名，未有天地之主宰自無稱道之理也。此天地主宰之名畢竟誰立？將謂自立 ... 何故天地之主自立尊稱，乃與己所造化之物相同，混淆不分，主僕之間何以為別？將謂由人立，若僕卒之名，由於主人，子孫之名，由於祖父 ... 即此詳之，絕無是理。” See Yu and Tie (1999, 105).

²⁵¹ The original Chinese is “你猜我擬，實無實據。” See Yu and Tie (1999, 52). The translation is from Murata (2017, 49).

²⁵² The original Chinese is “天者乃無靈覺中最大之物，其形渾圓，體堅而明透，不似他物可變可壞。” See Wang and Tie (1999, 58). The translation is from Murata (2017, 54).

²⁵³ The original Chinese is “天命之義，乃真主敕命天仙，降傳至聖。” See Yu and Tie (1999, 93).

²⁵⁴ The original Chinese is “從天而下，故謂之天命，非所謂天降之命也。” See Yu and Tie (1999, 93–94).

to reinterpreting and reviewing Confucianism from his Muslim perspective. He was aware of the influences of Confucianism and its theory of Heaven on the Chinese society in general, and the Hui Muslim communities in particular. As I have mentioned, for centuries the Chinese deemed that it was Heaven that Muslims worshipped. This claim was also gradually accepted by some Muslims themselves.²⁵⁵ Wang Daiyu found it problematic and unacceptable, for he knew that admitting the Confucian idea of Heaven as the Supreme Power meant to admit that there existed another Supreme Power other than Allah, which was to deny the Oneness of God, the very essence of being a Muslim. Also, he made it quite explicit that the attitude towards Heaven (and Earth) was one of the criteria that distinguished Islam from other religions, for “the orthodox teaching of Islam admits that heaven and earth are where humans live... while all other teachings believe in heaven and earth as the great parents, and hence humans are inferior and kneel to worship them.”²⁵⁶

Heaven is one of the essential concepts key to understanding the Chinese tradition. As a concept with religious connotations, it was also one of the determinants that shaped the Chinese imperial political system and the perception, or probably a belief that China existed as a monotheistic entity. Pragmatically, it was connected to and meant to justify the earthly authority, the Chinese Emperor and his regime. This leads me to the question of how Wang Daiyu dealt with this issue, how he conceived the relationship between the authority of Allah and that of the Chinese emperor. I will address this issue throughout the following chapters on case studies when it comes to the Han Kitab authors. Here I would like to turn to one specific chapter that Wang Daiyu dedicated to expressing the issue of “Real Loyalty” (*Zhenzhong* 真忠), and end this section by referring to him.

Following Confucianism, Wang Daiyu pointed out that there were three essential things that a man should fulfil during his lifetime, namely, submitting to Allah, to the Emperor, and to the parents, the violation of which represented one’s disloyalty, unrighteousness, and lack of filial piety (*Buzhong Buyi Buxiao* 不忠 不義 不孝). However, these three essential things did not appear to be equally important for Wang Daiyu. He believed that “affairs have heavy and light, and righteousness has different degrees. Ruler and parents will never have the same degree as the Lord, for to Him belong the greatest relationship and the ultimate loyalty.”²⁵⁷ Hence, as for the requirement to be loyal to the Emperor, his teachings and laws as a Chinese, and that to be loyal to Allah and the Shari‘a, Wang Daiyu argued,

Indeed, being loyal to the Real Lord of Allah is far more important than being loyal to the Emperor and to the father, and this is the orthodox path, for when the Origin is pure, nothing is impure. If one is loyal to the Emperor and his father, but cannot be loyal to the Real Lord of Allah, this is indeed heterodox.... One’s life and death, wealth and success, are all predetermined by the Real Lord.... You should know that the great root of real loyalty begins with the Son of Heaven [himself]. The ruler cannot make himself a ruler, only the Real Lord can grant him rulership.²⁵⁸

I do not intend to elaborate on the Han Kitab genre, and there are several reasons for this. First, the task of a detailed analysis of the Han Kitab authors and their works concerning their theories and approaches to integrating into the Chinese society is without doubt beyond the scope of this chapter and the capacity of me. This work is already quite challenging when it comes to dealing with the concept of *Tian* among

²⁵⁵ One of Wang Daiyu’s contemporaries Zhan Yingpeng 詹應鵬, a Ming Muslim Confucian official-scholar, published a book called *Qunshu huiji shiyi* 群書匯輯釋疑 (Explications and compilation of the collected books), in which he collected all the Chinese books on Islam that were available to him during the early to middle seventeenth century. He mentioned that some people misunderstood Islam by asserting that Islam “particularly took serving Heaven as its fundamental” (專以事天為本). Such and similar statements could be seen in various Chinese documents, particularly in the stone inscriptions set up in the mosques during the Ming period (Feng 2002, 579–90).

²⁵⁶ The original Chinese is “正教知天地為人之居止... 諸教以天地為大父母，所以人自卑而俯拜。” See Yu and Tie (1999, 129).

²⁵⁷ The original Chinese is “事有輕重，義有差等，君親豈得與之同等，茲至大之倫，至極之忠。” See Yu and Tie (1999, 225). The translations is from Murata (2017, 156).

²⁵⁸ The original Chinese is “夫忠於真主，更忠於君父，方為正道，因其源清，而無不清矣。或即忠於君父，而不能忠於真主者，直為異端... 生死壽夭，富貴功名，皆有真主前定... 須知，大本真忠，始自天子，蓋君不能自君其君，惟主能與其為君。” See Yu and Tie (1999, 223). Part of the translation is from Murata (2017, 156).

Muslim Confucian scholars.²⁵⁹ This is particularly so when one takes into consideration the diversity within the so-called Han Kitab genre in terms of their personal background, relationships with the Chinese socio-political situations, possible connections with the Islamic centres and Sufi orders, etc. My point is to show that the Han Kitab genre was a response, for sure a quite unique one but in no way the only one, to the challenges the Hui Muslims were facing when they had to define who they were in the Han Chinese dominated society.

Conclusion

I start this chapter with the analysis of the *Huawaren* in the *Tang Code*, a legal term that has much to do with the Chinese understanding of “Us” and “Others.” My contextual analysis on the laws concerning *Huawairen* shows that Muslims’ being termed as the *Fan* and *Yi* barbarians showcases how the Chinese tradition of “othering” influenced and shaped the Hui Muslims identity formation. Seen as outsiders and inferior barbarians, the early Muslims’ apparently “autonomous” and “independent” status to apply their own laws, presumably the Shari‘a law, in “any disputes that have happened between members of the same group,” as the Tang law states, actually reflects the fact that for the Chinese these barbaric Muslims as well as their bestiality and inferiority were not changeable, and therefore not worthy of being governed by the Chinese Son of Heaven and the Chinese law, hence should be best left alone to practice their own laws. If this serves as an example of the separative approach of the Chinese dealing with non-Chinese, including Muslims, then various Chinese-making laws and policies seen since the Ming Dynasty represent the assimilative approach. These two approaches coexisted and continued throughout imperial Chinese society, and went even worse during the Qing Dynasty when a series of official laws specifically targeting the Hui Muslims were issued along with the stigmatizing discourses among Qing emperors and government officials.

On the other hand, in addition to offering new interpretations on the Muslim related Chinese official laws, the chapter also challenges the perception that the Hui Muslims were merely either powerless victims of these discriminative laws, or active participants in various social, legal, moral, and philosophical Chinese-making programmes. Through the cases in language, surnames, and religious rituals, as a matter of fact, the Hui Muslims were quite pragmatic in dealing with the tensions caused by these laws, policies, and programmes. They were in no way passive subjects but had different reflections and reactions dealing with reality. Among others, it seems that the Hui Muslims’ responses were, partially and partly, determined by how much they felt that their basic Islamic faith as a Muslim was challenged and endangered. In other words, as long as the Hui Muslims were able to maintain their fundamental religious belief in and practice of the Shari‘a in terms of *‘ibādāt* norms, they tended to take more flexible approaches and adapt to the Chinese, otherwise, the situation might become more tensional, hostile, resistant, and even violent.

In 1912, China ended its imperial history and re-established itself as a modern nation-state. However, the establishment of a modern nation-state and relevant modern legal, political, and administrative institutions does not necessarily suggest a farewell to “old” imperial traditions. What happened to this Chinese tradition and approaches towards “Others,” how the Chinese defined themselves in the context of the modern nation-state, and, more importantly, how the Hui Muslims coped with the new situations, these are the issues I will address in the next chapter.

²⁵⁹ Some Chinese scholars have already looked into the issue in question, such as Wang Jianping (2004, 30–35), Sha (2012, 165–70), Jiang and Hu (2019, 99–111); some others, such as Jin (1999, 59–89; 2008, 262–88), also have touched upon the issue as part of their general research on the Han Kitab authors. However, further and more comprehensive research is still needed in the future.

CHAPTER FIVE

Projects of Building a Chinese Nation and the Reality of the Hui Muslims: Struggles between the *Jiao* 教 and the *Guo* 國 in the Republican Period

Introduction

Traditional Chinese society is characterized by the integration of Confucianism into the legal system, as I discussed in previous chapters. This has changed since the late Qing and particularly the Republican era when Western legal-political concepts and theories were introduced and relevant institutions were established in China. Among them, perhaps, the most significant and far-reaching is the construction of China as a nation-state inspired by the introduction of the concept of *minzu* 民族, which was translated from “nation” but was simultaneously understood by the Chinese as “people,” “race,” “ethnicity,” or “nationality,” depending on the socio-political situations. This new concept and relevant nation-building projects also brought new opportunities and challenges to the Hui Muslims, as they strived to construct a new identity as Chinese citizens (*guomin* 國民). In this chapter, I aim at illustrating the development of the Chinese tradition of “othering” in the context of China as a modern nation-state, and how the Hui Muslims approached the issue of defining themselves as Chinese in this context. I intend to examine what happened to the longstanding Chinese ways to address the “Others”; what chances and challenges the new social, legal and political framework of modern Chinese nation-state might provide to the Hui Muslims to reconcile the tensions between being a Muslim and a Chinese. I will argue that the Chinese perceptions of the concept of *minzu* represent a continuation of the traditional Chinese ways to practice “othering,” and that this concept has influenced and inspired the Hui Muslims to define, or refuse to define, themselves in terms of such a collective identity as a *minzu*. My analysis will demonstrate how powerful the Chinese tradition of “othering” is, even within the framework of the modern nation-state; it will also shed light on our understanding of the complexity of the Hui Muslims’ experience, and the diverse responses they propose to handle such complexity. More importantly, the chapter will reveal how and why the Hui Muslims advanced a series of, sometimes even conflicting, ideas, assertions, and strategies in facing the changing and challenging Chinese society; and the ways in which the Hui Muslims tried to negotiate a new identity within the framework of Constitutional democracy promised by the Republican government.

The primary sources I have relied on are mainly from journals, newspapers, magazines, and other publications produced by the Chinese and Hui Muslims during the late Qing and the Republican periods. As for the Chinese perceptions on the concept of *minzu* during late Qing and the Republican periods, my analysis focuses on three major figures: Liang Qichao 梁启超 (1873–1929), Zhang Taiyan 章太炎 (1869–1936), and Sun Yat-sen 孙中山 (1866–1925). I will also include other major contributors to the introduction and development of the *minzu* discourse during these periods in China, including Tan Sitong 谭嗣同 (1865–1898), Kang Youwei 康有为 (1858–1927), Zou Rong 邹容 (1885–1905), and Chiang Kai-shek 蒋介石 (1887–1975). Therefore, the major works of these contributors will be the main sources with which I describe how the concept of *minzu* was understood and interpreted in China, such as the *Yinbingshi quanji* 飲冰室全集 (Complete works from the ice-drinker’s studio) and the *Yinbingshi wenji dianjiao* 飲冰室文集點校 (Annotation of the collected writings from the ice-drinker’s studio) by Liang Qichao (2001); the *Zhuman ge* 逐滿歌 (A poem for banishing the Manchus), *Zhonghua minguo jie* 中華民國解 (Explanation of the Republic of China), and the *Paiman pingyi* 排滿平議 (On anti-Manchuisms) by Zhang Taiyan (1906; 1907; 1985, 162–69), which are collected in *Zhang Taiyan quanji* 章太炎全集 (Complete works of Zhang Taiyan) (1985), to name a few. As for the *minzu*

discourse by Sun Yat-sen, the *Guofu quanji quanwen jiansuo xitong* 國父全集全文檢索系統, a database providing an online version of the *Complete Works of Sun Yat-sen*, proves to be especially helpful. In addition, I will also make use of the *Fubao* 複報 (Newspaper for restoring China), *Minbao* 民報 (The people's journal), *Dahan bao* 大漢報 (Newspaper for the great Han), *Yugong* 禹貢 (Evolution of Chinese geography), etc., which were major newspapers by Chinese nationalists. On the other hand, as for how the Hui Muslims understood, interpreted, and made use of the *minzu* discourse within the socio-legal framework of the Republic of China, I refer to those articles published in various newspapers, journals, and books produced by different Hui Muslim associations and communities. These include, for example, the *Xinhuipian* 醒回篇 (Awakening the Hui), the *Huijiao dazhong* 回教大眾 (Masses of the Hui teaching), *Zhongguo Huijiao xuehui yuekan* 中國回教學會月刊 (China Muslim literary society monthly), *Yuehua* 月華 (Moonlight), and the works on the history of Islam and Muslims in China, such as Fu Tongxian's 傳統先 (1910–1985) *Zhongguo Huijiao shi* 中國回教史 (History of Islam in China), and Jin Jitang's 金吉堂 (1908–1978) *Zhongguo Huijiao shi yanjiu* 中國回教史研究 (Studies on the history of Islam in China), and so forth.

This chapter is mainly structured into two sections. First, I describe the process and the social conditions in which the concept of *minzu* is introduced to China as well as various Chinese nation-state building projects inspired by this concept during late Qing and the Republican periods. In this section, I examine several understandings and interpretations of *minzu* among the reformers and the revolutionaries in late Qing, exemplified by Liang Qichao, and Zhang Taiyan. I will also explain why these people articulated different conceptions of the concept of *minzu*, how this is related to both the traditional Chinese ways to practice “othering”; I will also summarise the Japanese understanding of the concept of nation, national identity, and nation-state building since this has also affected how Chinese learnt and developed theories of nation and nationalism. This is crucial in investigating how the China Nationalist Party (*Zhongguo guomin dang* 中國國民黨, KMT) actually initiated various theories, projects, and institutions to build the modern Republic of China. The second section deals with how the Hui Muslims came up with a variety of pragmatic strategies to define their positions in relation to the Islamic *Jiao* 教 (teaching, or religion) and the modern Chinese *Guo* 國 (nation, or state). The core question that concerned the Hui Muslims was whether, and later how, they were just a religious group or a nation. I present different answers to this question by different Hui communities and associations during late Qing and the Republican periods, including the Hui Muslim students in Japan, the Hui Muslim intellectuals, teachers, Imams, young scholars, government officials, and military Generals, to name a few. In addition, I will also investigate their social, professional, legal, as well as personal backgrounds so as to make sense of their different position on the issue. With the help of *Huibu gongdu* 回部公牘 (Official documents of the Hui region) collected by a Hui Muslim Li Qian 李謙, and a case study on the representative election of the 1946 National Assembly, I will argue how the Hui Muslims made use of the legal and political settings provided within the framework of modern Chinese nation-state to seek for a new identity that might let them avoid the Chinese-Muslim identity trap.

1. The Concept of *Minzu* 民族 and the Projects of Building a Chinese Nation-State: From Late Qing to the Republican Periods

1.1 Reformers and Revolutionaries, Assimilative and Separative: Imaging the Future of the Chinese Nation-State in Late Qing

The first Opium War (1840–1842) symbolizing China's encounter with and response to Western challenges marked the emergence of modernity in China and the transformation of China from an empire to a modern nation-state (Wang Hui 2004, 3–4). Since then, and probably even until the present day, various groups of people including intellectuals, political elites, and religious leaders, to name a few, have introduced different projects to realize their idealised Chinese nation-state. One of the criteria that distinguish these groups of people is their conceptions of nation, or the Chinese nation, to be specific.

Generally, there are two groups of intellectuals and politicians coming up with different projects: the reformers and the revolutionaries. No doubt they differ from each other in terms of their socio-political and cultural

propositions, however, what they probably share in common is the urgency of the construction of China as a nation-state. In other words, the crisis of “the subjugation of the state and extinction of the race” (*wangguo miezhong* 亡國滅種) motivated both groups’ mission of “protecting the state and the race” (*baoguo baozhong* 保國保種). But what are the “race” (*zhong* 種) and the state (*guo* 國) that they seek to protect? One of the key points that differentiate the reformers from the revolutionaries is how the non-Chinese, particularly the Manchus and their dominant political regime of the Qing, should be dealt with?

Obviously, for the reformers, overthrowing the Qing government is not one of their options. The first attempt of modernizing the Qing Empire, the Hundred Days’ Reform (*Wuxu bianfa* 戊戌變法), was initiated by the reformers in 1898, aiming at the making of a Chinese nation-state, a constitutional monarchy. The most challenging task Confucianism was facing during late Qing is how to justify its universality along with the marginalisation of the Qing Empire in the international system. The reformers seek to integrate new changes and knowledge coming with Western invaders into their interpretations of Confucianism so as to reconstruct the universality of Confucianism. For example, one of the initiators of the Hundred Days’ Reform, Kang Youwei 康有為 (1858–1927), via his reinterpretation of Confucian Classics including the concept of All under Heaven, tried to redefine the meaning of China as one state in the international system constituted by many states (*leiguo* 列國). Kang argued for a Chinese nation-state transformed directly from the Qing Empire with Confucianism as the national identity.²⁶⁰ His project of the Chinese nation-state is based on his reinterpretation of the universality of Confucianism that transcends racial distinction, making China a political and cultural symbol (Wang Hui 2004, 823). Wang Hui (2004, 821) held that Kang’s political reform propositions were “the most comprehensive and cosmopolitan-oriented during late Qing period.”²⁶¹ However, the reform soon ended in failure. One of the consequences is a more profound rise of anti-Manchu sentiments that partially lead to the Revolution of 1911.

For the revolutionaries, what they aimed at was the overthrow of the Manchu Qing regime and the establishment of a Han Chinese dominated nation-state. In other words, the Revolution of 1911 is a racial revolution that seeks to protect the Han-Chinese race (*hanzhong* 漢種). This could be seen in almost all leading figures among the revolutionaries.

After the failure of the reform in 1898, Liang Qichao 梁啟超 (1873–1929),²⁶² a disciple of Kang Youwei, fled to Japan and changed his previous attitude of supporting the Qing court to anti-Manchu. In his *Xinmin shuo* 新民說 (On new people) he argued that,

Since the late Han Dynasty up until today, during these more than 1,700 years, for three hundred and fifty-eight years part of the complete territory of us Chinese were occupied by other races. Those to the north of the Yellow River were even occupied for seven hundred and fifty-nine years.²⁶³

²⁶⁰ Kang’s reinterpretation of Confucianism such as the concept of *Li* 禮 differs in many aspects from the traditional one. He intentionally excluded Han ethnocentrism and the Chinese-Barbarian Distinction as the basis for Chinese national identity. For the detailed analysis of Kang’s political project of the Chinese nation-state, see Wang Hui (2004, 737–829).

²⁶¹ Wang Hui’s analysis on Kang Youwei and his reform project is inspiring. However, he also seems to underestimate the complexity of Kang Youwei and the socio-political conditions during late Qing. Kang’s project, I argue, was still Han-Chinese-centered. For example, in his proposition on cosmopolitan (*datong* 大同), Kang advocated intermarriage between the “inferior” yellow race (*huangzhong ren* 黃種人)/Mongoloid and the “superior” white race (*baizhong ren* 白種人)/Caucasoid. He, as well as his followers and supporters, such as Tan Sitong 譚嗣同 (1865–1898), also maintained that in order to find financial sources to achieve the construction of the Chinese nation-state through the reform movement he advocated, minority regions, such as Tibet and Xinjiang, could be sold to foreign countries. See Hu (1983, 316–20).

²⁶² Generally Liang Qichao is not considered as a revolutionary, but a reformer. However, my discussion of him here as a revolutionary mainly refers to his anti-Manchu and pro-Han Chinese nation-state discourses, particularly during his time in Japan. Instead of labelling a particular figure in history as a reformer or a revolutionary, I tend to understand them and their propositions in line with particular socio-historical context. For the dynamic, if not paradoxical, attitudes of Liang Qichao towards the Manchus, see Chang (2007, 62–66).

²⁶³ The original Chinese is “計自漢末以迄今日，凡一千七百餘年間，我中國全土，為他族所佔領者，三百五十八年，其黃河以北，乃至七百五十九年。” See Liang (2001, 558).

In another article on Chinese history and the Chinese military tradition, he held that

Sorrowfully, how non-belligerent the Chinese nation is! ... However, for two thousand years, [China] has never been in a situation where we did not fail in our encounters with other races, suffering all kinds of humiliation. This is indeed a huge stain in Chinese history... Since the Zhou Dynasty, we have been trampled on by the *Rong* barbarians, first threatened by the Xianyun barbarians, and later humiliated by the Quan'rong barbarians... The life and death matters of the Han race were then dominated by alien races... the magnificent Divine Land [of China] and the thriving superior [Chinese] race have yielded to the authority of the alien nomads for hundreds of years, and have been even weaker after the revival of the [Chinese] Ming Dynasty. The first encounter with Esen²⁶⁴ saw the capture of the [Chinese] Emperor, and the second encounter with Manchus saw the subjugation of our [Chinese] state.²⁶⁵

Though he did not explicitly include anti-Manchu discourses in his writings above, one could easily read between the lines that his idea of the Chinese nation (*Zhongguo minzu* 中國民族) referred to the Han nation-state. In fact, in his letter to Kang Youwei in 1902, he explicitly maintained that “Today our era sees the most powerful presence of nationalism, without which there is no way to establish our [Chinese] nation-state... in order to arouse [Chinese people’s] national spirit it is inevitable to fight against the Manchus, anti-Manchuism is for China the most suitable.”²⁶⁶ Liang later gave up his anti-Manchu proposition, however, this attitude was still profound and more explicitly articulated among other revolutionaries.

Zhang Taiyan 章太炎 (1869–1936)²⁶⁷ also turned against the Manchu Qing court after the failure of the Hundred Days’ Reform. He was also an advocator of a Han Chinese nation-state. To this end, he, again, via reinterpreting Confucian Classics, maintained racial revanchism against Manchus. As a matter of fact, he was the first intellectual arguing for anti-Manchuism (Lee 1996, 174). For Zhang Taiyan, the Manchus were intrinsically weak and incapable of ruling the superior Chinese, and thus responsible for the endangered situation of China then. Hence, fighting against the Manchus meant the priority of saving China. He published a series of articles justifying his assertion that the Han Chinese should seek revenge on the Manchus (Sun 2013, 57–60). He believed that the Manchu Qing aggressively invaded the Han nation²⁶⁸ and stole the Chinese sovereignty, thus “the Han nation’s rebellion against the Manchu people... was righteous.”²⁶⁹ Probably due to his belief in Ming loyalists since his early age, Zhang Taiyan maintained that the revenge of the Han Chinese on the Manchus and their descendants was legitimate and should even be encouraged. He argued that,

those Han Chinese who revenged their (fore)fathers should particularly not be sentenced to death... Our land and regime were invaded by the forefathers of the Manchus, which were again further inherited by their descendants; thus those Manchus who inherited what was invaded shall be punished as the invaders.²⁷⁰

²⁶⁴ Esen, transliterated in Chinese as Niexian 乜先, Yexian 也先, or Esen 額森, is Esen Taishi, leader of the Oirats and de facto governor of the Northern Mongol Yuan. Esen is well-known in Chinese history for the Battle of Tumu Fortress (*Tumupu zhibian* 土木堡之變, 1449) in which the Ming Emperor Yingzong 英宗 (1427–1464) was captured.

²⁶⁵ The original Chinese is “恫夫中國民族之不武也! ... 然兩千年來, 出而與他族相遇, 無不挫折敗北, 受其窘屈, 此實中國歷史之一大污點... 自周以來, 即被戎禍, 一見迫於獯豸, 再見辱於犬戎... 漢族之死命, 遂為異族所軛制... 泱泱之神州, 穰穰之貴種, 俯首受軛於遊牧異族權威之下, 垂及百年。明興以後, 勢更弱亦! 一遇乜先而帝見虜, 再遇滿州而國遂亡。” See Liang (2001, 617).

²⁶⁶ The original Chinese is “今日民族主義最發達之時代, 非有此精神, 決不能立國... 而所以喚起民族精神者, 勢不得不攻滿洲... 中國以討滿為最適宜之主義。” See Ding (1972, 157).

²⁶⁷ For a detailed introduction of Zhang’s biography in English and his ideas on the Chinese nation(-state), see Schneider (2017, 143–210).

²⁶⁸ I use the term nation instead of race here to translate the original Chinese “*minzu*” 民族, for I believe that, considering the publication date of the article, Zhang Taiyan’s usage of the term represented his acceptance of nation as a political entity entitled to establishing its own state. I shall discuss this later in this section.

²⁶⁹ The original Chinese is “漢族反抗滿人... 漢人為仗義。” See Zhang (1985, 268).

²⁷⁰ The original Chinese is “國土與政權, 自滿人之祖父侵略之, 而滿人之子孫繼有之, 繼有所侵略者, 則與本為侵略者同。” See Zhang (1985, 268).

In addition to expressing his anti-Manchu sentiments in a number of sophisticated articles, Zhang also wrote shorter rustic poems so that his assertions could reach a larger ordinary Han Chinese audience, which, I consider, probably speaks more about his position. In 1906 Zhang published a poem *Zhu man ge* 逐滿歌 (A poem for banishing the Manchus) in *Fubao* 復報 (Newspaper for restoring China), where he advocated his idea of Han racism and a Chinese Han nation-state. Reminding his readers of the suffering memories, the unequal legal treatment between the Han and the Manchus, and the socioeconomic policies of the Qing court, Zhang's poem read:

... the present Emperor is not Han people, but an old Monkey of the Manchus,²⁷¹ who have a long braid that swings like a pigtail... His ancestor Nurhaci came to my homeland with his soldiers... who later treacherously took the Throne himself... We, people of the Han, are indeed poor, just like the sheep and pigs in the slaughterhouse... Everyone speaks highly of being a government official, and has for a long time forgotten the enemy [and the hatred] ... today I am advising my brothers in earnest words and with good intentions that the bitter hatred must be kept in mind... everyone talks a lot about the hatred towards Western foreigners, without knowing that the hatred towards the Manchus is much deeper. My brothers, belonging to the race of the Han, we are never of courage if we do not dare to kill our [Manchu] enemies.²⁷²

Anti-Manchuism was quite popular among Han Chinese then, and particularly so among the revolutionaries. For them, a revolution against the Manchus was the only feasible plan and solution to China, and the final aim of the revolution was the establishment of a Chinese nation-state in a way that the Chinese meant actually the Han. In other words, *Zhonghua Minguo* 中華民國 (Republic of China), for Zhang Taiyan and many other, if not all, revolutionaries, is and should be equivalent to a Republic of the Han as a nation (*Han minzu* 漢民族). Their aim to establish the Chinese nation-state dominated by the Han becomes clearer when we take into consideration their attitude towards other non-Han-Chinese peoples in the imaged territory of the future Republic of China.

In 1907, Zhang Taiyan published his *Zhonghua Minguo jie* 中華民國解 (Explanation of the Republic of China), in which he, in addition to reasoning his choice of using “Republic of China” as the name for the Chinese nation-state, elaborated on the legitimization of the inclusion of the three major territories into the future nation-state, that is, Tibet, Mongolian, and Xinjiang. First of all, as for the naming of the nation-state, Zhang's argument, probably influenced by the theory of “one nation, one state,” is that the Republic of China is a nation-state of the Han Chinese.²⁷³ In other words, he believed that the name of *Zhonghua Minguo* represented the

²⁷¹ The original Chinese is *Manzhou Dazi* 滿洲韃子, in which *Manzhou* 滿洲 is the Chinese name for the Manchu, while the term *Dazi* 韃子, also *Dalu* 韃虜 or *Hulu* 胡虜, refers to those ethnic groups in the north of China, including the Tatar, Mongol, and the Jurchen/Manchu people. The term connotes a sense of discrimination and inferiority, and was particularly used for the Manchus during the Qing period.

²⁷² The original Chinese is “如今皇帝非漢人，滿洲韃子老獼猴，辮子拖長尺八寸，豬尾搖來滿地滾... 他的老祖努爾哈，帶領兵丁到我家... 後來叛逆稱皇帝... 可憐我等漢家人，卻同羊豬進屠門... 人人多道做官好，早把仇讐忘記了... 我今苦口勸兄弟，要把死讐心裡記... 人人多說恨洋人，哪曉滿人仇更深，兄弟你是漢家種，不殺仇人不算勇...” See Zhang (1906, 56–57). Zhang Taiyan published the poem in the name of Xi Shou 西狩.

²⁷³ Zhang considered and compared several choices between *Hua* 華, *Han* 漢, and *Xia* 夏. As for *Hua* 華, he argued “the name ‘various *Hua* [state]’ comes from the place, where our Han ethnicity first arrived ... making *Hua* the name for the territory [of the country]... *Hua* was originally the name of our country and not the name of our race...” As for the ethnic/racial nature of the state, he stated “if you want a correct name for the race, then ‘*Xia*’ is the most appropriate... which was originally a name for our race/ethnicity other than the name of our state...” And regarding his last choice, *Han* 漢, he argued “when Liu Ji (Gaozu, Emperor of the Han Dynasty) took over... whose prestige and the [Han Chinese] civilisation spread, we were then given the name of Han ethnicity. The name of Han derived from a single King [of the Han Dynasty]...” Without further reasoning on his choice between the three terms and that of the latter two, the *min* 民 and *guo* 國, Zhang immediately came to the conclusion that “therefore, each of the names, *Hua*, *Xia*, and *Han*, was used consecutively to denote three variations in meaning. By establishing *Han* as the name of the ethnicity, the meaning of a state is present. By establishing *Hua* as the name of the state, the meaning of a race is also present. These are the reasons for using the name *Zhonghua Minguo*.” Zhang allocated different meanings to these terms: with *Hua*, he emphasised the territory of China; with *Xia*, the racial identity of China; and with *Han*, he saw China as a political entity. Though, as Schneider (2017, 156) points out, “Zhang's conclusion seems strangely sudden and somehow inconsistent,” his intention to construct and define the Chinese nation-state as a political entity that is located in certain territory dominated by the Han Chinese is clear. The original Chinese of Zhang Taiyan's thesis

“fact” that it simultaneously denoted the racial (*Xia* 夏 as the name for Han Chinese), territorial (*Hua* 華 as the place where the ancestors of the Han Chinese first dwelt), and the political (*Han* 漢 as the Han Dynasty) dimensions of his desired future Han Chinese nation-state. It, therefore, is not at all surprising when imaging the composition of the Republic of China, Zhang argued that “as for Tibet, the Turkic Muslim areas, and Mongolia, these could either be incorporated or rejected.”²⁷⁴ This attitude was a continuation of traditional Chinese-barbarian distinction, for Tibet, Mongolian, and Xinjiang were called by Zhang Taiyan as the “Three Wild Domains” (*San huangfu* 三荒服), a term that was traditionally referring to the remote areas where the Confucian teachings and the Chinese legal and moral duties were absent. However, this does not mean that Zhang Taiyan’s project for the future Republic of China intentionally excluded these “wild domains.” Instead, he came up with his approaches of how these places and the people there could legitimately be integrated into the modern Chinese nation-state.²⁷⁵ According to his assertions on Chinese nation,²⁷⁶ integrating into China and becoming a Chinese *minzu* was possible, and indeed also desirable, provided that “those to be assimilated were in the politically inferior position” (Schneider 2017, 183), as Zhang himself claimed that “it is only possible to allow other ethnicities’ assimilation if sovereignty is in our hands, that would be sufficient for absorbing them.”²⁷⁷

Interestingly, Zhang Taiyan’s approaches towards the non-Han-Chinese echoed my findings on traditional China, namely the non-Han Chinese would either be separated from China or assimilated into it. What differentiated Zhang is his conceptions and desire to construct a Chinese nation-state. For example, Zhang’s separative assertion that the three wild domains could “either be incorporated or rejected” was probably based on his belief of “one nation one state,” which partially resulted in his argument that if people in the wild domains “really want to have their own countries, why should we take them through plunder?”²⁷⁸ On the other hand, his assimilative approach reflected more of his Han chauvinism that depicted a Chinese superiority over the ethnic minorities. When he talked about the incorporation of Xinjiang into his Han-Chinese nation-state project, he believed that the Muslims there were so weak and incapable of building up their own nation-state that they “strive to assimilate to the Han Chinese” (求與漢人同化之不暇).²⁷⁹ In this sense, Zhang Taiyan, as Schneider (2017, 202) rightfully points out, is a racist or racialist (*zhongzu zhuyi zhe* 種族主義者), in that “in the Chinese sense of the word... he linked different identifications of race to superiority and inferiority.” The

is “諸華之名，因其民族初至之地而言... 名其國土曰華... 華本國名，非族類之號... 正言種族，宜就夏稱... 夏本族名，非邦國之號... 下逮劉季... 聲教遠暨，複受漢族之稱...” See Zhang (1907, 1–2). Part of the translation is from Schneider (2017, 154–56).

²⁷⁴ The original Chinese is “西藏、回部、蒙古三荒服則任其來去。” See Zhang (1907, 8). The translation is from Schneider (2017, 162).

²⁷⁵ Zhang Taiyan’s Chinese Han nationalism seemed to be aimed at the establishment of a Chinese nation-state based on the territory of the Han and/or Ming dynasties, where Tibet, Mongolian, and Xinjiang were only “vassals” (*fuyong* 附庸) other than “state territory” (*shutu* 屬土).

²⁷⁶ Zhang’s idea of nation went through a process of changes. Previously, he believed that one’s racial/ethnic identity is fixed, and hence he denied the Culturalist proposition that accepting Chinese culture turned one into Chinese. In the *Zhonghua Minguo jie*, however, he seemed to argue for an unstable and changeable racial/ethnic identity, of course, with the changeability based on certain crucial conditions. For Zhang’s conceptions of racial/ethnic identity, see Schneider (2017, 181–83).

²⁷⁷ The original Chinese is “所以容異族之同化者，以其主權在我，而足以翕受彼也。” See Zhang (1985, 255).

²⁷⁸ The original Chinese is “彼實有國，吾豈可以劫奪得之？” See Zhang (1907, 15). The translation is from Schneider (2017, 164).

²⁷⁹ In the last part of the *Zhonghua Minguo jie*, Zhang Taiyan claimed that:

People in Xinjiang have few qualified personnel, their political system is deficient, and for every affair they have to ask Han Chinese people for help... Although our support could help the Muslims in Xinjiang to achieve separation, if they are able to distinguish between fortune and disaster, and see the differences between good and evil, they will understand that the troops and persecution have all come from the Manchu people, and that the Han Chinese nation/ethnicity has not at all been the driving forces. Moreover, their land is remote, and even if it were possible to build military devices in the terrain for self-defence, they would not be as advanced as the civilised Chinese. If they understand all this, they will not waste any time demanding separation, but strive to assimilate to the Han Chinese people.

The original Chinese is “彼其人材稀疏，政治未備，事事將求助於漢人... 雖然此直為同人自立計也。若其深明禍福，辨別薰蕕，知往日之興兵構怨出於滿人，而漢族非為權首，又以地處偏隅，雖苟足設險自完，無由進於開明之域。如是則求與漢人同化之不暇而何自離之雲。” See Zhang (1907, 16). Part of the translation is from Schneider (2017, 164–65).

Han Chinese in contrast to the non-Han Chinese including Muslims, remains unchallenged and unchanged, even for Dr Sun Yat-sen 孫中山 (1866–1925), founding father of the Republic of China.

1.2 Concept of *Minzu*, Nationalist Party, and the Republic of Five Nations

Two months after the establishment of the Revive China Society (Xingzhonghui 興中會) in 1894, Sun Yat-sen published a revised version of the *Xingzhonghui zhangcheng* 興中會章程 (Charter of Revive China Society), in which, it was stated, those who admitted to the Society swore the oath of “expelling Tatar barbarians, restoring *Zhonghua* China, and establishing a unified government” (*quchu dalu, hui fu zhonghua, chuanglei hezhong zhengfu* 驅除韃虜, 恢復中華, 創立合眾政府). Later in 1906, Sun Yat-sen, together with Zhang Taiyan and Huang Xing 黃興 (1874–1916), explained in the *Zhongguo Tongmenhui geming fanglue* 中國同盟會革命方略 (General plan for the revolution of the Chinese United League) that,

First, to “expel Tatar barbarians”: the Manchus today were the *Hu* barbarians from the eastern frontier, who used to constantly cause trouble in our frontier during the Ming Dynasty. They... drove into our land, conquered our Central Kingdom, occupied our government, and forced us Han people to be their slaves... Our troops of justice aim at wiping out the Manchus’ government and restore our sovereignty. Second, to “restore *Zhonghua* China”: the Central State/China belongs to the Chinese people; the Chinese polity should be decided and managed by the Chinese people. After we expel the Tatar barbarians, we shall restore our nation’s state.²⁸⁰

What Sun had in mind when he claimed that the Manchus should be expelled was that they should be sent back to Manchuria, just like the Ming court had done with the Mongols; while “to restore,” of course, meant to restore China back to how it had been before the Manchu Qing conquered China proper, that is, the eighteen Han-Chinese concentrated provinces excluding Tibet, Mongolian, Xinjiang, and Manchuria. A China that belonged solely to the Han Chinese was the goal commonly shared by the revolutionaries. In 1903, Zou Rong 鄒容 (1885–1905), a Chinese nationalist who first depicted the blueprint of the future Republic of China (*Zhonghua gonghe guo* 中華共和國), urged in his *Geming jun* 革命軍 (The revolutionary army) that “the four million Han Chinese race” (*Si wanwan Han renzhong* 四萬萬漢人種) should fight for the following:

First, China [is a state that] belongs to the Chinese. My compatriots shall all acknowledge the China of us Han Chinese race;

Second, no other races shall be allowed to take any share of the authority of China;

...

Fifth, expel the Manchus living in China, or kill them for revenge.²⁸¹

As Sun’s revolutionary slogan stated, to “expel Tatar [Manchu] barbarians” was not the final goal of the revolution, but a means to “restore *Zhonghua* China,” namely to establish a Han Chinese dominated nation-state. This was explicit in Sun’s 1906 statement. It read that:

Nationalism does not mean that all the alien races we encounter should be excluded; it rather means that people of alien races should not be allowed to seize our [Han nation’s] political power. Because, for our Han people, holding power means having a state [of our own]. If the political power [of the state] is controlled by people of an alien race, that state is no longer the state of our Han people.²⁸²

²⁸⁰ The original Chinese is “一、驅逐韃虜：今之滿洲，本塞外東胡，昔在明朝，屢為邊患。後...長驅入關，滅我中國，據我政府，迫我漢人為其奴隸...義師所指，覆其政府，還我主權...二、恢復中華：中國者，中國人之中國，中國之政治，中國人任之。驅除韃虜之後，光復我民族的國家...” See (Sun 1981, 296).

²⁸¹ The original Chinese is “中國為中國人之中國。我同胞皆須自認自己的漢種中國人之中國。不許異種人沾染我中國絲毫權利。驅逐住居中國中之滿洲人，或殺以報仇...” Zou (1903).

²⁸² The original Chinese is “民族主義，並非是遇著不同種族的人便要排斥他，而是不許那不同族的人，來奪我民族的政權。因為我漢人有政權才是有國，假如政權被不同族的人所把持，那就雖是有國，卻已經不是我漢人的國了。” This is a speech,

In sum, during late Qing period, one of the main assertions of the revolutionaries was to “expel the Manchu Tatars out of our land.”²⁸³ It is evident that for the revolutionaries, terms such as *Zhongguo ren* 中國人 (Chinese), *Zhonghua minzu* 中華民族 (Chinese nation), or *Zhongguo minzu* 中國民族 (nation of the Central State) were equivalent to the Han *minzu* 漢民族 (the Han nation). This was to justify their cause to establish a Chinese nation-state in the sense that Chinese meant the Han.²⁸⁴ Consequently, to achieve a Han Chinese nation-state required not only expelling the Manchus but indeed all non-Han Chinese. This was crucial for all the non-Han Chinese peoples, including the Hui Muslims, to redefine their identity, for this indicated that to be a Chinese then was to be a Han. As Wang (2015a, 214) points out, this perception, or strategy, has since then influenced the development of Chinese history.

One thing that needs to be emphasised is the significance of avoiding an essentialist understanding of the approaches advocated by the reformers and the revolutionaries, namely an integrative approach of the reformers and an exclusive or separative approach of the revolutionaries with regard to how the non-Han people should be treated. In fact, chances are that one finds a changing dynamic of theories and strategies applied by the “reformers” and the “revolutionaries” along with the changing political, military, and social contexts both in and outside China during the late nineteenth and early twentieth centuries. For example, Liang Qichao, whom I discussed above in terms of his anti-Manchu assertions, actually was most well-known for his thesis on “China’s assimilative power” (*Zhongguo tonghua li* 中國同化力), by which he meant that as Schneider (2017, 2) comprehensively demonstrated, “as a result of an assumed racial, cultural, and/or ethnic superiority of the [Han] Chinese people, non-Chinese ethnic groups... inevitably assimilate to the Chinese people and culture, possibly to the point of being indistinguishable.” Through this theory, which later he developed into the “greater Chinese nationalism” (*Da minzu zhuyi* 大民族主義),²⁸⁵ Liang Qichao built up his framework to understand and integrate the non-Han Chinese into the Chinese nation-state. He held that “the greater [Chinese] nation has to take the Han Chinese people as the centre. and the Han Chinese should be in charge of the organisation [of the Chinese nation]. Regarding this fact, there is nothing to argue about.”²⁸⁶ This sounds quite familiar if we relate it to Zhang Taiyan’s later arguments.

Therefore, what is clear is that we, once again, witness the two approaches that have been applied to the non-Han peoples in China, namely they would either inevitably be assimilated into the Chinese society and culture, or excluded from the future Chinese nation-state, or in a “better case,” dominated by the Han-Chinese. In a word, what was shared in common among the Chinese nationalists in terms of their various theories and approaches concerning the non-Han Chinese groups was their admitted assumption of the superiority of the

titled “Three principles of the People and the future of the Chinese nation (*Sanmin zhuyi yu zhongguo minzu zhi qiantu* 三民主義與中國民族之前途,” which Dr. Sun gave on the second of December, 1906 in Tokyo at the first anniversary of the *Minbao* 民報 (The people’s journal). The speech is available online at Collected Works of Sun Yat-sen at <https://sunology.yatsen.gov.tw/>.

²⁸³ The original Chinese is “將滿洲韃子從我們的國土上驅逐出去。” Sun Yat-sen made this claim in his article in 1904 titled “The True Solution of Chinese Question: An appeal to the People of the United States,” which was later translated into Chinese as “*Zhina wenti zhenjie* 支那問題真解,” or “*Zhongguo wenti de zhen jie jue: xiang Meiguo renmin de huyu* 中國問題的真解決：向美國人民的呼籲。” In this article, Sun claimed that “I speak of the current Manchu Qing government other than the Chinese government on purpose, for the Chinese do not have a government of their own now. If we refer the current government in China as the Chinese government, it is wrong.” The original Chinese is “我們說滿清政府，而不說中國政府，這是有意識地這樣說的。中國人現在並沒有自己的政府，如果以‘中國政府’一名來指中國現在的政府，那麼這種稱法是錯誤的。” See Sun (1981, 243–54).

²⁸⁴ This could be observed in a variety of publications by the revolutionaries, particularly in the journals and newspapers produced by them, such as *Jiangsu* 江蘇, *Zhejiang chao* 浙江潮, and *Minbao* 民報, to name a few. For example, Tao Chengzhang 陶成章 (1878–1912), one of the leaders of the Revolution of 1911, explicitly claimed that “The so-called China [is a state that] belongs to the Chinese people. Who then are the Chinese people? [They are] the people of the Han race. The so-called Chinese history is the history of the Han people... The so-called Chinese nation is the Han nation, who call themselves people of the *Zhonghua*, or people of the Central State.” The original Chinese is “中國者，中國人之中國也。孰為中國人，漢人種是也。中國歷史者，漢人之歷史也... 中國民族者，一名漢族，其自曰中華人，又曰中國人。” See Tao ([1904]1986, 231–32).

²⁸⁵ Briefly speaking, Liang made a distinction between what he called the “less Chinese nationalism” (*Xiao minzu zhuyi* 小民族主義) and the “greater Chinese nationalism,” by the former he meant the Han Chinese nationalism, and the latter “a greater nation that unites the Han, Manchus, Mongols, Hui Muslims, Miao, and the Tibetans.”

²⁸⁶ The original Chinese is “此大民族必以漢人為中心點。且其組織之者必成於漢人之手。又事勢之不可爭者。” See Liang (2001, 454).

Han Chinese over the marginalised non-Han minorities. This assumption also concerns their understanding of what a nation-state is and should be, namely both groups aim at the construction of a mono-ethnic/national China. For the revolutionaries, a future Chinese nation-state should be a nation-state of the Han Chinese, and the non-Han people should be best excluded from the country; while for the reformers, or specifically, those who supported an integrative approach towards the non-Han-Chinese peoples, a Chinese nation-state including the Han, the Manchus, Tibetans, Mongols, Hui Muslims, etc., would not only be possible but also desirable, for all the non-Han peoples were, or would eventually be, assimilated to the Han Chinese. These similarities among the Chinese nationalists, on the one hand, represented the continuation of the traditional Chinese approaches towards the non-Chinese minorities observed particularly in the Chinese-Barbarian Distinction; and they were, on the other hand, the result of the introduction of the term “nation” (*minzu* 民族) from Japan.

Wang (2015b, 54) has pointed out that “an undeniable fact is that almost all the articles by Chinese thinkers on nationalism during the early twentieth century were, without exception, produced in Japan.” He names them “made in Japan by Chinese,” and argues that the emergence of Chinese nationalism is closely related to Japan. The concept of nation is defined as a cultural-political community, with some emphasizing the political dimension of it, such as the case of France, and some emphasizing the cultural dimension of it, such as the case of Germany. Based on these two dimensions, two types of nationalism could be distinguished, namely: civic nationalism that argues for the establishment of a nation-state based on shared political citizenship derived from liberal principles; and ethnic nationalism wherein a nation-state is defined in terms of ethnicity, language, religion, or common ancestry. Japan’s experience of modern nation-state building went through two phases and witnessed both dimensions of nationalism. It was during the period of the Meiji Restoration (late nineteenth century) that Japanese intellectuals and politicians started to realize the importance of building the Japanese nation that could unite the Japanese people of different classes into a homogeneous group who shared a “we-ness.” During this period, the Freedom and People’s Rights Movement in Japan, modelling on the “advanced” western countries, promoted the institution of civil rights as well as the Meiji Constitution. Thus, the introduction of the concept of nation along with the socio-political movement in Japan then naturally took the political dimension quite seriously. The nation was then understood as state-people (*guomin* 國民) that emphasised principles of liberty and equality (Wang 2015b, 59). As is seen in other parts of the world, over-westernization²⁸⁷ is normally followed by a return to tradition. This is also true in Japan. With the publication of journals and newspapers, such as “Japanese People,” and “Japan,” the late nineteenth century Japan saw the flourishing of the Japanese National Essence Movement (国粹主義, *kokusui shugi*, maintenance of Japanese cultural identity) that promoted the maintenance and development of Japanese ethnic nationalism. It asserts that the Japanese are a monolithic nation with its unique culture. Along with this movement, Japanese people rediscovered and redefined Japanese as a nation from the perspective of their own “national culture.” The nature of this movement, as Wang (2015b, 59–60) demonstrates, is to emphasise that, via the reinterpretation of the concept of nation, the Japanese nation has a shared history and cultural tradition that are different from other nations, and Japan as a nation-state is a political entity based on common history and culture. The construction of modern Japan as a nation-state was based on the understanding that Japan was a mono-ethnonational state then.

Japan established a modern nation-state based on the principle of “one state one nation.” And this approach to modern nation-state building was followed by Chinese nationalists, such as Zhang Taiyan, Sun Yat-sen, and Liang Qichao. Thus, it becomes understandable when the Chinese nationalists sought to build a modern Chinese nation-state in a sense that nation meant actually an ethnicity or race that shared a common history and culture. This point is crucial in understanding the Chinese nationalists’ projects to build a Han Chinese nation-state: the integrative one that aimed at the assimilation of other ethnicities into the Han Chinese; and the revolutionaries’ exclusive one that aimed at the establishment of a Han Chinese nation-state excluding other ethnicities. This essentially remained the same with the success of the Revolution of 1911 and the establishment

²⁸⁷ Since the Meiji Restoration, a trend of Westernization or Europeanization was quite popular in Japan. For example, the then Minister for Foreign Affairs of Japan held that their aim was to “turn our country into a Europeanised Empire, turn our people into Europeanised people, and build up in the east a Europeanised Empire.” (Li and Zhao 2010, 64).

of the Republic of China, which, though, officially claimed that the Republic of China consisted of the five nations of the Han, Manchus, Mongols, Hui/Muslims, and Tibetans.

The revolutionaries somehow gave up their assertion to establish a Han Chinese nation-state after the success of the Revolution of 1911 and held that the Republic of China was a republic of the five nations of Han, Manchus, Mongols, Hui/Muslims, and Tibetans (*Wuzu gonghe* 五族共和). On the 1st of January, 1912, Dr Sun Yat-sen stated in the “*Lihshi dazongtong jiuzhi xuanyan* 臨時大總統就職宣言” (Manifesto issued on the assumption of office of the provisional president) that,

The essence of the state lies in its people. Uniting the lands of the Han’s, Manchus’, Mongols’, Hui/Muslims’, and Tibetans’ as one state, namely, uniting the nations of the Han, the Manchus, the Mongols, the Hui/Muslims, and the Tibetans as one people, is indeed the unification of our nation.²⁸⁸

The principle of *Wuzu gonghe* declared by Sun Yat-sen is also regarded as the basic constitutional framework based on which the national government is supposed to handle ethnic/national issues. It was reaffirmed two months later in the Provisional Constitution of the Republic of China, which read in Article five that “people of the Republic of China are equal, regardless of race, class, and religion.” It seems unclear what Sun Yat-sen and the newly established Republic of China meant when they talked about the term *zu* 族 as in *Wuzu gonghe* 五族共和 (Republic of the five *zu*) and *Zhonghua minzu* 中華民族 (Chinese *zu*).²⁸⁹ During the same period,²⁹⁰ Sun Yat-sen, as President of the Military Government of the Republic of China (*Zhonghua minguo junzhengfu da zongtong* 中華民國軍政府大總統), published the *Bugao quanguo tongbao shu* 佈告全國同胞書 (Proclamation to the national compatriots),²⁹¹ in which President Sun Yat-sen claimed that,

Sun [Yat-sen], as President of the Military Government of the Republic of China, proclaim to my Great Han compatriots that: ... we should know that protecting [the Han Chinese] from the *Yi* and *Di* barbarians is something our sages in the past dynasties took seriously... so that they would not be able to destroy our beautiful homeland... My compatriots! My compatriots!... it must be the spirit of [our ancestor] Yellow Emperor and the sages who helped us achieve [the success] and blessed us compatriots so that we could realize the success to revive the Han... Today, I would, in particular, proclaim to my Great Han compatriots that we shall learn the lessons from the failure of our predecessors, stick to the path, and make persistent efforts... seek revenge and serve the state... establish the Republic so that the alien nations would be dominated by us.²⁹²

Clearly, as President of the newly founded Republic, Sun still considered himself as leader of the Han nation. Or in other words, the two identities of the President of the Republic of China and the leader of the Han nation are, for Sun Yat-sen, nothing but the same thing. His ambiguous attitude during the early years of the Republic of China, particularly his emphasis, at least officially, on the “Republic of the five nations,” demonstrated that he tried to prevent the Manchus, Mongols, Hui/Muslims, and Tibetans from following the Han’s endeavours to establish a nation-state of their own, just like what Sun Yat-sen himself did. However, it seems that he never gave up the idea of establishing a Han Chinese nation-state, which led to his giving up the ambiguous and

²⁸⁸ The original Chinese is “國家之本，在於人民，合漢、滿、蒙、回、藏諸地為一國，即合漢、滿、蒙、回、藏諸族為一人，是曰民族之統一。” See Sun (1912)

²⁸⁹ Due to the inconsistency of the usages of the term *Zu* 族 by different organizations during this period, I decided to use the Chinese term instead.

²⁹⁰ According to Wang and the sources he used (2015b, 46 and 70), Sun Yat-sen published the speech in 1912 after the establishment of the Republic of China, while according to the *Collected Works of Sun Yat-sen* (vol. 2, 22–23), this speech was published in 1911.

²⁹¹ The authorship of this speech is questionable. According to Pan and Yang (2013, 155–56), this speech was first published in 1911 in the *Dahan bao* 大漢報 (Newspaper for the great Han), and it was written in the name of Sun Yat-sen by one of the members of the Chinese United League, Zha Guangfo 查光佛 (1885–1932), and was later reprinted by several other journals. The speech first appeared with a title of “Sun Wen bugao dahan tongbao shu 孫文佈告大漢同胞書” (Sun Wen’s proclamation to the great Han compatriots).

²⁹² The original Chinese is “中華民國軍政府大總統孫，為佈告大漢同胞事：... 可知夷狄大防，我歷代聖人之必嚴且厲者... 不使之壞我絕好河山也... 同胞！同胞！... 此必我黃帝列聖在天之靈，佑助我同胞，故能成此興漢之奇功... 今特佈告我大漢同胞，共鑒前車，牢持來軫，再接再厲... 復仇報國... 建立共和國，使異族帖耳俯首...” See Sun (1911).

strategic advocacy of the unity of the five nations. On the fourth of November, 1920, Sun gave a speech at the Conference of the KMT Headquarters in Shanghai, and claimed that,

Nationalism, which was used to destroy the autocracy of the Manchus, is not something that just came with the new trend. We are to enrich it, assimilating all the nations in China into a Chinese nation... When we talk about the Republic of the five nations, indeed, the terms for these five nations are inappropriate. There are far more than five nations in our country. What I mean is that we should assimilate all the nations in China into a Chinese nation.²⁹³

It is obvious from the speech above that Sun Yat-sen had already given up the political assertion of “the Republic of the five nations.” If we are still not sure about what he meant when he argued for a “Chinese nation,” the following year in 1921 he made it clear that,

China has a huge territory and population... since we restored China... [the Han and the non-Han have been] gathered together and named as “the Republic of the five nations.” We should know that, however, this is exactly what goes wrong. When it comes to the population of the five nations, Tibetans are only four to five million; Mongols are just less than one million; Manchus are only several million; as for Muslims, they, though have a large population, are mostly Han people... They are all incapable of defending themselves. We Han nation should help them. The Han nation... if we cannot independently establish a nation-state that completely belongs to the Han nation, it indeed is the utmost humiliation of us Han nation... Therefore, our Party should keep working on the issue of nationalism, and make sure that the Manchus, Mongols, Hui/Muslims, and Tibetans assimilate to us Han, thus forming a state of [Han] nationalism. ... Today, when we talk about nationalism, we shall not talk about the five nations in a general way, but [emphasize] the nationalism of the Han... for they, who are incapable of defending themselves, are indeed dependent on us Han to guide and promote them. I have come up with a conciliatory way [to deal with the non-Han peoples], namely to take the Han as the centre and assimilate [all the non-Han] into us Han... Make the Han nation the Chinese nation, and then form a complete [mono-ethnonational] state.²⁹⁴

China as a Han Chinese nation-state is the goal of the nationalist Party, both for Sun Yat-sen and his successor Chiang Kai-shek 蔣介石 (1887–1975), who inherited and loyally implemented the assimilative policies (Matsumoto 2003, 98). With this in mind, it becomes understandable that when the Nationalist Party claimed the “equality of all nations within the territory of China” (中國境內各民族一律平等) and the “self-determination and autonomy of the weak minority nationalities in China” (中國弱小民族自決自治),²⁹⁵ they actually meant the “equality” between the Chinese that have assimilated all other non-Han ethnoreligious groups, the “self-determination” that enabled the weak non-Han Chinese groups to be free from foreign domination so as to be assimilated into the Han Chinese nation-state (Matsumoto 2003, 103), and the

²⁹³ The original Chinese is “民族主義，當初用以破壞滿洲專制。這主義也不是新潮流纔有的。向來我們要擴充起來，融化我們中國所有各族，成個中華民族... 現在說五族共和，實在這五族的名詞狠不切當。我們國內何止五族呢？我的意思，應該把我們中國所有各民族融化成一個中華民族。” See Sun (1920).

²⁹⁴ The original Chinese is “中國幅員廣大，人民眾多... 自光復以後... 湊合一起，叫做五族共和。豈知根本錯誤，就在這個地方。講到五族底人數，藏人不過四五百萬，蒙古人不到百萬，滿人只數百萬，回教雖眾，大都漢人... 足見他們皆無自衛底能力，我們漢族應該幫助他纔是。漢族... 而不能真正獨立組一完全漢族底國家，實是我們漢族莫大底羞恥... 由此可知本党尚須在民主主義上做功夫，務使滿、蒙、回、藏同化於我漢族，成一民族主義的國家... 今日我們講民族主義，不能籠統講五族，應該講漢族底民族主義... 即[滿、蒙、回、藏]無自衛能力底表徵，然提撕振拔他們，仍賴我們漢族。兄弟現在想得一個調和的方法，即拿漢族來做個中心，使之同化于我... 將漢族改為中華民族，組成一個完全底民族國家。” See Sun (1921).

²⁹⁵ These two policies were issued in 1924 at the First United Front when the Communist Party of China (CPC) and the KMT formed an alliance to end warlordism in China. Relevant contents could be found in several official documents of the KMT, including, in particular, the *Zhongguo guomindang diyici quanguo daibiao dahui xuanyan* 中國國民黨第一次全國代表大會宣言 (Declaration of the first National Congress of Kuomintang) and the *Guomin zhengfu jianguo dagang* 國民政府建國大綱 (Fundamentals of national reconstruction for the Nationalist Government) published in the same year.

“autonomy” that the backward non-Han Chinese groups including the Hui/Muslims needed so that they would be guided and enlightened by the advanced Han Chinese (Matsumoto 2003, 110).

However, these policies were not agreed upon among not only the non-Han *minzu* but also the Han Chinese themselves. Those who held different assertions concerning the issue of how the non-Han Chinese should be dealt with in the Chinese nation-state included some intellectuals and the emerging Chinese Communist Party (CCP) that was then largely following the Communist International.²⁹⁶ They, together with the KMT, made the issue only more complicated. The abovementioned analysis is crucial in my understanding of the Hui Muslims’ efforts to redefine their identities while seeking reconciliation among different approaches to becoming a Chinese.

2. *Jiao* 教 and *Guo* 國: Struggles among the Hui Muslims

The introduction of the concept of *minzu* and particularly the idea of *Wuzu gonghe* stimulated the Hui Muslims’ conception of being a *zu* 族 in the newly established Republic. However, due to the complex understandings of what it meant to be a *zu* and the approaches applied by the majority Han Chinese politicians to construct a Chinese nation-state, different Hui Muslim groups responded differently in terms of how to define their positions in relations to the Han majority and the Chinese regime. What was shared among all the Hui’s responses was the significance of the role of Islam in defining them as a unique group of people. This process was already visible in late Qing when Sun Yat-sen established the *Tongmenhui* 同盟會 (Chinese United League) in Japan.

2.1 The Hui Muslim Students in Japan and Their Denial of the Hui as a *Minzu*

A group of Hui Muslim students who were studying in Japan gathered together in 1907. They established the Islamic Educational Association in Tokyo (Liudong qingzhen jiaoyuhui 留東清真教育會) and published their journal *Xinghui pian* 醒回篇 (Awakening the Hui) the following year, in which they reflected on the issues of “what are the Hui” and “whether they are a Hui nation.”

An article by Huang Zhenpan 黃鎮磐 (1873–1942), secretary of the Association, titled *Lun Huimin* 論回民 (On the Hui people) was representative. Huang made it explicit at the beginning of his article that “[the term of] Hui is the name for the religion [of Islam] other than the name for the nation.”²⁹⁷ He justified his claim by referring to the history of Islam in China, and concluded that though Muslims in China had a foreign origin as demonstrated by their early history in China “however, after hundreds of years living and reproducing [in China], just like being put in the huge oven [for alchemy] of Hongjun, they have since a long time ago been

²⁹⁶ Examples of the responses from the intellectuals would be analysed in the following chapters. I shall give an example of how the CCP comprehended the issue in question here. According to Matsumoto (2003, 117–18), regarding the equality, self-determination, and autonomy of the non-Han groups, the young Mao Zedong 毛澤東 (1883–1976) in 1924 held that,

as for the issue of minority nationalities, we should explain it more explicitly. Nowadays, local capitalists, the U.S., and other countries all aim at occupying our land including Mongolia. Therefore, the KMT shall... not be restricted by such out-dated thoughts that these places [where the minorities inhabit] and nations belong to China... When it comes to Mongolia and the Eastern Turks in China, we believe that now they are of course able to have the right for self-determination. The reason for saying this is that we have established a united front with the Soviet Union. As for Tibet, perhaps, “self-determination” would become an instrument at the hands of the British.

Mao’s attitude represented the Soviet’s influence on the CCP during its early days. This assertion was also represented in the *Zhongguo Gongchan Dang danggang caoan* 中國共產黨綱草案 (Draft of the Constitution of the Chinese Communist Party) published a year before, in which it stated that one of the tasks of the Communist Party was that “the relationship between regions such as Tibet, Mongolia, Xinjiang, and Qinghai and China proper shall be self-determined by the local nations themselves.”

The original Chinese of the citation from Mao Zedong is “對於少數民族問題，應該更加明確地說明。如今，當地的資本家、美國、其他國家想要佔領蒙古和其他地方。因此，國民黨要明確賦予他們什麼樣的許可權，國民黨不要被這些民族屬於中國等這類舊思想所束縛。... 若說到蒙古和中國的東突厥，我們相信現在他們當然能獲得自決權。之所以這樣說，是因為我們與蘇聯結成了共同戰線。關於西藏，或許‘自決’會成為英國人手中的工具。” See (Matsumoto 2003, 117–18).

²⁹⁷ The original Chinese is “回以名教，非以名族也。” I translate the term of *zu* 族 here as nation, instead of race or ethnicity. I shall analyse his understanding of the term in the flowing text. For the original Chinese, see Huang ([1908b]1988, 23).

assimilated into the same race. How can they be named as an alien nation?”²⁹⁸ He seemed to have accepted the theory of the “Chinese assimilative power” and took the Hui as racially the same with the Han Chinese. His aim is quite clear, namely, the Hui Muslims were not an alien nation but had already been assimilated into the same one with the Han Chinese, and therefore, perhaps, more importantly, should not be excluded from the future Han Chinese nation-state that the revolutionaries aimed to establish.

Interestingly, as one of the first members of the *Tongmenhui*, which aimed at expelling the Manchu barbarians and restoring the Han Chinese state, Huang seemed to have a different opinion about the anti-Manchism provoked by the revolutionaries. He claimed that,

Just look at the government officials and the lay people in our country, [who advocated] anti-Han or anti-Manchu [movements]. They hold these short-sighted opinions and have forgotten the threat of racial extinction.²⁹⁹

It seems to him that distinguishing between the Han Chinese, the Mongols, Manchus, Hui Muslims, and other groups is unacceptable. He continued that,

Nowadays, people who talk about politics regard the Han, Manchus, Mongols, Hui Muslims, Tibetans, and the Miao people as in the same category, publicly making a term of Six Nations... Leaving aside the Tibetans, Mongols, and the Miao people, our Devine Land [of China] is mixed [with different peoples] in the Central Plains, only the Manchus and the Han are excluding each other. The so-called Hui, scattering among them, live peacefully.³⁰⁰

As a Muslim living in late Qing, Huang’s argument that the Hui lived peacefully with the Manchus and the Han Chinese was obviously not true, given the oppressive and discriminative laws against the Hui Muslims and their rebellions against the Qing court. His probably intentional ignorance of this fact serves for his purpose to argue for a Chinese nation-state, in which national, or even racial, distinctions between the Han and other groups should be eliminated, including, maybe particularly, the Hui Muslims. Besides, studying law in Japan and being a follower of Sun Yat-sen, Huang must have been aware of the connections between being a nation, a *zu* 族, and establishing a nation-state, as propagated by the revolutionaries. This might account for his refusal of the concept of *Huimin* 回民, which literally means the “Hui People” but could also be the abbreviation for either the *Hui minzu* 回民族 (Hui nation) or the *Huijiao minzu* 回教民族 (the Islamic nation or nation of the Hui teaching). In the last part of his article, he argued that,

I heard the [Muslim] elders say that [we Hui Muslims] fight for our religion not for the state, which probably is to say that the Huihui coming to China only aim to spread the religion. However, people nowadays misunderstand it, and always see the Hui as the Hui People. Some even call them the Hui nation. This is, in addition to the Manchu and the Han [nations], to set another enemy for the nation [-state]. I am afraid this would lead to the fight between us people of the same race... and in less than one hundred years we people of the yellow race would be extinguished, and the whole world would be assimilated to those who have deep eyes, high nose, red hair, and blue/green beard. Wouldn’t that indeed be sad.³⁰¹

²⁹⁸ The original Chinese is “然已經千數百年後，以生以息，若置洪鈞熔巨爐，其早化為同種也久矣，夫安得指為異族也哉。” See Huang ([1908b]1988, 32).

²⁹⁹ The original Chinese is “以視如吾國朝野上下，排漢排滿，執一孔之見，忘滅種之憂...” See Huang ([1908b]1988, 33).

³⁰⁰ The original Chinese is “嘗見時人論政，輒以漢、滿、蒙、回、藏、苗，相提並稱，儼然以六大民族標榜之。藏、蒙、苗無論已，夫神州大陸，中原雜處，惟滿、漢久分門戶。所謂回者，廁列其間，相安無事。” See Huang ([1908b]1988, 33).

³⁰¹ The original Chinese is “聞之父老，有所謂爭教不爭國者，殆即回回入中國傳教之宗旨也耶。近人不察，每以回民目之，且有謂為回族者，則是滿漢之外，又樹一民族之敵。吾恐同種相殘... 不數百年，黃人掃跡，則世界盡化為深目、高鼻、赤發、碧鬚兒也，豈不大可哀哉。” See Huang ([1908b]1988, 33).

Given what Huang said in the abovementioned texts, it is evident that Huang believed in a Chinese nation-state in which nation meant the Han. Seeing the revolutionaries' anti-Manchu proposal, I argue that Huang's argument that the Hui was not a separate nation aimed at protecting the Hui from being excluded from the new Chinese nation-state or being alienated by the majority Han Chinese. In another article published by Huang in the *Xinghui pian*, Huang explicitly argued that "Han and Hui share the same history, and are of the same race. What distinguishes [us] is just our relations with religion."³⁰² For Huang, it is crucial to make clear how the Hui should exist in the future Chinese nation-state: as a religious group? or a *minzu* (nation)?

Huang's position could also be understood in his attitude towards the phrase *Zhengjiao bu zhengguo* 爭教不爭國 (fight for the religion, not for the state). This phrase was cited by several other Hui authors in their articles during the Republican period, which I shall come back later in this chapter. In Huang's usage, however, it is important to take the context into consideration. Huang held that the Hui was a religious group and *zhengjiao* 爭教 (to fight for the religion), namely, to fight for the religion of Islam, had been the purpose of the Hui since Islam came to China. While *zhengguo* 爭國 (to fight for the country) here probably meant to fight for the establishment of an independent Islamic state of the Hui, which for Huang was not and should not be an option for the Hui Muslims. His recognition of the phrase is crucial in understanding the position of those Hui Muslims who denied the Hui as a nation, or a *minzu*, who, according to the prevalent understanding of nationalism among the dominant revolutionaries, were entitled to establish a nation-state of their own. However, this position that the Hui were of the same race/nation/*minzu* with the Han Chinese shall not be mistaken as the denial of the Muslim identity of the Hui. On the contrary, in the "Foreword to *Awakening the Hui*" (*Xinghui pian fakan xu* 醒回篇發刊序), Huang claimed that the Association that they established in Japan aimed at "the religious reform [of Islam] and the universalization of education [among the Hui] in mainland China" (謀內地之宗教改良及教育普及) (Huang [1908a]1988, 1). It is clear that Huang, and other Muslim students in Japan as well, put the issue in question in the context of modern Chinese nation-state building. They "via a new system of discourse, aim to explain the critical situation that the Chinese Muslim communities were facing, that is, a system of discourse on nation-state." (Wang 2015b, 123). For them, the issue of whether the Hui were a nation or not and how the Hui, a religious group as they defined, were supposed to live in the future Republic of China was, in essence, the issue of the relationship between Muslims and China as a nation-state.

Another contributor to the *Xinghui pian*, Zhao Zhongqi 趙鐘奇 (1878–1970), who was then accountant for the Association, argued that Muslims in China should make clear the relationship between Islam and the Chinese state. After giving a very brief introduction of how Islam came and spread in China, Zhao concluded that "[as for] Muslims in China today, except for [those living in] the province of Xinjiang, only a few came from other places [of foreign countries], and the majority were converts of the Chinese nation."³⁰³ Zhao did not take the Uyghurs in Xinjiang as the same with the Hui Muslims in other parts of China, though they all believed in the Hui Teaching (*Huijiao* 回教, namely Islam) and were referred to as the Hui people (*Huiren* 回人).³⁰⁴ He then tried to further convince his audience about his argument by saying that, "[the reasons why] those are still doubtful about this... are because they do not pay attention to the family names of the Muslims scattered throughout different provinces... who mostly have a common Chinese family name."³⁰⁵ Again, it seemed that Zhao also ignored the historical fact that the Hui Muslims adopted a "common Chinese family name" because of the assimilative official laws issued by the Ming court. Though Zhao ([1908b]1988, 43) explicitly claimed

³⁰² The original Chinese is "漢與回同此歷史，同此人種。而其不同者，祇宗教關係之點耳。" See Huang ([1908c] 1988, 11).

³⁰³ The original Chinese is "今日中國之回教，除新疆一省外，來自他出者少，為中國民族轉成者多。" See Zhao ([1908b]1988, 44). I translate the term *Zhongguo minzu* 中國民族 as Chinese nation, and did not distinguish it from the *Zhonghua minzu* 中華民族. Though later there are certain differences between the two terms in terms of the contexts they are used, they in my context both refer to the Han Chinese or the Chinese nation dominated by the Han.

³⁰⁴ At the beginning of his article, Zhao claimed that "Xinjiang was included into China not long ago, and it is reasonable to divide them as a separate nation." The original Chinese is "夫新疆籍中國不久，劃為一族，於理固當。" See Zhao ([1908b] 1988, 43). Though he did not say much about the Uyghurs in Xinjiang, it seemed that Zhao believed the Uyghurs as a separate nation should be treated differently. This might also echo Huang's argument of "leaving aside the Tibetans, Mongols, and the Miao people" as shown above.

³⁰⁵ The original Chinese is "聞是說猶有疑者... 是不察散處各省回教之姓氏者也... 率多中國普通之姓氏..." See (Zhao [1908b]1988, 44–45).

that he did not aim at “explaining whether Muslims are a nation or not” (不在辨明回教為族民與不為族民), he did assert in his article that “if we take into consideration the legal examples from those civilized countries, [the Hui are] indeed not a nation but just believers of a religion.”³⁰⁶ And the reason for his denial of the Hui as a nation was to encourage his coreligionists to actively participate in the construction of the future Republic of China by identification with the Han Chinese as a nation, as he himself claimed,

Oh my coreligionists, [we should] know that the relationship between our religion and China is not comparable to those foreigners residing in China. [Some Hui Muslims are] so confused and inobservant that they claim Mecca/ Arab is their motherland... [If that is the case then we] are of no difference from those foreigners residing in China. Self-discarded! Self-isolated!... I wish my coreligionists could embrace the essence and seek the real origin... [And do not] lose our inherent nationality or step back to those who do not take any national responsibilities.³⁰⁷

Being aware of the Chinese nation-state building project initiated by the revolutionaries, in which all non-Han peoples were potentially to be excluded, Zhao, together with the aforementioned Huang and other Hui Muslim students in Japan, urged his fellow Hui sisters and brothers about the danger and consequences of being “Self-discarded! Self-isolated!” if they saw themselves as a separate Hui nation. As a matter of fact, the two themes of “religious reform and universalization of education” promoted by their Association were supposed to realize the “success of assimilation” (*tonghua zhi gong* 同化之功) so that gradually “the boundaries between the Han and the Hui would be eliminated and the Han and the Manchus would be assimilated as one.”³⁰⁸

Bao Tingliang 保廷梁 (1874–1947), a then student of law and president of the Association, elaborated on the relationship of nation/race (*zhong zu* 種族) and education, and he believed that through education a natural process of assimilation between people of different races/nations would be realized. He maintained that,

Therefore, no other situation between different races/nations is better than the mental/psychological integration [among them], where there is only mutual love without any obstructions. However, this is not easy to achieve. There has to be the awareness to understand [each other] with an open mind, and then they should draw attention to state affairs, which gradually enables them to forget about the grudge against each race/nation. Hence, the success of assimilation would come by itself unexpectedly. This is the means to assimilate and remove the boundaries between races/nations... In essence, as for the relationship between different races/nations within the same state... if we want the psychological integration between the races/nations... who do not seek separatism or violence against each other, the only way to achieve this is through education that can transform their mind.³⁰⁹

The education that Bao promoted was neither the learning of Confucian teachings nor the traditional Islamic education carried out in China, but rather the “civic education” or “national education” (*guomin jiaoyu* 國民教育).³¹⁰ Probably due to the fact that none of these Hui students majored in pedagogy or educational sciences,

³⁰⁶ The original Chinese is “若以近世文明各國之法律例之，直不成其為民族，不過教徒而已。” See Zhao ([1908b]1988, 45).

³⁰⁷ The original Chinese is “同人乎，抑知我教與中國之關係，非留居於中國之外國人可比者乎，胡漫不加察，而自稱天方曰吾祖國... 是與旅居於中國者無以異矣。自棄自外... 願同人抱本尋源... 而自失其固有之國籍，以退居於無國民責任之列也可。” See, Zhao ([1908b]1988, 19, 45).

³⁰⁸ The original Chinese is “推行既久... 泯漢、同以化滿漢。” See Huang ([1908b]1988, 12).

³⁰⁹ The original Chinese is “是故種族之間，莫善於意志結合，有相愛而無相妨。然非易事也，必互有明瞭之意識，闊達之腦想，夫而後皆注意於國是，漸忘種族之芥蒂，於是乎同化之功不期然而自至，此融和種界之法... 要之，同國異種之關係... 欲使之心理合一... 無矯然離群，怫然相惡者，非與教育以轉換其心思，無能為役也...” See Bao ([1908b]2005, 496–97).

³¹⁰ Zhao Zhongqi contributed an article titled “*Lun Zhongguo Huijiao zhi guomin jiaoyu* 論中國回教之國民教育” (On national education for Chinese Muslims), in which he emphasized that “my coreligionists, we shall know that today the Chinese national

no detailed projects or contents of the education they promoted was found. But the points are quite obvious now, namely, they tried to achieve the integration of the Hui into the future Han Chinese nation-state, and by doing so to reconcile between their Islamic *Jiao* 教 (religion) and the Chinese *Guo* 國 (state). Some might argue that the Hui students in Japan actively sought assimilation with the Han, which demonstrated the so-called theory of “Chinese assimilative power.” However, I see it differently. The fact that a public discussion on whether the Hui was a nation or not, or that an open denial of the Hui as a nation was needed just demonstrated the real pressures the Hui students studying in Japan experienced, the pressures of uncertainty and fear brought about by the modern Chinese nation-state building project. In other words, as far as the Hui students are concerned, to be a Hui was to be a member of the Han nation, otherwise, they would probably be alienated, marginalised, or even excluded from the nation-state. These pressures experienced by the ethnoreligious, cultural, and national minorities are in no way the demonstration of the “Chinese assimilative power” that “attracts” the non-Chinese minority groups to actively assimilate to the Chinese. Probably because of the exclusiveness of this Han Chinese nation-state building project, the newly established government of the Republic of China turned to the slogan of *Wuzu gonghe*.

2.2 Other Opponents of the Hui as a *Minzu* during the Republican Period: The Hui Muslim Communities and Beyond

2.2.1 *The Issue of naming the Hui Muslims Association upon the Establishment of the Republic of China*

One of the characteristics of the Hui communities during the Republican period is the founding of various local and national associations that aim at the unity and organization of the Hui Muslims. Upon the establishment of the Republic of China, the Hui initiated an organization. However, how to name the association became problematic. An article by Sun Shengwu 孫繩武 (1894–1975), a prominent Hui politician and Islamist, reported this event regarding the naming of the association.

On the New Year’s Day of the first year of the Republic (1912), the revolutionary government declared its establishment. Premier [Sun Yat-sen] assumed the office of provisional President. The Hui elites who wanted to gather the Hui people to participate in the revolutionary work initiated an association with fellow comrades. In the beginning, it was at the birth of the regime of the Republic of the Five Nations, [so they decided to] name the association first, if they were to set up an association. Some wanted to show off the word of *zu* [nation] in the Republic of the Five Nations and thus asserted the name of Hui Nation; some preferred the word of *jiao* [teaching/religion] because of the teaching of pure and authenticity [the religion of Islam] and thus asserted the name of Hui Teaching. Each held their own opinion, and that was how the issue became controversial... Luckily, Ju Zheng³¹¹ was then in charge of the Ministry of the Interior, and he, on behave of us, made the decision to choose the word of *jiao*. Therefore, the name of the Chinese Hui Teachings’ [Islamic] Joint Association was decided.³¹²

Sun published the article in 1938. Since he himself was not among the initiators, it would be difficult for us to judge how he got to know the details that “some asserted... the name of Hui Nation... and some... asserted the name of Hui Teaching.” But a clear tension between Hui *minzu* (or *Huizu* 回族), the Hui nation, and *Huijiao* 回教, the teaching of the Hui, namely Islam, was visible. At least the situation Sun described during the

education is for our religion an urgent affair that cannot be postponed...” (同人乎，抑知中國國民教育，為我教今日不可緩之急務乎。) See Zhao ([1908a] 1988, 46–47).

³¹¹ Ju Zheng 居正 (1876–1951) is a follower of Sun Yat-sen, and a distinguished politician, legal scholar, and leader of the KMT. He was then vice minister of the Interior (Neiwu Bu 內務部).

³¹² The original Chinese is “民國元年元旦，革命政府甫經成立，總理就任臨時大總統，回教的先進，想要集中回民力量，參加革命工作，糾合同志發起一個團體。創議之初，正值五族共和政體才誕生，既是要辦團體，須先決定名稱，有些人炫于五族共和之族字，主張稱回族，有些人囿於清真教門之教字，主張稱回教，見解不同爭端遂起... 所幸當時居正先生長內政，代我們圈定教字，因之‘中國回教聯合會’的名稱，於以決定。” See Sun (1938, 43).

Republican period was quite different from what the Hui Muslim students in Japan had advocated. The conception of a Hui nation mentioned in the theory of *Wuzu gonghe* was attractive to the Hui as a minority group. This could be proved by the actual proposal submitted by the Hui elites mentioned by Sun Shengwu.

Right after the establishment of the Republic, on the ninth of February 1912, some Hui representatives submitted the proposal to the Ministry of Interior that was in charge of the establishment of social organizations. In their proposal, they explicitly called themselves “Citizens of the Republic of China, Representatives of the Hui nation” (中華民國國民回族代表). In their proposal, they interchangeably used the names of “Joint Association of the Hui People” (*Huimin lianhe hui* 回民聯合會) and “Joint Association of the Hui Nation” (*Huizu lianhe hui* 回族聯合會) for the Association, but never used the term “Hui Teaching” (*Huijiao* 回教). What is worth mentioning is that these Hui representatives seemed to be aware of the tensions that might be concerned by the Republican government between using “*Huizu*” (the Hui nation) and “*Huijiao*” (the Hui teaching, namely, Islam). In other words, the initiative to establish an association for the Hui as a nation came actually from the Hui’s own decision, a decision made not randomly, but on careful deliberations.

Firstly, these Hui elites based their decision of the Hui as a nation, naturally, on the official propaganda of the Republic of the Five Nations. This was made clear at the beginning of the proposal:

In order to organize the Association for the Hui People, complying with [the principles of] the Republic... Since the restoration of the provinces and the establishment of the Republic, what has been declared is [that the Republic is] an entity that unites the five nations of the Han, Manchus, Mongols, Hui Muslims, and Tibetans, which treats everyone equally... and [we Hui *minzu*] are of tremendous gratitude and admiration [for that].³¹³

Secondly, as I mentioned, they might be aware of the potential tensions caused by the association that claimed to be the one for the Hui nation. Therefore, they tried to convince the Chinese authority that the establishment of the association was in favour of the Republican government, and that they would never cause any security issues or seek separatism from the Republic of China. As they specified in the proposal, the Association

...aims at the solidarity of the Hui nation and the deliberations within the scope of the Republic. [We Hui nation] absolutely dare not to subvert the polity with destructive or bad words, nor do we dare, even slightly, to obstruct public security or social order... The Association for the Hui People that we seek to establish is indeed for the sake of the Republic.³¹⁴

Thirdly, unlike what Sun reported, namely, the Hui representatives were not able to reach an agreement concerning the naming of the association and it was the Minister of the Interior who made the final decision on behalf of the Hui Muslims, the actual proposal submitted by the Hui representatives mentioned in itself that “we, after collective discussions and deliberations for several times among the representatives, decided... to establish an Association for the Hui People/Nation.”³¹⁵ In other words, such disagreement did not exist among the Hui initiators of the Association and taking into consideration the legal and political settings of the Republic, the Hui representatives did seek to establish an association for the Hui as a nation/*minzu*.

However, their first attempt to establish themselves as an organized nation partially ended up in failure. Three days later, the Ministry of Interior replied to the Hui’s proposal. They confirmed that as for the purposes and activities the association sought to achieve, the Republican government “is in tremendous favour of them all” (*jun ji zancheng* 均極贊成). And it turned out that the only problem which concerned the Chinese government was exactly the naming of the Association as one for the Hui *minzu*. In their reply, the Republican government held that instead of an Association for the Hui nation, its name should “be changed into an Association for the

³¹³ The original Chinese is “為組織回民聯合會，遵守共和... 竊自省垣光復，民國告成以來，宣佈之詞，以漢、滿、蒙、回、藏五族聯合結成共和之團體... 一視同仁... 不勝欽感之至。” See Jin et al. ([1912]1981, 25).

³¹⁴ The original Chinese is “其宗旨以團結回族，討論共和範圍為目的，斷不敢莠言亂政，稍礙治安... 所立回民聯合會，實系為共和起見。” See Jin et al. ([1912]1981, 25).

³¹⁵ The original Chinese is “用是一再集議，公同籌商... 組織一回民聯合會。” See Jin et al. ([1912]1981, 25).

teaching of the Hui” (*Hujiao lianhe hui* 回教聯合會), which means the Islamic Association of the Hui. What is notable is that the Republican government referred to the Hui Muslim students in Japan as a model that all Hui Muslims should follow, by which the government meant that the Hui Muslims were a religious group other than a nation. That is why they maintained that “today the proposal to establish the association titled Hui People/Nation is rather unfounded.” (今該呈於聯合會仍標以回民名稱，未免失實。) However, the government did not elaborate on the specific reasons why the Hui Muslims were not, or should not be, treated as a nation. Nevertheless, such cases where the Hui were not allowed to use the term of Hui nation (*Huimin* 回民, *Huizu* 回族, or *Hui minzu* 回民族) in the name of their associations, journals, and newspapers were constantly seen during the Republican period (Wan 2015, 160–66).

2.2.2 Hui Muslim Intellectuals: The Case of Yin Boqing

The assertions that denied the Hui as a nation were quite popular during the Republican period, both among the Hui and the Han Chinese. For example, Yin Boqing 尹伯清 (also named Yin Guangyuan 尹廣源 1888–1962), a Hui Muslim scholar, published an article specifically dedicated to the relations between *Huijiao* (the Hui Teaching, namely Islam) and *Huizu* (the Hui nation). He made the distinction between the two from different perspectives. Firstly, he started with the relations between religion and nation. He claimed that:

There are many religions in the world, and there are many nations [as well]. There are [cases where] many religions go side by side in one nation; and there are [cases where] one religion is followed by many nations. It is a natural law that religion does not necessarily govern nation nor does nation govern religion...³¹⁶

The author had an international perspective. This demonstrated that he had adequate knowledge about Islam being a universal religion, which was not limited to the Hui Muslims in China. He then immediately related it to the Chinese context, where, for example, Buddhism was practised among the different *minzu* of Manchus, Mongols, and Tibetans. Therefore, if that is the case, he continued with the question “why these nations are not collectively called the Buddhist nation.” (何以不總稱佛族乎。) On the other hand, he reasoned since the residents in inland China were mostly of Han Chinese nation, and they believed in diverse religions, including Buddhism, Daoism, Christianity, Islam, etc., why they were not separated into the corresponding nations. Based on this logic on the relation between religion and nation and his observation of that in the inland Chinese society, he came to the conclusion that “the fact that only those who practise the Hui Teaching require to be separately called the Hui nation is not reasonable and makes no sense. This is indeed quite confusing.”³¹⁷ For him, it is clear enough to show that “the followers of Islam in China are a religious group, not a nation” (中國回教徒教而非族). Besides, he also demonstrated that the fact that Muslims in China were not a nation was also for the sake of the spread of Islam in China. Referring again to the distribution of Islam in the world, Yin believed it was just because Islam was not restricted to one specific nation that it became a world religion. Therefore, how could one imagine that “our Great Islam entered the Eastern Land [of China] more than one thousand years ago and could not attract and convert the Han people but was only restricted to the Hui nation.”³¹⁸

Secondly, he turned to the racial diversity of the early Muslims in China. He tried to demonstrate that the early Muslims consisted of people from Xinjiang (Xiyu 西域), Arab countries (Tianfang 天方), Persia (Bosi 波斯), and Central Asian countries (*Zhongya zhuguo* 中亞諸國), who differed from each other in race (*zhongzu* 種族). These peoples of diverse races, according to Yin, had already been assimilated into the Han Chinese (*Zhonghua minzu* 中華民族). Basically, what Yin tried to argue is that since the Hui Muslims in China have a complex and diverse racial origin they then could not be possibly called a nation of Hui. Here Yin’s approach

³¹⁶ The original Chinese is “夫世界上，宗教夥矣。種族繁矣。有一族之中，諸教並行者。亦有一宗教，通行數族者。族既不能統教，教亦不能統族，此自然之理也。” See Yin (1926, 55).

³¹⁷ The original Chinese is “獨於奉回教者而別稱回族，於理有未合，於義有未通，實惑之甚也。” See Yin (1926, 56).

³¹⁸ The original Chinese is “堂堂清真，傳入東土，千有餘年，不能化及漢人，其信徒必限於回族。” See Yin (1926, 56).

to defining a nation is clearly influenced by Japanese ethnic nationalism. What is also explicit is that it seemed that Yin at the same time accepted the theory of “Chinese assimilative power.” He referred to Liang Qichao, advocator of the theory, to support his position that these people of diverse races have already been assimilated into Han Chinese. Interestingly, Yin also mentioned briefly that the Han Chinese, quite similar to the Hui Muslims, actually had an “extremely complex composition,” but the Han’s being a nation did not seem to be a problem for him.

Then he tackled the issue of the Hui nation mentioned in the Republic of Five Nations. He argued that the Hui nation did exist in China, but that referred to the Uyghurs in Xinjiang. He held that,

Turks (Turkey) are also called Hui nation. And this Hui nation actually refers to the natives of Xinjiang, not the disciples of the Hui Teaching/Islam living in inland China. Therefore, that they are named the Hui nation is [based on the fact that] Xinjiang is the homeland of the Uyghurs.³¹⁹

Though the Hui claimed that “All Muslims are brothers under Heaven” (天下穆民是一家), their distinction from the Uyghurs was clearly conceived. Yin criticized that those Hui Muslims who claim to represent the Uyghurs in Xinjiang in the name of the Hui nation were just “interested in official positions and riches” (*rezhong lilu* 熱衷利祿), and were not doing any good to the development and expansion of Islam in China. He argued that,

If we identify ourselves as the Hui nation, in case someone is interested in the Dao [of Islam and would convert to our religion] they would feel ashamed of joining in an alien nation, and thus refuse to convert [to Islam].³²⁰

Probably due to the fact that, as mentioned by Yin himself, some so-called nations, such as the Mongols and Tibetans, were fighting for independence from China, being the Hui nation meant to be an “alien nation” (*waizu* 外族) who sought to establish a nation-state of their own. As a matter of fact, in 1933 the Uyghurs did succeed in establishing the Islamic Republic of East Turkistan (Dong Tujue Sitan Yisilan Gonghe Guo 東突厥斯坦伊斯蘭共和國), though the regime only survived for a couple of months, and, as Yin mentioned, Japan was also trying to promote the establishment of the Hui’s own state, the Huihui Guo 回回國 (The State for the Hui Muslims). No doubt the socio-political situations escalated the tensions that the Hui Muslims were trying to reconcile in defining their positions in the supposed Han Chinese nation-state and in dealing with their relations with the Han as well as the Chinese authority. In this sense, Yin concluded “Alas! How misleading and detrimental the theory of Hui nation is!”³²¹ For him, the theory is misleading the Hui Muslims, for this would lead the Hui to a situation where they probably would not only be unable to actively participate in the new Chinese Republic but indeed be stigmatised, marginalised, and excluded from the society. Hence, the theory is detrimental to the development of Muslims and Islam in China.

2.2.3 Young Hui Muslim Scholars: The Case of Fu Tongxian

Yin Boqing was not alone in denying the Hui as a nation. Some Imams also held the same position.³²² This overwhelming argument undoubtedly influenced the young generation of the Hui Muslims and their self-identification, who were born and raised in the Republic. The young Hui Muslim scholar Fu Tongxian 傳統先 (1910–1985) is a typical example in this regard. Fu finished the manuscript of his prominent work on the history of Islam in China in 1937. He dedicated a section particularly for the issue of Islam and the Hui nation with a title that directly made his position clear: “[people who believe in the] Hui Teachings are not the Hui Nation” (*Huijiao fei Huizu* 回教非回族).

³¹⁹ The original Chinese is “突厥（土耳其）族。又曰回族。此回族實指新疆土著而言，非謂內地之回教徒也。所以名為回族者，蓋以新疆乃回紇故土。” See Yin (1926, 57).

³²⁰ The original Chinese is “若我自認回族，縱有好道之士，亦必以轉入外族為嫌，而不肯皈依矣。” See Yin (1926, 58).

³²¹ The original Chinese is “噫，回族之說，誤人害道，有如此者。” See Yin (1926, 58).

³²² For example, Ding (2014, 27) reported in his research that Imam Da Pusheng 達浦生 (1874–1965) explicitly claimed that “we [Hui] are Han nation who believe in Islam” (我們是漢族信教). However, Ding did not mention any sources for this in his article.

Fu finished his primary and secondary education at the local public schools in Changde 常德, Hunan 湖南 Province. His primary Islamic education mostly came from his lodging days at the Xiaotaoyuan Mosque (Xiaotaoyuan Qingzhen Si 小桃園清真寺) in Shanghai. Notably, Fu also studied at the Saint John's University, an Anglican university founded by American missionaries in 1879, majoring in philosophy and pedagogy. After graduation, Fu started the Shanghai Muslim Youth Research Association (Shanghai Huijiao qingnian yanjiu she 上海回教青年研究社), and was chief-editor of the journal *Muslim Youth* (*Huijiao qingnian* 回教青年). As a Hui Muslim minority, Fu's experience and achievements are not common during the Republican period, and his position is worth discussing.

The section Fu wrote is not long, but quite systematic. It seemed from the beginning of the text that Fu was trying to have a dialogue, probably with his Hui coreligionists,³²³ concerning the issue of *Huijiao*, or Islam, and *Huizu*, the Hui nation.

Fu asked the question of whether a group of people who shared the same “life habits and customs” (*shenghuo xisu* 生活習俗), due to the same religious belief, could thus form a nation. In other words, Fu admitted that because of being followers of Islam, the Hui Muslims did share something in common, which, on the other hand, distinguished the Hui Muslims from their Han neighbours, namely, the Hui's “life habits and customs” which probably derived from the religious, moral, and social norms of the Sharī‘a. But the question is: is it enough to claim for the Hui as a nation? Having been trained in western philosophy, he argued that the answer to this question lied in the clarification of its major premise, namely, whether Islam was a religion for a specific race/nation, or it was a world religion that was for humanity. Fu's logic is that since Islam is a world religion and the opinion that its believers are of the same one nation is unrealistic and unacceptable. But, he did not deny the existence of the Hui nation in China, and, just like Yin Boqing, this Hui nation referred only to the Uyghurs in Xinjiang. Fu held that,

As for the Hui nation in Xinjiang, the reason why they could be organized [and recognized] as a nation is not their belief in the religion of Islam. Because long before Islam entered Xinjiang, the so-called Hui nation had already existed there... Today, when it comes to the so-called Hui nation, it refers to all the nation(s) in Xinjiang who believe in Islam.³²⁴

Obviously, Fu did not distinguish the Uyghurs from other Turkic Muslims in Xinjiang, including the Kazaks, Uzbeks, Tajiks, etc., but named them collectively as “the Hui nation.” More importantly, he also ignored that there was a considerable amount of Hui Muslims in Xinjiang as well. Then, according to his theory, those Hui Muslims in Xinjiang could legitimately be called the Hui nation, while those living in other parts of China, then, were not a nation.

Following this, he turned to another perspective, the “essence of nation” (*minzu zhi shizhi* 民族之實質), as he termed it, by which he meant an original common language (*tongyi duchuang zhi yuyan* 同一獨創之語言), and a shared blood lineage (*tongyi xuetong* 同一血統). Again, like what Yin Boqing did before him, Fu also chose to ignore that the Han nation actually also lacked the “essence of nation” that he talked about. But they just took the Han's being a nation for granted. Last and probably also the most importantly, Fu mentioned an “absolute reason” why the disciples of the Hui Teaching (the Hui Muslims) were in no way a nation in China. He argued that,

The disciples of the Hui Teaching and those non-disciples [namely, Muslims and non-Muslims] always misunderstand each other due to the racial distinctions in their mind, which leads to various miserable conflicts one after another. This indeed does great harm to the Republic of China. Therefore, the

³²³ Though Fu himself did not mention in particular with whom he would like to have the dialogue. However, it probably was another Hui scholar and historian, Jin Jitang 金吉堂 (1908–1978), a supporter of the Hui as a nation. I shall discuss Jin's assertions in the following section.

³²⁴ The original Chinese is “即以新疆之回族而言，其組織為民族之原因，並不因為伊斯蘭之信仰。因早在伊斯蘭傳入新疆之前，新疆已有此種回族之存在... 故今日之所謂回族即指新疆全部信奉伊斯蘭之民族而言。” See Fu (1940, 10)

disciples of the Hui Teachings should in no way form an independent nation in China.³²⁵

We can once again read between the lines that what concerned Fu here was the potential, or even actual, conflicts between the Hui Muslims and the non-Muslim Chinese. Fu had this concern probably not only because of what he learnt about the history of the Hui in China, particularly during the Qing that had just been overthrown over two decades ago but also because of the cases humiliating Islam and Muslims that he himself personally experienced, such as the Case of *South China Literature and Art* (*Nanhua Wenyi an* 南華文藝案).³²⁶ For Fu, and largely also those Hui Muslims who denied the Hui as a nation, this is their practical strategy to make sure that the Hui Muslims would not be taken as a threat by the Han or as a separate nation by the Republican government, who aimed at the establishment of an independent state. However, we shall not forget about the fact that the most powerful opponent of the Hui as a nation was the ruling Chinese Nationalist Party, the KMT. Actually, the majority of the most active Hui authors, who denied the Hui as a nation during the Republican period, either had certain connections with the KMT, among whom some were Party members of the KMT, or held high positions in the government. These Hui Muslim elites and politicians' reactions to the issue of Hui as a religious group or as a nation were far more decisive and complicated.

2.2.4 Hui Muslim Officials: The Case of General Bai Chongxi, and His Reinterpretation of “Zhengjiao bu zhenguo”

The Muslim general Bai Chongxi 白崇禧 (1893–1966) publicly expressed his position in terms of whether the Hui was a nation or not on several occasions. In 1939, on the establishment of the Chinese Islamic Association for National Salvation (*Zhongguo Hujiao jiuguo xiehui* 中國回教救國協會), as president of the Association, Bai made a speech titled “Expectations for the Future of Islam in China” (*Zhongguo Hujiao jinhou de zhanwang* 中國回教今後的展望). One of his expectations was the “distinction between the Hui’s Teaching and the Hui nation.” He tried to urge the Hui Muslims to properly balance the relations between “the religious belief and political belief.” His reasoning was not new. Basically, he shared similar perspectives with the Hui authors that I discussed before. Namely, the assertion that the Hui Muslims were a nation would imply that the non-Hui people could not be Muslims, and this on the one hand did not comply with the history of Islam, and would also restrict the development and spread of Islam in China. What might be special in Bai’s speech was

³²⁵ The original Chinese is “回教徒與非教徒之間每因在心理上存有種族之區別，而互相隔膜，種種不幸之衝突，亦因之接踵而至。危害於中華民國者不淺。故回教徒之在中國絕無獨成一種民族之理。” See Fu (1940, 11).

³²⁶ The case of *South China Literature and Art* is one of the most influential cases that humiliated Islam and Muslims during the Republican period, as the Hui claimed. The journal of *South China Literature and Art* (*Nanhua wenyi* 南華文藝) was an influential publication edited by Zeng Zhongming 曾仲鳴 (1896–1939), who at that time also served the position of undersecretary of the Ministry of Railways. In 1932, the journal published an article by Lou Zikuang 婁子匡 (1907–2005), a young scholar of folklore studies. The article is titled “Why the Disciples of the Hui Teachings Do Not Eat Pork” (*Huijiao tu zenme buchizhou rou* 回教徒怎麼不吃豬底肉), in which the author Lou reported a story popular in North China, including the Hui Muslims concentrated Gansu Province. Referring to the Chinese novel regarding the legendary pilgrimage of the Tang Buddhist monk Xuanzang 玄奘 and his disciples, Lou’s story related that the Hui Muslims were the descendants of one of Xuanzang’s disciples, Zhu Bajie 豬八戒 (literally Eight Precepts Pig), who was supposedly incarnated through the spirit of a pig. Bull Demon King (Niu mowang 牛魔王) and Deity of Ram’s Horns (Yangjiao daxian 羊角大仙), two legendary monsters in the novel, Lou’s story reported, cheated and bullied the pig Bajie’s son, the Hui Muslims first generation ancestor, according to Lou’s report. That is why, according to the story, the Hui Muslims did not consume pork but only beef and mutton.

This article was soon reported to the Shanghai Mosque Trustee Board (Shanghai qingzhen dongshi hui 上海清真董事會) when it was noticed by a Hui Muslim. Fu Tongxian, together with several other Hui Muslims including Ha Shaofu 哈少夫 (1856–1934), chief director of the Trustee Board, negotiated with the journal and asked the latter to 1). Officially apologise to the Hui; 2). Publish a declaration issued by the Islamic General Assembly (*Huijiao quanti dahui* 回教全體大會); 3). Make sure that such humiliating texts never appear in its journal again; and 4). Destroy the rest of the unsold journals at the local mosque. The author, Lou Zikuang, was also required to make a public apology. With these, the issue was generally solved in Shanghai. However, Muslims in North China, especially the Hui associations in Beijing, asked for a harsher resolution via juridical settlement. They established the North China Muslims’ Defence Group (*Huabei Huimin hujiao tuan* 華北回民護教團) and required that Zeng Zhongming, chief editor of the journal be deposed; the journal be suspended; and the author Lou Zikuang be sentenced. This case and several others were recorded by Fu (1940, 186–94), and widely reported by journals and newspapers, particularly those produced by the Hui Muslims themselves. For the article by Lou Zikuang, see Lou (1932, 59–63).

that, as a high official of the KMT, Bai specifically referred to Sun Yat-sen's theory of nation and nationalism. Bai maintained that:

Prime Minister [Sun Yat-sen] used to say in [his teachings on] nationalism that Chinese people always only worship their family and the clan, and lack [the quality for] Statism, namely Nationalism. Therefore, the Prime Minister aimed at expanding people's consciousness of family and clan to that of the nation. Furthermore, as far as the reality is concerned, our compatriots all over China are of the same blood, who live together... for thousands of years, and have formed the single Great Chinese nation.³²⁷

This reflects Sun Yat-sen's argument that "Statism is nationalism in China," a theory that aims at the establishment of a Han Chinese nation-state through the assimilation of the non-Han groups into the Han. Then, it becomes understandable when Bai Chongxi admitted that the Hui and the Han Chinese shared the same blood.

A few years later, he made the same argument in his book titled *Zhongguo Huijiao yu shijie Huijiao* 中國回教與世界回教 (Islam in China and Islam in the world). But this time he mentioned that the reason why the Hui should not seek to establish itself and be recognized as a nation was that "if we Hui also sing out the slogan of racial distinction, this would just lead us to walking into the Japanese enemy's trap to separate China."³²⁸ This is a crucial background that we should take into consideration, namely the Sino-Japanese war. Actually, the war period saw the overwhelming opposition against the Hui as a nation, both within the Hui communities and among the Han Chinese intellectuals. I shall come back to this later in this chapter.

What is interesting is Bai's reinterpretation of the phrase "fight for the religion other than the state" (*zhengjiao bu zhengguo* 爭教不爭國), a phrase that I have touched upon in my analysis on the Hui Muslim students in Japan. Chen (2010a, 103) has pointed out that this phrase became popular during the middle to late Qing period when the social conditions for the Hui and their relations with the regime got worse. A Hui scholar during the Republican period also held the same opinion. Facing the discriminative and oppressive laws and policies, the Hui Muslims during the Qing period thus

came up with the nice words "Huihui [only] fight for the religion other than the state," which means that it is content enough for them to protect their religion, and as for taking the Throne and seizing state land, the Huihui [Muslims] are unable to take advantage of that... With this declaration, the ruling class of the Manchus shall then be relieved.³²⁹

As a minority group who suffered great losses during the Qing period, the Hui Muslims' aim with this phrase was to make sure that, on the one hand, the fundamental Islamic religious belief and practices should be preserved, and that, on the other hand, the Qing court would "be relieved." It was a strategy of the Hui to survive in the Chinese society, showing that they were not interested in politics. Another Hui author also mentioned that the appearance of the phrase in question during the Qing period was

a forced slogan in response to the suffering of severe political persecution... [The slogan] means that the Hui Muslims in China did not have any political ambition, but the minimal religious freedom should be preserved. If [the state] impaired the Hui people's religious faith, then they would [take whatever it

³²⁷ The original Chinese is "總理在民族主義中曾言及，中國人一向只崇拜家族宗族，而缺少國族主義——即民族主義。故，總理他要把家族宗族的意識，擴大為民族，國族，更久事實上言，全中國同胞，大家同一血統，共同生活... 已有數千年的歷史，其所構成的是一個大中華民族。" See Bai (1939, 10).

³²⁸ The original Chinese is "若再唱出種族界限的口號，便是中了敵人——日本分化的詭計。" See Bai (1943, 7).

³²⁹ The original Chinese is "便想出一句很漂亮的一句話'回回爭教不爭國'，意思是要保護他的宗教於願已足，至於做皇帝，奪地盤，回回是無福消受的... 既然有這樣的宣言，滿洲統治階級，也就很放心了。" See Xue (1937, 184).

needs to] fight for the religion, even if that required leaping into a boiling cauldron or a blazing fire.³³⁰

In other words, the slogan in question was a response to the tensions the Hui Muslims encountered while defining their positions between being a Muslim and a loyal subject of the Qing regime. The Hui Muslim students in Japan, on the other hand, used this slogan in their efforts to redefine the Hui's position in the new context of a future Han Chinese nation-state. However, the logic is the same, namely, they had to again and again, in the imperial Chinese dynasty and the new modern Chinese nation-state, reposition themselves in terms of “preserving the minimal religious freedom” and display their loyalty to the Chinese authority so as not to be excluded from the society.

General Bai Chongxi seemed to have a different opinion concerning the slogan. In his 1943 publication, he repeated that the perception of *zhengjiao bu zhengguo* was a misunderstanding that needed to be corrected. He maintained that the Hui's sufferings during the Qing made them indifferent to politics, or indeed dare not to get involved in politics. He argued that this was completely wrong, for the existence of a strong nation-state was the prerequisite for one's religious freedom. Referring to the situations of the Jews and Judaism in Nazi Germany, Bai argued that the lesson that the Hui Muslims should learn was that “small state and weak nation cannot survive.” He concluded that “the wrong theory of ‘fighting for religion, not the state’ should no longer be allowed to exist among our fellow coreligionists, which causes trouble to the future of the state [of the Republic of China] and the religion [of Islam].”³³¹ In Bai Chongxi's terms, the state (*guo* 國) here definitely did not refer to an independent state of the Hui but the Republic of China, and what he aimed at was to stop the Hui Muslims from “being indifferent” to state affairs and national politics. In fact, several years ago Bai already made it clear that,

Religious belief should not be separated from political belief... Today, no one can live, even for a short while, a life without politics... If the nation-state collapsed... the so-called religious believers would be doomed to the same fate... therefore, religious belief, though it helps with the moral cultivation in terms of being a good man and doing good things, is far from being enough to deal with the human competitions for survival in the twentieth century. Hence, [the Hui Muslims] in addition to believing in religion, should have a kind of correct political faith... what is this political faith? It is the Three Principles of the People.³³²

Bai criticized the idea of “fighting for religion and not the state” to encourage his fellow Muslim sisters and brothers to actively participate in the politics of the Republic and contribute to the Sino-Japanese war. He made it clear that fighting for religion (*zhengjiao*) actually required fighting for the state (*zhengguo*). My point in a brief discussion on the issue of “*zhengjiao bu zhengguo*” is to show the dynamics of the meanings of this phrase in the changing socio-political settings from late imperial to early modern China. The complex interpretations and reinterpretations of this phrase demonstrate how the changing Chinese society directed and determined the Hui's approaches in negotiating their identities of being a Muslim and a Chinese.

³³⁰ The original Chinese is “遭受不良政治的摧殘，逼出了‘爭教不爭國’的口號... 意思是回民在中國是沒有政治野心的，但是最低限度的信教自由是要保守的。如果妨害回民的信仰，那時雖赴湯蹈火，在所必爭。” See Xie (1940, 4–5).

³³¹ The original Chinese is “我們教胞爭教不爭國的謬說，自不能再容許有存在，以貽害國家和宗教的前途。” See Bai (1943, 6).

³³² The original Chinese is “宗教的信仰不應該離開政治的信仰... 任何人都不能片刻離開政治的生活... 假如國家民族滅亡了... 什麼宗教信徒，都得同歸於盡，故宗教的信仰... 可以輔助我們做人做事道德上的修養，但還不夠應付二十世紀人類生存的競爭，故... 除了宗教信仰之外，應該有一種正確的政治信仰... 這種政治的信仰是什麼？就是三民主義...” See Bai (1939, 9–10).

2.2.5 The KMT, and Han Chinese Intellectuals

As I mentioned before, Bai and many other Hui Muslim officials and KMT Party members took the position that denied the Hui as a nation.³³³ Their choice is not complicated to understand. As government officials and/or Party members of the KMT, they were very likely to be manipulated by the official stand of the Republican government and the ideology of the Nationalist Party. In 1939, at the first plenary meeting of the Hui People's Association for National Salvation (Huimin jiuguo xiehui 回民救國協會), Chiang Kai-shek 蔣介石 (1887–1975), President of the Republic of China and leader of the KMT, delivered a speech, in which he publicly explained the “difference between the Hui Teaching and the Hui nation” and ordered the Association be renamed as Islamic Association for National Salvation (Huijiao jiuguo xiehui 回教救國協會). Unsurprisingly, Chiang's arguments justifying his order was similar to his Hui Muslim subordinates. Chances are that the latter actually followed Chiang's speech. After recognizing the important contributions of the Hui in establishing the Han Chinese regime in history and encouraging them to contribute to the Sino-Japanese war, Chiang continued that,

Ordinary people generally cannot tell the difference between the three terms of Hui Teaching, Hui People, and Hui Nation. The ordinary people do not get the true meaning, and they think that [the one who believes in the] Hui Teaching is Hui Nation. This perception has significant consequences to the *Zhonghua* [Chinese] Nation.³³⁴

We may wonder what are the “significant consequences” Chiang indicated. On the one hand, I already elaborated on Sun Yat-sen and the KMT's idea of a Chinese nation-state in which nation meant the Han Chinese. And as the successor of Sun, Chiang inherited this policy and sought to assimilate the non-Han groups into the Han Chinese, therefore, if the Hui Muslims now claimed to be a nation, it of course was against his national identity construction project. On the other hand, though, Chiang seemed to have something much more urgent in his mind. He explicitly mentioned the Hui Muslims in the Japanese occupied areas, and urged them to resist the Japanese enemy so as to “achieve the mission of anti-Japanese war and the restoration of the country” (完成抗戰建國的使命). Chiang indeed had a point here. Fifteen years ago, in 1924, a Japanese called Teijirō Sakuma (Zuojiu jianzheng cilang 佐久間貞次郎 1886–1979), who claimed to be a Muslim, organized the International Moslem Association (Guangshe 光社, literally means Light Association) in Shanghai, and published the journal of *Light of Islam* (*Hui guang* 回光).³³⁵ Using a Chinese name Dong Shan 東山 (East Mountain), he published a series of articles, and in one of them in 1925, he proposed that the Hui Muslims should establish a nation-state of their own. He claimed that the chaotic situations in the Republic did not achieve the Union of the Five Nations, particularly taking into account the independence movements of

³³³ Almost all the Hui Muslims who held high government positions shared the same idea with General Bai Chongxi that the Hui was not a nation. For example, a well-known Hui Muslim politician, Ma Hongkui 馬鴻逵 (1892–1970), the then governor of Ningxia Province, stated that,

Furthermore, we should understand that our fellow coreligionists in Gansu, Qinghai, and Ningxia are definitely different from the Uyghurs in Xinjiang. Besides, religion is religion, and nation is nation. The two cannot be confused with each other. The Chinese people, who, thanks to freedom of religion, believe in Islam, are still the *Zhonghua* Nation, and they do not become the Arab nation because of believing in the religion [of Islam]... The only thing we can be sure of is that we [Hui Muslims] are the *Zhonghua* Nation... we will be loyal to our country, not forgetting our ancestors, not forgetting our country. There is just no distinction between the Hui and the Han.

The original Chinese of the above citation is “更得明白甘青寧的回教同胞，和新疆的纏頭，絕不相同，並且宗教是宗教，民族是民族，不能混為一談。中國的人民，因信仰自由，信仰了回教，仍然還是中華民族，並不因信教而變為阿拉伯民族... 我們只知道我們是中華民族... 我們世忠國家，不能忘其祖宗，不能忘其國家，無所謂回，無所謂漢。” See Ma (1934, 106).

³³⁴ The original Chinese is “一般普通人對回教，回民和回族，幾個名稱分不清。一般人不明瞭真義，認為回教即回族，這種觀念，對於整個中華民族，影響實大。” See Chiang (1939, 5).

³³⁵ I have mentioned that Japan sought to provoke the Hui Muslims to establish a nation-state of their own, the Islamic State (*Huihui Guo* 回回國). They organised a series of projects, including setting up Hui associations, producing journals and newspapers, doing fieldwork investigations into the Hui Muslim communities, etc. They also financed a Hajj group on behalf of the Hui Muslims in China, which I will discuss in detail chapter seven. As for a general discussion on their activities, see Wang Ke (2009, 87–105; 2016, 52–63).

Mongolia, Tibet, and the de facto autonomous regime of Manchuria by warlord Zhang Zuolin 張作霖 (1875–1928). He thus asserted,

We, disciples of the Hui Teaching, in China, for the last few years, have been suffering from the so-called political setting of the Republic of the Five Nations, which is more in name than reality. And we are still [satisfied with just being] the lookers-on... At this moment, we cannot just take no measures but to make it our most urgent priority to save our country and benefit our people. Otherwise, we will not only betray the essences of our Founding Father's [Prophet Muhammad] teaching but actually ask for punishments from Allah... Facing this Republic which exists only in name and is collapsing day by day, we cannot keep silent but to advocate the independence of us Hui Nation.³³⁶

This concern and later the actual threat due to the breakout of the Sino-Japanese war intensified the voices that denied the Hui as a nation. The theory of “the *Zhonghua* nation is one” (中華民族是一個) was the dominating discourse. Though Gu Jiegang 顧頡剛 (1893–1980) was the first one who publicly applied the term, the theory itself had already been mentioned and developed by several other Han intellectuals, particularly by Fu Sinian 傅斯年 (1896–1950).³³⁷ As a matter of fact, Gu Jiegang admitted that it was a letter from Fu Sinian to him that motivated him to write the article on the theory of the oneness of the *Zhonghua* nation. In his letter to Gu Jiegang, Fu pointed out that two terms were problematic that appeared in Gu Jiegang's journal, one is “borderland” (*binajiang* 邊疆), and the other one is “nation” (*minzu* 民族). Generally, Fu Sinian maintained that the term *minzu* was defined in the theory of nationalism (*minzu zhuyi* 民族主義). By that, he meant what Sun Yat-sen had interpreted in the Three People's Theory (*Sanmin zhuyi* 三民主義), which was, according to Fu, legally binding. He warned Gu Jiegang, an ethnologist, not to talk about the *minzu* issues but to advocate the Han Chinese assimilative projects. Fu suggested that,

We should severely forbid the Han people to seize and plunder the *Fan* and *Yi* barbarians, and accelerate the process of Hanisization of the latter. Prevent the usage and implementation of any non-Han languages, and make sure that they are to be indoctrinated with the consciousness of the Han nation in a short period of time. This is the right path... [Otherwise,] it indeed is not the loyalty that intellectuals should have towards the nation-state.³³⁸

³³⁶ The original Chinese is “然我中國之回教徒。比年以來屢受禍於此有名無實之五族共和之政局。而袖手旁觀者... 則當此之際。我回教徒更不能不有所措施。而以救國濟民自認為急務。否則不僅背棄我偉大教祖之真意。而且獲罪于我真主矣。吾人... 對於此有名無實且日形解體之共和國家。勢不能不提唱我回族之獨立。” See Dong Shan (1925, 4).

³³⁷ Four years before Gu Jiegang published his article “The *Zhonghua* Nation Is One,” Fu Sinian had published the article “The *Zhonghua* Nation Is a Whole” (*Zhonghua minzu shi zhengge de* 中華民族是整個的) in the journal of *Independent Review* (*Duli pinglun* 獨立評論). The Han Chinese centrism was quite obvious in his article. He declared that,

The *Zhonghua* [the Han] nation is a whole! ... We *Zhonghua* nation speak the same language, write in the same language, share the same culture, and behave according to the same ethics, [which make us] apparently one family. There are also minority nations, who are dependent on us. But it has been a traditional virtue of us *Zhonghua* [the Han] nation since ancient times, namely not to have any prejudice of discrimination against the minority nations... What an extraordinary mind and tolerant spirit it is! Therefore, among all the nations in the world, we are the biggest; among all the histories of the world, we have the longest. This is not incidental, but is inevitable. The claim that “the *Zhonghua* nation is a whole” is [not only] a fact in history, [but also] a fact at present.

Gu Jiegang's article was actually based on and the detailed development of Fu Sinian's thesis, though the former did criticize the Han Chinese centrism.

The original Chinese of Fu's article is “中華民族是整個的! ... 我們中華民族, 說一種話, 寫一種字, 據同一的文化, 行同一的倫理, 儼然是一個家族。也有憑附在這這個民族上的少數民族, 但我們中華民族自古有一種美德, 便是無歧視小民族的偏見... 這是何等超越平凡的胸襟? 所以世界上的民族, 我們最大, 世界上的歷史, 我們最長。這不是偶然, 是當然。” See Fu (1935, 5–6).

³³⁸ The original Chinese is “但當嚴禁漢人侵奪蕃夷, 並使之加速漢化, 並制止一切非漢字之文字之推行, 務於短期中貫徹其漢族之意識, 斯為正途... [如巧立名目以招分化之實,] 似非學人愛國之忠也。” See Fu (2002, 205).

Encouraged by Fu Sinian, Gu Jiegang published the article “*Zhonghua* nation is one,” however, not all scholars agreed that “this is the right path.”³³⁹ Actually, some Hui Muslims never gave up establishing themselves as a *minzu* (nation).

2.3 Supporters of the Hui as a *Minzu*

2.3.1 *The Hui Minzu as Those who Believe in Islam*

One of the characteristics among those Hui Muslims who supported the idea of the Hui as a nation was that they generally did not distinguish the Hui Muslims from the Uyghur Muslims, but collectively called them the Hui nation. For example, in 1932, a Muslim author called Shu Yao 述堯 (1932, 12–13) published an article in the well-known Hui magazine, *Yueh Hwa* 月華 (Moonlight), arguing that “the followers of the Hui Teaching/Islam are the complete Hui nation” (回教的信徒是整個的回教民族). He also mentioned that “among the members of the Hui nation in China, only a small amount live scattered in the inland, and the majority are those natives in provinces at the border,” which of course included all the Muslim groups in Xinjiang. Interestingly, the potential destruction seemed to be an illusion that concerned those who denied the Hui as a nation, namely, the Hui Muslims’ claiming to be a nation indicated the potential of the Hui Muslims to establish a nation-state of their own. What is interesting in Shu’s article was that he explicitly pointed out that “the Hui Teaching in China is not only related to religion but also concerns the Chinese nation [state]... the Hui nation is one of the components constituting the Chinese nation.”³⁴⁰ Therefore, seeking to be recognised as a nation for the Hui did not necessarily mean seeking independence from the Chinese nation-state, but to, as the author stated, “require equality in China, and improve the Hui nation’s status” (在國內得到平等，提高民族地位).

For the author and many of his fellow Muslims, perhaps the most significant aspect was religion, thus before he ended his argument he requested that,

China is a state that is consisted of the five nations of the Han, Manchus, Mongols, Hui Muslims, and Tibetans. The Hui People in China is a nation that has both a deep consciousness of the state and that of the religion.³⁴¹ If we want the Hui nation to improve their understanding of the state, the state should, first of all, protect their religion.³⁴²

2.3.2 *A Systematic Defence of the Hui Muslims as a minzu: The Case of Jin Jitang*

One of the most comprehensive and systematic thesis demonstrating the Hui as a nation during the Republican period was put forward by the Hui Muslim historian, Jin Jitang 金吉堂. In his book *Zhongguo Huijiao shi yanjiu* 中國回教史研究 (Studies of the history of Islam in China), Jin touched upon the issue in question briefly, arguing that the issue of who are the Hui nation and how to define them became a problem since the prevalence of the theory of the five nations of the Han, Manchus, Mongols, Hui Muslims, and the Tibetans. And for more than two decades, two contested theories existed, namely the theory of the Hui as a nation, and that of the Hui as a Han nation that believed in Islam. He summarised that the Hui Muslims were a nation whose foreign ancestors came and settled in China with a diverse background in terms of customs, habits, languages, etc. Because of their shared religion of Islam, they intermarried to one another and thus assimilated into the Hui Muslims. To justify his thesis, Jin investigated the topic of surnames commonly seen among the

³³⁹ The article received huge responses in academia after its publication. Notably, not all scholars agreed with Gu’s thesis, particularly some non-Han authors, including Lugefuer 魯格夫爾, a Miao scholar, and Jian Bozan 翦伯贊, a Uyghur scholar. For a general introduction of the article and subsequent debate, see Zhou and Zhang (2007, 20–30).

