

# Centralized-Minimalist Government: The Lake Weishan Issue and the Chinese Mediator System of Government

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## Abstract

The Lake Weishan issue refers to a protracted border dispute between Shandong and Jiangsu provinces and its mediation by the central government. This dispute, ongoing since 1959 and finally resolved forty years later, reached its highest intensity during the beginning of the Reform era. Based mainly on local archives, this article retells the story of the mediation by the central government from 1980 to 1985, tracing how the decision concerning the unified management of water conservancy in the lake region was reached and the earlier inter-ministerial demarcation scheme was shelved, and how the central government's "three central documents" came into being. Through the story of Lake Weishan we can expand our understanding of China's practice of what has been called centralized-minimalist governance. However, to synthesize centralized governance on the one hand and daily minimalist governance on the other in a new theoretical narrative is the over-arching objective behind this thick description of one individual case.

## Keywords

Lake Weishan – interprovincial dispute – mediation – centralization – minimalist governance

Lake Weishan, located on the border of Shandong and Jiangsu provinces, consists of four interlocking sub-lakes: Nanyang, Dushan, Zhaoyang, and Weishan.<sup>1</sup> In the War of Resistance against Japan, this was once a battleground on which the Eighth Route Army waged guerrilla warfare along the rail lines. After the

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1 The term "Lake Weishan" is used throughout this article in a broad sense, identical with Lake Nansi (or, the Four Southern Lakes) widely used by the Ministry of Water Resources.

founding of the People's Republic, the novel *The Railroad Guerilla Fighters*, as well as a similarly titled movie, was published in the 1950s. One can still hear the theme song today: "The western sun is going to fall behind the mountains, the lake is all quiet, so let us take out our old lutes and sing that grand old song." However, since the 1950s that peaceful silence and song have been shattered; in the last several decades, a border dispute between Jiangsu and Shandong, involving lakeside land, lake-related resources, water conservancy, and coal resources, transformed what was once an idyllic scene.

In any state, surveying and demarcating administrative jurisdictions is one of the bases of governance. The *Rites of Zhou* (Zhou Li) declares, "Alone, the sovereign constitutes the kingdoms; he determines the four sides and fixes the principal positions. He traces the plan of the capital and the countryside. He creates the ministries and separates their functions in order to form the administrative center of the people." It is also written in the *Book of Rites* (Li Ji) that the sovereign must "measure the land to rule a city, and mark the land to place the people." It is even more necessary for the modern state to have a legal partitioning of its administrative regions. This is why the founding fathers of the United States had the Philadelphia Convention: to solve territorial disputes and to resolve controversies over territories to the west.<sup>2</sup> In modern China, the Chinese Nationalist Party (Guomindang) recognized that "demarcation is the very essence of politics" and thus in 1930 enacted *Regulations on the Surveying of Boundaries of the Provinces, Municipalities, and Counties*. However, due to the chaos of the time, this survey plan could not be put into practice.<sup>3</sup> In the first thirty years of the People's Republic, local governments held fast to the idea of "we are all part of one big family," and hence there were few long-lasting provincial border disputes. Long, drawn-out boundary disputes only appeared after the end of the Mao era. It is against this background that the State Council enacted in 1981, and amended in 1989, *Regulations Concerning the Resolutions of Disputes over the Borders of Administrative Divisions*. The State Council also initiated a national survey project in 1995, which led to the publication of *Map of the Administrative Divisions of the PRC* seven years later.<sup>4</sup> It should be noted that this national survey left out three provincial border areas that awaited to be decided, one of them being the Lake Weishan border,

2 See e.g., David Stewart, *The Summer of 1787: The Men Who Invented the Constitution* (New York: Simon & Schuster, 2007).

3 Jin Ergang 靳尔刚 and Su Hua 苏华, 职方边地: 中国勘界报告书 (Administering the peripheries: A report on China's survey and delimitation of administrative divisions) (Beijing: Shangwu yinshuguan, 2000), 23–27.

4 For the record of this seven-year national survey project, see Jin Ergang 靳尔刚, 边界路漫漫 (The long road along the borderline) (Beijing: Shangwu yinshuguan, 2011).

which “has yet to be surveyed due to special reasons . . . [and therefore] is a temporary delimitation.”<sup>5</sup>

The Lake Weishan issue in this article refers to a protracted border dispute between Shandong and Jiangsu and the resolution eventually wrought by the central government. This dispute, which began in 1959 and was finally resolved in 2000, reached a climax in terms of both mortality and the level of decision-makers involved during the period from 1980 to 1985. This article, based on local archives, retells the story *in medias res*. The story is divided into four parts. The first is a necessary treatment of the background, summarizing both the sources and the main controversies. The second discusses the resolution process led by the central government from 1980 to 1981. In this part a central working group brought up the scheme of a middle line as the border. Although the State Council tentatively endorsed this plan and set up a coordination meeting in Xuzhou in September 1981, due to a lack of agreement between the two provinces, this scheme died on the vine. The third part retells the mediation by the central government from 1983 to 1985. Once again, the dispute reached a boiling point, and once again the two parties could not reach an agreement, but this time, since the central government wielded the deciding power, the report by the working group was finally passed despite opposition from the Jiangsu side. This process finally yielded the so-called “three central documents” concerning Lake Weishan.<sup>6</sup> The fourth part delves into the theoretical meaning behind the case and attempts a preliminary elaboration on the model of centralized-minimalist governance.

The Lake Weishan issue as a case study of Chinese governance can contribute to two creative breakthroughs in methodology. First, the issue, while

5 “关于出版1:400万《中华人民共和国行政区划图》有关问题的通知” (Notification on the relevant issues concerning the publication of the Map of Administrative Divisions of the People's Republic of China), Nov. 8, 2002.

6 The three central documents are, respectively: (1) “中共中央、国务院批转国务院赴微山湖工作组‘关于解决微山湖争议问题的报告’的通知 (1984年4月30日)中共中央(84)11号文件” (Notice of ratification by the CCP Central Committee and the State Council of the report on issues concerning the resolution of the Lake Weishan dispute; zhongfa [84], No. 11), April 30, 1984; (2) “国务院转批国务院赴微山湖工作组关于解决微山湖争议问题的第二次报告的通知 (1984年8月27日), 国务院(84)109号文件” (Notice of ratification by the State Council of the second report on issues concerning the resolution of the Lake Weishan dispute; guofa [84], No. 109), Aug. 27, 1984; (3) “国务院办公厅转发民政部关于解决微山湖南北两段湖田、湖产经营范围问题的报告的通知 (1985年9月5日), 国务院办公厅(85)61号文件” (Notification by the Administrative Office of the State Council on the dispatching of the “Report presented by the Ministry of Civil Affairs on issues concerning the resolution of the scope of the lakeside land and lake resources between the southern and northern Lake Weishan”; guoban [85], No. 61), Sept. 5, 1985.

small, makes a good lab rat for dissection. Normally, conflicts in governance arise from local conditions, but since the legal issue behind this case involved two provinces, its resolution required waiting for the central government to act. The case included the participation of all levels of government from central down to local. At the same time, during the decades-long evolution of the dispute, the resolution of relevant conflicts involved the cooperation of a wide range of functionaries, including not only departments of civil affairs, water conservancy, and agriculture, but also public security, finance, taxation, and environmental protection. The Lake Weishan region became a complex of administrative “polyarchy.”

Second and more important, the boundary dispute was very much a black swan. That is to say, current theoretical paradigms of Chinese politics cannot explain such an exceptional case. In theory, the dispute should not have been difficult to resolve, but it nevertheless ended up being referred to by local governments as “Lake Nansi” (die-hard lake). In China’s unitary party-state, inter-provincial disputes are handled by “filing suit” in Beijing, where a request is made for the central government to arbitrate between the two sides. At the height of the Lake Weishan story, both sides “took it all the way to Beijing” and never resorted to withholding information or attempted collusion among local governments.<sup>7</sup> From a formally legal perspective, within a unitary state border demarcation is an interprovincial issue. Beijing has the right to force its will on local governments, and the latter in turn have an obligation to submit to central arbitration. Otherwise, the result could well be called a “failed state.”

Western academic studies once approached China from the paradigm of totalitarianism: “it seemed possible to pick up the phone in Beijing and make any decision stick down in the village.”<sup>8</sup> But if Beijing had such a phone, the Lake Weishan dispute would not have turned into a “die-hard” issue, and it would not have been necessary to have national survey officials work day after day on this issue for seven straight years.<sup>9</sup> The paradigm of “fragmented authoritarianism,” which followed the totalitarian model, emphasizes bargain-

7 On collusion among local governments, see Zhou Xueguang 周雪光, “基层政府间的‘共谋现象’: 一个政府行为的制度逻辑” (The institutional logic of collusion among local governments in China), *开放时代* (Open Times) no. 12, 2009.

8 Vivienne Shue, *The Reach of the State: Sketches of the Chinese Body Politic* (Stanford, CA: Stanford University Press, 1988), 76.

9 See Jin Ergang 靳尔刚, “勘界感怀” (Private reflections on the survey of administrative divisions), in *idem*, *记写方域* (Notes on localities and peripheries) (Beijing: Zhongguo shehui chubanshe, 2002).

ing, compromise, and consensus building in decision-making.<sup>10</sup> However, a model of fragmentation does not apply to the Lake Weishan case since, according to this model, the consensus-seeking decisional process is based on a diffused structure of authority as well as the veto power held by each stakeholder. But the resolution of the Lake Weishan dispute did not presuppose this kind of fragmented power structure.

