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# The People's Republic of China at 50: National Political Reform\*

John P. Burns

After 50 years of revolutionary transformation and uneven consolidation, and a generation of economic re-structuring, the political institutions of the People's Republic of China remain essentially Leninist. The Chinese Communist Party (CCP) continues to enjoy monopoly power, and independent media, autonomous trade unions and other manifestations of civil society are almost wholly absent. Yet the environment within which the Party now operates has changed fundamentally. Marxist-Leninist parties in power around the world have collapsed and to stay in power the CCP has abandoned central planning for market economics. Living standards and literacy rates have improved dramatically and ordinary people now have more control over their own lives. Some analysts have suggested that as a result of these changes, the regime is facing imminent institutional collapse.<sup>1</sup> Others have suggested that the regime cannot but democratize.<sup>2</sup> This article argues that the regime is more resilient than either of these interpretations allows. In spite of the formal trappings of Leninism and its neo-authoritarian political reform programme, the CCP has adapted to the new situation. The reforms, which date from the early 1980s, have considerably strengthened the country's political institutions. Although there is disagreement on the content and pace of reform, China's elite with few exceptions appears to agree that further political reform is necessary. Yet the Party is caught in a dilemma: if it moves too slowly, it could fail because it cannot meet the demands of the people; if it moves too quickly, it could fail because it further undermines its already weakened position.

## *Characteristics of China's Leninist Polity*

After 50 years of CCP rule, China's political system continues to exhibit the characteristics of a mature Leninist state. According to the 1982 state constitution, Party rule is legitimized by the "four basic

\* The author gratefully acknowledges the help of Michael Schoenhals, David Shambaugh and other participants attending the Aveiro Workshop and the support of the Hong Kong Research Grants Council and the University of Hong Kong in the production of this article.

1. See especially, Pei Minxin, *From Reform to Revolution: The Demise of Communism in China and the Soviet Union* (Cambridge, MA: Harvard University Press, 1994). See also Zheng Shiping, *Party vs. State in Post-1949 China: The Institutional Dilemma* (Cambridge: Cambridge University Press, 1997). Andrew Walder writes of the party-state's political decline brought about by the CCP's abandonment of the command economy on which Leninist party rule was based. See Andrew Walder, "The quiet revolution from within: economic reform as a source of political decline," in Andrew Walder (ed.), *The Waning of the Communist State: Economic Origins of Political Decline in China and Hungary* (Berkeley: University of California Press, 1995), pp. 1–26.

2. See, for example, Edward Friedman, *National Identity and Democratic Prospects in Socialist China* (Armonk, NY: M.E. Sharpe, 1995).

principles.” Chief among these is the principle that asserts the hegemony of the CCP. Others continue to define the state as a people’s democratic dictatorship, the economy as socialist, and the defining ideology as Marxism-Leninism-Mao Zedong Thought. These values, which champion organizational concepts such as democratic centralism and the mass line, resonate with the language of 1940s and 1950s Party documents. There have been some modifications, but they have been relatively minor.<sup>3</sup> Thus in 1987, then Party Secretary General Zhao Ziyang re-characterized China’s economic system as being in “the primary stage of socialism,” a move that permitted the Party to introduce market-oriented policies, protect private property and encourage private entrepreneurship to develop the economy. Still, 50 years on, China’s constitution continues to legitimize a monist political system, formally recognizing the hegemony of the CCP. Moreover the Party continues to repress all attempts to organize challenges to its authority.

As it was by the mid-1950s, the CCP today remains relatively small and coherent. First, it continues to be an elite rather than a mass party. In 1998, it had 62 million members, or approximately 5 per cent of the total population. Although Party membership has grown as a percentage of the population (0.83 per cent, 1.7 per cent and 2.2 per cent of the population in 1949, 1956 and 1959 respectively<sup>4</sup>), the relative size of the Party has been kept deliberately small. Membership continues to be very selective. Surveys indicate that it continues to be highly sought after,<sup>5</sup> although perhaps not as much as it was in 1949–50. Secondly, evidence of the Party’s discipline in 1998 was its ability to ensure that its nominees were elected to national and local government and people’s congress posts in more than 98 per cent of cases.<sup>6</sup> Party discipline may have declined in recent times, undermined for example by corruption. Still, given its vast size, in comparative terms the CCP is still relatively tightly disciplined.<sup>7</sup> Indeed, in 1999 it may be more disciplined than it was in the early 1950s, flush with victory and absorbing huge numbers of new recruits.<sup>8</sup>

The organization of the Party bureaucracy has also remained fundamentally unchanged for more than 50 years. First, the system that centralizes power in the Politburo and in territorial Party secretaries and their committees continues unchanged. Secondly, the Central Committee and local territorial committees continue to set up general offices and

3. See *Wenhui bao* (Hong Kong) 16 January 1999.

4. Ying-Mao Kau, “Patterns of recruitment and mobility of urban cadres,” in John W. Lewis (ed.), *The City in Communist China* (Stanford: Stanford University Press, 1971), p. 109.

5. See a survey conducted among university students in Shanghai, in which 81% expressed a desire to apply for Party membership. Xinhua, 12 May 1998, in Foreign Broadcast Information Service, *Daily Report – China* (FBIS-CHI-98-132), 12 May 1998.

