

Infrastructure, Participation and Legal Reforms: An Analysis of the Politics and Potentials of Village Elections in China

by

Chong Ke

LL.M., Peking University, 2007

LL.B., China University of Political Science and Law, 2004

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of the Requirements for the Degree of

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Supervisory Committee

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Outside Member

Abstract

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Inspired by critiques of controlled elections under “single-party rule,” this dissertation explores the performance, implications and potentials of China’s village elections. It first reviews the most important studies on the progress of China’s grassroots democracy and then analyzes the social-political background of village self-management which to date has been neglected in the academic literature. Based on empirical studies conducted in Sichuan, this dissertation investigates the roles and attitudes of various participatory groups in village elections and in the course of electoral reforms. It also discusses the failure of the existing law to set out fundamental rules for village elections and to effectively guide people’s behavior. Further, this dissertation offers detailed recommendations to improve the existing law in order to guarantee the accessibility, authenticity and competitiveness of village elections.

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Dedication

To my husband Chong, for his company during many sleepless nights.

To our lovely daughter Aiming, for bringing boundless joy to our life.

Introduction

Having read so many books, articles, and newsletters dealing with “grassroots democracy” or “village elections” in China, I cannot help wonder, as a Chinese law student, what grassroots democracy means to the Chinese people and how the intellectuals view these new changes. At a time when policymakers, media pundits, and political scientists are obsessed with the issue of democratization in China, any book with the words “political reform” in its title is likely to evoke images of voter registrations, electoral campaigns, and ballot boxes.¹ People more often than not forget that there are other forms of elections. In recent years, China has not made much progress toward democratization. China is also somewhat idiosyncratic: elections occur at the local but not national level.² In the mind of national leaders, democracy—commonly understood as competitive elections—is something for which the country is not ready and will not be ready for another generation or two. If this is the case, why would officials launch elections among the “backward” peasants in the first place? Why do some people believe that a “slow but steady” democratization process is growing in the Chinese countryside and what do they see as the trigger for the democratization process?

In the 1980s, self-management at the grassroots level was established in the Constitution of the People’s Republic of China (Constitution), along with residential

¹ Elizabeth J. Perry & Merle Goldman, “Introduction: Historical Reflections on Grassroots Political Reform in China” in Perry & Goldman, eds, *Grassroots Political Reform in Contemporary China* (Cambridge: Harvard University Press, 2007) at 1.

² Jennifer Gandhi & Ellen Lust-Okar, “Elections under Authoritarianism” (2009) 12 *Annual Review of Political Science* 403 at 406.

elections to community management boards in urban areas and village elections to villagers' committees in rural areas. Since then, village self-governance in China, of which elections of the villagers' committee members is the most salient feature, has attracted much attention domestically and internationally.

A familiar claim made by researchers and political commentators is that the system of villagers' committees was originally established to curb chaos in the countryside after the collapse of the commune system in the late 1970s.³ People who hold such a view neglect the fact that elections to villagers' committees were initially created by ordinary people in some of the villages, rather than by the officials. Compared with the more "formal" version of village self-governance under state regulation, the early stage elections involved more voluntary and spontaneous activities and presented a form of political organization that was purely based on mutual trust and shared interests among villagers.⁴ That said, it is the more recent version of village elections featuring a considerably high degree of intervention from the government that attracts much of my attention. I believe, as do many other researchers, that the action of setting up villagers' committees as an autonomous organization formed of villagers' representatives is revolutionary. It is revolutionary in that it opens the door to a broader political consultation and participation venue in over a million villages in China under the single-party regime. I point out in this dissertation, in opposition to some other researchers, the voluntary characteristic of village elections in the early stage and the regulatory actions

³ For example, see Kin-Shuen Louie, "Village Self-Governance and Democracy in China: An Evaluation" (2001) 8:4 Democratization 134.

⁴ I argue in the second chapter that elections observed in the given context carry different forms and meanings from classic democratic elections.

that have followed. During this process of evolution, we need to consider the roles of various participatory groups and their perception of the electoral system.

Since the birth of villagers' committees, much of the research on rural China has focused on village elections—figuring out how democratic they are, what makes villages more likely to implement them, how likely they are to extend to higher levels of government, and many other inquiries.⁵ Until recently, however, researchers have paid little attention to evaluating the *effects* of these democratic reforms. Some analysts suggest that the village elections have become a meaningful mechanism of accountability for village governance, and thus are becoming the training ground for further democratization.⁶ However, scholarly studies also present less optimistic opinions. For those who hope for eventual democratization, seemingly competitive village elections are neither a major positive indicator, nor a meaningful first step to full-scale democracy.⁷ To obtain a more objective, balanced view of the purpose, implication, effect and prospect of village elections, more in-depth studies are needed.

How authoritarian elections are structured seems to play an important role in determining their purpose.⁸ As Hermet, Rose and Rouquié put it, the fact that elections do

⁵ See for example, Lianjiang Li & Kevin O'Brien, "Accommodating 'Democracy' in a One-Party State: Introducing Village Elections in China" (2000) 162 *The China Quarterly* (Special Issue: Elections and Democracy in Greater China) 465; David Zweig & Chung Siu Fung, "Elections, Democratic Values, and Economic Development in Rural China" (2007) 16:50 *Journal of Contemporary China* 25; Björn Alpermann, "Village Governance and Prospects for Democracy in China" (2004) 13:38 *Journal of Contemporary China* 195.

⁶ See Jamie Horsely, "Village Elections: Training Ground for Democratization" (2001) 28:2 *China Business Review* 44. Also Melanie Manion, "The Electoral Connection in the Chinese Countryside" (1996) 90:4 *The American Political Science Review* 736.

⁷ Thomas P. Bernstein, "Village Democracy and Its Limits" (2006) 99 *ASIN* 29 at 29.

⁸ Gandhi & Lust-Okar, *supra* note 2.

not have the same meaning when they are without choice indicates that standards of elections vary.⁹ For example, analyzing the candidate-selection machinery offers a much wider and more useful basis for understanding rivalries, compromises and manoeuvres for seduction or intimidation, which frequently constitute the real purpose of non-competitive elections.¹⁰ Driven by the same belief, this research project explores the meaning of elections with limited choices in rural China. To begin, I study the structure and performance of village elections to determine their purposes and effects. We care if ordinary villagers are provided with a process through which they can infuse their opinions freely and without pain, and through which they can choose their leaders and representatives without being interrupted or interrogated. This naturally brings about concerns for institutionalized elections that are generally considered to be free, genuine and competitive in practice.

Village self-government has been studied as a possible way to make local political practices the foundation of an emerging rights consciousness that becomes increasingly abstract and finally transgresses into the national sphere.¹¹ To understand the complexity of grassroots politics in the vast countryside, we should not only look at newspapers, government work reports, and official statistics, but also at more on-the-ground studies. In this dissertation, I aim to observe and describe how elections actually function in some Chinese villages and the role of law in containing, guiding and reflecting these elections.

⁹ Preface, Guy Hermet, Richard Rose & Alain Rouquié, eds., *Elections without Choice*.

¹⁰ Guy Hermet, "State-Controlled Elections: A Framework" in Hermet, Rose & Rouquié, eds., *Elections without Choice* (London: Macmillan, 1978) at 12.

¹¹ Susanne Brandtstadter & Gunter Schubert, "Democratic Thought and Practice in Rural China" (2005) 12:5 *Democratization* 801 at 801.

Why are localized empirical studies so crucial? First, local practices and experiences in village elections vary. Due to the disparity of political, economic and educational conditions in different areas of China, different conclusions can be drawn from each election because the elections are not conducted in a uniform manner. Second, despite the fact that China is unitary instead of federal, the most effective and influential regulations are often localized ones, in other words, regulations circulated by governments at provincial, municipal, county and township levels. Compared with the law on paper—provisions provided by the Constitution and the Organic Law of the Villagers' Committees (Organic Law for short, onwards), the law on the ground—quasi-laws in the form of directives or guidance enacted by all levels of local governments has a more direct and instant effect on the structure, performance and outcomes of village elections. A significant component of my discussion is organized around inquiries about how these localized regulations are implemented, and how much control as well as protection they provide. Lastly, studies on localized practices help obtain a clearer view of how local politics, public perception and the living law interact with each other. In contrast to the common impression that the democratization process in China is more top-down than bottom-up,¹² through studies on localized elections I find people's growing interests in public affairs and rising demands for democratic participation have transformed into a strong desire for more dramatic institutional changes in the public sphere.

My initial drive for starting this research project was rather simple. What I intended to illustrate in my dissertation, was not that village elections are good or bad,

¹² Perry & Goldman, eds, *supra* note 1 at 2 and 18.

but that they are different from what we have in western culture. The election in China is a completely different system, a system that has not been thoroughly studied and interpreted. I was not going to take sides on which way works better or which way suits the Chinese better but rather present what the Chinese system looks like. Only in this way, could I stay objective about this topic. I hoped my efforts in this dissertation would help people who don't have a chance to visit China or don't know much about Chinese politics to picture the election "there" in the village. However, as I have come know more about the chosen topic, my interest and objectives have expanded, allowing me to comment more on the quality of elections and to make suggestions.

Let me be clear that although this dissertation includes discussions of local elections, the central focus is not on the prospects for national democratization in China. Rather, the main objective is to describe and evaluate the features of the current system and to suggest necessary systemic improvements. Rather than framing my inquiry in terms of prospects for grassroots democracy, this dissertation focuses on the actual performance of village elections and the impact of reform initiatives on local politics and the law of village elections in three locations of Sichuan province. China's villagers' committee elections range greatly in quality, and the quality of the elections is largely determined by factors exogenous to the village. When we analyze any political institution in China, we must seriously consider the role of the Communist Party of China (CPC) as the sole party in power. How much democracy would the CPC allow? What does the CPC want from grassroots elections? To fight corruption and punish local officials? To spread the idea of democracy? To make people feel that they are engaged? To avoid criticisms and attacks from democrats and outsiders? Moreover, what is the best way to

engage the leading political power, and urge it to become the leading force in advancing the electoral reform in China?

When investigating the factors that are largely exogenous to the village and yet have an influence on the quality of elections to villagers' committees, I pay special attention to the legal aspect. What measures have been introduced to enhance competitiveness in village elections? How do villagers and other participating groups respond to these measures? Which methods enhance or impede the openness and competitiveness of village elections? Which practices undergird or undermine the effectiveness of these measures? What needs to be done to improve these measures?

Legal study embodies the politics of law, the culture of law, and individual or collective activities done by the executors and recipients of law. This dissertation engages a larger political-legal context and ongoing changes in the electoral system in China. By this, I mean that I bring into the discussion the interplay between the central and the local, power structure and legislation, social organizations and individuals, and other changing social conditions like the phenomenon of immigrant workers. In addition, I investigate the role played by different people in the law-making and law implementation process, for instance, the roles of national decision-makers in village elections. After all, law is about the interactions between human beings and their written and unwritten agreements.

Many law students I have met in China feel frustrated that their efforts will not make an instant change to the political system and they tend to neglect the role of the party in power in their analysis of China's legal problems, or narrow their research to a purely technical objective: to evaluate the implementation of certain legal texts. My own

perception is that important topics such as village elections have not received enough attention from the scholarship of law, and this omission should be changed as soon as possible. Law experts and law students should work with researchers from other fields to thoroughly explore the problems and potential of China's village elections.

To date, the most common research questions raised by Chinese and western scholars are the following:¹³

- What are the purposes of village self-government and village elections?
- Are they designed to increase democracy for its own sake, or are they a means for reducing the central government's cost in the countryside, constraining the power of local officials, combating corruption, and increasing party legitimacy and overall stability in the rural areas?
 - To what extent have the goals been achieved?
 - How democratic are the elections and how are they to be assessed?
 - In what types of villages, and under what conditions, do potentially democratic elements flourish or wane?
 - To what extent are village self-government and village elections likely to contribute to a transformation of China's political, economic, and social institutions?
 - Will there be elections of self-government at higher levels as part of a movement toward increasing citizenship?
 - If these processes do contribute to a significant transformation, how would this come about and to whose benefit?

I share an interest with other Chinese scholars in asking if village elections and accompanying reforms are a breakthrough, a sham or state-building, and what reforms of

¹³ Richard Levy, "Village Elections, Transparency, and Anticorruption: Henan and Guangdong Provinces" in Perry & Goldman, eds, *Grassroots Political Reform in Contemporary China* (Cambridge: Harvard University Press, 2007) at 20 and 21.

village elections should address. However, I am concerned more with how to arrive at certain conclusions. Taking a separate approach from researchers in the field of political science, I ask the following questions: How do single-party politics affect the law of village election in China? What role does the law play in the electoral process? How much regulation and protection does the law provide? How is the law structured and implemented? How can the competitiveness of village elections be enhanced through changes to the electoral law? What should the law contain and reflect and who should it engage to better assist in improving the electoral system? Thus far, few scholars have tried to answer these questions.

In order to address inquiries raised above, further questions should be asked. For example, how well are election rules and procedures implemented in China? What do Chinese village elections look like and how genuine and democratic are they? How do people think about democracy? Are Chinese villagers aware of the rights necessarily carried by their citizenship and do they care about those rights? Do more free and fair village elections strengthen villagers' internal and external efficacy in their political life?

Many interesting changes and reforms with regard to village elections have been documented in rural China. For example, Sichuan, a big province in south-western China, has launched a series of democratic projects, such as the electoral reform known as "public nomination and direct election", openness of administration and financial affairs at the grassroots level to improve rural governance. Knowing the actual performance and effects of these reforms helps us understand the dynamics of village elections.

To familiarize myself with local practices, I carried out a two-month field study in three locations of Sichuan. Different types of questionnaires were designed for four groups of people: villager voters, former candidates who lost the election, people elected and local officials who are involved in the electoral reform. I completed the ethics approval application process and obtained approval from the Human Research Ethics Board in the summer of 2009. I surveyed a broadly distributed sample of people to collect the opinions of local residents, a sample that reflected the population distribution in twelve villages in three locations in Sichuan. Potential participants were invited to answer standardized questions and share their personal experiences related to village elections.

With more time and resources, further interviews could be done. However, the two-month study can still be considered intensive. I interviewed 114 people in total, including 98 villager voters, 12 Villager's Committee members, three public officials and one former candidate who failed to get elected. I urged myself to stay alert and objective when listening to the participants and interpreting their ideas. During the interviews, part of my job was to listen to the stories told by different groups of people, to look for reasons supporting their position and statements, and to make sense of why they were frank or ambiguous about certain things and why they agreed or disagreed with each other. I tried my best to make sure all the materials and data used in my analysis were first-hand and reliable.

Results of interviews with ordinary villagers, former candidates and local officials were later analyzed to sort out their individual preferences for ways of selection and participation, their opinions on the qualification of candidates, their overall knowledge

regarding voting, and their evaluation of the current system. Furthermore, I identified participants' level of involvement in the electoral process, and evaluated the operation of village elections in Sichuan through analyzing their responses.

I look into the political, cultural and ideological factors underlying voting. My analysis is based on close scrutiny of the effects of localized regulations on village elections and individual participation, which constitutes a crucial, though largely untapped, source of information on village self-governance. My efforts embody literature studies, face-to-face interviews and studies of documents. A descriptive approach combined with a prescriptive approach is applied. I hope my readers can get a sense of the intricacy of China's political reality and of potential avenues of reform through learning facts about the electoral system, and of the problems and opportunities brought about by election-related activities.

The **first chapter** of my dissertation reviews the most important literature on the progress of China's grassroots democracy from the fields of law, political science, history, economics, psychology and anthropology. It also examines the breadth and depth of both theoretical and empirical studies in related areas from recent decades. To achieve these purposes, I identify and describe four stages and a turning point in the occurrence and development of village elections, categorize and relate themes in the study of village self-governance, and compare the most common research methods. Political scientists have studied local elections (though at different levels of detail), but with very few exceptions,¹⁴ they have not paid careful attention to the role of the law in framing and

¹⁴ Björn Alpermann, "Institutionalizing Village Governance in China" (2009) 18:60 *Journal of Contemporary China* 397; "Provincial Legislation on Village Self-Administration: A Framework

structuring these elections. Legal scholars, on the other hand, have provided summaries of legal provisions applicable to elections, but few have examined the regulations adopted at the local level to govern elections and they have tended not to connect the law to the actual conduct of elections.¹⁵ The role of this thesis is to bring both of these bodies of literature together: the political science literature, which has tended to neglect law; and the legal literature, which has tended to neglect the operation of law on the ground.

The **second chapter** of my dissertation explores the implications of and possibilities for non-competitive elections or elections with limited choices, which emerge and evolve against the background of single-party regimes. The significance of these elections is obviously not the same in societies that have never experienced other types of elections as it is in those that formerly have had competitive electoral regimes. My tasks in this chapter include defining non-competitive elections or elections with limited choices, outlining the socio-political context in which these elections occur, describing the characteristics of these elections, and demonstrating the meaning of non-competitive elections to the people and the government. China is not only the object of my study, but is one example I use to deal with above tasks.

for the Evaluation of Grassroots Elections”, *Working Papers on Chinese Politics, Economy and Society*, No. 1 (2002), online: Cologne China Studies Online <<http://www.china.uni-koeln.de/papers/papers.html>>; Liang Kaijin & He Xuefeng, *Cunji Zuzhi Zhidu Anpai yu Chuangzhi [Institutional Arrangements and Innovations in Village-Level Organizations]* (Beijing: Hongqi Chubanshe, 1999); and Qingshan Tan, “Building Institutional Rules and Procedures: Village Election in China” (2004) 37:1 Policy Sciences 1.

¹⁵ Songyin Li, “Problems Associated with the Implementation of the Organic Law of Villagers’ Committees (For Trial Implementation)” (1990) 5 *Modern Law Science* 77; Jinghai Shi, “Legal Suggestions on Perfecting the Vote of Villagers’ Committees” (2003) 4 *Legal Science Magazine* 54; and Zhipeng Liu, “On Unlawful Administrative Acts in Election of Villager’s Committee and Legal Control” (2004) 2 *Administrative Law Review* 76.

In order to understand and evaluate the facts and prospects of village elections, I base my empirical studies in Sichuan, one of the pace-setting provinces in abolishing communes and establishing township governments, as well as in experimenting with villagers' committees.¹⁶ Some scholars believe that village elections are the most promising channel of political inclusion in China. Through experiences from Sichuan, I am able to examine the implications of village elections and suggest what needs to be done to improve them.

To address the above objectives, I propose a research scheme to find answers to the following questions: Are village elections authentic? How competitive are these elections? How do related groups, such as ordinary people, former candidates and local officials, view these elections and what are their reasons for their views and their ways of participating? How well do people understand their rights of voting and to what extent are these rights guaranteed? Are local officials aware of their roles in the electoral process and the kind of influence on elections they have? Do electoral reforms such as "public nomination" offer any groundbreaking solution to controlled nomination criticized by many scholars? The third chapter and the following two chapters deal with people's responses to above important enquiries.

The **third chapter** of my dissertation is mainly focused on voters' participation in and voters' evaluation of village elections. It contains a full report of survey results obtained from Mengyang, Banzhuyuan, and Buyun, three predominantly peasant

¹⁶ See Youlu Mi, "Villager Participation in Autonomy and Its Evaluation" (paper presented at Conference on Local Self-Government in Mainland China, Hong Kong and Taiwan, Duke University, 2-3 May 1997) at 3.

townships, the population of which are fairly homogeneous and largely illiterate. In addition to explaining the purposes and rationale of selecting Sichuan as the sample site, this chapter discusses the contribution and potential limitation of my study. It describes in detail how the research project is structured and conducted, with a particular focus on the steps taken to accomplish the empirical study, including recruitment, consent of participation, face-to-face interviews, confidentiality, and usage, storage and disposal of collected data. It also explains changes made to the original proposal approved by the University of Victoria Human Research Ethics Board in the summer of 2009.

The **fourth chapter** of my dissertation presents survey results obtained from standardized interviews with participatory groups other than ordinary villagers. The major components discussed are local officials' involvement in the electoral process, their attitude towards the elections they have witnessed, and previous candidates' participation and evaluation.

Have several runs of reforms dramatically changed elections or have elections remained the same? In my study local officials have seemingly standardized answers to this question. Nevertheless, former candidates, regardless of their achievements in elections, tend to view village elections and the performance of village self-governance differently than officials. We most frequently hear "big" voices, like those of officials or the mainstream media, and we tend to neglect the voice of small characters, like ordinary people. Yet opinions of ordinary people help us grasp the whole picture of how village elections actually occur on the ground.

Through comparison and analysis of responses from different groups of participants, I examine the government's influence in shaping and manipulating village elections as well as the candidates' roles and opinions. There is an on-going debate among Chinese leaders and intellectuals regarding the peasantry's competence to participate in the political process. I look into this debate and demonstrate how it affects the decisions made surrounding the machinery of village elections. Despite the negative view towards the peasantry held by central and local policy-makers, the idea of holding elections among the "backward" peasants has been widely adopted. What are the reasons behind these attempts? I also address the paradox of establishing village elections, that is, the dilemma between maintaining centralism necessarily required by the single-party rule and local self-governance desired by the masses.

The **fifth chapter** of my dissertation examines the law of election that has a strong impact on village elections in Sichuan, and illustrates its structure, functions and implications. First, I point out the flaws inherent in the national legal system, including the lack of fundamental principles, electoral rules and detailed electoral procedures, all of which are considered necessary for effective election law. Second, because I am highly concerned with the prevalence of localized regulation on village elections, I study the law applied to village elections in Banzhuyuan, with a particular focus on its composition, legality and impact on procedural quality, inclusion and competitiveness. I not only describe the steps taken to form villagers' committees in the area I study, but also point out potential problems that might undermine openness and competitiveness of elections in this process. Quasi-legal documents, such as hybrid party-state documents issued by the Party along with the government, have a substantial influence on the quality of village

elections but are extremely difficult to obtain and review. Lastly, I discuss the incomplete and unsatisfactory functions served by village elections under the current system.

In this chapter two sorts of studies are combined: documentary study and face-to-face interviews. The primary sources for my analysis are local by-laws and responses from all participatory groups. I cite official data accessed during my field trip and compare these data with my own survey results. The secondary source is existing studies completed by other researchers. I study these resources to determine the major measures and steps taken to form villagers' committees. These measures and steps, as I show in this chapter, necessarily limit voters' options in village elections and infringe upon citizens' freedom to vote during the voting process.

The **sixth chapter** of my dissertation proposes a scheme to improve the electoral system despite the fact that, for the foreseeable future, any thorough or realistic reform in single-party China remains a dream. One of the solutions suggested by Chinese scholars is a unified electoral law with detailed rules and procedures for village elections in order to guarantee the nomination rights, secret ballot and the transparency of the electoral process, and to promote public participation and electoral justice. Based on my knowledge gained during the research process, what I would add to the previous work is more than a legislative proposal relating to village elections.

I propose to advance systematic change within the electoral system by drawing upon the inclination within the ruling cohort to move towards better governance, the demand of ordinary people for better involvement in local politics, and the influence of intellectuals and the international community. To that end, the last chapter also reveals

the factors that either encourage or impede reform proposals, and points out that the main theme of the electoral reform should be framed around better institutionalization.

Specifically, it proposes reconstruction of the electoral system (including its ideas, principles and guidelines), standardization and synchronization of electoral rules and procedures, establishment of a supervisory system, and several supplementary tactics to assist with other major reforms.

Chapter 1

On the Development of Grassroots Democracy in Rural China: A Literature Review

1 Introduction

This literature review is based on resources accumulated from published and unpublished works and examines the breadth and depth of both theoretical and empirical studies on China's grassroots democracy and village election written during the past thirty years.¹ It reviews the most important literature relevant to the evolution of rural self-governance from the fields of law, political science, history, economics, psychology and anthropology.

China's grassroots democracy has been a heated topic since 1982, when an amendment to the Constitution of People's Republic of China (Constitution) officially confirmed the legal status of residents' committees and villagers' committees. According to the constitution, these two types of committees are "mass organizations of self-management at the grassroots level."² The first experimental law regulating village

¹ The results of these studies are embodied in books, journal articles, conference papers, dissertations and working reports.

² Article 111 of the Constitution of PRC reads as follows,

"The residents' committees and villagers' committees established among urban and rural residents on the basis of their place of residence are mass organizations of self-management at the grass roots level. The chairman, vice chairmen and members of each residents' or villagers' committee are elected by the residents. The relationship between the residents' and villagers' committees and the grass roots organs of state power is prescribed by law.

The residents' and villagers' committees establish committees for people's mediation, public security, public health and other matters in order to manage

elections—Organic Law of the Villagers Committees of the People’s Republic of China (For Trial Implementation)—was adopted at the 23rd Meeting of the Standing Committee of the Sixth National People’s Congress and promulgated for trial implementation as of June 1, 1988.³ In 1998, after ten years of discussion and revision, the Standing Committee of the National People’s Congress (NPC) finally approved the formal version of the Organic Law. In 2010, the legislative body passed the most recent draft of the *1998 Organic Law*.

Soon after the enactment of the Organic Law (For Trial Implementation), elections to villagers’ committees became widespread and compulsory in China’s vast countryside. These elections, noted as “the most salient feature of village self-governance” in non-democratic China,⁴ have received wide attention from domestic and overseas scholars, journalists and political commentators.

1.2 Stages of Development of Village Elections in China

Any study of village elections should take into account the changing political and social atmosphere in rural China. Adopting a historical perspective, this review addresses

public affairs and social services in their areas, mediate civil disputes, help maintain public order and convey residents’ opinions and demands and make suggestions to the people’s government.”

Compared with rural elections, residential elections in urban areas are understudied.

³ In China, legal documents in the form of experimental laws are also passed by the legislature and have the same legal effect as normal laws. These laws are usually substituted by a formal version at a later stage.

⁴ Kin-Sheun Louie, “Village Self-Governance and Democracy in China: An Evaluation” (2001) 8:4 *Democratization* 134 at 134.

four stages and a turning point in the development of village elections in China.⁵ During this evolutionary process, many factors have affected the development of grassroots democracy and its apparatus, including population composition, economic growth and economic structure, state regulation, and political consciousness of rural residents.⁶

1.2.1 1980-1982: Emergence of Village Elections

The first stage in the development of village elections in contemporary China was in the early 1980s. The occurrence of village elections at this stage was mostly spontaneous and voluntary. During this time, a few small villages in Yizhou, Guangxi Province, held elections to villagers committees as a direct result of the collapse of the Brigade System (*gongshezhì*, 公社制) and the rise of the Household Contract Responsibility System (*jiating lianchan chengbao zerenzhì*, 家庭联产承包责任制).

Before this time, villagers were organized through brigades that consisted of production teams. Cadres from these units used to assist local governments at county and township levels in implementing state and provincial policies. Cadres had authority over many local issues including taxation and fee collection, birth control, public security, production management and conflict resolution, most of which were left unattended after the abolition of the Brigade System. Before the early 1980s, rural residents felt that no officially organized power or personnel was in position to take on the job assigned by local governments or to help community members with their living difficulties, especially

⁵ In a similar way, Li and O'Brien propose a "three stage" classification on the development of village self-governance. See Lianjiang Li & Kevin O'Brien, "Accommodating 'Democracy' in a One-Party State: Introducing Village Elections in China" (2000) 162 *China Quarterly* 465 at 465.

⁶ How these factors interact with village elections in China will be discussed later in this dissertation.

in more remote areas where civil servants would not bother to visit. Under such circumstances, some active members, including CPC members and ordinary villagers, came up with the idea of self-organization in their own villages. Their proposal to build self-governance facilities to maintain good social order was later approved by the majority of people in their community.

In contrast with the later and more “formal” version of village self-governance under state regulation, this early stage involved more voluntary and spontaneous activities and presented a form of political organization that is purely based on mutual trust and shared interests among villages. A few important works from this period, and works that are focused on this period, describe the collapse of the Brigade System and the growth of the quest for democracy in the Chinese countryside, and provide detailed research findings for other scholars to build upon.⁷

1.2.2 1982-1998: Promotional Stage

The second stage in the development of village elections was from 1982 to 1998, and featured a growing research interest in China’s grassroots democracy. The CPC began to promote villagers’ committees to curb chaos in the countryside.⁸ The amendment to the *1982 Constitution* merely announced the beginning of the promotional

⁷ See Yong Xu, “A Retrospective on the Birth of the First Villagers’ Committee: A Visit to the Origin of Villagers’ Self-governance” (2000) 9 *Yanhuang Chunqiu* 34. Another example would be the survey of village elections conducted by Womack in 1980 and 1981. See Brantly Womack, “The 1980 County-Level Elections in China: Experiment in Democratic Modernization” (1982) 22:3 *Asian Survey* 261; see Jean C. Oi & Scott Rozelle, “Elections and Power: The Locus of Decision-Making in Chinese Villages” (2002) 162 *China Quarterly* 513; and Tianjian Shi, “Village Committee Elections in China: Institutional Tactics for Democracy” (1999) 51:3 *World Politics* 385.

⁸ See Louie, *supra* note 4 at 134; and Linda Jakobson, Finnish Institute of International Affairs, *Blazing New Trails: Villagers’ Committee Elections in P.R. China*, Working Papers Issue 19 (Helsinki: FIIA, 1999) at 8.

stage of grassroots democracy and village elections. Almost simultaneously, media coverage and academic studies on village elections began to grow steadily. During this period, a large volume of studies examined the role of village elections in accommodating China's grassroots democracy.⁹

1.2.3 1998-2005: Regulatory Stage

The third stage in the development of village elections was from 1998 to 2005, and featured regulatory actions conducted by both central and local governments. This period received more attention from academia than the previous two stages.¹⁰ In 1997, the central government announced that to govern the country according to law was one of its many ruling goals.¹¹ The birth of the Organic Law of the Villagers Committees of the People's Republic of China (Organic Law, onwards) excited researchers working

⁹ See Kevin O'Brien, "Implementing Political Reform in China's Villages" (1994) 32 *Australian Journal of Chinese Affairs* 33; Allen Choate, "Local Governance in China: An Assessment of Villagers' Committees", Working Paper, No. 1 (San Francisco: The Asia Foundation, 1997) 15; Jude Howell, "Prospects for Village Self-Governance in China" (1998) 25:3 *Journal of Peasant Studies* 106; Tianjian Shi, "Economic Development and Village Elections in Rural China" (1999) 8:22 *Journal of Contemporary China* 425; and M. Kent Jennings, "Political Participation in the Chinese Countryside" (1997) 91:2 *American Political Science Review* 368.

¹⁰ Important works from this period include: Björn Alpermann, *Provincial Legislation on Village Self-Administration: A Framework for the Evaluation of Grassroots Elections*, Working Papers on Chinese Politics, Economy and Society, No. 1 (2002), online: Cologne China Studies Online <<http://www.china.uni-koeln.de/papers/papers.html>>; Jie Chen, "Popular Support for Village Self-Government in China: Intensity and Sources" (2005) 45:6 *Asian Survey* 874; Jie Chen & Yang Zhong, "Why Do People Vote in Semicompetitive Elections in China?" (2002) 64:1 *The Journal of Politics* 178; Jakobson, *supra* note 8; Li and O'Brien, *supra* note 5; Lianjiang Li, "The Empowering Effect of Village Elections in China" (2003) 43:4 *Asian Survey* 648; and Shi, *supra* note 7.

¹¹ In his report titled "*Hold High The Great Banner of Deng Xiaoping Theory for an All-Round Advancement of the Cause of Building Socialism with Chinese Characteristics into the 21st Century*" presented at the 15th National Congress held on September 12, 1997, Jiang Zemin claimed that,

...under the precondition of adhering to the Four Cardinal Principles, to continue to press ahead with the reform of the political structure, further extend the scope of socialist democracy and improve the socialist legal system, governing the country according to the law and making it a socialist country ruled by the law....

on China's political reforms. The Organic Law not only set out applicable rules and procedures to direct village elections, but also raised the profile of village elections, stimulating academic interest. As soon as the Organic Law was passed, local governments, one after another, enacted more detailed directions to regulate village elections.

Roughly around 2000, two decades after the Chinese peasants had their first village elections, the overall research fever in China's grassroots democracy began to cool down. Several key researchers, after working on village elections for over a decade, shifted their focus to other topics, such as rural protest and post-election matters. After reassessing the actual consequences of village self-governance, several researchers concluded that village elections carry very limited significance in changing how peasants exert influence on local affairs. Other means, including protest and the requirement for openness and transparency in village administration, appeared to have more direct and effective impact on local politics. Therefore, these fields of study attracted many researchers as more promising.¹²

1.2.4 2005 On: Localization and New Modifications

The fourth stage is associated with the most recent development in electoral practices at the grassroots level. New policies, such as "public nomination and direct election" (*gongtui zhixuan*, 公推直选) and "sea election" (*haixuan*, 海选), have been adopted by local governments to enhance electoral competitiveness and the credibility of

¹² See Lianjiang Li, "Political Trust in Rural China" (2004) 30:2 *Modern China* 228; also see Lianjiang Li, "Political Trust and Petitioning in the Chinese Countryside" (2008) 40:2 *Comparative Politics* 209; and Lianjiang Li & Kevin O'Brien, "Protest Leadership in Rural China" (2008) 193 *The China Quarterly* 1.

electoral outcomes. Scholars who have maintained their research interests in the field of grassroots democracy have begun to add new perspectives to the existing literature. One school of studies, for example, focuses on the actual operation of village elections rather than testing how these elections fit into democratic models chosen in advance.¹³ Another school argues for the necessity to faithfully institutionalize village elections.¹⁴ Scholarly opinions on the significance of village elections remain divided. For instance, Levy doubts if these elections, which are far from properly institutionalized, can make any major contribution to China's democratization.¹⁵ Others argue that village elections help cultivate a stronger sense of citizenship among rural residents, and that this is a good sign for democratization.¹⁶

1.3 Themes in the Study of Village Self-Governance in China

When we look at the large volume of studies on China's democratization and village self-governance, we see a mixed bag of results. As Bernstein puts it,

On the one hand, village elections have become a normal feature of grassroots political life. Rural people expect to be able to elect their leaders and to replace them in the next round of elections, or in between, if they turn out to be corrupt or abusive. This constitutes a truly significant step

¹³ See, for example, Susanne Brandtstadter & Gunter Schubert, "Democratic Thought and Practice in Rural China" (2005) 12:5 *Democratization* 801; also see Melanie Manion, "Democracy, Community, Trust: The Impact of Elections in Rural China, *Comparative Political Studies*" (2006) 39 *Comparative Political Studies* 301.

¹⁴ See Björn Alpermann, "Institutionalizing Village Governance in China" (2009) 18:60 *Journal of Contemporary China* 397; and Qingshan Tan, "Building Democratic Infrastructure: Village Electoral Institutions" (2009) 18:60 *Journal of Contemporary China* 411.

¹⁵ See Richard Levy, "Village Elections in China: Democracy or Façade?" (2010) 7:4 *New Politics*, online: *New Politics* <<http://newpolitics.mayfirst.org/node/181>>.

¹⁶ The quest for democracy stems from the sense of citizenship. See Baogang He, "Village Citizenship in China: A Case Study of Zhejiang" (2005) 9:2 *Citizenship Studies* 205. Also see an older study by Kevin O'Brien, "Villagers, Elections, and Citizenship in Contemporary China" (2001) 27:4 *Modern China* 407.

forward in China's quest for a more accountable political system. On the other hand, however, there is a good deal of evidence that this outcome applies only to a subset of villages. In other places, power holders, such as the townships and the village party branches, hold sway to a greater or lesser extent.¹⁷

Two questions are relevant to my discussion presented here. What aspects or themes of China's democratization have been studied to date? What have these studies found regarding grassroots democracy and village self-governance?

1.3.1 Authoritarianism vs. Democracy

The first theme in the study of village elections in China is the levels of gradation between authoritarianism and democracy. Common questions asked by students of political science include: How sharp is the distinction between authoritarian regimes and democratic ones? Is political democracy a matter of "either/or"? Alternatively, is it a matter of "more or less"? The way we address these questions defines our understanding of the nature of a polity. The scholarship is currently divided in its views.¹⁸ Scholars who adopt the "either/or" approach claim that a qualitative difference separates democracy from authoritarianism, and thus authoritarian regimes are not less democratic than their democratic counterparts, but undemocratic.¹⁹ For those who adopt a "more or less" point

¹⁷ Thomas P. Bernstein, "Village Democracy and Its Limits" (2006) 99 *Asia* 29.

¹⁸ For example, Sartori from the "either/or" camp believes that authoritarian states, including one-party regimes, cannot produce any system other than dictatorial power. See Giovanni Sartori, *Party and Party Systems: A Framework for Analysis* (Cambridge: Cambridge University Press, 1976). Another example would be Huntington's theory, which treats democracy and nondemocracy as a dichotomous variable. He argues that a lack of electoral competition has separated nondemocratic regimes from democratic ones. See Samuel P. Huntington, *The Third Wave: Democratization in the Late Twentieth Century* (Norman: University of Oklahoma Press, 1991) at 10, 11, and 12. For a classic critical treatment of this approach, see Richard L. Sklar, "Developmental Democracy" (1987) 29 *Comparative Studies in Society and History* 686. Also see Larry Jay Diamond, "Thinking about Hybrid Regimes," (2002) 13:2 *Journal of Democracy* 21.

¹⁹ Huntington, *Ibid.* at 11 and 12.

of view in their judgment of the nature of a polity, however, democracy is not simply present or absent, but admits of degrees. A common approach practiced by this school is to determine if a country is more or less democratic than another. Diamond and Myers' work represents such an effort:

In a broader, developmental view, democracy is not an either/or phenomenon but rather a continuum. Even systems that are above the threshold of democracy in the conduct of elections may suffer regular and extensive violations of human rights, suppression of minority group rights, flagrant abuses of state power, hidden domination by the military or other centres of power not accountable to the public, and serious constraints on the ability of various interests to organize and be heard. It is therefore necessary to identify a point on the continuum beyond which a distinctly higher quality of democracy exists.²⁰

The debate between the two camps is identified by Schedler as “polemical and inconclusive”.²¹ His work, based on the belief that to introduce gradation while retaining the idea of thresholds is possible, attempts to introduce the notion of “electoral authoritarianism” and combine insights from both perspectives. As a matter of fact, his theory does not differentiate itself from the “either/or” approach because “electoral authoritarianism” inscribes itself in the perspective of “new authoritarianism” which recognizes new forms of authoritarianism as instances of nondemocratic rule that practice “democracy as deception”.²²

Why is the “democracy vs. authoritarianism” discussion relevant to the study of village elections in China? People from the “either/or” camp believe that a polity must

²⁰ See Larry Diamond & Ramon H. Myers, “Introduction: Elections and Democracy in Greater China” (2000) 162 *China Quarterly* 367.

²¹ Andreas Schedler, “The Menu of Manipulation” (2002) 13:2 *Journal of Democracy* 36 at 37.

²² See Andreas Schedler, ed., *Electoral authoritarianism: The Dynamics of Unfree Competition* (Colorado: Lynne Rienner Publishers, 2006) at 5. Also see Richard Joseph, “Is Ethiopia Democratic? Oldspeak vs. Newspeak” (1998) 9:4 *Journal of Democracy* 55 at 59.

meet some minimum requirements in order to qualify as a democracy. First and foremost, the governing body must be elected through free and frequent elections, and the constituent reserves the right to replace irresponsible and corrupt officials.²³ In authoritarian regimes, elections either do not exist or are not seriously contested. Electoral competition is eliminated either *de jure*, as in Cuba and China, or *de facto*, as in Kazakhstan and Uzbekistan.²⁴ Some scholars from the “either/or” cohort thus categorize China as a typical authoritarianism in which the prospect for democracy is rather dim. After all, the CPC retains a firm grip on all stages of elections and the constitution of government at both national and local levels.²⁵ But how likely is the growth of democracy in authoritarian regimes? In addressing such questions, Diamond from the “more or less” cohort proposes to keep away from “whole-system” thinking, to eschew efforts at regime classification altogether, and to identify the ways in which each political system combines democratic and undemocratic features because, after all, most regimes are “mixed” to one degree or another.²⁶

1.3.2 Party Intention and Electoral Reforms

The second theme in the study of village elections is the relationship between the intention of the CPC’s actions in this area and electoral reforms. What have been the

²³ According to Dahl, the following six political institutions are needed for a large-scale democracy: elected officials; free, fair, and frequent elections; freedom of expression; alternative sources of information; associational autonomy; and inclusive citizenship. These six criteria are listed and explained throughout chapter 8. See Robert A. Dahl, *On Democracy* (New Haven: Yale University Press, 1998).

²⁴ Steven Levitsky & Lucan A. Way, “The Rise of Competitive Authoritarianism” (2002) 13:2 *Journal of Democracy* 51 at 55.

²⁵ See, for example, Gunter Schubert, “Democracy under One-Party Rule? A Fresh Look at Direct Village and Township Elections in the PRC” (2003) 46 *China Perspectives* 2.

²⁶ Diamond, *supra* note 18 at 33.

CPC's incentives to set up village elections and carry out political reforms? Does the CPC act out of a desire to practice or institute democracy? Scholars approach these questions differently. Tianjian Shi's research reveals that democratically committed midlevel officials rather than top national leaders play a more crucial role in bringing endogenous changes to China. Pressure from peasants to create political reform has accelerated this process.²⁷ Chen's work provides another plausible answer. After describing the CPC's changing power in the countryside, he points out that pressure for political reforms has increased as traditional means of organizational control have collapsed.²⁸ Since the de-collectivization of the 1980s and the marketization of the rural economy of the 1990s, village cadres have lost both their positional authority in allocating economic resources and their incentives to work for the party-state. Frequent, violent, and organized peasant protests have led researchers to conclude that China's regime has lost its once all-powerful control in the countryside. As Chen puts it,

The loss of the regime's grip on village cadres and the loss of command by village cadres on peasants have almost synchronized, causing the traditional structure of organizational control to crumble in vast rural areas.²⁹

Similarly, Weixing Chen's study suggests that accumulative social problems associated with economic development have pushed the single party to introduce an electoral process to its countryside, the implications of which have been significant for the growth of democracy in China over the last thirty years. A new form of cooperation

²⁷ Shi, *supra* note 7 at 389.

²⁸ An Chen, "The Failure of Organizational Control: Changing Party Power in the Chinese Countryside" (2007) 35 *Politics Society* 145.

²⁹ Chen, *Ibid.* at 170.

between the state and the peasantry embodied in the electoral process has arisen.³⁰ The congruence between the state and the peasantry in this developmental process has been further studied. According to Weixing Chen, the policy congruence between the state and the peasantry helps interested groups seek strategic cooperation with each other.³¹

One of Backer's most recent works aims to make sense of the values behind the localized political reforms in China and discusses how to realize these values. Based on observation of localized political reforms such as promoting direct elections and enhancing public participation in China, Backer suggests the possibility of constructing a rule of law state that adheres to principles of popular participation without adhering to mass democratic principles.³²

A few other scholars build on this work to anticipate prospects for the evolution of electoral democracy under the current regime.³³ Their shared perspective is that a global trend of regime change might define the path taken or to be taken by the Chinese government. After all, democracy in Hong Kong and Macau works under the giant umbrella of socialism.

³⁰ Weixing Chen, "Village Elections in China: Cooperation between the State and the Peasantry" (1999) 5:2 *Journal of Chinese Political Science* 63.

³¹ *Ibid.*

³² Larry Catá Backer, "Constitutionalism and the Single Party State: On the Value of Localized Experiments in Shenzhen", *Law at the End of the Day* (23 June 2009), online: [Lbackerblog.blogspot.ca](http://lbackerblog.blogspot.ca) at para. 1 <<http://lbackerblog.blogspot.ca/2009/06/constitutionalism-and-single-party.html>>.

³³ See Diamond & Myers, *supra* note 20 at 365; Li & O'Brien, *supra* note 5 at 540; and Tianjian Shi, "Culture Values and Democracy in the People's Republic of China" (2000) 162 *China Quarterly* 540.