The Lake Weishan issue, which required the central government to act as the arbiter to mediate an interprovincial conflict, in actuality formed a kind of litigation-based power structure. For a long time, central and local officials repeatedly declared that “the Lake Weishan issue has reached a point where it needs an immediate resolution,” while local-level bureaucrats asked the central working group, “when will the Lake Weishan issue be over? The cadres have worked until their hair is gray. They just look forward to the day when the central government can make a decision and solve this problem from its roots.”<sup>11</sup> A central leader also once stated, “If we don’t take action on the Lake Weishan issue now, what power does the party Central Committee and the State Council really have? Are we even a party? Can we govern our own country?”<sup>12</sup> In the Lake Weishan case, the center had the authority to draw the borderline for Jiangsu and Shandong, but for all its ability, power, will, and determination to solve this issue, it chose not to impose a decision unilaterally but rather to mediate. In a structure where no one holds a *de jure* veto pen, the central government acts not as a unilateral judge, but rather considers the power to drop the gavel as the last resort and acts as a mediator between the two sides. It is an approach that forms the model of governance based on the judicialization of administrative matters. The Lake Weishan case to a large extent attests to what Susan Shirk calls “delegation by consensus”: “Chinese economic policy-making operates according to delegation by consensus. If lower-level bureaucrats agree, the policy is automatically ratified by the

10 Kenneth Lieberthal and Michel Oksenberg, *Policy Making in China: Leaders, Structures, and Processes* (Princeton, NJ: Princeton University Press, 1988); Kenneth Lieberthal and David Lampton, eds., *Bureaucracy, Politics, and Decision Making in Post-Mao China* (Berkeley: University of California Press, 1992).

11 “关于沛县、微山县边界矛盾情况向杨静仁副总理的汇报提纲 (沛县委书记徐振东)” (Outline of the briefing for Vice-Premier Yang Jingren on the boundary conflicts between Peixian and Weishan counties [Secretary of the Peixian Party Committee, Xu Zhendong]), Sept. 1981.

12 “国务院副总理田纪云同志关于解决微山湖争议问题的讲话 (根据记录整理)” (A talk by Vice-Premier Tian Jiyun on the resolution of the Lake Weishan dispute [based on notes]), April 18, 1984.

upper level. If some lower-level bureaucrats refuse to agree, effectively vetoing the policy, it is referred to the upper level for resolution or tabled indefinitely.<sup>13</sup>

Why, then, resort to judicialization in the vertical hierarchy of a bureaucratic network? This article's answer is based on the fact that China has been putting into practice a model of centralized-minimalist governance. Philip Huang, based on his research on local governance, formulated the theory of centralized minimalism to express the method of governance throughout the imperial, Nationalist, and Communist Chinese eras. Centralized minimalism, according to Huang, is principally suited to the "Chinese state at the crucial locus where it met rural society." Its *modus operandi* is thus "relying on semiformal personnel and doing no more than resolving disputes if and when necessary."<sup>14</sup> This article aims to adapt this concept so that it, after requisite modifications, can apply to a new-found area. Minimalist methods have appeared not only in the relationship between state and society, but also in the vertical relationships within the state. As the following story shows, the central government has generally adopted the attitude of "no trial without complaint" in dealing with such minor matters as regional conflicts, and when it feels it must step in, it seldom makes formal decisions in accordance with the law, but rather mediates after taking into consideration all relevant factors. Minister of Civil Affairs Cui Naifu describes this as "you have to think of both sides; the thread and the needle both need to be able to get through."<sup>15</sup> In the process of mediation, the central government's decisional power is often left as the last resort, to be held over the heads of local governments to impel them to reach a consensus. However, in exceptional situations, the central government will make unilateral decisions, and the basis behind these decisions is not the legal authority within the structure of bureaucracy, but rather the organization and discipline of the party-state. This was exactly the trump card used during the mediation process Cui Naifu referred to.<sup>16</sup>

13 Susan Shirk, *The Political Logic of Economic Reform in China* (Berkeley: University of California Press, 1993), 10.

14 Philip C. C. Huang, "Centralized Minimalism: Semiformal Governance by Quasi Officials and Dispute Resolution in China," *Modern China* 34, no. 1 (Jan. 2008): 32; Huang Zongzhi 黄宗智 [Philip C. C. Huang], "集权的简约治理" (Centralized minimalism), in *idem*, *经验与理论: 中国社会、经济与法律的实践历史研究* (Experience and Theory: The History of Practice of Chinese Society, Economy, and Law) (Beijing: Zhongguo renmin daxue chubanshe, 2007), 435.

15 "崔乃夫部长的讲话 (根据记录整理)" (A talk by Minister Cui Naifu [based on notes]), Mar. 20, 1985.

16 Shandong Provincial Government 山东省人民政府, "苏鲁两省解决微山湖争议会商情况" (Report on the negotiations between Shandong and Jiangsu on the resolution of the Lake Weishan dispute), July 30, 1984.

The notion of centralized-minimalist governance aims to convey two related points. First, after the establishment of the Communist regime in 1949, China was a unitary centralized state, something not only stipulated in the explicit rules of formal law, but also embodied in the expressive function of the law in the process of state-building. As Lucian Pye stated, “sovereignty, after all, calls for theatrical representation.”<sup>17</sup> The discipline and organization of the party-state is the safeguard of legal centralization in times of necessity. Second, centralization minimalism implies: (1) the center need not take all the initiative on its own, but rather may employ “initiatives from two sources,” and delegate decision making on daily minor matters to the local governments; (2) a reactive attitude of “no trial without complaint,” mediating provincial disputes like the Lake Weishan issue by judicialized means; (3) a meditative “delegation by consensus” and letting problems be solved at the lower levels if at all possible.

### The Lake Weishan Issue: Background

The story of the Lake Weishan dispute begins in 1953. Before the founding of the People's Republic, Lake Weishan formed the border between Jiangsu and Shandong provinces and was under the jurisdiction of eight counties in both provinces. The northern sub-lakes of Nanyang and Dushan belonged to Shandong, while most of the southern sub-lakes of Zhaoyang and Weishan belonged to Jiangsu. Lake Weishan, “producing ten liters of gold per day,” had been an important source of food for the neighboring people. In 1953, according to a central government directive, “the old administrative areas originally belonging to Jiangsu but currently under the administration of Shandong and Anhui provinces are to be returned to Jiangsu”; the administrative region of Xuzhou, which had been temporarily controlled by Shandong, was returned to Jiangsu province in 1953.<sup>18</sup>

It was during this handover of Xuzhou that Shandong proposed that a new county, Weishan, be formed and that it administer Lake Weishan. After negotiations between Shandong and Jiangsu, the central government approved this move. According to the State Administrative Council's official reply in August 1953, “[we] hereby agree that Weishan county is to be established under Shandong province, which will cover the lake area of Weishan, Zhaoyang, Dushan, and Nanyang, as well as the fishing villages within the lake and partial-fishing villages along the lake.” The formation of Weishan county signified a

17 Lucian Pye, “China: Erratic State, Frustrated Society,” *Foreign Affairs*, (Fall 1990): 59–60.

18 Central People's Government 中央人民政府, “关于调整省、区建制的决议” (Resolution on the adjustments of provincial and regional formations), Nov. 1952.

transition from divided control to unified management in the administration of the lake area, which also changed the traditional border of the lake area between Jiangsu and Shandong provinces. According to the 1953 interprovincial agreement, “basically, the specific border between the two provinces is the lakeside land.” Shandong province also specified, in the ordinance establishing Weishan county, that “basically speaking, the border between Weishan county and Peixian county and Tongbei county in Jiangsu is the lakeside land.”<sup>19</sup> After the formation of Weishan county, the land along the western coast of the lower lake was mainly administrated by Jiangsu, while the surface of the lake as well as the lakeshore land to the east was administered by Shandong.

A dispute over Lake Weishan broke out in 1959. Since the interprovincial borderline in the lake area was not specified, various conflicts of interests arose. Generally speaking, the people of the lake area were concerned about issues concerning farmland and the ownership of the lake’s resources, while local governments focused on the delimitation of the border and water resources. In the era of economic reform, this focus spread to coal resources and transportation as well as the tax revenue from coal mines. Although the Lake Weishan issue was complicated and had different focuses at different times, in essence it all flowed from the interprovincial border dispute over the Lake Weishan area. It is also worth pointing out that collective violence in local communities over farming, fishing, and water resources usage have been common throughout history. For example, on the west bank of Lake Weishan there were conflicts over the cultivation of the lakeside land during the late Qing dynasty. However, this kind of collective violence most often reflected the emasculation of local governments during the waning of the dynasty.<sup>20</sup> In this sense, the Lake Weishan issue, grounded in the context of a modern party-state, is an interprovincial issue, which is legally distinguished from rural collective violence.

19 “中央人民政府政务院《批复》(53) 政政邓字第136号” (The ratifying reply by the State Administrative Council; [53] zhengzhengdeng no. 136), Aug. 22, 1953; “山东省与江苏省关于微山、昭阳两湖辖领及其具体界限之划分的协议书” (Agreement between Shandong and Jiangsu provinces on jurisdiction over Lakes Weishan and Zhaoyang and the border delimitation), April 19, 1953; “山东省人民政府令《鲁民密二(53)》字第 1533号” (Ordinance of Shandong People’s Government [53] no. 1533), Oct. 6, 1953.

20 See Elizabeth Perry, *Rebels and Revolutionaries in Northern China, 1845–1945* (Stanford, CA: Stanford University Press, 1980). See also Pei Yili 裴宜理 [Elizabeth J. Perry], *华北的叛乱者与革命者 (1845–1945)* (Rebels and revolutionaries in north China, 1845–1945) (Beijing: Shangwu yinshuguan, 2007), 62–104.



In light of the 1953 agreement, the border issue boiled down to how to define the meaning of “the lakeside land as the border.” If one takes the lakeside land as the border, then the problem is that the land will constantly change with the rise and fall of the water level. We are thus obliged to arrive at a dynamic definition of the borderline. The locals put it this way, “Shandong controls the surface, Jiangsu the bottom; where there’s water, Shandong controls it, where there’s no water, Jiangsu farms the land.” Furthermore, with the lakeside land defined as the border, the issue arose of exactly what is lakeside land and to which side it belongs. Shandong province once remarked on this very issue that “the lakeside lake is a surface. There are four sides, including east and west lines. With the east side as the border, the land belongs to Peixian county. With the west side as the border, the land belongs to Weishan county.”<sup>21</sup> Over all the various mediation processes, both sides presented reasonable arguments about what exactly “the lakeside land as the border” meant, yet they failed to reach an agreed interpretation.

