Chinese Democracy: A Review of Ballot Box
China

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Wang Jinsheng wanted to run for office, for the position of village committee leader of Baihou, a village located in Chanzghi City, Shanxi, China.¹ Despite starting from modest beginnings, he started up his own business in the 1980s and became the president of an energy and mining company. Wang used his wealth to help other villagers in financial difficulties, giving them food and money annually.²

Wang claimed that he wanted to run for office to “work for the villagers,”³ unlike the incumbent Mr. Zhao, who used his position to enrich himself and his family and in the process violating many regulations about land use.⁴ With a good reputation around town, Wang had a reasonable chance of beating the incumbent.

But there were some problems. A mysterious notice was posted by the local election committee, stating that only those who were members of the Communist Party and not more than 48 years old could run. The rules were apparently bogus contradicted by national and local laws, and posted in a seeming attempt to prevent Mr. Wang from running (who was 55 and not a Party member). Wang met and dined with seventeen other villagers to discuss what to do next. He confronted Zhao about the rules, but got nowhere.

The next day, Wang, accompanied by the villagers, went to the township (the next highest level of government). Protesting that the notice about who could run was illegal, the township official responded that Wang had to withdraw: even if Wang got a thousand votes, the official told him, and Zhao only got one, Zhao would still be elected. Wang demanded to see where the regulations on who could run were written down; he was rebuffed. Soon local officials were putting pressure on members of Wang’s family to get him to get out of the race.

The pressure grew on Wang himself: public security agents told him he needed to withdraw, that higher-up government officials opposed him, and that Zhao would remain as the

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¹ We take most details of Wang Jisheng’s story from KERRY BROWN, BALLOT BOX CHINA 49-55 (2011). Unfortunately, at points Brown seems to have confused Shanxi province (where Wang ran for office) with Shaanxi province. Shaanxi, not Shanxi, is home of the famous terracotta warriors and the capital of the Tang Dynasty. *Id.* at 46. *But see Shaanxi, WIKIPEDIA available at* http://en.wikipedia.org/wiki/Shaanxi (accessed Jan. 31, 2013). Moreover, while Shanxi is a poor province overall, as Brown says, Brown omits to mention that Changzi City, where Wang’s story happened, is quite wealthy. BROWN, BALLOT BOX CHINA, at 48. *See* 李凡 [Li Fan], 山西长治2011年GDP1218亿元 进全国千亿元俱乐部 [Changzhi Achieved a GDP of ¥121.8 Billion (roughly $19.5 billion) and Joined the ¥100 Billion Club in the Country]. 央视网 [CCTV.COM] (Feb. 14, 2012), http://zs.cctv.com/xinzhou/news_201213.html.


³ BROWN, supra note 1, at 52.

⁴ Ironically, after Mr. Wang was elected years later, he also was accused of violating land use regulations. *See* 请政府处理贪官，还百姓一片宁静的天空 [Government, Please Punish Corrupted Officials and Give Us a Piece of Clear Sky]. 百度贴吧 [BAIDU.COM] (Jan. 22, 2013), http://tieba.baidu.com/p/2114191057?pid=28516627323&cid=0#28516627323
village committee leader. Wang was now told that he would be charged with election fraud, on the trumped-up ground that his dining with the seventeen villagers was actually an attempt to bribe them. Wang tried to bring the matter to the provincial government, who told him they would tell the local township to investigate. A few days later, the township gave its judgment: Wang was not eligible to run, not because of his age or lack of party membership, but because “destroyed the process of the elections and committed fraud.”5

Mr. Wang’s story got even worse. He was detained and put in prison. While in prison, the election was held, and he gained more votes than Zhao, but not more than half of the total votes cast. According to the election rules, this meant a run-off, which Wang also won. But Zhao was reappointed as village head, on the ground that Wang had lost his eligibility. Villagers who protested the result to the provincial government were detained when they returned to the township.