Other researchers are less optimistic about the Party's commitment to democracy and the prospects for democratization in China.³⁴ Brandstadter and Schubert point out that democracy is not the only available path facing the Chinese government. Womack concludes that the current leadership is more interested in preserving the privileges and convenience of unquestioned political hegemony than installing democracy.³⁵ In the Chinese case, democracy might be a by-product or an unintended consequence of gradual political reforms, but it certainly is not a joint effort that we should start celebrating at any time soon. As Ho puts it,

After all, the aim of rural political reform is to reinvigorate grassroots institutions through election and to ameliorate the tension in mass-cadre relationship; it has never been an outcome of the demand of the populace for democracy.^{[36][37]}

1.3.3 Impact of Village Elections on Democratization

The third theme in the study of village elections in China is how much village elections contribute to the democratization process. Is it the training ground for democratization in China? A considerable component of the scholarship on grassroots democracy in China is aimed at measuring the significance of village elections. As early as the 1980s, a group of optimistic researchers set out to observe the role of “reform-minded” government officials and liberal intellectuals in China's top-down

³⁴ See, Brandstadter & Schubert, *supra* note 13; Womack, *supra* note 7; also see Bryan Chiew-Siang Ho, “Village Elections: Local State Patrimonialism or Chinese Democracy?” (Paper presented to the Social Science Research Center on Contemporary China, University of Macau, 16 March 2006) [unpublished].

³⁵ Womack, *Ibid.* at 262.

³⁶ Ho, *supra* note 34.

³⁷ I disagree with Ho's last point that rural political reform has never been an outcome of the demand of the populace for democracy. Ordinary citizens' quest for political reform should not be underestimated, as I will explain later in this chapter.

democratization. Key figures' beliefs, thoughts and behaviors behind or associated with their sponsorship were closely studied. Unfortunately, however, few people arrived at the conclusion that democratization was in sight.³⁸ Only recently have western scholars begun to look to the countryside for "sprouts of democracy".³⁹ Combining theoretical analysis and empirical studies, these researchers examine the impact of village elections on national politics, local governance, democratic consciousness and public perception of citizenship. Specific questions asked include:

What is the impact of village elections on regime legitimacy and power structure?

One of Schubert's most recent works explores the impact of direct village elections on regime legitimacy in China's local government. He argues that village elections in Lishu county, Jilin Province, have contributed significantly to increased social stability and the quality of local governance, and resulted in more regime legitimacy. Since the peasants have "rational trust" in their cadres, local cadres' political supremacy has not been challenged by direct elections.⁴⁰

Manion offers a systematic investigation into the impact of elections in rural China premised on a basic tenet of the elite-mass relationship: the belief of ordinary citizens that their leaders are trustworthy. Based on two surveys of randomly sampled villagers in the same 57 villages in 1990 and 1996, Manion's study strongly suggests that formal institutions of electoral democracy matter and designs that feature contestation

³⁸ Brandtstadter & Schubert, *supra* note 13 at 801.

³⁹ *Ibid.* at 802, 804.

⁴⁰ Gunter Schubert & Xuelian Chen, "Village Elections in Contemporary China New Spaces for Generating Regime Legitimacy? Experiences from Lishu County" (2007) 3 *China Perspectives* 12, online: chinaperspectives.revues.org <<http://chinaperspectives.revues.org/1993>>.

and encourage voter participation do better at promoting beliefs that leaders are trustworthy.⁴¹

By means of accommodating public participation, the new discourse and mechanisms of village self-government, including nomination, voting, and recall procedures, empower new groups in local politics with the potential to challenge elements of the existing power structure. Although gradual and sometimes contradictory, these changes are significant for the development of participatory democracy.⁴²

What is the impact of village elections on the perception of citizenship and democratic consciousness among the peasants? Shi's field study is aimed at determining if the values and attitudes of ordinary people in China are compatible with behavior necessary for a liberal democracy to evolve, or if they are likely to obstruct such evolution.⁴³ Surveys were conducted to ask people of different backgrounds and residential areas if they were interested in politics and governance issues, if they conversed with others about their political interests, and if they believed they had some control over their political life. Survey results suggest that elections do have some influence on people's values but that influence is limited to specific popular values and preferences, including people's interest in politics and the confidence that local officials will respond to their concerns. At the same time, grassroots elections have not yet

⁴¹ Manion, *supra* note 13 at 302.

⁴² Richard Levy, "The Village Self-Government Movement: Elections, Democracy, the Party, and Anticorruption—Developments in Guangdong" (2003) 17:1 China Information 28.

⁴³ Shi, *supra* note 33 at 540.

changed people's attitudes towards power and authority nor made them support political reform.⁴⁴

In order to find out how much support village self-government enjoys from China's villagers, Chen conducted intensive field studies in Jiangsu Province. Survey results suggest that rural residents' evaluations of self-government institutions were more positive than their evaluations of elected leaders. The self-government institutions, as implemented in a given sample site, enjoyed broader and stronger popular support than did the incumbent authorities.⁴⁵

O'Brien's study from 2001 confirms an awakening of political consciousness among Chinese villagers. The most exciting finding from this study is that rural residents have learnt to use the weapon of rights granted by the law to protect themselves against power abuse, which means that they have practiced citizenship before their citizenship was fully recognized and honored by the government and society. Furthermore, these practices have stimulating effects in the psychological domain, instilling villagers and other citizens with democratic consciousness and a stronger sense of political participation.⁴⁶

Other research conducted by Lianjiang Li also confirms the empowering effect of village elections in the Chinese countryside. Although democratic practices including village elections could never guarantee a transition to democracy, through these practices,

⁴⁴ Shi, *supra* note 33 at 558.

⁴⁵ Chen, *supra* note 10 at 874.

⁴⁶ O'Brien, *supra* note 16 at 407.

Chinese citizens have learnt how to voice their opinions, how to organize themselves and how to fight power abuse. As Li puts it,

In the long run, repeated elections may gradually induce a far-reaching change in villagers' understanding of political legitimacy. Free and fair balloting may first become an accepted way of political life in the village, and then an established political value that villagers wish to see apply to all political authorities.⁴⁷

In the process of appropriating an ongoing national discourse on political reform and democracy, China's peasants are able to translate their entitlements derived from the moral economy of the village into rights by attempting to establish a moral contract with authority.⁴⁸ The function of this moral contract is double-edged. It may lay the groundwork for full-scale resistance if the state and its cadres break the contract, in other words, if the state and its cadres do not respond to the peasants' rightful demands. However, if it is honored, the contract can reinforce trust and secure the legitimacy of the current regime.⁴⁹ The dynamic of such a moral economy produces a "collectivity" in the Chinese countryside, which serves as the pillar of all political claims that rise from the villages, including the quest for democracy.

In general, these studies suggest that village self-governance has made significant contributions to China's political reform and democratization by bringing multi-level changes to the society, including institutional innovations relating to village elections, a more democratic style of administration at the village level, and a new consciousness of

⁴⁷ Li, *supra* note 10 at 660.

⁴⁸ Brandtstadter & Schubert, *supra* note 13 at 801.

⁴⁹ *Ibid.*

citizenship among the Chinese peasants.⁵⁰ However, we should not omit limitations and deficiencies from this account. One of the limitations identified by Louie is that very few peasants are exposed to and instilled with democratic values. The second limitation is the tight political control imposed by the CPC. Thus, Louie proposes that “a more balanced and lucid view is needed in evaluating the contributions of village self-governance to China’s democratization.”⁵¹ In a more critical comment, Lianjiang Li and Kevin O’Brien suggest that village elections are so vulnerable to power abuse and unfaithful implementation of law that they fail to provide Chinese peasants with the most powerful weapon to fight against local governments and corrupt officials.⁵²

Despite disagreement on the prospects for democracy among scholars, it is widely acknowledged that democratic thoughts and practices can be found in China, the finest example of which is the self-organization and elections in small villages. However primitive, rural residents’ efforts in creating and supporting democratic institutions have led researchers to conclude that the democracy slowly growing in the Chinese villages is likely to have implications as profound as the changes in economic organization that created the demand for it.⁵³ The Party’s influence matters, but so do the people’s voices and rights consciousness.

⁵⁰ See Louie, *supra* note 4.

⁵¹ *Ibid.*

⁵² Lianjiang Li and Kevin O’Brien have switched their focus to rural protests and “rightful resistance” practiced by peasants. To view a list of their works, see *supra* note 12.

⁵³ See Melanie Manion, “The Electoral Connection in the Chinese Countryside” (2006) 90:4 *American Political Science Review* 736 at 745.

1.3.4 Political Movements and Village Governance

Other topics in relation to the study of village governance in China include anti-corruption movements across the countryside, post-election village governance, and rightful resistance among Chinese peasants. Admittedly, good governance and real democracy require more than high-quality elections. As O'Brien and Han put it,

Governance, even in a single village, has many components and expanded access to power conditions, but does not determine how power is exercised. "High-quality democracy" in rural China, let alone the whole nation, rests on much more than good village elections.⁵⁴

Scholars who hold similar views find it more promising to study China's political reform at the grassroots level from perspectives other than village elections. For instance, Perry and Goldman look at diversified measures taken by the government and the people to curb power abuse and corruption.⁵⁵ Li and O'Brien adopt a similar approach.

According to Li and O'Brien, rightful resistance or peaceful protest, compared with village elections, may result in an abrupt change of policy, and thus are more effective in freeing the peasants from extra administrative burdens imposed by improper policies.⁵⁶

Another example would be Alpermann's study on the procedural dimension of post-election village governance. This study finds that progress in institutionalization has improved self-management and electoral accountability in villages, while at the same time strengthening the role played by Party branches in village governance.⁵⁷

⁵⁴ Kevin O'Brien & Rongbin Han, "Path to Democracy? Assessing Village Elections in China" (2009) 18:60 *Journal of Contemporary China* 359 at 378.

⁵⁵ Elizabeth J. Perry & Merle Goldman, eds, *Grassroots Political Reform in Contemporary China* (Cambridge: Harvard University Press, 2007) at 3.

⁵⁶ See Li and O'Brien, *supra* note 12.

⁵⁷ Alpermann, *supra* note 14.

1.4 Methods Used to Study Village Elections in China

Three of the most commonly used perspectives in the scholarship of village self-governance are policy-oriented analysis, the theory of voting behavior, and the theory of economic and social development. Both quantitative methods and qualitative methods are employed.

1.4.1 Policy-Oriented Analysis

Policy-oriented studies focus mostly on the evolution of the electoral system in rural China, the making and implementation of election laws, and the impact of electoral reforms. These studies not only reveal the importance of institutionalization but also seek ways to improve the current system.⁵⁸ They also examine the role played by interested groups in the electoral process. Specifically, Kelliher looks at the subject of village self-governance from the viewpoint of Chinese officials and discusses factual issues that are of interest to policy-makers and how their disagreements are ultimately resolved.⁵⁹ Based on interviews with reform officials and field observations, Shi analyses the institutional constraints provided by the electoral framework, and strategies that have been employed by midlevel reformers in implementing the Organic Law and promoting reforms.⁶⁰

Before 2000, there was only a limited academic literature on the impact of political globalization on the transition phase of democratization in China. Shelley's paper fills the

⁵⁸ A few localized empirical studies have found that democracy leads to good governance. See David Zweig & Chung Siu Fung, "Elections, Democratic Values, and Economic Development in Rural China" (2007) 16:50 *Journal of Contemporary China* 25; and Shi, *supra* note 7. As an example of making policy suggestions, see Qingshan Tan, "Building Institutional Rules and Procedures: Village Election in China" (2004) 37:1 *Policy Sciences* 1.

⁵⁹ Daniel Kelliher, "The Chinese Debate Over Village Self-Government" (1997) 37 *The China Journal* 63.

⁶⁰ See Shi, *supra* note 7.

gap by exploring the impact of international non-governmental organizations (NGOs) in promoting democracy in China's villages. Shelley suggests that the role played by international NGOs needs to be understood as a manifestation of political globalization, and in the context of the self-interest of the NGOs and the interests of specific power clusters within the United States.⁶¹ Levy also suggests that any meaningful studies of village self-governance should take into account the bigger context in which China functions today—domestic social formation and increasing globalization, neoliberalism, and corporatization worldwide.⁶² These studies, based on empirical research, have enriched traditional theoretical approaches with first-hand and more substantial knowledge and experience.

1.4.2 Theory of Voting Behavior

While some studies are more focused at the “macro-level”, others examine voting behavior and the impact of elections on rural residents' daily lives across different regions. These documentaries, press news, journal articles and work reports contain descriptions of gradual changes to the localized village self-governance. For instance, Chen observes the process of how a person outside the Party wins an election.⁶³ In response to the fact that little effort has been made to study voting behavior in communist societies at the authoritarian stage, Shi's work explores voting behavior during this

⁶¹ Becky Shelley, “Political Globalisation and the Politics of International Non-governmental Organisations: The Case of Village Democracy in China” (2000) 35:2 *Australian Journal of Political Science* 225.

⁶² Richard Levy, “The Village Self-Government Movement: Elections, Democracy, the Party, and Anticorruption—Developments in Guangdong” (2003) 17:1 *China Information* 28.

⁶³ Chen Zhouxi, “A Party Outsider, A Public Election”, trans. by Zuo Maohong, *Nation* 363 (14 April 2008) 9. online: *Eeo.com.cn*
<<http://www.eeo.com.cn/ens/Politics/2008/04/18/97269.html>>.

critical stage of political development. His analysis reveals that voting behavior in noncompetitive plebiscitary elections is fundamentally different from voting behavior in semi-competitive elections.⁶⁴ Chen and Zhong's work also investigates people's incentives and reasons for voting in semi-competitive elections.⁶⁵

1.4.3 Theory of Economic and Social Development

Another group of researchers have incorporated a social-economic perspective into the discussion by examining the interactive relationship between economic status and overall quality of elections in certain areas.⁶⁶ They analyze dependent variables, independent variables, and control variables affecting the congruence between village leaders and their electorate. As an example of this strand, Oi and Rozelle discuss the role of economic variables in determining which decision-making body has power in the village and how that power is exercised. They conclude that at least in the short run, the significance of village elections and emergence of local participatory bodies depend on the economic context in which these political processes occur. As they put it,

The power of those elected hinges on concurrent economic power. Two key economic variables—the degree of village industrialization and the nature of villagers' ties to the economy outside their village's

⁶⁴ Tianjian Shi, "Voting and Nonvoting in China: Voting Behavior in Plebiscitary and Limited-Choice Elections" (1999) 61:4 *The Journal of Politics* 1115.

⁶⁵ Chen & Zhong, *supra* note 10.

⁶⁶ For example, Hu's paper concludes that village-level economic development is crucial for the implementation of competitive elections. Economic development allows village committees to control more collective revenues, and thus increases the stakes villagers have in elections. This will result in greater participation by villagers in elections and thus make elections more competitive. See Rong Hu, "Economic Development and the Implementation of Village Elections in Rural China" (2005) 14:44 *Journal of Contemporary China* 427.

boundaries—are most likely to determine which decision-making body has power in the village and how that power is exercised.⁶⁷

In contrast with their findings, Lang's work suggests there is no obvious and direct correlation between the provincial level of economic development and the democratic level of village elections because of a great disparity in the level of rural democratization and the implementation of village self-governance among and within provinces.⁶⁸ The author further concludes that the modernization model alone cannot explain why village elections work well in some provinces but not in others. Instead, a more promising approach would be to look at the political elite's ongoing efforts at the provincial level to conduct village elections and implement village self-governance. Strategies for crafting village democracy employed by provincial elites include "elite cooperation, local legislature, political responsibility, political programming, and the art of balancing party leadership and village elections."⁶⁹ These efforts and strategies have been the main driving force in shaping village elections at different locations.

1.5 This Study's Role in Relation to the Existing Literature

Having reviewed the most important works from the scholarship of village elections in China, I point out a few weaknesses in the existing literature. This dissertation, built on my own research as well as other academic works, either addresses or fixes these weaknesses.

⁶⁷ Oi & Rozelle, *supra* note 7.

⁶⁸ Lang Youxing, "Crafting Village Democracy in China: The Roles, Networking, and Strategies of Provincial Elites" (2006) 11:2 *Journal of Chinese Political Science* 62.

⁶⁹ *Ibid.*

The first weakness is that scholars often fail to take full account of social context in their analysis of village elections in China. With a few exceptions, researchers apply analytical frameworks and methods imported from the study of genuinely democratic elections to the study of non-democratic elections. According to Gandhi and Lust-Okar, these tendencies have kept scholars from asking a wide range of questions about the micro-level dynamics of authoritarian elections and the systematic differences among them.⁷⁰ It is not enough to look at the village level alone if one wants to assess the quality of village governance in China.⁷¹ Chen notes that the Post-Mao rule of law campaign propelled a transition from an undisguised rule of Party policy to a rule of state law that aimed to place Party policy under a constitutional and legal cloak.⁷² However, the close correlation between the politics and the law is often overlooked by legal scholars in China. They tend to view the law of village elections as an independent system, rather than a reflective mechanism evolving against the single-party politics. Most existing legal studies related to village elections concentrate on the content and implementation of the formal law as prescribed by the Constitution and the Organic Law while largely omitting the scope, structure and performance of the living law.⁷³ In response to these concerns,

⁷⁰ Jennifer Gandhi & Ellen Lust-Okar, "Elections under Authoritarianism" (2009) 12 Annual Review of Political Science 403 at 403.

⁷¹ See Gunter Schubert, "Studying 'Democratic' Governance in Contemporary China: Looking at the Village is not Enough" (2009) 18:60 Journal of Contemporary China 385.

⁷² An Chen, *Restructuring Political Power in China: Alliances and Opposition, 1978-1998* (Boulder, CO: Lynne Rienner Publishers, 1999) at 156.

⁷³ See Yihua Bai, "Fundamental Principles of the Organic Law of Villagers' Committees" (1988) 4 Law Science Magazine 2; Songyin Li, "Problems Associated with the Implementation of the Organic Law of Villagers' Committees (For Trial Implementation)" (1990) 5 Modern Law Science 77; Jinsu Tang & Chengmei Dong, "Report on Investigating National Situation of Implementing the Law of Organization of Villagers Committee" (1992) 2 China Legal Science 6; Jinghai Shi, "Legal Suggestions on Perfecting the Vote of Villagers' Committees" (2003) 4 Legal Science Magazine 54; Zhipeng Liu, "On Unlawful Administrative Acts in Election of Villager's

my dissertation investigates the purpose of elections in dictatorships; the electoral behavior of voters, candidates, and incumbents in these elections; and the role of elections in democratizing the Sichuan area. Rather than running data on a chosen model to test different variables that affect the quality of village elections, I fully consider the single-party politics in which controlled elections are rooted and observe the actual performance of village elections in a specific area. A significant component of my current research aims to explain how political environment shapes the electoral law through the lens of village elections in Sichuan.

Another noticeable weakness in the existing literature is that a substantial body of provincial legislation resulting in highly localized practices of village elections has been largely ignored.⁷⁴ What constitutes an “up-to-standard” election can be very different from one province to another because the sources of standard vary. Law is essential to institutionalization. Adopting a law and society perspective, my dissertation examines the actual law governing village elections in Sichuan, including the laws passed by the legislative body and the rules practiced by local officials. How these laws shape electoral outcomes, how people perceive these laws, and ways to improve the law of election are also analyzed.

Legal study is about the interplay of culture, law, political systems and human agency. I relocate the Chinese experience within the Chinese community itself and offer a

Committee and Legal Control” (2004) 2 *Administrative Law Review* 76; and Ying Liu & Zitang Fu, “System Reform and Constitutional Dimension in Democratic Village Elections” (2004) 3 *Journal of East China University of Political Science and Law* 26.

⁷⁴ As early as 2002, Alpermann pointed out that omitting the substantial body of provincial legislation on topics related to village elections constituted a potential flaw in most research. See Alpermann, *supra* note 10.

re-examination of sites of difference and dialogue. My efforts bring together two equally important discourses: how politics shapes the living law and how the law contains, reflects and affects the electoral process. I do this using a law and society perspective. I investigate the living law that accounts for much of the conduct of village elections, rather than confining my analysis to the formal legal texts. Combining legal and political, as well as other analytical methods, my dissertation proposes an anthropology of China's village elections which does not merely view the electoral system as component of the society, but also investigates the difference that the electoral system can make as a reflective, dynamic process against the context of one-party regime.

1.6 Conclusion

I have included in this first chapter a discussion of levels of gradation between democracy and authoritarianism because scholars have not reached a consensus on how to apply democratic theories to pro-democratic practices found in authoritarian states like China. Students of Chinese politics are still wondering: Is China a pure authoritarianism? If not, how democratic is China? Is China more or less democratic than electoral authoritarianism in the Philippines or Morocco? One fact about China that surprises most of us is not how rapidly its economy is growing, but how slowly it approaches democracy. The imbalance in China's economic and democratic development is not well understood by many people.

Since the CPC is still a major agent of socio-political change in China, White's developmental thesis of Chinese democratization under an authoritarian state offers a

plausible explanation for the unintended consequence of democratizing Chinese society.⁷⁵

No system is a perfect democracy; some systems are far from being democratic. One side of the fact is that China is an authoritarian state built under the one-party rule. The other side of the fact is that, although there is no clear evidence that the Party is interested in democratization or yielding its ruling power to the majority of the people, democracy could be an unintended consequence of ongoing political and social changes in China.⁷⁶ During this developmental process, any pro-democratic institution or practice is meaningful and thus should be closely studied. Village elections are among the few “democratic elements” found in China. They are studied in the context of one-party rule and growing pressure for more far-reaching reforms in the political domain.

The study of grassroots democracy and village elections in China has become popular in recent years. Conducted under different theoretical frameworks, these studies address various concerns. My dissertation, benefiting from prior research, seeks to address some weaknesses in the existing literature and fill in a few gaps. The scholarship of political science has not paid enough attention to the living law and highly localized practices, while the legal scholarship has not paid enough attention to the role of politics and political participants in the law-making and law-implementing process. Trying to avoid both failures, I focus on localized laws and practices and take into account the social-political context of village elections in my interpretation of research findings. In most cases, my analysis and conclusion are confined to Sichuan area, where my field

⁷⁵ Gordon White, “Democratization and Economic Reform in China” (1994) 31 *The Australian Journal of Chinese Affairs* 73.

⁷⁶ *Ibid.*

studies take place. I try to avoid making too generalized conclusions because election practices vary from place to place across the country.

Chapter 2

Elections in Single-Party States: Context, Implications and Possibilities

2.1 Introduction

Although there have been a few serious and worthwhile studies of elections in communist countries, the tendency among western scholars has been to ignore those elections or dismiss them lightly as being virtually meaningless.¹ In the western world, elections are expected to involve competition between two or more possible claimants to succeed to office, and the presence or absence of competition is a basic characteristic distinguishing “free” elections from those that are not free.² People might ask how elections in Syria, or in China, relate to those that are free and competitive. Elections in different countries might serve different purposes, but their common elements make comparative studies possible. The features worth exploring and comparing include the significance of the electoral system to a regime, the problems and possibilities identified in any electoral system, incentives for participation and reforms, political apathy, and manipulation and distortions, to name a few. As Ware puts it,

There are a great many countries which have political parties but which are not liberal democracies.... The boundaries between the category ‘liberal democracies’ and ‘other kinds of regime’ are very fuzzy.³

If we agree with him on this point, we are ready to acknowledge that some of the

¹ Frank Dinka & Max J. Skidmore, “Functions of Communist One-Party Elections: The Case of Czechoslovakia, 1971” (1973) 88:3 *Political Science Quarterly* 395 at 395.

² Richard Rose & Harve Mossawir, “Voting and Elections: A Functional Analysis” (1967) 15:2 *Political Studies* 173 at 174.

³ Alan Ware, *Political Parties and Party Systems* (Oxford: Oxford University Press, 1996) at 124.

major forces that shape parties and elections in liberal democracies may shape similar developments in other types of regime. The impact of such pressures varies with different conditions in particular regimes. Ware also argues that the degree of political competition affects how ideologies develop and are modified, the incentives facing a party to acquire supporters and members, and how the party's organization is developed and modified.⁴ I do not assume elections play the same role in different countries. What I am going to argue is that elections in single-party states are also intrinsically significant, but their meanings might be different from those under democratic regimes.

2.2 Defining the Electoral System

2.2.1 The Importance of Definition

The mechanism of elections is widely employed all over the world. The spirit of the modern election lies precisely in universal suffrage, equal treatment and individual participation. The device of election produces representatives who further select public officials, control the political agenda and engage in decision-making. With sporadic exceptions, political scientists concentrate upon free and competitive elections. Exceptions include studies of Soviet elections, studies of new democracies like Taiwan, and comparative studies on different electoral systems. Some of these studies do not specifically focus on China, but provide us with insights on how to do electoral studies related to single-party states. Among those researchers who show interest in elections in non-democratic countries, Hermet identifies the problem by arguing:

On one hand, holding free and competitive elections is accepted as a sign of pluralist democracy; on the other hand, political science conceives itself

⁴ *Ibid.* at 125.

as being primarily concerned with multi-party systems and with competitive elections. These thoughts remove the political scientist's obligation to examine how rigged these elections really are, or to consider the implications of electoral politics so dissimilar from the liberal democratic model.⁵

Elections in non-democratic countries often escape people's attention because they are thought to be fake and meaningless. Non-democratic countries are blamed for using sham elections to fool the populace thus causing resentment and political apathy. Some might describe elections in single-party states as non-competitive because there is no competition among political parties. Competition, in this sense, means party competition. I have a slight disagreement over this definition. To be accurate, elections in single-party states like China should be referred to as pseudo-competitive or controlled because most elections are not purely uncompetitive. Competition among party members and non-party members exists when independent candidates are present in the arena, even though the competitiveness of this arena is debatable.⁶ For example, the election to the General Secretary of the Central Politburo of CPC is thought to be non-competitive. But in most elections, elections are allegedly competitive. Competitiveness is frequently employed as an indicator to evaluate the quality of elections in single-party states, because in most situations the incentive for electoral manipulation is obvious and people

⁵ Guy Hermet, "State-Controlled Elections: A Framework" in Guy Hermet, Richard Rose & Alain Rouquié, eds, *Elections without Choice* (London: Macmillan, 1978) 1 at 1.

⁶ Independent candidate refers to ordinary members of society who are not representatives of the party in power. Instead of being recommended by the Party, independent candidates receive support from their relatives, friends, co-workers or even some organizations. We should note that independent candidates are not necessarily against the party in power and its policies. In most cases, they must show their loyalty to the party and the regime in order to acquire candidacy.

need to see the distortion of electoral outcomes.⁷

Defining the electoral system in China is ambitious. It is challenging to convey the context of my forthcoming discussion because of its sharp divergence from the experience of electoral politics in western democracies. Sometimes our own experiences and ways of thinking prevent us from making sense of what we see in other places. Indeed, the focus of my discussion is not only the appearance of non-democratic elections, but also the factors that differentiate them from democratic ones. Non-democratic elections are worth studying because they give an exaggerated insight into techniques of manipulation and centralized control, which are, to some degree, extreme manifestations of phenomena inherent in any electoral situation. The analysis of non-competitive or pseudo-competitive elections increases our understanding of the development and nuances of electoral phenomena and also helps us to analyze factually the public manifestations of the governments which control them.⁸

Moreover, the study of electoral behaviors in non-competitive or pseudo-competitive electoral systems presents us with valuable results such as the analysis of abstentions. When the government gives no opportunity to express an opposing view, withholding one's vote may be a challenge to those in power. This is especially true when abstentions are on a very large scale and clearly concentrated in certain regions or sectors of society. In these circumstances, data on abstentions can be interpreted as politically

⁷ In many situations, independent candidates are unlikely to beat those supported by the party in power because the party wants to grant certain positions to its members and followers. The party will exploit all the resources it possesses to make that happen. Even among candidates from the party, their chances of winning are often dependent upon their personal relationships to party leaders.

⁸ Hermet, *supra* note 5 at 7.

significant and considered to be reflective of regional unconformity towards the government.⁹

Hermet's analysis helps us understand the importance of studying elections of "other forms". His work also sheds light on relevant methodologies that should be applied to electoral studies in single-party states. As he suggests, descriptive analysis of those technical, socio-economic, cultural and historical variables that characterize non-competitive electoral systems constitutes only a prelude to the research. We need an analysis of the latent functions of non-competitive elections and the role of these elections in class relationships, rather than simply a description of their overt features.¹⁰

2.2.2 Assumptions and Clarifications

The Communists condemn democratic elections as being insufficient for revolutionary change. Elitists and liberal thinkers also express some skepticism about the free and competitive nature of elections. As Schumpeter puts it, "the choice of the electorate does not flow from its initiative but is being shaped, and the shaping of it is an essential part of the democratic process."¹¹ Electoral choices, even in democratic elections, are not purely free. The evolution of elections goes hand in hand with the process of democratization.

Freedom of voters, competition between candidates and the effects that the elections have on government policies are the most generally accepted values in political

⁹ *Ibid.* at 12.

¹⁰ *Ibid.* at 13.

¹¹ Joseph A. Schumpeter, *Capitalism, Socialism and Democracy*, 2nd ed. (New York: Harper & Brothers, 1947) at 282.

discussion.¹² Such a suggestion should not be exclusive to democratic countries. These values are also crucial to elections in non-democratic countries like China.

Political scientist Sartori once reminded us that one-party regimes cannot produce any system other than autocratic (dictatorial) power.¹³ Ware also said that, “the most common instances of a state systematically ‘pushing’ a particular party ideology have been in Communist regimes. These regimes developed parallel organizations, of state and party, to provide for the implementation by the state of party policy.”¹⁴ This may be true but it is also exaggerated. Single-party states are more likely to produce dictatorial power than democratic ones. Still, a few points should be clarified before I start to describe the Chinese context.

2.2.2.1 Society in Transition

“Non-competitive elections do not have the same meaning in a complex industrialized society as they do in a predominantly peasant country, the population of which is fairly homogeneous and largely illiterate.... They also have a different meaning according to the electoral history of each country.”¹⁵ Hermet’s description of a predominantly peasant country should be quoted with attention when we think about the Chinese case because a historically predominantly peasant country is not necessarily a

¹² Hermet, *Supra* note 5 at 3.

¹³ Giovanni Sartori, *Party and Party Systems: A Framework for Analysis* (Cambridge: Cambridge University Press, 1976). In this dissertation, I will be using “one-party regime” or “single-party regime” to indicate the features that distinguish China from other autocratic states. My reason is that the CPC does not claim that China is under its governance, although its autocratic role and control over elections is overt to many observers. At least formally, the functionaries of the CPC and the government are separated. As the Constitution provides, “the Chinese people have taken control of state power and become masters of the country.”

¹⁴ Ware, *supra* note 3 at 131.

¹⁵ Hermet, *supra* note 5 at 11.

homogeneous one. First of all, there are usually more diverse preferences, cultures, and languages within the population in larger countries.¹⁶ It could be that an industrialized society is no more heterogeneous than a predominantly peasant country. Second, after three decades of economic reform and strategic adjustment in industry structure, the Chinese economy no longer depends on agriculture. Industrialization is now overwhelming. People debate many fresh questions associated with an industrial and commercial economy. We should place our discussion in that new setting. Third, it is far from clear that relative economic condition should be determinative of electoral institutions. Many scholars criticize the Party for employing GDP and other economic indicators as an excuse for not changing the present electoral system comprehensively. Elections in some less developed countries are more competitive than in China.

2.2.2.2 Implicit Threshold

Many of the political leaders in China insist that poorly educated people like peasants are incapable of voting correctly, so the value of their votes are given only one quarter of the weight attached to the votes of urban residents in national elections. The same leaders promise that peasants will enjoy the same voting rights as urban citizens when they are ready. In 1951, Liu Shaoqi, then Vice Chairman of the Central People's Government, and later First Chairman of the National People's Congress, thought that universal, equal and direct elections with secret ballots would not work in China because, "the laboring people are illiterate. They scarcely have any voting experiences; neither do they care much about elections. Their enthusiasm about voting is not quite

¹⁶ Alberto Alesina & Enrico Spolaore, *The Size of Nations* (Cambridge: MIT Press, 2003) at 4.

adequate...What we care most is not the form of the election, but the substance of it.”¹⁷

This “unequal but reasonable” belief was popular among the CPC leaders and even some legal researchers. In 1953, Deng Xiaoping, then a member of the Election Law drafting committee, concluded that,

In a sense, the provision that treats urban and rural residents differently is not completely equal. But this is the only way to reflect the reality and to represent people from different nations and classes in the congress according to their social statuses. So, the current arrangement is not only reasonable but also necessary in terms of providing the condition for the transition to a better and more equal electoral system.¹⁸

The conception contained in the above quotation is misconceived in at least three ways. First, it is biased in its assumption that peasants are an illiterate group. Second, it is radically unclear with respect to the conditions that will need to be fulfilled in order to give equal weight to peasant voters. If education or comprehensive ability (*suzhi*, 素质) is the only concern, apart from age, why not modify the threshold and provide a timetable to gradually extend voting rights to those unfit? Third, it is misconceived in its focus on education as the criterion for entitlement to vote. Most adults know their own interests and preferences better than anybody else. The illiterate are no different from other groups in the fact that they are also capable of choosing reliable and outstanding persons to speak for them, no matter how ridiculous or unsound their choices might be in other people’s eyes. This is exactly the gist of voting. Every adult is allowed to vote for his/her

¹⁷ See Editorial Committee of the CPC Central Committee Documents, ed., *Selected Works of Liu Shaoqi*, vol. 2 (Beijing: People’s Press, 1985) at 55 [translated by author].

¹⁸ Quoted in: Zheng Liu, Youmin Yu & Xiangqing Cheng, *People’s Congresses Work Book* (Beijing: China Legal Publishing House, 1999) at 109 [translated by author]. Also see Tiechuan Hao, “Two Problems Related to National People’s Deputies” (2004) 22:5 *Journal of Northwest University of Political Science and Law* 12 [translated by author].

own sake. The best result is the aggregation of individual choices, rather than a decision made in the name of the people.

2.2.2.3 Culture: Reason or Excuse

Cultural features are crucial, but the people who are against changes to the existing system often employ them as an excuse. Using the fact of electoral distortions in China to argue that free and competitive elections are incompatible with Chinese culture is like putting the cart before the horse. I tend to believe that it is impossible to draw an overall picture of the cultural appearance of a certain society. It could be that a part of traditional Chinese culture rejects free and competitive elections while another part welcomes them.¹⁹ As a matter of fact, election is the most commonly employed device in leader selection and decision-making at all levels. Most people tend to agree that leaders selected through fair and transparent elections are more capable and respectful than those who are appointed. Decisions made through voting are more convincing too. History reveals that the Chinese people have fought any unchecked power that hurts their interests when the situation has turned unbearable for them.

2.2.3 The Political Context of the Electoral System

As Hermet's study shows, the difference between free and controlled elections is indicated by the opportunity a voter has (1) to have his franchise recognized through registration; (2) to use his right to vote without being segregated into categories dividing

¹⁹ Although no one living in a human society can hope to be totally independent of ideological pressures and cultural influences, "revolutionary or pseudo-revolutionary regimes of the Third World have a predilection for unanimity, with only one-party elections." See Hermet, *supra* note 5 at 7. Why is the preference for unanimity so overwhelming among people in revolutionary or pseudo-revolutionary regimes of the third world? Did they choose to acclaim the predominance of one-party voluntarily or were they forced to live with it? These enquiries are worth exploring.

the electorate and revoking the idea of popular sovereignty; (3) to cast his ballot free from external hindrance; (4) to decide how to vote, even to spoil his ballot, without external pressure; and (5) to expect his ballot to be counted and reported accurately, even if it goes against the wishes of those in power. Restricted or controlled elections are those which do not fulfill one or more of these conditions.²⁰

The Chinese electoral system has oddly combined features. It resembles controlled elections, yet it does not err from Hermet's criteria for free elections completely. For instance, universal suffrage was granted by the Constitution in 1954, and has become progressively more effective since. In theory, people are free to cast votes or spoil their ballots, cheating or coercion during the election is forbidden, and technical measures like the secret ballot are installed to prevent electoral fraud. Since electoral rules and procedures are often distorted in practice even in free elections, looking at the appearance of the system is not enough. We need to sort out the most influential factors affecting the actual performance of the electoral system before we decide which methods are most applicable for electoral studies in single-party states.

2.2.3.1 CPC's Governance and Ideology

Lovenduski and Woodall's work is a classic illustration of the ideology practiced by the Communist Party of China. As they put it,

The Chinese Revolution in the first half of 20th century was followed by the rise of the Communist Party of China (CPC), which preached and practiced the Marxist-Leninist dictatorship of the proletariat. The belief that a ruling party is all important to a state came from Lenin who believed that only one party—the Communists—could take the workers to their

²⁰ Hermet, *supra* note 5 at 3.

ultimate destiny and that the involvement of other parties would hinder this progress. The Party plays a supervisory, coordinating and directing role.²¹

In the middle of last century, China's transition from a "semi-colonial and semi-feudal" society to a fully achieved and stable independence was indeed a painful one.²² The new country looked to the state to carry the main burden of economic development and thus a trustworthy and ambitious government was wanted by the people. After long years of revolution and construction, the CPC has asserted its competence to lead the whole country and its entitlement to form the government. For the sake of solidifying the revolutionary fruits, the leading role of the CPC was entrenched in the 1954 Constitution and it has been the sole legitimate political party in China ever since. Later, I will explain how the Party modifies the mainstream (pure communist) ideology to fit its long-term plan.

2.2.3.2 The Idea of Consultative Politics

Chinese consultative politics does offer a place for other parties within the system through the second representative chamber, the Chinese People's Political Consultative Conference (CPPCC). The CPPCC National Committee is composed of: (1) representatives from the CPC and all the democratic parties as well as dignitaries without

²¹ Joni Lovenduski & Jean Woodall, *Politics and Society in Eastern Europe* (Basingstoke: Macmillan, 1987) at 197. Their study also shows that, in theory, the centre-pieces of Communist organization are the party Congresses. Practically, the real loci of power belong to the Politburo and the Secretariat elected at each Congress by the party's Central Committee.

²² This transition has been defined by the CPC and written into history, along with the crimes and miseries caused by the monarch and foreign invaders. Most people believe that the Chinese nation was oppressed by "three mountains", namely, imperialism, feudalism and bureaucratic capitalism. But other voices argue that China has never been colonized by foreign countries and the PRC did not evolve from a feudal society like European countries. See Xiaonian Xu, "No Feudalism from Qin Dynasty to Qing Dynasty" *The Economic Observer* (18 February 2008) [translated by author].

party affiliations;²³ (2) representatives of people's organizations, all ethnic minorities and various sectors of society; (3) representatives of compatriots from both Hong Kong and Macao Special Administrative Region, Taiwan and of returned overseas Chinese; and (4) specially invited dignitaries. The members of CPPCC committees are recommended by representatives from different walks of life and selected by the Standing Committee of the CPPCC through means of consultation. The total number of non-Communist party members in China is 700,000, which equals 1 per cent of the 73 million CPC members. They represent specific interest groups reflecting complaints and suggestions from all walks of life, and simultaneously, provide an avenue through which these interests can be supervised by the CPC.²⁴ CPPCC members meet every four years, as frequently as the members of the National People's Congress. They have group meetings under the general guidance of the CPC, consult with each other, and reach agreements on almost all issues put forward. The result of their discussion is reported to the Standing Committee of the CPPCC, which decides whether or not to take further steps.²⁵

The CPPCC is expected to have the function of political consultation, democratic supervision, and participation in the deliberation and administration of state affairs. In Chinese, "democratic supervision" (*minzhu jiandu*) means supervision from other

²³ "Democratic" parties or non-Communist parties in China do not enjoy the same rights and positions as western democratic parties. These parties are led by the CPC, and none share power with the CPC at any time. I prefer to name them non-Communist parties.

²⁴ Altogether there are 34 organizations and interest groups represented in the 10th National Committee of the CPPCC. On average, each organization or interest group has 40 seats in CPPCC while the CPC has 921 seats in total. See General Office of the National Committee of CPPCC, ed, *Introduction to the Chinese People's Consultative Conference*, online: National Committee of CPPCC <http://www.cppcc.gov.cn/English/brf_intro>.

²⁵ Once the CPPCC Standing Committee decides on a course of action, it goes to local CPPCCs or other governmental institutions, just for reference. In a word, the role of CPPCC and its institutions is lame.

political parties and the public, the meaning of which is blurred and empty because the law is silent on what will happen to the CPC if it refuses to hear from the CPPCC and the public. The mechanism of the CPPCC is merely a token of democracy in this sense. It conveys a message to the Chinese and foreigners that, despite the ruling status of the Party, the political process in China is broadly inclusive and highly democratic. It also gives us an impression that the Chinese community is homogeneous and harmonious. Last but not least, it supports the Party's emphasis on the politics of consensus, which is also reflected in the electoral system.

2.2.3.3 Propaganda

The Communist Party is condemned for its constant political indoctrination. However, the Communist state has not been a mere vehicle for party propaganda; rather its entire activity has been devoted to changing social values, implementing party policy to bring about desired social transformation, and explaining these policies to the people.²⁶ The difference between formal governmental institutions and actual political operations may be huge in democracies.²⁷ The gap between form and reality might be more immense in newly established countries because the previous political order has broken down and the society is subject to frequent change. Core leaders might disagree with each other on many issues; for example, which is more important, the Party's future or the people's welfare, and are these concerns mutually exclusive? On the one hand, core leaders of the Party are aware of the need for democracy and supporting facilities; on the other hand, they cannot afford any risky experiments. Basically, democracy means ruling

²⁶ Ware, *supra* note 3 at 131.

²⁷ Rupert Emerson, *Political Modernization: The Single-Party System* (Denver: University of Denver, 1963) at 7.

by the majority, or by a government consisting of representatives supported by the majority. In a one-party state, it is almost impossible to decide whether the ruling party has won a majority of votes or not, because a lot of people never take the election seriously and distortions occur throughout the process. Therefore, democracy accompanied by free elections is undesirable to the ruling party and political leaders' perception of concepts like "democracy," "rule of law" and many other western terms is constrained. The Party has to deal with these facilities with extra caution.

The CPC and its core members have to refer to "democracy," "rule of law" and "transparent administration" in daily speech to convince the mass.²⁸ Meanwhile, political leaders carefully redefine these concepts to show how China differs from western countries and their followers. For instance, democracy is interpreted as socialist democracy or democratic centralism. To monopolize the interpretation of these concepts, the Party has to scrutinize the media and the Internet, censor every item of publication, and hold the rights of free speech, association and demonstration under rigid control.²⁹ For over half a century, the party leaders, serving as administrative heads at the same time, constantly reminded the Chinese that capitalist hegemony has caused many crimes and tragedies in the third world, and western countries would never give up their plot to destroy socialist China. In addition to denouncing the capitalists in order to divert people from inner conflicts, the Party also employs slogans such as "building a harmonious

²⁸ The principle in operation was "democratic centralism"—it was the duty of party *cadres* to carry out party policy in an unquestioning way once that had been decided. There was little question that the practice involved "centralism", but there was little evidence of any democracy in the process, since the Communist parties did not engage in wide-ranging intra-party discussion when setting policy. See Ware, *supra* note 3 at 140.

²⁹ For instance, the censorship system written into 1998 Registration and Supervision Statute of Social Organizations is regarded to be a restraint on the right of association.

society” to appease grievances and complaints from the populace.

2.2.3.4 Transition of Ideology

Since the collapse of Soviet Communism, a few communist parties have soldiered on much the same as before, while others, such as the PCI in Italy and the PDS in Germany, have changed both their name and their ideology.³⁰ The Communist Party in China belongs to the former group. It certainly has not changed its standing as a communist party, though it has modified its long-term goal to “practicing and solidifying socialism with Chinese characteristics.”³¹ However, the ruling party continues to claim that its ultimate goal remains the realization of communism. As we know, public ownership should be a central value of communism.³² As a matter of fact, the economic and ownership structure in China has greatly changed. Individual ownership and private businesses are everywhere. Foreign investments are welcomed and encouraged by the Chinese government.

Since 1949, “a broad patriotic united front which is composed of the democratic parties and people’s organizations and which embraces all socialist working people, all builders of socialism” has been established.³³ In 2004, article 19 of the Constitution was amended. The definition of the “people” was modified as “all patriots who support socialism and all patriots who stand for the reunification of the motherland”. Such a

³⁰ Ware, *supra* note 3 at 38.

³¹ Recently, the expression of “Socialism with Chinese characteristics” has been replaced by “Chinese characteristic Socialism”. The nuances between the two expressions indicate an updated interpretation of the communist ideology.

³² Ware, *supra* note 3 at 38.

³³ Preamble, Constitution of the People’s Republic of China.

revision is made so as to avoid being censured for practicing socialist ideology and to include more people with Chinese identity in the united front.

