

More Legitimacy for One-Party Rule? The CCP's Ideological Adjustments and Intra-Party Reforms¹

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Summary

For the last two years, Chinese President Hu Jintao has appealed for the proper study of Marxism, and in the years to come Premier Wen Jiabao wants to build "a new socialist landscape." The language used in the new ideological guidelines bears a strong resemblance to the rhetoric of the 1980s and may therefore seem rather outdated to some China observers. The same is true when studying the widely propagated "Three Represents" party reform concept initiated by Jiang Zemin or the subsequent ideological parole of "building a harmonious society" used by Hu Jintao. Nevertheless, these new "approaches" and "theories" are the outcome of lengthy discussions on ideological and intra-party reform conducted over the last ten years in order to secure one-party rule. This article discusses the far-reaching implications of ideological reform, reconstructs the process of intra-party reform and illuminates the political background connected with the endeavour of establishing new legitimacy for the CCP.

I. Introduction

If political parties wish to stay in power for a long period, they have to adjust to changing realities and a changing "clientele" to keep up with the times. In Chinese this is called "*yu shi ju jin*." Whenever the legitimacy of the CCP has been challenged, the Party-state has always been one step ahead of potential power seizures. The Hundred-Flower Movement of 1956 and the following Anti-Rightist Campaign of 1957 are two prominent examples of this. With the help of draconic control measures and censorship, the Party-state managed to persuade the Chinese people for decades to sacrifice their own needs for the sake of improvement and modernisation of the country as a whole. It also postponed political reform in favour of functional aims.

¹ For a more detailed discussion of party reform and political reform discourses in general, see Claudia Derichs, Thomas Heberer, Nora Sausmikat (eds.), *Why Ideas Matter: Ideen und Diskurse in der Politik Chinas, Japans und Malaysias (Why Ideas Matter: Ideas and Discourses in the Politics of China, Japan and Malaysia)*, Hamburg: Institute of Asian Affairs, 2004, pp. 109-189.

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The situation has changed since 1989. The decade between the XIVth and the XVIth Party Congress (1992-2002) was characterised by negative social and political circumstances that were critical for the economic reform project. Simultaneously, it was a period in which pressure for political reform grew. As a result, party reforms were launched after 1995 and the Constitution was significantly revised. A former consultant to Jiang Zemin once called these reforms the first step towards the democratisation of China as they would entail two other reforms: first of all, the introduction of the idea of "representation" through a political party, and secondly, the commitment to represent different emerging interest groups.²

In fact, the reforms of the Party had two dimensions: a thorough ideological and theoretical reform ("becoming a people's party"), and structural and functional reforms within the Party (new leadership recruitment, new recruitment methods, inner-party democracy, supervisory mechanisms, the division of power and competitive elections). This article will discuss these two aspects and their meaning in the context of historical, theoretical and ideological adjustments within the Party. These reforms will be explored by analysing their function to consolidate the legitimacy of CCP rule.

II. The Long Journey to Ideological Reform

The political survival of the CCP was based on changing concepts of legitimacy. In addition, the necessity to legitimise one-party rule changed over time. If we exclusively accepted democratic elections as the main instrument for establishing *political legitimacy*, it would no longer be necessary to analyze the CCP's attempts to create legitimacy. But although the CCP is not in danger of losing power because it is authorised to rule by the Constitution, its legitimacy is being questioned – the largest challenge it has faced since 1989.

According to the foreword of *The Third Generation of the People's Republic of China*,³ a book written by well-known author Yang Fan, the author penned the work to re-establish the moral legitimacy of the political leadership in the wake of the Tiananmen Incident. The tradition of creating legitimacy by identifying a specific group of persons as legitimate leaders of a new era goes back to imperial times;⁴ rewriting history in favour of the current emperor did not begin with Mao or the

² Liu Ji, "Zhengzhi tizhi bu gai ge shi xinran meiyou chulu de" (There's no way forward without a reform of the political system), in: *Duowei Xinwen* 12.3.2001 (at http://www.chinesenewsnet.com/cgi-bin/n.../Sun_Mar_11_20_06_39_2001.htm; accessed on 11.6.2001)

³ Yang Fan, *Gonghe guo de disandai (The Third Generation of the People's Republic)*, Chengdu: Sichuan renmin chubanshe (1995).