6. Xinhua, 2 August 1998, FBIS-CHI-98-223, 11 August 1998.

7. There have been significant lapses of Party discipline, usually associated with leadership disputes, such as during the Cultural Revolution.

8. In 1949 the party grew by 50%. Growth rates declined in 1950 and 1951 (to 11 and 16% respectively) but they were still high. Only in 1952 in the wake of severe discipline problems did the CCP cut back recruitment to 4%. It shot up again in 1954 to 23%. Zheng Shiping, *Party vs. State*, p. 268.

organization, propaganda and united front work departments.<sup>9</sup> The functions of these departments have also remained remarkably constant although the scope of their authority has varied with periodic decentralization and re-centralization. The structure of provincial Party committees in the late 1980s, for example, closely resembled committees set up in the mid-1950s.<sup>10</sup> From 1952 to 1996, although the state went through six major rounds of restructuring (mainly streamlining), the impact of the reforms was relatively modest and in no sense did they change the character of Party or state institutions.<sup>11</sup>

Thirdly, authorities continue to rely on decision-making and policy-implementing institutions, such as Party leading small groups.<sup>12</sup> The leadership system within the Party continues to give primacy to Party secretaries and higher level territorial committees. Formally, the Party continues to value collective leadership and democratic centralism. That is, there appears to have been relatively little organizational innovation or re-invention of the CCP.

Since 1949, the CCP has maintained itself in power through its control over leadership selection in all strategic groups and control of the military. The fundamental principle of personnel administration laid down in the 1920s that “the Party manages cadres” has continued to guide organization work since 1949. The 1990 Central Committee *nomenklatura* lists, the most recent ones available to me, reveal that the Party continues to rule through its control of leadership selection not only of government agencies at all administrative levels but of the legislature, judiciary, the military, strategic economic enterprises, the media and mass organizations such as the All-China Federation of Trade Unions.<sup>13</sup> Recent evidence, such as the appointment of Li Changchun as Party secretary in Guangdong, indicates that the Party’s power of appointment continues to be effective. The broad scope of its personnel authority is typical of Leninist parties in power. Similarly, its control of the People’s Liberation Army is exercised through institutions<sup>14</sup> headed by Party Secretary General Jiang Zemin.

The Party’s method of rule has changed since the 1950s. No longer

9. See Kenneth Lieberthal, *Governing China: From Revolution through Reform* (New York: Norton, 1995), pp. 155–182 for a discussion of the Party’s formal organization. Party committees also routinely established investigation departments until 1983 (thanks to David Shambaugh).

10. Shanghai shi bianzhi weiyuanhui bangongshi (ed.), *Shanghai dang zheng jigou yange* (*Evolution of Shanghai Party and Government Organizations*) (Shanghai: Shanghai renmin chubanshe, 1988), pp. 69–70 and 207. See also Zheng Shiping, *Party vs. State*, pp. 86–88.

11. Liu Zhifeng (ed.), *Di-qi zi gaige: 1998. Zhongguo zhengfu jigou gaige beiwanlu* (*The Seventh Reform: Background to the 1998 Organization Reform of the Chinese Government*) (Beijing: Jingji ribao chubanshe, 1998). According to Liu, earlier reforms occurred in 1952–53, 1958–59, 1960–65, 1982, 1988 and 1993.

12. The role of the CCP Secretariat has changed, however.

13. J. P. Burns, “Strengthening central CCP control of leadership selection: the 1990 *nomenklatura*,” *The China Quarterly*, No. 138 (June 1994), pp. 458–491.

14. Such as Party committees in the PLA, the General Political Department and the discipline inspection system. See David Shambaugh, “The soldier and the state in China: the political work system in the People’s Liberation Army,” *The China Quarterly*, No. 127 (September 1991), pp. 527–568.

able to rely on the charisma of Mao Zedong and ideological campaigns (see Michael Schoenhals' contribution), both of which were severely discredited during the Cultural Revolution, the current leadership has relied on a mix of remunerative and coercive incentives on the one hand, and patriotism on the other. More rational bureaucratic rule has replaced campaigns.

After 50 years of rule, the Party shows no more tolerance of opposition than it did in the 1950s although the methods used to silence dissent may have changed somewhat. The December 1998 sentencing to long prison terms of Wang Youcai, Xu Wenli and Qin Yongmin, organizers of a fledgling opposition, the China Democratic Party, for trying to overthrow the state is a case in point. The state has also punished labour activists such as Zhang Shanguang for trying to set up an autonomous trade union and has banned on the mainland books such as *Political China: Facing the Era of Choosing a New Structure*<sup>15</sup> that discuss the need for and prospects of political reform. The authorities have relied more on the law to deal with these cases than secretive administrative or police measures, which probably were more common in the 1950s. In another departure from previous practice, since the 1980s a growing number of dissidents such as Wang Dan and Wei Jingsheng have been exiled. That is, although the methods used to combat dissent and opposition may have changed, the Party is still firmly committed to maintaining its hegemonic position.