2.2.3.5 Inner-Party Construction

If the single party has already secured the monopoly of political power, what is the motivation for change? Historically, none of the autocratic regimes managed to govern forever by immobilizing discontent or diverting aggression to scapegoats.³⁴ Once they failed to promote real satisfaction in the minds of their subjects, they were forced to do something else, for example, to make self-adjustments.

The CPC under Deng renounced some mobilizing slogans and also started to design more procedural-based and merit-based institutions to rationalize the party and state apparatus.³⁵ The Party set up supervisory institutions such as party disciplinary commissions and anti-corruption bureaus, thereby responding to demands pervasive in the 1980s. Criticized for its direct control over the state, the CPC launched an administrative reform, successfully staffing the government and state corporations with CPC cadres.

The interaction between political parties and their societies should never be forgotten. Even in single-party states, incentives for political reform are observable. As mentioned above, the CPC has showed its resolution to fight corruption and restrain power abuse through launching inner-party construction and encouraging people to

³⁴ Ralph K. White & Ronald Lippitt, *Autocracy and Democracy: An Experimental Inquiry* (New York: Harper & Brothers, 1960) at 138.

³⁵ Xiaobo Lü, *Cadres and Corruption: The Organizational Involvement of the Chinese Communist Party* (Palo Alto: Stanford University Press, 2000) at 154.

disclose corruptive officials. The Party looked to electoral reforms as well as other means of political mobilization to engage the public and fight corruption.

2.3 China's Controlled Elections

2.3.1 Implications

Elections under different regimes are designed to serve different purposes. Unlike free and democratic elections, the main function of elections in China is to maintain the rule of the Communist Party. Ironically, the Party has set political democracy as the guideline for the electoral system. Rules and procedures that help promote political democracy include universal suffrage, majority rules, secret ballot, recall system, and legal remedies for any violation to electoral rights.

Even if some electoral rules found in single-party states resemble that of democratic states, elections in the two systems do not share the same competitiveness and significance. Competition among party members means little to the mass because their participation in politics results in no fundamental change. As White, Rose and McAllister put it, “a multiplicity of candidates, all belonging to the same party, may give voters a choice of representative, but there is normally no choice of policies.”³⁶ People are blind to other alternatives when competing policies are not presented to them. Most Chinese people never have the chance to have their opinion heard or participate in the decision-making process. Decision-making power is highly centralized and most public policies have been made along the same lines for years. Political power remains in the hands of a small group, members of which show no better qualification than anybody else in the

³⁶ Stephen White, Richard Rose & Ian McAllister, *How Russia Votes* (Chatham, NJ: Chatham House, 1997).

country. In a nutshell, how the leaders are chosen remains unexposed to the public, and it is hard to decide who is responsible for choosing the wrong person or policy when the decision is made collectively.

People already know that the official reports of virtual unanimity are literally “too good to be true,” and the classic Soviet elections were institutions of misrepresentation.³⁷ Likewise, elections in other single-party regimes, despite their appearances, are designed to present the façade of popular consent and support.

Denying values that are generally considered intrinsic to elections results in an apparent contradiction within the electoral system. For instance, the CPC’s monopoly over political power contradicts its gesture of “inclusiveness,” and underrepresentation of peasants and non-CPC members contradicts CPC’s “Three Represents” slogan, which stipulates that the Party must always represent the requirements of China’s advanced productive forces, the orientation of the development of China’s advanced culture, and the fundamental interests of the overwhelming majority of the people in China.³⁸

2.3.2 Functions

Issacharoff once stated that, “the beauty of single-party elections was that all voters got to vote for the winners—and only for the winners.”³⁹ In countries that lack competitive elections, rulers have developed a technology of manipulation to give their

³⁷ Introduction, *Ibid.*

³⁸ The value of votes from “majority” peasants equals to 1/4 of the value from other citizens. “Three Represents” (*Sange Daibiao*, 三个代表) was officially stated by Jiang Zemin at the 16th CPC Congress in November, 2002.

³⁹ Samuel Issacharoff, “Why Elections?” (2002) 116:2 Harvard Law Review 684 at 686.

regimes the appearance of legitimacy and consent by “manufacturing” up to 100 per cent endorsement at the polls.⁴⁰ These elections “provide one of the few occasions when those in power cannot avoid the public formalization of their program and ideological positions, whether real or assumed, and the revelation of their ability to mobilize mass-support.”⁴¹ We might disagree with each other as to which function is most important to the ruling party—securing the appearance of mass support, or the reality of a public demonstration of approval—but it seems safe to say that controlled elections are more crucial to the party in power than to the populace.

Why does the ruling party need elections? Many commentators have focused on this topic, many of them with respect to Soviet elections. According to Issacharoff, non-competitive elections serve two basic functions: educating the voters and providing evaluative accountability that legitimates the chosen representatives’ wielding of state authority over the citizenry.⁴² Elections are also used as a means of discovering overt opponents of the regime, especially by identifying those who abstain from voting.

Other remarkable comments on Soviet elections include the following. “Soviet elections do not serve the same function as elections in liberal democratic countries, namely, to select the governors of society.”⁴³ “Soviet elections serve mainly to legitimize

⁴⁰ Hermet, Rose & Rouquié, *supra* note 5 .

⁴¹ Hermet, *supra* note 5 at 12.

⁴² Issacharoff, *supra* note 39 at 685.

⁴³ Howard R. Swearer, “The Functions of Soviet Local Elections” (1961) 5:2 *Midwest Journal of Political Science* 129.

and thereby buttress the operation of the regime.”⁴⁴ “Soviet elections offer a dramatic occasion for a campaign of agitation and propaganda on behalf of the Soviet system.”⁴⁵ “Elections reinforce the psychological dominance of the regime over the citizenry.”⁴⁶ “Elections provide training grounds for the implementation of Soviet development policy.”⁴⁷ These observations, diverse in perspectives, enlighten my thoughts on China’s case. The function of controlled elections is not confined to mobilization and justification of a crude and uniform kind. In point of fact, they perform a range of functions which in many respects resemble those associated with classic Western elections.⁴⁸ As Dinka and Skidmore suggest, “despite their differences from elections in liberal democratic states, elections in Communist countries may be mechanisms that to some degree do permit the people to participate in the ruling of their countries.”⁴⁹ However, the real function of controlled elections is dependent on how the mechanism is forged and entrenched. The following is a brief illustration of the functions served by controlled elections in the Chinese context.

2.3.2.1 Legitimization

Despite the fact that the leading role of the CPC is “beyond questioning” in

⁴⁴ Victor Zaslavsky & Robert J. Brym, “The Functions of Elections in the USSR” (1978) 30:3 *Europe-Asia Studies* 362.

⁴⁵ Merle Fainsod, *How Russia is Ruled* (Cambridge, Mass.: Harvard University Press, 1953) at 323.

⁴⁶ Frederick C. Barghoorn, *Politics in the USSR: A Country Study*, 2nd ed. (Boston: Little, Brown and Company, 1972) at 247.

⁴⁷ Alec Nove, *The Soviet Economy: An Introduction*, 2nd ed. (New York: George Allen & Unwin, 1968) at 326.

⁴⁸ For a detailed discussion, see Rose and Mossawir, *supra* note 2; also see Alex Pravda, “Elections in Communist Party States” in Hermet, Rose & Rouquié, *supra* note 5.

⁴⁹ Dinka & Skidmore, *supra* note 1 at 397.

elections, the formal legitimacy of the CPC has been maintained in at least two ways. First, as a large proportion of candidates at both central and local levels are Communists, elections constitute a vote of confidence in the Party. CPC members constitute a majority in congresses at both national and local levels. The CPC has claimed to gradually decrease the proportion of CPC members presented in the congresses to 65% in order to show the openness of the Party. This gesture made by the Party implies two things: (1) the Party is very confident of its popularity among the voters; (2) the Party has the final say on how the congresses should be constituted.

The second way elections confer legitimacy is by legitimizing the whole political system, of which the Communist Party is the core.⁵⁰ Thus, the electorate is seen to be voicing its approval of the performance and plans of the Party, rather than voting for competitive policies.

The introduction of choice between candidates breaks the direct connection between votes against officials and wholesale system rejection. In other words, competition between candidates diverts distrust and condemnation away from the regime itself and towards particular candidates. According to research on contemporary China, participating in elections to local people's congresses seems to be one of the best channels for a "compliant" act, in which, despite the ideological and political constraints, most of the interviewees feel that they are fulfilling an obligation to support the current

⁵⁰ See Pravda, *supra* note 48 at 190.

government, or expressing respect for the political institutions of China today.⁵¹

2.3.2.2 Mobilization and Education

It is probably true that organized mass activity is a salient feature of public life in all communist states, and involve up to half the adult population.⁵² However, political mobilization to promote participation in elections does not necessarily succeed in legitimizing the regime. On the contrary, it could make things worse in the long run. It has never been demonstrated empirically that the Soviet citizen's belief in the validity of the regime was in fact reinforced by election campaigns.⁵³ As survey results showed, disillusionment with the election system was widespread and non-voting became increasingly common. One official sociological investigation conducted in the early 1970s indicates that 18% of workers in the huge Likhachev automobile plant in Moscow declared outright dissatisfaction with the existing election system, and that elections were losing their effectiveness as instruments for legitimizing the regime.⁵⁴ I suspect that similar survey results would be found in China if independent investigations were allowed.

It is also true that the Party does not really care about turnout since, regardless of the actual situation, it will report results that are positive. For one thing, the Party is confident in securing a respectable number of voters. Voters with full-time jobs are asked

⁵¹ Jie Chen and Yang Zhong, "Why Do People Vote in Semi-competitive Elections in China?" (2002) 64:1 *The Journal of Politics* 178.

⁵² See Pravda, *supra* note 48 at 187.

⁵³ George Carr Barson, *Electoral Practices in the USSR* (London: F. A. Praeger, 1956) at 100.

⁵⁴ Roy Medvedev, *On Socialist Democracy*, trans. by Ellen de Kadt (New York: Knopf, 1975) at 143.

to vote with co-workers at their production units or working units.⁵⁵ In most situations, the turnout among full-time workers is higher than other voters' turnout. There are two explanations. First, the rate of CPC membership among full-time workers is much higher than among other sectors of the population. Most CPC members feel obliged to participate in voting and show their activity in politics. Second, full-time workers are more vulnerable to pressures from outside. In China, it is common for people to think badly of co-workers who do not show up to vote. These black sheep will probably be criticized for their indifference to political life and disloyalty to the Party, even if they are not Party members. Their career might be affected negatively.

The act of voting is particularly significant in terms of socialization, in which elections serve as civic rituals of participation and commitment.⁵⁶ However, the actual effect of electoral participation in the process of socialization is debatable. For example, a survey on Soviet elections found that under 10 per cent of electors knew the names of the candidates they had elected, and in one national poll only 1 per cent of respondents shared the official view that the existing election system was the best system for the "democratic" expression of the people's will.⁵⁷ Political enthusiasm among the mass in single-party states is often short-lived. People's interests in voting and other political activities will not last for long if they stay poorly informed and realize that their participation will never make a difference. That is where political indifference originates.

⁵⁵ By production units the law means factories. By working units the law means government at all levels, government sponsored institutions and corporations.

⁵⁶ See Pravda, *supra* note 48 at 188.

⁵⁷ See Pravda, *supra* note 48 at 189.

2.3.2.3 Eliminating Political Competition

In order to discourage a jostling for power, party competition and electoral campaigns are prohibited by China's ruling party. Will the electoral system be successful in eliminating political competition? According to researchers who have addressed this question, two factors influence whether or how the single party controls the state and outlaws other political parties. The first is that the lack of a party system does not necessarily lead to a complete absence of structures of opposition to the regime. The second is that politics within the party might take on at least some of the features of inter-party politics. As Ware states, "factions in the party might compete with each other for influence in a way that has some resemblance to the jostling for influence found between parties in other kinds of regime."⁵⁸ Apparently, there are no exceptions to power relations and political combat that could affect the internal equilibrium of the governing circles, even in a system that only produces controlled elections. Non-competitive or pseudo-competitive elections in fact reflect a system of hidden competition, intimidation and compromise among ruling "coteries".⁵⁹

2.3.2.4 Integration

Pseudo-competitive elections have been employed by the ruling party to buttress the integration of diversified groups and interests. Pravda's work is a fine illustration of this point:

Elections in single-party regimes enable party leaders to appear as national figures and to appeal to all citizens on a national rather than party-political platform. Election declarations are notable for the emphasis they place on

⁵⁸ See Ware, *supra* note 3 at 246.

⁵⁹ See Hermet, *supra* note 5 at 13.

the contributions of all groups and their interdependence. Elections are fought on a platform uniting organizations representing a wide spectrum of interests and identities, and by the Communist Party alone.... Integration by way of a public image of unity and equality is accompanied by integration through representation.⁶⁰

So as to integrate all the groups concerned and the political system as a whole, the spectrum of candidates and ultimately the composition of the representatives are conceived to be a balanced and proportional “mix” of occupational, ethnic and minority groups. The assumption is that the presence of group representatives is a convenient way of assuring the identification and loyalty of all the groups. However, the concept of integration through representation has several weaknesses.

First, the integration is a top-down process and is neither coherent nor reflective. The quota and role of representatives from certain groups are assigned by the Party arbitrarily. The Party might welcome a certain class while elbow another aside because of the changing power relations. The whole picture of representation is not a real reflection of the electorate’s interests and wills.

Second, such a concept causes an obvious paradox in the political system. As Pravda suggests, “for such representation to operate effectively, the groups concerned must feel that they are being given a meaningful say in public affairs. Yet, the more meaningful that say becomes, the greater the risk of its undermining a system of integration based on the principles of democratic centralism.”

Third, the process can arouse dissatisfaction among the electorate and thus lead to political crisis. The Party and the electorate might have different opinions on what makes

⁶⁰ See Pravda, *supra* note 48 at 189.

a good deputy. The Party selects loyal and agile deputies to ensure local compliance with central policies, while the constituents look to the same group of persons to protect their interests. Apparently, constituents prefer uncorrupt and devoted deputies.⁶¹ Deputies' ability to perform linkage and integrating functions is weak unless they enjoy genuine popular support from the electorate. When conflicts occur, should the deputy confront the central authority or should he/she ignore the constituents' expectation? There is no easy way to please both sides. The constituents' dissatisfaction with local deputies becomes acute when their deputies fail to speak for them, which is common in China. The situation gets worse when the deputy is merely a respected and exemplary member of his group, rather than a local politician who is good at bargaining and making compromise. The so-called integration process not only increases people's aversion towards deputies, but also endangers central-local relations.

2.4 Reflections on the Prospects for Electoral Reform

2.4.1 The Cultural Dimension

The Chinese hate living a miserable life as much as people of any other nation on the earth. Many Chinese people believe that dictatorship was discarded with the last Emperor of the Qing Dynasty over a century ago. If the government in power fails to protect their interests, they will overthrow it as they have done before. Curiously though, the vicious circle of overthrowing one authoritarian regime and instituting another has apparently become inescapable for the Chinese. One reason is that the Chinese adore almighty figures with absolute power as incarnated in the Buddha, emperors and

⁶¹ The statement that the Party and the electorate have different preferences on deputy selection is supported by the survey result obtained in China.

revolutionary leaders. They will tolerate a disguised dictatorship as long as they can live peacefully. Another reason is that the Chinese are used to taking advantage of personal relationships (*guanxi*, 关系) rather than abiding by rules. These features are rooted in the Chinese culture and could slow down or even prevent democratization and rule of law in China. However, there is always a group of people who care more about equality and social justice, and who hope to see more dramatic changes. Although they fear severe censorship, these people engage in public discussion through the Internet and other means to criticize corrupt officials, the government and the Party behind it.

The CPC, on the other hand, is well aware of the dangers it faces in the course of ruling alone. It would never expose itself as the responsible party. Therefore, the Party keeps trying to assure the Chinese of its unique advantage in fighting corruption and eliminating other social disorders. It will punish any corrupt officials whenever necessary to show its resolution to maintain social harmony.

Culture is a reflection of previous history, ideology, power relations, ways of living, social consciousness, and many other aspects. But culture is not the only factor that will contribute to how people interact in the future. Other factors such as the operation of state apparatus including the law, the ramifications of political reforms, the diffusion of philosophic and political thoughts, as well as unpredictable events will together influence the whole society.

2.4.2 The Social-Political Dimension

A very basic and powerful human drive—the desire for well-being or happiness—has supported the movement toward political equality and fostered a cultural shift

generally in the world and now specifically in China. As Dahl puts it,

Throughout much of recorded history, an assertion that adult human beings are entitled to be treated as political equals would have been widely viewed by many as self-evident nonsense, and by rulers as a dangerous and subversive claim that they must suppress.... The expansion of democratic ideas and beliefs since the eighteenth century has all but converted that subversive claim into a commonplace—so much so that authoritarian rulers who wholly reject the claim in practice may publicly embrace it in their ideological pronouncements.⁶²

Acton's famous statement, frequently quoted by many commentators, tells a fundamental truth about the nature of human beings: power tends to corrupt, and absolute power corrupts absolutely. Dahl also argues that "a government unchecked by citizens who are free to discuss and oppose the policies of their leaders is more likely to blunder, sometimes disastrously, as modern authoritarian regimes have amply demonstrated."⁶³ It is widely agreed that power should be checked one way or another. Authoritarian regimes are more likely to make mistakes and cause resentment among the governed. China under the CPC is no exception. Some of the CPC leaders are also aware that they should take action to regulate the use of power. If they do not, the situation will likely become worse or out of control. This helps explain why the Party makes efforts to improve the inclusiveness and competitiveness of the electoral system.

A competitive electoral system is favorable for regulating collective power and promoting public participation, notwithstanding that it might not be the "best" way to distribute power resources. A competitive electoral system is appealing in many ways. First of all, it enables individual participants to make free choices on policies and

⁶² Preface, Robert A. Dahl, *On Political Equality* (New Haven: Yale University Press, 2006).

⁶³ *Ibid.* at 5.

opinions. Second, it produces qualified representatives who act for the sake of the constituents' interests. Third, it compels political parties and public figures to behave in a reasonable and coherent way. Last but not least, it helps create a salient political atmosphere for better political participation and social interaction.

The requirements of a competitive electoral system do not necessarily endanger the CPC's governance. On the contrary, the Party might benefit from allowing a competitive system. Given its popularity among the Chinese, the CPC must be confident of winning most elections at both national and local levels. Above all, free and competitive elections engage more intelligent candidates, compel the elected to behave, help eliminate corruption and render the populace satisfied.

People who support limited choice elections tend to agree that a marginally greater popular interest and credibility tends to produce representatives closer to and better able to serve their constituency.⁶⁴ In an ideal setting, an election can stimulate a modicum of competition even within the confines of a one-party state, if incumbent candidates for elective office can be rejected at the nomination stage.⁶⁵ What happens if incumbent candidates for elective office cannot be rejected at the nomination stage? Apparently, election in this case will not stimulate a modicum of competition as expected. But if this is true, then the Party not only gets the benefits (from its point of view) of having complete control over the choice of candidates, it also has to accept the burden of doing so.

⁶⁴ See Pravda, *supra* note 48 at 193.

⁶⁵ See Pravda, *supra* note 48 at 212.

This is a true burden, one that a Party may not wish to assume – indeed one that it may not be able to assume effectively. In China, most candidates from workplaces are appointed or recommended by the administrative head of different working units, rather than nominated by co-workers. The election committee in charge of the final list serves as a filter to exclude qualified but unwanted candidates. Constituents have barely used their right of recall. Because there is less pressure from the electorate and less competition among potential candidates, the ruling party must exercise greater control over the deputies. The Party has to prove that the chosen person is capable, enthusiastic, responsive and clear. But this requires a great deal of work, especially if the local mechanisms for choice are undeveloped or untrustworthy. Real electoral choice might reduce pressure on the centre by vetoing incompetent or corrupt persons.

As there are no organized competitors, the party in power has no fear of elections. Once the electoral threat has diminished, a large party membership is an important device for consolidating a party's grip on power.⁶⁶ Brainwashing aside, the Party has to offer material incentives to attract members and must control the populace through these incentives.⁶⁷ But high "cost" always goes with the scale of management. Without some form of strong ideological commitment, corruption within the party becomes endemic.⁶⁸ Indeed, corruption developed after the CPC's first few years in power. Moreover, a

⁶⁶ See Ware, *supra* note 3 at 136. Lovenduski and Woodall's data shows that in the 1960s, 1970s, and 1980s typically between 4 and 12 per cent of the populations of the East European regimes were members of the party. As they observe, when membership is related to the number of adults in a country this could produce "membership densities" as high as 31 per cent. See Lovenduski & Woodall, *supra* note 21 at 208-209.

⁶⁷ In China, CPC members constitute about 5.2 per cent of the population. Party membership increases the chance to get promotions and other economic benefits.

⁶⁸ See Ware, *supra* note 3 at 137.

membership that responds too much to purposive incentives is potentially destabilizing. As Ware said, “one of the reasons for the lurches in party policy in the PRC from 1949 until the 1980s, and especially for the Cultural Revolution, was the presence of a large number of ideologically committed *cadres* within the party.”⁶⁹ This did and will continue to endanger the objectivity and consistency of party policies. The Party might need to adjust or even give up its ideological control.

People in China call for more say in public affairs. Although all electoral defeats are depicted as reflecting upon only the personal qualities of the candidates concerned, the constituency’s compliance to the Party and the existing regime will be affected negatively. Attempting to obscure the Party’s responsibility for the candidate can only convince the public for a limited time. When people realize that the name on the election list makes no difference, they will start to question the electoral system and the results it produces, and eventually, they will question justification for the ruling party.

Political scientists and legal theorists constantly remind us of the danger of absolute power and the risk of excluding the mass from political participation, that is, from elections. Pressures for electoral reforms come from both inside and outside the country. Critics and activists including Chinese individuals and academic institutions, NGOs, and democratic countries, are trying to influence the direction of electoral reforms. Many changes have occurred to the electoral system and how people vote. Specifically, showing of hands in voting has been replaced by secret ballots; lack of choice (having only a single candidate stand for election) occurs only in the case of a few

⁶⁹ *Ibid.*

central positions like the General Secretary of the CPC Central Committee; and in many elections, nominees from outside the party no longer get crowded out. As the governing party cannot detach itself from social-economic changes, further developments and reforms in the political domain can be expected.

2.5 Conclusion

The central concern of every political system, however its leaders are chosen, is the exercise of political authority.⁷⁰ In democratic countries, it might be safe to say that “electoral choice is not the only political institution of value, nor is choice an unambiguous good to be pursued at all times and by all means.”⁷¹ But in single-party states, electoral choice matters because the exercise of political authority is largely determined by how the electoral system is forged. Can we believe that the Chinese people’s interests are well protected when peasants are underrepresented in people’s congresses at all levels? Can we believe that the Party knows what is good for the country and will finally lead the people to an ideal world without hearing from the public? The Party’s self-proclamation should be treated with a caution and the voice of the mass also matters. Do people need more say in politics? How can political participation be encouraged and improved? How can people’s competence in political participation be sharpened? Can more and better political participation be achieved through enabling people’s political rights? Studies on how many electoral options the electorate is provided with and how these options come into being are crucial to our understanding of controlled elections such as those studies in this dissertation.

⁷⁰ Richard Rose, “Is Choice Enough? Elections and Political Authority”, in Hermet, Rose & Rouquié, *supra* note 5 at 196.

⁷¹ *Ibid.*

If orderly compliance with their wishes is the first priority of the CPC, they will focus most of their attention on the civilian bureaucracy, the police and the army, to make sure that subjects do what the Party expects of them.⁷² The importance of elections will be secondary to other devices that force people to do what they are told. However, the most economical way to maintain compliance is to make people comply of their own volition. The Party must convince people that they should live with their own choices; hence it has to mobilize the constituency and make necessary changes to the electoral system. The illusion that the Party is all-popular among citizens might blind the Party and hinder social reforms. The risk of ruling without genuine approval from the citizenry might become unaffordable for the Party. Ignoring these possibilities will eventually jeopardize the Party's governance.

The first free competitive elections were held in the Russian Federation in 1993. "Post-communist political systems from Estonia and Poland to Hungary have demonstrated a readiness to change governments in response to votes in parliament and at national elections."⁷³ When antidemocratic parties compete in elections, they receive few votes, and there is widespread popular rejection of undemocratic alternatives. This has been shown in post-communist countries where communist ideologies and state apparatus were discarded just two decades prior. In China, we do observe a transition in the electoral system.⁷⁴ Given the growing pressure from both inside and outside the Party, a

⁷² *Ibid.* at 197.

⁷³ Richard Rose & William Mishler, "Trajectories of Fear and Hope: Support for Democracy in Central and Eastern Europe" (1996) 28:4 *Comparative Political Studies* 553.

⁷⁴ The fifth chapter of my dissertation contains descriptions of such a transition.

steady movement towards elections with genuine competition and more choices can be expected.

Chapter 3

Village Elections in Three Locations of Sichuan: An Empirical Study of Voters' Participation and Evaluation

3.1 Introduction

Having reviewed the literature focused on recent decades of grassroots democracy and village elections in China (Chapter 1) and having discussed the implications and functions of elections against the background of single-party regime (Chapter 2), I now examine how people participate in village elections in an actual setting. How genuine and competitive are these elections? And how are these elections received by the rural residents? These inquiries carry as much importance as questions posed at a more general level, such as questions surrounding the authenticity of village elections and the meaning of these elections to the government and its people. I have already mentioned in the first chapter that questions dealing with the actual performance of village elections are often overlooked as researchers in this field tend to focus on more generalized results. As a matter of fact, these questions, along with other questions raised in the second and fourth chapter, help us get a more accurate and vivid picture of village elections in China.

I selected Sichuan because of its geographic size and rural population, its role as a front-runner in carrying out village elections and political reforms, and my personal connection with the local people. Field studies in such a large inland province generate a variety of surprisingly interesting results.

The first part of this chapter explains the background and objectives of my field study. The second part of this chapter describes the structure of my study and the steps taken to complete it. The third part of this chapter presents results regarding voters' participation in and their evaluation of village elections which is followed by a comprehensive analysis of these topics. The final part of this chapter includes an extended discussion and a description of potential limitations of this study.

The materials in this chapter are all based on substantial fieldwork conducted in rural settings. Since Sichuan was among the provinces that adopted village elections in the early 1980s, I presume that rural residents of Sichuan are familiar with the system of village elections and have had the chance to participate. Thus their personal stories about voting and (in the case of candidates) being voted, and their attitudes towards village elections form a significant part of our intellectual knowledge of village elections in China. I did interviews and archival research in 13 villages and three communities across Sichuan that had held elections to villagers' committees in the last three decades. I analyzed the complexities of politics in village elections and the implication(s) of these elections to the people.

3.2 Background of Field Study in Three Locations of Sichuan

The primary research method used in this chapter is face-to-face interviews. This part of my dissertation illustrates my purposes for doing this study, the rationale for selecting Sichuan as an example, and the contribution and potential limitations of this study.

3.2.1 Purposes

The primary purpose of this study is to access people's attitudes and opinions with respect to village elections because knowledge of this kind contributes to our understanding of the meaning of village elections to village voters, those officials in power and the local governments. Personalized experiences of voting enrich our knowledge of the politics of voting in China. By making sense of the complexity of local politics, the system of village election is better understood. I took measures to make sure that characteristics of the participants, such as age, gender, educational background, and party affiliation, are evenly distributed. My evaluation of village elections in the area I studied is partially based on interviewees' opinions and their degree of participation in the elections. I was also able to ensure that the data collected is representative of a larger community and thus meaningful for deriving more generalized conclusions at a later stage of my research.

The second purpose of this study is to properly translate people's understanding of electoral rights, their understanding of the electoral system to which they are bound, and their way of participating in elections into languages understandable to English speakers. The language used by most Chinese villagers is reflective of their surrounding social-political environment and their understanding of legal and political issues.

My last purpose is to explore through this study the potential of village elections in the areas I studied and the aspects that should be the subject of legal reform. My conclusions are limited to the areas I visited. I try to relate my results to other research findings but avoid drawing overly generalized conclusions.

3.2.2 Rationale for Selecting Sichuan as an Example

In the 1980s, self-management at the grassroots level, along with residential elections to residential committees in urban areas and village elections to villagers' committees in rural areas, was established by the Constitution of the People's Republic of China (Constitution). According to the law, the chairman, vice-chairmen and members of villagers' committees should be elected by local villagers every three years. Domestic and overseas researchers have questioned the authenticity of these elections since the very beginning and the research results are quite divided. Reforms aimed at holding authentic and transparent elections have been pledged by the governments. In view of different and sometimes contradictory opinions, I felt it necessary to do field investigations and collect first-hand information for further investigation.

Sichuan is an inland province located in the southwest of China, and is large in terms of geographic size and rural population. It is the fifth largest province in China with a territory of 4.85 million square kilometers. The rural population of Sichuan is 66.28 million, which is about 76.70 per cent of its total population.¹ Its GDP per capita, equivalent to 21,182 yuan (US\$3,129), ranks in the middle; Sichuan is neither the most developed area in China nor the least. In 2008, the per capita net income of rural residents was 4,121 yuan (US\$593). With respect to its representativeness, Sichuan might not be representative of all other Chinese provinces because local practices vary across the country. However, my study conducted in Sichuan speaks directly to my curiosity about

¹ Sichuan Provincial People's Government, "Agricultural Population", online: The website of Sichuan Provincial People's Government <http://www.sc.gov.cn/scgk1/sq/rk/200612/t20061219_65872.shtml> (last accessed on Mar. 10, 2013).

village elections on the ground. Sichuan's early adoption of village elections further influenced my decision to study this region rather than other Chinese provinces. As I mentioned in the literature review, empirical studies regarding village elections in China are far from sufficient for understanding how elections work on the ground. Sichuan, as a predominantly peasant community, merits further study. It has long been hailed as one of the front-runner provinces in the implementation of grassroots democratic reforms featuring village elections yet very few in-depth field studies have been done in this region.² I chose Sichuan also because of my existing ties with some local officials and my ability to communicate in Sichuanese Mandarin (a dialect used by most Sichuanese). These personal advantages would bring me closer to the reality of daily life in Sichuan and help smooth out the research process.

3.2.3 Possible Contributions of the Study

In rural China, villagers' committees and village chiefs are powerful institutions. Facts of and problems with the process of village elections are a reflection of a larger community. Village elections are often praised for their transparency and fairness by many observers in this field. Legislation and policy-making in relation to village elections have become an important theme for local governments. The study of village elections and related political phenomenon contributes to our understanding of local politics in non-democratic countries. However, many writings either assume that elections are the same or comparable across countries, or assume that political participants involved in these activities know what they are doing and how their efforts

² See, for example, Daniel Kelliher, "The Chinese Debate over Village Self-government" (1997) 37 *The China Journal* 63 at 74.

will turn out. As I mentioned earlier (in the literature review), with a few exceptions, researchers in election studies apply analytical frameworks and methods imported from the study of genuinely democratic elections to the study of non-democratic elections. These researchers assess how democratic elections are without fully understanding the meaning of elections to the local people.³ They often ignore two facts in their electoral studies: first, people enjoy different degrees of freedom in different regimes; second, people—even people from the same location—hold different views of elections and different meanings of their participation in elections.

Moreover, purely quantitative studies might diminish the implications of village elections in terms of their long-term significance because without a full interpretation of these implications, the meaning of village elections in the Chinese context can be easily misunderstood. For instance, to achieve a measurable result, researchers use independent variables, dependent variables and control variables to analyze factors affecting village elections, such as economic conditions, power structures, legislation, public perception, and so on. But one also needs to understand how these factors interact with one another and what this interaction implies for our analysis of a political institution.

Another disadvantage of purely quantitative studies is the anxiety caused by an obligation to predict. If researchers fail to prove an instant impact on China's political environment brought about by village elections, researchers might lose their interest in

³ Gandhi and Lust-Okar point out that these tendencies have kept scholars from asking a wide range of questions about the micro-level dynamics of authoritarian elections and the systematic differences among elections under separate regimes. See Jennifer Gandhi & Ellen Lust-Okar, "Elections under Authoritarianism" (2009) 12 Annual Review of Political Science 403 at 403.

studying these elections. Assessments of village elections as such are results-oriented rather than process-oriented. I will try to avoid these tendencies in my analysis.

With these considerations in mind, my work in this chapter and the following chapter addresses the behavior of voters, candidates, and governments in the setting of one-party politics, as well as the role of elections in administrating the Sichuan area in particular. What distinguishes my study from other empirical studies in this area is the weight given to political and social context when analyzing questions related to law-making, law implementation, and legal reforms. A significant component of my current research aims at uncovering and explaining non-democratic elections through the lens of village elections in Sichuan, an understudied area in spite of its size and rural population. As I mentioned earlier, a lack of on-the-ground studies makes any generalization in this field seem over-simplified because the complexity of the politics of village elections is often overlooked. Rather than running data on a chosen model to test different variables affecting the quality of village elections, I observed the actual performance of village elections and a substantial part of my analysis is built upon empirical studies conducted in a specific area. These methods allow me to build my arguments upon reliable and comprehensive research findings.

Independent study of this kind presents first-hand and on-the-ground results regarding village elections. Through this research, I am able to form structured knowledge on how elections are organized in the areas I studied and how elections are received by local people. I am also able to compare my findings with other researchers' work and make more generalized but still well-grounded conclusions on the quality of

village elections in China. I did try to seek help from local governments at the beginning of my study. Once I realized that the chance of talking to individuals with a broad array of backgrounds was very small if the government intervened, I modified my original plan.⁴ I worked independently and did not rely on any assistance or convenience provided by local governments or any other government-sponsored organizations. All the respondents participated out of their free will and no one got involved because of bribery, compulsion or threats.

3.2.4 Potential Limitations

There are potential limitations associated with my study. Initially, my HREB application did not make clear my intention to ask some of the survey questions. To avoid repeating this mistake, I made my objectives explicit in my writing. I restructured some of my proposed questions to elicit answers that spoke more directly to my research subject. In doing so, a more systematic research plan was formed. I also changed questions that were not applicable to some potential participants.⁵ Moreover, I was only able to interview a small sample of people from a considerably large population and could not collect longitudinal data due to time limits. More time invested on the site and several rounds of investigation would enhance the richness of my study.

⁴ I was told on my visit to local officials that researchers from quite a few NGOs and universities conducted research among individuals introduced or recommended by the government, to cite Mr. Z's words. In my opinion, involvement of local governments will potentially affect the objectivity of electoral studies of this kind and thus any independent studies should avoid such attempt or at least make sure its objectivity would not be disrupted.

⁵ For instance, I added a question "Have you voted in the past" before "Which year(s) did you vote".

3.3 Structure of the Study

I designed the research program in the beginning of 2009 and obtained a one-year approval from the Human Research Ethics Board of my university (the University of Victoria) in June, 2009.

The research team consisted of Chong Ke, the principal investigator, and four local volunteers: Ying Xiong, Peng He, Meirong He, and Jumei Li.⁶ At the time of executing the research plan, Xiong was working for the Legal Affairs Office of Chengdu, Sichuan; Peng He was working for the Organization Department of CPC Suining Committee; Meirong He was running a stock feed business in Mengyang, Pengzhou of Sichuan;⁷ and Li was working as a volunteer at the Banzhuyuan General Office of CPC Committee and Government (Party Affairs and Governance) in Xindu, Sichuan. None of the research team members were in conflict of interest regarding this research project.

The duty of the principal investigator included preparing interview questions for four participatory groups, conducting interviews, modifying research plans when necessary, and supervising the progress of the whole research project. Other members of the research team helped hire participants, and provided the principal investigator with assistance in local transportation and accommodation. The source of funding for this part of the research was through the Graduate Travel Research Funding granted by the Faculty of Law, University of Victoria.

⁶ The author gives credit to all the members of her research team for participating in the research, however, the author shall be responsible for her own use of data and the results of the analysis.

⁷ This lady knew almost all the residents in Mengyang through her work.

The targeted population was adults from all ages and both genders living in a village where elections to villagers' committees occur every three years. This population was of interest because the principal purpose of this study was to collect voters' responses to local elections, including how they participated in elections and how they evaluated these elections. Based on the role they play in village elections, potential participants were divided into three categories:

- Group 1: Regular/common voters who have never held any position in their village. (In contrast to “the cadres,” they are “the mass” [qunzhong, 群众].)
- Group 2: Villagers' committee members who have won elections as candidates.
- Group 3: Candidates who failed to be elected.

In addition, I included local officials' opinions about the quality and authenticity of village elections as supplementary materials to the sample.

I used face-to-face interviews to collect data throughout the investigation process. Potential participants were selected through described means and interviewed individually. They were asked to share their experiences and thoughts related to village elections. I have determined that face-to-face interviews were a desirable method in allowing villagers to articulate their experiences related to village elections because in-person conversation embraces flexibility and reduces the chance of misunderstanding. I combined questionnaire and open questions in my design of interview questions. I prepared standardized questions with “yes or no” options or multiple choices. I also used open questions to invite further comments.

I conducted interviews in three locations of Sichuan and the investigation process lasted for eight weeks. More specifically, I took the steps outlined below when conducting the research.

3.3.1 Recruitment and Selection of Participants

I selected volunteers who were willing to participate free of charge. My study mainly consisted of face-to-face interviews that took place in participants' residences, work place, or any other designated location agreed by both the participant and the investigator. Since most of the participants are peasants who work in the field, work place might just be where they did their daily job. Participants took part in this research voluntarily and did not receive any compensation from any member of the research team. Neither the principal investigator nor other co-researchers had power over the participants.

The recruitment was done in person. Other team members helped the principal investigator pick and recruit participants. Initially, the plan was that all participants would be selected randomly from voters' rolls, a list of all the villagers' committee members and former slates. However, since the research team was denied access to above information, an alternative way of sampling was worked out. Volunteers selected potential participants through their personal connections, and made sure that these participants were broadly distributed in terms of their gender, age, and place of residency. Thus, though the sample was not representative in statistical terms, it was broadly distributed over the groups examined.

Most people I talked to were friendly and sociable, including some village chiefs who talked eagerly about their achievements at work. A few respondents wondered if I was from “the central,” some sort of “inspector general” (*qinchai dachen*, an officer designated by the central government to correct wrongdoings at the grassroots level). They hoped that I could bring the voice from “the bottom” back to “the central.” They could not help talking about their sufferings unrelated to my own study.

Over 70 per cent of the prospective participants agreed to participate and share their experiences after I explained my intention. Among this 70 per cent, some participants were more communicative and outspoken than the others. Those who were reluctant to participate at first but changed their minds after a short conversation were more likely to hesitate answering some of the questions.

Those who declined to participate were very cautious of meeting strangers. I found the same overcautious look on their face when I approached them. They refused to talk any further. Their excuses included: “I don’t get you,” “I know nothing about voting,” “I have never participated before; I have nothing to share,” “I am an illiterate; I cannot answer your questions.”

3.3.2 Free and Informed Consent

As the principal investigator, I visited potential participants in their homes, in the field, or in the street. I first introduced each potential participant to the purposes and objectives of my study, the structure of my study, and the use of data and personal information. I informed participants of what to expect and what was expected of them prior to the interview. Then I asked each participant who agreed to continue to read and

sign the consent form. A Chinese translation of the consent form was provided. I read the consent form for the elderly and illiterate and asked them to sign if they agreed to participate. In most cases, the interview lasted for thirty to forty minutes, depending on the flow of the conversation. Some interviews were shorter if some of the questions were not applicable to the participant. Some interviews were longer if the participant and the researcher/investigator sought clarifications or further explanations.

I made sure all the participants agreed to take part in my investigation out of their own free will, and knew that they had the right to withdraw at any time without consequence or explanation. Data collected from persons who withdrew from the research would be destroyed and not used in my analysis. Throughout the study, however, no one who initially agreed to participate chose to withdraw.

3.3.3 Face-to-Face Interviews

Interviews took place at participants' private residence, workplace, and in places agreed by both parties. All the interviews were done in Chinese. I jotted down all the responses and translated them word for word after all the interviews came to a completion.

To better accommodate the elderly and the less educated, I made sure each participant understood the wording of my questions. I asked people to clarify their words or sentences and I also observed people's attitude towards other groups of people. I was prepared to answer questions from the participants and I also welcomed further comments and suggestions from participants. Through these efforts, I was able to collect

from the villagers clear answers on a wide range of topics, including many insightful ones.

Scripts of interview questions for targeted groups are attached in the annex to this dissertation (see Appendix A, B, C and D).

3.3.4 Confidentiality

Participation was non-anonymous when the data was collected, but all the participants' identities will be protected so that nobody other than the principal investigator shall have access to their personal information and responses during the recruitment, data collection, reporting of findings, and after the study is complete.

3.3.5 Using, Storage, and Disposal of Data

The consent form in use contains rules specifying the use, storage and disposal of data. Unless specified, data collected through this study will be used for writing chapters of my dissertation, during my final defense and might be used in the occasion of journal articles and academic conferences. All the data were saved in password protected computer files and the original notes were saved in a locked filing cabinet. The principal investigator will destroy all the data within five years of her completion of this research project.

3.3.6 Variations Made to the Research Plan Specified in the HREB Application

Due to the changing situation, I modified my research scheme originally specified in the HREB application. Nonetheless, the overall structure of the research remained unchanged from that specified in the HREB application, including selecting targeted groups, obtaining informed consent, use of face-to-face interviews as the main

investigation method, the content of interview questions, and the use, storage and disposal of data. The only step that was modified to make the investigation possible was the recruitment of participants.

The initial plan, as reflected in the HREB application, was to recruit interviewees through my network of officials working in the government of Sichuan. On the second day in Chengdu (the capital of Sichuan), I visited Mr. L, the Director of Office for Letters and Visits, in his office inside the building of Standing Committee of Sichuan People's Congress. After he heard about my purposes and research plan, Mr. L suggested that I seek assistance from Mr. W, who directed the Bureau of Grassroots Political Power (*zhengquan*, 政权) and Community-Building in the Department of Civil Affairs of Sichuan Province. According to Mr. L, the Bureau dealt with things "rising from the bottom" and W should know everything about electoral reforms and village elections.⁸ L made a phone call to W and they agreed on my visit for the afternoon.

W's attitude was unexpectedly negative. He did not allow me to finish my speech, said grassroots democracy was all good so that I did not need to look into it, and even warned me to keep away from the field. No matter what my reasons and explanations were, he had made up his mind that it was impossible for me to seek any help from the "organization" (*zuzhi*, 组织, i.e., party organization and the government). Further, he suggested that I not even think about it. He said, "villagers know each other too well that they would recognize you as a stranger and report (*jubao*, 举报) your appearance to the

⁸ See the memo of my meeting with Mr. L.

government once you get there. You will be taken by the police and there is no way you can do your research.” That was how my first attempt to engage officials was defeated.

W’s words were verified soon after I decided to carry out my research plan on my own. The day after my arrival in Buyun, the site originally chosen for the study, I was interrogated by two policemen and an official from the propaganda department of the local government. They looked furious as they approached. They interrupted my interview and asked for my ID and other personal documents. They looked through my files, including my questionnaires, consent forms and research plan. The interrogators ascertained that I was neither peddling nor selling insurance and then let me go.

On the third day, I contacted Ms. Xiong, a relative of mine and who works for the Chengdu government. She called two of her colleagues at the Office of Legal System in Suining to see if they could assist me with the field studies.⁹ Again, the answer was “impossible.” Both colleagues’ tone changed as soon as they heard the word “investigation” or “study,” even if Xiong tried to explain to them the purpose of my study and guaranteed that my activities would be harmless. Xiong thought it was unbelievable but she tried her best in Suining. However, she suggested that I try Xindu, a town adjacent to Chengdu, where she has stronger influence.

Thanks to Xiong’s effort, I met Mr. Yang and Ms. Xue in their Xindu office the following day. According to Yang, “Banzhuyuan has done a good job on elections to villagers’ committees; they shall have lots of achievement to tell.” Although their

⁹ Buyun, one of the front-runner towns in holding “direct election”, is an exemplary town of Suining.

definition of “achievement” seemed unclear to me, I decided to give it a try, because my major purpose was to get into the field. I was then introduced to Ms. Z, the Director of Administration Office of Banzhuyuan Party Committee and Banzhuyuan Government. To my surprise, she agreed to participate as a local official and was very enthusiastic about answering my questions when we first met. The interview lasted for about an hour and she granted me access to historical data on village elections in their town and agreed to take me to the villages in two days as she was busy with land requisition work at that time.¹⁰

On the fifth and the sixth day, I waited for Z’s follow-up call or message but received nothing. I sent her messages and never heard back again. I decided to go in person to try to talk with her. Without any smile on her face, she said she was too busy to make phone calls or make any arrangements. I could sense that she was avoiding me since her attitude was quite different from last time we met. I suddenly realized that I should start thinking about back-up plans in case I did not hear from her again.