Entering the 1980s, the rule of “lakeside land as the border” gradually lost its defining status as the two sides began to fight over the presumed essence of that rule and strove to define the border anew. For Shandong, “the lakeside land as the border” obviously proved a stumbling block on its road to controlling the whole lake area. Only after making the eastern area to the northern Jiangsu embankment or at least the first row of villages along the lake part of Shandong, and making Lake Weishan part of Shandong itself, thereby making the entire question an intra-provincial issue, could the conflict be resolved. In Jiangsu’s view, however, the lake was on the border from the beginning, and the livelihoods of the people along the lake were inseparable from the lake; thus the lake region had to be returned to the tradition demarcation of divided control or at least defined by the rule of a “shared lake divided along the deepest line.” Although, due to necessities of negotiation strategy, the plans offered up by both sides tended to run the gamut, one thing remained: Jiangsu sought that the lake area revert to its original divided state, while Shandong hoped that the entirety of Lake Weishan would be put under its unified control.

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21 Ma Jutao 马巨涛, “对山东、江苏两省纠纷中几个问题的现有材料研究和意见(草)” (Research and suggestions on the materials regarding several issues in the interprovincial dispute between Shandong and Jiangsu [draft]), Nov. 14, 1961.

## How the Policy of the Central Government Was Thwarted

### *A Working Group is Sent to the Lake Area*

In the autumn of 1980, armed clashes over the lake's resources again erupted, causing the deaths of four villagers. Although the conflicts themselves could not be considered "big," human life is precious and since the underlying issue was in essence interprovincial, at the end of September the State Council sent a working group to the lake area shortly after a "telegraph war" between the lower-level governments of both sides. The working group, made up of officials from the Ministries of Civil Affairs and Water Resources, had the mission of investigating two independent but related issues: first, the border dispute as well as the demarcation of the border, and second, the conflicts over water resources as well as the unified administration of water conservancy projects.

The Huai River Basin—which encompasses the Lake Weishan area—is one where "big rains bring big disasters, small rains small disasters, and no rains droughts." Historically, it was said that Shandong and Jiangsu "fight to get rid of the water when there's too much, and fight for the water when there isn't."<sup>22</sup> Fengxian county, the western neighbor of Peixian, in complaining about Shandong unilaterally constructing dams and floodgates, once "telegraphed to superiors 121 times, incurring an expenditure of 1,736 RMB and submitted 13 written reports" in two years. This is what is meant by "fighting for the water."<sup>23</sup> On the other hand, Shandong also stated in 1961, "the problem with Lake Nansi is that there is no way to drain away water," and at the same time officials were writing to the provincial party committee pointing out that if Shandong could not manage the lake, then "there's a way in but no way out, it's got its buttole plugged." This analogy describes the so-called "fighting to get rid of the water when there's too much" problem.<sup>24</sup>

The central working group arrived on the scene and listened to five demarcation plans proposed by Jiangsu and Shandong. Jiangsu province had two plans. The big plan was to return to the pre-1953 borderlines of the lake area, which meant that the town of Xiazhen on the eastern side of the lake, as well as the main surface of sub-lakes Zhaoyang and Weishan, would revert to Peixian.

<sup>22</sup> Qian Zhengying 钱正英, "治淮工作会议总结" (Concluding remarks at the working meeting on management of the Huai River), Dec. 10, 1980.

<sup>23</sup> Fengxian County Government 丰县人民政府, "关于山东省鱼台县在复新河下游建闸遭受严重损失的报告" (Report on the severe damage caused by dam-building on the outlet of the Fuxin River by Yutai county, Shandong province), Aug. 5, 1981.

<sup>24</sup> Ma Jutao, "Research and Suggestions."

During a briefing, lower-level officials started to challenge the 1953 plan to create Weishan county: “although we have tried our best to carry out the plan, reality has proved that it isn’t feasible because of the unreasonable division between the administrative areas. The plan is inherently flawed.”<sup>25</sup> But speaking fairly, the big plan was just a negotiation strategy, offered up merely to be able to seem to “give way” to its small plan, which was to have the Wei River, the deepest line, as the border: the western part going to Jiangsu and the eastern part to Shandong. However, no matter which plan Jiangsu proposed, they all went against the status quo since 1953 of Shandong encompassing the entire lake surface within its borders. Shandong province proposed three plans. The big plan was to take Fengxian and Peixian counties in the Lake Nansi Basin into the administration of Shandong province, the middle plan was to define the northern Jiangsu embankment on the western side as the border, and the small and last plan was to absorb the first row of villages running along the western side of the lake into Shandong. Shandong province presented its plan in order from the biggest to the smallest, and in effect proposed a break with the original 1953 plan of “the lakeside land as the border” by taking the entirety of the lake area and putting it under the jurisdiction of Shandong.<sup>26</sup>

Analyzing these five plans, we can see that the two sides’ “big” plans were no more than negotiation tactics, meant to be given away in the arbitration process. However, even the “small plans” of both sides were quite different and entailed a break with the 1953 agreement, thus raising the related issue of how to deal with the interprovincial agreement and the corresponding approval by State Administrative Council in 1953. This was a zero-sum game between the two sides, with a move forward by one party causing the other to lose ground.

### *The Inter-Ministerial Report and Its Plan*

On November 24, 1980, the Ministries of Civil Affairs and Water Resources submitted their joint report on the Lake Weishan issue to the State Council. From the beginning, the report denied the validity of the 1953 agreement and stated that its core clauses, including “basically, the lakeside land as the border” and

25 The Revolutionary Committee of Peixian County 沛县革委会, “关于沛微两县湖区纠纷问题向民政部、水利部调查组的汇报提纲(根据两次汇报记录整理)” (Outline of the briefing for the working group of the Ministries of Civil Affairs and Water Resources on the lake area disputes between Peixian and Weishan counties), Oct. 31, 1980.

26 “朱奇民在主持向国务院工作组汇报微、沛纠纷问题时的发言” (Speech by Zhu Qimin to the State Council’s working group on the dispute between Peixian and Weishan counties), Nov. 11, 1980.

“the people along the lake make their primary living through its resources, and this won’t change,” were ambiguous and hard to implement. More importantly, “after many years of research, we have concluded that Weishan county was created as a response to the necessities of the armed resistance at that time. The past agreement is not in accordance with today’s laws of economic development. The rule for delimitation is very vague, which is basically one source of the dispute.” Based on this judgment, the report offered a plan to take the middle line of the lower lake as the border: “after comparing all of the plans, our preliminary recommendation is: the lower half of Lake Weishan, under the Second-level Dam, is to be divided by a line down the middle from north to south, with the area east of the line going to Weishan, and the area west going to Peixian. This is a total solution to the conflicts over lakeside land and lake resources, and also has the advantage of resolving the water resource conflicts. At the same time, we can also consider unified management of water conservancy projects currently being controlled separately by the two provinces as a solution to the fighting over water in this basin.”

Although different from all the plans offered by both provinces, the inter-ministerial plan more closely approximated Jiangsu’s small plan of having the Wei River as the border. (The Wei River is a deep-water river flowing out of the southern part of Lake Weishan, and is located to the east of the middle line of the lake. Thus, “the middle line as the center” plan would have given Shandong more area of the lake than Jiangsu’s small plan.) If the plan were to be ratified by the State Council, the surface of Lake Weishan below the Second-level Dam would be divided in half, with one part going to Shandong and the other to Jiangsu. This is what Shandong province, insisting on total control over the lake surface, could not accept. Thus, at the end of the report, the two ministries stated: “In order to resolve the interprovincial border dispute as soon as possible, we advise that Vice-Premiers Wan Li and Yang Jingren take advantage of the meeting of provincial governors and call relevant comrades from both provinces to negotiate a solution.”<sup>27</sup>

One week later, with Vice-Premier Yang Jingren presiding, the Ministries of Civil Affairs and Water Resources solicited opinions on the inter-ministerial plan from both provinces. Since Jiangsu was a beneficiary under this plan, its provincial party committee “basically” agreed to the plan, whereas Shandong insisted on its middle plan (i.e., the northern Jiangsu embankment as the bor-

27 “民政部、水利部联合报告 (80) 民民字第69号、(80) 水计字第218号” (Joint report of the Ministries of Civil Affairs and Water Resources, minmin [80] no. 69, shuiji [80] no. 218), Nov. 24, 1980.

der), or its small plan (making the villages on the western edge of the lake part of Shandong). At this back-to-back hearing, the inter-ministerial plan was temporarily shelved. After the separate briefings with each side were over, Vice-Premier Yang Jingren remarked, “it looks like there are a lot of differences, so we can’t firm this up right now.”<sup>28</sup>

### *The Xuzhou Meeting*

The inter-ministerial plan did not stay shelved for long. In September 1981 Yang Jingren called a meeting between the two provinces at Xuzhou. Two items were on the agenda: first, to deliberate on the report of the Ministry of Water Resources concerning the unified administration of water conservancy in the Lake Nansi Basin, and second, to deliberate on the demarcation plan proffered by the Ministries of Civil Affairs and Water Resources. As suggested above, these two items were connected from the start. A Ministry of Civil Affairs deputy minister revealed that “Comrade Qian Zhengying said that in foreign countries boundary lines are at the middle of river ways or lake areas, and divisions on land are determined by waterways, so that idea was brought up.”<sup>29</sup>

Qian Zhengying, the Minister of Water Resources, was among the first generation in the People’s Republic to have participated in the taming of the Huai River. In a speech upon returning from the Huai River Administrative Commission, Qian remarked, “taming the Huai needs a unified plan, unified strategy, unified management, and unified policy. These four fronts must be unified.”<sup>30</sup> Meanwhile, the Ministry of Water Resources submitted to the State Council on August 11 a *Report Concerning the Unified Management of Water Conservancy Projects in Lake Nansi and the Yi Shu and Si Rivers*, in which it recommended “the establishment of a bureau to manage the Yi Shu and Si Rivers under the leadership of the Huai River Administrative Commission,” and

28 “杨静仁副总理、陈光、李金德、李化一副部长在听取江苏对微山湖问题的汇报以后的讲话记录” (A talk by Vice-Premier Yang Jingren and Deputy Ministers Chen Guang, Li Jinde, and Li Huayi on hearing the briefing by Jiangsu on the Lake Weishan issue), Dec. 1, 1980; Bureau of Civil Affairs of Shandong Province 山东省民政厅, “关于鲁苏两省南四湖边界纠纷问题向民政部、水利部的汇报提纲” (Outline of the briefing for the Ministries of Civil Affairs and Water Resources on the border dispute between Shandong and Jiangsu in the Lake Nansi area), Dec. 2, 1980.

