The Long March Of Village Democracy
A Survey of The Progress Toward Democratic Village Self-Governance in China

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Abstract

Over the past 30 years, the Chinese policy of village self-governance has promoted a system of democratically elected autonomous committees to wield authority at the village level. Particularly in the period since 1998, the village committee system has made impressive achievements in most areas of electoral rules and procedures. Relatively free and fair elections have become commonplace throughout much of the Chinese countryside, and the level of competition and openness has gradually increased. Nonetheless, village self-governance has had only a modest impact on the actual political configuration of most villages, as Communist Party influence and state-imposed constraints have limited the ability of elected officials to exercise authority independently. It is hoped that future Chinese leaders will continue to strengthen the institutional framework of democratic village governance, and take steps to restrain the influence of non-democratic actors.
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Introduction

The possibility of democratic political evolution in China has been an ongoing subject of discussion in the public discourse of the West. Is China, it is asked, moving in the direction of an increasingly open and participatory political process? Or is the Chinese Communist Party (CPC) well-positioned to maintain hegemony over a one-party state? In such discussions, Western commentators have shown a pronounced tendency to focus exclusively on the urban middle class as the agent of political progress or stagnation. This is particularly evident in the work of journalists and semi-scholarly commentators, for whom a liberal-minded middle-class is the *sine qua non* of political reform.\(^1\) If China has made little progress toward democracy, they argue, this is because the middle class has yet to experience some kind of democratic awakening. Rarely are the vast numbers of rural Chinese taken into consideration in this context, and still less are their political experiences and aspirations considered relevant to the development of democracy. In writing this paper, I hope to join other students of rural Chinese politics in making a small push back against this imbalanced view.

For nearly three decades, the Chinese countryside has been witness to a gradually evolving experiment in democratic self-governance. From as early as 1982, Chinese law has mandated that the country's many villages be governed by democratically elected, autonomous committees chosen from among villagers themselves. These committees first began to appear spontaneously in the early 1980's in a handful of villages. In rural areas where the dismantling of the state agricultural sector led the breakdown of its corresponding administrative forms, village committees were created to fill the administrative void. Perceiving the committees as a positive development for public order and governance, China’s leaders adopted them as an official state policy under the rubric of *cunmin zizhi* or

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\(^1\) For just two examples of this, see: Richard McGregor. “Five Myths About the Chinese Communist Party”, *Foreign Policy* (January 2011); Nicholas Kristof. “Liu Xiaobo and Chinese Democracy”, *The New York Times*, October 8 2010. Both writers despair that the middle class has not yet pushed for major steps toward democracy, while failing to mention the rural population and rural reform at all.
‘village self-governance.’ Although the new constitution adopted in 1982 legally established the village committee as the basic unit of rural administration, this remained largely unrealized until the Village Committee Provisional Organic Law was passed in 1987. Since that time, China’s local officials have been working toward implementing the law’s promise of democratic, autonomous village government.

The policy of rural self-governance has been the focus of considerable debate both within China and abroad. In the Western academic literature on the subject, scholars have emphasized questions related to the democratic integrity of village elections as well as their potential to bring about significant changes in village governance. These two issues constitute, respectively, what Kevin O’Brien refers to as “access to power” and “exercise of power”. Western scholars have generally voiced scepticism regarding both the Chinese government’s capacity and its sincerity to implement genuinely democratic governance in the village. Scholars such as Björn Alpermann, who adopts a principal-agent approach to understanding the Chinese government’s objectives in promoting rural democracy, has argued that the policy represents an effort by the Chinese government to “delegate[] to ordinary villagers some of its monitoring and control powers over its local agents”. In a slightly different vein, scholars such as Qingshan Tan and Kevin O’Brien have argued that regulatory deficiency and institutional dysfunction undermine the ability of democratic institutions to grow and develop. Only a handful of foreign observers, most notably Baogang He and Tianjian Shi, have maintained a broadly optimistic view regarding the development of rural democracy and its future prospects.

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2 Throughout the paper, I have translated the term cunmin zizhi variously as ‘village self-governance’, ‘rural autonomy’, or similar formulations. These terms should not be taken as referring to separate policies— I use them interchangeably.
Earlier studies of China’s village democracy placed greater focus on the issue of “access to power”, which generally means the implementation of electoral rules and procedures. Only recently has a great deal of emphasis shifted to the “exercise of power”. Scholars who focus on the issue of access to power have tended to believe, as Qingshan Tan puts it, that “better elections remain the crux of spreading democratic culture, and further democratization requires, above all, the institutionalization of electoral rules, procedures, and implementation.” In contrast, scholars who emphasize the exercise of power have often criticized the former approach as excessively procedural, instead arguing for “a normative understanding of village democracy, which takes political equality, deliberation, and public virtue seriously”. In the pages to follow, I aim to give, as much as possible, a comprehensive survey of the literature and empirical evidence covering both subjects, each of which forms a crucial component of democratic politics.

The pages below focus heavily on the implementation of the legal framework governing China's village committees. The central questions asked in this context are: how thoroughly have the Organic Law (OL) and its associated regulations been implemented throughout China; to what extent do such regulations conform with generally accepted standards of democracy; and what has bent the effect of democratic elections on rural governance. The basic question which hangs over this effort is: have village elections become, as hoped by the chief architect of the OL, “the world's biggest training course in democracy”? Or have they, as Alpermann suggests, simply served to maintain the dominance of the Communist Party. I propose that the answer to this question is mixed, and gives reasons for both optimism and disappointment concerning the future and possible expansion of grassroots democracy in rural China.

The first section narrates the historical emergence and subsequent development of the concept of democratic village self-government. From a group of small villages in Guangxi to the National People’s Congress in Beijing, I describe the gradual process of first codifying and later institutionalizing village elections. It seems obvious that the law, if not realized in solid institutional forms, has little meaning. This is particularly true of a country like China where the rule of law is a relatively recent innovation and continues to suffer from serious deficiencies. The success of the effort to bring democracy to China's villages cannot be judged on the basis of the completeness of the laws which mandate it, but rather on the extent to which these laws have been made into an institutional reality. Thus, in the second section I isolate a series of key aspects of democratic procedure, such as candidate nomination and electoral supervision, and evaluate the effectiveness with which these issues have been handled. The third and final section examines the relationship between the village and the three primary political actors with which it shares the village stage: 1) its immediate superior in the administrative chain- the township, 2) its supposed supervisory body within the village- the Village Assembly, 3) and its quasi-competitor for influence and authority the village Party branch. This section considers the extent to which the supposed organ of democratic governance- the village committee- has actually been able to exercise authority from the Chinese state-party apparatus.

I. Historical Origins and Development of Rural Self-Governance

The history of Post-Mao China is littered with examples of spontaneous, independent local initiatives which would later grow into full-fledged national reform movements. These local initiatives were often, at least initially, explicitly illegal and entailed considerable danger to whoever was involved in implementing them. When the earliest iteration of the Household Responsibility System first appeared in the province of Anhui, for instance, the conspirators reportedly signed the secret compact in blood, and made a pledge that if any one of them should be imprisoned, the others would jointly care
for the children of that household. They had no way of knowing that their surreptitious plan to divide up collective land and farm it individually would later be adopted as the national model for agriculture.

Although the risks involved in the formation of the first village committees were not as severe as in the above mentioned case, the potential sociopolitical implications were no less revolutionary. “The first footprint of village self-governance”, it is generally agreed, “was tread upon the red earth of Guangxi” in the winter of 1980. In February of that year, on the initiative of Wei Huanneng, then head of the Guozuo Production Team (later renamed Guozuo Village), Guozuo and 5 neighbouring villages conducted an election to form the Guozuo Village Committee, the first of its kind in the entire country. Eighty-five village households each selected one representative to participate in the vote. Secret ballots were used. There were no designated candidates; the representatives simply wrote the name of their preferred candidate on a slip of paper. Wei Huanneng was unanimously elected head of the village committee, along with two deputy heads, a clerk, and a treasurer.

The advent of this new administrative form is best understood in the context of the wide-ranging institutional decay and dysfunction afflicting rural China at the time. According to Wei Huanneng’s account of the state of disorder prevailing in the village in at the time of the election:

The land had already been contracted out to each household. The production brigade was too busy to even look after the grove in the village. How could they have the time to deal with our affairs? To prevent theft, some people started keeping the cows inside their own houses. How could that ever be a permanent solution? When the spring plowing is about to be done, the irrigation ditches have to be maintained, right? Peoples’ domestic animals can't be crossing through the little creek in front of the village every day. When there is no one to take care of these things you have to take care of them yourself. You can't just stupidly wait for someone else to come do it.

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In his distinctively rural idiom, Wei vividly captures the everyday frustrations which had become a part of rural life as obsolete administrative forms coexisted with a liberalizing economy which had no use for them. He was indeed very much aware of the new challenges to rural administration created by the recently adopted structural changes in the rural economy. Again, in a subsequent interview he lays out the dilemma:

In order to manage these things you need an organization, you need a name (名义) [in which to govern], and you need people to take the leadership. But the land had already been contracted out. The production team no longer existed, so the position of production team head no longer had any status (名分). If I were to continue to show myself in public [in this capacity], I would not be seen as legitimate (再出头，名不正，言不顺).

So then, what would this organization be called? The production brigade was now called a management committee, so we called [our organization] a village committee. People in the city are called jumin (residents), so aren't people in the village then called cunmin (villagers)? The name of 'village committee' accords with both our reality, and also with our identity.¹⁴

On the question of why it was decided that this new committee should be directly elected by the people, it appears that immediate practical considerations prevailed above any ideological sensibilities. As Wei later remarked, “In the past the production team head was appointed by the production brigade. Now no one had made any appointments, so just let the people choose.”¹⁵ Following this remarkable event, village committees were rapidly established in villages throughout Yishan and Luocheng counties in Guangxi, and were met with approval by the civil and party authorities of both counties.¹⁶

This spontaneous grassroots political reorganization naturally aroused the interest of the centre in Beijing. In the latter half of 1981, an investigative group was dispatched by the National People's Congress (NPC) to “thoroughly investigate the village committee's level of establishment,

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¹⁵ Ibid, 8.
organizational nature, duties and responsibilities, electoral procedures, assembly system, and peasant supervisory [system].”  

By all accounts, various reform-minded individuals within the central government were very pleased with these developments and were inclined to encourage them.  

It is remarkably fortuitous that the following year would offer these officials a unique opportunity to do so.

**Peng Zhen and the First Dengist Constitution**

In August of 1980, Deng Xiaoping announced to an enlarged meeting of the Politburo of the Central Committee his regime's intention to draft a new national constitution. As Deng explained at the time, the constitution needed to be “made more complete and precise so as to really ensure the people's right to manage the state organs at all levels as well as the various enterprises and institutions, to guarantee our people the full enjoyment of their rights as citizens.”

Following Deng's direction, a Constitutional Revision Committee under the leadership of National People's Congress Standing Committee (NPCSC) Chairman Ye Jianying was struck to begin the process of creating a new constitution. The committee later agreed to establish a secretariat to take charge of the day-to-day business of drafting the new document.

In June of 1981, the head of the Constitutional Revision Committee Secretariat, Hu Qiaomu, requested leave from his duties on account of poor health. At the time, Hu proposed to Deng Xiaoping that the work of the committee be temporarily delayed. Deng, who evidently considered the new constitution a matter of some urgency, instead directed committee vice-chairman Peng Zhen to take over responsibility for supervising the drafting process. Peng was an old revolutionary; a member of the Communist Party since 1923, he had experienced the vicissitudes of communist rule in

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18 Ibid.
22 Ibid, 43.
much the same way as Deng himself. He had held prominent offices in the central government—
including within the Secretariat of the Central Committee—only to be purged at the outset of the
Cultural Revolution and banished from public life. Like Deng, he was condemned as a “reactionary”
and subjected to harassment and humiliation at the hands of the red guards.23 Following his
rehabilitation and re-entry into political life under Deng, he became known for his “conservative
stands” on the debates of the era.24 But despite this reputation, it seems clear that Peng possessed a
reformist tendency which would later put him at odds with many other elements of the party leadership.

Beginning in early 1982, Peng all but personally adopted the cause of rural democratization and
self-rule. In a proposal submitted to the Standing Committee of the NPC in April, Peng argued that the
village committee should be written into the text of the constitution as an “effective long-term
organizational form for our nation”.25 The village committee, according to Peng,

is something which existed in the past, but then for a period of time no longer existed. Now in some localities
it is being re-established. It is a mass autonomous organization, [in which] everyone [in the village]
establishes common regulations, and everyone respects them. The experience [with village committees] has
been successful. They should be established universally.26

The arguments advanced by Peng in support of this proposition combined practical, utilitarian
considerations with a compelling affirmation of the cause of “building socialist democracy”. On the
one hand, he argued that the introduction of village committees improved rural administration and
helped to promote public order in the villages. In a speech on September 22nd, 1982, for instance, he
lauded the positive influence of local codes (乡规民约) adopted by the committees: “Their regulations
forbid stealing, gambling, superstitions activities, and do not allow people to idle about without

26 Xu Yong, “Cunmin zizhi: zhongguo xian zheng zhidu de chuangxin- wei jinian 82’ xianfa di 111 tiao chansheng ershi
zhounian er zuo (Village Autonomy: The Chinese Constitutional System’s Trail Blazing— To Commemorate the
Twentieth Anniversary of the 1982 Constitution’s Article 111)”, Zhongguo nongcun yanjiu wang, accessed October 31st
working. They have effectively solved problems, and the masses are very happy."27

At the same time, Peng argued that the introduction of village committees would be “a step forward for the development of socialist democracy in our nation”.28 In Peng's mind, “The reform of our nation's political system and state institutions should proceed on the basis of guaranteeing the people's ability to grasp state power, and to truly become the masters of the nation.”29 Allowing the people to “grasp state power”, for Peng, required “grasping two heads” at once: strengthening the role of the National People's Congress from above, while giving people the right to govern their own affairs from below.30 Moreover, he believed that rural self-government was a compelling form of democratic practice which would accelerate the development of democratic traditions and institutions. As he once memorably and aptly observed, “this democracy is something which the masses can see and feel!”.31

The final draft document produced by Peng's committee was adopted by the 5th National People's Congress in December of 1982, becoming China's fourth constitution since 1949. In terms of the heavy emphasis it placed on economic reform and liberalization, the document reflected the Dengist campaign of “industrialization at any cost”.32 Regrettably, the Deng regime's single-minded focus on economic reform imposed limits on the extent to which Peng or others were able to promote political reform. Thus, the new constitution became more of a symbolic step toward village self-governance and democratization than a concrete, practical one.