I went back home and thought about the recruitment process. I figured out that I was able to carry out the research plan without seeking help from the government. What I needed was a sample that reflected the population distribution of the local residents. If I could not get a random list from the household registration bureau, I could still get a broadly distributed sample from elsewhere. I decided to try other means, such as enlisting local volunteers (free of charge) to help me with the recruitment process.

¹⁰ In China, land requisition causes huge social discontent because it is usually followed by brutal house demolition and relocation, and unfair compensation.

After my attempt to seek help from local governments in Xindu and Suining failed for the first time, I travelled to Mengyang, an agricultural town located about one hundred kilometers away from Chengdu, the capital city of Sichuan. My relatives in Chengdu have strong connections with some local residents there. Ms. Meirong He, a middle-aged woman who ran a compound feed store on the main street of Mengyang and who knew at least half of the local residents, offered generous support. She not only took part in my survey but also helped me to recruit participants. Through her connections and the connections of those who had already participated, I recruited and interviewed five villagers' committee members and 28 common villagers in ten days. We made sure the group involved residents of all ages, both genders, and with different educational backgrounds. I interviewed villagers' committee members individually in their offices. For villagers, interviews on market days took place in the store owned by Ms. He. For the other days, I visited villagers at home or in the field. I talked to all kinds of people during the day and worked on my computer in the evening, sorting out my notes and thoughts.

Soon after my work in Mengyang came to a completion, I went back to Banzhuyuan. Again I visited Z and again she pretended to be fully booked. In her office, I made the acquaintance of Jumei Li, a volunteer who worked temporarily for the government.¹¹ She was a new graduate from a local university and had started working a

¹¹ In China, more than one hundred thousand young graduates have become government employees under the plan of "university students going to the countryside", which provides job opportunities with local governments or villagers' committees, better chance of promotion and other benefits. Students with no real work experience have been assigned to important positions to increase the average years of education of government employees. Most of them can get a permanent position without taking the national or local exams for civil servants on the condition that they work voluntarily for two or more years. Working as a volunteer means less pay and flexible working hours. Commentators compared such a policy to the political movement that drove "educated urban youth up to the mountains down to the villages" in the 1970s.

couple of months prior. Although we had no personal connections before meeting, she understood my intention and agreed to help me out of sympathy. On the second day, she brought the zoning map of Banzhuyuan and took me to the communities and villages. Thanks to her effort, several villagers' committee members agreed to participate. In the following two weeks, I interviewed four villagers' committee members and 20 villagers.

After a short break, I made up my mind to visit Buyun on my own. I stayed in a privately owned hostel located on the upper floor of a four-storey house. The owners of the hostel were very nice. They let me interview people in the entrance hall of their hostel. Most villagers were friendly and helpful, and in two weeks I completed my research in Buyun, the third sample site.

3.4 Research Questions and Survey Results

To address my purposes for studying and evaluating village elections, I set out a research scheme to find answers to the following questions: Are village elections authentic? How competitive are these elections? How do people view these elections and what are their ways of and reasons for participation? How well people understand their rights of voting is also considered in my analysis. I will relate my own findings to existing research results at a later stage in this dissertation.

The first participatory group in my study is defined as voters living in a village and who have never participated as a candidate in village elections or elections to higher levels. I collected personal information for all the participants, including their age, gender, nation, place of residence, educational background, party affiliation and position they held. The following is a full report of my research.

3.4.1 Site 1: Mengyang, Pengzhou

The 28 participants (three CPC members and 25 non-CPC members) were from Yangwan community, Fota village, Baiqiao village, and Yongqiao village. They were all Han people. The youngest was 23 years old and the eldest was 75. The ratio of male participants to female participants was 17:11. Four of the participants had received high school education (or equivalent) or above. A little less than half of the participants did not continue after completion of elementary school. Among them, one was illiterate and two did not finish elementary school. Three participants were villagers' representatives and one was the accountant of a production team.

Survey Results

How many people participated in previous elections? About 64 per cent of the participants had voted in village elections in the past. Among the 18 people who had related voting experiences, one participant said he/she only voted in the '90s, while seven respondents could not remember which year(s) they participated (which means they might not have participated in recent years).

How well did participants understand the meaning and consequences of voting rights and how often did they use their voting rights? Only two participants said they had no idea about the right of voting, while half of the participants admitted that they had never heard of the right to nominate someone for elections.¹² Two other responses were

¹² Many responses showed that people often mistook "right of voting" for "duty/responsibility of voting for others." In another words, people were unaware that they had the right to nominate or vote for anybody qualified, including they themselves, to disapprove of anyone they disliked, and to withdraw from voting at any time during the process. A large percentage of the participants did

contradictory: “I understand the right of voting, but I am unsure of it.” Both of these respondents replied with the exactly same words when I asked for further explanation: “I don’t think I have voted before. I just did what they [the cadres] asked me to.”¹³ Twenty-five respondents had reportedly never nominated anyone; only three voters used their right of nomination in the previous elections. The same three voters also nominated someone to the People’s Congress at township levels, and two of them were CPC members.

A typical reason for not nominating someone was that “the candidates’ names were already there [on the slate].” Judging by the information I had collected, most nominations came from the party organization of CPC or CPC members. Nomination coming from “outside” the Party was rare. There are three possible explanations for this phenomenon: CPC members are more politically active than other villagers, CPC members tend to support the person picked by the Party, and non-members defer to CPC nominations.

How well did participants understand their right of recall and how often did they use it? Seventeen participants said they were unaware of their right of recall. Three participants said they might know about it [the right of recall] but it was unclear to them. Only eight respondents knew of their right of recall. None of the participants had reportedly used their right of recall. But were villagers satisfied with their representatives at all? Survey results described later in this report might answer this question.

not know that they are free to throw an affirmative vote, dissenting vote, blank vote and abstention vote during the nomination and voting stages in an election.

¹³ The word “they” in our context refers to cadres who work for the government or Villagers’ Committees.

How easily can voters access the slate? Only one person among those who voted before did not have access to the slate. However, several respondents complained about not being able to access the slate until the voting day.

How well did voters know the candidates? A little less than half of the participants did not know the candidates in person. One of them said, “At present many cadres are appointed by the local government, so I don’t know them in person. In the past I knew the candidates much better.”

When asked how well they knew the candidates’ performance at work, the response time for almost all the participants was longer than average. Some of them were reluctant to speak frankly. Six out of 18 said they were “unclear” about candidates’ performance at work. One said, “I don’t know them very well; they are good.” Only one person replied with confidence that “I know their background and performance; they are good.”

Were there real campaigns for village elections? And did campaigns boost mutual understanding between the candidates and the voters? People’s responses were divided when asked: “Did you get to know the candidates as a result of the campaign?” A few respondents said they knew the candidates better after attending public campaigns; more said there wasn’t any campaign or they never attended campaigns as such, or that there were talks at the end of the election and these were a formality and unreliable. One answer seemed more objective compared to the others: “There was no public speech; they [some or all of the candidates] visited us door to door.”

Were candidates familiar with local affairs and did they care? Participants who were asked to grade the candidates' level of familiarity with local affairs using the standard of "very familiar, fairly familiar, not really, not sure, or others," only two chose "very familiar," and seven chose "fairly familiar." More participants either chose "not really" or "not sure." Their further comments included: "I know nothing about the candidates assigned by our township government," "Cadres nowadays don't take their job seriously," and "They use money to get that position."

People's responses were even less positive when asked: "Do you think candidates care about local affairs?" Those who chose "very familiar" to the previous question also thought candidates cared: "They often talk to people and understand people's needs very well," "They hold their position and do what they are supposed to do." Others shared different opinions: "They never take us seriously," "They only care about money and their own interests," "Some care, some don't," "One of them never comes to us."

Which features made a candidate outstanding in the view of villager voters?
Which features affect voters' choice of candidates? Most respondents cared about candidates' attitude at work. The top five features they favored about candidates were attitude, capability, experience, personality, and educational background. People cared less about candidates' age, gender, communication skills, interpersonal relationship, personal opinions, and party affiliation. In general, people preferred that candidates cared about people, spoke for people and worked hard. The finding that villagers did not really care if the candidate was a CPC member was a little surprising. None of them picked "party affiliation" when asked which feature(s) affects their choice of candidates.

Only one participant preferred male candidates to female. The reason given was: “Male were easier to get along.” Another respondent mentioned that the proportion of male to female candidates had been settled in advance, however, both genders seemed the same to him/her.

Were village elections important to the villagers? When asked if village elections are important, most people replied with a positive answer. Only three persons said “not really” or responded with reserved consent: “It is important if it becomes more transparent.” Those who denied the importance of village elections said: “The elections we have are a formality,” “It should be, but not so important for now. Voting is their [cadres’] business, not ours. So I don’t care.”

Did voters care about electoral outcomes? When asked if they cared about the electoral outcome and if so why, most people shared a sense of disappointment, but only a small number of respondents frankly expressed their discontent towards the system and the results it produced. They said: “No one will change the situation; no one is more capable and trustworthy than others,” “It is faked and a total formality; our concerns do not count a thing,” “It is not a real reflection of our choices,” “The outcome was decided in advance,” “My concerns mean nothing,” “My concerns are meaningless.”

More respondents cared about electoral outcomes and did so for many different reasons: some were curious to see which candidate was selected; while others cared because they knew the results would affect their interests. Their responses included: “I care about the performance of grassroots organizations,” “We are happy if the results meet our expectation,” “The outcome affects our living,” “The outcome affects our

interests,” “We have a chance to select good leaders through elections,” “I want to see if the person selected has a strong capability [at work].”

Would respondents like to vote in the future? When asked if they would vote in the future and why, people’s responses were again divided. Seven of the respondents said they wouldn’t, either because “elections are a formality and meaningless,” or because they thought they were too old or too powerless to participate. An interesting reason given was that “I don’t believe in CPC/I am not confident with CPC.” In many people’s eyes, to vote is to show their support for the ruling party, and to uphold CPC and its policies. Eleven respondents answered “yes” because they said: “Voting is a basic right,” “To vote is to exercise democratic rights,” and “I am interested in local affairs.” One respondent’s answer is worth highlighting: “As a citizen, I have the right to vote.” This respondent was one of the few people who mentioned “citizen” in their response. Most people seemed not to have that concept on their minds or failed to establish a connection between citizenship and voting rights.

Only one person out of 28 respondents showed his/her confidence in the system of election itself. He/she said, “I will vote in the future because we are going to elect a better committee.” This person seemed to hold the belief that elections would produce satisfying results.

A few other responses also drew my attention. For example, eight persons said, “I would go voting if they [cadres and organizers of village elections] ask me to.” Their future participation was conditional. Half of these respondents understood voting as a duty which they were supposed to fulfill. They mistook rights for duties. This might be

one of the incentives that have pushed the respondents to participate in elections. Even though the rest of the “conditional group” correctly understood voting as a right, they would go only if they were asked to go. These people might hold a passive attitude towards the exercise of rights.

Another respondent showed his/her uncertainty about future participation and lack of confidence in the election: “I might go or might not go. This [voting] is not what I am supposed to care about.” Although only one respondent voiced it, this kind of thinking was common among Chinese villagers. A large proportion of them had distinguished themselves (*laobaixing*, 老百姓, i.e., common people or the ruled) from the “cadres” or those who had a tight connection with the “cadres.” In the view of the common people, election is a game played by the ambitious, the powerful, and the wealthy. And those groups share one commonality: having a strong connection with the CPC organization.

3.4.2 Site 2: Banzhuyuan, Xindu

Banzhuyuan town consisted of 17 communities and seven villages in 2009.¹⁴ The residents of these communities were all villagers. Their collective farmland was sold to land developers so they lost both their farmland and their jobs. The government also forced them to sell their private house sites to developers at an unreasonably low price. As a compensation, villagers obtained the right to use one or two suites in a condo building built by the developer. Owners of a larger house got a ground-floor retail site to run a small business or to rent to other occupants. Others did nothing other than playing

¹⁴ The 17 communities are Zhongyi, Banzhuyuan, Baiyun, Yangliu, Jinwen, Tashui, Zhantan, Gongyi, Tanmu, Futian, Huinan, Yaquekou, Fengshou, Dajiang, Liantang, Zhuyou and Baishui. The seven villages are Anle, Dafu, Renhe, Sanhe, Shunjiang, Leijia and Huazang.

mahjong (*majiang*, a popular table game originated in China that can be played for fun or as a gambling game) all day long. Scenarios such as this have arisen in the urbanization process in current day China. Villagers lived in communities where they did not belong.

The 20 participants in my study were from Liangtang Community, Gongyi Community and Leijiaqiao village. They were all Han people. The youngest was 22 years old and the eldest was 68. The ratio of male participants to female participants was 9:11. Two persons had finished high school or above, half of the rest had finished elementary school, and the other half had finished middle school. One participant used to be the chief of production brigade.¹⁵ Among the participants, two were CPC members and one was a member of the Communist Youth League. Members of the Communist Youth League are supposed to be the “reserve force” of the CPC.

Survey Results

How many people participated in previous elections? Only one participant had never voted in elections to villagers’ committees. Most remembered the times they had voted. A few of them voted every three years. The small and incomplete sample gave us an impression that a bigger proportion of the residents of Banzhuyuan had participated in voting than had residents of Mengyang.

How well did participants understand the meaning and consequences of voting rights and how often did they use their voting rights? One person mentioned “voting day”

¹⁵ Nowadays, group leader is more an honorable title than a position. In the past, group leaders guided the plantation, assisted local governments in propaganda, tax collection and so on. In general, they are more active than mass villagers throughout the electoral process and usually act as villager’s representatives.

in his/her response. Most people said that they understood the right of voting, however about 40 per cent of the participants were unaware of their right of nomination. Only one respondent had nominated candidates in the past. None of the participants had nominated any candidate to higher level elections, such as elections to the Peoples' Congress at township levels. They commented: "The candidates were usually decided in advance" and "All the candidates were nominated by the township government."

How well did participants understand right of recall and how often did they use it? Five respondents knew the right of recall, 70 per cent of the participants said they had no idea about it, and the eldest said he/she could not remember (if he/she knew about it). None of the participants had ever tried to recall somebody. One person thought common people were not supposed to do that because "officials cover one another" (*guanguan xiangwei*, 官官相卫).

How easily can voters access the slate? Two respondents reported that they did not know the candidates before elections. A few others complained that elections started immediately after the slate was disclosed to the public.

How well did voters know the candidates? Most participants knew candidates from their residential area. Seven persons said that even though they knew the candidates, they knew very little about their candidates' performance at work. Two respondents said the same thing: "They [the candidates] are rich people."

Were there real campaigns for village elections? And did campaigns boost mutual understanding between the candidates and the voters? When asked if they got to know

the candidates better as a result of the campaign, twelve respondents answered “no” mainly because they said “there was no campaign.”

Were candidates familiar with local affairs and did they care? Almost all of the respondents thought candidates should be familiar with local issues and people’s concerns since the candidates were local people. But only seven persons thought all or some of the candidates cared about local affairs. Nine persons said “they don’t care,” and three others answered “unclear” with reluctance. One person explained, “They take an action only if we urge them. They care more about their own interests.” Another person thought, “They don’t care too much, but people are imperfect.”

Which features made a candidate outstanding in the view of villager voters?
Which features affect voters’ choice of candidates? Respondents’ answers were diverse. Quite a few people favored “who serves people and works for people.” “Serve the People (*wei renmin fuwu*, 为人民服务)” was a political slogan which first appeared in Mao-era China and is still frequently quoted by the Party. It is interesting to see that the Chinese are still searching for “big men” who carry the spirit of “serve the people” decades after the slogan was created. People also cared about candidates’ attitude at work and their capability. For example, one of the respondents said, “I favor whoever really works for our good and meets our expectations.” Another respondent commented, “Whoever elected uses the position to make money.” The single person who had very specific standards on his/her mind cared about most features of the candidate except for party affiliation. This person said, “I would vote for any candidate who is aged about 40, male, good at interpersonal relationship and communication, well-performed at work, has a

high school diploma or equivalent and above.” This person preferred male candidates to female candidates because “men are ambitious and determined.” Gender was not a big concern to all the other respondents.

Were village elections important to the villagers? When asked if they think elections at village level are important, only one person answered “no” because, as they said, “Elections are a formality.” But people had different reasons for their affirmative answers. Their explanations included: “Elections are important to certain people,” “Elections affect our own business,” “We need a good leader or guide to improve our living,” “The work at grassroots level is important,” and “Who works for our good can be selected through elections.” Most people seemed to agree that (authentic) elections are an important channel/system through which good leaders are selected.

Did voters care about electoral outcomes? Nine respondents out of 20 said they did not care about the electoral outcome either because they knew the outcome prior to the election or because they felt that their concerns were meaningless. Among those who did care about electoral outcomes, some thought that knowing nothing about election was “inappropriate,” and more felt that having some basic knowledge about the elected was good for them. Several responses drew my special attention. Two participants viewed election as a necessary means through which they can select a “capable, promising and aspiring person,” to quote their original words. Another person said, “Some of the elected abuse their power. Election taking place every three years will remind them to work hard and behave [stay clean].” This respondent seemed to have confidence in election itself.

Would respondents like to vote in the future? Most respondents said they would vote in the future, even though two said they would go only if “they are asked to.” Three persons viewed voting as a duty instead of a right. One of them was even worried about “not having a seat if I go without being invited.”¹⁶ Another respondent expressed his/her discontent towards the present system frankly: “Candidates were already chosen. They [cadres] just informed us to go and obtained our signatures at the site.”

3.4.3 Site 3: Buyun, Suining

Buyun is an agricultural town located about 45 kilometers from downtown Suining and 187 kilometers from downtown Chengdu, the capital city of Sichuan. It has an area of 24.2 square kilometers and a population of 15,900. Around 40 per cent of the population lives and works out of town, which means the export of labor is about 6,000 people. There were ten administrative villages, 80 villager’s groups and one community in Buyun when this study was conducted.

The 48 participants were from 9 villages: Buyun village, Baimaogou village, Tongzhuwan village, Huangyanjing village, Citangba village, Hebianjing village, Zhulinjing village, Shuikoushan village, and Tandongzi village.¹⁷ The youngest participant was 22 years old and the eldest was 72. They were Han people. The ratio of male participants to female participants was 25:23. Five respondents were CPC members.

¹⁶ The fear of “not having a seat” was a common misunderstanding among villager voters. It is believed by some villagers that the election committee would invite a part of the villagers to sit in the election and anyone else is unwelcome.

¹⁷ There were ten villages and one street in Buyun when the survey was conducted. The only village missing was Fangjia’an village. Participants from there seemed more suspicious of foreigners and sometimes reluctant to answer inquiries about local politics, compared to participants from the other locations.

Four persons were illiterate or did not complete elementary school, 28 persons finished elementary school, 15 persons went to middle school, and one person completed high school, which means two-thirds of the participants received less than 6-years' education. Five respondents used to hold a position in their brigade or village. Two of them were CPC members.

Survey Results

How many people participated in previous elections? Three quarters of the respondents had voting experience in the past, while the rest either did not vote or had not voted since 2003, the year in which the policy “public nomination and election” was launched. One person said, “They [cadres] did not ask me to. They only asked villagers' representatives to participate.”

How well did participants understand the meaning and consequences of voting rights and how often did they use their voting rights? Six of the participants were unaware of their right of voting. Most respondents learnt about their right from the voter's certificate or ballots they had received. One person defined voting in an interesting way: “Voting is to vote for other people.” This person might never think of being a candidate because running an election is other people's business.

Much fewer people knew about the right of nomination. The number was only a little more than half of the respondents. One third of the respondents had reportedly nominated somebody in previous elections, but one of these respondents had used his/her

right of nomination without knowing its meaning. Eleven persons nominated representatives to an upper level (township level).

How well did participants understand right of recall and how often did they use it? Two third of the participants were unaware of the right of recall. One respondent assessed the right of recall to be “in name only.” Even among those who said they knew of such a right, there was misunderstanding. For example, one reply was that recall should be done by the upper-level government and has nothing to do with the common people (*laobaixing*, 老百姓). Two respondents had reportedly used their right of recall in the past, and both remembered the exact year in which they recalled their representatives.

How easily can voters access the slate? Five persons said they did not have access to the slate prior to the election. One respondent even said, “Nowadays they [cadres] don’t hand out ballots to us villagers.” Another person said, “They only asked villagers’ representatives to vote.”

How well did voters know the candidates? A majority of respondents knew the candidates because almost all the candidates were local cadres (leaders of production teams). Six respondents said they did not know the candidates very well. The most common answer was: “Their names were on the ballot, but I don’t know them very well.” For unspecified reasons, seven respondents were reluctant to answer if they knew the candidates prior to, during or after elections. But these respondents suggested something else: “They [those elected] don’t work; they play mahjong all day long,” “Only Party members can be elected,” and “All candidates are Party members.”

Were there real campaigns for village elections? And did campaigns boost mutual understanding between the candidates and the voters? When asked if they got to know the candidates as a result of the campaign, ten persons answered “yes” while 30 persons answered “no.” A majority of people denied the fact that they had election campaigns in their village. The most common saying was: “There was no campaign, no public speech in recent years.” Several other respondents added, “They [the winners] talked after the election.” Further comments could help us locate the year(s) when campaigns did happen: “We had campaigns in 1998 and 2001,” and “I saw campaigns when I was little.” (This respondent was aged 40 in 2009, at the time of being interviewed.)

Were candidates familiar with local affairs and did they care? Seven respondents did not think the candidates understood local affairs and three answered “unclear.” When asked if the candidates cared about local affairs, more people (20 out of 48) answered “no,” five declined to answer, two said “unclear,” and five answered “kind of.” Their complaints included: “They hold a position without doing anything for the people,” “They don’t really care about us. People have been requesting them to repair the road for years,” and “All they do is to eat, drink, make friends and hang around.” Other respondents provided affirmative answers. But two persons mentioned that they liked former villagers’ committee members (those selected before 2003) better.

Which features made a candidate outstanding in the view of villager voters? Which features affect voters’ choice of candidates? In total, 28 participants thought qualified candidates should possess certain attitudes at work, such as the spirit of caring about people and working for the people. A small number thought candidates’ political

opinions, personality, work experiences, capability, and education background would also affect their choice. Most people said they liked those candidates who were clean-handed, non-corrupt, unselfish and impartial. Only one participant favored female candidates. Seven persons said they preferred CPC members.

Were village elections important to the villagers? Four participants deemed village elections as unimportant for the same reason: “These elected were useless; they never did any good to us.” Although a significant majority viewed village elections as important, what they meant by “important” varied. Most respondents did not separate the system they had from the ideal system that should have been in place. They said: “Two committees of a village are like parents to us villagers,” “Grassroots organizations are important to the skyscraper [the whole country],” and “Those who are capable might get a chance to stand out in elections.”

Some respondents further expressed their fear of having bad leaders: “Villagers’ committee members are supposed to publicize the newest policies, but nowadays they don’t fulfill their duties. They don’t even hold meetings,” “They [cadres] are us farmers’ parental officials (*fumu guan*, 父母官); they should be more responsible,” and “We will suffer if we have a bad leader.” People were also discontented about not having transparent and accessible elections: “They [cadres] should make the process open to villagers.” Their responses affirmed my previous supposition: it is not that people thought the election they were having was important, but that the election should have been important because it affected the lives of many people. One said, “No matter who is elected, the results of elections will affect thousands of people.”

Did voters care about electoral outcomes? When asked if they cared about the electoral outcome and why, again, people's responses were quite divided. Twelve respondents said they did not care or they only cared if the elections were real. The rest of respondents said they did care, mostly because villagers' committee members played an important role or because they expected good leaders to stand out. The fact that a majority of respondents said they cared about the results does not necessarily mean they were satisfied with the electoral system per se. People said: "My concern is meaningless and useless," "There is no real election. The outcome has been decided by the government in advance," and "The situation remains the same no matter who gets the position."¹⁸ Their grievance might also extend to the larger political environment. For example, one respondent said, "We farmers have no voice." Another response caught my attention: "I care [about electoral results] because we should make the election successful."¹⁹

Would respondents like to vote in the future? When asked if they would vote in the future, around 58 per cent said they would. The top three reasons were: "Voting is a basic right," "Selecting a good leader is important to us villagers," and "Participation is good for us." Five persons answered "no" either because they felt too old to participate or because "there is no meeting anymore; our participation is meaningless." The number of conditional affirmation constitutes 31 per cent of the total responses. Thirteen persons

¹⁸ From time to time, I sensed pessimism towards the current system during the conversation. Lots of people felt that they could do nothing to change the disappointing situation they were facing.

¹⁹ Successful in what way was unknown to us. Some villagers felt obliged to participate in voting no matter what the result might be. Did they think this out of a sense of citizenship, or because the government kept pushing the idea? At this point, it is difficult to tell.

answered “yes” on the condition that “if they ask me to” or “if I receive the ballot.”

Another person said he/she would participate and pursue his/her value if “there is any real election in the future.” One respondent answered my question in an interesting way: “I would go if cadres take good care of us.”²⁰ A large number of respondents have passive attitudes towards the right of voting. Two of them even said, “I will go if I still possess the right [of voting].” These respondents felt insecure about their right of voting—the right was granted by the government and can be taken away from them at any time in the future.

3.5 Further Discussion

Why is certain knowledge about the subject we study so important, like the knowledge of social-political atmosphere? Only if participants of politics understand their rights and obligations, will they understand the meaning of their activities and how to express their interests in an effective way. We see people from different societies doing the same thing, the implication of which might well be different. That is why we need to look at the context and listen to what the people have to say when analyzing behaviors and activities.

In my study, respondents’ overall satisfaction towards village elections was poor regardless of education they had received. The only obvious differentiation was that those better educated tended to offer more coherent responses, and elaborate more on their opinions. Whether voters from three locations can access the slate in village elections

²⁰ The philosophy behind this response was the same misunderstanding among villagers—to vote is to uphold certain candidates. However, voting should have other meanings too, for example, to nominate candidates, to favor somebody over the others, and so on.

remained unclear to us because the respondents provided inconsistent answers. Some said they could definitely access the slate, although there were complaints that the time allowed for consideration prior to and during elections was too brief. Others said they never got a chance to access the slate; only the villagers' representatives or those picked by the election committee had the chance to see the slate. But based on the responses we received, one thing seemed clear to us: not all the voters had access to the slate, and sometimes the slate was kept secret until the Election Day.

There were roughly three groups of respondents: (1) those who believed that their participation was meaningful, (2) those who would not accept voting as a meaningful way to affect local politics and their own life, and (3) those who did not have a clear idea of what they were doing. But what were the incentives for those who did vote? The table below reveals the findings of this study.

Table 1: Diverse Incentives for Those Who Did Participate in Voting

<i>Incentives</i>	Typical Responses		
	A	B	C
<i>Sense of obligation</i>	“As part of my community, I feel obliged to go voting.”	“Voting is a duty of ours.”	
<i>Loyalty to the ruling party</i>	“I am active and I listen to them [cadres]. Election is big.”	“As a Party member, I shall be more active than the common people.”	“I do whatever they [cadres] asked me to.”
<i>Sense of citizenship</i>	“We have the right to vote. Nobody dare to deprive it.”	“We should look after our own affairs.”	
<i>Hope of making a difference</i>	“The function of Villagers’ committee is very important, so we should take the election seriously.”	“I want to participate and elect the best representative.”	
<i>Chance of receiving financial benefits</i>	“We receive subsidies for our presence in village elections.”	“I went because they subsidized everyone attending.” ²¹	
<i>Kinship and friendship</i>	“I went to support my relatives.”	“One of the candidates is my close friend.”	“I vote for my favorite.”

²¹ Two respondents from Mengyang and Buyun mentioned that attendants of elections received financial compensations, the amount of which had not been verified. Since the average income of local residents is quite low compared to the people from more developed areas, people had the incentive to vote even if they are not interested.

I was a little surprised to see so many respondents holding back part of their opinions until the end of each survey. When I asked for further comments and other shareable experiences related to our subject, people replied in a more outspoken manner. In all the three locations I studied, people pointed out that the essence of village elections had been changed and villagers did not have the chance to exercise their rights. The elections they had were not transparent, open and accessible. As one of the respondents said, “They should allow enough time for villagers to know the candidates prior to the elections and make the electoral process open to us.” In a similar fashion, another respondent said, “I doubt [the reliability of] the electoral process. I hope that in the future they [decision-makers or cadres] would make the process known to people and let people participate.” A majority of the respondents wanted the situation to be changed: “[Tell them] don’t make elections a formality.”

Respondents were also disappointed or even angry at those in positions of power. Comments from the respondents included: “So few cadres really think and work for us people these days,” “Villagers’ committee cadres should be responsible to the villagers; they do not deserve their title,” and “Nowadays villagers’ committees contribute so little to local development; they (cadres) even fail to publicize the newest policies (especially these beneficial to peasants).” These comments probably explain why so many people are disinterested in voting nowadays.

There were other inspiring opinions. One of the respondents pointed out that villagers should be blamed for a lack of interest in elections and for not being able to produce satisfying results. This respondent said, “Villagers’ personal qualities (*suzhi*, 素

质) should be improved. Most people do not know how to use their rights. Some are indifferent about the election. Some think that their concern is meaningless. Others do not dare to offend those running for elections. They cast their votes without a thorough consideration.”²²

3.6 Conclusion

We have learned that both knowledge and political consciousness are key factors in making citizens politically active and efficacious. If people do not understand the meaning of their behavior, they are very likely to misuse their rights. If they lack a certain degree of political consciousness or do not stay well-informed, they will possibly miss their chance to make a difference.

In my study, people participated in elections for different reasons, and their level of understanding varied too. Some voters viewed village elections as “a formality” or “faked,” while others seemed to have some confidence in these elections. Some people complained about being excluded from villager’s meetings, the nomination process and voting in particular; still others said they did make a difference. There were calls for instant change to the current system, but to some people, the current system looked fine. I heard so many stories, so many voices. To appreciate different stories and voices requires much more than listening to what people have to say. One needs to understand the society in which the people live and the language they use. Sometimes people even provided contradictory answers or answers that opposed one another. What I really did was listen, distinguish and interpret.

²² Interview with one of the respondents.

Villagers cared about public affairs, and most of them believed that village elections would affect their living. They longed for genuine elections and to have their voices heard, otherwise their participation would be “meaningless” or “a waste of time.” They would become more satisfied if officials made political activities such as village elections known to them, if they were invited to participate, and if they knew that their votes would be counted. They had opinions on what kind of person(s) should be selected and most of them had reasons for their preferences. When asked what kind of person would be suitable for villagers’ committee positions, they always had something to share.

People wanted their voices to be heard, and more importantly, they definitely wanted the current system to be changed. They said: “This [the current system] does not work,” “This is meaningless,” “This is hypothetical,” and “This is not real democracy.” Perhaps it is too early to conclude that villagers from the area I studied liked democracy better than autocracy but it is not too soon to say that they disliked cheating or being ignored. One villager said he/she did not get the point of simply circling (approving) the name on the ballot. Although poorly-educated villagers have probably never heard of “disguised acclamation,” they disliked the content of this term.

Quite a few respondents mentioned the transition that occurred in the electoral system around 2003, the year when “public nomination and election” was launched by Sichuan government.²³ They said the current system was less democratic than the system they had a decade ago. It is possible that some of them spoke nostalgically of the Commune era or the early days when villagers’ committees were first established in their

²³ The influence of public nomination and election on village elections will be discussed in the next chapter, along with election procedures adopted by local governments.

villages. But the fact is that most respondents were not becoming more satisfied with the current situation. Also, since the younger generation did not have the same sentimental feelings about the “good old days,” their answers were more detached compared with other adult villagers. People’s feelings were a mixture of discontent, worry and hope. One comment from a respondent represented such feelings: “Villages are basic units of the country. As long as we have villages, we will need real elections. I hope they can change the current system to suit the new age. Our country is making big progress; I don’t think we can go backwards.”

Chapter 4

Village Elections in Three Locations of Sichuan: Studying Governmental Officials' Influences and Candidates' Roles in the Electoral Process

4.1 Introduction

How do Chinese policy-makers evaluate rural self-governance? What are candidates' ways of participating in the electoral process? What functions are villagers' committees supposed to play? Answers to these questions are crucial to the understanding of political developments and to predicting the path of democratization in the most populous country in the world.

In the previous chapter, we explored the lack of information on and enthusiasm among voters for the process of village election in Sichuan. We also revealed the fact that the majority of the respondents were either disappointed or disinterested in village elections. In this chapter and the next one, additional unique features of semi-competitive elections will be investigated, such as the policy-makers' philosophy, candidate manipulation by those in power, and candidates' attitude and ways of participating during the election process. A popular view held by policy-makers, the assumption that uneducated peasants are incompetent to participate in elections and practice self-management even on specific issues, has determined how elections are structured and managed in a particular province. Candidate manipulation, or the approval of candidacy, along with other strategies, has helped local government maintain the balance between promoting village elections on one hand and restricting grassroots autonomy on the other

hand.

To address the above purposes, two sorts of studies—face-to-face interviews and literature studies—are combined. The primary source for my analysis is interviews with local policy-makers and those people who participated in village elections as a candidate. The secondary source is existing literature on related topics published by other researchers. Both sources are important in determining the main obstacles to the development of rural self-governance.

This chapter has three major components: (1) discussion of bias against the peasantry that is common to policy-makers, (2) discussion of the actual function and power of villagers' committees, and (3) discussion of candidates' attitudes toward and ways of participating in elections. These topics are necessarily intertwined, as will be my exploration of these components.

4.2 Are Peasants Competent to Rule? A Reflection on Policy-Makers' Philosophy

This part of my discussion aims to objectively describe how policy-makers in China think about village self-governance and political participation of the peasantry. Are peasants competent to practice self-governance? Is village self-governance generally effective? What do core leaders who supervise and control the progress of political reforms at the provincial level think of peasants' political consciousness and grassroots democracy? Thus far, few scholars have tried to answer these questions. Second only to central core leaders, local policy-makers' opinions seem to be of extreme importance because local policy-makers are in charge of both making detailed laws and by-laws and

executing these laws. My interviews aimed to find out how mid-level leaders in Sichuan would address the above questions.

According to O'Donnell and his colleagues, political leadership plays a crucial role in facilitating democratic reform.¹ Shi's research further suggests that democratically committed mid-level officials rather than top national leaders play a crucial role in bringing endogenous changes to China.² The question of whether those officials involved in my study were democratically committed or played a positive role in facilitating democratic reform will be left open at this stage. However, the influence of political philosophy among core leaders from both national and local levels on the system of village elections is studied.

In underdeveloped provinces like Sichuan, village election is strictly scrutinized by the government for multiple reasons, one of which is mid-level officials' strong contempt for peasant involvement in politics. My interviews with L and W from the provincial level and Z from the township level (described below) attempted to find out more information about the progress of grassroots democracy but revealed the above facts. Ideas held by L, W and Z are in line with the most popular political philosophy held by the Chinese national leadership and are thought to be "mainstream" and thus the most influential among other competing thoughts in China.

¹ Guillermo O'Donnell, Philippe C. Schmitter & Lawrence Whitehead, "Transitions from Authoritarian Rule: Tentative Conclusions about Uncertain Democracies" (Baltimore: Johns Hopkins University Press, 1986), Chapter 3.

² Tianjian Shi, "Village Committee Elections in China: Institutional Tactics for Democracy" (1999) 51:3 World Politics 385 at 389.

4.2.1 The Survey Process

The first public official I met on my research trip to Sichuan was L, Director of the Department for Letters and Visits of Sichuan People's Congress. I reached him through family connections and he seemed to be willing to assist me in doing local studies. To my surprise, L's reaction upon hearing my full research plan was not as supportive as I had expected. He said, "You really think the peasants are ready for participating in democratic elections? They are certainly not. They are illiterate, backward, and selfish.³ They won't be interested in public affairs like elections."⁴ Despite his overall negative attitude, L kept his promise to introduce me to W, who led the Bureau of Grassroots Regime (*Political Power*, 政权) and Community-Building in the Department of Civil Affairs of Sichuan. It was known to local officials that W's office was in charge of issues related to village committees and rural self-management. W was among the most authoritative persons inside the Sichuan government on issues related to rural politics. I hoped to find out the governing body's real intent in experimenting with and promoting village elections. My visit with W was another story that is worth more elaboration.

The most significant part of my conversation with W translates as follows:

(Questions were raised by me, the interviewer; answers were articulated by W, the respondent.)

Question: "How independent is villagers' committee and what role does it play in local politics?"

³ What he meant by "selfish" is that peasants only care about their own affairs.

⁴ Interview with W.

Answer: “The organization of villagers’ committee is totally dependent on our government. It comes into being only because the government allows it to; it receives financial support from the government; its personnel and working condition are sponsored by the government; and it has to get approval from the government each time before it can take any action. What else are you expecting?”

Question: “By law villages’ committees are autonomous organizations in the countryside. How do you evaluate villagers’ committees’ performance here in Sichuan in handling issues that are of interest to villagers, including road repair and maintenance, irrigation and education?”

Answer: “Are you talking about self-management by the villagers? You tell me how that could be possible. Won’t it be a big mess if we allow the villagers to govern themselves? The Chinese are short-sighted. They only see immediate/instant interests; they cannot see the overall picture. Wouldn’t it be meaningless to allow self-governance under the current situation? I sincerely do not want to mention this but the Chinese peasants’ inner quality (*suzhi*, 素质) is too low that to expect self-governance by them is truly unrealistic.”

Question: (To ease off his seemingly irritated reaction, I phrased my question in a different way.) “I learned about the progress of grassroots democracy in Sichuan area from many other studies, that’s why I felt it necessary to look into the progress and most recent updates.”

Answer: “I can tell you, our [country’s] grassroots democracy is above the average, better than the States and a few other so-called democratic countries. But these issues are quite sensitive these days, so we cannot support your research activities as an organization. It is not that nobody else came here [to study village elections] before. Lots of foreigners, the Ford Foundation, then more than one hundred teachers and students from the East China Normal University did the same thing. We took them to the field.⁵ If we support you and introduce you [to villagers and the staff of grassroots organization], what you will hear is the same. If you insist on going, you put your own safety at risk. Local governments are extremely sensitive to activities like this [any unauthorized research]. Once you get there, someone will identify you, track your location and report your activities to the public security. I cannot guarantee what will happen to you after that.”

After this conversation, W refused to provide any kind of assistance or convenience. He repeated several times that I would put myself in a lot of trouble if I insisted on doing field studies on my own. It can be surmised from W’s speech that the

⁵ W’s implication was that they [local officials] monitored the whole research process.

government might have an incentive to keep villagers' committees. Yet, the government controls villagers' committees through financing, personnel and other political arrangements. The conversation triggered my curiosity: if peasants are as backward as he suggested, why would the government embrace the idea of village self-governance in the first place? Was he exaggerating the peasants' incompetence and maybe the danger of doing field studies? Why was he acting in this way?

I was truly astonished to find a significant public official like W so flat and straightforward about peasants' backwardness and the naivety of prompting rural autonomy because I had learned from other sources that such a view is usually expressed in "hushed tones and elliptical language."⁶ W did not even try to disguise his views. It is difficult to determine his real intention for doing so—to be frank with a student or to frustrate my attempts to further my research?

4.2.2 A Negative Perception about Chinese Peasantry's Political Consciousness

In fact, W is not alone in holding a negative view of the Chinese peasantry, which has been viewed as a conservative social and political force for thousands of years.⁷ Doubts about institutionalizing political equality were common among reformers, even among many advocates of stronger legislatures, when disproportional representation in the People's Congress was hotly debated in early 1980s. Most then national leaders believed that undereducated peasants could not take part in politics and that congresses

⁶ Kevin O'Brien, "Villagers, Elections, and Citizenship in Contemporary China" (2001) 27:4 *Modern China* 407 at 414.

⁷ Yang Zhong, "Political Culture and Participation in the Chinese Countryside: Some Empirical Evidence" (2004) 37:3 *Political Science and Politics* 445 at 445.

should be “galaxies of talent” staffed with the nation’s best and brightest.⁸ Self-proclaimed reformers were hesitant to grant power to “backward” country people. They argued that the interests of the least educated could be upheld by others.⁹ The national election scheme adopted under such a view had received harsh criticism for causing underrepresentation of rural people in people’s congresses.

It is ironic that the Chinese government picked elections to villagers’ committees as the seed of democracy and spread it all over the country since the Chinese government often argues that the main obstacles to further democratization are uneducated peasants and a backward countryside. By this argument, potential Villagers’ committee members might be more “advanced” and “trustworthy” than other peasants, but are still not comparable to the elite raised from the working class who are considered the natural power holders.

Based on my interviews with L and W, and the prior results of other researchers, I have reached the following conclusions:

- 1) In most people’s minds, also in the minds of the leaders, democracy is something that will not happen unless certain conditions are “ripe.” Whether people know what conditions are required or preferred does not matter.
- 2) Some people are quite arbitrary about their view that peasants are unsuitable for participating in democratic elections.
- 3) Elections are not seen to be real elections, of course; rather, these are

⁸ Jian Tan, “Reform and Strengthen China’s Political System” (1987) 20:1 Chinese Law and Government 44 at 49.

⁹ See O’Brien, *supra* note 6.

training classes to be taken by the peasants, or a showcase of socialist democracy to impress outsiders from time to time.

4) The government strictly observed or intervened in previous field studies conducted by individual researchers or organizations. Now the Sichuan government has become more cautious about any individual or organizational attempts to study village elections.

4.2.3 The Validity of the Quoted Perception

Is this negative view of the Chinese peasantry valid? What is the current status of political culture and participation among Chinese peasants? A related study shows that Chinese peasants are very conscious of their rights and are willing to protect their rights through “police-based resistance,” such as citing laws and politics to back up their claims for a greater share of local political power.¹⁰ Yang’s study suggests that the Chinese countryside is more stratified than many people think and that the political culture of peasants in China’s developed rural areas is quite advanced and does not lag far behind that of China’s urban residents.¹¹ My previous chapter contains findings from less-developed areas which echo Yang’s opinion and further challenge the validity of a negative view. Some scholars even suggest that the Chinese countryside may end up bringing democratization to the rest of China.¹²

To sum up, many studies of the vast Chinese countryside suggest that this popular

¹⁰ Kevin O’Brien & Lianjiang Li, “The Politics of Lodging Complaints in Rural China” (1995) 143 *China Quarterly* 756 at 782.

¹¹ See Zhong, *supra* note 7.

¹² See Zhong, *Ibid.* Also see Tyrene White, “Reforming the Countryside” (1992) 91:566 *Current History* 273 at 277.

negative view of the Chinese peasantry is out of date. However, more studies are required in order to refute such a view and it is not my task to falsify the validity of such a view in this dissertation. Besides, the validity of such a view does not alter my current research in any way. My intention here is to address a doubt shared by many intellectuals who are interested in Chinese rural politics: are Chinese peasants too backward to determine anything that concerns their daily living?

4.2.4 Why Are Independent Studies on Village Elections Sensitive?

Obviously the Chinese government intends to brag about its village self-government to the outside world, probably in the hope of improving its tarnished image from the Tiananmen crackdown in 1989. Western media and governments show their interest in this new development in China because they look forward to the beginning of the long-delayed democratic transition in the most populous country in the world. As Yang puts it, “The Chinese government, often through the Ministry of Civil Affairs, has organized and allowed foreign journalists, social scientists, dignitaries, diplomats, and political, academic, and social organizations [such as the U.S. International Republican Institute, the Ford Foundation, the Carter Center, and the National Committee on U.S.-China Relations] to go to Chinese rural areas to observe village self-government and elections.”¹³ If this is the case, why would mid-level officials be so cautious about academic studies like the study I proposed? And why are independent studies on village election so sensitive for local officials? What were local officials trying to disguise?