In many fundamental respects, then, China's political system remains wedded to its Leninist origins. Yet, the environment in which it operates is now much less supportive of this kind of political system.

### *The Changing Environment*

Both China's external and internal environments have changed substantially since 1949. During the last decade, change has been especially significant in the external environment. First, the collapse of Leninist parties in the Soviet Union and Eastern Europe robbed the CCP of allies and some legitimacy. This development underscored the importance of appropriately handling the relationship between economic and political reform and probably re-enforced the leadership's view that any political reform programme must suit China's national characteristics, that is, preserve the monopoly position of the CCP.<sup>16</sup> Secondly, the Party's decision to integrate China's economy with the world economy not only boosted economic development but opened up the country to new sources of information and managerial technologies, and contributed to the pluralization of Chinese society.<sup>17</sup> Thirdly, the diffusion of modern

15. See *SCMP*, 1 November 1998 for a list of banned titles.

16. See, for example, Jiang Zemin's report to the 15th Party Congress, summarized in *Xinhua*, 11 September 1997, FBIS-CHI-97-254, 12 September 1997.

17. See the literature on emerging civil society in reformist China. Gordon White, *Riding the Tiger: The Politics of Economic Reform in Post-Mao China* (Stanford: Stanford University Press, 1993), ch. 8, and Jude Howell, *China Opens Its Doors: The Politics of Economic Transition* (London: Lynne Rienner, 1993).

technology has meant that virtually every urban household and over 90 per cent of rural households now own a television set<sup>18</sup> and that more than 2 million computers are linked to the internet.<sup>19</sup> With this has come exposure to new ideas that has made governing China more complex. Finally, based largely on its successful economic development, as Michael Yahuda's contribution shows, China has emerged as a major player on the world scene that must be taken seriously by the United States and other world powers. The country's new international position has undoubtedly reinforced the leadership's self confidence that it can effectively manage affairs of state both at home and abroad.

The internal environment has also changed dramatically during the last 50 years. First, as a result of 20 years of economic reform, the country has witnessed years of high economic growth and rising living standards.<sup>20</sup> Indeed, it is probably true to say that a new middle class is emerging, composed of entrepreneurs and professionals, especially in China's cities. Secondly, China has also undergone rapid urbanization and industrialization. Thus from 1952 to 1997 China's total population living in cities grew from about 12 to 30 per cent,<sup>21</sup> while the number of people engaged in agriculture has fallen from 70.5 per cent in 1978 to 47.5 per cent in 1997.<sup>22</sup> Finally, literacy rates have also risen sharply during the last two decades.<sup>23</sup>

These rapid changes have placed many more resources in the hands of ordinary people. They are freer to live where they like,<sup>24</sup> choose their own occupation, buy goods and services from a variety of public and private providers, and travel. Indeed, managing China's new "mobile population," estimated at some 80 million people, has become a new and major pre-occupation of the state.<sup>25</sup> The state continues to try to control what people may publish and read, with whom they may associate, and under what conditions they may speak in public.

The last two decades of economic restructuring have been accompanied by considerable dislocation. First, they have resulted in rising unemployment (officially put at 3 per cent of the urban work force,<sup>26</sup> but unofficially estimated to be as high as 20 per cent). Secondly, the reforms have also been accompanied by a huge increase in the incidence of corruption.<sup>27</sup> Other sources of discontent include enterprises failing to pay

18. State Statistical Bureau, *China Statistical Yearbook 1998* (Beijing: China Statistical Publishing House, 1998), p. 324.

19. *SCMP*, 18 January 1999. See also Xinhua, 15 January 1999.

20. *China Statistical Yearbook 1998*, p. 324.

21. *Ibid.* p. 105.

22. *Ibid.* p. 132.

23. *SCMP*, 25 November 1998.

24. On the relaxation of the household registration system, see *Zhongguo qingnian bao* (*China Youth*), No. 1 (January 1997), in FBIS-CHI-97-046, 1 January 1997.

25. See *Renkou yu jingji* (*Population and Economy*), No. 101 (25 March 1997), in FBIS-CHI-97-121, 25 March 1997.

26. *China Statistical Yearbook 1998*, p. 127.

27. *Liaowang* (*Outlook*), No. 4 (26 January 1998), in FBIS-CHI-98-057, 26 February 1998.

or providing too little wages, pensions or severance pay; the growing gap between the rich and poor;<sup>28</sup> arbitrary and increasing taxes and levies imposed mainly by rural local governments; and families displaced by urban renewal projects and commercial developments without adequate compensation, often in collusion with local government officials. Still, according to a survey carried out by the State Economic Structure Reform Commission in 1997, some 83.9 per cent of urban residents approved of the reforms, although only 65.9 per cent were satisfied with their results.<sup>29</sup>

People have expressed their discontent to government officials through a variety of means, both legal and illegal. On the one hand, they have attempted to present their case to officials through existing channels, such as local leaders, people's congresses, the media and official trade unions. When formal legal channels failed, people have turned to other methods of protest. By the late 1990s protest demonstrations and violence were becoming more commonplace throughout China.<sup>30</sup> Protesters demanded compensation for stock swindles, reduced fees and taxes, the elimination of corruption, increased compensation for giving up their housing, abandonment of enterprise privatization, and payment of stipends for laid-off workers. For all of 1997, officials reported that farmers had engaged in more than 10,000 cases of "unruly incidents" ranging from demonstrations and petitions to efforts to surround and damage government offices.<sup>31</sup> The Party has reacted to these incidents with a renewed call for stability. Indeed, by the end of 1998, stability had once again become the single most important goal of the Party leadership.