³⁴⁰ The original Chinese is “中國的回教，不但涉及宗教，而且關乎中國民族... 回教民族... 又是構成中國民族的份子。” See Shu (1932, 13).

³⁴¹ The author explained that by “consciousness” he meant confidence. See Shu (1932, 13).

³⁴² The original Chinese is “中國是漢滿蒙回藏五族組成的國家中國回民是有深刻國家意識而且富有宗教意識的民族... 要想使著回教民族增高其國家觀念，須先維護其宗教。” See Shu (1932, 13).

Hui Muslims and gave a very general historical account, without touching upon the points his opponents came up with.

The following year in 1936, Jin published a more detailed article in the *Evolution of Chinese Geography*, *Yugong* 禹貢 in Chinese, edited by Gu Jiegang. In addition to an introduction, his article had six sections, with the last three sections dedicated to his expertise in history. Though he admitted certain differences between the Uyghurs and the Hui Muslims, he had a very general and broad definition of the Hui nation, and maintained that “the Hui nation refers to those who are dominated by the Hui Teaching’s doctrine.”³⁴³

This time he intentionally explored the questions and challenges brought about by his opponents. Firstly, he tackled the question: if believing in Islam, or the Hui Teaching, made one a Hui nation, then why people believing in Buddhism, for example, did not become a Buddhist nation (*Fozu* 佛族)? His answer was that Islam was different from other religions in that it consisted of “all the institutions needed for the organization of the society” (包有組織社會之一切制度). In other words, he based his justification of the Hui as a nation on the “all-inclusiveness” of the Shari‘a that deals with not only the relationships between God and the believers (*‘ibādāt*) but also interpersonal relations (*mu‘āmalāt*). And it was exactly Islam and its comprehensive Shari‘a norms, or the detailed and explicit regulations on social institutions (社會制度之詳明規定), as the author termed it, that not only prevented the Hui Muslims from being assimilated to the Han Chinese but indeed made Muslims a great nation.³⁴⁴ He maintained that,

[The Hui Muslims] behave in the same manner, due to the same religious belief, forming a sense of nation; they thus have a sense of national sentiment by associating with each other, which, therefore, gives them the characteristic of a nation. These are only unique to the Hui Teaching, which other Teachings do not have. That is why people who believe in the Hui Teaching/Islam can be a Hui nation.³⁴⁵

What is exceptional in Jin’s contribution was his reference to the Quran in demonstrating the Hui as a nation, which he considered as the “proof with the highest authority” (*zui gaoshang de zhengming* 最高上的證明). Jin held that Muslims maintained close ties with each other, for the Quran says, “Muslims, without exception, are brothers.”³⁴⁶ Then he came up with another verse in the Quran, in which Jin believed “Allah has made it explicit that those who believe in Islam are a nation” (真主明明地指信回教的為一民族). Jin mentioned that the verse he referred to was verse 109 in Chapter Three of the Quran, which, according to the contents Jin gave, seems to be verse 110 of that Chapter. Jin’s translation read that “You [Muslims] are the best nation... You [Muslims should] command people to do what is righteous, and forbid them to do what is wrong...”³⁴⁷ The Arabic term in the Quran Jin translated as nation, or *minzu*, is *umma*, which can be translated as “people” or “community” in English, or *minzhong* 民眾 and *qunzhong* 群眾 in Chinese. For Jin, the term *umma* here might refer to a unity of people through the shared belief in Islam that regulated all aspects of one’s private and social life, which for him was adequate to make the Hui Muslims a nation.

³⁴³ The original Chinese is “回族者，回教教義所支配而構成之民族也。” See Jin (1936, 29).

³⁴⁴ One example the author mentioned was the issue of bowing to the photo of Sun Yat-sen as a way to show respect to the founding father of the Chinese nation-state. The author seemed to indicate that the fact that Islam as a monotheistic religion forbade any forms of idolatry contributed to the Hui’s not being assimilated to the Han Chinese, and, on the other hand, compared to Chinese Christians, the Hui Muslims who “dare not to bow to the photo of Sun Yat-sen” faced far more pressure and tensions between their religious belief and being a loyal Chinese citizen. General Bai Chongqi and the Chinese Islamic Association for National Salvation led by him specifically addressed the issue of bowing to the photo of Sun Yat-sen. One year later, Zhang Zhaoli 張兆理 (Hajji Yusuf Chang) published a brochure titled *Yisilan jiaoyi yu dangyuan shouze* 伊斯蘭教義與黨員守則 (Islamic doctrines and regulations for Party members), dealing with potential conflicts between being a Muslim and being a Nationalist Party member.

³⁴⁵ The original Chinese is “基於信仰一致而表現相同，而造成民族意識，彼此聯合而發生民族感情。於是產出民族特性。此回教所獨有，他教之所無，故信仰回教者能為一回族。” See Jin (1936, 30).

³⁴⁶ Jin did not specify which verse in the Quran he referred to when he talked about the brotherhood between Muslims. The original Chinese translation of the Quran he mentioned is “但屬穆民，皆是兄弟。” (Jin 1936, 31). It probably refers to verse 10 of Chapter 49 of the Quran, which reads that “the believers are nothing else than brothers.”

³⁴⁷ The original Chinese of Jin’s translation is “你們是最優秀的民族... 你們命人行好，你們止人幹歹...” See, Jin (1936, 31).

As most supporters of the Hui being a nation did, Jin did not forget to refer to Sun Yat-sen's theory of nationalism in the Principles of the Three People, which defines nation as a group of people who shares the same blood, life, language, religion, customs and habits. Leaving aside the so-called shared life, religion, customs and habits among the Hui Muslims, which were already demonstrated by Jin's theory of the "all-inclusiveness" of the Sharī'a, it is interesting to see how he tried to define the Hui as a nation in terms of the shared blood and language, regarding which most opponents claimed the Hui had been assimilated into the Han.

Firstly, his arguments on why the Hui as a nation shared the same blood were based on the marriage practices of the Hui. No doubt this is also based on the Sharī'a norms, namely, as Jin argued

According to the law of the Hui Teaching [the Sharī'a], the Hui nation's marriage is restricted [among the believers of] the same Teaching [of Islam]. [We are] not allowed to marry those who believe in other religions.³⁴⁸

Of course, he was aware of the intermarriages between Muslims from different parts of the world, and those between Muslims and non-Muslim Chinese, however, this did not seem to be a problem for him in terms of his understanding of the "same blood among the Hui nation." According to Jin, as long as one believes in Islam, he then belongs to the Hui nation. In other words, marriages between people of the same religion of Islam would mean a marriage within the Hui nation, and it, therefore, guarantees that the Hui's blood is not changed. Therefore, Jin concluded, "the blood of the Hui nation will only be poured into [and thus enriched and enlarged] but never be mixed or hybridised."³⁴⁹ Jin's approach demonstrating the Hui was a nation in terms of having the same blood shares the same pattern with how the Han Chinese tried to justify themselves as a unified nation, given the Han's diverse ethnic and racial origin and backgrounds. He even used similar terms as "the Hui's blood has always been a whole" (回族血統老是整個的). Jin also concluded that the Hui was a nation that had a diverse origin but still belonged to one series (*duoyuan yixi* 多源一系). Obviously, this "one series" is Islam. According to Jin, Islam and the Muslim lifestyle regulated by its law play a determinant role in defining the Hui as a nation.

Secondly, speaking the same language with the Han has been one of the points made by Jin's opponents against the Hui as a nation. Jin admitted it. However, he also pointed out that the Hui Muslims only used the Han language in their external communications, while internally, that is communications among the Hui themselves, they adopted a great number of Arabic and Persian words in their communications. He then turned to the dialects and tones of voice seen in different regions in China, which, for him, showed that the Hui were not completely assimilated to the Han in terms of language. Notably, as I mentioned, Jin defined the Hui nation as people who believed in Islam and followed the Sharī'a, thus he included other ethnic groups who spoke languages other than Chinese into his definition of the Hui nation. In this way, he pointed out that the Salar Muslims spoke an Oghuz language, and the Dongxiang Muslims spoke a Mongolic language, not to mention the Turkic-speaking Muslims in Xinjiang. It seems that what is crucial for Jin is not how to demonstrate that the Hui nation shares the same language, though he did emphasise that Arabic was the shared language in at least their religious life. In debating with the supporters of the theory of the Hui as the people of the Han nation who believe in Islam, Jin seems to be more interested in demonstrating that the Hui, though they speak many different languages, are not the Han, and do not belong to the Han nation. He intentionally kept a distance from the Han with whom the Hui Muslims actually shared far more linguistic connections, and established closer connections with other Muslim groups who spoke languages completely different from the Hui's. His seemingly disputable argument here could be understood by his stand that the Hui is a nation of their own defined and determined by Islam.

So far I have shown that there were apparently two groups within the Hui Muslims during late Qing and most of the Republican periods concerning the issue of whether the Hui was a religious group (or the Hui were actually of the Han nation who believed in Islam) or they were an independent nation. However, a deeper observation into the Hui's reactions towards the issue in question might shed more light on the complexity of

³⁴⁸ The original Chinese is "按回教教法，回民婚姻限於同教，不能與信異教者結婚。" See Jin (1936, 31).

³⁴⁹ The original Chinese is "所以回族血統，只有注入，而絕無混淆。" See Jin (1936, 31).

how the Hui negotiated with the Chinese society and the Republican regime, and defined their positions in relation to the changing socio-political situations in China. Take the issue of “*zhengjiao buzheng guo*” as an example, though the Hui Muslims differed in their definitions and positions in terms of the *guo* (state), be it an independent Islamic state of the Hui themselves, or the nation-state of the Republic of China that was then endangered by the external threat from Japan, what they shared in common was their doubtless determination to “fight for the religion” of Islam. In other words, their different and sometimes even conflicting understandings of and attitudes towards the Chinese polity all served their purposes for the survival of Islam in China. For those Hui Muslims who denied that the Hui was a nation of their own, and proposed that they were Han Chinese who believed in Islam, we may wonder: was it their sincere voice, or was it more like an expedient strategy in response to the powerful assimilative nation-state building project of the Han Chinese? I argue that their stand was more of a defensive one, in a sense quite similar to the Han Kitab authors, to demonstrate to the Han Chinese regime that they were not an “alien nation” (thus should not be targeted by the Han society to be marginalised or excluded from the state) and had no political ambition to get independent, so as to make the Republican regime “relieved.”

This pragmatic and strategic response may not reflect the whole picture of the Hui Muslims dealing with the issue of being a minority group living in China. For example, Ding (2014, 27) has reported in his research that once General Bai Chongxi invited several young Hui Muslim students including Xue Wenbo 薛文波 (1909–1984), to talk about why they argued for the Hui as a nation. After their talk, General Bai Chongxi replied that “since other people [namely Chen Lifu 陳立夫 (1900–2001) and Chen Guofu 陳果夫 (1892–1951), two influential KMT politicians who were especially close to Chiang Kai-shek] do not allow us to make such a claim, then we had better just stop talking.”³⁵⁰ Another Hui scholar also pointed out in the 1940s that “those who supported this theory [that denied the Hui as a nation], I assume, wanted nothing but just to, herewith, avert the estrangements between the Hui and the Han.”³⁵¹ Of course, I am not trying to suggest that the Hui’s denial of their being a nation was all forced confessions manipulated by the KMT, but to point out how complex the issue in question is, and further how the Chinese legal political discourses might have an immense and complicated influence on the Hui Muslims and their self-identification. On the other hand, for those who held that the Hui Muslims were a nation, a nation out of the five nations as recognised by the Constitution of the Republic of China, it is clear that they explicitly refused the Chinese ethnic-nationalist project, namely the building of a Han Chinese nation-state, and the assimilative policies of Republican government. They just did not want to be assimilated into the Han. On the contrary, they did their best to make use of the resources available to them, especially the knowledge and political settings of modern Constitutional democracy.

2.4 Negotiating a New Identity within the Framework of Constitutional Democracy: Attempts for the Hui Muslims Quota in the National Assembly

Jin Jitang and almost all supporters of the Hui as a nation were encouraged by the theory of the Republic of the Five Nations. They believed that in the new promising Chinese nation-state the Hui could, probably for the first time, be equal to other ethnoreligious groups, particularly to the majority Han Chinese. The Hui authors and activists seeking to be recognised as a nation not only associate their argument with the theory of the Republic of the Five Nations but also tried to initiate and participate in several legal and political projects. A notable but somehow under-researched theme is the issue of the quota for the Hui representatives in the National Assembly (Guomin dahui 國民大會).

2.4.1 Li Qian, the Hui Region Plenipotentiary, and His “Official Documents of the Hui Region”

According to the Organic Law of the National Assembly (*Guohui zuzhi fa* 國會組織法) issued in 1912, a quota of members in the National Assembly was allocated to Mongolia (twenty-seven seats), Tibet (ten seats), and Qinghai (three seats). No certain arrangement was made for Muslims, including the Hui Muslims and the Uyghurs who resided in Xinjiang, the so-called Hui Region (*Huibu* 回部) since the Qing period. This

³⁵⁰ The original Chinese is “人家（指陳立夫、陳果夫）不讓說，我們就不要說了。” Unfortunately, Ding did not give reference to this citation in his article. However, similar statements by General Bai Chongxi were also recorded in the newspapers during the Republican period. I shall refer to this in the following section.

³⁵¹ The original Chinese is “持此說者，揆其用心，無非是籍此消弭回漢間的隔膜。” See Ma (1948, 17).

disappointed the Hui Muslims. Some of them started a campaign appealing to the Republican government and the legislative institutes to include certain Hui representatives in the National Assembly.

These activities were led and later recorded by a Hui Muslim named Li Qian 李謙 in his *Huibu gongdu* 回部公牘 (Official documents of the Hui region). Li was then the Hui Region Plenipotentiary (*Huibu quanquan daibiao* 回部全權代表), who was supposed to represent the Uyghur Muslims from Xinjiang. Li Qian, himself being a Hui Muslim born in Henan Province, made use of the ambiguous definition of the term Hui used in the Republican period, which referred to either the Uyghurs or the Hui Muslims, or sometimes Muslims in general. It might also have something to do with his understanding of the Hui as a nation, as I mentioned above in other cases, namely they intentionally associated themselves with other Muslim groups in China collectively as a Hui nation. However, what he did was to require more members of the Hui Muslims in the National Assembly, having little to do with the Uyghurs.

Li started his campaign right after his appointment as the Plenipotentiary for the Hui Region in 1914. In one of the earliest petitions he submitted, Li explained that

On the eighth of October of the fourth year of the Republic [1915], the Five Nations' National Assembly was held. I submitted the petition requesting [certain members in the Assembly] for the Hui nation. According to the President's edict on the tenth of October, the Bureau of Mongolian and Tibetan Affairs informed me on the twenty-eighth of October that four members of the Hui nation shall be included in the National Assembly, and I was appointed General Investigation Commissioner of the Hui Region.³⁵²

Li reported that after his investigation, thirty-one Hui Muslim candidates in Beijing were nominated to the government, and four members of the candidates were finally admitted to the National Assembly, including Li Qian himself and Imam Wang Kuan 王寬 (also known as Wang Haoran 王浩然 1848–1919). However, these four candidates were included because of a provisional edict by the President, and there was still no legal, especially constitutional basis for the Hui's candidacy in the National Assembly. Besides, within just a couple of years, the National Assembly was dissolved, all candidates as well as the President soon passed away, except Li Qian himself.

With Li Yuehong 黎元洪 (1864–1928) first coming to power in 1916, the Assembly was restored. Li Qian and his colleagues decided to submit the petition again. However, probably due to the lack of adequate knowledge of the administrative settings of the state, this time Li Qian's petition was replied by the Department of Interior which stated that the issue in question concerned the amendment of the Organic Law of the National Assembly, and it was out of the authority of their department. Though with the help of several members of the Assembly, Li was able to present his petition to the Legislation Court (Canyiyuan 參議院) and the House of Representatives (Zhongyiyuan 眾議院), no concrete progress was made this time.

Due to the chaotic socio-political situations in the Republic, Li Qian did not submit any petition until 1922 when President Li Yuanhong seized power the second time. Having learned their lesson from previous experience and familiarised themselves with how modern national politics functioned, this time Li Qian and other Hui associations that supported him submitted the petition directly to the Legislation Court and the House of Representatives. A petition in the name of all the Hui people in Shanghai stated that,

Luckily that you, all the sirs, do not discriminate or make distinctions between us, and hold the scales even. The petition for our [Hui] nation has been listed [by you with a document] numbered thirty-two. We wish that you, all the sirs, could keep ... extending the same treatment to us all, and soon put to vote the issue of our nation's petition in line with the existing cases of the Mongols and Tibetans, so as to conform to the original essence of equal rights and equal

³⁵² The original Chinese is “四年十月八日開五族國民大會，謙即上書請願加入回族國民代表。十月十日奉大總統申令，蒙藏院十月二十八日照會謙，指定加入回族國民代表四名，當派謙為回部總調查委員。” See Li (1924, 2).

treatment among all nationals stipulated in the Constitution, which should be shared by all the Five Nations... This would indeed be so fortunate to us Hui nation, so fortunate to the Republic as well.³⁵³

Li Qian's attempt ended in failure again. We do not know much about how the petition was actually received by the Republican government. For the research theme in this section, it is important to state the following. Firstly, the activities of Li and a number of Hui Muslims, including government officials, political elites, leaders of Hui associations, etc., represented a strong self-consciousness of the Hui as a nation. They did not endeavour to clarify if the Hui Muslims were a religious group or a nation but had a very practical approach. They explicitly referred themselves as the Hui nation mentioned in the theory of the Republic of the Five Nations. Furthermore, their pragmatic approach shows that the new political settings of a modern Chinese Republic have strengthened the Hui Muslims' identification as active political participants. In their efforts to seek an equal status in the arena of the Chinese nation-state, they actively made use of the legal and political framework to define their positions. They frequently referred to the theory of the Republic of the Five Nations and Constitutionalism, claiming that the Hui Muslims were a nation recognised by the government and should be treated equally according to the Constitution. It also shows the dual identities of the Hui as a Muslim and a Chinese. As I mentioned, they did not intend to seek independence from China by claiming to be the Hui nation but emphasised that they, as the Hui nation, were part of the five nations constituting the Chinese Republic, and were equal parts of Chinese citizens.

Secondly, one of the characteristics I could observe from Li Qian's activities and the documents he preserved was a network of the Hui Muslims in fighting for their political rights as the Hui nation. Fang (2010, 93) has pointed out that the political petition led by Li Qian got supported by Muslims from almost all provinces in China that included not only ordinary Hui Muslims, but also government and military officials, intellectuals, and religious clergies. This indicates that requiring the Hui to be recognised as a nation so as to enjoy equal rights with the Han, Mongols, Tibetans, and other groups was not uncommon during the early period of the Republic of China, but was somehow a shared stand among the Hui Muslims. Besides, it also shows that this network not only connected the Hui Muslim communities in various places in China to act as one voice so that the government was hardly able to ignore them,³⁵⁴ it also spread to the vast Hui communities the ideas of political participation, constitutional rights, and other discourses and approaches provided by the modern nation-state.³⁵⁵

³⁵³ The original Chinese is “今幸諸公未分畛域，主持公道，將鄙族請願列入臨字第三十二號，仍望諸公... 一視同仁，祈按蒙藏成例將鄙族請願早日表決，以副憲法國民一律平等權利，五族共用之本旨... 則鄙族幸甚，民國幸甚。” See Li (1924, 144).

³⁵⁴ During the Republic of China, there was an overestimation of the population of the Hui Muslims. The most common estimation was fifty million. Among the documents that Li Qian collected, some Muslims even mention that the Hui had a population of one hundred million. The estimation was not realistic, but it demonstrated that: 1) the Hui Muslims believed that they were a big nation and thus should play a crucial role in the Republic of China; and 2) they probably included all the Muslim population in the calculation, not distinguishing themselves from other Muslim groups.

³⁵⁵ The petitions Li Qian initiated received responses and support from the Hui communities. For example, Li Zhenduo 李振鐸, an Imam and President of the Islamic Progress Association (*Huijiao jujin hui* 回教俱進會), submitted a petition, stating that,

there are hundreds of members in the National Assembly, however, we [Hui Muslims] have never heard that there are any Hui nation's representatives in it. Assuming the disadvantages of this, it is not just because of the biased voting system, but also because the Provisional Constitution has not specified any fixed quota for the Hui nation... [which leads to] the ingrained unequal treatment with the Han and the unequal treatment with the Manchus, Mongols, and Tibetans...

Another Hui Muslim from Henan, as a citizen representative (*gongmin daibiao* 公民代表), also presented a public letter supporting Li Qian. He stated,

The Republic of China has been established that claims to be the Republic of the Five Nations. The Constitution should rely on the will of the people, which means that [the members in the National Assembly] should be elected by the five nations so that the Constitution could be collectively deliberated and the country could thus be improved. However, in the National Assembly, there are fixed quotas for the Mongols and the Tibetans, respectively, and only the Hui nation is left aside... [which should be] amended in the future Constitution ...

These are just two examples from hundreds of letters and petitions submitted by the Hui Muslims from Shanghai, Beijing, Gansu, Qinghai, Yunnan, Shaanxi, Sichuan, etc. My point is to demonstrate that these ideas and practices of fighting for the collective rights of the Hui as a nation were not exceptional during the Republican period. What they also shared in common was their reference to the official law and arguments within the framework of the legal and political framework of the state.

Some petitions were submitted by the Hui Muslims who on other occasions denied that the Hui was a nation. This is typically represented in the case of Ma Fuxiang 馬福祥 (1876–1932).

Born in Gansu Province, Ma was a prominent Hui Muslim political and military leader during late Qing and early Republican periods. He was quite active in contributing to the educational reform of the Hui's traditional Jingtang education. Serving such high offices as Chairman of the Mongolian and Tibetan Affairs Commission (Mengzang weiyuan hui 蒙藏委員會), Chairman of the government of Anhui, and mayor of Qingdao special municipality, Ma Fuxiang had a close connection with the top leaders of the KMT, including Chiang Kai-shek. Ding (2001) has pointed out that Chiang's knowledge of Islam was mostly from his contacts and communications with Ma. As a matter of fact, when Chiang Kai-shek delivered his speech at the Hui People's National Salvation Association in 1939, he mentioned that "I used to discuss the issue with Ma Yunting [namely Ma Fuxiang, whose courtesy name was Yunting]. He knew it quite well, and he held that the majority of Muslims in China are Han people who believe in Islam."³⁵⁶ However, the documents collected by Li Qian seem to show a different side of the story. Fang (2010, 89) has pointed out in her research that Ma Fuxiang was probably the most ardent supporter of Li Qian's cause. As one of the top leaders in the Republican government, Ma connected Li Qian with other government officials, wrote recommendation letters (*jieshao xin* 介紹信) for Li, and even financially supported him. Calling himself a member of the Hui nation, Ma Fuxiang claimed that the issue of a representative system of the Hui nation initiated by Li Qian "concerns the entire Hui nation, and I certainly will do my utmost to support it." (Li, 1924 cited in Fang 2010, 89). Similar to the case of General Bai Chongxi, Ma Fuxiang's case again shows the complexity of the Hui's positions in defining themselves in line with the socio-political spheres of the Republican period. It also requires us to reassess the cases where the Hui Muslims denied themselves as a nation, so as to further make sense of the Hui's diverse and sometimes contradictory reactions in terms of their stand in defining the relations between religion, nation, and the Chinese state authority.

The cause started by Li Qian to define the Hui as a nation and to build up the Hui's political representative system in the framework of modern Chinese constitutionalism failed. Probably because of the later outbreak of the Sino-Japanese war, as I mentioned before, the discourse that denied the Hui as a nation was dominating. This finally changed in late 1940s when the Republican government initiated again the project of Constitution-making. The issue of the Hui Muslims' representatives in the National Assembly was raised again.

2.4.2 1946 National Assembly, and the Amendment of the Chinese Constitution

According to the law on the election, there were in total 2050 members elected in the National Assembly of 1946 (Xu Mao 1992, 339). However, only seventeen Hui Muslims were elected through various procedures and channels as members of the National Assembly (Chen 2010b, 126). Facing the fact that other minority nations, such as the Mongols and Tibetans, all had a fixed quota of their own national representatives in the National Assembly, the Hui Muslim society initiated a campaign requiring again a fixed quota for the Hui representatives in the Assembly. To this end, several measures were taken.

Firstly, some elected Hui Muslim members in the Assembly submitted proposals, requesting that a certain quota for the Hui nation's representatives in the National Assembly should be taken into consideration when the Constitution was amended. They justified their assertion by arguing that: the Hui had a population of more than fifty million who "share the same purpose, the same interests" (目的相同, 厲害相同) and thus "confirm to the definition of nation" (符合民族之定義). They explicitly held that the Hui Muslims were a nation formed on the basis of religion and thus should be given a certain quota for the political representatives of their own. It seems that the Hui Muslims based their claim also on the previous experiences they had. In one of the

The original Chinese of Li Zhenduo's petition is "國會數百議員, 而同族未之有聞焉。推其弊非盡由於選舉之偏私, 亦臨時約法未規定回族議員名額有以致之也... 不能與漢平等固矣, 然其視滿蒙藏亦不及遠甚。" See Li (1924, cited in Fang 2010, 89). The original Chinese of the second citation is "民國成立, 五族共和, 憲法取諸民意, 當由五族推出議員, 共議制憲, 方可完善國家。奈何國會之中, 蒙藏各有專額議員, 獨回族竟付缺如... 將來憲法自應增加, 以期完善。" See (Li 1924, cited in Fang 2010, 89).

³⁵⁶ The original Chinese is "過去我和馬雲亭先生談過這個問題, 他很明白這個道理, 他認為中國回教, 多半是漢人信仰回教。" See Chiang (1939, 5).

proposals, it read that “based on the previous experiences of national election, the Hui who would be elected had a chance of less than one per cent, which always makes the Hui nation disappointed.”³⁵⁷ Referring to the Hui’s contribution to the country, particularly during the Sino-Japanese war, the proposal argued that the Hui Muslims were loyal to the country, and thus deserved to be treated equally. It read,

Today, on the occasion of constitutional making, all we Hui nation asks for is just a reasonable request for equality. The making of the Constitution should be of great impartiality, instead of making the Hui who are loyal to the country disappointed. In this way, it seems, solidarity could be strengthened.³⁵⁸

Two proposals by the Hui representatives were submitted to the National Assembly, however, those who submitted the proposal as joint signatures (*lianshuren* 連署人) included not only Hui elites, such as Imam Da Pusheng, and Hui Islamist Shi Zizhou 時子周 (1879–1969), but also Uyghur and Mongol representatives.

Secondly, the Hui Muslims also made use of the newspapers, journals, and magazines that they produced to initiate public deliberations concerning the issue in question. For example, the journal of *Youth of the Hui Nation* (*Huimin qingnian* 回民青年) published a special issue on National Assembly in 1947, in which they not only disclosed the proposals submitted to the Assembly, but also reported other relevant activities taking place during the National Assembly. What is notable is that during this period, many Hui Muslim authors published a series of articles discussing the issue in question from the perspective of modern constitutional democracy. For instance, a Muslim named Ding Zhenting 丁珍亭 wrote an article titled “Political Participation of the Hui Nation and the Revival of the Hui Teaching” (*Huimin canzheng yu huijiao fuxing* 回民參政與回教復興). Ding introduced that one of the core issues that they intend to solve through the National Assembly was “how to strive for the Hui’s rights of political participation through explicit stipulations in the Constitution.”³⁵⁹ However, to solve this problem, he deemed that “to rectify the name of the Hui nation” (*zhengming Huizu* 正名回族) should be the priority. Ding reported that General Bai Chongxi told one of the Hui representatives in the National Assembly that “I am a descendent of Badr al-Din and I belong to the Hui nation.” The author then also claimed that “my ancestor is Sayyid Ajall Shams al-Din, and I also belong to the Hui nation.”³⁶⁰ Ding felt necessary to publicly claim his identity as a member of the Hui nation for several reasons. On the one hand, as the title of his article showed, he aimed to promote the political participation of the Hui. To this end, being the Hui nation enabled him to base his argument on the Chinese state Constitution which admitted the union of the Five Nations. On the other hand, Ding was obviously not satisfied with an official decree issued a few years ago that banned the usage of the term Hui nation (*Huizu* 回族) (Qiu 1992, 28). Actually, almost all the articles published by the Hui Muslims themselves discussing the issue in question shared a prerequisite of acknowledging the Hui as a nation.

In the end, various events were organized by the Hui associations to communicate among themselves and also with the non-Muslim Chinese so that they got at least moral support from the Chinese society in general for their efforts to be able to participate in the state political affairs as the Hui nation. One such event was the press conference that the Chinese Islamic Association (*Zhongguo Huijiao Xiehui* 中國回教協會) organized on sixteenth of December, 1946. Journalists from the major Chinese newspapers and those from Reuters and

³⁵⁷ The original Chinese is “以過去選舉之經驗，回民競選百不獲一，每使回民失望。” See the Original Proposal Submitted by the Hui Muslim Representatives at the National Assembly (*Guoda huijiao daibiao ti'an yuanwen* 國大回教代表提案原文 hereafter GHDT), published in the journal of *Huimin Qingnian* 回民青年 (Youth of the Hui nation) in 1947.

³⁵⁸ The original Chinese is “今值制憲之際，我回民僅呼籲平等為合理之要求，制憲應一本大公勿使效忠國家之回民感覺失望，似可以增進團結...” See, GHDT.

³⁵⁹ The original Chinese is “如何爭取憲法明白規定我們的參政權。” See Ding (1947, 7).

³⁶⁰ The original Chinese is “我是白得倫丁的後裔，我是回族...筆者也是賽典赤魯思定的後裔，也是回族。” See Ding (1947, 7). Baide Lunding 白得倫丁 is probably the transliteration of the Arabic name Badr al-Din, also written in Chinese as Bodu Luding 伯篤魯丁, whose Chinese name is Lu Zhidao 魯至道. He was a Muslim politician and scholar during the Mongol Yuan period, and was well-known for his poems. As for Saidianchi zhansiding 賽典赤魯思定, or Sayyid Ajall Shams al-Din Omar al-Bukhari, see my discussion in chapter two.

Agence France-Press were invited. In the “Written Conversation” (*Shumian tanhua* 書面談話) that was published after the conference, they reiterated their stand to recognize the Hui as a nation that shared the same religion of Islam.

In general, the project of the Hui Muslims was to seek equal treatment in the Chinese nation-state through actively participating in political affairs, such as the National Assembly, as a Hui nation. As Ma Fulong 馬福龍 (1919–1970) argued, the Hui realised that only when they were recognised as the Hui nation would it be possible for them to seek political rights in the Chinese nation-state, otherwise “we will always be bullied, humiliated and oppressed, and will never obtain equality and freedom.”³⁶¹

The final outcome of this event was a reconciliation between the Hui Muslim communities and the Chinese Republican government. The Hui Muslims were still not referred to as the *Hui minzu* 回民族 (Hui nation) in the amended Constitution, however, their efforts were not in vain. It did lead to one amendment in the Constitution. Article 135 was added in “Chapter Twelve” on the issue of election and dismissal, which read that “as for the quota and election of the representatives in the National Assembly of those nationals in inland China who have special living habits, the method shall be determined by law.”³⁶²

With such abstract stipulations in the Constitution without any further specific follow-up regulations, the Hui Muslims were not completely satisfied with the outcome.³⁶³ However, more significant was that through their unremitting efforts they seemed to find a new way to define themselves, a new identity that might be able to let them reconcile the tensions that they experienced between being a Hui Muslim and a Chinese, that is, a national of the Republic of China. First of all, the Hui learned the significance of the modern national legal system based on the Constitution, at least those who got involved in national politics. Zhao Mingyuan 趙明遠, one of the Hui representatives who submitted a petition to the National Assembly, pointed out that “Constitution is the fundamental law of the state. When we draft the Constitution, we aim to make it as good as possible... so that when it is to be promulgated it benefits the entire people and will also benefit later generations.”³⁶⁴ Referring to Sun Yat-sen’s theory of the Three People and the Constitution of the Republic of China, Zhao claimed that the Hui Muslims should be recognised as a nation that must be treated equally. To this end, he listed several reasons why certain quota for the Hui representatives in the National Assembly should be guaranteed in the Constitution. For example, as Zhao argued, the weak positions of the Hui, due to their sufferings since the Qing Dynasty, required special protections of the Hui in the Constitution. Besides, according to Zhao, the Hui needed political representatives of their own, because others could not understand the Hui’s needs, their interests, their sufferings, or their wishes. Zhao also emphasized that as citizens of the country, the Hui had fulfilled their obligations to the society, and had contributed to the country, especially during the wartime, therefore, they deserved the corresponding rights as well, namely, a fixed quota of the political representatives of their own in the National Assembly. Lastly, Zhao argued if the Republic was to be

³⁶¹ The original Chinese is “那我們就永遠受人欺侮壓迫，而得不到自由平等。” See Ma Fulong (2001, 132–33).

³⁶² The original Chinese is “內地生活習慣特殊之國民代表名額及選舉，其辦法以法律定之。” See Article 135 of the Constitution of the Republic of China promulgated at the end of 1946. This article remained in the Constitution of the Republic of China, even when its government moved to Taiwan after 1949. It was finally removed from the Constitution in 2004.

³⁶³ For example, in the journal of *Qingzhen duobao fukan* 清真鐸報副刊 (Supplement to Islamic bell) published on the sixteenth of April, 1947, it was reported that,

After the closure of the first National Assembly, the right of us Hui compatriots to participate in government and political affairs has been explicitly stipulated in Article 135 of the Constitution... later in March, when the Legislative Yuan discussed several laws on election, Professor Fu Tongxian submitted a proposal requesting that the quota of ten members of the Hui compatriots in the National Assembly be increased to thirty-four. The proposal was rejected...

The report continued that several days later, Professor Fu submitted another proposal to the Legislative Yuan, requesting that the Legislative Yuan recommend Hui candidates to the National Assembly, which was again rejected by Sun Ke 孫科 (1891–1973), Chairman of the Legislative Yuan. Sun believed that the Hui was a religious group, and should not be treated differently from other religious groups. Fu Tongxian was then teaching at the Saint John’s University. Though he later was elected member in the Legislation Yuan, Fu went to the U.S. in 1948.

The original Chinese of the report is “第一屆國民大會閉幕後，憲法一百三十五條，明定同胞參政權利...旋於三月下旬，立法院討論各項選舉法時，傳統先教授曾提請將同胞國大代表十名，增為三十四名... 遭否決...”

³⁶⁴ The original Chinese is “憲法乃國家之根本大法，吾人制憲之時，務求其盡善盡美... 可以頒行于全民，澤及於後世。” See Zhao (1947, 1).

a “real Constitutional democracy” then all parties in the society should enjoy equal opportunities. Seeing from Zhao’s arguments, we are informed that what Zhao tried to achieve was the promised “equality between nations” (*ge minzu pingdeng* 各民族平等) stipulated in the Constitution. However, he, as a Hui Muslim, seems to have an alternative understanding of what “equality” means. In other words, the question Zhao targeted was: under which conditions would it be possible to speak of “equality between nations” in the context of a modern Chinese nation-state. Zhao concluded his article by claiming that,

We indeed wish that the Constitution-making this time and later its implementation would represent real democratic politics. Therefore, we have these wishes and requests. If there is no sincerity in Constitutional-making, no determination in its implementation, or if the National Assembly plus legislations are all perfunctory plots, then this kind of politics can in no way be called real democracy. [If that is the case,] then there is no need to discuss the issue of the Hui nation’s rights and interests. Because in any politics that is undemocratic, pseudo-democratic, or democratic only in name not in reality, nothing can be fair or reasonable... I present my article... wishing that the Constitution could be one that represents the actual will of the people. Furthermore, the requests of the Hui nation, under real democratic politics, are all due issues [that should be taken into account] in Constitution-making. Therefore... [what we are asking for] is not to beg anyone for mercy or favour.³⁶⁵

Zhao offered his ideal of what a “real democracy,” a “real democratic politics” should be from his perspective as a Hui Muslim. We do not see any Islamic theological thesis in his arguments, not like in the cases of the Han Kitab authors who reinterpreted Islamic doctrines and the Shari‘a so as to prove that Islam shared the “same essence” with Confucianism. Zhao intentionally declared that what the Hui Muslims requested were not “begging anyone for mercy or favour” but were just “all due issues” in the framework of the Constitutional democracy.

This new identity of the Hui as a member of an independent Hui nation, a citizen equal to the rest of all citizens, might enable the Hui to jump out of the Muslim-Chinese identity trap in which they, for hundreds of years, have been struggling. In the framework of an emerging Republic of China turning to a Constitutional democracy, the Hui Muslims found a new identity that might potentially balance the tensions between their *Jiao* 教 (teaching or religion, namely Islam) and the *Guo* 國 (state, the Chinese nation-state). They defined this new identity as equal nationals of the Chinese nation-state. Notably, in defining this new identity, the Hui Muslims always related their arguments to the history of Islam and Muslims in China, which indicates that their history, the longstanding discrimination and oppression they suffered, and particularly the tensions they experienced in becoming a Chinese without losing loyalty to Allah, gave them a unique perspective to contribute to the normative understanding of what it means to be a Chinese. This is a perspective of the marginalised minority, the Hui Muslims who have always been looking for ways to get along with other ethnocultural groups, who are not only different but also arrogant, dominating, and sometimes hostile. It is somehow exactly their marginalised status, I argue, that contributed to their success in reconciling between the *Jiao* and the *Guo* and in defining their new identity as equal nationals in the Chinese nation-state. While, no doubt what the Hui Muslims argued for, a “real Constitutional democracy” in Zhao’s term, required critical (but also constructive) rectifications towards the national-building projects of what Sun Yat-sen and later the KMT initiated, namely a Chinese nation-state in which Chinese means the Han, or the assimilated-to-Han and to-be-assimilated-to-Han minorities. China, or Chinese, according to the Hui Muslims’ perspective, I assume, would not be defined in line with race, culture, religion, or history, but by respect for and sincerity in the “real

³⁶⁵ The original Chinese is “吾人甚望此次制憲及以後之行憲，為真正民主政治之表現，故此次期望及要求。倘制憲無誠意，行憲更無決心，開會立法，無非敷衍一時之計，則此種政治，絕難稱為真正之民主。而同民之權義問題，自亦無須爭論。蓋任何非民主，假民主，或徒具民主之名而無民主之實之政治中，故無所謂公平與合理也... 爰陳所見... 俾憲法成為一真正能代表民意之憲法... 且同民之要求，在真正民主政治之下，乃立憲時應有之議題... 而絕非請求任何人之憐憫與恩惠也。” See Zhao (1947, 2).

democracy” in China. Unsurprisingly, this perspective was somehow far away from the Chinese ways of self-identification. Anyways, before the Hui Muslims were able to take further steps to achieve their ideal Chinese nation-state, China already took another direction two years after the National Assembly, a new story, where, better or worse, the Hui Muslims’ struggle against the tensions to become a Chinese continues.

Conclusion

In this chapter, I have elaborated on the issue of how the Chinese conceived themselves in the context of modern Chinese nation-state building during late Qing and the Republican periods, and have examined how the Hui Muslims defined their positions in relation to this nation-state building discourse.

Firstly, I started my analysis with various Chinese nation-state building projects since late Qing period, particularly with regard to how the Chinese, the reformers and the revolutionaries to be specific, imagined an idealised future Chinese nation-state. I argue that the reformers who argued for the “universality” of Confucianism, a seemingly more inclusive national identity for the future Chinese nation-state, actually aimed at advocating the so-called “China’s assimilative power” in which all the non-Chinese groups, including the Hui Muslims, would inevitably assimilate to the Chinese people; while the revolutionaries maintained a more separative approach, namely, they advocated a Chinese nation-state in which Chinese meant the Han, a China that solely belonged to the Han. These two approaches among the reformers and the revolutionaries echoed the traditional Chinese ways to practise “othering,” that is, the non-Chinese would either be assimilated into or be excluded from the Han Chinese.

It is essential to point out that despite all the differences between the reformers and the revolutionaries, what they shared in common was the belief of the superiority of the Han Chinese over the non-Chinese, the minorities, as well as the Hui Muslims, of course. My findings have proved that the traditional Chinese perception of the superiority of the Han Chinese over the minorities has not only been unchanged and unchallenged in the context of the Republic of China, but has indeed been reinforced. This is particularly so when we take into consideration the speeches, policies, and laws issued by the top leaders of the Republican government and the KMT. They maintained, again, that, as Sun Yat-sen argued, all the non-Han peoples were inferior to the Han Chinese and were in great need of the latter’s help to assimilate themselves into the Han Chinese so that they would be “guided and promoted by us Han nation” (提撕振拔他們，仍賴我們漢族). Similar to how China was defined in traditional Confucianism as the “centre of Heaven and Earth,” the KMT and the Republican government also deemed China in a way in which the Han Chinese were the centre (拿漢族來做個中心) into whom the non-Chinese, those who were seen as inferior, marginalised and at the peripheral, should be assimilated.

In the second section, I have demonstrated how the concept of *minzu*, and various Chinese nation-state building projects inspired by it have influenced the Hui Muslims, who constantly tried to negotiate their identities and positions between the Islamic *Jiao* and the Chinese *Guo*. The Chinese nationalists’ reception of the concept of *minzu* from Japan and later its introduction to mainland China have shaped the Hui Muslims’ attempts to define, or refuse to define, themselves as a nation. Notably, regardless of if they saw themselves as a *minzu* or merely a religious group, it seems that all the Hui Muslim communities, including the Hui Muslim students in Japan, Hui Muslim intellectuals, young scholars, teachers, Imam, etc., have never doubted about the significance of the role of Islam in defining them as a unique group of people, at least, distinctive from the Han Chinese. My contextualised analysis of the *minzu* discourses among various Hui Muslim groups, associations, and individuals has challenged the oversimplified understanding of the Hui Muslims’ stand. It also shows that they were, and to some degree have always been, pragmatic in dealing with the tensions they experienced in defining their Chinese-ness as a marginalised minority group. For example, the centuries’ long status as a minority group made some of them immediately deny themselves as a *minzu*, for they were quite aware of the possible consequences if they sought to establish themselves as such. However, with the claimed Republic of China as a Constitutional democracy, at least officially, some of the Hui Muslims were indeed able to come up with other approaches to define themselves as a *minzu*, to ask for certain representative quota in the National Assembly, and finally to be treated equally, the way they deserved as an independent and patriotic *minzu*.

The Hui Muslims experiences are crucial not only for the understanding of this group as an ethnoreligious group, but more importantly, it also shed light on a more general understanding of China, as a geographical, cultural, legal, moral, religious, and political entity. In this regard, the Hui Muslims' contribution proves to be inspiring in terms of "real democratic politics, a sincere Constitutionalism".

This in-depth investigation of the Chinese tradition of "othering," either in imperial China or in modern China as a nation-state, aims to explain the causes of the tensions for the Hui Muslims to become Chinese. In part three, following the same historical trajectory, I offer three case studies on the Hui Muslims' practices of the Sharī'a law in relation to Chinese official law, so as to see how the tensions were specifically represented, understood, interpreted, and addressed by the Hui Muslims in the fields of education, Ḥajj, and marriage.

PART THREE
Empirical Case Studies on the Sharī'a in China

CHAPTER SIX

Education: Cultivating a “Qualified” Muslim³⁶⁶

Introduction

Education is not just about the transmission of knowledge and skills; it is crucial in maintaining tradition and one’s identity inherited from it. This is true in both the Chinese and Islamic contexts. This chapter aims at investigating to which extent education, as a religious obligation for Muslims and an essential means for them to define themselves, plays the role in shaping and maintaining the Hui Muslims’ dual identities of being a Chinese and a Muslim in the contexts of the historical interactions within the framework of the Sharī’a in Chinese society.

To this end, the chapter relies mainly on primary sources, among other things, of classical works produced by the Hui Muslims themselves. This is particularly so in terms of the traditional Islamic education of the Hui. These works include the “Inscription for the building of the tomb for Sheikh Hu” (*jianxiu Hu taishizu jiacheng ji* 建修胡太師祖佳城記), founding father of the *Jingtang jiaoyu* 經堂教育 (Scripture hall education, hereafter, Jingtang education); textbooks they used in teaching; the *Jingxue xichuan pu* 經學係傳譜 (Genealogy of classical learning) that recorded the information of teachers and students in the Jingtang education, which is crucial particularly in tracing how an educational network was created that constructed a shared Muslim identity distinct from the outsiders. In this regard, the works of the Han Kitab authors also turns out to be helpful. As for the modern educational reform of the Hui starting from late Qing period, the available sources are relatively rich. The sources I used include mainly the journals, newspapers, and magazines produced by the Hui Muslims themselves, especially by the educational associations of the Hui Muslims, and the so-called new-style schools established by the Hui Muslims. This includes, for example, the “Chinese Islamic Association for Progress” (Zhongguo Huijiao Jujinhui 中國回教俱進會), the “Yunnan Islamic Association for Progress” (Yunnan Huijiao Jujinhui 雲南回教俱進會), the *Yueh Hwa Magazine* (*Huehua* 月華), and various journals published by the Chengda Teachers’ School (Chengda Shifan Xuexiao 成達師範學校), to name a few. In addition, one of the characteristics of the Hui Muslims educational reform in this period is their connections with foreign countries, such as Japan, and the intellectual centres of Islam, the al-Azhar University in Egypt in particular. Therefore, I also referred to the diaries, memoirs, and works of the Hui Muslim students who studied abroad. One typical example in this regard is the publication titled *Awakening the Hui* (*Xinghui pian* 醒回篇) by the “Islamic Educational Association in Tokyo” (Liudong Qingzhen Jiaoyuhui 留東清真教育會).

The chapter is organised in chronological order following the development of Islamic education of the Hui Muslims. I assess what role education has been playing in both Islamic and Chinese traditions, within which the Hui Muslims tried to define their identity(ies): to follow the divine teaching of Allah and His Messenger, Prophet Muhammad, or to submit to the rule of the Chinese authority. Education in Islam came into existence and has developed by Muslims all over the world by abiding by the divine revelations of God and the teachings and traditions of the Prophet. This is also true with regard to the Hui Muslims in China. It gives a way for the Hui Muslims to know, understand and thus follow God’s path to eternal happiness. It is part of faith in Islam. In other words, education is connected with the Sharī’a, the divine law in the sense that education itself is an obligation by the Sharī’a for Muslims, which concerns the very fundamental means of being a Muslim. I also provide a historical overview of the Hui Muslims education from the seventh century of the Chinese Tang Dynasty to the birth of the traditional Islamic education of the Hui Muslims in the Ming period, the Jingtang education. This section then reveals another feature of the Hui Muslims’ education in parallel and conjunction with other forms of education in China. This point will explain the role of the Hui Muslims’ scripture hall education in the Ming period, followed by the Han Kitab genre, and various educational reform projects starting from late imperial China.

³⁶⁶ Part of the chapter has been published as a chapter contribution to an edited book. See (Li forthcoming).

The focus of the chapter is on the Republican period; however, the whole development of Islamic education of the Hui Muslims is based on the Jingtang education, which I explore separately. The development of the Jingtang education demonstrated that education for the Hui Muslims was a response to the religious crisis during the Ming-Qing periods, and the Han Kitab tradition served as the continuation of this response, particularly so when taken into consideration the Qing oppression towards the Hui Muslims. In other words, the changing outside environment of Chinese society, especially the deteriorating and worsening attitudes of the Ming-Qing regimes towards its Muslim subjects makes the Hui scholars, social elites, educators in the Jingtang education, as well as the Han Kitab authors, think about and solve the issue of the reconciliation between the divine Islamic order from Allah and the powerful Chinese regime.

The last section explores the development of Islamic education of the Hui in modern China, which is subdivided into late Qing period, and the Republican period, with a separate section on the overview of educational reform in China during this periods. These are the periods that mark the transformation of China from the Qing Empire to a modern nation-state. It demonstrates that modern Hui education exists in the intertwining and interaction of the Islamic and Chinese contexts, represented by various educational reform projects. These include, for example, the establishment of new-style schools that particularly emphasize the learning of both Islamic and modern “new teachings” (*xinxue* 新學) in its curriculums; sending Hui Muslim students to foreign countries, such as Japan and Egypt; setting up educational associations which also produced journals, newspapers, magazines, and textbooks, etc. My investigation shows that public and private systems of education have been playing a crucial role for the Hui Muslims in China to negotiate among competing and conflicting sets of norms and ideals. It also shows how the Hui Muslims’ Islamic education projects, both the traditional Jingtang education and the modern educational reforms, have been a channel through which the Hui Muslims tried to deal with the internal and external crisis, chances, and challenges. This is a process for the Hui Muslims to search for a new identity, to define and redefine who they are in response to the changing and challenging Chinese society, perhaps even till present-day China.

1. Education in Islamic Tradition

We, unfortunately, do not know much about the situation of education in the early time of Islam, especially how these activities were organized. Education, then, could take place at any place. As for the contents of it, “most probably the transmission of the Quran...was initially at the core of all educational endeavours” (Munir 1987, 322). Thus, during the time of the Prophet, the most important educational activity was the learning of the revelations that Prophet Muhammad got. The Prophet would teach his companions until they could learn it by heart, and he would also ask those who were literate to write it down.³⁶⁷ There were certain differences in the educational activities of the Prophet before and after the migration to Medina in the year 622 (Hijra) due to the situation and the social climate in Mecca. In general, the educational activity in Mecca was not institutionalized at that time³⁶⁸ and mainly “focused on belief, character and the law” (Nor et al. 2012, 1156). While in Medina, where Muhammad was able to build the first Muslim community (the umma), it is said that a Suffah, a place at the rear side of al-Masjid al-Nabawī (the Prophet’s mosque), was built as a “regular residential school where reading, writing, Muslim law, memorizing of chapters of the Quran, tajwīd (how to recite the Quran correctly), and other Islamic sciences were taught under the direct supervision of the Prophet” (Munir 1987, 322). Based on the contents of different collections of Hadith/Sunan, the Prophet taught Muslims via both his sayings and his deeds, which have been inherited and passed on by Muslims from generation to generation till the present day.

Islamic education experienced the first period of development in Medina after Hijra. With the establishment of the first mosques, since then they have become the centre of the spiritual and social life for Muslims. Meanwhile, “the mosques occupied the central position in the educational activity of the community, being the very seat of learning, where lessons were imparted and regular classes were held” (Munir 1987, 322). Though

³⁶⁷ It is said that during that time there were only seventeen people of the Quraysh that were able to write. (Ṭībawī 1972, 15)

³⁶⁸ Before the Prophet preached publicly in about 613 (Ira 2014, 35) with the command from God in the Revelation "O you (Muhammad) enveloped in garments! Arise and Warn!" (74: 1–2) and "warn your tribe (O Muhammad) of near kindred" (26:214), the Islamic teaching/ education only existed in the close member of the Prophet's family, and "those who had been the first to receive Islamic education were his wife Khadijah, Ali Bin Abu Talib, Zaid Bin Harith and Abu Bakar" (Nor et al. 2012, 1156).

evidence shows that there were also other places where educational activities were held,³⁶⁹ the mosque is, without doubt, the place where education was foremost concentrated.³⁷⁰ The educational activities varied in mosques depending on the size, facilities, and location of the mosque. In a common mosque (*masjid*) where daily prayers were performed, both teachers, as well as the students, were free to hold or receive education in the mosque, for most of the time a *masjid* was built by endowments (*waqf*). In some cases, the founder of a mosque would invite a professor or some professors to give lectures on a specific subject, which was most of the time the case in the teaching of the Sharī‘a. On the other hand, a mosque would become known for its reputations because some professor taught there.³⁷¹ The congregational mosque (*jāmi‘ masjid*), where Friday prayers were held, normally is bigger in size, which means that more teachers and students could be held. Two types of academic gatherings existed in both kinds of mosques, the *majlis* (a study group) and the *ḥalqah* (study circle). Chances are that these academic gatherings were often held by scholars from different subjects or different legal schools, who were free to spread their knowledge. Generally speaking, unlike those who studied Hadith which normally did not have a fixed term for study and was held in a loosely organized programme, legal studies since its early development only accepted a relatively limited number of students who were often “required to attain proficiency in many disciplines before they could begin the study” (Munir 1987, 327).

With the flourish of the Islamic sciences, especially in jurisprudence, more and more staff and students were involved in *masjid* education. The craving for knowledge, especially the study of Hadith, encouraged the scholars and students to travel and collect as many hadiths as possible, and this made it necessary to provide lodging for them, for as a place primarily for worship the mosque was not able to host the increasing number of teaching staff and students. Thus a lodging place, normally attached to the mosque, was established. The development that later became the major educational institution throughout the history of Islam, the madrasa, was greatly influenced by the study of law. In other words, “the development of madrasa is the development of college of law which began as a *masjid* and was soon joined by the Khan” (Bosworth et al. 1991, 1123–24). The development of madrasa as an independent educational institution primarily for legal studies, at least in its early days, resulted from the emergence and spread of different legal schools that had potential ideological conflicts or at least doctrinal debates among each other and which finally led each school to form a study centre/institution of their own. We do not intend to give a general introduction to the history and institutions of Islamic education. My primary aim here is to show how the study of the Sharī‘a has been intertwined in the development of Islamic education.

Islamic education came into existence and have developed by Muslims all over the world by abiding by the divine revelations and the teachings and traditions of the Prophet. There are several verses in the Quran that indicate the importance of knowledge and education. I will just give some examples below:

One of the most cited verses concerning education is the very first verses of the Quran³⁷² revealed to the Prophet Muhammad:

Read! In the Name of your Lord Who has created (all that exists). He has created man from a clot (a piece of thick coagulated blood).

³⁶⁹ Since the early period of Islam, scholars used to hold educational activities at their homes, some of which even became the center for education at that time, for example, Abu Muhammad Sulayman b. Aihran al-A‘mash in Kufah. In addition, since doing business has been a tradition in Islam, some scholars themselves were at the same time traders who owned their own shop, hence, their own shops occasionally would also be used for teaching (Munir 1987, 323–24).

³⁷⁰ According to Munir’s (1987, 324) research, mosque-based education mainly existed in big cities rather than the small towns or villages, for “it is very rare, if at all, to find an educational institution in a village or some other remote place.” The case of the Hui Muslims proves otherwise. During my fieldwork in Yunnan, Xinjiang, and the cities in the eastern part of China, mosque-based Islamic education exists in almost all Muslim communities, in big cities like Shanghai and Beijing, as well as in small towns and villages.

³⁷¹ Some mosques were even named after a famous scholar or professor who taught there, for example, a mosque in Baghdad was named after the well-known Quran reciter Ruwaym b. Yazid (Strange [1900]2017, 81–83).

³⁷² The English translation of the Quran is from *Translation of the Meanings of the Noble Qur’an in the English Language* by Dr. Muhammad Taqi-ud-Din Al-Hilali and Dr. Muhammad Muhsin Khan, printed by King Fahd Complex for the Printing of the Holy Qur’an in Madinah.

Read! And your Lord is the Most Generous. Who has taught (the writing) by the pen. He has taught man that which he knew not. (96:1–5)³⁷³

The first word God spoke to His Messenger, Muhammad, was to “Read,” instead of any other obligations, such as to pray or to fast, which “emphasizes the value of education in the Qur’an” (Risha 2013, 36).

Another event recorded in the Quran that has been illuminating to Muslims, including Muslim educators, is the creation of the first mankind by Allah, the prophet Adam. The first thing Allah did after He created Adam was to teach “Adam all the names (of everything)” (Quran, 2:31). This is a point that is of special importance to Muslims, especially for the educators, “it is like education comes after life” (Risha 2013, 36).

In sura al-Mujadilah, it is recorded that “Allah will exalt in degree those of you who believe and those who have been granted knowledge” (58:11).

In addition to the messages mentioned in the Quran, another source of Islamic jurisprudence, the Hadith, also emphasizes the importance of learning and the acquisition of knowledge. I will give some examples taken from the six Hadith collections,³⁷⁴ which are considered the most authentic ones by the Muslim majority.

...So Allah stated that one should acquire knowledge first...And whoever gains knowledge is lucky and gains a great thing. And whoever followed a way to seek (religious) knowledge, Allah will make easy for him the way to Paradise (Al-Bukhārī 1997, no. 67 of vol.1).

According to ‘Abdullah bin Mas’ud, the Prophet said, "Do not wish to be like anyone except in two cases...the second is the one whom Allah has given Al-Hikmah [wisdom] and he acts according to it and teaches it to others” (Al-Bukhārī 1997, no. 73 of vol. 1).

The Messenger of Allah said: “Whoever goes out seeking knowledge, then he is in Allah’s cause until he returns.” (Hadith Tirmidhi 2007, no. 2647 of vol.5)

It is worth noting here that in the comments on this piece of Hadith the author said “the meaning of preaching and spreading the religion of Islam, protecting and defending it is knowledge. So...is also a form of Jihad in the path of Allah” (Hadith Tirmidhi 2007, no. 2647 of vol.5).

Education gives a way for Muslims to know, understand and thus follow God’s path to eternal happiness. From a philosophical perspective, Muslims believe, based on the verses in the Quran where the existence of, or beings in, the cosmos are named as indicators of God’s signs, that the beings of the world are the manifestation of God and His existence. This idea is especially illustrated by Motahari (Tabatabaī and Motahari [1350]1969, 71) and philosopher Sadr al-Mota’lehin. Via philosophically conceptualized relationship between cause and effect, with the effect, to put it short, as the direct manifestation of the cause, it is believed that the beings of the world should be based on the philosophical understanding of the relationship between the effect and cause, as the direct manifestation of God” (Bagheri 2016, 1–2). Furthermore, in Islam, the seeking, acquisition, and application of knowledge, including the religious and the rational one, serves the final goal of approaching God, for philosophically the objects of the human endeavour in education are the direct manifestation of God. Thus education in Islam is part of faith. This understanding connects education with the divine law, which is to say that from the viewpoint of Islamic law, education provides the way to follow and approach God’s path, the Sharī‘a, and meanwhile, education itself is an obligation by divine law for Muslims, both men and women. It is for these reasons that getting educated and seeking knowledge, from the legal/Sharī‘a point of view, is *wājib* or *farḍ* (obligatory or duty) in Islam, for the Prophet said that “Seeking knowledge is a duty upon every Muslim” (Hadith Majāh 2007, no. 224 of vol. 1).

³⁷³ If not otherwise stated in this dissertation, when the Quran is cited, the first number refers to the Chapter/sura and the second number refers to the verses.

³⁷⁴ There are several collections of Hadith, both in the Sunni and Shiah traditions. As far as the Chinese Hui Muslims are concerned, who are mostly Sunni Muslims, I use the so-called *Six Great Collections of Hadith* (*Liudabu shengxun ji* 六大部聖訓集), especially by Al-Bukhārī (1997) referred to as Hadith Bukhārī, Abū al-Ḥussayn Muslim ibn al-Ḥajjāj (2007) referred to as Hadith Muslim, and al-Ḥāfiẓ Abū ‘Isā Muḥammad ibn ‘Isā at-Tirmidhī (2007) referred to as Hadith Tirmidhi. Other collections that are in circulation among the Hui include Hadith Majāh (2007) and Hadith Dāwūd (2008). See Qi (2009).

Again, though the concept and the actual practices of education in Islam are closely linked to religion, this does not necessarily suggest that Islam excludes knowledge other than theology. Education has always been the core in Islam since its beginning, though there have been discussions on the compatibility of the two terms, Islamic and education (Bagheri 2001, 7–42, 2006, 88–103; Halstead 2004, 517–29). As Bagheri (2001, 109) defined it, Islamic education is “to know God as the unique Lord of the human and the world, to choose Him as one’s own Lord, to undertake His guidance and regulations and to avoid those of others”, in which he emphasizes the role of knowledge, the choice made by one and the action to follow God’s path. Bagheri’s aim was to demonstrate that compared with the Western liberal concept of education with a special focus on rationality, the Islamic concept of education, according to his interpretation, also has a background of rationality. I understand and agree with him about the “background of rationality” in Islamic education, however, he might have put too much attention on the religious or theological part of the concept of education, which gives us an impression that Islamic education is solely about the acquisition of the knowledge in the Quran and Hadith to understand the oneness of Allah, though this does serve as the priority of the education in Islam. In fact, acquiring knowledge, including the knowledge that Bagheri emphasized, is an essential part of Islam, however, knowledge has never been restricted to religious one in the history of Islam. Another definition given by al-Attas (1980, 22) is more abstract, which holds that Islamic education is the “recognition and acknowledgement, progressively instilled into man, of the proper places of things in the order of creation, such that it leads to the recognition and acknowledgement of the proper place of God in the order of being and existence.” Obviously, although both concepts have different connotations and points of focus, they connect their concepts of Islamic education with knowledge (*‘ilm*) and the religion, namely Islam.

Generally, in Islam, knowledge could be categorized into the traditional one (*al-‘ulūm al-naqliyya*) and the intellectual or rational one (*al-‘ulum al-‘aqliyya*), with the former being delivered to man by revelation (Ibn Khaldun 1971, chapter 6) and the latter acquired by sense perception and observation (Alatas 2006, 169). Muslims believe that all knowledge comes from Allah, as represented by the multiple subjects taught in Islamic educational institutions, especially the contributions Muslims made towards the European Renaissance (Al-Attas 1977, 62, 102; Nasr 1987, 125). There is no such separation of religious and secular knowledge in Islam, for all knowledge comes from Allah. The acquisition of any knowledge is meant to please Him, and education is the passing on, acquiring and assimilation of all the knowledge. In fact, the purpose of education in Islam is to achieve a pure life (*ḥaya ṭayyiba*) and a good man, which requires the acquisition of and the development in knowledge and skills in all disciplines so as to fulfil the role of being the qualified Khalīfa (vicegerent) on earth designated by God. This is also affirmed in the First World Conference on Muslim Education (Raudlotul and Mohd. 2013, 3):

Education should aim at the balanced growth of the total personality of man through the training of Man's spirit, intellect, his rational self, feelings and bodily senses. Education should cater therefore for the growth of Man in all aspects: spiritual, intellectual, imaginative, physical, scientific, linguistic, both individually and collectively and motivate all aspects towards goodness and the attainment of perfection. The ultimate aim of Muslim education lies in the realization of complete submission to Allah on the level of the individual, the community, and humanity at large.

Following God and His Messenger’s guide, since the early time of Islam, Muslims have been pursuing various kinds of knowledge and developed a variety of institutions for education.

Another issue we have to point out here is the usage of the term Islamic. Scholars suggest that “the term Islamic is accurately applied only to that which pertains directly to the faith and its doctrines” (Douglass and Shaikh 2004, 6–7). However, I would argue that this terminology assertion does help to clarify the misuse in some cases (the usage of Islamic population, Islamic radicalism, for example), but also limits the realm of education in Islam to its religious part, which basically is not in conformity with the historical practices of Muslims all over the world. In this thesis, by using the term Islamic in Islamic education I mean the educational theory(ies), as well as practices, understood and claimed by Muslims to be Islamic, the foundation of which derives from the two main sources in Islamic jurisprudence, the Quran and the Sunna. This approach is not chosen randomly. I intend to respect those Muslim teachers, students, educators, scholars, etc., who adopt the term “Islamic

education” and are involved in delivering Islamic education. Over centuries, not to mention the expansion and development of the Islamic Empire for nearly 1,000 years (Hilgendof 2003), Islam has developed a huge variety of educational institutions, theories, and teaching methods in pedagogy by Muslims under the social, political and economic situations in their respective society, which does or does not share the Islamic traditions.³⁷⁵ This could be one of the reasons why there exist very different conceptions as well as actions concerning Islamic education. However, they do share one thing in common, namely, all these claims and practices come from the interpretation of the contents concerning education mentioned in the Holy Book, the Quran, and the exemplary deeds and sayings of the Prophet, the Hadith or Sunan. This characteristic shared by all Muslim educators makes Islamic education “uniquely different from other types of educational theory and practice largely because of the all-encompassing influence of the Quran” (Khamis and Salleh 2010, 1).

In general, education in Islam is as old as the religion. From the first revelation that Angel Jibril (Gabriel) revealed to the Prophet to various schools, colleges, universities and libraries that Muslims have built, education has always been there and acted as a way for Muslims to take their responsibilities and obligations to please and get closer to God. It is not surprising to say that “Muslim education tradition has been entrenched deeply in the DNA of the Muslim community” (Buang and Cher 2014, 2). In this regard, the Hui Muslims in China is no exception. Education is deemed as a religious obligation that all the Hui Muslims are expected to fulfil. In this sense, education plays an essential role in defining the Muslim identity of the Hui.

This is one side of the coin that the Hui Muslims in China have been influenced by. They have internalized the tradition of Islam that regards education as an obligation of God and the foundation of their belief. While on the other side of the coin, the same can be said when it comes to the traditional view of education of the Han Chinese, which probably plays a more crucial role in the daily life of the Hui.

2. Education in Chinese Han Tradition

Still, we cannot and are not intended to give a detailed description of education in traditional China,³⁷⁶ but to depict some clear and concise ideas of education according to the Han culture, and its historical development as a precondition for our analysis of education among the Hui Muslims in traditional China.

The history of education in China is long-standing and well established. It is said that as early as the Xia Dynasty which possibly dates back to the twenty-first century BC there were already state-organized schools called *xiang* 庠, *xu* 序, *xiao* 校, or *xue* 學.³⁷⁷ This more or less was inherited by the Shang Dynasty, where *xiang*, *xu* and *xiao* referred to local schools (*xiangxue* 鄉學) while the *xue* was designated for central official schools, especially for the nobles (Lin and Sun 2006, 9–10). The distinction of schools between the local and the central ones existed in Western Zhou Dynasty, where the central one was subdivided into *daxue* 大學 and *xiaoxue* 小學.³⁷⁸

The Spring and Autumn period (*Chunqiu* 春秋 771 BC–476 BC) and the Warring States period (*Zhanguo* 戰國 475 BC–221 BC) marks the decentralization of education in China. Education was no longer monopolized by the state, but was made universal for civilians. Private education was emerging and gaining increasing importance, which “formed the general system of education in ancient China...[that] not only determined the direction of the development of education but also further connected education with politics that contributed to the personalities of Chinese (official) intellectuals” (Song 2004, 126). The most well-known educator in this

³⁷⁵ For various practices in different Muslim societies, see, for example, (Sahin 2014; Hefner 2008)

³⁷⁶ Detailed discussion on education in traditional China, see (Chen Dongyuan 1980; Lee 2000, 2012; Gu 2004; Huang Renxian 2003).

³⁷⁷ The information concerning the educational activities in the Xia and Shang dynasties is mainly from the recordings of scholars who lived in the Zhou Dynasty or later. For a general study of these dynasties, see (Zhang Guangzhi 1990, 1999, 2002)

³⁷⁸ The contents of education in the Zhou Dynasty could be summarized as *Liuyi* 六藝 referring to six different skills a student must manage, namely *li* 禮 (behavioral norms in state rites), *yue* 樂 (art and music), *she* 射 (archery), *yu* 御 (charioteering), *shu* 書 (Calligraphy), and *shu* 數 (mathematics). This should not be confused with the Confucian *Liuyi* that were later redefined by Confucius, which refers to six Confucian classics, namely the *shi* 詩 (poetry) or *Shijing* 詩經 (Classic of poetry), *shu* 書 or *Shangshu* 尚書 (Book of documents), *li* 禮 or *Liji* 禮記 (Book of rites), *yue* 樂 or *Yuejing* 樂經 (Classic of music), *yi* 易 or *Yijing* 易經 (Book of changes), and *chunqiu* 春秋 (Spring and Autumn annals).

period is Confucius.³⁷⁹ He was regarded as a great teacher, who used to have more than three thousand students. His teaching activities, however, aim to cultivate government officers for the ruler, represented in the idea of “studying well so as to become a government official 學而優則仕,” which has been criticized by both Chinese and non-Chinese scholars for making education a tool for the ruler to manipulate the people.³⁸⁰ However, this idea actually does not originate from Confucius but has been a long tradition prior to him. Let us take some examples of what ideas Confucius had concerning education and how his ideas were related to previous as well as later thoughts about education.

It is known that:

The Master said³⁸¹ that, “Is it not indeed a pleasure to acquire knowledge and constantly to exercise oneself therein? And is it not delightful to have men of the kindred spirit come to one from afar? Wouldn’t you become a man of noble character under the situation where you are not to be angry when people out there do not know or understand you?”³⁸²

This is the most well-known among the Chinese concerning the teachings of Confucius on education. According to Li Ling’s research (2007, 51), in ancient China, there was only one kind of knowledge, namely the knowledge on how to become an official. To become an official as the goal of education remains, even in China today.³⁸³ Another important point is the concept of the man of noble character (*junzi* 君子),³⁸⁴ which was regarded by Confucius as a practical ideal.³⁸⁵ According to Confucius, the concept of *junzi* emphasized the acquisition of morality, rites as well as knowledge. This encouraged those who followed him to become the new class of the *shi* 士, or scholar-officials (*shidafu* 士大夫).

This is related to the political ideal of Confucianism. To this end, let us look at another example from Youzi,³⁸⁶ who said that:

³⁷⁹ Instead of using the concept of Confucianism, I prefer to use Confucius to indicate the ideas held by him in his teachings recorded in the *Lunyu* 論語 (Analects), rather than the ideas developed by later scholars. The differentiation between the two and the development of Confucianism, see (Leonel 1997).

³⁸⁰ Confucius and Confucianism were criticized in China, especially during the Great Cultural Revolution. See for example (Taylor 2004, 117–19; Cheng 2001, 458–66).

³⁸¹ The original Chinese is 子曰。In ancient Chinese, the word *zi* 子 referred in general to teachers in a respectful way. This is a tradition that was inherited from previous dynasties. Originally, *zi* was a name for the nobles; even the King used *zi* for himself for fete ceremonies.

³⁸² These sentences are from the very beginning of the *Lunyu*, which read 子曰：“學而時習之，不亦說（悅）乎？有朋自遠方來，不亦樂乎？人不知而不慍，不亦君子乎？” Part of the translation is from Soothill (1910, 117). The version of the Analects of Confucius I use is the *Lunyu Zhushu* 論語注疏 (Collections of annotations of *the Analects of Confucius*) by He Yan 何晏 (2000).

³⁸³ A vivid and persuasive example could be the number of university graduates participating in the local and/or national civil servant examination. There were more than one million applicants in the national civil servant examination in years 2014, 2015, 2016, 2017, and 2018, respectively. And there were two or three hundred thousand applicants in the local civil servant examination in provinces, such as Henan, Zhejiang, and Guangxi. For detailed statistics, see the website of the Civil Service Information Network at <http://www.gjgwy.org>; and National Civil Servant Examination Network at www.chinagwy.org.

³⁸⁴ There are two implications when he talked about the *junzi*: it can mean a status, namely the nobles and the man of high hierarchy. In this regard, the Chinese characters of the term actually speak for itself. *jun* 君 refers to the king or lord; and *zi* 子 means son. Hence, altogether, a man of noble character, the *junzi*, actually referred to the son of a king or lord. Besides, it can also refer to those who are of knowledge and high morality.

³⁸⁵ When it comes to the nature of man, Confucius believed that people were similar in nature when they were born and they differed as a result of what they learned and acquired (性相近也，習相遠也). Similarity in nature actually was the recognition of the legitimacy of social differentiation among people. In his eyes, men could be classified hierarchically into the sage (*shengren* 聖人), the man of *ren* (*renren* 仁人), man of noble character (*junzi* 君子) as well as petty man (*xiaoren* 小人). It is still unclear if *jianmin* 賤民 was generally included in petty man. For Confucius, the best man is the sage who is perfect in knowledge and morality, then comes the man of *ren*, who is also perfect in knowledge and morality. However, the sage, in fact, refers to those who are in possession of political power, most of the time a king. Without political power, the man with perfect knowledge and morality could at best only be a man of *ren*. To put it simply, only the ruler with perfect knowledge and morality, according to Confucius, is the sage. See (Li Ling 2008, 166–78).

³⁸⁶ Youzi 有子 was the third generation of Confucius’ students who was elected as an idol of their teacher after his death (Li Ling 2007, 54).

it is rare for someone who is filial to his father and is obedient to his eldest brother to be interested in offending the authority; there have been no such people who are not interested in offending the authority but involved in revolts. The man of noble character would be committed to the essentials on which the Path would be built. Being filial to one's father and being obedient to one's eldest brother is indeed the essentials of *ren*.³⁸⁷

The logic of Confucius is that being a dutiful son (*xiaozhi* 孝子) at home requires one to obey the authority, which would refrain one from offending the authority and involving in revolts, and this would further lead to a harmonious society. The political structure of ancient China, especially in the Zhou Dynasty, was based on, and indeed the extension of, the family structure.³⁸⁸ A man was firstly educated to follow and respect the authority in one's family, namely father and the eldest brother. This kind of submission to authority cultivated in one's family was applied when one dealt with other social and political relationships, for the whole society or state in ancient China was constructed as an extended family (Hahm 2003, 341–53). That is why being filial is essential in Confucianism, and why it is “indeed the essentials of being *ren*.”³⁸⁹ *Ren* 仁, as the very core and quintessence of Confucianism (Zhang Dainian 2004, 117), means the ways to get along with others (Qu 1996, 270) and to treat people as who they are (Li Ling 2007, 55).³⁹⁰

The Confucian ideal of society is one where people are differentiated, which is based on one's social status, morality as well as intelligence. Confucius believes that based on one's knowledge and morality it is natural that some people in the society should live a better life than others. In order to achieve social harmony, or a society of *ren*, the differentiation underlined by one's knowledge and morality between men is for Confucius natural and normative. To this end, Confucius called for the re-establishment of the ritual propriety of the Zhou (*zhouli* 周禮), which originally referred to the religious fete ceremonies (Wang 1994, 3–13), and was later redefined by Duke of Zhou (Zhou Gong 周公) as the new code of conduct (Guo 1961; Yang 1964; Jin Jingfang 1983), who gave the concept an ethical and political dimension (Wang and Gu 2008, 45–55). *Li*, as the core of Confucianism (Cua 1979, 373–94; 2005; Graham 1989; Ames 1998, 2004; Sato 2003), functions as the manifestation and representation of *ren* 仁³⁹¹ (Tu 1989, 2010). As Lai (2008, 21) points out, “any understanding of Confucian philosophy rests on how we understand these two concepts and the interplay between them.” *Li* is the very normative code of conduct for the maintaining of social differentiation, which guarantees a society of *ren*. Only in this way where people follow the respective *li*-norms, according to their social status, could a harmonious society be achieved.³⁹²

How to guarantee the abidance of the *li* was a practical problem that Confucians had to deal with. Here comes in the issue of education that bridges the normative regulations of the *li* with the ideal harmonious society of *ren* that Confucius sought to build. That is why filial piety was crucial in Confucianism and was regarded as the essence of *ren*, for the family is a place where education for every man begins and it is through this early education one learns how to respect and obey the authority. It is clear that education, for Confucius and those

³⁸⁷ The original Chinese is 有子曰：“其為人也孝弟，而好犯上者，鮮矣；不好犯上，而好作亂者，未之有也。君子務本，本立而道生。孝弟也者，其為仁之本與（嶼）。”

³⁸⁸ Li Ling (2008, 151) has argued that “the political turmoil of the Spring and Autumn period derives first and foremost from the turmoil in the royal family... and it was due to this key point which Confucius has figured out that he called for the governance of the state by managing a household.”

³⁸⁹ There are several English translations of the concept of *ren* 仁, such as virtue, humanity, humaneness, true manhood, Good, goodness, and etc. (Yang Ping 2008, 61–63), each of which touches upon some of the implications of the concept. Since several different conceptions of *ren* could be found by Confucius himself in the *Analects* given in different contexts, we would use the transliteration of the concept itself. The discussion on its meaning see (Chan 1975; Schwartz 1989; Confucius, Ames and Rosemont 1999; Brooks and Brooks 2001).

³⁹⁰ In *The Analects* of Confucius, there were many times when Confucius was asked about *ren* 仁, however, most of the time he did not give a definition but contextualize it. As a definition, he said *ren* means “to love people,” in which people only refer to high society (Li Ling 2008, 88–113).

³⁹¹ As for the relationship between these two fundamental concepts in Confucianism, see (Lai 2008, 19–34).

³⁹² For example, Confucius said that “the man of noble character values harmony rather than equality, while the petty man values equality rather than harmony.” The original Chinese is “君子和而不同，小人同而不合。” Based on ancient Chinese philosophy, they believe that difference generates harmony while equality only generates indifference and conflicts (Li Ling 2007, 244).

who followed him, was part of their larger political project. However, his approach has been challenged and criticized, especially by the legalists (*fajia* 法家).³⁹³ It actually not only survived but also became the dominant ideology in Chinese history for some 2,000 years since the Han Dynasty. Lee (2012) argues that Confucianism paid great attention to the individualist dimension of education. This might be true, however, one should not forget the educational tradition that Confucius sought to renew of the Zhou Dynasty, when education was merely the privilege of the nobles as an instrument to train the future rulers. What's more, a *junzi* ultimately is expected to be a wise ruler or his minister. Confucius' overall thought centres on the *junzi*; his ideal state is a state of *junzi*, where they, via being government officials, are not only of knowledge and morality but also of material wealth (Li Ling 2007, 143). The emphasis of the *junzi* by Confucius as exemplary in practising the *li*-norms, especially those who hold office and in power resulted in the instrumentalization of education. Thus it is only natural to state that, like Plato, Confucius had faith in a wise ruler (a sage) who was of charisma and was able to bring peace and harmony to society. From the very beginning, education in Confucianism has served for and been deeply intertwined with politics and state power. The idea and reality of the politicization and instrumentalization of education developed and became prevalent throughout Chinese history, and was officially institutionalized by the imperial examinations, the *keju kaoshi* 科舉考試.³⁹⁴

Prior to the imperial examinations starting in the Sui Dynasty,³⁹⁵ there had been several ways for the recruitment of government officials.³⁹⁶ These systems, especially the imperial examinations, are seen as an indicator of China being a meritocracy (Li 2012a, 121). No doubt that the imperial examination system was one of the most important and perhaps the most long-lasting system in Chinese history. It reinforced the idea of “studying well so as to become a government official” as the aim of education, and it also directed the contents of education in schools, both official and private ones. As Chen Hongjie (2003) points out, the conceptual basis of the imperial examination system, the idea of recruiting the *shi* (*qushi* 取士),³⁹⁷ contributed to the survival and longevity of the imperial examination system which lasts for more than 1,000 years. Needless to say, Confucianism was the main contents for the government recruitment at that time,³⁹⁸ and this situation continued until late Qing Dynasty (late nineteenth and early twentieth centuries). The imperial examination system changed the situation where only those who had a high social class could get involved in the state bureaucracy and enabled civilians to pursue a higher and almost always a better life. In other words, more and more ordinary people were able to attend the examinations and it made possible the social mobility of different classes (Li 2012a, 125–26). However, this process was initiated and dominated by the state, which means during the development of the imperial examinations Confucianism gradually became manipulated as a tool for the rulers to legitimize their rule. Consequently, education was only useful in that it taught the teaching of Confucianism which were crucial for the examination.

³⁹³ There have been the debates between the rule of/by law and the rule of/by morality since at least the Spring and Autumn period. The legalists, who are the supporters of rule of/by law, do not believe the effectiveness of education in cultivating people's obedience to realize a society of order.

³⁹⁴ The Chinese term for examinations is “*kaoshi* 考試”, meaning the assessment (*kao* 考) and probation (*shi* 試) of the officials. In Chinese history, examinations and recruitment for officials are closely connected (Li Zhihong 2006, 66). However, Liu (2008, 71–72) has pointed out the difference and connections between examinations and the imperial examinations (*keju kaoshi* 科舉考試). Examinations as a way to recruit officials existed as early as the Han Dynasty, while the imperial examinations as an institutionalized system came in to being at a much later time.

³⁹⁵ There are several opinions concerning the origin of the imperial examinations. See (Deng 1934; Zhang Ruichang 1982; Gao 1995, 68–109; Zu 2003; Liu and Li 2004, 62–67; He 2006, 73–80; Liu Haifeng 2000, 2008)

³⁹⁶ As have been mentioned above, the government posts were hereditary, from father to his first son with his legal wife till pre-Han period. Later in the Han Dynasty, a new system was introduced and developed to recruit government officials, namely the *chajuzhi* (察舉制) meaning a system for nominating government officers who were first nominated by the local officials to the central government and who would be further examined and appointed. The criteria for the nomination generally rested on one's morality and the Confucian knowledge (Lee 2000; Xie and Tang 1995).

³⁹⁷ According to Chen Hongjie (2003), “*shi*” means people with talents. The idea of recruiting “*shi*” (*qushi* 取士) focused on the mechanism of selecting the talents; while the other idea of cultivating “*shi*” (*yangshi* 養士) focused on the educating and training of the talents.

³⁹⁸ The subject that counted most in the government recruitment in the Han Dynasty was called filial and incorrupt (*xiaolian* 孝廉). The two influential qualities of Confucian teaching were set as the criteria for the recruitment. It symbolically reflected the connection of Confucianism and politics, and further institutionalized the infiltration of the two (Yan 1996, 339).

Education played an essential part in the socio-political structure in ancient China, as the examination has gradually become the major means for the rulers to recruit government officials and for the individuals to change their social, political as well as economic situations. The educational system thus was integrated into the bureaucracy appointment system. Here one point is of special interests. Unlike the Islamic tradition where countless schools existed to support the development of education, both official and private schools in Chinese history were rather underdeveloped partially in that they aimed at the training of candidates to pass the examinations³⁹⁹. Education got intertwined with political power via the imperial examination that politicized and institutionalized Confucianism. Historically speaking, the very beginning and end of the ideal and desire of Confucianism lie in the reconstruction of a new socio-political order (Yu Yingshi 1986, 127), and (moral) education was regarded as the way of the realization of the ideal. Confucianism together with its understanding of education has been legally and institutionally valid via the introduction and establishment of the imperial examination system. With the alignment with political power, Confucianism lost its independence and critical traits it had at the beginning, and the education that Confucius advocated had no such pleasure that he had expressed at the very beginning of the *Analects*. As Li (2012a, 121) has pointed out that the cultivation of talents needed by the government was the most distinguishing feature of education in China, the politicization of education also led to the alienation of schools which became a place where the candidates of government officials needed by the political rulers were produced.

Based on the brief introduction of the ideas and practices of education in the Islamic and the Chinese traditions, my primary concern is to give the readers an impression of what role education has been playing in both traditions where the Hui Muslims tried to define their identity(ies), to follow the divine teaching of Allah and His Messenger, Prophet Muhammad, or to submit to the rule of the Chinese authority. As a matter of fact, the very birth of traditional Islamic education of the Hui Muslims was the result of this process of negotiation in identity formation. In other words, “education has been a major issue. It is a question of maintaining communities of the faithful in an environment which is overwhelmingly non-Muslim” (Allès 2003, 3).

3. Historical Overview of the Hui Muslims’ Education: Tang till Early Ming Periods (Seventh to Fourteenth Centuries)

We, unfortunately, do not know much about the activities of education in the early period of Islam in China among the ancestors of the Hui Muslims, due to very few historical records available. The trajectories, however, still reflected a clear parallel development of both Islamic education as well as traditional Chinese education among the Hui. This feature has been visible since the very beginning of Islam in China in the seventh century of the Tang Dynasty. This section aims at an overall description of the historical development of education among the Hui Muslims from the Tang till the establishment of the Jingtang education in the middle Ming periods.

3.1 Tang (681–907)

We do not see any direct record in Chinese sources regarding education of the early Muslims in the Chinese Tang Dynasty. Based on the general historical situation of Muslims in the Tang Dynasty, we are only able to assume by and large the situation regarding Muslims’ education then. First of all, according to scholars’ research (Deng 1985; Chen Zehong 2002; Song 2007), the first mosques built in China date back to the Tang Dynasty, where the *fanzhang* as leader of foreigners, including Muslims, was appointed by the Chinese authority as “Judge of all the Mohammedans” (Sulayman 2006, 7), in charge of the administrative, religious as well as legal affairs among the foreign guests, called the *fanke*. Since such a situation existed where the Shari‘a was applied in disputes among Muslim foreign guests, it is reasonable to assume that the teaching and learning of the Shari‘a was part of Muslims’ education at that time. Unfortunately, there is little we can say about who, where, when, and how such educational activities were carried out. On the other hand, it is notable

³⁹⁹ As Chen Hongjie (2003) pointed out that the idea of “recruiting talents” (*qushi* 取士) prevalent in ancient China also contributed to the underdevelopment of the school system which focused on “cultivating the talents” (*yangshi* 養士), by which he meant that as a wise ruler the emperor’s responsibility was to find a way (first via nomination and later by examination, for instance) to select the talented persons who were already there in society. This quality of the emperor was highly appreciated by Confucianism. For example, “to have a good knowledge of men is the proper qualification of the prince...and the king should be a good judge of men so that he may select ministers who possess wisdom and experience” (Johnston 2015, 73).

that there are examples where the early Muslims in the Tang Dynasty were reported to have been quite active and successful in learning the Chinese language, culture, and in particular the Confucian classics. One such example is a Muslim named Li Yansheng 李彥昇, which I have analysed in chapter four. According to *Huaxin* 華心 (Chinese heart) written by Chen An 陳黯, a scholar of the Tang Dynasty, in the year 847 Li Yansheng was recommended by a commander-in-chief named Lu Jun 盧鈞 (778–864) to participate in the Imperial Examination. Emperor Xuanzong 宣宗 (810–859) ordered the Examination Officer at the Ministry of Rites (Chunsi 春司) to have him tested the following year. It turned out that Li Yansheng finally passed the exams for the subject of *jinshi* 進士, the highest level of the Imperial Examinations, which “won him a good reputation” (*ming xianran* 名顯然). I have offered a detailed analysis of the case of Li Yansheng, and the diverse responses from the Han Chinese officials regarding his achievement. However, it is necessary to point out that Li as one of the early Muslims who came from Arab “must have been good at the Five Classics of Confucianism” (Qiu 1996, 97–98). Another similar example is Li⁴⁰⁰ Yuanliang 李元諒, from the Parthian Empire, well-known as a military commander.

3.2 Song (960–1279)

The Song Dynasty also sees more or less the same situation of Muslims as in the Tang Dynasty. It witnesses the development of both Islamic education and the teaching and learning of Chinese culture among Muslims. On the one hand, the basic community for Muslims was still the *fanfang* where disputes among Muslims were solved by the Sharī‘a. However, we could still only assume that there existed a kind of Islamic religious education among the early Muslim in the Song dynasties. This could be supported by several points. For example, it is believed that those Muslims who were buried in the ancient tombs in Guangzhou and Quanzhou were actually Muslim missionaries, such as Sa‘d ibn Abi Waqqas and Puhaddin.⁴⁰¹ Besides, during the Song dynasties, more mosques were built in different parts of China, such as the Ox Street Mosque (Niujie Libai Si 牛街禮拜寺) in Beijing and the Masjid al-Aṣḥāb (Qingjing Si 清淨寺) in Quanzhou. Scholars believe that there could have been mosque-based education in China at that time. Some believe that during the Tang and Song dynasties the *fanfang* was actually an Arabic social system in which education was included and was held in mosques, and this mosque-based Arabic education aimed at teaching the Quran, Arabic grammar, history, mathematics, poetry, etc. to the younger Muslim generations (Qiu 1996, 106; Feng 1991, 40–63). On the other hand, the Chinese traditional education in the form of foreign education/schools⁴⁰² (*fanxue*) developed among the early Muslims, especially those who came for trade and settled in the coastal cities such as Guangzhou and Quanzhou, in China. Some believed that the *fanxue* was a kind of religious education in *fanfang*, through which Muslims could maintain their own distinctive customs and way of life (Jin 2003, 61–63). Another opinion concerning the contents of *fanxue* is based on the fact that in the Song dynasties there were officially organized *fanxue* education whose contents were traditional Chinese culture. In its minority regions, for example, the Song dynasties established *fanxue* for Tibetans to learn the Han Chinese culture (Ren 1993, 65–69; He 1995, 86–90). Thus, it is assumed that the *fanxue* in Muslim communities also taught Confucianism and the Han Chinese culture. The aim to establish the foreign schools of the Song Dynasty in the areas where ethnic minority groups⁴⁰³ and foreigners were concentrated was to “unify the custom and morality” (*tong*

⁴⁰⁰ The most common surnames of the Hui Muslims in China today are Mǎ 馬, Mu 穆, Ha 哈, and Má 麻, which derived from the transliteration of the name of the Prophet Muhammad, however in Tang Dynasty, there were several famous Muslims with the surname of Li 李. Their family name of Li might have been given as an honor and reward by the emperors of Tang whose own family name was Li. Others with the family name of Li are, for example, Li Xun 李珣, Li Xuan 李珣, and Li Shunxuan 李舜絃 who were famous lyric poets.

⁴⁰¹ Sa‘d ibn Abi Waqqas and Puhaddin are believed to be decedents of the Prophet Muhammad. In a Chinese document called *Huihui yuanlai* 回回原來 (Origin of the Hui), Sa‘d ibn Abi Waqqas was described as the one who introduced Islam to ancient Tang China.

⁴⁰² When it comes to the foreign education (*fanxue* 蕃學), in Chinese academia it normally refers to either the central schools established by the Song government to teach the foreign students, or the government funded local schools in the border areas for ethnic minority groups or foreign students, or the schools established by Xixia regime (西夏) for the study and learning of the Tangut script (Yuan and Chen 2013, 225; Guo 2000, 191; Meng 2010, 178; Wu and Gong 1995, 152).

⁴⁰³ The geographic distribution of the foreign schools in the Song dynasties was in the northwest and southwest of China where ethnic minority groups were concentrated, including today’s Lintao County, Linxia, and Lanzhou, Gansu Province. My discussion here only focuses on the foreign schools in the Muslim communities in Guangzhou and Quanzhou.

fengsu yi daode 同風俗，一道德) so as to reinforce their identification to the legitimate rule of the Song (Sun 2015, 86). It is worth noting here that the officially organized *fanxue*, even if the contents were Confucianism, was believed to be taught in the language of the minority or foreign students, in Tibetan or Arabic, for example. And it also involved the knowledge of the foreign country (*fanguo* 蕃國).⁴⁰⁴ Here is one example of the *fanxue* among Muslims. When he was in charge of the extension of the city of Guangzhou, the local government leader, Cheng Shimeng 程師孟, re-established the prefectural schools which was an official institute in ancient China for the teaching of the Confucian classics, and the foreign students were also allowed to attend the school to learn Chinese and the Confucian classics (Huang 2012, 60). Notably, his project was supported by the Omani merchant Xinyatuoluo 辛押陀羅 (Sheikh Abdullah?), who was then the leader of the Muslim *fanfang*. Xinyatuoluo donated money, land and built classrooms for the school (Ruan, Chen and Liu 1990, 269). Later in 1108, a separate foreign school was set up in Guangzhou, where a Confucian scholar who used to teach at a prefecture-level school was appointed to teach. The professor was required to respect and learn the local custom so as to be able to teach better. Little was known about how the education was organized and what textbooks they used, however, the fact that these students who graduated from the foreign school were allowed to take the imperial examinations might allow us to assume that Confucian classics must have been the main contents of education in the school. For instance, there were several Muslims who became government officials through attending the imperial examination in the Song dynasties, among whom Pu Shoucheng 蒲壽晟 was a distinguished Muslim official, who was the elder brother of the well-known Muslim merchant and politician Pu Shougeng 蒲壽庚 (1245–1284) in late Song and early Yuan dynasties (Jitsuzō Kuwabara [1928]2009). In general, Muslims as foreigners in Tang and Song China enjoyed a sort of freedom to live their life in their own community, the *fanfang*, thus they were able to maintain their Islamic tradition through education. At that time, living in a non-Muslim majority country, the early Muslims started getting to know the Chinese culture and language on their own initiative, and some even made achievements.

3.3 Yuan (1271–1368)

This situation developed in the Yuan Dynasty when the Muslims, the Hui-hui 回回, were officially registered as subjects, rather than foreigners, under the Mongol regime and enjoyed privileges in political, economic, and cultural affairs, including education. The Yuan Dynasty sees the localization of Islam in China and the formation of the Hui Muslims' legal identity as Chinese, no doubt that education among the Hui Muslims significantly contributed to this process.

The Muslims Genghis Khan and his successors took to Yuan China made great contributions to the Mongol and Chinese culture and technology. During the Yuan Dynasty, numerous institutions were set up in the central government which were primarily in the charge of Muslims, such as the Islamic Astronomical Bureaus⁴⁰⁵ and the Islamic Medical Bureaus.⁴⁰⁶ These institutions not only worked for the Mongol regime but were also active in educating relative personnel for the court. Among these institutions, the Islamic Imperial Academy (Huihui

⁴⁰⁴ We get this conclusion by the fact that was recorded in Chinese history. For example, the emperor Huizong once examined the students from Korea about their own history.

⁴⁰⁵ The Islamic Astronomical Bureau (Huihui Sitian Jian 回回司天監) in Mongol Yuan Dynasty included the Xiyu Xinglisi 西域星曆司 (Department of the Astronomical Calendar of the Western Region) and Huihui Sitian Tai 回回司天台 (Islamic Observatory), which worked parallel to the Chinese ones. It is worth noting that Zhamaluding 割馬魯丁 (Jamal ad-Din), a Persian astronomer, who used to work at the Maragheh observatory, came to China with Kublai Khan and brought with him not only many books on natural sciences but also seven Persian astronomical instruments, including an armillary sphere, an astronomical almanac, and a terrestrial globe, which are named as *Zantuhajaji* 咱禿哈刺吉 (*Dhatu al-halaq-i*, or *Huntian yi* 渾天儀), *Zantushuobatai* 咱禿朔八台 (*Dhatu 'sh-shu' batai*, *Ceyan zhoutian xingyao qi* 測驗周天星耀器 or *Fangwei yi* 方位儀), *Luhamayimusitayu* 魯哈麻亦木思塔餘 (*Rukhamah-i-mustawiya*, *Dongxia zhigui yingtang* 冬至晷影堂 or *Pingwei yi* 平緯儀), *Luhamayimiaoazhi* 魯哈麻亦渺凹只 (*Rukhamah-i-mu'-'wajja*, *Chunqiu fen'gui yingtang* 春秋分晷影堂 or *Xiwei yi* 斜緯儀), *Kulaiyi'a'erzi* 苦來亦阿兒子 (*Kura-i-ard*, *Dili zhi* 地理志 or *Diqiu yi* 地球儀), *Kulaiyisama* 苦來亦撒麻 (*Kura-i-sama'*, *Huntian tu* 渾天圖 or *Tianqiu yi* 天球儀), and *Wusuduerla* 兀速都兒刺 (*al-Ustulab*, *Zhouye shike qi* 晝夜時刻器 or *Guanxiang yi* 觀象儀). The achievement on astronomy by the Hui-hui Muslims in Yuan Dynasty and Chinese history see (Wang and Song 2008; Chen 1991; Wang and Cai 2010).

⁴⁰⁶ The Islamic Medical Bureaus in Yuan Dynasty were Xiyu Yiyao Si 西域醫藥司 (Department of medicine of the Western Region), Guanghui Si 廣惠司 (Broadening benevolence office), and Huihui Yaowu Yuan 回回藥物院 (Institute of Muslim pharmacology).

Guozixue 回回國子學) was of special interest and relevance. The Islamic Imperial Academy was established by Kublai Khan in 1289, aiming at the training of interpreters of the Istifi language (*Yisitifei wen* 亦思替非文)⁴⁰⁷ and Persian which was one of the official languages of the Mongol Yuan Dynasty (Qiu 1996, 290; Morgan 2012, 160–70). Later in 1314, following the establishment of the Supervision of the Mongol Imperial Academy (Menggu Guozijian 蒙古國子監) and the Supervision of Han Chinese Imperial Academy (Hanren Guozijian 漢人國子監), the Supervision of the Huihui/Islamic Imperial Academy (Huihui Guozijian 回回國子監) was founded. Though we only know that there were some fifty students and staff in the Academy working as interpreters on the Istifi language and Persian, there were already a large number of books written in Arabic and Persian in Yuan China. Some of them might have been preserved as textbooks for Arabic and Persian language learning for Muslims in the Ming and even Qing dynasties when the Hui Muslims lost their mother tongue and faced the religious crisis, such as some of the books that Liu Zhi cited and recommended in his own works.⁴⁰⁸ On the other hand, the Imperial Examination continued in the Yuan Dynasty, and the Hui-hui, as the majority of the *Semu* 色目 (lit. coloured eyes) people, enjoyed privileges in the exams. According to the records in the *Mingshi* 明史 (History of the Ming), the Imperial Examinations in the Yuan Dynasty were composed of three levels, with two exams for the Mongol and *Semu* (Huihui)⁴⁰⁹ and three exams for the *Hanren* 漢人 and *Nanren* 南人⁴¹⁰ in each level. Confucian classics, such as *Daxue* 大學 (Great learning), *Zhongyong* 中庸 (Doctrine of the mean), *Lunyu* 論語 (Analects of Confucius), and *Mengzi* 孟子 (Mencius) were the main contents of the exams. In other words, if a Hui-hui Muslim wanted to work in the Chinese Yuan government through attending the national exams, he had to be an expert in Confucianism and the Chinese/Han culture. In fact, some Hui-hui Muslims were so established in Confucianism that they were hired at the national Hanlin Academy (Hanlin Yuan 翰林院) deciding on the interpretation of Confucianism.⁴¹¹ Many distinguished Muslim officials in the Yuan Dynasty also turned out to be active supporters for Confucianism, such as the well-known poet Sadula 薩都刺 (Sa'dal-Allah), the politician Saidianchi Shansiding 賽典赤•瞻思丁 (Sayyid Ajall Omer Shams al-Din, 1201–1279) and his decedents in Yunnan.⁴¹² These Muslims came as victors of the Mongol war against Song China. They brought with them the legacy of Islam and held more powerful military, social as well as economic positions in Yuan society than the locals. Although we hardly see the written evidence on the educational activities of the Hui-hui in the Yuan Dynasty, the existence of the Dashiman 答失蠻 or Dashima 大石馬 (Dānishmand, the Islamic clergy), the Dieliweishi 迭裏威失 (Darvesh, Sufis), the Hadi 哈的 (Qadi, judges), and the establishment of mosques in the Muslim communities indicate that there must be a certain scale of Islamic education among the Hui-hui Muslims in Yuan China.

The educational activities among the Muslims in the Tang, Song and Yuan dynasties reflect a clear feature of the Hui that was shaped by both their religion and the Chinese society where they lived. No matter they were regarded and treated as foreigners, as in the Tang and Song dynasties, or were officially registered as subjects of the regime, as in the Yuan Dynasty, they, as the early Muslims coming to China from different parts of the Islamic world with different languages and cultural backgrounds, united through their religion of Islam, and preserved and passed down their Muslim identity and the Islamic way of life through education. This process does not happen in a vacuum. To make a better living and to integrate into the Chinese society they lived in, some of them initiatively learnt from their Chinese neighbours and was recognized and accepted (even praised

⁴⁰⁷ According to the research of scholars (Chen [1923]2000; Yang 1985, 245–82; Han 1982; Mozafar 1993, 45–50), the Istifi language is actually a special skill invented and used in ancient Iran for official accounting purposes using ancient Persian script.

⁴⁰⁸ See appendix two.

⁴⁰⁹ In the exams of the first two levels, the Mongol and *Semu* people took one exam less than the *Hanren* and *Nanren*, and in the exams of the highest level, the requirement for *Hanren* and *Nanren* was higher than the Mongol and *Semu* people.

⁴¹⁰ *Hanren* and *Nanren* were of the lowest level of the ethnic classification of the Yuan Dynasty. *Hanren* were basically the Han ethnic group and *Nanren* were the Han ethnic group who lived in the Southern Song Dynasty.

⁴¹¹ One example is a man named Zhemaluding 哲馬魯丁 (Jamāl al-Dīn) (Yang 1985, 190). Detailed discussions on the Hui-hui Muslims and people from the *Xiyu* 西域 in general that were good at Confucianism and the Chinese culture, see (Chen [1923]2000, especially 25–28 and 68–75).

⁴¹² More detailed discussion on the relevance of the Imperial Examination on the Mongol and *Semu* people, including the Hui-hui Muslims, see Xiao (2008).

and honoured) by the Chinese mainstream society. During this period, the parallel trajectories of the “Islamic” and “Chinese” educational activities among the early Muslims in China that have continued till the present day were already rather obvious. My point here, however, is that this process happened in a political and cultural atmosphere where Muslims were either “left alone”⁴¹³ or were admitted as “subjects of the regime” and were very much privileged, which means that they, by and large, did not have to struggle between the two educational traditions.

While things have changed since the Ming Dynasty. First of all, the outside environment, that is, the mainstream Chinese socio-political conditions, broadly speaking, towards Muslims became disadvantageous and discriminative. The Hui Muslims faced the religious crisis where many Muslims were well assimilated into the Han Chinese, namely, were Hanitized (*Hanhua* 漢化), and knew very little about their religion. For example, according to Yang Daye’s 楊大業 long-term research (2005–2010), there were eighty-five and one hundred and seven Muslim candidates in the Ming and Qing periods respectively who successfully passed the highest level of the Imperial Examination (*jinshi* 進士). This, given the fact that the Hui Muslims are a minority group, in fact, indicates the Hui’s rapid and steady growth in the interest in studying for the national Imperial Examination dominated by the Confucian Han elites. It is true that more Hui people attended and succeeded in the national exam does not necessarily bring a religious crisis. The fact that there was a growing interest in taking the national exam among the Hui Muslims does suggest that the Hui are then more Hanitized in terms of at least adapting to the Confucian teachings. This growing interest is clearly related to the Confucian ideal of “study well and become an official,” which enables the disadvantaged Hui, who lost their privileged social status in the Yuan Dynasty, to be socially mobilized, as most of the Han Chinese did in pre-modern China. Those Hui Muslims who became government officials via the Imperial Examination, such as Li Zhi 李贄 (1527–1602) and Hai Rui 海瑞 (1514–1587), among others, did not express their religious identity publicly, at least not so according to the surviving sources. In some places, such as Guangzhou and Quanzhou, “under the impact of the Imperial Examination, customs in diet, marriage, and funeral were completely Hanitized and Islam almost disappeared” (Ha 2003, 68). This kind of phenomenon worried some of the Hui elites and the traditional Islamic education of the Hui Muslims, the Jingtang education, took place in the mid-Ming period under these circumstances.

4. The Birth of the Jingtang Education in the Ming Dynasty and the Han Kitab Genre (mid-sixteenth to mid-nineteenth centuries)

Education, or religious education, in particular, has been serving many purposes. It, first of all, is one of the divine obligations that Muslims have to fulfil, as we mentioned in the introduction of this chapter. It is through education that a Muslim gets to know the law of Allah and the teachings of His Messenger. Therefore, education concerns the very fundamental means to be a Muslim. The traditional Islamic education of the Hui Muslims refers to the Jingtang education initiated by Hu Dengzhou 胡登州 (1522–1597). It came as a response to the religious crisis partially caused by the challenging external Chinese society. Along with its initial development in Shaanxi, the Jingtang education evolved in a more systematic and institutionalized way, which leads to the establishment of interconnected networks among Muslim teachers and students, Sufi Masters and disciples, and classmates, which is crucial in developing a shared we-ness among the Hui Muslims. In this section, I will analyze how the Jingtang education was started, what is its structure, and the networks established as a result of its development all over the Muslim communities. And finally, I will elaborate on the Han Kitab genre that sees its birth during the periods of the Ming-Qing transition.

4.1 Traditional Islamic Education of the Hui Muslims: Jingtang Education

Let us start the investigation of the traditional Islamic education among the Hui Muslims in the Ming and Qing periods with the inscriptional record of Sheikh Hu Dengzhou,⁴¹⁴ the founding father of the Jingtang education.

⁴¹³ Of course, I am not suggesting that Muslims were respected and positively accepted by the Chinese. For a detailed analysis of Muslims’ being “left alone” in the Tang and Song dynasties, see Part Two of the dissertation.

⁴¹⁴ As for the inscription and some relevant information regarding it, see appendix four.

The inscription mentioned here is important in that it provides us with relevant information on the founding father of the Jingtang education. In addition to the information on his life and events recorded there, the following points are especially worth noting. Firstly, concerning the formation of the Jingtang education, it has been mentioned in the inscription that one of the reasons why Hu initiated the Jingtang education is that China lies in the Far East where there was “a lack of scriptures and scholars” (經文匱乏, 學人寥落). There are several reasons for this lack. As I have explained earlier, the assimilative policies and laws of the Ming Dynasty towards its Muslim subjects were discriminative. Muslims were required to wear Han clothes, adopt Han names, speak the Han language and marry Han people, which resulted in the fact that till the middle and late Ming Dynasty Muslims in China, especially the Hui Muslims, were no longer able to speak and read their mother language, be it Arabic, Persian or Turkic, and the Chinese Han language actually became their native language. On the other hand, the connections between Chinese Muslims and the Islamic world via maritime trade was cut off due to the maritime embargo imposed by the Ming rulers three years after its establishment. On the contrary, Muslims in the Tang, Song and Yuan dynasties who, on the one hand, enjoyed certain autonomy over their political and religious lives and thus were able to maintain their Islamic way of life, used Arabic and Persian (also one of the official languages in the Yuan Dynasty) in their daily life and were able to, on the other hand, maintain the connections with the Islamic world via maritime trade.⁴¹⁵ This could be one of the reasons why the Jingtang education had not come into being until the Ming Dynasty.⁴¹⁶ Unlike the Muslims in the Tang, Song and Yuan dynasties, the Hui Muslims in the Ming Dynasty, due to the control and restrictions from the Chinese government over its subjects, had to struggle to survive.⁴¹⁷ In addition to the impact from the government, the geographic distribution of the Hui Muslims also contributed to the religious crisis that concerned Hu Dengzhou. As Ma Zhu ([1683]1988, 435), one of the prominent authors and scholars during the Chinese Islamic renaissance (Panskaya and Leslie 1977), pointed out that there was only little Muslim style among those who were born in a religious family, countless fellow Muslims completely become Han Chinese, for Muslims living among the Han followed the Confucian and/or Buddhist traditions. For example, a government official, Sachi (Saqi 薩奇), grandson of the Muslim poet Sa'dal-Allah (Sadula 薩都刺) adopted the Chinese Confucian way for his mother's funeral, for as a government official the Islamic way was too simple for him to show off his wealth and social status (Yang and Yang 2001, 124). The situation only went worse in the late Ming and early Qing dynasties. It was under these circumstances that Hu Dengzhou, as the inscription read, “took it as his responsibility to expound and propagate the orthodox teachings” (慨然以發明正道為己任).

Of course, in addition to his strong will and sense of mission as a Muslim, other factors did contribute to his endeavour,⁴¹⁸ especially, among other things to be elaborated later, the Persian scholarship⁴¹⁹ which had been prevalent in China since the Yuan Dynasty that brought to China Muslim scholars as well as large quantities

⁴¹⁵ When it comes to the connections between Muslims in China, another essential channel is Hajj, which would be analyzed in the chapter on case studies.

⁴¹⁶ Tsai (1997, 68–81, 142–143; 1999, 272–273) argued that during the Tang and Song periods Muslims in China were foreign guests who did not intend to stay long and they, together with the Muslims in the Yuan Dynasty, were weak and marginalized in the Chinese society, “they, as migrants, needed several generations to adapt to the society they lived in and then to consider the needs for education,” as Tsai put it (1999, 272). I partially agree with him, however, I think during the periods from the Tang till the Yuan dynasties, the main reason why 1). The Islamic education was not recorded in the Chinese sources (which does not necessarily mean that there was no such education) and 2). the Jingtang education had not come about until the Ming Dynasty was because of the fact that the Hui Muslims (or their ancestors) were actually able to speak, read, and write the languages of Arabic and Persian, which were peculiar for the Chinese (even the existing relevant Chinese sources often misunderstood Islam as, for example, Buddhism or Christianity, and explicitly mentioned the peculiarity of the language). In general, it was of no necessity, I believe, for Muslims to set up the Jingtang education for their coreligionists until the Ming that intentionally sinicised the Muslims.

⁴¹⁷ The Ming regime, on the one hand, issued laws and edicts aiming at the assimilation of the Muslims, and on the other hand encouraged the Muslims to learn Confucianism so as to attend the Imperial Examinations and become government officials.

⁴¹⁸ Scholars studying the general history of the Ming Dynasty have pointed out several characteristics of the Ming China that provides us with a bigger picture of China which the Hui Muslims lived in. It depicts the background of the social political context which contributed to the emergence of the Jingtang education, especially the socio-economic features of the Ming, see (Brook 2005; Chen 2004).

⁴¹⁹ The Yuan Dynasty witnessed the first wave of interest in the Arabo-Persian scholarship in China (Dror 2016, 41–42), which provided a foundation for the development of the Jingtang education in mid-Ming dynasty. For this, refer to the general historical analysis of Islam and the Shari'a in the Yuan Dynasty, and the previous section.

of literature on Islamic theology, natural sciences, history, law, etc. Most of these have been inherited by the Ming court, such as those kept in the *Huihui Guozhijian*.

Another point to note is one of the persons who set up the stele, “Tuo Fengye, the hereditary Imam of the eighth generation” (世襲八代掌教脫鳳業). As stated, the fact that Tuo was the Imam who inherited the position from his family indicates that there had been Islamic family education which probably dated back to the pre-Ming period. Additionally, Hu Dengzhou himself actually was not the first one who started teaching Islam. He himself learnt from his fellow villager, Grand Sheikh Gao (Gao Shizu 高師祖). However, it was his disciples, such as Feng and Ma mentioned in the inscription and others who later became famous Imams, that made him the founding father of the Jingtang education in China.⁴²⁰

We do not know much about the teaching activities during the early period of the Jingtang education. According to Ding (2013, 1–16), Jingtang education is the mosque-based education of the Hui Muslims, which originated from Xinjiang, the Uyghur concentrated region, and the Islamic education of the Hui and the Uyghur originated from Central Asia and India. We agree that there are some connections in terms of Islamic education between the Uyghur and the Hui Muslims and also with other Muslims in other parts of the world, such as what Ding mentioned. However, there still is not enough evidence to prove that Islamic education in China, including the Jingtang education of the Hui Muslims, came from the abovementioned two regions.⁴²¹ Scholars agree that the Jingtang education, in its form and contents, is the combination of the Islamic and Chinese educational traditions. The term, *jingtang* 經堂, literally means Scripture Hall, referring to a room within the mosque which normally is located to the east of the main building. It was used first as a room for storing the scriptures and later as a lecture room. This form of educational activities among the Hui communities has existed in the Islamic world (Ding 1995, 47). It is said that Hu Dengzhou taught his part-time students at home when he started his teaching activities, and later with the support from the local Muslim community,⁴²² they moved to the mosque (Han 1998, 37). With the effort of Hu Dengzhou and his disciples, more schools were established in big cities and remote towns throughout China and a series of textbooks have been developed, thus the mosque-based Jingtang education has become more systematic and institutionalized by the Qing Dynasty.

Until the Qing Dynasty, there have been different levels of classes within the Jingtang educational system. The *Xiaoxue* 小學 (primary school) was designed for the teaching of basic religious knowledge for children aged six or seven, though in practice the ages can range from five to seventeen. The main contents of teaching are: 1) basic Arabic language classes where the students are taught how to read and write the language in a traditional way;⁴²³ 2) basic religious knowledge (*Zaxue* 雜學) that contains the must for the five religious duties of Islam, together with how to perform *wuḍū*,⁴²⁴ the ritual purification, and some daily *du'a*; and 3) the Qur'anic primer (*haiting* 亥聽)⁴²⁵ which focuses on the recitation of the eighteen *sura* that are widely used in the daily life of the Hui Muslims. There is no fixed terms, classes, and grades for this level, and the teaching activity is flexible. Those who finish the primary study would become a “qualified” Muslim and are ready to go on with the advanced study (*Daxue* 大學), if they are dedicated to becoming a religious cleric. Rather than training for the religious clerics, the primary level of the Jingtang education aims at the students’ acquisition of basic Islamic religious knowledge, which enables the younger generation to be able to follow a tradition of Islam and possibly keep and pass it onto next generations.

⁴²⁰ For a more detailed introduction of Hu Dengzhou and his well-known disciples, see (Zhao 1989).

⁴²¹ The evidence that Ding gave in his paper was the textbooks used in mosque-based education in Xinjiang, Central Asia and India, but in different periods.

⁴²² Tsai (1999, 268–74) compared this financial means with the waqf system in Islam.

⁴²³ Traditionally, as I was told by the elders during my fieldwork, letters of Arabic would be written with a writing brush on the bladebone of a cow, sheep, or camel for the students to learn. Since Arabic is the language of the Holy Quran, Chinese Muslims show great respect to the language. The students would lick the letters on the bone when they could memorize them. It also shows the expectation from the teachers that Islam would be in their heart forever. Nowadays this practice does not exist anymore, but the respect to the Arabic language remains.

⁴²⁴ Chinese Muslims use the Persian term *ābdast* to refer to *wuḍū* in Arabic.

⁴²⁵ The Arabic term used is *Khatm al-Qur'an*, the complete recitation of the Quran. While the *haiting* 亥聽 is a selection of several chapters and verses from the Quran.

The advanced level plays a crucial part in cultivating the religious clerics who take the responsibility and are regarded as guardians for Islam. The students of this level are named differently, either a *Manla* 滿拉 (Mullah)⁴²⁶ or a *Hailifan* 海裏凡 (Khalifa). Though like in the primary school, there are no fixed terms for the study of *Daxue*, it generally takes ten years for a Khalīfa to graduate and become an *A'hong* 阿訇 (*Akhūnd*).⁴²⁷ The study of this level involves more in-depth investigation on Arabic grammar, the Quran and *tafsīr* (the Quranic commentary), hadith, Shari'a and *fiqh* (Islamic jurisprudence), and *tawhīd* (the Islamic monotheism). And a relatively fixed curriculum of thirteen or fourteen textbooks has been developed by the middle or late Qing Dynasty.⁴²⁸ The textbooks contain the masterpieces of works in a variety of subjects on Islam, including theology, philosophy, mysticism/ Sufism, and Arabic and Persian language sciences, to name a few. Thus it is normally the case that the students have to travel from place to place to find an Imam who is an expert in one or some of the books and subjects, as we have, for example, mentioned regarding the case of Hai Furun 海富潤 who travelled from 1774 to 1781 to collect Islamic books and to study with different Imams. Hence, in the Muslim community in China, it is a tradition where the authority of an Imam, to a large extent, rests on his expertise in Islamic knowledge. A well-known Imam/ *a'hong* is someone who is followed by more students or invited by more mosques to teach because of his knowledge. It is not surprising that some Imams have gone abroad to the centres of Islamic teaching so as to improve their study since the late Qing period. It is in this way that the networks of scholars and students of Islam have been created. In the early times of the Jingtang education, a domestic network of teacher-student, Master-disciple (among Sufis), and classmates has gradually been established (Li Xiaoying 2008, 88–90), which is crucial in the construction and maintenance of a shared Muslim identity distinct from the outsiders.

During the Qing Dynasty, several schools of Jingtang education have been formed,⁴²⁹ such as the Jinling School represented by Wang Daiyu 王岱輿 (1584–1670) and Liu Zhi 劉智 (1669–1764),⁴³⁰ the Shandong School by Chang Zhimei 常志美 (ca. 1610–1670), Li Yanling 李延齡 and She Qiling 舍起靈 (ca. 1638–1703); the Shaanxi School by Hu Dengzhou 胡登州 (1522–1597) and Zhang Shaoshan 張少山 (ca. 1580–1670); and the Yunnan School by Ma Dexin 馬德新 (1794–1874) and Ma Lianyuan 馬聯元 (1841–1895). The Shaanxi school, which is the birthplace of the Jingtang education, had a big influence in cultivating the Imams who established other schools in different parts of the Muslim communities in China. However, its involvement in the Hui rebellions in late Qing Dynasty led to its downfall until Imam Ma Liangjun 馬良駿 (1870–1957) revitalized it in Xinjiang in the early twentieth century. These schools, on the one hand, were somehow connected with each other via the succession of teachings from a master to his disciples, and on the other hand, did develop in a unique way respectively in terms of the focus of their teaching methods and textbooks they used. For example, Ma Ju 馬舉, a Yunnanese Muslim, was among the first who went to Shaanxi to study with Hu Dengzhou but ended up following Feng, a student of the first generation of Hu. Several examples of disciples from Yunnan

⁴²⁶ The Chinese term *Manla* (written in Chinese as 滿拉, 滿喇, or 曼拉) is believed to be derived from Mullah in Arabic or Molla in Persian, used as a respectful title for an educated religious man (Taheri 1985, 53). With this regard, the Uyghur Muslim or the Turkic-speaking Muslims in Xinjiang in general, use the term “maola (毛拉)”, the transliteration of the original Arabic or Persian word with more or less the same meaning. The term for the Hui Muslims or the Chinese speaking Muslims, however, denotes different meanings in different times (Jin 1986, 85–92). Nowadays, it refers to the students studying at a mosque-based school.

⁴²⁷ The Chinese term *a'hong* (阿訇, 阿宏, or 阿衡) derives from the Persian word *Akhūnd* meaning religious scholar or teacher. Before it came into use in the early Qing Dynasty (Jin 1986, 87), several terms were used to refer to the religious scholars and clerics, such as the *Dānīshmand* (*Dashiman* 答失蠻), the Sheikh Islam (Shesilianxia 攝思廉夏), the Muslim Master (*Huihui dashi* 回回大師). The term *a'hong* nowadays in China refers to the religious clerics, especially those who are in charge of the mosque-based education (also called the *kaixue a'hong*, 開學阿訇). The usage of this term also reflected the shift of the organizational structure of the *sanzhangjiaozhi* 三掌教制 in the Qing Dynasty. Nowadays the mosque is administrated by the Mosque democratic management committee (*Qingzhensi minzhu guanli weiyuanhui*, 清真寺民主管理委員會).

⁴²⁸ As for the curriculum, see appendix five “List of Courses and Textbooks in the Traditional Mosque-based Jingtang Education.”

⁴²⁹ There are other schools in addition to the ones I mentioned here, such as the Hezhou School in Gansu and the Xinjiang schools. The formation and development of the schools of the Jingtang education is a result of several factors. First and foremost it is related to the expertise of Imams in that area as discussed above; besides, the Hui rebellions in late Qing period also played a critical part in the transformation of the centers of the schools.

⁴³⁰ See the research by Ma Zaiyuan (2012).

were mentioned in the *Jingxue xichuan pu* 經學係傳譜 (Genealogy of classical learning). These scholars came back to Yunnan after study in Shaanxi and contributed to the establishment of the Yunnan School of the Jingtang education (Ma 2017, 73), which has a different focus of teaching from the Shaanxi School. Here I am not going to discuss each school in detail, but to emphasize the fact that: 1), Jingtang education came as a response to the Islamic religious crisis in Ming China; 2), networks among Muslims from every corner of China were created via Jingtang education which facilitated the exchanges of ideas, textbooks and scholarships; and 3), different schools were formed, not as a copy of one particular school (namely and particularly the Shaanxi school) but each with different characteristics in line with the social context it located in.

Let us go on with the Yunnan example to depict the characteristics of a “network with diversity”. The Yunnan case is special in that it not only inherited the advantages of the Jinling, Shaanxi and Shandong schools, especially the Shaanxi School that pays great attention to the transmission of Islamic religious knowledge from the teacher to the students and the Jinling School that is well known for its writings of the Han Kitab. On the other hand, it also established academic connections with the overseas Muslim countries in the Middle East and Southeast Asia via ḥajj and business.