29 “Talk by Vice-Premier Yang Jingren and Deputy Ministers Chen Guang, Li Jinde, and Li Huayi.”

30 “钱正英部长在淮委全体职工大会上的讲话” (A talk by Minister Qian Zhengying at the plenary meeting of the Huai River Administrative Commission), June 11, 1981.

“unify planning, strategy, and management.”<sup>31</sup> This plan would have benefited Jiangsu, since unified management implies that the management of water resources works would be passed from Shandong and placed in the hands of an organ of the central government. Thus Jiangsu expressed its support for unified management. Shandong province, facing the unified plan, had to swallow its words and expressed that “it agrees in principle.” Shandong had advocated unified control over Lake Weishan all along, so it would have been ironic now to demand control by Shandong only and not by the central government. Less than a month after the Xuzhou meeting the State Council approved the report and sent it back to the four provinces of Shandong, Jiangsu, Henan, and Anhui. The unified management plan was then officially adopted.<sup>32</sup>

The second item on the agenda was to discuss once again the inter-ministerial plan shelved the preceding year. On August 8, the Ministries of Civil Affairs and Water Resources were once again called to assemble and forward to the State Council another report, *Report on the Demarcation Plan of the Lake Weishan Area between Shandong and Jiangsu*. The report pointed out that the 1953 plan, which took the lakeside land as the border, “separated the lake surface from the land surface” and “swept all contradictions under the rug.” To “define a more appropriate border,” the report continued, “the middle line of the lower lake under the Second-level Dam should be defined as the border, with the western part going to Jiangsu and the eastern going to Shandong.” The report added, “in this demarcation plan, a large area will be cut out of Shandong, so Shandong needs to get its work in order.”<sup>33</sup>

“Investigation may be likened to the long months of pregnancy, and solving a problem to the day of birth.”<sup>34</sup> In actuality, the meeting at Xuzhou was postponed two times. According to Yang Jingren, “it was postponed so Beijing could get some of its affairs in order and draw up a good unified management plan and demarcation plan.” In addition, this time the meeting would

31 Ministry of Water Resources 水利部, “关于对南四湖和沂沭河水利工程进行统一管理的请示” (Request for instructions concerning the unified management of the water conservancy projects in the Lake Nansi basin and the Yi Shu and Si Rivers), Aug. 11, 1981.

32 “国务院转批水利部‘关于对南四湖和沂沭河水利工程进行统一管理的请示’的通知” (Ratifying notification of the State Council on “The request for instructions concerning the unified management of the water conservancy projects in the Lake Nansi basin and the Yi Shu and Si Rivers”), Oct. 7, 1981.

33 Ministries of Civil Affairs and Water Resources 民政部、水利部, “关于苏鲁两省微山湖地区划界方案的报告” (Report on the demarcation plan of the Lake Weishan area between Shandong and Jiangsu), Aug. 8, 1981.

34 Mao Zedong 毛泽东, “反对本本主义” (Oppose book worship), in 毛泽东选集 (Selected works of Mao Zedong), vol. 1 (Beijing: Renmin chubanshe, 1991), 110.

not only present the inter-ministerial report and its attached plan, but also an “instruction” from by the State Council. The instruction, which lacked an implementation date, announced that “the State Council intends to approve the inter-ministerial plan. We forward it to you now for your consideration. If you have any further comments, please report back.” It seems as though the State Council was prepared to settle the issue at Xuzhou and was just waiting for a joint endorsement by both provinces. The side that benefitted from the plan, Jiangsu, expressed its “basic agreement,” while the loser, Shandong, reemphasized the importance of unified management of the Lake Weishan area and further argued for its old plan of having the northern Jiangsu embankment as the border or having the first line of villages along the western side of the lake be drawn into Shandong province. Once again, the central government’s plan was accepted by Jiangsu and opposed by Shandong.

Yang concluded the Xuzhou meeting with a talk. In regard to the plan of unified management of water resources, Yang said, “After we get back, we’ll get the report of the Ministry of Water Resources signed and approved and put it into action as soon as possible.” However, with regard to the demarcation plan, Yang said, “This is a big problem; I can’t make a decision at this point. I need to go back and do some research. I may make mistakes if I’m forced to approve this right now.”<sup>35</sup> Before ending the meeting Yang requested that all of the stamped plans distributed at the meeting be collected to keep them from spreading. After the meeting, Jiangsu sent a telegraph to the State Council: “Desperate times call for desperate measures, not temporary solutions. In order to solve this problem at the root, borders need to be drawn sooner rather than later.” Nevertheless, with the inter-ministerial plan already ten months in the womb, delivery was going to involve complications.

### *A Review*

From the very beginning, the two plans discussed at the Xuzhou meeting had been the two “hands” simultaneously used by the State Council to solve the Lake Weishan dispute: one to solve the conflicts surrounding water resources, and the other to solve the border dispute. As suggested above, however, the end results of these two plans could not have been more different, the reasons for which we can see from the structural differences in the deliberative processes of the two plans. While the water resources plan won the approval of the stakeholders, on the demarcation plan there was no common ground among

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35 “杨静仁副总理在解决微山湖纠纷会议开始时的讲话和会中插话(根据记录整理)” (A talk and interposed remarks of Vice-Premier Yang Jingren at the Xuzhou meeting on solving the Lake Weishan dispute [based on notes]), Sept. 10, 1981.

the parties. In this sense, the central government's arbitration depended on the central government being the common ground for the conflicting governments at the provincial level. This is a manifestation of what Susan Shirk has called "delegation by consensus."<sup>36</sup> In fact, in November 1980, just before reactions to the inter-ministerial demarcation plan were solicited for the first time, Yang Jingren presided at a forum on solving border disputes among sixteen provinces and districts. Yang conveyed the central government's overall thinking on the mediation of border disputes. His comments read much like another elaboration of "delegation by consensus":

Border disputes are political problems. Of course, they are mainly caused by conflicts over economic benefits and can be thought of as contradictions among the people. The only way to solve these problems is to engage in proactive negotiation. It is best to negotiate before getting the State Council involved; otherwise it is difficult for the State Council to arbitrate. . . . I think that in a problem involving two provinces, it is best to first deliberate and discuss, and arrive at some agreement before having the State Council give its stamp of approval. Of course, the Civil Affairs Commission and the Ministry of Civil Affairs need to do some investigation to help the negotiations if at all possible. A base is needed to move forward. I hope everyone can understand . . . it is a little difficult right now for the State Council to state its position.<sup>37</sup>

## How the Central Government Worked Out a Decision

### *Cui Naifu's Little Solution Plan*

The inter-ministerial plan had yet to bear any fruit, and the Lake Weishan area was still locked in conflict. The reed-harvesting season of 1983 brought with it the worst news: in September four commune members had lost their lives in armed clashes. On October 23, the State Council's working group hurried to the region, this time with Minister Cui Naifu of the Ministry of Civil Affairs personally leading the way. The message this time was clear: the situation in the lake area had reached a boiling point and had to be solved immediately.

<sup>36</sup> Shirk, *Political Logic of Economic Reform in China*, 10.

<sup>37</sup> “杨静仁副总理在十六省、区负责人关于解决边界纠纷座谈会上的讲话（山东省民政厅记录）”（A talk by Vice-Premier Yang Jingren at the forum on solving the border disputes among sixteen provinces and districts [based on the notes taken by the Shandong Bureau of Civil Affairs]), Nov. 28, 1980.



We can see from the local archives that Cui was an expressive and fluent speaker, and his arrival made the story we are about to tell much more colorful.

The first time Cui Naifu met officials from both provinces, he told them exactly what was going through his mind: "I don't want to draw this out. If we can't talk this out here, then comrades from both provinces need to come to Beijing and have the State Council and the Secretariat of the party Central Committee get this problem solved. People are getting beaten to death every year now, and it's becoming harder for us to explain to the masses what's happening here and why nothing has been done."<sup>38</sup> Yet, the five plans that Jiangsu and Shandong proceeded to lay out were essentially the same old tune. Jiangsu proposed two plans: the big plan was to return to the pre-1953 traditional borderline in the lake area, and the small plan was to have the Wei River as the border. To soften the blow, the vice-governor of Jiangsu province added, "of course, making the middle line of the lake a border isn't out of the question." This was exactly the plan shelved two years earlier.<sup>39</sup> Shandong's plans, meanwhile, came with some slight modification: the first plan was to have the northern Jiangsu embankment as the border, the second was to have the first row of villages lining the lakeshore traditionally farmed by Jiangsu transferred to Shandong, and the third, which had nothing to do with boundary adjustment, was to have the river flowing along the embankment mark the separation of the respective lakeside land and lake-related resources of the two provinces.<sup>40</sup> What it boiled down to was Jiangsu asking for divided control, advocating that its interests in the lake should be recognized, while Shandong was asking for unified administration, thus turning an interprovincial issue into an intra-provincial one, and thereby solving the Lake Weishan problem.

38 "崔乃夫部长召集苏鲁两省负责同志商谈会议日程时的讲话" (A talk by Minister Cui Naifu on setting the agenda of the meeting with the main officials from Jiangsu and Shandong), Nov. 23, 1983.

39 "关于沛微纠纷问题向省市领导同志的汇报提纲" (Outline of the briefing for the officials at the provincial and municipal levels on the disputes between Peixian and Weishan counties), Oct. 23, 1983; "徐州市水利局关于南四湖地区边界纠纷问题的汇报提纲" (Outline of the briefing by the Xuzhou Bureau of Water Resources on the border dispute issue in the Lake Nansi area), Oct. 24, 1983.