### *Political Reform*

China's leaders have recognized the need for political reform of some kind since 1952. In the 1950s and early 1960s, the Party attempted to re-structure the state on several occasions, and to establish a system of people's congresses, provide for basic-level elections and establish legal institutions.<sup>32</sup> In the wake of the Cultural Revolution, Deng Xiaoping put political reform on the Party's agenda in 1980. By then it came to mean reform of the leadership system, constitutional reform and the creation of

28. *Gongren ribao (Workers Daily)*, 10 December 1997, in FBIS-CHI-98-042, 11 February 1998 and *Renkou yu jingji*, No. 107 (25 March 1998), in FBIS-CHI-98-174, 23 June 1998.

29. Reported in *Zhongguo qingnian bao*, 13 February 1998, in FBIS-CHI-98-160, 9 June 1998.

30. See *Ming bao* (Hong Kong), 7 June 1998, in FBIS-CHI-98-159, 8 June 1998; *SCMP*, 12 November 1998, 8 November 1998, 10 November 1998, 15 October 1998, 2 October 1998, 22 November 1998; *Zhengming*, No. 243 (1 January 1998) in FBIS-CHI-98-135, 15 May 1998; and Hong Kong AFP, 7 September 1998, in FBIS-CHI-98-250, 7 September 1998.

31. *SCMP*, 8 November 1998.

32. See James R. Townsend, *Political Participation in Communist China* (Berkeley: University of California Press, 1969), pp. 103–144. During the Cultural Revolution authorities re-structured the State Council and established revolutionary committees.

new institutions within the CCP to supervise discipline.<sup>33</sup> It was again on the agenda in 1986 and 1987. During the 13th Party Congress then Party Secretary General Zhao Ziyang called for the establishment of a new civil service system, separating the functions of the Party and government, further perfecting the people's congress system, and strengthening the rule of law.<sup>34</sup> A decade later, during the 15th Party Congress, Jiang Zemin again placed political reform on the Party's agenda, retreating somewhat from earlier proposals.<sup>35</sup> His proposals included: further development of democracy within the system of people's congresses and in co-operation with the democratic parties; strengthening the legal system; restructuring government to separate it from economic enterprises; streamlining government departments and agencies and improving the civil service system; and improving the system of democratic supervision.<sup>36</sup> Not surprisingly, at no time have Party authorities considered any proposals that would have threatened the CCP's monopoly position. Official calls for reform were punctuated by the pro-democracy and anti-corruption protests of 1978–79, 1981, 1986 and 1989. During these years the Party's attention turned from reform to repression.

### *The Impact of Political Reform*

China's economic reforms and the CCP's on-again, off-again approach to political reform have had an impact on the country's political institutions. There are clear signs that the political system has adapted to the new circumstances and that China's political system is becoming increasingly institutionalized. Institutionalization here means increased structural differentiation, more regularized decision-making processes and more state autonomy from society.

Adaptation can be said to have occurred in two different arenas: internal and external. Internal adaptation<sup>37</sup> has happened in the following areas: the backgrounds of Party members; the characteristics of the leadership; the incentive systems and selection criteria for the bureaucracy; and reform of the legal system. The impetus for these came from elite shock at the consequences of the Cultural Revolution and the obvious need to find successors. External adaptation refers to the extent to which interaction between state and society has changed. External adaptation has occurred in the following areas: people's congresses and

33. Deng Xiaoping, "On the reform of the system of Party and state leadership" (18 August 1980), in Deng Xiaoping, *Selected Works of Deng Xiaoping 1975–1982* (Beijing: Foreign Languages Press, 1984), pp. 302–325.

34. Zhao Ziyang, "Advance along the road of socialism with Chinese characteristics," *Beijing Review*, No. 30, Vol. 45 (9–15 November 1987) (insert).

35. Xinhua, 12 September 1997, in FBIS-CHI-97-254, 12 September 1997. In the wake of the 4 June 1989 episode, the Party abandoned "separating Party and government functions" and revised its proposals for separate management methods for "political" and "professional" civil servants.

36. Xinhua, 12 September 1997, in FBIS-CHI-97-254, 12 September 1997.

37. See Bruce Dickson, *Democratization in China and Taiwan: The Adaptability of Leninist Parties* (London: Oxford University Press, 1997).



political participation; trade unions and mass organizations; non-state social and political groups; and the media. Less progress at institutionalizing change has been made in this arena, however.