Little is known about the Islamic religious education in Yunnan before late Ming period due to the lack of reliable historical recordings available (Ma 2017, 71). As we mentioned before, the earliest direct clue we could find regarding the Islamic religious education in Yunnan dates back to the late sixteenth century when the interactions between Yunnan Muslims and the Shaanxi School were recorded. Since then the connections between the Yunnanese Muslims who went to Shaanxi for study and the Shaanxi *a’hong* who came to Yunnan to teach have never been interrupted.⁴³¹ One of the first key figures who contributed to the Jingtang education in Yunnan is Cai Xuan 蔡璿 (?–1693).⁴³² Cai studied Islam with Imam Huang Guanhai 黃觀海 and later with Ma Minglong 馬明龍, both of whom were the third generation of Hu Dengzhou’s students. He came back to Yunnan after graduation and taught numbers of students at his hometown, which laid a solid foundation for the Jingtang education in Yunnan (Ma Guosheng 2008, 134). Another key figure here is the well-known Han Kitab author Ma Zhu 馬注 (ca. 1640–1711) who claimed to be the fifteenth generation of Sayyid Ajall Omer Shams al-Din (1201–1279). Ma Zhu had established his study and early career in Confucianism by the age of thirty when he turned his interest to Islam. He finished the first eight volumes of his magnum opus *Qingzhen Zhinan* 清真指南 (*al-Murshid ilā ‘Ulūm al-Islām*, The guide to Islam) in 1683 which “shares much in common with Wang Daiyu’s work” (Wein 2016, 35). Wang Daiyu, regarded as the first one of the four great Han Kitab authors and the one who initiated the groundbreaking movement of translating and writing Islam with Confucianism⁴³³ (*yiru quanjing* 以儒詮經) (Yu Zhengui 1986, 65), had passed away when Ma Zhu started his Islamic research in Beijing.⁴³⁴ However, the poems he collected in his book that were given to him as gifts and encouragement for his work by other Muslim scholars from different parts of China did suggest the existence of a network among teachers and students of the Jingtang education. Among those whose poems were collected by Ma Zhu were Chang Yunhua 常蘊華, Feng Tongyu 馮通宇, and Liu Sanjie 劉三傑, to name a few, most of whom were the fourth or fifth generation of Hu Dengzhou’s students. In the case of Ma Zhu, this network plays a vital role in the development of his ideas and works (Ma 2017, 74).

⁴³¹ According to the *Genealogy of Classical Learning* by Zhao Can (1989, 34), Fen Erqiao 馮二喬 and Feng Bo’an, second generation of Hu Dengzhou’s students, came to Yunnan to teach Islam.

⁴³² According to Zhao Can (1989), Huang Guanhai 黃觀海, a Yunnanese who went to Shaanxi prior to Cai Xuan to study with Hai Wenxuan 海文軒 (ca. 1570–1660), second generation of Hu’s students. However, little is known about Huang and his teaching activities in Yunnan.

⁴³³ The other three of the great Han Kitab authors are: Liu Zhi, Ma Zhu 馬注, and Ma Dexin. Notably, two of the authors were from Yunnan. In addition, Wang Daiyu as the first well-known author did play a significant part in the Han Kitab tradition, it would be mistaken, however, to attribute to him the first one to interpret Islam with Confucianism. Prior to Wang Daiyu who probably finished his works in the 1640s, his teacher Ma Zhongxin 馬忠信 had wrote an Islamic theological book in Chinese, and, at the latest, Zhan Yingpeng 詹應鵬 also had written an Introduction for his book in the 1620s where he interpreted Islam with Confucianism (Yang and Bai 1988, 190).

⁴³⁴ According to Yu Zhengui’s (1986, 50–51) research, Wang Daiyu passed away in 1657–1658 and was buried in Beijing, while Ma Zhu left Yunnan for Beijing in 1669.

Benite (2005, 26–37) in his study on the education network of the Hui in the seventeenth to eighteenth centuries China claimed that “Chinese Muslim scholarship took place within the context of transregional, intergenerational networks... that imply a certain degree of interconnectedness and filiation”.⁴³⁵ Till the fifth generation of the Jingtang education, at the latest, the above-mentioned schools were established. As for the Yunnan School, Ma Fuchu 馬復初 (1791–1872) is the one who distinguished the Yunnan School. Fuchu was born in a religious family who learnt Islam at an early age. He, as most of the other Muslim scholars at that time, also went to travel for his study. He spent eight years studying with Zhou Liangjun 周良駿 (ca. 1771 – 1860), (re)founder of the Shaanxi School.⁴³⁶ However, he was not satisfied with his study in Shaanxi, so he went for his pilgrimage to Mecca in 1841 and came back to Yunnan in 1849. During his eight years of travelling, he visited different places in the Muslim world and studied in Istanbul and Cairo. When he came back with his insights from other Muslims in the world and a number of books/scriptures he brought back with him, he immediately surrounded himself with preaching, writing, and teaching. The experience he had abroad and the Chinese/Yunnan society he lived in made him determined to reform the Jingtang education in his community. He asked the students to study not only religious books in Arabic and Persian but also Chinese classics. He translated the books he brought back with him into Chinese and also published his own Arabic and Chinese works.⁴³⁷ Unfortunately, he was later killed by the Qing government, due to his involvement in the Panthay Rebellion in Yunnan led by Du Wenxiu (Atwill 2005). His students continued his endeavours after his death, especially Ma Lianyuan 馬聯元 (1841–1895). Like his teacher Ma Fuchu, Ma Lianyuan, born in a religious family, also went to Mecca for pilgrimage and continued teaching students since he came back to Yunnan. He, on the one hand, inherited his teacher’s teaching methods with the Chinese-Arabic (and also Persian actually) languages in teaching and preaching, and on the other hand, introduced reforms into the Jingtang education, including the *Mualim* 穆阿林 system, a way of teaching senior students by the upper-grade students, and new simplified textbooks.

Scholars on the study of Islam in China sometimes make conclusions that are too generalized on the subjects, including and in particular the traditional Jingtang education. It is not true that the Shandong School only taught Persian textbooks and the Shaanxi School preferred Arabic ones. Via the study of the textbooks, for example, we see that all schools use textbooks in Arabic and Persian, as a matter of fact, many of the books were written in both languages. Besides, the most famous scholars of the Han Kitab indeed came from the Jinling School and Yunnan School, however, the emphasis on the study of and writing in the Chinese language was also seen in the rest of the schools. Again, since the Jingtang education came as a response to the religious crisis faced by all Muslim communities in China, it is only natural to see the similarities in different schools. The Yunnan School, in a nutshell, at least till Ma Lianyuan, had kept a close connection with, but not limited to, the Shaanxi School. These connections brought scriptures and scholars to Yunnan, and further benefited the Yunnan School in its early development. The unique characteristic of the Yunnan School in its later development lies in its inter-/trans-national horizon of the religious clerics there.

However, both the domestic and the inter- or trans- national networks that have been established by the Hui Muslims suggest both similarities and diversities within the Hui Muslim community in not only the different teaching schools they follow but also the way they reinterpret and localize Islamic teaching, including their

⁴³⁵ Benite’s pioneering work was helpful, however, he unexpectedly did not give adequate attention to the Yunnan School. As for the most part, he claimed, the Islamic educational network clearly served only the northern and central-eastern parts of China, and “... there is no evidence of an educational network in Yunnan until the nineteenth century, at which point one was established with the support of the state” (2005, 59). His negligence of the Yunnan School probably was a result of his intensive use of the *Genealogy of Classical Learning* by Zhao Can who had his own limitation and focus rather than to create a full picture of the network of the Jingtang education then. In addition, perhaps due to the version of the *Genealogy of Classical Learning* Benite used in his work that had several mistakes and was without all the Arabic terms (Hua 2014, 7), there were several points that were not clear, if not mistaken. For example, when he discussed Hu Dengzhou, he mentioned that “after several years in Mecca, he (namely Hu) returned to China (JXCP, p. 27)...” which put a clear transnational connection with the very center of the Muslim world, Mecca, to the Jingtang education of the Hui since its beginning. However, according to the sources I have, namely the *Genealogy of Classical Learning* by Zhao Can and the Inscription of Hu’s tombstone, there was no mention of the fact that Hu went to Mecca and spent years there.

⁴³⁶ There are different opinions concerning Zhou. Most scholars believe that he was the eighth generation of Hu Dengzhou’s students, while others, especially some Muslim scholars, hold that he actually was the fourth generation of Hu’s students. See (Pang 1983, 367–69).

⁴³⁷ Detailed introduction on his works see (Yang 2004).

approaches to dealing with the relationship with the Chinese society at large.⁴³⁸ This is typically represented by the movement of the translating and writing of Islam with Confucianism (*Yi Ru quanjing huodong* 以儒詮經活動), or the Han Kitab tradition, an endeavour that benefited from the Jingtang education to reinterpret and localize the Islamic knowledge in the Chinese context.

4.2 Han Kitab Genre

The seventeenth and eighteenth centuries witnessed the prosperity of the Jingtang education. During this period, the Imams cultivated by different schools of the Jingtang education translated, wrote, and published numbers of works in Islamic theology, jurisprudence, history, Sufism and philosophy, language sciences, etc., among which the works by the Han Kitab authors are the most attention-getting. Through the effort of generations of scholars and Imams from the Jingtang education, the situation of the lacks of scholars and scriptures that Hu Dengzhou faced when he started teaching Islam at home has been improved, however, misunderstandings and even the slander of Islam still existed. Jingtang education came mainly as a response to the crisis partially resulted from the discriminative policies of the Ming regime, and the Han Kitab tradition in this regard served as the continuation of the former and a response to the Qing oppression towards the Hui Muslim.⁴³⁹ As Wein (2016, 32) and others pointed out, the Han Kitab authors were “deliberately (and rather cynically) attempting to make Muslims fit in during the tumultuous years of the Ming-Qing transition, when anything foreign was viewed suspicion.” In other words, it is primarily the changing outside environment of the Chinese society, especially the deteriorating and worsening attitudes of the regime towards its Muslim subjects that make the Hui scholars, the Han Kitab authors in particular, think about and deal with the issue of the reconciliation between the divine Islamic order from Allah and the powerful Chinese regime. In addition, most, if not all, of the Imams in the Jingtang education had learnt Confucianism before or after their study of Islam, such as Hu Dengzhou himself. Another reason why all of them, including all education schools discussed before and the Han Kitab authors, emphasized the study of both Chinese and Confucianism was to better explain the teaching of God to their fellow coreligionists. At least until the fifth generation of the students in the Jingtang education (She Qiling 舍起靈 for example), such ideas and intentions to compare Islam with Confucianism as the Han Kitab authors held had not come to the mind of the Muslims, and they either regarded (neo-)Confucianism as exclusionary with Islam or were just indifferent to it (Hasebe 2012, 84–90).

Despite the fact that the Han Kitab authors shared some of the discourses, concepts and ideas from Confucianism, they did not just accept and integrate them into Islam completely. As a matter of fact, they were quite aware of the differences, if not incompatibility, between the two and critically re-evaluated Confucianism in line with the Islamic principles and laws.

Plenty of researches have been done on the Han Kitab tradition, or the *Huiru* 回儒⁴⁴⁰ (Muslim Confucians) since the 1920s, especially after the 1990s. These researches were primarily developed under the general theme of inter-civilizational conversation represented by Tu Weiming 杜維明 and Japanese scholar Murata (2000), who, I believe, over-interpreted the aims of the Han Kitab authors and overlooked the socio-political context these authors located in. For example, Wang Daiyu led the Han Kitab tradition in a way that he not only was the first one who systematically elaborated his understanding of Islam with the terms and concepts from Confucianism but also set a model that many, if not all, other Han Kitab authors followed. He had three main works, all of which were about, generally speaking, Islamic teachings on the oneness of Allah. According to Yang’s research (2013, 209–10), Confucian classics, such as *Zhouyi* 周易 (Changes of Zhou), *Shangshu* 尚書,

⁴³⁸ As for the inter- or trans- national networks, please also refer to the chapter on Ḥajj.

⁴³⁹ Scholars, especially those from Chinese academia, hold that the Han Kitab tradition indicates the active and conscious engagement from the Hui Muslims represented by the Han Kitab authors in particular with the Confucian/the Han Chinese culture and tradition. As Sun claimed (2002a, 2003, 2004b) that the dialogue between Islam and Confucianism sees the recognition, acceptance and appreciation by the Hui Muslims towards Confucianism, an advanced culture.

⁴⁴⁰ The term *Huiru* 回儒, since its first introduction by the Japanese scholar Kuwata Rokuro (Sangtian Liulang 桑田六郎) in 1925 (Kuwata [1925]1984, 584), has raised an increasing interest of both Chinese and Western scholars. Since the first International Conference on Islam and Confucianism held at Harvard University in 1993, the topic has become popular again. Various conferences, workshops, and symposiums have been organized every year in and outside China. A brief history of the scholarship of *Huiru*, see (Ma 2015).

Liji 禮記, and *Lunyu* 論語 were widely used and cited in Wang's main works. However, his use of the Confucian classics was characterised by and on condition of the fact that these Confucian classics he "borrowed" were meant to serve his attempt to legitimize and justify the Islamic teaching. It is quite clear that those Confucian ideas and practices that were not in line with the Islamic principles and laws were criticized and re-evaluated by Wang Daiyu.⁴⁴¹ Again, the aim to interpret Islam with Confucian terms and concepts for the Han Kitab authors was to change and improve the situation where, though more capable Imams were available thanks to the development of the Jingtang education, general Muslims and non-Muslim Chinese were not able to read Arabic or Persian so as to have a proper understanding of Islam (Bai 1985b, 577). This approach and endeavour continued by later Han Kitab authors, such as Ma Zhu and Liu Zhi⁴⁴² (Wein 2016), who expressed Islam within a traditional Chinese intellectual framework. The Han Kitab authors, at least three of the most well-known, namely, Wang Daiyu, Ma Zhu, and Liu Zhi, according to Wein (2016, 39), "attributed the commonalities between Neo-Confucianism and Islam to a common core of *din al-fitra* (the original religion)," and they paid great attention to the compatibility of the two traditions, and claimed that the teachings of Confucius, such as "cultivate yourself" (*xiushen* 修身), "regulate your family" (*qijia* 齊家), and "manage the state" (*zhiguo* 治國), were in accordance with Islam. However, Ma Fuchu, who lived in Yunnan in the 1800s, worried about the proposition that "the scripture of the *tianfang* is identical with the teaching of Confucius and Mencius,"⁴⁴³ which Ma Fuchu believed to be inappropriate and would negatively impact the authenticity of Islam. He deemed that Wang Daiyu and Liu Zhi overemphasized the commonalities between Islam and Confucianism and both avoided the difference and/or incompatibility between the two. Given the political situation where Ma Fuchu lived (Atwill 2005), it is of no surprise that he made relatively more criticism on Confucianism in that the Qing oppression on Muslims made him realize the weakness, if not complete futility, of Confucianism in maintaining the social order and basic justice (Yang Guiping 2007, 51- 58).⁴⁴⁴

Furthermore, at that time in China, there actually was no such thing called a dialogue or conversation between civilizations, namely Islam and Confucianism, for we only see one side of the participants of a common "conversation." In other words, the Hui Muslim scholars either borrowed or accepted some of the concepts from Confucianism, but the other/another side of a conversation, namely Confucianism or its representatives and supporters, the Confucian scholars and/or the Qing court, was absent. If, in any case, there was any reaction or response from the Confucian/Chinese side in this "conversation," it stood as a superior judge and was not that much in favour of the endeavours of the Han Kitab authors. For example, Ma Zhu wrote a memorial to the throne and "tried to ... submit it to Kangxi Emperor (1661–1722)" (Wein 2016, 35) but ended up with a failure. More fortunate, comparatively, was Liu Zhi whose work was included in the *Siku quanshu zongmu tiyao* 四庫全書總目提要 (Annotated catalogue of the complete imperial library),⁴⁴⁵ which has been regarded, by most scholars on the Han Kitab tradition, as the recognition and appreciation concerning its merits and insights by Confucian tradition and the mainstream Chinese/Han culture. However, as Yang Daye (1989, 17–18) argued,

⁴⁴¹ One typical example is Wang's discussion of the Confucian idea of loyalty (*zhong* 忠) to the emperor, the very core of Confucianism. Wang argued that it first of all is Allah, the Creator of all, instead of the emperor, that one shall be most loyal to. Detailed discussion on Wang Daiyu and his works, see (Yu Zhengui 1986; Sun 2006; Jin 2013), and my discussions in chapter four.

⁴⁴² There are similarities in the Han Kitab authors that, for example, all of them used terms and concepts from Confucianism and Buddhism, while they also differ with each other in some aspects. For example, Ma Zhu emphasized more on the political loyalty of the Hui Muslims towards the Chinese emperors, and Liu Zhi was more in line with Sufism represented in the works by Kubrawiyya Sufi masters that he cited and his elaboration of the three stages of Sufism (*Sancheng* 三乘), a term he borrowed from Buddhism, namely the *Sharī'a* (*jiaocheng* 教乘), the *ṭarīqa* (*daocheng* 道乘), and the *ḥaqīqa* (*zhencheng* 真乘).

⁴⁴³ The original Chinese is, 天方之經，大同孔孟之道。 See (Liu 1991, 32).

⁴⁴⁴ Ma Fuchu, compared with other Han Kitab authors of his time, such as Wang Daiyu, Ma Zhu, and Liu Zhi, received inadequate attention in Chinese academia due to his participation in the Hui rebellion in Yunnan led by one of his students, Du Wenxiu 杜文燾. Detailed discussion on the rebellion see (Atwill 2005; Jing 1991; Jiang 1993), on the appraisal of Ma Fuchu's involvement in the rebellion see (Sun 2004a).

⁴⁴⁵ Among his main works, only one of Liu Zhi's works, *Tianfang dianli*, was included in the Annotated Catalogue of the Complete Imperial Library. Some scholars mistakenly stated that Liu Zhi's *Tianfang dianli* was included in the *Siku quanshu* 四庫全書 (Complete imperial library), the largest officially edited Chinese book catalogue in ancient China. Several factors contributed to the indifference and negligence of both the official and private editors of the bibliography towards Muslim authors and literature, such as the very limited number of the Han Kitab works, the very small group of people where the works circulated, and the inelegant edition of the Han Kitab published (Yang Daye 1989, 16–17).

the bibliographic notice given to Liu Zhi's *Tianfang dianli* in the *Annotated Catalogue of the Complete Imperial Library* demonstrated the intention of the Qing regime to despise the works of the Han Kitab authors in general so as to prevent it from spreading.⁴⁴⁶ The fact that the work *Tianfang dianli* was included in the *Annotated Catalogue* instead of the *Complete Imperial Library* served explicitly as a sign indicating that the works of Liu Zhi's, as well as other Muslim authors', were excluded from the Chinese orthodoxy.⁴⁴⁷ Nowadays, to deal with the complex situation of religious fundamentalisms and terrorism, the Han Kitab traditions in the seventeenth and eighteenth centuries China have been argued to "represent an early example of Islamic ecumenical thought...appreciate and acknowledge the commonalities between different religions, thereby overcoming exclusivism and stressing moderation" (Wein 2016, 41). However, given the situations and the rebellions of the Hui Muslims in Ming and especially Qing periods where they experienced the most difficult time to survive in a non-Muslim majority state in Chinese history, it is not surprising that the Han Kitab authors and their works were stigmatised and marginalised. Instead of whitewashing the situation as a "fruitful and innovative inter-civilizational conversation," it seems, I argue, that the Han Kitab tradition then worked as a last resort, among other things, to deal with the tensions that the Hui Muslims have been experiencing since the Ming Dynasty between maintaining their Muslim way of life and living at the foot of the dragon.⁴⁴⁸ These endeavours of the scholarly writings, the Han Kitab tradition, as well as the violent resistance, have continued since then.

In a nutshell, education, or religious education in particular, is something obligatory for the Hui Muslims from the perspective of Islamic jurisprudence. It connects the worldly life with the hereafter, for it is through education that the Hui Muslims get to know the orders from Allah and the ways how they could fulfil these orders. The Jingtang education came about when the Chinese Ming Dynasty imposed discriminative laws and policies against them which resulted in a religious (and later economic and political) crisis. Thus education is crucial in maintaining the identity of the Hui Muslims in that it functions not only as an institution where knowledge is passed down from generation to generation enabling the Hui Muslims to pursue the Path leading to the Ultimate Truth but also as a means by which the Hui Muslims find ways to justify their religion in times of crisis. The attempts that the Han Kitab authors made to clarify the Islamic teachings to their fellow coreligionists and legitimize Islam in Confucian China (at least before the late period of the Qing Dynasty), though failed, were not in vain. It strengthens the networks among Muslim teachers and students, Sufi masters and disciples, built by the Jingtang education, which contributed to the revival of Muslim education in the Republic of China.

5. Modern Educational Reform of the Hui Muslims in Late Qing and the Republican Periods

The late Qing and the Republic of China witnessed the transformation of China into a modern nation-state, an "unprecedented change of China...to search for the way to survive and re-establish in the new world" (Guo 2008, 12). This historical background is crucial to understanding the various thoughts and practices of education among, but not limited to, the Hui Muslims. It also demonstrates the fact that modern Hui education exists in the intertwining and interaction of the Islamic and Chinese contexts. Several points have to be noted

⁴⁴⁶ Several points have to be noted here, first, till the 1780s when the *Complete Imperial Library* was finished, there were only very few Chinese/Han people knowing about Islam, despite the fact that the Islamic/Jingtang education had developed for more than one hundred years and there were already at least hundreds of works by the Han Kitab authors available at that time. For example, works of the Han Kitab authors were still oftentimes categorised as Buddhist or Christian (Wang 1983, 410). Besides, the indifferent, if not hostile, attitude of the editors of various bibliographies represented how serious the situation of the Hui Muslims and scholars were due to the literary inquisition (*wenxiyu* 文字獄) of the Qing in general and their oppression towards the Hui Muslims in particular.

The bibliographic notice dedicated to the *Tianfang dianli* itself was relatively short, which included a brief introduction of the author, Liu Zhi, and the main contents of his work. At the end of the notice the editor made some comments which read "originally, Islam is in itself of absurdity, however, Liu Zhi varnished it through various citations from the Confucian Classics, which actually is of no good since it [Islam] fundamentally is wrong." The original Chinese, see Volume 125 of the *Annotated Catalogue of the Complete Imperial Library*.

⁴⁴⁷ The consequence of the comments in the *Annotated Catalogue*, as the official publication by the Qing court, towards the Han Kitab/Islam is crucial. Since then, there was no further inclusion of any works of the Han Kitab authors into any official or private edited bibliography. Those that included *Tianfang dianli* gave more or less the same negative comments on the work, as the author of the *Annotated Catalogue* did.

⁴⁴⁸ I borrowed the metaphor from Blaine Kaltman (2007) who described the situation of the Uighur Muslim in Xinjiang as "under the heel of the dragon."

concerning the characteristics of the Hui education during this period,⁴⁴⁹ such as the establishment of the new schools, different from the traditional mosque-based Jingtang education which also went through various reforms during the same period; the sending of Muslim students to pursue an education in foreign countries, such as Japan and Egypt; and the extensive setting up of Hui educational associations (*huizu shetuan* 回族社團) and women's schools, etc. These activities and processes started in the late Qing and continued throughout the Republican period. This section follows a chronological order, hence divided into two parts of late Qing and the Republican period, analysing the main activities, figures, and ideas of educational reform among the Hui Muslims.

5.1 Initiatives of Educational Reform among the Hui Muslims in Late Qing

Before we go into a detailed discussion on the development of the educational activities of the Hui during this period, it is necessary and helpful to take a look at the external background of China then that facilitated and inspired the changes of the Hui education.

5.1.1 Overview of Educational Reform in Late Qing China

It is true, according to most historians, that China was forced to begin its modernization process after the Opium War (1840–1842). However, the decline of the Manchu Dynasty had come about when Emperor Jiaqing came to power in 1796 with a country that was “externally strong but internally shrivelled” (*waiqiang zhonggan* 外強中乾).⁴⁵⁰ Unfortunately, the internal crisis did not get adequate attention from the emperors even after the defeat in the First Opium War, and at that time the ideas of the officials as well as the emperors, not to mention the ordinary masses, towards the western invaders were still appalling and ludicrous.⁴⁵¹ They did not realize their backwardness and believed that the defeat in the wars was just an accidental event. It was not until 1861, twenty years after the Opium War,⁴⁵² that the Qing government started the reluctant changes and initiated the Self-strengthening Movement (*yangwu yundong* 洋務運動 1861–1894). Among other things, one of the measures of the Movement was that many new schools teaching foreign languages and other subjects such as astronomy and mathematics were established,⁴⁵³ and more than one hundred teenagers were sent abroad to study.⁴⁵⁴ Though there were at least 16,000 Chinese having studied at the mission schools by the 1880s⁴⁵⁵ (Hsü 2000, 358), it was still difficult and controversial for the Chinese people to accept the new/western learning (*xinxue* 新學/ *xixue* 西學). The educational reform at this time was part of the political project that aimed at

⁴⁴⁹ My analysis on this period covers the late Qing period, by which I mean the years between 1840 till 1911, and the Republican period with a focus on the years between 1912 till 1937 when the Sino-Japanese War broke out.

⁴⁵⁰ As Hsü argued (2000, 123–27), several aspects demonstrated the decline and decay of the Qing government after the Qianlong Emperor abdicated the throne, such as the ineffective government administration, serious corruption issues, the degeneration of the ruling class (the Manchus and the bannermen), the uptight finance of the Empire, and the stress of the population.

⁴⁵¹ For example, Lin Zexu 林則徐 (1785–1850), whose opposition to the opium trade was a primary catalyst for the First Opium War, believed that the British could not live without catalyst and tea, and their legs could not stretch. Other misunderstandings include that it was believed that the foreigners could see only poorly at night, and there were several physical differences between Chinese and foreigners, such as the misbelief that Chinese had two testicles while foreigner had four.

⁴⁵² A series of treaties was signed during this period between the Qing government and the western countries, such as the Nanjing Treaty in 1842 and other fourteen treaties with the UK (Treaty Series No. 34, 1925), the Treaty of Wangxia with the US and the Treaty of Huangpu with France in 1844. These treaties enabled foreigners, especially missionaries, to establish mission schools in China, which to certain extent contributed to the modernization of education in China (Sun Xiuling 2014, 124–31; Shi Lei 2000, 50–54).

⁴⁵³ During the Self-strengthening Movement, some thirty new schools were set up by both the central government, the Office for the General Management of Affairs concerning the Various Countries (*Zongli geguo shiwu yamen* 總理各國事務衙門). Similar steps were taken by the local government to meet the Qing court's needs for foreign language, military, and industrial personnel. At the beginning, the Qing government did not realize the importance of education, and the establishment of the new schools was nothing but an expedient. For example, the founding of the foreign language schools was to deal with the fact that only the original foreign language versions of the treaties signed with western countries were the valid ones.

⁴⁵⁴ Four groups of teenagers, most of whom were from Guangdong province, were sent to the U.S. during 1872 till 1875, however, due to the opposition of the conservatives, such as Chen Lanbin 陳蘭彬 (1816–1895) and Wu Zideng 吳子登, the teenagers were recalled to China in 1881. There were also dozens of students sent to Europe in 1877, 1881, and 1886 to study military science and weaponry. For the history of education during Qing, see (Rhoads 2011).

⁴⁵⁵ In terms of scale, during this time the mission schools were the largest educational entity carrying out the western learning (*xixue* 西學). In 1876, there were approximately 462 mission schools in China (Xiong Yuezhi 2011, 290), and in 1898, there were 1,033 primary schools and 74 secondary schools set up by the American missionaries (Sun 2000, 319).

“restoring the traditional order through reaffirmation of the old morality and application of knowledge to practical affairs” (Hsü 2000, 261), thus the initiators of the educational reform were all politicians, such as Zeng Guofan 曾國藩 (1811–1872), Li Hongzhang 李鴻章 (1823–1901), Zhang Zhidong 張之洞 (1837–1909), and Zuo Zongtang 左宗棠 (1812–1885), rather than educators.⁴⁵⁶ There was a great debate in terms of whether and to which extent Western learning, compared with traditional Confucian learning, should be included in education.⁴⁵⁷ The Self-strengthening Movement inspired by the idea of “learn the superior techniques of the barbarians to control the barbarians” (師夷長技以制夷) turned out to be a failure when China was defeated again in the First Sino-Japanese War in 1895. It was believed and desired that deeper changes were needed to save the Manchu Qing China, which resulted not only from the defeat of the Qing in its wars with foreign countries and the subsequent unequal treaties but also from more experiences and better understandings, thanks to the Self-strengthening Movement, of Chinese people towards the western invaders.⁴⁵⁸ The educational reform survived out of most of the failed plans put forward in the Hundred Days' Reform (*bairi weixin* 百日維新) in 1898⁴⁵⁹ and the New Policies Reform during 1901 till 1905 (*qingmo xinzheng* 清末新政). Unlike the Self-strengthening Movement that focused on the learning of western techniques, the reformists at this time required deeper institutional changes. The educational development, as part of the top-down political reform, was guided by the idea that “Chinese learning should be followed as the essence and western learning as the practical application” (*zhongti xiyong* 中體西用), which was officially recognized in the Kuimao Educational System (*Kuimao Xuezhì* 癸卯學制) in 1904 that marked “the transformation of the traditional education into the modern one and the establishment of the basic institutional mode of the modern school education in China” (Liu Hong 2004, 36).

Generally speaking, modern China struggled to survive in a situation that had never been experienced for 3,000 years (*sanqiannian weiyoushi bianju* 三千年未有之變局) in terms of not only military defeat but, much more crucially, also cultural defeat, the culture that the Chinese, especially the Confucian official-scholars, had been proud of.⁴⁶⁰ Thus it is no surprise that the relationship of the tradition/ Confucianism and what they termed as westernization (*xihua* 西化) or modernization had been the core of debates between the conservatives, the reformists, and the nationalists till the end of the Qing Dynasty.⁴⁶¹ For sixty-five years, from 1840 (date of the First Opium War with Great Britain) to 1905 (with the official abandonment of the Imperial Examination), the birth of modern education in China came about under the direct influence and threat of the West, which went

⁴⁵⁶ One of the reasons why intellectuals were absent in the educational reform during this time was that they were still busy with the Imperial Examination that was still in existence until 1905.

⁴⁵⁷ Many theories were put forward to legitimize the western learning (Wang Ermin 2005, 70–80), and as far as education is concerned, the idea that “all western learning originates from China” (*xixue yuanchu zhongguo* 西學源出中國) was the most prevalent then. Detailed discussion on the educational thoughts and practices during this period, see (Li 2002, 56–85)

⁴⁵⁸ Despite the fact that the dominant conservatives were against the western learning as a result of their arrogance based on the “golden past,” more and more elites realized the necessity of learning from the west, especially those who had intensive contacts with foreigners or visited the west in person. For example, Guo Songtao 郭嵩燾 (1818–1891), the first Chinese foreign minister to the UK and France (1876–1878), said that it was the political institutions and moralities rather than weaponry that was the cornerstone of a good government and a flourishing country. Kang Youwei 康有為 (1858–1927), initiator of the Hundred Days' Reform, said that “I owe my conversion to reform chiefly to the writings of two missionaries, the Reverend Timothy Richard and the Reverend Doctor Young J. Allen” (Peake 1932, 15).

⁴⁵⁹ From June the eleventh 1898 several decrees were issued. The educational reform included the replacement of the eight-legged essay (*baguwen* 八股文) in the Imperial Examinations by essays on current affairs, the establishment of the Imperial University of Peking (known as Peking University today), and the publication of an official newspaper (Hsü 2000, 375).

⁴⁶⁰ This “unprecedented situation” was first named by Li Hongzhang when he reported to the Emperor in 1872. China, as a political entity, had been militarily defeated several times in its history before 1840, the majority Han Chinese, the Confucian official-scholars in particular, however, had never doubted about their cultural or civilizational superiority over its military conquerors. As we mentioned before, during and after the Self-strengthening Movement, more and more elites, though not comprehensively, realized the political and cultural advantages of the west, which for the first time undermined the position of Confucianism as the ideal ideology of ancient China.

⁴⁶¹ The issue of how to deal with the relationship between tradition and the new ideas and institutions brought by the west has been critical to most non-western countries, especially China that has a longstanding history. To a large extent, this issue of reconciling its tradition with the western institutions and ideas still continues in China today. We will discuss it in more detail in chapters on case studies. For a more detailed discussion of the issue in general, see, for example, (Sun 1982; Jin Yaoji 1983; Birk 1992; Ji and Cheng 2009, 249–96).

through, as we indicated before, the technical level and the institutional level.⁴⁶² The Chinese elites constantly reinterpreted and changed the tradition to adapt to the process of modernization (Sau 2008, 99–100), finding a balance between maintaining the Confucian tradition and the advanced western military and institutional advantages. This process of search, though it did not save the Qing regime, finally led to the recognition of the legitimacy of Western learning in China and the modernization of education. It is during this period and under this specific circumstance that the Hui education developed in several aspects.

The traditional mosque-based education of the Hui continued with a visible influence of Sufism during this period, especially in northwest China (Jin 1994; Ding and Yu 2001), which contributed to the rebellions led by the Hui Muslims (Li 2013). The combination of the conservatism with Sufism, due to the oppressive laws and policies of the Qing Dynasty and the failures of the rebellions led by the Hui,⁴⁶³ together with the influence of the Hui Ḥajjis who were able to travel to Mecca, resulted in a reform of Islam among the Hui Muslims during late Qing Dynasty. In addition, with the introduction of Western learning and modern education in terms of contents and methods of teaching into late Qing China, a number of Hui Muslims called for a modern reform of the traditional Jingtang education that required the acquisition of the so-called “new learning.” Interestingly, two seemingly contradictory reforms existed and developed among the Hui communities at this time. However, despite the different approaches adopted, they did share something in common, namely to reform the ideas and the practices of the Hui Muslims which were considered to have gone too far away from the “real” Islam, according to them, due to the long history of staying in Chinese society remote from the *tianfang* 天方 (the heavenly region, namely Mecca or Arab countries in general).

I will discuss the conservative religious reform among the Hui Muslims represented by the Ikhwan (*yihewani* 伊赫瓦尼) in the next chapter on Ḥajj, and first focus on the New Culture Movement of the Hui (*Huizu xin wenhua yundong* 回族新文化運動)⁴⁶⁴ in general and the educational reform of the Movement in particular.

5.1.2 Pioneers of Modern Educational Reform of the Hui Muslims in Mainland China

The late Qing period, especially since the late 1880s, sees the formation and germination of the reform of education among the Hui Muslims. The setting up of new schools, sending Muslim students to foreign countries, and the establishment of different associations represented the main contents of the New Culture Movement of the Hui. Notably, the newspapers operated by the Hui Muslims, especially during the republican period, and the local chorography provided us with information on the activities of the movement.

As we mentioned, although the Hundred Days' Reform as a political movement failed, its educational reform survived. The Hui Muslims also benefited from one of the policies that encouraged the establishment of private new schools. In 1889, the Uyghur Muslim Jian Huannan 翦煥南⁴⁶⁵ founded the Changde Private Islamic Higher Primary School (Changde Qingzhen Sili Gaoji Xiaoxue 常德清真私立高級小學) and the Zhennan School of the Jian's (Jianshi Zhennan Xuetang 翦氏鎮南學堂), where some hundreds of the Uyghur and the

⁴⁶² Jin Yaoji 金耀基 (1984, 183–88) argues that there are three levels of the modernization of China: namely the technical level, the institutional level, and the behavioural level.

⁴⁶³ As we have mentioned in previous chapters, the Hui rebellions existed throughout almost the whole Qing period. During 1862–1878, when the Qing government started the Self-strengthening Movement (Hsü 2000, 261–354), the Hui rebellions broke out in what we now know as Yunnan, Shanxi, Gansu, Qinghai, and Xinjiang. Detailed discussions on the rebellions, see (Chu 1964; Hsü 2000, 253–60).

⁴⁶⁴ The New Culture Movement of the Hui is a concept borrowed from the New Culture Movement (*xin wenhua yundong* 新文化運動) that took place in the early 1900s (Furth 1983, 322–405). It was first elaborated by the famous scholar and historian Gu Jiegang 顧頡剛 (1893–1980), who published an article entitled the “Cultural Movement of Islam” (*Huijiao de wenhua yundong* 回教的文化運動) in the *Ta Kung Pao* 大公報 on the seventh of March, 1937. He termed the endeavours initiated by the Hui Muslims since 1907 to set up new schools, newspapers, and various associations as “the first cultural movement of the Hui Muslims in modern China” (Bai 1992, 77).

⁴⁶⁵ Apart from Xinjiang, there is a small amount of Uyghur Muslims living in Hunan Province who came there during the Ming Dynasty as military migrants (Huang 2008, 77–80). These Uyghurs share the same family name of Jian 翦, which was given by Emperor Zhu Yuanzhang (Jian 1945; Zhang 1932).

Hui students studied not only Islamic courses but also Chinese, history, geography, etc.⁴⁶⁶ During this period, several figures were crucial to the early development of the educational reform as well as the New Culture Movement of the Hui in general. Among these pioneers, the somehow neglected figure Tong Cong 童琮 (1864–1923) is of special interest to me, for he was not only one of the very first Hui Muslims who initiated the new education of the Hui (*xinshi huimin jiaoyu* 新式回民教育), which was the most outstanding feature of the New Culture Movement of the Hui but was also involved in almost all other aspects of the movement.

Tong Cong was born in Zhenjiang, Jiangsu Province. He studied Confucianism and Islam when he was young (Bai 1997, 234–35). In 1886, at the age of twenty-two, he passed the local level of the Imperial Examination and then started teaching at his own house which he named the *Qiangyuan Xuetaang* 蘊園學堂.⁴⁶⁷ During this time,⁴⁶⁸ he wrote and edited the three-volume textbooks, the *Jiangyuan kemengcao* 蘊園課蒙草 (Textbooks for the elementary school of Jiangyuan). The textbooks aimed at the training of basic Chinese language skills and prepared the teenagers for the Imperial Examination, which was such a success that they soon got popular in Jiangsu, Shanghai, Henan, Zhejiang, Jiangxi, Hunan, Guangdong, and Beijing.⁴⁶⁹ In addition to his personal commitment to education, in 1906 he, together with other local Muslim elites,⁴⁷⁰ founded the Muyuan Private Lower and Higher Primary School (Muyuan Sili Liangdeng Xuetaang 穆源私立兩等學堂).⁴⁷¹ Later, in the same year, another school was founded with the financial support of the same sponsors.

The Muyuan School, as one of the first modern schools established by the Hui Muslims in China, had a special focus on the “new teachings” which resulted not only from the introduction of Western knowledge since the Self-strengthening Movement but also, more importantly, from the abolition of the Imperial Examination in 1905 that freed the intellectuals from learning Confucianism. Though little is known about the details of the educational activities of the Muyuan School, it is very likely that Tong Cong himself taught the textbooks that he edited and later his son was also invited to teach English and mathematics at Muyuan School. The “newness” and “uniqueness” of the school lies in obviously its modern teaching contents,⁴⁷² just as most of the new schools established throughout China at that time. What made it different from other non-Muslim new schools is explicitly seen first in its name Mu Yuan,⁴⁷³ which indicates the religious dimension of the school. Mu 穆 refers

⁴⁶⁶ According to the Religious Chorography of Hunan (*Hunan zongjiao zhi* 湖南宗教志) published by the Editorial Committee of the Chorography of Hunan (2012), before the establishment of the primary schools by Jian Huannan, the local mosques of Hunan Province, in addition to the Jingtang education carried out at the mosques, initiated the regular primary schools (*putong xiaoxue* 普通小學). For example, in 1893 the local Hui and Uyghur elites, together with the local mosques, set up the Changde Mosque Primary School and another one in 1896 at the Changde Ancient Mosque. For a general discussion of the Uyghur education in Hunan prior to 1949, see (Tong 2015, 95–100).

⁴⁶⁷ There are two meanings of the character 蘊 with different meanings: normally it means ginger read jiāng; it can also mean lily read qiáng. Considering Tong Cong’s educational and social background, as someone who passed the Imperial Examinations, I prefer the latter meaning and pronunciation. Therefore, *Qiangyuan* 蘊園 means Garden of Lily.

⁴⁶⁸ It is said that Tong Cong studied in Japan during 1882–1884 (Xue 2013, 61) or around the early 1900s (Han 2014, 9), and there he even joined the Tongmenghui 同盟會 (the United league) founded by Dr. Sun Yat-sen, however, no concrete historical evidence could be found to support it.

⁴⁶⁹ The textbooks were inspired by the idea of *Jiaoyu jiuguo* 教育救國 (national salvation through education) and *Kexue jiuguo* 科學救國 (national salvation through science), and it even introduced the knowledge of modern natural sciences (Xue 2013, 62; Pei 2017, 59). In 1912, when the Republic of China was founded, the textbooks were introduced to the Shanghai Chinese Higher Primary School (Shanghai Zhonghua Gaodeng Xiaoxue 上海中華高等小學). The publication of the books did not stop until 1937 when Japanese soldiers committed the massacre in Zhenjiang.

⁴⁷⁰ According to Xue’s research (2013, 62–63), despite Tong Cong, the founders of the Muyuan School were the local Muslim elites Jin Hengren 金恒仁, Yang Xinzhai 楊心齋, and Yang Baishan 楊白山. It is interesting to note that Tong Cong married the younger female cousin of Jin Hengren.

⁴⁷¹ According to the Kuimao Educational System (*Kuimao xuezhi* 癸卯學制) in 1904, primary schools were subdivided into the lower and the higher levels, which one had to start at the age of seven and lasted for eight or nine years.

⁴⁷² Little is known about the curriculum of the Muyuan School. However, from the contents of the textbooks that Tong Cong edited, we can reasonably assume that natural sciences (mainly in the third volume of the book) as modern science, and English as the western learning were taught there.

⁴⁷³ In 1912, with the founding of the Republic of China and the end of the Kuimao Educational System, the school was renamed as Muyuan Private Primary School (Muyuan Sili Xiaoxuexiao 穆源私立小學校), which was kept till the Cultural Revolution (1966–1976) when different names were used for the school. In 1984, the name Muyuan School was restored on request of the local Islamic

to Muslim or Islamic, and Yuan 源 means origin, which in combination means the origin of [the culture and knowledge of] Muslims (Xue 2013, 63). In addition, every Friday afternoon, probably after the Jum‘a prayer, the Imam of the mosque would be invited to the school to teach Arabic and other basic Islamic religious knowledge (Han 2014, 9).

Based on the Muyuan School, Tong Cong in the same year established one of the first Muslim educational associations, the East Asia Islamic Educational Association (Dongya Qinzhen Jiaoyu Hui 東亞清真教育會).⁴⁷⁴ The Association aimed at the universal education of Chinese Muslims, and he intended to

gather the elites of our religion to set up the standard for education so as to persuade our co-religionists to follow the trend and set up other branches; to guarantee that there is a school in each of the Muslim community and every Muslim child goes to school, where an editorial office is set up for the editing of the textbooks for each of the subject at the schools; meanwhile, the office shall also collect and publish news on current affairs and the teachings of our religion to help enlighten our co-religionists.⁴⁷⁵

The association he founded is important in that it not only was probably the first Muslim association that focused on the issue of education in modern China but also inspired the Hui Muslim students in Japan to set up their own association and to produce newspapers in 1907 and 1908. With the establishment of the Muyuan School and the educational association, Tong Cong also started running his own printing house that printed textbooks for Muyuan School, which later after his death in 1923 was taken by his son who edited and published the newspaper “Newspaper Benefiting Myself” (*Yiwobao* 益我報) (Pei 2015, 753–64).

5.1.3 Educational Reform among the Hui Muslim Students in Japan

Due to the very limited information we have, we do not know if Tong Cong himself studied in Japan or not, however, according to Matsumoto’s research (2003, 270–71), Tong Cong’s initiation of the East Asia Islamic Educational Association did inspire the establishment of the *Liudong Qingzhen Jiaoyuhui* 留東清真教育會, or the Islamic Educational Association in Tokyo by the Hui Muslim students who were studying in Japan in 1907.

These Hui students benefited from the policy of the Qing government to send students to study abroad, especially during the New Policies Reform from 1901 till 1905.⁴⁷⁶ It is said that during this period there were more than 10,000 Chinese students studying in Japan (Matsumoto 2003, 270). In 1906, eleven Hui students who were studying in Japan gathered at a restaurant in Tokyo,⁴⁷⁷ based on which event, in July 1907 with the help of Yang Shu 楊樞 (1844–1917)⁴⁷⁸ who was a Muslim and was then the Chinese ambassador in Japan and

Association. In 2008, it combined with another local primary school and was named the Muyuan Ethnic School of Zhenjiang City (Zhenjiang Shi Muyuan Minzu Xuexiao 鎮江市穆源民族學校), see (Xue 2013, 63–64).

⁴⁷⁴ Originally, the association was called the General Educational Association of East Asia Muslims (Dongya Mumin Jiaoyu Zonghui 東亞穆民教育總會). Having discussed with the Hui Muslim students in Japan, Tong decided to use the current name (Yu and Yang 1992, 100). On the connections between Tong Cong and the Hui Muslims in Japan, we shall discuss it later.

⁴⁷⁵ The original Chinese is, “集合教門之精粹，立一教育之標準，勸各處同教設立分會，則而效之，務使教門聚落之區皆有學堂，凡教中子弟俱入學受業，其間附編輯一部，凡諸學科，精選纂述，以供學堂需要；並輯時事及關於宗教之說，隨時刊發，以為同教開通智識一助。” See (Yu and Yang 1992, 101).

⁴⁷⁶ As for the history of sending Chinese students to study in Japan during late Qing period, see Huang (1975).

⁴⁷⁷ Prior to 1906, there were already Hui Muslim students studying in Japan. For example, Ha Hanzhang 哈漢章 (1879–1953) was sent by the Qing government at the age of twenty in 1899 to study at the Imperial Japanese Army Academy. Ha later became the Military Advisor for the Office of the President of the Republic of China (Wang and Yong 2018, 198).

⁴⁷⁸ According to Wang Ke’s research (1999, 197), Yang Shu got the appointment with the recommendation of Zhang Zhidong, one of the most important representatives of the Self-strengthening Movement. We can assume that Yang’s activities in Japan were influenced by his own Muslim identity as well as his identity as a Qing government minister that affiliated with the Self-strengthening Movement. Besides, his involvement in and financial support for the Islamic Educational Association in Tokyo may also have something to do with his personal relationship with one of the members of the association, as we know that Yang Dianbiao 楊殿鏞, the only student from Guangdong Province, was actually Yang Shu’s nephew.

chief supervisor of the Chinese students in Japan (Wang Ke 1999, 195–221), thirty-six Hui students⁴⁷⁹ established the Islamic Educational Association in Tokyo. Obviously, it was the religion, namely Islam, shared by these Hui Muslim students that made it possible to unite the thirty-six Hui students out of tens of thousands of Chinese students studying in Japan. They themselves said that “our co-religionists, who are studying in the capital of Japan, have come one after another though, do not know each other... although we are not organized in form, the spiritual unity is quite consolidated. If it were not for our religion, how could we attain this!”⁴⁸⁰

In 1908, the first and only publication by the organization was issued in Japan, named *Awakening the Hui* (*Xinghuipian* 醒同篇), in which they, together with their supporters, such as Tong Cong, from mainland China, further elaborated how they started the organization and what they asserted. In the winter of 1907, the students held the first plenary session in Edo where they claimed, among other things, that the aim of the association was to advocate the popularization of education and religious reform (Bai 1983, 378). In line with the idea of National Salvation through Education (*jiaoyu jiuguo* 教育救國) that had been discussed among social elites since late Qing China (Zhang 2010), the Hui Muslims studying in Japan also realized the importance of education as a crucial means to save and revitalize China (Wang Ke 1999, 201). The Yunnanese Muslim and president of the association, Bao Tingliang 保廷梁 ([1908b]2005, 496) said that “those countries with education shall survive and those without shall die; those with old-styled education shall die while those with new education shall live.” As far as religious reform is concerned, they focused not on the “surface of Islam,” such as when to break the fast and other specific religious rituals, but on the functions of Islam to adapt to new circumstances which, as Bao Tingliang argued (1908a), unfortunately, was lost. Notably, they justified their assertion of religious reform by approaching the Sharī‘a, for they believed that the Prophet himself was the greatest religious reformer (Huang [1908c]1988, 1–18) and thus what they did was to follow the Sunna. They believed that religions, or specifically Islam, “have the power to transform society” (Cai 1908) and thus could, if not should, save and revitalize China as well. As a matter of fact, the two aims of the association were not separated from each other but interconnected. The Hui students did not stop at advocating the importance of education in cultivating qualified citizens in line with what Sun Yat-san called for.⁴⁸¹ Instead, they believed that only the education with the spiritual guide of their religion, Islam, could save their homeland, China. They further referred to the case of Germany concerning the role of religion and religious education in cultivating national consciousness and quality which could eliminate the ethnic and religious difference among different peoples in China and contributed to the building of the Chinese nation⁴⁸² (Huang [1908c]1988). In other words, in addition to the idea of *jiaoyu jiuguo*, the Hui students actually advocated the idea of National Salvation through Religion (*zongjiao jiuguo* 宗教救國), for they believed that their supports towards the nationalistic revolution led by Sun Yat-san and their endeavours to religious and educational reform were all dedicated to the “fulfilment of Allah’s will” (Matsumoto 2006, 122).

The suggestions put forward by the Hui students in Japan were not fully carried out, and there was no further action of the association since the first publication of the *Xinghuipian* in 1908, probably due to the fact that:

⁴⁷⁹ Among the thirty-six Hui students, there were six from Jiangsu, four from Yunnan, Shanxi, and Henan respectively, three from Sichuan and Hubei respectively, two from Guangxi, Shaanxi, Hunan and Hebei respectively, and one from Guangdong, Shandong, Shenyang (called Fengtian 奉天 at that time), and Anhui respectively. Yang Qidong 楊啓東 from Shenyang was the only female student, in addition, Su Chengzhang 蘇承章 from Hunan was an Imam (Xu and Ha 2011, 67; Wang and Yong 2018, 200). Generally, most of these students were from the coastal cities, and there were no Hui Muslim students from Gansu or Xinjiang regions where Muslims were concentrated.

⁴⁸⁰ The original Chinese is, “吾教人，留學於日京者，先後接踵，而同時往往覩面不相識……形式若無團體，而精神之結合，則甚鞏固，非得之於宗教，曷克臻此！”，cited from the Record Event of the Islamic Educational Association in Tokyo, see (Bai 1983, 377–78).

⁴⁸¹ In 1905, Dr Sun Yat-san led and started the nationalistic revolutionary organization in Japan, the Chinese United League (*Zhongguo Tongmenghui* 中國同盟會), and several Hui students joined the league and were in fact the first founding members. According to Xu and Ha’s research (2011, 67), there were at least 14 students who were at that time members of the *Tongmenghui*.

⁴⁸² As Huang ([1908c]1988) argued by referring to the case of Germany, if only “China which does not have a national/state religion could adopt the German mode of religious education to eliminate differences between the Han and the Hui, and the Manchu and the Han, why we shall even worry about not being able to surpass the great powers”. It is interesting to see the emergence of the Chinese national identity of the Hui, especially among these students who were far away from China studying abroad. We shall discuss it in detail in chapter four on the tensions between their identities of being a Chinese and a Muslim.

first, their main financial sponsor Yang Shu stood down and went back to China, and second, most students, especially the most active ones, such as president of the association and chief-editor of the *Xinghuijian* Bao Tingliang, finished their study around 1908 and 1909 and went back to their hometown in different provinces in China. However, they inspired their co-religionists and continued the career that they started in Japan and contributed to the reform and modernization of the Republic of China in general and the Hui community in particular by starting their own cause or joining the Republican government.⁴⁸³

5.1.4 Introduction of “New Teachings”: Reforms in Jingtang Education

Before the establishment of the Republic of China in 1912, the most influential Muslim who brought real changes in the educational reform among the Hui Muslims was Imam Wang Kuan 王寬(1848–1919) also known as Wang Haoran 王浩然. As Matsumoto (2006, 122) argued that “*Ahongs* were expected to be responsible for the lives of Muslims and the future of the community and... in an ear of the drastic transformation of thoughts, *ahongs* were expected to adjust the doctrine of Islam to make it compatible with the new ear.” Due to his accomplishment in the traditional Jingtang education in Beijing⁴⁸⁴ and his effort to protect the local Hui community,⁴⁸⁵ Wang Kuan, as one of the four great *ahongs* (*sida ahong* 四大阿訇), had already been enjoying a good reputation and been highly respected before he came back from Mecca in 1907 as a *Hajji*. His travel to Mecca and visits to some Muslim countries during 1906 and 1907, especially Istanbul in Turkey,⁴⁸⁶ changed his mind and made him determined to improve the conditions of the Hui communities in China via educational reform.⁴⁸⁷ In January 1908, with the financial support from Ma Linyi 馬鄰翼 (1864–1938)⁴⁸⁸ and other local Muslim elites, Wang Kuan at the Niujie mosque initiated the establishment of the Capital Islamic Two-Level Primary School (Jingshi Qingzhen Liangdeng Xiaoxuetang 京師清真兩等小學堂) which later was joined by other four primary schools at the neighbouring mosques and was renamed as the Number One Capital Islamic Two-Level Primary School (Jingshi Qingzhen Diyi Liangdeng Xiaoxuetang 京師清真第一兩等小學堂).

As Dean of the school, Wang Kuan invited Ma Linyi to be the Supervisor of the school, and the curriculum they designed for the school was unique. This explains the “newness” of the school. Wang Kuan himself, as an Imam of knowledge and reputation, taught the Quranic courses, in addition, other Imams and the Hui literati

⁴⁸³ It is not possible to trace the activities of all the students when they finished the study in Japan. However, we know that, for example, Bao Tingliang went back to Yunnan in 1909 and worked as head of the Supreme Court of Yunnan; Huang Zhenpan 黃鎮磐 was appointed by Sun Yat-san as the chief procurator of the Supreme Procuratorate in Guangdong; Liu Qingen 劉慶恩 went to study in Germany and worked as the supervisor in Hanyang Military Works; and Yang Qidong 楊啟東 the only female students in the association started the Fengtian Islamic Girls School (Fengtian Qingzhen Nüzi Xuetang 奉天清真女子學堂) at her hometown (Wang and Yong 2018, 203; Yao 1996, 11–12).

⁴⁸⁴ Born in a religious family that had been recognised by the government as the Imams at the Ox Street Mosque (*Niujie Libai Si* 牛街禮拜寺) in Beijing since the Ming Dynasty, Wang Kuan was able to learn from the brother of his grandfather, Imam Wang Shouqian 王守謙 who was then the leading magnate of the Quranic studies in Northern China. After studying with other well-known Imams, at the age of forty-seven he finally established his career as an Imam and Ustadh (Persian, meaning well-regarded teacher) among the Muslim communities in Beijing (Yin 1935).

⁴⁸⁵ During the foreign occupation of Beijing in 1900 when Emperor Guangxu (1871–1908) and Empress Dowager Cixi (1835–1908) fled Beijing and evacuated to Xi'an, some British officers and soldiers disturbed the local mosques. Wang Kuan, with the help of the Indian Muslim soldiers in the British Army, negotiated with the British general and somehow solved the problem (Yin 1935).

⁴⁸⁶ It is said that Wang Kuan required King Abdulhamid II to send two Quran reciters to China to teach the correct way of reciting the Quran (Bai 1997, 222–24), however, according to Zhang Juling's (2013, 7) research and the reports from the local Muslim newspaper then, the two representatives, Hafiz Hassan and Ali Rita, were sent by the Emperor to “investigate the Muslim communities in China for reference.” Despite all this, it is understandable that the two representatives were involved in Wang Kuan's educational reform (Ding 1908).

⁴⁸⁷ Before he came back from Mecca, Wang Kuan had been a conservative Imam who did not prefer, among other things, the introduction of the so-called “new teachings” into the traditional Jingtang education. One example was his relationship with one of his most well-known students, Ding Baochen 丁寶臣 (1874–1914), who started the first modern newspapers of the Hui after being expelled from the mosque by Wang Kuan (Fan 2014, 45–46).

⁴⁸⁸ Ma Linyi was also an important figure in modern Hui Muslim education in China. After he graduated in Japan in 1905, he founded two primary schools (one specifically for girls) at the mosques in his hometown in 1906 and was working at the Educational Department of the Qing when he supported Wang Kuan in Beijing (Ding 2016, 210).

were invited and employed to teach courses, such as Chinese, history, mathematics, geography, physics, etc. at the school. The school was unique also in that it admitted both Muslim and non-Muslim students. This approach of setting up primary schools at the local mosques was soon spread to other Muslim communities in and outside of Beijing when Wang Kuan Akhūnd was invited to teach at mosques in Shanghai, Hohhot, Nanjing and Kaifeng. Though Wang Kuan Akhūnd and the so-called new-style schools he established at the Niujie Mosque was in fact not the first one in modern Chinese history, he enjoyed a reputation as the “marker of the introduction of modern Hui education in China” (Bai 1983, 385).

So far, we have a general picture of the introduction of modern education or what was termed as the “new teaching” (*xinxue* 新學) by the Hui Muslims during late Qing period. This is represented by, for example, the establishment of new-style schools with a curriculum that included both the Quranic and the modern sciences, sending students to study abroad that brought new ideas including nationalism back to the Hui communities, and the establishment of various associations and publications that explicitly emphasized the importance of the (religious) educational reform. All these factors worked together and contributed to the modernization of Islamic education of the Hui Muslims. The historical background that facilitated the educational reform, and have dug a bit in detail into the specific actions taken by the Hui reformers including Imams, Hui literati, government officials, students, and local elites. However, one more thing needs to be addressed, thanks to the newspapers published by the Hui Muslims during late Qing and the Republican period,⁴⁸⁹ namely, the exact reasons why the Hui started the educational reform in the first place. In other words, despite the promotion of the “new teaching,” what happened and had been wrong with the old?

The Hui Muslims’ initial educational reform during late Qing period was based on their reflections on the traditional Jingtang education. Seeing various educational reforms as a fundamental way to strengthen Qing China by Han Chinese and the Qing government since the 1860s, the Hui elites realized the importance and urgency of modern education for the Hui Muslims. They argued that “the men in our religion are eight or nine out of ten illiterate, those who are literate are merely capable of daily calculation; while [education] is even rare as for women” (Jun 1935). As we have discussed before, the fundamental aim of the Hui educational reformers was to revitalize Islam, for they believed that “studying is the best way to prosper our religion while the worst for our religion is not to study” (Ding 1912). It is interesting to see the parallel of educational reforms among the Hui Muslims and the majority Han Chinese, as both of them tried to improve the situation of China in general and that of their own community in particular via the acceptance of the new and modern teachings on the premise of maintaining the respective traditions. Among the Han Chinese majority, their efforts to maintain the superiority of the tradition confronted with Western sciences coming along with wars and unequal treaties were difficult and unsuccessful. The tensions between traditional Confucianism and the modern western social and natural sciences had been becoming increasingly obvious since the Self-strengthening Movement, while among the Hui Muslims, during late Qing period, there were no such discussions or concerns as to the destiny of Confucianism which had been the core of being a Chinese.⁴⁹⁰ After experiencing the discrimination and oppression since the Ming Dynasty and the suffers from the violent rebellions during the Qing, what the Hui Muslims concerned was how to revitalize Islam, reconstruct the Hui communities and develop in the changing era via going back to their tradition and reinterpreting the verses in the Quran, the teachings in the Hadith, and the Sharī‘a. It is evident that Confucianism has never been a faith or a complete cultural identity that attract the Hui Muslims over their religion and religious identity. Of course, what happened to China then did influence everyone including the Hui Muslims, which was maybe most explicitly felt and expressed by those Hui Muslim students studying in Japan when they saw no need to nationally distinguish themselves from the Chinese.⁴⁹¹ In other words, the logic of the educational reform among the Hui Muslims in modern China lies in the shared ideas of *jiaoyu xingjiao* 教育興教 (vitalize Islam via education) and *zongjiao jiuguo* 宗教救國 (national salvation via religion). Religion, or more explicitly Islam, plays a

⁴⁸⁹ Newspaper played a critical role in the modernization of China. The first Chinese newspaper was founded by the Protestant missionary Robert Morrison (1782–1834) in 1845. Since 1858 when the Chinese and Foreign Gazette (中 *Zhongwai Xinbao* 外新報) was founded in Hong Kong, tens of hundreds of newspapers were produced during late Qing (Liu and Hu 2011). Wang Kuan’s student, Ding Baochen 丁寶臣 and his brother Ding Zhuyuan 丁竹園 founded the first modern newspaper of the Hui Muslim in 1906.

⁴⁹⁰ See chapter three and chapter five on the meanings of being a Chinese in imperial China and in modern China.

⁴⁹¹ See chapter five for my discussions on the idea of nation (*minzu* 民族) among the Hui Muslim students in Japan.

crucial part in combining education and national salvation which inspired the Chinese then. For the Hui, religion/Islam, educational reform, and national salvation are interconnected, and it is impossible for them to imagine a certain approach of national salvation via education without the fundamental and spiritual support of Islam. Anyways, with the work done by the Hui reformers, the open-minded Imams, local elites, Hui Muslim government officers, and every ordinary Muslim in the community,⁴⁹² the Hui students they cultivated in these new-style schools were becoming the new emerging forces that would bring new blood to the further and more comprehensive reform of education in the Republic of China.

5.2 Islamic Educational Reform among the Hui Muslims in the Republic of China

With the establishment of the Republic of China in 1912, Chinese people finally saw a chance to defend China's honour in a new world (Hsü 2000, 452–86). While the Hui Muslims were encouraged to contribute to the building of a country, a “republic in which all could fulfil their dreams, exercise their rights, and become leaders of the provinces and the nation” (Hsü 2000, 454). However, this was easy said than done, for the Qing government left to the republic a country that faced a political, social, and economic crisis. The educational reform took place under these circumstances when new ideas and thoughts, such as liberalism, individualism, pragmatism, and Marxism, were brought in by those students who came back to China after finishing the study abroad. Various theories and practices concerning educational reform were introduced and applied.⁴⁹³ As for the Hui educational reform, the main contents were the continuation of the establishment of new-style schools, independently or within the mosques, the writing and translating of books, the setting up of public libraries, publishing houses and associations, and sending students to study abroad, especially to Muslim countries (Zhao 1936). All these activities are not merely the continuation of those in late Qing period. They differ not only in quantity but also in quality.

5.2.1 Islamic Associations, and Primary and Secondary Schools Established by the Hui Muslims

First and foremost, inspired by such pioneers in late Qing period as Tong Cong, Wang Kuan, Ma Linyi, etc., the Hui Muslims founded hundreds of new-style schools in their communities, which is the most prominent feature of the Hui educational reform during the republican period. The founding of the new-style schools of the Hui did not aim at the replacement of the traditional Jingtang education. What the Hui concerned was actually how to balance the two, for some worried that “if we do not study [the new teachings] we cannot compete in the society; but if we do not study the scripture how can we face our religion!” (Xi 1947). Some even went so far as to claim that “the Han language is for the Han people, as Huihui Muslims we should not read the books that the Han people read” (Yang 1937). What they chose to do was to, on the one hand, add some new subjects, such as Chinese and history, to the curriculum of Jingtang education so that those who studied there would be able to read and write Chinese,⁴⁹⁴ and on the other hand to add some Quranic courses into the curriculum of the new-style schools.⁴⁹⁵ Meanwhile, they also found secondary normal schools, specifically for the training of Imams or teachers who were good at both Chinese and Arabic. There were

⁴⁹² As a tradition in Islamic education, the ordinary Hui Muslims contributed financially to the educational activities in both the traditional Jingtang education and the new educational reform. In other word, without the financial contribution and support from the ordinary Hui Muslims, such as the butchers, and fellmongers, the educational reform and the introduction of the new schools would be quite difficult, if not impossible.

⁴⁹³ The scholars and educators who advocated the educational reform include Cai Yuanpei 蔡元培 (1868–1940), Hu Shi 胡適 (1891–1962), Huang Peiyan 黃培炎 (1878–1965), Liang Qichao 梁啟超 (1873–1929), Jiang Menglin 蔣夢麟 (1886–1964), Tao Xingzhi 陶行知 (1891–1946), etc., and their educational theories include, for example, civil education with military training (*junguomin jiaoyu* 軍國民教育), pragmatistic education (*shili zhuyi jiaoyu* 實利主義教育), scientific education (*kexue jiaoyu* 科學教育), mass education (*pingmin jiaoyu* 平民教育), democratic education (*minzhu zhuyi jiaoyu* 民主主義教育), statism education (*guojia zhuyi jiaoyu* 國家主義教育), and independence of education (*jiaoyu duli* 教育獨立). See (Su 1981, 15–31).

⁴⁹⁴ This idea was already promoted in the Jingtang education, by, for example, Ma Dexin and Ma Lianyuan in Yunnan.

⁴⁹⁵ In 1918, while talking about the educational situation of the Hui, the Educational Department stated that “the Hui people living in inland China have long been integrated into the Han, so there is no need to found special schools. However, the mosques, in accordance with the Decree for Higher Primary Schools and the Decree for Civic Schools, have established Islamic schools for the Hui. The contents of teaching in these schools, in spite of the weekly Arabic courses, are the same with the civic schools.” See (SHAC 1991, 521). This is in line with my findings on the attitudes of the Republican government towards the Hui Muslims that denied the Hui as a *minzu*, and aimed at the assimilation of the Hui into the Han Chinese. Also see chapter five for my discussion on the development of the concept of *minzu* among the Hui.

primary schools, which was said to be more than 500 founded in or outside of the mosques around the year 1919 (Hu 1993, 28), secondary schools of general ones and for the training of teachers, girls' schools, and vocational schools.

Most of the hundreds of primary schools came after the call of the Chinese Islamic Association for Progress (Zhongguo Huijiao jujinhui 中國回教俱進會) that was established in 1912 by the Hui elites in Beijing with Ma Linyi as president and Wang Kuan Akhūnd as the vice-president.⁴⁹⁶ This association with the promotion of popular education as one of its aims⁴⁹⁷ was soon followed by other Hui Muslim communities, and “within one year... almost every province has a branch of the association” (Zhang Juling 1998, 15) that founded primary schools and promoted the Hui education in their respective communities.

As for secondary schools, one successful example is the Chengda Islam Normal School of Beiping (Beiping Chengda Shifan Xuexiao 北平成達師範學校), or the Chengda School.⁴⁹⁸ In 1925, with the support of some local Hui elites the school was initiated by Imam Ma Songting 馬松亭 (1895–1992), also known as Ma Shouling 馬壽齡, who was at that time in charge of the Mujiachemen Mosque (Mujiachemen Qingzhen Si 穆家車門清真寺) in Jinan, and Tang Kesan 唐柯三 (1882–1950), who was the *daoyin* 道尹⁴⁹⁹ of Jinan. One of the founding members Ma Songting was born in Beijing and studied at several mosques with different Imams. It is notable that he spent most of his childhood in Niujie Mosque, not far from where Imam Wang Kuan lived. Though we are not sure if he attended the Capital Islamic Two-Level Primary School founded by Wang Kuan Akhūnd, he must have been influenced by the new-style schools that were prevalent in the Hui communities in Beijing (Zhang Juling 1999, 28–30). By the year 1923 when he was invited to teach in the Mujiachemen Mosque, he had been determined to start a school for the local Hui community, which finally could be realised with the help of the local Hui elites and Tang Kesan who was a graduate of the Jingshi Daxuetang 京師大學堂 (Imperial Capital University) founded by the Qing government as a result of the Hundred Days' Reform and who had worked for the government of the Republic of China in Gansu and the financial department in Shandong. As was stated in the First Declaration of Chengda Teachers' School (*Chengda shifan xuexiao di yici xuanyan* 成達師範學校第一次宣言) in 1927 (Editorial Board of the Chengda Review 1932a, appendix 1), the founding members of the school were motivated by the idea that “the revitalization of our religion [Islam] completely depends on the development of education, and whether education will be developed is subject to the popularization of schools... to develop schools needs teachers and thus the teachers' training is the most urgent one in developing education.” That is why the founding members named the school “Chengda” 成達, taken from the Confucian Classics of Mencius (*Mengzi* 孟子), expecting that the students could *chengde dacai* 成德達材 (achieve morality and become a talent). The early days of the school were quite difficult due to the very limited financial resources they had. Tang Kesan, president of the school, Ma Songting, dean of studies, as well as many teaching staffs all worked voluntarily. They only had ten students, out of whom only two had graduated from the higher primary school. The students, together with the teachers, had to live and study in the two of the rooms of the school. They also had to transcribe textbooks for Arabic and Quranic studies, for the printing of the Arabic language was technically impossible at that time in China. Despite the tough times, the

⁴⁹⁶ The founding members of the Chinese Islamic Association for Progress include 174 Hui Muslims who were well-known Imams, government officials of high posts, journalists, and entrepreneurs. In addition, they also admitted some fifty Muslims and non-Muslims who “agree with and support the aims of the association,” according to Article nine of the Constitution of the Chinese Islamic Association for Progress, as supporters (*zanchengren* 贊成人) for the association, among whom were Cai Yuanpei, Ha Hanzhang, and Ma Yuanzhang 馬元章 (1853–1920), to name a few. These supporters were of Han, or Mongol, or Manchu ethnicity and were either senior officials or military generals. Detailed information see (Zhang Juling 1998, 11–12).

⁴⁹⁷ In addition to the promotion of popular education, the association also aimed at other nine tasks, including the publication of newspapers, founding of factories, translating Islamic books, and etc. See Article two of the Constitution of the Chinese Islamic Association for Progress (Zhang Juling 1998, 16–17).

⁴⁹⁸ Chengda School was founded in Jinan in 1925. However, due to the socio-political situation in China then, the school had to move and relocate in different places. In 1929, it moved to Beijing; in 1937, with the help of General Bai Chongxi 白崇禧 (1893–1966), it moved to Guilin; however, it had to move again to Chongqing in 1944 before it moved back to Beijing in 1946. My analysis focuses on the activities of Chengda School from 1925 to 1937. For the history of the school, see (Editorial Board of the Chengda Review 1932b, appendix 2).

⁴⁹⁹ *Daoyin* 道尹 was a local official during the early times of the Republic of China who was in charge of several counties.

first ten students graduated in 1932 together with the other seven students⁵⁰⁰ that were admitted to the school when it had to move from Jinan to Beijing due to security issues in Jinan in 1928 and 1929.

The Chengda School spent its golden times in Beijing from 1929 to 1937. More students and staff members were admitted and recruited to the school, which enabled them to enrich the curriculum of the school. Fortunately, with the help of newspapers and magazines published by Chengda School, we are able to know the curriculums of the school used in 1925 to 1931,⁵⁰¹ from which we shall see the improvement of the school, and how much the staffs were dedicated to their own educational career.

There was a big change in the curriculums since Chengda School moved to Beijing, with more courses in Chinese and modern sciences included. The curriculums are just some examples of the courses taught at the Chengda School in Beijing, and it is also a representation of the courses of the secondary schools founded by the Hui Muslims during the republican period. The curriculum covered the subjects of traditional Jingtang education with the Quranic courses, and it also included Chinese language and history courses which were most of the time ignored by the traditional Jingtang education. What's more, it further added the courses of English, mathematics and other modern sciences to better enable its graduates to serve the Hui Muslim community and compete in the new society. As Ma Songting Akhūnd (1930) stated, the school aimed at the cultivation of the “three masters” (*sanzhang* 三長), namely, the Imam in the mosque (*jiaozhang* 教長), head of the school (*xiaozhang* 校長), and president of the associations (*huizhang* 會長).

The first students finished their study at Chengda School in 1932. In the *Special Issue of the Yueh Hwa Magazine* 月華 published on the twenty-fifth of July, 1932, the editors published an “Abstract of the Graduation Thesis Submitted by the First Students of Chengda School.”⁵⁰² Among all fourteen students who submitted the graduation thesis, twelve students finished their study by translating a book in Arabic into Chinese. Taking into consideration the curriculum of this period, it reflected the aim of the school in its early period to reform the traditional Jingtang education and to cultivate the new Akhūnd that was good at both Chinese and Arabic. To better achieve the goal of cultivating the *sanzhang*, Ma Songting Akhūnd, together with five of the first graduates of the Chengda School,⁵⁰³ went to Cairo, al-Azhar University, the very centre of Islamic religious studies. Since the establishment of the Chinese Islamic Association for Progress in 1912, the Hui Muslim communities in different provinces and places were able to and in fact, did build a network to communicate and unite with each other. This network contributed to the programmes of modern Hui schools, including Chengda School, to send students to other Muslim countries for further education.

One more thing that benefited from Imam Ma Songting's visits to Cairo and worth noting here was the establishment of the Fuad Library (Fude Tushu Guan 福德圖書館), the so-called “only library of Islam in the east” (Editors of the School Magazine 1936) that was named after and in honour of King Fuad for his generosity to have accepted the Chinese students and supported the building of the library. Libraries, as an important means to support education, have developed since late nineteenth-century China,⁵⁰⁴ and the Hui Muslims also started the building of their own libraries and/or reading rooms in the early twentieth century.⁵⁰⁵ When Chengda School was founded in Jinan, the school, as I mentioned above, could not afford a library. Since it moved to Beijing, with the help of Zhao Puhua 趙璞華, a Hui Muslim elite who donated a collection of *Wanyou wenku* 萬有文庫 (Literary treasury of ten thousand books) to Chengda, the school was able to gradually build a library

⁵⁰⁰ According to the editors (1932, 57–65), there were seventeen students graduated in 1932, however, there were only fourteen who submitted graduation thesis.

⁵⁰¹ I listed the Curriculums of the Chengda School, 1925–1931, in appendix six. For detailed information of the curriculum, see (Ma 1936, 1–14; Li and Feng 1985, 1034–50).

⁵⁰² See appendix seven for the thesis.

⁵⁰³ The first seventeen students graduated from Chengda School in 1932. Five of the students, Han Hongkui 韓宏魁, Wang Shiming 王世明, Jin Diangui 金殿桂, Ma Jinpeng 馬金鵬, and Zhang Bingduo 張秉鐸, were selected to continue their study at Al-Azhar in Cairo.

⁵⁰⁴ According to scholars' research (Zou 1988, 61–64; Huang 1935, 2), there were around 557 libraries in China in 1928, 1131 libraries in 1929, and 1428 libraries in 1930, the number of which jumped to nearly 3000 in 1931.

⁵⁰⁵ As early as in 1916, warlord Ma Fuxiang 馬福祥 (1876–1932) established in Ningxia the first local library (Hui 2013, 53), and later in 1919 a Hui People's Library was founded in Xi'an.

of their own. The foundation of collections of books of the library was laid by the donation of King Fuad and president of al-Azhar requested by Ma Songting Akhūnd when he sent the students to Cairo in 1932. In 1936, when the construction of the library was finished, Ma Songting Akhūnd went to Cairo again and proposed the request for books again to King Farouk. The King, ministers of the government, president of al-Azhar, as well as celebrities of Egypt donated money and books to Chengda School.⁵⁰⁶ In addition, Chengda School also founded a preparatory committee for the library, among whose members non-Muslims, distinguished professors, government officials, such as Cai Yuanpei, Chen Yuan 陳垣 (1880–1971), Mei Yibao 梅貽寶 (1900–1997), Feng Youlan 馮友蘭 (1895–1990), Zhang Xinglang 張星烺 (1888–1951), etc. were included. These committee members, with their own professional and personal connections, also contributed money and/or books to the Fuad Library.⁵⁰⁷ Though the library had not actually been put into use before Chengda School had to move to Guilin due to the breakout of the Sino-Japanese War in 1937, what impresses me most is the open-mindedness and vision of the Chengda School. They invited, among the members of the preparatory committee for the library, distinguished professors to visit the school and give lectures to the students. I list the titles of the lectures given by the members of the preparatory committee of Fuad library in appendix eight. The list shows that these professors, who were important not only in their own field of research but also in the development of modern Chinese academia, as well as their lectures, not only contributed to the diversity of the teaching in Chengda school but also represented the interaction and even a dialogue between the Hui intellectuals and the mainstream Chinese academia.

Chengda School again moved to Guilin in 1937 with the help of the Muslim General Bai Chongxi. In 1941, due to financial issues, it had to turn into a national school, which enabled the school to receive funding from the Educational Department of the Republic of China, but at the same time, it was also forced to add more courses on Party Ideology and military training. Finally, it moved back to Beijing in 1946 after it spent the most difficult time in Chongqing, the provisional capital of the Republic of China, from 1944 to 1946. With the Communist Party of China coming to power in 1949, Chengda School was ended by integrating with the Northwest Middle School (Xibei Zhongxue 西北中學) into the College of the Hui People (Huimin Xueyuan 回民學院). As one of the most prominent schools established by the Hui Muslims, Chengda and its endeavours are still relevant in the ethnic-religious education in China in general and the Hui education in particular. As a private school, it enjoyed much freedom to set up its own curriculum with a focus on Islamic religious education, however, it did not limit itself in this regard but had established connections with both the mainstream Chinese academia as well as the Islamic educational centre. Based on my interviews with the Hui and the Han during my fieldwork, the Hui Muslims, as religious believers and ethnic minority, are regarded as illiterate and undereducated (Gladney 1999, 62–70), which is contrary to my research findings. According to our investigation into historical sources, education has been crucial for the Hui, as a matter of fact, it is education that has been playing a decisive role in maintaining their distinct identity of being a Muslim and a Chinese. One thing in this regard that needs to be pointed out is that these new schools, like in the traditional Jingtang education, were primarily funded by the Hui community itself. As we pointed out before, the government of the Republic of China did not recognize the needs and difference of the Hui Muslim's (religious) education,⁵⁰⁸ hence only very limited funding from the government was distributed to the Hui schools (Guo

⁵⁰⁶ The activity of Ma Songting Akhūnd in Cairo drew great attention of the Hui Muslim communities in China. He brought back not only books in Arabic, but also moulds for Arabic letters which made it possible to print Arabic languages. Detailed information of Ma Songting's activities in Cairo, see (Ma 1937; Editors of the School Magazine 1937; Tao 1936).

⁵⁰⁷ Those who donated money to the library included, for example, Chiang Kai-shek 蔣介石, He Yingqin 何應欽, and Wang Yunwu 王雲五, and those who donated books included institutions and associations, such as the National Beiping Institute (Guoli Beiping Yanjiu Yuan 國立北平研究院), Yenching University (Yanjing Daxue 燕京大學), the Orient Bookstore (Dongfang Shushe 東方書社), etc.

⁵⁰⁸ The Republic of China claimed to be a nation joint by the five nationalities (*wuzu gonghe* 五族共和), as stated in the Constitution of the Republic of China, in 1921, Sun Yat-san argued that “when we talk about nationalism in China today, we cannot generally talk about the nationalism of the five nationalities but the nationalism of the Han... for the Manchus depend on Japanese, the Mongols on Russian, and the Tibetans on British, which represents their lack of independency. It shall be us Han that can be dependent on in the future to rejuvenate China. The conciliatory approach I am thinking about is to centre on us Han so as to assimilate the rest of the Manchus, Mongols, Tibetans and the Hui... We can model on the US to assimilate these nationalities and form a state of one nation” (Lin 1994, 73–74). Hence, the Hui Muslims were not recognised as a *minzu*, for example, when setting up and naming the association,

2014, 40–45). Almost every time when I read the Hui newspapers and magazines published during the republican period, I constantly see reports about the donations from Muslim communities to mosques and/or the Hui schools. The Hui Muslim elites, such as military generals, entrepreneurs, and high-rank government officials, played an important role in funding these schools. As a Muslim, the acquisition of knowledge is not only the observance of the Shari‘a but also a way to know and approach Allah, while as a Chinese, a relatively new identity coming with the introduction of the idea of nation (Schneider 2017), they felt responsible for the development and revitalization of the country. The educational reforms and development of the Hui, as a way to (re-)construct the Hui Muslim community so as to be a “good Chinese Muslim” continued when the communist party led them, together with other Chinese, to a “new era.”

5.2.2 Connecting with the Intellectual Centre of Islam: Sending Hui Muslim Students to al-Azhar

If Mecca represents the religious centre of Islam, al-Azhar in Egypt then is the intellectual centre of Islam. In other words, seeking knowledge in the Muslim heartlands for the Hui Muslims is, without doubt, the spiritual and intellectual pilgrimage (Ma and Yang, 1988, 151, Ma Jilian 2012, 55). This becomes possible and even desirable during the republican period. Sending students to study in Muslim countries is an essential part of the Hui Muslims’ modernization and cultural enlightenment (Yao 1999, 59). Al-Azhar University is, among others, the most desired. In this regard, Yunnan plays a vital part.

In 1928, the young Ikhwan Akhūnds, Ma Weihai 馬維海 (1896–1982)⁵⁰⁹ and Wang Shaomei 王少美,⁵¹⁰ who studied with Ma Wanfu 馬萬福 (1849–1934)⁵¹¹ in Qinghai, came back to Yunnan and started preaching Ikhwan. However, their activities, like their teacher Ma Wanfu’s, encountered great resistance from the existing Muslim authorities, including the Jahriyya Sufi order. To solve the problems, the newly reformed Yunnan Islamic Association for Progress (Yunnan Huijiao Jujin Hui 雲南回教俱進會) held the first provincial conference for religious matters so that the disputes among different Islamic sects might have been solved. However, the conference turned out to be a failure. Interestingly, the organizers of the conference asked Imam Sha Zhuxuan 沙竹軒⁵¹² to write a summary of the conference and send it to the president of Al-Azhar for the final judgement (Na 1987, 109–10).⁵¹³ It is said that the president of Al-Azhar replied to them, stating that Chinese Muslims should be united instead of being divided by minor details (Yang 1994, 280). This correspondence between Al-Azhar not only solved the dispute between Muslims in Yunnan but also laid the root for the future sending of students to the university.

Another key figure for the communication between the Yunnanese Muslims and the University of Al-Azhar was an Afghan scholar, named Muhammad. He claimed that he was travelling via Haiphong and was intended

instead of *Huizu* 回族 (the Hui nation) the Hui were only allowed to use the term *Huijiao* 回教, meaning the teaching of the Hui, or the religion of the Hui, namely Islam (Research Institute of Ethnic Issues 1941, 68). For detailed discussion on the Republic government’s policies towards the Hui, and the issue of *minzu* among the Hui, see my discussions in chapter five.

⁵⁰⁹ Ma Weihai was a well-known Yunnanese Muslim scholar and Imam. During my fieldwork in Yunnan, I was told that after years of study in Sichuan and Shaanxi, Ma followed Hajji Ma Wanfu, founder of the Ikhwan in China in 1917. He spent eight years with Ma Wanfu, and returned to Yunnan in 1925, where he was invited by the Xundian Islamic Association for Progress (Xundian Huijiao Jujin Hui 尋甸回教俱進會) as an Imam in the local mosque for thirteen years. Before the Culture Revolution, Ma worked as an Imam and also established an Islamic Teachers’ School (*Shifan xuexiao* 師範學校) in the Baxian Grant Mosque in Zhaotong County.

⁵¹⁰ Wang Shaomei was born in Dali in a religious family. It is said that his father, Wang Zimei 王子美, was financed by Du Wenxiu to go on his Hajj. According to the unpublished sources of the History of the Hui in Shadian (*Shadian huizu shiliao* 沙甸回族史料), he first studied together with Ma Wanfu in Gansu and Shaanxi, and later became Ma Wanfu’s student.

⁵¹¹ As for Ma Wanfu, see my discussion in the chapter on Hajj.

⁵¹² Sha Zhuxuan, also named as Sha Pingan 沙平安, was born in 1879. He studied Arabic and Islam in Yunnan and worked for a short time as an interpreter for the French company, which made him knowledgeable in French. Around the early 1910s when the Yunnan-Haiphong railway was finished, Sha went on his Hajj. In 1913, he was invited by Ma Guanzheng to serve the position as the Imam in the local mosque in Kunming. He also served as Arabic language teacher, and editor of several Muslim journals and newspapers. He also started his own press company and published several important books in Islamic studies. He passed away in 1956. See Yang (1994, 285–87).

⁵¹³ According to Gao’s (2000, 44–45) biographic research on Na Zhong 納忠 (1910–2008), who probably attended the conference, the letter was actually sent to the Mufti of Mecca instead of the president of Al-Azhar. Later in 1929, a scholar from Afghanistan, called Badr Farid Rahman (Baide’er Fadele Laheman 白德爾 法德勒 拉赫曼) came to visit Yunnan and encouraged them to send students to study at Al-Azhar.

to visit Guangzhou. However, he decided to come to Yunnan on hearing that “Muslims in Yunnan have established the Association for Progress, and are especially enthusiastic at education... thus I turned around to visit Yunnan” (Muhammad 1930). He was invited to give a speech by the Mingde Middle School (Mingde Zhongxue 明德中學) in Kunming, a modern secondary school organized by the Yunnan Islamic Association for Progress. The topic of his speech was religion and education, in which he introduced the educational development in the Islamic world, including Egypt. It read that,

Now let me report briefly to you the issue of education in the Muslim countries I have visited...Egypt, which traditionally has been caring much about education, has a well-known and distinguished university in Cairo, named Azhar. The large university has a long history and tens of thousands of students. It is the educational centre of the Islamic world... I myself would very much like that in the future your school could send the best students there for further education, which, I believe, would be welcomed by the university with necessary funding...⁵¹⁴

Muhammad was also asked to deliver a letter from the Yunnan Islamic Association for Progress to the president of Al-Azhar University. On the twenty-fifth of December, 1930, a letter from the president of Al-Azhar, the Grand Imam Mohammad Ahmadi Al-Zawahiri, was received, in which the president agreed to accept Muslim students from China. After more than half a year's preparation, examination, and selection, four students were admitted, among whom Na Zhong was funded by the association, while the rest of the three, Ma Jian 馬堅 (1906–1978), Zhang Youcheng 張有成, and Lin Zhongming 林仲明, were self-funded. In addition, the chief director of the Mingde School, Sha Rucheng 沙儒成, also volunteered to serve as the instructor of the students' team. Thus, on the thirteenth of November, 1931, the four students and the instructor set forth on their journey to Egypt. It is necessary to point out that the desire and hope for the revitalization of Islam in China was the main aim that motivated the students, the organizers, and the Muslims in general. President of the Yunnan Islamic Association for Progress, Ma Bo'an 馬伯安 (1886–1961) stated in his farewell speech to the students that

When at the beginning the colleagues were determined, all we wanted was to reform and revitalize the religion by cultivating qualified and talented people... Now although there are in China many believers in Islam, there are indeed only a few who understand the principles of the religion... from now on, if we wish for the survival of our religion there are no other options but to improve the education and work on cultivating talents...⁵¹⁵

It is obvious that how to realize the revitalization of Islam was the main concern of the organizers, as Ma Bo'an (1932) emphasized that the students should put “further researching the fundamentals of the religion” as their priority. Na Xun (1932), a classmate and close friend of one of the first four students studying at Al-Azhar, spoke highly of Na Zhong, and he said that “for the sake of the future of Islam, Zijia (namely Na Zhong), who is fearless of any difficulty, is going to achieve his ambition that is to fight for our school, and for the future of Islam in China.”

With the successful preliminary programmes initiated by Muslims in Yunnan, Chengda School was able to benefit from it. As far as Chengda School is concerned, the students and Ma Songting Akhūnd arrived in Cairo in 1933 and were warmly welcomed by King Ahmed Fuad I (1868–1936), who agreed to accept Chinese students to study in Egypt and the Department of Chinese students at al-Azhar was set up. Besides, the Egyptian King also sent two teachers from al-Azhar to teach at Chengda School (Ma Qiang 2008, 202–04). In 1936, Ma Songting Akhūnd visited Egypt again and the sixteen-year-old King Farouk I (1920–1965) who agreed to personally pay for the Chinese Muslim students for their study in Egypt. The Farouk Group of Chinese Students in Egypt (*Faluke Zhongguo liuai xuesheng tuan* 法魯克中國留埃學生團) was founded. The Farouk students

⁵¹⁴ The original Chinese is “現在自己將所經各回教國的教育做簡單的報告... 埃及，歷來都十分重視教育，開羅有一個很著名的大學，名叫士哈，此校歷史悠久，規模宏大，學生達數萬人，是世界回教教育的中心... 自己很希望貴校將來遣送優秀學子到那裡去留學，想彼邦定樂於贊助的...” See Muhammad (1930).

⁵¹⁵ The original Chinese is “當同人等最初立此志願時，無非為革興宗教，培育人才... 現在中國崇奉回教的人雖多，而能明白教理... 的人，實不多見... 此後欲為我回教團體謀一生存出路，非先從改良教育，培養適用人才入手，實無他道。” See Ma Bao'an (1932).

group planned to sponsor twenty Chinese students to study in Egypt, however, due to the Sino-Japanese War in 1937, only fifteen students were able to make it.⁵¹⁶

Going to study at Al-Azhar, as Na Xun (1932) argued, was, on the one hand, a great opportunity for the individual student who expected to have a prosperous future, and, on the other hand, an activity that carried significant meanings for the Hui communities in China. These students were sent to the intellectual centre of Islam in the hope that they might come back with the knowledge that could contribute to the survival as well as the revival of Islam in China. As a matter of fact, several Hui Muslims, including Wang Haoran, Ma Debao, Ha Decheng, Zhou Zibing, Zhao Yingxiang, Xing Anma, Wang Jingzhai, Ma Hongdao, etc., travelled to the Middle East during the late nineteenth and early twentieth centuries. Most of them were the pioneers who initiated and contributed to the modernization of Islam in China, especially in the field of modern secular education.⁵¹⁷ These individuals, as well as the organized students groups sent to Egypt by the modern Islamic schools, were, again, motivated by their religious devotion and represented the idea of vitalizing Islam via education (*jiaoyu xingjiao* 教育興教) prevalent among the Hui communities in general, which later turned into national salvation via religion (*zongjiao jiuguo* 宗教救國) during the Sino-Japanese War. This conceptual turning marked the possible fusion of the Muslim religious identity and the emerging Chinese national identity of the Hui. Notably, the experiences of the Hui Muslims in the Middle East contributed to the formation of their dual identity.

5.2.3 Overview of Islamic Education of the Hui under the Chinese Communist Party before 1949

The educational policies of the republican government were interrupted by the Sino-Japanese War that broke up in 1937. Both the Chinese Communist Party (CCP) that was founded in 1921 and the Nationalist Party (Kuomintang, KMT) did not impact on and had special policies towards the development of the Hui education during this war period. However, since the CCP finally came to power in 1949 and has since then played an increasingly important and decisive role in the development of contemporary Chinese society in general and the Hui Muslims education in particular, it is necessary to see how the CCP developed its ethnic minority educational policies that determine the Hui's Islamic and secular education in contemporary China.

The CCP was able to obtain comprehensive information and background of the ethnic minorities (*shaoshu minzu* 少數民族) during its Long March from 1934–1936 when the Red Army went through the north and west of the country.⁵¹⁸ During the Long March, the Hui Muslims were one of the ethnic groups that had the most intensive contacts with the CCP, and it is said that there were at least fourteen official documents specifically issued by the CCP to the Hui Muslims (Ma and Ma 2002, 312). In May 1936, two important documents were issued.⁵¹⁹ Mao Zedong (1936), on behalf of the Soviet government of the CCP, wrote the Declaration of the Central Government of the Chinese Soviet Republic to the Hui People (*Zhonghua suweiai zhongyang zhengfu dui huizu renmin de xuanyan* 中華蘇維埃中央政府對回族人民的宣言), in which it was claimed, among other things, that “based on the principle of national self-determination, we assert that the Hui people shall manage and determine their own affairs. The Hui people shall found their own independent state in their own territory to solve all the political, economic, religious, customary, moral, and educational issues...; based on the principle of freedom of religion, we [CCP] protect mosques and the Akhünd.” Besides, the Red

⁵¹⁶ As I mentioned above, the network among Muslims in China built by various associations, especially the Chinese Islamic Association for Progress, helped unite Muslims in different parts of China. Among the 15 students who benefited from the Farouk sponsorship, there were also two Muslim students from Xinjiang (Yao 1999, 62–63).

⁵¹⁷ Concerning the pioneers of the modernization of Islam in China, so far there has not been adequate research in academia. We have included some of them here, such as Wang Haoran 王浩然 (1848–1919), Ma Debao 馬德寶 (1882–1943), and Wang Jingzhai 王靜齋 (1879–1949). Further detailed research is needed in this field.

⁵¹⁸ From 1921 when the CCP was founded till the Long March in 1934, the understanding of the CCP to the ethnic minority groups was quite limited. During this time, the CCP claimed that they “recognise the freedom of the ethnic minorities who have the right to separate from China and establish their own independent state” and that “workers, famers, soldiers of the Red Army, and all toiling masses within the regime of the Chinese Soviet Republic are equal regardless of their gender, race, and religion...the regime of the Chinese Soviet Republic guarantees them freedom of religion,”(UFWD 1991, 209–11), which, to a large extent, they copied from the former USSR. However, the CCP, at least those of the leading figures of the Party, held a rather negative attitude towards religion, including Islam (Ma 2016, 59–61), and they believed that religion “is the great obstacle to Human improvement.” See Li Dazhao (2006, 69).

⁵¹⁹ Concerning the detailed policies and practices of the CCP towards the Hui during the Long March, see (Li 1996, 44–52).

Army also issued instructions stating that the army shall neither be stationed at the mosques, nor have pork in the Hui region, nor destroy the scriptures of the Hui, and should especially pay attention to sanitation, the Hui's customs and the unity with the Hui (Zhou 2006, 500–01). The CCP, contrary to the Nationalist Party, has recognised the status of the Hui as a nation (*minzu* 民族) since the very beginning of its contacts with the Hui, and thus promoted the idea of national self-determination of the Hui. However, the policies and practices of the CCP towards the Hui were rooted in and motivated by the socio-political and military situation that the CCP was facing, as stated by the General Political Department of the Red Army that “to win the support of the Hui is the most urgent and crucial political task of the Army” (UFWD 1991, 362).

These contacts improved the understanding of the CCP towards the Hui Muslims. During the Sino-Japanese War, when the central government of the CCP was located in Yan'an, capital of the Shaan-Gan-Ning Border Region where the Hui were mostly concentrated, the CCP has published several documents which marked the systematisation of its ethnic minority policies represented by its contacts and interactions with the Hui (Ma 2003, 41–44).⁵²⁰ The CCP, on the one hand, continued its policies towards the Hui Muslims to recognize its status as a nation, but made a conceptual turn, on the other hand, from the recognition of the Hui's right of self-determination (*zijue* 自決) into self-autonomy (*zizhi* 自治) (Committee for Minzu Issues 1941). Obviously, the CCP realised that “the Hui's political tendency directly relates to the life and death of the communist regime in the border region,” (Zhang 2009, 247) and therefore they aimed at winning over the Hui to join and support their political regime and fights against the Japanese. Thus, among other measures, the CCP decided to contribute to the educational development of the Hui. Despite the fact that Mao Zedong ([1938]1991, 595) himself held that the CCP “shall respect the culture, religion, and custom of the ethnic/national minorities and shall sponsor the culture and education in their own respective languages instead of forcing them to learn Chinese/the Han language” so as to promote the inherent cultures of the *minzu* (UFWD 1991, 554), the primary schools founded in the border region by the CCP, according to the Law for Primary Schools at the Shaan-Gan-Ning Border Region (*Shan-Gan-Ning bianqu xiaoxue fa* 陝甘寧邊區小學法), aimed at the cultivation of the students' revolutionary spirits and the basic skills needed for the anti-Japanese war (Institute for Education at Shaanxi Normal University 1981, 55).

Anyways, by the end of the Sino-Japanese War in 1945, eight Islamic primary schools⁵²¹ and one Islamic public school were founded in the border region for the Hui Muslims (Jia and Guo 1991, 10), however, from the curriculum of the primary school at the border region listed in appendix nine, we can see that these schools, though named as Islamic, in fact, did not include any religious subjects (Liu Shuxiang 2011, 27). Interestingly, the CCP, for purpose of getting support from the Hui Muslims in the war against Japan, cited the Quran and Hadith to encourage the Hui to “inherit and promote the glorious revolutionary tradition of Islam, and firmly follow the teachings of the Prophet Muhammad to love the land where you live and the teachings of Allah to fight those who fight you” (Luo 1940). In a nutshell, the policies of the CCP were determined by the needs to fight against the Japanese and most of them were actually copied from the former USSR. Moreover, ideologically the CCP believed, especially after the May Fourth Movement in 1919 that asserted social Darwinism and promoted scientism, that religion was in conflict with sciences and thus those who believed in religion were, in the end, to be changed or corrected, if not terminated, together with religion itself. The education promoted by the CCP was, at least by name, to help improve the educational level of the minorities but in practice was to Hanisize the Hui Muslims, which went even worse in a series of Movements since the CCP finally came to power in 1949.

6. A Few Remarks from Fieldwork in Contemporary China

The new era promised by the CCP probably turned out to be something unexpected, particularly during the first decades after 1949. In terms of the Hui Muslims' educational programmes, they suffered, to a large degree,

⁵²⁰ Most of these documents were from the Committee of the Northwest (Xibei Gongzuo Weiyuan Hui 西北工作委員會) within which a Hui Research Group (Huizu Yanjiu Zu 回族研究組) was founded under the supervision of the Research Office of Minzu Issues (Minzu Wenti Yanjiu Shi 民族問題研究室).

⁵²¹ The first Islamic School founded by the CCP was the Yangjiatai Islamic School in 1938 at Xinzheng county, and later the Sanchaqui Islamic School in 1940, the Yan'an Islamic School in 1941, the Dingbian Islamic School in 1942, Quzi County Islamic School and the Zhenyuan County Islamic School in 1944, and Xiqu Islamic school and the Beiguan Islamic school were founded. See (Guo 2001, 132).

from the political movements led by the CCP, especially from 1957 when the CCP launched the Rectification Movement (*zhengfeng yundong* 整風運動) and the Anti-Rightist Campaign (*fanyou yundong* 反右運動)⁵²² till the end of the Culture Revolution (*wenhua geming* 文化革命) in late 1970s, during which time the Hui Muslims' public religious as well as civic education was erased completely.⁵²³ For example, in 1958, the CCP pointed out that the religious institutions and clericalism of Islam were in conflict with the local political administration of the CCP, and the land owned by the mosques (that is where the traditional Jingtang education was conducted) and the *gongbei* 拱北⁵²⁴ was vast and should be nationalised.⁵²⁵ Moreover, the practices of the basic religious rituals, such as daily prayers and fasting during Ramadan, were deemed to be a waste of energy and time that should have been used in the construction of socialism. In general, Islam was regarded as a “heavy mountain that holds the Hui people down” (Yang 1958). In August 1958, the United Front Work Department of the Central Committee of the Communist Party of China (Zhonggong Zhongyang Tongyi Zhanxian Gongzuobu 中共中央統一戰綫工作部, hereafter the UFWD) initiated the institutional reform of Islam (Chen Jinlong 2002, 123–25), which involved the educational reform of the Hui. According to the UFWD (1958), religion or Islam should be separated from education, which means that religious education basically was forbidden. In other words, as for the Islamic education of the Hui Muslims, the CCP dominated institutional religious reform made it impossible for the Hui Muslims to continue either the new-style Islamic schools started since the republican period or the traditional Jingtang education. The reform, as well as the right of freedom of religion promoted by the CCP that guided the reform, actually served the aim of the Party to “change their religious belief and finally break away from it” (Li [1958]1987, 340–55).

During this period, the Hui Muslims' education was only able to exist in their private life. This family-based parents-children approach of Islamic education had probably been the practices of the Muslims in the Tang-Song-Yuan dynasties when, as we discussed, the ancestors of the Hui were, though treated as inferior non-Chinese foreigners, allowed to practice their religion. In addition, before the breakout of the Cultural Revolution in 1966, two movements must be mentioned where the Hui Muslims were also involved, namely the Great Leap Forward (*da yuejin* 大躍進) from 1958 to 1960 and the Socialist Education Movement (*siqing yundong* 四清運動). Unfortunately, little is known about how much exactly the Hui had suffered,⁵²⁶ however, as we know that the Hui live scattered in all parts of China, we can be sure, with the above said, that the Hui's education, and the general situation of the Hui communities, experienced a period that was full of suffering.⁵²⁷

⁵²² As a matter of fact, the Hui Muslims, as the rest of the Chinese people at that time, already suffered a lot since the Campaign to Suppress Counterrevolutionaries (*zhenya fangeming yundong* 鎮壓反革命運動) in 1950. It is said that more than 2.62 million people were arrested and over 712 thousand so-called “counterrevolutionaries” were killed (Xu [1954]2009; Yang 2006, 59). Meanwhile, the CCP also continued the somehow violent Land Reform Movement (*tudi gaige yundong* 土地改革運動) in 1950 in which at least around one to three million people were killed (Daniel 1996, 187; Rummel 2007, 223). According to Qin's (2012, 68–71) research the Land Reform Movement in the 1950s was a continuation of the land reform project during the Civil War between the KMT and the CCP. Crucially, one of the consequences of the Land Reform is that it breaks the traditional identification in the rural area via criticizing and denouncing the charismatic figures, including Imams and social elites of the Hui Muslims, which enabled the CCP to efficiently set up and control the bureaucratic apparatus at the lowest administrative level.

⁵²³ As Deng Xiaoping ([1987]2008, 237) stated that “our main mistake, since 1957, has been the “Left” deviation (*zuqing* 左傾), and the Culture Revolution went to the ultra-Left. The Chinese society, for twenty years from 1958 to 1978, was in fact in backwater.”

⁵²⁴ The *gongbei* means qubba in Arabic and is the transliteration of the Persian word gonbad, meaning a dome. Among the Hui Muslims it refers to the shrine complex centered on the grave of a Sufi Master. The Uyghur Muslims use the term mazar (*mazha* 麻扎) referring to the mausoleum.

⁵²⁵ However, according to Article 3 of the Land Reform Law of the People's Republic of China in 1950, “the land of the mosques, with the consent of the Hui people, shall be reserved.”

⁵²⁶ The Great Leap Forward from 1958–1960 was led by the CCP that aimed at the fast improvement of the construction of socialism China. However, the goals and outcomes of the movement were unrealistic and unreal. Together with the institution of People's Commune (*renmin gongshe* 人民公社), these movements led to the so-called Great Chinese Famine from 1958–1962 that caused the death of more than 30 million people (Lin 2008, 279–82).

⁵²⁷ During the Great Leap Forward, it was reported that there were many rebellions against the CCP in areas such as Gansu and Yunnan, where ethnic minorities including the Hui Muslims were concentrated. The CCP was increasingly deemed as autocratic, brutal, corrupt, and mean-spirited, instead of the brotherly and friendly image when they asked for support from the locals during the Long March (Mirsky 2009).

The revival of Islamic education in contemporary China becomes possible after the Reform and Open policy (*gaige kaifang* 改革開放) initiated by Deng Xiaoping 鄧小平, Party leader of the CCP, in late 1970s and early 1980s.⁵²⁸ Nowadays, multiple means of education exist among the Hui Muslims communities in different parts of China. According to my fieldwork in Yunnan, for example, in addition to public education provided by the Chinese government and the Institute of Islamic Theology (Yisilan jingxueyuan 伊斯蘭經學院) funded and supervised by the government, there are traditional mosque-based Jingtang education, also named as scripture schools or classes (*jingwen xuexiao/ban* 經文學校/班), the professional Arabic language schools, various study groups and classes organized by the local Hui Muslim foundations, summer or winter schools for school students and university graduates, the individually initiated *Tabliḡ Jamā'at*, and the internet-based study groups and websites. How these projects were created, functioned, and have developed remain to be evaluated in the future.

Conclusion

In sum, through the socio-historical investigation of Islamic education among the Hui, It is evident that the Hui Muslims' Islamic education has been influenced and shaped by two forces: one Chinese, the other Islamic. Living in China, there is no way that the Hui Muslims could isolate themselves from the Han Chinese nor the Chinese society at large. However, this sometimes—and for some people, such as Ma Wanfu—inevitably leads to “*bid'a*” that should be excluded from Islam. The Hui's case of Islamic education typically represents the construction of the dual identities of the Hui, consisting of both Muslim and Chinese traditions. In this regard, the modern educational projects actually share great similarity with the traditional Jingtang education, despite some clear differences between the two. In other words, both Jingtang education and the modern educational reform projects serve the Hui's efforts to search for a new identity, to define and redefine who they are in response to the changing and challenging conditions of Chinese society. Jingtang education largely arose in the context of the Ming Dynasty when a series of assimilative, discriminative, and oppressive policies were issued by the government that threatened the very existence of Islam and Muslims in China. The modern projects, though appearing to be more complicated, were also responses to the external challenges brought about by Chinese socio-political situations. The modern reformers targeted either a traditional Jingtang education that was overly influenced by Chinese culture, or the new situation in which the Hui Muslims were supposed to live, cooperate, and, maybe more importantly, compete with the Chinese, which required sufficient knowledge of modern science and technology. Clearly, education for the Hui Muslims, especially religious education, has been a channel through which their (religious) identity has been constructed in response to external challenges.

Through the historical investigation of the development of the Hui Muslims' education, it is obvious that public and private systems of education have been playing a crucial role for Muslims in China to negotiate among competing and conflicting sets of norms and ideals. In this chapter, I have depicted, on the one hand, the context in which the Hui Muslims have been trying to negotiate with various parties so as to maintain the “authenticity” of their faith while living in a non-Muslim dominated state, and how this has proceeded in the past and at present. For the Hui Muslims, the negotiations actually are located between the divinity of the Path guided by the Shari'a leading to the eternal peace and the politicality embedded in the Chinese society striving for the loyalty towards the ruling regime in everyday life, which has become evident since the Ming Dynasty when the Hui Muslims were forced to give up their cultural-religious features to integrate into the Chinese society, a process that is characterised as “an active policy of internal colonialism” (Gladney 1994, 25–50).

As Gerard (1999, 3) has pointed out that “social context is a profound determinant of the form and content of schooling,” Chinese authority, especially since the modern period, has advocated a Chinese national culture (*Zhonghua minzu wenhua* 中華民族文化) with a characteristic of the political ideology, which at the same time, with regards to education, promotes the Han culture as the advanced and civilised premium over

⁵²⁸ For the situation of Islamic education from 1949 to 1979 in China, there is no comprehensive research available, neither in Chinese nor in Western academia. This is partially due to the sensitivity of a series of political movements led by the CCP during this period, which, to a large extent, remains a taboo in China today.

the minorities.⁵²⁹ This characteristic is represented in particular in the curriculum designed, either by the KMT in the Republican period or by the socialist regime in contemporary China, for the national public schools. These courses include Chinese Language, History, Ideology and Moral Courses (*Sixiang pinde ke* 思想品德课) which “give the students a Chinese-based colour with a red [revolutionary]-gene” (Jin 2018). Thus it is clear that in the national public schools little can be learnt about Islam, or any other religions in general, where all school-aged children, regardless of religious belief, are required to finish the nine years compulsory atheistic education.⁵³⁰ However, though the government is quite powerful and successful in implementing and promoting compulsory national education, it, in reality, prevents, on the one hand, the Muslims, at least some of them, from wanting to study at the public schools, and also prevents the majority Han Chinese, on the other hand, from acquiring positive knowledge of Islam and religion in general based on which a mutual understanding and respect between the religious believers and non-believers, thus a social and national unity and cohesion, is possible.

⁵²⁹ The idea of the Chinese culture actually has been the Han culture since Sun Yat-sen advocated the Unity of the Five Nations (*wuzu gonghe* 五族共和), which has, to some degree, been inherited by the CCP. One example is the nationwide project aiming at promoting the Chinese culture, the Chinese Characters Dictation Competition (*Hanzi tingxie dahui* 汉字听写大会), where no elements of religious or ethnic minorities are included.

⁵³⁰ According to the statistics published by the Ministry of Education of the PRC, the Net Enrolment Ratio of School-age Children in Primary Schools has been above 99% since 2005. This means almost all children of school-age are attending the public schools, and any privately organised religious education is banned.

CHAPTER SEVEN

Ḥajj: The Hui Muslims' Pilgrimage to Mecca

Introduction

Ḥajj⁵³¹ as one of the five pillars of Islam is one of the most important and largest annual congregations in our day that involves the transnational movement of some millions of human beings. It is a way “for Muslims to get in touch with the history of their faith, but also with themselves—it is a communal journey, but also at the same time a deeply personal one” (Tagliacozzo and Toorawa 2016, 2). It is a religious activity, but also has significant social, political, intellectual, and economic implications, not only on Saudi Arabia where the holy city of Mecca is located, but also on the global umma (the collective community of Muslims).

This chapter seeks to answer how the issue of Ḥajj has been organized by the Hui Muslims from the earliest possible records regarding Ḥajj in Chinese sources to the Republican era, and how this process has contributed to (or not) their identification of being a Chinese and a Muslim. Together with the chapters on education and marriage which deal with the ethical and legal dimensions of the Shari‘a, this chapter on Ḥajj dedicated to the religious dimension of the Shari‘a serves as an example to illustrate the tensions that the Chinese Hui Muslims have been facing in terms of the construction of their dual-identity as Chinese Muslims. Ḥajj used to be one of the few circumstances where the Hui Muslims were able to be connected with the very centre of Islam, which at the same time means that Ḥajj worked, and to certain degree still works, as a medium for the transfer of social, theological, as well as political thoughts from the centre of Islam to its far eastern periphery of China. This connection makes it a perfect case study for the investigation of how the Hui Muslims make their choice and reconcile between being part of the Muslim umma and being subjects of the non-Muslim Han Chinese dominated regime. Ḥajj for the Hui Muslims has been more than the pilgrimage to Mecca. It has also been connected to other social activities, such as study trips and visits to other Muslim countries. This observation requires, and also enables, me to research the Hui’s Ḥajj in its own context. In other words, not only the actual Ḥajj rituals and their implications found in the individual Hui Muslims’ Ḥajj experience will be addressed, what role Ḥajj has been playing in the overall development of Islam in China, and the Hui Muslims’ identity construction, in particular, will also be analysed. In this sense, Ḥajj is not only about those who actually go to Mecca and perform the pilgrimage, but also is an experience shared by almost all Muslims. However, this does not mean that there is a generalized and uniformed practice among the Hui Muslims in terms of their Ḥajj experiences. On the contrary, I will try to demonstrate how diverse and complicated Ḥajj has been in constructing the Hui Muslim communities at different times, places, and under different social and political circumstances.

To this end, in addition to my fieldwork in the Hui Muslim communities in Yunnan, Gansu, and Xinjiang, the chapter relies on a variety of primary sources, particularly those produced by the Hui Muslims themselves. As for the early history of Chinese Muslims’ Ḥajj, my work is mainly based on the tombstones found in Quanzhou, Fujian Province. The books edited by Wu (1957) and Chen Dasheng 陳達生 (1984) are particularly helpful. In addition, some Chinese works also contained valuable information in terms of the early history of Chinese Ḥajjis, such as Xu Youren’s 許有壬 (1287–1364) *Zhizheng ji* 至正集 (Collections of zhizheng), Huang Jin’s 黃潛 (1277–1357) *Jinhua Huang xiansheng wenji* 金华黄先生文集 (Collected works of Sir Huang Jin of Jinhua), and Wang Dayuan’s 汪大淵 (1311–1350) *Daoyi zhilüe* 島夷志略 (A short account on the islands of

⁵³¹ There are two different kinds of pilgrimage to the holy city of Mecca, namely, Ḥajj, the Great Pilgrimage, and ‘umra, the Little Pilgrimage (Wensinck 1986, 31–33; Paret and Chaumont 2000, 864–66). In addition, three ways are available to perform the pilgrimage, namely, *Ḥajj al-tamattu’* (referred to as *Xiangshou chao* 享受朝, or *Taimantuer* 台曼圖爾 in Chinese), *Ḥajj al-ifrād* (referred to as *Danchao* 單朝 or *Yifulade* 伊夫拉德 in Chinese), and *Ḥajj al-qirān* (referred to as *Lianchao* 連朝 or *Gailani* 蓋拉尼 in Chinese). In this chapter, the term Ḥajj is used to refer to *Ḥajj al-tamattu’*, which involves the performing of ‘umra and then Ḥajj, with one *Ihrām/niyyat* for each. This is the way most Chinese Muslims perform their Ḥajj and further, according to the Hadith, the best way to perform the pilgrimage, for the Prophet said during his only pilgrimage that “If I had known before what I know now, I would not have brought the sacrificial animal with me, and I would have made it ‘umra, whoever among you does not have a sacrificial animal with him, let him exit *Ihrām* and make it ‘umra” (Abū al-Hussayn Muslim ibn al-Ḥajjāj 2007, 347).

the barbarians). In this regard, one document that deserves mentioning is the *Yingya shenhglam* 瀛涯勝覽 (Overall survey of the oceans, written by a Hui Muslim during the Ming Dynasty, Ma Huan 馬歡 (1380–1460), in which Ma Huan reported his personal experience in Mecca and Medina. One of the points I would like to make in this chapter is the role of Ḥajj in connecting the Hui Muslims with the centres of Islam, particularly in the introduction and spread of Sufism among the Hui Muslims. I included several under-researched documents, which have been privately circulated among the Hui Muslim Sufi followers. These include, for example, the *Yisilanjiao hufuye xiamnen shilue* 伊斯蘭教虎夫耶鮮門史略 (Brief history of the Xianmen of the Khūfiyya branch of Islam); the *Huasi gongbei shilu* 華寺拱北史錄 (Historical record of Huasi gongbei), and those produced by the Jahriyya Sufi followers, recording their own history, which includes the *Rashahat (Reshiha'er* 熱什哈爾), the *Kitab al-Jahri (Zheherenye daotong shi zhuan* 哲赫忍耶道統史傳), and the *Ye guanchuan daotang* 謁官川道堂 (Statements on the Guanchuan *Tarīqa*). These sources are important not only because they enabled me to have a detailed examination on how Ḥajj contributed to the spread of Sufism and gave the Hui Muslims a “new” identity as a Sufi follower, but also because these sources are produced, preserved, transmitted, and valued by the Hui Muslims themselves. They provide me with an internal perspective, a perspective of the Hui Muslims themselves. In addition, as I have done in other case studies, the Republican period as the focus of my dissertation is characterised by the flourishing print media in China, including the Hui Muslim communities. Therefore, the journals, book, newspapers, and magazines published during this period, by both the Hui Muslims and the non-Muslim Chinese, are important and invaluable materials. These publicans include the *Huiguang* 回光 (Light of Islam), *Haishi* 海事 (Maritime affairs), Yueh Hwa 月華 (Moonlight), *Qingzhen duobao* 清真鐸報 (Muslim paper, or Islamic bell), the *Zhongguo Hujiao chaojin tuan riji* 中國回教朝覲團日記 (Diary of the Chinese Muslims pilgrimage group), and the *Zhongguo huijiao Jindong fangwentuan riji* 中國回教近東訪問團日記 (Diary of the Chinese Muslims Near East Delegation), to name a few. These primary sources, just as the internal-circulated Muslim materials mentioned above, have not been systematically researched, nor been examined in the research field of this dissertation.

Following the Introduction, the chapter is divided into four sections. Tracing the history of Ḥajj among the Hui Muslims, in the first section, I will analyse how the Hui Muslims deal with the issue of Ḥajj in history, especially since the Yuan Dynasty when written Chinese sources are available. With the help of the unpublished and yet under-researched documents written by the Sufi historians of the Chinese Naqshbandiyya followers, in the second section, I am able to look into the evidence that reflects the connections between some Chinese Sufi orders with the centre of Islam via Ḥajj. In the third section, I will focus on the issue of Ḥajj in the context of China’s modernization process since late Qing period. This section is further subdivided into late Qing and the Republican periods. With two examples of Ḥajji Ma Lianyuan, and Ḥajji Ma Wanfu, in late Qing period, I aim to explain why and how Mecca, instead of the “advanced” European countries, became the priority destination for the Hui Muslims in an era of China’s great transformation into a modern nation-state. These cases will show exactly how Ḥajj as the religious dimension of the Sharī‘a has contributed to the survival and revival of Islam in late Qing China. As for the section on the Republican period, I will provide a variety of Ḥajj cases, from Hui Muslim officials, Imams, businessmen, to Muslim students, and ordinary Muslims, male and female, young and old. I will first make an overall examination on several issues related to Ḥajj, including topics related to transportation, agencies, Ḥajj receptionists in China and Mecca, and preliminary statistics of Ḥajjis during this period. I will also highlight my argument that Mecca is not only a holy city that is essential for the Hui Muslims in defining the “authenticity” of their religion, a holy city that they have for a long time defined as their “homeland” (*zuguo* 祖國), hence crucial for their identification as Muslim. I will argue that Mecca, and the Muslim world in general in late nineteenth and early twentieth centuries in particular, also turns out to be an essential source for the building of the Hui Muslims’ Chinese identity, particularly in their understanding of the relations between being a pious Muslim and a patriotic Chinese nationalist. Before I conclude the chapter, I will briefly touch upon the issue of Ḥajj organised by the government in contemporary China.

1. Early History of Chinese Muslims' Ḥajj: Ḥajjis in Chinese Sources and the Historical Routes to the Holy City of Mecca, Yuan-Ming Periods

1.1 Tracing the Earliest Chinese Ḥajjis in Yuan China: Historical Recordings from Chinese Sources

Although Islam has been in China since the seventh century Tang Dynasty, we know very little, if not nothing, about how the early Muslims in China are connected to the most important holy city of Islam, Mecca, until the Mongol Yuan Dynasty when written records in Chinese are available that mention the term of Ḥajj, or Ḥajji (*Hazhi* 哈只), the one who has performed the pilgrimage to Mecca. The Arabic tombstones found in Quanzhou, Fujian Province, probably are one of the earliest written records in China available to us today. It is said that there are tens of thousands of foreign merchants doing business in Quanzhou during the late Song and the Yuan periods, among whom most are Muslims from Arab, Persia, and Central Asia. Some of these Muslims decided to settle down, married the locals, and were buried there.⁵³² Wu (1957) has collected and recorded some eighty pieces of Muslims' tombstones in his book, which has been extended to ninety-eight in another publication by Chen in 1984.

The tombstone of a Muslim called Mansur, which was found in 1930 when the city gate of Quanzhou, the Renfengmen 仁風門, was removed, dates back to 1277 AD, or 676 after Hijra of the Islamic calendar. On the front of the tombstone, it reads, "God is eternal. Death is a judgement imminent to humankind. This world is not a permanent home. This is the tomb of Mansur b. Ḥajji al-Qasim al-Jajarm, who died on Thursday twenty-first Jumada' 1-Ukhra 676..." (Chen Dasheng 1984, 30).⁵³³ Despite the possibility that Mansur might have come from Jajarm, a city in the province of Semnan in the northern part of Iran (Chen Dasheng 1984, 15), the mention of the word of Ḥajji in his name indicates that Mansur's father must have visited Mecca and performed the pilgrimage, probably in the beginning of the thirteenth century (Moore 2015, 116). Another tombstone found one year earlier than Mansur's in the same area belongs to Ḥajji Ibn Aubak. The Arabic inscription on the tombstone read that, "This is the noblest, greatest and most respected martyr Ḥajji b. Aubak b. Ḥajji al-Malaq. At the time of twenty-seven Sha'ban 689... Say, verily, we are God's, and verily, to Him do we return. Whoso hath died a stranger hath died a martyr" (Chen Dasheng 1984, 16). This Ḥajji Aubak, who probably came from al-Malaq, a county in Turkestan, must have performed the pilgrimage to Mecca himself.

Several other tombstones that mentioned the title of Ḥajji⁵³⁴ were recorded in the book (Chen Dasheng 1984, 2–3, 19, 21, 24, 44, figs. 7, 41, 47, 56, 151). It is reasonable to assume that performing Ḥajj requires certain financial resources, and it is very likely that these Muslims who were entitled Ḥajjis either enjoyed a high social status or were very likely successful businessmen who came to and ended up dead in Quanzhou, the well-known international trade port then. The tombstone numbered fifty-six in Chen Dasheng's (1984, 24) book might serve as an example here. Found in 1974 at a construction site near Beiqu Canal, the tombstone of Hasa reads that "God is eternal. He has passed from this world to the eternal and is in the good graces of God, the most high. Ḥajji Khwaja b. Hasa al-Mardam Iyki Ulugh [died] on fifteen Shawawl 764..." (Chen Dasheng 1984, 44). The title of Khwaja given to Hasa, an honorific title in Persian meaning master or lord, suggests that he might have been a religiously learned, senior, and/or wealthy leader, which gave him adequate resources to conduct and safely come from the Ḥajj. However, one thing has to be taken into consideration, namely, the mention of the term Ḥajji in the tombstones does not necessarily suggest that these men actually travelled from China to Mecca to perform the pilgrimage. Although it is the Yuan Dynasty that sees the localization and integration of Muslims into Chinese society, the assertion that these Ḥajjis, on the other hand, could be called Chinese Ḥajjis is still problematic. It is still questionable whether they came to settle in China as a Ḥajji from

⁵³² Several tombstones specifically mentioned the origin of the Muslim buried there, which, among others, include Yemen, Hamdan, al-malaq, Khalat, Siraf, Shiraz, Jajarm, Bukhara, Khorazm, Khurasan, Isfahan, Tabriz, Jilan, and etc. See (Chen Dasheng 1984, 3–4).