⁴ Chinese historians were mostly Confucian scholars or officials who concentrated on the affairs of the imperial court. This naturally influenced their historical works, which were based on the "theory of legitimate succession" (*zhengtong*). Biographies of personalities are at the centre of historical sources. 62 per cent of the literary genres used in Chinese historiography are biographies. This shows how much importance was attached to individual achievements in determining the course of history.

Communist regime. The Maoist concept of legitimacy was a mixture of Marxist-Leninist leadership structures and traditional concepts of moral integrity and political morals. Charismatic leadership and revolutionary experience were regarded by many authors as being the basic elements of Communist legitimacy in China,⁵ whereas others felt it was necessary for the Party to adopt a more legal/rational type of legitimacy.⁶ With the founding of the People's Republic, the charisma displayed by leader Mao Zedong initially seemed to be all that was needed to justify one-party rule. Very soon, however, the cleansing of the class ranks highlighted the fragile legitimacy of the Chinese Communists. Finally, the disastrous famine of 1961 forced the Party leader to step down until the Cultural Revolution, which marked the beginning of the recapture of the Party by Mao. After 1971 the final dismantlement of the state founder started. His successor, Deng Xiaoping, introduced a different concept of legitimacy.

1978-1992: Seriously Challenging One-Party Rule

With the introduction of the so-called 'open-and-reform' policy (*gaige kaifang*), the transformation of the political leadership set in. Although Deng Xiaoping had a similarly charismatic function to Mao within the Party, the clear condemnation of the personality cult introduced a new phase of rule characterised by a conscious turn to elite policies and an adjusted political consultation process. Simultaneously, the change inside the Party started, newly installed think tanks started their work and new interest groups and intellectual elites evolved. The reform proposals discussed during the pre-1989 phase formulated drastic changes in the political system, such as the separation of party and government, the dismantling of ideology and the introduction of basic structural reforms, all of which were supported by the Party secretary, Zhao Ziyang. After 1989, these proposals vanished altogether from the political agenda.

⁵ Teiwes, Frederick, *Leadership, Legitimacy, and Conflict in China. From a charismatic Mao to politics of succession*, Armonk, New York: Sharpe (1984). Legitimacy in Weber's sense of the word (i.e. charismatic, traditional, legal power) was mainly discussed among social scientists dealing with Communist regimes.

⁶ For example He Baogang, who sees China in a transitional period from the absence of rules and regulations of succession to the establishment of these rules. See He Baogang, *The Democratization of China*, London, New York: Routledge (1996), pp. 208-209. In his book '*The Legitimation of Power*,' David Beetham presented a concept of legitimacy which aims to surpass political systems – trying to define criteria which do not consider the specialities of Communist or capitalist regimes, but are mandatory for every society. Two of the criteria for legitimacy he mentions in his concept are the justification of rules by shared belief and by expressed consent. Beetham criticises Weber for focusing too much on leaders rather than on the real effects of the practice of power, meaning the concrete political changes when changing legitimacy strategies. See David Beetham, *The Legitimation of Power*, Houndsmills: Macmillan (1991). For a detailed analysis of this concept, see Heike Holbig, *Inflation als Herausforderung der Legitimation politischer Herrschaft (Inflation as a Challenge to the Legitimacy of Political Authority)*, Hamburg: Institute of Asian Affairs (2001), pp. 47-59; see also C. Lane, "Legitimacy and Power in the Soviet Union through Socialist Ritual," in: *British Journal of Political Science*, vol. 14, (1984), pp. 207-217.