40 "卢洪同志拟向国务院工作组提出的关于解决微山县与沛、铜两县沿湖边界纠纷的初步方案(电话传送稿)" (Preliminary plan for resolving the border dispute between Weishan, Peixian, and Tongshan counties, to be proposed to the working group of the State Council by Comrade Lu Hong), Oct. 26, 1983; "李文同志在解决苏鲁微山湖边界争议会议上的发言" (Speech by Comrade Li Wen at the meeting on resolving the border dispute between Jiangsu and Shandong in the Lake Weishan area), Oct. 26, 1983.

As the “emperor’s envoy” sent from afar charged with mediating the dispute, Cui had his own ideas. Two years earlier the inter-ministerial plan, which suggested redrawing the interprovincial border in the lake area, had no real result. Against this background, Cui threw his own “little plan” into the mix: do not change the border, just make some “minor adjustments” in the lake resources area that are most prone to armed clashes. As Cui said, the lake’s resources were “muddled together” and, without a method for certifying ownership, violent confrontations were inevitable. “Isn’t this meeting to draw a line in the conflict zone and let these people get on with their lives?” According to Cui, the distribution of lake resources was not “lawfully decided,” so there was no point in getting bogged down in the 1953 agreement and all the regulations that came after it. In contrast, a rational solution, in Cui’s view, had to achieve a balance between the interests of the masses of both provinces: “When making a border, you have to take into account the differences in the lives on both sides. If after making the border, one side has all the meat and the other only has soup, then that border is not going to be viable.” However, at least during this meeting, the “little plan” had not reached a state where both sides could have “a give-and-take and come to an agreement.” In concluding the meeting, Cui stated, “No one has the power here to make a final decision. We’ll go back to Beijing and present the pros and cons of each plan to the central leaders and give them a fair hearing. We didn’t come here with a plan but to take in all the suggestions we can and bring them back.”<sup>41</sup>

Shortly after the working group arrived back in Beijing, the Administrative Office of the State Council relayed to the two provinces the plan that the working group had drafted. The plan was based on “three unchangeables”: the administrative border approved by the State Administration Council in 1953 would not be changed; jurisdiction over lakeside land, lake resources, and the lake surface would not be changed; and the water resources of the Lake Nansi area being managed by the Huai River Administrative Commission would not be changed. Under the premise of the three unchangeables, one small solution was recommended: “to partition the lakeside land and the lake resources in accordance with actual cultivation and the economic situation of the masses on both sides, so that the boundary between farmland

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41 “民政部崔乃夫部长在解决苏鲁微山湖边界争议协商会议结束时的讲话” (The concluding talk by Minister Cui Naifu at the negotiation meeting on resolving the border dispute between Jiangsu and Shandong in the Lake Weishan area), Oct. 27, 1983.

and resources exploitation can be drawn.”<sup>42</sup> To the working group, the biggest advantage of the “three unchangeables and one small solution” plan was that it respected the actual local patterns of usage and did not try to rewrite history, which was the mistake made by the inter-ministerial plan. In retrospect, Cui’s little plan did not deny Shandong’s unified administration of the lake surface, nor did it deny Jiangsu’s interests in the lake area, thereby making it all the more possible to get the agreement of both provinces. Furthermore, since just “minor adjustments” over lakeside land and lake resources were needed, carrying out the plan would be easier. For a time there was a great possibility of this plan becoming the final decision of the State Council. Officials from both sides went to Beijing and heard the plan. After coming back to Ji’nan, for instance, a Shandong official reported to the provincial party committee, “right now, the central working group is preparing some background materials and drafting a specific plan to report to the State Council and Secretariat of the Central Committee. We believe that this time it won’t be put off much longer.”<sup>43</sup>

*Wherever There’s Trouble, Give It to Shandong*

“The longstanding conflicts in the Lake Weishan area have yet to see a solution. The interests of the masses have been damaged. First off, the State Council’s inability to take decisive measures is a sign of impotence; the relevant leaders from both provinces should also be held responsible.” On January 20, 1984, Vice-Premier Wan Li, upon hearing Cui Naifu’s report, launched a round of criticism and self-criticism. Wan Li, on behalf of the State Council, set the tone for solving the Lake Weishan dispute: “In order to arrive at a complete solution of this problem, the State Council needs to make a clear decision. After making a cost-benefit analysis from all angles, we think it is better to take the troublesome and conflict-prone villages and put them under Shandong’s unified administration.” This statement, which was later dramatized by locals in the lake area as “Wherever there’s trouble, give it to Shandong,” implied that there would in fact be a modification of the administrative border, contradicting Cui’s little plan. As for the work that followed, Wan Li directed the

42 “国务院办公厅有关微山湖争议问题处理方案的电话通知” (The telephone notification of the Administrative Office of the State Council on the plan for solving the Lake Weishan dispute), Nov. 11, 1983.

43 Shandong Bureau of Water Resources 山东省水利厅, “关于向国务院办公厅汇报我省对解决南四湖地区鲁、苏两省边界争议方案的情况汇报” (Report on the briefing to the Administrative Office of the State Council on our proposal to resolve the border dispute between Shandong and Jiangsu in the Lake Nansi area), Nov. 24, 1983.

central working group to “have the Ministry of Civil Affairs work out a concrete plan, and draft a notification on behalf of the State Council, and then send it to Shandong and Jiangsu via the Administrative Office of the State Council. If there are no further comments, then carry out the plan according to the regulations in the notification. If there are comments, then the State Council will have its Standing Committee meeting ask leaders from both provinces to attend. After a decision has been reached in the meeting, both provinces must carry it out.”<sup>44</sup>

“We think it is better to take the troublesome and conflict-prone villages and put them under Shandong’s unified administration” became the working group’s new baseline for solving the Lake Weishan issue. Since this baseline implied a clear benefit to Shandong, for a long time afterward, the accusation that Wan Li, as a Shandong native, was siding with his native province could be heard everywhere in the area. But looking at it fairly, the Lake Weishan dispute was a zero-sum game all along. Any decision made favoring one side would negatively affect the other, and Vice-Premier Wan Li, a representative of the plenary power of the State Council, had the right to “make minor adjustments.” Furthermore, this new baseline was a continuation of the 1953 agreement, or an adaptation of the unified management principle under new conditions, reflecting the solution that Shandong had advocated all along: to make an interprovincial problem intra-provincial. As Wan Li indicated in this speech, “the whole country needs to be unified, and the Lake Weishan area also needs peace and solidarity. We can’t have anymore childish scuffles over there.” So although Wan Li’s rationale was the same as that of Shandong’s, “troublesome and conflict-prone,” the standard Wan Li proposed, was different from that of “the northern Jiangsu embankment as the border” or “the first row of villages lining the lake” as Shandong had defined it. This subtle difference reflected the central leadership’s all-encompassing view.

After Wan Li’s speech, the working group put forward the draft of a new plan in early February. According to this plan, the State Council’s principles for solving the Lake Weishan issue were as follows: “using the 1953 State Administration Council’s official reply to the creation of Weishan County as a base and grounded in reality, reasonably divide the interests among the masses and adjust the administrative border in part.” The plan had five specific suggestions, respectively on (1) lakeside land; (2) the administration of

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44 “Comrade Wan Li’s Speech at the Meeting on the Report Delivered by Comrade Cui Naifu of the Ministry of Civil Affairs on the Issues Concerning the Resolution of the Dispute over Lake Weishan” (Jan. 23, 1984), 国务院办公厅秘书局:《要事摘报 (10)》(1984年1月23日).

water resources; (3) lake resources and adjustments of administrative divisions; (4) public safety in the lake area; and (5) ideological and political work. Most important was the third, on adjustments of administrative divisions and lake resources: “all districts that have not had conflicts in the past three years and are farmed by the masses of Peixian county [in Jiangsu] should continue to be farmed by them, but will be under the jurisdiction of Weishan county [in Shandong]. All districts that have experienced conflict and armed fighting should be transferred to Weishan county with their respective lands, using the natural village as a unit, together with those who depend on lake resources for their livelihoods or those for whom lake resources make up a significant portion of their livelihoods.”<sup>45</sup> What was written into the new plan was exactly the baseline set by Wan Li. From the 1981 inter-ministerial plan to the working group’s 1984 plan, there was a complete switch in who would win. If the State Council were to ratify this plan, villages of Jiangsu that had experienced armed conflict in the preceding three years would go to Shandong. Although the specific number of villages would be determined by how this regulation was interpreted, the Jiangsu side was sure to lose since, as the local people put it, it would have to “give up land and forfeit lake resources.”

At the end of February, Shandong reported to the State Council and expressed its views on the new plan: “We agree with the important speech by Vice-Premier Wan Li on how to solve the Lake Weishan issue as well as the specific suggestions by the State Council. In taking decisive action and solving this controversial problem, the State Council has expressed the wishes of the overwhelming number of cadres and masses in the lake area.” Shandong also stated with respect to the new plan that “it is correct and is in line with the spirit of unified administration of the 1953 reply of the State Administration Council on forming Weishan county. Many years of practice have proven that the four sub-lakes are one single unit that must be managed in a unified way if it is to benefit production and development. This plan brings all of the villages that depend on fishing and lake resources but frequently experience armed conflict under unified supervision, and streamlines all contradictions by putting one party in control, promoting unified planning, and thereby finally solving the problem.”<sup>46</sup>

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45 Lake Weishan Working Group of the State Council 国务院赴微山湖工作组, “关于解决微山湖争议的意见” (Suggestions on resolving the Lake Weishan dispute), Feb. 9, 1984.

46 “关于贯彻执行国务院解决微山湖地区鲁苏两省边界争议方案的意见” (Proposal on the carrying out of the suggestions of the State Council on resolving the border dispute between Shandong and Jiangsu in the Lake Weishan area), Feb. 25, 1984.

