

Political Liberalization without Democratization: Pan Wei's proposal for political reform

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This paper is a response to Pan Wei's rule of law regime reform proposal. It agrees with Pan that the direction of political reform taken and discussed inside China is indeed different from the democratization that has been pushed by outside pro-democracy activists, including Chinese dissidents. While some Chinese scholars and think-tank analysts talk about political reform, they are not proposing to democratize the polity but to make the single party rule of the Chinese Communist Party (CCP) more efficient or to provide it with a more solid legal base. They have looked upon political liberalization without democratization as an alternative solution to many of China's problems related to the extant authoritarian system. Pan Wei's proposal for building a rule-of-law regime is a representative work of this group of Chinese intellectuals.

After the three great waves of democratization that occurred in the world during the nineteenth and twentieth centuries,¹ many pro-democracy observers, Chinese and foreigners alike, are eager for a political reform that would terminate the Chinese Communist Party (CCP)'s monopoly of power and have been frustrated by China's slow progress toward a Western style multi-party democratization.

The pressure for political reform has, indeed, been increasing inside China in recent years. Political reform has not only been hotly debated and broadly discussed among Chinese intellectuals but also become an official policy objective, listed on the agenda of many CCP and governmental meetings. It was striking that although both the Fifth Plenum of the CCP 15th Central Committee in October 2000 and the Fourth Plenary Session of the Ninth National People's Congress in March 2001 were to focus on the Tenth Five-Year Plan for economic development, one of the most urgently discussed subjects at these meetings was political reform. To the surprise of some observers, the Fifth Plenum Communiqué called for 'continuing promoting political system reform, strengthening democratic legal construction, promoting scientific and democratic decision-making, and expanding citizens' orderly political participation (*youxu zhengzhi canyu*)'. It would not be unlikely that the CCP would kick off a new political reform program after the 16th CCP National Congress in November 2002.

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1. Samuel P. Huntington, *Third Wave: Democratization in the Late Twentieth Century* (Norman, OK: University of Oklahoma Press, 1993).

However, the direction of political reform taken and discussed inside China is rather different from the democratization that has been pushed by outside pro-democracy activists, including Chinese dissidents. In fact, when Chinese government officials and some Chinese scholars and think-tank analysts talk about political reform, they are not proposing to democratize the polity but to make the single party rule of the Chinese Communist Party (CCP) more efficient or to provide it with a more solid legal base. They do not believe that the Western style of democracy is a feasible or, for that matter, desirable option for China, at least in the foreseeable future. Instead, they have looked upon political liberalization without democratization as an alternative solution to many of China's problems related to the extant authoritarian system. Pan Wei's proposal for building a rule-of-law regime is a representative work of this group of Chinese intellectuals.

Pan's proposal for political reform to improve single-party rule

In response to the continuing debate about whether or not China's political reform should advance toward democratization, Pan Wei argues that 'the current pressure for political reforms is still unlikely to lead to any form of democracy', because that pressure is not derived from any democratic ideals but from pragmatic concerns over corruption and other troublesome social-economic problems for which democratization may not be an immediate solution.

Pan Wei is not alone among Chinese intellectuals in expressing doubt about whether China can or should adopt a Western style democracy any time soon. Pan's premise about the lack of popular pressure for democratization has been substantiated by some field research conducted in China by both Western and Chinese scholars in recent years. For example, two American scholars, Daniel V. Dowd and Allen Carlson, and their Chinese partner, Mingming Shen, investigated the prospect for democracy in China relying on the survey data of Beijing residents in the mid-1990s. They tried to determine if the climate of public opinion was favorable to a transition towards democracy in Beijing, the most sensitive city in China politically. Their research supports the thesis that although the future is likely to bring pressure for a more liberal society, there is little apparent public opinion pressure for democracy in the immediate future especially in comparison to other values.²

A Hong Kong scholar, Che-po Chen, investigated the political orientation of Chinese university students after the 1989 crackdown on the democratic movement and found that in the wake of the crackdown, students' political stance changed from democratic idealism to a non-ideological, kind of technocratic pragmatism, a let's-just-solve-the-problem approach to concrete quotidian frustrations. Utility, efficiency and feasibility were the major concerns of the pragmatic attitude. Skepticism, experimentation and reform were seen as the pragmatic keys to social progress. Whether reality fit with normative political principles was no longer the

2. Daniel V. Dowd, Allen Carlson and Mingming Shen, 'The prospects for democratization in China: evidence from the 1995 Beijing area study', in Suisheng Zhao, ed., *China and Democracy* (New York: Routledge, 2000), pp. 819–1206.

ultimate consideration. Rather, whether the principles could solve existing problems became the main concern.³

These findings confirm Pan Wei's observation because they call into question the extent to which Chinese people now place a high value on democracy and the prospect for democratic transition. From this perspective, Pan Wei, like many other Chinese intellectuals, assesses democracy only in terms of its capacity to serve as an instrument for ameliorating the problems of corruption and facilitating successful economic development, rather than as a good in itself. This attitude toward democracy has been held by many Chinese elites in the country's modern history. My own historical study of the Chinese search for democracy in the twentieth century found that democracy was rarely regarded as an end in itself in Chinese political and intellectual discourse. It was merely a means for gaining national power and wealth under wise and enlightened rulers. Chinese intellectuals looked around the world to find modern political means to the end of making China rich and strong. It did not matter if the most efficient means was liberal democracy or Marxist communism. In this narrow prism, some Chinese intellectuals opted for democracy only in the belief that it had brought power and prosperity to Western countries. Others turned to communism because they saw it as the wellspring of Soviet power and industrialization.⁴

Since Pan does not see democratization as a feasible or desirable option for China today, he proposes a rule-of-law regime—which, he believes, is 'a new form of polity'—even though it does not change the single-party rule of the CCP. Pan argues that this type of political reform is not only feasible, but also 'needed to complete China's historic process of modernization', because it would be more practical in solving China's immediate problems, including the wild corruption of cadres who use public office for private gain. Pan calls for reform without democratization also for a number of other reasons: the crucial one among them is that his proposal has a far better chance of acceptance by the CCP. As Pan states, 'it is less difficult for China's top leaders to accept the proposed regime than a democratic one' because this reform, on its face, would not threaten the one-party rule. Pan makes it explicit that 'it does not eliminate one-party rule in form, it merely reduces the role of the party'. Pan further states that 'a decisive move towards that direction could gain the Communist Party badly-needed popularity'.

For many Western observers and Chinese political dissidents who call for immediate democratization by adopting multi-party competition in China, neither Pan's proposal nor his bases for defending it would be appealing as they do not believe that the Chinese Communist Party could carry out any fundamental political reform. They also don't want to see the CCP retaining power any longer, even if it is not directly engaged in the direction of daily life.

Indeed, from the perspective of the democratic ideal, governance should be rotated among different political parties through regular and competitive elections. This democratic ideal is realized in many states and has given birth to democratic

3. Che-po Chen, 'The political pragmatism of Chinese university students at the dawn of the twenty-first century', in Suisheng Zhao, *China and Democracy*, pp. 207–232.

4. Suisheng Zhao, 'A tragedy of history: the Chinese search for democracy in the twentieth century', *Journal of Contemporary China* 3, (1993), pp. 18–37.

movements in many single or no-party states and has transformed a large number of them into party-competitive political systems. Riding this wave of democratization, political reform in China should break the monopoly of the CCP over state power and give non-communist parties the legal and equal opportunity to compete with the CCP. If one concludes that the central moral and instrumental political problem in China is the monopoly of political power, then reform without democratization does not appear fundamental.