The Party has never really recovered from the crisis of legitimacy it faced in 1989. The evaluation of the 1989 Movement is still being contested.⁷ These processes were accompanied by a steady increase in social unrest and conflict, which led to a serious decline in stability, especially in the countryside. After 1989, the central leadership needed three full years before it announced its first stabilisation programmes. Improvisation characterised the 8th Plenum of the XIIIth Party Congress in 1991. Orthodox politicians like the aged Chen Yun managed to create a powerful think tank that fought the restoration of capitalism. The focus of discussion during this interim phase was on the theoretical evaluation of a market economy within a socialist system. After months of controversy, Deng Xiaoping's 1992 Southern Expedition (*nanxun*) and the October 1992 resolution passed by the XIVth Party Congress on the continuation of economic liberalisation resulted in the enshrinement of "market socialism" in the Constitution. In 1993, the aim to build a strong, prosperous, civilised and socialist nation was added to the preamble of the Constitution. Yet behind the scenes, the power struggle continued, largely because the crucial issue of the reform of the political system (*zhengzhi tizhi gaige*) and inner-party resistance against "market socialism" had still not been satisfactorily resolved.

During the first half of the 1990s, these inner-party cleavages endangered party unity. For this reason the Party's capability to rule the nation suffered considerably at that time. As can be seen from the above notions, theoretical innovations regarding Chinese Communism seemed to be much more difficult to achieve than clinging to structural reforms. In retrospect, Jiang Zemin's two phrases of "gradual change" and "political stability" were the first steps towards intra-party reform and preparation for many of the more difficult fundamental theoretical adjustments within the Party, which later culminated in the new concept of the "Three Represents" (*sange dai-biao*).

1992-1997: Gradual Change (*zhixu de jinxin gaige*) and Political Stability (*zhengzhi wending*)

To cope with the challenging forces from within and re-establish the regime's legitimacy, a two-track strategy was chosen: addressing the people by propagating "gradual reforms" as defined by a strong "neo-conservative" government leading the country to prosperity and national strength; and addressing the inner-party power struggle by promoting administrative and structural reforms that supported the pragmatic and professional forces within the Party. After the XIVth Party Congress the rhetoric on the "stability of modernisation" (*xiandai wending*) became the No. 1 political topic and mistakes made in former economic reform experiments (like the *Daqiu Zhuang* experiment, which documents the rise and fall of China's richest village) were officially condemned. The national government and the provincial

⁷ See Derichs, Heberer, Sausmikat (2004), op. cit., pp. 141-143.

governments busied themselves designing ambitious structural reforms, which exemplifies the pragmatic way in which the government dealt with the pressure to undertake reforms (such as new tax regulations, centralisation of central state functions, preparing fundamental restructuring of governmental bodies and ministries, combatting regionalism, massively reducing the number of state employees, reducing the number of administrative units of the State Council and grouping central responsibilities in "mega-ministries").

Intellectual discourses now shifted from the formerly internally discussed model of "neo-authoritarianism" (*xin quanwei zhuyi*) to the very ambiguous model of "neo-conservatism" (*xin baoshou zhuyi*).⁸ Without going into this topic any further, it should be pointed out that this shift in (similar) concepts also marked a gradual change inside the power elite and symbolises the postponement of fundamental system reforms in favour of pragmatic functional politics. The Shanghai historian Xiao Gongqin, a former protégé of Party ideologist Yuan Mu, was one of the first to promote this new paradigm. He conceptualised an exotic mixture of conservatism, modernism and cultural nationalism. On schedule, shortly before the XIVth Party Congress, he developed a reform theory which justified the suppression of the 1989 Movement, analysed the necessity of recentralising political authority as a medium for modernisation, and functionalised "Chinese culture" in order to achieve modernisation.

As Xiao Gongqin put it:

Neoconservatives advocate the transformation of the traditional authoritarian political system into enlightened authoritarianism to use [it] as an authoritative lever to drive Chinese modernization forward, to use the value symbols of traditional culture as the medium for modernization, to seek the roots of the Chinese 'national character' in the traditional Chinese mainstream culture, and to act as the foundation for the coalescence of the nation in a time of international competition for survival.⁹

Xiao's success during the first half of the 1990s was used by some ultra-nationalist intellectuals. He Xin, for example, born in 1954 and a former researcher at the Chinese Academy of Social Sciences, became the neo-conservatives' representative in the second half of the 1990s. Similarly to Xiao, he justified the suppression of the 1989 demonstrations with the necessity to uphold domestic stability and argued further in a simplistic way: no development was possible without internal stability, no modernisation was possible without development, and China couldn't be a strong

⁸ Gunter Schubert, "Was ist Neokonservatismus? Notizen zum politischen Denken in der VR China in den 90er-Jahren" (What is Neoconservatism? Notes on Political Thought in the PRC during the 1990s), in: *ASIEN*, no. 65, (1997), pp. 57-74.