But if the failure of the inter-ministerial plan can tell us anything, it is that since Shandong would be the beneficiary, the attitude it expressed is simply what one would expect, while the really decisive factor was the position of the losing party, Jiangsu. If Jiangsu, mimicking Shandong two years earlier, were to make a reasoned and elaborate argument against the plan, then would that not cause a temporary or even indefinite shelving of the plan? In the middle February 1984, Jiangsu sent a work team led by a vice-governor to Beijing to consult with the State Council about the newly drafted plan. According to the documents, the Peixian county government was strongly opposed to the plan. When it heard the news, it sent a telegram to its party superiors: "We believe that to solve the Lake Weishan issue we must respect history, separate right from wrong, and be firmly grounded in reality. We formally request that the municipal and the provincial party committee promptly request that the Central Committee find a fair solution to the Lake Weishan dispute."<sup>47</sup> Whether or not opposition from lower-level government can get through China's complex web of multilevel bureaucracy depends on the attitude of the province. And in this case the official attitude of Jiangsu was fully embodied in a report sent to the State Council by the provincial party committee on March 4.

This twelve-page report was sent not only to the State Council, but also to the core leaders of the party Central Committee as well as the State Council leaders responsible for the Lake Weishan issue. The report had four parts, respectively titled "historical brief on the Lake Nansi area," "the origin and development of the Lake Nansi dispute," "opinions on the plan offered by the State Council's working group," and "our suggestions." The first part provided a Jiangsu version of the Lake Weishan dispute, after which the provincial party committee stated its position: "We believe that, in actuality, this plan takes a lake that is shared between two provinces and makes it a lake entirely within the borders of Shandong, totally separates the water surface from the land area along Jiangsu's side of the lake, and takes the main water channels or drainage outlets and puts them under the control of Shandong."

The report went on to state Jiangsu's position on the issues of lake resources, demarcation, and water resources. As for lake resources, perhaps as a move to gain more room for negotiation, Jiangsu agreed to go along with the State Council's plan: "With respect to the controversial lake resources, we will go along with the State Council's arbitration. If the lake resources managed by Peixian county are transferred to Weishan county, and the villages and

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47 "中共沛县县委传真电报" (Fax telegram of the party committee of Peixian county), Feb. 20, 1984; "沛县县委常委会议记录" (Record of a Standing Committee meeting of the party committee of Peixian county), Feb. 20, 1984.

people managing the resources still remain in Peixian, Jiangsu will deal with the resulting problems concerning the villagers' lives and production." In other words, Jiangsu's strategy was to abandon the lake resources but keep the villages. With respect to the demarcation issue, the report states: "We believe that the Lake Nansi dispute is an administrative border issue." Perhaps because of pressure from the State Council, the demarcation plan that Jiangsu suggested was not the same as the previous "middle line as the border," but rather drew a line at "32.5 meters elevation [above sea level] as the border, about 500 to 1,000 meters east of the Beijing-Hangzhou Grand Canal." In the viewpoint of the province, this was a necessary compromise, while for the lower-level governments it perhaps looked like the result of weakness. But even as a concession, it would still break through the bottom line of unified management that the State Council was insisting on. With regard to the water resources issue that concerned the province the most, "Jiangsu cannot make any concessions with respect to the utilization of water resources and the management of the northern Jiangsu embankment. The fact that the water resources of Lake Nansi are resources shared between two provinces cannot be changed." These two "cannot's" left no room for further negotiations.<sup>48</sup>

### *The Central Government Drops the Gavel*

What happened next was very different from the story in 1981. This time, the central government exercised its legal authority to drop the gavel. On April 18, 1984, with Vice-Premier Tian Jiyun presiding, the State Council called a meeting in Beijing between Shandong and Jiangsu on the Lake Weishan issue. A deputy secretary-general of the State Council read out the notification of the party Central Committee and State Council's approval of the report of the Lake Weishan working group.

Just as before, Vice-Premier Tian Jiyun started his talk with the words "[this] must be solved immediately." "If we don't take action on the Lake Weishan issue now," he continued, "what power does the party Central Committee and the State Council really have? Are we even a party? Can we govern our own country?" Shortly after, Tian recounted how the State Council made its decision this time: the State Council, after "careful consideration," "with respect to the plans of both provinces, conducted research multiple times. By weighing the pros and cons, it believes that the plan of the working group is the most feasible," and on that basis made the decision about the "three unchangeables

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48 CCP Party Committee of Jiangsu 中共江苏省委, "关于苏鲁边界南四湖地区问题处理意见的报告" (Report on suggestions for solving the Lake Nansi issue in the boundary zone between Jiangsu and Shandong), Mar. 4, 1984.

and one small adjustment”: “the first is that the basic administrative divisions will not change; the second is that the unified administration of water resources will not change; and the third is that the current management of the lake’s resources and the lakeside land will basically not change. The one small adjustment is with respect to the areas with the most severe conflicts over the lake’s resources and lakeside land: here, small adjustments in administrative divisions will be made.” Confronting a plan entailing the loss of villages and lake resources, the Jiangsu side, especially lower-level officials, had a few things to say and had even prepared a report before the meeting. However, Tian Jiyun struck this move down with just one sentence: “The democratic phase has ended, and now is the time for centralization.”<sup>49</sup>

On April 30, the party Central Committee along with the State Council approved the report from the working group as Zhongfa [84] Official Letter No. 11. The demarcation plan that was attached was made even more specific: “Using the natural villages they inhabit as a unit, all the people who have experienced conflict and armed fighting in the last three years and depend on lake resources for their livelihoods are to be transferred to Weishan county, together with their land. If there are those whose natural villages do not derive their main livelihood from lake resources, and furthermore do not wish to be drawn into Weishan county, they have the choice not to be, but these people henceforth will not be allowed to enter the lake area and manage lake-related resources.” The final project added a “but” clause, which actually amounted to accepting Jiangsu’s strategy to abandon the lake resources but keep the villages. According to this clause added at the last minute, not all of the villages suffering from violent conflicts had to be drawn into Shandong. In other words, Jiangsu successfully fought for the option of abandoning the lake’s resources but keeping its villages. This perhaps assuaged the raw emotions on the Jiangsu side, but as the following shows, the “but” vastly increased the difficulty of implementing Document No. 11.

Document No. 11, together with the report drafted by the working group, was sent not only to Shandong and Jiangsu provinces, but also to every provincial-level party committee and government as well as all the ministries of the State Council. The Lake Weishan case thus became an example set by the central government. The official notification in Document No. 11 states: “All areas with border disputes must also act in accordance with the spirit of party discipline; each must engage in self-criticism and mutual understanding, and strengthen unity to quickly solve any problems.” Furthermore, it was

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49 “Talk by Vice-Premier Tian Jiyun on the Resolution of the Lake Weishan Dispute,” April 18, 1984.



the Central Committee, not the State Council, that gave the final stamp of approval to the report. This perhaps shows that although administrative divisions are primarily a matter under the administration of the State Council, interprovincial issues are nevertheless political matters to be addressed by the party Central Committee.<sup>50</sup>

### *Why THREE Documents?*

We must end our story here. Document No. 11 did not bring a hole-in-one solution to the Lake Weishan issue. We can only say that this document was the beginning of the end. Two more documents followed: the State Council's guofa [84] Document No. 109 in August 1984 as well as the Administrative Office of the State Council's [85] Document No. 61 in September 1985, which, together with Document No. 11, comprised the "three central documents" on Lake Weishan.<sup>51</sup> The three documents themselves show that just one document could not solve the problem. Furthermore, in this series of three documents, the last two were created to deal with the problems left behind in carrying out the original decision of Document No. 11. This article does not aim to delve into policy-solution research, and the following does not discuss why the three documents failed to solve the Lake Weishan issue, but rather why there are *three* documents.

As we know, the key to Document No. 11 was small demarcation adjustments. In all fairness, the demarcation adjustment this time was really just a "small" adjustment. If the inter-ministerial plan in 1981 had gone through, the blow dealt to Shandong would have been many times larger than that to Jiangsu in 1984. However, in a unitary government, size is not necessarily the decisive factor in the difficulty of carrying out a policy. A few demarcation plans appeared in the above story: for example, the inter-ministerial plan to take the middle line as the border, Jiangsu's plan to take the Wei River as the border, or Shandong's plan to make the northern Jiangsu embankment the border or have the villages bordering the western shore of the lake be incorporated into Shandong. The above-mentioned plans had an even bigger effect on the status quo, but because their application had a workable and practical standard, they would have been much easier to carry out. In contrast, "conflicts and armed fighting" over the preceding three years, which was the standard in Document No. 11 for the adjustments of administrative divisions, was not self-enforcing. The implementation was made even more difficult by the "but" clause added

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50 "Notice of Ratification by the CCP Central Committee and the State Council, zhongfa (84), No. 11."

51 For detailed information on these three documents, see *supra*, Note 6.

in response to Jiangsu's request, involving abandoning the lake's resources but keeping the villages. The final result of the adjustments depended on how "conflicts and armed fighting" and the "but" clause were interpreted.

As we can easily imagine, from the very beginning Shandong gave the zone of "conflicts and armed fighting" as expansive an interpretation as possible, and advocated that in carrying out the document, Jiangsu should give up thirty-eight villages, exactly the number of the first row of villages that line the lake in Peixian county. Jiangsu, on the other hand, proposed an interpretation that was as narrow as possible, claiming that only twelve villages had experienced armed conflicts. Of these villages, seven had experienced "normal conflicts" and did not need to be transferred from Jiangsu's jurisdiction, while the remaining five were the site of severe conflicts, but they did not have the lake's resources as the main source of their livelihood, and thus one could "throw out the lake's resources but keep the villages." The first round of negotiations, therefore, involved trying to close the gap between 38 and 0. Shandong and Jiangsu negotiated during May in Xuzhou and in July in Ji'nan, where Shandong proposed a "28-10" scheme (whereby twenty-eight villages would be transferred to Shandong and ten would give up their rights to the lake's resources), and Jiangsu proposed a "7-5" scheme. This was the lower limit decided by each side. And the State Council's Document No. 109, the second of the three documents, was Beijing's answer to this problem. According to Document No. 109, "fourteen villages are to be incorporated into Weishan county," while six villages would remain in Peixian county, although the inhabitants of those villages would no longer be able to enter the lake area or exploit the lake's resources. The result thus was "14-6."