⁵³³ The inscriptions on the tombstones were originally written in Arabic or Persian. In addition to Chinese translations of the inscriptions, the book edited by Chen Dasheng (1984) also included an English translation of the complete contents of the book by Chen Enming 陳恩明. In most cases, I followed the English translation by Chen Enming, especially when it comes to the transliteration of the Arabic or Persian names.

⁵³⁴ Moore (2015, 116) mentioned a female pilgrim, called Khadija Khatun, a fortunate, kind deceased woman who was recorded to have travelled to the Holy Land in 1336 (Chen Dasheng 1984, 22–23, fig. 51). However, he also pointed out that this female Muslim might have visited neither Mecca nor Medina.

their own country of origin, or they performed Hajj as a Muslim from China. The case of Hajji Qasim (*Hazhi haxin* 哈只哈心 or *Hazha hajin* 哈紮哈津) might be interesting to serve as an example.

According to Xu Youren 許有壬 (1287–1364), author of the book *Zhizheng ji* 至正集 (Collections of Zhizhen⁵³⁵) which contains an inscription of Hajji Qasim, it is said that

the revered [father] was called Hajji Qasim, belonging to the people of Arghun, originating from the Western Regions... He passed away on the twenty-third of August in the fifth year of Zhiyuan⁵³⁶ [1268 AD] at the age of 117... He had two sons: the elder was Ahmad, who died at a young age; the younger son was Hasan... who was appointed as the local authority of the Daming Lu in charge of taxes...⁵³⁷

As the author of the inscription, Xu Youren recorded that Hajji Qasim was one of those Muslims captured by the Mongols in their conquest of Khwarezmia (1219–1220). It was around the year 1225 that they came to China with the Mongols, which means that Hajji Qasim was in his mid-seventies when he came to China. Probably, Qasim had already conducted his pilgrimage to Mecca before he came to China with the Mongols. Similarly, this probably can also be applied to the owners of the tombstones mentioned above as Hajjis.

Although there is not enough evidence showing a concrete case of a Chinese Muslim conducting the pilgrimage to Mecca in the Yuan Dynasty, some recordings still allow me to assume certain Muslims going on their Hajj from China during the mid- or late thirteenth century. For example, a Dānishmand (*Dashiman* 答失蠻)⁵³⁸ and his family were recorded by Huang Jin 黃潛 (1277–1357), a historian in the Yuan Dynasty. Huang has traced the origin of the family of the Dānishmand, and he tells us that Dānishmand's great-grandfather, someone named Mama 馬馬 in Chinese, which probably is the transliteration of Muhammad,⁵³⁹ belongs to the people of Qarluq in the Western Region (Xiyu 西域).⁵⁴⁰ Muhammad has a son called Ali who died at a young age. Thus, when Muhammad is appointed by his King Arslan Khan to pay a visit to Genghis Khan in 1211, he brings with him his grandson, who is actually the father of Dānishmand. His grandson is asked by Genghis Khan to stay at the Mongol court as a political hostage. This little boy is raised together with the sons of Genghis Khan, and later he works as the cook for Genghis Khan (He 1999, 89), which is in fact a very important position that may only be appointed to someone whom the Mongol ruler trusts most. In Huang's recording, this little boy who enjoys a highly close relation with the royal family of the Mongol rulers and joined Kublai Khan in his battle against the Chinese North Song regime is called Hajji (*Hazhi* 哈只). Unlike the case of Hajji Qasim, Dānishmand's father comes to the Mongol regime at a young age and there has not been any evidence suggesting that he has ever gone back to where he comes from, the Western Region. Besides, neither his

⁵³⁵ Zhizheng 至正 is the Chinese era name for Emperor Huizong of the Yuan Dynasty, or Toghon Temür (1320–1370), that lasts from 1341 to 1370.

⁵³⁶ There are two Chinese emperors who used the era name of Zhiyuan 至元, Shizu Hubilie 忽必烈 (1215–1294), the Great Khan Kublai, and Huizong Boerzhijin Tuohuantiemuer 孛兒只斤 妥懽帖睦爾 (1320–1370), Toghon Temür, respectively. However, when it comes to the Zhiyuan era of Emperor Huizong (1335–1340), the Chinese historical recordings often appear to be post-Zhiyuan (*Hou Zhiyuan* 後至元), repeated Zhiyuan (*Chongji zhi Zhiyuan* 重紀之至元), etc., so as to be differentiated from the era name of Kublai Khan. In addition, taking into consideration the context of the inscription, the Zhiyuan era here refers to that of Kublai Khan.

⁵³⁷ The original Chinese is: 公諱哈只哈心，阿魯渾氏，世西域人... 卒，時至元五年八月二十三日也。享年一百一十七歲... 生二子：長，阿合馬，早卒；次，阿散... 以阿散為大名路稅課提領... (Yu and Lei 2001, 557–58).

⁵³⁸ Another issue that has to be taken into account when dealing with Chinese sources is that sometimes different subjects can be transliterated into the same Chinese term. One example is the term *Dashiman* 答失蠻. For example, according to *Yuanshi* 元史 (History of the Yuan), *Dashiman*, as the transliteration of the Persian word Dānishmand meaning the (religiously) learned, refers to Islamic priests, who, together with monks, Daoists, Christians, and Jews, are given privileges to pay less taxes as ever according to the old system (Wang 2018, 81). However, Yang (1985, 211) has pointed out that it can also refer to a family name in the Chinese sources, and what he has further pointed out is that the Chinese term of *Dashiman* can also be used for Christians, such as the Dashman whom Rashid-al-Din Fadlullah Hamadani in his *Jami' al-tawarikh* refers to as one of the Chingsangs (*Chengxiang* 丞相, prime minister), together with Hantun Noyan, Uchachar, Oljei, and Tarkhan (Rashid-al-Din and Boyle 1971, 279–80, 297).

⁵³⁹ He (1999, 89) assumed Mama 馬馬 to be Maqamad.

⁵⁴⁰ The original Chinese text of Huang Jin's report on the Dānishmand is collected in *Jinhua Huang xiansheng wenji* 金華黃先生文集 (Collected works of Sir Huang Jin of Jinhua), which is available on the website of Chinese Text Project at <https://ctext.org/wiki.pl?if=gb&res=334515&remap=gb>.

grandfather, Muhammad, who brings him to the Mongol regime, nor his father, Ali, who died before 1211, was given the title Hajji. This Dānishmand himself probably performed the pilgrimage to Mecca from China.

Some other similar cases could also be found in the historical documents of the Yuan Dynasty.⁵⁴¹ However, as I have demonstrated before, some Muslims had already performed their Hajj before they came and settled in Yuan China, in which case it would not make sense to regard these pilgrims as what I am discussing here, the early Chinese Hajjis. Generally, these foreign Hajjis came to China either with the Mongols as they came back from their invasions and conquests of the Muslim world, or, like some of the owners of the tombstones found in Quanzhou, as merchants doing business in China. Although, strictly speaking, they are not Chinese Muslims who performed Hajj from China to Mecca, the consequences that they settled and in the end died in China as Hajjis should not be underestimated. The fact that they died with the title of Hajji recorded in their tombstones may suggest that as Hajjis they probably were highly respected in the Muslim communities. They probably would also have talked about their experiences in the holy city of Islam to their fellow coreligionists who could not make it, financially or physically, to visit the House of Allah (the Kaaba), which might motivate some of the local Chinese Muslims to go on their journey to Mecca. I name these Hajjis the local Hajji. One concrete written example of the local Hajjis in the early period of Islam in China is the father and grandfather of the well-known Yunnanese diplomat, explorer, and fleet admiral during the late Yuan and the early Ming dynasties, Zheng He 鄭和 (1371–1433).

1.2 The First Chinese Hajjis Travelling from China to Mecca: Cases from Zheng He's Family, and His Colleagues in Ming China

Before he started his first voyage in July 1405 assigned by Emperor Zhu Di 朱棣 (1360–1424), Zheng He asked the then learnt scholar and Director of the Board of Rites (Libu 禮部), Li Zhigang 李至剛, to write the epitaph for his father who passed away when Zheng He was very young. The epitaph written by Li Shigang was not long and it read that,

[My] respected [father]'s name was Hajji, and his family name was Ma, who was a local Yunnanese in Kunyang (nowadays a district in Kunming city). Bayan was his grandfather, and his grandmother's family name was Ma. His father's name was Hajji, mother was Wen... [My respected father] had two sons, Wenming being the elder and He being the younger, and four daughters. [The younger son] He has been talented and ambitious who has been granted Zheng as his family name by the present-day Son of Heaven... [My respected father] was born on the ninth of December in the year of Jiashen,⁵⁴² and he passed away on the third of July in the fifteenth year of Hongwu Emperor, at the age of thirty-nine...⁵⁴³

This inscription is dedicated to Zheng He's father, who was called Hajji with Ma as his family name. It is said that Hajji Ma might have participated in the battles of the Mongols against the Ming regime (Li 2003, 71–72; Xie 2011, 187), and that might be the reason why he, anomalously, was recorded as Hajji instead of his name, Milijin (米里金, Milhim?). Besides, Zheng He's grandfather was also recorded as Hajji in the inscription, whose real name, according to Yao (2005, 16–17), was Chaermidena (察兒米的納, Jafar Medina?).

It is argued that Zheng He was the descendent of the fifth/sixth generation of Sayyid Ajall Omer Shams al-Din, the well-known first provincial Prime Minister appointed by the Yuan regime to Yunnan (Li 1983, 97–101; Zheng 1996, 9–10; Yao 2005, 16–17; Xie 2011, 187–88). It is reasonable to claim that Zheng He's father and

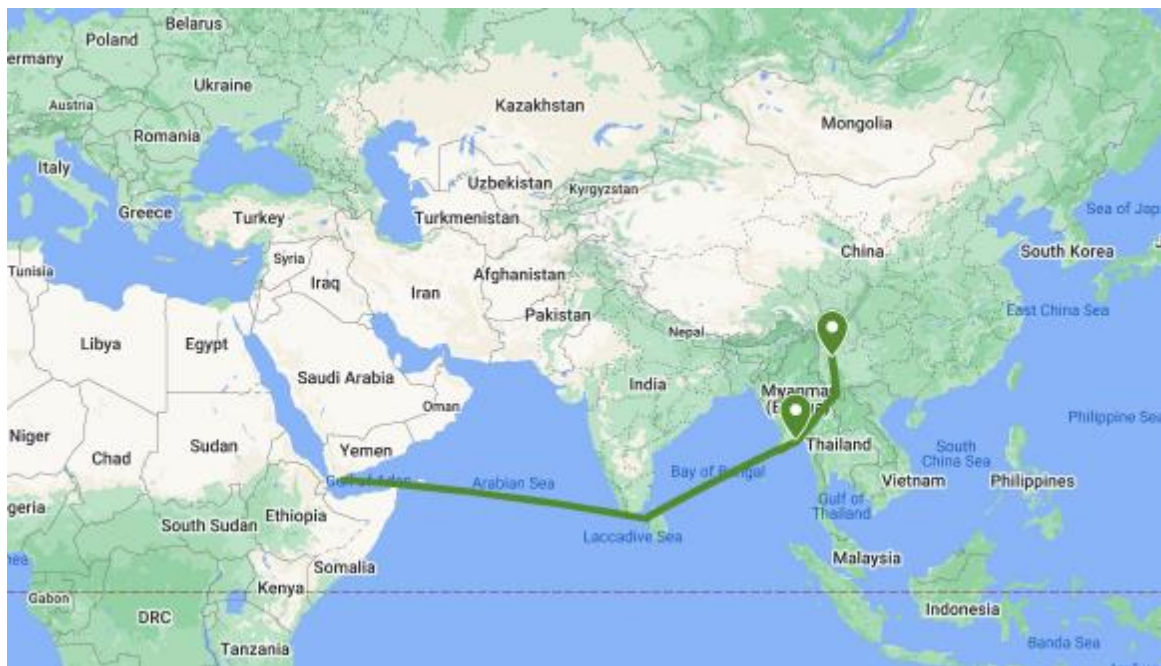
⁵⁴¹ For example, the biography of Ja'far Khoja recorded in the *Yuanshi* 元史 (History of the Yuan) stated that his second son, Ali Khan, had a son who was recorded with the name Hajji (*Hazhi* 哈只). A name of Hajji Hasan (*Hazhi Hasan* 哈只哈散) as the Imam of the Huaisheng Mosque 懷聖寺, or the Great Mosque of Canton, was recorded in the stele established in memory of the reconstruction of the mosque in 1350. For a detailed discussion on these examples and others, see (Shen 2017, 250–63).

⁵⁴² Since the author only specified the year when Zheng He's father passed away, namely, the fifteenth year of Hongwu Emperor, which is 1382 AD, we know, according to the contents of the inscription that his father died at the age of thirty-nine, that Zheng He's father was born in 1343 of the late Yuan Dynasty.

⁵⁴³ The original Chinese is: 公字哈只, 姓馬氏, 世為雲南昆陽州人。祖拜顏, 妣馬氏, 父哈只, 母溫氏... 子男二人, 長文銘, 次和, 女四人。和自幼有材志, 事今天子, 賜鄭姓... 公生於甲申年十二月初九, 卒於洪武壬戌七月初三日, 享年三十九歲... (Yu and Lei 2001, 493–94).

grandfather were so far the earliest Chinese record of Chinese Muslims conducting the pilgrimage from China to Mecca. We do not know how and when exactly they made their Hajj; however, it is probable that what Wang Dayuan 汪大淵 (1311–1350) recorded in his own travel notes might provide us with some possibilities to assume the routes of early Chinese Hajjis to Mecca.

Wang was a traveller during the Mongol Yuan Dynasty, who made two voyages to Southeast Asia and North Africa. In his travel notes, *Daoyi zhilue* 島夷志略 (A short account on the islands of the barbarians), he briefly recorded something of the place that he named Heaven Hall (*Tiantang* 天堂), which probably referred to the Islamic Holy City of Mecca (Yao 1995, 65). What is interesting for me is that he also mentioned two routes from China to Mecca. Wang reported that: “Heaven... also called the Western Region... can be reached either from Yunnan with more than one year’s travelling or by sea [along the route to] the Western Ocean...”⁵⁴⁴ Yao (1995, 65) argued that the route to the Western Ocean was actually the well-known Maritime Silk Road, which had already been introduced by Sulayman to the western world. While the route from Yunnan to Mecca was, presumably, first known by Wang Dayuan. According to Yao’s (1995, 65) research, there might be two main routes from Yunnan to Mecca. One is the maritime route, which starts from either Dali or Xishuangbanna in Yunnan to Yangon, Myanmar, where one can sail through the Bay of Bengal into the Arabian Sea to go to the Arabian Peninsula (see map one). The other one is the land route that starts in Tengchong in western Yunnan Province, which borders on Myanmar, from where one could travel to Assam, India, and then reach the Arabian Peninsula (see map two). We cannot be sure which route Chinese Muslims like Zheng He’s father and his grandfather took to perform their pilgrimage to Mecca. However, what we do know is how Zheng He led his way to the Holy City of Islam in the early fifteenth century.



Map One: Maritime route from Dali, Yunnan Province to the Arabian Peninsula

⁵⁴⁴ The original Chinese is “天堂，又名為西域... 雲南有路可通，一年至上可至其地，西洋亦有路可通...” See Wang (1981, 352).



Map Two: Land route from Tengchong, Yunnan Province to the Arabian Peninsula

It is still arguable whether Zheng He himself had performed the Hajj or not.⁵⁴⁵ However, in 1451 a Chinese Muslim, Ma Huan 馬歡 (1380–1460), when he came back from his last journey with Zheng He as an interpreter, recorded in his book called *Yingya shenhglam* 瀛涯勝覽 (Overall survey of the oceans)⁵⁴⁶ what he saw and experienced in the Holy City of Mecca. Ma Huan's book read that

The state of Tianfang is the state of Mecca. Sail from Guli State toward the southwest, and the ship arrives at the port of the state, called Jeddah, in three months... Travelling toward the west⁵⁴⁷ for another day from Jeddah, [one] reaches the city, named Mecca, where the King lives. It is the place where the founder of Islam started expounding the religion and its law, which no one in the state dares to disobey... They speak the language of Arabic...⁵⁴⁸

There includes other interesting information in Ma Huan's description of Mecca, however, with the help of other sources, such as the *Mingshi* 明史 (History of the Ming) and the nautical chart produced by Zheng He, we could get a general idea of how they managed to sail from China to Mecca in the fifteenth century, or in 1432 exactly. Ma Huan mentioned that they went to Jeddah from a place called Guli State, which is nowadays Calicut, the headquarters of the Kozhikode district of India. Obviously, for centuries Jeddah has been the first destination of those who travel from China to Mecca for Hajj. However, unlike nowadays when Chinese Hajjis could spend just a few hours from Beijing to get to Jeddah and start their pilgrimage to Mecca, it was much

⁵⁴⁵ There is no direct recording as for if Zheng He has performed the Hajj or not in the Chinese primary sources. However, several secondary sources might indicate that it is probable that Zheng might have performed the pilgrimage to Mecca. In the *Mingshi* 明史 (History of the Ming), it is recorded that Mecca (*Tianfang*, 天方) is one of the places that Zheng He visited on his seven-times voyages. The same information could also be found in the Genealogy of Zheng He (*Zheng He jiapu* 鄭和家譜), according to Li's (1937, 46) research. In addition to the sources mentioned above indicating that Zheng He visited Mecca, several other sources suggest that he actually performed the Hajj. For example, according to the interviews conducted by Ma Lizhang 馬利章 (2003, 87) in Yemen, it is said that Zheng He went to Mecca for Hajj in 1413.

⁵⁴⁶ Ma Huan probably wrote his book in 1451. Sixteen years before Ma Huan finished his book, another author who also travelled with Zheng He between 1430 to 1433, Gong Zhen 鞏珍, published his travel notes, *Xiyang fanguo zhi* 西洋番國志 (Notes on the foreign states of the western ocean). However, Gong admitted in the preface to his book that he was not able to speak or understand the foreign language, which presumably referred to Arabic, and just recorded what the translator had told him. Given the fact that most of the contents of Gong's book, which was published before Ma Huan's book, are identical to Ma Huan's book, I decide to use the book written by the translator, Ma Huan who knew the language.

⁵⁴⁷ According to Feng's (1955, 69) research, Ma Huan made a mistake here. The actual direction is east instead of west.

⁵⁴⁸ The original Chinese is “天方國即默伽國也。自古裡國開船投西南申位，船行三月到本國馬頭，番名秩達... 自秩達往西行一日，可到王居之城，名默伽國。其回回祖師始於此國闡揚教法，至今國人悉遵教規行事，不敢有違... 說阿剌畢言語。” See (Ma Huan 2005, 99).

more difficult and complicated to do so in the fifteenth century. According to Zhu Yunming 祝允明 (1460–1526), a scholar in the Ming Dynasty, Zheng He started his last voyage in 1430 from Longwan port in Nanjing and then sailed through Xushan, Taicang, and Liujiagang in Jiangsu Province to Changle port in Fujian Province, from where he sailed to Champa (Zhancheng 占城), somewhere near nowadays Qui Nhon city in central Vietnam. As I mentioned, by 1430 Zheng He already had gained rich experiences during his last six-times voyages, thus, basically, his route from Zhancheng to Guli, or Calicut, remained the same, namely from Qui Nhon (Zhancheng 占城), via Surabaya (Sishui 泗水) and Palembang (Jiugang 舊港) to Malacca (Malajia 馬刺加) through the Strait of Malacca, and then from Sumatra (Sumendala 蘇門答刺) heading northwest to Banda Aceh, from the Nicobar islands (Cuilanyu 翠蘭嶼) to the port of Colombo in Sri Lanka (Xilanshan 錫蘭山), and finally via Quilon (Xiaogelan 小葛蘭) and Cochin (Kezhi 柯枝) to Calicut (Guli 古裡), as illustrated in map three.⁵⁴⁹



Map Three: Zheng He's last voyage from Longwan, Nanjing Province to Mecca.

Although there are several sources available describing how Zheng He travelled in the Arabian Peninsula, such as his routes from Guli to Hormuz and Aden (Zhou 2012, 132–46), we are not sure how exactly they managed to sail to Jeddah.

However, Ma Huan's description of Mecca and Medina probably is one of the earliest recordings by Chinese Muslims who performed the Ḥajj in person. Moreover, this is probably the first time Chinese readers could know the details of Mecca, as Ma Huan described

... With another day of travelling, [one] reaches the Mosque of Heaven, which is named as the Kaaba in Arabic. [The Kaaba] is surrounded with city walls with four hundred and sixty-six gates, and each gate has two pillars on both sides made of white jade, making four hundred sixty-seven in total, with ninety-nine in the front, one hundred and one at the back, one hundred thirty-four on the left, and one hundred and thirty-five on the right. The Kaaba is a cube built with stones of five colours, the inside of which is supported by five girders made of agalloch. [The Kaaba] has a gold threshold, and the inner walls are decorated with rose and ambergris, giving everlasting fragrance. [The Kaaba] is covered by a black cloth made of ramie, with two black lions guarding the gate. On the twelfth of December each year, Muslims from different places who have travelled for one or two years to pray at the Kaaba would cut a piece of the cover cloth of the Kaaba, after which the King would order to make a new one and cover the Kaaba with it, year after year. To the left

⁵⁴⁹ For a detailed discussion of Zheng He and his voyages, see (Zhu 1985, 64; Blue, Liu and Chen 2014; Dreyer 2006; Yang You 2007).

side of the Kaaba is the grave of Ismael covered with green jade... There are four minarets at the four corners of the mosque, and when it is prayers time, [the men] would go up to the minarets to recite the Athan...⁵⁵⁰

Additionally, Ma Huan also recorded the city of Medina, in which he described that

Travelling another day toward the west, [one] reaches a city, named Medina, a place where Prophet Muhammad is buried. The top of the grave has been shining day and night till the present day. Behind the grave is a spring, the water of which is fresh and sweet. It is called the Zamzam in Arabic...⁵⁵¹

Ma Huan and other six Chinese delegates spent a year visiting the Holy City, which, presumably, suggested that they should have performed the Hajj. Obviously, during the Ming Dynasty the Hui Muslims, who suffered from the assimilative and discriminative laws and policies since the very beginning of the regime, lacked adequate knowledge of their religion. Even Ma Huan who not only knew the language and was lucky enough to be selected to travel with Zheng He but also visited the Holy City of Mecca and Medina himself mistakenly recorded the Well of Zamzam in Medina instead of Mecca in his travel notes. Yet, Ma Huan, as the first Chinese Muslim author who travelled to Mecca in person (Yao 1995, 67), did contribute to the general scholarship of Islam to the Chinese Muslims. However, his contribution does not seem to have made a big difference, for in the following century there has been little, if not none, records in the Chinese sources that mentioned Hajj or Hajjis until another century after Hu Dengzhou initiated the Jingtang education in Shaanxi. During the end of the Ming and the early Qing dynasties (late 1600s to early 1700s), several developments in terms of the perception of and the actual practice of Hajj were visible among the Hui Muslims.

2. Reconnecting to the Centre of Islam: Hajj and the Sufi Orders in China, Ming and Qing Periods

With the development of Jingtang education by Hu Dengzhou, there was a resurgence of Islam in China during late Ming Dynasty.⁵⁵² One of the most researched topics of this heritage today, both among Chinese and western scholars, is the Han Kitab tradition, where the issue of performing the pilgrimage to Mecca, as one of the five basic religious obligations for Muslims, is almost always presented. After analyzing and comparing “three luminaries of the Han Kitab tradition, Wang Daiyu 王岱輿 (1590–1658), Liu Zhi 劉智 (1670–1724), and Ma Dexin 馬德新 (1794–1874)” (Li 2019), Kristian Petersen (2017, 121) has pointed out that these three Han Kitab authors “treated the hajj as an important activity that embodied deep theoretical meaning and brought with it rich communal and individual results,” although only Ma Dexin actually took the journey to Mecca himself while Wang Daiyu and Liu Zhi were never able to make it themselves. In addition, the comparative study of these Han Kitab authors, which roughly covers a period of three centuries from late sixteenth century to late nineteenth century, might be unable to fully reflect the diversities and the unbalanced level of

⁵⁵⁰ The original Chinese is “再行大半日之程，到天堂禮拜寺，其堂番名愷阿白。外周垣有城，有四百六十六門，門之兩傍皆用白玉石為柱，共有四百六十七個。前計九十九個，後計一百一個，左計一百三十二個，右計一百三十五個。其堂以五色石壘砌，四方平頂樣。內用沉香木五條為梁，采以黃金為閣，滿堂內牆壁皆是薔薇露，龍涎香和土為之，馨香不絕。上用皂紵絲為罩之，畜二黑獅守其堂門。每年十二月十日，各番回同人一，二年遠路的，也到堂內禮拜，皆將所罩紵絲割取一塊為記，念念而去。剝割既盡，其國王預織其罩複罩之，年年不絕。堂之左司馬儀祖師之墓，其墳壟是綠撒不泥寶石為之...城內四角造四塔，每禮拜，即登塔叫禮...” see (Ma Huan 2005, 100–101).

⁵⁵¹ The original Chinese is “又往西行一日，到一城，名驀底納。其馬哈嘛聖人陵寢正在城內，至今墓頂豪光日夜侵雲而起。墓後有一井，泉水清甜，名阿必糝糝...” see (Feng 1955, 71).

⁵⁵² One of the most significant contributions of the Jingtang education initiated by Hu Dengzhou is that it has cultivated more Imams and scholars who are of more knowledge about Islam and the Shari‘a, which means that after several generations of development, some students from the Jingtang education might have performed the Hajj themselves. For example, in the *Jingxue xi chuanpu* 經學系傳譜 (Genealogy of classical learning), a book by Zhao Can who was a student of the Jingtang education during the period of Kangxi Emperor (1661–1722), the author mentioned, among some twenty-seven scholars, two scholars who might have gone on Hajj. One is Imam Shi Anyu 石安宇, the other is Wang Mingyu 王明宇, both of whom are students of the well-known Imam and scholar Chang Yunhua 常繩華 (1610–1670), commonly known by Chinese scholars as Chang Zhimei 常志美. Although it is unclear if the two Imams actually succeeded in performing the Hajj, one thing that is worth mentioning is that both Imams are contemporaries with the well-known Han Kitab author Wang Daiyu.

development in the Muslim communities in China. No doubt that the Han Kitab tradition as a unique representation of one of the ways that Islam localized in China does provide us with many insights on the interaction as well as reconciliation between the minority Muslim group in China and the non-Muslim Chinese authority. On the other hand, though, it is misleading to just regard the Han Kitab tradition as the whole picture of what was going on at that time in the Muslim communities in China. In other words, the uniqueness of the Han Kitab tradition that is characterized by, in particular, referring to the vocabularies and philosophy of Confucianism, Buddhism, and even Daoism in interpreting Islamic teachings might give us an impression that Islam in China then loses its connection with the very centre of Islam, namely the Middle East, or the “authentic” Islam. As a matter of fact, even during the period of the Ming and Qing dynasties (1368–1912), as Fletcher (1995, xi3) has pointed out, “the available evidence does not suggest the existence of a separate ‘Chinese Islam’, [and] the history of the Muslims of China is not a history isolated from other Muslims.” The Ḥajj experience of the Hui Muslims from northwest China, especially those who founded the Sufi orders, shows us another part of the picture of what actually happened during that period.

As I mentioned, Ḥajj is one of the few ways that connect the Hui Muslims to the centre of Islam, as well as to Muslims in other parts of the world. This is particularly so when it comes to the issue of Sufism in China. Previous scholarship on Sufism in China tended to “either continue to speak of Chinese Sufism in terms of structures, institutions, leaders, and economics or discuss philosophical ideas of Chinese Sufism” (Cone 2018, 4–5). Very few have been done on the role Ḥajj has played in the introduction and development of certain Sufi orders in China. In other words, as I will argue in detail in the following section, the routes and the connections the Hui Muslims established during their Ḥajj journey not only enabled them, as individual Muslims, to fulfil their personal religious obligation, but also brought them new scriptures, ideas, thoughts, and institutions, amongst which, perhaps, the most far-reaching implication is the establishment of various Sufi orders among the Hui Muslims. These all together make the Hui Muslims define and redefine who they are in relation to not only the non-Muslim Chinese but also their fellow Muslims. Belonging to certain Sufi order becomes crucial for the Hui Muslims’ self-identification, in that it not only adds a new layer of identity to the Hui Muslims but also provides them with a set of normative assertions that determine how they behave. As Gladney (2004, 121) mentioned, the introduction of Sufism and the establishment of the Chinese Sufi orders, the *menhuan* 門宦, “continue to serve as powerful frameworks for personal identity and social action, which both distinguish Hui communities from one another and provide important charters for their corporate identity.”

Sufism, or *taṣawwuf*,⁵⁵³ refers to the mystical tradition of Islam (Stoddart 1999). Although it is argued that the word of *taṣawwuf* can be traced back to the Prophet (Schimmel 2003, 24, 345; Anjum 2006, 226),⁵⁵⁴ the concept of Sufism as an institutionalized mass religion (Hodgson 1974, 210–22) made its presence felt to the people by the eleventh and twelfth centuries, and Sufis began “to be organized in groups” (Anjum 2006, 238). Until the twelfth and thirteenth centuries, the organized group of Sufis developed into *silsilah-ṭarīqa*, which is variously translated into Sufi order, Sufi brotherhood, or school of Sufism, though the latter often connote the Christian monastic orders (Baldick 1989, 59). It is during this period that the Naqshbandiyya Sufi order has been initiated and developed first by Sheikh Yusuf al-Hamadani (1062–1140) and later by Sheikh Muhammad Baha al-Din Naqshbandi (1318–1389), who spread the Naqshbandiyya Sufi order from Bukhara to Central Asia (Weismann 2007, 30), which the Naqshbandiyya branches of the Hui Muslims, such as the Khūfiyya and the Jahriyya are associated with.

Although records of Sufis in China already appeared during the Yuan Dynasty (Wang 2003, 44– 50; Jiang 2009, 91), it is the period between the seventeenth and eighteenth century that sees a substantial impact of Sufism in China, especially among the Hui Muslims (Gladney 1991, 41– 55). Several scholars have already

⁵⁵³ Anjum (2006, 222) has pointed out the differences and problems between the two terms of Sufism and *taṣawwuf*, where he states that “Western scholars of Sufism and the orientalist have usually tended to interpret Sufi doctrines and practices through the prism of Christian concepts, which might at times be quite misleading and confusing. This tendency is evident... for describing and explaining Sufi concepts.” I also acknowledge the problems of translating a word or a concept from one language to another (Graham 1985), however, in this paper, the two concepts are used interchangeably.

⁵⁵⁴ There are other opinions concerning the origin of Sufism. For example, some claim that Sufism is rooted in pre-Islamic traditions; while some others suggest that the development of Sufism is a result of external influences on Islam, such as Neo-Platonic, and Buddhist philosophies. For a detailed discussion, see Nizami (1980, 45–49) and Nasr (2000, 3–10).

done some ground-breaking work concerning the origin and development of Sufism, especially the Naqshbandiyya order, in China, such as Joseph Fletcher (1975; 1978; 2010, 88–100) and Ma Tong (1983; 1986; 2000). However, little has been done in terms of if and how the experience of Ḥajj contributed to the establishment of certain Naqshbandiyya branches in China, and further what consequences they have. Research on this topic will also help me understand how the Hui Muslims’ identities as being a Chinese and a Muslim are represented in the development of the Sufi orders in China. Gladney (1991, 42–43) argues that the study of Sufism in China “would reveal the tensions and new meanings created by Hui communities attempting to reconcile perceived disparities between Islamic ideals and changing social realities.” In this section, taking into consideration my research theme, I will, in addition to analysing the well-known Jahriyya branch, first elucidate one of the less researched Khūfiyya branch, the Xianmen 鮮門.⁵⁵⁵

2.1 Xian Meizhen, and the Khūfiyya Branch of Xianmen

According to the leader of the seventh generation of the Xianmen, Xian Peili 鮮培禮, who collected and has written the *Yisilanjiao hufuye xiamnen shilue* 伊斯蘭教虎夫耶鮮門史略 (Brief history of the Xianmen of the Khūfiyya branch of Islam, hereafter, Xianmen history), the parents of Xian Meizhen 鮮美珍 (1661–1739), or Arif (Alefū 阿勒夫) as was called by his Arabic name, founding father of the Xianmen, were originally from Nanjing, Jiangsu Province, and fled to Xining, Qinghai Province, in 1660. On the twenty-fifth of June the following year, Arif was born. Like in the case of other founders’ experience, a Master and spiritual guide, or *murshid* in Arabic as used by the Sufis, is significant and crucial to the establishment of the Sufi order. In the case of the Xianmen, the Master and spiritual guide is presumably Afaq Khwaja,⁵⁵⁶ a descendant of the Great Master Ahmad Kasani (1461–1542), who is commonly known as Makhdum-i-Azam (Zarcone 1995, 99). Followers of the Xianmen believe that Afaq Khwaja⁵⁵⁷ was the spiritual father (*Muernaiweiye* 莫爾奈維耶) of Xian Meizhen,⁵⁵⁸ and Xian Meizhen studied with him from 1669 to 1671 when Afaq Khwaja visited Qinghai, China. After that, according to Xianmen history, Afaq Khwaja left Arif with the Imam Yang Yuzhen 楊玉珍 at the local mosque and Muhammad Ma Diangong 馬殿功 who later became Xian Meizhen’s disciple, asking them to teach Arif knowledge of the Sharī‘a and Confucianism. Later, in 1687, Afaq Khwaja came to China again, and this time he left with Arif two seals that could justify his authority as the master of the Khūfiyya *ṭarīqa*,⁵⁵⁹ and two scriptures, called *Kull al-Risāla* (*Shiming quantong* 使命全通) and *Khulāṣat al-asrār* (*Aomi jinghua* 奧秘精化) that could lead him and his followers to the final path.⁵⁶⁰ The story goes that in 1715 Afaq

⁵⁵⁵ ⁵⁵⁵ Opinions differ in which Naqshbandiyya branch the Xianmen belongs to. For example, Ma Tong (2000, 263–64) introduced the Xianmen under the Qādiriyya branch, while Gladney (1991, 388) mentioned the Xianmen under the Khūfiyya branch. I, following the followers of the Xianmen themselves, regard the Xianmen as the Khūfiyya branch.

⁵⁵⁶ Afaq Khwaja, also known as Apake Hezhuo 阿帕克和卓 in Chinese sources, was variously translated by the Hui as Heidaye Tongla 黑達葉 通拉, Xidaye Tonglaxi 希達葉 通拉希, or Hedaye Tonglaxi 赫達耶 統拉西, all of which are the transliteration of his real name Hidayat Allah. For a detailed discussion of Afaq Khwaja and his missions in China, see Gladney (1991, 46–48), Zarcone (1995, 96–114), and Lipman (2010, 88–100).

⁵⁵⁷ The term Khwaja or “Khodja was often and widely used in Central Asia historically. They originated from the Persian word, khvajeh, meaning lord or master, and then it appeared in forms of coja in Marco Polo’s writing, cosa in Marignolli’s, ghoya in Persian and coia in Turkic” (Schwarz 1976, 267). It is variously transliterated in Chinese as *Huoja* 霍加, *Hezhuo* 和卓, *Huazhe* 華哲, *Huoze* 火者, *Hejia* 和加, or *Huazhe* 華者. It is often used for the “saintly descendants from Prophet Muhammad... the descendants of the Four Great Khalifa (successors)..., and the hold descendants of Ali and Fatimah” (Chen 2017, 182–83).

⁵⁵⁸ According to the Xianmen history, legend goes that Arif kept crying and could not speak until the age of six when someone told his parents that the reason why he kept crying was that he missed his “father.” The parents said Arif was with his father all day, however, they were told that the father he missed was not his biological father but his spiritual one, his *Muernaiweiye* 莫爾奈維耶 father, namely Afaq Khwaja.

⁵⁵⁹ During the early period of Khūfiyya and the Xianmen in China, these *ṭarīqa* s were commonly named after the location of the Sheikh. The name of Xianmen came into existence during the early twentieth century when the Master of the fifth generation of the Xianmen, Xian Linbai 鮮林柏, moved to Gu Yuan, Ningxia Province, in 1909.

⁵⁶⁰ The Xianmen, as the Khūfiyya branch of Naqshbandiyya, do share some religious belief with other Sufis. They believe that the paths guided by the Sheikh could eventually lead them to Allah and His Love, and as a Sufi there are three corresponding and complementary levels to get to that goal, namely the *Sharī‘a* (the law), *ṭarīqa* (the method), and the *ḥaqīqa* (Chittick 2000, 19–46; 2008, 1–9), which the Hui Sufis called *jiaocheng* 教乘, *daocheng* 道乘, and *zhencheng* 真乘, respectively.

Khwaja came to China the third time, and besides visiting Tibet this time,⁵⁶¹ he left his last will to his disciples as well as followers, including Arif, of course.

Considering the fact that Afaq Khwaja passed away in 1694, it is impossible that he visited China in 1715. However, several points are worth emphasising here. Scholars have pointed out that Afaq Khwaja preached in northwest China during the year 1671 to 1672 (Lipman 2010, 91, Wang 2016, 157–58). It is highly possible that the ten or eleven years old Arif studied with him for a short period. Besides, sources from other Naqshbandiyya branches in China⁵⁶² also indicate that Afaq Khwaja paid more than one visit to northwest China, and it is probable that Arif could have studied Naqshbandiyya Sufism with him. In addition, Zarcone (1995, 100) pointed out that “in Xining [Qinghai Province where Arif was living] Afaq Khwaja set up a Koranic school which became famous and brought him a lot of disciples.” We do not know if Imam Yang Yuzhen at the local mosque and Muhammad Ma Diangong, to whom, according to Xianmen history, Afaq Khwaja left Arif to study, were also students of the Quranic school in Xining, it is, however, reasonable to presume that young Arif could also have studied Naqshbandiyya Sufism from one or some of those who had attended this Quranic school. In sum, Xian Meizhen had adequate knowledge of Islam, especially Naqshbandiyya Sufism, before he went on his pilgrimage to Mecca in 1682.

Very little is known about the details of Arif’s Hajj. In the Xianmen history, it states that

Arif, also named Xian Meizhen, under the direct supervision of Hidayat Allah [Afaq Khwaja], went on his pilgrimage to Mecca from the twenty-first year of Kangxi Emperor (1682) to the twenty-fifth year (1686). He [Arif] obtained further education at the Naqshbandiyya Khanqah (Sufi Dwellings) [in Mecca/ Medina?], and brought from there eight seals that empowered him to be in charge of other eight external Khanqah...⁵⁶³

This is the only “detailed” record of the Hajj experience of Xian Meizhen. If we accept this statement, it suggests that from the age of twenty-one to twenty-five Arif spent four years in Mecca, and presumably other places of the Naqshbandiyya *ṭarīqa*.⁵⁶⁴ By that age, Arif might have studied with Afaq Khwaja, or his disciples, and have followed the Khūfiyya branch. I do not intend to deny the influence of Afaq Khwaja on Arif and the establishment of the Xianmen Khūfiyya branch in China. However, we should also not underestimate the fact which has not been so far given enough attention; namely, Xian Meizhen did not establish any Sufi orders or branches after he finished studying with Afaq Khwaja, but did so three years after he returned from Mecca in 1689. Unfortunately, we do not know with whom Arif studied in Mecca or other Sufi *ṭarīqa*. The two holy cities of Islam, Mecca and Medina, have been centres of Islamic learning that attract ‘ulamā’ (scholars) from all parts of the Muslim communities, including China, especially, in our case, during the late seventeenth and early eighteenth centuries when “Haramayn... as a major Islamic crossroad, seem to have become a melting pot for ideas and intellectual currents origination elsewhere” (Nafi 2002, 310). Before Xian Meizhen went to Mecca in 1682, an extensive network of reformist scholars and their students had already been established in Medina, among whom the most prominent included Sheikh Ahmad b. Muhammad al-Qushashi (1583–1661), Sheikh Muhammad b. Ala al-Din al-Babili (1592–1666), Isa b. Muhammad al-Tha ‘alibi (1611–1669), and Muhammad b. Sulayman al-Maghribi (1628–1683),⁵⁶⁵ to name a few, who, although belonging to different Sunni *madhhabs* (schools of Islamic jurisprudence), all affiliated to Sufi orders, such as Qādiriyya, Shādhiliyya, Khalwatiyya, and Naqshbandiyya.⁵⁶⁶ It is possible that when Xian Meizhen visited Mecca, and presumably

⁵⁶¹ According to Zarcone’s research (1995, 102–07), Afaq Khwaja went to Tibet and presumably asked Dalai Lama for help after he was expelled by Ismail Khan in 1676 from Kashagar. With the help of the Mongol ruler, Galdan, who was a believer in Dalai Lama, Afaq Khwaja was able to become ruler of Kashahariyya in 1678.

⁵⁶² For example, the Bijichang 畢家場, Mufuti 穆夫提, and Liumen 劉門 of the Khūfiyya branch of the Naqshbandiyya order all mentioned Hidayat Allah coming to northwest China, such as Qinghai, Gansu, and Ningxia. In addition, Ma Tong (2000, 51–55) also held that Afaq Khwaja came to China in 1662, 1670, and 1692, respectively. For the discussion mentioned in other Khūfiyya branch, see Wang Xuemei (2016, 153–57, 158–59).

⁵⁶³ The original Chinese is, 阿勒夫即鮮美珍。蒙赫達耶統拉西直接傳授。在清康熙二十一年至二十五年曾經去麥加朝覲，深造於乃格什板頂耶道堂，並從其道堂帶回節制外八處“哈那閣”之印八顆。

⁵⁶⁴ Among the four seals that the author of Xianmen history witnessed in person is one with Shādhiliyya on it, a branch of the Naqshbandiyya Sufi order.

⁵⁶⁵ For a detailed intellectual contribution of these Sufi masters, see Nafi (2002, 311–21).

⁵⁶⁶ For a detailed discussion of the group of Madinan ‘ulamā’, see Voll (1975, 32–39; 1980, 264–73).

also Medina, he could have studied with one of the most prominent Sufi masters at that time, such as Ibrahim ibn Hasan al-Kurani (1616–1689), al-Kurani’s students, including, among others, Hasan ibn Ali al-Ujaymi (1639–1720), Abdullah b. Salim al-Basri (1638–1722), and Ahmad ibn Muhammad al-Nakhli (1643–1717), one of the “most renowned Makkan affiliates of the Naqshbandiyya ṭarīqa” (Nafi 2002, 343), or his son, Muhammad Abu l-Tahir (1670–1733).

The above analysis on the general situation of the intellectual environment of the holy cities of Islam at the time is helpful in that it enables me to see the potential influence Arif might have had when he performed his Ḥajj. Furthermore, there is no doubt that Arif’s study experience at the Holy City of Islam and his status as a Ḥajji contributed to his success in establishing the Xianmen back in China. Arif came back from Macca, bringing with him not only “eight seals” that he obtained from his Sufi Masters in the Holy City, but also knowledge, Sufi rituals, and scriptures, with which he preached the Khūfiyya Sufi order. It is said that Arif went to places in Qinghai Province, Gansu Province, Ningxia Province, as well as Beijing, Guangzhou, and Yangzhou, to name a few, and had thousands of followers. In this regard, his Ḥajj experience gave him a certain kind of “charisma,” which made his Sufi preaching “more Islamic” and “more authentic.” In this regard, his experiences in Mecca, and his status as a Ḥajji in the establishment and development of the Xianmen Sufi order should not be underestimated. Interestingly, it is reported in the Xianmen history that when Xian Meizhen’s son became Master of the Xianmen and preached their Sufi teachings in Qinghai, he was criticised for not having fulfilled the obligation of Ḥajj, and thus was not a legitimate *murshid*. More importantly, with the spread of the Xianmen in Qinghai, and later in other parts of China, the Xianmen got well established and became one of the first most influential Sufi tariqs in China. They asked that the Hui Muslims who followed the Xianmen should stick to the Xianmen and not join other Sufi orders. This identity as being affiliated with one of the Sufi orders is crucial for the Hui Muslims. If believing in Islam distinguishes the Hui Muslims from their Chinese neighbours, then belong to a certain Sufi order, to a large extent, serves as one that differentiates the Hui Muslims from each other.

2.2 Ma Laichi, and the Khūfiyya Branch of Huasi

Another founder of the Khūfiyya branch in China is Ma Laichi 馬來遲.⁵⁶⁷ In both Chinese and western academia, similar to the case of Xian Meizhen, most research on Ma Laichi and the Sufi *ṭarīqa* he established, the Huasi Menhuan 華/花寺門宦,⁵⁶⁸ focuses on his relationship with Afaq Khwaja. According to the Huasi followers, Ma Laichi’s father, Ma Jiajun 馬家俊, used to be a rich businessman in Hezhou, nowadays Linxia Hui Autonomous Prefecture in Gansu Province. However, the rich man had been childless by his forties or fifties. He brought gifts and visited Afaq Khwaja when he heard that the Khwaja was visiting Xining, who was said to be the descendent of the twenty-fifth generation of the Prophet. With the help of the Khwaja’s prayer and his instruction that Ma Jiajun should marry a Han Chinese woman in his own hometown, he finally got a boy, whom Afaq Khwaja named as Abu l-Futuh (Fletcher 2000, 91). Unfortunately, Ma Jiajun’s business was

⁵⁶⁷ Scholars differ in the opinion concerning the dates of birth and death of Ma Laichi. Wang Jianping (1999, 20), Wang and Ma (1982, 67) argue that Ma Laichi was born in 1682 and died in 1766, while others, such as Fletcher (2010, 91) and Zhu (1982, 108), argue that Ma Laichi was born in 1673 and died in 1753 (Fletcher), or in 1760 (Zhu).

⁵⁶⁸ The term *Menhuan* 門宦 is “an entirely local term” (Lipman 1997, 70) among Chinese Muslim communities, especially the Hui Sufi followers. There are generally four main Menhuans in China, namely the Khūfiyya (*Hufuye* 虎夫耶, or *Hufeiye* 虎非耶), Jahriyya (*Zheherenye* 哲合忍耶), Kubriyya (*Kuburenye* 庫布忍耶), and the Gadriyya (*Gadelinye* 嘎德林耶), which are all different orders of Sufism in China, and are called as a *Menhuan* respectively. Meanwhile, the term *Menhuan* could also refer to a sub-order of the abovementioned four main orders. For example, the Huasi and the Xianmen here both belong to the Khūfiyya order. Generally, the term *Menhuan* denotes the same meaning as the Arabic word *ṭarīqa*, a school or order of Sufism. According to Ma Tong’s research (2000, 74), it is Yang Zenxing 楊增新 (1864–1928), the then Prefecture Magistrate in Hezhou (Linxia today) who later became governor of Xinjiang in 1907, that first used the term *Menhuan* for the Sufi *ṭarīqa* s in Gansu in 1897. The Chinese character *men* 門 means family, and *huan* 宦 means an official or to become an official. Thus, *Menhuan* in Chinese could mean powerful and official family (Lipman 1997, 70; Ma Tong 1986, 42–48), which “as a unique blend of Sufi and Chinese forms... combined the appeal of prophetic descent with Chinese notions of family structure and socioeconomic competition” (Lipman 1997, 71). However, some Hui Muslim Sufis I interviewed during my fieldwork in Gansu and Xinjiang assert that *Menhuan* actually refers to *Menhuan* 門喚, in which *men* 門 means a philosophical or religious school and *huan* 喚, instead of *huan* 宦, means calling, and together meaning the calling from the religious school.

destroyed by a fire shortly after his son's birth, and the father was so sad and sorry for his son, thus giving him the Chinese name of Laichi 來遲, meaning "coming too late."

According to the Huasi followers, Ma Laichi was sent by his father to the madrasa at the Milagou Mosque in Qinghai at the age of four to receive primary Jingtang education there. Three years later, he went back to Hezhou, and there he continued his study with a Tai Baba 太巴巴 (great master), who, presumably, could be the Ma Tai Papa mentioned by Fletcher (2000, 91) as one of the three most prevalent disciples Afaq Khwaja guided when he visited China, or Li Tai Baba whom Ma Tong (Wang Jianping 1999, 20–21) believed to be Wiqayat Allah, also known as Altun bash Akhūnd, the one Fletcher mentioned as the heir to Afaq Khwaja in China. Anyways, Ma Laichi, though still at a young age, was warmly welcomed and given high expectations when Tai Baba decided to be his teacher.⁵⁶⁹ After ten years of study with Tai Baba, Ma Laichi proved to be talented and indeed a prodigy who mastered the Islamic curriculum including Arabic and Farsi. At the age of eighteen, Ma Laichi finished his study and received "both his Sufi initiation and ordination as an Akhūnd from his teacher, who handed on to him the initiatory Baraka of Afaq Khwaja" (Lipman 1997, 66). The internally kept document of the *Huasi gongbei shilu* 華寺拱北史錄⁵⁷⁰ (Historical record of Huasi *gongbei*) shows that Ma Laichi was acting as an Imam and teacher in the mosques in the Hezhou region for the following thirty years.

As a pious Muslim Ma Laichi was aware of the obligation to perform the Ḥajj, meanwhile as a scholar he also did not intend to stop seeking knowledge. He was determined to perform his pilgrimage to Mecca. Sources differ concerning the detailed experiences of Ma Laichi's Ḥajj. According to the Huasi followers, in 1723⁵⁷¹ Ma Laichi was invited by two Arabs,⁵⁷² who were then preaching in the Hezhou region, to go to Mecca. Some believe that they travelled through Tibet to India and to Mecca, while others hold that Ma Laichi actually first went to Guangzhou, where he stayed for three months and studied with Arif at the Great Mosque of Canton, and then travelled by sea to Aden, Yemen. In Yemen, he was introduced to the scholars there, probably Sufi Masters, and then went to Mecca (Ma Tong 2000, 162–63). In Mecca, Ma Laichi studied with a Sheikh called Muhammad Gibril Ahmad Aqal (*Muhanmode jibuni aihaimantiagelai* 穆罕默德·吉布尼·艾海曼提阿格來)⁵⁷³ from the Khūfiyya branch of the Naqshbandiyya order. Not much is known about this Sheikh in history. However, it is said that, as the Huasi Muslims argued, the Sheikh not only taught Ma Laichi in person for four years the Quran, Hadith, Fiqh, and other Kitab (book), but also introduced Ma Laichi to several other Sufi masters⁵⁷⁴ and led him to several intellectual centres in the Muslim heartlands. For instance, at al-Azhar in Egypt Ma Laichi comprehensively studied the four legal schools of Islam; at al-Jami a-Kabir bi-San'a, the Great Mosque of Sana'a in Yemen, he not only studied the history of Islam but also got engaged in teaching. In addition, he also visited Istanbul, Damascus, and Baghdad, where he studied Naqshbandiyya, Qādiriyya, and Suhrawardiyya Sufism (Ma Tong 2000, 163). After years of study at different Sufi *ṭarīqa* in the Middle

⁵⁶⁹ It is believed among the Huasi followers, also widely spread till present day, that the night before Ma Laichi was sent to the madrasa, Tai Baba had a dream indicating that an exalted guest was going to visit him. The next day when Tai Baba came back to the mosque what he saw was that a child was circling around the pillar of the mosque and then climbing up the tree looking towards south, which was exactly what he had dreamt of the night before. Of course, this child was Ma Laichi, and Tai Baba therefore happily accepted the request to take Ma Laichi as one of his students.

⁵⁷⁰ *Gongbei* 拱北 is a domed tomb of, most of the time, a Sufi Master, especially founder of a Sufi order. It probably is the transliteration of the Arabic word *qubba* or Persian *gunbad*. For a discussion of the *gongbei* in the Hui communities in northwest China, see (Gladney 1987a, 495–532; Ding 2017, 95–101).

⁵⁷¹ Ma Tong (2000, 162) and Yang Huaizhong (1991, 264–65) argued that Ma Laichi started travelling to Mecca in 1728. Others (Wang Jianping 1999, 21) including some scholars from the Huasi *Menhuan* held that Ma Laichi left for Mecca in 1723. Since more detailed information concerning his journey to Mecca is provided by the Huasi followers themselves, I am taking the year 1723.

⁵⁷² It seems that the two Arabs mentioned by the Huasi Muslims, whose names are Shahaie Zhanbaier 沙海俄占拜爾 and Gazui Muzhanbaier 尕嘜穆占拜爾, are actually one people who bears two titles, probably Sheikh Qadi Jaber. Ma Tong also has the same opinion; see Ma Tong (2000, 162).

⁵⁷³ Fletcher (2000, 91) assumed the Sheikh could be Adhrai, Adhra, or Azraqi, while Lipman (1997, 67) has Muhammad Jibuni Ahmad Agelai. It is possible that this Muhammad could also be the Sheikh who later guided Ma Mingxin 馬明心, founding father of the Jahriyya *ṭarīqa* in China. According to the Jahriyya history, Ma Mingxin once called someone entitled "Aqal-Makkiyah" (intellect of Mecca) the Maulana and Sheikh of him and Ma Laichi, see the discussion on Ma Mingxin below.

⁵⁷⁴ Fletcher (2000, 91) assumed that Ma Laichi could have studied with the famous Mawlana Makhdam, who entitled Ma Laichi as a walī (saint).

East, Ma Laichi went back to China with eight gifts given by his *Murshid* (master), Sheikh Akram or Mawlana Makhdam, which include a sword, a seal, the text *Mingshale* 冥沙勒,⁵⁷⁵ a book commemorating the Prophet called *Mawlud*, eighty pieces of Kitab, a prayer carpet, a *suf*,⁵⁷⁶ and a piece of Kaaba cover.

The young learnt Imam Ma Laichi now came back as a charismatic Ḥajji. Muslims from Gansu, Shaanxi, Qinghai, etc., came to visit him, asking him to preach what he experienced and learnt in Mecca and other Muslim scholarly centres. It is said that his success in preaching the Naqshbandiyya teachings won him a reputation as a “living Buddha” among the Tibetans in the eastern part of the Qinghai Province (Fletcher 2000, 92). Even today, the stories of Ma Laichi, who defeated the great Lamas in the debates, and managed to pray for rain for the local Tibetan people, are still spreading among the Tibetan Muslims (Ye 1986, 70–75; Liu Xiabei 2004, 71–76; Zhang Zhongfu 2013, 34–49). In the Muslim communities in the Hezhou regions, on the other hand, long before Ma Laichi came back from Mecca, there had been debates about the question of whether to break the fast before prayer or after prayer in the month of Ramadan. Ma Laichi gave a fatwa (legal opinion) ruling that Muslims should first break the fast of the day before they prayed, which won a lot of support from the local communities. Besides, due to the lack of knowledge of Arabic in general and the recitation of the Quran in particular, the Hui Muslims then had to pay a lot, in the form of either money or expensive gifts, to the Imams and their students so as to have a religious ritual at home where the Quran had to be recited. However, since Ma Laichi asserted the recitation of the *Mingshale*, which was shorter and thus easier than the Quran, he asked for much less money, which was a huge relief from financial burdens for the local Muslims. These reforms brought about by Ḥajji and walī Ma Laichi changed the local Muslim community in a way that the resolution of every dispute would then depend on the side he supported. No surprise that Ḥajji Ma Laichi rapidly had some 200 thousand followers (Ma Tong 2000, 164) among the local Muslims, especially the Hui and the Salar. Meanwhile, his success also brought trouble to him. For example, a Muslim leader, Ma Yinghuan, who held the opinion that one should pray first and then break the fast in Ramadan, took Ma Laichi to the Qing court, accusing him of heterodoxy (*xiejiao* 邪教), which was a very serious crime and could be punished with a death sentence. Although the suit was dismissed by the Qing governor, Zhang Guangsi, the case between Ma Laichi and Ma Yinghuan, as Lipman (1997, 68) argued, “set a precedent in which religious conflicts between Muslims could be submitted for judgement to the secular authorities.” This is more explicitly reflected later in the conflicts between the Qing government authority with a Chinese Sufi *ṭarīqa* called Jahriyya, whose founder, Ma Mingxin, it is said, studied at the same Sufi Khanqah with Ma Laichi in Yemen.

2.3 Ma Mingxin, and the Jahriyya Sufi Order

There has been relatively rich research, compared with other Sufi orders in China, on the founding father, Ma Mingxin 馬明心 (1719–1781), as well as the Naqshbandiyya branch he established, the Jahriyya. In this section, I would, based on the pioneering work done by Fletcher (1975, 75–96, 1995, xi–46), Gladney (1991, 48–52), and Lipman (1997, 68–69), to name a few, mainly make use of the primary sources found amongst the Jahriyya Muslims themselves, especially the *Rashahat* (Reshiha'er 熱什哈爾),⁵⁷⁷ the *Kitab al-Jahri* (*Zheherenye*

⁵⁷⁵ The book's name is written in Chinese as 冥沙勒. Fletcher (2000, 92) had a guess of the name of the text, which could be sharh-I Lama 'at written by Nizam ad-Din Thanasari, or Ashi 'at al-Lam'at written by the Naqshbandi poem Jami, both of which could be the commentary on Fakhr ad-Din Ibrahim Iraqi's Lama' at. Lin Changkuan 林長寬 (1996, 78) argued that the *Mingshale* was a collection of sayings from the Quran or the Hadith.

⁵⁷⁶ The Arabic word *suf* literally means wool, and here it probably refers to a woollen garment which traditionally was associated with mystics. It is said that the term Sufi originally means the one that wears wool.

⁵⁷⁷ The book *Rashahat* is originally written partially in Arabic and partially in Farsi by a Jahriyya scholar, also a Ra'īs (*Reyisi* 熱依斯, an agency in charge of certain region or regions) appointed by Ma Mingxin. He was named as Guanli Ye 關裡爺, or Abu I-Amah Abdul Qadir (Aibu Ailaman Abudule Gadier 艾布艾拉曼 阿布杜勒 尕底爾) in Arabic, or Fengxiang Erye 鳳翔二爺 (or Fuqiang 伏羌?) by the Jahriyya Muslims. According to Zhang Chengzhi 張承志 (1993, 5–7), one of the most prevalent and most influential Muslim authors in contemporary China, Guanli Ye, probably wrote the book during the late Qianlong Emperor and/or the early Jiaqing periods, recording mainly the first two *murshids* of the Jahriyya *Menhuan*, namely, Ma Mingxin and his successor, Mu Xianzhang 穆憲章 (1745–1812). The book is named after the first word appeared in its contents. It has been circulated within a very limited number of Imams or scholars within the Jahriyya *ṭarīqa*, and has not been published until 1993 by the SDX Joint Publishing Company when Zhang Chengzhi and other two young Jahriyya Imams, Yang Wanbao 楊萬寶 and Ma Xuekai 馬學凱, had it translated into Chinese. The reasons why it was originally written in Arabic and Farsi, instead of Chinese as the Han Kitab authors had long been doing, and

daotong shi zhuan 哲赫忍耶道統史傳),⁵⁷⁸ and the *Statements on the Guanchuan Tariqa* (*Ye guanchuan daotang* 謁官川道堂),⁵⁷⁹ as well as my personal contacts with the Jahriyya Sufis in Yunnan, Gansu, and Xinjiang.

The founder of the Jahriyya, Ma Mingxin, born in 1719,⁵⁸⁰ was respectfully memorized by his disciples and the Hui Muslims in general as Daozu Taiye 道祖太爺 (Great grand-founding-father of the Dao), a term probably borrowed from Daoism (Lipman 1997, 60), or by his Arabic name, Ibrahim Aziz, entitled as Wiqayatullah (Weigaye tunla 維尕葉 屯拉, protection of God).⁵⁸¹ According to the author of *Rashahat*, Muhammad Abdullah who was the eldest son of Ma Mingxin once told him that,

Once I heard from my father that we originally were the Ma family from Jiezhou (階州 nowadays Wudu in Gansu province), who later migrated to Gongchangfu (鞏昌府 nowadays Longxi). There, some of our families settled in Neiguanying (內關營, nowadays Anding) and some... who later moved again to Daxiguan district in Hezhou city (nowadays Linxia Hui Autonomous Prefecture).

After my grandma passed away, the younger brother of my grandfather took my wretched and helpless then nine-year-old father to Hajj...they headed towards the direction of Yunnan. They entered a country called Awa (阿佤國, probably the Wa Special Region of Myanmar today); crossed nine turbulent rivers.⁵⁸² One day, while the two of them were searching for water and trying to make a fire for their meal, a fierce gale sprang up... Lost his uncle, Wiqayatullah was

probably also why it was published in Chinese a century later, might be, on the one hand, a strategy of the Hui Muslims to protect the author due to the sensitive contents of the book, the well-known rebellion during 1781 to 1784 between the Qing government and the Jahriyya Muslims. On the other hand, it could also be an intentional choice made by the Jahriyya Muslims to keep the history of their own by, to some degree, denying the Chinese readership and intellectuals in general. The contents concerning the biography of Ma Mingxin in *Rashahat* were orally, according to Guanli Ye himself, transmitted from Ma Shunqing 馬順清, or Muhammad Abdullah, the eldest son of Ma Mingxin (Guanli 1993, 13).

⁵⁷⁸ The Book of *al-Kitab al-Jahri* is one of the authoritative books on the history of Jahriyya and its Sheikhs. It was recollected, translated and printed in 1934, eleven years after the death of its author, Ma Xuezhì 馬學智 (1850–1923), who used to be the Ra'īs in charge of the Shagou region, commonly known by the Jahriyya Muslims as Erye (二爺), or by his Arabic name, Muhammad Mansur Allah Burhanaddin. Mansur himself was an expert of Arabic and Farsi, and he went for pilgrimage in Mecca in 1915. Like the *Rashahat*, *al-Kitab al-Jahri* was originally written in a mix of Arabic, Farsi, as well as the *xiao'erjing* or *xiao'erjin* (小兒經 or 小兒錦) or *xiaojing* (小經 or 消經), a practice of writing Chinese dialects among the Hui in Perso-Arabic script. It has been circulated among a small group of Hui Muslims, the Jahriyya Sufis in particular. For a detailed discussion on the manuscript, see (Sobieroj 2016, 136–40).

⁵⁷⁹ The *Statements on the Guanchuan Tariqa* (*Ye guanchuan daotang* 謁官川道堂) was written in 1920, but gets to be known to academia in the early 1990s. However, little research has been done on the document since its publication. The document is originally written in Chinese by Ma Yuanchao 馬元超, a well-known Jahriyya scholar, whom Ma Tong (2000, 367) listed as Master of the seventh generation of Jahriyya *Menhuan*. Ma Yuanchao and his elder brother, Ma Yuanzhang 馬元章 (1853–1920), were both Ma Mingxin's fourth generation descendants, and were successively in charge of Jahriyya *Menhuan*. For a brief discussion of the document, see (Ma and Yuan 1995, 70–74).

⁵⁸⁰ In the *Statements on the Guanchuan Tariqa*, the author said, “our Master was born in the sixty-one year of Kangxi,” which is 1722. However, later the author said, “till the eight year of Yongzheng,” which is 1730, “our Master went with his uncle for Hajj at the age of nine,” which means that Ma Mingxin should have been born in 1721. Although Ma and Yuan (1995, 72) had a very detailed date in the manuscript they found in the Jahriyya community where it stated that Ma Mingxin was born on the twenty-fifth of December, the sixty-first year of Kangxi, namely 1722, we still agree to the year of 1719 before further information about this manuscript has been revealed and researched. In addition, most sources from the Jahriyya Sufis admit that Ma Mingxin died at the age of sixty-three, probably to be blended with the biography of the Prophet. However, it is unclear whether the age of sixty-three is calculated on the Islamic calendar or the Chinese lunar calendar, which might have one or two year's difference.

⁵⁸¹ Referring to the French sources that quoted a document called *As-Sin* (China) written by someone named Tawadu (could be the famous Imam Pang Shiqian 龐世謙 who published a book called *As-Sin* in Egypt while studying at al-Azhar during the 1930s–1940s), Fletcher (1995, XI 27) pointed out that Ma Mingxin had a name of Muhammad Amin, which, however, has not been seen in any Chinese primary sources. Wang Jianping (1999, 22) argued that Muhammad Amin could be a name Ma Mingxin used when he studied in Mecca or Yemen.

⁵⁸² The original word used in the *Rashahat* is Dijlah, referring to the Tigris. It seems that here it is used to refer to rivers in general.

crying... They two lost each other; however, Wīqayatullah was a blessed man of auspiciousness...⁵⁸³

First of all, as a charismatic founding father of the Jahriyya Sufi *ṭarīqa* in China, obviously, Ma Mingxin's disciples, especially the Jahriyya historians, tended to emphasize the similarities of their *murshid* with the Prophet Muhammad, with both of them, for instance, losing their parents at a young age and were brought up by close relatives. Similar discourses constructing the sanctity of Ma Mingxin could also be found in other sources created by the Jahriyya scholars (Sobieroj 2016, 133–69). However, one would wonder why a nine-year-old child would be taken for a Ḥajj journey at a time when travelling to Mecca was still difficult, and even dangerous as was shown in the case of Ma Mingxin who finally was left alone due to the storm. Some background information of Ma Mingxin's family might be of help to answer this question. Guanli Ye (1993, 58–59) has recorded that

Our *Mawlana* (*Maola*, 毛拉 lord or master) once passed by Qin'an county. He was invited to stay with the local Imam. After Isha prayer (night prayer),⁵⁸⁴ the Mawlana asked the Imam, "How old are you? How many walī of God have you seen? Which *ṭarīqa* do you follow?" The Imam answered, "I am eighty years old, have seen three Sheikhs: Sayyid Amir Khalam, Muhammad Abu 'l-Futuh, and your father." The Mawlana then ...asked, "Where did you meet with my father?" The Imam answered, "at Fuqiang. I even have attended upon him for twenty-three years. I used to be a follower of Abu 'l-Futuh." The Mawlana continued, "How long have you doing the *amal*?" "Fifty years," the Imam answered. "Have you had any effect?" asked the Mawlana. The Imam replied, "No, not at all." The Mawlana said, "I would like to improve your religious path, but it is better for you to just keep what you have been doing since you are of old age..."⁵⁸⁵

Several important pieces of information can be revealed in this conversation between the Mawlana Ma Mingxin and the Imam he met at Qin'an county. However, the most relevant message for my research here is the family background of Ma Mingxin. As the old Imam admitted that he was a follower of Abu 'l-Futuh, founding father of the Huasi *Menhuan*, and had served Ma Mingxin's father for more than two decades, it, thus, is highly possible that Ma Mingxin's father, though already passed away before his birth, was not only a follower of but also held a high position in the Huasi *Menhuan* of Khūfiyya *ṭarīqa* initiated by Ma Laichi. Notably, the fact that the old Imam regarded Ma Mingxin's father as one of the three "true walī of God" he had met in his life indicates that Mingxin's father must have been "a respected figure [that] held a prominent position within the same broad Sufi tradition as Ma Laichi" (Garnaut 2011, 107). More importantly, Ma Mingxin's uncle, who must have had a close connection with Mingxin's father and later took Ma Mingxin to the Ḥajj journey, obviously followed Mingxin's father and was active in the local Muslim community. A Jahriyya source written by a Nasur al-Din (Nasulading 納速拉丁) stated that, "He [Wīqayatullah] was raised by his younger uncle, who was the Khatib at the Daxiguan Mosque," a position that is in charge of delivering the sermon (*khutba*) on the congregational Friday prayers and Eid prayers. All this information suggests that born and raised in a pious Muslim family, Ma Mingxin knew at a young age that performing the Ḥajj was one of the duties for a Muslim. The same source from the Jahriyya scholar, as a matter of fact, recounts that "at the age of seven, he

⁵⁸³ The original Chinese is "以前曾聽父親說：'我們原始階州的馬姓。後來遷到了鞏昌府。在那裡我們的親屬一些住在內關營。一部分... 隨後又遷到河州城住在大西關。'祖母歸真後，... 我爺爺的弟弟，他帶著我孤苦伶仃的九歲的父親去朝覲。... 兩個人朝... 荒無人煙的雲南路走去。他們進了言語不通的阿瓦國，越過了九條洶湧的底格裡斯河。一天，當他倆尋水找柴，... 突然狂風驟起... 維尕葉屯拉看不見叔父了，哭泣著。... 叔侄二人永別了，而維尕葉屯拉是一個被護佑的吉祥的人..." See (Guanli 1993, 5–6).

⁵⁸⁴ I used the Arabic term for the prayer here. However, the Hui Muslims tend to use the Persian terms for the five daily prayers, which are Bamdad for fajr (the dawn prayer, *chenli* 晨禮), Pishin for dhuhr (the early afternoon prayer, *shangli* 晌禮), Digar for 'aṣr (the late afternoon prayer, *buli* 晡禮), Sham for maghrib (the sunset prayer, *hunli* 昏禮), and Khuftain for 'ishā (the night prayer, *xiaoli* 宵禮).

⁵⁸⁵ The original Chinese is, "我們的毛拉路過秦安縣城。應邀住在坊上伊瑪目家。霄禮後，毛拉問伊瑪目：'你多大年紀了？見過多少主的臥裡？你是哪個教門？'伊瑪目回答說：'八十歲了。見過三個沙赫：賽義德·艾米勒·克爾力；穆罕默德·艾布福土哈以及你的父親。'這時，毛拉的臉突然變紅了。問道：'你在哪見過我父親？'伊瑪目回答說：'在伏羌。我還侍奉過他老人家二十三年呢。我是艾布福土哈派的教下。'毛拉問：'你已有多少年的爾麥裡了？'伊瑪目說：'五十年了。'毛拉問：'你幹的有點收效嗎？'他說：'什麼也沒有呵。'毛拉說：'我想改善您的教門；但是您年紀大了，你還是按原來的幹吧。'" See (Guanli 1993, 58–59).

[Wiqayatullah] would like to go for Ḥajj to fight for the path of Allah and to search for the *murshid* that preaches Islam and the Path of Allah.”

However, sources disagree on the routes of Ma Mingxin and his uncle’s pilgrimage to Mecca. Some believed that Ma Mingxin and his uncle travelled through Xinjiang along the Silk Road (Ma Tong 2000, 173), and probably stayed for a while in Bukhara where he was connected to the Naqshbandiyya in Yemen (Fletcher 1995, xi 28). However, according to the Jahriyya scholars, Ma Mingxin and his uncle went to Mecca through Yunnan instead of Xinjiang.⁵⁸⁶ Anyways, somewhere on his journey to Mecca, he met an elderly Sheikh who sent him to the house of another Sheikh, presumably in Yemen or Mecca, where he spent “more than twenty years [and] became a follower of the master of the path az-Zayn and, submitting to the severe discipline of the Jahriyya zawiya, received his secret teaching” (Fletcher 1995, xi28). However, it is also possible that the Sheikh in Yemen from whom Ma Mingxin received his secret teaching, as Fletcher argued (Fletcher 1995, xi29), could be Abd al-Khaliq, son of az-Zayn. On the other hand, Garnaut’s (2011, 350–59) research showed that it is most likely that Muhammad b. Zayn, son of Abd al-Khaliq, was the one who acted as Ma Mingxin’s *murshid*. In general, Zayn, al-Khaliq, and Muhammad were actually said to be the last three Sheikhs of the inner generations of the Jahriyya *ṭarīqa* (Garnaut 2011, 353), and all of them were from the Mizjaji family, “one of the most celebrated families of ‘ulamā’ in eighteenth-century Yemen” (Nafi 2002, 350). In the Jahriyya source, the Sheikh Ma Mingxin studied with was never identified by name but referred to as the “Yemen Master.” Notably, it is said that Ma Mingxin once informed the death of the Sheikh, presumably the Yemen Master (Guanli 1993, 16), to Ma Laichi that

Our Mawlana, Wiqayatulla, came back to his hometown, Hezhou, and told Muhammad Abu 'l-Futuh that, “our Mawlana, Shaykh, his Excellency, Aqal-Makkiyah (May Allah bless us by virtue of his nobleness) passed away on such a day and in such a month.” Abu 'l-Futuh, on hearing the news, held the mourning ceremony according to the Chinese custom. It is said that in the early days Abu 'l-Futuh was of great respect to our Mawlana Wiqayatullah, and constantly told his disciples that, “you should pay respect to the Ḥajji [Wiqayatullah], my close friend, as you do to me, and make no distinction between us two, till afterlife.”⁵⁸⁷

The Sheikh that Ma Mingxin called “our Mawlana” to Ma Laichi was entitled as “Aqal-Makkiyah” meaning the intellect of Mecca, indicating that the Master, though could have come from Yemen, probably spent most of his time in Mecca. It is thus also possible that Ma Mingxin actually met him in Mecca.⁵⁸⁸ In addition, according to the present-day *murshid* of Jahriyya in Yunnan, Sheikh Muhammad Habib Ma Yuzhu 馬玉柱, Ma Mingxin during his time in the Middle East had performed the Ḥajj for nine times, which is also recorded by the Jahriyya scholar Nasur al-Din (Nasulading 納速拉丁), where he stated that “in the following eight years, he [Wiqayatullah] performed the Ḥajj for another eight times.” A Muhammad Hanbali mentioned that Ma Mingxin performed the other eight Ḥajjs for his eight *Khalīfa*, among whom four could be identified as the successive masters of the Jahriyya, namely Imam Allah (Mu Xianzhang 穆憲章), Qutb Allah (Ma Datian 馬達天), Haqq Allah (Ma Yide 馬以德), and Tabirat Allah (Ma Hualong 馬化龍).

⁵⁸⁶ Wang Jianping (1999, 22) assumed that the reason why the Jahriyya scholars tended to believe that their founding father went to Mecca through Yunnan other than Xinjiang was to avoid and deny the connection of their Sufi *ṭarīqa* with that in Xinjiang, namely with the Karataghliq Party, or the Black Mountaineers’ Party, which then had a notorious reputation among Muslims.

⁵⁸⁷ The original Chinese is “我們的毛拉，維尕葉·屯拉回到故鄉河州，告訴穆罕默德·艾布福土哈說：咱們的毛拉，沙赫，阿各力曼克閣下，（願真主以他的尊貴賜福我們）於某月某日歸真了。艾布福土哈聽到了這話後，就按中國的習俗做了哀悼儀式以示紀念。相傳，艾布福土哈在起初很尊重我們毛拉，維尕葉·屯拉。經常對他的門徒說：“你們要像尊重我一樣尊重我的密友，哈智（維尕葉·屯拉），直到後世，在我們之間不要分彼此。”See Guanli (1993, 16–17).

⁵⁸⁸ Considering the fact that Ma Mingxin spent more than two decades in the Middle East, mostly Mecca and Yemen, according to the Chinese primary sources and secondary research outcome by contemporary scholars, it is most likely that he had studied with several Sufi masters. Our research into the Rashahat and the Kitab al-Jahri also suggests that the Sufi Master Ma Mingxin and Ma Laichi studied with was probably Abd al-Khaliq, who “studied with the distinguished teachers of Mecca and Medina” (Fletcher 1995, xi 30) and might be entitled by the name of “Aqal-Makkiyah”. According to the Kitab al-Jahri, Ma Mingxin returned to China in 1744 and joint the Huasi *ṭarīqa* for a short period, by which time Abd al-Khaliq had already passed away four years before in 1740. On the other hand, the unnamed Shaykh who authorised Ma Mingxin to preach in China before Mingxin left, thus, could probably be Muhammad b. Zayn al-Mizjaji, who passed away in around 1860.

There is obviously still more work that needs to be done concerning the Jahriyya *ṭarīqa*, its founding father Ma Mingxin, and in particular, the Aqal-Makkiyah who taught two founding fathers of the Sufi branches of the Naqshbandiyya order in China. Future research may provide more evidence for the connection between Sufi orders in China and the Holy city of Islam via the sacred journey of Ḥajj. My analysis on Ma Minxin's case, together with the cases on Xian Meizhen as well as Ma Laichi, demonstrates that: firstly, in addition to the attempts made by the Han Kitab authors during the same period, especially in such cases as Wang Daiyu, Ma Zhu, and Liu Zhi, who tried to reinterpret Islam in line with Confucianism, there were also other attempts, movements, and institutions initiated by the Hui Muslims, in which they preferred to stick to the Shari'a, and seek for a "more authentic" Islam in the heartlands of the Muslim world on their way to Mecca. They did not seem to be satisfied with the Han Kitab authors' solutions, namely, to make Islam "fit into" the Han Chinese culture and society. For such Hui Muslims as the founding fathers of the Sufi orders I discussed in this chapter, going to Mecca is an obligation that a Muslim should try to fulfil, which is motivated by and reflects the devotion, loyalty, and belief they have towards Allah and His law. Secondly, through detailed reconstruction regarding the life and family backgrounds of each of them, I tried to make sense of where, why, and how their devotion, loyalty, and belief come from. It shows that among the Hui Muslims, at least some of them, there exists a strong "little tradition" in which basic religious belief, rituals, and practices are core in defining their Muslim identity. This tradition, no doubt, has again been reinforced, renewed, and transformed, not (only) by their interactions with the Chinese society, but (also) through their Ḥajj journeys which (re-)connect them with various religious, intellectual, and spiritual centres of Islam. In a word, the Ḥajj pilgrimage to Mecca strengthens the Hui's Muslim identity. This "increased commitment to Muslim identity" does not itself lead to more solidarity, unity, tolerance and respect amongst the Hui Muslims. This is exactly what happened after these Ḥajjis came back to their own communities in China. As a matter of fact, the establishment of various Sufi orders, branches, and sub-branches represents a certain degree of the split within the Hui Muslims, especially so when we take into consideration the intra-Muslim conflicts between different Sufi orders during the Qing period.

Anyways, going to Mecca is not easy, especially for the Hui Muslims living in the Far East of China during the pre-modern period. This is typically demonstrated by the routes that the Hui Muslim Ḥajjis took. By providing the Ḥajj routes, I intend to show how exhausting, challenging, and risky the Ḥajj journey was, and how committed, dedicated, and determined the Hui Muslims were to follow the Path that God has set for them. In addition, the routes will also shed light on how geographically the Hui Muslims were connected to their fellow Muslim sisters and brothers, and what consequences it might have on them, be it religiously, politically, or economically. Fortunately, a century later, in 1841, a Yunnanese Muslim, Ma Dexin, went to Mecca again, and when he came back he wrote and published his travel log that first of all contained the Ḥajj routes that historically were followed by the Chinese Muslims, which provided us with the oldest Ḥajj travel log by a Chinese Muslim, hence, deserves further analysis.

2.4 Ma Dexin, His Travel Log, and Mecca as the Homeland

Ma Dexin 馬德新, also called Yusuf by his Arabic name, or Fuchu Baba 複初巴巴 or Laobaba 老巴巴 by the Hui Muslims, was born in 1794,⁵⁸⁹ who was said to be the twenty-first generation of the descendent of Ajall Shams al-Din Omar.⁵⁹⁰ He studied Islam first with his father, who was a well-known Muslim scholar in the Dali region in northwestern Yunnan (Yao and Li 2005, 222). Later in 1836,⁵⁹¹ he went to Xi'an (Sun 1988, 1), Shaanxi Province, to follow the then prevalent Imam Zhou,⁵⁹² who revitalized the Shaanxi School of the Jingtang education (Li Xinghua 2010b, 116). However, Ma was not satisfied with his study there and admitted

⁵⁸⁹ There are several other opinions concerning the year of birth of Ma Dexin, such as in 1786, 1789, and 1790 (Zhang Shiqing 1995). However, most scholars took the year of 1794 as stated in the epitaph written by Ma Dexin's student, Ma Anli 馬安禮.

⁵⁹⁰ Also see the epitaph of Ma Dexin written by Ma Anli.

⁵⁹¹ According to Sun's (2002b, 5) research, Ma Dexin went to Shaanxi to study with Imam Zhou during the year of 1814 to 1824.

⁵⁹² Imam Zhou, whose name was Zhou Liangjun 周良俊 (1771–1860), was an important figure in the development and the resurgence of the Jingtang education in Shaanxi, or in the northwest Muslim communities in general. According to the author of the *Zhongguo jingtang jiaoyu yu shaanxue ahong* 中國經堂教育與陝學阿訇 (Chinese jingtang education and the Akhūnds of the Shaanxi school), Zhou served as the Imam and teacher at the Xiaopiyuan Mosque in Xi'an from 1790–1840, and had hundreds of students that were the core force for the spread and development of the Shaanxi School.

in the preface to one of his most well-known books, *Sidian yaohui* 四典要會 (Essentials of the four classics), that after he finished his study in Shaanxi, he only

roughly got the basic tenets of our religion without knowing the profound meanings in it, and thus then travelled across the sea and visited Mecca in person, where [Ma Dexin] was able to read extensively the scriptures and visit the great masters so that [Ma Dexin] got to know and understand the truth and principles of our religion.⁵⁹³

In 1841, Ma Dexin, with the help of the horse caravan in Yunnan, set forth on his journey to the Holy City of Mecca. In his travel log, which was originally written in Arabic and later in 1861 was translated into Chinese by his disciple and assistant Ma Anli as *Chaojin tuji* 朝覲途記 (Travel log of the pilgrimage), Ma Dexin gave a very detailed description of the routes he followed from Yunnan to Mecca, which probably could also be the routes followed by Ma Minxin and his uncle a century ago. In appendix ten, I translated part of the travel log in terms of his travel routes from China to Mecca. Ma Dexin's journey to Mecca, starting from the end of 1841 in the southern part of China's Yunnan Province, lasted for about one and a half years. His journey was first to get to Yangon and then board a ship to Jeddah, Saudi Arabia, a place where for hundreds of years, at least as Ma Huan had recorded it some four hundred years before, Chinese Muslims landed and put on their *Ihrām* for the *Hajj* pilgrimage. Obviously, the long voyage from Yangon to Jeddah was not easy. In the beginning, he had to spend five months waiting in Yangon for the seasonal winds for sailing, and later he had spent another four months in Kolkata before he finally got to Mocha, Yemen. In May 1843, he finally finished his journey to Jeddah after a short stay at al-Hudaydah. These routes that Ma Dexin recorded (see map four), did suggest the importance of Southeast Asian countries in connecting Chinese Muslims with the centre of Islam.



Map Four: The route of Ma Dexin's journey from Yunnan Province to Mecca

In the years that followed, Ma Dexin performed his *Hajj*, recorded in details about the Kaaba as well as the *Masjid al-Ḥarām*, went to Medina and visited the scholars in both Holy Cities. As I have mentioned in previous cases, such as those of Ma Laichi and Ma Mingxin, *Hajj* for the Hui Muslims, especially since the seventeenth and eighteenth centuries, also involved extensive excursions to other Middle Eastern countries. Ma Dexin, in this regard, is no exception. Before 1845 when he started his return trip, Ma Dexin had visited the port city of Alexandria, Al-Azhar University in Cairo, Istanbul, Cyprus, Jerusalem, etc., where he not only visited the local historical sites and monuments, Muslim scholars, libraries and mosques, but was also invited to participate in various local activities. Actually, Ma Dexin spent a year in Singapore researching astronomy with the help of the local host. These activities of course widened Ma's horizon; they also helped establish connections between Ma and the Muslims elsewhere, which Ma endeavoured to promote to his disciples as well as coreligionists

⁵⁹³ The original Chinese is, “遊學于秦，粗知吾教之指歸，未識其中之奧妙，乃遠涉波濤，親至天方，得博覽夫經傳，複訪問于高明，而後知吾教之理。” See Ma Dexin ([1858]1988, 17).

when he came back to China. Worth noting is that Ma also brought back with him the books he found in various places in the Muslim world he visited, such as *Qasidat al-Burda* (Ode of the mantle) by the thirteenth century Sufi Imam Abu 'Abdallah Muhammad ibn Sa'id ul-Busiri Ash Shadhili of Egypt, which Ma later translated into Chinese with the help of his disciples, Ma Anli and Ma Xuehai 馬學海, as *Tianfang Shijing* 天方詩經 (Islamic book of odes), a title imitating the Confucian Classics.

Another thing that Ma Dexin's travel log to Mecca gave evidence to is that it also proved and made clear the routes from western China to the Arabian Peninsula. Ma Dexin recorded that there were two ways to go to Mecca for the Hajj, one was through Ava, and the other was to go to the northern frontier (*Beisai* 北塞). At the end of his travel log, he described the northern routes to the Middle East, which briefly was from China's western city of Jiayuguan 嘉峪關 to Hami 哈密, Tuerfang 土爾方 (Turpan today), Halaxi 哈喇溪 (Yanqi Hui Autonomous County in Xinjiang), Akesu 阿克蘇, and then to Kashgar, the south-western part of Xinjiang. The routes continued in the Central Asian region that covered the stations of present day Andijan, Kokand, Samarkand, and Bukhara. After that, Ma Dexin recorded two different routes, one was to go towards the direction of Mashhad into Iran and then to Baghdad of Iraq; the other one was to go to Kabul into Afghanistan and then go to Quetta in Pakistan, where one could travel by sea to the Persian Gulf (Ma [1861]1988, 57–64), as shown in map five. Ma Dexin's return trip towards Yunnan actually was a third possible route from China to the Muslim heartlands. In 1847, Ma Dexin boarded the ship back to China in Jeddah. As he recorded ([1861]1988, 51–55), he first travelled to Al Hudaydah, and then took a voyage of twenty-seven days to Karachi, where he stayed for two days before he boarded the ship that took him first to Alappuzha in the southern Indian state of Kerala and then to Banda Aceh, Indonesia. From Indonesia, Ma then travelled to Malacca and Singapore where he stayed for a year researching astronomy, as I mentioned above. On the fifteenth of August, 1848 of the Chinese calendar, Ma Dexin left Singapore and arrived in Guangzhou (Canton) a month later. These different routes had been followed by the Chinese Muslims before Ma Dexin made his Hajj journey, and, as was proved later during the Republican period, also by those after him.



Map Five: The land routes from western China to the Arabian Peninsula recorded by Ma Dexin.

So far, my research shows that Chinese Muslims in the Far East are connected to the centre of Islam through different routes of the Hajj pilgrimage. Hajj connects the Hui with the very centre of Islam and the Muslims in the rest of the world. In other words, Hajj has transmitted the socio-religious movement and thoughts of the Muslim world to the Chinese Hui Muslims. Hence, it seems, as Fletcher (1995, xi33) argued, that “the more secluded and remote a Muslim community was from the main centres of Islamic cultural life in the Middle

East, the more susceptible it was to those centres' most recent trends.” Bringing these movements and thoughts with them back to China, the Hui Hajjis tried to define and redefine who they were, and how to live with their coreligionists, their non-Muslim neighbours, and in particular the Chinese authority. The introduction of Sufi *ṭarīqa*, or *Menhuan* as it is called by the Hui in China, added a new dimension of the Hui Muslims' identities. Even today in the Hui Muslim communities, a sense of belonging to certain *Menhuan* is still crucial to one's identity, which itself, oftentimes, works as certain social norms that determine how one behaves. Meanwhile, Ma Mingxin's journey to the heartlands of Islam, which is also evident in the case of Ma Laichi and Ma Dexin, shows that the performance of Hajj among the Hui Muslims has served not only the purpose to fulfil the individual religious obligation but also a way for the acquisition of knowledge along the Muslim lands from southeast Asia to the Middle East. At the end of the *Chaojin tuji* by Ma Dexin, the translator, Ma Anli, commented that

The teacher's journey, on the one hand, was to fulfil his obligation to Allah (farḍ), and preached, on the other hand, the Path of Allah and the Prophet via various scriptures, which enabled the scholars as well as students of Islam in the Central Kingdom to know the root and fundamentals of our religion, and the scale of our homeland. How much more can it be beneficial to the masses!⁵⁹⁴

His statements echoed my findings. Unfortunately, the original Arabic manuscript of Ma Dexin's travel log is lost; hence, we do not know what exactly he meant when he referred to Mecca as the “homeland” (*zuguo* 祖國). However, these characteristics are more evidently presented in the late nineteenth and early twentieth centuries when Chinese Muslims were trying to initiate the modernization of Islam in China then.

3. Islamic or Chinese: Hajj and the Modernization of Islam among the Hui, late Qing and Republican Era

During late Qing period, the Hui suffered tremendous losses from several conflicts, including military engagements with the Qing regime, such as the Panthay Rebellion in Yunnan (1856–1873) led by Du Wenxiu, a follower of Ma Dexin, the Tongzhi Hui Revolt (*Tongzhi huibian* 同治回變) by the Hui Muslims from Shaanxi, Gansu, Ningxia, and Xinjiang between 1862 to 1877, and the Hehuang Uprising (*Hehuang qiyi* 河湟起義) by Muslim groups in Qinghai and Gansu in 1895 and 1896, to name a few. The decrease in the population of the Hui Muslims during this period may be an example to illustrate the losses the Hui suffered. According to Zhang, Song and Ma's (1991, 165) research, by the beginning of the Republican period, the population of the traditionally Hui concentrated regions had changed enormously. For example, the Muslim population in Gansu decreased from over two million to several hundreds of thousands, and the Muslim population in Ningxia also suffered from a decrease of 230,000 to around 100,000. On the other hand, with the development of modern technology in transportation, it was possible and indeed made it much easier for the Hui Muslims to perform the Hajj and be connected to the outside world in general. These changes, generally, made the Hui, especially the intellectuals, rethink the question of “who we are” in a new context. Hajj played a crucial role in providing various approaches for the Hui to finding the answers to this very question. In this section, I would analyse the approaches employed by different groups of the Hui to reform and modernize Islam so as to find a way not only to survive but also to promote the religion as well as their status as a Muslim Nation (*Huihui minzu* 回回民族) in a promising republican China.

3.1 Survival and Revival: Hui Muslims' Hajj in Late Qing

After the Opium War when the gate of Qing China was opened by western invaders, China was facing a threatening situation that had never existed in the last three thousand years (Li Hongzhang 李鴻章). Several projects, including the Self-strengthening Movement (*yangwu yundong* 洋務運動 1861–1894), were carried out by the Qing government, as people in general then believed that it was necessary to learn from the West, regardless of their technology, institution, or even culture, so as to defeat the westerners and to survive. As I have

⁵⁹⁴ The original Chinese is “夫子此行，既完其天命，而又以諸經籍大闡聖道，使中國學人得悉教門之根柢，祖國之規模，其有益於眾人為何如乎？”，see Ma ([1861]1988, 65).

pointed out in the chapter on education, one of the steps taken by the government was to send young students to study in the U.S or Europe where, they believed, these students would get the most advanced knowledge and skills of military science and weaponry, for instance. However, the difference of the Hui Muslims in making their choices, and to ask why the Hui Muslims chose to turn to the Middle East instead of the then most powerful and advanced U.S or Europe. In other words, what factors contributed to the Hui's preference to Mecca and other Muslim countries instead of the western countries in a time when the Chinese society at large was experiencing the transformation process to a modern nation-state. Hence, first of all, why Mecca? The experience of some of the Hui Hajjis who travelled to Mecca during late Qing period may shed light on the question.

3.1.1 *Hajji Ma Lianyuan, and His Islamic Reform after Hajj*

Ma Lianyuan 馬聯元, whose Arabic name is Abdul Hakim (Erbudu hagemu 爾布篤哈格目), was also known as the tall Master or the tall Hajji (*Gao Baba* 高巴巴 or *Gao Hazhi* 高哈只) by the Hui (Ma 1932; Yao and Li 2005; 227). He was born in the winter of 1842⁵⁹⁵ in a Muslim family in Yunnan. He first studied Islam with his father, a then prominent Imam in Yunnan (Bai 1984, 2). According to *Zhiben Ma laofuzi liuxun shouxu* 致本馬老夫子六旬壽序 (An essay to master Ma Zhiben's sixtieth birthday), a greeting speech dedicated to Ma Lianyuan's sixtieth birthday by the county magistrate Jin Hanqing and Ma Lianyuan's brother-in-law Li Ruisheng in 1900, Ma Lianyuan attended the private school, learning Confucian Classics till the age of twenty when he focused on Islamic studies. Later at the age of twenty-two, he became the Imam at Xiaohui Cun. However, the situation of the Hui-Han conflicts and the Panthay Rebellion against the Qing regime then made Ma Lianyuan sad and worried about his own safety as well as the Hui Muslims as a whole in Yunnan, which urged him to "leave his hometown that is dominated by unstable and shifting forces and flee to the City of Security (*An'ning zhiguo* 安寧之國, namely the city of Mecca)."⁵⁹⁶ The rebellions led by Du Wenxiu 杜文秀 (1823–1872) since 1856 and the regime Du established in Dali had already controlled "cities from the Tibetan border to Tengyue on the Burmese border and from Pu'er in the south to Xundian in the northeast—more than thirty county or prefectural seats in all" (Atwill 2005, 165) by the beginning of 1868. However, as the majority of the Taiping Rebellion was defeated during 1868 and 1869 (Luo 1991, 2207–12), the Qing government was able to mobilize its military, political and financial resources to deal with and even finally put an end to the threat on its southwest border of Yunnan, especially the final siege of Kunming, capital of Yunnan province, by the Dali armies of Du Wenxiu. As Liu argued (2012, 31) in 1869 with the losses in battles with the Qing and the following surrenders of some of the generals of the Hui the siege of Kunming that had lasted for two years ended up in failure. Having seen the teachers and students in the madrassas all getting involved in the conflicts between the Hui and the Qing government, Ma Lianyuan believed that it was under this circumstance that led to the situation where "the Islamic education goes out of cultivation and the schools are shut down" (Ma Lianyuan 1932) that he, together with his uncle and fellow Muslims, decided to flee to Mecca in 1870, or 1286 of the Islamic calendar.

Ma Lianyuan followed the routes of his predecessor Ma Dexin (Yao and Li 2005, 227) and went to Mecca, where he performed the Hajj while staying in Mecca for the next two years. As a Muslim scholar, he then travelled through the Muslim countries where he followed several teachers for further religious education. It is said that he visited India, Iraq, Egypt, Turkey, etc. He himself also mentioned that,

⁵⁹⁵ There are some discrepancies concerning the year of Ma Lianyuan's birth in the sources. According to the Preface Ma Lianyuan wrote to his Arabic and Farsi work on the *Islamic Miscellaneous Studies* (Invitations to Mosques, or *Da Zaxue* 大雜學 in Chinese), Ma claimed that he was born in the year 1258 of the Islamic Calendar, which is between year 1842 to 1843. The translator, however, claimed that it was the twenty-sixth year of Daoguang of the Chinese calendar, which is 1846 (Ma Lianyuan 1932). However, Bai Shouyi (1984, 2) argued that Ma Lianyuan was born in 1841. I took the year 1842 as it was claimed by Ma Lianyuan himself.

⁵⁹⁶ The original Chinese is "由波譚之鄉逃到安寧之國." See (Ma Lianyuan 1932). According to Chapter 95 verse 3 of the Quran, the so-called al-Balad al-Ameen, which literally means the city of security, refers to the city of Mecca.

We followed a man called Mawlana Rahmat Allah in India⁵⁹⁷ learning such great Classics as Ash-Shami,⁵⁹⁸ etc.; we also learnt Qira'at [the method of the recitation of the Quran] with Abd Allah bin al-Rasul in Egypt, moreover, we accepted the Naqshbandi way of Dhikr [repeated recitations glorifying Allah] from a man called Abdul Hamid in Turkey.⁵⁹⁹

After that, Ma went back to Yunnan, probably in 1873 or 1874.⁶⁰⁰ By this time, the Muslim general of Dali, Du Wenxiu, had already been killed by the Qing government immediately after his surrender to the regime in late 1872. As Atwill (2005, 183) argued, “with Du’s death and the massacre of thousands of Hui in Dali, the rebellion, for all intents and purposes, was over. The remaining centres of rebel resistance... were all retaken between March and June 1873.” Ma Lianyuan himself also remembered the situation and recorded that,

Until then did I know that Du Wenxiu and the Muslim scholars, military as well as civil officials who worked for him, had mostly been martyred. For the rest, some ran away; some, such as women and children, were captured; their land, houses and property were all taken by the non-believers; mosques were turned into Buddhist temples... Later, the leading authority of Muslim scholars, Yusuf [namely, Ma Dexin], was also wronged and finally killed. Once the well-known were all frightened and fled away like birds startled by the mere twang of a bow-string. The Islamic schools again suffered calamities, dismissed.⁶⁰¹

Undoubtedly, Muslims and Islam in Yunnan faced the worst situation then. Islam, the source that gave spiritual and moral support to the Hui Muslims, was in imminent danger of extinction (Yao and Li 2005, 227–28). Ma Lianyuan who had been determined to devote himself to the course of Islam took over his father’s position as the Imam at the local mosque in his hometown and started his career as a teacher and author that lasted for the rest of his life. In order to restore Islamic education, Ma had initiated several projects of reform, probably benefited from his Hajj and overseas study experiences. First of all, he took several measures to ensure that the students at the madrasa could be financially supported. Surely, his status as a Hajji and learned scholar contributed to his ability to mobilize the local Muslims, the rich and the ordinary alike, to support his educational career and the publications of his works. For example, Ma Lianyuan’s uncle, who took Ma to the Hajj journey and financed his travel and study in the Middle Eastern countries, was one of the main financial contributors to Ma Lianyuan. As in the Hajj cases of Xian Meizhen, Ma Laichi, Ma Mingxin, etc., it is not surprising that as a Hajji, and a learnt scholar, Ma had some thousands of students following him. Inspired by his Hajj and study experience, Ma Lianyuan introduced, among his other reforms on Islamic education, the institute of Mu’alim (*Muerlin zhi* 莫爾林制) (Yao and Li 2005, 228), where senior students were entitled and appointed to teaching junior students. In addition, it is no surprise to note that his Hajj experiences and study

⁵⁹⁷ Rahmat Allah (1818–1891), also known by names of Rahmatullah, Rahmat Allah Kairanawi, al-Kairanawi, was a Sunni scholar from India. He was most famous for his book *Izhar-Ul-Haqq*, or the Truth Revealed in English, which appeared in around 1864 “in response to the Christian offensive against Islam during the British rule in India” (Usmani 1989, ii). The German scholar of Islamic Studies, Schirmacher (1997) noted that, “al-Kairanawi was, ostensibly, the very first apologist in the Muslim world who referred to these books [of the then famous European theologians] and Bible commentaries in order to fight Christianity with its own weapons.” Although Ma Lianyuan later published a book on Islamic apologetics in response to the challenges from the Christian missionaries in Yunnan, his arguments were mainly based on the Han Kitab authors, Liu Zhi in particular (Ji 2016, 130–33), instead of Kairanawi. Sources show that the book of *Izhar-Ul-Haqq* had already been circulated among the Hui religious intellectuals before Imam Wang Jingzhai 王靜齋 (1880–1949) first read the book at Imam Wang Haoran’s 王浩然 (1848–1919) in 1912 (Wang 1922, 1–2). The book was finally translated and published in Chinese in 1922 by Imam Wang Jingzhai entitled *Huiye jianzhen* 回耶辨真 (The truth and false between Islam and Christianity).

⁵⁹⁸ The book here is often referred to by the Hui as *Shami jingzhu* 沙米經注, Commentary on the scripture of ash-Shami, which is a book in Islamic jurisprudence written by the eighteenth century scholar Allamah Sayyid Muhammad Amin ibn Abidin ash-Shami, called Radd al-Muhtar ala al-Dur al-Mukhtar. It is still one of the books on Islamic jurisprudence prevalent among the Hui in northwest China today.

⁵⁹⁹ The original Chinese is “我們跟印度‘拉哈麥圖拉’君學習‘沙米’大典等，又從埃及‘二不都浪賓來素禮’君學習讀法，又從土耳其‘二不都哈米德’君接受‘奈格施邦定’的‘記刻爾’。” See Ma Lianyuan (1932).

⁶⁰⁰ Accordingly, Ma Lianyuan (1932) mentioned the end of the year 1289 of the Islamic calendar, which was early 1873. However, Bai Shouyi (1997, 192) mentioned that Ma Lianyuan came back to Yunnan in 1874.

⁶⁰¹ The original Chinese is “才知道杜公文秀和手下的阿林、文武官員多數殉難而亡了；其餘的逃的逃，婦人孺子被擄的被擄，田產房屋概如於異教人的手中，清真寺也被改為廟宇了... 阿林界的泰斗‘郁速富’被人枉殺，一時知名之士一如驚弓之鳥各自紛飛了，伊斯蘭學校又受二次的災劫，無形解散了。” See Ma Lianyuan (1932).

trips in the Middle East promoted his Arabic and Farsi language skills, as well as his expertise in Islamic theology. This could be seen in his works, particularly those written in Arabic and/or Farsi, including, for example, *Miftah* (*Mifutaha* 米府他哈), *Hawasil* (*Hawasuilai* 哈哇遂來), and *Bayan al-Muttasiq* (*Baiyaonai* 擺夭乃), the book *Kimiyya'i* (*Guwen xianfa* 古文仙法) on Farsi grammar, as well as works on Islamic theology in Arabic, such as *Tafsīlāl-īmān* (*Yimani jie* 伊瑪尼解), and in Farsi, such as *Fasl* (*Sipian yaodao* 四篇要道), and *umdat al-Islam* (*Qingzhen yuzhu* 清真玉柱). However, interestingly, he also gave special emphasis on the importance of bilingual Chinese-Arabic learning. Previously, students in traditional Jingtang education were only taught Arabic, Farsi, and other Islamic religious courses.⁶⁰² This, for Ma Lianyuan, did not seem to be satisfactory. Hence, he required his students to learn Chinese classics while learning Islamic theology in Arabic and Farsi. This approach was also reflected in the Chinese works he published, such as *Haiting yijie* 亥聽譯解 (Translated interpretation of the selected Quranic chapters), and *Bianli mingzheng yulu* 辯理明證語錄 (Dialogue on the vindication and justification of Islam).⁶⁰³ Benefiting from his Ḥajj journey and study experiences in Muslim countries, Ma Lianyuan also brought back and published new books that had not been seen in Yunnan before. In sum, inspired by his experiences in the heartlands of Islam he introduced and implemented new teaching methods into the Chinese Jingtang education; he emphasized the importance of bilingual Chinese-Arabic/Farsi teaching, learning, as well as writing. Unlike the modernists I will discuss later in this chapter, however, it is necessary to point out that Ma Lianyuan's Islamic reforms in China, partially due to the political and social situation in Yunnan then, were still carried out within the framework of the traditional Jingtang education. In this regard, one of his coreligionists in northwest China, Ma Wanfu, founding father of the Ikhwan (*Yihewani* 伊赫瓦尼) in China, went further in his Islamic modernization movement after coming back from the Holy City of Mecca.

3.1.2 Ma Wanfu, and the Ikhwan Reform Inspired by His Ḥajj

Ma Wanfu 馬萬福 (1849–1934),⁶⁰⁴ whose Arabic name was Nuha or Nuhai (奴哈, 奴海), a Chinese transliteration of Nuh or Noah, was born in a religious family in present-day Dongxiang⁶⁰⁵ Autonomous County in the Linxia Hui Autonomous Prefecture, Gansu Province. He was popular among the Hui as the Guoyuan Ḥajji (果園哈只), for his hometown was the Guoyuan Cun 果園村 (the orchard village) and obviously, he performed the Ḥajj. Both his father, Daud, and grandfather, Ibrahim, were the Akhūnd at the local mosque. Nuh studied Islam at a very young age with his father and grandfather. The family of Nuh belonged to the Beizhuang *Menhuan*⁶⁰⁶ of the Khūfiyya branch of the Naqshbandiyya Sufi order. According to Ma Tong's research (2000, 205), one of the characteristics of the Beizhuang was that “the *Murshid* has to, first of all, observe strictly the five religious obligations of Islam, namely the recitation of the Quran, daily prayers, fasting

⁶⁰² This situation has not been changed since then. Ha Baoyu (2018a, 176–77) conducted a six-year fieldwork research which covered the Muslim communities, especially the traditional big Islamic educational centers, in Gansu, Qinghai, Shaanxi, Xinjiang, Yunnan, Heilongjiang, Beijing, Hebei, Henan, Jiangsu, Shandong, and Zhejiang. Ha's recent research (2019, 172–74) showed that “most Akhond have primary, or secondary education... among whom the majority, more than half of the interviewees, have received junior high school education.” Ha also pointed out in his research that the main reason why some Chinese Imams still worry about the possibility that learning traditional Chinese culture might have a (negative) influence on Islamic education in fact has something to do with the discriminative and oppressive policies of the Chinese regime towards Muslims in history. The Imams believed that “learning traditional Chinese culture is learning the Han culture, which would gradually make the Hui Muslims be assimilated, Hanisized and finally lose their own ethnonational quality” (Ha 2019, 175).

⁶⁰³ His publications were mentioned in different sources. So far, there is no thorough collections and research on his works. For a somehow detailed introduction on Ma Lianyuan's works, see (Bai 1984, 3; Ha 2018a, 2018b, 2019).

⁶⁰⁴ According to the historian Bai Shouyi (1984, 5–6), Ma Wanfu was born in 1859, while Ma Tong argued (2000, 95–96), based on his fieldwork in the 1950s, that Ma Wanfu was born in 1849. Also based on his fieldwork, Ma Kexun (1982, 439) held that Ma Wanfu was born in 1853. I use the year of 1849, since it was provided by one of the earliest fieldwork conducted in the Muslim communities and was also in conformity with the data of my own fieldwork in Gansu.

⁶⁰⁵ Dongxiang 東鄉, also known as the Sarta or Santa, is one of the ten Muslim ethnic groups in China today. Ma Wanfu was Dongxiang, not the Hui; however, the Ikhwan he established had and still has a great influence on the Hui Muslims.

⁶⁰⁶ The Beizhuang *Menhuan* was one of the most influential Sufi *ṭarīqa*s among the Dongxiang people. And it is also followed by the Hui, the Salar, and the Bao'an people. It was first introduced to the Muslims in inner China from Yarkant, Xinjiang, in the early nineteenth century by Ma Baozhen 馬葆真 (1772–1826). See Ma (2000, 198–200).

during Ramadan, zakāt, and Ḥajj so as to preach to their followers.” Around the age of twenty-two, Nuh finished his study and became an Imam after he donned his cloak (*chuanyi* 穿衣).

After having been teaching and preaching in the local mosques in the Hezhou region for about ten years, Ma decided to go to Mecca for his pilgrimage. Most scholars argue that, as a learned and well-established scholar, Nuh was motivated by the thirst for knowledge to go for Ḥajj. However, as I mentioned before, observing the five religious obligations of Islam, including Ḥajj, was strictly followed by the Muslims of the Beizhuang *Menhuan*. Being a then well-known young Imam and teacher among the followers of the *ṭarīqa*, Nuh might have been just following the tradition of the community. Anyway, in the late 1880s Ma Wanfu, together with his teacher, and a provincial graduate (*juren* 舉人) Muslim Ma Huisan 馬會三, went to Mecca through Xinjiang where the Beizhuang Sufi *ṭarīqa* originated, Central Asia, Iran and Iraq (Ma 2000, 98).

He stayed in the Holy City of Mecca for several years and returned to China in the early 1900s.⁶⁰⁷ We do not know much about the activities Ma Wanfu attended during his pilgrimage to Mecca. However, the majority of research, both Chinese and Western, argued that Nuh Ma Wanfu accepted Wahhabism, which was prevalent in the Arabian Peninsula during that time, and as a result of that he preached Ikhwan when he returned to China.⁶⁰⁸ It is convenient to assume the connection between Ma Wanfu’s Ikhwan and the Wahhabism from Saudi Arabia, the two of which indeed share quite a lot of similarities though. However, with closer investigation and analysis we may argue that this connection is questionable. Let us first take a quick look at the situation of the Hejaz during the late nineteenth and early twentieth centuries, and the information we have about Ma Wanfu’s study and stay there.

By the nineteenth century the Hejaz, including Mecca and Medina, was under the control of the Ottoman Empire, though there was a short period of occupation of the Hejaz by the first Saudi State from 1744 to 1818 (Bowen 2008, 153; al-Rasheed 2010, 13). During the period of the second Saudi State, the so-called Emirate of Nejd (1824–1891), the Saudi regime, marked as the fragile Saudi revival with less territorial expansion and more internal conflicts within the House of Saud (al-Rasheed 2010, 22–29), never conquered the Hijaz again. On the other hand, the Ottomans were able to maintain their effective governance over the Holy Cities of Mecca and Medina via the walī, the qadi, as well as the Ottoman somehow appointed and entitled Amīr, leader of the sharifs (Ochsenwald 1984, 5). The Ottomans were indeed tolerant to followers of different Islamic teachings, and even non-Islamic believers. For example, different madhhabs, among which the majority of the population of the Hejaz were Shafii, were presented in the Hejaz, though the Ottomans belonged to the Hanafi. In addition, there were numerous Sufi orders in the region, such as the Qādirīs, the Khalwatis, the Shādhilīs, and the Naqshbandiyya (Ochsenwald 1984, 41). Of course, Wahhabism made attempts to spread in Mecca, especially during the Ḥajj month and by Indian Muslims. For instance, there were cases in 1849, 1874, 1883, and 1885 where Indian Muslims who were suspected of spreading the “wrong beliefs of Wahhabi ideas,” according to the Meccan ulema, were arrested and exiled. However, the ideas of Wahhabism were not welcomed by the Ottomans and the people in the Hejaz in general, due to the “overwhelming commitment of the people of the holy cities to the continuance of the existing forms of religion” (Ochsenwald 1984, 49). As Ochsenwald (1984, 56) argued, the Indian Wahhabis were “outside the Hejazi spectrum of thought and were easily repressed.”

In general, chances are that Ma Wanfu might have heard of the ideas of Wahhabism, it is, however, highly unlikely that Nuh Ma Wanfu during his three to four years’ stay and study in Mecca accepted Wahhabism. More importantly is the fact that, according to the Chinese sources (Ma 2000, 96, Ma 1982, 441), Ma Wanfu

⁶⁰⁷ Scholars differ in the opinion of the duration Ma Wanfu spent in Mecca. Bai (1984, 5) argued that Ma Wanfu spent three years in Mecca and came back to China in 1887. While Ma Kexun (1982, 447) held that Ma actually spent four years in Mecca and returned to China in 1892, and Ma Tong (1995, 182) held the same idea.

⁶⁰⁸ Most Chinese and western research did not specify the grounds for their arguments. However, according to a short article on the website of the Islamic Association of Zhejiang Province (*Zhejiang sheng Yisilan jiao xiehui* 浙江省伊斯蘭教協會), Ma Wanfu attended a Wahhabi school of Haili Xiba where he studied Wahhabism, and brought back a Wahhab’s book called *Keshfzi mushklet*, mostly identical by name with Wahhab’s *Kashf ush-Shubuhaat*. However, there is no further information concerning the sources the author used.

was guided and also funded by a scholar called Hailihei baxia 海力黑巴夏, or Hailibashi 海力巴氏,⁶⁰⁹ who was also an official in charge of the Holy City of Mecca (Ma 1982, 441). The Chinese terms *baxia* 巴夏 or *bashi* 巴氏 probably was the transliteration of the Turkish term Pasha, a higher political or military rank in the Ottoman system, or sometimes an honorific, granted by the Ottoman sultan to its regional governor. Not enough information is available for us to further identify who this official and scholar is. It is reasonable to assume that this Hailihei baxia, or Haili bashi, was probably someone called Khalil Pasha. What is relevant here for my argument is that, given the abovementioned, there is even less possibility, if not of no possibility at all, that Ma Wanfu accepted Wahhabism through the teaching of Khalil Pasha or the studies the Pasha funded, simply because as an Ottoman official, he was “dependent for the appointment, salaries, and promotion upon the Ottoman government... and subject to direct government manipulation” (Ochsenwald 1984, 50). Not to mention that the Ottoman government actually “feared the coming of Wahhabi doctrines” (Ochsenwald 1984, 48).

When Ma Wanfu came back to China, he was first invited to stay at the mosque in Hubei Province. After a year in Hubei, he came back to his hometown and publically broke up with the Beizhuang *Menhuan*. Together with his companion to Mecca, Ma Huisan, and other Ḥajjis whom Ma Wanfu visited during their pilgrimage in Mecca, they initiated the reform of Islam in China, the movement of “venerating the scriptures and reforming the customs” (*Zunjing gesu* 遵經革俗), exemplified in the Ten Principles of the Guoyuan Ḥajji (*guoyuan shitiao* 果園十條).⁶¹⁰ Their ambition deserves respect; however, the course actually does not go well. Ma Wanfu held that all religious activities of Islam should be based on the Quran and the Sunna; there was no mediator between Allah and the believers, including and in particular the Masters and Sheikhs of the Sufi orders (Ma Jing 2005, 130–31). Due to the assertions of Ma Wanfu and the movement of Aḥl as-Sunna (the Kinsmen of the Tradition) he initiated, they encountered great conflicts with, in particular, the well-established Sufi orders. Ma Wanfu believed that some of the teachings and practices in the institutionalized Sufi *Menhuan* in China were against the Quran, and were influenced by the teachings of other religions as well as the Chinese culture, and thus were in fact “*bid'a*” (*Bidaerqi* 畢達爾其 innovation in religious matters). These assertions were “severe criticisms to Sufism and against their interests, which resulted in his escape from his hometown in Gansu in 1915 due to the reports by the Sufi *Menhuan* to the local Chinese officials” (Ma 1982, 440). Ma Wanfu had a bumpy ride on his way to preaching the Ikhwan until 1918 when he was saved and invited to Xining by Ma Qi 馬麒 (1869–1931), one of the rising Hui warlords in Qinghai.

We cannot go further and deeper into the experiences of Ma Wanfu and the development of the Ikhwan, which deserves future detailed research. As for the aim of this section, it is necessary to focus on how the Ḥajj experience influenced Ma Wanfu and his establishment as well as the development of the Ikhwan in China, which was regarded as a second split of Islam in China (Ma Xiaoxu 2007, 22–23). As in the previous cases that I have analysed, being a Ḥajji gave Ma Wanfu a privilege and reputation that enabled him to enjoy respect and obedience among his coreligionist Hui Muslims. As Zhao (1934) argued, those who performed the Ḥajj “have won the faith of people and are believed to have special qualifications.” Ma Wanfu, who had already

⁶⁰⁹ The Hui Muslims often make the transliteration of the Arab words, including Arab names, and sometimes, of course not always, it can be a random choice of a specific Chinese character. The Chinese character *Shi* 氏 in Chinese means one’s family name and is put after someone’s family name to show respect. However, in the case of the Haili bashi 海力巴氏, I believe that the word *Shi* was chosen randomly for the transliteration of the sound “sh” other than to indicate someone’s family name of Haliba. This might be more convincing if we take into consideration the fact that for Ma Wanfu, and also other Hui Muslims in general, isolation from the Han Chinese culture was one of the ways to realize the revival of Islam in China.

⁶¹⁰ According to Ma Tong’s research (2000, 96–97), the Ten Principles were: 1). Refrain from the collective recitation of the Quran, but that one recites while others should keep silent and listen; 2). Refrain from the vocal praise of the Prophet Muhammad; 3). Refrain from making superfluous *Du'a* (*Duwa* 都哇, supplication); 4). Refrain from visiting the *gunbad* (Gongbei 拱北); 5). Refrain from the collective recitation of the *Tawba* (*Taobai* 討白 the Islamic concept of repenting to Allah); 6). Refrain from performing mourning rituals for the dead; 7). Refrain from performing the circulation of the *fidya* or *al-Iṣḡāt* (ransom) with the Quran for the deceased (*Zhuan feida* or *Zhuanjing* 轉費達, 轉經); 8). Refrain from doing the *taṭawwu* (*taitaiwoer* 抬太臥爾 voluntary service) *amal* (*Ermaili* 爾麥力 charitable work, deeds pleasing Allah, also often refers to a feast commemorating the deceased); 9). Refrain from going extreme in terms of the application of the *ḥukm* (*haokong* 豪空 or *houkong* 候空, command, rule, or judgement); 10). the *Amal* should be done by oneself, and the *amal* done on behalf of others is invalid.

been a well-known young Imam in the local community before he performed Ḥajj, not only had the title of Ḥajji but also was someone who had spent years in the Holy centre of Islam, studying the religion and law. No wonder he was immediately invited by the mosques the moment he came back to China. Actually, Ma Huisan, the provincial graduate who accompanied Ma Wanfu to Mecca, waited on Ma Wanfu's way home and requested before he returned to the Guoyuan village that Ma Wanfu go to the small village where Huisan lived to hold the teaching position at the local mosque. The small village at that time then "was a most popular place for students and scholars, and Ma Huisan's home became the guesthouse and reception point for the Akhūnds who came for knowledge" (Ma 1982, 441). It was during this period that Ma Wanfu met with other nine Akhūnds, who were then together called the Ten Great Akhūnds (*Shida Ahong* 十大阿訇) and became the core force in preaching the Ikhwan.

Secondly, as I mentioned briefly before, Ma Wanfu probably spent three or four years in the Holy City, during which period he not only focused on his own study but also worked as a receptionist for those Chinese Muslims who performed their Ḥajj. As Ma (1982, 440) recorded, "every year, he [Ma Wanfu] welcomed the pilgrims from his own hometown with genuine and considerable passion... He preached the principles of the Ahl as-Sunna in Mecca in the hope that the pilgrims could keep following the Ahl as-Sunna when they go back to China... These pilgrims went back to China and they, by the time Ma Wanfu preached Islamic reform in China, had all become the enthusiastic supporters of Ikhwan." Obviously, these Muslims also held the title of Ḥajji and were influential in each of their own community. In this regard, the Ḥajj experience also prepared Ma Wanfu with some personnel for his Ikhwan course.

One of the most important consequences of the experience of Ma Wanfu's pilgrimage is that "Ma Wanfu witnessed the differences in the religious rituals between Mecca and China. He believed that essentially the reason for the differences was the lack of authoritative scriptures in China that could be used in learning and analysing the religion and its law" (Ma 1982, 440). Instead of just simplifying the question by arguing that the Chinese Ikhwan is the acceptance of Wahhabism in Saudi Arabia, I would argue that it is rather a representation of the reconciliation and struggle between the dual identities of the Hui Muslims' being a Chinese and a Muslim, or of following the Divine Law of Allah and the law of the Chinese authority. Before the introduction of Ikhwan by Ma Wanfu in the late nineteenth century, several steps had been taken by the Hui to define and redefine whom they were while trying to survive in the non-Muslim dominated China. For example, Jingtang education provided a way for the maintenance and reproduction of Islamic scholarship in China.⁶¹¹ However, with the introduction of Sufism, quite a lot of Sufi Masters and Sheikhs divinized themselves, or were divinized by their followers, as a mediator between Allah and the Muslims, which made the Islam in China not that Islam.⁶¹² On the other hand, Jingtang education also contributed to the prosperous period of the Han Kitab tradition, which borrowed and applied vocabularies as well as concepts of Confucianism, Buddhism and Daoism into Islam. In this way, the Han Kitab authors, as I argued in the chapter on education, wanted to demonstrate to the Han Chinese majority, and the non-Muslim Chinese authority in particular, that Islam was of no difference from the Chinese belief and thus should not be stigmatized, demonized or treated as a threat. However, it seems that their attempts also made some of the Hui Muslims feel that the Islam they portrayed was too Chinese. It is in this dilemma of being either not Islamic enough or too Chinese that Ma Wanfu decided to initiate his project of Islamic reform. As an established young Chinese Muslim scholar, the religious, ritual, as well as legal differences Ma Wanfu witnessed in China and Mecca concerned the authenticity of his religion and belief, and must have shocked the young Imam, and made him determined to "venerate the scriptures and reform the customs."