Within China's political and legal system, a constitutional mandate alone guarantees very little. While the principle of village self-government through democratically elected committees was codified for the first time, only the slightest outline of how these organizations were meant to function was

29 Ibid.
provided. Article 111 of the 1982 constitution states that the village committee shall be “the basic-level mass autonomous organization” in the countryside. It goes on to declare that “The village committee, the village committee chairman, and the deputy chairman shall be elected by residents [of the village],” and that “the mutual relationship between... the village committee and basic-level state authorities shall be stipulated by law.”

It does not explain, however, precisely how the members of village committees would be elected. With regard to questions such as who would vote, by what procedures, and who would be eligible to stand for office, it says nothing. Moreover, there was no immediate attempt to write a set of accompanying national regulations which would govern the election and functioning of the committees. Subsequent documents on the subject of rural government simply reiterated that the village committee was the “basic-level mass autonomous organization” without advising subordinate levels of government on how this was to be implemented.

In most parts of the country, at least in this early period, “villagers' committees, if they existed at all, existed in name only.”

The efforts of high-ranking leadership cadres like Peng Zhen to push the issue of rural democratization into the constitution and on to the national agenda laid an important foundation for later legislative efforts. Although the Chinese constitution could not, by itself, bring about democratic rural self-governance, it provided a programmatic basis on which to continue pushing for concrete measures of reform. The legal framework governing rural self-governance was initially created on an ad-hoc basis by a patchwork of provincial regulations drafted between 1983-1986. In 1987, these regulations were combined, revised, and institutionalized at the national level as the Village Committee Provisional Organic Law. Following a 10-year “test period”, the Provisional Organic Law was adopted into the permanent law of the PRC in 1998 and again underwent major revisions. These pieces of

34 “Zhongguo zhongyang guowuyuan guanyu shixing zhengshe fenkai jianli xiang zhengfu de tongzhi” (Notice concerning the establishment of township government to implement the separation of government and commune), in Nongcun shiyong fagui shouce (Practical Handbook on Rural Laws and Regulations) (Beijing: Fali chubanshe, 1987): 316.
legislation form a critical part of the background knowledge necessary to appreciate the issues and challenges involved in implementing this legal framework.

The Village Committee Provisional Organic Law

In 1983, following the provisions laid out in the newly-adopted constitution, the central government issued a document instructing provincial governments to draft “general regulations” governing the work of village committees within their jurisdictions. Local experience, it was stated, would then form the basis for a set of “national unified organic rules on village committees”. It seems clear, however, that these provincially drafted regulations reflected no great depth of democratic practice or experience. The regulations published in 1985 by the provincial government of Shandong, for instance, state that the purpose of the village committee is to “thoroughly enforce (zhixing, 执行) the party line, programmes, and policies; to educate and mobilize villagers to heed the call of the party and government; and to conscientiously uphold state laws and decrees.” Despite declaring that committee members shall be “directly elected by residents”, the regulations do not detail any specific procedures for the election of committee members. With respect to the question of who may stand for office, the regulations stipulate that “Committee members should”, among other requirements, “ardently love socialism” and “support the leadership of the Communist Party”. Clearly, the provincial authorities' “experience” with rural democracy provided a rather limited base upon which to establish a national framework. It is thus a testament to the commitment of reform-minded officials that a meaningful framework was created at all.

By 1985, officials in the Ministry of Civil Affairs (MCA) had begun drafting a set of national regulations to govern village committees. The Village Committee Organic Rules, as the MCA’s draft

36 Yihua Bai. “Peng Zhen yu 'Cun zu fa' de zhiding”, in Bai nian chao, January 2006.
38 Ibid.
regulations became known, supplemented existing provincial regulations with more detailed provisions on matters such as eligibility to vote, eligibility to stand for office, and the relationship between the committee and the higher-level authorities. These rules were completed by early 1986 and were submitted to the National People's Congress for deliberation later that year. When the matter was brought up for discussion by the NPCSC in early 1987, it was greeted with considerable controversy. Some members of the NPC wanted to know why Deng's anti-capitalist “Four Basic Principles” had not been written into the document.\textsuperscript{39} Others questioned whether the village committee, which under the MCA’s rules would be tasked with creating a variety of sub-committees, represented an over-complicated form of administration. As one member protested, “Before liberation, when I was part of the guerrilla war, one village just had only a few cadres. And wasn't everything done reliably? Was it ever this troublesome?”\textsuperscript{40}

But the primary concern among members of the committee was that the village committee's autonomous nature would disrupt local administration and the enforcement of government policy. Objections were raised against the Organic Rules' Article 2, which stipulated that “The village committee is the basic-level mass autonomous organization, and conducts its work under the guidance of the township people's government.”\textsuperscript{41} “Many representatives”, it is reported, were of the view that “the relationship between the township government and the village committee should be one of leadership not guidance... Currently, the work of the township government is already difficult, for instance family planning education. If this regulation were passed, it could become even more difficult to successfully implement [government policies].”\textsuperscript{42} For its part, the MCA argued that for the township to exercise “leadership” over the village committee would be inconsistent with Article 111 of the 1982 constitution. In an “explanation” of the rules presented before the NPCSC in January 1987, Deputy

\textsuperscript{39} Yihua Bai. “Peng Zhen yu 'Cun zu fa' de zhiding”, in Bai nian chao, January 2006. \textsuperscript{40} Ibid. \textsuperscript{41} Ministry of Civil Affairs. Guanyu “Zhonghua renmin gongheguo cunmin weiyuanhui zuzhi tiaoli (cao an)” de shuoming. January 12\textsuperscript{th} 1987. \textsuperscript{42} Yihua Bai. “Peng Zhen yu 'Cun zu fa' de zhiding”, in Bai nian chao, January 2006.
Minister of Civil Affairs Zou Entong laid out the MCA's view that “The village committee is not a state or administrative organization, but rather is organized by the villagers themselves, to carry out self-management, self-education, and self-services within the scope determined by national regulations. Thus, the relationship between the township and the village committee is not one of leadership, but can only be one of guidance.”

In March 1987, the MCA's Organic Rules were renamed the “Village Committee Organic Law”. Supporters of the Organic Law within the NPCSC fought back against the claim that village committees would impair the work of township governments, arguing that village self-governance would actually help to improve local administration. Allowing peasants to select their own leaders, they argued, would make them more willing to comply with other state priorities like tax collection. Peng Zhen personally delivered numerous speeches in support of the Organic Law. He argued that “setting up village committees is like setting up a training course in democracy for 800 million peasants. It allows everyone to develop the habits of democratic life, and this is a very important fundamental task in the development socialist democracy.” In response to those who feared the breakdown of rural administration, Peng retorted: “Take care of a village's affairs, and you will gradually take care of a township's affairs; take care of a township's affairs, and you will gradually take care of a county's affairs, and gradually raise the strength of participatory government”.

Largely due to Peng's forceful advocacy, the Organic Law slowly advanced through China's tortuous legislative process. In a concession to conservatives, Peng agreed that the law be given a ten-year time frame during which it would official be “tested”, and subsequently brought up for reconsideration. On November 24th 1987, the law finally received the approval of the NPCSC.

The Village Committee Provisional Organic Law (POL), as the statute finally became known, represented considerable progress over the provincial regulations by which it was preceded. Though

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45 Ibid.
still a sparse document of 21 short articles, the POL took important first steps towards setting the village committee on a firm legal foundation and regularizing its operation. Unlike many of the provincial “general regulations” which had been drafted between 1983-85, such as the Shandong regulations quoted above, the POL contained no articles requiring that the village committee “uphold the party line” or demonstrate its loyalty the CPC's leaders. Nor did it require that potential office-holders possess a firm ideological commitment to socialism, as virtually all of the provincial regulations appear to have done. Instead, the POL gives the village committee a mandate to “handle the village's public affairs and matters of common interest, resolve disputes among the people, assist in maintaining social order, relay the villagers' views, demands and suggestions to the people's government”.

With regard to the question of who is eligible vote and who may stand for office, the POL declares that “All villagers who have reached the age of 18, irrespective of ethnicity, race, sex, occupation, family background, religious faith, education level, financial status, and duration of residency, shall have the right to vote and to stand for office; excluding those who have been lawfully stripped of their political rights.” This can only be viewed as an enormous improvement over the vague, anti-democratic provisions of the provincial general regulations.

At the same time, however, the POL continued to suffer from some of the major flaws which had been apparent in previous legislative efforts. For one, it was far too meagre, and offered far too few specific details on crucial aspects of the village committee. Although the POL made it clear that all adult villagers had the right to vote and run in elections, it nonetheless made no reference to the specific procedures by which those elections would be held. Like the 1982 constitution, it simply states that the committee will be “directly elected” by the villagers, leaving the specific process used open to variation and abuse. Furthermore, the POL has exceedingly little to say about the precise nature of the relationship between the village committee and the township government. This is perhaps surprising,


47 Ibid.
The POL's lone provision concerning this subject, Article 3, reads: “Township, ethnic-minority township, and town-level people's governments shall provide the village committees with guidance, support and assistance. The village committees shall aid the township, ethnic-minority township, and town-level people's governments in conducting work.” This vague article leaves open to interpretation the question of which powers and responsibilities belong to the township, and which to the village committee.

Following the passage of the POL, China's provincial authorities once again took up the task of drafting their own regulations to implement the law. This process was completed according to widely varying schedules in each province. Fujian, for instance, had its new set of regulations completed before the end of 1988. Other provinces took far longer, such as Jiangsu and Heilongjiang, which were not ready until 1994. The outlier was Guangdong, which made no effort to implement the POL in this period.

The provincial implementation documents vary considerably in their details, and in the extent to which they improve upon the POL. These differences apparently reflected the varying degree to which local officials actively supported the policy of rural self-government. The issue of how election work would be organized is one example of a policy area with a wide range of differing implementations. According to Anhui's implementation document, for instance, election work was to be the responsibility of a special committee elected by all villagers, and it was to be conducted under the “guidance” of the town or township government. Whereas Fujian's regulations state that elections shall be organized by the village committee itself, though also under the “guidance” of the town or township government. Jiangxi's document, by contrast, assigns responsibility for supervising election work, including “stipulating election procedures” and publishing an official list of candidates, to a

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48 Ibid.
50 Standing Committee of the Fujian People's Congress. Fujian sheng shishi “Cunmin weiyuanhui zuzhi fa (shixing)” banfa. September 2nd 1988.
“leading small group” which would require the “approval” of the local township government.\textsuperscript{51} In other areas, the differences between these documents are equally striking.

At the national level, the next major set of changes to the legal framework took place in 1998. With the POL’s original 10-year “test” phase set to expire, the NPCSC voted in November to adopt the POL into the permanent law of the PRC. Now known as the Village Committee Organic Law (OL), the law also underwent significant revisions. These revisions were intended to strengthen the law by incorporating procedures and practices developed over the previous 10 years. The text of the law was lengthened considerably, expanding from 21 articles to 30. Many articles were also revised and expanded to include more detailed regulations on matters such as voting procedures, candidate nominations, and election supervision.

Following the permanent adoption of the OL in 1998, one more set of revisions was adopted in 2010. This recent set of revisions aimed partially at improving “democratic supervision” in village governance. The legislators responsible for drafting the revisions focused in particular on alleviating the “three difficulties” which were believed to most plague the process of democratic supervision: difficulty dismissing office-holders, difficulty holding the village assembly, and difficulty carrying out democratic supervision.\textsuperscript{52} To this end, new and expanded provisions were written to “lower the bar” for villagers to dismiss unpopular or incompetent office-holders. The procedures for convening the village assembly were altered to make this easier to successfully do in villages where many residents had moved away to seek work and were unable to return. And new protocols were added to facilitate the “democratic supervision” of village financial resources and other issues of common concern. At the time time, however, new language was added ostensibly to strengthen the ‘leadership’ role of the Party branch in village government, to the detriment of the village committee’s independent authority.

\textsuperscript{51} Jiangxi People’s Congress. \textit{Jiangxi sheng shishi “Zhongguo renmin gongheguo cunmin weiyuanhui zuzhi fa (shixing)” banfa}. October 24\textsuperscript{th} 1994.

II.a Democratic Procedures: Elections

Elections are the indispensable, indisputable feature of democracy. This is a point on which Western and many Chinese scholars now firmly agree. Western commentators, of course, have long argued that “elections are the central institution of democracy.”\(^{53}\) The historical liberal Western outlook is well summarized by one scholar's view that “No substitutes are acceptable... no elite, hereditary or self-made, no vanguard however enlightened, is capable of 'representing' the view of a people unless chosen by them.”\(^{54}\) In recent years, even Chinese scholars have argued that “In the contemporary world, elections have already been universally recognized as the only legitimate means for the transfer of power”.\(^{55}\)

In evaluating the success of the OL’s implementation, it is necessary to begin with the very act of holding elections. Since the very first village committee was formed in 1980, elections have been promoted as the critical factor which makes the village committee a democratic form of government. Putting aside the quality of these elections (to which we shall return later), it can be agreed that holding elections of any kind is an important prerequisite to the development of genuinely democratic institutions. For while the mere existence of elections does not, by itself, demonstrate the existence of democracy, it is probably the most basic hurdle for a would-be democratic system to overcome.

More than two decades have passed since the Organic Law first took effect in June 1988, and although time has provided us with no small number of official reports, field studies, and surveys documenting the progress of the law's implementation, a highly detailed national picture remains difficult to construct. Data on implementation largely falls into two categories: 1) large-scale statistical reports produced by the MCA or other departments of the Chinese government, and 2) smaller-scale field research conducted by individual scholars and non-governmental organizations. Both of these

\(^{54}\) Ibid.
forms of data suffer from their own limitations, and thus neither can be consulted exclusively. The Chinese government's efforts to collect national statistics on this subject have often relied, problematically, on local officials involved in implementation to give an accurate assessment of their own activities. Whereas investigations carried out by Chinese and Western scholars have typically been limited to partial, anecdotal accounts of specific localities, inviting the danger of drawing unjustified conclusions from the situation in only a handful of villages.

But despite these limitations, a sufficient pool of research now exists to give us a rough sense of how things have developed on the ground over the last 24 years since the POL went into effect. Efforts in recent years to conduct representative national surveys of villages throughout China's regions, such as the 2005 China Rural Governance Survey\textsuperscript{56}, have provided a more detailed picture of where the situation stands today, and in what direction it appears to be developing. By combining such attempts at producing reliable national statistics with the large profusion of anecdotal accounts available, it becomes possible to make general conclusions with a certain degree of confidence. This is particularly true of the years post-1998, when the reliability of the information available appears to increase significantly.