Wang’s dour assessment of his experience might be taken to sum up Kerry Brown’s brief but ambitious book, in which Wang’s story plays an important, symbolic role: “I realized that whatever the situation, if you wanted to be the Village Committee head it had nothing to do with elections. It was all stitched up beforehand.”6 That is, if you try to run against the establishment in China, you’ll face some pretty stiff obstacles, if not from the Party branches directly, then from township authorities, obstacles that can decide the outcome of the election before it even begins.

But Brown is not content to take Mr. Wang’s judgment as the last word, nor should we. Brown writes hopefully that “[s]omeone as persistent as Mr. Wang will not be easy to keep down for long,”7 although he leaves him “pursuing his case at central government level” with no just resolution in sight.8 In fact, Mr. Wang did not give up, and his story has a happy if somewhat surprising ending. Wang ran for committee leader again in 2011, and again won. This time, however, he was appointed as the village head.9

Mr. Wang’s story shows both that there are many barriers to democratic change in China, but also that there is considerable energy for that change. Village elections have, in the past two decades, come to be a fixture of local Chinese governance,10 Do they, in fact, present

5 BROWN, supra note 1, at 54.
6 Id. at 55 (emphasis added)
7 Id. at 56
8 Id. at 55.
the best hope for democracy in China? Does the story of Mr. Wang show that Chinese democracy “will not be kept down for long”?\(^{11}\)

The promise of village elections comes, in part, from the sheer bigness of China. The government cannot control everything, all the time, and “the mountains are high and the emperor is far away,”\(^{12}\) as the saying has it. Empowerment far away from Beijing may actually be meaningful, because it allows room for valuable local experiments before the Party central command sees and stops them. But the story of Wang suggests a further problem. Where the central command is far off, local strongmen are able to get their way and village democracy might not stand a chance.\(^ {13}\) It seems unlikely that something like Mr. Wang’s story would have been tolerated in a village nearer to Beijing, although perhaps other barriers might have prevented Mr. Wang from running for office.

Indeed, there’s a sort of damned-if-you-do,-damned-if-you-don’t-flavor to the problem: either the Party intervenes too much (and will only allow “free” elections if the outcome is favorable to the Party) or the Party doesn’t intervene, there’s no guarantee that local election results will be respected, especially if they threaten those already in power. We are a long way from democracy, if by this we mean the real possibility that “incumbent rulers could be forced to abandon power as a result of the people’s vote,” especially if those incumbents are favored by Party officials.\(^ {14}\)

But there seems no doubt that the possibility for substantive democracy in China is there. In a fascinating study conducted in the late 2000s, political scientist James Fishkin and others conducted a “deliberative poll” in a small village in China.\(^ {15}\) The results were stunning and impressive. Villagers, many who were illiterate, gathered together and deliberated about what public work project the village should pursue: a park, a main street, an improved sewer system, etc. Not only did the villagers change their preferences when they deliberated, they even showed improvements in civic knowledge about the village: what the growth rate in the village was, and what products it manufactured.\(^ {16}\) The results of the poll were almost too good to be true and they seem to mark a measure of success that is not just amazing for China; those results would be amazing anywhere.

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\(^{11}\) See also \textit{Brown}, supra note 1, at 49 (“[V]illage elections are the one area where one can say that real measures have been taken that look and feel like the way democracy is practiced in the West.”).

\(^{12}\) 黄溥 \textit{[Huang Pu]}, \textit{闲中今古录摘抄} \textit{[Xian Zhong Jin Gu Lu Zhai Chao]} (Ming Dynasty).

\(^{13}\) Brown takes the Wang story as pitting the “old Party against emerging new figures.” \textit{Brown}, supra note 1, at 55, but this is only partly true. Zhao may represent the “old Party,” but he also represents his own economic interests, and not necessarily the interests of the Party per se.

\(^{14}\) Jennifer Gandhi & Adam Przeworski, \textit{Cooperation, cooptation, and rebellion under dictatorship and politics, ECON. & POL.}, 21 (2006). See also \textit{Brown}, supra note 1, at 70 (interview with a Chinese village who complains that no one will get elected if the “town government and Party don’t support them” and that there is no real choice in elections.)