We already know that earlier news coverage of village elections attracted much

¹³ See Zhong, *supra* note 7.

attention from the outside world.¹⁴ In fact, village democracy has become one of the rare subject matters that the Chinese government is eager to publicize and western academia and media are interested to investigate.¹⁵ Initially, only official media were allowed to closely observe and report the events of village elections. After the debut of village elections, more researchers and journalists travelled to the villages to try to reach the participants and collect their opinions. The more village elections were studied, the more details were exposed. Independent studies, as opposed to those sponsored or supervised by the government, cause unease among local officials. Local governments like that in Sichuan spent quite a lot of time and energy making sure these visitors would not talk directly to those with voices and would not seek detailed opinions.¹⁶ Although local officials used to accommodate or make way for individuals or organizations that have greater influence, after two decades of doing so, they have grown tired of such an unrewarding job. In other words, the local government of Sichuan has lost interest in showcasing its progress in rural self-management to the outside world. It would only welcome independent studies of village elections in very exceptional cases.

4.3 The Paradox of Embracing the Idea of Village Elections

In granting some power to its people, the government fears losing control. As Bernstein puts it,

Key members of the central leadership, and especially the Ministry of Civil Affairs, which has responsibility for basic-level governance, wanted to give villagers more power vis-à-vis their leaders in the hope that this

¹⁴ See Zhong, *Ibid.*

¹⁵ See Zhong, *Ibid.*

¹⁶ Interviews with W and Z.

would make the latter more accountable and hence reduce conflict and promote stability. But at the same time, they also needed village leaders to be responsible for implementing policies and programs handed down from above, even if these ran counter to villager preference. Hence, they severely circumscribed the authority of the village committees.¹⁷

Given the validity of such a view, what has caused the Chinese government to change the way it rules in the countryside? What dilemma has it faced since making those changes? And which strategies have been adopted to resolve those difficulties?

4.3.1 The Drive for a Change in Ruling the Countryside

During the process of political reform at the grassroots level, pressure from society is necessary to drive the reforms. In contrast to other societies, the pressure for reform in China came from peasants, whose lives were miserable, rather than from the middle class, and took the form of spontaneous acts, rather than of organized political actions.¹⁸ The accumulation of pressure brought by the peasants appears to have been a gradual process. At the beginning, pressure from peasants hardly influenced the choice of political elites. Once the reform was well under way, however, peasants were gradually mobilized by the reforms they instigated to participate in village elections. Their participation, in turn, advanced the reform process.¹⁹

Notwithstanding their authoritarian inclinations, the idea of democratic elections seemed appealing to Chinese leaders for several reasons. The move to set up village elections would not only “reduce tension between party cadres and peasants, tensions that had become more and more serious in the wake of the decollectivization of agriculture in

¹⁷ Thomas P. Bernstein, “Village Democracy and Its Limits” (2006) 99 (April 2006) *ASIEN* 29 at 30.

¹⁸ Shi, *supra* note 2 at 389.

¹⁹ *Ibid.*

the early 1980s,”²⁰ but would also “help autocrats establish legitimacy at home or abroad.”²¹ As Gandhi and Lust-Okar puts it, “Elections may be manipulated, and of limited political influence, but they can nevertheless signal to domestic and international audiences that the regime is, or is in the process of becoming, based on popular will.”²² In addition, village elections might mitigate principal-agent problems between national and local officials by providing national-level rulers with information about the loyalty and competence of their own party cadres.²³ Furthermore, these elections help fight corruption that has become more severe in recent years.

4.3.2 Maintaining the Balance between Centralism and Local Self-Government: A Dilemma

The paradox stems from the government’s ruling philosophy: it is in need of an organized power to collect information from the “bottom” (i.e., the mass) and implement its policies in the vast countryside; yet it has a deep fear that the growth of organized power will in turn challenge its authority.²⁴ As a feasible solution to this dilemma, the government quickly made the organization of villagers’ committees official and only allowed the committees to do what that government expected.

It seems to outsiders that villagers’ committees are significant grassroots organs, given the power of committees in the day-to-day work of managing local public affairs.

²⁰ Bernstein, *supra* note 17 at 30.

²¹ Jennifer Gandhi & Ellen Lust-Okar, “Elections under Authoritarianism” (2009) 12 Annual Review of Political Science 403 at 406.

²² *Ibid.*

²³ Gandhi & Lust-Okar, *supra* note 21 at 405.

²⁴ Kevin J. O’Brien & Lianjiang Li, “Selective Policy Implementation in Rural China” (1999) 31:2 Comparative Politics 167 at 181.

However, villagers' committees are only important to the extent that they would not dilute governmental authority in the countryside. An element that western scholars have largely neglected is the role and functions of village-level branches of the Communist Party. Ignoring the role of the Party branches in village self-administration gives a distorted impression that the political set-up at the grassroots has radically changed.²⁵ As a matter of fact, the integration of village-level Party branches and villagers' committees, the so-called "one leadership group" (*yitao lingdao banzi*, 一套领导班子), needs to be viewed as a normal presentation of village political life. Sometimes, candidates run for posts within the Party branch, and then make their way to villagers' committees when their primary attempt failed.²⁶

As reflected in many work manuals and governmental circulations, the government needs villagers' committees to be cornerstones of the political power of the state in the countryside, the actual organizers and administrators of every piece of work in the countryside, and the bridge and bond between the government and the peasantry.²⁷ Almost always, villagers' committees under the observation of Party branch have to carry

²⁵ Edwin A. Winckler, "Explaining Leninist Transitions", in Edwin A. Winckler, ed., *Transitions from Communism in China: Institutional and Comparative Analyses* (Boulder: Lynne Rienner Publishers, 1999) 259 at 291.

²⁶ A high level of integration between the two bodies has also been found in other studies. See, for example, Wang Yalin, "Nongcun jiceng quanli jiegou ji qi yunxing jizhi" (Rural Grassroots-Level Authority Structures and their Functioning Mechanisms) (1998) 5 *Zhongguo Shehui Kexue* (Social Sciences in China) 37 at 41; and Ellen R. Judd, *Gender and Power in Rural North China* (Stanford: Stanford University Press, 1994) at 271.

²⁷ About the prescribed roles of villagers' committees, see Shuguang Zhang, ed., *Cunweihui Ganbu Gongzuo Shouce* (Work Manual for Villagers' Committee Cadres) [translated by author] (Beijing: China Legal Publishing House, 2006) at 3.

out orders from above, mostly likely through the mouth of village-level Party branches.²⁸

The government can only trust villagers' committees so far. For those having high expectations towards rural self-management in China, those findings are truly disappointing. But it is a real reflection of the actual role of villagers' committees.

If installed properly, the system of village election would enable peasants to select village heads and the governing body at their own will, regardless of candidates' party affiliation.²⁹ The tendency of rural residents to be much less committed to the supremacy of the Party has driven the Party to further grip its influence. As a result, the local government has to make sure that villagers' committees are comprised of appointed persons or those rising under careful observation so that they would never neglect or turn down the Party's will.

Half-hearted reforms like those found in the villages have led the intellectuals to conclude that Chinese leaders prefer a more limited and gradual approach that would change only those things needed to encourage economic growth and discourage popular unrest.³⁰ There is no evidence that the central government is seriously considering the implementation of thorough-going, systemic political reform as a solution to its dilemmas. Taking a similar approach, Bernstein comments that China has not made much progress toward democratization in recent years and neither do contemporary leaders

²⁸ Björn Alpermann, "The Post-Election Administration of Chinese Villages" (2001) 46 *The China Journal* 45 at 45 and 46. Also see my interview with W.

²⁹ Based on research findings contained in the previous chapter, the majority of villager respondents did not care if the candidate was from the Party, which means party affiliation does not make a big difference in voters' choices.

³⁰ Elizabeth J. Perry & Merle Goldman, eds., *Grassroots Political Reform in Contemporary China* (Cambridge: Harvard University Press, 2007) at 16 and 17.

seem interested in abandoning authoritarian rule in the foreseeable future even if the country is facing enormous social problems.³¹

4.4 Contradictory Responses from Grassroots Officials: Part I

How would township officials and villagers' committee members evaluate village elections and political participation of their people? One thing worth noting is that most officials at the village and township levels are themselves peasants. Do they possibly agree with their superiors that their peers are politically "backward"?

The previous chapter already dealt with the difficult experience I had in trying to seek assistance from township government. I turned to Z, who led the Administrative Office of the Banzhuyuan Party Committee and Banzhuyuan Government. She first welcomed my proposal, and later turned it down.³² This change happened within three days. On the positive side, I was able to collect some of Z's opinions about village self-governance in her town. On our first meeting, Z bragged about their achievements in installing "public nomination and direct election" ("public nomination" for short thereafter, i.e., a policy aimed at encouraging public participation in the nomination and the electoral process)" for village elections and how enthusiastic and politically active

³¹ Bernstein, *supra* note 17 at 29.

³² It is popular in China that two offices, most commonly the administration office of party committees and the administration office of governments, are staffed by the same exact people. Such an organizational custom has been established under the maoist creed "The Party Leads the Wholeness" to make sure the administrative staff always act in accordance with the Party's wills. For more reflections on this principle, see Mingjun Zhang, "Reconsideration on 'The Party Leads the Wholeness'" (2003) 4 *Journal of Henan Normal University (Philosophy and Social Sciences Edition)*.

villagers were in making “high turnout rate” possible.³³ (The turnout rate suggested by Z was as high as 90 per cent.) The information provided by Z might be unreliable. Since low support at the polls for local incumbents signals to national leaders that their agents are incompetent and/or unpopular with citizens, local officials might have incentive to fake the turnout.³⁴

Members of villagers’ committees also tended to speak highly of the political activeness of the villagers. For instance, when asked if local residents were generally interested in public affairs including elections, all four respondents from the same town (Banzhuyuan) answered “yes.” However, one of them did mention the cadres’ role in educating the people and promoting public activities.³⁵

The following factors might have caused the inconsistency between the opinions of policy-makers and policy-executors regarding peasant politics: (1) Officials from higher levels looked down upon peasant politics, as discussed earlier; (2) Provincial leaders did not really know what was going on in a village; (3) Provincial leaders were afraid of grassroots autonomy; (4) Township officials and villagers’ committee members were not telling the truth but were trying to convince outsiders of their people’s political activeness. Which of the Party’s responses were closer to the actual situation? Findings from my interviews with more than a hundred villagers have indicated that people at large cared about public affairs and wanted to participate, but they either did not know

³³ Interview with Z, the Director of the Administration Office of Banzhuyuan Party Committee and Banzhuyuan Government.

³⁴ Gandhi & Lust-Okar, *supra* note 21 at 405.

³⁵ Interview with Informant C from Banzhuyuan.

how to access the public debate or did not know how to improve their current way of participating. In addition, respondents in my study tended to regard their participation as “meaningless” or “useless” simply because they had been excluded from the political process for too long.

What about other participants in the electoral process? What do they think of their own participation and the electoral system? More details behind the scene were revealed after interviewing different contestants of village elections.

4.5 Contradictory Responses from Grassroots Officials: Part II

Under the current research scheme, the first set of participants that I interviewed included those who failed the most recent or the two most recent elections. The second set of participants included villagers’ committee members. Survey questions varied to suit different sets of participants. Interviews were designed to find out the following information about the respondent: How was candidacy obtained? What was participation like? How does one evaluate the electoral system and other people’s involvement in the system?

4.5.1 Group 1: Unpopular Candidates Who Failed the Election

The sole participant in the first set was once a director of the villagers’ committee in Buyun before the era of “public nomination and direct elections.” This person held a middle school diploma.

The respondent took part in the election only once, failed, and never ran for higher positions. His reason for running in the election was that he felt obliged to

participate as a CPC member and also because he felt he should rise according to people's wishes. Most people surrounding him were supportive of his participation. It was easy for this person to obtain candidacy because he was actually nominated by the local branch of CPC Committee. He denied that he had ever applied any strategy during the campaign. (From his facial expression, I suspected that he must think "strategy" a bad thing.) Still, he was satisfied with his overall performance in the campaign and he thought he addressed most people's concerns. According to his analysis, what made him stand out were his CPC member identity, more than ten years' work experience, and a righteous personality. He was beaten by another more experienced candidate who was also nominated by the CPC branch.

The participant evaluated his own performance at work as follows: "I lived up to my identity as a Party member. When I was the director, I developed local economy and corrected some cadres' wrongdoings such as [spending the common funds on] eating and drinking."³⁶ He thought he did not understand some local affairs very well and that he should be working to improve this, but he admitted that he knew how to develop the local economy and prevent corruption.

When asked to assess previous elections, the participant said, "The former Secretary of CPC Branch at Buyun, the Clerk and Director of Villagers' Committee, sharing the same family name [Chen], were either kin or distant kin. They helped one another to get that post. People in our village were discontented about that."³⁷ The same

³⁶ Interview with a former VC member from Buyun.

³⁷ *Ibid.* For more discussions about the role of lineage and the evolution of power structure in rural China, please refer to the chapter "Village Governance in Chinese History" from Jianxun

respondent continues to comment that a few members currently in the committee were good because they were nominated by him. On the plus side, he thought he was too old to run for future elections. (The respondent was aged 56 at the time of being interviewed.)

This respondent made another interestingly important note: “Those currently in position were nominated by me when I was in director’s position; they are as righteous as me. The role of party committee is very powerful [in a village].”³⁸

What do we learn from this interview?

1) The election my interviewee took part in and thus witnessed was competitive, despite the fact that both candidates, including the respondent himself and his contestant, were nominated by the local CPC branch. Those currently in power were nominated by the respondent. This way of nomination, in which the party organization has some sort of authority or privileges, has been passed on round-by-round/generation-by-generation, and will continue to take effect if not overturned.

2) In the villages I studied, no open, organized, and stratified election campaign similar to what we commonly see in democratic countries was observed. Promotional activities conducted by the candidates were only minimal. The respondent did not apply any campaign strategies when he was running against his contestant. He did not go through the process of promoting himself among the villager voters. He barely had any chance to publicize his political stance, strategies and opinions about local affairs in

Wang’s dissertation “Political Economy of Village Governance in Contemporary China” (2006), online: Indiana University
<http://www.indiana.edu/~workshop/publications/materials/conference_papers/wang.pdf>.

³⁸ *Supra* note 36.

his village, nor did he have the chance to debate with his contestant on issues people care about. When he talked about “campaign,” he was probably referring to some sort of “public speech,” if there was any. This assumption can be supported by comments from several villager respondents from his village: they were only aware of public speech shortly before the voting. (A few villagers mentioned that a public speech was given by the winners after the election. It is possible that both forms of public speech were used.)

3) According to the respondent, corruption is a problem in his village and should be corrected.

4) Lineage can sometimes have a role in power distribution in the area I studied, but also aroused discontent among villagers, which further led to a lack of confidence in the powerful. People at large cared about how those in power were selected and how the result was produced. Kinship or special relationship with those in power might help someone get a post, but would not necessarily make him/her popular.

4.5.2 Group 2: Popular Candidates Who Succeeded the Election

The 11 participants in these interviews were, at the time, villagers’ committee members from Banzhuyuan, Mengyang and Buyun. All respondents had received more than 12 years formal school education. One of them had served on the committee for more than 18 years at the time of the interview; some joined the committee in 2003, the year when “public nomination and direct election” was first implemented. Ten were CPC members. The ratio of male to female members was 8:3. The common rule regarding village election was that each committee must have at least one female member and most places adhered to that rule.

My two major concerns were: First, how were these members selected? Second,

had “public nomination” brought any changes to people’s way of participation? Having these concerns in mind, I explored with the following questions.

4.5.2.1 What were the weaknesses of the old system?

One respondent from Banzhuyuan pointed out that the appointment system before 2003 was less equal and less satisfying and thus caused a lot of grievances in their village. This response confirmed the fact that instead of being elected by villagers, members of villagers’ committees were either appointed or elected by villagers’ representatives before 2003. Respondents from Mengyang evaluated the previous system as “not very satisfying.”³⁹

4.5.2.2 How were the respondents selected?

Respondents from all three locations said they joined the villagers’ committee through public election. At least two respondents from Buyun were nominated by the CPC committee of Buyun. One person said, “I was doing business before 2003. They [local cadres] persuaded me to come and play the role.”⁴⁰ This person received nomination after he went back home and soon he joined the committee. One said he/she would participate in the coming election for sure because “to participate is mandatory for people who hold the position for one round.”⁴¹ If this is the case, then the seats left for other potential candidates would be very limited.

One respondent from Banzhuyuan admitted that their community elections to

³⁹ Interviews with Informant A and B from Mengyang.

⁴⁰ Interview with Informant G from Buyun.

⁴¹ Interviews with Informant I from Buyun.

villagers' committee involved only villagers' representatives rather than all eligible voters.⁴² To his/her recall, the local CPC branch appointed a person to the Director of Villagers' Committee once or twice.⁴³ Then how were villager's representatives selected? According to the same respondent, the villagers' committee selected one deputy from every 10 to 15 households (approximately 3 voters per household). In their village there were 87 deputies in total. To my surprise, another respondent provided an interestingly different answer: "As far as I know, elections have been held in this community for years; each household has a representative."⁴⁴ Even though this respondent did not mention the appointment system, he/she confirmed the fact that villagers' committee members were elected by villager's representatives rather than by villager voters. The word "election" in this context should be understood as indirect election, if there was any election at all. I suspect that other villages in Sichuan have applied the same rule. As a matter of fact, "one ticket per household" was the common rule followed by most villages in Sichuan.

4.5.2.3 What exactly was "public nomination" in the eyes of VC members?

When asked about "public nomination," one respondent from Banzhuyuan answered, "People liked the new system. We informed 150 villagers to participate and 95 per cent showed up."⁴⁵ According to him/her, two committees decided on which villagers shall come to the event (the election). Compared to the old days, more households or families were included. Nonetheless suffrage had not been extended to all the voters in this village.

⁴² Interview with Informant C from Banzhuyuan.

⁴³ *Ibid.*

⁴⁴ Interview with Informant E from Banzhuyuan.

⁴⁵ *Supra* note 42.

Even though the new system was not much different from the previous system, almost all the respondents spoke highly of it because it seemingly had more transparent and fair features. One of the respondents said, “Villagers supported it; they participated and believed in the final results.”⁴⁶ Another said, “Now people are able to exercise their voting rights; they hope they can keep on doing this.”⁴⁷ The connotation was that people were not able to exercise their voting rights as they wished in the past, that is, when the old system was in effect. Since most villagers we interviewed had no idea about how many rights they were entitled to have as a voter, our guess is that some of them probably thought that the new system did not represent much progress.

For those readers unfamiliar with Chinese politics, villagers’ committees must be comprised of villagers who were nominated and elected by their peers. However, this is hardly the case in practice.⁴⁸ If it were the case, local governments would not need to enact a policy named “public nomination and direct election” because members to villagers’ committees are supposedly nominated by the public and elected by villagers directly.

Finally, to whom did the elective staff report the electoral results? According to respondents from Banzhuyuan, the election committees consisting of villagers’ committee members and other cooperative persons appointed by the local CPC branch sorted out votes after the election and handed it over to the Executive Office of the Party

⁴⁶ *Supra* note 44.

⁴⁷ Interview with Informant F from Banzhuyuan.

⁴⁸ Research findings from the previous chapter had revealed that most villagers were excluded from the nomination process, and many of them never knew that they had a right to nominate someone. We also had the impression that elections were open to only a few villagers’ representatives who won’t defy the authority.

Committee. Election results were handed over to the local CPC branch instead of the meeting of villagers' representatives before the election were finalized because the Party needed to review the results to determine if a re-election was necessary.

4.5.2.4 How did VC members evaluate the new system?

When asked if they were for or against the new policy, respondents from Banzhuyuan spoke with the same voice: "I am for it."⁴⁹ Their reasons were slightly different from each other. Some thought the new policy helped fight corruption, some thought it reflected people's will, some thought it drove the cadres to work harder, and the rest thought it was good for improving public services in their community.⁵⁰

Both respondents from Mengyang were supportive of "public nomination" because it made elections fairer and people had a better chance of selecting suitable and responsible persons.

The respondents from Buyun supported "public nomination" for different reasons. One thought the new system embodied/reflected democracy. Another also thought it was a more democratic system. One thought it combined the spirit of state policies and the will of the people. However, one response did not make any sense; it was more like a self-appraisal: "I am confident in what I am doing. Many villagers know nothing about the law. In order to make them live better and support our work, I support the new

⁴⁹ Interviews with Informant C, D, E and F from Banzhuyuan.

⁵⁰ I think what the last respondent really meant was that through public nomination, the more capable and trust-worthy persons were selected and these persons would better serve the community.

system.”⁵¹

4.5.2.5 How would VC members describe villagers' reaction to the new system?

As I mentioned earlier, respondents from Banzhuyuan thought the people in their village liked the new system. Respondents from Mengyang also said that in their village, people evaluated the new system positively because it was fairer and right.

The opinions of respondents from Buyun were split and incoherent. All respondents thought villagers liked or supported the new system because it provided means to express their own voices and because those elected by villagers performed better at work and cared about others. As the conversation continued, more information was shared. One of them thought some villagers were for the new system and some were against it. Another respondent thought persons appointed did not work hard and did not serve the people well so villagers liked the new system better. A third respondent said he did not know much about villagers' attitude because he was working out of town when local cadres asked him to participate in the election. A fourth person admitted that people reacted differently because the new system had been in place only for a short term.

4.5.2.6 Was there any problem of conflicting interests?

All four respondents from Banzhuyuan had been part of the elective team. Their tasks included organizing the whole event, speaking in public for propaganda purposes, and helping with voter registration and nomination. I heard them say “election the job” many times. In the eyes of Chinese cadres, election is a job they need to deal with every

⁵¹ Interview with Informant J from Buyun. The words of the same respondent seemed to be very incoherent. She later added that she might not in run the next election because she was not very confident.

three or four years, depending on the span of time between elections. Both respondents from Mengyang had been involved in the electoral process as an elective staff. Four out of five respondents from Buyun participated as elective staff. One stressed that he/she did his job “properly.” The only person who did not get involved in the electoral process was the one working out of town. This person further added that he/she was “summoned” by “them [village leaders]” to get prepared for the clerk position.

Most respondents (10 out of 11) organized elections in which they also ran as candidates. All of them did this naturally, without considering their involvement to be a problem. Only one respondent might have been concerned because, while answering my questions, he stressed that he did the job properly.

4.5.2.7 How would VC members evaluate villagers’ political participation?

All respondents from Banzhuyuan, Mengyang and Buyun thought villagers were quite interested in public affairs, which obviously contradicts the evaluation from mid-level officials. What has caused this inconsistency among Chinese leaders? Either mid-level officials held a bias against the peasantry, or villagers’ committee members were not telling the truth. Many Chinese leaders feel that benevolent officials (*fumu guan*, 父母官) should be responsible for their people’s political apathy. Mid-level officials, on the other hand, are more eager to distinguish themselves from the uneducated peasants.

4.5.2.8 How smooth was the communication between VCs and the local governments leading it?

Were villagers’ committee members who survived the Party’s scrutiny satisfied with their sponsors? This was not necessarily the case, at least in my study. Two

respondents from Banzhuyuan seemed to have a lot of complaints: “Villagers’ committees are playing the role of mini-government—there are so many tasks to deal with and so much pressure too. I wish the local government could pay more attention to our income and benefits,” “The government does not communicate with villagers’ committees very often; sometimes they [governmental officials] don’t keep their words. People [in our village] become irritated if no one responds to their complaints about land expropriation and relocation.” Their concerns echoed the research finding that local government handed over the most challenging and unwelcome jobs, such as birth control, land expropriation and household relocation, to villagers’ committee members, yet did not reward them with decent pay and sufficient political resources.⁵² Villagers’ committee members are not yet governmental employees, but they are doing more than what is expected of them. Under the current way of selection, they are made responsible to local government rather than to their constituents. When their people need them to stand up and argue for their interests, they hesitate. They do not want to hurt relationships with either side—peer villagers or the government. But in many places, especially where cadre-mass relationship is already poor, committee members have to pick sides even though this will make them unpopular either with their people or their sponsors.

In Mengyang, one respondent said governmental officials came to their village to observe people’s reaction but did not mention any follow-up action taken by the government. Another person said they [the government] did not need to give the people or the villagers’ committee any feedback because the new system was very popular.

⁵² Kevin O’Brien & Lianjiang Li, “Selective Policy Implementation in Rural China” (1999) 31:2 *Comparative Politics* 167 at 170 and 174.

Faced with the same question, respondents from Buyun were again split. Three of them said they did not report villagers' feedback of the new system to the township government. Two said they did report people's reactions and evaluations and the local government just told them to handle things well if there was a problem.

Several other points are noteworthy. For example, one respondent said, "Most young people were working and living out of town while the elderly, underage and women were left at home. The chance of summoning a large population to vote like we did in 2003 is very small; I hope they [the government] can guarantee the budget for elections."⁵³ One respondent from Buyun complained, "Our gain does not match our effort; I hope we can get a raise and actually receive the payment. If we don't fulfill the tasks assigned by the government, we won't receive our salary and bonus in full amount by the end of the year."⁵⁴ Another respondent from Buyun expressed his/her wish in this way: "The single party is in power. It should promote grassroots democracy; it should allow direct election at village levels. Direct election embodies democracy. Now they don't let us do that."⁵⁵

4.6 Conclusion

Sichuan is one of the pace-setting provinces in abolishing communes and establishing township governments, as well as in experimenting with villagers'

⁵³ See *supra* note 40. The author felt it necessary to note that the big turnout in 2003 was for the direct election to the township head, which turned out to be a political show that attracted wide attention from observers both domestic and abroad.

⁵⁴ Interview with Informant H from Buyun.

⁵⁵ Interview with Informant K from Buyun.

committees.⁵⁶ Early experiment with villagers' committees does not necessarily mean high-quality autonomy at the village-level. Democracy in the form of village autonomy grows slowly for many reasons. For one, policy-makers do not believe in local residents' competency with democratic practices. It might well be true that they themselves do not believe in democracy either. For another, administrators interpret policies for administering village elections as a "soft target" that they do not implement wholeheartedly. In provinces like Sichuan, village elections are strictly scrutinized by the government. Local policy-makers' attitude towards public participation and democracy has a strong, if not decisive influence on village elections. Their ideas, in line with the political philosophy of local government, are also reflected in local by-laws, as we will see in the next chapter. (The next chapter contains more discussion about the Party's ideological influence on the structure of village elections.)

W and L are certainly not the only officials who think negatively of the peasantry. In the mind of those in power, democracy, understood as competitive elections, is something for which the country is not ready and will not be ready for another generation or two. Besides, a popular view among Chinese leaders, intellectuals and the general population in China is still that the Chinese peasantry is one of the main obstacles to Chinese democracy due to their conservative political culture. These thoughts are considerably dominant and will continue to rule the society's ideological world for the foreseeable future.

⁵⁶ See Youlu Mi, "Villager Participation in Autonomy and Its Evaluation" (Paper presented at the Conference on Local Self-Government in Mainland China, Hong Kong and Taiwan, Duke University 2 May 1997) [unpublished] at 3.

In spite of this situation, China's leaders embrace the idea of democratic election at the village level because they need loyal agents to execute state policies in remote areas where even lowest-level officials would not bother to visit. Leaders trust villagers' committees only to this extent. Leaders instituted a system which produced the most loyal and obedient persons; whether the elections were competitive and fair does not matter. When change is made to the current system, patchwork rather than bold reforms are more likely to take place.

Several reasons lead us to doubt the significance of village elections, the strongest of which is the fact that mid-level officials, village leaders and common villagers were inconsistent about the significance of public participation and "public election". The actual way of nominating and voting observed in my field work also seems contradictory to our common understanding of competitive elections.

It was obvious to local people that, in most cases, nominations were exclusively made by those in power or by those closely connected with the two committees, and that elections involved only villager' representatives appointed by local officials and previous villagers' committee members or those hand-picked by the powerful. Local officials were so aware of people's grievance towards their misbehaviors that they needed to show their people that they would do something *different*. Against this background, the policy of "public nomination" was made in the hope of either putting an end to those wrongdoings or signaling to people and the outside world that the government has the resolution to do so. Our guess is that a desire for regime solidity and social harmony (at least on the surface), together with some pressure for job accomplishment, has driven the local

government to enact such a policy.

The purpose of “public nomination” is said to be two-fold: to better involve villager voters in the nomination process, and to make sure villagers’ committee members are directly elected by voters. However, based on the information collected during this research, I argue that the new policy aimed at improving public participation failed to change the way people participated in any meaningful way. In the next chapter I will examine the rules and procedures observed by election committees in Banzhuyuan and criticize the feasibility of this system.

Chapter 5

The Law on Paper and the Law on the Ground: A Case Study of the Law of Election in Sichuan

5.1 Introduction

Although China is unitary rather than federal, laws can be very “localized” so that they vary from province to province. A good example of this variation is election laws. What constitutes an up-to-standard election can be very different from one province to another mainly because the Organic Law leaves space for local authorities to promulgate specific procedures for village elections to suit local needs.

The effective law therefore consists of both the formal legal texts (which set the overall framework for elections) and the ensemble of additional documents, policies and practices that account for much of the conduct of elections. This distinct feature of the law applied to village elections in China need to be fully appreciated. Instead of looking at the legal texts itself, a large portion of my discussion will be organized around this living law. What counts as a law can be dramatically different from our common understanding. The law we are examining here is a law laden with connotations, rather than a law stripped of its meanings. It is a law evolving against the background of single-party politics.

Based on above considerations, this chapter examines the law governing village elections in Sichuan, including the law on paper and the law on the ground. The primary source of my analysis is national laws, local by-laws and other materials that play the role of law. The secondary sources are responses from targeted groups as well as existing

results presented by other researchers. I will first review the state legislation that frames village elections, and then review the internal party rules that play an active role in shaping these elections. Specifically, I will review the quasi-law governing village elections accessed during my field trip to Banzhuyuan in Sichuan to analyze the main measures and steps taken to form villagers' committees, and also to reveal the meaning of the law on the ground. These measures and steps produced by the living law, as shown in my study, necessarily restrict voters' options during the electoral process and offset the competitiveness of village elections.

5.2 Background of Study

To better understand the dynamics of politics in village elections, we should fully appreciate the factors that have a considerable impact on local politics, including economic status, power structures, public perception towards the rule of law and democracy. My first chapter contains a wide selection of electoral studies mostly from the discipline of political science. But the role of law in defining the path of village elections is often overlooked or underestimated. Another weakness in the existing literature is that the substantial body of provincial legislation on village elections has been largely ignored in debating the institutions or factors that have shaped the electoral process.¹ As I mentioned in the literature review, there have been a few noteworthy studies done by legal scholars, but these studies fail to contain a political discussion that

¹ As early as 2002, Alpermann pointed out that missing out the substantial body of provincial legislation on topics related to village elections constituted a potential flaw in most research. See Björn Alpermann, *Provincial Legislation on Village Self-Administration: A Framework for the Evaluation of Grassroots Elections*, Working Papers on Chinese Politics, Economy and Society, No. 1 (2002), online: Cologne China Studies Online <<http://www.china.uni-koeln.de/papers/papers.html>>.

is crucial to our understanding of the legal phenomenon we are concerned about, that is, highly localized elections as a result of the interaction between the single-party politics and the law. This chapter works to address these concerns.

In principle, the Chinese legal system consists of the Constitution, national laws, administrative regulations, local laws and judicial explanations. To maintain a degree of flexibility, local legislature is allowed to adapt national laws to suit local needs. For example, Article 264 of the Criminal Law of the People's Republic of China deals with theft, yet the value of the property stolen to constitute the crime as theft is left for local law makers to decide.² Village elections in China are so localized that the quality of the elections is largely dependent on the political environment of particular areas.

Flexibility in election laws can have both advantages and disadvantages. It is sometimes needed to avoid too much rigidity in the legal system. But allowing variations without specified authorization and restraints might invoke the danger of a violation of legal principles and basic laws, a violation that should be examined. In this chapter, therefore, the quality of both national laws and local electoral procedures will be examined.

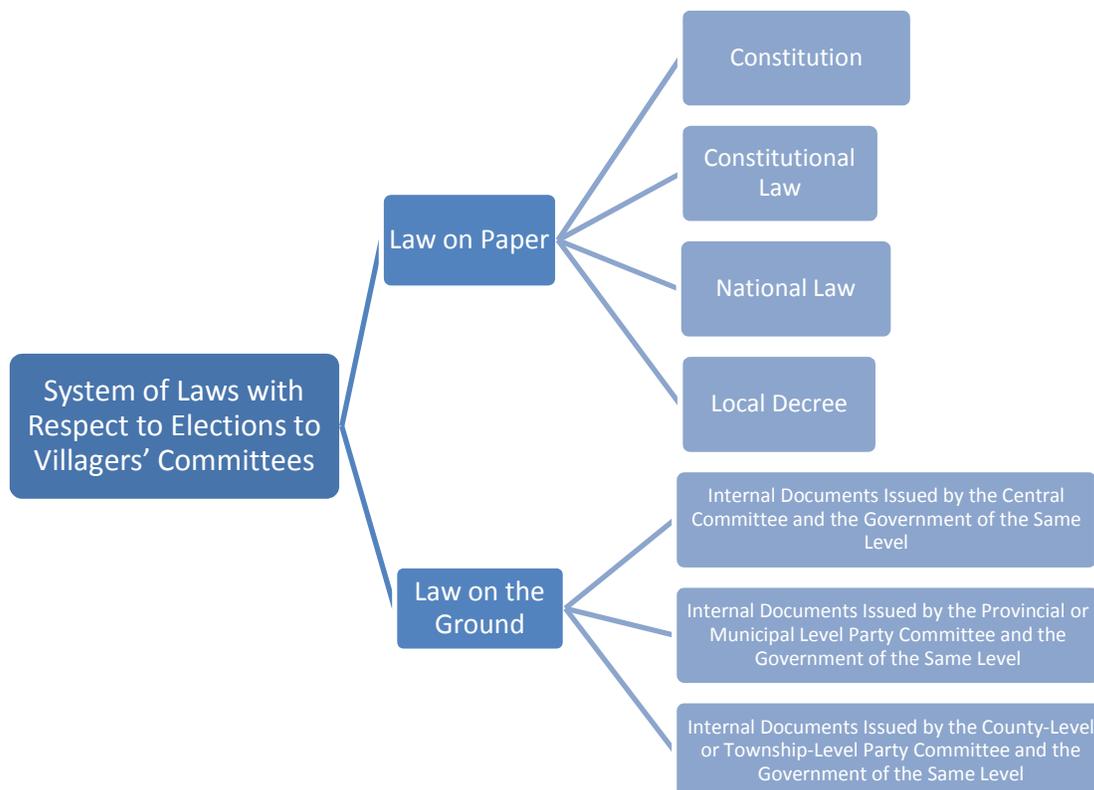
² Article 264 of the Criminal Law of the PRC reads as follows:

“Those who steal relatively large amounts of public or private property and money or have committed several thefts are to be sentenced to three years or fewer in prison or put under criminal detention or surveillance, in addition to fines; or are to be fined. Those stealing large amounts of property and money or involving in other serious cases are to be sentenced to three to 10 years in prison, in addition to fines. Those stealing extraordinarily large amounts of property and money or involving in especially serious cases are to be sentenced to 10 years or more in prison or given life sentences, in addition to fines or confiscation of property. Those falling in one or more of the following cases are to be given life sentence or sentenced to death, in addition to confiscation of property: (1) Those stealing extraordinarily large amounts of money and property from financial institutions; and (2) those committing serious thefts of precious cultural relics.”

Election rules vary across the province of Sichuan. Each of its 21 prefectural (municipal) divisions has a distinct set of measures dealing with village elections. In order to implement these measures, each county-level or township-level government under the 21 prefectural divisions enacts notifications based on local conditions but the government often changes the rules established by its superior in a dubious way.

The following diagram shows a series of laws that governs or has a meaningful influence on village elections and to which category they belong. I treat the various hybrid party-state documents as on-the-ground law because they have often been elaborated without clear authorization, yet they have a crucial role in determining the effective rules governing elections.

Figure 1: An Illustration of the System of Laws with Respect to Village Elections



5.3 The Law on Paper with Respect to Villagers' Committees and Village Elections

The national law and regulations at the provincial level leave much room for local election organs to decide on specific procedural questions.³ In all cases, regional legislation can be expected to be much more detailed than national legislation which is vague on a number of issues. Under such a system, the law on paper justifies village elections, yet it is often the law on the ground that has a more direct and meaningful influence on these elections.

5.3.1 The Legal Framework

According to the Legislation Law of the People's Republic of China (Legislation Law, thereafter), China's legislative system is comprised of national laws, administrative regulations, local decrees, autonomous decrees, special decrees, administrative rules and local rules.⁴ National laws are made by the National People's Congress and its Standing Committee. Administrative regulations are made by the State Council. Local decrees and autonomous decrees are made by the People's Congress of a province, autonomous region, municipality directly under the central government and the Standing Committee of those bodies. Special decrees are made by the People's Congress and its Standing Committee in a major city but only come into force after they are reviewed and approved by the Standing Committee of the People's Congress of the province or autonomous region. Strictly speaking, administrative rules promulgated by agencies under the State Council and local rules promulgated by local governments are not made by the legislative

³ Björn Alpermann, "An Assessment of Research on Village Governance in China and Suggestions for Future Applied Research" (Report prepared for the China-EU Training Programme on Village Governance, Beijing, April 14, 2003).

⁴ See articles 2, 7, 56, and 63 of the Legislation Law.

body, but as these rules are made, amended and implemented by reference to laws, they also form a part of the legislation.

Administrative regulations, local decrees, autonomous decrees and special decrees must be made in accordance with the Constitution and national laws; the Standing Committee of the People's Congress has the power to review, revise or annul these legal documents to guarantee the integrity of the legal system.⁵ If we simply follow the definition provided by the Legislative Law, the law governing the nature of villagers' committees and related elections contains the following documents or articles: article 111 of the Constitution of the People's Republic of China (last amended in 2004),⁶ the Organic Law of the Villagers' Committees of the People's Republic of China (last amended in 2010) (national law), and the Regulations of Sichuan for Elections to Villagers' Committees, adopted by the 6th Session of the Tenth Standing Committee of the Sichuan People's Congress in 2003 (local decree). The following diagram sketches the system of election law on paper:

⁵ Article 87 and 88 of the Legislation Law.

⁶ Article 111 of the Constitution reads as follows:

“The residents' committees and villagers' committees established among urban and rural residents on the basis of their place of residence are mass organizations of self-management at the grass roots level. The chairman, vice chairmen and members of each residents' or villagers' committee are elected by the residents. The relationship between the residents' and villagers' committees and the grass roots organs of state power is prescribed by law.

The residents' and villagers' committees establish committees for people's mediation, public security, public health and other matters in order to manage public affairs and social services in their areas, mediate civil disputes, help maintain public order and convey residents' opinions and demands and make suggestions to the people's government.”

Table 2: Election Law on Paper

Legal Documents	Category	Last Amended	Legal Authority
Article 111 of the Constitution of the PRC	Constitution	2004	High
1998 Organic Law of the Villagers' Committees of the PRC	National law	2010	Medium-high
Regulations of Sichuan for Elections to Villagers' Committees, adopted by the 6th Session of the Tenth Standing Committee of the Sichuan People's Congress	Local decree	2003	Lower-high

5.3.2 Obstacles to Free and Competitive Elections Inherent in the Constitution

The wording of the Constitution is quite vague and confusing with respect to self-governance. Article 111 of the Constitution, which prescribes villagers' committees and residential committees as mass organizations of self-management, is placed under the title of "State Organs," immediately after the articles dealing with the authority and structure of local people's congresses and local people's governments at different levels. Under such circumstances, whether or not villagers' committees and residential committees are state organs is unclear to us, for institutions have their own constitutionally determined structure and status but villagers' committees and residents' committees are missing from the hierarchy of local officials. Since the Constitution authorizes law-makers to determine the relationship between the residents' committee, the villagers' committee and the grassroots organs of state authority, the political status of these mass organizations of self-management actually rests in the hands of law-makers. This is not necessarily a problem if the legislative body managed to do its job. Problems caused by this vague authorization will be discussed in a subsequent part of this chapter.

Article 111 is silent on how to elect members of residents' committees and villagers' committees. For example, what kind of election shall be in place? Shall it be competitive elections free from any external pressure as long as it does not go against the spirit of the law? Should such committees be selected by urban or rural residents directly or by their representatives? Should the principle of secret ballots and one person per vote apply?

This article of the Constitution was enacted after local elections were already established. The first elections to villagers' committees in the early 1980s were originally a set of spontaneous acts made by villagers who wanted a selected body to deal with public affairs in their neighborhood. Soon such a practice spread to more villages. Intellectuals and some reform-minded leaders started calling for village self-governance. The chain of events finally aroused the central government's attention and caused the government to justify and promote self-governance at grassroots levels. In 1982, an amendment to the Constitution which set up the residents' committee and villagers' committee was initially adopted. By the time the amendment was made, the legislators were uncertain about how much self-management should be allowed in the countryside and how to regulate village elections. Therefore, they didn't enact electoral laws to supplement the constitutional article until 1998.

However, the Organic Law seems to have caused many new problems in the field. The wording of this law, a few articles of which have changed the democratic content of village self-management, has been fiercely attacked by the intellectuals.⁷ Among these

⁷ See Kevin O'Brien, "Villagers, Elections, and Citizenship in Contemporary China" (2001) 27:4 *Modern China* 407. Also see Jiang'ai Dong, "Cunji Xuanju zhong Xingcheng de Liangwei

problematic articles, the most notorious is the “leadership core” article.

5.3.3 The Notorious “Leadership Core” Article

The fourth article of the Organic Law, as later amended in 2010, is translated as follows:

“The grassroots organizations of the Communist Party of China in the countryside shall work in accordance with the Constitution of the Communist Party of China, play its role as the **leadership core, guide and support** villagers’ committees’ exercise of functions and powers, and, under the Constitution and the law, provide support and security for villagers to conduct self-government activities and directly exercise their democratic rights.”⁸

As O’Brien puts it, this article has “further muddied relations between villagers’ committees and Party branches and increased the temptation to meddle by stipulating that the Party branch is a village’s ‘leadership core’ (*lingdao hexin*, 领导核心).”⁹ The direct effect of such a problematic article is the Party branches’ unquestionable authority over villagers’ committees. Fieldwork and surveys conducted among grassroots cadres have confirmed the pre-eminence of Party secretaries. In 1999, Liang and He estimated that 80 per cent of secretaries nationwide were their village’s top power holder, whereas another in-depth study of eight communities in 2002–2003 concluded that Party secretaries had the final say in seven of the chosen communities.¹⁰ Likewise, Baogang He found that

Guanxi Duili ji Chulu” [Outbreak of Rivalry between Party Branches and Village Committees in Village Elections and Its Solution] (2005) 44:1 Huazhong Shifan Daxue Xuebao, Sheke Ban [Journal of Huazhong Normal University, Social Sciences Edition] 56.

⁸ Article 4 of the Organic Law (revised in 2010).

⁹ O’Brien, *supra* note 7 at 422.

¹⁰ See Liang Kaijin & He Xuefeng, *Cunji Zuzhi Zhidu Anpai yu Chuangxin* [Institutional Arrangements and Innovations in Village-Level Organizations] (Beijing: Hongqi Chubanshe, 1999) at 118; also see Dong, *supra* note 7 at 56.

dominance of elected committees “only takes place in a limited number of cases,”¹¹ which suggests that appointment was the rule/custom. Even fairly powerful village committees are vulnerable to Party influence through personnel overlap. Surveys have shown that a large number of committee members, and directors in particular, belong to the Communist Party.¹²

Given the Party branch’s status as “leadership core,” how should it guide and support a villagers’ committee of the same village? Should it, in fact, lead, guide or support? Two questions are worth consideration: the number of issues a village committee should take charge of; and in what areas the Party should support, rather than lead, the committee. Since the Organic Law and implementing regulations fail to specify a clear division of responsibilities between the two bodies, Party branches and villagers’ committees often shift responsibilities back and forth, or jockey over the final say on construction projects, budget control and other issues that might be of interest to the competing bodies.¹³

The lawmaker of the Organic Law—the Standing Committee of the National People’s Congress—is suspicious of defying the spirit of the Constitution by changing the self-management role of villagers’ committees, even though the Constitution itself might have left room for such misconduct by authorizing lawmakers to determine the

¹¹ Baogang He, “The Theory and Practice of Chinese Grassroots Governance: Five Models” (2003) 4:2 Japanese Journal of Political Science 308.