The State Council document also solved another important problem. When Weishan county was created in 1953, Peixian county gave up fifteen villages on the west side of the lake to Shandong. Now having the newly acquired fourteen villages, Weishan county grouped the twenty-nine villages there into four towns. On the west side of the lake where Weishan had villages, the western line of these villages was set as the interprovincial boundary. However, along the area where there were no villages of Shandong, a question remained: where should the interprovincial border be drawn so that Lake Weishan could be administrated in a unified way, and also so that the people along the lake in Peixian county could get access to the lake? On this issue, Jiangsu argued that the line should be drawn 150 meters from the eastern end of the northern Jiangsu embankment, while Shandong advocated that the western end of the embankment should mark the border. Document No. 109 had a balanced answer for this conflict: for villages west of the embankment that were administered by Weishan county, the western line of these villages as well as the land

they farmed should be the border, while for other areas, the borderline was to be set along a line extending 60 meters east of the eastern end of the embankment. Although this provision in the central document is precise, even down to the meter, due to hair-splitting over what exactly constitutes “the eastern end of the embankment,” Shandong and Jiangsu presented very conflicting interpretations. Hence, what was clear at the top level became vague at the bottom.<sup>52</sup>

Why were there three documents? The reason was provided by Cui Naifu: “The big problem was solved, but there are still medium-size problems and small problems.”<sup>53</sup> Even more importantly, because “left-over problems” needed to be solved, this caused the problem in the first place not to receive a proper solution. Minister Cui was a direct witness to the birth of these three documents. We can follow the local archives to see a change in his attitude: in May 1984, as the two provinces were discussing how to implement Document No. 11 for the first time, Cui Naifu’s words clearly showed his relaxed state of mind. He asked comrades from the ministries and provinces to let the locals talk it out.<sup>54</sup> In the July Ji’nan meeting, Cui unveiled his trump card and urged the two counties not to “test the waters.” Cui admonished Peixian and Weishan counties to come up with an agreement within the deadline, otherwise the two county magistrates would have to switch posts or even be relieved on the spot.<sup>55</sup> In November 1984, Cui warned the Peixian county magistrate, who was visiting Beijing, “Why throw good money after bad? Why not just bite the bullet now before it gets worse?”<sup>56</sup> In March 1985, Cui Naifu had some words of wisdom for the work teams from both provinces: “I really feel like there is a bad

52 “Notice of Ratification by the State Council, guofa (84), No. 109.”

53 Peixian County Government 沛县人民政府, “崔乃夫接见朱继荣的讲话” (A talk by Cui Naifu on receiving Zhu Jirong), Nov. 22, 1984.

54 The Xuzhou Group for Implementing Central Document No. 11 贯彻中央 11 号文件徐州小组, “关于参加苏鲁两省贯彻中央 11 号文件的会谈情况汇报” (Briefing on the negotiations in the meeting on carrying out Document No. 11 between Jiangsu and Shandong), May 25, 1984; Shandong Implementation Group 山东省贯彻小组, “贯彻党中央、国务院关于解决微山湖争议问题通知会议情况的汇报提纲” (Outline of the briefing on the meeting on carrying out the notification of the CCP Central Committee and the State Council on the resolution of the Lake Weishan dispute), May 29, 1984.

55 Xuzhou Municipal Government 徐州市人民政府, “关于济南会议商谈解决微山湖争议问题的情况汇报” (Briefing on the Ji’nan negotiation meeting on resolving the Lake Weishan dispute), July 31, 1984; People’s Government of Shandong Province 山东省人民政府, “苏鲁两省解决微山湖争议会商情况” (Briefing on the negotiations between Jiangsu and Shandong on the Lake Weishan issue), July 30, 1984.

56 Peixian County Government, “A Talk by Cui Naifu on Receiving Zhu Jirong,” Nov. 22, 1984.

omen here. Don't let this get out of hand and force the central government to take strong measures. You'd better solve this through negotiation; the central government now has teeth."<sup>57</sup> Up until 1986, the Jiangsu Bureau of Civil Affairs was preparing a report for Cui Naifu on the Lake Weishan situation to be given to him during his inspection of Jiangsu. Cui put his answer in no uncertain terms: "There are three disappointments in dealing with the Lake Weishan issue. Jiangsu is disappointed, Shandong is disappointed, and I'm also disappointed. There's really nothing I can do anymore. You are going to have to get the premier to step in and handle it."<sup>58</sup>

### Centralized-Minimalist Government

As Vivienne Shue once argued, "In China, the *idea* of state authority is then, perhaps, always singular, transcendent, and universal; the *realization* of rule, however, is always plural, rooted, and particular."<sup>59</sup> The above story is just that: plural, rooted, and particular. With this story, I attempt to carve out a theoretical model of centralized-minimalist government. As suggested at the beginning of this article, this term is taken from Philip Huang's analysis of "centralized minimalism." Huang and his fellow researchers, based on local litigation archives, engaged in a series of thick-description case studies on the ground-level governance between state and society.<sup>60</sup> The story told in this article, based on newly available archival material is an extension of Huang's concept to a new location. As the above discussion shows, the Lake Weishan story is based on but not limited to local archives. If we are to have a panoramic view of this dispute, the materials need to come from the two provinces down to the county level, as well as from the central government. Furthermore, the mediation of the Lake Weishan issue from beginning to end was a kind of

57 "崔乃夫部长的讲话" (A talk by Minister Cui Naifu), Mar. 18, 1985.

58 "苏士语副市长和朱继荣县长向省政府领导同志汇报沛、微边界纠纷时的谈话记录" (Record of the briefing by Deputy Mayor Su Shiyu and Magistrate Zhu Jirong to leaders of the provincial government on the border dispute between Peixian and Weishan counties), Nov. 6, 1986.

59 Vivienne Shue, "Rule as Repertory and the Compound Essence of Authority," *Modern China* 34, no. 1 (Jan. 2008): 142 (emphasis in the original); Xu Huiwen 许慧文 [Vivienne Shue], "统治的节目单和权威的混合本质" (Translation of "Rule as Repertory and the Compound Essence of Authority"), *开放时代* (Open Times) no. 2, 2008: 88–93.

60 Huang, "Centralized Minimalism: Semiformal Governance"; Huang Zongzhi 黄宗智 [Philip C. C. Huang] and You Chenjun 尤陈俊, eds., *从诉讼档案出发: 中国的法律、社会与文化* (Research from archival case records: Chinese law, society, and culture) (Beijing: Falü chubanshe, 2009).

“lawsuit” but without the involvement of the courts. That is to say, the archives, on which my research is based, are different from the litigation materials used by Philip Huang. The most vibrant, interesting, and theory-loaded aspect of the Lake Weishan case is not how a unitary regime governed a multifaceted society, as this is not to be found in sources on how the lower levels of the state bureaucracy used “the third realm” to implement minimalist governance, but rather how a formally unitary centralized state, in carrying out minimalist governance from within, is stratified and organized vertically, especially in the “critical locus” between the central and provincial governments.

### *The Structure of Centralized Authority*

The Lake Weishan case seems to reflect the central government’s impotence. As Wan Li stated, “The longstanding conflicts in the Lake Weishan area have yet to see a solution. . . . The State Council’s inability to take decisive measures is a sign of impotence.”<sup>61</sup> And Tian Jiyun also had words to the same effect. If we are to compare the central government’s practice of governance with its rhetoric, the weakness of the central government becomes apparent. An official reply to the negotiations over water resources among Hebei, Henan, Jiangsu, Shandong, and Anhui dating back to 1964 can be found within the local archives.

The widespread conflicts over water resources in the region have natural and historical origins. But we are Communists, our government is revolutionary, unified, and empowered by the people, we have the power to solve international problems, who says that we have to be stuck with some local water resource disputes within our own borders? The party Central Committee and the State Council demand that every level of party and government, all in the spirit of the Communist ideal, act from the big picture to solve these problems with determination, seriousness, and earnestness. . . . All relevant regulations set by the party Central Committee and the State Council, all agreements between provinces, ought to be announced to the cadres and people on the local border, and made known throughout the land.<sup>62</sup>

61 “Comrade Wan Li’s Speech at the Meeting on the Report Delivered by Comrade Cui Naifu.”

62 “中共中央、国务院对解决冀鲁豫皖苏有关边界水利问题的协商意见的批示” (Written Instructions of the CCP Central Committee and the State Council on the negotiation to solve the water resources issue in the boundary region among Hebei, Shandong, Henan, Anhui and Jiangsu), Aug. 15, 1964.

Thus, it is commonly believed that although the central government can be all-powerful in rhetoric, it is often impotent in practice. As Huang reminds us, however, formal representation of the law is not only rhetorical but also what he calls “representational reality” in contrast to “objective reality.” Therefore, we must strive to explore the complicated relationships between representational and objective realities.<sup>63</sup> This is exactly why the discourse of “impotence” cannot be used to describe the practices of China’s centralized government but can only be used as a starting point to spur further research. In this sense, China’s centralized model cannot be encompassed by the dominant theories of centralization, but rather must be seen as an alternative type of centralized authority with Chinese characteristics.

First, just as the totalitarianism discourse is sometimes a strategy of representational reality and “theatrical representation of sovereignty” in the sense proposed by Lucian Pye, the discourse of “impotence” should also be deemed as representational reality with a theatrical function. That is to say, every time the center calls for unity and solidarity, it is actually signaling the rise of regionalism. As the Lake Weishan story shows, on the other hand, every time the center criticizes its own “impotence,” this is actually signaling a critical moment when the state’s strong hand goes into action. Therefore, a practice-oriented theory is not simply a denial of representational reality by counterposing objective reality, but is a synthesis of the two halves into a whole through a comprehensive analysis.

Second, although the central three documents did not totally solve the Lake Weishan problem, the pragmatic failure or success of a policy solution, logically speaking, is distinguished from the question of the centralization or decentralization of the government. The “delegation by consensus” model, which was followed in the central government’s arbitration, means that opposition from provincial-level governments can mostly negate or at least shelve the central government’s policy proposals. But there is the other half of the truth that cannot be denied. The sovereign center always holds an “ultimate veto” pen and how it chooses to use this pen is not affected by local will. Just as lower-level officials in Jiangsu said in early 1984, “we used all of our resources. If the State Council is going to reach [a decision] through arbitration, there’s nothing we can do about it.”<sup>64</sup> Thus, we should not suppose that just because

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63 See e.g., Philip C. C. Huang, “Rural Class Struggle in the Chinese Revolution: Representational and Objective Realities from the Land Reform to the Cultural Revolution,” *Modern China* 21, no. 1 (Jan. 1995): 105–43; Huang, *Experience and Theory*, 3.