To understand China's present government and its capacity to change, however, one must appreciate that there has often been a huge gap between practice and ideals in the PRC. The party has repeatedly shown a penchant for altering its practices while claiming to maintain the same ideals, or it has reformulated ideals while practice lagged behind them. One of the most important realities is that the CCP has not only survived the collapse of communism in other parts of the world, but also initiated and implemented some significant social-political changes to meet the challenges of economic modernization during the reform decades. Although these changes have been incremental and often piecemeal, their continuation has not only generated political liberalization and openness, but also laid a foundation upon which democracy may one day be built. In addition, the CCP has started a process of transforming itself from a Leninist revolutionary mass party to a pragmatic, system-maintaining ruling party, and, arguably, a latent type of social-democratic party. Many observers, particularly those who want to see immediate democratization in China, have gravely underestimated the significance of the reforms initiated by the CCP and the consequent political development toward openness and liberalization. From the perspective of these observers, Pan Wei's proposal for political reform without democratization is a pragmatic one rooted in his understanding of the complicated political reality in China.

The trajectory of political liberalization

With its emphasis on the rule of law, Pan Wei's proposal for political reform is along the lines of many reform measures that the CCP has, in fact, adopted and that have proved successful in recent decades. These reforms have resulted in significant liberalization and other positive changes in China's political life although they obviously fall far short of establishing anything like democracy. Some observers don't want to believe that the CCP may play a positive role for change in China's political life. However, many other observers have noted the CCP's initiation of political liberalization processes after the early success of economic reform. It is true that political liberalization is different from democratization, which entails building democratic institutions, including regularly holding relatively free and fair elections for political offices. However, political liberalization is a necessary precondition for democratization because it involves expanding basic freedoms of expression, association, and the rights of individuals.

Political liberalization started in response to the legitimacy crisis that the CCP suffered in the wake of Deng Xiaoping's economic reform in the late 1970s, which relaxed Mao's totalitarian control over the Chinese society. Deng's original intention was to eradicate all ideological and psychological obstacles to economic

reform. Unexpectedly, it resulted in the demise of the communist ideology and a profound ‘three belief crises’ (*sanxin weiji*): the crisis of faith in socialism (*xinxin weiji*), the crisis of belief in Marxism (*xinyang weiji*), and the crisis of trust in the party (*xinren weiji*).⁵ In response, the party launched political reform in the 1980s, which redefined the content and role of the official ideology with the aim of creating a new basis for its authority. Deng Xiaoping’s famous speech on the reform of the party and state leadership system in August 1980 was the first call from the CCP’s top echelon for political reform. Deng set three major objectives of the reform:

(1) In the economic sphere, to rapidly develop the productive forces and gradually improve the people’s material and cultural life. (2) In the political sphere, to practice people’s democracy to the full, ensuring that through various effective reforms, all the people truly enjoy the right to manage state affairs and particularly state organs at the grass-roots level and to run enterprises and institutions, and that they truly enjoy all the other rights of citizens ... (3) In the organizational sphere, if we are to achieve these objectives, there is an urgent need to discover, train, employ and promote a large number of younger cadres for socialist modernization, cadres who adhere to the four cardinal principles and have professional knowledge.⁶

Following Deng’s call, political reform was carried out along with the development of economic reform. As a result, political liberalization has taken place evident in the following three broad aspects of social life. First, the interference of the state in the daily life of Chinese people has been reduced. Second, the opportunities for popular participation at grass-roots levels have been expanded. Third, the role of the Chinese people’s congresses has been redefined. Together, the reforms have greatly relaxed the degree of political control over Chinese society albeit without fundamentally altering one-party dominance.

(1) Reducing the scope and arbitrariness of political intervention in daily life

Since the reception of reform, the CCP has tried to promote reconciliation between state and society and also economic growth by reducing the scope and the arbitrariness of political intervention in daily life. To accomplish this objective, the party repudiated many of the ideological concepts associated with Mao’s later years, such as class struggle and continuous revolution. The main task of politics was declared to be promoting modernization and reform rather than undertaking continuous struggle and revolution. Moreover, the party began to imply that the responsibility of the state was to expand socialist democracy rather than exercise dictatorship although it never defined democracy in Western terms. The party also admitted that many intellectual, scientific and technical questions can and should be addressed on their merits, without regard to ideological considerations. This attitude presented a stark contrast to Mao’s era, when all decisions were supposedly taken only after a consideration of the relevant doctrinal principles.

5. For one study of the impact of reform on the official ideology, see Jie Chen, ‘The impact of reform on the Party and ideology in China’, *The Journal of Contemporary China* 9, (Summer 1995), pp. 22–34.

6. Deng Xiaoping, ‘Dang he Guojia Lingdao Zhidu de Ganhe’ [‘The reform of the Party and state leadership system’], in *Deng Xiaoping Wenxuan* [Selected Works of Deng Xiaoping] (Beijing: Remin Chubanshe, 1983), pp. 322–333.

As a result, ordinary citizens began to enjoy much greater freedom of belief, expression and consumption than was true under Mao's dictatorship. They have been able to buy and sell shares of stock freely and have access to almost any consumer goods on the domestic as well as world market. Such choice has been accompanied by a significant loosening of government control over daily life, particularly over employment and residence choices.

The scope of change in the communist state's intrusions on personal choice has, of course, been limited. For example, the state still claims responsibility to 'create and maintain public morality'. In his speech on 30 March 1979, early in the reform period, Deng Xiaoping put forward four fundamental principles—Marxism–Leninism–Maoist-thought; party leadership; socialism; and proletarian dictatorship—that implied the limits of relaxation of political life.⁷ These principles found echoes in traditional Chinese values that give the state the right—even the obligation—to promote moral conduct by educating citizens in an official doctrine believed to be morally valid.

Along with the development of reform, however, the four principles have become largely rhetorical. Now only one principle, the party's leadership, is vigorously defended. It is from this perspective that Ren Zhongyi, former Party Secretary of the provinces of Heilongjiang, Liaoning, and Guangdong, and former Central Committee member, published an article with the provoking title, 'Upholding the four cardinal principles reconsidered' in mid-2000. He argued that 'Deng Xiaoping enunciated the Four Principles in May 1979—twenty-one years ago. China has changed a lot since then. We can't be dogmatic about them. Their meaning changes as the situation changes and is made richer by their constant development through practice. They should be given new meaning and content with opening and reform. If we don't, we will be stuck in ideological rigidity'.⁸

Although the four principles have not been formally abolished, the scope for personal expression has greatly expanded, an expansion not reconcilable with them. In very sensitive arts and intellectual matters, for example, artists and writers have been able to revive traditional styles and to experiment with modern techniques, in other words, moving into previously banned areas. Popular tabloids, widely available in major cities, have carried articles and pictures on subjects ranging from crime to romance. Foreign music, drama, literature and films can be seen everywhere in China. Although the state and the party continue to promote socialist morality, religion is no longer condemned outright as superstition. Many churches and temples in urban areas have attracted more and more believers although 'foreign-sponsored' religious activities are still banned. As Richard Madsen, an American sociologist, discovered in his study of Catholic churches in China, a large 'wave of religious revival' has been sweeping across the country as 'one of many responses to a spiritual crisis' facing post-Mao China.⁹ In addition to foreign

7. Deng Xiaoping, 'Jianchi Sixiang Jiben Ruanzhe' ['Up-holding the four fundamental principles'], in *Deng Xiaoping Wenxuan*, pp. 158–184.