¹² *Ibid.*

¹³ See Thomas P. Bernstein, “Village Democracy and Its Limits” (2006) 99 (April 2006) ASIEN 29 at 36; Pan Jiawei & Zhou Xianri, *Cunmin Zizhi yu Xingzhengquan de Chongtu* [*Conflicts between Village Self-Governance and Administrative Power*] (Beijing: Zhongguo Renmin Daxue Chubanshe, 2004) at 145 and 146.

relationship between the residents' committee, the villagers' committee and the grassroots organs of state authority without specifying what can or cannot be altered. This has encouraged local authorities to place themselves above villagers' committees and neglect the roles that are supposedly played by autonomous organizations.

5.3.4 The Questionable Clauses Allowing Local Government to Determine the Lawfulness of Its Own Acts

However, the Party is not the only organization that has been placed above villagers' committees. As provided by Article 5 of the Organic Law, the people's government of a township, a minority ethnic township or a town is also in the position to decide whether and when to request villagers' committees to assist their work. But no legal remedies are provided if these institutions interfere with the affairs that "lawfully fall within the scope of self-government by villagers."¹⁴ Arrangements provided for or encouraged by the law result in the fact that the political status of local governments and villagers' committees is by no means equal or parallel to each other. The government is often in a more favorable position than the villagers' committee to determine the extent of lawful authority over rural affairs. Furthermore, the law also leaves room for local governments to control the budget of villagers' committees by providing that "Members of a villagers' committee may be provided with appropriate subsidies, if necessary."¹⁵ It does not specify who shall decide the necessity and amount of subsidies and who shall be

¹⁴ Article 5 of the Organic Law reads as follows:

"The people's government of a township, a minority ethnic township or a town shall guide, support and help villagers' committees in their work, but **may not** interfere with the affairs that lawfully fall within the scope of self-government by villagers.

Villagers' committees **shall** assist the work of the people's governments of the townships, minority ethnic townships and towns."

¹⁵ Paragraph 3, Article 6 of the Organic Law.

the sponsor. Again, the wording is quite vague. Most governments at the township level naturally take on the task, paying a terribly small amount to successfully turn villagers' committees into, in effect, their agency.¹⁶ After all, they are the organ that pays little to receive great benefits from such an arrangement.

Although voters are now expressly authorized to combat elections made dishonest by “threats, bribes, forged ballots and other improper methods,” the only institution that hears their “reports” (*jubao*) is the local government.¹⁷ Most violations of law that we have seen in village elections are conducted by those who work for the government or have a substantial tie with governmental employees. How can we believe that such an institution is the right place for reviewing and correcting wrongdoings in the electoral process?

5.3.5 Lack of Detailed Electoral Procedures in the Law of Village Elections

In China, there have been quite a few observable changes in the electoral system over the years: secret ballots and open counts required by the law and actually observed in many places; the shift to *cha'e* elections (*cha'e*: the number of nominees exceeds the number of seats, 差额); and the fact that some provinces have taken the lead in prohibiting proxy voting and in experimenting with absentee ballots.

Despite those positive changes, the framework of village elections provided by

¹⁶ Members of villagers' committees complained about not receiving salaries on time during the interview. The nominal amount they were receiving was around RMB1,000 monthly, while civil servants of the same area received at least twice more plus holiday cash and year-end bonus. The government often failed to pay the promised amount on time. The budget of villagers' committees largely depends on local economic status, personal relationship with local decision-makers and investments made in their community.

¹⁷ Article 17 of the Organic Law.

national laws is far from ideal. Lack of standardization in electoral procedures makes it difficult to conduct free, fair and meaningful elections and has sometimes resulted in electoral outcomes subject to controversy and skepticism.¹⁸ The legal system placed few constraints on local electoral officials' behaviors and gave little guidance to voters to demand open and competitive elections. Two decades after the Organic Law first came into force, election procedures have improved in some ways, but not significantly enough to accommodate meaningful elections. We cannot help wondering: what remains unchanged and why has organizational development faltered?

The lawmakers of the Organic Law were not unbiased from their own wills and external pressures. Most of them were founders and supporters of the Party. They believed in the communist ideology and ruling strategies that sounded reasonable or at least applicable to them. To buttress the status of the Party, they wrote the Party's role as the "leadership core" into the Organic Law and permitted local authorities to create any rules that would assist them in finishing their tasks of selecting members to staff villagers' committees.

Standardization of election rules and procedures contributes to the institutionalization of village elections. A well-established electoral institution greatly improves election quality, eliminates possible fraud, and raises voters' confidence in political participation. It also reduces uncertainty and the costs of conducting and monitoring village elections.¹⁹ A comprehensive assessment of competitiveness in village

¹⁸ See Qingshan Tan, "Building Institutional Rules and Procedures: Village Election in China" (2004) 37:1 Policy Sciences 1 at 1.

¹⁹ *Ibid.* at 18.

elections is needed to guide decisions on specific procedural questions at provincial and municipal levels. The following part of this chapter is constructed around the above considerations.

5.4 The Law on the Ground with Respect to Villagers' Committees and Village Elections

5.4.1 Historical Background

At the beginning of the 1980s, peasants in Yishan and Luocheng county of Guangxi Province voluntarily created a “villagers’ committee” to cope with the political crisis caused by the disintegration of people’s communes.²⁰ In contrast with the more “formal” version of village self-governance under state regulation, this early stage involved more voluntary and spontaneous activities and presented a form of political organization that is purely based on mutual trust and shared interests among villagers.

Who made the election laws and procedures for village elections? Originally, residents from the same village held meetings and agreed on when and how to select members to their villagers’ committees. Since the system was transplanted to every other village in China, the form had to be altered fundamentally. Each village must hold elections to form villagers’ committees, regardless of the demands and readiness of local residents or the effects of holding elections of this kind. Voluntary and spontaneous acts from the “bottom” had thus received scrutiny from the upper level. This scrutiny soon turned into state-controlled actions. Local governments played an important role in organizing and supervising village elections and benefited from strengthening their

²⁰ Xiaoteng Tang, *Jiceng Minzhu Xuanju yu Nongcun Shehui Chonggou [Grassroots Democratic Election and Reconstruction of the Rural Society]* (Beijing: Social Sciences Academic Press, 2007) at 33.

control in the countryside. Village cadres, who lost their control over resource distribution after the collapse of “people’s commune” and the rise of “household responsibility system,” assisted the local governments in proceeding with controlled elections.²¹ Finally, there were no longer autonomous activities like those found in the early 1980s; instead, external intervention (that is, from outside the villages) was put in place soon after the debut of self-organized elections. The biggest of such interventions is from the Party and the government at the grassroots level.

In provinces like Sichuan, the law that truly matters in the process of village elections is quasi-legal documents co-issued by the Party branch at the county level and the township level and by the government of the same level. These documents prescribe the establishment of election committees, voter registration, nomination and many other procedures. Serving as the current basis of village elections, these documents not only shape the process of village elections, but also determine the electoral outcomes. Through dispensing these documents to every relevant bureau in every village prior to each round of election, the Party succeeds in retaining a firm grip on village elections.

Hybrid party-state documents regulating village elections differentiate themselves from pure inner-party documents since the government also participates in drafting and executing these documents. Our questions of concern include: What is the nature of these laws? Are these laws in line with the Constitution and fundamental legal principles? How much protection can these laws provide in guaranteeing the freedom of voting and the competitiveness of village elections?

²¹ *Ibid.* at 44.

5.4.2 The Framework

In China, administrative regulative documents categorized as “abstract administrative action” are one of the major sources for administrative law enforcement. Abstract administrative actions are aimed at non-specific persons and organizations, yet nonetheless might have a concrete influence on individuals and organizations. These actions are commonly valid for a long time, and can be applied repeatedly. Documents of this sort are promulgated in a fashion different from that of laws, regulations, and other legal documents regulated by the Legislative Law. Rather than using news media for publication (including publication of websites), these documents circulate among governmental departments and relevant industrial organizations, public service units and social associations at different levels. Although the documents stipulate which organs and organizations shall receive copies, the documents also contain requirements of confidentiality leveled as top-secret, confidential, secret or open/public. Some of the administrative regulative documents are subject to administrative reconsideration or review by the court.²²

However, hybrid party-state documents co-issued by the Party and the government are not subject to the rules established by the Legislation Law and the Law of Administrative Reconsideration, simply because they are neither laws nor administrative regulations, despite of the fact that they make electoral rules which

²² Article 7 of the 1999 Administrative Reconsideration Law of the PRC provides that citizens, legal persons or other organizations might apply for examination of the following provisions when requesting administrative organs to reconsider the lawfulness of their specific administrative acts: (1) provisions formulated by departments under the State Council; (2) provisions formulated by local people’s governments at or above the county level and the department under them; and (3) provisions formulated by township or town people’s governments.

The same provisions might be subject to review by the court.

become part of the legal system. One explanation for this discrepancy is found in the organizational structure of the polity: the government at both central and local levels is structured according to the principle of “The Party Leads the Whole” (*dang lingdao yiqie*, 党领导一切), which means each level of government and the departments under it, including the court, are supervised/led by a Party branch at the same level. For example, heads of the Sichuan government and the departments under it, including the President of People’s High Courts, are nominated by the Sichuan Party Committee, and then approved by the Standing Committee of the Sichuan People’s Congress. Judges must go through the same selection process managed by the Bureau of Personnel as other civil servants. Courts, as a branch of the government, are not in a right position to review the acts of its supervisor/ superior.

Another explanation is that these hybrid party-state documents are a reflection of the Party’s will, which is exempt from any external examination. Except for channels of personnel control, the Party executes its will and policies through circulating documents with red letterhead and a red stamp (*hongtou wenjian*, 红头文件) among relevant departments and organizations. The content of these documents is known exclusively to relevant persons inside the government or those having certain connections with the government. Because of the authoritative and mysterious nature of this process, these hybrid party-state documents are referred to as “red heading documents” or “documents with red letterhead” by political commentators and common people.²³

²³ Jingbin Wang & Ying Gu, “‘Hongtou Wenjian’ Weifa zhi Yuanyin yu Duice Lunxi” [“On the Reason and Solution of the Illegal ‘Red Heading Documents’”] (2005) 11 *Public Administration & Law* 78; Yaochang Lin & Yuqing Wang, “‘Hongtou Wenjian’ de Shifan jiqi Guizhi” [“The

Hybrid party-state documents with red letterhead rest in the hands of every election officer. There are three categories of hybrid party-state documents that shape village elections in provinces like Sichuan:²⁴

5.4.2.1 Hybrid Party-State Documents from the Central Level

The single document in this category is the “Notification for Strengthening and Improving the Work of Holding Elections to Villagers’ Committees” (*guanyu jiaqiang he gaijin cunmin weiyuanhui xuanju gongzuo de tongzhi*), co-issued by the General Office of CPC Central Committee and the General Office of the State Council in 2009.²⁵

The order in which these two responsible bodies are listed implies that the primary rule-maker is the CPC Central Committee rather than the State Council, which brings the said document under the category of “hybrid party-state documents” instead of “administrative regulation” or “administrative regulative document.” In China, elections are a task assigned by the Party to the government every three or five years, depending on the importance of the election. The job of election usually comes with measurable goals and ways to accomplish these goals. The government at all levels works on these goals to make sure nothing surprising happens, and reports its achievements to the Party. The belief that the incumbent Party branch and villagers’ committee officials basically have control over elections is prevailing not only because students of Chinese politics are

Deviation of ‘Red Heading Documents’ from Legality and Their Regulations”] (2008) 7:3
Journal of Nanjing University of Technology (Social Science Edition) 44.

²⁴ Field study conducted by the author, summer of 2009.

²⁵ Notice Printed and Distributed by General Office of the CCCPC and General Office of the State Council on Strengthening and Improving the Election of Villagers’ Committees, online: People’s Daily Online <<http://politics.people.com.cn/GB/1026/9379086.html>>.

suspicious of the Party.²⁶ Numerous field studies across the country have affirmed the fact that elections to grassroots autonomous organizations are a task assigned and supervised by Party branches at all levels. They oversee these elections like any other activity that might cause a competition for power. Election proceeds according to the procedures adapted from the documents distributed by the Party, and the results are reported back to the Party.

5.4.2.2 Hybrid Party-State Documents from the Provincial Level

One example of the documents under this category is “The Notification for Implementing the Notice for Strengthening and Improving the Work of Holding Elections to Villagers’ Committees” (*guanyu guanche luoshi zhonggong zhongyang bangongting guowuyuan bangongting guanyu jiaqiang he gaijin cunmin weiyuanhui xuanju gongzuo de tongzhi*), co-issued by the Organization Department of CPC Sichuan Committee and the Bureau of Civil Affairs of Sichuan in 2009.²⁷ Although we only include Sichuan in our analysis, many other provinces similarly issue their own directives to guide elections to villagers’ committees.

The dual organization of Party and government at provincial levels is supposed to pass along the spirit of the central to the next level through documents of this kind. In doing so, it urges its inferiors to follow the same path and shows its resolution to hold “successful” elections.

²⁶ Lily L. Tsai, *Accountability without Democracy: Solidary Groups and Public Goods Provisions in Rural China* (Cambridge: Cambridge University Press, 2007) at 194.

²⁷ The Organization Department of CPC Sichuan Branch and the Department of Civil Affairs of Sichuan, online: Sichuan Provincial People’s Government <http://www.sc.gov.cn/scszfxxgkml_2/sbgt_72/fggw/gw/200911/t20091117_851936.shtml>.

5.4.2.3 Hybrid Party-State Documents from the Municipal, County and Township Levels

Compared with hybrid party-state documents dispensed from the central and provincial levels, notifications co-enacted by the CPC branch at municipal, county or township levels and the government of the same level have a more direct impact on village elections. A party branch at the township level, for example, drafts detailed measures for election committees to follow. Approval from its direct superior is usually required. In these drafts, policy-makers incorporate both their loyalty to the central Party and their creativity in making new rules. The township government is also involved in this undertaking and subscribes itself to further commitments required in the electoral process.

5.4.3 The Difficulty of Reviewing the Law on the Ground

In China, the Constitution, constitutional laws, laws, administrative regulations and local regulations have different jurisdictions. According to the Legislation Law, lower laws must respect the rules set up by higher laws; otherwise the legislative body of an upper level might amend or invalidate the rules if they are suspicious of a violation. Since the national law allows provincial governments to determine the specifics of electoral procedures, it is difficult to decide which rules are clearly not in line with the national law.²⁸

Theoretically speaking, the most effective and influential regulations are often the ones enacted by local governments, as long as these regulations do not violate the spirit of national legislation. The Standing Committee of People's Congress is the only organ

²⁸ Article 13 of the Organization Law.

that has the authority to explain laws and resolve legal conflicts. However in practice, the People's Supreme Court often interprets laws while responding to the legal questions raised by lower courts. Local courts are not allowed to decide and claim the validity of certain regulations when legal conflicts occur. Neither can individuals and organizations question the validity of law and regulations in court, the only exception being citizens who file a lawsuit against a concrete administrative act.

Inner-Party documents and all other regulative documents (such as hybrid party-state documents) issued by the Party are not subject to the rules provided by the Legislation Law, simply because they are not laws. Therefore no single individual or organization has the legal standing to question the lawfulness of these documents. Even if anyone attempts to question their lawfulness, Party branches and local governments, instead of an objective third party, will hear the complaints and determine the validity and rightness of these documents.

5.5 The Law Governing Village Elections in Banzhuyuan: A Case Study

We chose to focus on Banzhuyuan largely because the government of Banzhuyuan had more systematic yet accessible quasi-legal documents to study. In this way, the research has brought into view a number of legal problems that, to date, have gone largely unstudied, such as the legality, in terms of the constitution and the organic law, of the living law applied to village elections.

On my field trip to Sichuan, I was able to access the archive of Banzhuyuan's previous elections in 2004 and 2007 before the responsible person, Ms. Z, changed her mind. Materials collected include election guidance, notifications, detailed rules for

implementation, schedules, rosters for election committees, the division of responsibility, historical statistics, and much more. This is an intensive and valuable resource for on-the-ground research. These documents were prepared and managed by the Administration Office of Party and Government within the Banzhuyuan government.

Although different things can be said about these documents, the main focus of my current work is to distinguish the main measures and steps taken to form villagers' committees. These measures and steps, as I will show later, necessarily limit voters' options in village elections and restrict the competitiveness of elections. As I mentioned in the previous section, problematic hybrid party-state documents guiding village elections are pervasive but the court is not in a good position to review them.

5.5.1 Purposes and Methods

A comprehensive assessment of competitiveness in village elections is still in need since regulations at the provincial-level leave much room for local election organs to decide on specific procedural questions. Such an assessment would be helpful to guide these decisions. It would show how different choices at crucial points in the election process affect the range of choice for voters and competition among candidates.²⁹

Some scholars still think that the most promising avenue of inclusion in the countryside lies with village-level voting.³⁰ Many researchers are interested in whether (and to what degree) village elections are democratic and genuine. For example,

²⁹ Alpermann, *supra* note 3.

³⁰ O'Brien, *supra* note 7 at 415. Also see Mayling Birney, *Can Local Elections Contribute to Democratic Progress in Authoritarian Regimes? Exploring the Political Ramifications of China's Village Elections* (Ph.D. Thesis, Yale University Department of Political Science, 2007) [unpublished].

Lianjiang Li and Kevin O'Brien's work introduces three stages that village elections have passed through in the last two decades and analyzes the role of the government, the implementation of the electoral laws, and the response of electoral participants in each stage.³¹ To reach a more specific conclusion about the role of hybrid party-state documents in shaping village elections in Xindu, I will take a different path that better suits my purposes. I have found in Hermet's work an applicable research framework for state-controlled elections to direct my study:

...[T]he legal framework of elections will be examined as regards the extension of suffrage, the object, frequency and form of elections, the organization or campaigns, the shaping of constituencies, the computing of votes cast and the making of results, as well as the importance that those in power publicly attribute to the voters. Moreover, this legalistic description must be complemented by the observation of actual campaign behavior: the machinery, whether hidden or openly fraudulent and coercive, affecting the number of electors really allowed to vote; the content of propaganda; the ties between candidates and either those in power or some political coterie; the effective freedom of the vote; and the fairness of the count and the consequences of the elections. Finally, the relative honesty of some non-competitive or semi-competitive elections justifies consideration of their formal and public aspects, reflected particularly in the official election figures, while the extreme coercion of many others forbids any serious consideration of these aspects, especially in connection with electoral statistics.³²

In order to determine the degree of inclusion and competitiveness of village elections, I looked at many crucial aspects of the electoral system. These aspects include and are not limited to the number of voters actually allowed to vote, whether the election had more than one candidate for one post, the way candidates are nominated and determined, whether there is an open and properly organized campaign, and whether the

³¹ Lianjiang Li & Kevin O'Brien, "Accommodating 'Democracy' in a One-Party State: Introducing Village Elections in China" (2000) 162 *China Quarterly* 465.

³² Guy Hermet, "State-Controlled Elections: A Framework" in Guy Hermet, Richard Rose & Alain Rouquié, eds., *Elections without Choice* (London: Macmillan, 1978) 1 at 10 and 11.

anonymity and secrecy of the ballot is guaranteed. All of these factors can have decisive impacts on the degree of fairness and freeness of an election.³³

5.5.2 Banzhuyuan in the Process of Urbanization

Banzhuyuan is a fairly developed town, compared with other remote areas in Sichuan. It is located 22 kilometers north of Chengdu, the capital of Sichuan, and consists of 17 communities and seven villages.³⁴ The residents of these communities are also villagers. Their collective farmland was sold to land developers so they lost both their farmland and their jobs. The government forced them to sell their private house sites to developers at an unreasonably low price. As a compensation, they obtained the right to use one or two suites in a condo building managed by the developer. The owner of a larger house gets a ground-floor retail site and lives on rental income or the profit earned from running a small business. Farmers who lost lands have nothing to do other than kill time playing mahjong all day long. In Banzhuyuan, villagers who cannot afford or do not like the urban way of life find themselves living in communities where they do not belong. The urbanization process in China presents many scenarios of this kind.

5.5.3 Quasi-Legal Documents Applied to Village Elections in Banzhuyuan

According to O'Brien and Li, the Organic Law of Villagers' Committees which establishes village-level elections is one of the more popular policies in rural China compared with unwanted policies including birth control, revenue collection and funeral

³³ Alpermann, *supra* note 1 at 7.

³⁴ The 17 communities are Zhongyi, Banzhuyuan, Baiyun, Yangliu, Jinwen, Tashui, Zhantan, Gongyi, Tanmu, Futian, Huinan, Yaquekou, Fengshou, Dajiang, Liantang, Zhuyou and Baishui. The seven villages are Anle, Dafu, Renhe, Sanhe, Shunjiang, Leijia and Huazang.

reform.³⁵ However, popular policies are usually the ones unwelcomed by local officials because these policies either allow people to challenge governmental authority or grant people access to public power. As a result, local officials often implement these policies unfaithfully. Sometimes they simply ignore the voice coming from the central or appear to alter these policies in the name of localization when in fact they do so in order to entrench their own interests. The way local officials of Sichuan treat the national legislation on elections belongs to the latter approach. In the eyes of local officials, village election is one of the “soft targets” that do not require faithful implementation.

5.5.4 Procedural Quality, Inclusion, and Competitiveness in Village Elections

Bernstein once doubted the significance of village elections by pointing out that village democracy functions within an authoritarian setting which greatly limits its impact.³⁶ But knowing or admitting a general conclusion like this is not enough to understand the reasoning behind it. To comprehend the meaning and limits of village elections, one needs to learn about their actual performance. One of my major aims in this chapter is to break down the typical electoral process as it appeared in one of the “model villages” into different stages, and to present as well as interpret the meaning of these stages.

³⁵ Popular policies include fee limits (which prohibits local governments from levying new fees as part of the “tax for free” reform launched in the countryside), the Organic Law of Villagers’ Committees (which establishes village-level elections), the Administrative Litigation Law (which allows villagers to sue officials who break the law), circulars forbidding corruption, and central efforts to promote rule by law. Each of these popular policies aims to adjust cadre-mass relations and to protect villagers from unauthorized extraction and other predatory behavior. Many grassroots cadres distinguish between so-called “hard” and “soft” targets and invariably place popular policies in the soft, non-binding category and regard birth control and revenue collection as hard targets that must be met. See Kevin O’Brien & Lianjiang Li, “Selective Policy Implementation in Rural China” (1999) 31:2 *Comparative Politics* 167 at 170 and 174.

³⁶ Bernstein, *supra* note 13.

Through studying the rules and procedures followed by election committees in selecting members to villagers' committees, I will not only describe the major steps taken, but also point out potential weaknesses in these steps that might undermine the openness and competitiveness of the electoral process. These measures and steps, as I will show later, fundamentally change the rules established by the national legislation and limit voters' options in village elections. Election laws on the ground, which produce or support these measures and practices, continue to override the already handicapped constitution and the national legislation, and turn village elections into a political show.

The manipulation of candidates is a significant if not decisive stage during the electoral process in non-competitive or semi-competitive elections. Since my aim is to study the ideological and procedural aspects of the electoral process that contribute to candidate manipulation, my focus will be limited to the nomination stage as well as preparation and propaganda stage of the electoral process.

In Banzhuyuan, the new policy governing village elections is named as "Public Nomination and Direct Election" (*gongtui zhixuan*, 公推直选), one of the "partial reforms" criticized by opponents of one-party rule.³⁷ Under the flag of this policy, two sets of local documents work to detail the job of election and to make the process smooth. The documents are (1) the *Notification on Successfully Accomplishing the Job of Election of New Term of Villagers'/Residents' Committee* issued by the Banzhuyuan People's Government on September 27, 2007 (*Notifications* for short, thereafter), and (2) the *Instructional Views on the Job of Election of New Term of Villagers'/Residents'*

³⁷ Elizabeth J. Perry & Merle Goldman, eds., *Grassroots Political Reform in Contemporary China* (Cambridge: Harvard University Press, 2007) at 3.

Committee issued by the Steering Group of/for Banzhuyuan Villagers'/Residents' Committee Election on October 27, 2007 (*Instructional Views* for short, thereafter).

5.5.4.1 Instructional Thoughts and Basic Principles

According to almost all the cadres participating in my study, village election is a job that needs to be accomplished every three years. But what kind of job it is in the minds of local administrators? How administrators who are bound by mainstream thoughts view electoral policies determines the way they perform at election-related jobs.

The many purposes attached to elections to villagers'/residents' committee and related activities assigned to local cadres seem to be multi-dimensional and it is difficult to decide which one is the most important. The effect of these various tasks is hard to measure. According to the *Notifications*, all parties involved should:

- Adhere to the guidance of the Deng Xiaoping Theory and the important thought of the “three represents” (the most current working principles of the Party);
- Guarantee that villagers/residents can exercise their democratic rights according to the law; promote democratic political construction at the grassroots level;
- Select excellent persons who are politically correct, bold in making innovations, pragmatic at work, fair, clean, recognized by the mass to the body (*banzi*, a shortened form for leading body, *lingdao banzi*) of villagers'/residents' committee through public nomination and open election.³⁸

In addition to the above, collaborative effort should be made to “build the villagers'/residents' committee into a politically steadfast, democratic in manner, united and cooperative, diligent and pragmatic collective leadership, to provide strong

³⁸ Paragraph 1, Part 1 of the *Notifications*.

organizational guarantee for the promotion of ‘Urban-Rural Development, Building a Harmonious New Xindu’ [a slogan raised by the Xindu government].³⁹

As for the organizational structure of the whole event, elections to Villagers’/Residents’ Committee and other related activities of the whole town are led by the regional Party committee and the government, and supervised by the regional People’s Congress. The township Party committee and government set up a steering group at the village level to guide these activities (see Appendix E).⁴⁰

Both the *Notifications* and *Instructional Views* speculate basic principles for all parties to observe:

- Public nomination and cha’e direct election (cha’e means more than one candidate for each post);
- Fairness and justice or openness;
- Secret-ballots;
- Behave and elect according to the law.

However, neither of these two documents mentions what will happen to the electoral results if anyone violates or fails to observe these principles during the process. If encouraging rural autonomy and supporting self-organized elections, as prescribed by the national law, is an unpopular policy to most local officials, the job of election is a concrete task which needs to be tackled. The local government does not care if its interference destroys the openness and competitiveness of elections. As a matter of fact, it cares only if the whole process becomes out of control. What if the peasants become

³⁹ *Ibid.*, paragraph 2.

⁴⁰ *Supra* note 39.

organized? What if the person selected by the residents does not speak for the Party and the government? The fear of losing control is much more tangible than the fear of failing to support self-management.

5.5.4.2 Propaganda on the Job of Election

The *Instructional Views* provides seemingly detailed instruction on political mobilization for the purpose of proceeding with the job of election smoothly:

From November 9 to 12 of 2007, [we shall] utilize all promotional tools and channels, hold all kinds of meetings, promote with great fanfare relevant laws and regulations, the goal, meaning, procedure and requirement of elections, form the correct direction of public opinions, and stimulate the mass' zest in minding, supporting and participating in the election.⁴¹

The intention expressed in this resolution seems inconsistent with the performance on the ground because the majority of respondents who participated in my field study felt disinterested or even discontented with the promotional job done by local cadres prior to the election. If propaganda were done as required by the *Instructional Views*, the reaction of the mass should have been different.

5.5.4.3 Set-Up of Posts

As directed by the *Notifications*, the Party organization and the government encourage “dual office holding” (*yijiantiao*, 一肩挑), a mechanism that allows individuals to hold the positions of secretary of Party branch and director of villagers'/residents' committee concurrently.⁴² Other members can also sit in both

⁴¹ Paragraph 1, Part 3 of the *Instructional Views*.

⁴² Paragraph 2, Part 2 of the *Notifications*.

committees to ensure “two-way entry” (*shuangxiang jinru*, 双向进入).

The *Instructional Views* even specifies a possible way to realize/enable “dual office holding”: Secretary of Party branch who aims for “dual office holding” shall actively run for the election for director of villagers’ committee through self-nomination. Whoever from the Party branch wins the election will hold concurrent positions as members of the villagers’ committee. The general principle is to streamline the organ and increase the overall quality (of the personnel).⁴³ These practices are a bold move in allowing Party branches to meddle with villagers’ committees through overlapping personnel.

Following the Party’s commitment to female inclusion in politics, both documents require that each villagers’/residents’ committee must have at least one female member. Whether this rule reflects under-representation of females in the political arena or causes reverse discrimination towards males will not be discussed in this thesis.

5.5.4.4 Constitution of Election Committee

Each villagers’/residents’ committee establishes an election committee that consists of five to nine persons, including the director. According to the Organic Law, the election committee is selected by villagers’ meeting, villagers’ representatives’ meeting or group meetings.⁴⁴ Although the process for selection has been specified by law, the *Notifications* provides another option: “The director of election committee is selected through the meeting of villagers’/residents’ representatives, or performed by an upright

⁴³ Paragraph 3, Part 4 of the *Instructional Views*.

⁴⁴ Article 12 of the Organic Law.

senior Party cadre who is experienced and commonly recognized by the mass. The director of each election committee is in overall charge of the job of village/residential election.”⁴⁵ Such a specification allows local governments to assign any favorable person to lead the election committee rather than face the situation of having to approve/accept the person selected by villagers.

The Organic Law also prescribes that whoever sits in the election committee should quit once he/she becomes a candidate of villagers’ committee. In the place I studied, however, it is common that candidates also sit in the election committee or take on propaganda and other tasks during the electoral process.⁴⁶ They run for elections, and they also determine or affect how candidates are selected and how election results are produced. Not only do they determine who they are competing with, but they also control how the competition proceeds. What is worse, very few people think this is a problem. Some member respondents even spoke proudly of the effort they put into the job of election. Rarely did any person I spoke with think that what they were doing was improper.

5.5.4.5 Candidates’ Qualifications

The Organic Law provides three basic rules concerning the qualification of candidates. First, any villager who has attained the age of 18 shall have the right to elect and stand for election, regardless of his/her ethnic status, race, sex, occupation, family background, religious belief, education, property and place of residence, with the

⁴⁵ Paragraph 3, Appendix 1 of the *Notifications*.

⁴⁶ Refer to the research results from the previous chapter.

exception of those who have been deprived of political rights in accordance with law.⁴⁷

Second, for the election of a villagers' committee, candidates shall be nominated directly by villagers who have been registered for election.⁴⁸ Third, the number of candidates shall be larger than the number due to be elected.⁴⁹

Strictly speaking, the national legislation does not favor certain groups of people over the others. It only urges villagers to consider several things when nominating candidates by providing that "villagers shall proceed from the interest of all villagers and select those who respect justice, abide by the law, have good conduct, be fair and decent, be dedicated to the public welfare undertaking and have received certain educational and has working ability."⁵⁰

The *Notifications* steps forward to turn these considerations into qualifications by providing that candidates shall:

- Adhere to the Constitution, laws, regulations and policies of the state;
- Behave in an objective way, clean and dedicated;
- Have a democratic manner and stay physically healthy;
- Be capable at work, and earnest to serve the villagers/residents.⁵¹

The *Instructional Views* seems to have gone even further by stating that candidates shall satisfy the following conditions:

⁴⁷ Article 13 of the Organic Law.

⁴⁸ Article 15 of the Organic Law.

⁴⁹ *Ibid.*

⁵⁰ *Ibid.*

⁵¹ Part 2 of the *Notifications*.

- Seriously implement the Party's routes, guidelines, policies and the state's laws and regulations;
- Observe the Party discipline and the law, stay clean and dedicated, possess a democratic manner, keep in touch with the people, earnestly serve the villagers/residents;
- Be serious, responsible, and capable at work, be impartial and upright;
- Excel at making innovations and progress, managing economics and administration, and be capable of leading villagers/residents to get rich through hard work;
- Stay physically healthy, and possess some degree of cultural and scientific knowledge.⁵²

Obviously, many requirements set up by the *Instructional Views* are more demanding than those provided by national law or the *Notifications*. For example, any candidates, be they Party members or not, must implement the Party's routes, guidelines, and policies, as prescribed by the *Instructional Views*. Such a requirement is basically ideology-driven, and inevitably excludes or at least frustrates those who attempt to engage in local politics but actually dislike or disbelieve in the Party's political theory.

Another debatable qualification is the one referring to cultural and scientific knowledge. Standards of this kind are not only unmeasurable, but also discriminatory. O'Brien once warned us that, "Should education and professional abilities continue to be valued highly, the underrepresentation of rural people in people's congresses will only increase."⁵³ We should be vigilant of any unnecessary or discriminatory restriction imposed on potential candidates.

⁵² Paragraph 1, Part 4 of the *Instructional Views*.

⁵³ O'Brien, *supra* note 7 at 414.

Given the above discussion, it might now be possible to answer the question of whether Party identity helps individuals to obtain candidacy. Based on what we have seen, party labels do not appear to make a major difference in the choice of candidates' made by the voters.⁵⁴ Nevertheless they do matter during the stage of qualification screening by the election committee and local governments. Those favored by the authority have a better chance to stand out and compete for the election. As a direct result of this practice, voters' choices are very limited from the beginning of the process.

5.5.4.6 Preliminary Candidate Nomination

By law, voters can nominate someone according to their free will as long as the procedural requirements are satisfied. Since the procedural requirements set up by the law are close to minimal, potential candidates do not need to receive certain numbers of nomination in order to qualify. Taking a different path, the *Instructional Views* asks the election committee to decide the sequence of preliminary candidates on the basis of nominations received by each candidate (rather than by alphabetical order or by numbers of strokes), publicizes the sequence on November 22, and widely collects opinions from voters. It also urges each village/community to explain the listed candidate qualifications to eligible voters, and to widely mobilize voters for active participation.

The *Instructional Views* further specifies that voters directly nominate candidates to fill the posts (one director, three members) according to their own will, through ways of individual nomination, self-nomination or joint-nomination, and it allows the mass

⁵⁴ See Birney, *supra* note 30; Tianjian Shi, "Economic Development and Village Elections in Rural China" (1999) 8:22 *Journal of Contemporary China* 425; also refer to results from my study presented in the previous chapter.

voters to fully exercise their “democratic power” [democratic rights; the policy-makers mistakenly took democratic power for democratic rights].⁵⁵ Given the ideological influence this document imposes on all parties involved and the hurdles it creates for direct nomination, we cannot help doubting the degree of freedom enjoyed by the electorate.

5.5.4.7 Pre-Selection (to produce formal candidates)

There should be two candidates for the director’s post. The number of candidates running for committee members shall exceed the number of posts by one to three. If voters nominate more preliminary candidates than specified by this rule, the village/community election committee should convene qualified voters’ representatives, group leaders, household representatives and volunteers (villagers who voluntarily engaged) to throw an open vote, and decide the formal slate according to the number of votes received by each preliminary candidate. It is worth noting that in a case where candidates exceed the desired number, a small-scale pre-selection must be held to shorten the slate. In that situation, an open vote rather than secret-ballots will apply. Such a way of finalizing the slate is neither prescribed nor encouraged by the law, rather, it is a restrictive method created by the *Instructional Views*. In so doing, local policy makers successfully redefine the nature of “direct election” required by law.

In most cases, only villagers’ representatives are called in to approve the slate prepared by the election committee. Most people who were interviewed during this research project said that they had never nominated any candidate themselves. A typical

⁵⁵ Paragraph 3, Part 4 of the *Instructional Views*.

reason provided by residents of Mengyang for a denial of free nomination was that the candidates' names were already there (on the nomination form). What happened in practice was that, in order to satisfy the procedural requirements provided by the law, local cadres visited people door to door and asked them to put their signatures on nomination forms. This also helps to explain why most candidates were nominated by the Party branch and by former villagers' committee members and only a small proportion were nominated by villagers' representatives. It is true that no one is completely free from external pressures but to use one's relationship of power over another to obtain voters' formal approval of candidacy in serious elections is certainly disallowed in free societies.

Those nominated by common villagers, if not favored by local governments, will either quit the election due to mounting pressure, or fail the review conducted by the election committee. Those who were lucky enough to pass screening and get elected must show their loyalty to the Party; otherwise those on the Party's side would make their job hard for them.

At the end of this process, there is not sufficient time left for the voters to learn about formal candidates since the slate is publicized as late as December 1, only five days before the Election Day.⁵⁶

5.6 Limited Value Served by Village Elections in Sichuan

In the second chapter, we have discussed the major functions served by non-competitive or controlled elections (legitimization, mobilization and education,

⁵⁶ Paragraph 4, Part 4 of the *Instructional Views*.

elimination of political competition, and integration) as well as the system's failure to serve those functions. Elections that result from local rules in the area I studied share (to various degrees) values identified in other authoritarian elections.

5.6.1 Deception

Village elections and related activities convey to the people in China and the outside world an illusionary message that democratic means in the form of rural self-governance are in place. For those who still have a faith in the electoral system, elections provide them opportunities to support persons of their choice, or humiliate or vote against corrupt officials, in spite of the fact that the participants' chance of influencing local policies is close to zero. Even if this is the case, according to my study, the number of people who are "for" or "okay with" the system seems to be very small among average villagers. Against the Party's wishes, such a system plays a very limited role in convincing the public of reliable and meaningful elections.

5.6.2 Elimination through Selection

Similar to other authoritarian elections, village elections help to identify enemies of the ruling party as well as to eliminate those who tarnish the Party's image. It works to maintain the overall loyalty and political alertness of local officials. Only faithful executors of the Party's will are allowed access to public power. Potential candidates who are disloyal to the Party or disinterested in the Party's theories and approaches are excluded from joining the committee. Moreover, village elections are sometimes used to legitimize "purge" inside the ruling cohort because those unwanted by other colleagues would be easily thrown out of the committee in the next round of election. Therefore, the system has its value in staffing the committee with politically "right" and "cooperative"

persons, but ignores the electorate's choice of their own.

5.6.3 Mobilization and Education

Constant propaganda on party lines and mainstream values (values promoted by the central Party) in the course of political events such as village elections has a positive impact on policy implementation at the grassroots level, especially among poorly-educated and poorly-informed groups. Voters convinced by the Party of the kind of persons who shall be selected not only act as the local officials wished, but also pass the expectation of the Party along to their connections, either unconsciously or on purpose. To some degree, the system does allow the ruling party to educate its people every three years. However, such a system is insufficient to nurture people with democratic values as claimed by the Chinese leaders.

Roles of village elections identified above are interactive, making a joint contribution to serve the Party's needs in solidifying its rule. By using deception, elimination through selection and education, the Party manages to legitimize its monopoly of political power, at least in the eyes of its followers and poorly-informed groups. Elections of this kind have only limited meaning to the people and to society.

Authoritarian states sometimes claim that their elections serve functions that are expected of free and competitive elections as well, such as boosting public participation, reflecting the will of the electorate, and maintaining a certain level of competitiveness in elections. Based on my own observation, however, it is safe to conclude that village elections and related activities are not sufficient enough to:

1) Empower the peasantry: A large portion of the respondents in my study were unclear about the voting rights they bear, the meaning and possible effects of their choice of participation or abstention, and other choices made during the electoral process.

2) Promote public participation: According to the results of my field study, village elections in Sichuan only interest and involve a considerably small portion of peasant voters and leave the majority disinterested or excluded. Whether as a voter or a potential candidate for any of the posts, most people would not bother to participate in an election that means very little to them. To many respondents, their participation was meaningless. The system of village elections in my study in effect frustrates public participation.

3) Allow rural residents to voice opinions through a representative of their own: A system that provides limited choices and involves only a small portion of the eligible population does not produce representatives who speak for the electorate or results reflective of the common free will of local residents. Such a system certainly deviates from the principle of self-governance and should not be labeled as an autonomous activity. It further deprives rural residents of the opportunity to question, challenge or adapt central rules that hurt the interest of local people.

4) Enhance competitiveness and credibility of local elections: Elections that are close to fake neither encourage nor enhance electoral competitiveness. They also suppress people's need for free and competitive elections by repeatedly creating the illusion that only controlled elections are possible. This explains why local residents longed for a change in the electoral system but thought that their longing was hopeless.

In all, village elections studied here cannot be differentiated from other state-

controlled non-competitive elections. Purposes behind these elections can be found from internal, quasi-law documents that govern the electoral process. Through the electoral process, all three major roles of authoritarian elections—communication, education and legitimization—are partially satisfied. Elections possibly play other roles as well, such as maintaining the equilibrium inside the governing circles.⁵⁷ But other functions of elections, such as empowering the peasantry, promoting public participation, allowing local people to voice their opinions, and enhancing competitiveness and credibility of village elections, are missing. The ruling party might still rely on controlled village elections to intervene in rural issues that lawfully fall within the scope of self-management, but this will only increase rural residents' dissatisfaction with the way they participate in local politics. Their dissatisfaction might lead them to blame local officials or further, to criticize the larger political system that distorts the performance of village elections. These facts need to be considered when initiating legal reforms. The law should be made more reflective of various voices and changing demands, and more effective in terms of producing more satisfying electoral outcomes. Several aspects of the electoral system, especially the legal aspect, should be improved to make village elections more meaningful, not only for the interest of the ruling party, but also for the interest of rural people.

5.7 Further Discussion: More Regrets

For those who hope for eventual democratization, China's competitive village elections represent a major positive indicator that, even if full-scale democracy is not a

⁵⁷ I refer to Hermet's framework when listing the functions of non-competitive elections. See Hermet, *supra* note 32 at 13.

prospect for the foreseeable future, small steps may be taken in that direction.⁵⁸

Conclusions of this sort are based on the condition that village elections in China are competitive. However, before we arrive at such conclusions, we should make it clear how meaningful village democracy is in China, and what difference village democracy could make against the single-party background. After all, some of the roles played by controlled elections are different from what is expected of free elections.

To some degree, elections that I observed are still competitive because in most cases more than one person runs for one post. But the competitiveness of these elections is offset by many kinds of restraints. Based on the information we collected, I argue that the new policy of “Public Nomination” failed to change the way people participated in any meaningful way. As long as the incumbent Party branch and villagers’ committee officials retain their control over the election, any efforts made to implement election laws and policies aimed at improving the inclusiveness and competitiveness of village elections seem frail.

Many reasons lead us to look at the performance of village elections, the most direct of which is the fact that mid-level officials, village leaders and common villagers hold divergent opinions about the quality of “public election,” election turnout, and many other important aspects of the electoral process. The intriguing aspect of the new control device of village elections is that the state delegates to ordinary villagers some of its monitoring and control powers over its local agents, but creates tension between local

⁵⁸ Bernstein, *supra* note 13 at 29.

governments and villagers' committees.⁵⁹ Local agents of the state fear that if the villagers' committee gains too much power, the committee will not listen to the state or assist the state in handling local affairs. The state simply does not desire the villagers' committee to become an autonomous or parallel organ. Since the law only permits the local government to "guide" rather than "lead" villagers' committees, the control over village elections is a smart first move to secure authority. These intentions are implied by local statutes and prescriptions for village self-administration.

My studies reveal the strong influence imposed on elections by the Party and local governments through controlled propaganda, candidates screening, and other means. These measures and practices limit voters' choices during the electoral process and further circumscribe the openness and competitiveness of village elections.

5.8 Conclusion

Based on intensive studies of the national legislation, local by-laws and Party policies, interviews with mid-level policy-makers and election candidates, as well as other intellectual resources, the following conclusions can be made up to this point.

As reflected in work manuals and governmental circulars, the government needs villagers' committees to fortify the political power of the state in the countryside, to carefully organize and administer every piece of work in the countryside, and to establish

⁵⁹ Björn Alpermann, "The Post-Election Administration of Chinese Villages" (2001) 46 *The China Journal* 45 at 46. See also Harrison C. White, "Agency as Control" in John W. Pratt & Richard J. Zeckhauser, eds., *Principals and Agents: The Structure of Business* (Boston: Harvard Business School Press, 1985) at 187. White argues that control is the main reason for delegation.

the bond between the government and the peasantry.⁶⁰ Village elections and related activities in my study partially fulfil the roles that are expected of controlled elections, such as deception, elimination through selection, mobilization and education, but are not sufficient enough to empower the peasantry, promote public participation, allow rural residents to voice opinions through a representative of their own, and enhance competitiveness and credibility of local elections.

The Party branches' presidency over villagers' committees is not a random phenomenon, but a common rule that has been institutionalized in the legal system through the "leadership core" article of the Organic Law. Elections to villagers' committees are among the "soft targets" that do not need faithful implementation in the eyes of local officials. The national law has left room for local discretion and thus made selective policy implementation at the provincial-level or township-level possible. The law on the ground—that is, electoral policies crystallized in hybrid party-state documents co-enacted by the Party branch and the government of the same level—no matter how democratic it appears, disrespects electoral competitiveness, limits voters' choices, frustrates public participation, and suppresses democratic consciousness growing in the countryside. The village elections guided by this living law deviate from the path of self-management, attract only a small portion of the eligible population, and have little meaningful influence on how rural people participate in politics.