*Internal adaptation: changing Party member backgrounds.* The background of Party members has changed substantially over the past 50 years. In the mid-1950s, for example, peasants still formed over 60 per cent of Party membership. They were recruited mostly during mass campaigns, which heavily relied on political criteria such as class background. Generally, they had a low level of education and lacked specialized knowledge.<sup>38</sup> In 1979, on the eve of the reform era, approximately half the CCP's then 37 million members had joined the Party during the Cultural Revolution era (1966–76).<sup>39</sup> During those years the Party recruited from among poor peasants and urban workers and emphasized the values of class struggle, egalitarianism, public ownership, central planning, and reliance on normative and coercive incentives. Indeed these values were present already by the mid-1950s. By 1998, another 20 million Party members had been recruited from more diverse social backgrounds using decidedly different criteria that emphasized economic development, some people getting rich first, mixed modes of ownership, reliance on market forces and remunerative incentives. The nature of the Party's values have changed as a result, legitimized by new ideologies. Many current local leaders joined after the Cultural Revolution.

Although whether private entrepreneurs should be admitted has been controversial during the reform era, apparently a growing number of China's wealthy business elite have managed to join the CCP. Business members of the National People's Congress and the Chinese People's Political Consultative Conference have also increased. Indeed, 80 private businessmen and women were delegates to the Ninth NPC. Research into the behaviour of China's business elite indicates that becoming a Party member is perceived by them to be an important avenue of success.<sup>40</sup>

*Leadership rejuvenation.* When the fourth generation of leaders takes over from Jiang Zemin, the founding father generation, which has so dominated Chinese politics, will have completely passed from the scene. Because no single leader will have the authority of either Mao Zedong or Deng Xiaoping, who dominated the political scene from the mid-1950s to 1997, the pressure to maintain collective leadership at the top will grow.<sup>41</sup> However, China's leaders have made little progress in institutionalizing collective leadership. Leaders are still chosen through a secretive process

38. Hong Yung Lee, *From Revolutionary Cadres to Party Technocrats in Socialist China* (Berkeley: University of California Press, 1991), pp. 56-57.

39. Zheng Shiping, *Party vs. State*, p. 268.

40. See Richard Robison and David S.G. Goodman (eds.), *New Rich in Asia: Mobile Phones, McDonalds, and Middle Class Revolution* (London: Routledge, 1996).

41. See *Zhengming*, No. 255 (1 October 1998), in FBIS-CHI-98-290, 17 October 1998, which argues that collective leadership was "harmonious" in mid-1998.

that depends heavily on factional political alignments and not on elections.

Political reform has, however, improved the quality of China's leaders. The third and fourth generations are as young as the leaders who took power in the 1950s, reversing a trend towards older leaders that characterized the 1960s and 1970s. Beginning in 1980, but especially since 1982, the Party abolished the life tenure system for Party and government functionaries.<sup>42</sup> Current leaders are also much better educated and much better informed about the world than those of two decades ago.<sup>43</sup> By the 1990s, most leaders had spent their youth in school and although schooling was interrupted during the Cultural Revolution, education credentials have become important since 1980. Political reform has undoubtedly increased the capacity of China's leaders.

*Bureaucratic rejuvenation.* Political reform has brought several significant changes to the bureaucracy. First, with civil service reform the CCP disaggregated "state cadres" into a business elite, government officials and employees of not-for-profit institutions. Different management methods are being developed for each sector. Separate incentive systems are also in operation, so much so that becoming a government official is now considerably less materially attractive than previously,<sup>44</sup> especially for those living in China's coastal areas. Secondly, since 1993 civil servants in China have once again been selected through open competitive examinations. This is designed in part to raise the quality of the civil service and in part to demonstrate to the public that civil service jobs are only available through open competition and not through personal connections (*guanxi*) or "the back door."<sup>45</sup> These changes should improve the quality of the civil service.

While authorities were attempting to reform the personnel system, perennial abuses continued to emerge. For example, from 1996 to 1998 the press published numerous cases of officials selling government jobs.<sup>46</sup>

42. Melanie Manion, *Retirement of Revolutionaries in China: Public Policies, Social Norms, Private Interests* (Princeton: Princeton University Press, 1993).

43. Li Cheng and Lynn T. White III, "Elite transformation and modern change in mainland China and Taiwan: empirical data and the theory of technocracy," *The China Quarterly*, No. 121 (March 1990), p. 15.

44. In one random sample survey carried out in Nanjing, respondents were asked to rank occupations according to prestige. Civil servants ranked 24th out of 50 occupations. The top positions went to university teachers, mathematicians, middle school teachers, engineers, doctors, architects and so forth. Individual traders (*getihu*) and prostitutes scored at the bottom. *Shehui*, No. 1 (January 1997), p. 8. Other surveys, such as one carried out among Peking University students in 1997, indicated that 27% of respondents hoped to work for "Party or government units," 23% for joint venture enterprises (*sanzi qiye*), 13% for institutes of higher learning, 10% for research institutes, 8% for state-owned enterprises, and 1% for middle schools. A further 16% were reported as "other." *Zhongguo qingnian bao*, 5-10 June 1997.