8. Ren Zhongyi, 'Zhaitan Jianchi sixiang jiben yuanzhi' ['Upholding the four cardinal principles reconsidered'], *Nanfang Zhoume* [Southern Weekend], (5 May 2000), p. 4.

9. Richard Madsen, *China's Catholics: Tragedy and Hope in an Emerging Civil Society* (Berkeley, CA: University of California Press, 1998), pp. 3, 8.

cultures and religions, there has been a revival of folk customs and local religious practice in the countryside.

(2) *Expanding grass-roots political participation in village committee elections*

Political liberalization has not only dramatically altered the texture of social life, but also, arguably, laid the foundations of a democratic culture and politics. Opportunities for voluntary participation in politics have been increased at both the grass-roots and national levels as multiple candidates and secret ballots have been introduced for elections to people's congresses at the local and county levels and for village committees.

The village committee election is one of most important developments to expand grass-roots political participation. It started in the late 1980s, although the first post-Mao Constitution of the PRC in 1982 already stated that villages practice self-government through villagers' committees whose members are to be elected by villagers. The National People's Congress (NPC) drafted a set of regulations governing villagers' committees in 1986 and passed a trial Organic Law of Villagers' Committees in November 1987. Direct elections of villagers' committees were first held on a trial basis in selected areas in the winter of 1988–1989. The Tiananmen incident in 1989 did not stop such elections being extended to other areas in the early 1990s. Almost all of China's one million villages have held at least one round of elections since then. The elected village committees are responsible for all administrative affairs in the villages including education, infrastructure and housing, dispute resolution, and financial management.

Sylvia Chan believes that 'an important reason for granting villagers self-government is the impracticability of doing otherwise in post-Mao China'. She argues that in Mao's days, the commune system enabled the central government to shift its very burdensome responsibilities of administration and provision of services in the vast rural areas to the communes. After the abolition of the commune system in the early 1980s, the township government (the replacement of the commune) no longer controlled the resources to perform these functions. Even if township governments were able to do so, providing more or less the same level of services to many villages with different levels of income would contravene the anti-egalitarian thrust of reform policies and would be opposed by villagers. As a result, most administration and provision of services have to be delegated to the village level. And such delegation of responsibilities cannot but be accompanied by a corresponding delegation of power. To introduce direct elections at the village level, 'the regime hopes that democratic election would make office-holders more accountable to their electorates, thereby ameliorating problems of corruption, nepotism and inefficiency'.¹⁰

One question, however, is whether genuine self-government in the villages is possible when the Communist Party continues its one-party rule. The answer from the above observer is that it is possible for the Chinese Communist Party to

10. Sylvia Chan, 'Research notes on villagers' committee election: Chinese style democracy', *Journal of Contemporary China* 7(19), (1998), p. 510.

introduce some reforms that will expand the people's democratic rights while maintaining its hold on power. The cumulative effect of these piecemeal reforms is changing and will change even more the very nature of the Communist Party itself and its rule. The introduction of village self-government is, or has the potential to be, one such reform.¹¹

Village committee elections have attracted extensive attention from Western scholars as well as media. Both the Republican and Democratic democracy-promoting institutes in the US, operating under the congressionally funded National Endowment for Democracy, have provided technical assistance to these elections.¹² The Carter Center in Atlanta has sent delegations on a regular basis to observe them and published generally favorable reports from the field in its working paper series since the mid-1990s. The Carter Center's field report in 1997 concluded that 'the village elections are important' for three reasons: (1) election law mandates the basic norms of a democratic process—secret ballot, direct election, multiple candidates; (2) each round of the electoral process widens and deepens China's technical capacity to hold elections; and (3) the openness of the government to candid exchange of views with Carter Center experts evidenced a commitment to find the best ways to implement the electoral process.¹³ According to Carter Center observers, that commitment increased rapidly. In 1998, they found 'more determination on the part of the central government and provincial officials to improve the electoral process'.¹⁴

Indeed, village elections have become a training ground for democracy in China as more and more village residents become aware of the elections and their benefits. Villagers are voting more responsive and talented leaders into office. Many of them are young entrepreneurs who may or may not be members of the Communist Party. The elections have thus made a difference in China, evident in the fact that party organizations in the rural areas have generally been greatly weakened since the introduction of the village committee election. Indeed, many party branches have ceased to function and those that are still influential maintain their influence mainly through their role in the rural economy. The party organizations' vertical relations with other levels of party organizations and their horizontal relations with the government and with society have all changed accordingly. Even the party members sitting at villagers' committees no longer constantly think of upholding party interests, because there is no longer a uniform perception of what party interests are among party members who have to win elections in order to sit in the village committees.¹⁵

To cope with the malfunctioning rural party organizations, the central party leadership launched several 'zhengdang' (party rectification) campaigns in the

11. *Ibid.*, p. 520.

12. According to National Endowment for Democracy's annual report, it provided a grant of US\$489,716 to the International Republican Institute in 1999 to support China's electoral reform at the village level, a grant of US\$460,000 to promote China village level elections, <http://www.ned.org/grants/grants.html>.

13. The Carter Center, *The Carter Center Delegation to Observe Village Elections in China, March 4–16, 1997*, p. 12.

14. The Carter Center, *The Carter Center Delegation to Observe Village Elections in China, March 2–15, 1998*, p. 9.

15. Chan, 'Research notes on villagers' committee election', p. 520.

1990s. The most publicized one was the 'constructing rural party organizations campaign' announced by the Fourth Plenum of the 14th Central Committee in October 1994. The target of the campaign was 'the grass-root organizations in the rural areas which are confronted with many new circumstances and some problems arising from varying degrees of non-adjustment (*buxiang shiying*) to the new situation'.¹⁶ There was no official appraisal with regard to the result of the campaign. However, a Xinhua commentary in February 1995 indicated that 'a number of party branches are still in a state of weakness, slackness, or paralysis'. It attributed this problem to the cadres who 'failed to understand the importance and urgency of carrying out the campaign' and called for urgent actions of party committees that did not make plans for the work and did not carry out investigation with regard to the work.¹⁷ A *Renmin Ribao* commentary in June 1995 found that 'some localities have failed to pay sufficient attention to the work, and the measures they are taking are not powerful enough'.¹⁸ A National Conference for the Exchange of Experience in the Building of Rural Grass-Roots Organizations, convened in October, assessed that 'there are still many problems and weak links in rural grass-root organizations'.¹⁹ Apparently, the campaign was not taken seriously by rural cadres and did not achieve its objectives of reconstructing rural party organizations.

Although it is perhaps too soon to tell whether village elections are a foundation for further democratization, one Western observer speaks for many when he concludes that 'democratic elections are being entrenched at the village level and that sincere efforts are being made to establish the necessary electoral institutions to support them'.²⁰ A study of village elections by a careful Chinese-American scholar also indicates that 'a fundamental change has occurred in rural China ... As occurred in other developing countries, changes brought about by economic development not only significantly influenced the attitudes of elements of the political elite toward political reform but also increased the peasants' resources and skills and enhanced their desire to get involved in the decision-making processes in their villages'.²¹

(3) *Changing the role of the people's congress system*

In addition to the expansion of political participation at the grass-roots level through the introduction of the village committee election, political liberalization has also been accompanied by changes in the role of the people's congresses at different levels.