⁶⁰ See Shuguang Zhang, ed., *Cunweihui Ganbu Gongzuo Shouce* (Work Manual for Villagers' Committee Cadres) [translated by author] (Beijing: China Legal Publishing House, 2006) at 3.

Chapter 6

A Scheme of Systemic Improvements: Beyond the Politics of Village Elections

6.1 Introduction

In the previous chapter, we discussed in detail that the law governing village elections in Sichuan, including the law on paper and the law on the ground, is far from satisfying. Several features have prevented the law from accommodating free and competitive elections. At the national level, election laws are not only vague and out of date, but also provide very limited guidance for practice. The law fails to establish some of the rules or principles that are critical to a good election, like hassle-free nomination, secret ballot and multi-candidates (for each position). At the grassroots level, the law generally ends up being little more than a set of politics-oriented policies employed by the ruling party to select obedient followers or opportunists. A system so unresponsive to the needs of the electorate not only receives fierce criticism from researchers and commentators, but also leads to discontent and political apathy among its people.

Starting with a discussion of the drivers of systemic change stemming from a growing need for good governance and better political participation in society, this chapter also analyzes the challenges and opportunities facing the reformers and the people, and proposes strategic means to improve the electoral system, with a particular stress on the legal aspect. If implemented correctly, the overall quality of village elections can be greatly improved through the establishment of certain electoral rules and procedures, even against the background of single-party politics.

6.2 A Justification for Improving the Electoral System

As a breeding ground for citizenship rights, villagers' committees have two huge advantages over people's congresses: they are more autonomous, and they control aspects of daily life that people care about, such as land use rights, taxation and fee collection, birth control, local education, dispute resolution, and so on. These advantages have led people to believe that village elections are favorable practices for political participation and the experience gained by participating in the elections would certainly benefit further electoral reforms aimed at the township level and above.¹ However, as discussed in the previous chapter, a lack of choice and competitiveness in the electoral system has resulted in people's indifference and even aversion towards village elections. Village elections are presently at a crossroads: processes and rules still must be improved and further delays will only undermine the credibility of village elections.

My research identifies three main driving forces for systemic improvements in village elections in China: those coming from the ruling party, from ordinary people, and from the intellectuals, respectively.

6.2.1 The Drive for Change within the Ruling Circle

The first drive for electoral reform originates from the combination of a realistic demand to preserve day-to-day performance of villagers' committees and a more ideal desire to maintain social harmony.

¹ Kevin O'Brien, "Villagers, Elections, and Citizenship in Contemporary China" (2001) 27 *Modern China* 407 at 416.

6.2.1.1 Preserving the Role of Villagers' Committees: A Realistic Reason

According to O'Brien and Li, popular policies in the countryside include fee limits, the Organic Law of Villagers' Committees (which establishes village-level elections), the Administrative Litigation Law (which allows villagers to sue officials who break the law), circulars forbidding corruption, and central efforts to promote rule by law.² These policies aim to adjust cadre-mass relations and to protect villagers from abuse of power and other predatory behavior. Unpopular policies, such as birth control, revenue collection, and funeral reform cost the government much more in terms of policy implementation.³ The government should pursue the popular policies vigorously as a way of off-setting the unpopular ones. Therefore it is reasonable to speculate that the ruling party has at least some interest in refining popular policies—that is, to make them even more popular—to appease the affected.

Villagers' committees have salutary values to the ruling party because these committees make effective governance on a low budget possible in the vast countryside. Committee members work on daily administrative duties that are rather tough or arduous in the eyes of local officials, such as birth control, tax-collection, policy propaganda, production management, disputes about land use, and so on. Yet committee members are too loyal and obedient to protest against poor pay for what they have accomplished. Since villagers' committees play a key role in handling rural affairs that disgust local officials,

² Kevin J. O'Brien & Lianjiang Li, "Selective Policy Implementation in Rural China" (1999) 31:2 *Comparative Politics* 167 at 170.

³ Officials say that these are the "three toughest jobs grass-roots cadres are facing." See Liu Xiaohang, "Guwu Jiceng Nongcun Ganbu Shiqi Renwu Zhongda" [It is an Urgent Task to Boost the Moral of Grassroots Rural Cadres], in *Zhongguo Jiceng Zhengquan Jianshe Yanjiuhui: Shijian yu sikao* [Seminar on China's Grassroots Organs of State Power Construction: Practice and Reflection] (Shenyang: Liaoning daxue chubanshe, 1989) at 24.

it is highly unlikely that the government would plan to abolish such an institution and leave the countryside in total chaos or replace the committees with something like official administrative organs. A more plausible case would be that the government will continue to rely on villagers' committees to manage some of the rural affairs. To achieve a better ruling outcome, decision-makers need to modify the composition of these institutions to make them more appealing to ordinary people.

Should the Party and the government continue to rely on villagers' committees to assist in implementing state policies and managing village governance, the Party should improve the way villagers' committees are constituted and enhance public confidence in the committees, rather than turning a blind eye to the people's needs and neglecting the defects inherent in the selection system.

6.2.1.2 Political Inclination towards Better Governance Inside the Ruling Circle

Putting aside the rational choice of making good use of popular policies and institutions, the political inclination towards better governance borne by some of the core leaders also urges the Party to carry out political reforms.

In China, central officials' attitudes towards grassroots autonomy and village elections are divided. Part of the ruling cohort believes that success of self-governance at the grassroots level is the foundation of better governance. Central leaders who have openly advocated the idea of rural self-governance include Peng Zhen, the late Chairman of the Standing Committee of the National People's Congress (who secured villagers' committees and residents' committees a constitutional status when the constitution was revised in 1982), Zhenyao Wang, the former Vice Director of the Department of Social

Administration at the Grassroots Level under the Ministry of Civil Affairs (he was at that time in charge of rural affairs), the former General Director of the Department of Social Welfare and Charity Promotion and the Department of Disaster Relief, and many others. These high-profile officials not only campaigned for grassroots autonomy, but also paid much attention to the practice of village elections which they believed to have a potential for future democratization.

Although in recent years scholars have noticed the Party's inclination to centralize localized power and strengthen the pre-eminence of Party branches in the village power structure, the resolution to advance political reforms (as claimed in public by core leaders of PRC including the current Premier Wen Jiabao) gives us a reason to expect that rural self-governance still interests the ruling party and that the prospects for building a more independent, functional self-management system in the countryside are good.

6.2.2 The Drives for Change among the Voters

The second drive for electoral reform comes from rural Chinese, the voice of whom has not been carefully attended to in the past few decades. Although their group identity, i.e. "peasant," remains untouched in many peoples' minds, their sense of citizenship and rights consciousness have been growing. This drive is a combination of individuals' natural need to be included in decisions that have an impact on their lives, and a growing sense of citizenship and democratic consciousness among the peasant voters.

Ordinary villagers need someone reliable to take care of public resources; they need someone impartial to settle their disputes; they need someone knowledgeable and

good at communication to speak for them and even lead them to fight when issues with local officials arise.

As suggested in many studies, villagers at large no longer deem Party members to be godlike, nor do they take the Party's monopoly of power in a village for granted. Most villagers feel it necessary to make their own decisions, rather than let someone unfamiliar or untrustworthy do the job in the name of public interest. These facts should be considered when the ruling party makes policy decisions related to village self-governance.

6.2.2.1 The Call for Being Relevant: A Growing Sense of Citizenship and Democratic Consciousness

In each of the cases studied by O'Brien, villagers cited specific clauses or the spirit of the Organic Law to back up their claims whenever they were confronted with power abuse during the election process. As O'Brien rightly puts it, "Chinese villagers are increasingly identifying, interpreting, and challenging undemocratic elections using the vocabulary of rights."⁴ To minimize the risk of confrontation with the powerful, villagers say they are simply seeking faithful implementation of the Organic Law.⁵ These facts signal a big change in Chinese villagers' self-acknowledgement and their capacity to make claims. Rising rights consciousness pushes them to voice their claims and back up their claims with a legal reference. Repeated practice of their rights also prepares villagers for inclusion in the broader polity.

This kind of citizenship practice should not be overlooked because it only

⁴ O'Brien, *supra* note 1 at 424.

⁵ *Ibid.*

accumulates as society develops. Noticeable changes in self-acknowledgement and rights consciousness among Chinese villagers have resulted in a stronger need for relevance, that is, for more meaningful participation in more genuine and competitive elections.

Although in my study, none of the villager participants cited specific clauses or the spirit of the Organic Law to back up their complaints about misconduct during the electoral process as identified by them, they certainly wanted more than what was provided by the existing system. They wanted less control imposed by the Party and the township government, and they wanted more openness and competitiveness in their elections.

6.2.2.2 The Grip on the Only Available Channel for Political Inclusion

Despite all the defects inherent in the system, elections to villagers' committees that began in the late 1980s are a more promising avenue of inclusion, compared with the limited reforms that have taken place in the election of high-ranking state leaders and people's congress deputies. Ordinary Chinese have even less say over high-level Party positions. Constraints on top leaders come from political competition within the Party. Members of the Politburo and its Standing Committee, as well as provincial first secretaries, are all selected at Party conclaves with no pretense of mass participation. At the very top, the situation is much as it has been since 1949: there are few constraints on the ruling elite, and formal means of accountability have little weight in a system that is innately elitist and (at times) intentionally unresponsive. Opportunities to participate in the exercise of political power remain closely held. China's top leaders respond to popular opinion as a matter of choice or tactics, not out of obligation or because they fear

removal in a democratic election.⁶

At the grassroots level, however, notable efforts have been made to heighten cadre responsiveness and draw rural residents into the local polity. At the same time, sizable obstacles to inclusion remain, not least because many electoral rules and practices do not reliably enfranchise villagers.⁷ The facts that Chinese villagers only enjoy (at best) a partial citizenship, and even a full citizenship does not guarantee free access to political participation, have prevented villagers from staying involved. The political status at the national level of ordinary Chinese people is poor and the situation for peasants is even worse because of deep-rooted prejudice against peasants and the fact that they have little knowledge and power to fight for their demands in an effective way. Owing to the evidence that some rural people are starting to challenge improper elections with the language of rights, optimistic observers like us believe that exclusion will not last for long. Village elections are currently the only available channel for rural residents to articulate their opinions peacefully and regularly as well as to stay organized. To empower peasants, the facility of village elections is the only possibility among the impossible.

There is a big gap between what Chinese villagers believe they can do and the resources actually available to them. In our study, we noticed a few times that villagers are deeply disappointed by local officials who fail to make meaningful moves yet villagers still hang on to a faint hope for radical reforms initiated by the central government.

⁶ O'Brien, *supra* note 1 at 413.

⁷ O'Brien, *supra* note 1 at 408.

The idea of setting up villagers' committees made sense for both the government and the people. The government adopted this idea and worked to improve it because the people wanted the system of villagers' committees and the government would receive benefits from it, if such a system performs properly. Villagers' committees fit the interest of both parties, even though the government and the people do not always share the same interests. Policy-makers should stay alert to this fact and make good use of the system of villagers' committees, rather than misuse or corrupt the situation.

6.2.3 The Pressure and Influence from Independent Intellectuals and the International World

The third drive for electoral reform is from international society, whose voice is from outside the ruling cohort and yet still has an influence. Many well-known research foundations such as Ford Foundation and Asia Foundation as well as Chinese scholars have shown a strong interest in observing and making recommendations for village elections.⁸ These organizations prompt the ruling party to make a move toward adopting and implementing these recommendations.

⁸ International Republican Institute (IRI) and the Carter Center, two U.S.-based organizations, have launched a few research programs to observe village elections in China. They use systematic survey forms that de-compose the electoral process into discrete elements that can be evaluated. See Robert A. Pastor & Qingshan Tan, "The Meaning of China's Village Elections" (2000) 162 *The China Quarterly* (Special Issue: Elections and Democracy in Greater China) 490 at 492. The Carter Center also funded a few Chinese publications and research projects, such as "Seminars on Village-Level Organization Construction in Mainland China" held in the Chinese University of Hong Kong, from October 8 to 9, 1998. The Asia Foundation has begun to cooperate with the Chinese government in financing Chinese farmers to study law and take courses on democracy in Duke University in the United States. The chosen directors of Chinese villagers' committees would go and study for three years in the university. Another program of the foundation is to look into the legal and democratic awareness of Chinese farmers. See National People's Congress and Chinese People's Political Consultative Conference, "Grassroots Democracy Taking Roots in Rural China", online: The National People's Congress and Chinese People's Political Consultative Conference <<http://www.china.org.cn/english/archiveen/28783.htm>>.

All three driving forces discussed here have played a positive role in urging electoral reforms in China. The strength coming from inside the ruling cohort has helped initiate a scheme of nation-wide grassroots autonomy; and the strength coming from ordinary people and from the intellectual world has urged the Chinese government to refine the electoral scheme to achieve better electoral results.

Based on above considerations, the law of village elections should be made more reflective of the peasantry's growing demand and more responsive to what needs to be changed in order to facilitate more open and competitive elections. The government should seriously consider revising the law to better assist villagers in gaining free and equal access to village elections and practice their citizenship.

6.3 Factors that Encourage or Impede Systemic Reforms in Village Elections

Even if the drive for electoral reforms in China tends to grow as society develops, several factors that might encourage or impede meaningful changes need to be considered.

Before we start the analysis, it is crucial to sketch out the culture of political participation in China. Supposing that the demand for self-governance of certain areas is rooted in a democratic society, representatives who also serve as decision-makers would hear from the public, debate in public and fight against other influential groups that attempt to distort the system. The chance is that these representatives would speak for their supporters, and make or modify the law for the sake of their people's interests. Growing from a different political culture, a culture of centralized and unquestioned

power, the Chinese have for centuries acted like a flock of sheep when facing a problem with the ruler—except in extreme cases when social turmoil has broken out. Single-party rule featuring indoctrination and coercion bring nothing novel to an already repressive culture. Even nowadays, it is still difficult to see a culture of organized conversation and confrontation in mainland China. The people there, most of whom remain poorly educated and informed, have not gained the strengths and techniques required to fight with the government or the powerful and bargain for what they want. Under such circumstances, any meaningful change to the current system will either be slow or face huge challenges.

6.3.1 Main Challenges to the Implementation of Systemic Reforms in Village Elections

The major challenge or obstacle to the implementation of electoral reforms at the village level is the Party and its numerous branches which have monopolized the power to allocate and exercise public resources. As discussed in the previous chapter, it is often unclear in what areas the Party branch must follow the committee's lead. As we have seen, the Organic Law and accompanying regulations fail to specify a clear division of responsibilities between the two bodies and problematically establish the Party branch's status as "leadership core" in a village. The importance of village self-governance is usually put aside as two committees struggle over decision-making power and the use of collective resources. In all 16 villages I visited, Party secretaries rather than committee directors were the village's top power-holders. Many other reports of in-depth fieldwork and surveys of grassroots cadres have confirmed the pre-eminence of Party secretaries. For example, in 1999, Liang Kaijin and He Xuefeng estimated that 80 per cent of secretaries nationwide were their village's top leaders, whereas in a survey of 111

committee directors in four Zhejiang prefectures, only 15 per cent of He's respondents said they had more power than the village Party secretary.⁹

Even fairly powerful village committees are vulnerable to party influence through personnel overlap. Surveys have shown that a large number of committee members, and directors in particular, belong to the Communist Party.¹⁰ This is not necessarily a problem if it happens to be the case. However, studies reported here and by other researchers lead to the conclusion that party penetration is the main contributor to such a high percentage of personnel overlap. In July 2002, the Central Committee and State Council jointly issued a circular that endorsed “concurrent office-holding by village chiefs and Party secretaries” (*yijiantiao*, 一肩挑) and “merging the Party branch and the villagers’ committee” (*liangwei heyi*, 两委合一),¹¹ which signals the Party’s intention “to concentrate its power in rural areas” and strengthens over-representation of Party

⁹ Liang Kaijin & He Xuefeng, *Cunji Zuzhi Zhidu Anpai yu Chuangzhi [Institutional Arrangements and Innovations in Village-Level Organizations]* (Beijing: Hongqi Chubanshe, 1999) at 118; Baogang He, *Rural Democracy in China: The Role of Village Elections* (Hampshire and New York: Palgrave Macmillan, 2007) at 112 and 113.

¹⁰ Kevin O’Brien & Rongbin Han, “Path to Democracy? Assessing village elections in China” (2009) 18:60 *Journal of Contemporary China* 359 at 373.

¹¹ It is recommended that Party members in the villagers’ committee also serve as members of the Party branch through inner-party election. See “Zhonggong Zhongyang Bangongting Guowuyuan Bangongting Guanyu Jinyibu Zuohao Cunmin Weiyuanhui Huanjie Xuanju Gongzuo de Tongzhi” [Circular by General Offices of Party Central Committee and State Council on Further Improving the Work of Next Round Village Committee Elections] (accessed on 14 July 2002), online: The Central People’s Government of the People’s Republic of China <http://www.gov.cn/gongbao/content/2002/content_61679.htm>; also see Thomas P. Bernstein, “Village Democracy and Its Limits” (2006) 99 *Asia* at 37; Guo Zhenglin & Thomas P. Bernstein, “The Impact of Elections on the Village Structure of Power: The Relations Between the Village Committees and the Party Branches” (2004) 13:39 *Journal of Contemporary China* 257 at 272 and 275; also He, *supra* note 9 at 119.

members.¹² As a new, more institutionalized form of party penetration in committees, this initiative has been implemented widely but its influence has caused deep worry among the intellectuals. For instance, in Shandong, it is prescribed in local directives that the overlap rate of the two top positions should exceed 80 per cent and that of the full branch and village committee should reach 70 per cent. Guangdong also advocates 70 per cent overlap of branches and committees.¹³ Overlapping membership, along with joint or consecutive meetings of the two organizations, seriously blurs the responsibilities held by committees and Party branches. Some Chinese researchers have even begun to wonder whether overlapping membership might lead to a return of unfettered rule by Party branches, especially Party secretaries, thus rendering village elections close to meaningless.¹⁴

The pre-dominance of Party branches in the power structure within a village causes grievances among rural residents, and further intensifies the desire for change. The other side of the fact is that Party branches invested with power play a negative role in electoral reforms that accommodate genuine participation and free competition. As opposed to what we hoped to see, members of Party branches would naturally resist any effort that might reduce or restrain their power. As Womack rightly puts it, we should

¹² Sylvia Chan, "Villagers' Representative Assemblies: Towards Democracy or Centralism?" (2003) 1:2 *China: An International Journal* 179 at 192; He also speaks of "a deliberate attempt to strengthen the Party branch". See Baogang He, "The Theory and Practice of Chinese Grassroots Governance: Five Models" (2003) 4:2 *Japanese Journal of Political Science* 293 at 309.

¹³ See Wang Kequn, "Nongyeshui Quxiao hou Xiangzhen Guanli Tizhi Yudao de Wenti" ["Problems Encountered in the Township Management System after Abolishing the Agricultural Tax"] (2005) 5 *Zhongguo Fazhan Guancha* [China Development Observation] 38 at 39; also see Richard Levy, "The Village Self-Government Movement: Elections, Democracy, the Party, and Anticorruption—Developments in Guangdong" (2003) 17:1 *China Information* 28 at 34.

¹⁴ O'Brien & Han, *supra* note 10 at 374.

stay alert to the fact that democracy is not the only available path, and the current leadership might well be tempted to preserve the privileges and convenience of unquestioned political hegemony.¹⁵ Although top leaders have found it necessary to draw villagers into cadre selection and assessment, they remain profoundly ambivalent about allowing ordinary citizens to practice autonomy in an uncontrolled fashion. Leaders are hesitant to grant villagers the institutionalized political and legal standing needed to increase the likelihood that popular policies are carried out.¹⁶ Therefore, resistance from the ruling party is the biggest challenge facing the Chinese in the course of electoral reforms.

The single-party regime discourages democratic participation. And the fact that villagers at large do not possess full rights consciousness and necessary struggling techniques also impedes the progress of village election reforms. As O'Brien and Han rightly put it, "Yet the quality of democracy in much of the countryside remains stubbornly low, mainly because village committees, once an election is over, are situated in a sociopolitical environment that has changed surprisingly little."¹⁷ According to other commentators, many voters simply "went through the motions"; villagers, in particular, often felt elections were "meaningless."¹⁸ After two decades, the situation in Sichuan and

¹⁵ Brantly Womack, "The 1980 County-Level Elections in China: Experiment in Democratic Modernization" (1982) 22:3 *Asian Survey* 261 at 262.

¹⁶ O'Brien & Li, *supra* note 2 at 181.

¹⁷ O'Brien & Han, *supra* note 10 at 376.

¹⁸ O'Brien, *supra* note 1 at 415. Also see Nie Yulin, *Zhongguo Shehuizhuyi Minzhu Zhidu de Fazhan he Xiankuang* [*The Development and Current Situation of China's Socialist Democratic System*] (Shijiazhuang: Hebei Chubanshe, 1988) at 250; Ji Yu, "Guanyu Difang Renda Daibiao Suzhi de Diaocha yu Yanjiu" [Investigation and Research on Local People's Congress Deputies' Quality] in Zhao Baoxu & Wu Zhilun, eds., *Minzhu Zhengzhi yu Difang Renda* [*Democratic Politics and Local People's Congresses*] (Xi'an: Shaanxi chubanshe, 1990) 242 at 254; Kang

several other less-developed provinces remains unchanged even if village elections that are reportedly “advanced” have been held for several rounds. For instance, a quarter of the respondents from Buyun said they did not care about the electoral outcome or they only cared if it was legitimate. Even when more participants expressed their concern, they did not deem the elections that have taken place in their villages to be “real” or “meaningful.” Quite a few adult villagers had not heard of the right of voting; whereas the right of nomination and the right of recall were even less familiar to them.¹⁹ The average voter’s poor knowledge as well as negative attitude regarding voting prevents them from participating effectively in village elections.

To improve the electoral system in any meaningful ways, obstacles to the advance of systemic changes need to be removed from the system.

6.3.2 Expectant Opportunities for Further Electoral Reforms

On the one hand, officials at higher levels seem to realize that they alone cannot elicit across-the-board compliance with popular policies. They have thus found it necessary to draw in villagers, that is, people who have the most information about cadre misbehavior and the most to lose from selective implementation that is commonly found at the grassroots level. Ordinary people’s involvement in this process opens the opportunity for better political participation.

Fangming, “Guanyu Xianxiang Zhijie Xuanju de Jige Wenti” [Several Issues Concerning County and Township Direct Elections], in Zhao Baoxu & Wu Zhilun, eds., *Minzhu Zhengzhi yu Difang Renda* [Democratic Politics and Local People’s Congresses] (Xi’an: Shaanxi chubanshe, 1990) 272 at 274, 277 and 279.

¹⁹ More details about this study have been presented in the fourth part of Chapter Three—Village Elections in Three Locations of Sichuan: An Empirical Study of Voters’ Participation and Evaluation.

On the other hand, Chinese villagers are gradually gaining the power needed for further involvement through formal participation. One argument that is often used to postpone democracy in China is that people in rural areas lack the education and inner quality necessary for free elections.²⁰ This argument is commonly seen without much elaboration. As we have discussed in the previous chapter, there is some truth to this assertion, but it masks two more powerful truths:

First, no matter how poor and uneducated, peasants know their interests and want to have a say in their own future. For issues such as whether to fix the main street in a village or whether to use public funds to entertain visitors from “above,” people concerned do not need a college degree to decide.

Second, even the least experienced can be educated to master electoral procedures and translate that motive into democracy; peasants are no exception. Each round of elections offers an opportunity for educating people in the proper techniques of free elections. Through participation, people have the chance to give a reason for their choices, to argue with members with different opinions, and to reach a consensus acceptable to most of them. It is the consultation process that matters.

Pastor and Tan have witnessed many more villages where farmers voted properly and according to the law than where they voted improperly.²¹ These findings have led them to conclude that “China is right to start democracy at the village level where the members of the village know the candidates and where public decisions have the most

²⁰ See Pastor & Tan, *supra* note 8 at 512.

²¹ *Ibid.*

direct effect on their lives.”²² Although my study did not include on-site observation of elections, it confirmed the villagers’ level of understanding as a positive factor in the implementation of proper elections. A lot of respondents were quite knowledgeable about what was expected of the qualified candidates and how they would like to infuse their opinions throughout the electoral process.²³

As for elections, we do not assume that peasants will be able to select the perfect leader; rather, we only believe that they know who would think and act on their behalf. It is groundless to use peasants’ lack of education as an excuse to disqualify them from deciding their own fate. The discriminatory rule of judging one’s eligibility for political participation by how much school education one receives contradicts the franchise provided by the constitution.

During the interviews I have conducted, a number of respondents missed the days when they had true opportunities to participate in nominating and voting, that is, before the intervention of local government had been imposed. One of the respondents expressed his worries about the low turnout rate in his village. According to him, people should at least try to participate in village elections no matter how sham the elections are, because only if they take their rights seriously, would they have the opportunity to gain the power needed.²⁴ Pastor and Tan also comment on the importance of the practice of rights:

²² *Ibid.*

²³ For a more detailed report, refer to Part IV: Research Questions and Survey Results, Chapter Three.

²⁴ Interview with one of the respondents cited earlier in Part V: Further Discussion, Chapter Three.

The true meaning of village elections, therefore, is that all those living in rural areas are supposed to have access to the norms and procedures of free elections, according to a national law. Every three years, they should be able to exercise their rights to elect or replace their leaders peacefully and routinely. Even without knowing exactly what percentage of this population is actually exercising these rights, it is reasonable to expect that where peasants can choose their leaders freely and fairly, their leaders will need to be more responsive or they will be replaced.²⁵

Chinese villagers want to participate in elections and choose their representatives or leaders out of free will. They acclaim any system that protects free and genuine participation, and reject any system that suppresses this demand. They are gradually preparing themselves for more effective political participation, and even if they have not yet gained the power required, they still have the right to participate.

6.4 Theme of the Electoral Reform: Towards Better Institutionalization

In some instances, the law is clear about to which authority villagers' committees should listen. The Organic Law provides that, "A villagers' committee and its members shall observe the Constitution, laws, regulations and state policies, abide by the villagers' charter of self-government as well as village regulations and folk constitutions and organize the implementation thereof, and execute the decisions or resolutions of the villagers' assembly or villagers' representatives assembly."²⁶ The Organic Law does not require villagers' committees to observe the guidelines of the party in power or decisions

²⁵ See Pastor & Tan, *supra* note 8 at 512.

²⁶ Article 10 of the Organic Law reads as follows:

"A villagers' committee and its members shall observe the Constitution, laws, regulations and state policies, abide by the villagers' charter of self-government as well as village regulations and folk constitutions and organize the implementation thereof, and execute the decisions or resolutions of the villagers' assembly or villagers' representatives assembly. They shall be impartial in handling affairs, honest in performing duties, warmhearted in serving villagers and subject to the supervision of villagers."

made by the Party. Villagers' committees only execute the decisions or resolutions of the villagers' assembly or villagers' representatives assembly. During the process of electoral reforms, rules like the ones discussed above that are coherent with the spirit and requirement of self-governance should be kept and sincerely observed, while other problematic rules should be annulled or modified.

6.4.1 Institutionalization and Political Trust in the Electoral System

There are two aspects of political trust under discussion here: the first involves the belief of ordinary citizens that village elections are genuine and reliable; the second involves the belief of ordinary citizens that their leaders are trustworthy. It is generally agreed that participation tends to reinforce the trust or distrust that may underlie it. In this view, institutionalized participation such as voting enhances both kinds of trust, whereas noninstitutionalized participation deepens distrust.²⁷ Trust or distrust in turn encourages or discourages participation. It matters to the electorate whether their leaders are trustworthy and whether elections they participate in are reliable.

Results from Manion's study strongly suggest that formal institutions of electoral democracy matter: designs that feature contestation and encourage voter participation do better at promoting beliefs that leaders are trustworthy.²⁸ Also concerned with how institutionalization might relate to political trust, Qingshan Tan and Xin Qiushui find that in places where elections have been conducted in a manner consistent with proscribed rules and procedures and where elections are generally free and fair, there is a good

²⁷ Lianjiang Li, "Political Trust and Petitioning in the Chinese Countryside" (2008) 40:2 *Comparative Politics* 209 at 209.

²⁸ Melanie Manion, "Democracy, Community, Trust: The Impact of Elections in Rural China" (2006) 39 *Comparative Political Studies* 301 at 301.

chance that villagers and cadres would view elections as meaningful in producing positive changes in village governance and life.²⁹ My study presents similar results: restraints on electoral participation deepen distrust of both elections and the leaders selected through these elections. Ordinary people tend to refrain from participating when they realize that the electoral process is not reliable or the results are not trustworthy. A number of respondents said they would like to take part in future elections if provided with “real” opportunities.³⁰

To sum up, better institutionalized participation boosts political trust, and enhanced credibility of elections increases the chance of public participation in a village.

6.4.2 Minimal Standards of a Good Election and Problems of Chinese Elections

The criteria quoted or discussed here help shape our goals of the proposed electoral reform and determine whether the reform is heading the right direction.

How does one evaluate whether elections are democratic? Pastor and Tan suggest three universal criteria that could be amended to take into account the way in which many citizens approach an election: elections must be free, fair and meaningful.³¹ “Free” means that the barriers to entry for parties and candidates are low; candidates are free to campaign; and the people vote in private. “Fair” means that the elections are administered by a neutral, impartial, independent, credible and competent institution. And

²⁹ Qingshan Tan & Xin Qiushui, “Village Elections and Governance: Do Villagers Care?” (2007) 16:53 *Journal of Contemporary China* 581 at 581.

³⁰ For more details, refer to answers to the following questions contained in my survey: “Were village elections important to the villagers?” “Did voters care about electoral outcomes?” and “Would respondents like to vote in the future?” See Part IV: Research Questions and Survey Results, Chapter Three.

³¹ Pastor & Tan, *supra* note 8 at 506.

“meaningful” means that the elected officials should have genuine authority. In practice, we should pay attention to the fact that many people vote against a party or a candidate, rather than for someone. So the definition of democracy is not limited to “right to choose” future leaders, but also includes people’s “right to replace” current leaders at regular intervals. Under the influence of the “replacement factor,” leaders would fear losing the next election if they do something wrong or do not measure up to their constituents’ expectations.

Pastor and Tan move on to suggest that China’s village elections should be judged within the context of the country’s history. As they put it,

Using this criterion, a good election need only be better than the last or than what the country has had. The premise underlying this criterion is that democracy is nowhere perfect. It is a process of incremental improvement, and if an election helps a country move forward on a more civil, democratic path, then it is a satisfactory election... Within the context of 5,000 years of Chinese authoritarianism, there is no disputing that village elections represent a significant step toward a freer system, and many villages have seen improvement with each round of elections.³²

Admittedly, it is important to include a country’s history in one’s judgement of the quality in elections. But we should treat Pastor and Tan’s observations with caution. The reason to be careful about conclusions of this kind is that elections in rural China vary from village to village and province to province. Even if we give weight to historical factors, the current system is hardly satisfactory mainly because it neither lives up to the universal standards of “democratic elections” nor does it present anything significantly more advanced/different than the ones Chinese peasants had in the past.

³² *Ibid.*

At the village level, two critical elements of the electoral process need to be assessed: choice and secret ballot. A good election requires at least free choice and secret ballot. Free choice requires an open, unhampered nomination process and more than one candidate for each post; the principle of secret ballot implies the right and requirement that the vote be secret and individual. Unless and until these two elements are mastered at the village level, democracy has little chance to flower in China. Voters should have the freedom to nominate someone in their favor and should be provided with more than one option when voting. Only in this way, will the opinion of each individual count and merge into the strength to compel leaders to be responsive to the people's will. Any effort that unduly restrains voters' choices and affects candidates' independence and genuineness should be prohibited, such as the action made by local officials which provides CPC membership as a pre-requisite for candidacy.

It is hardly novel to say that successful elections require voters' certainty of a secret ballot. Secret ballot is a well-established principle in democracies, but it has not been firmly established in China, nor has it been regarded as essential in the minds of Chinese voters and election officials. The principle of voting separately and privately has even not been incorporated into Chinese law. Although most MoCA (Minister of Civil Affairs) officials now realize the importance of the secret ballot, not all provincial officials follow the practice of instituting secret ballot. The vivid picture drawn by Pastor and Tan helps us visualize how ordinary peasants vote in village elections:

Some provincial circulars like those in Inner Mongolia mention that secret booths may be used, but they are not required. Some secret booths in the Chengde area of Hebei were desks separated by cardboard or even newspapers. Other provinces, such as Liaoning, had screened booths. In

Hengdao and Houshi, Jilin, villagers voted individually in a room and curtains precluded people from watching them vote. In Gujialingzi, Jilin, voters entered a room with five desks. Although asked to vote at separate desks, many would go to the middle one and look at each other's ballots as they marked their own. When asked to vote separately, they were bewildered, just as the children of an old man were when an official asked them to retrieve their ballots from their father and vote by themselves. In Chongqing, most villagers filled out their ballots in the courtyard where others could see them.³³

Organizers and participants of an election do not realize the importance of casting votes secretly and privately. The widespread use of proxies and roving boxes brings about electoral outcomes that do not reflect the free will of the electorate. In practice, it is common to see election officials taking roving boxes to the peasants who work in the field and to see the peasants filling out their ballots in the presence of election officials.³⁴ In the villages I visited, filling out ballots for the whole family has even become an established rule.³⁵ There were also cases when villagers filled out ballots for their neighbors who worked out of town or who could not read/write and people did so without a proper authorization. Without comprehensive and independent monitoring, no one knows what percentage of the votes received are actually valid.

According to Hermet, the difference between free and controlled elections is indicated by the opportunity a voter has (1) to have his franchise recognized through registration; (2) to use his right to vote without being segregated into categories dividing

³³ Pastor & Tan, *supra* note 8 at 508.

³⁴ "Roving boxes were designed for voters who were physically unable to come to the poll to vote. In villages where high percentages of votes in roving box were found, roving boxes were used as a convenience rather than their intended use." These observations are based on interviews conducted in Hebei and Jilin. See Qingshan Tan, "Building Institutional Rules and Procedures: Village Election in China" (2004) 37:1 Policy Sciences 1 at 9.

³⁵ One ballot per household rule, see interviews with Informant E from Banzhuyuan contained in Part V: Contradictory Responses from Grassroots Officials: Part II, Chapter Four.

the electorate and revoking the idea of popular sovereignty; (3) to cast his ballot free from external hindrance; (4) to decide how to vote, even to spoil his ballot, without external pressure; and (5) to expect his ballot to be counted and reported accurately, even if it goes against the wishes of those in power. Restricted elections are those which do not fulfill one or more of these conditions. In effect, the freedom of elections is judged by the voter's degree of freedom.³⁶ Putting aside the credibility of election committees, in the area we studied, the law on the ground imposes social pressures upon voters by favoring certain merits or values over the others.³⁷ Different choices at crucial points in the election process affect the range of choice for voters and competition among candidates.³⁸ Villager voters' freedom of choice will not improve if these rules are still in effect.

No matter which of the above evaluation systems we prefer, our overall judgement is that the current system of village elections is unsatisfactory: controlled nomination process and the constrained participation of common people as well as potential candidates disqualify the elections as free and competitive. It is widely agreed that the reform of village electoral institutions to address systemic defects is still a top priority in rural political development.³⁹ Village elections are presently at a crossroads:

³⁶ Guy Hermet, "State-Controlled Elections: A Framework", in Guy Hermet, Richard Rose & Alain Rouquié, eds., *Elections without Choices* (London: Macmillan, 1978) 1 at 3.

³⁷ Inner-party documents often set constraints on voters' choices by specifying what kind of person should be selected.

³⁸ See Björn Alpermann, "An Assessment of Research on Village Governance in China and Suggestions for Future Applied Research" (Report prepared for the China-EU Training Programme on Village Governance, Beijing, April 14, 2003) at 16.

³⁹ Qingshan Tan, "Building Democratic Infrastructure: Village Electoral Institutions" (2009) 18:60 *Journal of Contemporary China* 411 at 411.

processes and rules still must be improved and further delays will only undermine the credibility of village elections to produce more reliable leaders.

6.5 A Recommended Scheme for Institutional Design

In an earlier research project, the International Republican Institute (IRI), based in the United States, offered 14 specific suggestions for ways to improve the electoral process in Sichuan. These included standardizing rules, synchronizing village elections within a county so as to take advantage of county-wide civic education programmes, taking additional precautions to assure a secret ballot and the correct use of “roving boxes,” opening the nomination process, making the election machinery impartial, punishing violations of the elections law, encouraging campaigning, and abolishing proxy voting.⁴⁰ The IRI’s recommendations address most of the problems they described in the same report, problems which remain unsolved today.

The Carter Center delegation also proposed 13 recommendations, which included: added safeguards to ensure the privacy and individuality of the vote, the banning or minimizing of “roving boxes,” and the mandating of a methodical and transparent count.⁴¹

Tan advocates the creation of a national electoral commission tasked with

⁴⁰ The International Republican Institute, “Election Observation Report: People’s Republic of China Sichuan Province 1998 Village Elections”, online: The International Republican Institute <<http://www.iri.org/sites/default/files/China%27s%20Sichuan%20Province%201998%20Village%20Elections.pdf>> at 11.

⁴¹ For the two Carter Center Reports, see “Carter Center Delegation Report: Village Elections in China”, online: The Carter Center <<http://www.cartercenter.org/documents/1155.pdf>>; also see “Carter Center Delegation Report: Village Elections in China and Agreement on Cooperation With the Ministry of Civil Affairs, People’s Republic of China”, online: The Carter Center <www.cartercenter.org/documents/1156.pdf>.

implementing, supervising, and adjudicating village elections, the necessity of implementing candidate-initiated and candidate-centered campaigns and elections, and the synchronization of election dates. According to his analysis, a fixed election date, at the provincial level if not nationally, would enhance the importance of elections, attract more media coverage, and foster civic culture.⁴²

Most observers and commentators in the field of village elections talk about making changes without including detailed proposals for how to make these changes possible. Their suggestions require a solid scheme and faithful implementation. Pointing out which aspects of the electoral system need to be improved is definitely not enough. We also need to think through how to accomplish these improvements. One aspect that cannot be neglected is proper institutionalization, as our primary concern is that laws produce better village elections. Should we rely on local officials to make a move on their own, or revise the laws already in place and require the grassroots level to modify their rules accordingly? Considering that most successful political reforms are still “top-down” in present-day China, the latter option would work better. Drawing on advice offered by intellectuals from all over the world, I will make several specific recommendations to address the problems of Chinese elections discovered in my study. My proposals fully consider the impact of the law on the degree of freedom and quality in village elections. In addition to drawing in national and provincial-level legislation in my analysis, I also rely on close scrutiny of township-level by-laws applied to village elections, which constitutes a crucial, though largely understudied source of the problems related to rural self-governance.

⁴² Tan, *supra* note 39 at 413.

Generally speaking, system improvements carry limited meaning unless local variations live up to the standards set out by law. In another words, variations at the grassroots level are allowed only if they are made according to the spirit of the law. This principle should be the guideline for any local attempts to make adaptations or modifications to the national law.

All the proposals offered in the following section are aimed at improving the genuineness and competitiveness of village elections, and directly address the problems discussed in the previous chapters, particularly the legal problems studied in the fifth chapter, including villagers' committees' misplaced role in the constitution, the notorious "leadership core" article, the questionable clause allowing local government to determine the lawfulness of its own acts, lack of detailed electoral procedures in the law of village elections, and the popularity of hybrid party-state documents that unduly regulate village elections.

6.5.1 Amending the Relevant Articles in the Constitution and Other Legal Documents

Based on the analysis from the previous chapter, the problem of having too much flexibility in the electoral system is caused by defects in the law. The constitution prescribes the nature of villagers' committees as mass organizations of self-government but fails to acknowledge their proper role in the power structure. Villagers' committees should be differentiated from other components of local governments which form the bureaucratic system and are subject to centralized control. To guarantee villagers' committees' independence and autonomy, which is of primary importance, the constitution should state clearly that as a self-organized organ, the villagers' committees

must not be prone to influence by any political parties, power organs, or individuals. A few important changes should be made to the legal system accordingly:

First, all the articles governing or referring to villagers' committees should be clear that the villagers' committees are autonomous entities. Articles prescribing villagers' committees in the constitution should be placed in a separate section under the title of "Grassroots Self-Governance" or "Mass Organizations of Self-Management." Proposed amendments should incorporate, for example, wording like "A villagers' committee is by its nature a mass-organization of self-management, free from any interference external to the village, except as expressly provided by national or provincial statute." If the legislators respect the constitutional definition of villagers' committees as mass organizations of self-management, they should seriously consider removing the stipulations regarding residents' committees and villagers' committees from the section dealing with state organs, and should create a separate section for these institutions. After all, mass organizations of self-management are different from official authorities, and deserve special treatment. A villagers' committee is by law a mass organization of self-government at the grassroots level, in which villagers administer their own affairs, educate themselves and serve their own needs and in which election is conducted, decisions adopted, administration maintained and supervision exercised by democratic means.⁴³ It is a place where villagers enjoy practicing full citizenship and democratic participation. The chairman, vice chairmen and members of each villagers' committee are nominated and elected by the residents of a village, rather than by any other organizations or individuals. A villagers' committee should manage the public affairs and public

⁴³ Paragraph 1, Article 2, Organic Law of Villagers' Committees of PRC (2010).

welfare of the village, mediate disputes among villagers, help maintain the public order, convey villagers' opinions and demands and make suggestions to the people's government.⁴⁴ Its power in relation to above issues should not be disturbed.

Only if the law states coherently the autonomous role of villagers' committees, will these committees have the chance to perform as they should and to develop and flourish. Admitting the self-management role of villagers' committees in the constitution and other legal documents is therefore a significant first step to secure their protected place in the political system.

Second, the Constitution should offer a clearer authorization regarding how the relationship between villagers' committees and the grassroots organs of state power should be prescribed. It is originally stated that "The relationship between the residents' and villagers' committees and the grassroots organs of state power is prescribed by law."⁴⁵ The Organic Law is surprisingly rife with problematic rules, such as the "leadership core" article and the rule allowing local governments to determine the lawfulness of their own acts throughout the electoral process.⁴⁶ As I argued in the previous chapter, these problems are possibly caused by a vague constitutional authorization. If the Constitution states clearly that its authorization shall never be taken as a permission to modify or distort the autonomous role of residents' and villagers' committees, problems discussed here will disappear. Proposals made to the decision-

⁴⁴ Paragraph 2, Article 2, Organic Law of Villagers' Committees of PRC (2010).

⁴⁵ Paragraph 1, Article 111, Constitution of PRC (2004).

⁴⁶ Refer back to Part III: The Law on Paper with Respect to Villagers' Committees and Village Elections", Chapter Five.

makers should include wording like: “The law prescribing the relationship between the residents’ and villagers’ committees and the grassroots organs of state power shall not alter or modify self-management status of residents’ and villagers’ committees in any way.”

Third, the Organic Law should be consistent with the Constitution and affirm the villagers’ committees as agents of self-management applied to rural affairs. If the government is to allow villagers committees to grow as real autonomous organizations, the role of these committees and the power vested in them should be promulgated and protected by the law. Since the villagers’ committees are supposed to take charge of the “affairs [that] lawfully fall within the scope of self-management,” there is no reason for local branches of the ruling party to take a lead in the same area. Inappropriate or confusing wording should be removed from the law. The language of “leadership core” should be abandoned, as should the article allowing CPC branches at the township level and the township government to be the judge of their own potential misconduct.⁴⁷ The Party branch and government at different levels should no longer interfere with affairs that lawfully fall within the scope of self-management in a village. Problematic

⁴⁷ Article 17 of the Organic Law reads as follows,

“If a person is elected as a member of a villagers’ committee by violence, threatening, deceiving, bribing, forging ballots, falsely reporting the number of ballots or other illegitimate means, his/her election shall be invalidated.

If a person, by violence, threatening, deceiving, bribing, forging ballots, falsely reporting the number of ballots or any other illegitimate means, hinders villagers’ exercise of the rights to elect and to stand for election and thus disrupts the election of a villagers’ committee, villagers have the right to report against him to the people’s congress and the people’s government of the township, minority ethnic township or town, or to the standing committee of the people’s congress and the people’s government at the county level or the competent department thereof, and the people’s government at the township or county level shall be responsible for investigating the matter and handling it in accordance with law.”

stipulations should be amended to curb the already unrestrained power of the Party and its government and protect Chinese villagers' access to free elections and only in so doing, can the law accommodate the new political discourse in the countryside.