\(^{16}\) \textit{Id.} at 447.
Although Brown doesn’t discuss Fishkin’s deliberative poll, his book gives us some reason to be skeptical about what kind of lessons we can draw from it. The choices faced by the villagers in Fishkin’s experiment were between a limited set of policy options, not between (unpredictable, and possibly entrepreneurial) candidates. The deliberations were in the end instrumentally useful: they provided information to those who already were in positions of power. If they simply lead to more effective governance, experiments in deliberation like Fishkin’s may just entrench those in power rather than increase the demand for a greater role in decision-making.\textsuperscript{17} More generally, local, deliberative institutions might be a way of allowing “moderate democracy to avoid a radical and substantial political reform that would directly challenge the political power of the Chinese Communist Party.”\textsuperscript{18}

Wang’s story has a deeper lesson than simply the fact that the grand picture of village democracy sometimes fails in reality. It also shows that a key part of any democratic arrangement is the rule of law, a point Brown also emphasizes in his book.\textsuperscript{19} So long as the rules for the election can be manipulated at will, you can’t have a fair election. Bribery of voters is, in fact, commonplace in village elections, but who gets investigated and how extensively, will depend on who the accusation is against. Interestingly, Wang also accused Zhao of winning and dining voters before the election, but nothing came of his allegations.

This suggests that a more immediate concern of pro-democracy Chinese would be increasing transparency and consistency in the making and applying of laws, a necessary precondition of democratic elections. There is also a need for an independent court system, to adjudicate election disputes when they arise. Brown gives us little optimism that these kinds of sweeping reforms will happen anytime soon.\textsuperscript{20} Finally, though paradoxically, this would suggest that the Party extend its power further into the villages, to ensure the fairness of the conditions for elections, so that local autocrats cannot distort election results.\textsuperscript{21}

Finally, and indirectly, Wang’s story points us towards expressions of popular sentiment outside of elections.\textsuperscript{22} Protests in China, it is no secret, have been on the rise in recent years, notably NIMBY (“not in my backyard”) protests against chemical and industrial

\textsuperscript{17} A possibility conceded by Fishkin. \textit{See id. at 448 (“Alternatively, [deliberative polling] could retard democratic development by contributing to the legitimacy of existing, less than fully democratic, institutional structures.”}).

\textsuperscript{18} Baogong He, \textit{Participatory and Deliberative Institutions in China}, in \textit{THE SEARCH FOR DELIBERATIVE DEMOCRACY IN CHINA} 175 (Ethan J. Leib & Baogang He, eds. 2006); \textit{see also} Pierre F. Laundry, Deborah Davis & Shiru Wang, \textit{Elections in Rural China: Competition without Parties}, COMP. POL. STUD. 20 (2010).

\textsuperscript{19} \text{BROWN, supra note 1, at 42-43.}

\textsuperscript{20} Id. at 125.


\textsuperscript{22} Baogong He, \textit{supra note 18}, at 32 (90,000 protests a year in China from 2006-2009). The number of protests is almost certainly higher, especially in recent years. \textit{See, e.g., Rising Protests in China}, \textbf{The Atlantic} (Feb. 17, 2012) available at http://www.theatlantic.com/infocus/2012/02/rising-protests-in-china/100247/ (number of mass incidents grew to 180,000 in 2010).
Surely such protests are instances of popular democracy that need to be taken seriously by the government (if only for pragmatic reasons).\textsuperscript{24} Ironically, one way of co-opting such sentiment might be Fishkin-like “deliberative polls,” which could serve, to use Brown’s words, as a “sop by the Party to give the outward appearance of reform, while inwardly only bolstering its powers.”\textsuperscript{25} They can improve local conditions, reduce instability, but otherwise leave things as they are, governmentally-speaking.\textsuperscript{26} It also bears mentioning that deliberative polls such as Fishkin’s are rather expensive and time-consuming and could not operate as a regular mode of governance, certainly not in poorer regions of China.