64 “沛县四个机构负责人联席会议记录” (Record of a joint meeting of four branches of Peixian county), Mar. 5, 1984.

the center prudently wields its decisional power only in rare cases, that that power does not exist in the law. In fact, it is because of the center that the Lake Weishan conflict was contained as an interprovincial issue and never bled over into an all-out civil war in the lake area.

Third, decision-making power or the ultimate veto pen reserved by the center is not only embedded in the formal bureaucratic complex of the modern nation-state, but also in the Communist party-state system. Vice-Premier Tian Jiyun stated in regard to Document No. 11 that “there is no need to talk about ‘notification’ any longer. We have already taken enough comments. If the provinces as well as municipalities and counties still have comments, they can bring them up, keep silent, or submit reports, but they must do so by ‘notification’; they cannot go about it the wrong way. This has to be guaranteed through party spirit. This is a political issue and both of you must stay in line with the party Central Committee.”<sup>65</sup> We can see that when the central government unites local opinion via central policy, the resources it uses are more about the discipline and organization of the party-state than those of formal law. This is what Tian meant when he said “guaranteed through party spirit.” Also, in spurring on the implementation of Document No. 11, Cui Naifu played his trump card, demanding lower-level officials reach an agreement within the deadline, or else relocate the county magistrates or even relieve them of duty. This trump card cannot be apprehended without taking into consideration the *nomenklatura* system of the party-state.

### *The Daily Model of Minimalist Governance*

Since political authority in China is centralized, with the central government holding the ultimate veto power and during times of necessity, utilizing party discipline and organization to carry out its will, why then did the central government in this case appear so “impotent”? Why did the central government resort to negotiation and consultation instead of top-down arbitration? The Lake Weishan dispute presented the issue of administrative divisions within the bureaucratic system of the State Council, but why was it turned into a judicial proceeding where the central government played the role of mediator? In accordance with the storyline told above, the answer lies in the fact that within a formally centralized system, a new kind of “minimalist governance” has been practiced on a daily basis in the vertical division between the central and local governments.

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65 “Talk by Vice-Premier Tian Jiyun on the Resolution of the Lake Weishan Dispute,” April 18, 1984.

First, according to the narrative of some prevailing theories, a centralized regime has no “localities” to speak of in actuality; local government is no more than a tentacle extending out from the body of the center. Local government does not, nor ought to have its own will in a formally legal sense and what it can do is to faithfully apply directives sent from the center and adapt them to a very limited extent to suit local conditions. In contrast to this prevailing narrative, China’s central government has always had problems extending its will out to the periphery of the state, which has been deemed an “anomaly” in order to make this centralization narrative consistent. The Lake Weishan case reveals, however, that in China the locality often exhibits a duality, representing on the one hand the will of the central government from the top down, and on the other representing the interests of those under its administration from the bottom up.

In most situations the dual representation of local governments is unproblematic, but the uniqueness of the Lake Weishan case lies in the fact that this duality experienced an “either-or” split. In early 1985, when central officials went to the lake area to follow up on the implementation of Document No. 11, the magistrate of Peixian county stated in his briefing, “I’m not crying about it, but just take a look at the situation I’m in. I have orders from the central government over my head but I can’t turn my back on the people under me.” This statement vividly shows the duality experienced by local government and officials. Even when facing directives from the top, they can still use the rhetoric of local interests to carry out soft resistance. Also in this conversation, in response to the suggestion on arbitration from the central working group, the Peixian county magistrate said, “Comrade Wan Li said that however much power the State Council has, it cannot hurt the interests of the masses.”<sup>66</sup> It is precisely because the Lake Weishan case experienced tension from both directions that we can see how great the extent of this kind of duality can be. In actuality, Wan Li did state in 1986, “I don’t believe that department or localities should not think highly of their own winning and losing, because that’s part of what they were promised when they took the job.”<sup>67</sup>

Second, when forming a policy, the cost of carrying it out should also be considered. In China’s multilevel government, the fact that minimalist governance is achieved through negotiations to build consensus instead of forcing a

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66 “朱继荣县长向李司长汇报的几个问题” (Several questions presented by Magistrate Zhu Jirong to Sub-Ministry Chief Li), Jan. 31, 1985.

67 Wan Li 万里, “决策民主化和科学化是政治体制改革的一个重要课题” (Democratic and scientific decision making is an important theme in the reform of political system), 人民日报 (People’s Daily), Aug. 15, 1986.



solution through administrative means could possibly increase the cost of policy making, but correspondingly decrease the cost of policy implementation. Cui Naifu asked, "Why do we use consultation and not simply drop the gavel? If there are problems after you drop it, then there's nothing you can do but drop another one."<sup>68</sup> Why does the central government "have problems" after dropping the gavel? "Problems" in Cui's words often occur during the phase of implementation. With China being a community of vast diversity, central policy often experiences what can be called a state of "clear at the top but not at the bottom," which entails an ongoing waste of administrative resources in a never-ending search for the resolution of problems left behind. Minimalist governance utilizes the art of judicial mediation because a consensus-based policy has a much better chance of being efficiently, smoothly, and reliably implemented.

The Lake Weishan issue arose because the original decision on "the lakeside land as the border" in the 1953 agreement was clear enough at the top but not at the bottom. In fact, it evoked differing interpretations when there was conflict. Our analysis of Document No. 11 also shows that the reason this document did not bring the job to a close, but needed two follow-up documents to solve the problems it left behind is based on the fact that the standards it enacted for adjusting administrative divisions were clear at the top but not at the bottom. A consensus-based central policy, which is arrived at by minimalist governance, can to a large extent avoid the pathology of left-over problems within China's multilevel bureaucratic system.

Third, the 1982 Constitution of the People's Republic states in its General Principles: "The state organs of the People's Republic of China apply the principle of democratic centralism." As for the central-local relationship, Article 3 of the Constitution states: "The division of functions and powers between the central and local state organs is guided by the principle of giving full play to the initiative and enthusiasm of the local authorities under the unified leadership of the central authorities." The Lake Weishan case shows how the constitutional principles of democratic centralism and the two initiatives were practiced in the central-local realm. But how can centralism be democratic and how can bottom-up initiative work in collaboration with top-down initiative? The answer lies in the minimalist-government art of "consulting to settle matters." In "On the Ten Major Relationships" Mao Zedong pointed out that "it is the practice of the Central Committee of the party to consult the local authorities; it never hastily issues orders without prior consultation. We hope that the ministries and departments under the central authorities will play

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68 "Talk by Minister Cui Naifu," Mar. 18, 1985.

due attention to this and will first confer with the localities on all matters concerning them and issue no order without full consultation.”<sup>69</sup> Jiang Shigong, in discussing China’s unwritten constitution, has described the method of “consulting to settle matters” as a “constitutional principle” used to reconcile divergences between the central and local governments. As Jiang has pointed out, “thus, the principle of ‘consulting to settle the matter’ is presented as a way of extending the principle of democratic centralism of the unwritten constitution into the bureaucratic system of the written constitution, and by integrating these two constitutions, ensuring that ‘initiatives from two sources’ can be better implemented.”<sup>70</sup>

Looking back on the Lake Weishan story, “consulting to settle the matter” could be said to be the basic method of minimalist governance within a formally unitary and functionally centralized government. From 1980, when the central working group was sent to the lake area, through 1984, when Document No. 11 was announced, the central government sought advice from Shandong and Jiangsu provinces many times, policy information on the Lake Weishan issue flowed freely between the central and local governments, and consultation was required before the central government gave an order. All this implies that the decision of the central government was based on the agreement of the local governments, and that rejection from below could shelve the central agenda. On the other hand, however, minimalist governance does not negate centralized authority from the top. In certain rare situations, the decision-making power of the center can overrule a veto from below, and once a final decision is made, the locals can no longer speak freely about the issue but must faithfully carry out the order worked out during the democratic phase. That is to say, although a centralized structure and the agency of minimalist governance are elaborated separately, the two supplement each other in practice.

The Lake Weishan story recounted in this article is a case that reveals the weaknesses of prevailing theories. Centralized-minimalist government, in the dominant theoretical narrative, is also a formulation containing very real tension or even contradictions: since authority is centralized, why must it be minimal? Put another way, why does minimalist governance still sustain

69 Mao Zedong 毛泽东, 论“十大关系” (On the ten major relationships), in 毛泽东文集 (Collected works of Mao Zedong), vol. 7 (Beijing: Renmin chubanshe, 1999), 32.

70 Jiang Shigong, “Written and Unwritten Constitutions: A New Approach to the Study of Constitutional Government in China,” *Modern China* 36, no. 1 (Jan. 2010): 35–36; Jiang Shigong 强世功, “中国宪法中的不成文宪法: 理解中国宪法的新视角” (The unwritten constitution within China’s constitution: new perspectives on the Chinese constitution), *开放时代* (Open Times) no. 12, 2009: 30.

centralized authority? In the Lake Weishan story, centralized authority and minimalist governance belong to very different theoretical approaches, and in combining them together, my aim is similar to that of libertarian paternalism in political theory or living originalism in constitutional theory.<sup>71</sup> In fact, the Lake Weishan case tells us that mutually exclusive elements in a theoretical sense can exhibit oneness and cohesiveness in practice. Only a theoretical model containing such inherent tensions can faithfully reflect the extraordinary case of Lake Weishan and reveal the limitations of the currently dominant theoretical narratives. In this sense, while the story of Lake Weishan ends here, the exploration of China's practices and theory-building continues.

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71 See e.g., Cass Sunstein, "Libertarian Paternalism Is Not an Oxymoron," *University of Chicago Law Review* 70, no. 4 (2003): 1159–1202; Jack Balkin, *Living Originalism* (Cambridge, MA: Harvard University Press, 2011).