China's record of implementing direct elections at the village level is best understood in terms of a progression from minimal compliance to increasingly greater levels of compliance with the provisions of the POL and later the OL. The majority of China's provinces made no official attempt to hold village elections prior to the adoption of the POL in 1987, despite many having drafted regulations intended to do so. Some provinces, including at least Fujian and Heilongjiang, purported to have conducted one round of province-wide village elections prior to that date, though it is unclear to what extent these elections were actually carried out on the ground. It appears likely that the elections carried out in this period were largely “conducted in an ad-hoc fashion, and many VC members were still

appointed from above."^{57}

The first round of elections in which a majority of provinces actively participated took place in 1989-1990. Enormous regional disparity appears to have been the salient characteristic of this first round of elections. According to a report produced by the MCA in 1990, “In places where the Organic Law has been implemented on a full scale, it has been common practice to hold villager committee elections in accordance with the Organic Law... In places where pilot implementation of the Organic Law is proceeding slowly, the progress varies greatly and is quite unbalanced.”^{58} Fujian is reported to have held elections in 98.2% of its villages, though the nature and quality of these elections is not discussed in the report. If the MCA's statistics are to be believed, the Beijing municipality was able to achieve a similar level of success, nominally holding elections in all 4480 of its villages.

The MCA found that other provinces experienced much lower levels of successful implementation. In Shanxi, for instance, only 7.6% of the province's townships had even completed the pilot phase of POL implementation by 1989.^{59} Hunan and Hubei managed to hold elections in roughly half and one-third of all villages, respectively. It is reported that Jiangxi, “in some areas”, implemented the POL “through organizational reform and overhaul”, suggesting that the province missed this round of elections.^{60} Provinces with large ethnic minorities, including Xinjiang, Qinghai and Xizang (Tibet) were all reported to have lagged significantly in implementation and were given leeway by the central government to proceed at their own pace.

Exceedingly few Western scholars would accept the early MCA statistics of this period at face value. Instead, many scholars have attempted to piece together their own estimates through opportunistic surveys of the local areas with which they are familiar. This has produced extremely varied results. Tianjian Shi, for instance, conducted a nationwide survey in 1993 which found that

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^{59} *Ibid*, 52.
^{60} *Ibid*, 53.
approximately 75% of respondents believed that an election had taken place in their villages between 1988-1993. Most other scholars have found or, at the very least, assumed a much lower incidence of elections during the 1990's. In a survey of over 400 villages spanning 7 provinces conducted in 1997, O’Brien and Li found that just 45% of village committees were elected at that time. Despite cautioning that their estimate “applies only to these 478 villages, not the seven provinces, even less the whole country”, they go on to conclude that the 45% figure is most likely “high rather than low.”

Even more pessimistically, Lily L. Tsai argues that no more than 17% of village committees were elected even in the late 1990's, and for the early 1990's she appears to endorse the low figure of under 10%. These vast differences in survey results suggest, at the very least, significant regional disparity and inconsistent implementation.

While the POL was in force, a number of provinces either made no attempt to implement village elections, or implemented various forms of indirect elections. Guangdong did not implement the POL in any form, instead maintaining a system of Village Management Committees appointed by higher-level officials. The province held its first round of elections in 2001, while many provinces had already nominally completed 3 or 4 rounds. Xizang began the process of forming village committees in the 1990's, but did not successfully conduct a round of elections until 2002. Other provinces failed to implement elections on a broad scale and local cadres in many areas continued to simply appoint members to the committees.

It is known that local officials in some areas favoured indirect election methods which

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63 Ibid, 487.
64 Lily L. Tsai. “Governing One Million Rural Communities After Two Decades: Are China's Village Elections Improving?” in Growing Pains: Tensions and Opportunity in China's Transformation. (Stanford, California: The Walter H. Shorenstein Asia-Pacific Research Center, 2010): 143-150. The under 10% figure is based on my interpretation of a chart provided in Tsai's article. Tsai's statistics are ultimately derived from the 2005 China Rural Governance Survey, conducted by the Chinese Academy of Social Sciences.
nonetheless violated the POL's promise of directly elected village committees. One example of this tendency would be the practice of convening a village representative assembly (VRA) to elect the village committee. Provinces such as Shandong stipulated that a VRA could be formed with as few as 1 representative for every 10 households. Henan's regulations simply state that the VRA should “consist of new fewer than 30 persons”\textsuperscript{66}, while most villages tended to have populations of 1,000-2,000. Sylvia Chan reports anecdotally that one village in Hunan called Lianhutang had only 48 representatives for 2,931 villagers.\textsuperscript{67} Some provinces also permitted local village enterprises and other organizations to send their own representatives to cast ballots, seriously undermining the representative nature of the VRA itself.\textsuperscript{68} Baogang He has found that some local officials preferred this method of election because directly elected village heads were more inclined to confront township leaders.\textsuperscript{69} He reports finding this view in at least 3 counties of Zhejiang province in 1994. In other regions, this arrangement appears to have been far more widespread in the early 1990's. A study conducted in Hebei following the province's first round of village elections in 1991 found that fully 85% of villages had employed the VRA method in electing their village committees, while only the remaining 15% had employed direct elections.\textsuperscript{70}

Despite uneven implementation of the POL, it appears that the post-OL period has seen a significant improvement in China's electoral track record. Most scholars now agree with O'Brien's recent assessment that “election implementation in rural China has improved both in terms of coverage and procedures... By many indicators, the future of grassroots democracy in China is bright.”\textsuperscript{71} The

\begin{footnotesize}
\begin{enumerate}
\item Standing Committee of the Henan People's Congress. \textit{Henan sheng shishi “Cunmin weiyuanhui zuzhifa (shixing)” banfa} (Henan Province Village Committee Provisional Organic Law Implementation Method). August 25\textsuperscript{th} 1992.
\item Shandong's provincial regulations state that the VRA may “invite village enterprises, institutional organizations, and mass organizations to send representatives to participate in the assembly.”
\end{enumerate}
\end{footnotesize}
above-referenced data presented by Lily Tsai, despite showing extremely low numbers of elected village committees in the early 1990's, nonetheless suggests that between the 1997-2005 the proportion of directly elected village committees increased from just 17% to approximately 75%. Tsai attributes this leap in electoral activity “at least in part to the November 1998 revision” of the OL, which led to “rapidly changing conditions in the late 1990's and the early 2000's”.72 The data leads Tsai to conclude that as of 2005 “the vast majority of villages have implemented the election procedures required by the revised Village Organic Law”.73 Many other scholars have taken a similar view. Baogang He has argued that currently “very few villages refuse to hold elections”, placing the number below 2%.74 Both Björn Alpermann and Qingshan Tan implicitly endorse the argument that elections are now held on a widespread basis and to a reasonably high standard, though both prefer to emphasize the remaining shortcomings of village self-governance.75 Finally, the MCA’s own surveys have found significant improvements in compliance with the OL after 1998, with over 90% of respondents reporting elections being held in their localities by the early 2000's. As of 2012, it indeed appears that the vast majority of China's village committees are now formed through some form of direct election.

Democracy, of course, cannot be measured simply by the frequency with which the people cast ballots. Although elections hold an indisputably central role in the functioning of any democratic system, it can reasonably be said that “there are elections and elections.”76 In other words, there are elections which offer voters a fair, competitive, and meaningful choice; and then there are elections which are, to use a favoured Chinese phrase, zou guo chang (走过场) - just going through the motions. The next section will investigate the quality of the village elections which have taken place since 1988.

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II.b Democratic Procedures: Rules and Regulations

Chinese lack of experience with democratic elections has been readily apparent in the evolution of village elections. So too has it’s remarkable institutional ability to learn, adapt and improve. When the POL was adopted in 1987, it contained practically no specific provisions of any kind to regulate the electoral process. This left the provinces with wide latitude to determine how elections would be implemented in their own jurisdictions, but most provinces ended up drafting similarly vague regulations. When the OL was adopted in 1998, it included significant revisions aimed at strengthening national regulation of the village electoral process. New Provisions provided lower-level authorities with more specific directions on matters such as voting procedures, candidate nominations, and election supervision. Moreover, the actual experience of carrying out elections on the ground led to the spontaneous development of new institutions, such as the well known *haixuan* open primary system. This section individually examines five key aspects of electoral procedure: candidate nomination, competitiveness of elections, campaigning, voting method, and electoral governance. The key question of this section is: just how democratic is China’s village democracy?

_Candidate Nominations_

Western and Chinese experts agree that the procedures by which candidates are formally nominated to stand for office form a critical part of the democratic process. In the context of the Chinese political system, in which the CPC generally does not permit challenges to its hegemonic position, Chinese scholars have stressed the role of candidate nomination procedures in assessing the extent to which elections can be considered democratic. Bai Gang, a scholar at the Chinese Academy of Social Sciences, has argued that “under the system of leadership by one party, the quality of elections is determined by the method of nominating and determining candidates. If the nomination and
determination of candidates is monopolized by those in authority, elections become about merely
conferring approval (认可性选举).”  
Similarly, O’Brien has identified nomination procedures as “crucial
to an election’s competitiveness and fairness.”

Nomination procedures have unquestionably seen drastic improvements since they were first
implemented in the early 1990’s. The development of nomination procedures has been characterized by
a strong learning process as well as significant improvements in the legal framework. At the time when
most provinces carried out their first round of elections in 1990-1991, the provincial regulations
guiding the process contained a mess of highly varied and generally substandard rules for candidate
nomination. The POL, of course, had failed to provide national direction on this aspect of election
policy, leaving local authorities to rely on their previous experience of Chinese-style elections to
formulate procedures. The result was predictable. The role of ordinary villagers was minimized in
favour of a central role for the township and the party. In many cases, provincial authorities decided to
charge the cadre-dominated Village Election Leading Small Group with the task of drawing up a list of
candidates, which was then to be submitted to villagers for “consideration” (酝酿). In this context, the
provincial regulations frequently make use of vague terms like “consideration” and “consultation” (协商)
but outline no specific procedures behind them, rendering these aspects of the law little more than
slogans. Although many provinces did in fact make provisions allowing candidates to be individually
or jointly nominated by villagers, these provisions are written in very general terms and give
exceedingly little indication of how this would actually work.

From the perspective of international recognized democratic norms, a key shortcoming of the

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provincial regulations was that they permitted the village Party branch to nominate candidates. If all citizens have the right to nominate candidates, there is no reason why the leaders of the Party branch should require the authority to institutionally nominate candidates. On the contrary, allowing them to do this gives the party a quasi-legitimate avenue through which to exert influence over the nomination of candidates. And indeed, the desire of local authorities to control the candidate nomination process has been on full display since the earliest elections were held. It has been apparent that township and county officials often view this as a completely legitimate means by which to exercise administrative authority in the countryside. *Xiangzhen Luntan*, an MCA-affiliated magazine dealing with issues of rural governance, abounds with accounts from the early 1990's of village and township cadres manipulating the nomination of candidates. An article published in 1991, for instance, describes how township officials in Sichuan's Xiayuan county dispatched cadres to the villages to ensure only those candidates favoured by the township party committee were nominated. According to the article, the cadres sent by the township “simply took the list of candidates recommended by the township party committee and, without giving villagers a chance for consideration, announced this as the official candidate list.” Accounts even exist of township leaders personally travelling out to the villages and announcing election results before elections had even taken place. A report compiled by the Liaoning Bureau of Civil Affairs in 1995 and subsequently published in *Xiangzhen Luntan* describes how “some township leaders have a weak concept of the rule of law and lack democratic consciousness... there have even been some township leaders who have gone to villages and openly told villagers that in the upcoming election, the village committee would be 'largely stable, with minor adjustments'”. The notion that only citizens should possess the right to nominate candidates is one which has been met with considerable scepticism and obstinance on the part of local authorities.

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80 Wenqi Chen. “Xiayuan xian jiuzheng le yiqi weifa xuanju cunweihui de shijian (Xiayuan County Rectifies An Illegal Village Committee Election)”, in *Xiangzhen Luntan* Vol. 3 1991.

At the same time, the experience of conducting elections has led to remarkable local innovations in terms of how candidates are selected. The term *haixuan* (海选)- literally, 'sea election'- has already found a distinguished place in the Chinese political lexicon. According to Chinese political scientist Jing Yuejin, *haixuan* is a method of candidate nomination “whose particular characteristic is that it allows all electors to freely nominate the candidates they personally approve of, and neither the leaders of higher-level departments nor the village party branch are permitted to interfere.”

The *haixuan* process famously originated in Jilin's Lishu county in 1993, though some sources trace its origins back as far as the mid-1980's. In comparison with the North American political context, *haixuan* is best described as resembling an open primary. In its earliest form, *haixuan* consisted of a two-phase election involving the entire village electorate. In the first phase, villagers may freely vote for any other villager whom they would like to see stand for office. Theoretically, any villager who receives votes in the first phase could potentially be nominated as a candidate, though the list of candidates often needs to be narrowed so that there are only 2 candidates per position.

In the second phase, a subsequent round of voting is held to elect the village committee from among these remaining candidates.

Following its appearance in the early 1990's, *haixuan* was promoted by the MCA as a standard for the entire country. Tan argues that the MCA’s decision to endorse *haixuan* “was motivated in

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83 Some sources argue that the first *haixuan* was conducted in 1986 in Beilaohao village of Lishu county. See: Guodong Liu, “Yuan yu Beilaohao de haixuan (Haixuan of Beilaohao Origins)”, in Xiangzhen Luntan Vol 2. 1998. It seems unlikely, however, that the events which took place in that village in 1986 can be causally related to the appearance and spread of *haixuan* in the 1990's.

84 For example, in 1993 a village in Lishu county conducted a *haixuan* which produced no fewer than 76 candidates for just 5 village committee posts. Because a candidate can only be elected with at least 50% of the vote, this presented an obvious dilemma for local cadres. In the end, it was decided that only the top 11 would appear on the final candidate list, ensuring that a village committee would be successfully formed. See: Yuejin Jing, “‘Haixuan’ shi zenyang chansheng de (How Haixuan Was Created)”, in Zhixuan yu zizhi: Dangdai zhongguo nongcun zhengzhi shenghuo (Direct Elections and Self-Government: Political Life in the Contemporary Chinese Village). (Guangzhou: Yangcheng wanbao chubanshe, 2003): 63-65.

large part to try to prevent the Party branch from monopolizing the process.”