⁹ Xiao Gongqin, "The 'Yan-Fu paradox' and the modern neo-conservative stand on reform," in: *Chinese Law and Government*, vol. 30, no. 6, (1999), p. 72.

nation without modernisation.¹⁰ According to He, the contemporary legitimacy for one-party rule could only be nationalism.

During the run-up to the XVth Party Congress, the re-establishment of regime legitimacy was strongly influenced by stirring nationalist emotions. The government designed special "patriotic projects" and educational campaigns for the promotion of a "national spirit."¹¹ The best-selling series of the "China Can Say No" books as well as the protests aroused after the American bombing of the Chinese embassy in Belgrade were expressions of these patriotic feelings.

The massive propaganda on "national stability" and the circulation of the theoretical concept of "gradual" or "incremental" political change functioned as a harmonising force with respect to inner-party cleavages and pacified public anger. This process had some contradictory aspects, which can be summarised as follows:

- allowing (anti-Western) nationalistic forces to voice their concerns about the West, "which is trying to demonise China,"¹² while simultaneously promoting the integration of China into the world market and the education of the Chinese elite in the West¹³
- linking successful economic development and social and political stability to the retention of the Four Cardinal Principles (Marxism-Leninism, Mao Zedong's ideas, leadership of the CCP, democratic leadership of the people), especially by pointing to achievements of the economic reform (or socialist modernisation) and the negative outcome of the Russian experiment.¹⁴ Simultaneously, Chinese economic experiments which had started the open-door policy 20 years earlier were condemned.
- promoting gradual reform by educating Party cadres in political virtues (the slogan of that time was "rule with virtue," *yi de zhi guo*), but simultaneously voting for the establishment of a "rule of law" society.

¹⁰ Zhao Suisheng (ed.), *China and Democracy. Reconsidering the Prospects for a Democratic China*, London: Taylor & Francis Books Ltd (2000), p. 10.

¹¹ For a detailed description of the distinct campaigns, see Hyekyung Cho, *Chinas langer Marsch in den Kapitalismus (China's Long March to Capitalism)*, Münster: Westfälisches Dampfboot, pp. 221-227.

¹² See the foreword by Fang Ning, Wang Xiaodong, Song Qiang, "Quanqiu hua yinying xia de zhongguo zhi lu" (The Path of China in the Shadow of Globalization), Beijing: Zhongguo shehui kexue shubanshe (1999), pp. 1-4.

¹³ See the very illuminating and condensed description of this dilemma in Roger Des Forges, Luo Xu, "China as a Non-hegemonic Superpower," in: *Critical Asian Studies*, vol. 33, no. 4, (2001), pp. 483-50.

¹⁴ Jiang Zemin summarised the achievements of the CCP during the last century as follows: "Only the CCP can lead the Chinese people in achieving victories of national independence, the people's liberation and socialism, pioneering the road of building socialism, rejuvenating the nation, making the country prosperous and strong, and improving the people's well-being." Jiang Zemin, "Report at the 15th CCP National Congress, 12 Sept. 1997," in: *Selected Documents of the 15th CCP National Congress*, Beijing: New Star Publishers (1997), p. 3.

To re-establish the cohesive forces within the Party, guarantees for national stability were suggested through the continuation of one-party rule and the promotion of gradual political reforms. In 1995, a nationwide anti-corruption campaign against Party cadres underlined the resoluteness of this project. "Gradual change" was established as the new rhetoric, opposing radicalism and revolutionary change. Every social movement that could threaten inner stability would therefore be judged as an "anti-Party movement." One Beijing professor even called activities which threaten inner stability "Maoist upheavals" because they follow the "revolutionary logic" of changing political systems.¹⁵