It was well known in the West that China's people's congresses were simply rubber-stamps during the Maoist period as they held short and infrequent meetings

16. *Remin Ribao*, (25 November 1994), p. 1.

17. 'Commentary views consolidating party branches', *Xinhua*, (8 February 1995), in FBIS-CHI-95-027, (9 February 1995), p. 13.

18. *Renmin Ribao*, (27 June 1995), p. 3.

19. *Renmin Ribao*, (10 October 1995), p. 3.

20. Paul Grove, 'Reforming Chinese politics', *Asiaweek*, (5 September 1997), electronic edition.

21. Tianjian Shi, 'Economic development and village elections in rural China', *Journal of Contemporary China* 8(22), (November 1999), p. 440.

in which laws, policy documents, and personnel appointments were approved by acclamation. The election of deputies was known as 'elections without choice'²² as they were highly ritualized affairs in which deputies were nominated and selected by the Communist Party and served only to legitimize party decisions.

However, post-Mao reform has brought changes in China's people's congress system. While in Mao's China the CCP nominated only as many candidates as there were vacancies to be filled, a new Electoral Law adopted by the Fifth National People's Congress (NPC) required that the number of candidates exceed the number of vacancies (*chaer xuanju*). It also prescribed that deputies at the township level (*xiang-zhen*) and the county level (*qu-shi-xian*) be elected by universal direct suffrage, and deputies at the prefectural (*di*), provincial (*sheng*) and national levels be indirectly elected, with deputies at one level electing deputies at the next. This electoral law was subsequently revised three times in 1982, 1986 and 1995, respectively. Although communist cadres still tried to manipulate the elections, gradual implementation of the electoral law has produced significant changes in the role of China's people's congress. Even the *Washington Times*, known for its hawkish position in the US China policy debate, admits that

Long derided as rubber-stamp legislatures filled with nothing but hand-raising delegates, the various levels of congresses from townships and counties up to the National People's Congress (NPC) are getting some teeth. As Chinese society becomes more sophisticated and people's awareness of their rights increases, this change is reflected in the congresses, whose delegates gradually are becoming more assertive and increasingly dare to go against Communist Party dictates.²³

At the national level, the role of the National People's Congress (NPC) has been notably expanded. Although it has not yet become an independent legislature that can routinely initiate legislation, veto state proposals, or impose accountability on government or party officials, the NPC, as documented by Tanner and O'Brien, is no longer merely a rubber-stamp parliament and in recent years has gradually asserted itself.²⁴ It holds an annual plenary session, and its standing committee meets on five or six occasions annually. The NPC has established functional committees that specialize in particular aspects of foreign and domestic policy and that have played a more active role in drafting legislation. Some members of these committees come from the small 'democratic parties', which are primarily associations of intellectuals, scientists, and former capitalists and have resumed the recruitment of new members. Although they are not considered opposition parties and are treated merely as advisory organizations that can offer suggestions to the CCP, some of them have exercised considerable influence on certain technical decisions in NPC sessions.

Whether members of the 'democratic parties' or not, NPC deputies actually debate issues and sizable blocs of deputies have voted against officially approved

22. Guy Hermet, Richard Rose and Alain Rouquie, eds, *Elections without Choice* (London: MacMillan, 1978).

23. Julie Chao, 'Chinese congresses refuse to follow all party dictates', *Washington Times*, (9 March 2001).

24. Murray Scot Tanner, *The Politics of Lawmaking in Post-Mao China: Institutions, Processes and Democratic Prospect* (Oxford, UK: Clarendon Press, 1999); Kevin J. O'Brien, *Reform without Liberalization: China's National People's Congress and the Politics of Institutional Change* (New York: Cambridge University Press, 1990).

candidates and causes. It was striking that about 40% of the deputies rejected the work reports of the Supreme People's Procurate and Supreme People's Court in an unprecedented display of dissatisfaction with rising crime four years in a row at plenary sessions between 1997 and 2001. The NPC also voted down the Urban Residence Committee Organizational Law in October 1989. Several pieces of legislation underwent heated debate in the NPC. The 'Enterprise Bankruptcy Law' generated so much heat at the NPC session that no vote was taken and a moratorium on televised NPC debates was imposed. The State-owned Industrial Enterprise Law underwent over 20 drafts from January 1985 until it was approved in April 1988. One-third of the NPC delegates cast opposing or abstaining votes on legislation to begin the \$25 billion Three Gorges Dam project in 1992. While these actions hardly constitute a political revolution, they do indicate a trend toward increased assertiveness in the highest organ of political power prescribed by the constitution.

This trend is reinforced by the NPC's efforts to expand its professional capacity to draft laws in-house and engage in serious debate during the drafting and promulgation process. Efforts to build a stronger judiciary are the result of small but systematic steps to facilitate economic reform. Chinese officials and scholars often claim that a market economy is an economy governed by law, in which law provides rules like those in athletic games, although, as Stanley Lubman indicates, neither the game nor its rules 'seem to be free from ambiguity' in China.²⁵ As a result, the economic boom has necessitated the development of a viable legal infrastructure comprised of transparent laws and courts, and professional, informed judges capable of understanding and adjudicating matters involving those laws. It is striking that the NPC and its standing committee passed more than 332 laws in the 20 years between 1978 and 1998.²⁶ The promulgation of new laws by the NPC has helped highlight the need for the Chinese to address deficiencies in their traditionally weak judiciary system. The efforts to recruit and train lawyers and judges and increase public awareness about the law and its applications are all indications of a commitment by the party elite to reduce the role of the state and correspondingly increase the autonomy of the individual to make life choices within the framework of known rules predictably interpreted and applied. Incrementally, the NPC is changing from a hollow political symbol to a more and more active political institution.

While people's congresses below the national level in general are less active than the NPC, some local people's congresses have become very assertive in voting down the local government work reports submitted to them. The report being voted down means their work for the year was unacceptable to the people in the locality. In addition to passing the budget, debating legislation and approving personnel appointments, the congresses vote at their annual meeting to approve the work reports of three entities: the government, the court and the prosecutor's office, which is charged mainly with investigating corruption and other government

25. Stanley B. Lubman, *Bird in a Cage: Legal Reform in China after Mao* (Stanford, CA: Stanford University Press, 2000), p. 174.

26. Xia Ming, 'China's National People's Congress: institutional transformation in the process of regime transition (1978-98)', in Philip Norton and Nizam Ahmed, eds, *Parliaments in Asia* (London: Frank Cass, 1999), p. 119.

misdeeds. One Western journalist reported the ‘unthinkable’ action of the municipal congress in Shenyang, China’s fifth largest city with a 6.8 million population, in March 2001. Angered by massive layoffs at struggling state enterprises and a huge corruption scandal that implicated the mayor and dozens of other top government and court officials, the Shenyang congress rejected the work report of the Intermediate People’s Court, with only 46% of the 474 delegates voting for it. The vote has stunned Chinese legal experts, who say it is the first time a work report which is a summary of the previous year’s work has been voted down by a congress of any level. The work report of the prosecutor’s office in Shenyang also came close to being rejected, passing by just 57%, a far cry from the unanimous voters of a decade or so ago.²⁷

In addition to the formal institutional participation encouraged by the CCP, direct political participation through popular protest and demonstration is more widespread today than in any other period in the history of the PRC, despite the party’s efforts to suppress it. In the 1980s and 1990s both workers and students periodically held strikes and demonstrations in major Chinese cities over many political, social, economic and foreign policy issues. Other than the 1989 anti-government demonstration, which culminated in the Tiananmen Square incident, there have been protests against nuclear testing in Xinjiang, against economic relations with Japan, against changes in university tuition policies, against price increases, demanding the Chinese government to take a tougher position after the US bombing of the Chinese embassy in Yugoslavia, and in favor of greater political liberalization, etc.