45. Interview, Ministry of Personnel, 22 July 1996.

46. *Liaowang*, No. 10 (March 1997), in FBIS-CHI-97-071, 10 March 1997; *Renmin ribao*, 24 March 1998, in FBIS-CHI-98-097, 7 April 1998; Xinhua, 23 June 1998, in FBIS-CHI-98-179, 28 June 1998; *Renmin ribao*, 17 January 1996, in FBIS-CHI-96-034, 17 January 1996; and *SCMP*, 22 September 1998. The problem is so serious that it has received Politburo

Corruption at unprecedented levels in the history of the People's Republic has further undermined the legitimacy of the regime. Although thus far only one Politburo member (Chen Xitong) has been convicted of corruption, and political infighting was probably as much a factor in this case, corruption allegations have reached to the vice-minister or vice-governor level.<sup>47</sup> Tens of thousands of cases of corruption are reported and investigated each year and the numbers are growing.<sup>48</sup> Corruption especially at local level remains a serious problem that has undoubtedly undermined attempts to rejuvenate the bureaucracy.

As China moves towards a market economy, its civil service must assume the position of a neutral regulator. This is a new role for China's government officials, entirely unheard of since 1949. Reformers have taken steps to implement civil service neutrality by forbidding them to engage in business (although their relatives are not so controlled) and, more recently, by requiring civil servants at and above deputy county (section) level to declare their assets and business dealings.<sup>49</sup> Authorities have also sought to boost neutrality by rotating leading civil servants once every five years.<sup>50</sup> The extent to which these regulations have been implemented is unknown.

If China's six attempts to streamline central and local government since 1952 have largely failed,<sup>51</sup> the more important policy of changing the functions of the state to suit a market economy has met with some success. Indeed, by 1999 the functions of the state had witnessed significant change. For example, the state has taken on market regulatory functions that are entirely new, in organizations such as the China Securities Regulatory Commission, set up to regulate the country's stock and futures markets. Major reforms of the banking system, and insurance and social security system are also under way.

*Legal reform.* China's political system is still based on personal rule rather than on the rule of law.<sup>52</sup> However, since 1979, legal reform has continued. From 1979 to 1997, China enacted 311 laws, and issued 700 sets of regulations and 4,000 sets of administrative rules covering a wide range of political, economic and social activities.<sup>53</sup> Among these, rules on the regulation of securities and futures markets, consumer protection, intellectual property, banking and insurance are almost entirely new. Institutions to enforce the regulations have also been established. Al-

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*footnote continued*

attention. See *Ming bao* (Hong Kong), 28 October 1998, in FBIS-CHI-98-301, 28 October 1998.

47. See the case of Guangdong's Yu Fei in *Xin bao* (Hong Kong), 16 October 1998, in FBIS-CHI-98-296, 23 October 1998.

48. *Liaowang*, No. 4 (25 January 1998), in FBIS-CHI-98-057, 26 February 1998.

49. *Xinhua*, 24 March 1997, in FBIS-CHI-97-083, 24 March 1997.

50. *Xinhua*, 7 August 1996, in FBIS-CHI-96-162, 7 August 1996.

51. See J.P. Burns, "Restructuring the Chinese government: 1993-1996: a preliminary assessment" (unpublished paper).

52. According to one view attributed to Lord Dicey, the rule of law means that the state is treated as just another actor.

53. *Xinhua*, 31 March 1997, in FBIS-CHI-97-139, 19 May 1997.

though the number of lawyers practising in China has increased substantially (there were 8,265 law firms and 100,200 practising lawyers in 1997<sup>54</sup>) they still fall short of the 150,000 the state estimates are required.<sup>55</sup> New laws, such as the State Compensation Law, enacted in 1995, give citizens the right to sue the state, and these are being used with increasing regularity. According to a survey carried out in 1997, people are not satisfied with the extent to which others in society "have the habit of operating within the law."<sup>56</sup>

As Pitman Potter's contribution shows, China has made some progress towards institutionalizing the legal system. First, specialist competencies in legal drafting have been developed within the National People's Congress and the Legislative Affairs Office of the State Council.<sup>57</sup> As a result, the comprehensiveness and quality of Chinese law have undoubtedly improved. Secondly, political leaders have made reform of the judiciary a high priority. Policies include improving the quality of judges (only since 1983 were they required to have "legal professional knowledge"<sup>58</sup>), making judicial proceedings more transparent,<sup>59</sup> curbing judicial corruption, and prohibiting judicial, procuratorial and public security departments from engaging in business.<sup>60</sup> These measures, still not implemented, are aimed at improving the impartiality of the judiciary. Because local authorities appoint local judges, the judiciary continues in many cases to protect local interests at the expense of justice.<sup>61</sup> As the importance of the law in dispute resolution has increased, enforcing judicial decisions has become more difficult.<sup>62</sup>

*External adaptation: people's congresses and political participation.*

The system of people's congresses, set up in 1954, has remained fundamentally unaltered to the present day. People's congress membership is screened through the Party's *nomenklatura* system, control that continues to be effective. Only Party authorities may convene the congresses, a principle the CCP re-emphasized during the 4 June 1989 disturbances. As a result, people's congresses in their own right continue to be unable to

54. Xinhua, 31 March 1997, in FBIS-CHI-97-139, 19 May 1997.

55. *SCMP*, 6 January 1994.

56. Survey carried out in urban areas by the State Economic Structure Reform Commission and reported in *Zhongguo qingnian bao*, 13 February 1998, in FBIS-CHI-98-160, 9 June 1998.