⁶¹¹ As for a detailed discussion of the Jingtang education, see chapter six of the dissertation.

⁶¹² For example, Ma Zongbao 馬宗保 (2004, 106) pointed out that with the development of Sufism in China the Sufi *ṭarīqa* by late nineteenth century "has been transformed or in the process of transforming into a hierarchical organization dominated by power and secular interests." Besides, it is reported that Islam, especially Sufism in China, was influenced by the Han Chinese culture and customs. The Sheikhs were so powerful that the followers should first of all get the *Idhn* (*Kouhuan* 口喚, permission) from the Sheikh before they conclude a marriage contract, for example. What's more, the followers were also required to even worship the Sheikh and pray to them for a child. Some of the Sheikhs went so far as to claim that worshipping them could guarantee the followers a paradise after death (Ma Xiaoxu 2007, 7). All these ideas and practices among the Hui, and the Sufis in particular, were, according to Ma Wanfu, against the fundamentals of Islam, and should be corrected.

As his predecessors did before him, Ma Wanfu also brought back with him books on Islamic theology, law, etc. It is said that, based on the books he had, he edited and published a book called *Buhuali zande* 布華裡咱德,⁶¹³ which was later re-edited by his disciples and was introduced as a textbook into the modern Islamic schools started by the Ikhwan followers. In general, Ma Wanfu's Islamic reform was a response to the Hanisization of the Chinese Muslims, and in terms of the theology, doctrine and law of Islam, Ma Wanfu did not introduce or invent anything new, but argued that "any religious matters should be in accordance to the Sharī'a, and those bad and undesirable customs in the Chinese Islam should be abolished" (Bai 1985a, 756). For Ma Wanfu, and the Hui Muslims in general then, influences from the Han and the Han culture were responsible for the unorthodoxy and un-orthopraxy in Chinese Islam, as Ma Jing (2005, 131) pointed out in his research that "the only way that Muslims struggle against the Hanisization was to resist learning and accepting Han culture." Ma Kexun (1982, 449) has pointed out that all the children of Ma Wanfu, including four sons and two daughters, "were fluent in Arabic... But Ma Wanfu held a negative attitude towards his children's learning the Han culture." This was also reflected in the Jingtang education he started.⁶¹⁴

Of course, there are other factors that contributed to the establishment of the Ikhwan in China, such as the support of the local Hui Muslim military and political authority, for instance. It was, however, his experience in the Holy City of Islam that enlightened Ma Wanfu. He was a distinguished young Imam, got a title of Ḥajjī that was highly respected by Chinese Muslims, followed the scholars in the Holy City of Mecca for further education, made his own connections with other Chinese Ḥajjīs during their pilgrimage to Mecca, and published his works based on the "true and authentic" scriptures from the very centre of Islam. After several decades of hard work, especially the last sixteen years when he was in Xining and was supported by the local Hui warlords, Ikhwan became one of the most influential and fast spread sects of Islam in modern China. Ma Wanfu's Ikhwan differs in many ways from the reform initiated by Ma Lianyuan in Yunnan, however, both Imams and their courses, I argue, belonged to a conservative framework in a way that they were cautious or very critical about the secular dimension of their own reform movement. In Ma Lianyuan's case, for example, it is true that he encouraged the study of the Chinese language, or maybe also Chinese culture. Nevertheless, it seems that what he promoted was the study of traditional Confucianism, which was becoming increasingly contested and deemed responsible for the inability of the transformation of China into a modern nation-state.

⁶¹³ This book was co-edited with the other nine Imams of the so-called Ten Akhūnds. Originally, due to the repression of the Sufi dominated local authority to the Ikhwan, the book was only printed for some twenty copies, which, unfortunately were all lost. It is said that they selected among some eight books that Ma Wanfu brought back from Mecca, including *Ihya Ulum al-Din* (*Yihayayi* 伊哈雅依, Revival of the religious sciences by the eleventh century Sufi Abu Hamid Muhammad ibn Muhammad al-Ghazali), *al-Fiqh al-Akbar* (*Feigehai aikebaier* 費格海 艾克拜爾, also translated as *Daxue* 大學, the great teaching, a book on Islamic jurisprudence by the eighth century Great Imam, jurist and founder of the Hanafi school, Abu Hanifa), *Tafsīr al-Qadi* (*Gazui zhenjingzhu* 嘎最真經注, was actually *Anwar al-Tanzil wa-Asrar al-Ta'wil* or Lights of revelation and the secrets of interpretation in English, or commonly known as *Tafsia al-Baydawi* by the name of its author, a thirteenth century Shafii scholar and jurist Nasir al-Din Abu al-Khayr Abd Allan ibn Umar al-Baydawi, the Chinese Muslims transliterated it as *Gazui* 嘎最 by the official position the author held, a Qadi, judge), *Irshad* or *Majalis Irshadiyah* (*yiershade* 伊爾沙德, not much is known about the book, it presumably was written by a scholar called Ḥajjī Muhammad Al-Amin Effendi), *Al-Maktubat* (*maiketubu* 麥克圖布, a collection of letters of Imam Rabbani Mujaddid Alf Thani Ahmad al-Faruqi al-Sirhindi, a seventeenth century scholar and Hanafi jurist and Naqshbandi Sufi master), *Ash-Shami* (*shamijing* 沙米經, originally named as *Radd al-Muhtar ala ad-Dur al-Mukhtar*, a book on fiqh written by the eighteenth century Hanafi scholar Allamah Sayyid Muhammad Amin ibn Abidin ash-Shami), *Kalam* (*Kailiamu* 凱倆目, study of Islamic doctrine, is the book *Al-Aqeedah al-Nasafiyya* by the twelfth century Hanafi jurist and theologian Najm ad-Din Abu Hafs Umar ibn Muhammad an-Nasafi), *al-Mabsut* (*maibosutui* 買蔔蘇推 or *manbusute* 曼布蘇特, written by Muhammad ibn al-Hassan al-Shaybani, a companion and student of Imam Abu Hanifa, is one of the most important collections in the Hanafi school of law). There is currently no English research done concerning the circulation of these books among the Chinese Muslims and the Ikhwan followers in particular, and how they inspired Ma Wanfu and were related to the reforms he initiated. However, these works were and still are important sources for the Ikhwan followers in China, and none of them is categorized as a Wahhabi work. This in some way also demonstrates my argument that the Ikhwan Ma Wanfu initiated in China is not a result of his acceptance of the Wahhabism in the Holy City of Mecca during late nineteenth century. For a short and brief introduction of these works and their influence in the Ikhwan in Chinese, see (Wei 2018, 77–83).

⁶¹⁴ The emphasis of learning Chinese and Arabic in the Jingtang education was one of the characteristics of the Ikhwan. However, it is necessary to point out that there was a turning of attitude towards Chinese language and culture in the Islamic education of the Ikhwan. As far as Ma Wanfu was concerned, we have not seen any sources indicating that there was the teaching of any Chinese subject in the Jingtang education presided over by Ma Wanfu. In fact, Chinese language and culture was something that he maintained should be excluded from his Islamic reform.

In Ma Wanfu's Ikhwan case, he went even further, and for him, any teachings and thoughts that were non-Islamic should be excluded. The conservative tendency represented in the case of Ma Lianyuan and Ma Wanfu demonstrates one of the forces in the modernization of Islam in China that represented the Hui Muslims' unquestionable belief, appreciation, and persistence to their own religion, civilization, and tradition.

Ma Wanfu passed away in 1934. Due to the military and political changes in China then, the Hui warlords in northwest China joined the Kuomintang (the Nationalist Party, KMT). Naturally, the Ikhwan supported by them became powerful as well, and now the new leading Ikhwan Imams, unlike the founder Ma Wanfu, turned the conservative Ikhwan into a Chinese nationalist sect promoting modern secular education and nationalism.

Beginning in 1920, the following three decades marked the repaid development and modernization of China, especially with the introduction of steamships and other modern means of transportation. Hajj for Chinese Muslims became a bit easier and safer. With the help of the digitalization of the newspapers, magazines, and books produced by the Hui Muslims during the republican period, we are able to know more details about how Hajj then was organized and what role it played in constructing the identity of the Hui as a nation (*minzu* 民族) during the Republican period.

3.2 Hajj and the Hui Muslims' Modern Chinese Identification in the Republican Period

The earliest report during the Republic of China about Mecca appeared first in the non-Muslim magazines. For example, in 1918, a Christian newspaper, *Qingnian jinbu* 青年進步 (Association progress), a publication of Young Men's Christian Association in China, published a news photo named "The Kaaba and Sacred Mosque, Mecca." Its Chinese title, however, was mistranslated as the "Mosque of Prophet Muhammad in Mecca" (*Maijia zhi musheng si* 麥加之穆聖寺), while the photo was actually the Kaaba. Later in 1924, another non-Muslim magazine, the *Dongfang zazhi* 東方雜誌 (Eastern miscellany),⁶¹⁵ published a series of news photos entitled *Dabianluan zhong zhi hanzhi wangguo* 大變亂中之漢志王國 (the Kingdom of Hijaz in the great transformation event), reporting the event of the occupation of Mecca by Abdulaziz Ibn Saud (1875–1953) which caused the Sharif of Mecca, Hussein bin Ali, to flee from the encroachment of the Saudi forces to Amman (Abu-Lebdeh 1997, 50–52). These reports from non-Muslim Chinese did not include any detailed further introduction or explanations to the Holy City, and they seemed to be either mistaken (such as the title of the Kaaba news) or biased and misleading.

3.2.1 Transportation, Agencies, and Preliminary Hajji Statistics by Hajj Receptionists in China and Mecca: A Case of Ma Lin and More

One year later, a Shanghai-based Muslim newspaper, *Huiguang* 回光 (Light of Islam), reported the Hajj of Ma Lin 馬麟 (1872–1931), the Muslim commander in Ganzhou 甘州 (nowadays Zhangye City in Gansu Province).⁶¹⁶ The report was short but contained some important information. The author specified that the news was to "briefly introduce the procedures and formalities required for travelling to Mecca by sea for the reference of those who will travel to Mecca for Hajj in the future."

First of all, according to the report, some of the Chinese Muslims then were able to manage their Hajj journey from Shanghai to Singapore and then to Suez and then probably Jeddah. As in the case of Ma Lin and other twenty-five pilgrims who travelled together with Ma, they gathered first in Shanghai, and then took the Japanese steamship, Katori Maru (*Xiangquwan* 香取丸), to Singapore where they transferred to Suez with

⁶¹⁵ The *Dongfang Zazhi* 東方雜誌 (Eastern miscellany) was one of the most important and successful publications organized by the Commercial Press. As one of the earliest modern journals in China, the *Eastern Miscellany* was first published in 1904, and lasted until the end of 1948, aiming at the enlightenment of the people. During the 1920s, the conservative culturist Qian Zhixiu 錢智修 (1883–1947) worked as the chief editor. For more detailed information of the magazine, see Wang (2012, 19–58).

⁶¹⁶ According to the newspaper, the name was written as Ma Lin 馬麟, which might be the younger brother of Ma Qi 馬麒 and provincial governor in Qinghai. However, since the author of the news report identified Ma Lin as the commander in Ganzhou (*Ganzhou zhenshoushi* 甘州鎮守使), it is reasonable to assume that it should be Ma Lin 馬麟 then. Besides, Wang Bingde (1999, 320) has pointed out that in order not to be confused with Ma Lin 馬麟 who was the younger brother of Ma Qi, Ma Lin changed his name Lin 麟 into Lin 璘.

other steamships organized by the Japanese company. In terms of the journey from Suez to Mecca, the Japanese steamship company promised to take charge of all the necessary formalities and would help contact other local transportation agencies that could take the pilgrims to Mecca. Besides, a twenty per cent discount on the steamer ticket was also promised to Chinese pilgrims, from five pounds ten shillings to four pounds eight shillings for third class, and fourteen pounds to eleven pounds five shillings for second class. Unlike the early pilgrims whose journey was bumpy and unsafe, the pilgrims then were able to benefit from the new means of transportation that made their journey to Mecca a lot more convenient and comfortable. The news suggested that,

There were constant reports of death among those Chinese Muslims who went on their pilgrimage to Mecca and were not able to make it back home. As for the reasons, it was essentially due to the hardness and the unhygienic environment during the journey, in addition to, of course, the un-acclimatization they encountered. It is often heard that the Hui pilgrims, who are, on the one hand, motivated by their religious piety, and suffered from the poor financial condition, on the other hand, could only afford the small ships, for the sake of saving money... which results in their death and illness. Today, the steamship Sir Ma and others take is a giant ship that sails to Europe with fine seats and considerate service.⁶¹⁷

We do not know how the Hajj business of the Japanese steamship company went. However, in the early 1930s, it seemed that the business was taken over by the British Blue Funnel Line⁶¹⁸ that acquired the China Mutual Steam Navigation Company in 1902. After that, the Chinese pilgrims no longer needed to make a transfer in Singapore, but were able to “directly go to Jeddah by the newly built ship of Memnon of the Blue Funnel Line.”⁶¹⁹ With the help of the British ship company, the period for travelling was shortened from the previous six, or sometimes even eight to nine, months’ return trip to just a bit more than one month.

Another important information in the news report was the place of Shanghai as a gathering place for the Muslims travelling to Mecca by sea. The news mentioned that it was with the help of Akhūnd Li Renshan 李仁山 from the Xiaotaoyuan Mosque in Shanghai that Ma Lin and other pilgrims’ Hajj was facilitated. As a matter of fact, Shanghai, especially the Xiaotaoyuan Mosque, had been providing various services to the pilgrims since the 1920s. Jin Ziwen 金子文 (1869–1937), a successful Hui entrepreneur, was a typical representative in this regard. According to Guo’s (2016, 102–03) research, Jin was an active member of the Muslim communities in Shanghai, and he had been involved in coordinating the administrative and logistic affairs of the Shanghai Mosque before he was formally elected a member of the Board of Shanghai Mosque in 1909. During his position as the board member in charge of the financial matters of the mosque, he was such an earnest people that the board commented that, “the most enthusiastic, most wholehearted and vigorous, most impartial and just ... are among... Jin Ziyun... and others” (Guo 2016, 103). The Xiaotaoyuan Mosque in Shanghai was built on the basis of the house Jin bought and later donated to the community as a mosque. The inscription found in the Xiaotaoyuan Mosque reads that

Jin Ziyun... because of the increase of population of our religion, there is not enough space for them every time when there is an event or a big festival, although we have already the Chuanxinjie Mosque and the South Mosque... Jin has been looking for other places for a new mosque for years, and fortunately this year Jin bought a house at the Cangqiao Road... at a price of some thirteen thousand. Out of his own intention, Jin donated the house to the Shanghai Muslim community as a mosque and an Arabic-Chinese language school... In case my descendants will make any claim to this property, now I put everything in black and white... This is all I can do, and I wish for the

⁶¹⁷ For the original Chinese, see the report in the Hui Muslim magazine, *Huiguang*, published on page twenty-six, no. 2, 1925.

⁶¹⁸ The Blue Funnel Line (*Lan yancong gongsi* 藍煙囪公司), also known as Ocean Steam Ship, or Alfred Holt & Co., was a UK shipping company founded in 1866. It is said that since 1900s the company “had carried Malay and Indonesian Muslims to and from Jiddah during the Hajj season” (Miller 2006, 189). From the sources we have, it was probably the Memnon four that carried the Chinese pilgrims from Shanghai to Jeddah. For a general history of the Blue Funnel Line, see (Middlemiss 2002). For a recent discussion of the Hajj business of the company, see (Miller 2006, 189–228).

⁶¹⁹ See the news report in the *Huimin* 回民 (The Hui people), titled “*Jiaoyou chaojin maijia zhi jiayin* 教友朝覲麥加之佳音 (Goodnews from Coreligionists going to Mecca for Pilgrimage),” no. 11, page 29, 1931.

future the trustees and those generous charitarians travelling to Shanghai could help and contribute.⁶²⁰

Since then the mosque received many Muslim pilgrims from other parts of China. In order to better serve the increasing number of pilgrims travelling through Shanghai, in 1925, probably before Ma Lin and other twenty-five pilgrims arrived in Shanghai that year, Jin also invested in the building of a three-story apartment dedicated specifically to the accommodation of the pilgrims. Meanwhile, a person was also specifically assigned to taking care of the pilgrims as well as assisting them with relevant travel formalities, such as applying for a passport, exchanging foreign currency, purchasing steamer tickets, delivering the luggage, etc. Furthermore, Jin also contributed to the realization of the direct ship from Shanghai to Jeddah, as I mentioned above. In 1929, as one of the first Shanghainese Muslims, Jin Ziyun, together with other four local Muslims, went for the Ḥajj. As a pious Muslim, Jin fulfilled his religious obligation, and as an active and enthusiastic community member, he experienced in person the difficulties and complications the Ḥajjis had to go through on their way to Mecca. This experience finally made Jin determined to solve the problems and further simplify the procedures for the Chinese Ḥajjis. The idea of a direct ship from Shanghai to Mecca was initiated in 1931 and finally achieved in 1933. One year earlier, the non-Muslim magazine *Haishi* 海事 (Maritime affairs) published a piece of news stating that there would be a new steamship directly going to Jeddah the following year. The news reads that

According to the Islamic custom, the believers who are financially ample should go to Mecca for pilgrimage once in their lifetime. Muslims in Xinjiang, who live far away [from central China] tend to take the land route for the pilgrimage, via Siberia and Persia. While Muslims from other provinces... often first gather in Shanghai to take the steamship... For six years the China Travel Service (*Zhongguo luxingshe* 中國旅行社) has been entrusted to assist the pilgrims in applying for a passport, delivering luggage, booking steamer tickets, etc.... For the sake of implementing the service policy of the company, the China Travel Service has negotiated several times with the Blue Funnel Line concerning a direct ship to Jeddah. With the approval of the shipping company, the ship of Memnon was assigned to sail from Shanghai directly to Jeddah... It is scheduled that the ship sails on the twenty-ninth of January 1933, from Shanghai, via Hong Kong..., to Jeddah, which takes about twenty-seven days... The validity of the tickets for the return trip is two years.⁶²¹

Although the author did mention later in the news that the Xiaotaoyuan Mosque⁶²² in Shanghai would provide free accommodation, it did not give us more information about Jin. However, in 1933 the well-known Hui Muslims' magazine, *Yueh Hwa* 月華 (Moonlight), published a note mentioning that

Six or seven years ago, the Shanghainese senior coreligionist Jin Ziyun and his eldest son Shaoyun started accepting and accommodating the Ḥajjis at the Xiaotaoyuan Mosque. All the formalities for going abroad, such as, for example, getting a passport, vaccination, etc., were entrusted to and in the charge of Jin. He also works with the China Travel Service that is entrusted with the booking of return tickets, delivery of luggage.... This year, thanks to the efforts by Jin and the China Travel Service, the Blue Funnel Line agreed to assign its ship of Memnon for the return trip of the

⁶²⁰ The stele is now at Xiaotaoyuan Mosque in Shanghai. The contents is cited by Guo (2016, 103) and the original Chinese is “金子雲... 因我教人民日眾，雖有穿心街寺及南寺，每逢大節，不能容足... 因此立意覓地年餘。今幸得倉橋路房屋一所，置價... 銀洋壹萬三千三百元。自願歸於滬上為公共禮拜寺及回漢文學堂... 因斷絕我氏後人權利關係，因此立據為憑... 僅能至此，善後一切，尚望正副理事及旅滬諸大善士進行。”

⁶²¹ The original Chinese is “考回教習俗，凡信徒而經濟寬裕者，生平須赴麥加朝覲一次。新疆因地處邊陲，教徒朝覲，多數陸行，取道西比利亞波斯前往。而其他各省...每先至上海候輪，而後結隊出發... 請領護照，運送行李，及擇輪定位等事，均委託中國旅行社襄助辦理，迄今已曆六載... 該社為貫徹服務宗旨起見，故再與藍煙囪公司反復洽商，選派直航輪船，後經公司同意，選派萬甯號由申啟旋，直航芝達...定於民國二十二年一月二十九日由申啟旋，經香港... 而至芝達，全程需時約二十七日... 來回票有效時期為兩年...”。 See (Haishi 1932, 63).

⁶²² The mosque was named differently in the Chinese sources. Originally, it was named as the Shanghai West Mosque (*Shanghai qingzhen xisi* 上海清真西寺). Later in 1920, the KMT ordered all mosques to be named as Islamic Church or Islamic Hall (*Huijiaotang* 回教堂). The name of Xiaotaoyuan Mosque is the most well-known, and is named after the street where the mosque is located. For a general introduction of the history of the mosque, see Jin (1980, 71–75).

Chinese Hajjis. [The Chinese Hajjis] need not make a transit in Singapore now... On the nineteenth of May when the [returning] ship arrived in Shanghai, there were more than three hundred pieces of luggage from the sixty Hajjis. Jin, however, had already arranged cars to go to the dock and picked them up... which all the sixty Hajjis were highly appreciated. Now Jin, together with the China Travel Service, is communicating with the Blue Funnel Line for a possible arrangement of three scheduled ships for Chinese Hajjis next year.⁶²³

As far as the Hui Muslims are concerned, most of the Hajjis during the Republican period took the route from Shanghai to Mecca.⁶²⁴ However, due to the breakout of the Sino-Japanese War in 1937, this route has been interrupted for the following ten years, and the Xiaotaoyuan Mosque was left deserted.

Another valuable piece of data Jin left us is the statistics he collected when serving the Hajjis. Jin constantly published in the newspapers concerning the information of the Hajj steamship. The editors of *Yueh Hwa* urged that “from now on, the statistics of the Hajjis have to be made, a necessary and important matter which must be done. The two Jins, who enjoy a high reputation and qualification due to their years of service for the Hajjis, could take this responsibility.”⁶²⁵ In 1925, Jin reported in his article published in a Shanghai local Muslim magazine, *Huiguang*, that there were 106 pilgrims hosted at the Xiaotaoyuan Mosque, the number of which was forty more than that of last year. Later, with the strengthening of the connections with Saudi Arabia and other Muslim countries, it seemed that more detailed statistics of the Hajjis were possible. For example, the newspaper of *Yueh Hwa* published detailed records of Chinese Hajjis in 1935 and 1936, respectively. I will summarize the statistics below and make a preliminary analysis.

In vol. 6, no. 31, thirteen-two, and 33, *Yueh Hwa* published the statistics of the Hajjis in 1934 forwarded to them by Jin Ziyun. In total, 126 pilgrims travelled from Shanghai with the help of Jin. Among the pilgrims, Ningxia Province had the largest number of sixty-five, followed by Gansu Province with the number of forty, and Qinghai Province of twelve, with a couple of pilgrims from other provinces, such as Henan and Mongolian (each with 3), Shaanxi (2), and Hubei (1). Jin did not include the information of gender in his list; however, I still can identify several female pilgrims, though, of course, the majority are male Muslims.⁶²⁶ For example, there are several cases where Jin indicated that the pilgrims were couples, such as Ma Mingde and Ma Yangshi from Ningxia, and Ma Yuliang and Ma Mashi from Linxia, Gansu Province. Besides, there are also a couple of cases where the gender of the pilgrims could be identified by their names, such as the Wangma Meilan and Baima Ximei from Linxia who adopted the surname of their husbands. Interestingly, Jin did include the ages of the pilgrims in his list. More than half of the pilgrims recorded by Jin were between the age of forty-one to sixty (67 out of 126), and then came those between the age of thirty-one to forty (20), and those between sixty-one to seventy (19). Seven pilgrims were above seventy, with the oldest being seventy-nine, and three below the age of twenty, with three being the youngest. A year later, the editors of *Yueh Hwa* published another Hajji list of the year 1934, in which they explained that,

when we published the Hajji list provided to us by the Shanghai Muslim Jin Ziyun, we already realized that there must be more Chinese Hajjis who did not go on their Hajj via Shanghai. As expected, now we have received from Hassan, the receptionist in Mecca who is in charge of

⁶²³ The original Chinese is “六七年前，上海教者金子雲先生及其長公子少雲君有鑒及此，舉意在西門小桃園清真寺招待哈吉，所有出國手續，如：領護照，種牛痘，打防疫針等，均有金君負責代辦並委託中國旅行社代購往返船票運輸行李... 本年度經金君與中國旅行社努力之結果竟能要請該公司派萬寧 MEMNON 號專輪接送中國哈吉，往返均不在新加坡換船... 五月十九日船抵上海時，六十哈吉之行裝不下三百件，金君竟預為備妥車船，派人赴浦東碼頭招待下船... 同行六十人更同深感激... 刻聞金君會同中國旅行社又向該船公司交涉，預備來年哈吉分三批直航往返。” See (Yueh Hwa 1933, 16–17).

⁶²⁴ For the Uygur Muslims in Xinjiang, they tended to follow the traditional and more convenient route through the Eurasia land bridge, instead of travelling from Shanghai to Mecca. According to Ma Jilian (2012, 31), from 1923 to 1933, there were in total 834 Chinese Muslims travelling from Shanghai for their pilgrimage to Mecca, among whom most were accommodated by Jin at the Xiaotaoyuan Mosque.

⁶²⁵ See Yueh Hwa (1934, 31–32).

⁶²⁶ In the same newspaper, Zhao Zhengwu (1934, 5), who was a Hajji himself and served as chief-editor of *Yueh Hwa*, pointed out that there were around ten female pilgrims among the 126 Muslims.

Chinese Hajjis, the Records of Chinese Hajjis in 1353 of the Islamic Calendar, with the total number of 178 Chinese Hajjis.⁶²⁷

After careful calculation and comparison between the two lists published in Yueh Hwa,⁶²⁸ it seems that the pilgrims in Xinjiang and Yunnan normally did not take the route from Shanghai to Mecca. One of the editors of Yueh Hwa, Zhao Zhengwu (1934, 5–6), also commented concerning the statistic of the Hajjis that, “inevitably, Hajjis from Yunnan will probably take the sea route at Haiphong; Hajjis from Guangdong and Guangxi will do it at Panyu; Hajjis from Shanxi and Hebei will get on board at Dagu Port.” Besides, even pilgrims from northwest China were likely to take other routes for their Hajj journey instead of setting out from Shanghai. For example, ten more Hajjis from Qinghai were recorded in Hassan’s list. This indicates that there were several well-established Hajj routes for Chinese pilgrims from different parts of China to the Holy City of Islam, which reflects my previous historical analysis on Muslims living in the coastal cities, such as Fuzhou and Guangzhou, in the south-western part of China, such as Yunnan, or in Xinjiang, the far west border of China. The routes that I have examined here and in previous sections are relevant in understudying the Hui Muslims’ identity issue for several reasons. First of all, these routes for Hajj taken by the Hui Muslims give us an explicit picture of how geographically the Hui Muslims made their journey to Mecca, and how they were connected not only to the Holy City of Islam but also to other Muslim communities along the sacred journey. On the one hand, these routes have shown the difficulties, hardness, and complications the Hui Muslims might experience on their way to Hajj. On the other hand, they have also demonstrated how committed, dedicated, and determined the Hui Muslims were to fulfil the obligation of Hajj as a Muslim. More importantly, as a preliminary observation, I maintain that the existence of several established Hajj routes taken by different Hui Muslim communities might reflect the possibility that under a collective identity as Chinese Muslims there could be a shared identity among certain Hui Muslim communities that is regional. In other words, certain Hui Muslims chose a specific Hajj route not only because geographically the route was more convenient, but, presumably, that it may also represent a regional identity among the Hui. What’s more, my presentation on specific routes the Hui Muslims took would shed light on our understanding of what possible factors were there on the Hui Muslims’ way to Hajj that contributed to their identity building. I have already demonstrated how it contributed to Chinese Sufism and the establishment of the *Menhuan* among the Hui. This geo-religious impact on the Hui Muslims’ identity is still quite visible among the Hui Muslims in China today. For example, those Muslims in Xinjiang, including the Hui Muslims there, who traditionally would go on Hajj through the so-called ancient Silk Road, are more likely to be influenced by Central Asian cultures. While Muslims in Yunnan, on the other hand, are more susceptible to South and South-East Asian influences. This preliminary observation on the geo-religious, if not only geopolitical, factors in constructing the identities of Muslims in China was also mentioned by Muslims in the Republican period.

Zhao Zhengwu continued in his article, and dedicated a paragraph on pilgrims from Xinjiang, in which he stated that,

Xinjiang Province is part of China and Xinjiang people are Chinese nationals, which no one could deny. However, the pilgrims from Xinjiang, the yearly number of whom exceeds on average 2,000, pretend to be Bukharis or Kashmiris. They apply for a passport to British or Russian consulates... When recording the lists of Hajjis from the receptionist in Mecca who is in charge of the Bukharan State, the journalist found such birthplaces [of the Hajjis] as Aksu, Hotan, Uqturpan, Kashgar, Kuqa, Yarkant, etc.⁶²⁹

⁶²⁷ The original Chinese is “題名錄是按照上海金子雲... 賜寄的原稿披露的。那時，記者便覺得中國的朝覲者不道經上海的當然還有。果然，現在本刊又接到麥加的中國招待員哈三氏寄來一三五三年全中國朝覲題名，共計一百七十八位。” See Yueh Hwa (1935, 23).

⁶²⁸ As for the number of Chinese pilgrims in 1935, the Nanjing based Hui magazine, *Cheng Shi* (Chenxi 晨熹), published a note concerning the number of pilgrims from countries, such as Egypt, India, Turkey, etc. In the note the author said there were 223 Chinese pilgrims that year, without giving any further information. However, it indicates that by the 1930s Chinese Muslims already established connections with other Muslim communities, which enabled them to exchange information with each other.

⁶²⁹ The original Chinese is “新疆省是中國的土地，新疆人是中國的國民，誰也不能否認！然而，新疆人之朝覲者，平均每年不下二千人，卻都要裝作布哈拉人或喀什米爾人，向英俄等國領事館領取出國護照... 記者在默加的布哈拉國招待員處調查歷年朝覲題名錄時，錄中竟會有阿克蘇，和田，烏什，喀什葛爾，庫車，葉爾羌...等籍貫。” See Zhao (1934, 5).

Zhao did not specify his sources based on which he claimed that there were over 2,000 pilgrims every year from Xinjiang. However, in Hassan's list we do find pilgrims from Xinjiang, but only twenty-six. From the names listed in the source, these twenty-six Xinjiang pilgrims, most of whom were from the capital city of Urumqi (then called Dihua 迪化), were Hui other than Uyghur. As Zhao pointed out, probably the Uyghur Muslims who applied for their passport to the British or Russian consulates tended to stay with their Central Asian coreligionists. A year later in 1936, Yueh Hwa published a list of 182 Hajjis for the year 1354 of the Islamic calendar, which had 111 more names than the one published in 1935. It seems that for the Hajj of the year 1354 of the Islamic calendar, Yueh Hwa again got two lists, probably one from Jin in 1935 and the other one from Hassan in 1936.⁶³⁰ I did the calculation and comparison with the list provided by Hassan since it contained more information than the one provided by Jin.

I list the distribution of Hajjis based on the provinces they come from in table two. Due to the data collection of pilgrims from Xinjiang in 1936, there is a clear increase in the number of Hajjis from Xinjiang that year. Besides, probably due to the increasingly intensified political and military pressures, the number of pilgrims from the Hui concentrated provinces, such as Ningxia, Gansu, and Qinghai dropped. It seems that Muslims from Xinjiang, or the Uyghur Muslims, tended to be more enthusiastic about Hajj, for they exceed the number of pilgrims than the Muslims in other parts of China. However, in addition to the abovementioned political and military pressures, it has to be taken into consideration that the Hui were scattered throughout China, not like the Uyghur who were concentrated in Xinjiang. Furthermore, among the seventy-seven Hajjis from Xinjiang, six were probably Hui Muslims with a typical Chinese name.

Province \ Number	Year 1935	Year 1936
Ningxia	64	41
Gansu	40	22
Xinjiang	26	77
Qinghai	22	10
Yunnan	10	20

Table Two: Geographic Distribution of Hajjis from China in 1935 and 1936

If we assume that the majority of pilgrims from provinces other than Xinjiang were the Hui, it seems that a lot more Hui Muslims were found in the Hajj lists.⁶³¹ For example, in 1936, there might be over a hundred Hui Muslims and seventy-one Uyghur Muslims who were recorded by the Chinese Hajj receptionist, Hassan, in Mecca. This also reflects one of the differences between the Hui and the Uyghur Muslims. For the Hui Muslims their struggle has always been between the religious identity of a Muslim and a national-political identity of a Chinese, while for the Uyghurs, among whom without a doubt that there is a strong identification to Islam, it somehow has been more about their Turkish ethnic identity and that of being a Chinese. This becomes more explicit particularly in the context of Chinese nation-state building during the Republican period when the Hui Muslims had to define their positions in relation to their religion and Chinese nationalistic patriotism. In this regard, Hajj along with visits to the Muslim heartlands contributed to the Hui Muslims' dual identities construction.

⁶³⁰ In the shorter 1935 list, there was no information but only names of seventy-one Hajjis, which did not include any Uyghur Muslims. However, the longer list of 1936 had seventy-seven names of Xinjiang Hajjis and twenty names of Yunnan Hajjis. As I analysed before, pilgrims from Xinjiang and Yunnan normally took their own routes for Hajj, thus it was likely that the longer list was provided by Hassan. Besides, along with the name list of the Hajjis in 1936, Yueh Hwa also added a photo of Hassan and his brothers who served as receptionists for Chinese pilgrims in Mecca. It was based on these reasons that I assumed the authorship of the two lists.

⁶³¹ If we take into consideration the overall population of Muslims during late republican period, the recorded percentage of Hui pilgrims is much higher than that of the Uyghur Muslims. Yan's (2012, 4–17) research has showed that by the end of the republican period there were 1.24 million Hui Muslims living in Gansu, Ningxia, Qinghai, and Xinjiang, and there were 2.99 million Uyghur Muslims in Xinjiang.

3.2.2 *Hajji Wang Jingzhai, the Middle East, and the Hui Muslims' Patriotism towards the Republic of China*

In 1930, Hajji Imam Wang Jingzhai published in the newspaper of Yueh Hwa an article entitled *Jinshou huijiao yu aihu guojia* 謹守回教與愛護國家 (Adherence to Islam and patriotism), in which he elaborated on the Arabic term of *watan* and claimed that being patriotic was not only required by Islam but also part of its essence, the *īmān*. He started his argument by saying that

The Arabic term *watan* [originally] means one's residence. However, the jurists today name it as the place where one's rights, obligations, life, and property depend. That is why it is said that the freedom of people and the nation-state exist side by side. In other words, there is no state unless the freedom [of people] is guaranteed... the French scholar used to say that there was no state in the age of despotism. The concept of *Watan*, according to ancient Romans, refers to a place where the rights and obligations of people are politically related.⁶³²

Wang mentioned in the article that the first paragraph on which his entire argument was based was translated by him from a book written by a prominent Egyptian Imam. Presumably, the book is among some six hundred books Wang brought back after his Hajj and study journey in the Middle East between 1922 and 1923. It seems that the paragraph Wang translated is very much identical to Muhammad Abduh's definition of *Watan*, which read that

Linguistically, *watan* means, without exception, the place where the person lives; it is synonymous with the word *sakan*... The word as used by those who study politics (*ahl as-siyasa*) means the place after which you are called, where your right is safeguarded, and the claim of which on you is known, where you are secure in yourself, your kin and your possessions. It has been said: "There is no *watan* without freedom." La Bruyere, the French philosopher said: "There is no *watan* properly speaking, compatible with tyranny, but only private interests, personal glorification and exalted places." *Watan* was defined by the ancient Romans as the place where the person has rights and political duties.⁶³³

This paragraph appeared in one of the works of the early Islamic reformist Mohammed Rashid bin Ali Rida (1865–1953), whose ideas later influenced the establishment and development of the "political philosophy of an Islamic state" (Ayubi, Hashemi, and Qureshi). While the author of this paragraph was the Egyptian Islamic jurist, religious scholar, and one of the key founders of Islamic Modernism, Muhammad Abduh (1849–1905). Wang Jingzhai spent most of his time at the University of Al-Azhar during his Hajj journey from 1922 to 1923. Muhammad Abduh also held a teaching position at the university and worked towards reforming al-Azhar University during his position as the Grand Mufti of Egypt and president of a religious society for the revival of Islamic sciences. Although little is known about the detailed experiences of Wang Jingzhai during his time at Al-Azhar, it is highly probable that he must have been influenced by the then prominent scholars of Islamic modernism, such as Mohammed Rashid Rida, Muhammad Abduh, and Jamal al-Din al-Afghani. These scholars and the Islamic Modernism they promoted in general aimed at the reconciliation of Islam with modern western concepts and values, such as progress, nationalism, and civil rights. The Muslim modernists advocated, on the one hand, the importance of Islam in public life and, on the other hand, the embraces of European values and institutions. It is no surprise that Wang Jingzhai, when he came back to China, worked on the reform of Islam in China by, for example, producing Muslim newspapers, organizing new Islamic schools, participating in government administration, and above all, translating and interpreting Islamic scriptures and theological works in the context of a changing Chinese society. In the article, Wang admitted the influence of the experience at Al-Azhar on him, especially on his conception of nation/state. He recalled that once he was asked by a friend if there was anything in the Quran concerning patriotism. He was speechless and felt embarrassed, as he frankly admitted that

⁶³² The original Chinese is "阿拉伯文之臥代尼，義即居所也。而今之法學家，對於人民權利，義務，生命，財產，寄託之地，稱之為臥代尼。故謂人民之自由與國家，乃屬並立者。換言之，無自由則無國家。法國博學士...嘗雲'專制時代，無國家可言。'臥代尼之定義，據古代羅馬尼亞人談，稱其即與人民有政治上之權利與義務之地也。" See Wang (1930)

⁶³³ The translation is from Haim (1955, 132) in his research on Islam and the Arab nationalism. For the original Arabic, see Rashid Rida (1931, 194–95).

Religious clerics of my generation only took it as our responsibility to preach to the public about religious teachings, and we had not a bit conception about the nation/state, because of which I honestly did not know if there was anything about it in the Quran. During my time being a guest living in Egypt, one day I had a discussion concerning the issue in question with teacher Tantawi, who immediately recited part of verse 246 in Chapter two of the Quran. The Quran means that “they said, ‘Why should we not fight in Allah’s Way while we have been driven out of our homes and our children?’” It is said that we are all responsible for safeguarding our fatherland or motherland. Once, unfortunately, our possessions are taken and we are separated from our wife and children, we should keep up our spirits and fight against the powerful. If we do not do it, if we care for nothing but only fasting and prayers, we should indeed be shameful for the defeat of our country and the loss of our homes.⁶³⁴

The awakening of the idea of nation/state and the obligations one had towards it was obvious in Wang’s argument. Of course, we could argue that it was the establishment of the Republic of China and the Union of the Five Nations (*wuzu gonghe* 五族共和) promoted by Sun Yat-sen and his successors that introduced the idea of nation/state to the Hui Muslims. However, even if that was the case, we should not underestimate the fact that first, there was no mention in Wang’s argument promoting Chinese nationalistic patriotism, and what’s more, for the Hui Muslims the religious grounds seemed to be crucial in legitimizing nationalistic patriotism. In this regard, the works of scholars from the Middle East seemed to be playing an important role. As in Wang’s case, it was via his discussion with “teacher Tantawi” that Wang realized and confirmed the Quranic bases for national patriotism. Not much was given in Wang’s article about teacher Tantawi. However, it probably was the famous Egyptian scholar Tantawi Jawhari (1862–1940),⁶³⁵ who was most famous for his lengthy Quranic exegesis (*tafsīr*), *Al-Jawāhir fī tafsīr al-Qur’ān al-Karīm al-mushtamil ‘alā ‘ajā’ib badā’i ‘al-mukawwināt wa-gharā’ib al-āyāt al-bāhirāt* (Jewels of the interpretation of the Holy Quran, containing the marvel of the beauties of the creation and wonderfully luminous divine signs).⁶³⁶ This might also be supported by the sources Wang used, as he mentioned that the argument of teacher Tantawi he cited was first published in the Arabic newspaper, *Lewa*, which referred to the Muslim-owned newspaper, *al-Liwa* (The flag), a publication that was against British occupation, and supported a pan-Islamic ideology in Egypt (Iskander 2012, 26). The newspaper, *al-Liwa*, was founded in 1900 by the Egyptian nationalist activist Mustafa Kamil Pasha (1874–1908), who was constantly involved in the nationalistic movement of Egypt that was against the British occupation of his country (Laffan 1999, 269–70). Sharing the same political tendency, Tantawi Jawhari published “a series of articles in the Nationalist Party organ, *al-Liwa*, which he later republished in book form as *Nahdat al-umma wa hayatuha* (the Awakening and Life of the Nation)” (Goldschmidt 2000, 96).

In a nutshell, the influence of Islamic Modernism in the Muslim world was obvious in Wang Jingzhai and his endeavours to reform Islam in China. Having learned from his coreligionists in the heartlands of Islam, Wang combined the loyalty to Allah with that to the Chinese nation-state. One more thing has to be mentioned here. For Wang Jingzhai, and the Hui scholars like him, such as Huang Zhenpan 黃鎮磐 (1873–1942) Zhao Zhongqi

⁶³⁴ The original Chinese is “蓋以我輩宗教師，平素只以勸人守教為職責，對國家無任何觀念，故不曾留意天經上，有無此條。及余客居埃及時，一日，曾向坦達威老師談到此節，彼當即朗誦天經第二章第二百四十六節之一部分。其意是：‘他們說：我們為什麼不在真主之道上爭戰。此時，我們確被人逐出自己的居宅與自己的子女了。’據說，父母之邦，各有維護之責，一旦不幸，財產被奪，妻子離散，尤當振起精神，與強權者相奮鬥。不此之圖，止知齋拜，不問其他，而獨不以國破家亡為恥乎。” See Wang (1930).

⁶³⁵ According to Ma Xian 馬賢 (2011, 216), Wang Jingzhai seemed to have visited Tantawi Jawhari and have benefited from his works. It is said that after reading the unpublished work of *Al-Quran wa-l-‘Ulum Al-Asriyya* (The Quran and contemporary science) by Tantawi, Wang Jingzhai commented that “this is exactly the book we would like to introduce to the Muslims in our country. In recent years, especially after the World War I, the non-Muslim Chinese have been paying more attention to the study of modern scientific knowledge, and are proud of it, while the Muslim scholars are still hesitated and perplexed about whether it is allowed by our religion to study modern science. I have found the answer in this article and others. I know the requirement for scientific knowledge is for Islam something that cannot be delayed.” Tantawi also mentioned that Wang had translated the article into Chinese and sent it back to China for publication. Despite the inaccurate information Ma gave that Wang Jingzhai visited Al-Azhar from 1933 to 1935 and the assumed publication date of Tantawi’s book in question, this information provided by him was quite valuable. Besides, according to Daneshgar (2018, 26), Tantawi’s works *Al-Quran wa-l-‘Ulum Al-Asriyya* was finished in 1923, and Wang probably read the manuscript of the book before he came back to China.

⁶³⁶ For a comprehensive research on Tantawi’s *tafsīr*, see Daneshgar (2018).

趙鐘奇 (1878–1970) and Yin Boqing 尹伯清 (1888–1961), the combination of their Muslim identity and their identity as a Chinese also reflected their attitude towards the idea of the Hui as a nation (*minzu* 民族), or rather not as one. In 1928 when the May Third Tragedy in Shandong broke out, Wang Jingzhai, who was then an Imam in Liaoning, published an article in a Hui Muslim magazine. In the article, Wang urged that the Chinese Muslims should pay attention to the Chinese national calamity, and expressed his opinion on Islam and the Chinese state. He argued that

Do not say that national affairs are irrelevant to us Muslims. If our state were conquered, our religion would also fall into the shade... We people of Islam are also masters of the Republic of China, and should be aware of the close connection between the state and religion... The scripture reads that the state relies on religion and the religion depends on the state... eight or nine out of ten among us Muslims are actually Han Chinese who believe in Islam... As for the other Han Chinese, although we differ in religious belief, we do share the same rights and obligations to the state.⁶³⁷

His opinion on the relationship between Islam and the Chinese state not only reflects his position as a religious scholar who is deeply influenced by the Islamic modernists in the Middle East, but also his political status as a party member of the KMT, which promoted the assimilation of all the non-Han Chinese peoples into the Han Chinese (*Zhonghua minzu* 中華民族).⁶³⁸ However, I would argue that the position he took is rather a representation of a continuing and century-old concern of the Hui about the reconciliation with the Chinese authority. In other words, the political situation of China, that of the Republican period to be specific, urged Wang Jingzhai, a pious Muslim and learnt religious scholar, to redefine his own identity and that of his people in general. In terms of the debate of the meaning of the term *Hui* 回, be it a religion of Islam (*Huijiao* 回教) or a nation of Muslims (*Huizu* 回族), Wang obviously took the side of the KMT government that recognized Islam as the religion of the Hui but denied the Hui as a nation. The concept of nation was perceived in combination of the idea of one nation one state during Republican China, as a result of which, to put it briefly, the KMT promoted the integration, or in fact assimilation, of all non-Han Chinese groups in China into a Chinese nation, or the Han people. Just like the Han Kitab authors who tried to convince the Chinese authority of the harmlessness of Islam and Muslims by active assimilating to the Han Chinese Confucian culture, the Hui Muslims like Wang Jingzhai during the Republican period took their political stand to show that “the Hui Muslims in China do not have any political ambition” (Xie 1940) who sought to set up an independent nation with their own independent state. In this context, the Middle East, such as Al-Azhar University in Wang Jingzhai’s case, served as the intellectual sources that provided the legitimacy and religious grounds to the Hui elites for their political strategy as patriotic Chinese citizens. Later during the Sino-Japanese War, the heartlands of Islam again became the political sources from which the Chinese Hui Muslims could be united for their course of fighting against the Japanese.

3.2.3 *Hajj during the Sino-Japanese War, and the Dual-identity of the Hui Muslims*

The first visit of the Hui Muslim who turned to the Middle East to seek support for China’s anti-Japanese war was initiated by an individual Muslim, Imam Da Pusheng 達浦生 (1874–1965). Having studied Islam and Chinese at his hometown in Jiangsu, Da went to Beijing at the age of twenty when he heard the defeat of Qing China in the First Sino-Japanese War, which resulted in the Treaty of Shimonoseki in 1895. Under the supervision of the reformist Imam Wang Kuan, Da got his qualification as an Imam and worked for the Muslim community in his hometown for six years between 1899 to 1905, after which he was invited by his teacher Wang Kuan to help with the work in Niu Jie Mosque in Beijing during the latter’s absence due to the Hajj journey. Later Da took over from Wang Kuan the position of president of the Islamic Teachers’ School (*Huiwen shifan xuetang* 回文師範學堂). Upon the establishment of the Republic of China, Da was invited by Ma Linyi

⁶³⁷ The original Chinese is “莫謂國事於我無涉，國亡教亦暗淡無光... 我回教人亦是民國之主人翁，當知國家與宗教有密切之關係... 經上曰：國以教存，教以國立... 夫吾人漢族而奉回教者居十之八九... 與其他漢族，教雖不同，而於國家應盡之義務，當享之權利則一也。” See Wang (1928)

⁶³⁸ For a comprehensive discussion of the Chinese nation during the Republican period and the idea of nation among the Hui, see chapter five of this dissertation.

馬鄰翼 (1864–1938)⁶³⁹ to supervise Islamic education in Gansu. For the next five years, Da preached his idea of education among Muslim communities in Gansu, Qinghai, and Ningxia. Later, he cooperated with a Muslim company in Shanghai and spent seven years in Southeast Asia and India, investigating the Islamic education there before he finally returned to Shanghai and established, together with Imam Ha Decheng 哈德成 (1888–1943), the Shanghai Islamic Teachers' School (Shanghai yisilan shifan xuexiao 上海伊斯蘭師範學校). During his position as president of the school in Shanghai, he also contributed to the founding of the local Islamic organization, the publication of a Muslim magazine, the campaign for the case of insulting Islam (*Rujiao an* 辱教案),⁶⁴⁰ selecting students to study at Al-Azhar, etc.⁶⁴¹ Probably having heard from his students in Egypt that the Japanese were spreading fake news concerning the Sino-Japanese War in the Muslim countries, Da decided to pay a visit to the Muslim countries in 1937. Da believed that

Egypt, Saudi Arabia, India, and other Muslim countries, except Turkey that has been reviving since the last decade, are oppressed and weak nations, which drew little attention from our government, while Japan, on the other hand, does not ignore these countries... I am too old and poor to hold the weapons and fight against the enemies... but can only appeal to them in word so as to support our country and to fulfil my bounden duty. That is why I am determined to go abroad for the publicity so that Muslim countries would know that our battle with the Japanese is in accordance with the Quran... I believe that it is not only a war between China and Japan, but one that represents the resistance from all the oppressed countries and weak nations towards the brutal invaders, hoping that our war could get moral and material support from the Muslim nations.⁶⁴²

He spent several days in Egypt, attending the wedding of King Farouk I with Farida Favzira and addressed several public lectures at the University of Al-Azhar. Then he decided to take the advantage of Hajj that took place the next month to reach a larger Muslim audience. On his Hajj journey with one of his students back at Shanghai Islamic Teachers' School, Ma Jian 馬堅 (1906–1978), one of the first students sent to Al-Azhar University from Yunnan, they by accident met with the Chinese Muslim Delegation to the Near East (*Zhongguo Huijiao jindong fangwen tuan* 中國回教近東訪問團, CMDNE). Da Pusheng, together with the members of

⁶³⁹ Ma Linyi was a Muslim who studied in Japan and then served as the minister of the educational department in Gansu Province. He also funded the Hajj journey of Imam Wang Jingzhai. For more information about him and his contribution to the modernization of Islam in China, see Khan (1963, 17), Dudoignon, Komatsu, and Kosugi (2006, 315).

⁶⁴⁰ The insulting cases (*Rujiao an* 辱教案) have been occasionally appearing in the news report until recent years in China. As for the case of Imam Da Pusheng, it referred to the two cases in Shanghai where the local publishing houses, *Nanhua Wenyi* 南華文藝 and *Xinbei Shuju* 新北書局 published insulting and discriminative articles towards the Hui Muslims and Islam in 1932. As for the cases, see Ge (2006, 32–35) and Bai and Bai (2013, 18–24), and my discussion on Fu Tongxian in chapter five.

⁶⁴¹ For a detailed biography of Imam Da Pusheng, see (Da 2003, 365–84)

⁶⁴² The original Chinese is “近東各回教國除土耳其在最近十餘年始見復興外，餘如埃及，漢志，印度等皆系弱小民族，久居被壓迫地位，素不為吾人所重視，而日人... 不以其弱小民族而忽略之... 自視年近古稀，家無恆產，不能執干戈以殺敵... 唯口舌呼號，筆墨宣傳... 盡其天職。乃立意出國宣傳，使世界回教國家咸知吾國民此次抗戰適合古蘭經旨... 微特為一國一民族之戰，實為全世界被壓迫國家與弱小民族對強暴侵略者而抗戰，以期取得各民族之同情，予以精神及物質上之援助。” See Da (2004, 24).

the delegation, Wang Zengshan,⁶⁴³ Ma Tianying,⁶⁴⁴ Zhang Zhaoli,⁶⁴⁵ Xue Wenbo,⁶⁴⁶ and Wang Shimin,⁶⁴⁷ in addition to performing the religious rituals of Hajj, visited King Ibn Saud and other high officials and their fellow Muslim brothers from both China and the rest of the world, propagating on behalf of the nationalist party of the KMT the educational, and political situations of the Hui Muslims in China and their military contribution towards the anti-Japanese war.⁶⁴⁸ As a matter of fact, traditionally Hajjis are supposed to stay over in Mina after all the Hajj ceremonies are over, which “allows them to think about Hajj and understand what

⁶⁴³ Wang Zengshan 王曾善 (1903–1961) received his education at Yenching University where he studied Chinese, Arabic, and Turkish languages. Later he joined Istanbul University, majoring in Turkish history. Before he came back to China after his study in 1930, he had travelled to Greece, Italy, France, Germany, Austria, and Belgium. From 1935 to 1946, Wang worked at the Legislative Yuan representing the Hui people. Due to his rich experience in Turkey, he was appointed as the Head of Department of Civil Affairs in Xinjiang, however, he fled to Pakistan after the People’s Liberation Army settled in Xinjiang in 1949. Later in 1955, he moved to Istanbul and worked at the University of Istanbul, translating Chinese sources on Turkish history. In 1961, he passed away in Istanbul. For a more detailed introduction, see Liu (2016, 159–70).

⁶⁴⁴ Ma Tianying 馬天英 (1900–1982) attended private school at a young age and probably studied Islam with his father. At the age of eleven, he went to a French school in Beijing, and later went to France in 1917. He joined the project of the construction of the Longhai Railway after he came back from France in 1922. In 1937, he proposed to the KMT government to send a Muslim delegation to the Middle East, and also led the Chinese Muslim Delegation to Southeast Asia (*Zhongguo huijiao Nanyang fangwen tuan* 中國回教南洋訪問團) from 1939 to 1940. In 1943, he was nominated by the Muslim general Bai Chongxi as the chief secretary of the Chinese Embassy in Egypt. Five years later, he was invited to serve as Chinese consul general in Malaysia, where he also started the magazine of the *Light of Islam* (*Huijiao zhiguang* 回教之光). He passed away in 1982 in Malaysia. For a more detailed introduction of Ma Tianying, see Mi (1993, 63–67), Ma (2014, 16–19).

⁶⁴⁵ Zhang Zhaoli 張兆理 (1906–1997), born in Hebei, was a Hui scholar on the history of Islam in China. According to the preface to his *Zhongguo huizu qiannian yanbian fazhan shilue* 中國回族千年演變發展史略 (Brief history of a millennium development of the Hui in China) finished in 1991, he studied first at the Islamic Primary School at Huashi Mosque (Huashi qingzhen xiaoxue 花市清真小學) and later at Beiping School of Finance (Beiping caizheng xuexiao 北平財政學校). After graduation in 1929, he spent several years in Taiyuan, Shanxi Province (Zhang 1946a, 20–21), where he published a book on state economic planning. Most of his activities took place during the 1940s, when he held the position of director general of the Department of Social Welfare in Wuhan. During this period, he was in charge of the Wuhan Branch of the Chinese Islamic Association, established educational institute for the local Muslims, and founded the Association for Islamic Studies (*Yilishi* 伊理社) which also had its own monthly magazine. His main publications, including the most well-known arguments on Islamic teaching and KMT Party instruction, appeared in this magazine. When the CCP took power in 1949, he fled to Hong Kong, and one year later, he was appointed first secretary of the Embassy of the Republic of China in Korea. His experience as a diplomat resulted in a publication on the education of overseas Chinese in Korea, which was included in the larger project of anticommunism led by the KMT government in Taiwan. After he finished his three-year MA. programme at McGill University in 1960, he studied for his PhD in the history of Islam in China at Chicago University and later worked as a professor there.

⁶⁴⁶ Xue Wenbo 薛文波 (1909–1984), also known as his Islamic name, Hajji Dāwūd, was a poet, educator, and scholar on the history of the Hui. He attended the public school in Beijing and studied law at the Chaoyang University. He frequently wrote for the Hui newspapers and magazines during the Republican period as Dāwūd 達吾德, Xicun 溪村, Dayu 大雨, or Bo 波. During the time he studied law, he helped establish the Beiping Islamic Study-Friends Association (Beiping Yisilan xueyou hui 北平伊斯蘭學友會), which later was renamed as the Chinese Youth Association of the Hui Nation (*Zhongguo Huizu qingnian hui* 中國回族青年會), and published their own magazine. Before he went to the Middle East with the Delegation in 1938, he worked at the Northwest Secondary School (Xibei zhongxue 西北中學), and later, due to his contribution to the delegation, he was appointed member and secretary of the executive committee of the KMT in Qinghai. Xue also played an important role in the Chengda Teachers’ School, and actually, he was president of the school since 1945. Probably unsatisfied with the KMT that did not recognize the Hui as a nation; Xue supported the CCP in 1949 and worked for the Communist government in Tibet and Gansu. For a comprehensive research on Xue, see Ma Rulin (1986, 37–39), and Editorial Board of A Century Scholarship: to commemorate the centenary of Xue Wenbo’s birth (2009).

⁶⁴⁷ Wang Shiming 王世明 (1910–1998) was born in a Muslim family in Jinan, Shandong Province, and probably received his Islamic education from his father and grandfather who were both Imams. At the age of seventeen, he attended the then newly-founded Chengda Teachers’ School as one of the first ten students of the school. He was sent by the school to pursue further education in Islamic studies at Al-Azhar University in 1932. Before he graduated from his Bachelor’s programme at Al-Azhar in 1938, he had had several publications, including the book of *History of Egyptian’s Independence* (*Aiji dili shi* 埃及獨立史). He also benefited from his experience in the delegation, for after the journey he was recommended by Wang Zengshan to work at the Ministry of Foreign Affairs of the Republic of China, and was appointed as vice-consul of the Chinese Consulate in Jeddah. Since 1946, he worked as the secretary of the Chinese Embassy in Egypt. He also fled with the KMT to Taiwan when the CCP took power in 1949 and was appointed to various positions in charge of foreign affairs with Muslim countries, such as Egypt, Saudi Arabia, Libya, and Kuwait. In 1973, he resigned from his jobs and moved to the US., where he held a teaching position of Studies of Islamic Culture at the University of Hawaii.

⁶⁴⁸ The detailed description of the activities of the delegation during their Hajj journey was recorded and published in the Diary of the Chinese Muslims Near East Delegation (*Zhongguo huijiao Jindong fangwentuan riji* 中國回教近東訪問團日記), which is available online at the National Library of China. For a general introduction in English, see Mao (2011, 373–95).

they have done... [and] discuss their problems with people from other parts of the world who have the same faith, love, needs and ideology” (Sharī‘ati 1980, 109). Ḥajj allowed them to share their stories in the very centre of Islam with their Muslim brothers and sisters and ask them for help and support. The following year, another two Chinese pilgrimage groups went to Mecca. One was sent and financed by the Japanese puppet government in Beijing; the other one, composed of twenty-eight Chinese students from Al-Azhar,⁶⁴⁹ was financed and sent by the KMT. Both groups carried political tasks with them to propagate for their sponsor.⁶⁵⁰ For the Japanese sponsored group, it is their aim to show that Chinese Muslims were happy in the Japanese-occupied area and “were able to, like their fellow Muslims in other parts of China, enjoy the favour to perform the Ḥajj” (Tang 1943, 4). As for the students from Al-Azhar, one of the students, Zhang Huaide 張懷德 (1939), stated that “all the students at Al-Azhar were asked to organize a Chinese Muslims pilgrimage group so as to propagate for our country, and at the same time to put them under surveillance, namely the five people sent by the enemy.”

Probably due to the overestimation of the population of Muslims in China, which was believed to be over fifty million (CMDNE 1943, 28), Muslims in China were taken seriously as a potential supporting force by the KMT government, the Japanese, and the Muslim government in the Middle East. However, as I mentioned before, it was mainly due to the motivation to revive Islam in China that made the Hui elites determined to return to the very centre of Islam and to support the project of sending Muslim students to Al-Azhar. It is interesting to see how their focus of loyalty transformed, from being motivated by their religious piety to being fighting for the nationalist course of the KMT. The new position of the Hui’s status in the Republic of China as, at least theoretically, equal citizens, as well as the pressing and severe situation China was facing, are the key to understanding this shift of identity formation of the Hui.

On the one hand, as promised by the KMT that the Chinese nation was composed of the five equal nations, the Hui Muslims were motivated and believed that their oppressed situation since the Qing Dynasty could finally be over. The belief that, via active participation in the socio-political affairs of the state, Muslims could be “equal and influential members of the Chinese nation” (Mao 2011, 379) was prevalent, at least, among the Hui elites. In other words, the Hui Muslims’ participation in and contribution to the anti-Japanese war was motivated by a belief that this would in the end benefit the status of Islam and the entire nation of the Hui in China. For example, Xue Wenbo, author of the diary of the Near East Delegation, argued that,

Today, all nations are equal and have freedom of religion, thus there is no autocracy or dictatorship. In addition, the main reason why the Chinese nation today is in a weak and dangerous situation lies in the lack of a shared faith among the majority of the people... If we indoctrinate the faith of Islam and its spirit of devotion to the entire Chinese peoples, then it will for sure bring out such virtues as solidarity, patriotism... If we preach Islam now, it is not for the sake of one nation or one religion but for the sake of the Chinese as a whole. Hence, it is a good chance to develop religion today.⁶⁵¹

This might become more explicit if we take into account the reports, recommendations and actual achievement of the members of the delegation after they returned home. For example, almost all influential newspapers and magazines, both those produced by the Hui Muslims and those by the non-Muslim Chinese, reported the success of the delegation in the near east; they urged the KMT government to strengthen the relations with

⁶⁴⁹ According to the report of Zhang Huaide (1939, 27), one of the students in the pilgrimage group from Al-Azhar, there were in total twenty-eight students going to Mecca. However, according to the biographical research on the students at Al-Azhar during the Republican period by Ma and Na (2011, 10–43), only twenty-five students were identified as members of the group. They were group leader Pang Shiqian 龐士謙, assistant Ma Jian 馬堅, and members including, Na Zhong 納忠, Lin Zhongming 林仲明, Zhang Youcheng 張有成, Na Xun 納訓, Ma Junwu 馬俊武, Lin Xinghua 林興華, Hu Enjun 胡恩鈞, Lin Xingzhi 林興智, Zhang Youlian 張有連, Hai Weiliang 海維諒, Ma Jigao 馬繼高, Ma Hongyi 馬宏毅, Ma Weizhi 馬維芝, Liu Linrui 劉麟瑞, Fan Haogu 范好古, Yang Youyi 楊有漪, Ding Zaiqin 丁在欽, Wang Shiqing 王世清, Jin Maoquan 金茂荃, Zhang Wenda 張文達, Li Hongqing 李鴻清, Zhang Huaide 張懷德, and Xiong Zhenzong 熊振宗. Notably, there were also two students from Xinjiang, Gao Fuer 高福爾 and Du Shouzhi 杜壽之, however, there has been little research on them so far.

⁶⁵⁰ As for the details of the two groups, see Ma Jilian’s MA. thesis (2012, 68–88).

⁶⁵¹ The original Chinese is “今日國族平等，信教自由，故無專制與壓迫也。且中華民族處於今日危弱之局面，大原因為多數民眾無共同之信仰... 若以回教之信仰，專一之精神，灌輸于中國全民眾，則精誠團結，保衛國家... 種種美德，均可產出。若於此時，傳播回教，非為一族一教之利，實為中國全體之福，故今日實為發展宗教之好機會也。” See (CMDNS 1943, 38).

Muslim countries and recommended sending ambassadors and consuls to Saudi Arabia, etc. The stories of the Hajj groups present us with how a group of Hui Muslim elites redefine their position in Chinese society by emphasizing their ethnoreligious identity in the framework of the building of a Chinese nation-state. As Mao (2011, 390) pointed out, the Hui Muslims “were not passive players in the nation-building process, nor were they single-minded patriotic citizens with no alternative motives.” However, I would argue that the real threats that the Chinese, including the Hui Muslims, were facing then should not be underestimated in the construction of the dual-identity of the Hui in early twentieth-century China. In addition to the information reported by the delegates concerning the sufferings of Chinese Muslims, the experience of one Hui student at al-Azhar may shed light on the point I would like to make here.

Na Zhong 納忠 (1910–2008) was born in a poor but pious Hui family in Yunnan. At a young age, he studied Islam at the local mosques that inherited the characteristics of the Yunnan School with a Chinese-Arabic bilingual education. From 1926 to 1928, he spent two years at a Chinese-French School in Kunming, the capital of the province. Na did not enjoy his time at the school, as he once recalled that,

I once studied at a Chinese-French school for several years, and I am quite familiar with the contents of their education. On the surface, it seemed that they treated the students very well. For example, the fees were low, and they also provided textbooks and stationaries for free... However, in essence, they applied oppressive measures so as to wear the students down and enslave our thoughts... By the end of 1926, even the Chinese staff could not survive... Many of us could no longer bear the oppression and decided to quit, and I was one of them.⁶⁵²

Together with his teachers at the mosque, Tian Jiawei⁶⁵³ and Bai Liangcheng,⁶⁵⁴ Na joined in the production of the magazine *Muslim Paper* (*Qingzhen duobao* 清真鐸報) in 1929 and was an active author while at the same time studying at the Higher Chinese-Arabic School (Gaodeng zhong’a xuexiao 高等中阿學校) located in the Nancheng Mosque in Kunming. In 1931, he was selected as the only student who was granted a scholarship to support his travel expenses to study at Al-Azhar University in Cairo. On his way to Egypt, he witnessed how the foreign invaders treated local people, including Muslims. For example, on his way from Yunnan to Vietnam, he recorded in his journey note that,

When it comes to the tragedies on the Yunnan-Vietnam railway, it is indeed miserable. Last year, there was a pregnant woman... who was kicked out of the train into the water, dead. Not long ago, an old man also died for the same reason... though the KMT has officially protested, the French still behave imperiously... Our country has not perished; we have already tasted how it feels like. How heart-breaking the Chinese nation is!⁶⁵⁵

⁶⁵² The original Chinese is “我曾在昆明的中法學校讀了幾年的書，對其內容知之甚詳。他們表面上待遇學生似乎很好，如學費低廉，供給書籍，筆墨，紙張... 但內裡卻用壓迫的手段，來消磨學生的精神，奴化學生的思想... 到民國二十五年（1926年）他們漸漸欺壓到中國教員的身上來... 好多人因不堪這種壓迫，便自行退學，我便是其中之一。” see Na (1934).

⁶⁵³ Tian Jiawei 田家培 (1871–1945), as an Imam and Muslim scholar in Yunnan, was most well-known for his Arabic calligraphy that he learnt from his father. He studied Islam with Ma Dexin and Ma Liyuan. Several other students sent to Al-Azhar from Yunnan were educated by him, such as Na Xun, and Lin Xinghua.

⁶⁵⁴ Bai Liangcheng 白亮誠 (1893–1965) was one of the most well-known Hui Muslims in Yunnan, especially in Shadian, where he contributed to the development of local Muslim communities. He studied Confucianism and law in Yunnan. After he came back from his Hajj journey in 1926 or 1927, he became a student of Tian Jiawei, studying Islam. Notably, according to my fieldwork in Shadian, Yunnan Province, Bai Liangcheng initiated and got involved in several projects regarding the modern Islamic educational reform in Yunnan, including the establishment of the Chinese-Arabic School in Shadian (Shadian zhong’a xuexiao 沙甸中阿學校), the Yangzheng School (Yangzheng xuexiao 養正學校), and the Mingde primary and secondary schools (Mingde xiaoxue 明德小學 and Mingde zhongxue 明德中學). Besides, he was also quite active in publishing Islamic books in not only the Hui Muslim communities in Yunnan, but also those in South and Southeast Asian countries. Interestingly, Bai admitted that it was his second Hajj journey that motivated him to publish the books. See Wang (2011, 130–38).

⁶⁵⁵ The original Chinese is “說到滇越車中法國人對華人所演的慘劇，言之真令人傷心：去年有一孕婦... 被法國人由車中踢下海去，登時斃命；不久之前，有一老者，也同樣被踢下身死... 雖經黨部反對，但結果法人仍然作威作福... 國未亡，先嘗亡國的滋味，可傷的中華民族！” See Na (1934).

Later when he had to make a transit in Guangzhou, he visited the city and was quite positive about the place and the people there because of their being “the birthplace of revolution and everything with a revolutionary spirit” (Na, 1934). As for the reason why Guangzhou was so developed and even better than Hong Kong, he reflected and concluded that

It is all because of the fact that people in Guangdong are full of courage, perseverance, financial resources, and spirits. I believe that among all peoples in China people in Guangzhou are the most capable and energetic.⁶⁵⁶

No doubt that Na’s first overseas travel experience was not nice. After everything he suffered on his trip to Egypt, a question constantly occurred to him, namely “why Chinese are bullied and humiliated all over?” This also made him reflect on the so-called values of the West, such as freedom and democracy, as he wrote down in his notes that

[I] always hear that France is the most civilized country in the world, a country that values freedom and equality most. However, why are such people from a civilized country so domineering? Do people who really value freedom and equality infringe the rights and freedom of others as such? Some say that the French only keep their civilization and freedom at home, which is to say that they are just putting on a mask of civilization at home, and when they come out of their country, especially when they come to China, they become brutal, and monsters that infringe the freedom of others.⁶⁵⁷

Na felt discriminated against and humiliated because of his identity of being Chinese, instead of a Muslim. He believed that only by self-striving, like people in Guangzhou, would it be possible for one to get out of the discriminated position. It would be more comprehensive when taking into consideration the two sides of the Hui’s story to actively participate in and support the anti-Japanese propaganda in the Holy city of Islam and other Muslim countries in the Middle East. On the one hand, it is true that they had alternative motives. They were, at least partially motivated by the possibility that an active and contributive role in Chinese national affairs, such as the propaganda project in Mecca, would bring the Hui to a more favourable position in the nation-state of Republican of China where Chinese Muslims and their religion of Islam would be respected and well-developed. Nevertheless, it is also true that their national-political identity of being Chinese was indeed truly visible and obvious, especially when facing the pressing threats from Japan. In this sense, the Republican period saw an unforced emerging dual self-identification of the Hui Muslims as being a pious Muslim and a patriotic nationalist Chinese. Hajj in Mecca, or the Muslim world in general, strengthened this dual identification of the Hui. Due to the development of the print media produced by the Hui during the Republic of China, the influence of the Hui elites, including those who travelled to the Middle East, was significant and was able to reach a large audience. Even so, we have to keep in mind that this still cannot represent all the voices of the Hui communities in Republican China, not to mention other Muslim groups then in China.⁶⁵⁸ In addition to the revival of Islam and the more accessible means to Hajj during the Republican period, thanks to the efforts made by the Hui elites mentioned above in this chapter, the non-Muslim Han Chinese, however, still seemed to have a discriminative and biased attitude towards the Hui’s pilgrimage to

⁶⁵⁶ The original Chinese is “其原因便是廣東人有勇氣，有毅力，有財力，有精神。我相信廣東人是中國民族中最有能力最有精神的人。” See Na (1934).

⁶⁵⁷ The original Chinese is “素來聽說法國是世界上最文明的國家，最講自由平等的國家，但文明國家的人，這般不講道理嗎？講自由平等的人這般侵害別人的自由嗎？有人說法國人的自由文明是不出國門，就是說他們在本國時戴著文明的假面具，到外國尤其到中國後便變得野蠻，成侵害別人自由的惡魔。” See Na (1934).

⁶⁵⁸ The conservative Salafism as well as Sufism kept coming into China via the route of Hajj during the Republican period. For example, Fa Mingde 法明德 (1863–1926), a Sufi Master in Linxia performed his Hajj in 1920. He stayed at the Mujaddiyya (*Muzhandidingye* 穆展迪頂耶) Sufi *ṭarīqa* for a year and was granted an Ijāza (*yīzhazeti* 伊紮澤提, permission) before he came back to China in 1921 to preach the Sufi order at home. Later in 1932, Fa Mingde’s son, Fa Zhen 法真 (1899–1967) also went to Mecca and studied at the same Sufi *ṭarīqa* as his father did from 1932 to 1933. Fa Zhen also held an Ijāza when he came back home. The Mujaddiyya Sufi *ṭarīqa* is a sub-branch of the Naqshbandiyya represented by Ahmad al-Fārūqī al-Sirhindī (1564–1624) who is more known among the Hui as Imam Rabbani. The Ijāza was first found out by Ma Xiaopei (2007, 115–23). Further research is needed for detailed investigations into the connection between Sufism in China and the Holy city of Islam, as initiated in this chapter.

Mecca and the religion of Islam in general.⁶⁵⁹ How the Chinese Communist Party would improve it or not, and how the Hui have to redefine and reposition themselves in the socialist regime still remain a story that goes on till today.

4. Hajj, a State-organised Journey to Mecca: Brief Remarks from Fieldwork on Contemporary China

The first state-organized Hajj mission was initiated in 1952 after the CCP came to power in 1949. However, led by Imam Da Pusheng, who was then already in his seventies, the Hajj mission, travelling from Beijing to Karachi, were refused to be granted a visa to Saudi Arabia, for they were stigmatized by the KMT as the “communist spies who were against Islam” (Ma 1998, 24). Having failed in the first Hajj mission, the CCP realized that to fight against the KMT who officially kept diplomatic relations with Saudi Arabia more efforts should be made. Three years later, Imam Da Pusheng was able to participate in the Asian-African Conference in Bandung, Indonesia, where he, together with Chinese Prime Minister Zhou Enlai 周恩來 (1898–1976), raised the issue of Chinese Muslims Hajj to President of Egypt, Abdul Nasser (1918–1970). Later that year, with the successful visit and the help of Ahmed Hassan Al-Baqouri (1907–1985), the then Minister of Awqaf of Egypt (Ministry of Religious Endowments) to China, Saudi Arabia finally granted the visa to Muslims from mainland China. Thus, a Hajj delegation composed of twenty Muslim scholars and leaders was able to perform the Hajj in July that year (Ma 1998, 24–25).⁶⁶⁰ In 1956, another Hajj delegation composed of thirty-seven people led by Burhan Shehidi (1894–1989), then director of the China Islamic Association (Zhongguo Yisilanjiao xiehui 中國伊斯蘭教協會, CIA) was financed and sent by the CCP. Obviously, the CCP was very much aware of the opportunity of Hajj as a means to seek the recognition of the new Communist regime by Muslim countries in the Middle East. Before his Hajj journey in 1956, Burhan visited Egypt, Sudan, Ethiopia, Syria and Lebanon, and during his Hajj, he visited Nazim al-Kudsi, President of Syria and Amir Muhammad al-Badr, which resulted, among other things, in the recognition of the countries to Communist China (Gladney 1999, 138).

Due mainly to the political movements led by the CCP since 1957. Only a dozen or so Chinese Muslims were performing the Hajj every year from 1957 to 1964. What is worse, from 1964 to 1978, for fourteen years there has been no official Chinese Hajj delegations sent to Mecca.

The first Chinese Hajj mission after the Culture Revolution was sent in 1979, however, as Niu (2018, 102) argued, before the establishment of the diplomatic relations between China and Saudi Arabia in 1990 “the Hajj mission of Chinese Muslim was mainly composed of very few venerable Muslim scholars and officials led by the government.” As a matter of fact, before the implementation of the policy that allowed self-financed pilgrimage (*Zifei chaojin* 自費朝覲) in 1985, the Hajj led by the CCP was a complete elite project (Niu 2018, 106). One exception might be the situation that existed from 1980 to 1993 where Chinese pilgrims might go on their Hajj with a family visa. There have been a small number of Hui as well as Uyghur Muslim communities settled in Saudi Arabia in exile due to the failure of political and military movements during the late Qing and Republican China. These connections allowed Muslims in China an alternative to go on their Hajj. It seemed that managing their Hajj journey with a family visa, instead of a state-organized and sell-

⁶⁵⁹ In 1930 a non-Muslim author called Li published an article named “Chao maijia de kuaile yu youchaou 朝麥加的快樂與憂愁” (Happiness and sadness of the pilgrimage to Mecca) in the *Minzhongjiaoyu* 民眾教育 (Mass education) produced by the Educational Department of Hankou government, Wuhan Province. The article was translated from English, however, the Chinese translator also added a preface expressing his own attitude towards the issue of pilgrimage to Mecca. He claimed that “when it comes to the issue of superstition, it exists both in China and in foreign countries. It is a blind faith of the people, a stubborn ideology with no scientific grounds... By translating this article [on pilgrimage to Mecca] I aim to demonstrate the disadvantages of superstition. I hope the readers would not be influenced by superstition and please join me in fighting against it.” It is just an example on how Islam and Muslims have been discriminated even in times of the so-called golden times of the New Cultural Movement of the Hui during the 1930s (Bai 1992, 77).

⁶⁶⁰ According to the *Zhongguo Musilin chaojin shiyong shouce* 中國穆斯林朝覲實用手冊 (Practical pilgrim handbook for Chinese Muslims), edited by the Chinese Islamic Association (2005, 117), at the Bandung Conference in 1955 Prime Minister Zhou Enlai met in person with Saudi Prince Faisal and asked the Prince to help with the Hajj visa.

financed Hajj, was much more prevalent among the Muslims.⁶⁶¹ In 1993, Hajj with family visa was finally banned, and according to Chinese laws, the *Guanyu zifei chaojin ruogan guidingde tongzhi* 關於自費朝覲若干規定的通知 (Notice concerning several regulations on self-financed pilgrimage, issued by the State Administration for Religious Affairs in 1995, 2,000 self-financed Muslims from all over China were allowed to go on their Hajj each year. Since then, Chinese Muslims have been able to apply for the Hajj visa in Beijing rather than travel to a third country for a visa. However, this also has marked the monopoly of the Hajj route by the CCP. Since the beginning of the twenty-first century, the so-called scattered Hajj (*Lingsan chaojin* 零散朝覲), that is, Hajj organized by oneself or by any travel agent other than the CCP, is officially illegal and not allowed.

Nowadays, a Muslim has to first meet several requirements before they could get permission from the CCP to go on the Hajj. These include, for example, political loyalty to the CCP, age, occupational and political status, financial and health conditions, etc. According to the CIA, only Muslims above the age of eighteen are allowed to apply for Hajj, which, however, varies in reality in different Muslim communities in China. For instance, the minimum and maximum age limits are twenty-five and seventy-five respectively in Yunnan Province, while in Gansu they are set as thirty-five and seventy-five, and fifty and seventy in Xinjiang.⁶⁶² Besides, Party members of the CCP and those Muslims who work for the government as civil servants are not allowed to apply for Hajj.⁶⁶³ Interestingly, the requirement in Sharī'a concerning the financial conditions of the pilgrim is also included in the official regulations for the application for Hajj by the CCP. Of course, this does not mean that the CCP recognizes and applies the Sharī'a. For the CCP, Hajj is considered not merely as a religious activity but a huge transnational activity that is highly political and concerns national security and ethnic solidarity.

As Niu (2018, 108) pointed out, what concerns the CCP is probably the possibility, or according to the officials, that the “potential threat of Hajj activities on China’s national security is mainly the potential penetration, interference, and damage from the ‘hostile enemies’.” Hence, no matter who these “hostile enemies” are, it is required that when a Muslim’s Hajj application has been admitted, the most important thing is to participate in the training programme organized by the local Islamic association, in which loyalty to the Party and patriotism are the first things to be remembered and emphasized. Besides, one of the main tasks of the team managers, normally composed of Party members of Muslim ethnic groups, is to “defend the Hajjis and protect them from the overseas enemies who make use of Hajj to permeate ideas that encourage extremism, separatism” (Yang Zhibo 2005, 130). What’s more, to better “protect the Hajjis from the hostile enemies,” the team managers are asked to guarantee that during their stay in Mecca and Medina Chinese Hajjis “do not take part in any religious preaching organized by anyone other than the Chinese Hajj mission” (Chinese Islamic Association 2013b, 54, 59, 67). These measures, on the one hand, do contribute to the improvement of the facilities of Chinese Hajjis, it also, on the other hand, makes it extremely difficult, if not completely impossible, for them to have a wider and deeper connection with not only the centre of their religion but also their coreligionists from other parts of the world.

⁶⁶¹ Cai and Li (2015, 62) have provided an example in their research on the Hajj activities among Muslims in Xinjiang. According to them, there were 1074 pilgrims from Xinjiang in 1987, among whom 866 were going on Hajj with a family visa. This number was almost equivalent to the number of pilgrims organized by the CIA in 1989 (898).

⁶⁶² For the detailed age requirements set by the CIA, see *Zhongguo musulin chuguo chaojin baoming paidui banfa* 中國穆斯林出國朝覲報名排隊辦法 (Methods of online application for Chinese Muslims’ pilgrimage abroad). For the local variations of the stipulation in other Muslim communities, see the websites of the local branch of the CIA.

⁶⁶³ According to the CCP, the article on religious freedom stated in the Constitution does not apply to the Party members, which means that in principle Party members are not allowed to have any religious belief but should be atheists. However, it also recognizes the situation of those Party members who belong to an ethnic group that has a religious belief in general, such as Hui, Uyghur, and Tibetan Party members. For them, for the sake of uniting the people (*lianxi qunzhong* 聯繫群眾), they are, to certain degree, allowed to participate in religious activities and even believe in religion. However, the degree to which certain religion is tolerated seems to be quite flexible in practice. In recent years, there have been constant reports on criticizing and even punishing the so-called double-faced people (*liangmian ren* 兩面人), those Party members who are supposed to be atheists but have practised religion. As for the civil servants, there is no official policy or law that prohibit them from going on Hajj. However, according to the Department of Religious Affairs in Gansu, civil servants are not allowed to apply for Hajj. During my fieldwork in Yunnan, I do find several cases where Party members participate in religious activities, including going on Hajj.

It is obvious that today only those Muslims who are regarded by the CCP as loyal, patriotic, and Sinicized are allowed to fulfil the religious obligation of Ḥajj. As Robert Bianchi (2019, 72–73) pointed out that, “the Muslims who are most likely to make the ḥajj are [those]who are less conspicuous residents of urban neighbourhoods dominated by Han Chinese or of mountain towns populated by other minorities who are not Muslims.”

Last but not least is the issue of Ḥajj quotas. As a non-Muslim country, China is in principle not restricted to the Ḥajj quotas set by Saudi Arabia. If we take the quota of one pilgrim out of a thousand Muslims set by Saudi Arabia for Muslim countries, there should be at least twenty to twenty-three thousand Muslims from China who could make their pilgrimage to Mecca every year. However, the number of Chinese pilgrims in the last ten years⁶⁶⁴ shows that the Ḥajj quotas set by the Chinese State Administration of Religious Affairs serve the political aims of the CCP. As the CIA (2013b, 72–73) stated that,

The local branches should pay attention to the degree of the number of pilgrims. The yearly quota suggestions sent to the State Administration of Religious Affairs should, on the one hand, be in favour of the government’s control over the main channels of Ḥajj... and on the other hand, cool down the heat of Ḥajj (*Chaojin re* 朝覲熱).

Compared with the situation in the 1990s when a large number of Muslim pilgrims chose to arrange their own Ḥajj journey⁶⁶⁵ instead of applying to the CIA (the so-called private Ḥajj, *Sichao* 私朝), the increase of Ḥajj quotas since the beginning of the twenty-first century seems to be working. However, it still remains unknown and questionable how the State-organized and indeed surveilled Ḥajj would be recognized by Chinese Muslims themselves in the long run.

In general, Ḥajj as one of the five religious obligations that Muslims have to fulfil at least once in their lifetime was crucial for the Hui Muslims in China, particularly in defining and defending their Muslim identity. From the perspective of the Shari‘a law, Ḥajj is wājib (obligatory). In the case of the Hui Muslims in China, it also used to be the only way that connected Chinese Hui Muslims with the centre of Islam. Meanwhile, it was also one of the main channels through which the trend of thoughts in the centre of Islam reached its eastern periphery of China. The connections between the Hui Muslims and their coreligionists in the Middle East in general built through the Ḥajj journey served as a perfect example in examining the struggle, choices, and reconciliation of the Hui Muslims between being part of the Islamic community (umma) and a minority group living in a Han dominated Chinese regime. Tracing the historical development of how Ḥajj has been respectively organized by the Hui Muslims and the Chinese authority has reaffirmed the observation of other scholars on Islam in China that there cannot be any essentialist and singular set of arguments concerning the Chinese Muslims experience, but rather the practices that have not only been historically dynamic, diverse, complex, and fluid, but also continues till present day. As Erie and Carlson (2014, 7) argued, “Chinese Muslims defy easy categorization and encompass a stunning array of cultural, religious, and ethnic practices that are a product both of their own efforts and of interaction with historical influences, social and economic considerations, and state policies.” The case of Ḥajj is no exception in this regard.

Conclusion

Ḥajj is a religious obligation, the fulfilment of which means for individual Muslims the duty towards Allah; but it is also a means and channel through which new theological, social, as well as political thoughts and movements, reached Chinese Muslims as collective groups. During the late Ming and especially the Qing Dynasties, some Chinese Muslims, motivated by their individual religious piety, travelled to Mecca and the Middle East and brought back with them Islamic mysticism (Sufism) that partially resulted in the split of the Hui Muslims and added a new dimension to their Muslim identity, the *Menhuan*. This change is not only

⁶⁶⁴ The number of each year’s pilgrims is actively reported by the CIA and is published on its website. The numbers of each year’s pilgrims in the last decade are approximately: 13 thousand in 2010, 2011, and 2012; some 14 thousand in 2014, 2015 and 2016. In 2013, the number dropped to 11 thousand. Besides, since 2016 there has been a decrease in the number of pilgrims going to Mecca, with some 12 thousand in 2017 and 2018, and 11 thousand in 2019.

⁶⁶⁵ The Deputy Director of the CIA, Ayiming 阿伊明, reported in 1995 (Ayiming, 20) that the percentages of private Ḥajj in the total number of Chinese pilgrims from 1990 to 1995 were: 42.5%, 44.8%, 59.4%, 74.1%, 80%, and 63.6%, respectively.

responsible for the intersects conflicts between the Hui themselves during late Qing period but also contributed to the collective identification of being a Muslim in fighting against the Qing regime and its oppressive and discriminative laws and policies towards the Hui Muslims. During the Republican period, the Hui Muslim elites were striving for the survival and revival of Islam and Hui Muslims as a nation (*minzu* 民族) in the time of Chinese modernization and nation building. Ḥajj provided the Hui with a diverse range of alternative ideologies as well as modern development mechanisms, including the more conservative approaches applied by Ma Lianyuan and Ma Wanfu, and the one more identical to the Islamic Modernism imported to China by Wang Jingzhai from Egypt, not to mention the more complicated Sufi *ṭarīqa*. More crucially, these attempts among the Hui Muslims were very much different from those offered by the Chinese. At present, with the increasingly influential role of communist China in international economy and politics, Ḥajj, on the one hand, serves as an example in showcasing how supportive and tolerant the Chinese government is towards its Muslim subjects, while, on the other hand, it is also regarded as a potential channel for the threats that endangers China's national security, especially those relating to the Three Evil Forces (*Sangu e'shili* 三股惡勢力, namely religious extremism, national separatism, and terrorism). How the Chinese government is going to balance the autonomy promised to the minorities, including the Hui and other Muslim groups, and the loyalty it requires from the people that legitimizes its power over its citizens remains to be seen.

In addition, as I have shown above, Ḥajj not only denotes deep religious meanings to the Hui, both as an individual and a collective group. It also involves other social activities, such as study trips that were almost always presented in my historical case studies. As the birthplace of the religion of Islam, Mecca also represents the “authenticity” of Islamic religious doctrines and knowledge. It is in fact for the Hui, to reverse the famous Hadith,⁶⁶⁶ to seek knowledge even unto Mecca. That is why every time someone brings something written in Arabic from Mecca it would automatically be treated by the Hui with great respect as scripture (*Jing* 經). However, nowadays it seems impossible to bring any publication from Mecca to China without being censored by the government. Given the recent development of Islamic education in China today, as I discussed in chapter six, it seems that the Chinese authority is competing with Mecca in the production of “authentic” Islamic knowledge. However, the consequences of this competition between Mecca and Beijing do not seem to satisfy the Chinese government. In fact, such an approach may further undermine the regime's legitimacy over its Muslim subjects. Historically, the issue of Ḥajj represents the shifting dynamics of the interaction and reconciliation between the Hui Muslims and the Chinese regime; in its contemporary context, it represents the tensions between the organization of the state-led sacred journey and the increasing willingness and financial capacity of the Hui Muslims to go on the Ḥajj. Even though it might be true that a more active role of the government in the promotion of the Ḥajj might be “another means of encouraging the emergence of stronger interest groups that are likely to demand greater representation and autonomy” (Bianchi 2019, 83), it does not necessarily have to be something threatening for the CCP. However, the existing institutional settings of how Ḥajj is managed do result in “many irreconcilable conflicts between Muslims and the government” (Niu and Metwally 2016, 61).

⁶⁶⁶ The Hadith ‘*Utlub il ‘ilma wa law fis-Sin*, or Seek knowledge even unto China, is a heavily cited one among the Hui. Its authenticity, however, is disputed.

CHAPTER EIGHT

Marriage: The Hui Muslims' Practice of the Legal Norms of the Sharī'a in China

Introduction

Let me start this chapter with three cases I encountered during my research.

Case One: Marriage and Identity

In 1936, the prominent Hui Muslim historian, Jin Jitang 金吉堂, published an article in the *Journal of Evolution of Chinese Geography* (*Yugong* 禹貢), in which he tried to demonstrate that those Chinese people who believed in Islam (*Hujiao* 回教) were the Hui nation (*Huizu* 回族).⁶⁶⁷ Interestingly, one of the reasons supporting his argument concerning the Hui as a *minzu* 民族 (nation) was that, as he maintained, “the blood of the Hui nation has only been poured in [and enlarged] but has by no means been mixed [or hybridized].” (回族血統, 只有注入, 而絕無混淆。) This “poured-into and unmixed” blood of the Hui, for Jin Jitang, was guaranteed by the “extremely strict regulations regarding the institution of marriage in Islam.” In other words, in Jin Jitang’s view, the Sharī’a norms regarding marriage are crucial for the Hui Muslims, for it is the Islamic marriage rules that are, though partially, responsible for the Hui’s collective identity as a Hui *minzu* 回民族. Jin’s assertion on the importance of Islamic marriage rules in maintaining the Hui Muslims’ collective identity as a *minzu* referred not only to the internal marriage practice of the Hui, that is a Hui married another Hui, but also to the external intermarriage of the Hui with other ethnic groups, particularly with the Han Chinese, of course, on the bases of the latter’s converting to Islam, according to the Sharī’a. Jin was not alone in emphasizing the significance of the Sharī’a norms on marriage in the construction of the collective identity of the Hui as Muslims and as an independent *minzu*. This case shows how the issue of marriage was intertwined with the Hui as a *minzu* and the Hui as followers of Islam in the context of the Republic of China.

Case Two: Hui-Han Intermarriage, Changing Identities, and Law

On December 20th, 2014, Xi Wuyi 習五一, a Chinese scholar on science and atheism from the Academy of Marxism of Chinese Academy of Social Sciences (Zhongguo Shehui Kexueyuan Makesi Zhuyi Yanjiuyuan 中國社會科學院馬克思主義研究院), reposted an article “Oral account from a girl of the Hui *minzu*: Issues regarding Hui-Han intermarriage” (*Yige Huizu nühai de koushu: Guanyu Hui-Han tonghui de shiqing* 一個回族女孩的口述: 關於回漢通婚的事情).⁶⁶⁸ The author of the article, a Hui girl, wrote about her relationship with a guy of Han Chinese, and how difficult it was for her Muslim parents and relatives to accept her intermarriage with the Han Chinese. Here is her story:

When I was young, I got along very well with my Han Chinese classmates [at the boarding school]. At the beginning of my school time, I went to the Hui people’s [Halal] restaurant, which always made my Han Chinese classmates laugh at me... They [the Han Chinese classmates] made fun of me by stealthily putting pork fat into my beef noodle... I finished my noodle without noticing [the pork fat]... Later, other classmates did the same to me... Encouraged by them [my Han Chinese classmates]... I started trying pork and

⁶⁶⁷ The Chinese term of *minzu* 民族, depending on the context, could be translated into nation, ethnicity, and sometimes, race. As for the introduction of the concept into China, the Hui Muslims’ perceptions regarding the concept, and my translation of it into nation in the case of Jin Jitang, see my discussions in chapter five.

⁶⁶⁸ Xi Wuyi reposted the article on her Sina microBlog (*Xinlang Weibo* 新浪微博) which is available online at http://blog.sina.com.cn/s/blog_55f6f0270102vd86.html (accessed on 25 of September, 2020). I tried to find the original publication of the article via a link Xi included in her *weibo*. However, it seems that the *weibo* account that originally published the article is no longer available.

after two years I could eat pork normally... Meanwhile, as school students, we were given classes on subjects concerning politics and ideology at school, years of education by the Party... [including] ideas on atheism, after all of which ... my thoughts and living habits become of no difference from the Han Chinese classmates. But I kept all these from my parents, and I lied to them that I still observed all the Islamic taboos and commandments...

After explaining the study experience that contributed to her change of thoughts and living habits into those that are “of no difference from the Han Chinese,” she continued with her love story with a Han Chinese.

Before I was about to finish my post-graduate study, I got to know my boyfriend, who is a Han people and just came back to China after his study abroad. The parents of my boyfriend are both well-educated. His father is a senior official at the provincial government, and his mother is a doctor at the hospital. In the beginning, his parents were not very positive about my relationship with their son. However, after I visited their family many times, they did not go against our relationship anymore, for they gradually came to know that my living habits would not disturb them, in addition to the fact that I have a post-graduate degree from a well-known university. As a matter of fact, since I started studying at the university, every time I went back to visit my parents, and every time I called them on the phone, my parents would, again and again, exhort me not to have a relationship with a Han Chinese guy. I just pretended to obey them. I dare not tell my parents that I am in love with my boyfriend. This became an unavoidable issue when my boyfriend proposed to marry me.

The Hui girl decided to take the suggestion of her boyfriend, namely to get married and apply for the official marriage certificate first, without letting her parents know. The boyfriend also came up with a certain compromise: that is, he was willing to convert to Islam nominally, just for the sake of the parents of the girl's; refrain from consuming pork products when they were together with the girl's Muslim parents; prepare for the parents another set of cooking stuff when they visit the young couple. In this way, they got married. This of course did not solve the problem. Still, the young couple, together with her well-educated parents-in-law, decided to pay a formal visit to the girl's family, and “propose” (*tiqin* 提親) to the Muslim family, though in fact legally they were already married. With the help of her uncle who was an Akhūnd at the local mosque, her Muslim parents agreed that they might approve and recognise the marriage, on condition of the following, as the girl stated:

No. One. My boyfriend must piously convert to Islam, and hold the ceremony at the mosque...of course, he also has to literally have his stomach cleaned, and promise that he would never betray Allah for the rest of his life, even if we divorce.

No. Two. My boyfriend has to change his family name and adopt my family name.

No. Three. My boyfriend and his parents shall never consume any pork product...

No. Four. In the future when we have a child, the child should be registered as a Hui, adopt my family name, and believe in Islam.

No. Five. If my boyfriend's parents break their promise and consume pork product, then my boyfriend and I have to break off all the relations with them...

No. Six. When the parents of my boyfriend pass away, we shall not attend their Han people's funeral.

No. Seven. My boyfriend shall have no contact with his Han Chinese relatives because they eat pork. But his parents may still keep the contact, as long as they do not eat pork.

In this case that took place in twenty-first-century China, we see how the issue of the Hui Muslims' marriage gets complicated. For the girl, throughout her entire statement, she never denied her ethnic identity as a Hui, though she did mention that she would prefer to register her child as a Han Chinese. However, it seems that, for her, being ethnically a Hui *minzu*, does not, and should not, necessarily mean that she is a Muslim. In other words, her ethnic identity and religious identity are clearly split. It seems that her intermarriage with a non-Muslim Han Chinese would not change and challenge her identity as a Hui *minzu*. While, for her parents, being a Hui means being a Muslim. Therefore, the reason for their disapproval towards the marriage of their daughter with a Han Chinese is not that he is a Han Chinese, but that he is not a Muslim. This partly explains why they still asked the Han Chinese boyfriend to change his Han Chinese family name after his conversion to Islam.

As I demonstrated, the concept of Hui *minzu*, when the Hui started to define themselves as such during the Republican period, was very much associated with Islam. Generally speaking, the Hui *minzu* is a *minzu* that believes in Islam. Therefore, just like the Muslim parents argued, the denial of the Shari'a norms, in this case, the marriage impediment with non-Muslims, is the denial of being a Muslim, as well as the denial of being a Hui. This has been a traditional understanding, not only for the majority of the Hui themselves, but has also been largely recognised by the Chinese state after 1949.⁶⁶⁹ However, this traditional perception has changed, partly and partially due to the introduction of freedom of religious belief (*zongjiao xinyang ziyou* 宗教信仰自由) as a fundamental Constitutional right and other state laws regarding one's ethnicity.⁶⁷⁰ This is an interesting case not only in that it sheds light on the Hui's understanding of the relations between ethnic identity, religious identity, and the role state law may play in the (re-)construction of the Hui's identities, but also in that it reveals how Islamic marriage rules are, properly or improperly, understood, applied, and practised.

Case Three: Hui Muslims Marriage in the Bigger Changing Social Environment

In the summer of 2017 when I was doing my fieldwork in Xinjiang, I came to know Ali, who is a Hui Muslim in Urumqi, the capital of Xinjiang Uyghur Autonomous Region (hereafter XUAR). Ali's father is a local Han Chinese. His mother, a local Hui Muslim from Urumqi, married his father in the early 1980s after she got divorced from her first husband, a local Uyghur man. Ali's mother received her education in the local public school where the Uyghur language was either the language of instruction or a compulsory course for all students, which made it easier for her to integrate into the local Uyghur community, and brought her and her first husband together. However, they got divorced after she gave birth to her third child because of her ex-husband's addiction to alcohol in 1978. Then she got to know Ali's father, Mr Li. Although it was against the Islamic marriage rules to marry Mr Li since he was not a Muslim, Ali's parents told me that there was not much objection to their marriage from their relatives or the local Muslim communities in general, for Mr Li, who grew up with his Hui and Uyghur Muslim neighbours and later also attended the local public school that enabled him to speak fluent Uyghur language and be familiar with the Islamic customs and traditions of his Muslim neighbours, was actually seen as a half-Huihui Muslim (*Ban'ge huihui* 半个回回). Ali's parents' case, especially his mother's experience, shows that an environment where people of different ethnicities and/or of different religious beliefs are able to understand and respect each other and thus live together peacefully and

⁶⁶⁹ For example, the National Ethnic Affairs Commission of the People's Republic of China (Zhonghua Renmin Gongheguo Guojia Minzu Shiwu Weiyuanhui 中華人民共和國國家民族事務委員會, the NEAC) states that, "the role that Islam has been playing in the formation and development of the Hui *minzu* cannot be underestimated. Since the formation of the Hui *minzu*, the Hui everywhere have always been carrying this religious faith" (See the website of the NEAC at <https://www.neac.gov.cn/seac/ztlz/huiz/fswb.shtml>, accessed September 28, 2020). Similar statement that associate Islam with the Hui *minzu* (and also other nine ethnic groups, including the Uyghur, Kazak, etc.) could also be found in several official publications, including the website of National Religious Affairs Administration (Guojia Zongjiao Shiwuju 國家宗教事務局) at <http://www.sara.gov.cn/zjzs/316302.jhtml> (accessed on September 28, 2020).

⁶⁷⁰ For instance, according to the "Measures for the Administration of the Ethnic Composition Registration of Chinese Citizens" (*Zhongguo gongmin minzu chengfen dengji guanli banfa* 中國公民民族成分登記管理辦法), implemented as of 1 January 2016, the ethnicity of Chinese citizens may only be recognised and registered according to the ethnicity of the parents. This means one becomes, at least officially, a Hui *minzu*, as long as either one's parents is Hui. Obviously, this is different from the traditional conception to define one's Hui-ness that was associated with Islam.

in a respectful way makes it easier to accept intermarriages between Muslims and non-Muslims. Of course, this does not mean that Ali's father, as a non-Muslim, and his marriage with his Muslim wife was accepted without his converting to Islam.

While Ali's marriage tells us something different. He got to know his girlfriend, a Han Chinese, in Wuhan, Hubei Province, when he studied at a university there. However, he decided to break up with his girlfriend, not because they did not get along with each other, but because his girlfriend's parents were against their relationship, not to mention their marriage. Because of the policy of family planning initiated by the CCP in the late 1970s and early 1980s, the girl was the only child of the family, therefore the parents had a feeling that they were to lose their own and only daughter if she was to marry a Muslim. While Ali's parents, who went to Mecca for pilgrimage after Ali was admitted to the university in Wuhan, said that "we were not against their relationship or their marriage at that time, as long as the girl and her family showed respect to our religion and our customs," which, Ali later told me, means that the girl had to convert to Islam if she would marry Ali. This experience taught Ali that, as has been the case of most marriages in China till today, marriage is not something that concerns only the marrying parties, but is a union of the two families of the marrying parties. After Ali finished his study, he came back to Urumqi and has since then worked as a civil servant at the local government. He tried to have another relationship with a Han Chinese, but it turned out not to be working for him. When asked about the reasons why he still tried to date the Han Chinese instead of a Muslim after his unsuccessful relationship with his first girlfriend in Wuhan, he said that

I work in the local government, which is quite a decent job here in Urumqi. However, I do not have many opportunities to know other Hui Muslims of the same level as me...I mean at least someone who has finished university education and has a proper job... I came across the Han girl I knew from my secondary school at a classmate reunion party. I thought we had known each other for a relatively long period and we both grew up in Xinjiang, a Muslim concentrated region, which means we know the local culture, especially the local Islamic culture. I had a feeling that the girl and her family would understand my religion and there should not be any problem if she converts to Islam. I mean her parents would not be against it, because it has been a common practice here. However, the July fifth riots in Urumqi in 2009 has changed my mind. Because I have three siblings from my mother's first marriage, who are Uyghur, and I myself am a Muslim, it was unpleasant and painful when I heard how my Han girlfriend then and her family discriminated and stigmatised the Uyghur and Muslims in general. I cannot accept that, you know, I just cannot imagine how it could be possible to live as a family with them... Then I met my wife...

If people's willingness to accept interethnic and interfaith marriage represents a certain degree of mutual tolerance and mutual respect towards people of different ethnoreligious backgrounds, and hence a harmonious and peaceful coexistence, the case of Ali's parents and Ali's own case concerning his relationships and marriage then demonstrate how the changing social contexts, a comprehensive set of political, economic, legal, cultural, and educational systems, might contribute to the construction, deconstruction, and destruction of this "coexistence."

This chapter aims at describing, interpreting, and examining the issues mentioned in the above three cases. It will reveal the interactions between the formation, reformation and transformation of the Hui Muslims' dual-identity in relation to the law on marriage, both the Chinese official law and the Sharī'a law alike. Through various cases relating to the Hui Muslims marriage, including the forms, rites, perceptions, norms, and impediments of marriage, to name a few, from the Tang Dynasty to the modern period, I will demonstrate how marriage contributed to the localization and development of Islam in China, as well as the formation and identifications of the Hui Muslims. Notably, as I have shown in the previous three cases, to understand the issue of the Hui Muslims' marriage and how the Hui Muslims defined their identities in negotiating the Chinese state law and the Islamic Sharī'a law, it is inevitable and essential to not only deal with various (legal) texts in which the issues in question were addressed but also to take into consideration the context. For example, without taking into consideration the Chinese nation-state building projects in late nineteenth and early twentieth centuries, it is impossible to get a proper understanding of Jin Jitang's position regarding the issue of marriage and the collective identity of the Hui as a *minzu*. Similarly, the different choices and attitudes

toward intermarriage with Han Chinese shown in the cases of Ali and his parents could only be properly made sense of in the light of, for example, the bilingual educational policy of Ali's parents' generation and the increasingly tensional relations between Muslims and non-Muslim Chinese in Xinjiang shortly after the July fifth riots in 2009.

To this end, the chapter will make use of a series of primary sources in Chinese. For analysis on the Hui Muslims' marriage before the modern period, I mainly refer to the Chinese official code of different dynasties, works on the general history of traditional China, as well as recent archaeological discoveries. For the Tang and Song periods, that is the early period of Islam in China, relevant sources are the *Tanglü shuyi* 唐律疏議 (Interpretation of the *Tang Code*), the *Xin Tangshu* 新唐書 (New book of the Tang), and the *Song xingtong* 宋刑統 (The Song code). The Chinese sources become richer when it comes to the Mongol Yuan period, and relevant data in terms of Muslims' marriage could be found in the *Dayuan shengzheng guochao dianzhang* 大元聖政國朝典章 (Statutes of the sacredly governed the state of the great Yuan dynasty), also known as the *Yuan dianzhang* 元典章 (The Yuan code), and the *Yuanshi* 元史 (History of the Yuan). Particular helpful in terms of the Yuan period are the books on local history, the *Guixin zashi* 癸辛雜識 (Miscellaneous news from Guixin [street]) by Zhou Mi 周密 (1232–1298), the *Jinshi lu* 進士錄 (List of those [*jinshi*] who passed the highest level of Imperial Examination), and the *Heicheng chutu wenshu* 黑成出土文書 (Unearthed documents in the city of Khara-Khoto). The Chinese Ming Dynasty is crucial, especially in the examination of the issue of marriage among the Hui Muslims, for the Chinese official laws on Muslims marriage were explicitly applied by the Chinese regime as a means to assimilate and “win over” the Hui Muslims. In this regard, I will analyse these official laws and various interpretations published by legal scholars and government officials, which could be found in the *Daming lü* 大明律 (Code of the great Ming), the *Daming huidian* 大明會典 (Collected statutes of the great Ming), *Daming lü shiyi* 大明律釋義 (Explanation on the meaning of the *code of the great Ming*), and the *Daming lü jijie fuli* 大明律集解附例 (Laws of the great Ming with collected commentaries and appended precedents). The late Ming and the Manchu Qing periods witness the first comprehensive responses from the Hui Muslims' side in interpreting the Islamic teachings and their Muslim way of life in traditional Chinese language, including the issue of marriage. This is typical in the works of the Han Kitab authors. I will deal with the three of them, namely, Wang Daiyu 王岱輿 (1584–1670), Liu Zhi 劉智 (1669–1764), and Ma Dexin 馬德新 (1794–1874), and their perceptions on marriage represented in their works, that is, *Zhengjiao zhenquan* 正教真詮 (Real interpretation of the orthodox teaching) by Wang, the *Tianfang dianli* 天方典禮 (Norms and rites of Islam) by Liu, and *Lifa qiai* 禮法啓愛 (Love for rites and laws) by Ma, respectively. When dealing with the Han Kitab authors, the *Qingzhen dadian* 清真大典 (Great classics of the pure and the real) proves to be very helpful. When it come to the period of China transforming from an empire to a modern nation state since late nineteenth century, more official documents are available, both from late Qing court and the Republican government. These official documents are, for example, the *Daqing lüli* 大清律例 (The great Qing code), the *Daqing xinglü* 大清刑律 (Criminal law of the great Qing), *Minshi xiguan diaocha baogao* 民事習慣調查報告 (Investigation report on civil customs), the *Daliyuan panjue quanshu* 大理院判決全書 (Collections of cases by Daliyuan), and of course the *Zhonghua minguo minfadian* 中華民國民法典 (Civil Code of the Republic of China) promulgated in 1930. As for the legal and administrative documents issued during the Republican period, the databases of *Quanguo fagui ziliaoku* 全國法規資料庫 (Laws & regulations database of the Republic of China), and the *Lifayuan guohui tushu guan* 立法院國會圖書館 (Parliamentary library of the Legislative Yuan of the Republic of China) are particularly helpful. Various issues relating to marriage were also widely debated in the journals, newspapers, and magazines produced by the Hui themselves during the Republican period, including the *Yueh Hwa zhoubao* 月華周報 (Moonlight weekly), *Yili yuekan* 伊理月刊 (Monthly magazine of Islamic principles), the *Zhongguo Huijiao xuehui yuekan* 中國回教學會月刊 (Monthly magazine of the Chinese Islamic Association), the *Hui guang* 回光 (Light of Islam), and *Huijiao wenhua* 回教文化 (Culture of Islam), to name a few.

Following the structure adopted in the previous two chapters on case studies, this chapter also follows a chronological order. It is divided into two main sections: one section dealing with the Hui Muslims marriage in pre-modern China, and the other section dealing with the marriage of the Hui Muslims in modern China. Furthermore, the section on the pre-modern period is subdivided into five parts. In part one, I address the issue of marriage among the early Muslims in Tang and Song China, when Muslims were deemed as barbarians and were supposed to live separately in their own community, not allowed to marry the Chinese. This, however, changed during the Yuan period when Muslims were given a higher status over the Han Chinese, which led to increased intermarriage between Muslims and the Chinese. Then part three examines the paradox of the *Ming Code*, in which, on the one hand, the Hui Muslims were not allowed to marry between themselves but to the Chinese only, but were, on the other hand, allowed to marry between themselves in case the Chinese were not willing to marry the Muslims. This shows a contradictory mindset of the Ming court who sought to assimilate the Hui Muslims into Chinese so that they might be obedient and loyal subjects to the Chinese regime, but at the same time wanted to make sure that the Hui Muslims would not completely become Chinese so that the Chinese would always keep in mind that the Muslims were not part of “Us.” These Chinese making projects via marriage rules, as well as the deep distrust of the Ming court towards Muslims, urged the Han Kitab authors to find reconciliations and to come up with philosophical, theological, as well as pragmatic solutions in terms of marriage, which are the issues I investigate in the fifth part of this section. The section on the modern period is the focus of the chapter, which examines the Hui Muslims marriage during the Republican period. It is also subdivided into several parts. In part one, I will try to answer how the Hui Muslims managed their marriage practices before 1930 when the first *Civil Code of the Republic of China* was issued. I will also argue that due to the absence of a Civil Code and the unique approaches applied by the Daliyuan 大理院, the then de facto supreme court of the Republic of China, which practically made it possible for the Hui to accommodate the Sharī‘a marriage rules with the state legal norms, these institutional settings contributed to the Hui Muslims formation as a “collective group,” a sense of “we-ness,” which witnessed an emerging identity of the Hui Muslims as a *minzu* 民族 (nation). And marriage was deemed key to the formation and future development of the *minzu*. The introduction of the idea of and the attempts to building a modern nation-state, including a modern legal system, also brought challenges to the Hui Muslims’ practices of the Sharī‘a marriage rules, especially in terms of the conflicts between polygyny in Islam and monogyny promoted by the state. This becomes more explicit with the promulgation of the *Civil Code* in 1930, which will be examined in the second part of this section. Before I conclude the chapter, I also include two short sections which discuss the Hui Muslims marriage under the Chinese Communist Party before 1949 and its development in contemporary China.

To further illustrate how the Hui Muslims deal with the issue of marriage, an issue that carries great weights in both the Han Chinese and Islamic cultures. it is necessary to, first of all, depict how marriage is perceived in both cultures respectively.

1. Marriage in Classical Islamic Law: Whom to and not to Marriage, Marriage Contract, Marriage Portion, Conjugal Relations, and Divorce

Marriage law, as part of the legal rules on issues related to family and inheritance in Islamic jurisprudence, probably is the most developed and well-known legal field. Since my aim here is not to give a detailed discussion of marriage law in Islam, I will mainly refer to the Quran, the most “sacred source of [Islamic] law, embodying knowledge that God had revealed about ... how the believer should conduct himself or herself in this world” (Hallaq 2009b, 16), and follow the teachings of the Hanafi school of Sunni Muslims as the majority of the Hui Muslims do. Before I go into discussions on the specific requirements and conditions of the issue, let us, as usual, take a look at some of the relevant verses from the Quran, the primary source of the Sharī‘a, concerning marriage.

There are several verses in the Quran dealing with the issue of marriage. For example, the Quran read that “And among His Signs in this, that He created for you wives from among yourselves, that you may find repose in them, and He has put between you affection and mercy. Verily, in that are indeed signs for a people who reflect” (30:21), in which marriage is deemed as one of the divine signs of Allah (Abu-Zayd 2013, 153). Notably, a whole chapter of the Quran is named *The Women* (An-Nisa’) which contains most of the regulations

concerning women and marriage, such as whom to marry, whom not to marry, and regulations on marriage portion (*Mahr*).⁶⁷¹ Sectorsky (2010, 25) has pointed out that, “a woman is given in marriage by her guardian (4:3) to a groom who must provide her with a marriage portion (4:4, 25; 5:5).” The Quran does not specify in which form a marriage should be concluded. However, marriage is, according to *fiqh*, regarded as “a highly religious sacred covenant...a civil contract legalizing intercourse and the procreation of children” (Esposito and Natana 2001, 16). It is also a combination of both *‘ibādāt* and *mu‘āmalāt*. Partially for these reasons, Muslims normally make a marriage contract in writing, for the Quran says, “You should not become weary to write it (your contract), whether it be small or big, for its fixed term, that is more just with Allah; more solid as evidence, and more convenient to prevent doubts among yourselves” (2:282). As a contract, two elements are essential, namely the offer of one party (*ījāb*) and the acceptance of the other (*qabul*). A marriage contract in Islam may be concluded with the two parties involved, the groom and the bride, or their respective guardians (*al-walī*),⁶⁷² most of the time the father, depending on the legal capacity of the parties. Normally, the parties of the marriage contract should be of sound mind and reach a certain age limit⁶⁷³ to be able to negotiate the contract themselves or serve as a guardian for others. There is no fixed form of the contract.⁶⁷⁴

a. Whom to Marry

Perhaps the most disputable part of marriage law in Islam concerns male polygamy. As a male Muslim, it is permissible in the Quran to have up to four wives at a time and unlimited slave concubines. As the Quran recites, “And if you fear that you shall not be able to deal justly with the orphan-girls⁶⁷⁵ then marry (other) women of your choice, two or three, or four; but if you fear that you shall not be able to deal justly (with them), then only one or that your right hands possess.⁶⁷⁶ That is nearer to prevent you from doing injustice” (4:3). Besides, Muslim men can also marry non-Muslim women as one of the four wives.⁶⁷⁷ However, a Muslim woman can only marry a Muslim man, and it is forbidden for Muslim women to marry non-Muslims, according to the Quran which says that “And give not (your daughters) in marriage to Al-Mushrikun till they believe (in Allah Alone) and verily, a believing slave is better than a (free) Mushrik (idolater), even though he pleases you”⁶⁷⁸ (2:221). This evidently shows, as Rohe (2014, 105) points out, how much patriarchal ideas can be embedded in the law.

⁶⁷¹ The Arabic word *Mahr* meaning an obligatory bridal-money given by the husband to the wife at the time of marriage (4:4) has no equivalent English translation. Other options include the dowry, dower, bride-wealth, and bride-price, which in fact cannot be referred to as the *Mahr*. I use the term marriage portion introduced by Sectorsky (2010, 1). In addition, in pre-Islamic Arab society, *Mahr* refers to a payment given by the husband to the father of the wife.

⁶⁷² Both the groom and the bride can have a guardian as their representative in concluding a marriage contract, such as in the cases where the two parties involved are minors. Besides, the guardians can have delegates and “proxy marriages” is possible (Rohe 2014, 107).

⁶⁷³ The minimum age for marriage varies in different legal schools in terms of the onset of puberty to decide when one is old enough to represent him- or her- self. It is nine years for girls and it ranges, for boys, from nine years in the Maliki and Shafii schools, ten years in the Hanbali School, and twelve years in the Hanafi School.

⁶⁷⁴ According to Rohe’s (2014, 107) research, “classical Islamic law contains no specific formal requirements for a marriage contract.” However, scholars disagree on whether Arabic should be used in marriage formalities. In the case of the Hui Muslims in China, despite the fact that most of them are not able to read or speak Arabic, it is a tradition to use Arabic in the wedding ceremony when the Imam is invited to host the concluding of the marriage contract.

⁶⁷⁵ In Islam, a woman or a girl who has neither a father nor a husband is regarded as an orphan, in which case there should be a guardian to take care of her until she reaches the marriageable age (4:6). However, as a guardian, it is not allowed to either marry her or prevent her from marrying so as to keep in hand the wealth the woman has. As the Quran says, “They ask your legal instruction concerning women, say: Allah instructs you about them, and about what is recited unto you in the Book concerning the orphan girls whom you give not the prescribed portions (as regards *Mahr* and inheritance) and yet whom you desire to marry, and (concerning) the children who are weak and oppressed, and that you stand firm for justice to orphans. And whatever good you do. Allah is Ever All-Aware of it” (4:127).

⁶⁷⁶ According to the interpretation of Muslim scholars, “your right hands possess” here refers to female slaves, but there is no agreement on what kind of slaves they are. Other interpretations of the phrase, see Sectorsky (2010, 25).

⁶⁷⁷ The Quran said that “(Lawful to you in marriage) are chaste women from the believers and chaste women from those who were given the Scripture (Jews and Christians) before your time when you have given their due *Mahr*” (5:5).

⁶⁷⁸ According to Muslim scholars, the Al-Mushrikun refers to polytheists, pagans, idolaters, and disbelievers in the Oneness of Allah and in His Messenger Muhammad. However, scholars disagree on who are the disbelievers and whether it is allowed, as in the case of marriage of a Muslim man, for a Muslim woman to marry a man with the Book (Jews and Christians).

b. Whom not to Marry

In addition to religion, there are also other numbers of impediments to marriage based on blood relationship. These impediments are introduced in verse twenty-three Chapter four of the Quran. It prohibits the marriage of a man to a woman with whom he has a certain blood relationship or consanguinity, as the Quran says “Forbidden to you (for marriage) are: your mothers, your daughters... your foster mothers who gave you suck, your step-daughters.”⁶⁷⁹ This means that in Islam a man is not allowed to marry his ascendants as well as descendants. This prohibition also extends to marriage with relations by affinity, namely the ascendants or descendants of his wife or the wife of his ascendants or descendants, including the above-mentioned relationships by fosterage, as the Quran reads that it is forbidden to marry “your sisters, your father’s sisters, your mother’s sisters, your brother’s daughters, your sister’s daughters, your foster milk suckling sisters, your wives’ mothers.” Another prohibition involves the relationship, as Esposito and Natana (2001, 21) stated, of “unlawful conjunction,” namely “a Muslim must not be married at the same time to women related by consanguinity, affinity, or fosterage,” for the Quran says, for example, it is forbidden to marry “two sisters in wedlock at the same time.” Further, as I mentioned, a man may have up to four wives at a time; while a woman may have one husband under the same circumstance. It is forbidden to marry a woman who has already married⁶⁸⁰ or a woman who is still in the waiting period of three months after a divorce⁶⁸¹ or four months and ten days after the death of the husband.⁶⁸² One last occasion concerning the impediments of marriage is the irrevocable divorce, where the Quran says “And if he has divorced her (the third time), then she is not lawful unto him thereafter until she has married another husband. Then, if the other husband divorces her, it is no sin on both of them that they reunite, provided they feel that they can keep the limits ordained by Allah” (2:230).

c. Formalities for Concluding the Contract

The marriage should be contracted in public, and no secret marriage is permitted in Islam. In addition, there is no specific formalities or forms required by the Quran in terms of the concluding of the marriage contract. However, two factors are essential in the Sunni tradition. One is the general consent of the marrying parties⁶⁸³ and the other concerns the witnesses of the marriage contract. Muslim jurists and scholars, especially those of the Hanafi School, argue that the presence of two witnesses is a requirement for the legal effectiveness of the marriage contract, and they also assert that the witnesses can be two men or one man and two women. However, these requirements are not found in the Quran.⁶⁸⁴

⁶⁷⁹ It is only forbidden to marry the stepdaughters with whose mother the man has had sex. Besides, as the Quran says, it is forbidden to marry “your step-daughters under your guardianship, born of your wives to whom you have gone in--- but there is no sin on you if you have not gone in them (to marry their daughters)” (4:23). Therefore, a man may lawfully marry a woman with whose mother he has had concluded a marriage contract but “divorce takes place before consummation” (Spectorsky 2010, 29), in which case the woman has not become his stepdaughter.

⁶⁸⁰ In verse twenty-four of sura four, the Quran read that, “Also (forbidden are) women already married.”

⁶⁸¹ The waiting period (*‘idda*) is a period of time when a woman is not allowed to remarry after the previous marriage has been terminated. This period is considered as a time to determine the pregnancy of the woman and it also works as a time for reconciliation between the husband and the wife. The Quran states that, “and it is not lawful for them to conceal what Allah has created in their wombs, if they believe in Allah and the Last Day. And their husbands have the better right to take them back in that period, if they wish for reconciliation” (2:228). In the case of a divorce, as the Quran says, “And divorced women shall wait (as regards their marriage) for three menstrual periods” (2:228).