The development of political liberalization, whether encouraged or discouraged by the government, has been related to the weakening capacity of party and state control over Chinese society. As a matter of fact, the state’s control has become more formalistic and less substantive, while the people’s response to the state authority has become increasingly cynical, with general acceptance on the surface, but subtle and sometimes blatant non-compliance on many issues in reality. The state goes through the motions of governing without checking too carefully on how thoroughly its orders are carried out, as long as no systematic opposition is organized. To an extent, it may be argued that the role of the communist state has reverted back to that of the traditional and highly ritualized Confucian state, particularly at the grass-roots levels.

As a result of the relaxation of political control and the lost popular appeal of communist ideology, traditional religion and sects such as the Falun Gong have become far more persuasive and attractive to many Chinese people than the party ideology. CCP General Secretary Jiang Zemin was caught by surprise when, in April 1999, he suddenly confronted tens of thousands of Falun Gong believers who surrounded the CCP headquarters in Beijing, making demands on the government. Although these believers were not attempting to overthrow the party rule, Jiang was so concerned by the organizational power demonstrated by the sect leaders that he actively initiated and sustained the use of force to outlaw and suppress the sect.

27. Chao, ‘Chinese congresses refuse to follow all party dictates’.

Reform of the CCP's single party rule

The suppression of the Falun Gong is only one side of the response by the CCP leadership to the unwanted, spontaneous results of political liberalization. The other side of the response is to continue the reform of single party rule in order to make it more efficient in meeting the challenges of modernization and liberalization. One of the first steps toward reform has been to separate the party from the government. In addition, the party has attempted to redefine its role by repackaging itself as the repository of 'advanced social forces' and the standard-bearer of national interests. The primary goal of this effort is to re-brand the Communist Party and make it more *inclusive* and less *intrusive*.

A consequential first step to reform single party rule was taken at the CCP's 13th National Congress in 1987 to adopt a number of measures to inhibit the party from intervening in government and economic institutions and to concern itself with political supervision and coordination. These measures were written into the Political Report delivered by the CCP's General Secretary, then Zhao Ziyang, to the 13th National Congress of the CCP in October 1987.²⁸ The Political Report devoted its longest section to the political reform and proposed seven specific measures. The reform of the one-party rule was regarded as the key to political reform.²⁹ A pamphlet, compiled by Zhao's personal aides and published after the 13th Party Congress for cadres to study political reform policies, elaborated five key reform measures that would institutionalize the party's new role.³⁰

The first was to abolish the practice of party secretaries without official government positions being in charge of government work as well as the practice of top party leaders concurrently holding the top government positions at different levels. In the Mao era, there was a party secretary in charge of directing and supervising each sector of government work. Central party leaders were usually the heads of the State Council and most standing members of the provincial and local party committees held government positions as governor, mayor, deputy governor or deputy mayor, etc. The political reform program required all sectoral secretaries and party committee standing members to give up their posts in the government. From the provincial government down, important party officials such as party secretaries or deputy party secretaries were not to hold concurrent positions at the same level of governmental leadership.

The second was to abolish the party committee leadership system in economic and academic institutions. In the Mao era, the party engaged in policy-making as well as the daily management of economic and academic institutions. The Third Plenum of the 12th Central Committee on 20 October 1984 adopted a reform measure to establish 'various forms of economic responsibility systems' in state-owned enterprises. The party committee leadership system should be replaced by the managerial responsibility system.³¹ On 20 October 1987, a few days before the

28. For a detailed analysis of the political reform decision-making process, see Carol Lee Hamrin and Suisheng Zhao, eds, *Decision Making in Deng's China* (Armonk, NY: M.E. Sharpe, 1995), pp. 133–152.

29. Zhao Ziyang, 'Striving along the road of socialism with Chinese characteristics', in *A Selection of Important Documents since the CCP's Thirteenth National Congress* (Beijing: Renmin Chubanshe, 1991), pp. 4–61.

30. Chen Yizi and Chen Fujing, eds, *Zhengzhi tizhi gaige jianghua* [Talks on Political System Reform] (Beijing: Renmin Chubanshe, 1987).

31. 'Decision of the CCP Central Committee on reform of the economic structure', in *Major Documents of the People's Republic of China (December 1978–November 1989)* (Beijing: Foreign Language Press, 1991), pp. 395–427.

13th Party Congress, the 7th Plenum of the 12th Central Committee adopted a program for manager-centered enterprise leadership.³² The political reform program further called for the managerial-directorial responsibility system to take root in all big and medium sized state enterprises as well as in all economic and academic institutions.

The third was to abolish the party core leadership group system in both government agencies and important non-party organizations. A party core group was usually made up of four to five party members who held senior posts in government agencies. The secretary of the party core group would normally also be the director of the administrative agency and always had the final say in all of its affairs. Due to the power held by the core group and the important role they played in controlling administrative institutions, the abolition of party core groups was the major political reform advocated in Zhao's political report to the 13th Party Congress.

The fourth was to abolish administrative counterpart departments in the party. These party departments had a higher status than the administrative agencies. Policies adopted by the administrative agencies had to go simultaneously to the higher government official in charge, to the party counterpart department, and to the relevant party committee for approval. According to the reform program in the 13th Party Congress's Political Report, the party's central committee abolished its specialized economic units and limited itself to setting the overall political line of economic reform and ratifying important economic policies made by the State Council. At the provincial level, specialized party departments overlapping government departments were abolished.

The fifth was the reform of the cadre management system. In the old system, the CCP organization departments appointed all government and non-government personnel. The reform was to abandon the existing system of the tight party control over personnel appointments and establish a completely new government civil service system. Open and competitive examinations, together with personnel evaluations, were emphasized in reforming the cadre system.

Deng Xiaoping and Zhao Ziyang did not intend that these reform policies would destroy the party's leadership position in the Chinese political system, but only that more discretion would be delegated to government and socio-economic institutions. The rationale was to reduce the cost of the party's involvement in overseeing the government and give governmental officials and other administrative personnel more autonomy and greater incentive to be both efficient and willing to take actions that made sense economically but were politically risky. Economic efficiency was the essential motivation in institutionalizing this delegation of authority. Susan Shirk described this new system as 'delegation by consensus'.³³ The CCP delegates power to the state bureaucrats to make decisions. If they reach a consensus, the party automatically ratifies the decision. If they cannot agree, the party steps in.

32. 'The circular of the CPC Central Committee and the state council on promulgating three documents of regulations concerning state-owned industrial enterprises (September 15, 1986)', in *Major Documents of the People's Republic of China (December 1978—November 1989)*, pp. 559–588.

33. Susan Shirk, *The Political Logic of Economic Reform in China* (Berkeley, CA: University of California Press, 1993), pp. 119–121.