Similarly, Baogang He suggests that both the MCA and township officials came to recognize that elections conducted according to *haixuan* resulted in more effective village government, and also helped to reduce the massive workload involved in micromanaging the election of village leadership. Whatever the case, *haixuan* was quickly adopted throughout Lishu county and later began to slowly spread to small numbers of villages in other provinces. By the 1995-1996 round of elections, *haixuan* had been implemented in every township of Lishu, and had also been adopted by townships in Gansu and Hunan. Sylvia Chan observed the practice of *haixuan* in four out of the five villages she visited in Hunan during the 1995-1996 elections, although she regarded the practice as generally existing in only a small minority of villages. This view appears to be supported by Lianjiang Li’s 1999 survey of 59 villages, which found that in only 10 of the villages surveyed were candidates nominated by villagers, while the other 49 continued to practice nomination by the party branch or nomination by the previous village committee. On the other hand, Fujian appears to be one province which moved quickly to implement *haixuan* in its localities. Provincial statistics published in *Xiangzhen Luntan* claim that by 1998 approximately 76% of the provinces villages had implemented some variant of *haixuan*. This tracks well with Fujian's history of implementing superior electoral practices more quickly than almost any other province. Jilin, for its part, claimed equally impressive success- the province’s own statistics suggest that as many as 85% of its villages had adopted *haixuan* by the 1998 elections.

In 1998, the principle underlying *haixuan*- that candidates should be nominated by villagers and

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88 Ibid., 30.
91 Yueqiang Lin, “Ju da chenggong de beihou shi shenme (What is Behind These Enormous Successes)?”, in *Xiangzhen Luntan* Vol. 3 1998.
villagers only was written into Article 14 of the OL: “In electing the village committee, candidates shall be directly nominated by the village's eligible voters.” The NPC's Explanation further clarified that: “only eligible voters of the village may nominate candidates. No other organ, organization or individual has the right to nominate candidates for the village committee.”

This new provision along with the resultant rewriting of provincial regulations led to a tremendous improvement in the regulations governing candidate nomination. These improved regulations combined with other institutional factors such as the shifting attitudes of township leaders and villagers' own demands for greater autonomy have in turn led to vast improvements in the practices implemented on the ground. This is readily apparent in both first-hand observations and in the reliable statistical information which has been collected.

As illustrated above, the candidate nomination process was originally set up in many localities to facilitate party influence and control. Western scholars who travelled to China during the 1990's generally found only scattered instances of haixuan-like processes being employed. After visiting Hunan's Wangchang county during the 1995-1996 elections, Sylvia Chan reported that fewer than 5% of the villages in the county had adopted it. Li's survey showed somewhat improved results in the 1998-1999 election round, with approximately 16% of villages having employed haixuan. Whereas Kennedy's 2000 survey of 34 villages in Shanxi found that approximately 35% of villages practiced direct nomination by villagers. These studies anecdotally suggest an increasing diffusion of haixuan and similar procedures with each successive round of elections, particularly in the period immediately following the revision and adoption of the OL. The shift which occurred in this period was more systematically documented by the 2005 Rural Governance Survey, which found that by the mid-2000's the proportion of villages in which cadres played no role in candidate nomination had reached nearly

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Since then, the adoption of *haixuan* has become nearly universal in many jurisdictions. In the 2010 round of elections, for instance, the Nanjing municipality reported that over 80% of its villages had successfully implemented *haixuan*, while in Hangzhou the proportion was over 90%.

It can thus be seen that village elections have experienced tremendous improvement in terms of candidate nomination procedures. Not only has *haixuan* become the predominant method for selecting candidates, but some jurisdictions have even begun to scrap the primary process itself in favour of direct self-nomination. This can only be seen as a further improvement upon the existing process. But troublesome issues remain. Aside from continued resistance and manipulation at the local level, efforts to continue improving regulations at the national level have also encountered setbacks. In particular, the recent set of OL revisions adopted in 2010 have added problematic new content to the article dealing with nomination procedures. In addition to stipulating that candidates must be directly nominated by villagers, the new Article 15 (formerly Article 14) now contains a vague set of “qualifications” for potential candidates. In this respect, the OL now more closely resembles the updated provincial regulations which were adopted in the late 1990's and early 2000's. These regulations contain a hodgepodge of requirements which potential candidates must meet, though in practice they are quite vague. The relevant portion of the OL now reads: “In nominating candidates, villagers should begin with the interests of the whole village. They should recommend candidates who are law-abiding, of high moral standard, fair and upright, enthusiastic for the public good, and who possess both a certain educational level and working ability.”

The problem, of course, with imposing a set of “qualifications” for potential candidates is that China possesses no impartial or publicly

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accountable institutions for enforcing such qualifications, meaning that local cadres can often take advantage of such rules to arbitrarily dismiss candidates.

It is difficult to determine what, if any, effect these revisions have had or will have on the nomination process. The language used in the new provision is sufficiently vague that it will likely experience considerable regional variation in its interpretation and application. It is also possible that little substantive change will take place on the ground. It is unclear, moreover, whether the NPC has actually intended to impose a significant new restraint on the nomination process. The NPC’s updated 2010 Explanation of the OL frames the changes to Article 15 not only as an effort to improve the integrity of village leaders, but also to replace the various provincial rules on candidate qualifications with a better defined national standard. The Explanation states that in recent years this issue has been a source of “constant controversy, and in the process of revising this law there has also existed considerable controversy”. The changes are thus represented as aimed at eliminating the controversy surround this aspect of the law. Nonetheless, the Explanation's vague references to “lawless, unhealthy elements... snatching up village committee positions” and the necessity of creating rules to thwart such individuals continue to cause concern. It appears that, at the very least, certain elements of China's central leadership still fail to fully appreciate the practical problems arising from such rules.

**Competitiveness of Elections**

The criterion of competitiveness can be understood as the extent to which an election provides voters with a meaningful choice between viable alternatives. Rules and procedures which maintain the competitiveness of elections are absolutely fundamental to the practice of democracy. While procedural issues such as voting and registration may be handled in a variety of different ways and with varying degrees of effectiveness, a failure to ensure that elections are conducted with at least a minimal degree

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of competitiveness makes it impossible to describe the process as ‘democratic’ to any extent.

In comparison with other aspects of electoral procedure discussed here, competitiveness stands out as a somewhat more nebulous criterion. By what standards can it be directly measured? Scholars have taken different approaches to answering this question. One approach, employed by Sylvia Chan and Kevin O’Brien among others, focuses on the existence of multi-candidate elections as the most obvious and objective indicator of competitiveness.99 Alternatively, scholars such as Robert Pastor and Qingshan Tan have tended towards more elaborate measurements, for instance suggesting that competitiveness is “indicated by a winning margin of less than two-to-one.”100

For the purposes of this paper I have elected to focus on the more clearly objective101 and well-documented criterion of multi-candidate elections or “cha’e xuanju” (差额选举) as the primary measure of the competitiveness of village elections. The cha’e xuanju method, which in theory means that the number of candidates must exceed the number of offices by at least one, stands in contrast to the deng’e xuanju (等额选举) or ‘equal number election’ method, wherein only one candidate is nominated to stand for each office. Admittedly, focusing primarily on the use of cha’e xuanju is an approach with its own drawbacks. As O’Brien points out, a minimal form of cha’e xuanju has the potential to be employed in such a way that “makes curbing voter choice a cinch and encourages ruses such as placing an obviously unqualified candidate on the ballot alongside the incumbents or putting up a husband and wife (when only one woman is running and couples are not permitted to serve).”102 Other critics have suggested that with regard to competitiveness, a merely procedural focus on fielding multiple candidates “means little if independent candidates cannot emerge. Two candidates may oppose each

101 Despite Pastor and Tan’s usage of the “less than two-to-one” standard, I would argue that a lopsided election result should not necessarily be taken as indicative of a lack of choice or competitiveness. Of course, a variety of factors influence the choice of voters and ultimately affect the outcome of an election. A landslide victory by one candidate does not necessarily imply that the vanquished candidates were competitively disadvantaged, and using an arbitrary vote ratio to determine this may lead to a somewhat distorted picture.
other on election day for the post of village committee (VC) chairman, but if they do not differ in terms of party affiliation, electoral competition amounts to little more than a random selection between twins.\textsuperscript{103} Although this is an important point which must be kept in mind, it should be noted that even critics of this ‘procedural’ approach have found that even “minimally competitive” elections have proven to be highly motivating for the villagers participating, engendering a sense of fairness and desire to influence the outcome.\textsuperscript{104} Moreover, it should be recognized that regulations requiring \textit{cha’e xuanju} work in concert with more open nominating procedures, such as the \textit{haixuan} method described above, to improve competitiveness and facilitate the entry of candidates with genuine popular support.

The POL adopted in 1987 made no mention of either \textit{cha’e xuanju} or \textit{deng’e xuanju}, nor did it have any guidance to offer on this important issue of electoral procedure. The resulting mix of procedures and practices adopted at the provincial and local levels reflected this lack of central policy. Among the provinces which undertook to implement the POL in the late 1980’s and early 1990’s, only a handful seem to have grasped the importance of promoting competitive Village Committee elections. Even though many provinces did in fact produce regulations which referred to the use of \textit{cha’e xuanju}, they treated multi-candidate elections as situational, and provided that single-candidate elections could also be employed when appropriate. Only those relatively “democratically advanced” provinces, such as Fujian and Shandong, adopted regulations which held \textit{cha’e xuanju} as the standard, universal method, and made no mention of any other methods or restrictions.\textsuperscript{105} Provinces which did include more detailed provisions in their implementation documents did so in order to place limits on the number of candidates. An example of this category would be the province of Hunan. Although Hunan’s regulations adopted in 1989 stated that elections would “ordinarily” be conducted according to \textit{cha’e xuanju}, it was then clarified that the number of candidates “may exceed the number of positions by 1 to


\textsuperscript{104} \textit{Ibid}.

This type of restriction is in fact a common feature of the regulations adopted by many provinces, and stands out as a highly problematic way of limiting the competitiveness of elections. Not only does it inherently limit the range of candidates who may stand for office, but it also facilitates the type of manipulation described earlier by O’Brien.\textsuperscript{107} During the first round of post-POL village elections conducted around 1990-91, it seems apparent that many localities failed to realize even a minimal degree of competitiveness, instead conducting single-candidate elections often with pre-screened candidates. According to a national survey referenced by Tianjian Shi, only 37.1\% of villagers who had participated in the 1990 round of elections reported that the number of candidates had exceeded the number of posts up for election, though this figure had risen to over 50\% by 1993.\textsuperscript{108} Other estimates, however, widely diverge from the figures discussed by Shi. O’Brien and Li’s 2000 article on the subject provides a good overview of the various figures:

the editor of a Chinese magazine that focuses on rural affairs reckoned that "no more than 10 per cent" of Chinese villages had held well-run cha’e elections by early 1997. Around the same time, "other experts" and ministry officials estimated that from one-quarter to one-third of China's villages had conducted elections according to the rules (that is, the 1995 MoCA circular) and the Organic Law. And by November 1998, Minister of Civil Affairs Duoji Cairang told a Xinhua reporter that 60 per cent of all villages had convened cha’e elections.\textsuperscript{109} O’Brien and Li subsequently add that their own research suggests the lower end of this range would be most accurate. Nonetheless, there exists a clear trend in all the data gathered in this period toward greater competition as measured by the commonness of cha’e xuanju. And indeed, in 1998 the MCA’s view that cha’e xuanju should be regarded as a mandatory electoral procedure was written into the

\textsuperscript{106} Standing Committee of the Hunan People's Congress. \textit{Hunan sheng shishi “Cunmin weiyuanhui zuzhifa (shixing)” banfa (Hunan Province Village Committee Provisional Organic Law Implementation Method)}”. December 3\textsuperscript{rd}, 1989.
\textsuperscript{107} See Note 100.
newly revised OL.

Recent scholarship has since concluded that “multi-candidate elections have become the norm” in village elections. Although cha’e xuanju remains vulnerable to manipulation, its standardization in the new regulations has made single-candidate “plebiscitary” elections far less common. Moreover, O’Brien has pointed out that improved nomination procedures have also served to strengthen the field of candidates available to villagers. According to O’Brien’s observations, “sea-elections’ and self nomination can increase the number of primary and final candidates greatly. In one southern village where only two formal candidates for director were put up, 25 additional individuals were nominated by villagers, and two of them made it to the list of final candidates. In the same election, villagers proposed 38 nominees for vice director and 66 for the four other seats on the village committee.”

It thus seems safe to conclude that electoral competition is among the least problematic areas of Chinese electoral procedure and practice. Not only is cha’e xuanju now mandated by both national and provincial regulations, but other aspects of the law such as improved candidate nomination procedures have also helped to increase competitiveness and offer voters a meaningful choice between distinct alternatives.

Voting Method

The set of procedures according to which votes are cast and collected is a key problem in the implementation of democratic systems. Voting methods which provide a weak defense against fraud, manipulation, voter intimidation, and other forms of electoral corruption can seriously undermine the credibility of elections. This issue is particularly pertinent to China, where local power-holders and

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112 Ibid, 365.
village apparatchiks are often directly responsible for supervising the voting process.

Unlike other aspects of village elections, voting procedure is an area where the legal framework has maintained a relative degree of uniformity since the passage of the POL in 1987. Although the POL had originally failed to include any specific provisions at all on this aspect of voting, this shortcoming was subsequently remedied to some extent by the more specific provincial implementation documents. The voting procedures adopted at the provincial level tend to share a number of similar features, though some dissimilarities remain. Let us examine the implementation of some key areas.