⁶⁸² If the previous marriage has been terminated due to the death of the husband, the *‘idda* lasts for four months and ten days. The Quran says “And those of you who die and leave wives behind them, they (the wives) shall wait (as regards their marriage) for four months and ten days, then when they have fulfilled their term, there is no sin on you if they (the wives) dispose of themselves in a just and honourable manner (i.e. they can marry). And Allah is Well-Acquainted with what you do” (2:234).

⁶⁸³ Again, scholars disagree on which form the consent should be addressed. However, based on a prophetic tradition, “a virgin’s silence in response to a proposal of marriage is generally seen as consent” (Rohe 2014, 108).

⁶⁸⁴ The requirement for witnesses of two men or one man and two women appears only once in the Quran in a context of concluding a transactional contract, where the Quran says “And get two witnesses out of your own men. And if there are not two men (available), then a man and two women, such as you agree for witness” (2:282). Most jurists and scholars based their justification of one man and two women as witnesses in the Quran which continues saying “so that if one of them (two women) errs, the other can remind her” (2:282). However, there is no agreement on the legal consequences of the violation of the requirement and, as a matter of fact, the validity of the requirement itself in marriage contract.

d. *Mahr*

It is said that the rules and regulations introduced by the Quran, especially concerning marriage, have improved the situation of women in pre-Islamic Arab society.⁶⁸⁵ And this is particularly true when it comes to the marriage portion, or the *Mahr*, which is given directly and exclusively to the wife. The husband is obliged to give *Mahr* to the women he marries, regardless of the status of the woman, being a free woman or a slave. According to the Quran, the husband is required to “give to the women (whom you marry) their *Mahr* with a good heart; but if they, of their own good pleasure, remit any part of it to you, take it, and enjoy it without fear of any harm (as Allah has made it lawful)” (4:4). The Quran continues that, “those of whom you have enjoyed sexual relations, give them their *Mahr* as prescribed; but if after a *Mahr* is prescribed, you agree mutually (to give more), there is no sin on you” (4:24). Although there are no rules in the Quran concerning the amount of *Mahr* the husband has to pay to the wife, the *Mahr*, as an obligatory payment, gives financial independence to the bride from both her parents as well as, in many cases, her husband (Spies 2014, 78–79). Besides, it may also “be employed as a protective measure for the benefit of the wife to uphold the marriage” (Rohe 2014, 111) or as a means of financial support in cases of a divorce initiated by the husband who “is required to pay the total amount of the dower at once” (Esposito and Natana 2001, 24). Based on whether the couple has had sex or not, the woman, according to the Quran,⁶⁸⁶ may claim the whole or half of the amount of the *Mahr*.

e. *Conjugal Relations*

Many verses in the Quran promotes good relations between husband and wife,⁶⁸⁷ and some have specified the mutual obligations of the two. For example, the husband is required to provide maintenance (*nafaqa*) to the wife and in turn, the wife is supposed to show respect and obedience to the husband (2:228). However, the Quran also recognises, if not promotes, the fact that man has more right over the woman. The Quran says, “Men are the protectors and maintainers of women, because Allah has made one of them to excel the other,” and as for the reason for the dominance of man over woman the Quran explains by saying that “because they spend (to support them) from their means. Therefore the righteous women are devoutly obedient (to Allah and to their husbands)” (4: 34).⁶⁸⁸ In addition to the maintenance mentioned above, the marriage property rules also include the mutual inheritance of the two parties.⁶⁸⁹ In general, as Rohe (2014, 116) points out, it is the man who enjoys privileges over woman, for “presuming men to possess a higher level of reason and consequently granting them the power of decision results in a structural imbalance.” In addition to the property right, another important rights and obligation between the husband and wife is sexual intercourse,⁶⁹⁰ which also inspired the Hui scholars of the Han Kitab tradition to criticize other religions, such as Buddhism, that promote monasticism.

⁶⁸⁵ An excellent summary of the pre-Islamic Arabia is made by Avner Giladi (2010, 174) who says that “It has been suggested that at the time of the Prophet, the family structure within the Arabian tribal system went through a transition from matrilineal-matrilocal, which was common in central Arabia and influential to a certain degree, during the early Islamic period, to patrilineal-patriarchal-patrilocal, a form dominant in Mecca even before the time of Muhammad.”

⁶⁸⁶ The wife may retain her *Mahr* when divorce, for the Quran specifies, “But if you intend to replace a wife by another and you have given one of them a Qintar (of gold i.e. a great amount as *Mahr*) take not the least bit of it back; would you take it wrongfully without a right and (with) a manifest sin?” (4:20). If the divorce takes place before intercourse, the Quran says, “And if you divorce them before you have touched (had a sexual relation with) them, and you have appointed unto them the *Mahr*, then pay half of that (*Mahr*), unless they (the women) agree to forego it, or he (the husband), in whose hands is the marriage tie, agrees to forego and give her full appointed *Mahr*” (2:237).

⁶⁸⁷ See for example in the Quran 30:21, 2:187, 2:223, 4:34, 2:228, 4:128–29, and 2:222.

⁶⁸⁸ This verse has been seen as one showing the patriarchal nature of the Quranic discourse in general. And it has bothered the jurists and scholars particularly in what follows as saying “As to those women on whose part you see ill-conduct, admonish them (first), (next), refuse to share their beds, (and last) beat them (lightly, if it is useful)” (4:34). Based on the classical and modernist interpretations, this was concluded with a virtual abrogation of the “beating.” However, modern scholars advocate the historical reinterpretation of the Quran in general (Abu-Zayd 2013, 153–68) and this verse in particular (Mahmoud 2006, 537–50), to fit into the modern idea of gender equality.

⁶⁸⁹ The Quran specifies “There is a share for men and a share for women from what is left by parents and those nearest related, whether the property be small or large—a legal share” (4:7).

⁶⁹⁰ As a matter of fact, the Arab word for marriage, *nikāh*, literally means sexual intercourse. There are several verses in the Quran stipulating issues on sex, for example, intercourse during Ramadan (2:187), and during menstruation (2:222).

f. Divorce

It is not true that the husband is the only party who is entitled to initiate the divorce in Islam, though it is indeed true that the husband does have more avenues open to them (Rohe 2014, 116). In general, Islam holds a very negative attitude towards divorce.⁶⁹¹ There are several ways in which a divorce may take place.⁶⁹² However, in accordance with its relevance to the issue in question, I would introduce the most recognised one by the Hui Muslim communities,⁶⁹³ the *ṭalāq* proper, a unilateral divorce of the husband against the wife.⁶⁹⁴ The *ṭalāq* proper can be divided into the revocable,⁶⁹⁵ where the pronouncement of divorce becomes irrevocable after the waiting period (*’idda*), and the irrevocable, where the marriage ends immediately. In any case, the husband should literally express the word “*ṭalāq*” or the alike, such as “I divorce you,” “you are *ḥarām* (forbidden) for me,” to the wife. As for the revocable *ṭalāq*, after the pronouncement of divorce by the husband, the wife goes into the *’idda* period (three months normally, see Quran 2:228 and 65:4) during which time (unless the pronouncement becomes irrevocable) the couple can determine if the woman to be divorced is pregnant and if they (actually the husband) wish for reconciliation (2:228). However, if and when the divorce is or becomes irrevocable, the marriage ends and the wife is free to remarry. Although several points have been made concerning the protection of women’s right in case of a divorce,⁶⁹⁶ its practical implementation rests on the specific socio-economic situations, as with the case of the Hui Muslims in China who are also partially influenced by, if not entirely subject to, the marriage norms of the Han Chinese.

2. Marriage in Traditional Han Chinese Law: Whom to/not to Marriage, Marriage Rites, Property Rights, Conjugal Relations, and Divorce

To begin with, the historical period of “traditional Han Chinese law” ends in late 1800s when China went through substantial changes in its infrastructure, political and social systems, including its laws. Unlike the Islamic point of view that regards marriage as one of the Divine Signs of Allah, marriage in traditional Han culture, based on which the legal system was built, represented the very foundation of the *li* 禮 that regulates not only family affairs but also social and political ones.⁶⁹⁷ In other words, marriage in traditional Han Chinese culture is the foundation and very core of both the individual life and the whole society and state in general. Core scriptures of Han civilization emphasised this concept. For instance, the *Yijing* 易經 (Book of changes) reads,

Heaven and earth existing, all (material) things then got their existence. All (material) things having existence, afterwards, there came male and female. From the existence of male and female, there came afterwards husband and

⁶⁹¹ According to Sunan Ibn Majāh (2007), “the most hated of permissible things to Allah is divorce.” And the Hanafi school, in the *Hedaya* (guide, *al-Hidāyah* in Arabic), argued that divorce is “a dangerous and disapproved procedure as it dissolves marriage, an institution which involves many circumstances as well as of a temporal as of a spiritual nature; nor is its propriety at all admitted, but on the ground of urgency of release from an unsuitable wife” (Hamilton 2013, 203).

⁶⁹² According to classical Islamic law, a divorce may take place, in addition to what I explain here, in forms of, such as, *ṭalāq al-tafwīd* (delegated divorce), *khul’* and *mubāra* (mutual divorce) *li’ān* and *Faskh* (divorce by judicial process), and divorce by apostasy (Esposito and Natana 2001, 29–36).

⁶⁹³ As for the practice of the Islamic marriage law among the Uighur Muslims, see (Qian and Xiao 2013, 10–14; Aximu 2011, 13–16; Xiao 2010).

⁶⁹⁴ The husband can initiate the divorce by making a pronouncement that the marriage is dissolved without further citing courses. According to the Hanafi school, the pronouncement of divorce is effective and valid even the husband is in jest, in drunkenness, or even under compulsion when making it. Moreover, it is effective even without the wife’s presence or informing her about the declaration of divorce (Rohe 2014, 117).

⁶⁹⁵ The revocable *ṭalāq* can be subcategorised into the *ṭalāq al-ahsan* (the most respected procedure) and *ṭalāq al-hasan* (the accepted procedure). Either in the former, where the husband utters one declaration of divorce during the period when the wife is not experiencing menstruation (*tuhr*); or in the latter, where the husband utters one pronouncement in each of the two consecutive *tuhr* periods, the woman goes into *’idda* afterwards during which time the divorce declaration is revocable.

⁶⁹⁶ First, the *Mahr* the wife received when marrying remains hers, as the Quran says “But if you intend to replace a wife by another and you have given one of them a *Qintar* (a great amount as *Mahr*) take not the least bit of it back...” (4: 20). Secondly, the wife’s waiting period continues till her delivery if she is pregnant when divorced, as the Quran reads “And for those who are pregnant (whether they are divorced or their husbands are dead), their *’idda* is till they lay down their burden” (65:4), during which time, according to 65:1 and 65:6, the woman receives maintenance and remains in her marital home.

⁶⁹⁷ For instance, the *Liji* 禮記 (Book of rites) reads “marriage is the origin and basis of the *li*.”

wife. From husband and wife there came father and son. From father and son there came ruler and minister. From ruler and minister there came high and low. When (the distinction of) high and low had existence, afterwards came the arrangements of propriety and righteousness.⁶⁹⁸

Obviously, the issue of marriage and family is intertwined with socio-political hierarchy and order. According to the *Liji* 禮記 (Book of rites), instead of the union of two individuals, marriage is the positive combination of two families so as to serve the ancestral shrine and the reproduction of later generations.⁶⁹⁹ In other words, family has played a crucial part in traditional Han culture, and it is embedded in Confucian teachings. Even today, marriage is deemed an important event for the families of the groom and the bride.⁷⁰⁰ For example, in traditional China, the consent of the parties of the marriage, namely the groom and the bride, is not important; instead, a marriage is supposed to be based on the order of the parents⁷⁰¹ and the words of a match-maker.⁷⁰² As Chen ([1937]2014) argued, the idea of marriage being not only a familial event but also the core of the *li*, which was fundamental to the socio-political order of the state, was represented in the marriage laws throughout Chinese legal history.⁷⁰³ In accordance with the aspects that I discussed in the section on marriage in classical Islamic law, I will also discuss relevant issues in the traditional Han Chinese context accordingly.

a. Whom to/not to Marry

Marriage as an important event of the patriarchal clan concerns the interest of the whole family, especially the reproduction of the offspring; hence, it was no surprise that a man was entitled to marry several women. However, there was only one woman who may enjoy the status of the wife (*qi* 妻), with the rest being the concubines (*qie* 妾).⁷⁰⁴ The rights and obligations of the wife and the concubines were different, and different procedures were applied when they were married. Perhaps the most decisive requirement of marrying a woman as one's wife was the approval of the parents and the introduction of the matchmaker,⁷⁰⁵ as a matter of fact, it is forbidden for the individual man and woman to marry according to their own will. Generally, the minimum age when a person was allowed to marry was set in accordance with the age of maturation, which ranged, in different dynasties, from fifteen to thirty for a man and thirteen to twenty for a woman.⁷⁰⁶

⁶⁹⁸ The translation is from Legge (1963, 435–36) and the original Chinese is, “有天地然後有萬物，有萬物然後有男女，有男女然後有夫婦，有夫婦然後有父子，有父子然後有君臣，有君臣然後有上下，有上下然後禮儀有所錯。” The issue of marriage is reflected in the Xian Hexagram (*xiangua* 鹹卦) in the *Yijing* after which the Heng Hexagram (*henggua* 恆卦) followed, indicating the everlasting (*heng* 恆) of the marriage. Also see Legge's comments (1963, 126–27).

⁶⁹⁹ The original Chinese in the *Liji* is “昏禮者，將合二姓之好，上以事宗廟，下以繼後世也。”

⁷⁰⁰ The concept of family in ancient China refers not to the nuclear family but an extended family including father, mother, their (no matter married or not) children, parents of the father's, and sometimes also the brothers of the father's. And that is the reason why all wedding ceremonies of Han Chinese were celebrated in the ancestral temple of a ruling house (*zongmiao* 宗廟) in front of the ancestors.

⁷⁰¹ Theoretically, both parents may be the officiators who determine the marriage of the child (Chen [1937]2014, 113–15) and preside over the wedding ceremony, however, in practice it is almost always the father or the close male relatives who are in charge. At the same time, if the marriage violated the *li* 禮 or the *lü* 律 the parents who were in charge of the marriage, other than the groom and the bride, would be punished. See for example the *Tanglü* 唐律 (Tang code) and the *Qinglü* 清律 (Qing code).

⁷⁰² In Chinese, it is well-known as “父母之命，媒妁之言。” Although today it is legally not binding any more, it is still prevalent in China to obey the will of the parents when it comes to marriage.

⁷⁰³ For a more detailed and comprehensive introduction of marriage and marriage laws in ancient China, see, for example, Zhang Xipo (2004), Zhang Jinfan (1992), and Chen and Liu (2012, 710–20).

⁷⁰⁴ It is important to have only one wife (*qi* 妻) in the family in terms of the distribution of family property and the inheritance. Only the sons, normally the eldest son, from the wife were entitled to perform one of the most important religious ceremonies, the offering of sacrifices to the ancestors (*jizu* 祭祖), and to inherit the family property and/or the familial and socio-political status of the father. Besides, though theoretically man was not encouraged to have concubines, according to Confucian *li*, in practice, there were no limits of the number of concubines a man could have, especially in the royal family and those rich ones.

⁷⁰⁵ It is believed that at least during the Shang Dynasty (1766 to 1122 BC) there was an official position called the *Meishi* 媒氏 who was in charge of the civil administration, including marriage and divorce (Zhang Xipo 2004, 19–20).

⁷⁰⁶ In ancient Chinese laws, there were maximum ages of marriage for men and women. For example in the Tang Dynasty, according to the *Xin tangshu* 新唐書 (New book of the Tang), if a man over twenty or a woman over fifteen was still unmarried the local government should be responsible for their marriage and provide money for the marriage. In addition, the minimum age of marriage had been set at fifteen/sixteen for men and thirteen/fourteen for women.

There were also circumstances where the two marrying parties may not marry, and those who did, even based on the approval of the parents, would be punished by the state and the marriage would have to be declared void, accordingly. These include first the ban of marriage between people with the same surname (*tongxing buhun* 同姓不婚),⁷⁰⁷ which dates back to the Shang Dynasty and was kept until late Qing. For example, in the Tang Dynasty if those who had the same surname got married they would be punished with two-year imprisonment and even the matchmaker of the marriage would be either sentenced to one-year imprisonment or physically punished with sixty floggings (Zhangsun 1983, 466).

The second major prohibition in marriage is the marriage between relatives. In ancient China, there were three kinds of relatives (Zhang Xipo 2004, 22–24) with the closest being the *zongqin* 宗親,⁷⁰⁸ followed by the *waiqin* 外親,⁷⁰⁹ and then the *qiqin* 妻親 that was the *zongqin* of one's wife's. All these relatives, again according to the *li*, are expected to behave differently with regards to the terms when they are in mourning for the relative, and this mourning system, namely the *wufu* 五服, together with the *zongqin* system, determines the marriage prohibition between relatives. For example, in the Ming and Qing dynasties, those who had the same surname and married would be punished with sixty floggings and the marriage would be dissolved. Moreover, if they were relatives within the *zongqin* system, for example, a punishment of one hundred floggings would be applied, and if they were further within the *wufu* mourning system the groom and the bride (together with their parents) may be punished with a sentence of up to death for committing fornication or incest.⁷¹⁰ Besides, a marriage, according to the *Tanglü* 唐律 (Tang code), is forbidden if it is between people who are in mourning of one's parents (three years) or whose parents are in prison.

The legal prohibition of marriage between relatives or people with the same surname, in general, is one thing, while the common practice of people is another, especially when it comes to marriages between relatives with different surnames. Thus, marriages with relatives from one's mother's side, such as with the daughters of one's aunt,⁷¹¹ were actually common. For example, the marriage of one with his or her mother's sisters' or brothers' child was or even still is desired and encouraged (Zhang Xipo 2004, 58–59; Yang and Ma 1990, 18–25; Chang 2005, 130).

There were, in different dynasties, other legal rules prohibiting certain marriage between people with special relationships, such as the prohibition of the marriage between a local government official with the woman under his jurisdiction, the prohibition of the marriage between the common people (*liangmin* 良民)⁷¹² and those whose social status was lower (*jianmin* 賤民).⁷¹³ Notably, the prohibition of marriage between people of different classes, and different occupations, has reinforced the idea of a marriage between families of equal social rank (*mendang hudui* 門當戶對), which, though is not legally binding, is still prevalent in China today.

⁷⁰⁷ Children inherit their family name from the father. The taboo of marriage between two people with the same surname probably came as an experience of marriage between people with consanguinity that led to the disadvantages and disabilities of their offspring, for the same surname was an indicator of coming from the same family. Though with the expansion of family it is likely that people with the same surname do not have any consanguinity relations, the taboo has been preserved.

⁷⁰⁸ The *zongqin* 宗親 refers to all male relatives with the same ancestors, the spouses of these male relatives, and their unmarried daughters.

⁷⁰⁹ The *waiqin* 外親 refers to those consanguineous relatives with different surnames, including one's maternal grandparents, brothers and sisters of one's mother and their children, and the children of one's female *zongqin*.

⁷¹⁰ The closer the familial relationship between the two, the severer the punishment. For example, according to the *Minglü* 明律 (Ming code), people, within the Wufu Mourning System, of the *zicui* 齊衰 level, such as marriage with one's sisters, one's father's sisters or brothers' daughters, would be beheaded; people of the *dagongfu* 大功服 or *xiaogongfu* 小功服 level, such as marriage with the daughters of one's father's brother, or with the daughter of the brother of your paternal grandfather, would be killed by hanging; and people of the *sima* 緦麻 level would be sentenced with a three-year imprisonment and one hundred floggings.

⁷¹¹ As I mentioned, in ancient China one inherited one's surname from the father, thus the daughters of one's father's or mothers' sisters and the daughters of one's mother's brothers would have a different surname from one's own, and the marriage between them, though legally prohibited, was common.

⁷¹² The term *liangmin* 良民 refers to common people, which include scholars (*shi* 士), peasants (*nong* 農), artisans (*gong* 工), and merchants (*shang* 商), and also royal family and the nobles, government officials, monks and Daoist priests.

⁷¹³ The class of *jianmin* 賤民 refers to people who lose their freedom and are discriminated due to certain occupations they have, such as maids, manservants, prostitutes, yamen runners, and dancing or music actors and actresses.

b. Marriage Rites

In addition to the approval of one's parents and the introduction of the matchmaker, the legal requirements of setting up a marriage also include certain rites and procedures. In other words, in ancient China to marry a wife several rites were required, namely the "Six Rites" (*liu li* 六禮).⁷¹⁴

According to the *Liji*, the Six Rites refer to *Nacai* 納采, *Wenming* 問名, *Naji* 納吉, *Nazheng* 納征, *Qingqi* 請期, and *Qinying* 親迎. *Nacai* is the offer of the man in which the matchmaker, on behalf of the man's family, makes the proposal to the woman's family. Practically *Wenming* also takes place during *Nacai* in which the matchmaker asks the name of the woman and her parents, in case of having the same surname, and the date of birth of the woman for divination. During *Naji*, the man's family would send the matchmaker with the positive outcome of the divination and the marriage contract to the woman's family, and both families, normally represented by the fathers or grandfathers, would sign the contract in which the name, occupation of the head of the family, again the father or grandfather, would be indicated, which is the formal promise of the woman's family to marry. The marriage is not officially accepted by the woman's family until they accept the bride-price (*caili* 彩禮 or *pinli* 聘禮) given by the man's family to the woman's (*Nazheng*), which also means, according to the *Tanglü*, the woman's family can no longer break a pledge of marriage.⁷¹⁵ After the acceptance of the bride price, the man's family would suggest a date for the wedding ceremony (*Qingqi*). It has to be noted that till now all the rites are held at the ancestral temple, indicating respect to the ancestors and also the importance of marriage as a familial event, rather than an individual union between the husband and the wife. As a matter of fact, the man who is to get married is not at all an important participant before the last rite of *Qinying* when the man has to take his wife back home in person. On the evening of the day of the wedding ceremony,⁷¹⁶ the groom, with the approval of his father, would go to the family of the bride and take her back to his family.

The accomplishment of the Six Rites indicates the establishment of the relationship between the husband and the wife. However, there is a big difference between the "becoming the wife" (*chengqi* 成妻) and "becoming the daughter-in-law" (*chengfu* 成婦). That is to say as a familial event the wife is not fully accepted as a new member of her husband's family after the wedding ceremony of the Six Rites. She is expected to make a formal visit to the ancestral temple of her husband's family three months after the wedding ceremony. Until then she would formally broke her ties with her own parental family and was both legally and socially accepted as a family member of her husband's family, otherwise, she would not be entitled to some rights, such as inheritance (Chen and Liu 2012, 714).

c. Conjugal Relations

It is obvious that the relationship between the husband and the wife in marriage reflects and maintains the patriarchal and patrilocal order where the wife is subordinate to the husband, based on which the general socio-political order is secured, as Confucianism argues that "family members, the female ought to be responsible for the internal affairs and the male for the external, which is the Great Order of the Heaven... with the family being secured, All under Heaven can be in peace."⁷¹⁷ The very idea and fact of women being subordinate to men, according to the *li*, is reflected in the requirement of the "three subordinates" (*sancong* 三從), namely a woman must be subordinate to her father before marriage; to her husband after marriage, and to her son after

⁷¹⁴ As I discussed in chapter six, the norms of *li* differ for people from different classes. The Six Rites, according to Chen's ([1937]2014, 15) research, are the wedding procedures applied to the class of *shi* 士. Besides, there have been several variations of the Six Rites in different dynasties (Chang 2000, 48). However, the Six Rites was legally fixed in the Tang Dynasty (Zhang 1992, 436). These rites were only applied when marrying a wife, and do not apply to marrying a concubine.

⁷¹⁵ If the woman's family break off the engagement after they have accepted the bride-price, the officiate of the marriage or the father or grandfather of the woman would be punished with sixty floggings. However, this does not apply to the man and his family. There is no legal consequences if the man or his family break the engagement.

⁷¹⁶ The Chinese term for marriage is *hunli* 婚禮 or 昏禮. *Hun* 昏 refers to a period of time of a day, approximately equivalent to 19:00 – 21:00. And marriage is a rite taking place during the time of *hun*.

⁷¹⁷ The original Chinese is "家人，女正位乎內，男正位乎外，男女正，天地之大義也.....家正，而天下定矣。" See (Liu 2007, 20). For a general discussion on the All under Heaven (*tianxia* 天下), see (Zhao 2005, 2011, 2015, 2016). Also, refer to my discussion in chapter three on the religious dimension of the concept of China as the *Tianxia*.

the death of her husband (Chen [1937]2014, 131–33). Thus, on the one hand, it is no surprise that the husband has control over his wife. For example, the husband was in charge of the family property, including those the wife brought with her (Zhang 1992, 157). On the other hand, the law also stipulated more obligations to the wife and heavier punishment in case of violation of the obligations. For example, the man was allowed to have several concubines in addition to the wife; while the woman could have only one husband; the husband may be given a punishment of imprisonment for extramarital affairs while the wife may be sentenced to death under the same circumstance (Zhang 1992, 269).

The wife becomes a member of her husband's family, and this has several legal consequences. First and foremost, she is obliged to take care of the whole family, which include, of course, her husband and their children, her father-in-law and mother-in-law, and also the unmarried sisters- and brothers-in-law. In case she failed to do so, it may lead to the divorce of the marriage by the husband. In general, the harmonious relationship, according to the perspective of the *li*, between family members is crucial in family, thus since the Han Dynasty at the latest, it was an obligation among the wife and her husband and also his parents to conceal for each other the crimes, which became more systematic in the Tang Code.⁷¹⁸

d. Property Right

In general, women did not have any independent property right, though there existed some exceptions in different dynasties. Before marriage, women were not entitled to inherit any property from their family, for the property was divided and distributed among sons and unmarried women were only to be given a small amount of property as her trousseau (*jia Zhuang* 嫁妝).⁷¹⁹ However, the wife lost her control over the trousseau she brought with her after marriage. In case of the death of the wife, the trousseau would be inherited by the husband and belonged to his family, and the wife was not allowed to take back her trousseau in case of a divorce. Theoretically, no one in the family had an exclusive and independent right of property ownership, for the property was jointly owned by the family. The wife and women in general, however, were excluded from the right of disposition of the property (Cheng 2006, 277–86). It seems that the only occasions where a woman was entitled to property inheritance were that an unmarried woman who did not have any brothers or a woman as a widow who did not have any son would be allowed to inherit part of the family property. In other words, as long as there were male family members, father, husband, brothers, or sons, women normally were excluded from property right. The issue of women's property rights also shows how patriarchal ideas permeate several, if not all, sectors of traditional Chinese laws.

e. Divorce

The same with the Islamic attitude towards marriage, the traditional Han Chinese culture, though allowed, did have a negative attitude towards divorce. A marriage ends due to the death of one of the spouses or a divorce initiated by the couple or the husband.

Precisely speaking, the death of one of the spouses results in the termination of the relationship between the husband and the wife, which, however, did not necessarily lead to the end of other legal relations resulting from the marriage, especially the relationship between family members and relatives (Chen [1937]2014, 168–70). Theoretically, according to the norms of *li*, both men and women were encouraged not to remarry after the death of their spouse.⁷²⁰ However, this actually meant different things for men and women. As I mentioned, men were allowed to have unlimited women, though not all were entitled as wife; women were encouraged to “stay loyal” to their husband even after his death, and her relationship with other family members of her

⁷¹⁸ Since the Tang Dynasty, family members, as long as they live together, are obliged to conceal crimes for each other, and those who do not live together are obliged to conceal the crimes committed by relatives above the *dagongfu* of the Wufu System (Qu 1996, 56–60). The younger generation may be punished with a death sentence if they report the crimes of the elder generation. A detailed introduction of the system of concealing between relatives and its counterpart in western tradition, see Fan (1997a, 87–104; 1997b, 114–23). Also, refer to my discussion in chapter four on the Hui Muslims and the Qing law.

⁷¹⁹ The amount for the unmarried women's trousseau was not fixed, however, it normally equalled to half of the amount reserved for an unmarried man as the bride-price (Chen and Liu 2012, 723–25). Since the Song Dynasties, the unmarried daughters were allowed to inherit half of the amount inherited by the sons (Cheng 2006, 277–87).

⁷²⁰ For example, the Confucian scholars in the Song Dynasty believed that the relationship between husband and wife should be permanent for one's lifetime and it was unacceptable to marry someone else after the death of the spouse (Chen [1928]1984, 138).

husband's family, especially with her parents-in-law, still, to some degree, existed.⁷²¹ In practice, on the other hand, although women were legally not allowed to get remarried within their mourning period for her husband (three years),⁷²² it was common practices for both men and women to get remarried after the death of their spouse. It turned out that people in ancient China were indifferent to one's remarriage, in spite of the fact that the government did encourage and honour those women who chose to remain a widow (Yu 2010).

The most well-known means in terms of the divorce is the "seven repudiations" (*qiqū* 七去), which originated from the Confucian *li* norms, which was entitled to the husband only. These seven occasions where the husband may divorce his wife were: disobedience to parents (namely to the husband's parents),⁷²³ inability to conceive,⁷²⁴ licentiousness,⁷²⁵ gossiping (among family members), stealing,⁷²⁶ jealousy, and bad disease.⁷²⁷ These seven occasions were the cases where the husband may divorce the wife, which means that he had a choice of whether to divorce his wife or not. The man, though practically, was granted the right to initiate a unilateral claim for divorce. His decision was restricted by the other three occasions where a man was not allowed to divorce his wife. These three occasions (*san buqu* 三不去) were: first, a wife may not be divorced if she was in her mourning period for her parents-in-law (three years); second, a woman whom the man married when he was poor and of a lower social position may not be divorced when the husband was richer and of higher social position; and third, a wife who had no family to go back to, for example, her own parents had already passed away, may not be divorced. Despite the fact that these three occasions, to a certain degree, protected a wife's right against the unilateral right of divorce of the husband,⁷²⁸ the general idea of the institutional and legal organization of the rules of divorce aimed at the protection of the patriarchal order and the interests of the clan or the extended family of the husband's.

The idea of protecting the extended family was also typically reflected in the coercive rules of divorce, the official interference from the government. The compulsory rules of divorce, according to the *Tanglü* for example (Chen [1937]2014, 187), stipulated five circumstances where a marriage must be dissolved, which included the physical assaults, killing, and incest between the couples and their relatives or among the relatives.⁷²⁹ The coercive rules and the "seven repudiations" were the legally accepted conditions for divorce.

⁷²¹ In ancient China, the woman's father-in-law was called *jiu* 舅, meaning the brother of her mother's, and her mother-in-law was called the *gu* 姑, meaning the sister of her father's, which indicated, in a sense, the close and familial relationships between them, instead of the western conception of the "in-law." Besides, according to the *Tanglü*, the ex-daughter-in-law would get a heavier punishment (than usual) if she assaulted her ex-parents-in-law, which may lead to a death sentence (He Yan 2000).

⁷²² A woman's remarriage taking place during her three-year mourning period for her husband was one of the "ten categories of major crime or the ten Abominations" (*shi'e* 十惡) that may lead to a death sentence for the woman (Zhou 2005).

⁷²³ According to the *li*, it refers to the wife's disobedience to her parents-in-law (*Bushun fumu* 不順父母), which mostly relies on the subjective experience of the parents-in-law. While in law, it refers to the wife's absence in supporting and waiting upon her parents-in-law (*Bushi gujiu* 不事舅姑), which emphasises the wife's external belabour (Jin 2001a, 63).

⁷²⁴ It refers in Chinese to *wuzi* 無子, meaning without a son. The wife may be divorced for this reason only after she was fifty years old.

⁷²⁵ The original Chinese is *yin* 淫, and scholars differ in opinion concerning what it referred as one of the "seven repudiations." Most hold that it means the promiscuity within the family (Chen [1937]2014, 183–84; Jin 2001b, 143–44; Ye 2001, 42). However, given the nature of family and the *li* norms in ancient China, especially from the perspective of Confucianism, promiscuity within family actually would lead to death sentence by law (such as in the legal codes in the Han, Tang, Song till Qing dynasties), rather than an optional condition where the husband may decide to divorce his wife. I translate it as licentiousness referring to immoral behaviours, including but not limited to, illicit relations with men that exceeded the social and moral boundary.

⁷²⁶ There are different opinions concerning the object of stealing, namely if it had to be the family property (which indicates that the wife did not have any property right to the family property), or if the property outside of the family was also included (Jin 2001b, 144).

⁷²⁷ According to the *li*, the disease due to which the husband may divorce the wife should be those that "disabled the wife from attending the ancestor worship together with the husband," such as blindness, deaf, and the infectious diseases. As I have mentioned before, to formally become a member of the marital family, from a wife to a daughter-in-law (*chengqi* 成妻 and *chengfu* 成婦), the wife should pay a formal visit to her husband's ancestral temple, and if she fails to do so, she then has to be divorced.

⁷²⁸ The husband may get a punishment of 100 floggings if his claim of divorce was against one of the three protection situations (Jin 2001b, 145), however, according to the *lü* 律, these three protection occasions did not apply to cases of the wife's having either bad disease or licentiousness.

⁷²⁹ The five circumstances where the compulsory rules for divorce applied were: 1). the husband's assaults to the wife's parents or her paternal grandparents, or the killing of the wife's paternal uncles and aunts or her maternal grandparents; 2). the killing or serious physical assaults between certain relatives of the husband's and the wife's, where, as a matter of fact, the man and the wife were not

This means if a husband divorces his wife other than the circumstances of the “seven repudiations” or the coercive rules mentioned above the divorce then was void and the husband would be sentenced to a year and a half imprisonment. Several issues are interesting to note here, which were typical and characteristic of Chinese legal tradition. These include, for example, the co-governance of marriage and family issues by both the Confucian *li* norms originated from religious rituals and the *lii* norms that were the official legislation of the government. Besides, another typical issue was the unique legislation structure of the mixture and combination of both what we call today the civil laws (marriage and inheritance, for example) and the criminal laws (death penalty, for instance).

However, one of the points I would like to emphasise is that the rules on marriage issues, the idea and ideal towards marriage and family in ancient China, in a sense, are still living in China today. These ideas and rules derived from and lived in the specific socio-political and cultural contexts of traditional China where the legal rules found and were well supported by their cultural roots. What happened to this tradition, and how the Hui Muslims deal with these ideas and ideals in such politicised issues as, for example, marriage, are highly relevant in understanding the Hui Muslims’ identity(ies) and the larger Chinese society in general.

3. The Hui Muslims Marriage: Negotiating the Sharī‘a and the Han Chinese Laws in Pre-Modern China (Tang – Late Qing)

Islam settled in China in a different and peaceful way from its path in Africa and Europe; in fact, the ancestors of the Hui Muslims were mostly traders and merchants who then married local Chinese women. Thus, it is reasonable to assume that marriage and its rules, especially those concerning inter-faith marriage in Islam, must have played a crucial part in the formation, localization, and integration of the Hui Muslims in China. In this section, I will illustrate how the issue of marriage was dealt with in the history of the Hui Muslims since the Chinese Tang Dynasty. I will argue that although marriage bans between Muslims and Chinese were one of the approaches applied by the Tang and Song dynasties to keep the Muslim barbarians away from the *Huaxia* 華夏 Chinese, the historical reality of a separate but self-organised Muslim community plus the increasingly important socio-economic and political position of Muslims in Tang-Song-Yuan China enabled Muslims to maintain the practices of the Sharī‘a in relation to marriage within their own community and intermarriage with non-Muslim Chinese. Later, the Ming Dynasty sees a crucial turning point for the Hui Muslims in regulating marriage issues, for the self-autonomous institutions, such as the *fanfang* and Muslim Qadi Department) in the Tang-Song-Yuan periods, were cancelled with the introduction of various assimilative policies and laws by the Ming court. In response to the crisis that raised in the mid-Ming period, when most of the ordinary Hui Muslims, it is said, assimilated into the Han Chinese and became increasingly ignorant to their own religious traditions, the Han Kitab authors, as a result of the Jingtang education,⁷³⁰ started addressing various issues, including marriage, from the Islamic perspective while at the same time borrowing concepts and using vocabularies from Confucianism, Daoism, as well as Buddhism. This unique phenomenon is helpful in articulating the Hui Muslims’ negotiation of the tensions between the Sharī‘a and the Han Chinese legal norms. I will argue that the development of the Han Kitab tradition, as exemplified in my analysis of their narratives on marriage, for example, was driven by both the socio-political context of the Hui Muslims in China as well as their connections with the Islamic world.

3.1 Chinese Bans on Marriage between Muslim Barbarians and Chinese: Tang and Song Dynasties

During the Tang and Song dynasties, the institutional settings regulating local Muslims, or those of the *fanke* as Muslims were called then, was the *fanfang* where Muslims were left with a certain degree of autonomy (Qiu 1996, 100–10).⁷³¹ In these *fanfang*, mostly located in the port cities, such as Guangzhou, Quanzhou, Hainan Island, and Chang’an (known as Xi’an today) capital of the Tang Dynasty, Muslims lived together with the locals, mostly Han Chinese. Due to the lack of historical documents, we do not know much about the details

personally involved; 3). the misconduct of the wife to her husband’s family members, from verbal abuse to misdemeanour assault or killing; 4). sexual intercourse with relatives of the spouse; and 5). wife tricking her husband, and again the law tolerated the same behaviour of the husband to the wife (Chen [1937]2014, 187). If the couple kept the marriage in case of the above mentioned situations, they may be put into prison for one year.

⁷³⁰ As for the Jingtang education, see my discussions in chapter six on the case study of Islamic education of the Hui Muslims.

⁷³¹ For the discussion on the legal status of early Muslims in the Tang Dynasty, see my discussions in chapter three and chapter four.

of the (inter-)marriage of the early Muslims in China. However, the first Muslims coming to China during the Tang Dynasty were mostly successful merchants; they bought their own land, set up their own business and, of course, married the local Chinese women. This worried the local Chinese authorities who issued several decrees banning the intermarriage between foreign Muslims and the local Chinese.

According to the *Xin Tangshu* 新唐書 (New book of the Tang), it is recorded, during his position as the local military and administrative leader in Guangzhou (836–840), Lu Jun 盧鈞 (778–864) issued a decree that banned the intermarriage of the Chinese and the foreign Muslims, which read,

The [Muslim] barbarians living scattered with the Chinese intermarry [to the Chinese], who seize extra lands and houses...which definitely would lead to chaos and disputes; [Lu] Jun has issued an order that bans the intermarriage between the barbarians and the Chinese, and [they are not allowed to] claim any ownership of lands, houses, and other property.⁷³²

Later the bans actually failed, for in the Song dynasties, we see such Chinese terms as “foreign Muslims of five generations” (*wushi fanke* 五世蕃客), referring to Muslims settling in China for generations. At this time, the Muslims already established their own communities, the *fanfang*, separate from the local Chinese. Similar to the Tang regime, the Song governors also banned the intermarriage between foreign Muslims (though some of them had lived in China for generations and were well integrated into the Chinese society) and the local Chinese (Qiu 2001b, 33). This indicates that it must not have been rare for a Muslim to marry a local Chinese. It is unfortunate that we have not found any specific case concerning how legally the conflicts among Muslims and those between them and the local Han Chinese were solved, or how the Muslims’ marriage was organized and regulated. However, based on the fact that most of the time the early Muslims in China were male merchants and their marriage with the local Chinese women was actually much more tolerated from both the Islamic and the Chinese point of view. Additionally, these Muslim merchants were playing such an increasingly important role in the socio-economic development of China then, especially during the Song Dynasties⁷³³ that the local Chinese actually were willing to let their daughters marry the Muslims.

On the other hand, Sulayman (2006, 7–8), who travelled in China during the Tang Dynasty, recorded that in Guangzhou “there is a Mohammedan appointed Judge over those of his Religion, by the Authority of the Emperor of China; and that he is Judge of all the Mohammedans who resort to these Parts... his Actions, and the Judgements he gives, are just and equitable, and conformable to the Koran, and according to the Mohammedan Jurisprudence.” His description is in line with the *Tanglü*, which stipulated that “as for conflicts between foreigners, the law of their own shall be applied; as for conflicts with the local Chinese, the Chinese law shall be applied.”⁷³⁴ The Song Dynasties with a slight amendment inherited this legislation.⁷³⁵ In general, we can assume that marriages between the early Muslims, and intermarriages between Muslims and the local Chinese, existed during the Tang and Song dynasties. In addition, the *Sharī‘a* must have been applied by the “Mohammedan appointed Judge” in terms of marriage and divorce, and probably the Chinese/Confucian marriage ideas and rites were also applied by those Muslims who had well integrated into the Chinese society, such as those I mentioned in the previous chapter who passed the Imperial Examination and worked in the Chinese government.

⁷³² The original Chinese is “蕃獠與華人錯居，相婚嫁，多占田營第舍... 則相苾為亂；鈞下令蕃華不得通婚，禁名田產。” See *Lu Jun zhuan* 盧鈞傳 (Biography of Lu Jun) in vol. 182 of the *New Book of the Tang*.

⁷³³ These Muslim merchants made huge economic contribution to the Chinese government in terms of the construction of cities and tax from the maritime trade, especially in the Southern Song Dynasty (1127–1279) when one fifth of the total income of the regime was made by the Muslim traders (Bai 1992, 368).

⁷³⁴ According to the *Tanglü shuyi* 唐律疏議 (Interpretation of the Tang code), foreigners referred to those people who had a King or Emperor of their own in their own country, and the early Muslims were also included. As for the issue regarding the early Muslims and the Chinese Tang laws, see my discussion in chapter four, particularly those concerning the *Huawairen*.

⁷³⁵ The regulations concerning foreigners in the *Song xingtong* 宋刑統 (The Song code) were very much the same with those in the *Tanglü*. However, in practice the *fanzhang*, leader of the Muslim community, for example, was not entitled to deal with the disputes that were to be punished with a sentence of imprisonment, which would be addressed by the Chinese authority using the *Song Code* (Qiu 2001b, 35).

The “autonomy” of the early Muslims, including the application of the Shari‘a in their daily life, such as in marriage issues, was possible not because of the “kindness” and “open-mindedness” of the Chinese, as I discussed in chapters three and four, but for several other reasons. First, as I mentioned, the solid economic foundation these merchants laid made it possible for them to establish their own communities throughout all the important commercial centres in the Tang and Song China, which gave them a social field of people with a shared identity. It is no surprise that the Shari‘a was applied among these early Muslims. In addition, the way of governance of the Tang and Song dynasties also benefited the early Muslims. For example, the *fan Zhang*, who was the Imam, leader, and most respected person (probably also the most successful trader) in the Muslim community, was on the one hand elected by the Muslims, and also appointed by the Chinese emperor, on the other hand. The recognition of his authority by both the Muslims and the Chinese officials gave him a legitimate position bridging the official and the *minjian* 民間.⁷³⁶

3.2 Institutionalization of the Shari‘a, and the Legal Recognition of the Hui Muslims as Chinese: Ups and Downs of the Hui Muslims’ Marriage Practices in Mongol Yuan China

As I mentioned, Muslims as one of the *semu* 色目 (coloured eyes) peoples, enjoyed a higher social position over the majority Han Chinese in the Mongol Yuan Dynasty.⁷³⁷ This probably contributed to the establishment of the Muslim Qadi Department that was entitled to apply the Shari‘a law. This is primarily what I mean by the institutionalization of the Shari‘a. The Yuan Dynasty marked the localization of Muslims in China via the legal recognition of the Hui Muslims as subjects of the Chinese regime, which means that the Hui Muslims were officially subjects of the Chinese law. This section is therefore dedicated to the discussions on the complex and sometimes contested situations of the issue of marriage among the Hui Muslims in Yuan China. In general, I argue that the examination on the Hui Muslims’ marriage practices demonstrates that, on the one hand, partially with the help of the Yuan Chinese laws and the Qadi Department, the Hui Muslims were able to practise the Shari‘a laws, including in the field of marriage between Muslims and intermarriage with non-Muslims. This enabled Muslims to integrate into the local Chinese society, while at the same time without losing their Muslim identity and their Islamic way of life. Under these circumstances, Muslims in the Yuan Dynasty not only preserved but also were further united by their religion, as the Han Chinese scholar, Xu Youren 許有壬(1287–1364), then pointed out that these Muslims “few of them adapts/changes. [And] they live in China, dress and eat like a Chinese, however, still rigidly adhere to their own rules.”⁷³⁸ On the other hand, I argue that being legally subjects of the Chinese regime, and as a result of the vicissitudes of the Qadi Department, Muslims’ practice of the Shari‘a in the field of marriage was a complicated process. In other words, Muslims were in no way always able to apply the Shari‘a marriage law, and it seems that the extent to which they might be able to do so depends on both the overall socio-political situation of the Mongol court as well as Muslims’ relations with the political authority. In the following, I shall first deal with the Qadi Department and the Chinese Yuan laws in relation to the issue of marriage, so as to see how these institutions contributed to Muslims’ application of the Shari‘a marriage law. Then I will complicate the issue in question with several case studies, showing the complexity of the actual consequences when Muslims became, at least legally, Chinese, who were subject to Chinese official law. To this end, in addition to making use of the official law of the Yuan, the *Yuanshi* 元史 (History of the Yuan), and other Chinese primary sources, I will also refer to archaeological discoveries, such as the *Heicheng chutu wenshu: Hanwen wenshu juan* 黑城出土文書：漢文

⁷³⁶ *Minjian* 民間 literally means “between people,” “people-to-people.” It is also widely used by modern Chinese scholars from various disciplines, including legal studies. Legal anthropologists and sociologists use the term to denote those non-governmental, non-state norms applied and practised by individuals, groups, and associations. Here my conception of the term *minjian*, especially when used as a legal term, the *minjian fa* 民間法 (unofficial law), is very much identical to Ehrlich’s concept of living law, which I discussed in chapter one. A comprehensive discussion on the field of the *minjian* in relation to Chinese post-1989 political sphere, see (Veg 2019), and the term in relation to the Hui Muslims’ practice of the Shari‘a in contemporary China, see (Erie 2016).

⁷³⁷ The Mongols categorised all its subjects into four groups: the Mongols being the highest, followed by those (*semu* 色目) peoples, mainly Muslims, whom the Mongols brought back to China from their conquest of Central Asian and Eastern European regions, and then the Han Chinese from the north (*hanren* 漢人) and the south (*nanren* 南人). Also, see my discussion of the general history of Islam and Muslims in Mongol Yuan China in chapter two.

⁷³⁸ The original Chinese is “其善變者則無幾也。居中土也，服食中土也，而惟其國俗是泥也。” See the Monumental Inscription of Hajj Ha Xin in Vol. 53 of the *Zhizheng Ji* (至正集) by Xu Youren 許有壬(1287–1364).

文書卷 (Unearthed documents in the city of Khara-khoto: Volume of the Chinese documents). Let us start with the Qadi Department, the only official Islamic legal institution in Yuan China.

The Muslim Qadi Department, which was located in the mosques of the Muslim communities, was entitled to be in charge of criminal, administrative, civil, and other contentious issues during most of the time in the Yuan Dynasty. As far as marriage between the Huihui Muslims is concerned, according to the official decree of the Yuan Dynasty, the *Dayuan shengzheng guochao dianzhang* 大元聖政國朝典章 (Statutes of the sacredly governed the state of the great Yuan dynasty), their own law (*bensu fa* 本俗法), presumably the Sharī'a, shall be applied; while in terms of marriage between a Muslim and a non-Muslim, the husband's choice shall be respected and followed.⁷³⁹ The Yuan regime's tolerance towards the marriage customs of different peoples (Hong 1977, 4) was typically reflected in a case recorded in the *Yuan dianzhang* 元典章 (Codification of the Yuan laws).

In 1265, a Mohamad living in Beijing, with the introduction of the matchmaker Fatima, betrothed his daughter Aisha to Gouer, son of Ali. Ali, as agreed, gave a certain amount of valuables as the bride price⁷⁴⁰ to Mohamad. However, Gouer accidentally died before he could bring his bride Aisha back home in person, and the two families could not reach an agreement concerning the bride price Mohamad had received. The case was brought to the Central Secretariat.⁷⁴¹ Interestingly, the government officer consulted the Qadi who stated that "according to the Huihui regulations... half of the bride-price received shall be returned should the man die before he takes the bride back home" (Wang 2003, 47). In the end, the case was solved according to the Qadi's judgement, namely according to the Sharī'a. From the regulations seen in the legal code of the Yuan, it seems that the Qadi Department, as a branch of the local government, was able to apply the Sharī'a, if the marriage was one between two Muslims or if it was one with the husband being a Muslim. According to the official law of the Yuan regime and thanks to the establishment of the Muslim Qadi Department, this characteristic of the Hui Muslims' marriage practices, namely that they were able to apply the Sharī'a law in marriage issues, enabled them to intermarry to other non-Muslim peoples, including the Han Chinese. Let me provide an example so as to further demonstrate that though Muslims did marry the local non-Muslim woman this did not seem for the Muslims to be a problem, and in fact, they were still able to maintain their Islamic way of life.

The Huihui Muslims played a crucial role in the Yuan Dynasty, especially those who held high positions in the central and local governments. Many historical documents, relatively speaking, recorded their achievements and family lives, which makes it possible for me to investigate their marriage issues. Notably, a special officer was appointed to register the *jinshilu* 進士錄 (List of those [*jinshi*] who passed the highest level of Imperial Examination) since 1315, in which the family backgrounds of the *jinshi* were detailed. With the help of one of these *jinshilu*,⁷⁴² I have summed up the marital situations of some Huihui Muslim candidates. From my summary of the *jinshilu*, several points have to be noted. First, most of the Huihui candidates still kept their Muslim names, though there were other examples from the Yuan Dynasty where the Huihui adopted a Han Chinese surname. Second, five out of the nine candidates' mothers were non-Muslim or at least had a non-Muslim surname; the other three's mothers were from Argyn,⁷⁴³ and only one candidate was from a family of a Huihui father and a Huihui mother. In general, we have an impression that the intermarriage between Muslim officials and non-Muslims was not uncommon, which could be proved by other examples of the Huihui officials in the Yuan Dynasty.

⁷³⁹ The original Chinese in the Yuan official law is, "諸色人同類自相婚姻者, 各從本俗法, 遞相婚姻者, 以男為主。" See (Fang 2001, 43)

⁷⁴⁰ Strictly speaking, the Chinese term recorded was *pinjin* 聘金, and is different from the concept of *Mahr* in Islam. However, considering the context of the case in question, it seems to be referring to the *Mahr*.

⁷⁴¹ The Central Secretariat, or the Zhongshu Sheng 中書省 in Chinese, was the sole central governmental organ leading the civil administration in the Yuan regime.

⁷⁴² For detailed information of my summary regarding the *jinshilu*, see appendix eleven.

⁷⁴³ Argyn, or Arghun is variously written in Chinese as 阿爾渾, 阿魯渾, 阿刺溫, 阿兒溫, or 阿魯溫 (Yang, 1985, 226). The Argyn belonged to the *semu* people in the Yuan Dynasty.

For example, according to Ma Juan's (2003, 37–41) research on the family of a Muslim official Abd al-Allah,⁷⁴⁴ who had been the prime minister of the Mongol court for almost sixteen years, Abd al-Allah's family had a strong Islamic background and belief,⁷⁴⁵ but they also gradually overcame the alienation with the Han Chinese and accepted the latter. For instance, both the paternal great-grandfather and the grandfather of Abd al-Allah married Muslims. His father had two wives, and the first one was also a Muslim woman named Zainab, after the death of whom his father married a second woman whose surname was Shi 史, probably a Chinese. Abd al-Allah himself married the daughter of the distinguished Huihui artist and politician Gao Kegong 高克恭 (1248–1310) who was believed to be well integrated into the Chinese Confucian culture. I will come back to the case of Gao Kegong later in this section. Nevertheless, it is necessary to point out here that Gao Kegong was the leader of the Ministry of Justice, and it is probable that certain political interests might be involved in the marriage between Gao's daughter and Prime Minister Abd al-Allah. The case of Abd al-Allah and his family serves as an example, illustrating the changing attitudes of Muslims in the Yuan Dynasty towards intermarriage to non-Muslim Chinese, and how social and political factors in Chinese society could contribute to the changing attitude.

One more example is a Muslim named Alakhan (Alahan 阿剌罕), from an Argyn Muslim family, who was head of the Department of State Affairs. According to Mao's (2014, 94–98) research, Alakhan's father Jamal-khan (Zhama lahan 答馬刺罕) came to China and worked as the Darughachi (Daluhuachi 達魯花赤) for the Yuan regime. Alakhan himself married two wives, the first one from the ethnic group of Naiman 乃蠻 of the Mongol, and the second from the Wanyan 完顏 clan of the Jurchen. Both of them were from a non-Muslim ethnicity. However, it seems that their children, such as their eldest son Ibrahim (Yibu lajin 易不剌金) who married a Muslim woman Amra (Amula 阿木剌), somehow still kept the Islamic roles of marriage. One interesting thing is the fact that both wives of Alakhan's were honoured as the "Lady of the Weiguo" (*Weiguo furen* 魏國夫人), which means that there was no differentiation between the status of the two women equally being the wife of Alakhan. However, in the Chinese Confucian tradition, as I mentioned, a man could only have one woman who was entitled as wife (*qi* 妻) and hence could be honoured as a "Lady" after her death.

These examples in the *jinshilu*, the cases of Abd Al-Allah and Alakhan, once again demonstrate that those Muslim officials in the Yuan Dynasty tend to be more open in marriage issues, though this openness still seems to be limited in that the non-Muslim wives normally had to convert to Islam. However, though it is still impossible to say if it was a general pattern or if it was just an exceptional case, a more open attitude towards intermarriage with non-Muslims and a deeper involvement with Han Chinese society did seem to lead to a "deeper Hanisization" (*hanhua* 漢化). Gao Kegong is an example.

Gao seemed to have been so well integrated into the Han Chinese society that he might have given up his religious belief. According to the research of Ma Mingda (2005, 131–45) and Chen Yuan ([1923]2000, 95), Gao Kegong was a Huihui who adopted a Han Chinese surname since the generation of his grandfather. Both Gao's grandmother and his mother had a Han Chinese surname and he himself had two wives, both of whom also had a Han Chinese surname.⁷⁴⁶ Of course, given the patriarchal ideas embedded in traditional Islamic and Chinese laws, the influence of a Han Chinese wife in contributing to the Hanisization of a Muslim family should not be overstated. Moreover, adopting a Chinese surname itself also does not necessarily mean that they were not Muslims. In fact, it is quite likely that these women converted to Islam because of the marriage. However, changing one's surname does indicate a certain degree of identification and integration into the Han

⁷⁴⁴ The Chinese transliteration of the name is Wubodula, variously written as 烏伯都剌, 兀伯都剌, or 烏巴都剌 in the Yuan historical recording. Ma Juan (2003, 37) mentioned that the most valuable primary source regarding Abd al-Allah was the *Xuelou ji* 雪樓集 (Collections of Xuelou) by Cheng Jufu 程鉅夫 (1249–1318) who styled himself as Xuelou 雪樓.

⁷⁴⁵ Musharraf al-Din (Mushalafu ding 木沙刺福丁), great-grandfather of Abd al-Allah, came to China with Genghis Khan and was well-known for his knowledge, which was inherited by his son Jalal al-Din (Zhala luding 紮刺魯丁), grandfather of Abd al-Allah. Born in such a family, Abd al-Allah and his father, Iftikhar al-Din (Yifudi haluding 亦福的哈魯丁), were both expert in the *istifi* language (*Yisitifei wen* 亦思替非文).

⁷⁴⁶ According to Ma Mingda's (2005, 131–45) research, Gao's grandmother had a surname of Zhai 翟, and his mother had a surname of Shi 史. The surnames of his two wives were Cao 曹 and Liu 劉 respectively.

Chinese culture. In the case of the Gao's, it seems that they indeed had a strong identification to the Han Chinese culture, which probably led to his decision to be buried in a Han Chinese way (Zheng 2016, 28).

In sum, from the analysis of the marriage issue of the Muslim officials in the Yuan Dynasty, it is clear that there existed the (inter-)marriages of Muslims to other ethnicities, such as the Mongols and the Chinese. It seems that the Muslims who came to China during the early Yuan Dynasty were more strictly adherent to the Islamic marriage rules in terms of the prohibition of marriage with non-Muslims. With the passage of time and the localization of these Muslims, they were becoming more and more open towards marriage with non-Muslim women, most of the time, on condition of the woman converting to Islam. This process took place gradually and did not seem to change the religious identity of these Muslims, at least not the majority of them. This situation was determined, on the one hand, by the individual situation of the people involved, including their specific socio-economic and political condition, such as the marriage between Abd al-Allah and Gao Kegong's daughter.⁷⁴⁷ On the other hand, it was also a result of the "little tradition" of the Muslim community and the individual family situation. For example, the Muslim communities in the commercial centres, such as Guangzhou and Quanzhou, tended to be more tolerant towards inter-ethnoreligious marriages. In general, I would argue that it was the multi-ethnic reality of the Chinese Yuan Empire and the generally tolerant policies of the Mongol emperors towards people of different religious beliefs that gave the peoples, including Muslims, a relatively free space to decide for themselves, including the field of the Hui Muslims' marriage.

In spite of the fact that the Huihui Muslims, who had a judicial institution of their own, the Muslim Qadi Department, did enjoy a certain degree of self-determination with regards to civil affairs; however, this is in no way always the case. Actually, the situation was interrupted with the abolition of the Qadi Department in 1311, which had not been changed and restored until its re-establishment by later emperors (Qiu 2001a, 159). Besides, the principle of "complying with one's own convention/ customary law" (各從本俗法) in the Yuan official law also had its limitations. This means that in certain cases Muslims were not allowed to apply "their own law" but to be subject to the Chinese official law. Though it is difficult to determine what exactly these "certain cases" are, I would argue that, among other things, the fact that Muslims were officially registered as subjects of the Yuan regime and its laws should not be underestimated. Several cases that I analyse below shall shed light on a more complex reality where Muslims were not able to "follow their own law," but to be subject to the Chinese official law.

One example is the marriage of the daughter of Pu Shougeng 蒲壽庚 (1245–1284) with Folian 佛蓮, a wealthy merchant from the Western Region (Xiyu 西域). According to Shari'a, spouses are entitled to inherit from each other; however, the Chinese legal tradition did not generally recognize the independent property right of a woman, and thus a wife was not allowed to inherit from her husband. In the case of Folian, as reported by Zhou Mi 周密 (1232–1298) in his *Guixin zashi* 癸辛雜識 (Miscellaneous news from Guixin [street]), his property was expropriated after his death due to the fact that the wife did not have a son who was entitled to the legacy. Obviously, this case was solved according to the official law of the Yuan Dynasty, which stipulated that "the property of those who pass away without male offspring... shall be handed in to the government."⁷⁴⁸

Another example concerns the marriage contract (*hunshu* 婚書), which was recorded in the historical documents found in the city of Khara-khoto⁷⁴⁹ in the 1980s. According to the official law of the Yuan Dynasty (Zhang 1992, 595), a marriage contract was one of the legal requirements for marriage; while in classical Islamic jurisprudence, at least according to the Quran, a written marriage contract was not compulsory.

⁷⁴⁷ In addition, since the Huihui Muslims belonged to the privileged *semu* people, it was likely that the Han Chinese people were trying to promote their social status via marrying a Hui Muslim.

⁷⁴⁸ The original Chinese in the *Codification of the Yuan Laws* is "身喪戶絕，另無應繼之人……盡數拘收入官。"

⁷⁴⁹ The City of Khara-khoto was first known by the Russian explorer P. K. Kozlov in 1908, and was later further explored by both the Chinese and western archaeologists throughout the twentieth century (Kara 2003, 3–40; IMICA and ALCW 1987, 1–28). The City is called Heicheng 黑城 or Heishuicheng 黑水城 in Chinese. A comprehensive preliminary study on the Chinese documents was published in the 1990s (Li 1991). As for a general social background of the local Huihui Muslim communities, see (Chen Wei 2010, 9–16); a detailed study of the Chinese legal documents, see (Hou 2013).

The case is called Marriage Contract of Shilin (*Shilin hunshu* 失林婚書), originally sorted out by Li (1991, 164–71).⁷⁵⁰ The case was brought to the Yuan court by the Muslim plaintiff Awu 阿兀 (Dawoud?), who was in the charge of the local Qadi, Ji'aoding hadi 即奧丁哈的 (Qadi Kiwam al-Din?), for he found out that his marriage contract with his second wife⁷⁵¹ Shilin 失林 was stolen and burned. After the court investigation, it turned out that Shilin, a woman originally from Beijing, had been married to a Muslim trader Tuoheier 脫黑爾 (Toghar) who later gave Shilin to another senior Muslim trader Tuoheitiemu 脫黑帖木 (Taghaytimur) as his adopted daughter. However, Taghaytimur decided to marry Shilin to a third Muslim Awu, the plaintiff of the case in question, after Shilin refused to travel with Taghaytimur to other Muslim communities for business. After her marriage with Awu, one day Shilin met her neighbour Yan Congliang 閻從亮 and told him her miserable and torturous experiences. Yan Congliang offered to marry Shilin as his wife. To do so, Yan suggested that Shilin steal her marriage contract with Awu and then they sue Awu for forcing Shilin to be his slave after they burned the marriage contract. It was in March 1362, and Shilin stole three pieces of documents when Awu went to the neighbouring city for business; however, both Shilin and Yan Congliang were illiterate and could not read the documents. Therefore, they decided to find someone who was able to read. With the help of a man called Tiemuer 帖木兒 (Timur), Shilin and Yan Congliang found out the marriage contract and burned it. Dramatically, Awu met Timur on his way home and Timur told him about the three pieces of documents he was asked to read, including his marriage contract with Shilin.

Several points are worth noting. First, the core of the dispute in the case was the marriage contract. A written marriage contract is not legally required in Islamic law. However, according to the official law of the Yuan Dynasty (Huang 1986, 39, 48–49), marriage between a man and a woman “must be concluded with a marriage contract specifying the bride-price... with the signature of the matchmaker and the officiators... a marriage contract shall be concluded when taking concubines.” Besides, the local Qadi was also mentioned in the legal document, which suggested that Qadi still had some jurisdiction over the local Muslims. Nevertheless, the fact that the Qadi was actually not involved in the hearing of the case, at least according to the information from the original legal files available, indicates that the Qadi’s jurisdiction over the local Muslims was limited since its official removal in 1311.⁷⁵² The punishment to Shilin was forty-seven floggings. According to the official law of the Yuan, “those women shall be punished with thirty-seven floggings if they break off an engagement after the signing of the marriage contract or after the acceptance of the bride-price; with a punishment of forty-seven floggings if they get engaged with someone else; a punishment of fifty-seven floggings if they have married.”⁷⁵³ Obviously, Shilin was not punished in accordance with the Sharī‘a but in the light of the official law of the Yuan Dynasty.

The Yuan Dynasty ruled the largest territory in Chinese history. Like other empires in human history, it allowed its peoples of different ethnicity and cultural-religious backgrounds to deal with their internal affairs according to their own respective customs, which benefited the Huihui Muslims in terms of the application, though sometimes limited, of the Sharī‘a within the institutional setting of the Qadi Department. Besides, the privileged social position of the Huihui over the Han majority and their contributions and assistance to the Mongol regime also contributed to the unity and self-identification of the Muslim community. As I have shown, different from the *fanzhang* who was in charge of the Muslim *fanke* or *fanshang* (foreign trader) via the application of the Sharī‘a in the *fanfang* during the Tang and Song dynasties, the Sharī‘a during the Yuan

⁷⁵⁰ There were twenty-four pieces of legal files concerning the case in question founded at the ruins of the local government archive, including the indictment of the plaintiff (Li 1991, document file F116:W58), records of interrogation (Li 1991, document file F116:W32, W33, W71), testimony of the witnesses (Li 1991, document file: F 116: W106, W 185), etc. My summary of the case is based on the original source (Li 1991, 164–71). A detailed analysis of the legal files, see (Hou 2007, 106–14).

⁷⁵¹ The original Chinese term used in the legal document was *qieqi* 妾妻, literally meaning a concubine wife.

⁷⁵² Buyantu Khan (Emperor Renzong of Yuan, 1285–1320) issued the decree that abolished the Qadi Department (Ma Jianchun 2005, 116). However, the department seemed to have been reinstated by Emperor Toghon Temür (Emperor Huizong of Yuan, 1320–1370), which was also witnessed by the Muslim traveller, Ibn Battuta (2012, 207–21), who was traveling in China in 1346 and who stated that “In all the Chinese provinces, there is a town for the Mohammedans, and in this they reside. They also have... a Judge and a Sheikh El Islam, to whom their matters are referred.”

⁷⁵³ According to the *Yuanshi* 元史 (History of the Yuan), the original legislation in Chinese is “諸有女許嫁，已報婚書及有私約，或已受聘財而輒悔者，笞三十七；更許他人者，笞四十七；已成婚者，五十七。”

Dynasty was officially recognized as (at least partially) the state law that was applicable to all the Huihui Muslims via the institution of the Qadi Department. Another key point that needs to be addressed is the fact that the Huihui were officially registered as subjects of the Chinese Empire/Dynasty, instead of being treated as foreigners during the Tang and Song dynasties. The new status marked the legal identity of the Huihui Muslims as Chinese, and it also put them in a new environment where they would have to reconcile between their own law and custom, the Sharī‘a, with the Chinese official law. In other words, the extent to which the Sharī‘a can be applied depends on the Muslims’ negotiation with and the recognition of the Chinese state. For example, the marriage practice of Muslims between cousins was later banned by the Yuan government (Qin 1995, 85), probably due to its conflicts with the Confucian prohibition of marriage between people with the same surnames.⁷⁵⁴ Thus, how to deal with the Chinese tradition represented by Confucianism became a core issue for the Hui Muslims since the Ming Dynasty when they were legally not allowed to marry between themselves, but to marry the Chinese so that they might finally be assimilated and become Chinese.

3.3 Paradox of the Ming Code regarding Muslims’ Marriage Ban: Interpretations and Implications

The privileged social position of the Huihui Muslims and the institutional setting of the Qadi Department were gone since the Ming Dynasty. As I have discussed previously, the assimilative policies of the Ming government accelerated and deepened the processes and degree of Hanization of the Hui Muslims, which posed great challenges to their identification as Muslim (Li and Ding 2010, 7).

As I mentioned in previous chapters, the connections between the Chinese Muslims with the Arab world were largely cut off, due to several bans concerning the maritime trade during the Ming Dynasty. Besides, the “administrative system of Lijia” (*Lijia zhidu* 裡甲制度) during the early Ming period, among other things, made the Hui integrated into the mainstream Chinese society and they, probably based on the *fanfang*, formed their own jamā‘a, the *fang* 坊 in Chinese (Qiu 1996, 528), surrounding a mosque. The Imam in the mosques was no longer entitled to deal with legal disputes among the Muslims (Lang and Ma 2008, 163), and the Imam himself was in fact appointed by the Ming government. With the legislation that banned the Muslims’ languages, dresses, and names, marriage between Muslims was also legally banned. In general, as one Jesuit missionary, Matteo Ricci (1953, 107) recorded in his journal during the period of the Wanli Emperor 萬曆 (1573–1620), Muslims⁷⁵⁵

here make no effort to spread their doctrines among others. Save for the fact that they do not eat pork, they live according to Chinese law, are quite ignorant to their own ritual, and are looked down upon by the Chinese. At present they are treated as natives... Most Saracens who attain to a Chinese literacy degree renounce the law of their ancestors, except the precept forbidding them to eat the flesh of swine.

The “looked-down-upon” situation of the Hui Muslims observed by Matteo Ricci reflected the influence of the policies of the Ming government towards the Hui. As far as marriage is concerned, as early as in 1372, Emperor Zhu Yuanzhang 朱元璋 had issued an edict banning the marriage between Muslims which read that “Mongols, as well as the Semu [Muslims], are allowed to marry the Chinese since they are now living in China. It is forbidden to marry between themselves. Violators, as well as the families of the man and the woman, shall be sent to be servants of the officials and their family property shall be confiscated.”⁷⁵⁶ However, the edict seemed to be a bit confusing, for it continued that “the prohibition does not apply to the marriage between the Semu

⁷⁵⁴ Muslims’ marriage between cousins was actually criticized by the Han Chinese. For example, there were many cases where the Han Chinese arrogantly expressed their attitude of how unacceptable it was for them to see a Muslim marrying the daughter of his paternal uncle, which in Islam is allowed.

⁷⁵⁵ According to Benite’s (2012, 520) research, Matteo Ricci originally used the Italian term Saraceni Maumetanni occasionally referring to Muslims.

⁷⁵⁶ The original Chinese was recorded in the vol. twenty of the *Daming huidian* 大明會典 (Collected statutes of the great Ming), which read that: 蒙古色目人氏，既居中國，許與中國人家結婚姻。不許與本類自相嫁娶。違者，男女兩家，抄沒入官為奴婢。

and the Kipchaks.”⁷⁵⁷ Anyways, the prohibition was officially published in the *Daming li* 大明律 (Code of the great Ming) that was finished two years after the edict. It read that,

Marriage between the Chinese and the Mongols and Semu [Muslims] shall be consensual. It is not allowed for them [Mongols and Semu Muslims] to marry between themselves. Violators, regardless of a man or a woman, shall be punished with eighty floggings and be sent to be slaves of the officials.⁷⁵⁸ The prohibition does not apply to those Huihui or the Kipchaks to whom the Chinese are not willing to marry, in which case they shall marry between themselves.⁷⁵⁹

Such stipulations in the official law of the Ming regime forced the Hui Muslims to marry the non-Muslim Chinese, and in this way, the Ming government tried to extinguish the ethno-religious identity of the Hui Muslim minority. Several official interpretations to the *Code of the Great Ming* evidenced the intention of the legislator.

For example, Ying Jia 應欞 (1493–1553), a legal scholar and government official in mid-Ming period, wrote a thirty-volume *Daming li shiyi* 大明律釋義 (Explanation on the meaning of the *code of the great Ming*). Combined with a few commentaries by other authors, Ying Jia gave the *Code of the Great Ming* an explanation and expansion in a clearer and much more explicit language. As for the marriage prohibition of the Mongols and the Hui Muslims, Ying explained that,

The Mongols and the Semu are the races from the foreign/ uncivilized Yuan, with the Huihui and the Kipchaks being a variant of the kind. They have the most hideous appearance and have been for a long time scattered in China. That the law allows the marriage between Chinese and the Mongols and bans the marriage between themselves actually aims at assimilating the [uncivilised] ethnic minorities into the [advanced] Chinese. While the Huihui and the Kipchaks are allowed to marry between themselves so that their race may survive on condition that the Chinese are not willing to marry them, of course, it is not forbidden for those who are willing to.⁷⁶⁰

The intention of the Ming governors is obvious that these Mongols and the Hui Muslims, who had been rulers of the preceding Yuan Dynasty, would become the obedient objects who surrendered to the Chinese lord of the Ming as long as they become Chinese. In addition, the contradiction in the legal texts and the interpretation of Ying reflect the fact that, on the one hand, the Ming government, via the prohibition of marriage between the Mongols and the Huihui Muslim themselves, wanted to assimilate the Mongols and the Huihui Muslims into Chinese who would be loyal to the Ming. On the other hand, the Ming court also seemed to be cautious about the possibility that the non-Chinese Hui Muslims and Mongols would be indistinguishable from the Han Chinese, if they lost their assumed “uncivilized” identity, so that the Han Chinese would probably forget that they, namely the Huihui Muslims and the Mongols, actually were not one of “Us” Chinese.

⁷⁵⁷ The original Chinese is: 其色目欽察自相婚姻，不在此限。 As a matter of fact, the Kipchaks were also Muslims. However, according to Qiu (1996, 451), this part was a later amendment of the edict due to the difficulty in the implantation of the law.

⁷⁵⁸ The punishment of sending the violators to be slaves of the officials has not been seen in the legislations of any dynasties throughout the Chinese history, thus, as Wang and Li (2004, 134) pointed out, it was one of the most brutal punishments in the Ming period.

⁷⁵⁹ The original Chinese was stipulated in Vol. 6 of the Code of the Great Ming (*Daming li* 大明律) which read: 凡蒙古、色目人，聽與中國人為婚姻，務要兩廂情願。不許本類自相嫁娶。違者，杖八十，男女入官為奴。其中國人不願與回回、欽察為婚姻者，聽從本類自相嫁娶，不在禁限。

⁷⁶⁰ The original Chinese is: 蒙古，色目人，胡元之種類。回回，欽察，又其別種。其貌最醜。元主中國，此類散於天下已久。律許中國人與蒙古為婚姻，不許本類自相嫁娶，要用夏變夷之意也。回回，欽察，則聽其本類自相嫁娶，不欲絕其後也，既曰中國人不願與為婚姻，則願者固不禁矣。 The translation of such terms as *Hu* 胡, *Xia* 夏, and *Yi* 夷 should be understood in the context of the Chinese Han culture as well as Confucianism, which considered the Han Chinese to be in the centre, and other ethnic minorities to be not only geographically at the periphery but also culturally inferior. Also, see my discussion in chapters three and four.

This intention of the Ming court remained ambivalent in the authoritative interpretation of the *Code of the Great Ming*, published in the Wanli period.⁷⁶¹ It read that

Mongols are the Dazi;⁷⁶² Semu are the Huihui, and the Kipchaks are a variation of the Huihui. The Huihui, who have curly hair and a big nose, and the Kipchaks, who have blond hair and blue eyes, are strange and look unpleasant, which is why some [Chinese] are reluctant to marry them. They entered and hosted China in the Yuan Dynasty, and have since then scattered throughout China, which makes it impossible to annihilate them all quickly. The Mongols' and the Semu's marriages with the Chinese shall be consensual so that both parties are satisfied; while the marriage between the Mongols and the Semu themselves is forbidden. As for those marriages that violate this rule, the marriage officiators of both families shall be punished with eighty floggings, and the man and the woman of the marriage shall be sent to be slaves of the officials. However, the Huihui and the Kipchaks, who are, among other Semu people, hideously ugly, may marry between themselves, on condition that the Chinese are not willing to marry them. The reason why the marriage between themselves is prohibited concerns [our worries about] the increasing reproduction of the kind, while the approval of marriage between themselves concerns, out of leniency, the existence of their race. The draconian legislation and the intention of forbearance behind it aim at winning them over. Those who are willing to marry the Huihui and the Kipchaks are of course not forbidden.⁷⁶³

Obviously, the aim of the legislator, as far as the marriage prohibition of the Mongols and the Semu was concerned, was to restrict the reproduction of the Mongols and the Semu, including the Huihui Muslims, which, among other things, might have something to do with the armed rebellions led by the Mongols and the Semu during the early Ming period (Ge 2002, 113–15). However, echoing my discussions on the Chinese ways to practise “othering” in chapter three, and the legal representations of these “ways” in traditional Chinese society in chapter four, the marriage prohibition of the Ming court in fact was a representation of distrust towards all the non-Han peoples. Probably, that is why, as we have seen above, the Ming government aimed at assimilating the Huihui Muslims, also the Mongols, into the Chinese whom the Ming emperors believed would be loyal and obedient. On the other hand, it seems that there existed a strong aversion among the Chinese towards their marriage with the Mongols and the Semu, especially the marriage with the Huihui Muslims who were regarded by the Chinese to be “hideously ugly.” In sum, the Ming court’s law of carrot and stick, be it the “draconian legislation” that punished the Muslim violators who married between themselves, or the “intention of forbearance” that allowed the Muslims to marry between themselves (on condition that the Chinese were not willing to marry them), served the purpose of the Ming regime to “win them over,” namely to assimilate the Huihui Muslims, and other non-Chinese peoples such as the Mongols, into the Chinese.

Anyways, the prohibition was explicitly written in the official law of the Ming government and the Hui Muslims were forced to marry the Han Chinese, which is against the Shari‘a that bans the marriage with non-

⁷⁶¹ The document is called the *Daming lü jijie fuli* 大明律集解附例 (Laws of the great Ming with collected commentaries and appended precedents). It is a collection of legal documents and important interpretations to the documents, which include *Code of the Great Ming*, amendments and supplements of the rules, the statutory interpretations, theoretical relevance as well as practical application of the rules.

⁷⁶² The term Dazi 達子, or 韃子, in Chinese is the transliteration of Tatar and is used for the Mongolian-speaking peoples of the northern steppes of China, referring mainly to the Mongols and later also the Manchus with pejorative implications. However, the word tatar in other languages refer to different peoples in different periods of time.

⁷⁶³ The original Chinese is “蒙古即達子，色目即回回，欽察又回回中之別種。回回拳[卷]發大鼻，欽察黃髮青眼，其形狀醜異，故有不願為婚姻者此。言胡元入主中國，其種族散處天下者，難以遽絕。故凡蒙古及色目人聽與中國之人相嫁娶婚姻，又務要兩相情願，使之各得其所。可也不許蒙古色目人之本類自相嫁娶。如本類中違律自相嫁娶者，兩家主婚杖八十，所嫁娶之男女俱入官，男為奴，女為婢。然回回欽察在色目人中最為醜陋，中國人有不願與之為婚姻者，則聽其本類自相嫁娶，又不在不許本類自相嫁娶之禁限。夫本類嫁娶有禁者，恐其種類日滋也，聽其本類為婚者，又憫其種類滅絕也。立法嚴，而用心恕，所以羈縻異類者至矣。回回欽察曰不願與為婚姻，則願者固不禁也。”

believers. However, the law aiming at assimilating the Hui Muslims into the Han Chinese did not destroy the Hui but contributed to the further expansion and development of Islam and Muslims in China. The Quran indeed forbids the marriage between a Muslim with an al-Mushrikat/al-Mushrikun (Quran 2:221). However, the Hui Muslims, under the pressure of the marriage prohibition of the Ming government, resolved the challenge, as Xue Wenbo 薛文波 (1985, 211) pointed out “those non-Muslim Chinese whom the Hui Muslims were legally required to marry changed their own [Chinese] religious belief and converted to Islam due to the intermarriage with a Hui Muslim,” which is permitted in the Quran. In this way, the Hui, on the one hand, followed Allah’s Path not to marry a non-believer, and obeyed the law of the Chinese emperor, on the other hand, to marry the Chinese, the result of which, however, was not what the Ming government hoped for, namely to impose restrictions on the “increasing reproduction of the kind.”

Sinicization cannot be achieved by Hanisization,⁷⁶⁴ not to mention the very fact that adopting a Chinese surname, dressing Chinese clothing, and learning and speaking the Chinese language do not necessarily always mark the Hanisization of the Hui Muslims, neither does marriage with a Chinese. These, however, are indeed factors indicating certain acceptance of and the identification to another, namely Han Chinese, culture. With the passage of time, especially the implementation of the laws dominated and supported by the state authority, the policies and legal rules of the Ming, among other things, do contribute to the Hanisization of the Hui. An inscription on the tombstone found in Qinyang, Henan Province, which was called Henei 河内 then, proved it. The inscription is titled “*Ming Henei chushi Maigong ji ruren Mashi hezang muzhiming* 明河内處士買公暨孺人馬氏合葬墓志銘” (Inscription of the multi-burial grave of my virtuous father Mai and mother Ma in Henei, Ming dynasty). The authorship of the text belonged to a certain Lou Shu 婁樞, who claimed to be a *jinshi* and former Guangzong County Magistrate. Probably following the Confucian style, the inscription also recorded a Xiao Shoushen 蕭守身, also a *jinshi*, Prefecture Magistrate of Lintao and former officer of the Department of Finance in Shaanxi, who was responsible for the transcription of the text in Chinese calligraphy. Not much is known about the author or the Chinese calligrapher. It is probable that neither of them was a Muslim. I translated part of the inscription in appendix twelve. Here I will analyse how the information from the Inscription shed light on our understanding regarding the implications of Ming court’s marriage prohibition on the Hui Muslims.

First of all, the Inscription was dedicated to Mai and his wife, Ma. The Muslim identity of Mai is indicated exactly in his surname. The Hui Muslims did not adopt a Chinese surname randomly, and chances are that they chose a Chinese character from the transliteration of their Muslim names. As for the surname of Mai (買 or 麥 in Chinese), it probably is taken from the Chinese transliteration of the name Maisad al-Din, variously translated as Maishuding 買述丁, Maishading 買沙丁, or Maishuding 麥述丁 in Chinese, which is a surname almost exclusively for the Muslims (Jin 1936). It seems that his wife, Ma, which is the most common surname among the Hui Muslims in China today though, probably did not have a Muslim background, for the inscription read that “the wife, Ma, following his custom, buried him.” Noticeably, their son, Xianzu 顯祖, instead of the Islamic way for a funeral, buried his parents in the Chinese way where divination and coffin, as mentioned in the inscription, were used. The fact that Xianzu’s Chinese mother raised him in the traditional Chinese/Confucian way since the death of the father when Xianzu was three years old might have contributed to the final Hanisization of the family. Interestingly, the author of the inscription was very happy and spoke highly of the son for his Hanisization, and wrote in his notes that “the son changed the [Muslim] custom and consequently... assimilating the [uncivilised] barbaric minority into the [advanced] Chinese... the parents shall be able to rest in peace now.”⁷⁶⁵

⁷⁶⁴ The term Sinicize/sinicization (*Zhongguo hua* 中國化), as far as this thesis is concerned, is different from the term Hanisize/Hanisization (*Hanhua* 漢化), though many do see the two as equivalent and interchangeable. My usage here of sinicization refers to a normative conception of China and Chinese, a way of how people of diverse cultural and ethno-religious identities unite under certain shared identifications and thus form a sense of we-ness; while the term of Hanisization is used in a descriptive way showing the process in which the majority Han Chinese assimilate other ethno-religious peoples.

⁷⁶⁵ The original Chinese is “且異其變俗之果如此...因夏變夷，名由此起。父既目瞑，母亦心安。”

In the abovementioned case, it is clear that the forced marriage with the Han Chinese, the needs to learn Confucianism to participate in the Imperial Examination, which probably was the only way for ordinary Hui Muslims to get their social status promoted, together with other assimilate policies of the Ming Dynasty, finally resulted in the religious crisis, a situation of what Hu Dengzhou and later the Han Kitab authors had worried about, as I have discussed in the chapter of education.⁷⁶⁶ The Hui Muslim elites then had no other choice but to find ways to survive in the Han majority dominated China without being assimilated into the Han Chinese (Yang 2012, 24–32). Several masterpieces of the Han Kitab authors mentioned the issue of marriage in their works. I will choose the three of them, namely Wang Daiyu, Liu Zhi, and Ma Dexin, the most well-known and distinguished authors representing the development of the tradition in its different phrases, and see how they addressed the issue of marriage in their works.

3.4 Marriage in the Works of the Han Kitab Authors during Ming and Qing Dynasties

3.4.1 Wang Daiyu

Wang Daiyu, as a Muslim scholar, studied Islam when he was a child (Wang 1987, 16). Besides, he also attended the Jintang education and he was believed to be the fifth generation of Hu Dengzhou's students (Jin 2008, 75–90), indicating that generally, he followed, as students of the Jintang education did, the Sunni doctrine of Islam and the Hanafi jurisprudence. Wang Daiyu, as well as other major authors in the Han Kitab tradition, and his works, were also influenced by Sufism⁷⁶⁷ (Jin 2008, 152–58). What distinguishes the Han Kitab authors from other scholars of traditional Islam is the influence of traditional Chinese cultures, including not only Confucianism but also Daoism and Buddhism. It is no surprise that Wang was regarded as a scholar who was “conversant with the Four Teachings (Islam, Confucianism, Taoism, and Buddhism)” (Tu 2000, x). As for his study on the Chinese cultures, Wang himself said that,

I did not learn the Confucian teaching when I was young. I could only read some [Chinese] characters upon my late teens, which only enabled me for daily communications. Since my twenties, I felt ashamed and have been reading philosophical and historical works [of Confucianism], including works from other [Chinese] schools. With the grasp of the ideas of these works, I find their arguments unreasonable and paradoxical, compared with Islam they are a world of difference.⁷⁶⁸

It is true, especially in the case of Wang Daiyu who was considered to be one of the first authors to have written about Islam in Chinese (Leslie 1986, 117), that the early authors of the Han Kitab tradition dealt mainly on the principles of Islam (*usul al-din*) rather than the specifics of the Shari'a (Murata 2000, 3–5). The most comprehensive work where Wang talked about marriage and the relationship between a husband and his wife is the *Zhengjiao zhenquan* 正教真詮 (Real interpretation of the orthodox teaching). In this book,⁷⁶⁹ in addition

⁷⁶⁶ According to Jin (2008, 24–29), in addition to the fact that “the decline of Islam in China... is directly resulted from the socio-political and economic situation of the Muslim communities then,” the conservative tradition of the Hui also contributed to the decline. In other words, the Hui believed that the Quran as well as other religious scripts should not be translated into other languages other than the original Arabic, for the translation might lead to misinterpretations to Allah's divine orders. However, we argue that it is because of the assimilative policies of the Ming court, the ban to learn and speak Arabic for example, that resulted in the inability of the Hui Muslims to understand the Quran in its original.

⁷⁶⁷ In addition to what Murata (2017, 4–5) argued that Wang and his work were influenced by Sufi authors such as Najm al-Din Razi and 'Aziz Nasafi, several well-known Sufis were mentioned in Wang's works, such as Rabi'a al-'Adawiyya al-Qaysiyya (Labi'an 喇必安), Abu Sa'id b. Abi 'l-Hasan Yasar al-Basri (Baiseli 白色裡), Ibrahim ibn Adham (Adehan 阿德憨), Ja'far ibn Muhammad as-Sadiq (Sadige 灑的格), Bayazid Bistami (Batye maide 爸野賚德), and so forth. (Wang 1987, 89, 95, 100, 104).

⁷⁶⁸ The original Chinese is, “幼時，未習儒者之學。及乎成立，粗能識字，亦不過往來書記而已。至於壯盛，自慚庸陋，始閱性理史鑒之書，旁及百家諸子，稍通大義，覺其議乖道異，各相抵牾，揆之清真，懸殊天壤。” (Wang 1987, 16).

⁷⁶⁹ There are several versions of the book of the *Real Interpretation of the Orthodox Teaching*. I use two of the versions. One was first published in 1801 and reprinted in 1999 in Ningxia, and the other one was first published in 1873 and was included in the *Qingzhen dadian* 清真大典 (Great classics of the pure and the real), one of the Collections of Historical Documents of Religions in China (*Zhongguo zongjiao lishi wenxian jicheng* 中國宗教歷史文獻集成) published in 2005.

to several occasions where he touched upon the issue of the relationship between men and women,⁷⁷⁰ Wang Daiyu dedicated a chapter named “Husband and Wife” (*Fufu* 夫婦) to the issue of marriage.⁷⁷¹

Wang Daiyu’s work is considered to be the “first Islamic classic in Chinese” (Murata 2017) that marks the benchmark of Islamic learning in China. There are several points worth noting in his argument on the marriage issue. First, in comparison with other religions, especially with Buddhism, Wang explicitly emphasized the principles and rules of Islamic law that affirms marriage as one of the obligations from God. Notably, as I mentioned before, women, from the Confucian perspective, were encouraged to live in widowhood, while Wang argued that “widows and widowers shall not live a single life,” which was based on the Islamic teachings.

It is obvious that Wang adopted many terms and concepts from the Three Teachings, namely Confucianism, Daoism and Buddhism; however, his aim was not to frame a constructive dialogue with other religions but, as he stated, to “reveal the teachings of Islam via the borrowing and using of the terms in Daoism and Buddhism... so as also to report the differences and criticize their errors” (Wang Daiyu 2005, 33). Wang, with his approach of narrating the teachings of Islam, treated differently in terms of the Three Teachings. It seems that he was clearly more critical of Daoism and Buddhism and appreciated Confucianism, as he several times criticized the Buddhist monks and nuns⁷⁷² while approved the Three Cardinal Guides and Five Constant Virtues of Confucianism (*sangang wuchang* 三綱五常) in his chapter on husband and wife. And the reason for this, as he himself stated, is that “the priority of our religion [of Islam] lies in the worship and observance of God and His Law, and the issues concerning loyalty, integrity, filial piety and amicability are the same with Confucianism” (Wang Daiyu 1999, 16). This might further explain the reason why Wang did not touch upon any specific contents of marriage regulations represented in fiqh, such as the issue of marriage portion/*mahr*, polygamy, marriage prohibitions between certain relatives, marriage contract, and so forth. As one of the contributors of the preface in 1642 stated (Wang Daiyu 1999, 4), who was likely to have shared the idea of “the sameness between Islam and Confucianism” in the field of social affairs, “the teachings of Confucianism on the Dao of humanity⁷⁷³ are overwhelmingly comprehensive without which life, as well as the legal institutions governing the society, would be disordered and incomplete.” Some might go further to claim that Wang Daiyu, probably also other authors of the Han Kitab tradition, actually Confucianized Islam. However, this is not true, in not only that Wang himself claimed several times that he only “borrowed” (actually reinterpreted) the terms from Confucianism, but also that he, in reality, criticized Confucianism concerning one of the very core concepts of Confucianism, namely the supreme and absolute loyalty to the emperor.⁷⁷⁴

⁷⁷⁰ One occasion is in the chapter of the “Original” (*Yuanshi* 元始), a term in Chinese philosophy referring to the beginning of the cosmos, where Wang argued that “(thus) the deep attachment between husband and wife is due to the fact that they in reality were originated from one body... the wife was created from the husband ... and it is only natural that the wife shall obey her husband” (Wang Daiyu 2005, 60). The narrative here was clearly based on the Islamic perspective of the creation of the universe and human beings, namely Ādam and Ḥawā. Another occasion Wang mentioned the relationship of husband and wife is in the chapter of “Human Rank” (*Renpin* 人品), where he argued that “the first man was created alone, from him another one was created and they formed a couple. The first man is one person and to form a couple there are two, which means *ren* 仁. Thus the “Three Cardinal Guides and Five Constant Virtues [of Confucianism]” (*Sangang wuchang* 三綱五常)... were established on the basis of the *ren* between husband and wife” (Wang Daiyu 2005, 94). Clearly, Wang’s argument this time was closely connected with the teachings of Confucianism. This dual-acceptance of and reference to both traditions of Confucianism and Islam is typical throughout Wang’s works.

⁷⁷¹ As for the original Chinese and my English translation of Wang’s chapter on “Husband and Wife,” see appendix thirteen.

⁷⁷² The criticism of Wang Daiyu to Daoism and Buddhism might have something to do with what he experienced when he was younger, when the works that promoted the teachings of Buddhism and Daoism in the name of Islam were quite prevalent (Yu 1999, 598). Wang seemed to be worried about the possibility, or even the reality, that Muslims and their piety to Islam might have been influenced by those thoughts. As a matter of fact, he criticized some of these works (Wang Daiyu 1999, 107–09), such as *the Xingmi zhenyuan* 省迷真原 (Real origin to the awakening from the confusion) and the *Zhengzhu mojie* 證主默解 (Ways to the testifying of God).

⁷⁷³ Here the Chinese term the contributor used was *rendao* 人道, which in Confucianism denotes the roles and norms regulating social affairs between individuals. Another term, namely the way of heaven, *tiandao* 天道, concerns the somehow transcendent rules and norms between Heaven and humans. These terms seem to be corresponding to the conception of *mu’amalat* and *‘ibādāt* in Islamic jurisprudence respectively, and were explicitly employed by the Han Kitab authors.

⁷⁷⁴ For example, Wang in his work recalled the readers to reflect the fact that “though the emperors are named differently they are physically the same [with ordinary people], especially when they are dead. Are they really rich and noble?” (Wang Daiyu 1999, 78–79). He further pointed out that the nobility and power of the emperor were actually given by Allah thus the very first one a man had to respect and be loyal to was Allah instead of the earthly Chinese emperor (Wang Daiyu 1999, 223–26).

In sum, Wang's chapter on marriage, at first sight, might be seen as something quite far away from Islam. However, taken into consideration the context of his chapter on marriage, namely seen from an internal perspective of Wang's own intellectual and academic history as well as his other works as a whole, it is clear that Wang aimed to elaborate the profound tenets of Islam, to reveal "the how and why questions [rather than the specific what questions] concerning the teachings of Islam" regarding marriage (Jin 1937). Besides, let us not forget also the external social environment where Wang Daiyu lived. As I mentioned, the legal restrictions of the Ming court on marriage between the Huihui Muslims, among others,⁷⁷⁵ represented the intention of the Ming government to control and assimilate the Hui Muslims; the specific period when Wang wrote and published his work, the period of great transition from the Ming to the Qing dynasty, made it possible for Wang Daiyu to "elucidate the general principles... and criticize those ideas [of Confucianism, Buddhism, and Daoism] that are not in accordance with Islam" (Wang Daiyu 1999, 21–22). Like the Ming court, whose intentions represented in the policies and laws were complex and sometimes also contradictory, the apparent forms of Wang and his works on marriage for example, which seems to be the Confucianization of Islamic law at first sight, actually served as a response and resistance to the challenges the Hui Muslims were facing, and aimed at defending Islam and its laws.

3.4.2 *Liu Zhi*

This preliminary conclusion also works for another Han Kitab author, Liu Zhi, whose works were "the most systematic of the entire Han Kitab corpus... and the most comprehensive treatment of Islam written in Chinese before the modern period" (Frankel 2011, 30). His legal work, *Tianfang dianli* 天方典禮 (Norms and rites of Islam),⁷⁷⁶ addressed the issue of marriage in several chapters, with chapter ten and chapter nineteen being the most comprehensive ones. As was pointed out by several researchers that the issue of how to reconcile the relationship between the Shari'a and the Chinese official law was one of the issues the Han Kitab authors sought to answer, since most of the research on Liu Zhi and his works available deals with the metaphysics of Islam provided by Liu Zhi and the general Han Kitab authors, my study will deal with a concrete issue and see how exactly the Han Kitab authors, including Liu Zhi, attempted to achieve the reconciliation between the two traditions.

Liu Zhi followed what his predecessor Wang Daiyu argued, namely among the Five Human Relations (*wulun* 五倫) the relationship between husband and wife is the most fundamental, for Liu Zhi argued that "Heaven and earth existing then came all things on earth, man and woman existing then came human beings, thus husband and wife is head of the way of humanity."⁷⁷⁷ Besides, what they argued in terms of the fundamentality of the relationship between husband and wife actually echoed the Confucian ideas on husband and wife being the "beginning of all things on earth" and for Liu Zhi, it is only natural to connect and extend the husband-wife relationship to the official monarch-minister relationship, following the same logic of Confucianism. So far, it seems that Liu Zhi also tended to Confucianize the Shari'a, which is, again, a misreading of his intention. One thing that has to be pointed out is that, unlike Confucianism, Liu Zhi also connected his "way of humanity" (*rendao* 人道) with the "way of heaven" (*tiandao* 天道), namely the religious obligations of Islam. He analogized the five pillars of Islam, namely the "way of heaven," with the Five Human Relations of Confucianism, saying that "the way of heaven and the way of humanity are not two things but in consistence with each other. Following the way of humanity makes it possible to go back to the way of heaven, which establishes the foundation of the way of heaven; following the way of heaven accompanied with the way of

⁷⁷⁵ What is worth noting, among other things, is the official appointment of Imams in the mosque by the Ming court, for detailed information please refer to the section on the Ming period in chapter two.

⁷⁷⁶ As one of Liu Zhi's *Tianfang*-trilogy (Frankel 2011, 56), the book is believed to be published in 1710 consisting of twenty chapters. The first four chapters deal with the history of Islam and the origin of the laws that follow. In the rest of the chapters, he deals with first the 'ibādāt part of the Shari'a, namely the five religious obligations in Islam, and then he elaborates on the mu'āmalāt part of the Shari'a, namely, using the Confucian terms, the Five Canon (*Wudian* 五典), which corresponds to the Five Human Relations in Confucianism (*Wulun* 五倫); and lastly he addresses the issues of civil affairs, such as regulations on food, finance, and funeral. For a discussion on the first four chapters of the book, see (Frankel 2011, 115–47); for a translation and interpretation of the first five chapters, see (Lee 2014, 187–227).

⁷⁷⁷ The original Chinese is "有天地而後萬物生，有男女而後人類出，故夫婦為人道之首也。" (Liu 1988, 114).

humanity, for the way of humanity consolidates the Origin.”⁷⁷⁸ Though on the surface he did approve of, to some degree, the teachings of Confucianism in terms of the way of humanity, like Wang Daiyu did, what he contributed was his endeavour to base the legitimacy of Confucian teachings on the recognition of and the supplementation from the Islamic teaching.

Following this principle, Liu Zhi further elaborated on the way of husband (*fudao* 夫道) and the way of wife (*fudao* 婦道), where the Islamic teachings carried considerable weight. In general, as a husband, according to Liu Zhi, one is supposed to, among other things, first teach his wife the teachings of Islam, especially the Sharī‘a, so that the orders from Allah and the Prophet would be followed properly. Notably, Liu Zhi also touched upon some core aspects of marriage in Islam, namely polygyny and divorce. As for polygyny, Liu Zhi, by quoting a Hadith, argued that “the Prophet says, ‘the husband shall not have an affair with other women, neither shall he be stingy with a daily allowance; the wives shall be treated equally in terms of food and clothing, as well as sexual intercourse.’”⁷⁷⁹ As for divorce, Liu Zhi also quoted the Hadith, arguing that “the Prophet says, ‘if the wife does something wrong, [the husband] shall instruct her with gentle and kind words. Do not divorce her imprudently’.”⁷⁸⁰ Interestingly, Liu Zhi’s emphasis on the aspect of Islamic law concerning the issue of divorce does not seem to be a random choice. People in the Qing Dynasty, in general, tended to encourage, or indeed require, the husband to instruct the wife instead of divorce her even it was possible to divorce the wife legally (Zhang Xiaobei 2003, 98–99).

Throughout his entire book on the Sharī‘a, Liu Zhi intentionally quoted the Quran and the Hadith to support his assertions, in which way he built the legitimacy of his Han Kitab works as “authentically Islamic.” On the other hand, he did not stop by just giving the orders from the Quran and the Hadith, instead, he tried to rationalize these orders, notably, via “borrowing” the concepts and ideas from Confucianism. For example, when it comes to the circumstances where a husband may divorce his wife, Liu Zhi explicitly accepted, though not completely, the Confucian *li* in the light of divorce, namely the Seven Repudiations.⁷⁸¹ Later in the same chapter, he also mentioned the importance of the wife’s being filial and obedient to her parents-in-law, where he argued that the significance and purpose of marrying a wife were to serve the elders, namely the parents and/or grandparents, and to have children so as to carry on the family line, which are not seen in the Islamic tradition but are highly in accordance with Confucianism.⁷⁸² His approach to justifying his Han Kitab work via referring to both the Islamic legal sources and the Confucian sources and ideas, on the one hand, did not delegitimize but actually reinforced, the Islamic nature of his work, and further demonstrated his seemingly natural acceptance of both the Chinese and Islamic traditions, indicating the identity of him and his work as “the special Chinese-Islamic simultaneity” (Frankel 2011). The same approach was also applied in his discussion on the “way of wife.” However, Liu Zhi’s emphasis this time was put on the obedience of the wife towards her husband, which although is again in accordance with Confucianism and the general expectation and practice of people in the Qing Dynasty, according to Liu Zhi’s interpretation of the Hadith he quoted, is required by the Sharī‘a.

Like Wang Daiyu, Liu Zhi also dedicated a whole chapter on the issue of marriage, namely chapter nineteen of the *Tianfang dianli*. At the beginning of the chapter, Liu Zhi emphasised the importance of the rituals and rules on marriage, the inobservance of which led one to *bid’ah* (heresy). However, he also pointed out that in

⁷⁷⁸ The original Chinese is, “天道，人道，原相表裡而非二也。蓋盡人道而返乎天道，斯天道有以立其基；盡天道而寸乎人道，斯人道有以正其本。” (Liu 1988, 116).

⁷⁷⁹ The original Chinese is “聖人曰：‘夫不私色，不吝用，妻眾必公其衣食，禦當夕，不宜寬。’” (Liu 1988, 117)

⁷⁸⁰ The original Chinese is “聖人曰：‘婦有過，善言以教之，勿輕去。’”

⁷⁸¹ Liu Zhi argued that a wife shall not be divorced unless she behaves aggressively, does not serve her parents-in-law, refuses to have sex with the husband, is sexually immoral, or steals (Liu 1988, 117). As I mentioned, Liu Zhi was not in complete agreement with Confucianism in terms of divorce. Obviously, he did not mention inability to conceive and bad disease as a condition for divorce, as Confucianism did.

⁷⁸² Serving the elders and producing offspring indicates that for Liu Zhi the significance of marriage lies in its contribution to the families instead of the two individuals. This idea is explicitly expressed in the *Liji* 禮記 (Book of rites) in Chapter “Marriage Rites” (*Hunyi* 昏義), which read, “the ceremony of marriage was intended to be a bond of love between two (families of different) surnames, with a view, in its retrospective character, to secure the services in the ancestral temple, and in its prospective character, to secure the continuance of the family line” (Legge 1885). The original Chinese is “昏禮者，將合二姓之好，上以事宗廟，而下以繼後世也。”

his explanations that followed his frequent reference to the marriage rituals of Confucianism was because of the fact that “the rites/legal rules of Islam come from the religion of Arabia, which the rites/rules in Confucianism are much in common with; though the customs, as well as some details [of the two traditions], are different, the main principles are oftentimes similar.”⁷⁸³ It is the “similarities” in the principles of the two traditions that made Liu Zhi believe that his reference to Confucianism would better serve his readers with a proper understanding of the teachings of Islam.⁷⁸⁴ As a matter of fact, in what followed, Liu Zhi gave a detailed description of the procedure for marriage without referring to any Quranic or Prophetic teachings. Compared with the rites and procedures stipulated in the official Qing code, the marriage procedure described by Liu Zhi saw very much in common with the official Qing code and the Confucian *li*. For example, the very first step for a marriage procedure advocated by Liu Zhi was the notification of marriage initiation by the matchmaker to the family of the potential bride (Liu 1988, 199), which is not required by Islam but is one of the preconditions for a valid marriage according to the Qing code.⁷⁸⁵ Liu kept the style he informed the readers of, namely the “frequent reference to the languages of Confucianism.” In what followed, he listed the procedures of the marriage that the Hui Muslims should follow, including “asking the names (*wenming* 問名),” “giving and accepting the marriage portion (*napin* 納聘),” and “escorting the bride back in person (*qinying* 親迎),” among other things, which are not only in accordance with the Confucian *li* but also with the official law of the Qing.⁷⁸⁶

The usage of the same terms for marriage, together with the approval of similar marriage procedures with Confucianism, does not necessarily mean a pleasant Confucianization, as in the case of Liu Zhi and his argument on marriage. Two points are worth elaborating. As I mentioned, Liu Zhi did use the Confucian terms on marriage and generally acknowledged the marriage procedure stipulated in the *Liji*. However, he reinterpreted these terms and concepts from his Muslim perspective. For example, in Confucianism, the rite of “asking the names” serves the purposes of first and foremost divination and second the avoidance of marriage between people of the same surnames, a marriage prohibition in China as I introduced before. The rite denotes both its moral (also legal) significance in Confucianism and religious notions (Liu and Wen 1994, 41–42). Liu Zhi, on the other hand, argued that during *wenming*,

First, the bride’s family ask the names and origin of the groom’s family, which the groom’s family shall reply to the bride’s family afterwards in a written form, namely with the following: which province, which place, which grandfather and father, and name of the groom, including the mother’s name and her family background, with mentions of official occupations if necessary. Then, the groom’s family ask the names and origin of the bride’s family, and the bride’s family shall also reply in a written form... and the purpose of this is to make everything clear without hiding.

⁷⁸³ The original Chinese is “清真之禮，出自天方聖教，而儒家之禮，多相符合，雖風殊俗易，細微亦有不同，而大節則總相似焉。故予于序禮解事處，多原儒語，以明其義，蓋欲此地人知所解耳” (Liu 1988, 199).

⁷⁸⁴ Liu Zhi’s potential readers were on the one hand the literate, and most of the time Confucianised, Muslims, and the non-Muslim scholar-officials and Confucian scholars, on the other hand, both of whom were familiar with and even expert in Confucianism. Thus his approach of using “more languages of Confucianism” makes sense.

⁷⁸⁵ As I have introduced before, the matchmaker played an important role in concluding a marriage contract in the Confucian tradition, which had been legalized since the Tang Dynasty in China, and the Qing official code inherited it. According to the *Daqing lüli* 大清律例 (The great Qing code), the matchmaker shall be punished if the marriage she matched has violated the official law, of which the matchmaker is aware (Shen [1715]2000, 293).

⁷⁸⁶ Generally, scholars agree that at least from the Han Dynasty the Confucian *li* has been legalised into the state official law, and the combination of *li* and *fa* 法, a term denoting various legal norms in ancient China, is actually one of the characteristics of legal development in China (Qu 1996; Ma Xiaohong 2004). My quoting of both terms aims at emphasizing the fact that the Manchu Qing Dynasty, as one of the regimes established by the non-Han Chinese ethnic group, incorporated the Confucian ideas and ideals gradually into its legal code and social practices.

Note: ... in case the two families have common relatives and acquaintances, it is then not necessary to inform the origin of the family, or grandfather and father's names but only the names of the bride and the groom.⁷⁸⁷

Liu Zhi made it clear that the aim of asking the names is to clarify everything so that misunderstandings may be avoided. He did not mention the prohibition of marriage between people of the same family names, which seems to have not been a taboo in marriage between Muslims in China, nor did he have any intention for divination, which, as a matter of fact, Liu explicitly warned the Muslims to restrain from. One thing we must be aware of is that at the very beginning of the Qing official law on marriage the families of both the bride and the groom were asked to notify each other about the details of the two families so that the marriage was consensual and any party who kept the information unknown or cheated, as a result of which the marriage was not able to be concluded, shall be punished with eighty floggings. It seems that Liu Zhi's emphasis here is to make sure that no such cases would happen in the marriage between Muslims. Once again, we see that Liu Zhi's reinterpretation tried to negotiate between the Islamic and the Chinese legal norms, and his partially Confucianised reinterpretation was based on the principle that no Islamic principles regarding marriage were violated. In other words, his arguments were a Confucian bottle filled with Islamic norms.

This could be further demonstrated by several other marriage procedures Liu deemed to be essential for the Hui Muslims. The most distinctive one is "writing the marriage" (*shuhun* 書婚), where Liu Zhi gave the most detailed description among all his rites for marriage, even with how each one involved shall stand and sit in the ceremony. In the ceremony of "writing the marriage," the most important figure was the Imam who was invited by the groom's family to publicly testify the marriage and issue a document stating the unity of the bride and the groom. This ceremony took place after the *nading* and *napin*, in which the marriage contract⁷⁸⁸ and the marriage portion were given and accepted. These two ceremonies, according to the official law of the Qing, marked the conclusion of the marriage contract, meaning that either party who broke the contract would be punished. It is obvious that only the official recognition of marriage by state law is not sufficient for Liu Zhi, and the marriage does not become valid in the eyes of Muslims until it has got recognition by the Imam and the public witness by their fellow Muslims. In sum, from the contents of the marriage procedure described by Liu Zhi, his intentions were clearly to reconcile with the Confucian and the Qing official laws on condition that the basic Islamic principles were met. In other words, Liu Zhi was quite aware of the difference, if not conflicts, between the two legal traditions and the unavoidable influence from the Chinese Confucian tradition on the Shari'a law, as he argued at the end of the chapter that "the issue of marriage, the customs of which vary from place to place... Since we [Muslims] were born here [in China], of course, we cannot differ completely from the local customs." However, he still had his bottom line, as he argued that "those [Chinese customs] which can be followed can be followed; while where there are customs that cannot be followed the [Islamic] *li* shall be observed."⁷⁸⁹

One more thing concerning marriage in Liu Zhi's works and the general condition of the Qing Dynasty is the issue of polygyny. As Tontini (2016, 33) observed that in the *Tianfang dianli* "conflicts with the Qing model were especially visible regarding marriage," and she raised interesting questions as to "what sort of historical circumstances made the author so bold as to bring to the attention of literati and government officers a family arrangement different from the Qing model." To answer this question, it is necessary to

⁷⁸⁷ The original Chinese is "先女氏問男氏名、籍，男氏通其鄉貫名氏與女氏，書式：某籍、某處、祖某、父某、子某、子之母出自何氏，顯者述其官職，然後男氏問女氏名、籍，女氏亦通其鄉貫名氏與男家... 其意蓋欲彰明較著而無隱也。按：... 若兩家原有親知，可以不必通鄉貫、祖、父之名，但問子女之名。" (Liu 1988, 199–200).

⁷⁸⁸ Though in Liu Zhi's work he did not specifically mention the word marriage contract, or *Hunshu* 婚書 in Chinese, he only used a term *shu* 書, meaning a book or more generally a document without specifying the nature of it. However, compared with the Chinese marriage tradition, and the marriage rites before and after it, I think it is reasonable to assume that the "document" he mentioned here was the marriage contract.

⁷⁸⁹ The original Chinese is "婚姻之事，各地風俗多殊... 吾人即生此土，自不能盡異此俗，但可從者從之，其不可從者仍當儀禮而行" (Liu 1988, 204).

consider both the external “historical circumstances” and the internal circumstances of the Muslim communities in general and those of the Han Kitab authors, such as Liu Zhi, in particular.

For the internal factors, as I argued above, generally, the aim of the Han Kitab authors was to provide an interpretation of Islam with a language that their fellow Muslims who were much Hanicized could understand. And the Islamic teachings, at least the “set of basic, common values inspired by the faith” (Frankel 2011, 154), were the “bottom lines” these authors kept, which is to say that maintaining the teachings of Allah and His Law were to be, in one way or another, their priority. As for the issue of polygyny in specific, it would be helpful if we take into consideration the time and place Liu Zhi lived in. Liu Zhi grew up and probably lived most of his life in Nanjing, a prosperous city in eastern China. Besides, the *Tianfang dianli* was expected to be read by those, Muslims and non-Muslims, who were literate and probably enjoyed a relatively high social status. These factors indicate the high likelihood of the readers who were economically capable of marrying a second or more woman. This may make more sense if we take into consideration the general external situation of the Qing society, especially the early period, namely the period when Liu Zhi wrote and published his work. It is true that since the Ming Dynasty the Chinese official law prohibited a man from marrying more women,⁷⁹⁰ which has been inherited by the Qing court. However, we have to always bear in mind that the stipulation of the law on paper is one thing, the practice of the people in their daily life is another. Chances are that it was because more and more people, mostly those without any official occupation, were marrying more than one women that the Ming court decided to issue the law to prohibit it. We can reasonably assume that this prohibition in the law might have been dead letters since its publication, for the stipulation was later officially annulled during the Qianlong period (1735–1796), and polygyny in the Qing period was in reality not restricted (Zhang Xiaobei 2003, 114). Besides, the early Qing period, especially during the late seventeenth and early eighteenth centuries, generally saw a peaceful and neutral, if not positive and protective, attitude of the Qing court towards the Hui Muslims as a minority group whose customs were preserved and respected.⁷⁹¹ As for dispute resolution during the Qing, the official court would not only tolerate but actively facilitate the resolution in an informal or semiformal sphere,⁷⁹² instead of formal litigation, in which it is likely that the Imam participated in, via the “centralized minimalism approach” (Huang 2010, 29), the working out of “compromises for the sake of maintaining good human relations.”⁷⁹³ All these factors contributed to the possibility that the Hui’s special religious marriage customs might have somehow been tolerated, by which I am not suggesting a harmonious coexistence between the Hui’s practice of the Shari’a and the Qing official code, of course.

3.4.3 *Ma Dexin*

Another prominent Han Kitab author, Ma Dexin, inherited the established tradition represented by Wang Daiyu and Liu Zhi, but also “recognized the importance of Arabic-language instruction and learning” (Petersen 2018, 73). Due to, on the one hand, Ma Dexin’s extensive study experiences within the Jingtang

⁷⁹⁰ According to the Ming Code, the nobles and government officials were allowed to have more women as their concubines, while the common people were generally not allowed to have concubines except for those who were above the age of forty and yet had no son (Zhang 1992, 670).

⁷⁹¹ The general policies of the Qing government towards the Hui Muslims was “to treat the Hui equally as others,” as I discussed in chapters two and four. The emperors had issued several edicts acknowledging the legitimacy of the religious practices of the Hui before the rebellions taking place in late eighteenth century (Huo 2004, 6–7). For a detailed discussion on the legal treatment of the Hui Muslims in the Qing Dynasty, see chapter four of the dissertation.

⁷⁹² Huang (2001, 2–9) pointed out that there was a huge gap between what was stipulated in the official law of the Qing and how the law was in reality implemented, as he indicated in the title of his book on the civil law of the Qing as “practice” and “representation.” In addition, in terms of the law itself, it would be mistaken to assume that the law was a unified document, for in fact the law was a multifaceted system consisting of the stable *lü* 律 and the flexible *ling* 令. For example, according to the *lü*, people who divided up family property and live apart when their parents or grandparents were still alive would be punished, however, according to the *ling*, it was in reality permitted on condition of the permission from the parents.

⁷⁹³ Disputes in marriage were first of all settled within the family or the community other than via the government. The mediators in this regard normally were the elders of the family or the senior leader of the kin and the community, who were generally respected. The informal mediation, of course, did not aim at the implementation of the state law but the achievement of a harmonious human relations. In our case, it is reasonable to assume that the Imam and the rules of and principles of Islamic law must have played certain role in resolving marriage issues within the legal framework of the Qing. For the discussion of the Qing legal system and the practice in local government, see (Huang 2010, 30; 2001, 57–74).

education in Yunnan and Shaanxi (Bai 1983, 1–6), and his eight-year study and travelling, on the other hand, in the heartlands of Islam, such as Mecca, Medina, al-Azhar in Cairo, Istanbul, and Jerusalem (Ma [1861]1988, 17–66),⁷⁹⁴ his works and experiences distinguished him in many ways from other Han Kitab authors. In his book on Islamic jurisprudence, the *Lifa qi'ai* 禮法啟愛 (Love for rites and laws), which was written originally in Arabic named Mushtāq, Ma Dexin elaborated the details of the rules on marriage, which is the most systematic and comprehensive one among the Han Kitab authors on the issue in question. There are two versions of Chinese translation to the book, one by Ma Dexin's student, Ma Anli 馬安禮 in 1862 (Yao and Li 2005, 254), and the other one by Jin Diangui 金殿桂, a Hui Muslim student at the Chengda School in 1931. The contents of the two versions are similar, but, as Jin Diangui ([1931]2005, 573) stated, “the *Love for Rites and Laws* by Ma Anli was translated in classical Chinese [*wenyan* 文言], while this one is in vernacular [*baihuawen* 白話文]...besides, in this book I added more contents from other scriptures (on the Sharī'a) to supplement the former.” However, as for the parts dealing with marriage, it seems that the majority of the contents in the original Arabic texts were preserved in both translations. I will refer mostly to the translation by Ma Anli, for this translation was probably acknowledged by Ma Dexin himself since it was published when Ma Dexin was still alive. As for the other translation, the translator did not translate some parts of the original Arabic text, such as the issue of polygyny, and omitted some important comments of the author.

In sum, in addition to a short paragraph that serves as an introduction where the definition and conditions of marriage are addressed, Ma Dexin discussed four main aspects of marriage in Islam, namely the issue of polygyny, marriage prohibition, marriage portion, and divorce. At the very beginning of the chapter, Ma Dexin claimed that “a marriage has to be concluded between two persons, voluntarily or programmed by their parents or by [the matchmaker as] an agent.” However, unlike the traditional Chinese view towards marriage where the parents' approval was determinant, Ma Dexin argued that “parents are not allowed to dominate the marriage for their children, if the man and the woman have reached their puberty... the forced union [between a man and a woman by their parents] is forbidden.”⁷⁹⁵ Obviously, compared with the Chinese law, for Ma Dexin, obeying Allah and his Law seems to be more important here. Probably with this in mind, Ma Dexin ([1899]2005, 390–94) gave very detailed and clear instructions on the marriage prohibition between people with or without certain blood ties.

Several points are interesting to note. First, Ma Dexin followed Islamic law and named in details which ones were not allowed for one to marry. These instructions are not seen in the works of the other Han Kitab authors that I discussed, and are quite comprehensive constituting the majority of his chapters on marriage. For the readers to understand it better, he also provided several diagrams of marriage prohibitions, which is also innovative among the Han Kitab authors' works that I discuss. Perhaps most interesting is that he explicitly mentioned the potential conflicts between the Islamic law and the social practices in the Chinese society where he and his Muslim coreligionists were living. For example, in the case of marriage prohibition, one unique set of rules in Islam is the marriage impediments among people of “foster milk suckling relations,” or *ruqin* 乳親, as Ma Dexin termed it. Ma Dexin argued that,

The marriage between people with foster milk suckling relations is indeed banned by Allah, which, oftentimes, the Chinese Muslims are not conscious of, who either ask for milk for their children in the street, or give suck to a baby [that they do not know of], being not cautious of the possibility that a baby whom they gave suck to cannot be recognised when he/she gets married. Why is that? All because the fathers, elder brothers, and the Imams shut their mouth in this regard, so that people even go so far as to disregard the Laws notwithstanding the Great Laws are available in the Scripture. However,

⁷⁹⁴ As for Ma Dexin's study and travel experience in the Muslim world, also see chapter seven on Hajj.

⁷⁹⁵ The original Chinese is “婚姻... 必二人方可締結, 或男女自相締合, 或父母主親擇配, 或托人代為結婚... 若婚者男女年長, 必須自行情願相結方可, 即父母亦不可強主... 強而聚之是為所禁” (Ma Dexin [1899]2005, 389).

whether one is aware of the laws or not, once the marriage is concluded, the sin is not to be pardoned.⁷⁹⁶

Ma Dexin publicly criticized the Chinese practice which may lead the Muslims to a sin that would not be pardoned, demonstrating Ma Dexin's primary concern and motivation in writing the book, namely to help the Muslims stick to the path of Allah and "contribute to the self-cultivation and the returning to the Pure," as Ma Anli ([1899]2005), the translator, stated.

In what follows, Ma Dexin discussed the issue of divorce, in which he elaborated on what divorce was, the conditions of the divorce, different categories of divorce, and the consequences of it. However, in most of the section on divorce, Ma Dexin felt the tension between Islamic law and Chinese state law and discussed the issue in depth so as to instruct his fellow Muslims in dealing with the tension. First, he pointed out the fact that there was a lack of conceptual correspondence in the light of the Chinese and the Islamic legal institutions. He argued that

via the investigation of the difference in the languages between China and Arabia, [we find out that] those inconsistencies between what the Chinese Muslims are doing and what are stipulated in the Scripture are due to the fact that the Prophet gave his judgements in Arabic while in China [where the Chinese Muslims are living] the Han language is spoken.⁷⁹⁷

Then he went into the discussion on the Chinese custom on marriage and divorce, dealing with the legal procedures according to the official law of the Qing as well as the Chinese social practices on marriage. These common Chinese practices regarding marriage,⁷⁹⁸ as Ma Dexin deemed from the perspective of Islamic law, actually served as evidence of ending a marriage. This contradiction seemed to concern Ma Dexin a lot and he expressed his idea that

There are legal rules on divorce in the Chinese custom, which is deemed as a scandal by the Chinese. A divorce [according to the Chinese law] is only possible when definite licentiousness happened, and it has to be brought to the government, which would not dissolve the marriage unless there is obvious evidence for the wife's licentious behaviours. We Muslims, as for divorce, shall be very cautious about our language [in terms of *ṭalāq*], for as long as such words [for divorce] have been said it is binding in terms of the Sharī'a, while it is on the other hand hard to implement in terms of the official law. If one fears the state law [and thus behave accordingly] then the Sharī'a would be violated, and if the Sharī'a is neglected then it is the greatest disobedience to God... I wish you [Hui Muslims] could be obedient so that you would not be reprimanded. If you are reprimanded because of the violation of the Laws, there is no way to get away with it.⁷⁹⁹

For Ma Dexin, the conflict is not one between the Sharī'a and the state law in general, but a specific one concerning the rules on marriage and divorce. It seems that Ma Dexin explicitly pointed out several aspects that were inconsistent between the Sharī'a and the state law of the Qing, but he did not regard them as

⁷⁹⁶ The original Chinese is: 乳親為婚實真宰之所大禁，乃東土穆民往往習焉不察，或抱子沿街乞乳，或將乳任意給人，不慎於給乳之時安能辨於結婚之際。推其故，總由父兄掌教杜口不言，以致經中雖有明條大法，而人竟不知遵守。然無論知與不知，但一為婚，則罪所不赦也。 See (Ma Dexin [1899]2005, 393).