From the standpoint of the party, delegation by consensus offers many advantages. First, the delegation of policy decisions to bureaucratic agents utilizes the superior expertise of these bureaucrats and relieves the party of the cost associated with constant intervention in the policy process. It also gives all the bureaucrats who will implement a policy a voice in the formulation of that policy. The consensus rule guarantees that the party will find out if any group is unhappy with a policy. It is a kind of 'fire alarm'; a veto by an agent sets off a bell to let the leaders know that one of their core groups is not satisfied. Second, delegation by consensus provides information early in the process as to each group's price of support for the reform policy. When reformist leaders of the State Council hold work conferences to let ministries, commissions, and provinces work out a new policy, they find out early in the game what it will take for the policy to win approval. The leaders as well as the bureaucratic advocates of the policy can estimate whether it will be possible to meet each group's demands through compromise and side payments. Third, while the reformist leaders at the top know the general direction of reform necessary to improve economic performance, they have few definite ideas about how to achieve this goal. They must rely on bureaucratic agencies to work out specific policies. In other words, the authorities determine their reform preferences from the policy consensus of their agents.

Although reform met strong resistance from conservative leaders after the crackdown of the pro-democracy demonstration in 1989, partial implementation of reform resulted in a *de facto* dual structure of party leadership in the 1990s. The CCP retained its ultimate authoritative control over state institutions, but largely relinquished its traditional role as the vehicle for mobilizing and inciting the masses at the grass-root levels of economic and social institutions.³⁴ The party has retreated from many parts of the countryside, making way for clans and secret societies. In urban areas, its role is increasingly perfunctory. Many grass-root party committees and branches in state-owned enterprises could not, or did not even bother to, collect membership dues for months or years. The relative demise of the state-owned economy further caused the party to lose its grip over the day-to-day management of economic enterprises.

The weakening of the party's capacity to intervene in China's social and economic life does not mean that the single party has ceased to rule or is about to collapse. Although the party has lost most of its capacity to inspire or mobilize the Chinese people, it retains effective control over the military, government agencies, and some strategic sectors of the economy. With its ultimate authority over the state, the party remains a ticket that must be punched, i.e. the main avenue of upward mobility for many politically ambitious elites. Most of them still want to join the party in order to advance their careers.

No longer seeking to penetrate society, the CCP has become a network of bureaucratic elite committed to retaining a large reservoir of power translatable into personal status and affluence. This elite is no longer concerned with ideological

34. For a detailed study of political reform and the resulting dual structure of leadership, see Suisheng Zhao, 'Political reform and changing one-party rule in Deng's China', *Problems of Post-Communism* 44(5), (September/October 1997), pp. 12–21.

correctness or even disciplined grass-roots level organizations. The dual structure of party leadership has caused some concern for the leaders at the apex of central power. The Party General Secretary, Jiang Zemin, launched the *Shanjiang* (three talks, namely, talk about politics, talk about a just spirit, and talk about party discipline) Campaign within the party in the mid-1990s. This campaign, however, failed to restore party discipline at the grass-roots levels.

A third road of a social democratic party in China?

CCP's reform of the one-party rule is aimed at meeting the need of economic reform and reclaiming legitimacy based on improving Chinese people's standards of living rather than on ideological correctness and mass-mobilization. How can the political legitimacy of the party be reclaimed based on its economic performance? This is a question that some Chinese intellectuals have tried to help the party answer. Far from being detached scholars observing socio-political change from the sidelines, many Chinese intellectuals have been active participants in the process. In promulgating his paradigm of a consultative rule-of-law regime, Pan Wei takes his place among them. More specifically, he implicitly associates himself with those who have urged top-down reform and tried to imagine a middle road that avoids both the collapse of the CCP and evolution toward Western style democracy. Members of the Chinese elite have presented this top-down approach to reform along two lines of thought. One is the proposal to transform the CCP from a revolutionary mass party into a conservative ruling party. The second is the attempt to change the vanguard nature of the CCP into a more inclusive social democratic party. A group of intellectuals and official think-tank analysts presented the first proposal in the early 1990s. Personal aids to party General Secretary Jiang Zemin advocated the second and made it into Jiang's 'three representatives (*sange daibiao*)' campaign in the early 2000s.

(1) From a revolutionary mass party to a conservative ruling party

As early as 1992, a group of intellectuals and official think-tank analysts in Beijing proposed the transformation of the CCP from a revolutionary mass party to a system-maintaining 'ruling party' (*zhizheng dang*). This proposal was made in a well-known internal circulation article entitled '*Sulian Jubian Zhihou Zhongguo de Xianshi Yingdui yu Zhanlue Xuanze*' ('China's realistic counter-measures and strategic choices after the drastic change in the Soviet Union'). These authors asserted that 'an important issue that our party faces is the shift from a revolutionary party to a ruling party. This shift becomes urgent after the change in the Soviet Union'.³⁵ To carry out the shift, they suggested a number of policy changes. Among the suggestions were ones to abandon the communist mass mobilization and revolutionary social transformation goals and to adopt nationalistic and

35. This article was first printed by *Zhongguo Qingnian Bao* [China Youth Daily] as an internal circulating article in September 1991. It was leaked overseas and published in the December 1992 issue of *Zhongguo Zhichun* [China Spring] in New York City.

patriotic goals. Among the ideas for facilitating such a transition was a proposal to establish what they called *dangying caichan* [the party-owned assets] system. In other words, the party should directly own economic assets that were clearly separated from the state assets.

Along with the notion of transforming the CCP into a conservative ruling party, there were proposals to redefine single-party rule within the legal framework of the state. In March 1994, an article in an official journal, *Faxue Yanjiu* [Law Studies] in Beijing, explored the legal status of the CCP as a ruling party. It stated that 'the CCP cannot be superior to the National People's Congress (NPC) because the CCP does not have the sovereignty to rule the country even in a socialist setting'. The author directly refuted the notion that since the CCP is the 'leading party' it is naturally the 'ruling party' and went on to argue that the idea that 'the party is above the law' is preposterous in theory and unacceptable in practice. The author suggested that the CCP leadership is based only on its prestige, powers of persuasion and informal influence, should not be deemed equal to the state in authority, and should not exercise coercive power. CCP leadership, he argued, should not constitute 'one-party dictatorship', and cannot exceed the people's sovereignty. The author claimed that the CCP is not a sovereign entity and cannot treat the exercise of state power as a natural right. He criticized the view that 'the government should accept the CCP's organizational leadership'. The author suggested that the CCP is only a 'leading party' and cannot take its current 'ruling party' status for granted.³⁶

Pan Wei's proposal is another one along the lines of reforming the party's rule by making it work within the legal framework of the state. It also associates him with the substantial faction of intellectuals who believe that the party elite can be the principal agents of constitutional reform when he writes that 'if China intends to build a rule of law, it is likely that the Communist Party will be the right institution to lead it'. He urges CCP leaders to share his belief in 'an urgent necessity for substantial political reform to establish the legal regime, which may meet the popular demand for controlling corruption and the internal as well as external challenge to our country's social unity'. In addition, he tells CCP leaders that 'the structure of the existing polity' is not too far away from 'his proposed rule-of-law regime' and, therefore, 'there is no need to take revolutionary measure to destroy the existing system'.