The most basic aspect of voting procedure is the form of the vote itself. Many alternatives exist, from a paper ballot to a raised hand. In the 1940's and early 1950's, many Chinese villages conducted a form of election in which villagers voted by placing beans into a barrel corresponding with their favoured candidate. Clearly, some alternatives are less ideal than others. In both the West and in China the secret ballot is regarded as the preferred medium for voting. Provincial regulations have uniformly required the use of the secret ballot (无记名票) since the inception of village elections, and in 1998 the OL was revised to include a provision requiring the use of this method exclusively. It appears that this procedure has generally been observed throughout the development of village elections, though exceptions of course exist. In a survey conducted in 1999, Lianjiang Li reports finding a wide variety of “irregular” practices:

In one Henan village ballots were distributed to villagers but balloting never took place. In a Jiangsu village, only women and children were called to the election meeting, while adult male voters were not informed. Villagers from Hainan and Shandong said they were required to write their names on the ballots. In a Henan village ballots were filled in by school children under the instruction of their teachers. Finally, in an Inner Mongolia village candidates themselves carried ballot boxes to villagers’ homes and told them how to vote.113

Instances have also been commonly reported during the 1990's of cadres simply forming a large assembly and having villagers vote by a show of hands. The NPC's official *Explanation of the PRC*...
Village Committee Organic Law published in 1999 specifically refers to the hand-raising method as one prohibited under the new law.\textsuperscript{114}

But just how secret is China's secret ballot? This is a critical question. According to Jorgen Ellet’s late 1990's study of village election procedures, balloting methods in the pre-OL period primarily included three variants:

(a) without any provisions for secret voting (even though only voters sitting next to a specific voter have a chance to see how the latter votes); (b) a small number of voting booths are provided in order to allow voters who want to vote in private to do so. It is left completely to the voters’ discretion to decide whether or not to use the voting booths; (c) all voters have to use the voting booths when filling out the ballot paper(s). According to international standards, only the last variant can be called secret voting.\textsuperscript{115}

In many situations, local cadres are both able and well-motivated to punish villagers for voting the 'wrong' way. If voting is conducted in the open, with no private space for voters to cast their ballots, villagers may feel intimidated by the existing authorities and allow this to influence their vote. And neither is it sufficient to merely provide the option of secret voting. Pastor and Tan correctly assert that “Citizens must be required to use a secret voting booth; otherwise, people will be afraid that their leaders will interpret their decision to vote in secret as a vote against them.”\textsuperscript{116} It is thus essential in the context of the Chinese political system to enforce the secrecy of voting. Unfortunately, however, this is an issue which has historically suffered from a lack of understanding at all levels and a relatively slow learning process.

The POL, as we have seen, failed to address even the most rudimentary aspects of voting, let alone a finer point such as this. Nor do the majority of provincial implementation regulations make specific provisions for secret voting. The Chinese term for 'secret ballot' literally means “nameless ballot”. It seems clear that many officials at both the local and national level did not understand this to

\textsuperscript{114} Chunsheng Zhang et al., eds. Zhonghua renmin gongheguo cunmin weiyuanhui zuzhi fa shiyi (Explanation of the People's Republic of China Village Committee Organic Law). (Beijing: Falü Chubanshe, 1999), 40.
necessarily mean that the ballot would be cast in secret. Apart from interesting exceptions such as Fujian, whose regulations specifically mandate that “villagers shall fill out their ballots alone”\textsuperscript{117}, the provinces generally elected to give local officials considerable discretion in arranging the circumstances under which voting would take place. The regulations of Hunan provide a typical example: according to Article 12 of Hunan's POL implementation document, “Voting may be conducted by either centrally or separately convening a village mass meeting; or by convening the village assembly according to village small groups.”\textsuperscript{118} Anecdotal reports make it clear that these mass meetings did not emphasize secrecy. Villagers appear to have typically filled out their ballots in plain view of the people surrounding them. Sylvia Chan describes witnessing in a 1996 village election that “Most voters simply filled out the ballot papers on their laps in silence, but some started to exchange opinion and some even showed one another their ballot papers.”\textsuperscript{119} Pastor and Tan also report that in the villages they observed in the mid 1990's, “the villagers voted in their seats where others could see them. In Chongqing, they were given the option to mark the ballot in a secret voting booth, but no one in one village and only a few in the other used that opportunity.”\textsuperscript{120}

Generally speaking, Chinese officials have only gradually realized the importance of voting in secret. As late as 1998, for instance, the party secretary of a township in Henan found his colleagues suspicious of the notion of private voting booths because, as he put it “villagers would be voting without anyone to supervise them.”\textsuperscript{121} In other areas, cadres did not grasp the importance of making secret voting compulsory, believing that providing the choice for villagers to vote in private booths if

\textsuperscript{117} Standing Committee of the Fujian People's Congress. Fujian sheng shishi “Cunmin weiyuanhui zuzhifa (shixing) banfa (Province of Fujian Village Committee Provisional Organic Law Implementation Method). December 26\textsuperscript{th} 1990.

\textsuperscript{118} Standing Committee of the Hunan People's Congress. Hunan sheng shishi “Cunmin weiyuanhui zuzhifa (shixing) banfa (Province of Hunan Village Committee Provisional Organic Law Implementation Method). December 3\textsuperscript{rd} 1989.


they wished would be sufficient.\textsuperscript{122} It appears, however, that by the late 1990's the MCA had become aware of which procedures were most efficacious. When the OL was adopted in 1998, it was revised to include specific regulations governing the voting process. Article 14 of the OL states: “Elections shall employ the method of secret ballot and public vote counting, and the election result should be immediately announced. At the time of voting, secret voting booths shall be set-up.” It should be noted, however, that this provision nonetheless fails to make the use of private booths mandatory.

The OL's new regulations, combined with growing awareness of the issue, appears to have led to significant improvements in this aspect of electoral procedure. The MCA's own yearly reports suggest that the proportion of villages which provide private voting booths increased from 28.6% in 1998 to nearly 80% in 2001.\textsuperscript{123} This figure, however, may be somewhat high. The 2005 China Rural Governance Survey puts this figure at slightly below 50% by the early 2000's. Despite these differences, it is clear that the requisite consciousness and infrastructure necessary to ensure secret voting has developed since the 1990's and continues to develop. But it is also clear that this is an area which requires much more work and civic education to be brought up to a high standard of democratic practice.

There are two other important areas of voting procedure which Chinese law deals with: proxy voting and the roaming ballot box. Proxy voting, of course, is the act of delegating another citizen to vote on one's behalf. Some American scholars have objected to the use of proxy voting in village elections, even though the practice is provided for in American law and is a commonly accepted feature of elections in that country. Pastor and Tan arbitrarily claim that “The right to vote is an individual right that should not be transferred.... it trades the inalienable right to vote by oneself.”\textsuperscript{124} It is important to


be clear about where the real problem lies. Proxy voting becomes problematic in the context of the village social and family structure.

Prior to the 2010 revisions, the OL contained no provisions specifically dealing with proxy voting. Provincial regulations have always permitted the practice, uniformly limiting each proxy to three votes under normal circumstances. Several provinces also explicitly permit household representatives to cast ballots for family members when circumstances do not permit the entire village to be assembled for an election. But this has been poorly handled at the local level. As late as 2005, less than 40% of local jurisdictions observed any regulations at all on the issue.125 It is common in many villages for the head of household to vote for every member of his family, which clearly dilutes the democratic nature of the election. It is evident that many peasants believe it is appropriate for families to vote this way, regardless of the circumstances. In the elections observed by Tan some villagers “simply filled out ballots for family members on the spot. When asked why they were doing that, the answer was that it was a family matter and it was all right for family members to discuss for whom they should vote and then having one family member to represent the whole family to cast votes.”126

Since 2000, some progress has been made toward restricting and regulating the practice of proxy voting. A growing number of local jurisdictions now prohibit the practice entirely, while the strength of provincial and local regulations has been improved significantly. Some provinces now require written documentation to authorize a proxy, whereas in the past oral consent was sufficient. As of the 2010 round of revisions, the OL now includes a provision dealing with proxy voting for the first time, demonstrating increased awareness of the issue. The revised OL now states that registered electors who are away from the village at the time of the election may authorize a proxy, but this must be done in writing and a list of proxies published by the village election committee. Nonetheless, there

appears to still be a noticeable gap between the legal framework and the reality on the ground. More work needs to be done to ensure compliance with these regulations at the local level.

Many scholars have discussed the problem of the roving ballot box (流动票箱). In the 1990's, virtually every province permitted the use of the roving ballot box under circumstances where gathering the entire village would be too difficult, or to collect the votes of villagers too old or weak to leave home. This typically involves dividing the village into a series of “roving ballot box districts”, in which a team of 3-4 cadres would go door-to-door collecting ballots. Given the fact that ballot boxes in poor villages are often made of little more than cardboard and tape, the roving ballot box is a link in the procedural chain which is highly susceptible to tampering. It can also tend to undermine the principle of the secret ballot, as cadres go from house to house and villagers vote in their presence. Reports from the first several election cycles suggest that the use of the roving ballot box was very widespread. In many villages, this method was used almost exclusively. Pastor and Tan report visiting villages where over 90% of ballots were cast this way.127

Much like the proxy voting issue, the roving ballot box problem has seen much improved regulation and enforcement in recent years. Seven provinces now completely prohibit the use of roving ballot boxes, while other provinces such as Guangdong have introduced new restrictions such as the requirement that township authorities first grant permission before they can be used.128 Although the roving ballot box has continued to be in use in many regions, it has become much less widespread, and the proportion of villages which use this method exclusively has dropped sharply. O'Brien argues that “reform is evident” even in provinces where village geography can make the use of fixed polling locations particularly burdensome.129 He points to a survey of 40 Jiangxi villages conducted following the 1999 elections which revealed that 40% of these villages used roving ballot boxes exclusively.

while fewer than 10% did not use them at all. By 2002, the proportion of villages with no roving ballot box at all had increased to nearly 30%, while villages which used it exclusively had fallen below 10%. The 2005 Rural Governance Survey also supports this conclusion, suggesting that by the mid-2000's over half of all villages had switched to using fixed polling stations exclusively. 

_Campaigning_

In the most general sense of the term, a democratic political campaign represents an organized or at least semi-organized effort to affect the outcome of an election by means of communication with the public. According to political philosopher Keena Lipsitz, “Whether one believes a political campaign is a ‘spectacle’, ‘ritual’, ‘conversation’, or ‘war’, the foremost goal of candidates is to communicate information—whether it be of a rational or symbolic nature—to voters”. This “communication” with voters takes place in a wide array of diverse forms. It is often conducted through distant and impersonal media such as the internet and the television. But it may also occur person-to-person, in the intimacy of one’s own dwelling. The goal of this form of communication with voters is perhaps more evocatively suggested by the Chinese term for campaigning—la piao—literally to “pull votes” into one’s own camp.

In established democracies, campaigning is an aspect of electoral practice which is often regarded by members of the public as a tiresome, worthless exercise in deception and character assassination. But campaigns in fact play a crucial role in the proper functioning of a democratic political system. Some scholars have gone so far as to describe electoral campaigns as “the foundation

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130 Ibid, 367.
of democratic governance.”\textsuperscript{134} Others have highlighted the role of campaigns in promoting basic democratic values such as competitiveness and public deliberation.\textsuperscript{135} In the context of village elections, the importance of electoral campaigning has become particularly apparent in recent years, as vote-buying and other undemocratic practices have become more common.\textsuperscript{136}

Electoral campaigning has been described as historically unusual in China due to the “severely circumscribed” nature of political competition under the CCP.\textsuperscript{137} Despite the gradual expansion of political competition following the introduction of the POL in 1987, it appears that the notion of open campaigning faced both cultural and political obstacles, as well as a lack of clear regulation. None of the provincial regulations adopted in the early 1990’s attempted to regulate campaigning. Reports from the period suggest that various localities apparently adopted their own differing approaches to deal with the issue.\textsuperscript{138} A common theme of these reports is the sheer disdain with which local leaders in some areas regarded practice of campaigning. In the villages visited by Sylvia Chan in 1998, it was apparently that “many village heads obviously thought that only the morally corrupt would stoop to electioneering, and proudly asserted that they had done nothing to win votes other than the campaign speech.”\textsuperscript{139} O’Brien similarly reports that according to his experience, “Many VC members liken campaigning to self-promotion and regard "pulling votes" (\textit{la piao}) to be unfair, even corrupt.”\textsuperscript{140} Consequently, many villages only slowly and cautiously began to permit limited forms of campaigning.

In villages where a more permissive attitude toward campaigning existed, a variety of campaign methods were reported in the 1990’s, including posterling, door-to-door meetings, and even the use of

\begin{itemize}
\item \textsuperscript{134} James N. Druckman, Martin J. Kifer and Michael Parkin, “Campaign Communications in U.S. Congressional Elections”, \textit{American Political Science Review} 103:3 (2009): 343.
\item \textsuperscript{139} Sylvia Chan, “Research Notes on Villagers' Committee Election: Chinese-style democracy,” \textit{Journal of Contemporary China} 7:19 (1998): 511
\end{itemize}
closed-circuit radio. But these more innovative and free-wheeling methods were not widespread. Elklit argues that the common lack of local regulations concerning this aspect of elections meant that in many areas campaigning was “effectively reduced to informal discussions among villagers”, and “various forms of social pressure”. A more typical form of campaigning involved a brief “self-introduction” given by candidates before a gathering of the entire village, sometimes also followed by a question and answer session with villagers. In fact, many villagers leaders were apparently under the impression that this “self-introduction” was the only form of campaigning permitted by the law. The content of these short speeches varied from village to village, as did the nature of the questioning. Pastor and Tan have described some the speeches they witnessed during their research in the late 1990’s as “instructive, concise, and sometimes inspiring”. It appears that candidates in many villages used their self-introduction speech as an opportunity to outline the measures they hoped to undertake for the benefit of the village, in addition to highlighting their personal qualifications for the office. In areas with a less robust speech-giving culture, however, the self-introduction speeches were often “briefer and less substantive”, and villagers were not given the opportunity to pose questions to the candidates.

In both the localities as well as Beijing, official attitudes toward electoral campaigning have shifted with the execution of successive election rounds. The moral disdain once held for open ‘electioneering’ at the local level has evidently faded, as the practice has become increasingly widespread. Provincial and national regulations now universally require that the VEC organize a session in which candidates may give campaign-like speeches about how they plan to execute their duties if elected, and villagers can meet and interact with the candidates. Beyond this type of relatively

141 Ibid, 422.
limited electioneering, some rather enterprising candidates have made forays into strikingly novel campaign methods. Such candidates have often encountered uncertainty and suspicion regarding the legality of such methods. During the 2002-2003 round of elections in Jiangxi, a candidate for the position of Village Committee Vice-Chairman named Liao Huaixin notoriously rented a “campaign van” and mounted large election posters on the sides of it. On one side of the van, he fixed a poster bearing the phrase: “Carry Out the Village Committee Organic Law- Open, Fair Competition”; on the other side, he mounted another poster which read: “Fully Realize the Wishes of Each Individual- Cast the Sacred Ballot”. This type of brazen campaigning came to be known in the Chinese media as the “Liao Huaixin Phenomenon”.

But reactions to the Liao Huaixin Phenomenon were mixed, reflecting both the novelty of such campaign techniques as well as the sense of unease felt by some regarding the propriety of such open competition. Although many commentators in both the Chinese media and academic publications spoke in support of Liao’s right to campaign according to the law, local officials with authority over the village were less certain that Liao was doing the right thing. Thus the township government, which reportedly experienced a considerable degree of trouble in deciding whether Liao had in fact broken the law, ultimately asked him to “give old village cadres some face” by refraining from such bold campaign methods, which Liao was willing to do.