Whether, and if, China will become more democratic, especially nationwide, is a nearly impossible prediction to make, although Brown holds out hope. If Chinese democracy is to happen, however, there must be a convergence of interests between the people and democracy: that is, democracy has to be seen in the people’s interest. This may seem axiomatic to the West (how could rule by the people be not in the people’s interest?) but it is not so in a country such as China. The Party rests its legitimacy on its ability to maintain stability and avoid instability\textsuperscript{27} and has delivered to a surprising degree, however questionable some of its methods may be.

In the face of this, and in the face of ideas of traditional Chinese ideas of harmonious living,\textsuperscript{28} democracy can come to seem destabilizing. But this need not always be the case, as some preliminary research has shown.\textsuperscript{29} Leaders put into power as a result of village elections tend to be more responsive to the people’s interests, which leads to better and more equitable governance. This can itself create greater stability.

Brown concludes his book by positing that village elections may “contain the potential seeds of a huge revolutionary change.”\textsuperscript{30} They might, and Brown makes a solid case that they

\textsuperscript{23} See, e.g., Keith Bradsher, Bolder Protests Against Pollution Win Project’s Defeat in China, N.Y. TIMES A4 (Jul. 4, 2012) (describing successful protests against a smelter planned for Shifang as well as other recent, environmentally-motivated protests in China).


\textsuperscript{25} BROWN, supra note 1, at 87.

\textsuperscript{26} Cf. id. at 165. See also Susan Jams, Dabbling in Democracy, 16 TIME INTERNATIONAL 30 (April 16, 2005) (quoting a Chinese party official as claiming “democratic discussions” are useful in decreasing social instability)

\textsuperscript{27} BROWN, supra note 1, at 122, 133

\textsuperscript{28} At the same time, one should not overexaggerate the homogeneity of any kind of thinking in a culture, especially one as large and old as China. There are other elements in Chinese intellectual history that might support ideas of democracy and popular sovereignty. For a good discussion of the tension in Chinese thought, see Chen Shengyong, The Native Resources of Deliberative Politics in China, in THE SEARCH FOR DELIBERATIVE DEMOCRACY IN CHINA 161 (Ethan J. Leib & Baogang He, eds. 2006).


\textsuperscript{30} Id. at 165.
deserve more study and attention. In general, Brown’s book serves as an excellent introduction to the phenomena of village elections, which are possible bright spots in an otherwise opaque regime. After all, Mr. Wang eventually was elected to village head, despite the enormous odds against him. And there have been similar stories, filled with both promise and frustration, of local democracy in action.

But there is a large difference between occasional instances of real democracy, and democracy being a regular (and properly regulated) feature of Chinese political life. The path from the former to the later is long and not necessarily straight. How China traverses this path, and whether it does, will certainly be one of the great stories of this century.

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31 As Brown’s brief bibliography at the end of his book shows, village elections have already become an object of fascination for many Western observers.

32 Mr. Wang was accused of bribery again before the 2011 election. See Comment to 长治城区：管不了一个劣迹斑斑的“贿选”村长 [Changzhi Cheng District: The Infamous Village Head Got Away With Election Bribery], 优酷原创频道 [YOUKU ORIGINAL CHANNEL] (Feb. 16, 2012), http://v.youku.com/v_show/id_XMzUzMTU1MjI4.html. Mr. Zhao remained the Party Chief of Baihou Village when Mr. Wang took office as the village committee leader. See 陈楠 [Chen Nan], 柏后党支部党务公开领导组名单 [Baihou CCP Branch Disclosure of Party Affairs—List of Leaders], 柏后阳光农廉网 [Baihou Village Official Website] (Sep. 2, 2012), http://www.czsnlw.com/cun/html/01010211013/01010211-cqcqdbsc_2011181916422.html, (accessed Jan. 29, 2012). Many times the role of the Party Chief and village committee leader are combined, but, as the experience of Zhao and Wang demonstrates, they can be split.

33 Brian Spegele and James T. Arredy, China Village Hits Democracy Limits, WALL. ST. J. A9 (Nov. 9, 2012) (protest leader becomes head of village committee, but faces obstacles to reform).