(2) *The three representatives campaign and the third road of democratic socialism*

It is hard to say whether or not the CCP leadership has taken these proposals from Chinese intellectuals into serious consideration when they were formulating their own views about reform. However, it is interesting to note the recent development of the so-called 'three representatives' (*sange daibiao*) campaign that has taken place roughly at the same time as Pan Wei first circulated his proposal. This

36. Guo Daohui, 'Quanwie, quanli haishi quanli, dui dang yu renda guanxi de falu shikao' ['The authority, the power, or the right, thoughts on the legal principles of the relationship of the party and the NPC'], *Faxue yanjiu*, (March 1994).

campaign was derived from a speech that President Jiang Zemin gave during his inspection tour of the south in February 2000. Its key theme was that the CCP should no longer just represent workers but should be ‘a faithful representative of the requirements in the development of advanced productive forces in China, the orientation of advanced culture in China, and the fundamental interests of the broadest masses of the people in China’. In effect, what Jiang proposed was that it was the party’s responsibility to represent these forces and lead China towards the wealth and power that give it the right to rule. As a Western reporter in Beijing interpreted, ‘That is, the party can be all things to all people, promoting the interests not just of workers and farmers but of wealthy entrepreneurs as well’.³⁷ This new thesis of three representatives was disseminated at meetings across the country later that year. Beijing’s official propaganda mouthpieces, such as the Xinhua News Agency, *Renmin Ribao*, Qiushi, CCTV, and other major official media all gave wide publicity to this thesis. Three representatives were hailed as an ‘inheritance and development of Marxism’ and a major guideline for the CCP’s development in the new period.³⁸ This thesis was reiterated in Jiang Zemin’s landmark speech celebrating the 80th anniversary of CPC’s birthday on 1 July 2001 and, reported, will be written into the party constitution at the 16th Party Congress in November 2002 to serve as a compass to guide the party in the new century.

Although many pro-democracy activists and outside observers have looked at this three-representatives rationale for party leadership with either skepticism or outright dismissal as just another Communist propaganda campaign, Jiang’s three representatives does represent an attempt to reform the one-party rule of the CCP by making it more inclusive. This attempt is obviously a departure from the orthodox Leninist party doctrine written in the party constitution that the CCP is ‘the vanguard of the proletariat’ and an organization of workers and peasants whose mission is to ensure the ‘dictatorship of the proletariat’ over rival elements such as capitalists. As Jiang, in his famous 1 July 2001 speech openly advocated, the CCP should try to recruit not only workers and peasants but also private entrepreneurs (capitalists) into the party.

The three-representatives certainly have provoked serious discussion and debate within China’s political elite, which is one reason why it seems myopic to dismiss it as mere propaganda. Critics of this theory have come from two directions. Orthodox conservatives have dogged the campaign from the start. They have indicted what they see as intent to change the nature of the vanguard party to a catch-all social-democratic party and they see as much logic in inviting entrepreneurs to join the Communist Party as in welcoming steak-eaters into a vegetarian society. Their opposition was aired in China’s state-run media in the summer of 2001 and prompted a crackdown on dissent by Jiang who ordered the shut down of a high-profile leftist journal, *Zhengli de Zhuiqiu* [*Search for Truth*] after it criticized the speech Jiang gave on 1 July 2001—the party’s 80th anniversary—that paved the way for entrepreneurs to enlist in the cause.³⁹

37. Elisabeth Rosenthal, ‘China’s communists try to decide what they stand for’, *New York Times*, (1 May 2002).

38. Staff reports, ‘Jiang’s “three represents” on par with theories of Mao and Deng’, *Ming Pao*, Internet version, (19 June 2000).

39. Personal interview in Beijing, October 2001.

The more liberal critics also criticized Jiang's three representatives as they assert that it is impossible for the CCP to represent all social interests and they therefore call for open party competition. Bao Tong, in his criticism of Jiang's three representatives, holds that the CCP no longer represents workers as it 'tramples on the workers' right to organize unions, suffocates the voice of workers and is prepared to crush any economic and political demands of workers'. It no longer represents peasants nor students. 'Extending an olive branch to red capitalists does not in the slightest way imply relaxing the principle of one-party rule. On the contrary, it implies that it is now time for the party to admit the unspoken truth and formally declare that it has become China's party for the rich and the powerful.'⁴⁰

Certainly the conservatives are correct when they claim to see in the three-representatives rationale a major revision of communist party doctrine. This revision attempts to make the CCP a party for all Chinese people, including the working class, the rising middle class and even the newly rich. This re-branding implies policy and structural change within the party. Hong Kong journalist, Willy Wo-Lap Lam, reported that this revision to the party doctrine has resulted in one of the hottest fads in Chinese elite circles: studying the structure and philosophy of European social democratic parties. Apart from the economic advantages of facilitating growth and social stability, one frequently perceived political advantage of the transformation would be that, having shed the 'Communist' label, a Chinese-style, at least nominally social democratic party could become less of a target for Western criticism and political sabotage. According to Lam, aides and think-tank members associated with Jiang Zemin, as well as other top leaders, conducted research into this controversial topic after Jiang's three representatives theory was disseminated. Politburo Standing Committee member Wei Jianxing visited Europe in October 2000 and one of the top items on his agenda during the visit was observing the ideals and operations of such groups as Germany's Social Democratic Party.⁴¹

Of course, this attempt to tinker with orthodox party dogma and emulate social democratic parties still does not signify any intention to abolish single party rule in China any time soon. Although some CCP leaders have considered the feasibility of transforming the CCP into a social democratic party, they certainly are not ready to see, coincident with the transformation, a lifting of the ban on forming new political parties. What they have wanted to find is the so-called 'Third Road' for the transformation of the CCP. The 'First Road' is to become a 'classic' social democratic party such as those found in Western Europe, which have evolved over the past century through parliamentary and electoral systems. The 'Second Road' is a reference to the road taken by members of the former Soviet bloc, which have since the early 1990s embraced social-democratic ideals through the so-called 'shock therapy' of rapid change, including overthrowing communist party rule.⁴² Countries following the second road have suddenly adopted Western-style demo-

40. Bao Tong, 'Three represents: marking the end of an era', *Asian Wall Street Journal*, (27 August 2002), <http://online.wsj.com/public/resources/documents/a-baotong20020827.html>.

41. Willy Wo-lap Lam, 'Appealing to modern comrades', *South China Morning Post*, electronic version, (1 November 2000).

42. *Ibid.*

cratic norms such as one-person-one-vote elections and competitive party politics. In the eyes of the CCP elite the result has been turmoil and instability. The elite and sympathetic intellectuals argue, sincerely in many cases, that China's different political history and culture require a third way if China is to evolve in a unified and peaceful manner. The CCP wants to transform itself into a Third-Road social-democratic party by establishing a democratic socialism where single party rule prevails despite changes in other areas. It is believed that the third road of transformation could spur both social stability and economic growth while not compromising the party's authority to rule China.

The uncertain future of political liberalization without democratization

Pan Wei's rule of law regime reform proposal as well as all other proposals, debates, and actions to reform and liberalize China's one-party system should be welcomed. The CCP leadership should be encouraged to co-opt the creative ideas of Chinese intellectuals regardless of whether they are friendly or unfriendly to the CCP. The political changes in China have already been substantial, even dramatic, and have been the catalyst for greater individual freedom as well as economic development. Although China's history reminds us that the course of change is never certain, the changes that have already occurred may have slowly laid down a foundation for further democratization. However remote, it is possible that the ruling Communist Party will begin a transition toward democracy by gradually opening up elections above the village and county levels and eventually lifting the ban on opposition parties.

Democracy is not, however, an inevitable result of political liberalization along existing lines. The transition toward democracy would occur only if the ruling elite, or a substantial section within it, perceived that the potential advantages of a shift from slow liberalization to rapid and fundamental democratization outweigh the risk of trying to sustain authoritarian one party rule. If Pan Wei were correct in believing, as he seems to be, that the regime is not under such pressure to make the ultimate choice of whether or not to yield power, China's transition toward democracy would still be uncertain and the change would continue to be gradual and incremental. Although the third road of transformation of the CCP has been explored, the likelihood that the CCP will change into a Chinese-style social democratic party any time soon is remote.