The Liao Huaixin Phenomenon reflected the extent to which candidates had become increasingly willing to challenge the traditional reticence regarding open political competition. Although this continues to be true today, a significant backlash has emerged against certain aspects of campaigning which are regarded as corrupt or excessive. While it does not appear that this backlash is motivated by a desire to limit political competition or democratic participation, it has led some Chinese

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147 Ibid.
scholars to support problematic modifications to provincial regulations and central policies.

The greatest target of critics’ ire has been the practice of ‘huixuan’ (贿选), which might be translated as ‘election bribery’- or more simply, vote buying. A major outcry against practices described as huixuan began to emerge around the time of the 2004-2005, and persisted for several years as the chief focal point in discussions regarding village elections. Huixuan is a broad concept which includes everything from voters being invited to a candidate’s home for meals, to giving gifts of cigarettes and baijiu, to directly offering a cash payment for votes. A well known recent example of the latter involves a village in Shanxi province called Zhangmacun (张马村), in which a fellow named Zhang Junsheng (who then held the post of Party branch secretary) was exposed to have gotten himself elected Village Committee Chairman by simply buying the votes of villagers. It was reported that Zhang and his associates paid between ¥900-2000 (roughly C$150-300) per vote, spending a total of as much as ¥2 million (C$300,000) over the course of the election.\footnote{Shanxi Qinshui Xian: Zhangmacun huixuan shi xinbian “Li Youcai banhua” (Qinshui County, Shanxi: Zhangmacun Vote-buying Is a New Edition of Li Youcai Banhua). Accessed on July 3\textsuperscript{rd} 2012, http://news.china.com.cn/local/2012-03/05/content_24807400.htm.} Understandably, both Chinese and foreign commentators have warned of the urgent need to prohibit and punish such practices. Huixuan may justifiably be considered a very negative development in the field of campaign practices, one which destroys peoples’ faith in the democratic process and cheapens the “sacred ballot” referred to on the side of Liao Huaixin’s van.

In other regards, however, some of the calls to better regulate and police campaign practices have been raised based on rather problematic objections. One example of this would be the issue of campaign promises, which has been regarded by some Chinese commentators as an increasingly problematic aspect of village campaigning. Many candidates, of course, take advantage of their campaign speeches to make various promises to villagers regarding how, if elected, they would handle village affairs. In many villages this has been a routine feature of Village committee elections since the early 1990s. In recent years, however, Chinese observers have been troubled by the phenomenon of
fanciful and unrealistic campaign promises. To citizens of established democracies, of course, the
notion of a political candidate making unrealistic of insincere promises for the sake of advancing his
own career is a familiar one. But Chinese critics have argued that this practice is to the detriment of the
village public, as candidates either fail to honour their promises or recklessly attempt to fulfil them.\footnote{150}
Evidently agreeing with this point of view, a number of provinces have established regulations
governing what type of promises candidates are permitted to make in campaign speeches, and have also
authorized VECs and township government officials to scrutinize the content of such speeches.\footnote{151}
While such policies may be intended to mitigate the negative consequences of feckless campaigning, it
is unclear whether this actually represents a serious problem at all. Moreover, any policy which gives
government officials a lawful means by which to monitor and constrain electoral competition should be
treated with caution.

Despite considerable progress, campaigning is an issue which awaits both further improvements
in the law as well as a greater degree of openness and acceptance. Although the OL now requires that
candidates be given to opportunity to address and interact with voters in a public setting, nothing else is
guaranteed with regard to campaign opportunities. It remains unclear just what is permitted and what is
prohibited, as this often seems to vary according to the disposition of local political leaders. In the
future, China’s policy makers should permit a greater degree of organization to support electoral
campaigns. As Tan has argued, the fact that only candidates themselves are recognized as legitimate
campaigners tends to limit the degree of organization which takes place.\footnote{152} More open, organized
campaigns could only help to increase the degree of political competition and the vitality of the
electoral process itself.

\footnote{151}{Tianjin, Shandong, Liaoning, and other provinces began to implement such policies during the 2005-2006 round of elections. See: Chengfu Shan, \textit{Quanguo cunmin weiyuanhui xuanju gongzuo jinzhuan baogao} (National Work Progress Report on Village Committee Elections). (Beijing: China Society Press, 2008): 30.}
\footnote{152}{Qingshan Tan. “Building Democratic Infrastructure: Village Electoral Institutions”, \textit{Journal of Contemporary China} 18:60 (2009), 412.}
Electoral Governance

Electoral governance is an administrative aspect of democratic practice which encompasses a wide range of functions and responsibilities. Experts in the field of democratization studies have identified three primary realms of electoral governance: rule making, rule application, and rule adjudication.\(^\text{153}\) This implies a responsibility for: 1) putting the legal framework governing village elections into effect on the ground, 2) enforcing the rules and procedures mandated by the law, and 3) acting as a type of quasi-judicial adjudicator of any instances in which the law has been violated, intentionally or otherwise. It has been argued that the work of electoral governance “has a special resonance in emerging democracies, where deliberate electoral manipulation and systematic fraud by recalcitrant authoritarian rulers unwilling to give up power have often blocked, derailed or truncated transitions to democracy.”\(^\text{154}\) Although one could hardly describe China as an “emerging democracy”, it suffers from much the same series of impediments to democratic governance as such states, including a lack of impartial institutions, endemic corruption, and a state which often sabotages even its own efforts at reform. Moreover, China is the type of state in which any purportedly ‘democratic process’ starts out with little credibility in the eyes of the common people and may only gain credibility when the electoral ‘game’ appears to have a set of common rules according to which all players operate.

Without an effective organization to take responsibility for electoral governance, even the best election law can be rendered meaningless as local actors ignore its provisions and other members of the village power-structure fail to enforce them. And under such conditions, elections will not be perceived as credible by ordinary people.

The current situation of electoral governance institutions (EGIs) in China can at best be


described as ‘a work in progress’. The considerable success with which China has been able to implement many aspects of the OL belies the fact that its methods of electoral governance leave significant room for improvement. Before elaborating on this point further, let us first examine what generally accepted standards of democracy require of EGIs.

The administrative format of electoral governance varies considerably around the world. Most long-standing democracies, for instance, have developed relatively decentralized systems; whereas the newly democratizing states of Latin America and Africa have typically preferred to create more centralized institutions. But the key variables underlying electoral governance and its ability to confer legitimacy on elections are common to all democratic systems. Mozaffar and Schedler highlight these variables as “challenges” which arise in the work of electoral governance. The “challenges” they refer to are: 1) administrative efficiency, 2) political neutrality, and 3) public accountability. These terms merit some elaboration.

1) Administrative efficiency refers to the capacity of EGIs to actually carry out the work of electoral governance effectively. This includes, for instance, coordinating the complex logistical aspects of voting, as well as investigating and disciplining those who violate election rules. While administrative efficiency may seem like a rather mundane aspect of electoral governance, shortcomings in this area have the potential to cause an out-sized impact on the democratic process. As Mozaffar and Schedler point out, this type of administrative work “consists of innumerable technical activities whose efficient organization and execution determine the credibility of elections”.

Nowhere is this more true than in one-party state like China, where administrative failure may easily be interpreted by voters as a clandestine effort by the authorities to rig elections, thus limiting confidence

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and interest in elections themselves.\textsuperscript{159}

2) Political neutrality means that the institutions responsible for electoral governance are isolated from political pressure and partisan motivations. Put another way, this means to “separate the exercise of public authority from political partisanship”.\textsuperscript{160} In comparison with the transitional democracies with which Mozaffar and Schedler are primarily concerned, China represents a type of state in which the presumption that public institutions narrowly serve the interests of the current regime is simply overwhelming. Thus, China presents a case in which political neutrality constitutes an extremely important prerequisite for the work of EGIs.

3) Public accountability means that the authorities responsible for electoral governance are ultimately held responsible to the public. This may be achieved through various means, including, for instance, transparent decision-making processes as well as outside supervision and policing. According to Mozaffar and Schedler, the need for public accountability arises from the fact that electoral rules, no matter how precise, inevitably “require election authorities to exercise some measure of administrative discretion. The exercise of this discretion, however, may put into question administrative efficiency and political neutrality... hence, the demand for public accountability.”\textsuperscript{161} In the Chinese context, allowing EGIs to be policed by outside authorities is a double-edged sword. Apart from the from the MCA and its provincial counterparts, Chinese government officials are often more inclined to resist public accountability than to promote it. But other approaches, such as promoting the publication of internal decision making processes as well as requiring EGIs to provide of public justification for their actions could conceivably contribute to a minimal sense of public accountability even in China.

According to these criteria, how has China fared in the creation of credible, effective institutions

\textsuperscript{159} Robert Pastor refers to this problem in the context of a municipal election which took place in Taiwan in 1977. In that case, a “technical irregularity” was instantly seen by opposition supporters as evidence of official vote-rigging, leading to civil disorder. See: Robert A. Pastor, “The Role of Electoral Administration in Democratic Transitions: Implications for Policy Research”, \textit{Democratization} 6:4 (1999): 1-27.


of electoral governance? Simply put, the results have been decidedly mixed. To begin, the administrative efficiency of China’s EGIs has been hindered both by the paucity of clear rules and regulations to enforce, as well as by the lack of rules regulating the process of electoral governance itself. The POL, of course, made no mention of how elections would be supervised, essentially delegating the matter in large part to the provinces. But the provincial governments only compounded the issue by further delegating responsibility for electoral supervision to village-based bodies variously known as “village election committees” or “election small groups”. Some provinces even put the existing Village committee in charge of supervising the election process—an obviously problematic arrangement.¹⁶² None of the provincial regulations provide any clues as to how a Village Election Committee (VEC) would conduct its business, other than specifying that, in the case of Hunan for instance, the committee would operate “under the guidance of the Township People’s Government.”¹⁶³ Moreover, although the MCA and its various counterparts at the provincial have historically been assigned responsibility for implementing the POL and later the OL, neither those two pieces of legislation nor the provincial implementation documents actually refer to the role of the MCA, much less clearly specify its responsibility or powers vis-a-vis electoral governance.

The adoption of the OL contributed to somewhat standardizing electoral governance at the village level in the form of VECs. Article 13 of the OL clearly stipulates that: “The election of the village committee shall be conducted by a village election committee. Members of the village election committee shall be chosen either by the village assembly, or by villager small groups.”¹⁶⁴ While the text of the article itself is limited to just the previously quoted brief passage, the NPCSC’s *Explanation of the PRC Village Committee Organic Law* fortunately assists a great deal in answering some of the most obvious questions one might have raised at the time regarding VECs. For one, the *Explanation*

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¹⁶² Perhaps surprisingly, Fujian was among the provinces whose POL implementation regulations ostensibly puts the responsibility for electoral governance under the purview of the existing Village Committee.


¹⁶⁴ Chunsheng Zhang et al., eds. Zhonghua renmin gongheguo cunmin weiyuanhui zuzhi fa shiyi (Explanation of the People’s Republic of China Village Committee Organic Law) (Beijing: Falv Chubanshe, 1999), 37.
helpfully declares that “The village election committee is the only organization which shall conduct elections, no other organization has any authority to conduct village elections.” This clear injunction helps to avoid the administrative confusion which might result from various authorities simultaneously claiming authority to supervise the electoral process. More fundamentally, the Explanation provides a list of the VEC’s ten core duties:

1. Receive election work guidance from relevant departments and draft the election plan.
2. Train election staff in the village.
3. Register voters, check voter qualifications, publish the voters list, and deal with voters’ concerns regarding the voters list.
4. Organize the consideration, recommendation and nomination of candidates, and publish a final list of formal candidates.
5. In collaboration with voters, select the voting methods.
6. Determine and publish the election date, location and polling stations.
7. Receive and investigate villagers’ complaints and accusations regarding the election.
8. Supervise the election process, determine whether the election result is valid, as well as publish the election result and notify the township government.
9. Prepare the election file and prepare an election report.
10. Deal with other matters which occur in everyday election work.166

The approach to electoral governance demonstrated by the OL can thus be seen to represent considerable progress over both the POL as well as the earlier provincial implementation regulations. But despite this progress, significant questions remain. The Explanation simply says, for instance, that

165 Chunsheng Zhang et al., eds. Zhonghua renmin gongheguo cunmin weiyuanhui zuzhi fa shiyi (Explanation of the People's Republic of China Village Committee Organic Law) (Beijing: Falv Chubanshe, 1999), 37.
166 Ibid, 37.
concerns regarding the voters list should be dealt with by the VEC. It does not say how they should be dealt with, according to what process, or why. Most provinces stipulate in their electoral regulations that, should the VEC fail to deal with a problem appropriately, villagers should report the situation to the local township government.  

But the regulations do not, unfortunately, specify what constitutes a reportable error on the VECs part, or how the township should deal with such incidents. This continued absence of specific regulations and instructions can only make the administrative task of electoral governance more difficult, as well as promote errors and irregularities from village to village. The administrative weakness of the VEC system can be witnessed in the extent to which most electoral rules and procedures mandated by the OL continue to fail to achieve broad standardization throughout the country.

In addition to the failure to regulate, there has arguably also been a failure to centralize. Many students of electoral governance agree that in the context of newly emergent attempts at democratic government—such as that of the Chinese village—centralized EGIs are to be preferred over the decentralized models which prevail in many established Western democracies. As Robert Pastor points out, centralized EGIs are “needed less in advanced democracies where people have confidence in the conduct of elections, but they are of central importance in countries where many people assume that the conduct of elections is manipulated to serve one party's interests.”  

Qingshan Tan has developed this argument specifically with respect to China’s village elections. In an article on “Building Democratic Infrastructure” in China, Tan advocates the creation of a “national electoral commission” to replace the “hodgepodge of electoral rules and processes” currently in existence, and “establish uniform implementation practices”.