57. See M. Scott Tanner, "The erosion of Communist Party control over lawmaking in China," *The China Quarterly*, No. 138 (June 1994), pp. 381-403.

58. See Albert H.Y. Chen, *An Introduction to the Legal System of the People's Republic of China* (Singapore: Butterworths Asia, 1992), p. 109. See also Xinhua, 15 April 1998, in FBIS-CHI-98-106, 16 April 1998.

59. See Xinhua, 15 July 1998, in FBIS-CHI-98-196, 15 July 1998.

60. Xinhua, 31 July 1998, in FBIS-CHI-98-217, 5 August 1998.

61. *Liaowang*, No. 7 (17 February 1998), in FBIS-CHI-98-044, 17 February 1998, and *Zheng-fa luntan (Politics and Law Forum)*, No. 73 (February 1997), in FBIS-CHI-97-115, 1 February 1997.

62. *Guangzhou ribao* reported in *SCMP*, 1 April 1998. According to the head of the Guangzhou Municipal Court, in 1997 verdicts in 6,000 cases were not enforced, an increase of 31% over 1996. The judge also reported cases of government bodies intimidating the court and of police lobbying to overturn criminal convictions. In one case, a procuratorate official turned up to pay the debts of a convicted criminal.

hold the government politically accountable. Accountability is exercised through the Party. Even in this environment, the National People's Congress has been strengthened in recent years. For example, authorities have established new standing committees to examine such items as the state budget.

The CCP limits popular participation in people's congress elections. Universal suffrage is available only for elections at the lowest administrative levels. In 1988, for example, the CCP began again to popularize village committee elections aimed at preserving stability and fighting corruption.<sup>63</sup> Villagers are now better educated and the Party more often offers them a choice of candidates in these elections. Still, it continues to control the elections through its control of the nomination process.<sup>64</sup> Although the media in China occasionally report cases of candidates being elected who are not nominated by the Party, such cases are relatively rare.

In spite of their Leninist trappings, recent research into political participation in Beijing has revealed that "political involvement ... is far higher than many students of political participation have believed." Shi Tianjian's study argues that elections in the 1980s put nominated candidates under public scrutiny and provided people with an opportunity to show their displeasure with candidates to higher authorities.<sup>65</sup> As a result, local leaders have adopted styles designed to build popular support. Local government offices now have telephone hot-lines, advertised in local newspapers, and invite citizens to call with suggestions or to report abuses. Mayors of China's cities appear on television and radio programmes and host radio talk shows taking calls from the public. China's local leaders are now much more knowledgeable about the use of the media and the importance of public opinion.

*Trade unions and mass organizations.* The Leninist paradigm continues to dominate China's official trade unions. Just as it has done for the past 50 years, the Party controls union budgets and the selection of union leaders. For the most part, the function of the official All-China Federation of Trade Unions, to which all unions must affiliate, is to assist in the implementation of Party policy. During economic restructuring, it has championed the Party's policy that has resulted in mass lay-offs of workers, an unpopular position.<sup>66</sup> As a result, pressure to form illegal unions has grown and local governments, pressed to find jobs for the unemployed, have often tolerated them because they promised to help solve the unemployment problem.<sup>67</sup> The leadership's fear of a

63. Xinhua, 25 June 1998, in FBIS-CHI-98-176, 25 June 1998.

64. The press reports that cases of "self-nomination" are growing in village elections. "This has helped ordinary farmers, who are not CCP members and never served as a village cadre to become strong competitors for membership in the villagers' committee," said Xinhua, 22 April 1997, in FBIS-CHI-97-112, 22 April 1997.

65. Shi Tianjian, *Political Participation in Beijing* (Cambridge, MA: Harvard University Press, 1997), pp. 176-77 and 278-79.

66. *SCMP*, 16 November 1998.

67. CCP circular on "wild-cat unions" quoted in *SCMP*, 4 June 1996.

“Solidarity-type” labour movement in China has led officials to crack down on illegal unions. Labour activists have been arrested throughout the country.<sup>68</sup>

*Non-state social and political groups.* Party policy during the 1950s was to penetrate society and either co-opt and control social groups or eliminate them. So successful was the policy that the boundaries between state and society faded away. By the mid-1950s, the authorities only permitted officially sanctioned social groups. All others, such as religious groups, were suppressed. With economic reform, a more complex plurality of interests has emerged, people now have more resources and are more demanding of government. During the late 1980s individuals set up genuinely non-state social organizations that were tolerated by officials. Authorities cracked down on many of these organizations in the wake of the 4 June 1989 incident.