Fourth, any organizations and individuals that might have an influence on the public image of villagers' committees should respect the law and act as provided by the law. Speaking ambiguously of the political status of villagers' committees will cause more confusion and complaints in practice. The ruling Party should observe the constitution by providing rural residents sufficient support for holding free, genuine, and competitive elections. To make this possible, it is first required that the government and its spokespersons stay coherent about the nature, position, and function of villagers' committees in their daily talks as well as in phrases they use in structuring regulatory rules regarding village elections. They should also be aware of the legal protection and punishment the law can provide to guarantee rural autonomy. The government should make the right knowledge about the autonomous role of villagers' committees known to the public and stop confusing its people and employees. Villagers' committees are, in their origin, villagers' organizations of self-government, rather than "power organs at the grassroots level," or some unauthorized "branches of the state power."

6.5.2 Standardization and Synchronization of Electoral Rules and Procedures

Tan's study suggests that in areas or places where election laws are more carefully drafted and faithfully implemented, villagers are more willing to participate in elections.⁴⁸ Likewise, Sun and Tong discovered that election procedures that reached a

⁴⁸ See Tan, *supra* note 34 at 17.

high level of standardization were welcomed by village voters. Rules including direct nomination of candidates, voting by secret ballot, and public voting (public voting means elections conducted in an open manner) made voters feel that their participation in the elections would be effective.⁴⁹ In a separate project, Tan and Xin conclude that elections conducted in a manner consistent with prescribed rules and procedures are generally free and fair, and there is a considerable convergence of views of villagers and cadres who see that elections are meaningful in producing positive changes in village governance and life.⁵⁰ Thus, to propose better institutionalization and better quality in election rules and procedures speaks directly to our concerns about systemic improvements in village elections. Standardization and synchronization of electoral rules and procedures are desirable because village elections could be improved by addressing these issues.⁵¹

Although the village might want to have its own freedom to enact more detailed election schemes, several minimal principles should be established for all villages to follow, such as standardized voter registration, secret ballot, one vote per person, multi-candidacy, free or unhampered nomination, use of private voting booth, restriction on proxy and roving box, fixed election day, open count, and so on.

The national standard must spell out specific requirements for each of these principles. For example, to make sure voters experience little or no coercion in exercising their electoral choices, the new law should require secret ballots and qualified secret

⁴⁹ See Sun Long & Tong Zhihui, "The Standardization of Villager Committee Election Procedures: Survey Analysis of the 5th Round of Villager Committee Elections in 40 Villages from Five Counties in Jilin Province", online: The Carter Center <<http://www.cartercenter.org/documents/1096.pdf>> at 11.

⁵⁰ Tan & Xin, *supra* note 29 at 597.

⁵¹ See Tan, *supra* note 34 at 12.

voting booths. It should also require that eligible individuals vote separately and privately. If the law can be specific about its intent, the voters will start to gain confidence that to vote privately will not be interpreted as voting against anyone. Furthermore, voters would not be afraid to claim their right to vote secretly.

Unhampered nomination requires that practices that are against the spirit of village self-government should be prohibited, such as controlled nomination by township governments through election committees and pre-election, both of which unduly constrain voter's choices and encourage the Party and local officials to intervene.

Currently there is no national standard for any of the basic elements of a free and competitive election. The key to a better institutionalization is to incorporate the proposed scheme into the election law.

6.5.3 Gathering and Processing Hybrid Party-State Documents

In addition to revising the national law, hybrid party-state documents regulating village elections like the *Notifications* and *Instructional Views* found in Sichuan should be abolished. This is a quick and effective way to remove external control imposed on village elections as well as on villagers' committees. More research should be done to check out regulations in effect that are not compatible with the principle of rural self-management. Since the Party, along with its branches and governments at all levels, should not interfere with affairs that lawfully fall within the scope of village self-management, including elections to villagers' committees, it is inappropriate for the Party to regulate or guide village elections. The Party should let villagers decide how to select leaders of their own under the guidance of improved national standards contained in

election laws.

6.5.4 Establishing and Reinforcing Supervisory System

Rights admitted by the law do not ensure sufficient legal protection by the court. Accompanying legal means are required to guarantee the full protection of rights. Tan's paper argues for the creation of a national electoral commission tasked with implementing, supervising, and adjudicating village elections.⁵² To create a new organization tasked with supervising village elections is one solution, provided that such an organization would be separate from the bureaucratic system. It is also possible to draw in other legal resources that already exist but have been long forgotten, such as the supervision from villagers' assembly, villagers' representatives' assembly, the electorate and the court.

The villagers' assembly and villagers' representatives' assembly, as important channels for collecting opinions in a village, are supposed to play a supervisory role from inside the villages, despite the fact that in most villages they exist in name only. In the past, intervention from the Party and the government has reduced the function of these institutions to a minimum and this situation should be changed. Revitalizing these institutions is not only important to democratic supervision, but also critical to the realization of rural self-management.

Instead of allowing local governments to determine the lawfulness of its own acts, an objective third party should take over the role. It does not matter if an independent electoral commission is necessary, the court should be the ultimate authority in disputes

⁵² Tan, *supra* note 39 at 412 and 413.

throughout the electoral process. Individual voters can supervise the electoral process by bringing a complaint to an objective third party or to the court whenever they suspect a violation of the law. In China, the court is part of the bureaucratic system, which makes one doubt its impartiality in determining cases involving government and its employees. However, even the seemingly weak court decides cases according to the law. As long as the rules regulating or guiding village elections are well structured, spell out all the crucial standards of a good election, and serve as an effective resource for the interpretations of behaviors allowed and disallowed, we should trust the court in applying rules to real cases.

In order to accomplish the goals of above proposals, a reinforced court role and stronger sense of citizenship are both required. And that can be achieved through the following accompanying methods.

6.5.5 Other Supplementary Tactics to Assist Related Reforms

The success of electoral reform requires much more than a reconstruction of the electoral system. Although the following methods are generally considered to be supplementary to a political reform, they are nonetheless among the most important aspects in determining whether the reform will succeed. One of the key tactics is to raise the profile of civil/legal education. Why is education so crucial? Knowledge about the content of the law is a weapon that enables the citizen to fight against unfaithful implementation of the law. According to some researchers, more Chinese peasants are now citing the law to support their claims when they request public officials to correct wrongdoings. Better informed groups are even more powerful. Therefore, proper training for election officials and more civil education are needed. These improvements are also

of great significance to the refinement of the overall quality of village elections. Areas in need of improvements include:

6.5.5.1 Training Program for Election Officials and Staff

Specially designed training programs for election officials and staff tasked with supporting lawful, free and competitive elections are needed. No matter how well the law is structured, the success of the law to a large extent depends on faithful implementation by individuals invested with power. The new law proposed here naturally requires that election officials and staff understand the requirements of free and genuine elections. For example, elections officials and staff should understand the importance of secret ballots and that proxies and roving boxes should be used only when necessary and according to the law. Officials and staff should be able to differentiate between what to do and what not to do, what is allowed and what is prohibited. They should be able to identify and fix problems that might arise in the electoral process, and should also know how to collect feedback and make suggestions toward further improvements.

6.5.5.2 Civic Education Program for Ordinary Villagers

Basic knowledge of the law and a strong sense of citizenship and rights consciousness empower the peasantry. Once the villagers know which kind of behaviors are protected or forbidden by the law, they can cite legal stipulations to back their claims or challenge the wrongdoings. Law is like a weapon to them under these circumstances. The villagers should attend well-structured progressive training programs to stay informed and empowered. The contents of the training programs should at least include the following: a digest of legal stipulations relevant to village self-government and elections to villagers' committees; right ways of nominating someone, participating in

voting and supervising the process; effective means of making complaints or even filing a lawsuit when one faces power abuse or unfair treatment during the electoral process.

Not only institutionalization is needed, but also the civic education. Once the new law is born, education programs aimed at making the content and meaning of the law known to the people are strongly needed. If the government is short of funds for running these programs, it can recruit NGOs and volunteers to help with the education plan.

6.5.5.3 Continuous Research Programs for Further Improvements

In a country like China with a written law tradition, laws need to be reviewed, synchronized and updated in order to suit evolving needs. So it is with the village election system. We would not expect an ideal form of free and genuine elections to emerge overnight but continuous efforts should be made to review and improve the system. Thus I propose research programs funded by the public sector and NGOs to fulfill this job. Their aims should be focused on proposing ways to make continuous institutional progress, and correcting as well as identifying wrongdoings during this process.

6.6 Conclusion

It is hardly novel to conclude that the system of village elections in China needs improvement. Academic studies based on more-developed areas and less-developed areas alike suggest that village elections are far from “good” and thus more fundamental changes are demanded.

The Party and its government have an incentive to increase the popularity of villagers’ committees in the vast countryside, rural residents are strongly motivated to

participate in local politics as they wish, and the intellectuals, as a third strength, continuously urge the ruling cohort to revisit their power invested in the area of grassroots self-governance and to make suitable changes. The interaction among these influences will further shape the reforms in the area of village elections.

Based on many studies, including the one that I have conducted, better institutionalization of electoral rules and procedures is a key to the improvement of the electoral system. Both standardization and synchronization are required in order to make the electoral system more responsive and up-to-standard. In addition to revising the national legislation to redefine and clarify the political status of villagers committees, it is also crucial to set out principles and standards to circumscribe the power of local officials. These moves are aimed at preventing unlawful or inappropriate intervention from any powerful individuals and organizations including the Party and the government, as well as guaranteeing accessible, free and competitive elections to villagers' committees nationwide. Behaviors or cases that fail to observe these rules and standards must be supervised by the electorate or their chosen representatives and further reviewed by an objective third party or the court when necessary. The court should be endowed with the power to invalidate or correct these behaviors.

Supplementary methods such as training programs for election staff and civic education programs are required to empower ordinary participators in village elections. Continuous research programs are also needed to make sure reformers of village elections are taking more steady and satisfying steps.

In all, reforms of village elections should be focused on guaranteeing the

independent role of villagers' committees and village elections in the constitutional law and other election laws, establishing that concept in participants' minds, as well as enhancing the credibility and competitiveness in village elections.

Conclusion

Legal study is about the interplay of culture, law, political system and human agency. I relocated the Chinese experience within the Chinese community itself and offered an examination of sites of difference and dialogue. Combining legal, political, as well as other analytical methods, my dissertation proposes an anthropology of China's village elections which does not merely view the electoral system as a component of the society, but also investigates the difference that the electoral system can make as a reflective, dynamic process against the given political context.

Village elections (i.e., elections to villagers' committees), noted as the most salient feature of village self-governance in non-democratic China, have received wide attention from domestic and overseas scholars, journalists and political commentators since their debut in the early 1980s. Methods applied to the study of village elections and grassroots democracy include but are not limited to policy-oriented analysis, theory of voting behavior and a social-economic perspective. Village elections are much publicized, but their efficacy as state-sponsored grassroots political reforms concerns many of us.

Scholarly opinions on the significance of village elections are divided. Among the many opinions available, two strands of thoughts are typical. One acclaims the system of village elections as "a good sign for democratization," and the other denies its role in changing how peasants can exert influence on local politics. A crucial reason underlying their disagreement is recognition of how much influence the single-party regime has on

the electoral system. People who are more optimistic about the Party's intention and self-restraint tend to neglect the role of the CPC in the evolution of village elections or put too much stress on the power of mass participation or the machinery itself. Correspondingly, people who are more pessimistic or realistic simply do not believe that elections in non-democratic countries can make a difference, and China's village elections are no exception. A more balanced and lucid position is needed when evaluating the contributions of village self-governance to China's democratization.

To date, China's village elections have gone through four stages—emergence, promotional stage, regulatory stage, localization and new modifications. Except for during the first stage, which featured accidental and voluntary elections, factors exogenous to the villages, such as central and localized regulations, have shaped the path and form of village elections. Much of the discussion in the literature is organized around how these factors transform the system of village elections and interfere with many issues that should fall within the scope of rural self-management.

Concerned with how democratic China is and how fast it approaches democracy, I have included in the **first chapter** a discussion of levels of gradation between democracy and authoritarianism. Since the CPC is still a major agent of socio-political change in China, White's developmental thesis of Chinese democratization under an authoritarian state offers a plausible explanation for the unintended consequence of democratizing

Chinese society.¹ No system is a perfect democracy, while some systems are far from being democratic.

Two facts help to unveil the myth of democratization in China. First, China is an authoritarian state built under the single-party rule. Second, although there is no clear evidence that the Party is interested in democratization or yielding its ruling power to the majority of the people, democracy could still be an unintended consequence of ongoing political and social changes in China. During this developmental process, any pro-democratic institution or practice is meaningful and thus deserves continuous studies. Village elections are among the few “democratic elements” that have been found in China, and have evolved against the context of single-party rule and growing pressure for more far-reaching reforms in the political domain.

The first weakness in the existing literature is that scholars often fail to take full account of the social context in their analysis of village elections in China. With a few exceptions, people are applying analytical frameworks and methods imported from the study of genuinely democratic elections. As Gunter suggests, it is not enough to look at the village level alone if one wants to assess the quality of village governance in China.² In response to this phenomenon, my dissertation investigates the purpose of elections in dictatorships; the electoral behavior of voters, candidates, and incumbents in these elections; and the role of elections in democratizing the Sichuan area. A significant component of my current research aims at uncovering and explaining non-democratic

¹ Gordon White, “Democratization and Economic Reform in China” (1994) 31 *The Australian Journal of Chinese Affairs* 73.

² See Gunter Schubert, “Studying ‘Democratic’ Governance in Contemporary China: Looking at the Village is not Enough” (2009) 18:60 *Journal of Contemporary China* 385.

elections through the lens of village elections in Sichuan. For the empirical study, I did not accumulate data based on a chosen model to test different variables affecting the quality of village elections (as most political scientists do), because I believe that such a method is insufficient to communicate the complexity and subtlety of people's apprehension and evaluation of the electoral system in China. Instead, I observed the actual performance of village elections, studying public perception and other political behaviors. The substantial part of my analysis is built upon the results of intensive field studies conducted in Sichuan, the chosen sample area.

Law is essential to institutionalization. Another noticeable weakness in the existing literature is the tendency to ignore the role of local by-laws and the highly localized practices of village elections that are largely responsible for the law in practice. What counts as effective electoral law and what constitutes an "up-to-standard" election can be very different from one province to another. How single-party politics affects the living law, and how this law in turn shapes political phenomena such as electoral behaviors, are both important to our understanding of controlled elections. My dissertation addresses both perspectives and examines the actual law governing village elections in Sichuan, including the laws passed by the legislative body and the rules practiced by local officials. It also investigates how these laws shape the electoral process and how people perceive and practice these laws.

The **second chapter** briefly examines the role of the CPC in shaping the political atmosphere in China, the reality of which must be appreciated in one's investigation of

China's political institutions. This chapter also analyzes in detail China's controlled election, including its implications, functions and the prospects for further developments.

The 1954 Constitution entrenched the leading role of the CPC so that the Party has been the sole legitimate political party in China ever since. The mechanism of the CPPCC (Chinese People's Political Consultative Conference) is merely a token of democracy. Such a mechanism conveys a message to the Chinese and foreigners that the political process in China is broadly inclusive and highly democratic despite the ruling/leading status of the Party. It helps the Party obtain absolute political consensus by implying that the Chinese community is homogeneous and harmonious. The CPC and its core members often refer to "democracy," "rule of law," and "transparent administration" in their daily speech to show their democratic inclination.³ Meanwhile, political leaders carefully redefine these concepts to convince people how China differs from western countries and their followers. For instance, democracy is interpreted as socialist democracy or democratic centralism. They also make sure there is no other source of information available to the people except for the controlled sources.⁴ The CPC certainly has not changed its standing as a communist party, but it has modified its long-term goal into "practicing and solidifying socialism with Chinese characteristics." The CPC under

³ The principle in operation was "democratic centralism"; it was the duty of party *cadres* to carry out party policy in an unquestioning way once that had been decided. There was little question that the practice involved "centralism," but there was little evidence of any democracy in the process, since the Communist parties did not engage in wide-ranging intra-party discussion when setting policy. See Alan Ware, *Political Parties and Party Systems* (Oxford: Oxford University Press, 1996) at 140.

⁴ The Party uses multiple methods to control the media and public communication. For instance, the Great Firewall referring to Internet censorship in China has blocked most overseas websites, including social network like Facebook and Twitter. The government has also employed thousands of Internet police to screen publications that use instant messaging services, chat rooms, and text messages.

Deng renounced some mobilizing slogans and also started to design more procedural-based and merit-based institutions to rationalize the party and state apparatus.⁵ The Party set up supervisory institutions such as party disciplinary commissions and anti-corruption bureaus, responding to the demands pervasive in the 1980s. The CPC also launched an administrative reform to staff the government and state corporations with CPC cadres after it received fierce criticism for its direct control over the state. In all, the Party looked to electoral reforms as well as other means of political mobilization to engage the public and fight corruption.

Elections under different regimes are designed to serve different purposes. Unlike free and democratic elections, the main function of elections in China is to maintain the rule of the Communist Party. Ironically, the Party has set political democracy to be the guideline of the electoral system. However, we should stay alert to the fact that even if some electoral rules found in single-party states resemble that of democratic states, elections in the two systems do not share the same competitiveness and significance. For example, competition among Party members means little to the mass in non-democratic countries because there is no fundamental change as a result of ordinary people's participation in politics.

The most economical way to maintain compliance is to make people comply of their own volition. The Party must convince people that they should live with their own choices; hence it has to mobilize the constituency and make necessary changes to the electoral system. The illusion that the Party is all-popular among citizens only blinds the

⁵ Xiaobo Lü, *Cadres and Corruption: The Organizational Involution of the Chinese Communist Party* (Palo Alto: Stanford University Press, 2000) at 154.

Party and hinders healthy social reforms. The risk of ruling without genuine approval from the citizenry might gradually become unaffordable for the Party. Ignoring these possibilities will eventually jeopardize the Party's governance, and that prompts me to ponder the problem of making meaningful changes in the electoral system in China.

The **third chapter** examines the authenticity and competitiveness of village elections and ordinary people's perception of voting rights and their ways of participation. My analysis is based on interviews and archival research conducted in 13 villages and three communities across Sichuan that have held elections to villagers' committees in the last three decades. I worked independently and did not rely on any assistance or convenience provided by local governments or any other government-sponsored organizations. All the respondents participated out of their free will and no one got involved because of bribery, compulsion or threats. We have heard enough of the Party's untested self-proclamation. I took the time to listen to what people have to say about their political life in a village. Through intensive work, I achieved all three purposes of the research project: (1) to understand as well as collect people's experiences related to village elections, (2) to properly translate people's understanding of electoral rights and the system they are bound to, as well as their evaluation into language understandable to English speakers, and (3) to investigate the implication of village elections.

Our understanding of any electoral system should be based on two facts: first, people enjoy different degrees of freedom in different regimes; second, people—even people from the same location—hold different views of elections and different meanings

of their participation in elections. Both knowledge and political consciousness are key factors in making citizens politically active and efficacious. People are very likely to misuse their rights when they do not understand the meaning of their behavior. People will possibly miss their chance to make a difference when they lack a certain degree of political consciousness or fail to stay well-informed.

People participate in elections or abstain for different reasons, and their level of understanding varies too. There are roughly three groups of respondents: (1) those who believe that their participation is meaningful, (2) those who would not accept voting as a meaningful way to affect local politics and their own life, and (3) those who do not have a clear idea of what they are doing. Their incentives for participating are indeed diverse, and mainly included a sense of obligation, members' loyalty to the ruling party, a sense of citizenship, hope of making a difference, kinship and friendship, and even the chance of receiving financial benefits.

Some voters view elections held in their village as "a formality" or "faked," while some still possess confidence in these elections. Some people complain about being excluded from villager's meetings, the nomination process and voting in particular; yet others think they do make a difference. There are calls for instant change to the current system, but to some people, such a system looks fine. Those diverse voices have expanded my outlook and enriched my study. To appreciate different stories and voices requires much more than listening to what people have to say. One needs to understand the society in which the people live and the language they use. At this stage, what I have done is listen, distinguish and interpret.

Most villagers care about their community, and most of them believe that village elections will affect their lives. They long for genuine elections and to have their voices heard, otherwise their participation would be “meaningless” or “a waste of time.” They would be more satisfied if officials made political activities such as village elections known to them, if they were encouraged to participate, and if they knew that their votes would be counted. When asked what kind of person would be suitable for villagers’ committee positions, they always have something to share. That said, I identify a lack of information and lack of enthusiasm related to village elections among Sichuan voters. The majority of the respondents are either disappointed or disinterested. In my study, the respondents’ overall satisfaction towards village elections is poor regardless of their level of education. The only obvious differentiation is that those who are better educated tend to offer more coherent responses, and elaborate more on their opinions. According to what I have heard/received, not all the voters have access to the slate throughout the electoral process, and sometimes the slate has been kept secret until the Election Day. Respondents from all three locations point out that the essence of village elections has been changed and eligible voters do not have the chance to exercise their rights. The elections they have are not transparent, open or accessible.

Although Sichuan is among the pace-setting provinces in experimenting with villagers’ committees, early practices do not necessarily mean high-quality autonomy at the village-level. Democracy in the form of village autonomy grows slowly for several reasons. For one, policy-makers do not believe in local residents’ competency in carrying out democratic practices. It might well be true that they themselves do not believe in

democracy either. For another, local officials take policies with respect to village elections as a “soft target” that they do not implement wholeheartedly.

The **fourth chapter** reviews local officials’ attitude towards rural self-governance and their evaluation of village elections. A common excuse used by Chinese leaders and their followers to justify the long delay of democratization in China is the overall conservative political culture and the fact that the Chinese peasantry is holding back the effort given to democratization due to their “low inner quality” (*suzhi*). I am sad to see that such contempt is to some degree mainstream, and that it will continue to rule the country’s ideological world in the foreseeable future. However, studies done by myself and other researchers offer a different view: the peasants are interested in politics if given the appropriate opportunity, and they are becoming more active and capable in political participation through repeated practice. Unlike the mid-level officials, township cadres and members of villagers’ committees who are in closer contact with ordinary villagers tend to deem the villagers as politically active rather than “politically backward” or “politically indifferent.” My speculation is that political indifference is common among villagers, but not because people are indifferent; rather, villagers’ ways of being relevant are severely constrained.

Political leaders look upon village elections and the system of villagers’ committees as ways to collect information about the loyalty, competence and performance of rural cadres, to help fight corruption that has become more severe in recent years, to help reduce the tension between Party cadres and peasants, to help autocrats establish legitimacy at home or abroad, to signal to domestic and international

audiences that the regime is, or is in the process of becoming, based on popular will, and to maintain the balance between centralism and local autonomy. But leaders only need village elections to play expected roles and trust the organization of villagers' committees to this limited extent. None of these purposes are formed under the belief that rural residents deserve the right to self-organize or that their demand of autonomy should be met.

Before 2003, the appointment system (under the system of which villagers' committee members were either appointed by the township government or selected by villagers' representatives) caused lots of grievance in the villages. Growing pressure has driven local officials to create the policy of "Public Nomination" to signal to villagers and the outside world that the government has the resolution to do something *different*. Although reforms aimed at holding more authentic and transparent elections have been pledged by the governments, I found very little evidence through interviewing ordinary villagers that supports the success of those actions. In the minds of local residents, the new system featuring "public nomination and election" launched by the Sichuan government is even less democratic than the system they used to experience, despite the fact that almost all the officials speak highly of the new system and describe it as "a reflection of real democracy." Although poorly-educated villagers have probably never heard of "disguised acclamation," they dislike the content of this concept. People's feelings are a mixture of discontent, worry and hope. People want their voices to be heard, and more importantly, they eagerly want changes to the current system.

In my study, nominations in most cases are exclusively made by those in power or closely connected with the two committees, and elections only involve villagers' representatives appointed by local officials and previous villagers' committee members or those hand-picked by the powerful. Controlled nomination by the CPC branch at the township level, exclusion of ordinary voter's participation, and the domination of "one ballot per household" rule are surprisingly common. No open, organized, and stratified election campaign similar to what we commonly see in democratic countries is observed. A public speech given prior to or after voting is the most commonly seen promotional activity, if there is any at all. The candidates barely have any chance to publicize their political standing, strategies and opinions about local affairs or debate with their contestants on issues that people care about. The election results are handed over to local CPC branch instead of the meeting of villagers' representatives before elections are finalized because the Party needs to review the results and determine if a re-election is necessary. Most respondents organize elections in which they also run as candidates. Most of them do it naturally, without considering their involvement to be a problem.

Candidate manipulation, or the approval of candidacy, along with other strategies, has helped local government maintain the balance between promoting village elections on one hand and restricting grassroots autonomy on the other. These controlling devices have been passed on round-by-round, and will continue to take effect if not overturned. In provinces like Sichuan, village elections are strictly scrutinized by the government. Local policy-makers like participants W and L do not trust local people's competence in self-organization; neither are they willing to offer democratic practices to the incompetent. Their negative attitude has a strong influence on the structure of village elections. Their

standing, in line with the political philosophy of Sichuan government reflected in local by-laws, discourages democratic participation.

The **fifth chapter** examines the vague and flexible feature of election laws at the national level and further illustrates in detail that the law governing village elections in Sichuan fails to accommodate genuine, competitive elections and promote democratic participation. At the national level, election laws are not only vague and out of date, but also provide very limited guidance for local practices. The law fails to establish rules and principles that are critical to a legitimate election, such as hassle-free nomination, secret ballot, and multi-candidate (for each position). At the grassroots level, the living law applied to village elections is adapted from a set of politics-oriented policies employed by the ruling party to select obedient followers or opportunists. A system that is so unresponsive to the needs of the electorate not only receives fierce criticism from researchers and commentators, but also produces unsatisfying electoral outcomes and leads to discontent and political apathy among its people.

The Party branches' presidency over villagers' committees is not a random phenomenon, but a common rule that has been institutionalized in the legal system, through the notorious "leadership core" article of the Organic Law. The same law also allows local governments to determine the lawfulness of its own behaviors, encouraging local authorities to place themselves above villagers' committees and neglect the roles that are supposedly played by autonomous organizations. Arrangements provided for or encouraged by the law results in the fact that the political status of local governments and villagers' committees is by no means equal or parallel. The government is often at a more

favorable position than the villagers' committee to determine the extent of lawful authority over rural affairs.

The law on the ground—that is, electoral policies crystallized in hybrid party-state documents co-enacted by the Party branch and the government of the same level—no matter how democratic it appears, disrespects electoral competitiveness, limits voters' choices, frustrates public participation, and suppresses democratic consciousness growing in the countryside. The village elections guided by this law deviate from the path of self-management, attract only a small portion of the eligible population, and have little meaningful influence on how rural people participate in politics and manage public affairs in their community.

Elections to grassroots autonomous organizations are a task assigned and supervised by Party branches at all levels. They impose influences on village elections through controlled propaganda, candidates screening, and other means. They oversee elections like any other activity that might cause a competition for power. Elections proceed according to the procedures adapted from the documents distributed by the Party, and the results are reported back to the Party. Notifications co-enacted by the CPC branch at municipal, county or township levels and the government of the same level, have strong impacts on village elections. A Party branch at the township level, for example, drafts detailed measures for election committees to follow. Approval from its direct superior is usually required. In these drafts, policy-makers incorporate both their loyalty to the central Party and their creativity in making new rules. The township government is also involved in this undertaking and imposes itself to further commitments required in

the electoral process. These measures and practices unavoidably limit voters' choices during the electoral process and further circumscribe the openness and competitiveness of village elections.

Inner-Party documents and all other regulative documents (hybrid party-state documents) issued by the Party are not subject to the rules provided by the *Legislation Law*, simply because they are not laws. Therefore no single individual or organization has the legal standing to question the lawfulness of these documents. If anyone attempts to, Party branches and local governments, instead of an objective third party, will hear the complaints and determine the validity and rightness of these documents.

To some degree, elections are still competitive because in most cases more than one person runs for one post. But all kinds of restraints attached to electoral options offset the competitiveness of these elections. As long as the incumbent Party branch and villagers' committee officials retain their control over the election, any efforts made to implement election laws and policies aimed at improving the inclusiveness and competitiveness of village elections seem frail.

The current system and local practices constrain public participation, disallow rural residents to voice opinions through a representative of their own, and reduce competitiveness and credibility of local elections. The village elections studied here share some commonalities with other controlled elections. The existing system to some extent helps the ruling party screen unwanted persons, legitimizes its monopoly of power, and communicates its pro-democratic standing to its people and the outside world. (I have pointed out in the fifth chapter that none of these purposes are fully realized.) But other

functions of elections, such as promoting public participation, allowing local people to voice their opinions, and enhancing competitiveness and credibility of village elections, are missing. The ruling party might still rely on controlled village elections to intervene in rural issues that lawfully fall within the scope of self-management, but this will only increase rural residents' dissatisfaction with the way they participate in local politics. Villagers' dissatisfaction, might lead them to blame local officials or further, to criticize the larger political system that distorts the performance of village elections.

In all, the legal system placed few constraints on local electoral officials' behaviors and little guidance for voters to demand open and competitive elections. Two decades after the Organic Law first came into force, election procedures have improved somewhat, but not significantly enough to accommodate meaningful elections. Several aspects of the electoral system, especially the legal aspect, should be improved to make village elections more meaningful.

Academic studies based on more-developed areas and less-developed areas alike suggest that village elections are far from "good" and thus more improvements are needed. The reform of village electoral institutions to address systemic defects is still a top priority in rural political development. The **sixth chapter** examines these possibilities and offers a proposal of systematic reform with regard to China's village elections.

A major challenge or obstacle to the implementation of electoral reforms at the village level is the Party and its numerous branches which have monopolized the power to allocate and exercise public resources. Party penetration contributes heavily to such a high percentage of personnel overlap in "two committees" in a village. The pre-

dominance of Party branches in the power structure within a village certainly causes grievances among rural residents, and further intensifies the desire for change. With the power invested in them, Party branches play a negative role in electoral reforms toward accommodating genuine participation and free competition. As opposed to what we hoped to see, members of Party branches naturally resist any effort that might reduce or restrain their power. The single-party regime discourages democratic participation. The fact that villagers at large do not possess full rights consciousness and necessary struggling techniques also impedes the progress in village election reforms.

Despite the obstacles described above, village elections have reasons to flourish. On the one hand, officials at higher levels have found it necessary to draw in villagers, that is, people who have the most information about cadre misbehavior and the most to lose from selective implementation that is commonly found at the grassroots level. On the other hand, Chinese villagers are gradually gaining the power needed for further involvement through former participation. They want to participate in elections and choose their representatives or leaders out of free will. They acclaim any system that protects free and genuine participation, and reject any system that suppresses this demand. Some of the villagers' committee members who participated in my study also showed their awareness of this tendency.

The Party and its government have incentives to increase the popularity of villagers' committees in the vast countryside, rural residents are strongly motivated to participate in local politics, and the intellectuals, (the third driving force identified in this research project) continuously urge the ruling cohort to revisit their power invested in the

area of grassroots self-governance and make suitable changes. The interaction among these influences will further shape the reforms in the area of village elections.

Reforms of village elections should be focused on guaranteeing the independent role of villagers' committees in the constitutional law and other election laws, enhancing the credibility and competitiveness of village elections, educating ordinary people about the content of democratic participation and the right ways of voting.

Better institutionalization of electoral rules and procedures is key to the improvement of the electoral system because it boosts political trust and enhances credibility of elections, regardless of the political setting. Both standardization and synchronization are required in order to turn the electoral system into one that is more responsive and up-to-standard. Supporters of electoral reforms have not fully realized the significance of quality law to the improvement of the electoral system. Law as one of the most direct governing tools should play a more active and effective role in guiding electoral behaviors as well as popularizing values that are crucial to free and competitive elections. Creating standardized rules for participatory groups to follow helps guarantee the quality of village elections. Specifically, a national or standardized approach on all of the six basic elements and stages of the electoral process, namely, voter registration, nomination of candidates, campaign, voting, vote count and election monitoring should be established. Practices that are against the spirit of village self-government should be prohibited, such as close nomination managed by township governments and village election committees and pre-election, both of which unduly constrain voter's choices and encourage the Party and local officials to intervene.

In addition to revising the national legislation to redefine and clarify the political status of villagers' committees, it is also crucial to set out principles and standards to circumscribe the power of local officials, in order to prevent unlawful or inappropriate intervention from any powerful individuals and organizations including the Party and the government. Cases that fail to observe these rules and standards must be supervised by the electorate or their chosen representatives and further reviewed by the court when necessary. The court should be endowed with the power to invalidate or correct these behaviors.

System improvements carry limited meaning unless local variations live up to the standards set out by the law. In addition to revising and updating the national law, hybrid party-state documents circulated by local officials should be carefully reviewed. Considering the detrimental effects of these documents, the ideal case would be banning the Party from stepping into affairs that legally fall within the scope of village self-governance, of which village elections are the most important. Once the inappropriate intervention imposed by the Party is officially removed from the field of village elections, local authorities would no longer have incentives to create rules and to execute them. They could save their energy for other business. Even if it is difficult to do away with the Party's influences completely, it is still desirable to abolish hybrid party-state documents regulating village elections that violate the rule of self-management.

To accommodate improvements to a system is as important as pointing out which aspects of the electoral system need to be improved. Reconstruction of the electoral system requires much more than a modification of the law. The ruling Party should

observe the constitution by providing rural residents the opportunity to participate in free, genuine, and competitive elections. To achieve that end, it is first required that the government and its spokespersons stay coherent about the nature, position, and function of villagers' committees in their daily talks. Inappropriate or confusing wording should be removed from the law. For example, the Constitution should contain a clear definition of villagers' committee as a mass organization of self-management and clarify the relationship between villagers' committees and the government.

In addition, it is important to draw on the strength of the villagers' assembly and villagers' representative assembly, and to revitalize the role of these autonomous institutions. The role of the courts in inspecting the lawfulness of an electoral outcome or behavior is also significant.

Last but not the least, systematic civil education on the authority of the law, political rights and electoral participation, and continuous research programs aimed at identifying and correcting problems and wrongdoings during the reform process are demanded.

Bernstein comments that China has not made much progress toward democratization in recent years and that contemporary leaders do not seem interested in abandoning authoritarian rule in the foreseeable future even if the country is facing enormous social problems.⁶ There is no evidence that the central government is seriously considering the implementation of thorough-going, systemic political reform—multi-

⁶ Thomas P. Bernstein, "Village Democracy and Its Limits" (2006) 99 (April 2006) ASIEN 29 at 29.

party competitive elections, genuine separation of powers, a truly independent judiciary, freedom of the press—as a solution to its dilemmas. Half-hearted reforms like those found in the village have led the intellectuals to conclude that Chinese leaders prefer a more limited and gradual approach that would change only those things needed to encourage economic growth and discourage popular unrest.⁷

Although democratic practices, including village elections, could never guarantee a transition to democracy, Chinese citizens have nonetheless gradually learned how to voice their opinions, how to organize themselves and how to fight power abuse. However primitive, rural residents' efforts in creating and supporting democratic institutions have led researchers to think that the democracy slowly growing in the Chinese villages is likely to have implications as profound as the changes in economic organization that created the demand for it. My study also confirms the empowering effect of village elections among the Chinese peasants. However, we should not omit limitations and deficiencies from the account such as the tight political control on village election imposed by the Communist Party and the fact that very few peasants are exposed to and instilled with democratic values.

The machinery of villagers' committees is designed to make the administration of the vast countryside more convenient for the ruling party instead of promoting rural residents' welfare or democratic participation. The electoral process is created and implemented under the same spirit. The emergence of village elections is reflective of rural residents' rising demand for self-governance. But the electoral system in effect does

⁷ Elizabeth J. Perry & Merle Goldman, eds., *Grassroots Political Reform in Contemporary China* (Cambridge: Harvard University Press, 2007) at 16 and 17.

not truly reflect that demand. Speaking from another perspective, the ruling party has made a smart compromise with the people. It offers an appealing device to dull the minds of its people when most of them are unprepared to make good use of such a device or fight for what they really want.

Although elections reportedly have been conducted in over 80 per cent of China's villages, it is widely recognized that these elections are limited as a mode of grassroots self-government. Only a minority of village elections use what might loosely be characterized as "democratic" procedures: open nominations, more than one candidate per position, and provisions for secret balloting. In most cases, the Communist Party retains a firm grip on both the nominations and the results. Furthermore, the Party's rejection of opposition parties and its restrictions on open campaigning impede public discussion of issues and reduce many elections to perfunctory votes of confidence on officially approved nominees. Elections are not seen to be real elections, of course; rather, these are training classes taken by the peasants, or a showcase of socialist democracy to impress outsiders.

Academic studies related to rural autonomy also face close scrutiny from the government. All levels of local government carefully observed or intervened in earlier field studies. The government of Sichuan, as shown in my experience, has become more cautious about any individual or organizational attempt to study village elections.

Despite the tight political control imposed by the CPC and the fact that most people's democratic consciousness and citizenship remain elementary, village elections have changed people's attitudes towards power and authority and prompted them to

support political reform. Most of the respondents in my study showed strong support for the self-government institutions even though they are hesitant to comment on the performance of the authorities. The history of legal practice on villager's self-governance spans no more than two decades. Many of the conclusions made in this dissertation are necessarily inconclusive because they cover such a short period of time. Many changes have occurred to the law of village elections in China during the last two decades. We can expect many more in the future.

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Appendix A

Interview Questions for Villager Voters

(Village voters are defined as voters living in a village and who have never participated as a candidate in village elections or elections to higher levels.)

Goals

Interview questions for villager voters are used to gather information that is relevant to the following subjects:

- Level of understanding and participation
- Expectations and preferences, although not with respect to voters' choices expressed in secret ballot vote
- Electoral outcome and feedback

Questions

Part 1 Knowledge and Participation

1. Have you voted in the past?
2. Which year(s) did you vote?
3. Did you understand your voting rights? If you answer yes to this question, please specify how you got to know this right. (By reading newsletters/posters/voter's pamphlet or by hearing from others?)
4. Did you know your right of nomination?
5. Have you ever used your right of nomination?
6. Have you nominated any candidate to elections at a higher level?
7. Have you ever persuaded your family members, friends or co-workers to vote?
8. Did anybody change their mind with respect to voting because of your persuasion?

9. Did you know your right of recall?

10. Have you ever used your right of recall?

Part 2 Interests and Preferences

11. Did you know any of the candidates before? If you answer yes, how many of them?

What is the relationship between you and any candidate?

12. Did you have any access to the slate (a list of candidates)? Did you know the number of candidates? What information did you have about their background and experience?

For example, what is his/her party affiliation? What is his/her political position? Did he/she hold any position before? Did he/she perform well at work?

13. Have you heard of campaigns? Did you get to know the candidates better as a result of the campaign?

14. Which of the following issues are you most concerned with?

- a. Agricultural technical support
- b. Dispute resolution
- c. Education
- d. Electricity and communication system
- e. Health care
- f. Irrigation and Drainage system
- g. Quality of drinking water
- h. Road construction
- i. Others. Please specify_____

15. Do you think candidates understand local affairs? (How many of them? Level of understanding?)

16. Do you think candidates care about local affairs? (How many of them? Why do you think they care?)

17. Which merit do you think is the most important to the person elected? (multiple choices)

- a. Age
- b. Education background
- c. Communication skills

- d. Interpersonal relationship
- e. Issues he/she addresses
- f. Party affiliation
- g. Personality
- h. Work experiences
- i. Others

18. Do you prefer male candidates to female candidates or vice versa? And why?

Part 3 Electoral Outcome and Feedback

19. Do you think elections at village level are important? Please explain your answer to this question.

20. Do you care about the electoral outcome and why?

21. Will you continue to vote in the future and why?

22. Is there any other personal experience in voting that you would like to share? Or, is there anything else you want to address before we close this interview?

Appendix B

Interview Questions for Local officials Who Involved in Electoral Reforms

Goals

Interview questions for local officials are used to gather information that are relevant to the following subjects:

- Incentives for electoral reform
- System design
- Feedbacks and Evaluations

Questions

1. According to you, what flaws did the former electoral system have?
2. How do you evaluate the performance of deputies elected in the past two decades?
3. Have you or your co-workers did field study before you proposed the reform?
4. Which conditions made Banzhuyuan/Mengyang/Buyun an appropriate place for electoral reform?
5. What is the advantage of the current system?
6. Can you anticipate any potential difficulties in the operation of the new system?
7. Will benefits outweigh potential risks?
8. How did you make villager voters know the new features of the electoral system?
9. How did villager voters receive the electoral reform?
10. Did they express any excitement, disappointment or carelessness about the new system?
11. Do you think comments from any of the following groups important to the reform?

- a. Former deputies
 - b. Government at a higher level
 - c. Media
 - d. Social organizations
 - e. Villagers other than deputies elected
 - f. Villagers' committee members
 - g. Others
12. Did you witness an obvious change to people's participation in the electoral process?
13. How do you evaluate the current system? Does it need any improvement?
14. Is there any other point you want to address before we close this interview?

Appendix C

Interview Questions for Candidates Who Failed Previous Elections

Goals

Interview questions for former candidates are used to gather information that is relevant to the following subjects:

- Ways of Participation
- Incentives and tactics
- Evaluations and Suggestions

Questions

1. How many times did you run for village-level elections?
2. Have you ever run for an election at higher levels? If you answer yes, please indicate when and how many times.
3. What had motivated you to participate in the election as a candidate?
4. Were people surrounding you supportive to your decision?
5. Was it difficult for you to obtain candidacy?
6. What was your campaign strategy and how did you conduct it?
7. What do you think of your own performance at work?
8. Are you satisfied with your performance in campaign?
9. Please analyze your advantages and disadvantages as a candidate in former elections.
10. Are you familiar with local affairs, such as public facilities, people's concerns and needs?

11. Did you respond to most of people's concerns in your campaign?
12. What do you think of former elections? Did you find any of them disappointing?
13. Will you run for elections in the future? If you answer yes, go to the next question.
14. Do you plan to improve your performance and campaign skills in the future? If you answer yes, how to?
15. As a former candidate, do you want to share other personal experiences with me?
Or, is there anything else you want to address before we close this interview?

Appendix D

Interview Questions for Villagers' Committee Members

Goal

Interview questions for villagers' committee members are used to gather information that is relevant to the following subjects:

- Ways of participation
- Roles played in the election
- Job performance and evaluation

Questions

1. How did you join the committee?
2. How long have you been holding a position in this committee?
3. How do you evaluate your own performance at work?
4. Are you for or against the electoral reform, and why?
5. Are most of the villagers in your village interested in public affairs?
6. How did they think of the former electoral system?
7. How did they express their opinions on public affairs? (Did they make complaints to your committee or other public officials?)
8. What was your role in the electoral process? Excepting for running as a candidate, did you do other jobs? (Did you help with propoganda and executing the new electoral policy?)
9. What did you do to make sure most of the villagers understand the new system?
10. How did people react to the new system?
11. Did you report their reaction to local government? If yes, did you receive any

feedback?

12. Which interests are the most important to villagers at large?

13. Do you and other committee members address these concerns in your daily work?

14. What are the most common disputes in your village?

15. How do you deal with these disputes?

16. Will you run for election in the future?

17. Is there any other experience you want to share with me before we close this interview?

Appendix E

List of Members of the Steering Group for the Job of Elections to Villagers'/Residents' Committee

(This list is adapted and translated from one of the instructional documents issued by the Banzhuyuan government for village elections held in 2007.)

Supervisor: XXX, Secretary of Party Committee

Deputy Supervisor: XXX, Mayor

Members:

XXX, Deputy Secretary of Party Committee

XXX, Vice-Mayor

XXX, Vice-Mayor

XXX, Vice-Mayor

XXX, Commissioner of the Department of People's Armed Forces

XXX, Police Inspector

XXX, Member of Party Committee, Secretary of Zhongyi Party Committee (This member was a candidate running for both the Director's post and the Secretary's post.)

XXX, Principal of the Economic Development Office

XXX, Director of the Urban Management Office

XXX, Director of the Urban-Rural Overall Planning & Development Office

XXX, Director of Finance Subordinate Unit

XXX, Vice-Secretary of Banzhuyuan Inspection Commission

The Office of the Steering Group is placed under the Office of the Party and Government.