⁷⁹⁷ The original Chinese is: 按天方與中國語言文字不同，是以中國穆民之事考之經典，往往有不合者，蓋前聖所斷者，系方言，而中國所言者，皆漢語。 See (Ma Dexin [1899]2005, 395).

⁷⁹⁸ What Ma Dexin concerned here is the issue of *ṭalāq*. He introduced the concepts of *ṭalāq al-hasan* and *ṭalāq al-ahsan*, in either cases certain expression of divorce by the husband may result in the ending of the marriage. However, these divorce-expressions were quite common in China and were not a valid claim for divorce.

⁷⁹⁹ The original Chinese is: 中國風俗亦有出妻之律，但在後戚，以為至恥。必有中冓之醜方可出妻。而出妻必懇之於官，而官又不據行離異，必婦有顯淫始判分離。凡我穆民，于出妻之言，宜加謹焉。蓋既言出，論教典已為有據，而論國法又難徑行。若畏國法則悖教典，若廢教典則為大逆... 庶使而躬，不致遭譴。苟壞教而遭譴，則無可追也。 See (Ma Dexin [1899]2005, 395-96).

incompatible. In terms of the differences of the rules on the divorce between the Shari‘a and the Chinese state law, for example, the neglect of the Shari‘a for fear of the Chinese state law does not seem to be a solution for Ma Dexin. However, his suggestion, on the other hand, was that the Chinese Muslims “shall be very cautious” instead of an either-or solution. I believe that his suggestion is on the one hand a result of his own study and travel experience that enabled him to inherit the tradition built by his predecessors such as Wang Daiyu and Liu Zhi who tried to reconcile with the Chinese tradition. On the other hand, the general historical background where he lived could not be ignored as well. As Yang (2002, 88) pointed out, Ma Dexin was quite critical of the social reality of Yunnan where he lived but was not completely negative about it. During his lifetime, Muslims in Yunnan experienced one of the most tragic periods.⁸⁰⁰ The attitude reflected in Ma Dexin’s works is connected to and could be better understood by the role he played in the Hui rebellions in Yunnan in late Qing period.⁸⁰¹ Ma Dexin supported, and presumably also led, the Hui rebellion in 1856 (Yang 1994, 131), and later in 1857, he himself participated in and led one of the battles that threatened Kunming, the capital city of Yunnan Province. However, he surrendered to the Qing and accepted the amnesty and enlistment offered by the government in 1858, for he was considered by the Qing court as “respectful and submissive and it was him [Ma Dexin] who was asked to pacify the Hui that the Hui finally gave in.” Furthermore, due to “his honesty in surrender, his ability in restricting the Hui, and sincerity in the work [assigned to him by the local governor],”⁸⁰² Ma Dexin was granted “Beg of the fourth level (Sipin boke 四品伯克)” by the Qing court. In 1861, Ma Dexin was invited to Kunming to assist in the maintenance of social order of the city and was promoted to “Beg of the second level (Erpin Boke 二品伯克).”⁸⁰³ His work, the *Lifa qi’ ai*, probably was written during this period when he was in Kunming.

During the process of the Hui rebellion in Yunnan from 1856 to 1872, on the one hand, Ma Dexin demonstrated his intention to support his fellow Muslims, especially during the battles he participated in as a leader in 1857 and the supports he gave, after his acceptance of the official position from the Qing, to Du Wenxiu 杜文秀, a student of Ma Dexin and general leader of the Panthay rebellion. However, his actual cooperation with the Qing government and acceptance of the official positions provided by the Qing, on the other hand, showed his identification with the Qing regime. As a matter of fact, Ma Dexin, before he joined the rebellion, had told one of his fellow Muslims in 1856 that

there are only a few Hui Muslims in China, compared with the Han, if we fight against them, we, in the end, are to fail. It is law and morality that we could rely on... We could turn to the law and the government when they [the Han] do something illegal or immoral to us. But if we ourselves break the law first, what shall we rely on then?⁸⁰⁴

⁸⁰⁰ Ma Dexin went for his pilgrimage to Mecca in 1841, before which time there had been the Mianning Incident (*Mianning shijian* 緬寧事件) in 1839 when more than 1,700 Hui Muslims were killed (Yang 1994, 118). Before Ma Dexin came back to Yunnan in 1849, several rebellions led by the Hui Muslims had taken place in Yunnan where, according to Yang’s (1994, 122) research, more than 8,000 Muslims were killed in the Yongchang Massacre (*Yongchang can’an* 永昌慘案) in 1845. In addition, another 20,000 Muslims were killed during the “peace-making operations” led by the Qing government in 1856 (Yang 1994, 125), which resulted in an overall chaos and genocide of the Hui Muslims in Yunnan

⁸⁰¹ The Hui rebellion in Yunnan is also known in English as the Panthay rebellion. It is well documented in Atwill’s work (2005).

⁸⁰² According to Sun’s (2004a, 29) research, the local governor of Yunnan reported Ma Dexin to the Qing court as such, and the original Chinese is: [回目馬復出]尚恭順... 命撫馭回眾, 回稍就範... 歸誠效力, 約束回眾, 辦事實心, 請賞給四品頂戴。

⁸⁰³ The Beg (*boke* 伯克) as one of the bureaucracies in the Qing Dynasty normally existed in Xinjiang, the Uygur Muslim concentrated region. However, the highest level of Beg in Xinjiang was level three (*sanpin* 三品), and Ma Dexin was granted a position higher than that.

⁸⁰⁴ The conversation was between Ma Dexin and Ma Rulong 馬如龍, who first actually led the rebellion either together with Ma Dexin or did it independently, but later became one of the leading government officials to suppress the Hui rebellion. However, this conversation took place in 1856 when Ma Dexin was the Imam of the local mosque, who heard that Ma Rulong had burned the houses and killed some Han people as revenge. The original Chinese is: 我們回教在中國內很少, 若與漢教爭鬥, 終要失敗的。我們所賴以存在的, 就是道德與法律... 若是我重道德, 守法律, 人不重道德, 不守法律, 欺辱我, 侵害我, 我還可以訴法律, 若果我們違犯法律, 還有什麼保護我們? (Bai 1952, 49). After the conversation, Ma Rulong did take Ma Dexin’s suggestion and sued to the Qing government, which took a long time and finally made Ma Dexin dumbfounded and speechless when he got to know that more

However, about one year later, Ma Dexin had changed his mind and decided to join the rebellion. Ma Dexin witnessed the unjust, violent, and unfair society and the brutal massacre committed by the Qing (Yang Guiping 2007, 52). He must have lost faith in the Qing government⁸⁰⁵ and was disappointed at the Confucian teachings which claimed to be able to maintain a harmonious order in the society. On the other hand, he was also aware of the situation of the Hui Muslims, especially after the failures of the Hui rebellions in the Shaanxi, Gansu, and Ningxia regions, where he obtained his Jingtang education, that “there are only few Hui Muslims in China, compared with the Han, if we fight against them, we, in the end, are to fail.” From one perspective, this might account for the fact that he himself did not rely much on Confucianism in his works on Islam, which is one of the characteristics of Ma Dexin’s contribution to the reconciliation between the Chinese and the Islamic legal traditions.

In sum, I have so far discussed the issue of marriage among the three prominent Han Kitab authors, Wang Daiyu, Liu Zhi, and Ma Dexin, who in many ways, on the one hand, presented a similar understanding and interpretation of the issue in question within their general intellectual framework, and differed, on the other hand, in varying degrees of emphasis. In principle, what they tried to achieve was to provide an interpretation of Islam that would be accessible to the local audience. However, as Petersen (2018, 199) argued, among the three Han Kitab authors we discussed here, there is no “homogeneous interpretive perspective, even on central components of the tradition.”

Wang Daiyu, who deemed marriage as one of the obligations Muslims had to fulfil, focused more on the “debate” with Buddhism, Daoism, and Confucianism in terms of the general and core principles of the issue in question, rather than on specific fiqh, or legal rules.⁸⁰⁶ As for the reason for his approach to the issue of marriage, it seems that he was more concerned about the misleading effect of some of the books published by other Muslim authors, who failed to distinguish between the “real teachings of God” and that of the Three Teachings. On the other hand, considering the times Wang lived in and the development of the Jingtang education as well as the Han Kitab genre at that time, his position is understandable in that Wang Daiyu, as the pioneering author of the tradition, faced with a Muslim community of the late Ming Dynasty who had been Hanicised for centuries and were with little knowledge of their own religion but very much influenced by other Chinese religious and philosophical teachings.

Liu Zhi, who shared very much in common with Wang Daiyu in the light of the metaphysics of Islam, adopted a different approach when dealing with the issue of marriage. Instead of referencing the Quran,⁸⁰⁷ Liu Zhi adopted the Confucian terms for marriage procedures and largely acknowledged the similarities of the two traditions in the issue of marriage. Like Wang Daiyu, Liu Zhi also did not touch much upon the specific Islamic legal rules on marriage. These characteristics could be accounted for by, on the one hand, the development of the Jingtang education which had trained more qualified Imams during Liu’s time who were able to give the Hui Muslims specific instructions on the issue in question, and the establishment of a new Chinese regime, on the other hand, which acknowledged very much the dominance of Confucianism as the state ideology.

It seems that both Wang Daiyu and Liu Zhi were very much keen on elaborating on the “spirit” underlying the orthopraxy and at the same time on cultivating “a faith that allows one to grasp the very nature of God...[and] that fuels all subsequent practice and gives meaning to ritual” (Frankel 2011, 147). While Ma Dexin, on the contrary, provided a very comprehensive and systematic exposition of the issue of marriage. This difference

Muslims, including women and children, were killed, presumably by the government (Bai 1952, 49–50). This might cause Ma Dexin to change his mind and made the decision to fight against the Qing.

⁸⁰⁵ According to the autobiography of Du Wenxiu, in 1865 Ma Dexin met Du Wenxiu in person as requested by the Qing court to induce Du Wenxiu to capitulate. However, Ma said, “on the surface I am here to persuade you to surrender, but secretly I am to prevent you from walking into the trap [of the Qing government]” (Sun 2004a, 30).

⁸⁰⁶ My investigation on Wang Daiyu’s treatment of the issue of marriage, to certain degree, echoes Petersen’s findings, though on a different theme. In his discussion on the topic of Quran translation in the works of Wang Daiyu, Petersen (2018, 132) concluded that “Wang generally offered the kernel of Quranic passages... He preferred transferring the Quran into the Chinese cultural setting by utilizing its religio-philosophical symbolism and characteristics, rather than attempting to render the particularities of the Arabic Quran.”

⁸⁰⁷ Unlike what Petersen had found out in terms of the approaches and methodologies adopted by Liu Zhi in translating the Quran, where Petersen (2018, 139–43) argued that Liu Zhi used precise translations of the Quran for issues concerning external behaviour and activity of humans, my investigation into the issue of marriage, which Liu Zhi (1988, 114) deemed to be the “head of the way of humanity,” shows no reference of the author to the Quran, nor the Hadith, the Prophetic tradition.

between them might partially be due to the fact that both Wang and Liu were purely scholars who presumably did not hold a position in the mosque, and Ma Dexin, on the other hand, was at the same time a practising Imam, who also taught students at the mosque and was very much involved in the local community, where specific guidance was expected from the religious leader. The travelling and overseas studying experiences contributed to the unique approach adopted by Ma Dexin in his works. Furthermore, the socio-political situation of the society in Yunnan at that time played a more crucial role in Ma Dexin's intellectual overview. His study experiences in the heartlands of Islam contributed to his belief that Wang Daiyu and Liu Zhi might have gone too far in terms of the reconciliation between Islam and Confucianism, which was reinforced by the cruel social reality of the Muslim society in Yunnan. His attempt to find possible and pragmatic ways for the local Muslims to survive in the non-Muslim Chinese society that was very hostile to the local Muslims in Yunnan and at the same time to keep the "authenticity of Islam" is clearly reflected in his work.

In terms of the legacy of the Han Kitab authors, we are not sure to what extent Murata's argument can account for the current situation of Muslim communities in China. She (2017, 27) argued that "it seems to me that unless Chinese Muslims re-establish the links with their own Islamic past by way of figures like Wang Daiyu and Liu Zhi, they will find no remedies against the corrosive influence of ideology, consumerism, and politicized Islam." I believe that failing to acknowledge the contributions made by these authors and the Chinese socio-political situations in which these authors located would not only deny their significance but also obscure the later development in terms of how the Hui Muslims have strived for the reconciliation of the tension of being a Chinese and a Muslim. This is particularly so during the Republican period when modern legal institutions were established where, again, marriage law was deemed as core to defining the Hui Muslims' collective identity.

4. Marriage of the Hui Muslims during China's Transition to a Modern Nation-State in the Republican Period

Along with the transition of China from an empire to a modern nation-state during late nineteenth century to early twentieth century is the modernization of the state law (Zhang 1997, 475), which saw wholesale transplantation of the Western legal system (Huang 2010, 19–30). However, this process of modernization, if not westernization, of law takes a long time, and the issue of marriage, as the fundamental relationship in familism on which the traditional Chinese rite-law (*lifa* 禮法) system was built, was one of the most debated in the process of modern law reform (Zhang Renshan 1995, 6). Due to the socio-political situation of China at the time, especially the unequal treaties signed with various western invaders resulting in the extraterritoriality and privileged commercial rights of the latter, the main focus of the legal-judicial reform was put on public international law and commercial law.⁸⁰⁸ As for the civil law reform, including marriage law, there were great obstructions, for example, in terms of concubines. Shen Jiaben 沈家本 (1840–1913), the then Secretary of Law Enactment (*Xiuding falü dacheng* 修訂法律大臣), said, "anyone in western countries is not allowed to have concubines; however, the Chinese customs and national conditions are different from those countries in the east and the west...thus the status of the concubines shall be kept" (Zhang 1997, 443). Among all the legislations as a result of the legal-judicial reform in late Qing period, a civil code was only able to be partially drafted⁸⁰⁹ on October the twenty-sixth, 1911, sixteen days after the breakout of the 1911 Revolution that overthrew the Qing Dynasty. Thus, upon the founding of the Republic, there was no civil code available until 1930 when the *Zhongguo minguo minfadian* 中華民國民法典 (Civil code of the Republic of China) was enacted. In this section, I would investigate what was the situation of the Hui Muslims' marriage from late Qing period till 1930, and after that, what impact the new civil code had on the Hui's conception and practice concerning various issues of marriage. I would also briefly touch upon the issue of the Hui Muslims marriage

⁸⁰⁸ In the edict on legal reform in 1902, the Qing court stated that Shen Jiaben 沈家本 (1840–1913), leader of the legal reform then, should "have all existing laws examined, corrected, and redrafted, according to the negotiations and by referencing to the laws of various foreign countries, so as to make sure that the Chinese laws and the foreign laws are in consistency and the government may benefit" (Zhang 1997, 436).

⁸⁰⁹ The civil code draft, which was supervised by the Japanese legal scholars and then submitted to the Qing throne, covered the "general principles," "debts," and "rights to things," which was modelled on the Japanese Civil Code referencing German and Swiss civil codes. The other two books on "kinship" and "succession" were finished yet never submitted to, which were full of the "traditional/feudal factors" (Zhang 1997, 449–50).

practice under the Communist regime before 1949. To this end, in addition to referencing the works done by legal historians on this period about the general situation regarding marriage law and marriage practices in China then, this section would also, on the one hand, benefit from the *Minshi xiguan diaocha baogao* 民事習慣調查報告 (Investigation report on civil customs) that the new civil code was supposed to be based on, and on the other hand, make use of the newspaper articles published by the Hui Muslims themselves where the issue of marriage was comprehensively discussed in the 1920s till 40s. Both sources have by far not been well researched.

4.1 The Hui Muslims' Marriage, and Civil Disputes in the First Twenty Years of the Republic: Daliyuan and the Investigation Report on Civil Customs

The draft of the Civil Code as a result of the legal-judicial reform during the late Qing period was not adopted by the Republic of China (RoC),⁸¹⁰ instead, “the civil provisions in the ‘Criminal Law of the Great Qing (*Daqing xinglü* 大清刑律)’ were used as a ‘civil code’ for nearly twenty years for the RoC” (Huang 2014, 2). These civil provisions in the *Criminal Law of the Great Qing*⁸¹¹ represented many changes in society and the changing attitudes of people towards those social changes. However, most provisions concerning marriage and divorce were kept unchanged (Huang 2014, 23–24). In ancient China, including the Qing Dynasty, issues like marriage were considered as “minor cases” or “trivial matters” (*xishi* 細事) that “were supposed to be dealt with mainly by society itself,” and such disputes “ideally... were not to exist at all” (Huang 1996, 1, 6, 10). Thus it is no surprise that there were only forty-two of the *lü* 律 and seventy-nine of the *ling* 令 dealing with civil matters, among which fifteen articles of the *lü* dealt with the issue of marriage (Huang 2014, 24; Fang 2014, 5). Huang (1996, 10) pointed out that “formal Chinese law is not comprehensive without being seen in conjunction with the informal justice system”; I agree with him, yet I would like to emphasise that the stipulation in codified law is one thing while the judiciary practice is another. As far as the legal practice of the early Republic (1912–1928) is concerned, the Ministry of Justice (*Daliyuan* 大理院), which was the Supreme Court and the court of last resort then,⁸¹² actually issued binding cases and legal interpretations that went beyond the stipulations of the codified “civil provisions in the current law.”⁸¹³

4.1.1 Daliyuan and the Shari‘a as Customs

Given the socio-political situation and the lack of a comprehensive civil law legislation system in the early Republic, the *Daliyuan*, though did contribute to the modernization of marriage law,⁸¹⁴ actually still largely stuck to the traditional Qing code in terms of, for example, the domination of parents in their children’s marriage, the recognition of concubines, the husband-initiated divorce, and other patriarchal legal

⁸¹⁰ According to the Decree of the Provisional President on tenth of March, 1912, “[since] the laws of the Republic have not been published yet, all those laws that have been previously enforced, unless they are in conflict with the state system of the Republic, shall be temporarily applicable.” However, the provisional parliament decided that “the Draft of Civil Code [of late Qing] has not been published, thus is not applicable. Hereafter, as far as civil cases are concerned, the ‘Current Laws’ of the late Qing shall be applied.” (CSACLMJ, 1976, 1).

⁸¹¹ As a matter of fact, two parallel legal reforms were initiated in late Qing. One was the legislation of new laws, which I mentioned before; the other one was the amendment of the then existing laws. The actual name of the law was *Daqing xianxing xinglü* 大清現行刑律 (Current Criminal Law of the great Qing), which had gone through several amendments in 1905, 1907 and 1909, and was finally enacted in 1910. This legal code, though named as criminal law, actually included civil provisions, as the legal codes in ancient China generally did.

⁸¹² In September, year thirty-two of Guangxu (1906), the Qing government renamed Dalisi 大理寺 as Daliyuan 大理院 in charge of judicial work, which was confirmed by the *Fayuan bianzhifa* 法院編制法 (Law of court organization) in 1910. This legal institution was inherited by the Republic of China. The *Daliyuan* located in Beijing (Beiyang government) was able to maintain its authority as Court of Final Appeal (Zhang Xipo 2004, 45–55) until 1919 when the Constitutional Protection Junta established another *Daliyuan* in Guangzhou in opposition to the one in Beijing. However, the Beijing *Daliyuan* still functioned as the major judiciary before 1928 when the Nationalist government in Nanjing reunified the warlord fiefdoms and rival governments and established the Supreme Court replacing the *Daliyuan*. In this section, I focus on the judicial work of the *Daliyuan* in Beijing.

⁸¹³ As Hu Changqing 胡長清 (1997, 35), member of the Civil Law Drafting Committee, pointed out, the rulings of *Daliyuan* were “generally followed by courts of lower levels... which, in fact, formed the authority of the rulings as binding cases.”

⁸¹⁴ For example, from the cases issued by the *Daliyuan*, a trend was visible where the judges were trying to take into consideration both the authority of the parents to arrange the marriage for their children and the consent of the children to the marriage arrangement. As for a relevant case, see Wang (2006, 109–19).

institutions.⁸¹⁵ However, the cases *Daliyuan* published and the contribution it made towards the legal modernization of China should not be underestimated. As for marriage law, it is evident that *Daliyuan* in its legal cases and interpretations tried to reconcile between traditional Chinese legal culture, the modern/Western legal institutions, and the social reality of China then, and “started to correct the tendency in late Qing legal-judiciary reform of a complete Westernization of Chinese legal systems”(Zhang Sheng 2002, 42). In order to create the law that fits China best, several surveys organized by the government had been conducted concerning the customary practices of civil affairs, including marriage customs, before the official promulgation of the Civil Code of ROC in 1930. Though it still remains uncertain regarding the extents to which the surveys were taken into account and actually functioned in the Civil Code of ROC and the judiciary practices,⁸¹⁶ it is certain that non-state norms, including the Shari‘a among the Hui Muslims, have been overwhelmingly recognised and, at the same time, marginalized as customs (*xiguan* 習慣) in contrast with (state) laws in a dichotomic framework serving “the secularist project of building the nation” (Erie 2016, 63).

Theoretically, according to the interpretation of the *Daliyuan*, certain customs (*xiguan* 習慣) were applicable in civil cases, provided that no codified legal norms were available.⁸¹⁷ The actual concept *Daliyuan* used was customary law (*Xiguanfa* 習慣法). In order to clarify what was *xiguan* (custom) and what was *Xiguanfa* (customary law) that was applicable by the judges in hearing the civil cases, *Daliyuan* issued a precedent in 1913 (actually it was the first case *Daliyuan* issued since its establishment) where the “essential elements for the recognition of customary law” were addressed.⁸¹⁸ According to *Daliyuan*, four essential elements were required in the recognition of customary law, namely, 1). an internal element, that is the recognition of respective customs by the people as law; 2). an external element, that is a repeated action under the same circumstance; 3). it shall be an issue not available in the codified laws; 4). it shall not be in contradiction with public order or interests (Guo 1932, 29). In this regard, it is reasonable to assume that under certain circumstances the Islamic marriage law practised by the Hui Muslims would be recognised by the state court as customary law. For instance, according to the rulings of *Daliyuan*, a marriage contract⁸¹⁹ was one of the legal elements for marriage. However, since no fixed form for a marriage contract was required by the law, “the parties should follow the local customs in terms of whether the marriage contract is valid or not, in case the validity of the marriage contract is questioned” (Wang 2006, 119). Thanks to the establishment of various non-governmental associations, several ethnoreligious groups, including the Hui Muslims were able to issue marriage certificates which were presumably recognised by the Republican government.⁸²⁰

Probably due to the fact that *Daliyuan* applied an approach that guided its way of legal modernization based on the representation of traditional Chinese legal culture as well as the recognition (though very selective) of local customs, it seemed that, at least from what was reported in the newspapers and journals produced by the Hui Muslims since the 1920s, the Hui Muslims were not in a position where they had to struggle between Chinese official marriage law, or court rulings, and the Shari‘a. However, two aspects concerning the issue of marriage among the Hui Muslims are worth noting.

4.1.2 Islamic Marriage Rules and a Collective Identity of the Hui Muslims

First, unlike the Han Kitab authors during the Ming and early to middle Qing periods who intentionally acknowledged the principles of Chinese culture represented by Confucianism in interpreting Islam, the social elites of the Hui Muslims during the Republican period tended to emphasize the “unique characteristics” of

⁸¹⁵ Though there were two drafts of civil code during this period, especially the civil code draft of 1926 that promoted gender equality and women’s right to divorce, both were not officially promulgated.

⁸¹⁶ For the general contents of the custom survey, see (Ministry of Judicial Administration of the Republic of China 2000). For the customization of the Shari‘a see Dicks (1990, 347–88). Erie (2016, 54–64).

⁸¹⁷ *Daliyuan* stated in the case no. 64 of 1913 that “in judging civil cases, codified legal provisions shall be the priority for application, otherwise customary law shall be applied in case no law is available.” See Guo (1932, 29).

⁸¹⁸ Later in 1914 and 1917, *Daliyuan* issued other precedents explaining in detail these elements. See Zhang Sheng (2002, 101–03).

⁸¹⁹ The Chinese terms for marriage contract were *Hunshu* 婚書, *Gengtie* 庚帖, or *Hunjian* 婚柬.

⁸²⁰ See for example a marriage certificate of a Muslim couple in 1929, and that of a Christian couple in 1928 in appendix fourteen. For more information of marriage certificate since late Qing China, see Xu and Jing (2009).

Islam in comparison with Confucianism and other non-Islamic teachings. As for marriage, one Muslim author talked about how marriage was dealt with in Christianity and Confucianism and argued that,

Christianity has a system of monogamy... Confucianism has a system of polygamy. We [Muslims] are different from Christians... and are of tremendous difference from Confucians; Muslims, if necessary, may marry four wives, which is different from the Confucian system of unlimited numbers [of wives]... In Confucianism... the status of the women, as a wife, or as concubines, are [unequal and] distinguished. Although we [Muslims] also marry more than one woman, [the four women a Muslim marries] are equally treated as wives... As for Christianity that promotes the freedom to love and marry. We [Muslims] also disagree with that freedom of Christianity, nor do we agree with the Confucian system of parents-domination, and would promote a middle-way [that properly takes into consideration the parents' suggestions].⁸²¹

Another Muslim author (Gong 1926), via his critical analysis of the issue of “marriage arrangement by parents” (*jiazhang zhuhun* 家長主婚) in Confucianism and the issue of “freedom to love and marry” (*ziyou hunyin* 自由婚姻) prevalent in Europe and America, argued that “the Islamic marriage is [the best] compromise... which should be well studied and promoted,” for “the Islamic marriage goes between the parental marriage arrangement and the [Euromerican] free marriage, rejecting their shortcomings and representing their merits.”⁸²² Interestingly, it seems that what encouraged the Muslim author was not (only) the significance of marriage for individual Muslims but (also) that for Muslims as a collective group. For example, when discussing the issue of marriageable ages for men and women, the author believed that “getting married at an early age makes our group weak... and that is one of the biggest reasons for us [Muslims] being poor and miserable” (Gong 1926). Apparently, his opinion was shared by his coreligionists. A Muslim author named Yang Shouren 楊壽仁 (1925) even went so far as to argue that “We Hui [Muslims] have been in China for over a millennium, but [we] have made little contribution to various causes... what is the reason? Indeed, [the real reason] lies in the improper marriage between men and women...for the sake of our nation... a solution shall be agreed upon... so that the brilliance of us Muslim nation shall be shown.”⁸²³

These ideas of the Hui Muslims as a unique “collective group,” a “we-ness,” were explicitly expressed in the articles published by the Hui Muslims at that time.⁸²⁴ It witnessed an emerging identity of the Hui Muslims as a *minzu* 民族 (nation). And marriage was deemed key to the formation and future development of the *minzu*.

4.1.3 Polygyny in Islam in the Context of Gender Equality Promoted by the RoC

Another factor that had an impact on the transformation of the Hui's perceptions on marriage was the ideas and social movement of women's liberation, especially since the May Fourth Movement in 1919 (Wang Ke 1999; Zhang Zhongfu 2013). However, it was the First United Front (the KMT-CCP Alliance, 1923–1927) that saw the political and legal improvement of women's right (Wang 2006, 46). The Party Programme of the Nationalists Party (Kuomintang, KMT) promulgated in the First National Congress of KMT in 1924 declared that “the principle of gender equality between men and women shall be established in terms of legal, economic, educational, and social affairs and women's rights shall be promoted.”⁸²⁵ Later, a critical document, the *Funü*

⁸²¹ The original Chinese is, 耶教有一夫一妻之制... 儒者有一夫多妻之制, 吾人不同耶...亦大異于儒。教民于必要時, 得娶四妻...于儒者無限制異也。儒有...妻、妾之分, 吾人縱娶數婦, 而名分則一...耶教婚姻自由戀愛...既不等耶教之自由, 復不同儒者之專制, 不偏之謂中, 其斯之謂與。See Fan (1925).

⁸²² The original Chinese is, 回教結婚所謂折中之良制也... 回教婚姻者介乎家長主婚與自由婚姻二者之間, 捨短取長之婚姻制度也。See Gong (1926).

⁸²³ The original Chinese is, 我們回民自從來到中國, 已經一千多年了, 可是對於種種事業一點沒有建設... 推其原因所在... 就是在兩性的婚姻沒有適當的選擇... 為民族計, 就要...快來共計一個善後的方法... 我全回民族必展其文明的光華。

⁸²⁴ For example, in 1929 the editors of *Yuehua* advocated a public discussion on the foundations of the practices and ideas of the “Islamic nation/ethnicity” (*huijiao minzu* 回教民族).

⁸²⁵ The original Chinese is “於法律上、經濟上、教育上、社會上確認男女平等之原則, 促進女權發展”. See Wang (2006, 46).

yundong jueyi an 婦女運動決議案 (Women's movement resolution, WMR) was published in the Second National Congress of KMT in 1926, where several aspects concerning women's legal rights were addressed, such as women's right to inheritance, freedom to marriage and divorce. Guided by these principles, a new marriage law was drafted this year where the principles stipulated in the WMR were partially included. Though the draft of civil law itself was not officially promulgated, the idea of gender equality and women's right to freedom of marriage and divorce, for instance, were spreading.

Obviously, in the context of this sort of concepts and practices, marriage rules in the Shari'a were criticized and challenged, especially with regard to the issue of polygyny in Islam. A Muslim author felt "deeply shocked" when he was asked by his fellow Muslim brothers and sisters to talk about the issue of polygyny in Islam, for he believed that "Islam has been quite explicit with regards to the issue in question, that is, monogamy is in principle promoted in Islam" (Ze 1926). He then demonstrated his position with regards to the history of Islam and western societies, the interpretations of the Quran, the biography of the Prophet, and so forth. Though the author did admit that polygyny was possible in Islam "under special circumstances," it seemed that what concerned the author most was not the "special circumstances" where polygyny was possible but the "general principle of Islamic marriage law where monogamy is promoted." The fact that this article was actually first delivered as a public speech at a university in India might represent the influence of modern legal reform in Muslim societies⁸²⁶ on the Chinese Hui Muslims. It was its relevance to the Hui Muslims in the context of social movements of women's liberation in Republican China that motivated the author to translate it from English and republish it in Chinese.

The conservative marriage law reform of the *Beiyang* government, to a large extent, maintained the traditional values and practices in terms of marriage, and also, to some extent, recognised the marriage practices of minorities, including Muslims, in the form of civil customs.⁸²⁷ On the other hand, it also laid a preliminary foundation for the legal communities and people, in general, to adjust to the Civil Code of 1930 that introduced Western-oriented new rules. After extensive and comprehensive discussions, the first Civil Code in modern China was officially promulgated in 1930.⁸²⁸ The promulgation and enforcement of the Civil Code represented a milestone in Chinese legal history (Wang 2006, 119), with several critical stipulations concerning marriage law. What were the Hui Muslims marriage experiences under the official Civil Code? How the law contributed to the Hui Muslims identity (trans-)formation? How did the Hui Muslims respond to various changes and challenges brought by the law? These are the questions I will examine next.

4.2 The Hui Muslims' Marriage Issues upon the Promulgation of the 1930 Civil Code: the Shari'a, the Chinese State Law, and the Hui Muslims' Collective Identity

4.2.1 New Changes regarding Marriage Introduced by the Civil Code

First, the traditional Chinese marriage arrangement dominated by one's parents was replaced with the new marriage engagement that was based on one's consent. In other words, *dinghun* 定婚, which in traditional Chinese marriage law was a legally required precondition for marriage and was dominated by one's parents or

⁸²⁶ It is argued that (Bonderman 1968, 1177) "the first western-inspired legal reforms in the Near East occurred in the Ottoman Empire during the Tanzimat period (1826–1878)," however, as far as marriage law is concerned, it "remained essentially unchanged throughout the Islamic world until the beginning of the twentieth century" (Khaduri 1978, 214). For example, the Ottoman Law of Family Rights was enacted in 1917, which was the "first codified model of Muslim family law" (Haneef 2017, 203).

⁸²⁷ Among the few reports of the survey of civil customs, several issues concerning the Hui's marriage custom was reported, such as polygyny of the Hui, the status of the Quran in the wedding ceremony, and intermarriage with non-Muslims. Another issue mentioned in the reports of the survey, namely marriage between people with the same surname (Dicks 1990, 367–68), was also discussed by a Hui author, who emphasized the fact that in Islam those with the same surname, as long as their marriage was not prohibited according to the Quran, may still get married (Liu 1926, 9). Though this prohibition was no longer included in *the Current Criminal Law of the Great Qing*, it was still recognized by the court as local customs.

⁸²⁸ In 1929, the Legislative Yuan (Lifayuan 立法院) promulgated the first three chapters of the *Civil Code*, namely, chapters on general principles (*Zongze bian* 總則編), law of obligations (*Zhai bian* 債編), and property law (*Wuquan Bian* 物權編). When it comes to family law (*Qingshu bian* 親屬編) and inheritance law (*Jicheng bian* 繼承編), the Legislative Yuan believed that several issues needed to be further discussed before the law could be officially enacted, such as surname of the wife and the child, age for marriage, laws regarding incest, property rights of the wife, the issue of concubines, and patricentric family (Wang 2006, 51–55). Besides, for the original Chinese texts of my citation of Civil Code of the Republic of China in 1930 in this chapter, please refer to the website of Laws & Regulations Database of The Republic of China at <https://law.moj.gov.tw>.

grandparents, officially lost its binding force, and instead, *dinghun* 訂婚,⁸²⁹ which must be based on one's consent and was no longer a legal precondition for marriage, was stipulated in the Civil Code. Specifically speaking, marriage engagement shall be made by the spouses themselves instead of their parents, except for a man under the age of seventeen or a woman under fifteen (Art. 973) whose marriage engagement shall be approved (but not decided) by their parents (Art. 974); besides, a marriage contract (*Hunshu* 婚書) and bride-price (*Pincai* 聘財) were no longer an element for a valid engagement or a marriage, instead, the consent of both parties was essential for the engagement, thus a marriage engagement could not be forced for implementation (Art. 975).

Second, the marriage rituals originated from the *li*, such as *Nazhen* where the bride-price was given by the bridegroom to the family of the bride as one of the legal evidence for a valid marriage, lost the validity as legal procedures for a marriage. According to the Civil Code (Art. 980–982), a marriage was valid on condition that first it must be consensually concluded between a man above the age of eighteen and a woman above sixteen (Art. 980–981), and second, it shall be publicly testified by no less than two marriage witnesses in a wedding ceremony (Art. 982). Obviously, guided by modern western marriage laws, especially by German and Swiss marriage law (Wang 2006, 179–81), the stipulations of the marriage law concerning the establishment of marriage abandoned the traditional marriage contract and the bride-price as a legal element for marriage.

Besides, both marriage engagement and marriage itself of those who were still juveniles (such as a man under the age of seventeen in the marriage engagement or eighteen in a marriage) shall be approved by the parents. Given the fact that people under the age of twenty were considered as juveniles by law and generally getting marriage at an early age was still a common practice then, the dominant position of parents in their children's marriage stayed more or less unchanged.

Monogyny was implied in the Civil Code but concubinage was also tolerated. On the one hand, monogyny was not explicitly stipulated in the law, though there was indeed a mention of a principle that “those who have a spouse shall not enter into a marriage with others” (Art. 985). Concubines, on the other hand, were recognized as family members that were entitled to certain rights, such as custody and alimony.

These new changes in the official legal systems not only brought new ideas of marriage, such as gender equality between men and women but also received vigorous discussions. As far as the Hui Muslims were concerned, many issues were of particular concern. For example, polygyny in Islam, marriage arrangement by parents, intermarriage with non-Muslims, and notably, the relationship between Islamic marriage law and the state law of the RoC. Besides, it was visible that, with the development of modern western education in China and the reconnection of the Hui Muslims with the Arab world, the Hui Muslims were able to get access to the latest research on Islam in both Arabic and western languages, which enlarged their horizon and helped them get involved in more comprehensive understandings and discussions concerning varying issues.

4.2.2 Active Inter-Recognition of Marriage Rules in Islam and Chinese State Law: The Issues of Polygyny, Age for Marriage, and Marriage Contract

One of the issues that concerned the Hui Muslims most was polygyny in Islam. According to the Custom Survey Report conducted in late Qing, it seemed that at least in the Hui Muslim concentrated regions in northwest China, such as Gansu province, “a Muslim man may marry four wives, each of whom is equal in title and etiquette” (Ministry of Judicial Administration of the Republic of China 2000, 621). However, it was reported during the 1930s that polygyny in Islam had been criticized by Muslims, for “nowadays certain social scientists, or indeed the general public, believe that polygyny is an old phenomenon that does not fit into modern times, [and] those who still conduct polygyny are deemed as self-abandoned, degenerate as well as dissolute” (Yang 1931, 2). As I mentioned, the idea of gender equality was one of the guiding principles of the

⁸²⁹ There was no strict differentiation between the two Chinese terms of *dinghun* 定婚 and *dinghun* 訂婚. They were in fact used interchangeably in legal documents before the introduction of modern Civil Code of the ROC. I made the distinction based on the fact that, first, the Chinese term *Ding* 定 meaning to fix (the marriage arrangement for one's child), which was more often seen in traditional legal documents, emphasized the dominate position of the parents in concluding a marriage contract; and second, the term *Ding* 訂 meaning to agree on or draw up an agreement (for one's marriage), represented, to a certain degree, the respect of individuality in a sense that parents were legally excluded from concluding a marriage contract (unless the contract was between two minors).

new Civil Code that was very much transplanted from the West, and Christianity, in this case, was therefore associated with not only monogyny but also “modern.” An anonymous Muslim author published an article in the newspaper of *Yiguang* 伊光 (Light of Islam) (1930), arguing that,

Christians have been doing their utmost to criticize Islam in terms of polygyny, saying that such unjustifiable rules [of polygyny] do not exist in Christianity... I did not intend to respond to them, however, since polygyny has been used to attack us [Muslims] by the Christians, I thus cannot pass it over in silence.⁸³⁰

Like the author mentioned above, several other Hui Muslim authors decided not to be silent and they published a series of articles in defence of polygyny in Islam in a way that involved the exegesis of the Quran, the biography of the Prophet, interpretations of the Muslim jurists, and so forth.

For example, a student from the *Chengda* School, Ma Xiang 馬湘 (1935, 7), believed that “the issue of polygyny should be the priority that we must deal with... for it is a topic that non-Muslims use to attack Islam.” In his article, he (re-)interpreted the Quran concerning the issue in question,⁸³¹ emphasizing that “the valid reason for polygyny must be based on a ‘legitimate’ (*zhengdang* 正當) and ‘good’ (*shanmei* 善美) foundation... and in principle polygyny is not encouraged in Islam while monogyny is indeed promoted” (Ma 1935, 8). Like most of the Muslim authors who discussed polygyny during that period, Ma Xiang (1935, 8) concluded that

Allah has added much more conditions to restrict polygyny than the reasons to allow it, while when it comes to monogyny more freedom is granted with high praise... Accordingly, we believe that “the system of polygyny” in the field of Islamic teachings and under certain legitimate and particular conditions is merely “allowed”... therefore we can conclude that “polygyny is allowed but not as good as monogyny”... Therefore, as for the system of polygyny, given the current reality in China, we [Muslims] are of great hope that this law, the law of monogyny, would be enforced, without any hindrance!⁸³²

Another author, Haji Yusuf Chang (Zhang Zhaoli 張兆理 in Chinese) introduced the history of the Prophet’s marriages⁸³³ so that “those who misunderstand it shall understand and those who slander [the Prophet] shall repent” (Zhang 1946b, 9). The issue of polygyny of the Prophet had been discussed by several Hui authors. In 1935, a Hui Muslim author argued that “the issue of polygyny of the Prophet has been criticized by Christians who work on the biography of the Prophet” (Fang 1935, 18). Both of the authors mentioned here tried to justify their arguments by referencing works of Western scholars, such as the Scottish philosopher Thomas Carlyle (1795–1881), the English philosopher Herbert Spencer (1820–1903), the Orientalist William Muir (1819–1905), and so forth. Thanks to the development of modern education in China in general and the “new teachings” (*xinxue* 新學) among the Hui Muslims in particular,⁸³⁴ the Hui Muslims most of whom were not able to read Arabic were able to learn Islam in Western languages. Interestingly, unlike some Chinese Han scholars, such as Hu Shi 胡適 (1891–1962) and Chen Xujing 陳序經 (1903–1967) who insisted on a complete westernization

⁸³⁰ The original Chinese is, 基督徒每有訾議伊斯蘭之語, 即醜詆吾教之多妻制不遺餘力, 自稱基督教無此類非理之規定...吾等原不欲對基督教徒作何答辯, 良以彼等恆以多妻制作攻擊吾人之資料, 故不能對此問題作緘默置之矣。

⁸³¹ The author did not specify the verses of the Quran that he cited, however, judging from the contents, it seemed that what he referred to was verse three of chapter four of the Quran.

⁸³² The original Chinese is, 真主在允許我們這個“可以多妻”的理由之下, 卻又給我們附了許多許多條件來限制我們, 然而, 其于一妻制卻允許了許多的自由, 並加了許多的獎言... 這樣, 我們則可以覺得, “多妻制度”在回教教義的區域內, 在正當的特殊的條件之下亦不過是只占著“可以”的地位而已...所以, 我們總括地說一句, 就是: “多妻可以”唯“不如一妻美好”... 所以多妻制度處在現在的中國實際上, 我們很希望這種法律, 一夫一妻制, 能夠實行無阻的!

⁸³³ The Author, Yusuf Chang, had already published an article translated from English with his own comments on the History of the Prophet Muhammad’s Marriages several years ago (Zhang 1942).

⁸³⁴ As for the modern educational reform of the Hui Muslims, see my discussions in chapter six, and Li (forthcoming).

against Chinese tradition, the Hui scholars, on the contrary, tried to legitimize and justify their Islamic tradition in conjunction with western ideas.

However, although Muslim authors developed their arguments on polygyny in Islam from different perspectives, it was visible that almost all of them felt the needs to address the tensions of how to reach possible reconciliation between the Islamic marriage law and the Chinese state law. Referencing the Quran where Allah said “O you who believe! Obey Allah and obey the Messenger (Muhammad) and those of you who are in authority” (4:59), the Hui Muslim author, Ma Xiang (1935, 8) argued that,

one of the undisputed obligations of each of us Muslims is to primarily obey the orders of the Lord (Quran), and secondly to obey the orders of the Prophet (Hadith), and thirdly to obey the laws of the leader (...namely the law of the Chinese state)...since we know that to obey the orders of the Lord (Quran) is our bounden duty, [so] to obey the domestic law is the revelation in the Quran (*fard*).⁸³⁵

Ma Xiang believed that obeying the state law that banned polygyny was obligatory for Muslims. However, the obligation to obey the state law should, for Ma Xiang, be based on the principle that the Chinese domestic laws which the Hui Muslims were subject to were not against Islamic teachings. He argued (1935, 9) that “our [Muslims’] obedience to the domestic laws should be based on the principle that [the domestic law] does not go against the teachings of Islam... We [Muslims] should obey and implement in good faith any domestic law and any order that are not in conflict with Islamic teachings or principles, for obeying the [domestic] law is *fard*!”⁸³⁶ Hence, it is no wonder that Ma Xiang, presumably also many other Hui Muslim elites, maintained that “for Muslims under these circumstances, the teachings of Islam will in no way allow the existence of the system of polygyny.”

With the development of the idea of *minzu* 民族 in modern China, a new possible identity of the Hui Muslims as a *Hui minzu* 回民族 (Muslim nation), or *Huijiao minzu* 回教民族 (Islamic nation), also saw its emergence during this period.⁸³⁷ As I discussed in previous chapters, the Republican government, to a large extent, denied the Hui Muslims as an independent *minzu*, and maintained that the Hui Muslims were actually Han Chinese “with special living habits.” It is no surprise that, under this circumstance, some Hui Muslims held that “the current Civil Code adopted monogamy, and we being Chinese people (*Zhongguoren* 中國人) shall, of course, obey Chinese law” (Mu 1945, 9). However, not all Chinese, Muslims or non-Muslims alike, agreed with the Republican government. For example, a Professor at Guangxi University, Wang Jin 王覲 (1890–1981), believed that the principles of Islamic marriage law should be respected within the framework of Chinese official law. Wang received legal education at Meiji University, Japan, and had worked at Peking University, Hebei University, and Tsinghua University before 1938 when he was appointed Dean of the Law School and Chair of Professor of Law at Guangxi University. He was invited by *Chengda* School in 1940 to give a lecture on the topic of “Implementation of Current Marriage Law and Islamic Marriage Rules,” where he argued that the relationship between current Marriage Law (of monogyny) and Islamic marriage rules (of polygyny) is problematic and should be addressed seriously. However, it seemed to him that the “problematic relation” only existed in a situation where a Muslim man married a non-Muslim Han Chinese woman. As Wang (1940, 146) held,

The Islamic rules [on marriage] state, “a husband may not have more than four wives,” while the Civil Code stipulates that “a husband may not marry two wives.” Supposing a Muslim man married a non-Muslim woman before

⁸³⁵ The original Chinese is, 我們凡是一個回教人, 當然的義務就是必須第一服從主宰的命令 (古蘭經), 第二服從至聖的命令 (聖訓), 第三即需服從首領的法令 (...就是國家的法律) ...我們既然已經知道了需要服從“主命” (古蘭) 是為天職, 然而服從本國法律卻又是《古蘭經》裏的啓示 (主命)。

⁸³⁶ The original Chinese is, 我們所服從的本國法律必須以不抵觸回教教義為原則... 凡是在不衝突我們教義的原則之下的一切本國法律、一切命令, 我們須以誠心去服從、去奉行。因為, 服從法律那是“主命”!

⁸³⁷ As for the concept of *minzu* in modern Chinese nation-building, and the Hui Muslims perceptions regarding *minzu*, see my discussions in chapter five.

he married another three [Muslim] wives. The first [non-Muslim] woman, according to the Civil Code, is entitled to submitting a case to the court. What shall the judge do with it? My assertion is to respect the Islamic rules without violating Chinese official laws.

As I mentioned above, according to Article 985 of the Civil Code, “those who have a spouse shall not enter into a marriage with others,” besides, according to Article 237 of the Criminal Law, bigamy shall be sentenced to the imprisonment of fewer than five years. However, Wang, as well as his colleagues and students at the Law School, suggested that those Muslims who conducted polygyny “shall be exempted from punishment, according to Article 16 of the Criminal Law, provided that there are proper and legitimate reasons for polygyny” (Wang 1940, 146).

It seemed that Professor Wang tried to accommodate Islamic marriage rules in the Chinese legal system. But we still do not know if, as a Professor of Law, Wang Jin’s emphasis on the conflict between Chinese state marriage law and Islamic marriage rules in terms of the issue of polygyny between a Muslim man and a non-Muslim woman suggested a possibility that the Hui Muslims enjoyed certain autonomy with regards to marriage between themselves. At least theoretically, the legal institutional settings of the marriage law of the RoC did leave some room for potential polygyny. Specifically speaking, a marriage, according to the Civil Code, should be consensual between a man and a woman, and it should be testified by no less than two marriage witnesses in an open ceremony so as to be legally valid. Official registration or a written marriage contract was not required.⁸³⁸ Thus as long as the parties in a polygynous marriage were consensual, it would be very difficult for the state to prevent or punish bigamists. The point I would like to make here is not that polygyny of the Hui Muslims was, or should be, allowed or even tolerated by the Chinese state law,⁸³⁹ but that the modern legal development in the Republican period, the legal reform of marriage law, in particular, did leave some room for traditional socio-legal practices, and allowed the Hui Muslims to develop approaches so as to seek reconciliation between the law of Allah and that of the Chinese State.

This was also reflected in the case of marriage age. In the Islamic tradition, there is no fixed marriageable age since the Quran only relates the issue of the age of marriage with attaining puberty.⁸⁴⁰ However, many schools of Islamic jurisprudence set respective marriage ages for men and women. As for the Hanafi School which most of the Hui Muslims follow, it is presumed that boys reach the age of puberty no earlier than twelve years old and girls no earlier than nine (Fyzee 2009, 93–94).⁸⁴¹ In the context of the Civil Code of RoC, although the engagement was not a legal precondition for marriage, males under the age of seventeen and females under fifteen may not get engaged, which, as Wang (1940, 144) argued, “is in conflict with Islamic marriage rules, since in Islamic jurisprudence girls above the age of nine may get engaged.” Besides, the marriageable ages stipulated in the Civil Code (men above the age of eighteen and women above sixteen) were also different from those in Islamic jurisprudence. Wang believed that these conflicts could also be solved with the help of Article 989 of the Civil Code where it was stipulated that those who violated the rules of marriageable ages or their respective statutory agent “may apply for annulment to the court unless the sponsor(s) has already reached the marriageable ages or the woman is pregnant.” For Wang, what mattered here was that the state law did not enforce the judge to annul the marriage between people under the marriageable ages but granted certain

⁸³⁸ Unlike traditional marriage where a written marriage contract or the bride-price was one of the legal conditions, marriage in the RoC was legally valid as long as, at least formally, it is witnessed by no less than two people in a public ceremony. This change made it difficult for the sponsors to legally prove the validity of their marriage.

⁸³⁹ As a matter of fact, polygyny was practiced by quite a few Hui Muslims in northwest China. According to Shi Juemin (1945, 131), chief-editor of the *Huijiao qingnian* 回教青年 (Youth of the Hui teaching) produced in Nanjing in 1936 and a well-known Hui Muslim scholar during Republican China, “as for our Muslim brothers in the northwest, seen from the statistics, most of them have a monogamous marriage, while those who have two wives are relatively common as well, and only few of them have three or four wives.”

⁸⁴⁰ Puberty is defined in terms of certain signs of physical maturity, such as wet dreams for boys and menstruation for girls. It is also deemed as one of the indicators for full legal capacity, the possession of which by both spouses determines the validity of a marriage contract.

⁸⁴¹ The opinion of twelve years old for boys and nine years old for girls in terms of presumption of majority age is also held in the *Hedaya*, one of the prevalent works on Islamic jurisprudence among the Hui Muslims. However, scholars’ views differ in the Hanafi jurisprudence in terms of the age of marriage. For example, Nasir (1990, 190) argued an age of seventeen for females and eighteen for males, while Bakhitiar (1995, 403) held that puberty occurred no later than at eighteen years for males and seventeen years for females.

discretion for the judges to decide for each individual case. He argued that “in this case, the judge [is also entitled by law] not to annul the marriage so as to respect the Islamic rules” (Wang 1940, 145).

In general, the issue of the reconciliation of Islamic marriage law with Chinese official marriage law during the Republican period was not a prominent one among the Hui. On the one hand, although there existed certain discrepancies concerning the issue of whether the Hui Muslims were an independent *minzu* or not, at least within the Hui Muslim communities, there seemed to attempt to demonstrate to the Han Chinese that the Hui Muslims were, and should be treated as, legally and politically, Chinese nationals (*guomin* 國民), equal citizens with the Han Chinese and other ethnoreligious minorities. This means that as an ethnoreligious group, the Hui Muslims, thanks to the establishment of modern democratic Constitutionalism, actively identified themselves as a Chinese (*Zhongguoren* 中國人) who naturally should be subject to the Chinese state law, though they were still pretty much aware, as Ma Xiang pointed out, of the principle that the Chinese State laws shall not be in conflict with certain basics of their religious belief. On the other hand, the Chinese legal institutional settings and the development of modern marriage law that took into account both modern ideas and traditional Chinese marriage customs and various practices of the local community also allowed, and in a way contributed to, the reconciliation of the two legal systems. Marriage law or family law in general as the core of the Shari‘a law was able to be preserved in the socio-legal context of the RoC among the Hui Muslims with the reinterpretations by the Hui scholars on the Shari‘a and the legal institutional settings of the RoC that not only tolerated but also appreciated local practices of the Hui Muslim communities.

The above general conclusion is also represented in the case of the marriage contract (*Hunshu* 婚書) or marriage certificate (*jiehun zhengshu* 結婚證書).⁸⁴² As I mentioned, a marriage contract or a marriage certificate was not legally required for the validity of a marriage; however, signing a marriage contract as a traditional Chinese way for a valid marriage was still practised by people, including the Hui Muslims. Also, a marriage contract or a marriage certificate with tax stamps were normally accepted by the court as evidence for the validity of a marriage.⁸⁴³

This was in accordance with what I found in an *ijāb* of the Hui issued by the Yunnan Branch of the Chinese Islamic Association for Progress (*Huijiao jujinhui dian zhibu* 回教俱進會滇支部) in 1931.⁸⁴⁴ The *ijāb* stated in No. Six of the Notes on the Use of the Certificate (*Fanli* 凡例) that “the marriage certificate, according to the regulations, shall be stamped on.” This is an example showing how the Hui Muslims sought to have the marriage certificate issued by themselves recognised by the state law. It also serves as an example showing that within the settings of the Chinese Civil Code the Hui Muslims, especially in the form of an organised association, actively followed the state law. This is what I call “an inter-recognition” of legal norms and legal practices between the Hui Muslim community and the Chinese state authority.

In this regard, here is another example. A Muslim author described a wedding ceremony he observed in Beiping 北平 (nowadays Beijing), and said, “after the conclusion of the *ijāb* with the signatures of the marrying parties,

⁸⁴² The Hui Muslims use the term *yizhabu* 伊紫布 (*ijāb*) for marriage contract and marriage certificate. The term, as a transliteration of the Arab or Persian word “*ijāb*,” means an offer in a marriage contract. However, in the Chinese context of the Hui Muslims, they use it referring to a marriage contract or to the Chinese equivalent of *Hunshu* 婚書. As for examples of the marriage contract or marriage certificates of the Hui during the Republican period, see appendix fourteen and fifteen.

⁸⁴³ According to the Regulation for Stamp Tax for Personnel Credentials (*Guanyu renshi pinzheng tieyong yinhua tiaoli* 關於人事憑證貼用印花條例) in 1914, a Marriage Contract/Marriage Certificate was valid with either the stamp or the signature (Zeng 2009, 73; Dai 2013, 43–47). However, twenty years later in 1934 in the Stamp Tax Act of the Republic of China (*Zhonghua minguo yinhua shuifa* 中華民國印花稅法), Marriage Documents (*Hunyin zhengshu* 婚姻證書), including documents for marriage engagement and a marriage certificate, were subject to Stamp Tax. This stipulation was not deleted from the law until the amendment of the Stamp Tax Act in 1973 in Taiwan, where the Legislative Yuan (Lifayuan 立法院) explained that “Stamps on the Marriage Certificate has been accused of the levy of tax for marriage by the public, besides, the tax income of it is indeed limited. Hence, it is abolished.” See the Laws & Regulations Database of The Republic of China at <https://law.moj.gov.tw/>, and the Parliamentary Library of the Legislative Yuan of The Republic of China at <https://lis.ly.gov.tw/lglawc/lglawkm>.

⁸⁴⁴ As for the *ijāb*, see appendix fifteen.

the Imams, as well as the marriage witnesses, an official marriage certificate issued by the Department of Civil Affairs (Shehui Ju 社會局) was also signed and sealed” (Lan 1934, 12).

Traditionally, the *ijāb*, as one of the marriage procedures of the Hui Muslims, was written in Arabic (Editors 1940) thus it was difficult for most Muslims who could not read Arabic to understand “the real meanings of the most comprehensive and beautiful Islamic marriage certificate” (Editors 1940). Many Hui Muslims advocated a Chinese-Arabic marriage certificate⁸⁴⁵ and argued that “the public authority is promoting the official marriage certificate, and our [Chinese-Arabic] marriage certificate [issued by the Islamic Association], in this case, could be used [for the same function]” (Reader 1941). The point I would like to stress here is that the official legal institutional settings of RoC created and recognised the situation where the Islamic marriage certificate invented and issued by the Hui in both Chinese and Arabic languages was legally accepted by the RoC government, provided that the certificate was either signed or stamped. In other words, along with the Hui’s efforts to reinterpret the Islamic marriage rules and their marriage practices, on the one hand, and the introduction of new marriage rules through the modernization of marriage law of the RoC that left certain room for the local marriage customs, on the other hand, the Hui Muslims were able to accommodate this new legal situation without challenging their religious beliefs and practices concerning the issue in question.

4.2.3 *Beyond National Law: Intermarriage with Non-Muslim Chinese*

Although the Hui Muslims did not see much trouble in dealing with the State law, this did not mean that they did not find anything challenging in terms of marriage at all. One key issue that received much attention among the Hui Muslims during this period, and that probably is still highly relevant to the Hui Muslims today, is the intermarriage between Muslims with non-Muslim Chinese. As Büchler and Schlatter (2013, 39) pointed out, “for many Muslim men and women, family law has become a symbol of collective identity, and adherence to it an absolute and inviolable core of belonging to the Muslim religious community.” This is in line with the discourses found in the articles published by the Hui Muslims during the 1930s to the 1940s. Marriage was deemed as something not only related to individual Muslims’ life but also concerned the survival, development, and prosperity of their religion of Islam and the Hui Muslims as a collective *minzu* in China.

For instance, a Muslim in Hong Kong felt worried about the intermarriage of Muslims with non-Muslims, for he believed “if we let the vicious phenomenon [of intermarriage with non-Muslims] progress, it will be dangerous and in the end unmanageable” (Zhang 1941, 16). Besides, having read several articles published in the 1940s concerning the issue in question, a Muslim author (Hai 1947) summarised in an article in *Yuehua zhoubao* 月華週報 (Moonlight weekly) that,

Islam has more than a millennium year of glorious history in China. The main reason why it has survived till the present day and has been carrying forward is that it keeps pureblood and has an unswerving faith, like a beacon that guides millions of people to the bright path. For the purpose of keeping the glorious and pure blood of Islam and its greater height of development, we should absolutely object to the intermarriage of Muslim women with non-Muslims.

On the one hand, some Muslim authors argued that intermarriage between the Hui Muslims and non-Muslim Chinese was acceptable provided that the Chinese converted to Islam. For example, a Hui Muslim named Mu Letian 穆樂天 (1945, 10) held that “if such an issue as intermarriage between a Muslim and a non-Muslim happens, no matter a Muslim man marries a non-Muslim woman or a Muslim woman marries a non-Muslim man, it is acceptable only when the non-Muslim man or woman converts to Islam, for the Quran tells us...” It seemed that, on the other hand, in a society like China where patriarchal culture had been dominant for centuries, the issue of a Muslim woman marrying a non-Muslim Chinese man was given more concern than a Muslim man marrying a non-Muslim woman, with the latter being much more tolerated. As Jin Sixing 金四幸 (Hai 1947) argued, “if we see the issue [of intermarriage between Muslims with the Han] from the perspective of

⁸⁴⁵ See for example the marriage certificate of the Hui in 1929 and 1931 in appendix fourteen and fifteen, and also Editors (1940), Reader (1941), and Lan (1934, 10–12).

Islamic law, it is absolutely not permitted to marry Muslim women to the Han Chinese.” However, when it comes to the issue of a Muslim man marrying a non-Muslim woman, one of the Hui Muslim authors was so straightforward as to argue that “a [Han Chinese] woman who got married [to a Muslim man] ... will be easily manipulated by him and be self-disciplined so as to follow the [Muslim] husband’s customs, and this is the reason why the outsiders can be married to a Muslim” (Fang 1936, 11).

As we learnt from the history of Islam in China, especially since the Ming Dynasty, the Hui Muslims’ intermarriage with non-Muslims was common and was one of the ways that Islam got survived, localized and developed in China. However, during the Republican period, many Muslim elites expressed serious concerns about non-Muslim Chinese converting to Islam via marriage. They believed that “according to our religion, there will be great rewards to persuade non-Muslims to convert to Islam, however, most of the time...they are actually just motivated by the marriage [with a Muslim]” (Zhi 1947, 5). They even maintained that those Han Chinese who “comply [to Islam] in appearance but oppose [Islamic teachings] in heart, hence constrainedly convert to Islam because of the marriage...are not real Muslims” (Zhen 1931, 7) and “further speaking, the sons and daughters [born in this kind of marriage] are only Muslims nominally” (Zhi 1947, 5). One of the authors (Yao 1932, 4) even suggested certain punishment to those of his coreligionists who converted to Islam because of their marriage, as well as the Imams who performed the wedding ceremony for them. He held that,

The issue of first falling in love with non-believers and then getting married... is something serious that I hope the Imams could pay attention to. I urge that the Akhūnd (*ahong* 阿訇) and members of the local Muslim communities hold a meeting and make a rule that anyone who falls in love with [non-Muslim] outsiders before getting married... shall be accused of apostasy... and those who refuse to follow the rule shall be punished... so that in the future no one dares to try it again... what’s more, the Akhūnd who perform the ceremony and testify the conversion or the marriage shall be given a severer punishment.⁸⁴⁶

Obviously, the discussion and the prohibition concerning intermarriage with non-Muslim Chinese derived from the Quranic marriage prohibition with non-Muslims, or the *Mushrikun*. But for the Hui Muslims during the RoC, it furthermore concerned the survival and future development of their collective identity as an Islamic nation (*Huijiao minzu* 回教民族). It is true that the marriage norms of the local peoples, including the Hui Muslims, were marginalised as customs (*xiguan* 習慣) for the sake of the building of a secular nation-state (Erie 2016, 54–64). However, these customized marriage rules, including the marriage rules in the *Sharī’a*, were still likely to be recognized within the legal framework of RoC as customary law (*xiguanfa* 習慣法), or as legally binding, such as in the case of the Islamic marriage certificate. Moreover, the development of the idea of nation and the practices of building a modern nation (state), on the other hand, also contributed to the embrace of the idea of *minzu* of the Hui that saw the compliance to the *Sharī’a* as one of the elements for the building of their Islamic nation. The development of marriage practices of the Hui Muslims within the framework of the socio-legal institutions of the RoC was interrupted by the second Sino-Japanese War in 1937 and later the domestic war. As a means of competition and confrontation with the KMT, the China Communist Party (CCP) implemented a set of different rules with regard to the issue of marriage. As a matter of fact, it was the CCP and its policies that play a crucial role in determining the current situation of the issue of marriage of the Hui Muslims.

4.3 The Hui Muslims Marriage under the CCP before 1949

Although the CCP has given special attention to issues of marriage and women’s liberation since the early years of its founding, its first legislations and policies regarding marriage have been criticised for being too idealistic and politicised. It was not until the Long March between 1934 to 1936 when the CCP got to know

⁸⁴⁶ The original Chinese is, 這種與外教先戀愛后結婚的事...我以為關係實在不小, 盼望各地的“大掌教”們分一點精神, 請各該地的頭人阿訇, 鄉老們來開一個會, 照教典立一個教規, 凡遇有和外人先發生戀愛然後行結婚的...作為有心叛徒...若不遵從當施以相當的處罰...致使後來沒有人敢再輕于嘗試...阿洪們更不許替這種先與伊斯蘭女子戀愛然後說入教的人行“入教禮”、“證婚禮”, 違者從眾議罰。

the Hui Muslims concentrated regions in the northwest of China that the CCP realised the importance of Muslims, their religion and customs, including their marriage practices. This section tries to figure out how the Hui Muslims negotiate with the new Communist regime in terms of its marriage policies and legislations before the CCP's taking power in 1949, and how the Hui Muslims' identities of being a Muslim and a Chinese might be constructed through their interactions concerning the issue of marriage. Based on mainly the legal documents issued by the CCP before 1949, in what follows, a general introduction of the development of the changing attitudes as well as practices of the CCP towards marriage in general will be given.

After the disintegration of the First United Front between the KMT and the CCP (1923–1927), several Chinese soviet governments were established by the CCP in the so-called Soviet Zone (*Suqu* 蘇區) where the CCP “was able to expand and even carry out land reform and other Socialist policies” (Lew and Leung 2013, 7). Marriage reform was one of the social policies of the CCP then. Marriage legislation of the CCP and its policies served as a means for women's liberation, for the CCP believed that the promotion of freedom of marriage helped arouse women's “revolutionary fervour.”⁸⁴⁷ The principle of absolute freedom of divorce and marriage (*lihun jiehun juehui ziyou* 離婚結婚絕對自由), among other things, was repeated in several documents issued by the CCP,⁸⁴⁸ however, unlike what the CCP had expected, the marriage reform in the form of freedom of divorce upset the men greatly, especially those in the countryside. As a matter of fact, the so-called absolute freedom of divorce and marriage was much too idealistic and impractical so that both the people and the leaders of the CCP felt worried. Members of the CCP realized that some local soviet governments had the wrong idea that “to achieve the liberation of women is to help them gain the freedom of divorce,” and thus they suggested that “we shall help [the women] fight against the restrictions of the feudal ethics and rites in terms of their economic and political status... so it is not sufficient to focus merely on freedom of divorce, which puts us on the risk that the people will stay away from us” (National Women's Federation 1986, 35). Notably, the radical marriage reform of the CCP in its early years was modelled on the former Union of Soviet Socialist Republics (USSR),⁸⁴⁹ thus it was no surprise that the transplanted marriage laws from the USSR encountered huge resistance from the Chinese. The principle of freedom of divorce was recognised in the first legal document of marriage issued by the Chinese Soviet Republic (1931–1937), the *Zhonghua suweiai gongheguo hunyin tiaoli* 中華蘇維埃共和國婚姻條例 (Marriage Regulation of the Chinese Soviet Republic, hereafter Marriage Regulation),⁸⁵⁰ and later in the first *Zhonghua suweiai gongheguo hunyin fa* 中華蘇維埃共和國婚姻法 (Marriage Law of the Chinese Soviet Republic) in 1934.⁸⁵¹ These legal documents concerning marriage had, on the one hand, a clear tendency of the recognition of modern ideas of, for example, equality between men and women, but also, on the other hand, a strong ideological influence of Marxism,⁸⁵² probably due to the strong influence of the USSR on the CCP during its early years. These radical reforms that subverted the

⁸⁴⁷ Zhou and Chi (2011, 17) have pointed out that the legal discourse as well as practices of the CCP then was dominated by the national and political interests, and “the power of war has weakened the normative power of law... law in combination with political principles and military strategies serves for the revolution.” As for marriage reform, the marriage legislation and policies, on the one hand, “liberated women and their body... so that they are free to join the revolution,” while on the other hand, they also contributed to the “stabilization of family so that men will be more motivated.” (2011, 18)

⁸⁴⁸ The principle was, according to Huang (2007, 348–49), first introduced in March, 1930 by the local soviet government of southwest Jiangxi. Later the same principle was seen in the legal documents issued by most of other local soviet governments, such as Jiangxi, according to the Government Announcement of the Jiangxi Worker-Peasant-Soldier Soviet Government in 1930, Hunan, Hubei and Henan.

⁸⁴⁹ The first family law of the USSR was promulgated in 1918, which promoted the radical reform of marriage with regards to divorce. According to the law, “the couple or either of them may apply for divorce regardless of any fault of either of the party” (Xia 2007, 24), which was later in 1926 reaffirmed by the Law of Marriage and Divorce, Family and Guardianship, stating that “the dissolution of marriage contract should be based on either the consensual of the two parties in the marriage, or by either of them” (Huang 2006, 53).

⁸⁵⁰ The Marriage Regulation was composed of seven chapters with twenty three Articles. It was officially promulgated on December 1, 1931.

⁸⁵¹ The Marriage Law of the Chinese Soviet Republic was more or less of the same contents with the Marriage Regulation of 1931. For a detailed introduction of the Marriage Regulation and Marriage Law of the Chinese Soviet Republic, see Zhang Xipo (2004, 133–54).

⁸⁵² According to Zhou and Chi (2011, 20), in the Soviet Zone “the legal representation of marriage system originates from the description of one's class or social status.” The landlords and the rich peasants, according to Mao Zedong, were the exploiting class, whose marriage should be dissolved, while the middle peasants and the poor peasants as the ones that had to be united by the CCP enjoyed privileges of marriage. This logic of revolution seemed, at least at the beginning, to have gone on the wrong track. For example, the wives of the landlords' or those of the rich peasants' were redistributed as spoils to the middle or poor peasants, and the daughters of the landlords' were “at some places, forced to be married to unmarried [middle or poor] peasants” (Wang 1986, 90).

traditional family and social structures “had an intense impact on the deep-rooted patriarchal system in the countryside... which led to irreconcilable conflicts” (Yang Lijuan 2008, 98). It was not until the promulgation of the *Shan-Gan-Ning bianqu hunyin tiaoli* 陝甘寧邊區婚姻條例 (Marriage Regulation of the Shaanxi-Gansu-Ningxia border region) in 1939 that the principle of absolute freedom of divorce and marriage was deleted and “the CCP started searching for its own path other than following the radical marriage reform of the USSR” (Zhou and Chi 2011, 23). Worth noting is the fact that these changes happened partially due to the Long March that brought the CCP to the Muslim concentrated region of northwest China.⁸⁵³

In its early period, the CCP, following the former USSR, believed in the federal system and held that the ethnic minorities, including the Hui Muslims, were entitled to the establishment of their own state.⁸⁵⁴ For example, the CCP declared in 1934 when they started the Long March that “the Yi, the Tibetans, the Hui... all have the right to national self-determination” (United Front Work Department of the Central Committee of the Communist Party of China, UFWD 1991, 250–52). However, through their contacts with the minorities in the northwest of China, the CCP realized that “given the socio-economic development of the ethnic minorities... we cannot organize the ethnonational regimes modelled on the Soviet Union... a general organization of soviet regimes on the democratic dictatorship of the workers and peasants is not appropriate.” So, in August 1935, the CCP stated that “it is critical to the success of the Chinese revolution to win over the ethnic minorities” (Zhou 1996, 54–55). One month later, the Report of the Government of the Chinese Soviet Republic stated that “...the Hui people shall have the right to autonomy so as to manage their own affairs” (Zhou 1996, 55). This policy of the CCP towards the Hui Muslims was reaffirmed in several official documents of the CCP during the Long March. Although little information is available concerning the Hui’s marriage during this period, we can assume that the Hui Muslims were given a certain right to manage their own affairs, including marriage issues, in line with their own Islamic customs and tradition. On the twenty-fourth of May, 1936, Director of the General Political Department of the Red Army, Yang Shangkun 楊尚昆 (1907–1998), declared in the Instructions on the Hui People’s Affairs (*Guanyu Huimin gongzuo de zhishi* 關於回民工作的指示) that “the fundamental principle of [our work towards the Hui people] is national self-determination of the Hui people, and the Hui nation shall determine for themselves” (Zhou 1996, 57). The next day, Mao Zedong published the Declaration towards the Hui People (*Dui Huizu renmin de xuanyan* 對回族人民的宣言), in which he said that

We, according to the principle of national self-determination, hold the assertion that the Hui people shall enjoy the full right of determining their own affairs; in any region where the Hui people are concentrated, an independent regime of the Hui people shall be established to solve all the issues, including the political, economic, religious, customary, moral, and educational ones, and in regions where the Hui are cohabitated with the Han, the Hui shall, in district, county, and country, manage their own affairs in a coalition government with the Han according to the principle of the equality of nations (Jin 2006, 170).

Although later the CCP has changed their policy of ethnic minorities’ establishing their own independent regime into a domestic autonomous region under the leadership of the CCP, they did realize the importance of respecting the customs and traditions of the minorities, whom the CCP believed was crucial to the success of their revolution. Before the establishment of the People’s Republic of China (PRC) in 1949, the principle of respecting the minorities’ marriage customs was written in several legal documents of the CCP.⁸⁵⁵ However,

⁸⁵³ The Shaanxi, Gansu, and Ningxia provinces were and still are a Hui Muslim concentrated region, especially Gansu and Ningxia. It was reported that during the 1930s “half or three fourths of the population of Gansu and Ningxia are the Hui Muslims” (Zhou 1993, 14).

⁸⁵⁴ For example, Mao Zedong stated in his report to the Second Congress of the Chinese Soviet Republic in January 1934 that “the regime of the Chinese Soviet recognizes the right of ethno-national minorities to self-determination... each minority group shall decide for themselves as to whether to join the Chinese soviet federation or not, or to establish their own autonomous region” (Zhou 1985, 96).

⁸⁵⁵ For example, the principle was explicitly stipulated in the *Xiuzheng Shan-Gan-Ning bianqu hunyin zanxing tiaoli* 修正陝甘寧邊區婚姻暫行條例 (Amendment to the Provisional Marriage Regulations of the Shaan-Gan-Ning Border Region) in 1944, where it reads that “in marriage of the ethnic minorities, based on the principles of the regulations, the customary laws [of the ethnic minorities] shall be respected” (Zhang Xipo 2004, 171), which was again kept in the *Shan-Gan-Ning bianqu hunyin tiaoli* 陝甘寧邊區婚姻條例 (Marriage Regulations of the Shaan-Gan-Ning Border Region) published in 1946.

like the Ming rulers, the CCP's respect towards the customs and traditions of the minorities aimed at winning over the minorities' support that gave legitimacy towards their revolution and political agenda. This situation had not changed much until 1950 when the first marriage law of the PRC was promulgated.

5. Brief Remarks from Fieldwork on Contemporary China

The first marriage law of the PRC (hereafter MLI) was promulgated in 1950. The consciousness of the differences of marriage customs among the minorities, a lesson the CCP learnt in the minority concentrated regions before they came to power, and the respect or tolerance to their differences were, at least in paper, officially admitted and preserved. In the second paragraph of Article 27 of MLI, it stated that,

...in the regions where the ethnic minorities are concentrated, the People's Government of the Greater Administrative Areas (or the military and political commission), and the provincial People's Government may, based on the specific situations of marriage issues of the local ethnic minorities, enact alternative or supplementary provisions, which shall be submitted to and approved by the Government Administration Council.⁸⁵⁶

Chen Shaoyu 陳紹禹, known to the general public with another name of Wang Ming 王明, one of the senior leaders of early CCP and then director of the Central Legal Committee of the Central People's Government, stated in his report concerning the process and reasons of drafting the MLI that,

Considering the existence of various marriage customs among ethnic minority groups in the Chinese territory caused by their backward economy and the influence of religion, for example, in addition to an official registration with the people's government, some ethnic group also requires a religious marriage ... we cannot ignore it but to make special allowance for them [the ethnic minority groups] during the implementation of marriage law (Chen 1950, 85).

Thus, the MLI, as well as the Marriage Law Implementation Movements (*Guanche hunyinfafa yundong* 貫徹婚姻法運動) that took place in 1952 and 1953,⁸⁵⁷ did not necessarily have to be implemented in the regions where the Muslims were concentrated.⁸⁵⁸ This could be seen in the CCP's policy towards intermarriage between a Hui and a Han Chinese. For example, the East China Branch of the Supreme Court reported that

Cases where a Hui woman willing to marry a Han man are found in many places...The local People's Court, according to the principle of freedom of marriage stipulated in the marriage law, asserts that they may get married. However, considering the issue of winning over the ethnic minority groups, it seems that such a marriage [between a Muslim woman and a non-Muslim Han man] shall not be permitted, which, again, violates the principle of marriage law... We do not

⁸⁵⁶ For the contents of MLI, see the website of the National People's Congress of the People's Republic of China.

⁸⁵⁷ As a matter of fact, the CCP already realized the difficulties in implementing the new marriage law only after several months of the promulgation of the law in 1951. It was reported that tens of thousands of women committed suicide or were killed due to marriage disputes (Li Honghe 2008, 24–27). Later, in 1952 and 1953, the CCP and the Central Government issued several instructions to examine how the law was implemented, so as to extensively propagate the marriage law and examine the results of the law. However, according to the Supplementary Instructions of the Work on the Movement of the Implementation of Marriage Law Issued by the Central Committee of the Communist Party of China (*Zhongguo gongchandang zhongyang weiyuanhui guanyu Guanche hunyinfafa yundong yue gongzuo de buchong zhishi* 中國共產黨中央委員會關於貫徹婚姻法運動月工作的補充指示), the regions where ethnic minority groups were concentrated should be exempted from the movements. For the contents of these documents, see the website of Women of China (*Zhongguo funü wang* 中國婦女網) organised by All-China Women's Federation (*Zhonghua quanguo funü lianhehui* 中華全國婦女聯合會).

⁸⁵⁸ The Hui Muslims were scattered throughout China, which means that they were physically surrounded by the Han majority where the Marriage Law Implementation Movements were carried out. The movements among the Han, though indirectly, had a great impact on the Hui Muslims and other ethnic minorities. One example is found in the Preliminary Report of the Marriage Law Implementation of Committee of the Southwest Region on the Propagation and Implementation of Marriage Law (*Xinanqu Guanche hunyinfafa yundong weiyuanhui guanyu xuanchuan guanche hunyinfafa yundong de chubu zongjie* 西南區貫徹婚姻法運動委員會關於宣傳貫徹婚姻法運動的初步總結), where it was reported that "due to the influence of the propagation of marriage law in the Han concentrated region, there is an increase of the phenomenon of divorce and death in the ethnic minority region" (Xi'nan Zhengbao 1953).

know how to deal with these cases since there are no relevant stipulations in marriage law, nor is there any alternative or supplementary provisions available...⁸⁵⁹

The Supreme Court in its reply to the question in 1951 confirmed that,

As far as the issue of intermarriage between the Hui and the Han is concerned,... respecting the customs of the minority group which helps win them over should be the principle [that the local courts shall apply]... only in rare occasions may their intermarriage be permitted, provided, for example, that it happens in a region where the Han are the majority, and the Muslim parents, as well as the Islamic associations, are not against it (Liu Suping 1989, 248).

As a matter of fact, the Department of Internal Affairs of the Central People's Government in its written reply to the government of Inner Mongolia in 1950 already claimed that "if a Han man is willing to marry a Hui woman, [we should] persuade him to follow the Islamic rules, otherwise, he [the non-Muslim Han] should give up the marriage [with a Muslims woman]" (Liu Suping 1989, 248).⁸⁶⁰ It would be unrealistic to assume that these policies and interpretations seemed to demonstrate that the Hui Muslims and their Islamic marriage rules were respected by the CCP in a way that the CCP recognized the validity of Islamic marriage law. I would argue that via its policies the CCP then intended to take a different approach, namely to create an environment where the minorities, including the Hui Muslims, were "representatives of earlier forms of society, living fossils of savagery and barbarism" (Gladney 1994a, 100)⁸⁶¹ so that they, the minorities, "could be gradually remoulded" (Li Honghe 2008, 50).

With the end of the Cultural Revolution when any religion and religious groups, including Islam and Muslims in China, were stigmatized and oppressed, the new Party leaders in China initiated the policy of reform and opening-up in 1979. Islam, like other religions in China, has since then experienced gradual revival (Stewart 2016, 177–81). As for the issue of the Hui's marriage, however, "the effects of the reform of marriage laws have proven limited... [which has] militated against women's capacity to ensure their own autonomy" (Erie 2016, 257).

The second marriage law was promulgated in 1980 (hereafter MLII). Various ethnic minority autonomous regions have by then been established,⁸⁶² and most of them, based on the local ethnic and social conditions, have made alternative and supplementary provisions to MLII. Several issues have been contested in the local adaptation to MLII, for the implementation of the state marriage law in ethnic minority regions is deemed as a way to establish and reinforce the state/Party authority in the periphery of its jurisdiction (Su 2011, 23). The state law should be implemented throughout China, a unified nation-state, as the CCP declared. Therefore, the alternative and supplementary provisions enacted by the government of the ethnic minority regions is to guarantee that those customs of the ethnic minority groups which are deemed as against the interests of the minorities by the CCP are transformed, changed, and even eliminated. For instance, the Islamic marriage

⁸⁵⁹ This report appeared as an appendix to the reply of the Supreme Court. For the complete contents of the report, see Liu Suping (1989, 248–49).

⁸⁶⁰ Similar regulations were also issued in Muslim concentrated regions. For example, in 1955 the government of XUAR stated that "the issue of intermarriage in the Xinjiang ethnic minority concentrated region must be dealt with cautiously... if the Han (man or woman) want to marry the Uyghur or the Hui (man or woman), the government officials, based on the principle of collective interest, should convince them not to get married... If this does not work... their marriage could be permitted provided that both of the marrying parties' parents approve, and the masses, as well as the representatives of the ethnic group, are not against it" (Department of Civil Affairs of XUAR 1992, 239). Later in 1957, the Party Committee of XUAR required that the Han government officials should not marry any local woman of any ethnic minority group (Li Xiaoxia 2010, 108).

⁸⁶¹ Gladney (1994a, 101–03) gave an excellent example of how the ethnic/national minorities were marginalised in comparison of how "modern" and "civilized" the majority Han were in terms of marriage customs. In other words, the marriage customs, among other things, of the minorities and "their 'primitivity'... become a marked category, characterized by sensuality, colourfulness, and exotic custom... [which] contrasts with the 'unmarked' nature of Han identity... [that] connotes civility and modernity."

⁸⁶² The system of regional ethnic autonomy (*minzu quyu zizhi zhidu* 民族區域自治制度) is the fundamental policy and programme of the CCP dealing with its domestic ethnic issues (Zhang Erju 1988, 158). There are three administrative levels of ethnic autonomous regions, namely the provincial, the municipal, and the county-level, all of which amount to 155 administrative unites, having an area of more than 6,137,000 square kilometres, which is more than 63% of the territory of China (Institute of Population and Labor Economics of the Chinese Academy of Social Sciences 2014, 2; Dai 1999, 26). The ethnic minority autonomous regions of the Hui and the Uyghur Muslims, namely the Ningxia Hui Autonomous Region (NHAR) and the XUAR, were established in 1958 and 1959, respectively.

impediment that prohibits intermarriage between Muslims and non-Muslims, which used to be regarded as customs of the ethnoreligious groups by the CCP and thus was respected, or at least tolerated, is now officially defined as illegal.⁸⁶³

This is also evident in the field of marriage registration. In fact, it was the CCP who established the legal system where a marriage became legally valid only after registration with the government. This was the first time in Chinese history that the validity of a marriage was subject to state registration. According to the alternative and supplementary provisions to state marriage law issued by the local Muslim concentrated regions, which are in line with the state marriage law and the Regulation of Marriage Registration (*Hunyin dengji tiaoli* 婚姻登記條例), a marriage is legally valid as soon as it is registered at the government. However, this is not necessarily what the Hui Muslims believe. Instead, they believe that a marriage should (also) be religiously valid, namely, a *nikāh*⁸⁶⁴ ceremony should be performed. In Xinjiang and Ningxia, or other Muslim concentrated regions, the local regulation stipulates that “it is forbidden to replace the official marriage registration with a religious marriage ceremony.”⁸⁶⁵ When asked about the importance of the *nikāh* ceremony in marriage, the Hui Muslims I interviewed, in general, argued that *nikāh* was a ceremony that justified the validity of the marriage in front of Allah. In other words, the Hui Muslims believe that a marriage with an official registration but without the *nikāh* ceremony is invalid. Unlike the Hui Muslims during the Republican period whose religious marriage ceremony as well as the marriage certificate issued by the local Islamic association was recognised by the state authority, the Hui Muslims in China today are faced with a situation where the Islamic *nikāh* ceremony before or without the official marriage registration is illegal and potentially punishable.⁸⁶⁶ What is more, with the enactment of the Regulation on Religious Affairs (*Zongjiao shiwu tiaoli* 宗教事務條例) in 2018, *nikāh* ceremony, even if it is performed after the official registration, can be conducted only on conditions that it is hosted by an officially appointed Akhūnd⁸⁶⁷ and the ceremony, which traditionally takes place at the bride’s family on the day of the wedding, should be applied for approval to the local government.⁸⁶⁸ The initial aim of local alternative provisions to state law in the ethnic minority regions was to

⁸⁶³ For example, the Supplemental Provisions of the Implementation of Marriage Law of the People’s Republic of China in XUAR (*Xinjiang weiwuer zizhiqū zhixing zhonghua renmin gongheguo hunyinfa de buchong guiding* 新疆維吾爾自治區執行《中華人民共和國婚姻法》的補充規定), issued in 1980, stated in Art. 7 that “the interference of religion into marriage is prohibited.” Several years later in 1996, the local government of the XUAR issued the Regulations of Marriage Registration (*Xinjiang weiwuer zizhiqū hunyin dengji guanli banfa* 新疆維吾爾自治區婚姻登記管理辦法), which stated in Art. 3 that “any association as well as individual shall not interfere into the marriage between the man and woman of different ethnicity or of different religious belief.” Similar stipulations can be seen in the local legislations of other Muslim concentrated regions, such as Ningxia, Gansu and Qinghai. For the details of the local legislation, see the website of the Ministry of Justice of the PRC at <http://search.chinalaw.gov.cn>.

⁸⁶⁴ *Nikāh*, an Arabic term literally meaning sexual intercourse, in the Shari’a means marriage or marriage contract (Cornell 2007, 59–60). The Hui Muslims in China use the term *nikaha* 尼卡哈, a transliteration of the Arabic term, referring to the religious wedding ceremony, where a religious cleric, normally the Akhūnd in the local mosque, is invited to host the ceremony and supervise if the Islamic marriage prerequisites are met, such as the consent of the marrying parties, the amount of *mahr* (marriage portion) given to the bride, and etc..

⁸⁶⁵ Similar stipulations can be found in the alternative or supplementary provisions to state marriage law issued by the Muslim concentrated regions, such as NHAR, XUAR, Gansu, and Qinghai province. For example, Art. 4 of the Supplemental Provisions of the Implementation of Marriage Law of the People’s Republic of China in NHAR (*Ningxia huizu zizhiqū zhixing zhonghua renmin gongheguo hunyin fa de buchong guiding* 寧夏回族自治區執行中國人民共和國婚姻法的補充規定) states that “it is prohibited to replace the [official] legal marriage registration with religious ceremony. The man and woman who believe in Islam and voluntarily require a religious marriage ceremony should have the ceremony after the registration with state authority.” Besides, Art. 5 of the Adaptive Provisions of the Implementation of Marriage Law of the People’s Republic of China in Linxia Hui Autonomous Prefecture Gansu Province (*Gansu sheng linxia huizu zizhizhou shixing zhonghua renmin gongheguo hunyin fa de biantong guiding* 甘肅省臨夏回族自治州施行中華人民共和國婚姻法的變通規定) states that “...the traditional marriage ceremony of the ethnic minority groups, as long as it is not in contradiction with the principles of the marriage law of the PRC, shall be respected.”

⁸⁶⁶ For example, it was reported that four Uyghur Muslims were sentenced to seven and eight years’ imprisonment because of their *nikāh* marriage ceremony without an official marriage registration. As for the report, see *Yili Daily* (*Yili ribao* 伊犁日報), March 4th, 2014.

⁸⁶⁷ Traditionally, a *nikāh* for the Hui Muslims is performed by a respected Akhūnd in the local mosque. However, it is also a common practice to invite someone who is well-educated in the Shari’a or a respected pious Muslim in the local community, neither of whom are necessarily appointed by the CCP as a religious clerics.

⁸⁶⁸ According to the regulation (article 41), private places, such as one’s own house are not considered as places for religious activities (*zongjiao huodong changsuo* 宗教活動場所) and thus religious activities held at these places are illegal. That is to say that a religious

make sure that the special sociocultural circumstance of the ethnoreligious groups could be taken into consideration in the implementation of state law. However, the reality and result of these alternative provisions seem to indicate that the legislations tend to make sure that no local customs that are in contradiction with the state law exist.

Conclusion

In sum, in this chapter, I have examined the historical interactions between the Hui Muslim communities and the Chinese authority in the field of marriage in both traditional Chinese society and modern China. My investigation shows that marriage for the Hui Muslims denotes diverse meanings, and perhaps a most notable one is that it carries, and is also shaped by, both the Chinese and the Islamic traditions. As believers of Islam, the Hui Muslims deem marriage as a divine sign of Allah, a highly religious sacred covenant, and therefore, following the *Shari'a* marriage norms defines their identity as Muslims. Meanwhile, their perceptions of marriage have also been deeply influenced by their inhabiting China and being Chinese. Therefore, marriage for the Hui Muslims is not (merely) a union of two individuals but (also) a positive union of two families, a typical traditional Chinese perception of marriage. In traditional Chinese society, especially during the early period of Islam in China (Tang-Song-Yuan dynasties), marriage played a crucial part in the formation, localization, and integration of the Hui Muslims in China. The fact, as a result of many factors, that Muslims were able to preserve and practise the *Shari'a* marriage norms, especially in terms of the issue of intermarriage with local Chinese, demonstrates that following the *Shari'a* and being subjects of the Chinese regime are not necessarily incompatible to each other.

This is particularly true during the Yuan Dynasty when Muslims became legally Chinese. The Yuan Dynasty saw the institutionalization of the *Shari'a* in China, the establishment of an official Islamic legal institution, and in sum, a somehow “privileged” treatment towards both Muslims and the *Shari'a* law. However, this does not seem to lead Muslims to the denial of active integration into Chinese society or the identification with Chinese socio-legal systems. On the contrary, we witnessed more open and positive attitudes towards intermarriages with other non-Muslim groups, especially with local Han Chinese. Though probably later during the Ming Dynasty more Muslims married local Han Chinese, a critical change within the Muslim communities took place. The official marriage laws of the Chinese Ming regime towards Muslims, among other things, aimed at assimilating the latter into Chinese, which indeed brought challenges for the Hui Muslims to maintain their Muslim identity and the Islamic way of life. However, the identity challenges brought by the Chinese-making laws of the Ming court, which, on the one hand, put the Hui Muslims in a situation where they had to address the issue of the reconciliation between the divine *Shari'a* law and the coercive Chinese state law, as a matter of fact, probably unexpectedly, reinforced Muslims’ self-identification as a separate group, the collective identity of the Hui as a religious group who was partially defined by following the Law of Allah. This could be proved by my analysis of the works produced by the Han Kitab authors in this chapter. Muslim scholars, facing either the forced assimilation, hostile discrimination, or even violent oppression and elimination, emphasized the “authenticity of Islam” that was essential in defining and defending themselves against the non-Muslim Chinese. It seems that in a society where Muslims, as the minority of the society, were allowed to “freely,” I mean without coercion, practise the learning, teaching, interpreting, debating, criticizing, writing, and applying of the *Shari'a*, Muslims seem to be more open and flexible, and hence apt to hold a positive attitude towards integrating into the local majority society. While in a social environment where Muslims and their laws were targeted as “Others” who were to be legally discriminated and assimilated, culturally and institutionally excluded, if not physically extinguished, Muslims are much likely to become more defensive, conservative, and uncritical, hence more likely to be self-isolated, and resist to be integrated.

In this regard, China in the modern period shares a lot with the traditional. It again demonstrates that, on the one hand, the modern national legal system and the Islamic *Shari'a* norms are not necessarily incompatible or

activity, such as the *nikāh* ceremony taking place at one’s own house without the approval of the local government is illegal, for “the [official] departments of religious affairs, together with other branches of the government, such as the department of public security, civil affairs, construction... are entitled to ordering them to stop” (see Art. 69 of the Regulation). As I was informed by the local Muslims in Xinjiang, any religious activities taking place at one’s own house without the permission of the local government authority, such as inviting an Imam to recite the Quran and pray for the family, fasting during Ramadan, and etc., are subject to the intervention and even suppression of the government.

irreconcilable with each other, and that, on the other hand, how the Hui Muslims deal with the Sharīʿa marriage rules, to what extent they would refuse the state law and follow the Sharīʿa law, and vice versa, are largely determined by how the Hui Muslims were positioned and treated by the cultural, the socio-legal, and the political spheres in Chinese society. In other words, instead of providing an overgeneralised, oversimplified, and thus irresponsible solution that it is the minority only who should make effort to adapt to the majority society, I would argue that perhaps much more crucial and determinant are the extents to which the majority society, in this case, the Chinese sociocultural and legal settings, may be inclusive and thus be able to accommodate the “Others” in an increasingly diversified society. Since the establishment of the Republic of China, all the individual Hui Muslims, at least legally, were defined as equal citizens of the Republic, which, along with the spread of the concept of *minzu*, motivated them to seek recognition as an independent ethnoreligious group of Hui nation (*Huizu* 回族). To this end, the issues related to marriage and the Sharīʿa marriage norms were, again, referred to by the Hui Muslims supporting their claim of being a Hui nation. In a new context of China’s search for modernity and the building of a Chinese nation-state, the Sharīʿa, including its legal norms regarding marriage, played an essential part for the Hui to define themselves as the *Huizu*. Furthermore, as I mentioned before, seeking to be recognised as an independent nation does not necessarily mean, nor does it lead to the result, that the Hui Muslims did not identify themselves as Chinese. On the contrary, they were quite active in reinterpreting the Sharīʿa marriage norms in line with the state marriage laws and regulations of the Republic of China. We see a virtuous interaction and inter-recognition between the Sharīʿa marriage rules and the Chinese state marriage norms. This comes not unexpectedly. In addition to the modern Constitutional democracy that the Republican government sought to establish that promised the equality of the Hui Muslims with other non-Muslim Chinese, especially with the majority Han Chinese, the transformation of the Hui Muslim communities should also not be underestimated. The revival of Islam, including the modernisation of Islamic education in China, the reconnections and intensive interactions of Muslims in China with the Muslim world, as well as the prosperous development of print media in and beyond the Hui Muslim communities, cultivated an emerging public domain among the Hui Muslims, which made it possible for the Hui Muslims represented by various associations of their own to participate in the debate and communications on various issues relating to marriage not only with their Muslim coreligionists who might have differing opinions but also with other ethnoreligious groups as well as the Chinese political authority.

Conclusion

The attempt that aims at an immediate creation of a brand new order dependent on the establishment of an exhaustive system of legislation will only end up devastating the reality, adding more uncertainties to it and reinforcing the persistent tensions between norms and fact, which in the end will make the law lose its functions and values to regulate human behaviours so as to serve the lifeworld.⁸⁶⁹

The dissertation is a historical investigation into the socio-legal conditions under which the two legal traditions, the Sharīʿa and the Chinese official law, have shaped the Hui Muslims' dual-identity of "Muslim" and "Chinese." The research aimed to understand how these two lived legal traditions have worked together in the construction of the Hui Muslims political and religious loyalty. To this end, I have provided a contextualized analysis on the social, cultural, political, institutional, and legal mechanisms of the construction, implementation, and implications of the Chinese measures in dealing with "Others" in both imperial and modern China; I also explored how these measures were tackled by the Hui Muslims, particularly in the field of practising the Sharīʿa represented in the three case studies on education, Ḥajj, and marriage. It demonstrates that the identity of the Hui Muslims has been shaped around the dynamics of various ways of interactions between the Sharīʿa and the Chinese official law. For the Hui, following the Sharīʿa, by and large, defines their identity as Muslims, though we do see the differences in degree regarding the extent to which they attribute the significance it has in defining themselves. This means that, on the one hand, the Sharīʿa is the source that leads the Hui to the Ultimate Path towards Allah, the Real Lord (Zhenzhu 真主), the denial of which is the denial of Allah and thus the denial of the very essence of being a Muslim. While on the other hand, it would be misleading to imagine the Sharīʿa as a fixed and static set of rules, or the Hui Muslims as a homogeneous group of an ethnoreligious minority, and to have an essentialized understanding concerning the relations between the two. This by and large also proves to be true when it comes to the dominant legal-cultural traditions in China over the history of Islam in China. No doubt that the Chinese Hui Muslims as a minority group do have to subordinate to the Chinese authority and follow the Chinese official law. However, this does not mean that it has always been a pleasant story. One of my main attempts in the thesis is to contribute to the understanding of the challenges the Hui Muslims have been facing in negotiating their identity as Chinese in the changing context of the Chinese socio-legal settings. It shows how the Chinese ways of defining "Us" and "Others" have been formalised and legalized in various institutions across time and space, and how these Chinese ways and institutions have sometimes made it possible and acceptable, and sometimes challenging and coercive, among others, for the Hui Muslims to be and to become a Chinese. In sum, it would be inadequate to understand the Hui Muslims' Chinese-Muslim identity stories without taking into considerations the Chinese and the Muslim perspectives or the specificities of the intertwined cultural, political, as well as legal settings of the Chinese society. Nor would it be adequate, I argue, to understand such vague conceptions as China, Chinese, the Chinese nation and Chinese identity, to name a few, without taking into account the experiences of not only the Hui Muslims, but also the Mongols, the Tibetans, the Uyghurs, and many other non-Han peoples.

At the beginning of the dissertation, my general historical accounts for the history of Islam and the Sharīʿa in traditional China have proved that since the very early period of Islam in Chinese history, Muslims have been facing the tasks, or indeed oftentimes challenges, of how to live in China and get along with the Chinese. Dealing with these tasks and challenges involved dealing with a strong and powerful tradition that had already established itself before Islam and Muslims reached China. Therefore, to become Chinese was and is largely to accept and integrate into this tradition.

⁸⁶⁹ The original Chinese is, 那種希望藉由一個詳盡無遺的立法制度, 即刻創造出一個嶄新秩序的企圖, 只會摧殘現實, 增加現實的不確定性, 強化規則與事實之間的乖張, 最終使得法律失卻規範人事而服務人世的功能與價值。See Xu Zhangrun (2001, 9).

My investigation into the Chinese traditional approach to the “Others,” including Muslims, starts with a contextualized reinterpretation of the Chinese terms of *Man* 蠻 *Yi* 夷 *Rong* 戎 *Di* 狄 and *Fan* 蕃. These terms, inferiorizing the non-Chinese, including Muslims, represents the Chinese tradition to practise “othering.” What is more, this was not only a discursive tradition but has also been institutionalised and legalized, hence systematic and powerful. I have proved it by my reexamination of Muslim related Chinese laws in traditional China. Though the legal stipulations and institutions change throughout Chinese history, it seems that two major approaches of the Chinese exist to address non-Chinese inferiors. They are what I termed the “separative” and the “assimilative” approaches. The former assumes that it is the geographical energy, the *Qi* 氣, of the non-Chinese that makes the alien non-Chinese unable to receive, and indeed unworthy of receiving, the Chinese sage kings teachings, which makes them barbarians, inferior to the Chinese, and therefore, cannot be governed, and are not worthy of being governed, by the Chinese kings, and should be best left alone. While the latter approach assumes a kind of “the doctrine of universal human nature,” and holds that the inferiority and bestiality of the non-Chinese are actually not unchangeable. This assumption served the purpose of the Chinese to assimilate the non-Chinese into Chinese so that they would become proper subjects of the Chinese Son of Heaven and his heavenly teaching. These seemingly contradictory approaches of the Chinese towards non-Chinese share something in common, that is, the superiority of the Chinese over the non-Chinese, including Muslims. These approaches did not leave much room for the Hui Muslims to maintain and develop their Islamic way of life guided by the *Sharī‘a*, particularly so when it comes to various Chinese-making projects of the Chinese authority.

Law played a significant role in these Chinese-making projects. To start with, following the Chinese state law instead of the *Sharī‘a* law was one of the ways to make Muslims Chinese. However, this is much more complicated in reality than it seems, particularly so when we take into account the multifaceted meanings of China, the Central Kingdom (*Zhongguo* 中國). I have pointed out that one of the causes for the tensions the Hui Muslims have to deal with in their process of becoming Chinese is the complexity of the intertwined concepts of China, Chinese, and Chineseness. China refers to not only a geographic location that has changed over time, but also a cultural, which was also largely deemed as a racial, entity. This means to be a Chinese, one has to be located in the central other than the peripheral, to follow the Chinese culture, oftentimes represented by Confucianism, and to be descendants of the Yellow Emperial (Huangdi 黃帝), the *Yan-Huang zisun* 炎黃子孫. Above all, I have also argued that, in addition to all these conceptions regarding “China,” perhaps the least reconcilable for the Hui Muslims was the divinization and religionization of China as a political entity, that is, China as a divine political entity that is itself like a monotheistic religion, a regime that “deserved matching Heaven,” and thus becomes a divine being itself. This is important in understanding the Hui Muslims and their legal experiences in China, for to become a Chinese means to fulfil one or all of these criteria. The multifaceted concepts of China indicate the challenges and tensions the Hui Muslims were facing while negotiating between being Chinese and being Muslim. It is no easy task for the non-Chinese, such as the Hui Muslims, to become, and be recognised as, Chinese, as a result of the complexity of the concept of China itself, and the exclusive divinity of China as such. All these tensions were represented in traditional Chinese moral-legal (*lifa* 禮法) norms throughout the history of Islam in China.

These perceptions regarding China, the superiority of the Chinese, and the Chinese approaches to dealing with “others” were challenged during the late nineteenth and early twentieth centuries when China initiated various programmes to build a modern Chinese nation-state. However, these challenges did not seem to change much of the reality. The construction of the modern Chinese nation-state of the Republic of China, at least during its early period, was motivated and guided by the Han Chinese ethnic nationalism. The two Chinese approaches to dealing with the non-Chinese, the “separative” and the “assimilative,” were applied in dealing with the non-Han Chinese ethnic groups, including the Hui Muslims. During the late Qing, the reformers who argued for the “universality” of Confucianism, a seemingly more inclusive national identity for the future Chinese nation-state, actually aimed at advocating the so-called “China’s assimilative power” in which all the non-Chinese groups, including the Hui Muslims, would inevitably assimilate to the Han Chinese; while the revolutionaries maintained a more separative approach, namely, they advocated a Chinese nation-state in which Chinese meant the Han, a China that solely belonged to the Han. Similar to what I have found out regarding the Chinese ways to practise “othering” in traditional China, it is essential to point out that despite all the differences between

the reformers and the revolutionaries, what they shared in common was the belief in the superiority of the Han Chinese over the non-Chinese, the minorities, as well as the Hui Muslims, of course. My findings have proved that the traditional Chinese perception of the superiority of the Han Chinese over the minorities has not only been unchanged in the context of the Republic of China, but has indeed been reinforced.

This is reflected in the Hui Muslims struggles in positioning themselves between the Islamic *jiao* 教 (teachings) and the Chinese *guo* 国 (state) in relation to their perceptions regarding *minzu* 民族 (nation) in the Republican period. My analysis of the *minzu* discourses among various Hui Muslim groups, associations, and individuals has challenged the oversimplified understanding of the Hui Muslims stand. It also shows that the Hui were, and to some degree have always been, pragmatic in dealing with the tensions they experienced in defining their Chineseness as a marginalised minority group. In the context of nation-building, the centuries' long status as a marginalised minority group made some of them immediately deny themselves as a *minzu*, for they were quite aware of the possible consequences if they sought to establish themselves as such, being excluded, alienated, even eliminated. However, with the claimed Republic of China as a Constitutional democracy, at least officially, some of the Hui Muslims were indeed able to come up with other approaches to define themselves as a *minzu*, to ask for certain representative quota in the National Assembly, and finally to be treated equally, the way they deserved as an independent and patriotic *minzu*. The Hui Muslims experiences are crucial for me not only in understanding this group of people as an ethnoreligious group, but more importantly, it also shed light on my reflections on how to understand China, as a geographical, cultural, legal, moral, religious, and political entity. In this regard, the Hui Muslims' contribution proves to be inspiring in terms of how "the real democratic politics, a sincere Constitutionalism" of a Republic of China should be. To some degree, it is exactly their "marginalised position from the peripheral," I argue, that has given them a unique perspective, making it possible for them to have a more constructive understanding towards the construction of modern China as a constitutional democracy.

My case studies on education, Hajj, and marriage have proved the comprehensiveness of the Sharī'a perceived by the Hui Muslims, and the role it has played in defining and defending their identity as Muslims. The Hui's case of Islamic education typically represents the construction of the dual identities of the Hui, consisting of both Muslim and Chinese traditions. In this regard, the modern educational projects started in the late Qing period share great similarity with the traditional Jingtang education, despite some clear differences between the two. In other words, both Jingtang education and the modern educational reform projects serve the Hui's efforts to search for a new identity, to define and redefine who they are in response to the changing and challenging conditions of Chinese society. The modern reformers targeted either a traditional Jingtang education that was overly influenced by Chinese culture, or the new situation in which the Hui Muslims were supposed to live, cooperate, and maybe, more importantly, compete with the Chinese, which required sufficient knowledge of modern science and technology. Education for the Hui Muslims, especially religious education, has been a channel through which their (religious) identity has been constructed in response to external challenges. Various reforms of Islam initiated by the Hui Muslims were backed by the development of Islamic education. Instead of manipulating the interpretations of the Sharī'a by any authority, be it a Muslim or non-Muslim, especially the modern nation-state, it might be better to allow Muslims with different opinions to have genuine discussions, deliberations and communications, so as to negotiate the future of the Sharī'a (An-Na'īm 2008).

My study on the issue of Hajj shows that Hajj is a religious obligation in Islam, the fulfilment of which means for individual Muslims the duty towards Allah; but it is also a means and channel through which new theological, social, as well as political thoughts and movements, reached the Hui Muslims as a collective group. It has been an important means that connects Muslims in China with the larger Islamic umma, of which the Hui Muslims in China is a part. One of the evidence is the establishment of Islamic mysticism (Sufism) that partially resulted in the split of the Hui Muslims and added a new dimension to their Muslim identity, the *Menhuan* 門宦. This change is not only responsible for the internal conflicts between the Hui themselves during the late Qing period but also contributed to the collective identification of being a Muslim in fighting against the Qing regime and its oppressive and discriminative laws and policies towards the Hui Muslims. In the Republican period, Hajj provided the Hui with a diverse range of alternative ideologies as well as modern development mechanisms, including the more conservative approaches applied by Ma Lianyuan and Ma

Wanfu, and the one more identical to the Islamic Modernism imported to China by Wang Jingzhai from Egypt, not to mention the more complicated Sufi *ṭarīqas*. One point I observed in my research on Ḥajj, especially during the Republican period in the context of the modern nation-state is that the Hui Muslims' closer connections with the very centre of Islam do not necessarily lead to stronger disintegration or separation from China. On the contrary, Ḥajj, as a matter of fact, was one of the sources from which the Hui Muslims tried to justify their Chinese nationalist movement, and strengthened their patriotism to China.

The last, and perhaps most controversial field is the issue of marriage, the legal aspect of the Sharī'a. On the one hand, the Hui Muslims deem marriage as a divine sign of Allah, a highly religious sacred covenant, and therefore, following the Sharī'a marriage norms (with diverse interpretations and practices) defines their identity as Muslims. During the early period of Islam in China (Tang-Song-Yuan dynasties), marriage played a crucial part in the formation, localization, and integration of the Hui Muslims in China. It proves that even in the legal field of marriage, following the Sharī'a and being subjects of the Chinese regime is not necessarily incompatible with each other. The marriage practices of the Hui Muslims in a more privileged Mongol Yuan Dynasty and a more discriminative, if not oppressive, Chinese Ming Dynasty have shown that a more open, tolerant and respectful sociolegal environment may lead to more open and positive attitudes of the Hui Muslims towards intermarriages with other non-Muslim groups, especially with local Han Chinese, and hence more active integration to the Chinese society; while in the harsher and assimilative sociolegal settings where Muslims and their laws were targeted as "Others" who were to be legally discriminated and assimilated, culturally and institutionally excluded, if not physically extinguished, Muslims are much likely to become more defensive, conservative, and uncritical, hence more likely to be self-isolated, and resist to be integrated. This could also be said regarding modern China. How the Hui Muslims deal with the Sharī'a marriage rules, to what extent they would refuse the state law and follow the Sharī'a law, and vice versa, are largely determined by how the Hui Muslims were positioned and treated by the cultural, the socio-legal, and the political spheres in Chinese society.

In general, although Muslims have been settling in China as subjects of the Chinese regime for centuries, there still existed visible cleavage in not only social but also cultural and institutional levels. Proper integration of Muslims into China is far from being well achieved. The reasons for this partly lie in the fact that the shared political principles of justice by all the (marginalized) non-Chinese ethnoreligious minorities in the country probably has not yet truly or fully realized, although we did notice, by and large, an emerging form of negotiation in an institutionalized level within the context of Constitutional democracy in the Republican period. If we intend to learn some lessons from the past, I believe this is crucial in understanding Muslims and their practice of the Sharī'a in China today.

One of the key points is what is the meaning of China, who are the Chinese, and what these mean to the Hui Muslims and other ethnoreligious groups to define themselves as such. My research has pointed out that it is misleading to maintain that the Sharī'a and the Islamic way of life of Muslims are essentially incompatible with Chinese social, cultural, political and legal systems. However, there indeed exist tensions. To ease the tensions, I believe much could be done by the majority Chinese and the Chinese authority. One of the things we learnt from the imperial period was the Chinese approaches to dealing with the "others" and the association of the concept of China (together with other intertwined concepts like Chinese, and Chineseness) with certain race, ethnicity, culture, and ideology. This tradition is long and powerful. However, it is essential to, first of all, realize how it works as the pre-understanding and the prejudice based on which our current understanding starts. And then be critical about it and reorient ourselves. One of the things we learnt from the Republican period is the importance of the cultivation of a platform in which all the minority groups, be them ethnic, religious, linguistic, and so on, could discuss, debate, communicate and deliberate various issues so that a shared secular solution might be reached. The core here is the "secular." Being secular (*shisu* 世俗) is different from being atheistic, one of the beliefs of the Communists. As a matter of fact, the assumption that religion is a backward belief and practice, and will in the end be bound to vanish is itself already restricting further meaningful communications with Muslims and other religious believers. Being secular simply means being ideologically neutral. Of course, this also requires Muslims to reflect on their perceptions of Islam, the Sharī'a law, the theological principles, etc. Much more work, however, is required from the Chinese political authority. After all, such issues as how to understand "ourselves" as Muslims, to which extent this "we" are self-identified

as Chinese, what is “our” faith and belief, etc. could never be answered and understood without the perspective of Muslims themselves.

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Appendix

1. Translation and Original Chinese of the Encomium dedicated for Prophet Mohammed (*Zhisheng baizi zan* 至聖百字贊) by Emperor Zhu Yuanzhang⁸⁷⁰

Since the creation of the universe, God had already appointed his great faith-preaching man, From the west, he was born, and received the holy scripture, the Book made of thirty parts, to guide all of creation, the master of all rulers, the leader of the holy ones, with support from the Heavens, to protect his nation, with five daily prayers, silently praying for peace, his heart directed towards Allah, giving power to the poor, saving them from calamity, seeing through the unseen, pulling the souls and the spirits away from all wrongdoings, a mercy to the worlds, transversing to the ancient, majestic path vanquishing away all evil, his religion, pure and true, Muhammed the Noble and Great One.

The original Chinese: 乾坤初始，天籍注名，傳教大聖，降生西域，授受天經，三十部冊，普化衆生，億兆君師，萬聖領袖，協助天運，保庇國民，五時祈佑，默祝太平，存心真主，加志窮民，拯救患難，洞徹幽冥，超拔靈魂，脫離罪業，仁覆天下，道冠古今，降邪歸一，教名清真，穆罕默德，至貴聖人。

⁸⁷⁰ The earliest recording of the *Zhisheng baizi zan* could be found in Wang Daiyu's *Zhengjiao zhenquan*.

2. List of the Arabic and Persian Books used by Liu Zhi 劉智 in the *Tianfang dianli* 天方典禮 (Norms and rites of Islam)⁸⁷¹

No.	Original Chinese Transliteration used by Liu Zhi	Arabic Names	Chinese Translation by Liu Zhi	English translation of the Chinese titles
1	古爾阿尼 (guer'a'ni)	Qur'an	寶命真經, 天經 (Baoming Zhenjing, Tianjing)	The treasured mandate of the true scripture, Heavenly scripture
2	特福西爾噶最 (tefuxi'er gazui)	Tafsīr al-Qadi	噶最真經注 (Gazui Zhenjing Zhu)	Commentary to the Quran by Qadi
3	特福西爾咱吸堤 (tefuxier'zanxidi)	Tafsīr Zahidi	咱吸德真經注 (Zanxide Zhenjing Zhu)	Commentary to the Quran by Zahid
4	特福西爾白索義爾 (tefuxier'baisuoyier)	Tafsīr Basair	大觀真經注 (Daguan Zhenjing Zhu)	Commentary to the Quran of the great examiner
5	米邇索德 (mier'suode)	Mirsad al-ibad	道行推原經 (Daoxing Tuiyuan Jing)	The path towards the beginning
6	勒瓦一合 (lewayihe)	Lawa'ih	昭微經 (Zhaowei Jing)	Illumination of the fine points
7	特卡綏爾 (tekasuier)	Tabzir	大觀經 (Daguan Jing)	Scripture of the great examiner
8	胡托蔔 (hutuobo)	Hutab	聖諭 (Shengyu)	Teachings of the Prophet
9	喀飛 (kafei)	Kafi	禮法考源 (Lifa Kaoyuan)	Trace to the source of Sharī'a ⁸⁷²
10	希大業 (xidaye)	Hidaya	禮法正宗 (Lifa Zhengzong)	Orthodoxy of the Sharī'a
11	設理合偉噶業 (shelihewegaye)	Sarh al-wiqaya	衛道經解 (Weidao Jing Jie)	Commentary to the scripture which protects the Way

⁸⁷¹ For reference of the books he used in the *Tianfang xingli* 天方性理 (Nature and rites of Islam), see (Leslie and Wassel 1982, 78–96).

⁸⁷² I use and agree with, most of the time, the English translation by Leslie and Wassel of the Chinese names given by Liu Zhi. However, I translate the term *Lifa* 禮法 in this context into Sharī'a, while Leslie and Wassel (1982, 96–103) translated the term into ritual and law in their paper.

12	穆合特粹爾偉噶業 (muhetecui'erweigaye)	Muhtasar Wiqaya	衛道經捷解 (Weidao Jing Jiejie)	Abbreviated commentary to the Wiqaya
13	西臘止葉 (xilazhiye)	Siragiah	禮法明燈 (Lifa Mingdeng)	Bright lamp of the Sharī'a
14	中郭法他瓦 (zhongguofatawa)	Gung i fatawa?	禮法廣集 (Lifa Guangji)	Extensive collection of the Sharī'a
15	額米你葉 (e'miniye)	Aminiya	足信篇 (Zuxin Pian)	Compilation of fidelity
16	都珥錄薄候爾 (duer'lubohouer)	Durar al-buhur	學海珠璣 (Xuehai Zhuji)	Pearls of wisdom on learning
17	無疏路丁 (wushuluding)	Usul ad-Din	道原 (Daoyuan)	Origin of the Way
18	無疏路費格合 (wushulufeigehe)	Usul al-fiqh	禮原 (Liyuan)	Origin of the Sharī'a
19	默直母而哈尼 (mozhimuer'hani)	Magmu'at al-Han or Magmu'a-i Han	禮法洪包 (Lifa Hongbao)	Wide collection of the Sharī'a
20	索刺特默思歐諦 (suolatemosioudi)	ṣalāt Mas'udi	拜禮全編 (Baili Quanbian)	A complete compendium of prayers
21	堪足德噶一噶 (kanzudegayiga)	Kanz ad-daqa'iq	禮苑精華 (Liyuan Jinghua)	Essence of the center of Sharī'a
22	特爾噫布索刺特 (te'eryibusolaite)	Targib as- ṣalāt	禮功啟愛 (Ligong Qi'ai)	Sharī'a enlightened
23	劾咱宜訥費格合 (hezanyinefeigehe)	Haza'in al-fiqh	礼仪宝筐 (Liyi Baoxia)	A treasure box of the Sharī'a
24	幹西勒色阿大惕 (woxilese'a'dati)	Wasilat as-Sa'adat	永慶雲衢 (Yongqing Yunqu)	Eternal celebration in Heaven
25	探秘合 (tanmihe)	Tanbih	醒世錄 (Xingshi Lu)	Records for awakening the world
26	特爾准默穆思托法 (te'erzhunmomusituofa)	Targamat al-Mustafa	至聖實錄 (Zhisheng Shilu)	True records of the Prophet
27	西爾吞納秘 (xier'tunnam)	Sirat an-Nabi	聖功錄 (Shenggong Lu)	Records of the accomplishments of the Prophet

28	吉所安比雅 (jisuoanbiya)	Qisas al-Anbiya	列聖紀錄 (Liesheng Jilu)	Records of prophets
29	吉所密邇刺直 (jisuomier'lazhi)	Qissat al-mi'ray	登宵錄 (Dengxiao Lu)	Records of the night journey to Heaven
30	一而沙德 (yier'shade)	Irsad	指迷集 (Zhimi Ji)	Guide to those astray
31	特爾林穆特二林 (te'erlinmute'erlin)	Ta'lim al-Muta'allim	為學須知 (Weixue Xuzhi)	Notice on study
32	勒推福討黑德 (letuifutaoheide)	Lata'if at-tawhīd	致一微言 (Zhiyi Weiyan)	Subtle points of monotheism
33	設理合而噶一德 (shelihe'erga'yide)	Sarh al-Aqa'id	教典釋難 (Jiaodian Shinan)	Explanations on difficulties in the Sharī'a
34	設理合默瓦吉福 (shelihemowajifu)	Sarh al-Mawaqif	格致經解 (Gezhi Jing Jie)	Commentary on the scripture of metaphysics
35	設哲爾拿墨 (shezhe'ernamo)	Sagar namah	世譜源流 (Shipu Yuanliu)	An account of genealogies
36	設爾合墨咱吸蔔 (she'erhemozanxibo)	Sarh al-Madahib	教類源流 (Jiaolei Yuanliu)	Origin and development of sects in Islam
37	合哲爾拿墨 (hezhe'ernamo)	Hagar namah	寶產譜 (Baochan Pu)	Record of the production of gem
38	克爾白拿墨 (ke'erbainamo)	Ka'aba namah	天方志 (Tianfang Zhi)	Annals of the heavenly house (Kaaba)
39	二數度克比爾 (er'shdukebier)	Al-'Ahd al-Kabir	曆學大全 (Lixue Daquan)	Summa on Calendar
40	額福阿祿額福刺乞 (efu'alu'efulaqi)	Af'ali aflak	天德元機 (Tiande Yuanji)	The mysterious mechanism of Heaven's properties
41	葉瓦基特 (yewajite)	Yawaqit	月令紀 (Yueling Ji)	Record of lunar rules
42	墨拿積裡必刺地 (monajilibiladi)	Manazil al-biladi	坤輿考略 (Kunyu Kaolue)	Brief investigation on Geography
43	梅亞土額噶林 (meiyatu'egalin)	Hay'at aqalim	七洲形勝 (Qizhou Xingsheng)	Geography of Seven Continents

44	母格底墨額得壁 (mugedimo'edebi)	Muqaddimat al- adab	字義類編 (Ziyi Leibian)	Classification and cataloguing of the meaning of words
45	索哈合 (suohahe)	Sahah	字正 (Zizheng)	Words Correction

3. Wang Daiyu's Islamic Thesis on the Confucian Concept of *Tian* 天 (heaven) in the Chapter of “*Sizhen* 似真” (Resemblance to the real) of his *Zhengjiao zhenquan* 正教真詮 (The real commentary on the true teaching)

The Book of Documents has said that “be respectful and submissive to the Great Heaven, and serve the Heavenly god”. However, “who created the Great Heaven? and where does the Heavenly god come from?” There has been no definite answer to these questions till now. That is because of the brutal Qin Dynasty who burnt the Confucian Classics and buried the literati... Though the Confucian scholars of our Song Dynasty have taken pains to collect (the Classics)... I am afraid that they are still unable to get a comprehensive understanding of the teachings of the sages of King Yao and Shun, Duke Zhou and Confucius... That is why scholars like them always come up with conflicting theories. For example, some say that “the great and originating power of Qian/Tian contains all the meaning belonging to Heaven, and it is like the Emperor and the father”; some others say that “the Supreme Being created everything from the Zheng”. Zhu Xi interpreted that the Supreme Being was the Master of Heaven and Earth. There still has been no definite perception in terms of how such a significant issue shall be comprehended.... There could be no two correct perceptions (concerning such essential questions), and one of them must be wrong.... If one says the Heavenly god was created by the Supreme Ultimate, the Supreme Ultimate must be superior to the Heavenly god. (If so,) how could one not serve and worship the Supreme Ultimate but the Heavenly god? If one says the Heavenly god is itself the Supreme Ultimate, what are the Classic sources the claim is based on? ... Therefore, the Supreme Ultimate was the principle for the thousands of things between Heaven and Earth established by Allah, the True Lord, (and it was this principle that) later forms Heaven and Earth and the thousands of things between them. Anyone who understands it would not take the principle, which is the original seed for Heaven and Earth and the thousands of things between them, as the ultimate Lord...⁸⁷³

The original Chinese is:

惟有書曰，‘欽若昊天，日昭事上帝’。試問，其昊天從何出？上帝從何來？及至此間，了無定論。蓋因強秦之坑儒焚書，古典殘缺。雖宋儒苦心蒐集，未免少加損益，恐其未得堯舜周孔之全備耳..... 同類學人，常出異說。如言‘乾元統天，為君為父’，又言‘帝出乎震’，紫陽氏解之，以為帝者，天地之主宰也。似此至要關頭，畢竟不曾畫一。理無二是，必有一非 既言上帝自太極而生，太極又居於上帝之上，何不事太極而事上帝乎？若言上帝即是太極，此說出於何典？..... 是故太極乃真主所立天地萬物之理，而後成天地萬物之形。凡達此理者，必不以天地萬物之原種，而當天地萬物之原主也.... (Yu and Tie 1999, 101).