During the late 1990s politically oriented social groups re-emerged and attempts were made for the first time since 1949 to establish an opposition party, the China Democracy Party. Encouraged by what they perceived to be a more politically relaxed atmosphere in Beijing, dissidents tried to register the new party in November 1998.<sup>69</sup> At about the same time, Chinese authorities issued new quite restrictive regulations on the registration and management of social groups<sup>70</sup> and a month later the leaders of the new party were gaoled for attempting to overthrow the state.<sup>71</sup>

Although the activists in 1998 demanded democracy and a multi-party system as many had done during the Hundred Flowers Campaign in 1956, they have made little impact. Recent research indicates that China does not provide particularly fertile ground for unorthodox or oppositional points of view. A nation-wide random sample survey carried out in 1990 reveals that the Chinese are among the least tolerant of viewpoints and political activities of opponents of the regime of seven countries surveyed.<sup>72</sup> In the political landscape in China today, a credible alternative to the CCP simply does not exist. The Party’s dominant position is likely to continue for the foreseeable future.

*The media.* Since the 1950s, with considerable fluctuation, there has been an explosion of publishing in China. By 1998, publishers were producing more than 2,000 daily and weekly newspapers and 8,000

68. *SCMP*, 4 June 1996, 2 November 1998 and 28 December 1998; AFP (Hong Kong), 29 March 1998, in FBIS-CHI-98-088, 29 March 1998.

69. *Xin bao* (Hong Kong), 10 November 1998, in FBIS-CHI-98-314, 10 November 1998. In October, activists set up an Anti Corruption Watchdog Group in Henan, which was promptly banned. AFP (Hong Kong), 14 October 1998, in FBIS-CHI-98-287, 14 October 1998.

70. Xinhua, 3 November 1998, in FBIS-CHI-98-309, 5 November 1998.

71. *SCMP*, 23 and 28 December 1998.

72. The countries were Australia, Germany, the United Kingdom, the USA, Austria and Italy in Andrew J. Nathan and Shi Tianjian, “Cultural requisites for democracy in China: findings from a survey,” *Daedalus*, Vol. 122, No. 2 (Spring 1993), p. 112.

periodicals and magazines for public distribution. The country had more than 3,000 radio and cable television stations, over 1,000 broadcasting stations and 565 publishing houses.<sup>73</sup> The CCP's Propaganda Department continues to preside over the media, enforcing the policy that the media's role is to assist in the implementation of Party policy. The Party itself continues to own directly scores of newspapers and magazines, such as *Renmin ribao*, *Guangming ribao* and publications published by local Party committees.

During the 1980s and 1990s, the Party's degree of supervision over the media has varied. In the late 1980s, for example, authorities tolerated critical intellectual dailies such as *Shijie jingji daobao* (*World Economic Herald*), published in Shanghai. In the wake of the 4 June 1989 disturbances, however, the Party cracked down on these liberal publications.<sup>74</sup> Since then, authorities have tolerated and, indeed, used the media to further Party policies, such as the fight against corruption.

With so many media and with new pressures to commercialize publishing, maintaining Party control is a daunting task, sometimes resulting in the arrest and imprisonment of journalists.<sup>75</sup> Similar strong measures were taken against offending journalists during campaigns such as the Anti-Rightist Campaign in 1957. By the 1990s, however, authorities more often relied on the legal system to discipline errant journalists. Yet by the late 1990s the content of the media in China showed much more variety than it did in the mid-1950s.

Still, 50 years on, the Party continues to control the media through propaganda departments, New China News Agency's monopoly, State Council bureaucracies and the official All-China Federation of Journalists. Attempts to make journalism more professional and independent of Party control have largely failed. In the 1990s, just as in the 1950s, journalists were admonished to study Marxism-Leninism-Mao Zedong Thought, establish a mass viewpoint and accept correct media guidance. However, they were also admonished to defend citizens' rights under the law, ensure the truthfulness of the news and not to engage in corrupt practices.<sup>76</sup>

### Conclusion

From the vantage point of the late 1990s, it is obvious that the Chinese political system has adapted to its changing environment. Unlike the mid-1950s, the Party is more "middle class," and its leaders are better educated and more highly differentiated. Public officials with higher capacity are performing new functions in an environment in which the law has become increasingly important. Government decision-making is

73. *Dagong bao* (Hong Kong), 17 April 1998, in FBIS-CHI-98-110, 20 April 1998.

74. See Burns, "Strengthening central CCP control of leadership selection," pp. 465–66.

75. *Hong Kong Standard*, 11 October 1998, in FBIS-CHI-98-286, 13 October 1998. See also *Ming bao*, 12 September 1998, in FBIS-CHI-98-255, 12 September 1998, and AFP (Hong Kong), 14 September 1998, in FBIS-CHI-98-257, 14 September 1998.

76. Xinhua, 26 January 1997, in FBIS-CHI-97-018, 26 January 1997.

increasingly based on rational considerations as authorities struggle to develop the economy in a market. There has been less adaptation in the links between state and society. But even here, as Shi Tianjian has pointed out, citizens are able to use traditional institutions such as people's congresses to participate in politics. In conclusion, then, China's formally Leninist political institutions continue to be relevant and useful, and citizens have been able to make them "work."

Currently the legitimacy of the CCP is based on the performance of China's economy and, more recently, patriotism. The legitimacy of the Party could be undermined by continuing high levels of corruption, on the one hand, and a serious economic downturn, on the other. As China's leaders are aware, a sharp downturn in the fortunes of China's citizens after almost a generation of high growth and prosperity is a recipe for instability. Further reform of the institutions linking state to society is now required within the general demands of maintaining stability.