It is very possible that the single-party-rule structure will remain for the foreseeable future because there is no other organized political force in China that is powerful enough to replace the Communist Party any time soon. The CCP and its army still have controlling power and have enormous vested interests in single-party rule. The struggles within the CCP have been over the distribution of power, not the nature of the system in which power is exercised.

The forces of democrats in exile are very fragile and divided. Moreover, it is disputable whether, if the exiled elite were to miraculously secure control of the state, it would necessarily rule democratically. As one study indicates, many students involved in the 1989 pro-democracy demonstrations did not seem to have very sophisticated ideas about what democracy is, and they certainly did not do the

best job of practicing democracy in their movement, which was 'much more explicit in terms of what it opposed than what it supported'.⁴³ Under these circumstances, there seems to be little likelihood that democratization would take place in China simply by the replacement of the CCP by the exiled democratic forces. Rather, the transition to democracy would be more likely to come from above, namely, the CCP itself. The process could be difficult, prolonged, complex, and inconclusive.

Looking beyond the immediate future, prolonged political and economic liberalization without democratization will prove to be more and more difficult to sustain, in part because it will only become harder for the CCP to justify its monopoly over political power as society and the economy become increasingly pluralistic. As indicated by Bao Tong, a senior architect of China's reforms until 1989 when he opposed the crackdown in Tiananmen Square, 'China's economy and society have grown too complex to be directed even by a modernizing party'.⁴⁴ Dissonance between ideology and reality and between a pluralistic economy and one-party politics could render the rule of the Communist Party increasingly ineffective. Political liberalization without democratization has not addressed the root of China's political problems: the crisis of legitimacy. This type of crisis was related to the demise of the official ideology and a profound crisis of confidence in the communist system. To find an alternative to the declining communist ideology, some liberal intellectuals turned to Western democratic ideas and called for Western-style democratic reform. The confidence crisis thus evolved into a pro-democracy movement, which produced large-scale anti-government demonstrations in the spring of 1989. After the crackdown on pro-democracy demonstrations, the CCP was determined to substitute for obsolete Marxism-Leninism a legitimacy based upon the success of China's surging economy and a nationalist legitimacy provided by the invocation of distinctive characteristics of Chinese culture. Economic performance did, in practice, help the CCP to reclaim its legitimacy to a certain extent in the 1990s.

However, it is hard to maintain a high rate of economic growth forever. Economic growth has come in cycles in China as in many other countries, which means the inevitability of a downward turn. In fact, the downturn has occurred in China in the past couple of years. The economic downturn, together with rising unemployment and growing corruption, can be a powerful indictment of single party rule and a potential cause of opposition. Many observers, inside and outside China alike, have pointed to the fact that the CCP has encountered widespread antipathy and more and more organized opposition to its rule even though it has achieved remarkable success overall in economic reform and has initiated from above a certain measure of political reform.

This is evident in the fact that the party has faced challenges not only from China's isolated dissident community, but also from much larger groups who subscribe to non-communist belief systems, such as the banned Falun Gong. In

43. Andrew Scobell, 'After Deng, what: reconsidering the prospects of a democratic transition in China', *Problems of Post-Communism* 44(5), (September/October 1997), p. 24.

44. Fred Hiatt, 'For China, the most difficult reforms lie ahead', *Los Angeles Times*, (1 April 2001), p. B7.

addition, political liberalization has given rise to many quasi-independent social organizations, which have inhabited some public spaces created by the party's withdrawal from many areas of society. Moreover, with the rise of a middle class including entrepreneurs and professionals, it would appear to be just a matter of time before these upwardly mobile sectors start clamoring for greater political representation.

The three-representatives campaign has been designed to neutralize the potential of such social groupings by presenting the Communist Party in a more inclusive light, providing it with a more progressive image, boosting its popularity and strengthening its rule. However, the party remains exclusive rather than inclusive to these social groups because it insists that the party alone can represent the fundamental interest of the great majority of the Chinese people. It cannot tolerate any organized opposition or subject itself to the rule of law. To the surprise of four *Washington Post* reporters at an interview in Beijing on 24 March 2000, in response to a question about the holding of an American university researcher and her family without notification of lawyers or relatives in China, Jiang Zeming said, 'if they were subjected to a certain legal procedure, that means they must have violated the law to a certain extent'. It is indeed very hard for the CCP to learn to follow the rule of law and incorporate increasingly diverse social groups into the constitutional framework by eventually opening genuine political competition. Even the most open-minded reform leaders, such as Premier Zhu Rongji, have great difficulty in accepting the Western concept of the rule of law, not alone check and balance. An interesting exchange between Zhu and a non-Communist member of the NPC in early 2001 said much about the nature of political reform and the maintenance of single party rule. At a briefing for members of China's eight 'democratic parties' on the governmental program for developing the western provinces before the annual NPC plenary session, the premier was taken aback by a question from a democratic-party stalwart and NPC deputy. The legislator asked Zhu, 'Shouldn't the party and government first seek the approval of the legislature before going ahead with the Develop-the-West Program? At present, many aspects of the go-west scheme are based on government regulations and fiats, not laws'. According to a Hong Kong reporter, the premier was angry because he considered the query a challenge to his authority as head of the government although out of politeness the premier said that he would give the issue fair consideration. This reporter observed that 'this episode showed that even for a liberal cadre such as Zhu, the concept of a "Western-style" legislature—and checks and balance among different arms of the government—remains quite an alien concept'.⁴⁵ It is from this perspective that Pan Wei's rule of law regime may play a positive role in the reform of China's political system.

The CCP has justified its monopoly of political power in terms of its indispensability to China's political life and the claim that loosening its grip would precipitate chaos. Political stability, defined as the preservation of single party rule, must therefore be maintained at all costs. However, the problem for the CCP is that economic reform and political liberalization have created increasingly diverse

45. Willy Wo-Lap Lam, 'New generation pushes China democracy', CNN.com, (13 February 2001).

social groups, who would inevitably make demands on the communist regime. There are two ways of handling these demands in order to maintain the so-called stability. One is to repress these demands. The other is to allow the expression of those interests and channel them into newly constructed political and legal institutions. Obviously, the CCP cannot rely only on repression to maintain its one-party rule in today's China. Therefore, the biggest challenge for the CCP is to find a way to gradually incorporate increasingly diverse social groups into a constitutional framework, which would include eventually allowing genuine political competition. The CCP has to completely separate the party step by step from the state and from economic activities, open its rank to critical discussion, and allow local grass-roots electoral processes to percolate to the top. Movement along these lines would not necessarily lead to the CCP's loss of control of overall policy in the foreseeable future.

As a first major step, the party should continue its effort to withdraw from economic activities. Economic reform has resulted in a much-reduced role for the party in running the economy. The state-owned sector delivers less than one-third of the GDP, and is the least efficient element of the economy. The case for removing the party from economic management has been made and accepted widely by the CCP leaders.

Changing the major function of the party from running the economy and state to running elections is another major step of transformation. To make the transition smooth, village elections must first be consolidated and made to really work. Multi-party competition may be avoided for some time until the CCP has completely transformed itself into an efficient and fully functioning social-democratic party that is experienced and confident in running elections. Uninterrupted long-term political stability, administrative efficiency and economic development in China ultimately depend on the emergence of a genuinely representative government chosen by the people through relatively fair and competitive elections.