China does not currently possess an effective national agency responsible for implementing

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167 For an example of this, see: Standing Committee of the Zhejiang People’s Congress, Zhejiang sheng cunmin weiyuanhui xuanju banfa (Zhejiang Village Committee Election Method). October 22nd, 1999.
169 Ibid, 11.
electoral law, supervising elections, and resolving disputes. The MCA, while historically responsible for providing a measure of central supervision and direction over the implementation process, lacks a sufficiently clear and expansive legal mandate to fulfill the role of electoral governance. Nor has the MCA aspired to fulfill such a role in recent years. As Tan points out, the MCA has often demonstrated a “hands-off approach and unwillingness to offend local officials”; when faced with conflict or disputes, the Ministry “usually chooses to stay on the sidelines.”\textsuperscript{170} Above the level of the VEC, there continues to be little in the way of an organized bureaucracy responsible for ensuring the consistent application of the rules and procedures mandated by law. Although various forms of ‘election small groups’ or ‘election leading groups’ may exist at the county and township level, it has never been clear to what extent these groups actually serve any purpose on a daily basis.\textsuperscript{171} Electoral disputes which cannot be resolved at the village level often seem to be dealt with by senior township cadres directly. Only some provinces have begun efforts to institute provincial-level EGIs which are separate from the often ineffective MCA and are specifically responsible for electoral governance. But these efforts wary widely in scope and effectiveness. The Beijing municipality, for instance, established a bureau-level (局级) office in 2006 to perform “inspection and guidance” on electoral matters.\textsuperscript{172} But this office was assigned only six cadres to monitor Beijing’s several thousand villages, casting serious doubt on its effectiveness. Other provinces have begun to experiment with “election monitors”- trained personal dispatched to villages during elections to monitor and report on electoral standards. But such experiments remain confined to only a handful of provinces, and even among these provinces the proportion of villages which receive ‘monitoring’ in a given election cycle can be as low as 10%.\textsuperscript{173} This lack of a strong central actor, combined with the stark unevenness in the administrative capacity of local EGIs leaves the issue of administrative efficiency a weak point in China’s electoral governance.

\begin{itemize}
  \item \textsuperscript{170} \textit{Ibid}, 12.
  \item \textsuperscript{173} \textit{Ibid}, 31-32.
\end{itemize}
The issue of political neutrality is, of course, a difficult one in a country like China. The very notion of political neutrality has historically been met with forceful denunciations by China’s communist leaders as an anathema to the leadership of the party and a dangerous political heresy. Moreover, it is difficult to fathom how one even begin to speak of politically neutral institutions in a state characterized by omnipresent one-party rule. Even if, for instance, the central government decided to establish a national EGI styled as politically neutral, would anyone believe it?

As mentioned above, responsibly for electoral governance putatively falls on both a central actor (the MCA) as well as locally organized groups (the VECs). However, because the MCA’s ability and desire to exercise authority are both limited, it appears that most of the day-to-day work of enforcing rules and handling disputes is carried about by VECs. While this situation has obvious deficiencies from the perspective of administrative efficiency, in the Chinese political context it might in fact be regarded as the more efficacious approach with regard to promoting political neutrality. For while the MCA may indeed be staffed by well-meaning officials who really desire to promote democracy (as suggested by Tianjian Shi\textsuperscript{174}), the Ministry can hardly be viewed as politically neutral.\textsuperscript{175} It might even be reasonable to ask whether the type of independent national electoral commission envisioned by Tan would even be workable within the Chinese political system at all. On the other hand, the decentralized VEC system seems to offer a means of effectively sidestepping the pitfalls of political neutrality inherent in the Chinese political system. For one, the local nature of the VEC offers the possibility of isolating it from the hierarchy of the Chinese state, in much the same way that the Village committee is meant to function autonomously from other administrative units. Secondly, allowing villagers to democratically elect the VEC in their own community offers a means to not only


\textsuperscript{175} The MCA operates like most other departments of the Chinese government in the sense that it contains a large proportion of CCP members whose career prospects depend on satisfying higher ranking cadres, and it also features the typical array of parallel CCP organizations.
marginalize the role of local power holders in the electoral governance process, but also to minimize the influence of the CCP. That being said, how do the VECs actually work?

In the era of the POL, the VEC was a poorly regulated, ill-defined organization with an unclear relationship to higher levels of government. As mentioned above, some provinces did not even require the establishment of VECs until after the adoption of the OL, leaving this responsibility in the hands of the out-going Village committee. Among the provinces which chose to separate electoral governance from the ordinary exercise of public authority at the village level, a number of differing approaches can be seen. One approach, typified by Hunan, provides for the indirect election of VECs by “village small groups”. According to the regulation, “The Village Election Committee shall be elected by a village assembly convened by the out-going Village committee. Each village small group may nominate one candidate.” This contrasts with the approach favoured by, for example, Sichuan, in which township authorities are given final discretion over the composition of the VEC.

In practice, it appears that many localities appeared to favour the Sichuan model, under which VEC members are directly selected by more senior government and party officials, often resulting in a high proportion of CCP members. During research conducted in 1995 and 1996, Elklit found that the village Party Branch Secretary often ended up serving as chairman of the VEC, although the committee itself sometimes also included some ordinary villagers. Jude Howell’s research conducted at around the same time produced similar observations, including the fact that even when the Party Branch Secretary was not a member of the VEC, the other party members who did serve on the committee were nonetheless considered to be “operating under the guidance of the Party”. Given the frequency with which CCP members stand for election to village committees, as well as the extent to which all party members are “subject to the vertical commands of Party structures, and in particular to pressures

from the village Party secretary”¹⁷⁹, these observations suggest that, at least in many villages, a very minimal degree of political neutrality existed on the part of the VECs.

Since the 1990’s, progress has been made in standardizing and better regulating the functioning of the VEC. The OL now clearly stipulates that the VEC is the only type of organization authorized to conduct elections in the village, and that its members must be democratically elected. During the 2010 round of revisions to the OL, the article dealing with VECs was once again supplemented with somewhat more detailed rules on how the committee should function and how its members may be chosen. Demonstrating a commendable awareness of the issues involved in electoral governance, the 2010 published Explanation of the legislation states: “Successfully carrying out elections requires realizing the principles of openness, fairness and justice. It is thus necessary to have a just, independent institution to take responsibility for organizing elections… No organization whatsoever may wantonly assign, appoint, or dismiss members of the Village Election Committee.”¹⁸⁰ The text of the new article itself outlines several methods of electing committee members, and also includes a requirement that candidates for office must not serve on the VEC. Following the lead of the OL, provincial governments have also moved to include similar provisions in their own laws.

But despite considerable progress in improving the rules and regulations governing VECs, the reality on the ground is that many highly problematic arrangements continue to be widespread, undermining the sought-after ‘justice and independence’ of the committees. The CCP continues to play a very large role in supplying both the membership as well as the direction of the VECs. Even though the proportion of VECs which are democratically elected has increased to probably include a majority in most areas, it remains extremely common for the post of VEC chairman to be held by the village Party secretary. According to statistics published by Chinese researchers, approximately 87% of VECs in the province of Fujian were led by Party secretaries as of 2006; for Beijing, this figure was over

In addition, many provincial governments have actively sought to increase the percentage of VEC seats held by Party members, either by encouraging Party members to compete for such positions or by recommending that a certain number of posts be reserved for such individuals. Such efforts are categorized in provincial election reports as “Persistently strengthening the leadership of the party, and ensuring that the work of village elections follows the correct orientation”. One such work report, published by the Zhejiang Civil Affairs Bureau in 2008, proudly declares that “The city of Jinhua has encouraged Party members to participate in the election of Village Election Committees… [the city] has worked hard to raise the proportion of Party members serving as Village committee members and village representatives”. Unfortunately, it appears that the MCA has to some extent also accepted the idea that Party members should play a significant role in the operation of the VEC. According to a 2009 booklet- jointly edited by MCA and Central Party School officials- titled *Village Committees: Cadre Work Handbook*: “Members of the [VEC] should include representatives from township Party organizations… as well as old cadres of authority and old Party members. The post of committee chairman should ordinarily be filled by a representative from the Party organization.” Alas, it is difficult to imagine how the inclusion of “old cadres” could improve the operation of VECs in any conceivable way.

A solution to the problem of political neutrality thus remains an illusive one. Despite the establishment of democratically elected VECs, party influence remains strong. Moreover, the belief that the party ought to exercise a great deal of influence or “leadership” over the process of electoral governance appears to be quite widespread. Even if local authorities often tend to conduct elections in a relatively free and fair manner, the institutions themselves remain vulnerable to abuse and favouritism. In the future, it would be desirable for the Party to confine itself to a more background role. VECs

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182 Ibid, 432.

183 Ibid, 432.

should be predominantly composed of ordinary villagers, and the chairmanship of the committee should not be automatically assumed by the Party secretary. These changes make help to ensure a greater appearance of neutrality on the part of the VECs.

Finally, we come to the issue of public accountability. Much like the previously discussed issue of political neutrality, public accountability might be described as somewhat of a distant goal in the overall context of the Chinese political system. Regrettably, not a great deal can be said about the public accountability of any Chinese EGIs above the village level. From the perspective of ordinary villagers, they are simply unaccountable. This does not mean that villagers’ will inevitably fail to obtain redress in the event of official wrong-doing. It simply means that while government officials may sometimes be held accountable to their superiors, there is no institutional force to hold them accountable to the victims of their actions.\footnote{While some efforts- notably in the form of the Administrative Litigation Law- have been made to give ordinary citizens an avenue of recourse against officials who break the law, continuing deficiencies in the Chinese legal system, including a lack of independence, limit the effectiveness of such avenues.}

At the village level, a limited form of accountability may sometimes exist. In villages where the VEC is actually elected by ordinary villagers, this gives unhappy voters the option of simply voting against committee members who are regarded as not upholding the law, acting unfairly, etc. When the authority of individual VEC members depends on the support and consent of the village public, it is conceivable that they might be influenced to discharge their duties in a fair and just manner. However, due to some of the factors outlined above, this may not always translate into accountability in practice. Chief among these factors is the role of the Party Branch secretary and other Party members within the VEC. After all, the authority of the Party secretary does not derive from any elected position, but rather is inherent in his role within the village Party organization. It is hard to imagine how the Party secretary, who is often the most powerful individual in the village, could be cowed by the threat of not being elected to the VEC, or whether that would even be possible given the pressure from above for VECs to be lead by Branch secretaries. Moreover, a displaced secretary may still manipulate the operation of the
VEC through the other Party members who form part of the committee. In this situation, villagers are effectively left with the sole option of reporting the matter to higher level authorities and hoping for reprieve. And although the OL does indeed state that villagers have the right to report unlawful incidents in the village to township or county level authorities, this simply puts the matter in the hands of even less accountable government officials who operate entirely beyond the scope of the village.

Once again, the issue of public accountability revolves around the necessity of both ensuring the democratic integrity of VEC elections, as well as limiting the influence of the local Party organization in the operation of the VEC. It is thus apparent that in order to ensure both the neutrality and accountability of VECs, a similar set of policies must be undertaken.

III. The Exercise of Democratic Governance

The forgoing sections have largely focused on the implementation of democratic practices and procedures at the village level. We now turn to an equally consequential matter- the actual exercise of authority by elected leaders. This problem is a key one. When village elections were first implemented in the early 1990’s, many scholars of Chinese politics argued that the political imperatives of the party-state would lead to constraints on the ability of elected village leaders to govern autonomously.¹⁸⁶ In recent years, as village elections have continued to grow freer, fairer, and better regulated, the focus of discussion has once again returned to the problem of how political authority is actually exercised in the village.

In a 2010 article titled “Why Village Election Has Not Much Improved Village Governance”, Qingshan Tan raises a series of troubling questions regarding the ability of democratically elected village leaders to exercise independent authority free of meddling by party or state apparatchiks. As Tan pointed out in an earlier article, “Many scholars, officials, and election practitioners in China

believe that rural self-government has graduated from the electoral stage and should move on to a focus on democratic management, supervision, and decision making.”\textsuperscript{187} While Tan does not consciously count himself among this group, he does contrast the successful implementation of what he refers to as “largely free and fair” elections with the reality that, as he puts it, “village self-government is increasingly becoming a formality without substance of self-governing.”\textsuperscript{188} This argument- which is now widely held by other scholars both in China and abroad- must be considered thoroughly before any conclusion can be made regarding the success of village elections in promoting democratic governance.

Tan analyzes the dynamics of village politics with reference to the mutual relationships between four key actors: the village committee, the village representative assembly, the township, and the village Party Branch. The village committee, Tan argues, is hobbled by its dysfunctional relationships with the other three primary actors in the village political scene. While the village representative assembly typically fails to assert democratic control and supervision over village government, the township and the Party branch often work together to marginalize the role of democratically elected village leaders. In the following section, I individually examine the relationship between the village committee and each of its three counterparts.

\textit{The Village Committee and the Village Representative Assembly}

In a widely commended flourish, the 1987 POL provided for a form of direct democratic supervision and policy-making via an institution called the \textit{cunmin huiyi} (村民会议) or village assembly (VA). According to the text of the law, the VA would be comprised of all villagers over the age of 18, and would be empowered to exercise authority over the actions of the village committee. The POL’s Article 11 specifically required that the village committee perform work reports before the VA, and that

\begin{thebibliography}{99}
\bibitem{187} Qingshan Tan, “Building Democratic Infrastructure: Village Electoral Institutions”, \textit{Journal of Contemporary China} 18:60 (2009), 412.
\end{thebibliography}
“Questions which concern the interests of all villagers must be submitted to the village assembly for discussion and decision”.¹⁸⁹ Many observers have compared the role of the VA to that of a village legislature or parliament.¹⁹⁰

In practice, it was quickly realized that the type of organization described by the POL would be impractical in most villages, and totally unworkable in some. Geographically dispersed village faced challenges in gathering people from over a large area in one place at one time did villages with large relatively large populations. In areas where many villagers had left for work in the cities of coastal China, it was unrealistic for such individuals to return specifically to convene the VA. Owing to such difficulties, local authorities in many villages elected to create a new organization- the village representative assembly (VRA)- to assume many of the responsibilities of the unwieldy VA. The VRA was designed to be smaller than the VA, comprised of several dozen elected household representatives, and thus less complicated to convene on a regular basis. Over time, the VRA has come to usurp the role of the VA in a large proportion of villages.¹⁹¹

The consensus to be found in the scholarly literature on VRAs is that, as Qingshan Tan concisely puts it, “most of them are not effective in representing villagers’ interests.”¹⁹² Sylvia Chan has strongly criticized the ability of VRAs to both operate independently from and exercise supervision over the village committee. Writing in 2003, Chan offered the dim assessment that “As things are now, the presence of VRAs simply means that many Party branches and VCs have agreed to share their power with a few more people who are handpicked by themselves.”¹⁹³ Chan argues that the direct participation of VRAs in village governance tends to encourage collusion with other village leaders in

order to avoid scrutiny, thus defeating the purpose of democratic supervision. In Chan’s view, far from serving the interests of ordinary villagers, VRAs are often harnessed by township authorities as a tool to manipulate village politics, and primarily serve to make policy-implementation easier for the township government. For example, because the OL empowers the VA/VRA to dismiss serving members of the village committee, township leaders sometimes utilize the VRA as a stalking horse to dismiss uncooperative or dislike village committee members.194

In a similar vein, Björn Alpermann has emphasized the role of provincial government policy in fostering Party influence within the VRA.195 Alpermann points out that provinces such as Tianjin and Shanghai, for instance, have adopted regulations automatically granting all Party branch members in the village the right to participate in VRA meetings, while Hunan requires that a certain proportion of VRA seats be held by Party members. Local Party leaders use this influence to control the agenda of the VRA and determine which items are raised for consideration. In Alpermann’s view, the outcome of increasing Party control is that the VRAs often become little more than “instruments of control in the hands of village cadres instead of villagers.”196

Despite these shortcomings, the VA/VRA is far from a lost cause. Despite a push by some provinces to increase Party control over the VRA, the organization theoretically continues to enjoy considerable powers of supervision and control over village government. Indeed, a handful of provinces have even taken steps to expand the legal basis of such powers.197 In addition, policymakers within the central government have demonstrated some awareness of the issues affecting VRAs. The recent 2010 round of revisions to the OL saw the inclusion of new, more specific provisions dealing with the nature and composition of the VA/VRA, as well as the relationship between the VA/VRA and...