Against the backdrop of the dramatic political changes in Eastern Europe, Chinese politicians were eager to promote their pioneering Chinese model of "gradual change and stability" as an exportable model for the peaceful transition to a market economy while retaining the authoritarian system of one-party rule. Textbooks from the Central Party School produced in 1998 described this process as "establishing solid socialist modernisation" by keeping the basic *orientation (fangxiang)* – i.e. socialism – and *path (daolu)* – democratic centralism – to be recognised by the developed industrialised countries as a "prosperous and strong, civilised and democratic, socialist and modernising China."¹⁶

It was also made very clear that any talk of introducing elements of "Western democratic models" would not be welcomed by the authorities (a fact that was re-emphasised by the State Council in its 2005 white paper on political reform).¹⁷ This point was necessary since it is an unwritten law in Chinese politics never to mention "Western style democracy" as an aim of political reform. In Chinese discourses, democracy is usually referred to as a means, not as an aim in itself.¹⁸ This meant that intellectual disputes about so-called "Western models" were put to an end. Nevertheless, the common consensus among the various "schools of ideas" was that radical political reform models should be rejected. For this reason, both protagonists of (Western) political liberalism such as US-based Hu Ping and protagonists of (Western) social democratic models like Xu Wenli highlighted the fact that they did not accept the model of revolutionary change.

In sum, we can say that until the XVIth Party Congress, the Party was successful in establishing a consensus on the (Chinese) non-radical path of development (gradual

¹⁵ Interview with Zhao Baoxu, Beijing 21.6.2000.

¹⁶ *Jianshe you zhongguo tese shehui zhuyi ruogan lilun wenti xuexie gangyao* (Study Guidelines for Certain Theoretical Questions Concerning the Establishment of Socialism with Chinese Characteristics), textbook, Beijing: Dangjian duwu chubanshe (1998), pp. 6-7.

¹⁷ On 19 October 2005 the State Council issued a white paper entitled "The Establishment of Political Democracy in China." See: *China aktuell*, no. 6 (2005), pp. 55-56.

¹⁸ From 2000 to 2003, there was a nationwide discussion on democracy as a means and democracy as an aim. For a detailed discussion, see Sausmikat, "China: Intellektuelle und der Staat – ein leidvolles Verhältnis (China: Intellectuals and the state – a painful relationship)," in: *Kommune*, no. 10, (2001), pp. 45-50.

reform) by focusing on structural and economic reform measures, but it failed to successfully present a comprehensive concept for promoting systemic or intra-party political reforms.

1997-2002: Losing Legitimacy in the Reform Process

With the decision to change the Constitution according to the new directives of the XVth Party Congress (building a rule-of-law system and enhancing the status of private enterprises) and the personal shift from Li Peng to Zhu Rongji as premiers, the once oppressed debates on political system reforms resurfaced among non-Party and Party intellectuals. The above-mentioned administrative reforms as well as the promise to enhance the status of private entrepreneurship obviously couldn't reduce the overall pressure to openly announce fundamental political reforms. Several high-profile Party intellectuals started to talk openly about a speech by Deng Xiaoping given on 18 August 1980 on the reform of the system of Party and state leadership. The Taiwanese democratic elections were also mentioned to point out how expedient systemic political reforms actually were. The main demands of the newly aroused debates on fundamental political system reforms were as follows:

- further expansion of village and district elections up to provincial level
- separation of Party and government
- greater independence for the NPC
- freedom of the press and freedom of assembly
- independent unions
- protection of rights and control of corruption by law.¹⁹

A commentary published in December 1999 in the aftermath of the 50th anniversary of the founding of the People's Republic of China marked the beginning of a widespread critical campaign against intellectuals led by Party cadres. The author of this document, the liberal intellectual Li Shenzhi, wrote sarcastically about the triumphal Party processions during the anniversary celebrations, saying that only North Korea would be jealous of the legions of marching soldiers and the neat rows of goosestepping girls marching across Tiananmen Square.²⁰ He questioned the legitimacy of the rule of the CCP by referring to an essay by Mao from the 1940's – "The Dictatorship of the People." Angrily, he stated that after the founding of the People's Republic, numerous political campaigns resulted in the imprisonment and death of millions of people. This revealed that the intentions expressed in Mao's essay had never really been respected by the Party.

¹⁹ See Derichs, Heber, Sausmikat (2004), op. cit., pp.128-136.