⁸⁷³ An alternative English translation of the text is available by Murata (2017, 80–81).

4. Complete Translation of the “Inscription for the building of the tomb for Sheikh Hu”⁸⁷⁴ and the Original Chinese

By Jia Yulin, a pupil of Islam from Hancheng county who pays respect

I once heard that there was no fixed or regular pattern to the Path, which shall only rest on the Prophet who took the lead; there are established laws in our religion, which shall rest on, in particular, the virtuous to expound so that the Path sustains. The first man Adam, via careful investigation, was born in Mecca in the western region, who inaugurated the transmitted orthodox teachings of our religion, and whose successors unfailingly come forth, including Shith, Nūḥ, Ibrahim, Ismāʿīl, Mūsā, Dāūd, and ʿĪsā, from generation to generation without ending. Orders were discarded as ʿĪsā passed away, and God’s Messenger, Muhammad, was born as the times required some 600 years later, who maintained the transmitted orthodox teachings from the beginning, established the never-changing Great Laws, restructured the scripture and rituals, and were respected by those far and near. The Religion is that which regards knowing God as its aim, the respectful services as its focuses, the approaching to the Origin as the ultimate; observe the five duties (of Islam) respectfully to fulfil the divine order; earnestly carry out the five tenets by actual efforts to fulfil the earthly order; there should always be etiquette as for marriage and burial; be erudite to know the essential orthodox teachings, staunch and loyal without confusion and doubts, thus shall the Religion endure eternally. With careful anticipation that ups and downs follow and circulate, the four virtuous passed away after the Prophet, some 200 years later fallacies spread and the orthodox teachings were concealed. Particularly fortunate is then the birth of sage Abu Hanifa who corrected the authentic tradition and carried on. Since then schools have been established in the capitals and cities of countries in the western region, to ascertain and expound (the truth), and strictly forbid fallacies, via which the orthodox teachings were made known again. Our Religion in China, the farthest east, is lack of scriptures and scholars, the transmitted translations were unclear and further no way to expound and propagate. It was God’s will to make it come back again to have our Sheikh Hu in the first year of Jiājīng (1522). The Sheikh’s name is Dengzhou, with Mingpu as his courtesy name, he lived on the shores of River Wei, learnt Confucianism in his childhood, and followed his fellow villager, Sheikh Gao, learning Islam when he grew up, having grasped the gist, he finally understood the scriptures and laws, and the reasons of life. Then he took it as his responsibility to expound and propagate the orthodox teachings, those who came to study with him, far and near with trunks of books, were pleasantly accepted by the Sheikh, the doctrine of teachings that Abu Hanifa had not reached have been inherited, expounded and propagated by our Sheikh. The Feng’s and the Ma’s who learnt from the Sheikh taught the coreligionists and made the teachings prevalent in China. Was not our Sheikh the guide of our Religion and a qualified assistant of Abu Hanifa? The Creator will appreciate and take care of those who are virtuous and meritorious. The Sheikh, who died on the 28th of August, 1597, was buried at the river bank. In 1662 the River of Wei was in flood, which was to damage his tomb. The fellows planned a re-interment, and tens of thousands of people came unexpectedly who made it on the campaign. It was Mr Ma Biyao who collected the bones then. Out came the exotic fragrance when the tomb was opened. The bones looked like light gold. The fragrance on the hands lasted for days after the re-interment, which has been on everybody’s lips till now. We hereby get to know that the river flood was not to damage the tomb but to show a sign by the Creator to the descendants to rebury the Sheikh so that we can see and get to know his achievement and show respect to him. The coreligionists, from far and near, who have benefited from the Sheikh, would like to rebuild the tomb and set up a monument in memory and in honour of Sheikh Hu and his achievement to elucidate Islam in central China, there were many from other provinces and the far west donating money. What is particularly unusual is that a Mr Ma Quan from Huguang entrusted a note (in Arabic?) to his son, asking him to “keep it well with you, after I pass away there will be someone who asks for it for the inscription for Sheikh Hu”. In case of loss, his son carved it on a stone and put it on his father’s tomb. When Ma Yu and Li Fengming from Chang’an travelled to Chu (Hubei and/or Hunan) to visit the tomb of Mr Ma, they transcribed the note and took it back to Qin (Shaanxi). If it were not for the fact that the Sheikh and his stories moved people deeply, how would it be possible that a far-away scholar was so concerned about it that he entrusted the note to his son before he passed away? However, the language which he used is difficult and could not be understood without someone who is an expert on the connotation of the scripture. A tombstone with Chinese Confucian language has been set up after deliberations to manifest his great merits. I am ashamed for being not able to eulogize his complete achievement due to my poor language. I only outlined and underpinned his achievement to elucidated the orthodox teachings of the Religion as the sage so that those descendants who benefit from the teachings of the Sheikh would not forget.

Set up by: Tuo Fengye, the hereditary Imam of the eighth generation

⁸⁷⁴ See the end of this chapter for the original Chinese. In addition, Hu Dengzhou passed away in 1597, and a proposal of the re-interment was made in 1662 due to the river flood, while 56 years later in 1718 the actual re-interment was conducted when the stele with the inscription was set up. Besides, the original stele was destroyed in 1980 and the contents we see now is from the transcription by Fen Zenglie (1981).

Li Yaoshou, the military commander in Shaanxi

Ma Yijun, winner of the military Imperial Exams and candidate of the Military Department

Ma Fengzhu, great-great-grandson and student at the Imperial Academy

Wei Erguan, co-author and student of Confucianism in Xianyang county

On a day of March 1718

Together with the fellows

Yang Shouyun, Yuan Wencheng, Ma Wanshou, Ma Jintai, Bao Tiancai, Ma Jicheng, Bi Shourong, Tong Guoqing, Chen Tianliang, Sun Xicai and etc.⁸⁷⁵

建修胡太師祖佳城記 (1718)

沐教後學韓城縣賈毓麟薰沐頓首口口⁸⁷⁶

嘗聞道無方體，必賴聖人立教以開其先；教有成法，尤賴賢者發明以繼其後，庶天人之道乃能彰明悠久而不墜也。粵稽（人）祖阿丹（者），生於西域天方國，開創吾教之道統，厥後源流（悠久），而有（施師）、努海、易補刺希默、易司麻義來、母撒、達吾德、耳撒，聖聖相傳，道統不絕。爾撒即世，綱紀廢墮，越六百餘年而有（欽差至聖）穆罕默德應運而興焉。繼開闢以來之道統，立萬世不易之洪規，刪經定制，遐邇尊崇。其為教也，以認主為宗旨，以敬事為功夫，以覆命為究竟；敬服五功，以盡天道；敦行五典，以盡人道；婚姻有禮，喪葬有制；大中至正，不貳不惑，可以垂萬世而不易也。孰意盛衰相循，聖人之後，四大配賢暨沒，不貳百年，邪說紛擾，而正學又蔽矣。時猶幸有大賢阿補·哈尼法者出，厘正真傳，繼述道統。自此西域諸國都城郡邑各立學校，講究發明，嚴禁邪說，而正學賴（以）複明。維吾教之流於中國者，遠處東極，經文匱乏，學人寥落，既傳譯之不明，複闡揚之無自。天運迴圈，無往不復，而有明嘉靖元年我胡太師祖出焉。師祖諱登洲，字明普，世籍渭濱，幼肄儒業，長隨同鄉高師祖習受本教之學，聆其大略，而於經文教典之義，天人性命之理，無不豁然盡解矣。遂慨然以發明正道為己任，遠近負岌來學者，師祖悉為供給，樂為教育；而于阿補·哈尼法數百年不及之道，至我太師祖承統發明而不墮矣。其時馮、海二門父子祖孫得受宗旨，分教同人，而吾學遂乃盛傳於中國。然則太師祖豈非吾教之津梁而為阿補·哈尼法之賢助也哉！夫賢人有功於世者，造物每為之呵護。如我太師祖卒于萬曆丁酉之年八月二十八之日，葬於河幹，於國朝壬寅年間渭流氾濫，將侵其墓，同人謀改葬之，不期而至者千數百人，乃遷瘞于斯原。時沐手而為之檢骨者，必耀馬先生也。開塚時，異香襲人。骨若淡金。及殮後，兩手芬馨，多時不散，迄今傳為異事不衰。是知河水之患原非有害于祖墓也。然造物欲示（之）於後人而使之改葬，俾人得聞見其事而尊崇之也。凡我遐邇同人，久沐遺澤，皆欲建修佳城，立碑誌盛，以昭太師祖中原闡教之偉績，而各省及西陲同教人等捐金遠寄者甚眾。尤可異者，湖廣馬銓先生在生之年，預撰經文一帖，臨終囑其子曰：“爾其慎藏，後世必有求此為胡太師祖勒銘者”。其子芳隆乃上石立于其父之墓，防遺失也。時值長安馬玉、李鳳鳴二鄉老入楚，謁馬老先生墓見之，乃錄經文一帖歸秦，遂勒于石。此非太師祖之德感人之深可傳永久，安能使遠方學者焦心勞思、撰文遣子以待數十年後也耶？但其〔文〕字迴殊，非精通經義者不能讀解。覆議立儒文之（碑）以公大（德），命予為記。予愧鄙俚無文，懼不能贊（頌）懿行於萬一。然不過以蠡測海，以管窺天，敘其大概，以示來茲，使知太師祖為闡教之大賢，而後世沐其教者，無忘所自雲。

世襲八代掌教脫鳳業薰沐頓首拜立

欽賜孔雀翎鎮守陝西延綏等處地方掛印總兵左都督沐教教末李耀頓首拜立

甲子科武舉兵部候選守備馬一駿頓首拜立

沐教後學外玄孫國子監監生馬鳳翥頓首拜撰

沐教教末鹹陽縣儒學生員（魏）爾瑄薰沐頓首校閱並書

時康熙歲次戊戌桐月穀旦

⁸⁷⁵ I did not translate every name of the fellow Muslims who took part in the setup of the stele. A complete list of names, see the original Chinese text below.

⁸⁷⁶ The “口” in this original Chinese text means something is missing or unreadable.

沐教同人

楊守雲 袁文成 馬萬壽 馬金台 寶天財 馬成吉 畢守榮 童國清 陳天良 孫喜財
馬鼎印 蘇文秀 馬義祥 魏文口 馬萬虎 馬萬良 馬萬寶 馬萬龍 普生金 普生鼈
普有莘 馬必耀 馬國成 楊守業 楊守山 楊守廣 楊唐萬 馬玉川 牛孟口 牛孟口
牛金財 哈良仲 高望寶 高吉旺 者養臣 口口口 米如金 瑪律清 瑪律成 馬騰麟
海進發 馬發智 馬友仲 馬友寶 鐵金貴 丁化明 馬化蛟 馬思德 馬成龍 寶化友
黃漢美 者自榮 者成英 馬銀山 馬冲霄 馬和玉 者美芝 馬君輔 高繼壽 寶化金
馬自鳳 哈君美 海得寶 陳士冉 木仁仲 胡君旺 胡君美 胡君輔 胡君成 胡朝鳳
胡朝龍 胡君璽 同立

5. List of Courses and Textbooks in the Traditional Mosque-based Jingtang Education⁸⁷⁷

No.	Textbook in Chinese	English Translation or Transliteration	Subject	Language
1	《五連本》 ⁸⁷⁸ (wulianben)	Asas al-Ulum	Morphology and syntax	Arabic
2	《遭五》 ⁸⁷⁹ (zaowu)	Daw' al-Misbah	Grammar	Arabic
3	《滿倆》 ⁸⁸⁰ (manlia)	Al-Fawaed-Uz-Ziya'iyah/ Sharh Kafiyyah	Grammar	Arabic
4	《白亞尼》 ⁸⁸¹ (baiyani)	Sharh'u Miftah il Ulum or Mirtah il Ulum	Rhetoric	Arabic
5	《舍來哈•偉噶業》 ⁸⁸² (shelaiha weigaye)	Sarhal- Wiqaya	Jurisprudence	Arabic
6	《虎托布》 ⁸⁸³ (hutuobu)	Khuṭba	Hadith	Arabic and Persian
7	《艾爾白歐》 ⁸⁸⁴ (aierbaiou)	Arbawan	Hadith	Persian

⁸⁷⁷ The list comes from my fieldwork with Ma (2010) in Xinjiang and the ones I did in 2012 in Gansu, and 2017 and 2018 in Yunnan. Part of the list is based on surveys of texts conducted by others, such as (Dror 2016) and (Leslie and Wassel 1982). In addition, the first thirteen textbooks listed here are called the *sabiqa* (saibaiga 賽拜嘎 the preliminary), and are the most widely used ones in traditional Jingtang education regardless of what teaching school the Imam/teacher belongs to. I also list some of the books I collected during my fieldwork that have been used by different mosques that follow different teaching schools, especially different Sufi orders.

⁸⁷⁸ There are five volumes of the book edited by a scholar named Muhammad Hayat from Punjab., including Sarf (suofuer 素爾夫) an Arabic grammatical inflection, Murzi (muerze 莫爾則), Zanjani (zanjiani 咱加尼), mitu 'Amil (mietai amimi 米額台•阿米米), and Misbah(misubaha 米素巴哈) which is a book on Arabic grammar named al-Mishab fi nahw authored by Abu Tahir Multani. Two Chinese translations are available by Imam Yang Zhongming (楊仲明 1870–1952) with the title Basics of Chinese and Arabic (zhong'a chuhun 中阿初婚 1911) and Imam Hu Songshan (虎松山 1880–1955) named Basics of Grammar (wenxue jichu 文學基礎). The five-volume book explains the Arabic word usage, conjugation of verbs, and basic grammar rules.

⁸⁷⁹ Authored by the Persian scholar al-Mutarrizi, Burhan al-Din Abu I-Fath Nasir (1144–1213) from Khwarazm, the book is a detailed interpretation of al-Misbah mentioned above. It explains in detail the sentence structure and serves as a Arabic Grammar in Use.

⁸⁸⁰ The book Al-Fawaed-Uz-Ziya'iyah, also known as Sharh Kafiyyah, shelaha kafeiye(設拉哈 卡非耶) in Chinese, was a masterpiece on Arabic grammar or Nahw, written by the Persian poet and Sufi Nur al-Dīn Abd al-Rahmān Jāmī as an interpretation of the grammar book al-kafiya by the Egyptian scholar Jamaladdin Ibn al-Hajib. It serves as an advanced Arabic grammar.

⁸⁸¹ Also named as tailuoheisu mifuteha (台洛黑素•米夫特哈) in Chinese, authored by Sa'ad al-Din Masud ibn Umar ibn Abd Allah al-Taftazani (1322–1390) from Khorasan. Another work Miftah al-'ulum by Abu Yaqub Yusuf b. Abi Bakr al-Sakkaki was mentioned by Dror Weil (2016, 53) referring to the Baiyani here.

⁸⁸² The book weigaye (偉噶業) has been the most influential one in the study of Islamic jurisprudence in China. There are different opinions concerning the author of the book, though (Leslie and Wassel 1982, 97). Chinese scholars hold that it is a legal work of the Hanafi school authored by Sadr as-Sari'a. Imam Wang Jingzhai (王靜齋) has translated two volumes of the book (on ṣalāt and wuḍū) into Chinese and published it in 1931 and 1935. Several scholars has translated the book into Chinese, though it was in 2008 that the Chinese social sciences press finally published the complete translation of the book.

⁸⁸³ There are several versions of the khuṭba, and normally it refers to the Persian translation of a collection of 40 pieces of hadith in Arabic. The collection has a focus on Sufism, and Imam Li Yuchen (李虞宸) has translated the book in 1923.

⁸⁸⁴ A collection and commentary on 40 pieces of Hadith by Tag al-Din Hafizi Buhari in Arabic and translated by Husam al-Din b. Ala al-Din al-Nugabadi into Persian which also has a focus on Sufism.

8	《米爾薩德》 ⁸⁸⁵ (miersade)	Mirsad al-‘ibadmin al-Mabda’ila’ l-ma’ad	philosophy	Persian
9	《艾什阿·來麥爾台》 ⁸⁸⁶ (aishia laimaiertai)	Asi’at al-lama’at	Tawḥīd	Persian
10	《海瓦依·米諾哈吉》 ⁸⁸⁷ (haiwayi minuohaji)	Hawa’ Minhaj/Minhaj al-talab	Grammar	Persian
11	《古洛斯坦》 ⁸⁸⁸ (guluositan)	Gulistan	Art	Persian
12	《阿噶依杜 伊斯倆目》 ⁸⁸⁹ (agayidu yisiliamu)	Sarh al-‘Aqaid/ Al’ Aqaid Islam	Tawḥīd	Arabic
13	《古蘭經》 (gulanjing)	Al- Qur’an	The Holy Scripture	Arabic
14	母噶麻忒 ⁸⁹⁰ (mugamate)	Al-Maqamat	Linguistic and Rhetoric	Arabic

⁸⁸⁵ The Persian author Abu Bakr Abdallah b. Sahawar ar-Razi (1168–1256) from Sivas belonged to the Kubrawiya Sufi order. The book was cited by Liu Zhi in his *Tianfang dianli* (see No. 5 of the List of the Arabic and Persian Books used by Liu Zhi in *Tianfang dianli*) and later was translated by Wu Zunqi 伍遵契 in 1687 with the name *Guizhen yaodao* 歸真要道 (Key points to return to the origin).

⁸⁸⁶ The book is an interpretation and representation of the thoughts of the Grand Sufi Sheikh Ibn Arabi (1164–1240), authored by Nur al-Dīn Abd al-Rahmān Jāmī, the same author with manlia (滿倆), translated by She Yunshan (舍蘊善 1638–1703, alternatively named ponachi 破衲癡) with the title the Secret of the Origin (zhaoyuan mijue 昭元秘訣).

⁸⁸⁷ A Persian grammar book, authored by Chinese scholar Chang Zhimei (常志美 also known as Chang Yunhua 常蘊華 and Muhammad b. al-Hakim al-Zinami al-Sanduni al-Sini) was written in 1660. It was considered as the earliest works on Persian grammar independently written in Persian (Shir’t 1981), which was published in 1981 in Isfahan.

⁸⁸⁸ It is the most popular Persian works in China which was written by the Persian poet Abū-Muhammad Muslih al-Dīn bin Abdallāh Shīrāzī (sadi 薩迪) in 1258, and has been first translated by Imam Wang Jingzhai as The Garden of the Truth (zhenjinghuayuan 真境花園), and later in 1980 translated and published by the People’s Press of China named The Rose Garden (qiangwei yuan 薔薇園).

⁸⁸⁹ The book Al-Aqedah al-Nasafiyya was a work by Abu Hafs Umar an-Nasafi. There are several commentaries on the work. The one that is prevalent among the Hui and used as a textbook in the Jingtang education is Sharh ul Aqaid in Nasafiyye written by Sa’ad al-Din Masud ibn Umar ibn Abd Allah al-Taftazani. Imam Yang Zhongming has translated it as jiaoxin jingzhu (教心經注) which was published in 1924.

⁸⁹⁰ The book was mentioned in *Jingxue Xichuanbu* by Zhao Can (趙燦) referring to the book that Hu Dengzhou got from the Old Man, probably a Sufi. Its author is al-hariri abu Muhammad al-Qasim (1054–1112).

6. Curriculums of the Chengda School, 1925–1931

Curriculum 1: 1925⁸⁹¹

	AY ⁸⁹² 1	AY 2	AY 3	AY 4	AY 5	AY 6
Arabic	PW 18	PW 18	PW 17	PW 18	PW 17	PW 17
Citizenship	1	1	1	1	1	1
Confucianism	2	2	2	4	4	4
Chinese	6	6	6	4	4	4
History	2	2	2	2	2	/
Geography	2	2	2	2	2	2
Mathematics	3	3	3	3	3	3
Physics and Chemistry	/	/	/	3	3	3
Calligraphy	2	2	1	/	/	/
In Total	36	36	34	37	36	34
Note	Arabic includes: Quran, Hadith, Arabic language, Sharī'a, Tawḥīd, Islamic ethics					

Curriculum 2: 1927

	AY 1	2	3	4	5	6
Quran	6	6	6	6	4	4
Tajwid	1	/	/	/	/	/
Hadith	/	/	/	/	2	2
Arabic Morphology	3	/	/	/	/	/
Arabic Syntax	4	6	4	/	/	/
Arabic Grammar	/	/	/	2	2	/
Islamic Ethics	/	/	/	1	/	/
Persian Grammar	/	/	/	3	/	/
Sharī'a	2	3	5	4	4	2
Tawḥīd	2	3	3	/	/	/
Islamic Philosophy	/	/	/	/	3	2
Persian Art	/	/	/	/	/	3
Tianfang xingli	/	/	/	/	/	2
Tianfang dianli	/	/	/	2	/	/
Islamic Ethics	/	/	/	/	/	2
Guizhen yaodao	/	/	/	/	3	/

⁸⁹¹ This was the first curriculum of the school when it was founded in 1925. During its time in Jinan (1925–1928) the teaching activity of the school was interrupted by the security problems in Jinan. As a result of the movement of the school from Jinan to Beijing in 1928–1929, the first students actually graduated in 1932 instead of 1931 as planned.

⁸⁹² AY stands for academic year. Below, PW stands for periods per week

(Mirsad al-ibad)						
Mosque Management	/	/	/	/	2	3
Confucianism	2	2	2	/	/	/
Chinese	6	6	6	4	4	4
In total	26	26	26	22	24	24

Curriculum 3: 1929 Senior Department

Subject	Contents	Arrangement		
Party Ideology (dangyi 黨義)		1		
	The Three People's Principles	1		
History		2	2	1
	Modern History of China	2		
	Modern History of the West		2	
	Modern History of Japan			1
Geography		2	2	
	Foreign Geography	2		
	Cultural Geography		2	
Chinese		4	4	4
	Selected Reading	2	2	
	Composition	1		
	History of Literature			2
	Outline of Chinese History		1	
	Office Writing			1
	Composition	1	1	1
Education		2	6	8
	Principles of Education	2		
	Administration of Education		1	
	Management of Education		2	
	Pedagogics		2	
	Teaching Internship			6
	Logic		1	
	Psychology			2
Local Autonomy		2	2	2
	Legislation of Local Autonomy	2		
	Finance			

	Construction			
	Public Security			
	Education		2	
	Land			
	Medicine			
	Residence Registration			
	Village Management			2
	Industry and Commerce			
	Agriculture and Mining			
	Civic Organisation			
Arabic		5	2	2
	Selected Reading	2	1	1
	Rhetoric	2	1	
	Conversation	1		
	Composition		1	1
Sharīʿa		4	4	2
	ʿibādāt (Prayer, Fast, Zakāt, Ḥajj)	4		
	Civil Matters (Marriage, Business, Others)		4	
	Usul-fiqh			2
History of Islam		2	2	
	History of Islam	2		
	History of the Caliphs		2	
	History of the Prophet			
	History of Imams			
	History of the Prophets			
Quran		3	3	5
	Part One (Vol. 1- 6)	3		
	Part Two (Vol. 7- 15)		3	
	Part Three (Vol. 16- 30)			3
	Edit of the Quran			2
Hadith		2	2	2
	ʿibādāt	2		
	Civil Matters		2	
	Daily Behaviours			2
Twhid		2	2	1
	Tawḥīd	2		

	īmān and Islam		2	
	Discussion on Heterodoxies			1
Introduction to Religious Affairs of Islam			2	3
Introduction to Sciences		1		
Islamic Ethics				

Curriculum 4: 1931

	AY 1	AY 2	AY 3	AY 4	AY 5	AY 6
Arabic	8	8	8	2	2	2
Quran	6	6	6	6	6	6
Introduction of Islam	4					
Hadith		4				
Sharī'a			4	4	4	4
History of Islam				3		
Ethics				2	3	3
Twhid					3	3
Party Ideology	1	1	1			
Chinese	6	6	6	3	3	3
Mathematics	3	3	3	2	2	2
History	2	2	2	2		
Geography	2	2	2	2		
Natural Sciences	2	2	2			
English				2	2	2
Music	1	1	1			
Art					1	1
Logic				2		
Pedagogy				3		
Teaching Method					3	
Management					2	
Primary School Administration						1
Surveying and Statistics						1
Sociology					2	
Economics					2	
Law						2
Local Autonomy						2

Psychology				2		
Philosophy						2
Notes	<p>Mathematics: first three years arithmetic, algebra; last three years trigonometry and geometry.</p> <p>History: first two years domestic history; 3rd year foreign history; 4th year modern history.</p> <p>Geography: first two years domestic geography; 3rd year foreign geography; 4th year cultural geography.</p> <p>Natural Sciences: 1st year botany and physiology; 2nd year zoology and chemistry; 3rd year mineralogy and physics.</p>					

7. Abstract of the Graduation Thesis Submitted by the First Students of Chengda School in 1932

Student Name	Translation of the Book's Name	General Contents of the Book	Author of the Book	Words
Wang Guohua (王國華)	Lessons for Muslims (茅爾租穆民——穆民的教訓)	1, the ways to know and serve God; 2, rules on social communication; 3, ways to cultivate one's personality.	Imam al-Ghazali	Approximately 300,000
Wang Shiming (王世明)	The 40 Islamic Teaching (伊斯蘭的基本學識四十則)	The Islamic ethics on daily matters	Imam al-Ghazali	Approximately 70,000
Han Hongkui (韓宏魁)	Islam and Christianity (伊斯蘭與基督教)	Comparison of Islam and Christianity	Muhammad Abdu	Approximately 30,000
Ma Zhongshan (馬忠山)	Biography of Imam Abu Hanifa (伊媽目愛卜哈尼弗傳)	Life stories of Abu Hanifa	Shams al-Din	Approximately 15,000
	Maps of the Ancient Dynasties and Modern Situations of Islam (伊斯蘭古代王朝及伊斯蘭近代形式一覽圖)	21 maps of the ancient dynasties and modern states of Islam, such as Turkey, Egypt, Iraq, and etc.	/	Approximately 20,000
Li Rongchang (李榮昌)	Garden of the Knower (認識者的園地)	'ibādāt, history of Islam, and civil and social matters	Ibn al-Layth	Approximately 100,000
Ma Yugui (馬毓貴)	Introduction to Education (教育概論)	Nature of knowledge and scholars; classification of knowledge and learning methods	Al- Ghazali	Approximately 20,000- 30,000
Ma Jinpeng (馬金鵬)	History of Islam: Part I and II (回教歷史讀本第一二冊)	Part I: Arab society in pre-Islamic period and history of the Prophet; Part II: history of the four Caliphs	Muhyiddin Ruhaiyat?	Approximately 52,000
	Children's Guidance of Islam (穆民箴規兒童明燈)	Basic religious knowledge of Islam	Muhammad Sadiq	Approximately 14,000
Li Enhua (李恩華)	Nuluyegeni (Light of Faith) (努魯爺格尼)	Biography of the Prophet	Muhammad Khuzur	Approximately 200,000
Jin Diangui (金殿桂)	The Way to Learn (求學之道)	Learning methods, the importance of knowledge, relationship between teachers and students, and etc.	Burhani Islami	Approximately 20,000

Jin Maoyuan (金茂源)	Treasure of Sincere Advice (忠言寶珠)	Introduction to fiqh concerning daily issues	‘Uthman	Approximately 40,000
Li Dejun (李德俊)	Basics of Islamic Knowledge (穆民普通常識問題)	Introduction to Islamic religious issues and Islamic ethics	/	Approximately 50,000
Ma Zhonghan (馬忠漢)	Perceptions of Islam in the Last Few Years (數年來對於伊斯蘭之感想)	1, ideas of Islam of the Chinese; 2, our responsibility to Islam; 3, the current social condition; 4, Chinese education and the Islamic education in China		Approximately 2,000
Mi Baojun (米寶鈞)	Yingazuluohalikenai (因嘎足洛哈梨刻乃)	To correct inappropriate words and deeds of Muslims in line with the Sharī‘a	Barkawi Muhammad	Approximately 20,000
Li Deqing (李德清)	General Knowledge of Islam (教義常識問題)	On religious issues (the five pillars) and discussions on the Sharī‘a	/	Approximately 24,000

8. List of Lectures Given by the Members of the Preparatory Committee of Fuad Library⁸⁹³

Date	Lecturer	Title of the lecture	Affiliation and expertise
31 st August, 1936	Gu Jiegang (顧頡剛)	Promote the Culture and Spirit of Islam	Yenching University History
	Xu Bingchang (徐炳昶)	Religion and Science	National Beiping Institute Philosophy and archaeology
	Han Ruling (韓汝霖)	The Islamic Culture of Fuad Library and Chinese Culture	Yenching University Religion
26 th September, 1936	Tao Xisheng (陶希聖)	Introduction to the Changes of the Relationship between Confucianism, Buddhism, and Daoism	Beijing University History
17 th October, 1936	Yao Congwu (姚從吾)	Islamic Culture and the Relationship between Chinese and Western Cultures in History	Beijing University History
8 th November, 1936	Mei Yibao (梅貽寶)	Outlines of the Northwest and the Issue of the Hui and Han	Yenching University History
22 nd December, 1936	Feng Youlan (馮友蘭)	Cultivation of the Youth	Tsinghua University Philosophy
28 th December, 1936	Zhang Xinglang (張星烺)	Stories of Two Well-known Muslims in Chinese History	Fu Jen Academy History

⁸⁹³ For detailed information of these lectures, see the reports on the Peiping Chen Ta Islam Normal School Magazine, Vol. 3 of No. 25, 32–33, 34–35, 40–41, 46–47, and 48–51.

9. Curriculum of the Primary School at the Border Region Founded by the CCP in 1939

(Institute for Education at Shaanxi Normal University 1981, 60)

Subject		Lower Primary School			Higher Primary School	
		Grade 1	Grade 2	Grade 3	Grade 4	Grade 5
Chinese		12	12	12	12	12
Mathematics		3	4	5	5	5
Politics	Elementary Knowledge	6	6	6	4	4
Nature					2	2
History					2	2
Geography					2	2
Art		2	2	2	2	2
Labour		2	2	2	2	2
Music		3	3	3	2	2
P.E.		3	3	3	6	6
Total		31	32	35	39	39
Notes		<p>1. Elementary Knowledge for Lower Primary School includes: Politics, Nature, History and Geography.</p> <p>2. Labour centres on physical labour and P.E. on military training.</p> <p>3. One class is 30 minutes, and can be extended to 40 or 50 minutes if necessary.</p>				

10. Travel Routes from China to Mecca, as reported in Ma Dexin's *Chaojin tuji* 朝覲途記 (Travel log to the pilgrimage)

... in all sincerity, I started the journey to pilgrimage on the twenty-second of Shawwal,⁸⁹⁴ 1257 AH, which was the twenty-first year of Daoguang [1841].⁸⁹⁵ With the businessmen, [we] headed towards Ava, Burma... Travelling through Jingdong, Pu'er, and Maosi [in the western and south-western part of Yunnan], on the sixteenth of November that year, we crossed the boundary of China. We went by a huge city, named Jiulongjiang [Xishuangbanna Dai Autonomous Prefecture today], located on the Dajiang River [the Lancang River, part of the Mekong in Yunnan Province]. On the second of December, we arrived in a big city, called Menkeng [Mong Nawng, capital of Mongnawng State in British Burma]... on the twentieth, we arrived at a city called Mennai [MongNawng] and stayed there for five days. On the thirtieth, we got to Hubo City [Hoipaw]... and then on the second of Muharram,⁸⁹⁶ 1258 AH, we left Hubo City, which was the fifth day of the first month, twenty-second year of Daoguang [1842]. Two days later, arrived in Luojue City [Lashio, Myanmar], where the businessmen stopped their journey, I stayed there for nine days.... Having travelled for eight days on foot, I arrived in the Ava City, where the King lived.... Eighteen days were spent there, and then I visited the King when he came back from Yanggong [Yangon]. On the seventh of February, I left Ava for Yanggong City... and arrived there on the twenty-sixth of Safar⁸⁹⁷.... Five months had been spent in the City before I boarded the ship to Zhunde [Jeddah, Saudi Arabia].... On the twenty-first of July, the ship began its voyage from Yanggong... on the third of September, another huge city, one of the biggest in Xinde [India], the place was called Bangguola [Bangladesh], and the city's name was Kelaikete [Kolkata], belonging to Yingengli [England]... I stayed in the City for four months waiting for the ship to Muhe [Mocha, Yemen]... [Shortly after] the third day of the first month, the twenty-third year of Daoguang [1843], which was 12[5]9 AH, we reached Saiyila Islands [Ceylon]... several days later, reached Mailaibo [Malé Islands], also belonging to Yingengli... travelling from Mailaibo for twenty days, we got to Shuguzhuanla [Socotra, Yemen], and travelling for another two days, the City of Erdang [Aden] was reached.... The owner of the ship got to his destination at the City of Muhe several days later. I stayed there for eleven days, and then... got to Hadaide City [Al Hudaydah, Yemen] where I stayed for another eight days. After that, I got to Zhunde City, and the date was April the seventeenth.... On the night of the twenty-eighth, I left Zhunde, travelling first on a camel for two nights, and then on a horse and a donkey for another night, and at the dawn of the first day of May, I got to Manke [Mecca].

予於西曆遷都一千二百五十七年十月二十二日，乃道光二十一年誠意朝覲。偕諸商人，向阿瓦稱緬甸而行...。由是自景東、普洱、思茅經行，是年十一月十六日，出中國界。經一巨城，名九龍江，在大江濱。十二月初二日，至一巨城，名曰悶硜...二十日，至一巨城，名曰捫迺，住五日。三十日至護博城... 時年已盡遷都一千二百五十八年正月第二日，由護博起行，時乃道光二十二年壬寅初五日也。越二日，至羅覺城，商人至是而止，居九日... 由小路步行八日，是月二十二日，至阿瓦城王都也...。居十八日，國王由漾貢歸，予見之。二月第七日，由阿瓦起程...。於西二月二十六日，至漾貢城... 予居是城五月，候諄德之船...。七月二十一日，由漾貢出海... 九月初三日，至一巨城，乃欣德諸城之至大者，其地之名曰邦果臘，其城名曰克來克特，乃陰更利所屬...。予居是城四月候母呵之船...。道光二十三年正月第三日，遷都一千兩百十九年也。其後至賽依喇島...數日後，至買來波，其地亦陰更利所屬。居數日，由買來波行約二十日，至數孤篆喇...。後二日，至爾當城... 為陰更利所屬。數日至母呵城，乃船主所居... 居十一日... 行至哈代德城，居八日。後至諄德城，時四月十七日也...。至滿克，駝行二夜，馬與驢一夜。二十八日晚，由諄德出，五月第一日曉初發，至滿克。(Ma 2001, 225-27).

⁸⁹⁴ Shawwal is the tenth month in the Islamic calendar.

⁸⁹⁵ Ma Dexin used sometimes the Islamic calendar and sometimes the Chinese calendar. In my translation, I mark only the Chinese calendar into Gregorian calendar.

⁸⁹⁶ First month of the Islamic calendar.

⁸⁹⁷ Second month of the Islamic calendar.

11. *Jinshilu* 進士錄: Registration of the *Jinshi* 進士 in 1333, Yuan Dynasty⁸⁹⁸

Name	Hometown	Current address	Ethnicity	Father and occupation	Mother	Wife
Mu? (幕?)	Peking (capital of the Yuan)	Hangzhou	Huihui from Khotan	Father: Habash, jinshi; Grandfather: Jamal al-Din, government counselor	Wen (溫)	/
Umar (烏瑪律)	Almalik	Xiangyang	Huihui	Father: Azlan Shah; Grandfather: Mubarak Shah, military officer	Li (李)	/
Muqubil (穆古必立)	Peking	/	Huihui	Father: Negübei?; Grandfather: hundun?	Luo (羅)	/
Roshan of Beshbalik? ⁸⁹⁹ (別羅沙)	Beshbalik	Longxing	/	Father: Shams al-Din, military administer; grandfather: Roshan, community leader	Huihui	From a family of the Dashmand
Mahmud Shah (默合謨沙)	/	Changzhou	Dashmandish (答失蠻)	Father: Burhan; grandfather: Salih?	Argyn	/
Jalal al-Din ⁹⁰⁰ (紮刺裡丁)	Jiaxing	/	/	Father: Ali; Great-grandfather: Abdullah	Sheng (盛)	/
Abdullah (阿都刺)	Zhongxing	/	Huihui	Father: Sabur al-Din; Grandfather: Ali	Argyn	/
Ramadan (刺馬丹)	Jining	Shaoxing	Huihui	Father: Khaleed, government	Argyn	A Muslimn

⁸⁹⁸ The opinions of scholars differ in the exact number of the Huihui Muslims among the members in the *jinshilu* (Yang Zhijiu 1989, 44; Zheng 2016, 31–33). I choose nine out of the twenty-five *semu* people listed in the *jinshilu*, for it is reliable to assume their Muslim identity either from the *jinshilu* itself and other supporting documents or from the Muslim names of the candidates or their fathers and grandfathers.

⁸⁹⁹ Though the ethnicity of him was not mentioned in the *jinshilu*, we know from the *Xihu zhuzhi ji* 西湖竹枝集 (Collection of bamboo branch [songs] of West Lake) by a Yuan scholar Yang Weizhen 楊維禎 (1296–1370) that he was a Huihui, which is also supported by the Muslim names of his father and his grandfather.

⁹⁰⁰ Jalal al-Din's ethnicity was also absent from the *jinshilu*, and I assume his Muslim identity from the Muslim names used by him, his father, and his grandfather.

				secretary; grandfather: Mahmud		
Tuoying (脫穎)	Nankang	/	Musulmn	/	Hu (胡)	Du (杜)

12. Translation of “Inscription of the Multi-burial Grave of My Virtuous Father Mai and Mother Ma in Henei, Ming Dynasty”⁹⁰¹ and the Original Chinese

Written by *Jinshi* and officer, Lou Shu, former Guangzong County Magistrate

Transcribed in calligraphy by *Jinshi* and Prefecture Magistrate of Lintao, Xiao Shoushen, a former officer of the Department of Finance in Shaanxi

April the twentieth of Jiaping year fifteen (1536), virtuous Sir Mai Chaoyang died of illness. His son, Xianzu, was only three years old. The wife, Ma, following his custom, buried him in the ancestral grave on the south bank of River Qin, who [since then] had been busy and diligent in housekeeping, farm work, and spinning so that the house continued, and who had sent her son to study with officer Xiao that many came to study with when he retired. He [the son] became friends with two classmates, Shan Ximin and Wang Bozong, and his mother often gave him earnest teachings stating that “I am taking the responsibility and taking care of the family so that you may not be interrupted and can focus on your study.” Xianzu studied hard, passed three-level exams, and glorified and illuminated the family. All the relatives and neighbours from far and near spoke highly of the virtues of the mother and expected that the son would make the family proud and his name known. On October the ninth of Wanli year three (1575), the wife died at the age of eighty-four. Xianzu, after divination, built the new grave at the foot of the Taihang Mountain, three li⁹⁰² to the east of the house. On December the twenty-first of the same year, he, after divination, reopened his father’s grave and buried him together with his mother. He felt grieved that he then was young and could not offer a coffin and graveclothes for his father. He made [for his father] the same coffin and graveclothes as his mother’s, took it home and buried them both together in one grave after holding a memorial ceremony for three days.

The original Chinese is:

明河內處士買公暨孺人馬氏合葬墓誌銘

鄉進士文林郎前知順德府廣宗縣事郡人婁樞撰文

賜進士中順大夫陝西臨洮府知府前戶部山西司郎中進階修正庶尹郡人蕭守身書篆

嘉靖十五年四月二十日，處士買君朝陽以疾正終。其子顯祖方三歲。孺人馬氏從其俗，葬于沁河南岸祖塋。極力營辦家務，課農桑，勤紡績，先業賴以不墜。當蕭太守家食時，門下傳經者眾。乃遣其子就學，而與兩庠閃希閔，王伯宗為友。母嘗誨之曰：“恐家業妨汝學業，我當其勞，遺汝以專。”顯祖苦學，三試棘闈，有聲場屋。而遠弟宗族鄰裡，無不歎其母之賢而有征，子必顯親揚名，以成厥志也。抵今萬曆三年十月九日，孺人壽八十有四而正終。顯祖卜地于居宅之北三裡許，太行之麓建新塋。筮用是年十二月二十一日啟其父之窆而合葬之。痛父歿，己尚幼，衣裘棺槨未豐也。乃導其櫬於家，衣裘棺槨皆如母喪。且與母氏之柩並列合葬。祭三日而後納穴。

⁹⁰¹ I only included those parts of the Inscription concerning how the Muslims mentioned in the Inscription changed their Islamic way of life and adopted to the Chinese ways. For a complete version of the inscription with a general introduction, see Zhang (2016, 79–81, 95).

⁹⁰² The word li (裡) was a unit for length in ancient China, and in the Ming Dynasty, 1 li approximately equals 576 meters.

13. English Translation and Original Chinese of the Chapter of “Husband and Wife” (*Fufu* 夫婦) in Wang Daiyu’s *Zhengjiao zhenquan* 正教真詮 (Real interpretation of the orthodox teaching)

Grand is the *Wuji*,⁹⁰³ the beginning of husband and wife; [grand is] the *Taiji*,⁹⁰⁴ the origin of all manifestations [of nature]. Hence *Wuji* demonstrates the life and nature [of all creatures] without which the spirits and ghosts will not exist; the *Taiji* generates the two primary forces,⁹⁰⁵ without which the existence of Heaven and Earth is impossible. *Wuji* as the beginning, and *Taiji* as the origin, together represent the Great One. The so-called first ancestor of mankind is the heart of the Great One. That is why human beings are the wisest of all creatures. The first ancestor of mankind, while representing the fundamentals of the *Wuji* and inheriting the functions of the *Taiji*, generates the husband and wife. No [relationship between] sovereign and subject, father and son, would exist without [the relationship between] husband and wife. Thus, marriage in Islam is the *mingming* of Allah,⁹⁰⁶ those who disobey defy [Allah]. Cold alone cannot exist and be felt, neither can warmth alone, only via the interaction between the two can each of them exist, and this is the mechanism of *yin-yang*. As for those celibate men [monks] and women [nuns], they, who came out of *yin* and *yang* but delusionally wish for going beyond them, not only violate the order of Allah but also the morality of human relations. These conceited people and their behaviours destroyed the very foundations, which equals to grasping ice from the fire or the Moon from the water. They justified their denial of reproduction without knowing the purpose of Allah, God of all Creatures between Heaven and Earth, to have created men and women for the making, doing and going on of humans. They have gone too far away from Allah’s mercy. Men of insights would tell which one is right. Besides, it is said [by those celibate men and women] that the [sexual] life of husband and wife is obscene rather than decent; however, they themselves are indeed born via the “indecentcy.” The fact that they also warn people against the slaughter [of animals] resulting in the increase of the numbers of animals, together with their prevention of marriage that would deracinate all human relations, demonstrate their aim to exterminate humans and leave the world to the animals. Could it be allowed? From the great Heaven and Earth, human and ghost, to the tiny insects and flowers, regardless of whether they have or have not emotions, none of them come or benefit not from the *yin* and *yang*. The elements of *yin* and *yang* in one’s body make one healthy when in balance, ill when imbalanced, and dead when either one is missing, which is the demonstration of the relational connection of *yin* and *yang* in one’s body, not to mention the absence of the man or the woman in the marital relations. It is often seen that those celibate men [monks] and women [nuns], who are gaunt, emaciated and with a heavy heart, tend to have immoral thoughts and deeds, which is a result of the disorder of the *yin* and *yang*. Hence, according to the principle/teachings of the orthodox religion,⁹⁰⁷ even widows and widowers shall not live a single life. Why? One would rather remarry openly than just be decent outwardly [while inwardly still vile]. Which one is more important, which one is less? Which one is right, which one is not? It is self-evident. However, it can benefit as well as harm people, which shall not be ignored. Why? The one that benefits people makes people realize the proper relationships between men and women, and the one that harms people leads them to wicked lust. The *Classic of Poetry*⁹⁰⁸ read that “the elegant virtuous maiden is the perfect spouse for the noble person to marry,” which suggests those men who tend to dump one lady for another. Such as in the case of a delicacy that one had, even something finer was later to be served one would not turn his back on the former, that is why the proper relationships shall be kept. This is what the [Islamic] scripture means, which read “the Dao of husband and wife lies in

⁹⁰³ The term *Wuji* 無極 literally meaning “without ultimate, or being limitless” is a term associated with several Chinese philosophical and/or religious schools, including Confucianism, Daoism, and so forth. As far as Wang and his usage of the term is concerned, it means “the originality of the Prophet created before the creation and the existence of the entire cosmos” (Wang Daiyu 2005, 69–71).

⁹⁰⁴ Like the term *Wuji*, the concept of *Taiji* 太極, which comes from the *Yijing* 易經 (Book of changes), literally means “the supreme ultimate.” It is also associated with many philosophical schools in China. As for Wang Daiyu, *Taiji* means “the representations and manifestations of *Wuji*” (Wang Daiyu 2005, 69–71). The relationship between *Wuji* and *Taiji* has always been controversial; it seems, however, that Wang agreed with, given what he argued in his book, the interpretation by Zhou Dunyi 周敦頤 (1017–1073), a Neo-Confucian philosopher in the Song Dynasty.

⁹⁰⁵ The original Chinese of “the two primary forces” is *Liangyi* 兩儀, which, according to the *Book of Changes*, refers to *yin* 陰 and *yang* 陽. These concepts in Chinese philosophy denote the abstract interconnected relationships of the seemingly contradictory things, and they are also variously used referring to male and female, as in the case of Wang Daiyu’s discussion of marriage here.

⁹⁰⁶ Wang used the Chinese term *mingming* 明命 to translate the Arabic term *fariḍa* or *wājib*, the commands of Allah. The Chinese term literally means explicit orders or commands.

⁹⁰⁷ The Chinese term Wang used here is *Zhengjiao* 正教, referring actually to the religion of Islam. In addition to the name of the book, which is *Zhengjiao zhenquan* 正教真詮, he also dedicated a chapter to this topic with the same name (Wang Daiyu 2005, 101–03), in which he argued that “the teachings of the orthodox religion (Dao of the *Zhengjiao*) is represented in the loyalty (*zhong* 忠) and sincerity (*cheng* 誠)...the embrace of the Oneness [of God] means loyalty, and the purity [of the embrace] means sincerity.”

⁹⁰⁸ *The Classic of Poetry* (*Shijing* 詩經) is one of the Five Classics in Confucianism. The Five Classics were among the most fundamental contents and reference books in the Imperial Examination that allowed ordinary Chinese, including Muslims, to change and improve their socio-political statuses.

the mutual protection between the two.”⁹⁰⁹ It is the wicked lust that harms people most. Thus [as Confucius pointed out] “Look not at what is contrary to propriety [*li*]; listen not to what is contrary to propriety [*li*].” Under most circumstances are women easy to be seen, which causes lecherous ideas and harms one’s real morality, not to mention the case where men and women are together all day, how cannot that be stopped. And the reason is that men are born from women hence easy to be addicted to them, just like salt is separated out of water and would get melted in it. Or as the relationship between water and clay, the clean water becomes dirty when mixed with clay, while both men and women are virtuous, but they get seduced when they are close together, which is why wicked lust shall not be tolerated. The [Islamic] Scripture read that “the wild animals can be followed, and vipers can be trampled, while men and women cannot be made easily to meet with each other.” The dangerous things [like animals and vipers] can hurt one’s body, while women can be harmful to your life and soul. Be cautious. Do be cautious. It has to be known that the example of Liuxia Hui⁹¹⁰ is not quite as well as the example of the man from Lu.⁹¹¹ Why? Liuxia Hui’s example shows the morality of his own; while the example of the man from Lu could indeed be followed as a model for generations. As in the religion of the pure and true,⁹¹² the wife, when married to her husband’s family, cannot go out of her marital house until her death; without her husband’s permission, she dare not go back [and visit her parents] even when her parents are dying. Due to the regulations on visiting relatives [of Islam], from the age of ten, a woman cannot visit any of her [male] relatives except her parents, brothers of her father’s, her brothers, and brothers of her mother’s, and that is why those who care about integrity and personal morality would stay away from the suspicious. Once the daughter of our Prophet, Fatima, avoided meeting a blind man. The Prophet asked why and she replied “though he could not see me, I ought not to meet him to begin with.” How can it not be a shame for men and women without any blood ties to be chatting face to face. The Prophet says “the demon approached me and said ‘the least arduous but most effective thing is to lure the men and the women into licentiousness’.” Isn’t it because of the seduce from the demon that things happened, such as peeking at a room of a woman while awake, or sleeping with one’s lover while in a dream. Islam [and its laws] shall be observed so as to get away from the evil and follow the good. In conclusion, the union of Heaven and Earth benefiting all things, the root of creation, the principle of development, the promoting of the Dao, the Three Cardinal Guides and Five Constant Virtues [of Confucianism], which are everlasting, are all based on husband and wife. The reason for it is beyond words.

The original Chinese:

夫婦

大哉無極，乃夫婦之始，太極乃萬象之原。是故無極顯性命，非性命則無神鬼；太極成兩儀，非兩儀則無天地。無極之始，太極之原，總一大人耳。所謂人極者，即斯大人之心也。夫人為萬物之靈，其是義也。人極者，體無極之理，繼太極之用，化而為夫婦。非夫婦則無君臣父子。是故正教結婚，乃真主明命，違此者逆矣。所以寒不能生寒，熱不能生熱，惟寒熱能生寒熱，此陰陽之化機也。若夫孤陰寡陽之輩，上違主命，下背人倫，出自陰陽，妄想超脫，毀本塞源，愚而自用，其與火裡求冰，水中撈月者何異哉。彼以絕滅不生為正，然則天地之主何以化生男女，以傳人類？彼此相去，不啻天壤。識者當以誰為是乎。又言夫婦之道本為淫欲，皆非正派，彼亦自淫邪而生。又戒人殺生，畜類日增，止人婚娶，綱常盡絕，其意竟欲撲滅人類，而讓天下與禽獸，其可乎？大觀天地人神，細及昆蟲草木，有情無情，未有不得陰陽而享利者也。若夫當體之精氣，既濟者則和，盛衰者則病，缺一者則死，茲即當體陰陽不齊之驗，又何況夫婦之缺略哉。常見孤陰寡陽之輩，形容枯槁，心意千歧，不正之念叢生，失節之事多有，皆由陰陽失序故耳。所以正教之理，雖鰥寡不宜獨守，何也？寧可明正改節，不可外潔內淫，孰輕孰重，孰是孰非，此固不辨而明者。然此事雖能好人，亦能惡人，不可不知，何也？好人者，正色也，惡人者，邪色也。詩雲：“窈窕淑女，君子好逑。”所謂得於此而忘之彼者是也。譬如飽餐美食，雖更列珍饈，亦不之顧，是故正色必不可無也。經雲：“夫婦之道，乃兩相護衛者。”即此指也。若夫邪色

⁹⁰⁹ What Wang Daiyu meant here might be the verse of the Quran that “and among His Signs is this, that He created for you wives from among yourselves, that you may find repose in them, and He has put between you affection and mercy. Verily, in that are indeed signs for a people who reflect.” (30:21).

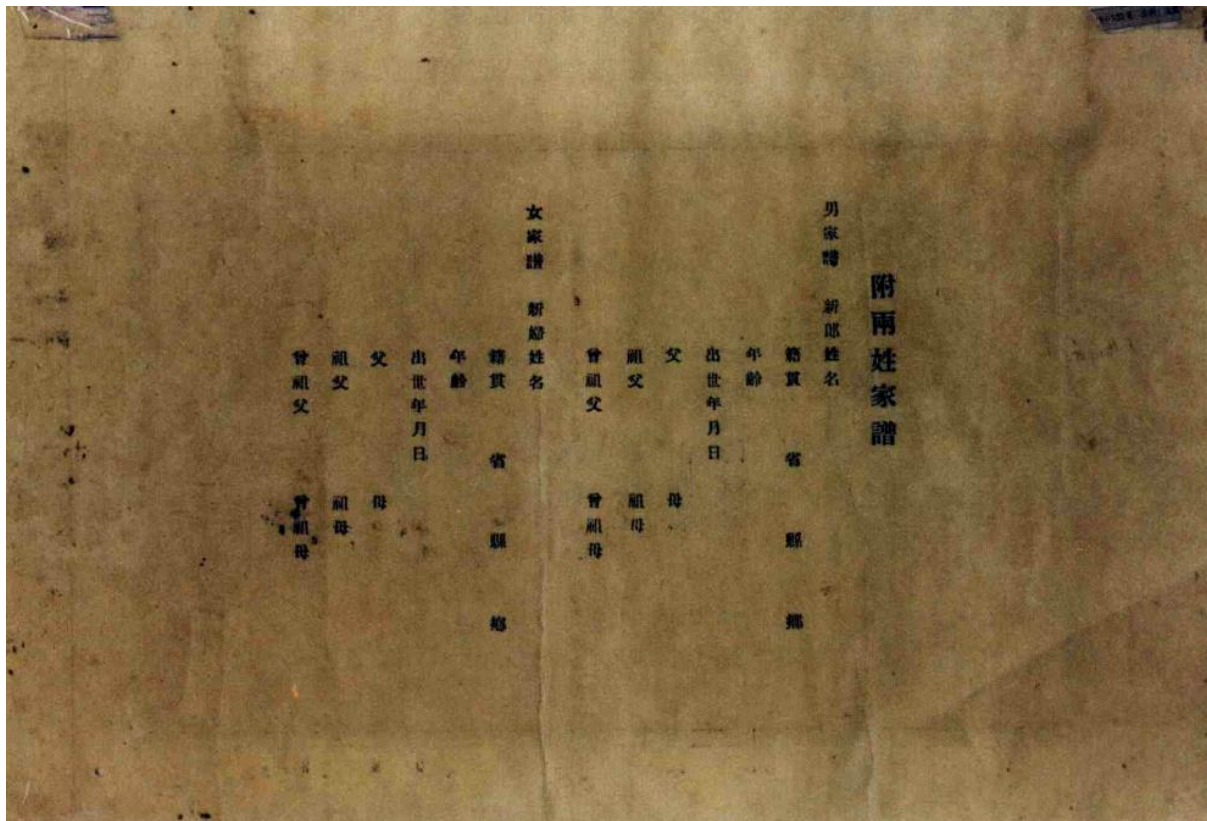
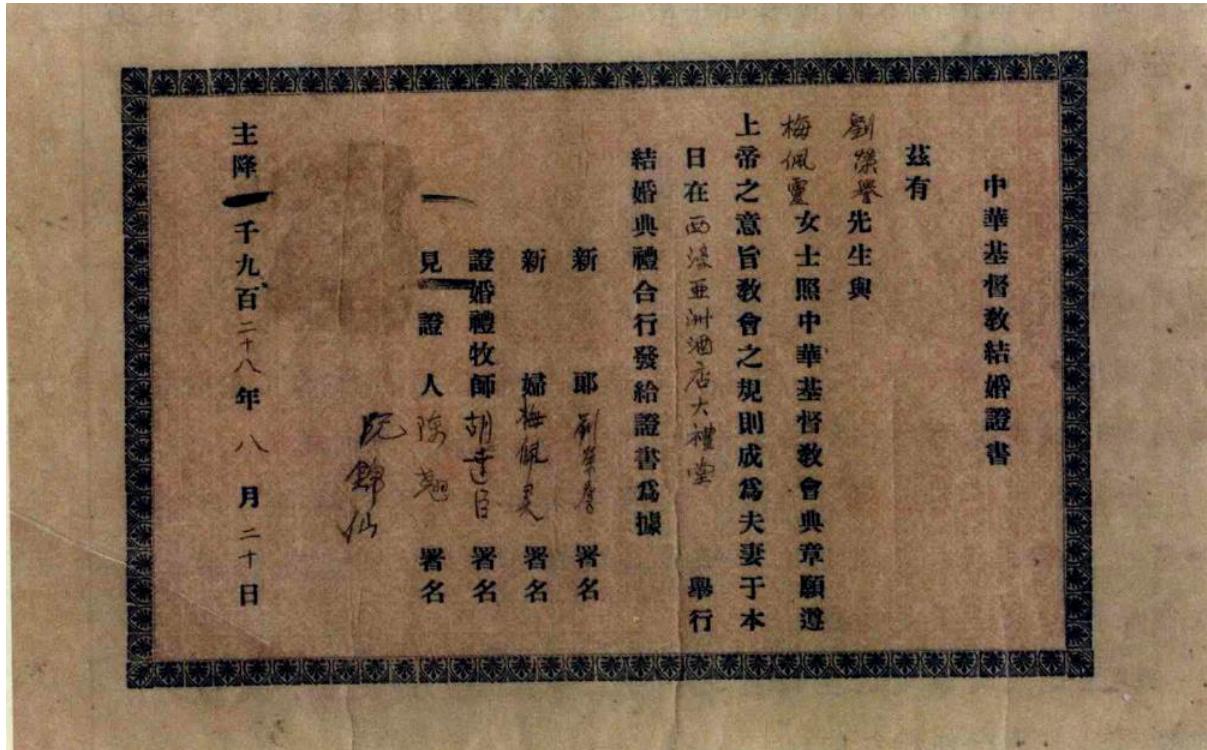
⁹¹⁰ The example of Liuxia Hui 柳下惠 refers to the story where it is said that Liuxia Hui held in his arms a woman who was quite weak due to the freezing weather at night, and Liuxia Hui was such a gentleman that he did not do anything that violated the Confucian *li* 禮. In addition, Liuxia Hui was actually regarded as one of the Four Sages by Mencius for his integrity.

⁹¹¹ The example of the man from Lu refers to the story where a single man refused to let in a neighbour widow whose own house was destroyed in a storm, for the man believed that it was inappropriate or even forbidden for single men and women under the age of sixty to stay together in a house.

⁹¹² The pure and true refers to the Chinese term for Islam, namely *qingzhen* 清真 (Gladney 1991, 7–12, 300–21). In China today, it also denotes the term of Halal food (*qingzhen shipin* 清真食品).

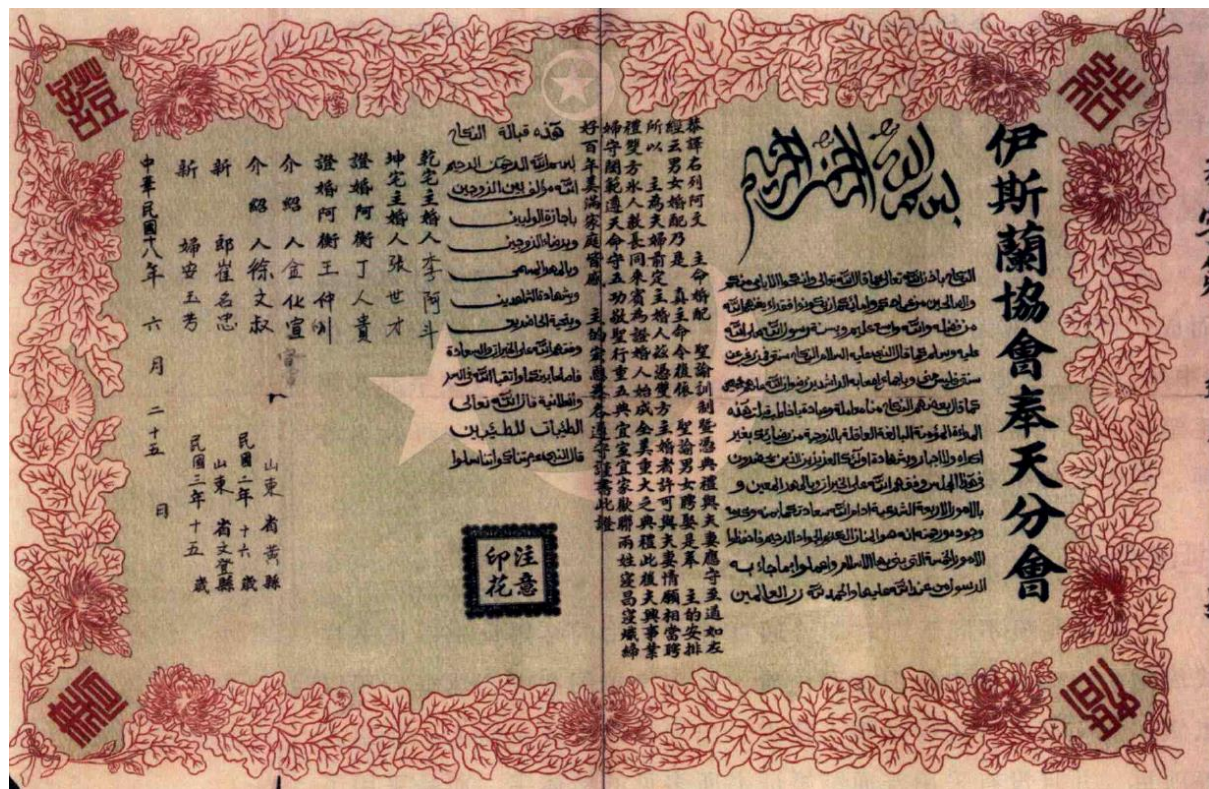
淫聲，極能惡人。故曰：“非禮勿視，非禮勿聽。”大都輕見婦女，易動淫念，而有害真德，況終日狎昵者，可不戒哉。因鹽出於水，沉水即化，男以女生，遇女則迷。若夫水之于土，水本澄清，合土皆成混濁，男女俱善，相近則亂性情，所以邪色必不可有也。經雲：“猛獸可尾，毒蛇可蹈，惟男女不可輕近也。”惡物只自傷身，婦女毒關心命，慎之慎之。須知柳下惠坐懷不亂，不若魯男子閉門不納，何也？下惠之不亂，惟可己身獨守，魯男子之不納，足以取法萬世。若清真之教，女嫁夫家，至死方出其門，雖父母危亡，非由夫命，自不敢歸視其疾。緣會親之條，自十歲始，除父母伯叔同胞兄弟母舅之外，雖至戚亦不相見，所以君子遠嫌疑也。昔吾聖之女法土默者，偶見瞽目，遂而避焉。聖曰：“何以避之？”曰：“雖彼莫能見我，然我本不應見彼也。”況夫無親男女，對面相視，而且談笑者，可不恥哉。聖曰：“魔帥近我，嘗自陳說曰‘吾之用力最少，而功最速而且大者，莫若男女相侵。吾互為之飾媚焉。’”若醒時偷顧蘭室，夢裡和諧鴛枕，此豈非魔之撮合而然哉。必須遵守清真，趨正辟邪，從好去惡。所以乾坤交泰，萬物鹹亨，造化之根，發育之理，弘道興倫，三綱五常，亙古不息，莫不由夫婦而立。其理蓋有不能盡述者焉。

14. Marriage certificate of a Christian couple in 1928, and a Muslim couple in 1929



A Marriage Certificate of a Christian Couple in 1928

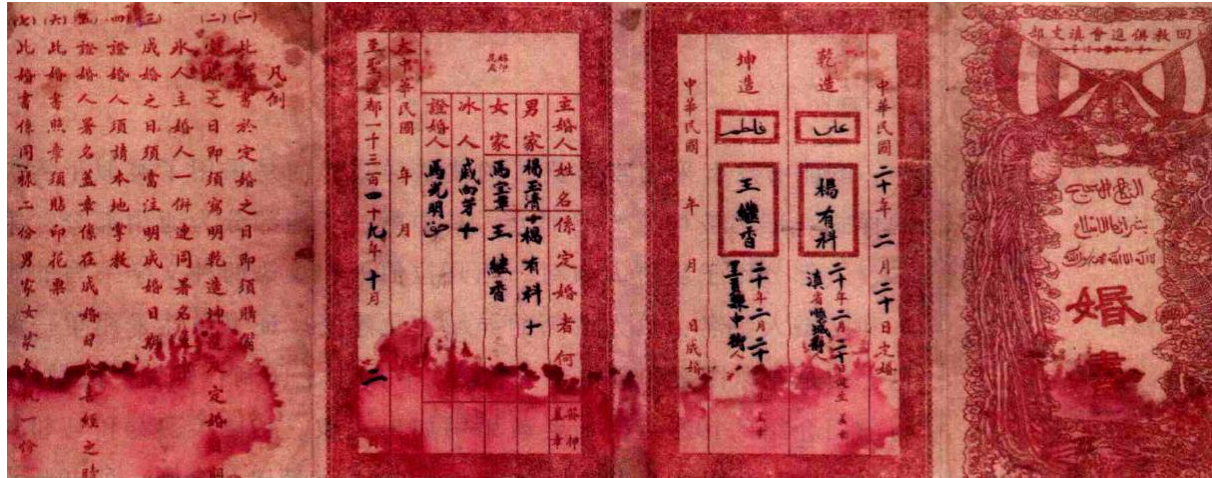
中華基督教結婚證書，劉榮譽先生與梅佩靈女士照中華基督教會之規則成為夫妻，于本日在西濠亞洲酒店大禮堂舉行結婚典禮，合行發給證書為據。新郎劉榮譽署名，新婦梅佩玲署名，證婚禮牧師胡達臣署名，見證人陳翹，阮錦仙署名。主降一千九百二十八年八月二十日。背面為兩姓家譜，未填。



A Marriage Certificate of a Muslim Couple in 1929

伊斯蘭協會奉天分會，恭譯右列阿文，主命婚配，聖諭訓制暨憑典禮與夫妻，應守至道如左經雲，男女婚配乃是真主命令，復依聖諭，男女聘娶是奉主的安排，所以，主為夫婦前定主 predetermined 婚人，茲憑雙方主婚者許可與夫妻情願相當聘禮，雙方冰人教長同來賓為證婚人，始成全美重大之典禮。此後夫興事業，婦守閨節，遵天命守五功，敬聖行重五典，宜室宜家，歡聯兩姓，締好百年，美滿家庭皆感主的宏恩，務各遵守，謹書此證。乾宅主婚人李阿斗，坤宅主婚人張世才，證婚阿衡丁人貴，證婚阿衡王仲川，介紹人金化宣，介紹人徐文叔。新郎崔名忠，山東省黃縣，民國二年，十六歲，新婦安玉芳，山東省文登縣，民國三年，十五歲。中華民國十八年六月二十五日。

15. A Marriage Certificate/ *Yizhabu* 伊紫布 (*ijāb*) of the Hui Muslims, 1931



16. Other photos from my fieldwork



A picture I took at the office of the Imam. All the books held at the local mosque are censored and sectioned by the CCP, including the Quran. It can be seen that there are way more books on the political ideology of the Party State than those of Islam.



Imitating the Tawaf (circumambulation around the Kaaba) of the Hajji candidates in Shadian

马哈只家世

郑和的父亲米里金，出生在云南昆阳州宝
山乡和代村（即现在的晋宁县郑和公园月山西族
坡）。生于元末甲申年十二月初九日一个回族
家庭。世代信奉伊斯兰教，曾袭封为滇阳侯即
昆阳侯。中年时，跟随父亲（郑和的祖父）米
的纳到天方（麦加、麦地那）朝圣，故给他一
个尊称叫“哈只”，即巡礼人。因他姓马，所以世
人尊他为马哈只。

郑和的父亲马哈只，身材高大，体魄健壮
，魁岸奇伟，此人办事，坚持原则，从不轻浮草
率，处理事务无私心，发现他人有错，不当面批
评指正。对自己和家人要求严格，待人谦虚哈对
只对社会福利，慈善事业，积善和人，和蔼可亲，平等待人。经常予
助。困难的人，慈善的人，积善和人，和蔼可亲，平等待人。经常予

南马后葬。孙配育和坦，亲婆于睡
云，王安。世长教敬花纳父公，和
攻梁岁哈。五省和崇松的随，和
明军者九马。的于业的在米跟，铭人
，统治十将。丁当事民，亲氏德文口
三个年奉。瞻（水省学的亲有子代。
初一享氏原赤事南全小只母，长三庭
月后，温之典政云到多哈，氏，家家
七最世妻村赛章为受里马事温人一，的
年的去贤代王平，五。政子六，满
成南幸及和阳任年作明墓章妻女儿美
壬云不铭乡咸南六工昆冠平的子女福
武在中文山是云期量于衣南只有个幸
明朝乱马宝只在任大葬的云哈生四个
洪元战子州哈曾南了逝他任马。和一
消只在长阳马赤云作病有未。教和
，哈，于（赛），此墓在在。

Stele of the Family of Hajji Ma (father of Zheng He), Zhenghe Park in Kunming, Yunnan province



Chinese Hajji Receptionist Hassan and his brothers in Mecca, taken from *Yueh Hwa* 月華 vol. 8, no. 11, 1936



Former Residence of Na Zhong 納忠 at Najiaying, Yunnan Province



The Grand Mosque of Shadian



The Monument to Martyrs (Shahīd) in the Shadian Incident (One)



The Monument to Martyrs (Shahīd) in the Shadian Incident (Two)



A Part-time Muslim Women's Scripture Teaching Programme in Najiaying, Yunnan Province



Posters from the Najiaoying Mosque in the Neighbourhood (One): Loving the country is part of the faith (of Islam): Hadith.



Posters from the Najiaoying Mosque in the Neighbourhood (Two): Paradise is at the feet of the mother: Hadith.



Front Gate of the Shaanxi Grand Mosque in Urumqi, Xinjiang.

Academic Summary

English Summary

Both the Hui Muslims, the majority Muslim population in China, and the Chinese authority have tried to construct and maintain the identities that they respectively prioritized through emphasizing the adherence to their respective legal traditions and/or institutions, which are, within the context of the current PhD research, the Islamic Sharī‘a tradition and the Chinese legal tradition(s) plus official institutions, respectively. This dissertation is a socio-historical investigation into the relations between the Sharī‘a and the pre-communist Chinese legal systems. It is based on the assumption that for the Hui Muslims following the Sharī‘a law, though to various degrees, defines their identity of being a Muslim, and respecting and being subjects of the Chinese law defines one’s Chineseness. The dissertation thus asks how these two normative traditions contribute to the construction of the Chinese Hui Muslims’ dual-identity of being Muslim and Chinese. It examines the conditions under which the two legal traditions shaped the dual identity of “Muslim” and “Chinese” for the Hui Muslims, and whether a merging of these two identities has been realized. It also discusses how the Hui Muslims have dealt with the changing dynamic and oftentimes tensional relations between the two traditions in different socio-political situations of Chinese society over time. It explores the possible major causes of the tensions for the Hui Muslims to become Chinese without losing their Muslim identification both in the imperial and modern Chinese socio-legal contexts before 1949. On the one hand, it reveals what Sharī‘a law means to the Chinese Hui Muslims, and what it means for them to follow the Sharī‘a in terms of their perceptions of who they are. More importantly, on the other hand, the dissertation further addresses what challenges the Hui Muslims encountered facing the Chinese official law, and what are the socio-cultural and political conditions under which these challenges emerged and were negotiated. In this regard, the thesis also provides three case studies on Ḥajj (Islamic pilgrimage), education, and marriage that cover the religious, moral, and legal aspects of the Sharī‘a so as to assess how the tensions are presented, negotiated, and tackled by the Hui Muslims in the history of Islam in China up to the Republican period.

To investigate these issues, the dissertation is primarily based on the socio-historical analysis of various Muslim-related Chinese laws. As a historical examination on the socio-political process of the construction of the Hui Muslims’ dual-identity, the dissertation analyzes a range of historical Chinese texts through the insights of hermeneutics, including, but not limited to, imperial Chinese legal documents, classical Chinese Confucian works, and various texts produced by the Hui Muslims themselves, which include several under-researched primary sources. This is also complemented by my short-term fieldwork studies in several Muslim communities in the western and southwestern parts of China.

In addition to Introduction and Conclusion, the dissertation is composed of three parts, dealing with the general background of the research topic (part one), tensions in the Hui Muslims’ identity formation under Chinese socio-legal contexts (part two), and empirical case studies on education, Ḥajj, and marriage (part three).

Following the Introduction, part one aims at providing a survey on up-to-date scholarship regarding the research topic, followed by some background information on the research topic and a general historical outline of the Sharī‘a in traditional Chinese society. Chapter one begins with the literature survey in both Western and Chinese academia on the research theme of the dissertation, which involves such topics as the socio-legal conditions of the Hui Muslims in history, the dual-identities of the Hui Muslims with regard to the relations between the Sharī‘a and the Chinese law, plus three empirical case studies. Based on existing research, the dissertation expands the scientific understanding of the relationship between the Sharī‘a and the Chinese official law as well as their roles in constructing the Hui Muslims identities. The chapter then elaborates on three pairs of interrelated concepts that are central to my research, namely, tradition and history, law and identity, Hui Muslims and Han Chinese. Chapter two gives a general historical account for Islam and the Sharī‘a in pre-modern China, explaining the historical trajectory of the legal life of Muslims in China. The brief historical analysis shows that no major wars or battles existed in the process of the introduction and localization of Islam in China. However, it also shows that from the outset of Islam in Chinese history, Muslims have been facing the challenges of how to live in China and get along with the Chinese, which involved

reconciliation with a strong and powerful tradition that had already established itself before Islam and Muslims reached China.

Part two exposes in detail this tradition from the seventh century when the first Muslims settled in China up to the Republican period in the first half of the twentieth century. Chapter three aims at reconstructing, analyzing, and, to some degree, criticizing the already existing and established Chinese tradition before the arrival of Islam in China, that is, the Chinese way to practise “othering” in terms of the complex paradigm of the Chinese perceptions of, institutions on, and approaches to non-Chinese, including the Hui Muslims. This chapter is meant to locate the Hui Muslims’ experiences in the socio-legal and political situations in Chinese society and Chinese intellectual history. Through examining such discourses as the Chinese-Barbarian Distinction (*yixia zhibian* 夷夏之辨), the construction of the concept of China as a geographical, cultural, racial, and most importantly, a monotheistic divine entity, I point out the Chinese tradition that made it challenging for the Hui Muslims to become a Chinese, and how this tradition was institutionalized and legalized.

Based on this, chapter four aims at illustrating how this tradition influences and is represented in official laws in imperial Chinese society, and how the Hui Muslims deal with it with diverse approaches. Focusing on Muslim-related legal regulations, I have provided contextualized reinterpretations of how the law was made and understood, in which context, and for what purposes. My approach to analysing the law differs from previous research by asking under which socio-political circumstances the law was made and how these circumstances have made it possible to have an alternative understanding of the law and its consequences on the Hui Muslims. The socio-legal investigation demonstrates that Chinese legal systems represent the Chinese understanding of “Us” and “Others.” Two general and fundamental Chinese approaches to dealing with non-Chinese, including the Hui Muslims, could be observed, that is, what I termed as the “separative” and the “assimilative” approaches. The former held that the inferiority of Muslims was not changeable, and therefore they were not worthy of being governed by the Chinese Son of Heaven and the Chinese law, hence should be best left alone. While the latter, those Chinese-making laws and policies maintained that the non-Chinese could, and sometimes should, be assimilated to the Chinese by intervening into Muslims’ ethnoreligious belief and practices.

Chapter five explores the destiny of this tradition accompanied by the abovementioned two approaches in the context of China’s transformation into a modern nation-state in the late nineteenth to early twentieth centuries, and how the Hui Muslims defined their positions in relation to this nation-state building discourse. Among the initiators of various Chinese nation-building projects was a shared belief of the superiority of the Han Chinese over the non-Chinese, the minorities, as well as the Hui Muslims. My findings have proved that the traditional Chinese perception of the superiority of the Han Chinese over the minorities has not only been unchanged and unchallenged in the context of the Republic of China, but has indeed been reinforced. The Chinese nationalists’ reception of the concept of *minzu* 民族 (nation) from Japan and later its introduction to mainland China have shaped the Hui Muslims’ attempts to define, or refuse to define, themselves as a nation. To achieve a Han Chinese nation-state required not only expelling the Manchus but indeed all non-Han Chinese. This was crucial for all the non-Han Chinese peoples, including the Hui Muslims, to redefine their identity, for this indicated that to be a Chinese then was to be a Han. My contextualised analysis of the *minzu* discourses among various Hui Muslim groups, associations, and individuals has challenged the oversimplified understanding of the Hui Muslims’ stand. It shows that the Hui were pragmatic in solving the tensions they experienced in defining their Chinese-ness as a marginalised minority group while maintaining their Muslim identification as a unique group of people, distinctive from the Han Chinese. The legal experiences of the Hui Muslims witnessed the complex processes of exclusion and assimilation by Chinese society. The reasons for the complexity, partially, lied in the ways how the Chinese drew the boundaries between “Us” and “Others.” It is in this processes of othering that the Hui Muslims, presumably all the ethnoreligious groups in China, struggled in identifying their Chinese-ness.

Prior to the Conclusion, part three analyses how these tension-related issues are reflected in the realm of the Hui Muslims’ practice of the Shari‘a in three case studies on education, Ḥajj, and marriage. Chapter six focuses on the issue of education among the Hui Muslims. The Hui Muslims’ attitudes towards education have been shaped by both the Islamic and the Chinese perceptions on education. On the one hand, as far as Islamic religious education is concerned, the Hui have internalized the tradition of Islam that regards education as a

divine obligation from God and the foundation of their belief. On the other hand, to make a living in China, they have to handle the situation where the cultivation of talents needed by the government was the most distinguishing feature of education in China, the politicization of education leading to the transformation of the functions of schools into a place for the production of government officials needed by the political rulers. As a matter of fact, the very birth of traditional Islamic education of the Hui Muslims, the *jingtang jiaoyu* 經堂教育 (scripture hall education), was the result of this process of negotiation over identity formation. The Jingtang education came about when the Chinese Ming Dynasty imposed discriminative laws and policies against the Hui which resulted in a religious (and later economic and political) crisis. Thus it is crucial in maintaining the identity of the Hui Muslims in that it functions not only as an institution where knowledge is passed down from generation to generation, enabling the Hui Muslims to pursue the Path leading to the Ultimate Truth. It also evolved in a systematic and institutionalized way, which later resulted in the establishment of interconnected networks among Muslim teachers and students, Sufi Masters and disciples, and classmates. These networks are crucial in developing a shared we-ness among the Hui Muslims. In this regard, modern educational projects actually share great similarity with traditional Jingtang education. The modern projects, though appearing to be more complicated, served partially as responses to the external challenges brought about by Chinese socio-political situations. The modern educational reformers targeted either the traditional Jingtang education that was overly influenced by Chinese culture, or the new situation in which the Hui Muslims were supposed to live, cooperate, and maybe, more importantly, compete with the Chinese, which required sufficient knowledge of modern science and technology. Education for the Hui Muslims, especially religious education, has been a channel through which their (religious) identity has been constructed in response to external challenges.

Chapter seven is about Ḥajj as a religious activity that nevertheless has significant social, political, intellectual, and economic implications. In this regard, the Hui Muslims' pilgrimage to Mecca is no exception. I have offered a comprehensive illustration regarding the routes taken by Muslims in traditional China to Mecca. These routes could shed light on the diversity of the impact Ḥajj might have for Muslims in the Far East, and how Muslims in China were connected via Ḥajj to Muslims in Central Asia and Southeast Asia. This is further demonstrated by the introduction of Sufism in China, which added a unique layer of identity among the Hui themselves, the *menhuan* 門宦 (Sufi orders). Mecca is not only a holy city that is essential for the Hui Muslims in defining the "authenticity" of their religion, a holy city that they have for a long time defined as their "homeland" (*zuguo* 祖國), hence crucial for their identification as Muslim. Mecca, and the Muslim world in the context of the late nineteenth and early twentieth centuries in particular, also turns out to be an essential source for the building of the Hui Muslims' Chinese identity, particularly in their understanding of the relations between being a pious Muslim and a patriotic Chinese nationalist. My findings have shown that Ḥajj might strengthen the "Muslim" identification of the Hui, however, this does not necessarily result in a decrease in their "Chinese" identification. The Hui Muslims' closer and stronger connections with the very centre of Islam in modern times do not necessarily lead to stronger disintegration or separation from China. On the contrary, Ḥajj, as a matter of fact, was one of the sources from which the Hui Muslims tried to justify their Chinese nationalist movement, and strengthened their patriotism to China.

The last chapter on case studies discusses the issue of marriage. Just like education, marriage in Islam has a strong sense of religious connotation. While in the traditional Chinese context, it is deeply intertwined with politics. My investigation shows that marriage for the Hui Muslims denotes diverse meanings, and perhaps a most notable one is that it is shaped by both the Chinese and the Islamic traditions. As believers of Islam, the Hui Muslims deem marriage as a divine sign of Allah, a highly religious sacred covenant, and therefore, following the Sharī'a marriage norms defines their identity as Muslims. Meanwhile, their perceptions of marriage have also been deeply influenced by their inhabiting China and being Chinese. Therefore, marriage for the Hui Muslims is not (merely) a union of two individuals but (also) a positive union of two families, a typical traditional Chinese perception of marriage. The Hui case shows that the modern national legal system and the Islamic Sharī'a norms are not necessarily incompatible or irreconcilable with each other, and that, meanwhile, how the Hui Muslims deal with the Sharī'a marriage rules, to what extent they would refuse the state law and follow the Sharī'a law, and vice versa, are largely determined by how the Hui Muslims were positioned and treated by the cultural, the socio-legal, and the political spheres in Chinese society.

Academische samenvatting

Zowel de Hui-moslims, de meerderheid van de moslimbevolking in China, als de Chinese autoriteit hebben geprobeerd de identiteiten, die zij respectievelijk prioriteit gaven, te construeren en te behouden door de nadruk te leggen op het naleven van hun respectieve juridische tradities en/of instellingen, die binnen de context van het huidige doctoraatsonderzoek, respectievelijk de islamitische Sharī'a-traditie en de Chinese rechtstraditie(s) plus officiële instellingen zijn. Dit proefschrift is een sociaal-historisch onderzoek naar de relaties tussen de Sharī'a en de pre-communistisch Chinese rechtssystemen. Het is gebaseerd op de aanname dat voor de Hui-moslims die de Sharī'a-wet, hoewel in verschillende mate, volgen, hun identiteit van moslim zijn, en het respecteren en het zijn van onderdanen van de Chinese wet iemands Chineesheid bepaalt. Het proefschrift vraagt dus hoe deze twee normatieve tradities bijdragen aan de constructie van de dubbele identiteit van de Chinese Hui-moslims; moslim en Chinees zijn. Het onderzoekt de voorwaarden waaronder de twee juridische tradities de dubbele identiteit van "moslim" en "Chinees" vormden voor de Hui-moslims, en of een samensmelting van deze twee identiteiten is gerealiseerd. Het bespreekt ook hoe de Hui-moslims in de loop van de tijd zijn omgegaan met de veranderende dynamische en dikwijls spanningsvolle relaties tussen de twee tradities in verschillende sociaal-politieke situaties van de Chinese samenleving. Het verkent wat de mogelijke hoofdoorzaken zijn van de spanningen voor de Hui-moslims om Chinees te worden zonder hun moslim identificatie te verliezen, zowel in de imperiale als de moderne Chinese sociaal-juridische context vóór 1949. Enerzijds onthult het wat de Sharī'a-wet betekent voor de Chinese Hui-moslims, en wat het voor hen betekent om de Sharī'a te volgen wat betreft hun perceptie van wie zijzelf zijn. Wat anderzijds nog belangrijker is, is dat het proefschrift zich verder richt op welke uitdagingen de Hui-moslims tegenkwamen bij het omgaan met de Chinese officiële wet, en wat de sociaal-culturele en politieke omstandigheden zijn, waaronder deze uitdagingen naar voren kwamen en werden onderhandeld. In dit verband biedt het proefschrift ook drie casestudy's over de Hajj (islamitische pelgrimstocht), onderwijs en huwelijk die de religieuze, morele en juridische aspecten van de Sharī'a behandelen om te beoordelen hoe de spanningen worden gepresenteerd, onderhandeld en aangepakt door de Hui-moslims in de geschiedenis van de islam in China tot aan de Republikeinse periode.

Om deze kwesties te onderzoeken, is het proefschrift voornamelijk gebaseerd op de sociaal-historische analyse van verschillende moslim gerelateerde Chinese wetten. Als historisch onderzoek naar het sociaal-politieke proces van de constructie van de dubbele identiteit van de Hui-moslims, analyseert het proefschrift een reeks historische Chinese teksten op basis van de inzichten van de hermeneutiek, waaronder, maar niet beperkt tot, keizerlijk Chinese juridische documenten, klassiek Chinese confucianistische werken en verschillende teksten geproduceerd door de Hui-moslims zelf, die verschillende onvoldoende onderzochte primaire bronnen bevatten. Dit wordt ook aangevuld door mijn korte veldwerkonderzoek in verschillende moslimgemeenschappen in het westen en zuidwesten van China.

Naast de Introductie en de Conclusie bestaat het proefschrift uit drie delen, die ingaan op de algemene achtergrond van het onderzoeksthema (deel één), de spanningen in de identiteitsvorming van de Hui-moslims onder Chinese sociaal-juridische contexten (deel twee), en casestudy's over onderwijs, de Hajj en huwelijk.

Na de Inleiding beoogt deel één een overzicht te geven van actuele wetenschap met betrekking tot het onderzoeksthema, gevolgd door wat achtergrondinformatie over het onderzoeksthema en een algemeen historisch overzicht van de Sharī'a in de traditionele Chinese samenleving. Hoofdstuk één begint met het literatuuronderzoek in zowel de westerse als de Chinese academische wereld over het onderzoeksthema van het proefschrift, dat onderwerpen omvat als de sociaal-juridische omstandigheden van de Hui-moslims in de geschiedenis, de dubbele identiteiten van de Hui-moslims met betrekking tot de relaties tussen de Sharī'a en de Chinese wet, plus drie empirische casestudy's. Gebaseerd op bestaand onderzoek, vergroot het proefschrift het wetenschappelijk begrip van de relatie tussen de Sharī'a en de Chinese officiële wet, evenals hun rol bij het construeren van de identiteiten van de Hui-moslims. Het hoofdstuk gaat vervolgens in op drie paren onderling samenhangende concepten die centraal staan in mijn onderzoek, namelijk traditie en geschiedenis, recht en identiteit, Hui-moslims en Han-Chinezen. Hoofdstuk twee geeft een algemeen historisch verslag van de islam en de Sharī'a in het premoderne China en legt het historische traject uit van het juridische leven van moslims in China. De korte historische analyse toont aan dat er tijdens de introductie en lokalisatie van de islam in China geen grote oorlogen of veldslagen waren. Het laat echter ook zien dat moslims vanaf het begin

van de islam in de Chinese geschiedenis voor de uitdagingen stonden om in China te leven en met de Chinezen om te gaan, die verzoening inhield met een sterke en krachtige traditie die zich al had gevestigd voordat de islam en moslims China bereikten.

Deel twee legt in detail deze traditie bloot vanaf de zevende eeuw, toen de eerste moslims zich in China vestigden, tot aan de Republikeinse periode in de eerste helft van de twintigste eeuw. Hoofdstuk drie is gericht op het reconstrueren, analyseren en tot op zekere hoogte bekritisieren van de reeds bestaande en gevestigde Chinese traditie vóór de komst van de islam in China, dat wil zeggen, de Chinese manier om 'Othering' te beoefenen betreffende het complexe paradigma van de Chinese percepties van, instellingen over en benaderingen van niet-Chinezen, inclusief de Hui-moslims. Dit hoofdstuk is bedoeld om de ervaringen van de Hui-moslims te situeren in de sociaal-juridische en politieke situaties in de Chinese samenleving en de Chinese intellectuele geschiedenis. Door discoursen als het Chinees-barbaarse onderscheid (*yixia zhibian* 夷夏之辨), de constructie van het concept van China als een geografische, culturele, raciale en vooral een monotheïstische goddelijke entiteit te onderzoeken, wijs ik op de Chinese traditie die het voor de Hui-moslims uitdagend maakte om Chinees te worden, en hoe deze traditie werd geïnstitutionaliseerd en gelegaliseerd.

Op basis hiervan, streeft hoofdstuk vier te illustreren hoe deze traditie van invloed is op en vertegenwoordigd wordt in officiële wetten in de keizerlijke Chinese samenleving, en hoe de Hui-moslims ermee omgaan met verschillende benaderingen. Door me te concentreren op moslim gerelateerde wettelijke voorschriften, heb ik gecontextualiseerde herinterpretaties gegeven van hoe de wet, in welke context en voor welke doeleinden, werd gemaakt en begrepen. Mijn benadering van het analyseren van de wet verschilt van eerder onderzoek door te vragen onder welke sociaal-politieke omstandigheden de wet is gemaakt en hoe deze omstandigheden het mogelijk hebben gemaakt om een alternatief begrip te hebben van de wet en de gevolgen ervan voor de Hui-moslims. Het sociaal-juridische onderzoek toont aan dat Chinese rechtssystemen het Chinese begrip van "Wij" en "Anderen" vertegenwoordigen. Twee algemene en fundamentele Chinese benaderingen om met niet-Chinezen om te gaan, inclusief de Hui-moslims, kunnen worden waargenomen, dat wil zeggen, wat ik de "separatieve" en de "assimilerende" benadering noemde. De eerstgenoemde stelde dat de minderwaardigheid van moslims niet veranderlijk was, en daarom waren ze het niet waard om geregeerd te worden door de Chinese Zoon van de Hemel en de Chinese wet, en konden ze daarom het beste met rust gelaten worden. Terwijl de laatstgenoemde, die Chinese wetten en beleidsmaatregelen, beweerde dat de niet-Chinezen konden, en soms zouden moeten, worden geassimileerd met de Chinezen door in het etnisch religieuze geloof en de praktijken van moslims in te grijpen.

Hoofdstuk vijf onderzoekt het lot van deze traditie, vergezeld van de bovengenoemde twee benaderingen in de context van de transformatie van China tot een moderne natiestaat eind negentiende tot begin twintigste eeuw, en hoe de Hui-moslims hun positie bepaalden ten opzichte van dit discours over de vorming van een natiestaat. Onder de initiatiefnemers van verschillende Chinese natie vormingsprojecten was een gedeelde overtuiging van de superioriteit van de Han-Chinezen ten opzichte van de niet-Chinezen, de minderheden evenals de Hui-moslims. Mijn bevindingen hebben bewezen dat de traditionele Chinese perceptie van de superioriteit van de Han-Chinezen ten opzichte van de minderheden niet alleen ongewijzigd en onomstreden is gebleven in de context van de Republiek China, maar zelfs is versterkt. De ontvangst door de Chinese nationalistenvan het concept van *minzu* 民族 (natie) uit Japan en later de introductie ervan op het vasteland van China hebben de pogingen van de Hui-moslims gevormd om zichzelf als een natie te definiëren, of weigeren te definiëren. Om een Han-Chinese natiestaat te bereiken, moesten niet alleen de Manchu's worden verdreven, maar alle niet-Han-Chinezen. Dit was cruciaal voor alle niet-Han-Chinese volkeren, inclusief de Hui-moslims, om hun identiteit te herdefiniëren, want dit gaf aan dat Chinees zijn dan het zijn van een Han zou zijn. Mijn gecontextualiseerde analyse van de *minzu*-discoursen tussen verschillende Hui-moslimgroepen, verenigingen en individuen heeft het al te eenvoudige begrip van het standpunt van de Hui-moslims in twijfel getrokken. Het toont aan dat de Hui pragmatisch waren in het oplossen van de spanningen die ze ervoeren bij het definiëren van hun Chinees-zijn als een gemarginaliseerde minderheidsgroep, terwijl ze hun moslim identificatie als een unieke groep mensen in stand hielden, onderscheidend van de Han-Chinezen. De juridische ervaringen van de Hui-moslims waren getuige van de complexe processen van uitsluiting en assimilatie door de Chinese samenleving. De redenen voor de complexiteit lagen gedeeltelijk in de manieren waarop de Chinezen de

grenzen trokken tussen 'Wij' en 'Anderen'. Het is in dit proces van 'Othering' dat de Hui-moslims, vermoedelijk alle etnisch religieuze groepen in China, worstelden om hun Chinees-zijn te identificeren.

Voorafgaand aan de Conclusie, analyseert deel drie hoe deze spanningsgerelateerde kwesties worden weerspiegeld in het rijk van de praktijk van de Hui-moslims van de Shari'a in drie casestudy's over onderwijs, Hājj en huwelijk. Hoofdstuk zes richt zich op de kwestie van onderwijs onder de Hui-moslims. De houdingen van de Hui-moslims naar onderwijs is gevormd door zowel de islamitische als de Chinese opvattingen over onderwijs. Enerzijds hebben de Hui, wat betreft islamitisch religieus onderwijs, de traditie van de islam geïnternaliseerd, die onderwijs beschouwt als een godsdienstige verplichting van God en het fundament van hun geloof. Aan de andere kant, om in China te kunnen leven, moeten zij omgaan met de situatie waarin het cultiveren van talenten, die de overheid nodig had, het meest onderscheidende kenmerk was van het onderwijs in China. De politisering van het onderwijs leidde tot de overdracht aan scholen voor de productie van regeringsfunctionarissen, die de politieke heersers nodig hadden. In feite was de geboorte van het traditionele islamitische onderwijs van de Hui-moslims, de *jingtang jiaoyu* 經堂教育 (onderwijs in de schrijftuurgang), het resultaat van dit onderhandelingsproces over identiteitsvorming. Het Jingtang-onderwijs kwam tot stand toen de Chinese Ming-dynastie discriminerende wetten en beleidsmaatregelen oplegde tegen de Hui, wat resulteerde in een religieuze (en later economische en politieke) crisis. Het is dus cruciaal om de identiteit van de Hui-moslims te behouden, omdat het niet alleen functioneert als een instelling waar kennis van generatie op generatie wordt doorgegeven, waardoor de Hui-moslims het pad kunnen volgen dat naar de ultieme waarheid leidt. Het ontwikkelde ook op een systematische en geïnstitutionaliseerde manier, wat later resulteerde in de totstandkoming van onderling verbonden netwerken tussen islamitische leraren en studenten, soefi meesters en discipelen, en klasgenoten. Deze netwerken zijn cruciaal bij het ontwikkelen van een gedeelde 'Wij-zijn' onder de Hui-moslims. In dit opzicht, hebben moderne onderwijsprojecten in feite grote gelijkenis met traditioneel Jingtang-onderwijs. Hoewel de moderne projecten ingewikkelder lijken, dienden ze gedeeltelijk als reacties op de externe uitdagingen die de Chinese sociaal-politieke situaties met zich meebrachten. De moderne onderwijshervormers richtten zich ofwel op het traditionele Jingtang-onderwijs dat al te beïnvloed was door de Chinese cultuur, ofwel op de nieuwe situatie waarin de Hui-moslims moesten leven, samenwerken en misschien, nog belangrijker, zouden concurreren met de Chinezen, waarvoor voldoende kennis van moderne wetenschap en technologie vereist was. Onderwijs voor de Hui-moslims, vooral religieus onderwijs, is een kanaal geweest waardoor hun (religieuze) identiteit is opgebouwd als antwoord op externe uitdagingen.

Hoofdstuk zeven gaat over de Hājj, dat een religieuze activiteit is, maar ook aanzienlijke sociale, politieke, intellectuele en economische implicaties heeft. In dit opzicht is de bedevaart van de Hui-moslims naar Mekka geen uitzondering. Ik heb een uitgebreide illustratie gegeven van de routes die moslims in traditioneel China naar Mekka namen. Deze routes zouden licht kunnen schijnen op de verscheidenheid van de impact die de Hājj kan hebben voor moslims in het Verre Oosten, en hoe moslims in China via de Hājj verbonden waren met moslims in Centraal-Azië en Zuidoost-Azië. Dit wordt verder aangetoond door de introductie van het soefisme in China, dat een unieke identiteit laag onder de Hui zelf toevoegde, de *menhuan* 門宦 (soefi-ordes). Mekka is niet alleen een heilige stad die essentieel is voor de Hui-moslims bij het definiëren van de 'authenticiteit' van hun religie, een heilige stad die ze lange tijd hebben gedefinieerd als hun 'thuisland' (*zuguo* 祖國), dus cruciaal voor hun identificatie als moslim. Mekka, en met name de moslimwereld in de context van eind negentiende en begin twintigste eeuw, blijkt ook een essentiële bron te zijn voor het opbouwen van de Chinese identiteit van de Hui-moslims, vooral in hun begrip van de relaties tussen het zijn van een vrome moslim en een vaderlandslievend Chinese nationalist. Mijn bevindingen hebben aangetoond dat de Hājj de "moslim" identificatie van de Hui zou kunnen versterken, maar dit hoeft niet noodzakelijk te resulteren in een afname van hun "Chinese" identificatie. De nauwere en sterkere banden van de Hui-moslims met het centrum van de islam in de moderne tijd leiden niet noodzakelijkerwijs tot een sterkere ontbinding of afscheiding van China. Integendeel, de Hājj was in feite een van de bronnen waaruit de Hui-moslims probeerden hun Chinese nationalistische beweging te rechtvaardigen en hun patriotisme jegens China versterkten.

In het laatste hoofdstuk over casestudy's wordt de kwestie van het huwelijk besproken. Net als onderwijs heeft het huwelijk in de islam een sterk gevoel van religieuze connotatie. Hoewel het in de traditionele Chinese context diep verweven is met de politiek, toont mijn onderzoek aan dat het huwelijk voor de Hui-moslims

verschillende betekenissen aanduidt, en misschien wel een meest opmerkelijke is dat het zowel de Chinese als de islamitische tradities draagt en ook is gevormd door. Als gelovigen van de islam beschouwen de Hui-moslims het huwelijk als een goddelijk teken van Allah, een zeer religieus heilig verbond, en daarom definieert het volgen van de Sharī'a-huwelijksnormen hun identiteit als moslim. Ondertussen is hun perceptie van het huwelijk ook sterk beïnvloed door het feit dat ze in China wonen en Chinees zijn. Daarom is het huwelijk voor de Hui-moslims niet (slechts) een verbintenis van twee individuen, maar (ook) een positieve verbintenis van twee gezinnen, een typisch traditionele Chinese perceptie van het huwelijk. Het geval van de Hui laat zien dat het moderne nationale rechtssysteem en de islamitische Sharī'a-normen niet noodzakelijk onverenigbaar of onverzoenlijk met elkaar zijn, en dat, aan de andere kant, hoe de Hui-moslims omgaan met de Sharī'a-huwelijksregels, in hoeverre ze zouden weigeren de staatswet en het volgen van de Sharī'a-wet, en vice versa, grotendeels worden bepaald door hoe de Hui-moslims werden gepositioneerd en behandeld door de culturele, sociaal-juridische en politieke sferen in de Chinese samenleving.

Zusammenfassung

Sowohl die Hui Muslime, die die größte muslimische Gruppe in China darstellen, als auch die chinesische politische Obrigkeit haben versucht jeweilig für sie wichtige Zugehörigkeiten zu schaffen und zu erhalten, indem sie auf darauf drängten, an den jeweils von ihnen ausgehenden Rechtstraditionen und/oder Institutionen festzuhalten, nämlich – dies im Kontext des Forschungsrahmens dieser Dissertation – die islamische Scharī‘a bzw. die chinesische Rechtstradition und ihre jeweils damit verbundenen Institutionen. Die Dissertation ist eine sozialhistorisch angelegte Untersuchung des Verhältnisses zwischen der Scharī‘a und des Rechtssystems Chinas vorkommunistischer Zeiten. Dabei wird davon ausgegangen, dass die Hui Muslime in der grundsätzlichen Befolgung der Scharī‘a, die freilich nicht gleichermaßen strikt ausfällt, ein wesentliches Element ihrer Identität als Muslime sehen, wohingegen das Chinesischsein eng damit verbunden ist, dem chinesischen Recht zu unterstehen und dieses zu respektieren. Die Dissertation versucht zu ergründen, wie diese beiden normativen Traditionen daran mitwirken, die doppelte Identität der Hui Muslime als Muslime und Chinesen zu formieren. Sie untersucht die Bedingungen, unter denen diese beiden Rechtstraditionen diese doppelte Identität der Hui Muslime ausformten und ob eine Verschmelzung dieser Identitäten zu erkennen ist. Dabei soll auch diskutiert werden, wie die Hui Muslime unter wechselnden soziopolitischen Gegebenheiten damit umgegangen sind, dass die zwei Traditionen zueinander in einem dynamischen und nicht selten spannungsgeladenen Verhältnis standen. Die Dissertation stellt sich dabei auch der Frage, was die Spannungen erzeugt haben könnte, die sich bei der Wahrung der muslimischen Identität im Zuge der Chinesisierung der Hui Muslime ergaben, und zwar innerhalb gesellschaftlicher und rechtlicher Kontexte des imperialen und später dann modernen Chinas vor dem Jahre 1949. Auf der einen Seite zeigt das, welchen Stellenwert die Scharī‘a und ihre Befolgung für das Selbstverständnis der chinesischen Hui Muslime hat. Zum anderen, und das ist noch wichtiger, erarbeitet die Dissertation, welche Herausforderungen sich im Angesicht des chinesischen Rechts den Hui Muslimen stellten, und was die soziokulturellen und politischen Bedingungen waren, unter denen diese Herausforderungen erwachsen und verhandelt wurden. Drei Fallbeispiele werden diesbezüglich in den Blick genommen, die religiöse, moralische und rechtliche Aspekte der Scharī‘a beinhalten. Diese sind: Pilgerfahrt (Ḥajj), Bildung sowie Hochzeit bzw. Ehe. In diesem Zuge wird beurteilt, wie die Hui Muslime in der Geschichte des Islams in China bis zum Beginn der Republik Spannungen einschätzten, verhandelten und angingen.

Die Dissertation bearbeitet diese Themen auf Basis einer soziohistorischen Analyse verschiedener chinesischer Gesetze mit Islambezug. Im Rahmen einer geschichtswissenschaftlichen Untersuchung der soziopolitischen Prozesse der Konstruktion der Doppelidentität der Hui Muslime analysiert die Dissertation unter Beachtung hermeneutischer Erwägungen ein großes Spektrum historischer chinesischer Texte, zu denen zum einen Rechtsdokumente aus der imperialen Zeit gehören, aber auch klassische chinesische konfuzianistische Werke sowie verschiedene Texte, die von den Hui Muslimen selbst verfasst wurden und von denen mehrere in der Forschung nur wenig Beachtung fanden. Dies wird komplementiert durch Feldforschung, die ich in kurzen Aufenthalten in muslimischen Gemeinden im Westen und Südwesten Chinas durchgeführt habe.

Neben der Einleitung und dem Schlusskapitel verfügt die Dissertation über drei Teile. Der erste behandelt allgemeine Hintergründe zum Thema, der zweite Spannungen innerhalb der Identität der Hui Muslime im Kontext von chinesischer Gesellschaft und Recht, und der dritte empirische Fallstudien zu Pilgerfahrt, Bildung und Ehe.

Im Anschluss an das Kapitel der Einleitung zielt der erste Teil auf eine Darstellung des aktuellen für die Fragen der Dissertation relevanten Forschungsstands ab und zeichnet die historischen Entwicklungslinien der Scharī‘a in der traditionellen chinesischen Gesellschaft nach. Das erste Kapitel dieses Teils beginnt mit einer Übersicht der relevanten Literatur westlicher und chinesischer Forschung zu Themen, die in der Dissertation behandelt werden. Darunter fallen Fragestellungen wie z.B. die nach den sozialrechtlichen Bedingungen der Hui Muslims in der Geschichte, der Doppelidentität der Hui Muslime bezüglich ihres Verhältnisses von Scharī‘a und chinesischem Recht, sowie drei empirische Studien. Aufbauend auf bereits getaner Forschung trägt die Dissertation zu einem besseren Verstehen des Verhältnisses zwischen Scharī‘a und offiziellem chinesischem Recht bei und dazu, wie diese an der Konstruktion der Identität der Hui Muslime mitwirken. Im Kapitel werden

dann drei Begriffspaare, die zueinander in Beziehung stehen und die von großer Bedeutung für die Dissertation sind, beleuchtet, nämlich Tradition und Geschichte, Recht und Identität, Hui Islam und Han Chinesentum. Das zweite Kapitel liefert einen historischen Überblick über den Islam und die Scharī'a im vormodernen China, und zeichnet nach, wie das Recht sich im Leben der Muslime in China ausgewirkt hat. Die kurze historische Analyse ergibt, dass es keine größeren Kriege oder Schlachten im Zuge der Einführung und der regionalen Verwurzelung des Islams in China gegeben hat. Jedoch lässt sich feststellen, dass es von Anbeginn der Präsenz des Islams in China für die Muslime sehr wohl eine Herausforderung darstellte, in China ansässig zu werden und mit der eingessenen Bevölkerung gut auszukommen. Dazu zählt, dass man einen Ausgleich finden musste mit einer Tradition, die lange vor dem Islam schon existierte und die nach wie vor lebendig und mächtig war.

Der zweite Teil beschäftigt sich im Detail mit dieser Tradition, beginnend im 7. Jh., als die ersten Muslime in China heimisch wurden, bis hin zu der Republikanischen Phase in der ersten Hälfte des 20. Jahrhunderts. Kapitel 3 zielt darauf ab, die chinesische Tradition in der Art, wie sie bereits vor der Ankunft des Islams bestand, zu rekonstruieren, zu analysieren und, in gewissem Maße auch zu kritisieren. Dies mit Blick auf die Art und Weise, wie die chinesische Tradition im Zuge ihres komplexen Verständnisses des Chinesentums und dessen, was als nicht-chinesisch gilt (und dazu gehören die Hui Muslime), eine Form des ‚Othering‘ betreibt. Die Intention dieses Kapitels ist es, die Erfahrungen der Hui Muslime im sozio-politischen und rechtlichen Kontext der chinesischen Gesellschaft und der chinesischen Denkgeschichte zu verorten. Indem Diskurse untersucht werden wie dem zu der Unterscheidung zwischen Chinesentum und Barbarentum (*yixia zhibian* 夷夏之辨) und dem wie zu der Konstruktion Chinas als eine geographische, kulturelle, ethnische und v.a. monotheistisch-götterwählte Entität, stelle ich zum einen die Elemente der chinesischen Tradition heraus, die es den Hui Muslimen schwierig machte, Chinesen zu werden, und zum anderen, wie diese Tradition institutionalisiert und rechtlich begründet wurde.

Darauf aufbauend wird in Kapitel 4 versucht, herauszuarbeiten, wie diese Tradition Einfluss und Repräsentation in den offiziellen Gesetzen des imperialen Chinas fand, und wie die Hui Muslime auf verschiedene Weisen damit umgingen. Mit dem Fokus auf rechtliche Bestimmungen mit Islambezug habe ich unter Einbezug der Kontexte versucht, neue Antworten auf die Fragen zu geben versucht, wie das Recht instanziiert und interpretiert wurde und welche Zwecke dabei verfolgt wurden. Der Zugang, den ich für meine Analysen gewählt habe, unterscheidet sich von denen früherer Forschungsarbeiten, insofern gefragt wird, unter welchen sozio-politischen Bedingungen das Recht in Kraft gesetzt wurde und wie diese Bedingungen dazu beitragen, dass ein alternatives Verständnis des Rechts möglich wurde und welche Konsequenzen das für die Hui Muslime hatte. Dieser sozialrechtliche Zugang demonstriert, dass das chinesische Rechtssystem das chinesische Verständnis vom Selbst und dem Anderen widerspiegelt. Zwei allgemeine und grundsätzliche Arten der Chinesen im Umgang mit den Nicht-Chinesen (inklusive der Hui Muslime) lassen sich hierbei erkennen; nämlich zum einen ein Zugang, den ich als separierend beschrieben habe, und zum anderen einen, den ich einen assimilierenden Zugang nenne. Der erstgenannte basiert darauf, dass die angenommene Minderwertigkeit der Muslime eine nicht abänderbare Eigenschaft sei, sodass sie es nicht wert seien, vom chinesischen Sohn des Himmels und durch das chinesische Recht regiert zu werden, weshalb man sie am besten sich selbst überlassen solle. Die letztgenannte Umgangsart, die sich in der chinesischen Gesetzgebung und politischen Maßnahmen zeigt, fußt darauf, dass Nicht-Chinesen assimiliert werden können, ja manchmal sogar sollten, was im Falle der Muslime durch Einwirken auf deren ethno-religiösen Überzeugungen und deren Lebenspraxis zu bewerkstelligen sei.

Kapitel 5 untersucht den Werdegang dieser Tradition, die begleitet wurde durch die zwei eben genannten Arten des Umgangs mit den Muslimen, im Kontext der Transformation Chinas in einen modernen Nationalstaat Ende des 19. Jh. und zu Beginn des 20. Jh. und wie die Hui Muslime sich selbst innerhalb dieser staatsbildenden Prozesse positioniert haben. Unter den Initiatoren dieses Prozesses war die Auffassung verbreitet, dass die Han Chinesen den Nicht-Chinesen überlegen sind, d.h. also den Minderheiten inkl. den Muslimen. Meine Forschungen untermauern, dass die traditionelle Sicht auf die Überlegenheit der Han Chinesen über den nicht-chinesischen Minderheiten sich nicht nur stabil gehalten hat, sondern auch weder hinterfragt, ja vielmehr weiter verstärkt wurde. Die Übernahme des japanischen Konzepts *minzu* 民族 (Nation) durch chinesische

Nationalisten, die es in China zur Anwendung brachten, prägte die Versuche der Hui Muslime sich entweder als Nation zu definieren oder sich dem entziehen zu wollen. Um einen Han-chinesischen Nationalstaat zu verwirklichen, war es nötig, nicht nur die Mandschus, sondern auch alle anderen Nicht-Han-Chinesen vertreiben. Das hatte gewichtige Auswirkungen auf die Rekonstruktion der Identität der Minderheiten, darunter die Muslime, denn dies machte deutlich, dass nur Han Chinesen wirkliche Chinesen sein können. Mein *kontextbeachtender Zugang zu den Diskursen rund um das Konzept von minzu* unter den Hui-muslimischen Gruppen, Organisationen und einzelnen Individuen stellt das simplistische Verständnis von der Position der Hui Muslime infrage. Es wird gezeigt, dass die Hui pragmatisch darin verfahren, die Spannungen aufzulösen, die ihnen als marginalisierte Gruppe im Zuge ihrer Bemühungen widerfuhren, ihre Zugehörigkeit zum Chinesentum zu definieren und dabei ihre Identifikation als Muslime und von den Han Chinesen distinktive Gruppe zu wahren. Die Erfahrungen im Rechtsbereich, die die Hui Muslime machten, zeigen das komplexe Wechselspiel von Exklusion und Assimilation auf. Die Gründe für diese Komplexität gehen zum Teil darauf zurück, wie die Chinesen die Grenzen zwischen „Wir“ und „die Anderen“ zogen. Vor dem Hintergrund dieser Othering-Prozesse, bemühten sich die Hui Muslime, aber wohl auch alle anderen ethnoreligiösen Gruppen in China, ihre Zugehörigkeit zum Chinesentum zu definieren.

Der dritte Teil zeigt, welcher vor dem Fazitkapitel der Dissertation angesiedelt ist, wie sich diese spannungsgeladenen Umstände in der gelebten Religionspraxis der Hui Muslime widerspiegeln, und zwar an drei Fallbeispielen, die sich auf die Bildung, auf die Pilgerfahrt und auf die Heirat bzw. Ehe beziehen. Das sechste Kapitel fokussiert das erstgenannte Fallbeispiel. Die Einstellung der Hui Muslime zur Bildung wurden sowohl durch islamische als auch chinesische Vorstellungen geprägt. Auf der einen Seite haben die Hui Muslime, was die religiöse Bildung angeht, die islamische Vorstellung übernommen, dass es sich dabei um eine gottgegebene Pflicht handelt die von fundamentaler Wichtigkeit für den eigenen Glauben ist. Auf der anderen Seite war es nötig, um ein Leben bzw. Auskommen in China bestreiten zu können, mit der Situation klarzukommen, dass das Hervorbringen von Führungstalenten, welche die chinesische Staatsführung brauchte, das prägende Element chinesischer Bildung war. Im Zuge der Politisierung der Bildung änderte sich die Funktion der Schulen, die nun zu einer Produktionsstätte für politischen Nachwuchs wurde, welche die Herrscherklasse benötigte. Tatsächlich war es so, dass die Etablierung traditioneller Islamischer Bildung der Hui Muslime, also die *jingtang jiaoyu* 經堂教育 (Bücherhallen Erziehung), selbst ein Produkt der Debatten war, die mit der Identitätsbildung einhergingen. Die Jingtang Unterweisung kam auf, als in der chinesischen Ming Dynastie diskriminierende Gesetze und politische Maßnahmen gegen die Hui eingeführt wurden, welche religiöse (und später auch ökonomische und politische) Krisen nach sich zog. Es war daher sehr wichtig für die Hui Muslime, dass die Unterweisung nicht nur die Funktion hatte, Wissen von Generation zu Generation weiterzugeben und den Weg zu Gott aufzuzeigen, sondern auch Identität stiftete. Darüber hinaus erwachsen diese Formen der Unterweisung in systematischer und institutionengebundener Weise, was später dazu führte, dass miteinander verbundene Netzwerke zwischen muslimischen Gelehrten, Sufi Meistern und Studenten entstanden. Diese Netzwerke haben entscheidend zu der Ausbildung eines Wir-Gefühls der Hui Muslime beigetragen. In dieser Hinsicht ähneln moderne Bildungsprojekte der traditionellen Jingtang Unterweisung. Die modernen Projekte, auch wenn diese komplexer erscheinen, dienten zum Teil als Antworten auf die externen Herausforderungen, die sich im Zuge chinesischer soziopolitischer Gegebenheiten ergaben. Die Advokaten moderner Bildungsreformen setzten sich auseinander zum einen mit der traditionellen Jingtang Unterweisung, die sehr stark von der chinesischen Kultur geprägt waren, und zum anderen mit der veränderten Situation der Hui Muslime, in der sie mit den Chinesen leben, kooperieren und, besonders wichtig, wohl auch in Konkurrenz standen, was ausreichende Kenntnisse der modernen Wissenschaften und Technologien nötig machte. Für die Hui Muslime ist Bildung, insbesondere religiöse Bildung, ein Medium gewesen, durch welches ihre (religiöse) Identität im Angesicht von außen herangetragenener Herausforderungen konstruiert wurde.

Das siebte Kapitel setzt sich mit der Pilgerfahrt als eine religiöse Handlung auseinander, die aber auch wichtige soziale, politische und geistige Implikationen hat. Das gilt allgemein, und die Praxis der Pilgerfahrt der Hui Muslime nach Mekka stellt diesbezüglich keine Ausnahme dar. Ich habe umfassende Darstellungen der Pilgerrouen zwischen dem traditionellen China und Mekka erarbeitet. Diese Routen machen deutlich, welche mannigfaltigen Auswirkungen die Pilgerfahrt auf die Muslime in Fernost gehabt haben können und welche Verbindungen die Pilgerfahrt zwischen den Muslimen in China und denen in Zentral- und Südostasien aufgetan haben könnte. Das lässt sich weiter verfolgen mit Blick auf die Einführung des Sufismus in China, was die

Identität der Hui Muslime auf neue und distinktive Weise bereicherte, nämlich über die Errichtung von Sufigemeinschaften (*menhuan* 門宦). Mekka ist nicht bloß eine heilige Stadt, welche von essentieller Bedeutung für die Hui Muslime ist, wenn es darum geht, die Authentizität ihrer Religion zu definieren, sondern auch ein Ort, den sie lange Zeit als Heimat (*zuguo* 祖國) ansahen und der in dieser Weise von ganz spezieller Wichtigkeit für ihre muslimische Identität war. Mekka, aber auch die muslimische Welt im Kontext des späten 19. und frühen 20. Jh. im Besonderen, entpuppt sich als eine wichtige Quelle für die Konstruktion der chinesischen Identität der Hui Muslime, vor allem in Bezug auf deren Verständnis des Verhältnisses zwischen muslimischer Frömmigkeit und chinesischem Patriotismus oder Nationalismus. Die Ergebnisse meiner Arbeit zeigen, dass die Pilgerfahrt die Selbstidentifikation der Hui als Muslime stärken kann, was jedoch nicht auf Kosten der Selbstidentifikation der Hui als Chinesen geht. Dass die Hui Muslime einen engeren Kontakt mit den regionalen Zentren des Islams in modernen Zeiten ausgebildet haben, hat nicht unbedingt dazu geführt, dass man sich von China entfremdet oder distanziert hätte. Eher im Gegenteil, die Pilgerfahrt kann tatsächlich als eine der Quellen gesehen werden, aus der die Hui Muslime schöpften, um ihre eigenen chinesisch-nationalistischen Bewegungen zu rechtfertigen und chinesischen Patriotismus zu fördern.

Das letzte Kapitel zu den Fallbeispielen widmet sich dem Thema Ehe und Heirat. Wie im Falle der Bildung hat auch die Ehe eine starke religiöse Konnotation, wohingegen sie im chinesischen Kontext eine enge Verbindung zum Politischen hat. Meine Untersuchung hat gezeigt, dass für die Hui Muslime Ehe mit vielen Bedeutungen aufgeladen ist, wobei anzumerken ist, dass diese sowohl aus der chinesischen als auch der muslimischen Tradition stammen. Die Hui Muslime erachten die Ehe als ein Zeichen Allahs, womit sie zu einem höchstreligiösen und heiligen Bund wird. Auf diese Weise gehört es zu der Identität der Hui Muslime, den Ehegeboten der Scharī'a Folge zu leisten. Ihre Sicht auf die Ehe wurde derweil auch von chinesischen Vorstellungen tief geprägt. So sehen sie die Ehe nicht nur als eine Verbindung zweier Individuen, sondern auch als einen bejahenden Zusammenschluss zweier Familien, was der typischen traditionellen chinesischen Vorstellung von der Ehe entspricht. Der Fall der Hui zeigt zum einen, dass die modernen Landesgesetze und die islamischen Gebote nicht unbedingt im Konflikt stehen bzw. dass sie miteinander in Einklang gebracht werden können. Zudem zeigt er aber auch, dass der Umgang der Hui Muslime mit den Scharī'a-Geboten und die Frage, zu welchem Grad sie religiöses Recht bzw. staatliches Recht zu Ungunsten des jeweils anderen ablehnen, in weiten Teilen von der Behandlung der Hui Muslime innerhalb der kulturellen, soziorechtlichen und politischen Sphären der chinesischen Gesellschaft abhängt.

Biographical Sketch of the PhD Student

Gang Li was born in Urumqi, Xinjiang Uyghur Autonomous Region, China in 1983. In 2005, he completed a B.A. in law with distinction at Gansu University of Political Science and Law. After graduation, he first worked at the Intermediate People's Court of Urumqi City as a court assistant, then as a teaching staff at the Xinjiang Institute of Human Resource, where he taught professional English and primary legal courses. He started his graduate study in legal theory at Xinjiang University in 2009, and in 2010 he was admitted to the M.A. programmes European Union and Central Asia in the International System at IEP and CIFE in Berlin. After that, he went back to China and worked as a part-time lecturer at Xinjiang University and Xinjiang Normal University. His double-PhD programme with the University of Erlangen-Nuremberg and the University of Groningen started in 2015. Since his graduate programme, he has conducted fieldwork research in various Muslim communities in Xinjiang, Gansu, Yunnan and Beijing. Currently, he works as a research assistant at the Internationales Kolleg für Geisteswissenschaftliche Forschung of the University of Erlangen-Nuremberg.