194 Chan gives the example of a VRA which deals with the village budget and procurement contracts. How, she asks, can the same organization turn around and exercise scrutiny and supervision over its own actions? See: Sylvia Chan, “Villagers’ Representative Assemblies: Towards Democracy or Centralism?”, China: An International Journal 1:2 (2003): 195-196.
196 Ibid, 403.
197 Ibid, 405.
the village committee. Moreover, centrally published manuals instructing village cadres on the implementation of the OL make no mention of any necessity to include village Party members or the Party branch within the normal functioning of the VRA. Rather, they rather clearly state that the VRA is an organization which exists for the benefit of ordinary villagers and should be composed of ordinary villagers.198

As Sylvia Chan observed in 1998, “even if the villagers’ committee is democratically elected, it does not necessarily follow that village government is democratic. Democratic government at this level depends to a large extent on how genuinely representative is the villagers’ representative assembly and how effectively it exercises its supervisory role over the villagers’ committee.”199 This statement highlights the importance of the VRA in guaranteeing the democratic exercise of authority in China’s villages. While the current picture of VRA-village committee relations appears less then reassuring, this is an area which merits a great deal more contemporary first-hand research to explore how the dynamics of the relationship between the VA/VRA and the village committee have developed in recent years.

*The Village Committee and the Party Branch*

The relationship between the village committee and the village Party branch, long a problem area in the practice of village self-governance, has never been particularly well-defined by law. The POL notably failed to mention the subject at all, setting a pattern which was followed by nearly every set of provincial POL implementation documents adopted in the late 1980s and 1990s. Although the regulations of many provinces contained the vague requirement that village committee members “enthusiastically love socialism, and support the leadership of the Chinese Communist Party”, they said nothing about how the village committee would function alongside the erstwhile sole source of political power in the village- the Party branch.


In theory, the village committee and the Party branch are separate organizations with distinct functions and responsibilities. The establishment of village committees was meant to strengthen local governance by putting many of the day-to-day tasks of village administration under the authority of democratically elected leaders. At the same time, the village Party organization would continue to exist and—ostensibly—serve as the main source of political leadership in the village. In 1998, the newly adopted OL endorsed the idea that the Party should “play a core leadership role” in village politics, as well as “lead and support the village committee in the exercise of its authority”. Remarkably, despite providing a lengthy list of the Party’s “basic tasks” at the village level, the NPCSC’s 1998 *Explanation* of this article manages to say almost nothing at all about how the Party branch and the village committee operate together. (The *Explanation* is more concerned with reminding local Party leaders to, among other things, “earnestly study Marxism-Leninism, Mao Zedong thought, Deng Xiaoping theory…” and so on.) Ideally, the village committee should have areas of authority which are clearly separate from those of the Party branch. Village committee leaders should have the ability to conduct decision-making independently of local Party leaders. And when necessary, the village committee should be capable of challenging and defying the Party.

Without a doubt, the existence of village committees has led to a great deal of friction and sometimes outright conflict with local Party organizations. When elected village leaders stand up for the interests of their constituents, it can often bring them into direct confrontation with the local Party organization. However, it seems apparent that in practice the political life of most villages continues to be dominated by the Party branch and its secretary. In some villages, the Party secretary is able to simply push the village committee aside and govern as *yibashou* (一把手). It is often the case that the

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203 The term *yibashou*, which literally means ‘first hand’, refers to a leader of uncontested authority. It is reported that many
political dynamics of the village- including the involvement of the township- tend to push the village committee into a relatively docile position vis-a-vis the Party branch. As Xu Fucheng, a former editor of Xiangzheng Luntan, has remarked on this issue, “Village Party organizations have the enormous advantage of ‘upholding the leadership of the party’. If the village committee does not heed the commands of the village Party branch, this means that the village committee does not submit to the leadership of the Party, and causes the committee to occupy the disadvantageous position of being ‘politically incorrect.’” Moreover, even in those cases where the village committee successfully challenges the authority of the Party over a certain issue, the original dynamic of Party supremacy has been observed to regularly reassert itself following a period of time.

Another problematic development is the close cooperation between the village committee and the Party branch which has become the governing modus operandi of many villages. In large part, this type of arrangement has been encouraged by government policies aimed at reducing conflicts between elected committee members and unelected Party leaders. Some provinces have sought to combine the village committee and the Party branch into a single entity as much as possible. For instance, the policy of yi jian tiao (一肩挑) or ‘carrying the load on one shoulder’ calls for the Party branch secretary to simultaneously serve as village committee chairman, and for personnel to be shared between the two organizations. This policy has been aggressively implemented in Guangdong, while also being pursued by Shandong and Hunan, among other provinces. Similarly, policies such as gongzhang shuang qian (公章双签), which requires village committee leaders to obtain Party branch approval prior to using the public seal, have been implemented to limit the independent authority of the village committee.


Chinese and foreign scholars have suggested various approaches to reducing the extent of this problem. One approach which has attracted a great deal of attention is the ‘two-ballot system’, or liangpiao zhi (两票制). The two-ballot system is essentially a method of allowing villagers to indirectly elect the village Party secretary. Under the most common form of the two-ballot system, the village committee election is preceded by a ‘vote of confidence’ in potential candidates for the post of Party secretary. Only candidates who exceed a certain threshold - typically 50% - are considered eligible to hold the post. A meeting of all Party members later elects a branch secretary from among the eligible candidates. This system has been proposed as a means of holding village Party leaders more accountable to villagers, and curbing the influence of overbearing or undemocratic Party secretaries. But as of 2012, the notion of elected Party secretaries continues to be mostly confined to the experimental stage.206

Ultimately, the solution to this problem will require further effort on the part of China’s lawmakers and bureaucrats. The OL should be revised to include a detailed legal basis for the relationship between the village committee and the Party branch. Regrettably, this opportunity was missed in the 2010 round of revisions. In fact not only was the opportunity missed, but the OL was actually revised to include new language subjugating the village committee to the “leadership” of the Party branch. This demonstrates that at least some elements of China’s leadership have come to share certain local governments’ fear of friction and conflict between the two organizations, as well as the desire to reign-in the potentially destabilizing effects of genuine democratic governance in the villages. Until policymakers adopt a new attitude, it is likely that this will continue to be problematic aspect of village governance.

206 As of 2011, experiments in the election of Party branch secretaries were underway in no fewer than 12 provinces, though it remains unclear just how widespread such experiments have been. Baogang He, Tightening Control. Accessed July 18th 2012, http://bostonreview.net/BR36.4/ndf_baogang_he_china.php
According to Chinese law, the village committee and the township government are categorically different institutions. Whereas the township derives its authority as the basic unit of a unitary central state, the village committee is held to exist autonomously, dislocated from the regular administrative hierarchy of that state. In his study of the Chinese policy making process, Kenneth Lieberthal emphasizes that “ranks play an extremely important role in structuring authority relations” within the Chinese bureaucracy.207 “Every unit in China”, he argues, “...has a rank. This system enables each unit to appraise it status with respect to all other units.”208 As the basic unit of the Chinese state, the township is officially the lowest rung in this hierarchy. And yet beneath the township lies another rung of administration, one with which it shares an ambiguous relationship.

As noted earlier, one of the controversies surrounding the draft POL in the mid-1980s centered on the nature of the relationship between the township and the village committee. Critics of the POL argued that the township should exercise “leadership” over the village committee, while Peng Zhen and his supporters believed that “guidance” was a more appropriate role. Ultimately, the “guidance” camp won out over the “leadership” camp, and the POL was written in this manner, but the issue was never really given much clarity. The vagueness of the provision concerning village-township relations was reduced only slightly in the OL, which added the stipulation that the township “shall not interfere in matters which are lawfully within the range of village self-governance”.209 Alas, first-hand reports indicate that township leaders often have their own notions about which areas of authority properly fall under the purview of the village committee.

The township undoubtedly has a major role to play in either the success or the failure of village democracy. In some ways, township governments have been regarded as making significant

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208 Ibid., 142.
contributions to the functioning of elected village committees. Township governments have been recognized as providing often badly needed financial training and supervision for newly elected committee members, enabling them to better discharge their duties. Regrettably, despite the contributions of some townships to implementing and developing village democratic institutions, many townships have done at least as much to harm the development of village democracy as they have to support it. In this context, we can identify two primary strategies which pernicious townships have deployed to deal with village committees: financial leverage and marginalization.

Township governments have attempted to exert control over the village committee via the public purse. Village committees often lack the ability to exercise independent authority over village finances. Although the legal framework assigns village committees the power to appropriate village funds autonomously, such funds are often held in township controlled accounts. This is partially a result of deliberate government policies, such as that of ‘village funds, township management’ or *cuncai xiangguan* (村财乡管). Qingshan Tan argues persuasively the “lack of financial independence of village self-government gives township government an important leverage over villages.” As an example, he refers to a township which used its power over village accounts to pressure village committee leaders to rent office space in the township’s newly built but excessively large office building. More generally, when village leaders wish to assign funds to a particular project, they often find that they must accept a certain degree of township influence in order to draw money from the township managed accounts.

The second commonly seen strategy is that of marginalization, which includes efforts by the
township government to render the village committee a mere implementer of policy, rather than an independent actor. This type of marginalization takes various forms. It is reported that township governments will often directly exercise powers which have been specifically assigned by law to the village committee, rendering the committee effectively redundant. Tan suggests that this often takes place in the form of the expropriation of village land for development projects. Technically, all village land belongs to the government of the village—hence the village committee—not the township. But township authorities in some areas have directly expropriated land without consulting the village committee, leaving the committee little choice but to either seek redress from higher authorities, or accept the move as a fait accompli. More systematically, township governments have sought to enlist the village committee as an agent in the execution of township tasks with which villagers may be reluctant to cooperate. O’Brien describes this as “unpopular tasks [being] foisted on villages by townships that encounter unexpected problems.” For a variety of reasons, including the financial leverage described above, elected village committee members may be unable or unwilling to resist the commands of township leaders. Indeed, Lianjiang Li’s research has found that among all village political actors, villagers are least willing to defy the township government.

Despite these problems, there is reason to think that the issue of village-township relations may experience some improvement in the coming years. For one, it is evident not only that central policymakers are aware of the issue of township financial leverage over the village, but also that they have some desire to ameliorate it. One of the main focus areas of the 2010 OL revisions was adding more structure to village financial management, as well as strengthening the institutions which allow villages to democratically manage their own financial affairs. The revised OL now includes a provision requiring, for instance, the establishment of a sub-committee level organization for the purpose of

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212 Ibid., 162.
“democratic wealth management”, including the power to inspect and monitor the village committee’s financial accounts. Such an organization, combined with the OL’s new requirements regarding the publicization of village affairs, will hopefully increase the transparency of the village committee’s financial arrangements and create counter-pressure against township abuses and predation. In addition, adding more structure to the village committee’s financial management policies will hopefully weaken arguments in favour of putting such matters under the authority of the township in the first place.

_Toward the Democratic Exercise of Power_

It would thus appear difficult to refute Tan’s thesis that village governance continues to suffer from a considerable ‘democratic deficit’. As the evidence demonstrates, a variety of institutional factors often conspire to limit the ability or the willingness of elected village leaders to operate independently from other power-holders. Compounding this problem is the fact that the VRA- the erstwhile facilitator of direct democratic governance and supervision- has in many ways failed to develop the institutional robustness and independence required to fill such a role.

We should be cautious, moreover, with respect to Tan’s argument that this democratic deficit is primarily the result of institutional and regulatory deficiencies in the framework governing village governance. While clearly true to a certain extent, this interpretation can only be taken so far. It must be balanced with an understanding of the ways in which Chinese authorities have taken deliberate steps to ‘reign in’ village self-governance. In other words, the present stunted form of village governance should be viewed both in terms of the policy failures which enable it, as well as the purposely designed institutional arrangements which maintain it. Before a regime which encourages the truly democratic exercise of power can emerge on a broad scale, both issues must be dealt with appropriately.
Conclusion

With its promise of open elections and democratic governance, the policy of village self-governance has produced a highly varied and often contradictory set of political arrangements in the Chinese village. As outlined in the preceding pages, many villages now conduct relatively free and fair semi-competitive elections on a regular basis. In the years since the adoption of the POL in 1987, the electoral rules and procedures employed in village elections have continuously improved, and now meet international norms in many respects. Nonetheless, the state of village governance continues to fall distinctly short of the ideal of democratic self-government. Although many villages have reportedly witnessed episodes of intrepid village committee leaders successfully clashing with other authorities on behalf of ordinary people, this does not appear to be a particularly widespread phenomenon. For while village leaders are often elected through a fair and open process, they are just as often constrained by other institutional factors, including Communist Party influence and the meddling of higher levels of government. Even when elected leaders wish to stand up for the interests of their constituents, a frequent outcome of such efforts is simply dysfunction and paralysis. The regrettable irony of village elections is that they have done surprisingly little to alter the reality of governance in many villages.

The major question left unanswered by this essay is, of course, what will the future of village democracy look like? This is a question which, alas, leaves much attendant upon the political will and disposition of future Chinese leaders. Continued improvements in village governance will undoubtedly require a political climate significantly more open to reform and popular political participation than that which prevails as of 2012. It is difficult to predict whether China’s next leadership group will share anything like Peng Zhen’s zeal for promoting democratic village self-governance, or whether they will be interested in reforming rural governance at all. In the absence of more a open, progressive line of political thought than that which the Hu regime has yielded, it is entirely possible that the OL will be left to languish in its current state, or even be revised to include new provisions cementing the outsized
role of the Party in village politics. Under such conditions, it is hard to imagine how even the relatively successful aspects of village self-government, including open, fair elections, will be able to maintain.
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