²⁰ Li Shenzhi, "Zhongguo wenhua fengyu canhuang wushi nian" (orig. title), published as "Fifty years of storms and disturbances," in: *China Perspectives*, no. 32, (2000), pp. 5-12.

Li was not the only one who criticised the half-hearted reform after 1997. In their bestseller, "China's Path in the Shadow of Globalization," Wang Xiaodong and Fang Ning, who term themselves conservative "nationalists," criticised the sluggish pace of political reforms. Wang declared in an interview that despite their nationalist orientation they were fighting for democratic structures. Democracy in his view should follow at least two basic principles: the general right to vote and freedom of the press.²¹ According to Wang, only democracy could secure public control of the political leadership and prove whether it acted in the nation's interest.²² Further harsh criticism of one-party rule came from political scientist Liu Junning. In his view, the CCP portrayed itself as willing to undertake reforms, but in actual fact the Party was incapable of achieving any fundamental or necessary changes. According to Liu, only consistently conducted liberalisation and privatisation measures backed by constitutional changes would lead to political transformation and ultimately to a multi-party system.²³ Political reform – at least this is the common conviction among political intellectuals – should be undertaken in a top-down process, otherwise bureaucracy, nepotism and the autocratic structure of the political system cannot be reformed.

Not only intellectuals, but party cadres and private entrepreneurs also became dissatisfied with the half-hearted reforms that were introduced following the XVth Party Congress. One result of these negative reactions was the further promise of reform proclaimed by Premier Zhu Rongji in 2000; he announced the establishment of a democratic political system as the core of the Tenth Five-Year Plan (2001-2005). However, this did not mean the establishment of a multi-party or bicameral system,²⁴ but that the fundamental principles of internationally defined good governance should be respected. The introduction of competitive elections, consultative and transparent decision-making processes, and democratic control (upgrading the supervisory function of intra-party institutions) were named as important factors to improve socialist democracy. Also, the necessity to focus on the negative social, environmental and economic consequences of the one-dimensional economic reform process was openly admitted. Moreover, the 1998 "blueprint" governmental report²⁵ summarised the major problems, namely employment issues, enterprise reforms, food production, corruption issues, the floating population issue, social stability, economic reforms, public security, rural poverty and environmental issues.

²¹ Interview with Wang Xiaodong in Beijing, 6.7.2000.

²² Susan V. Lawrence, "The Say No Club," in: *Far Eastern Economic Review*, (13.1.2000), pp. 16 and 18.

²³ Interview with Liu Junning in Beijing, 21.6.2000.

²⁴ "Peking will Bauern entlasten und öffentliche Ausgaben erhöhen" (Peking wants to relieve peasants' financial burden and increase public spending), in: *Handelsblatt* (16.3.2001), also Xinhua (5.3.2001).

²⁵ See Ru Xin et al. (eds.), *Zhongguo shehui xingshi fenxi yu yuce* (Analysis and Prognosis of the Chinese Social Situation), Beijing: Shehui kexue wenxuan shubanshe (1998).

Despite these attempts to gain legitimacy, the Party had to face an enormous loss of popularity, especially in the countryside, where only approx. two per cent of the rural population were Party members. Besides that, membership withdrawals and exclusions grew at a rampant pace (there were two million withdrawals between 2003 and 2004²⁶). The Party also failed to redefine its role in the modernisation process. Eventually, the Party threatened to become obsolete as the "vanguard of the proletariat." All previously proclaimed assertions concerning the legitimate rule of the CCP seemed to be eroding:

- *economic growth* was endangered by rising unemployment rates and non-adjusted markets
- the maintenance of *national unity* was challenged by Taiwan's claim to independence
- *social and political stability* were undermined by escalating corruption within the cadre bureaucracy, mafia-type alliances among Party cadres, power violations by local cadres, increasing migration and criminality.

This decline in legitimacy also resulted from two huge challenges: WTO membership at the end of 2001 caused serious problems in the rural economy, and the massive annual increase of new employees in private enterprises and the closure of state enterprises²⁷ highlighted the importance and influence of the private economy. During this difficult time, Zeng Qinghong, today's vice-president and a former competitor of Hu Jintao for the Party leadership, launched the publication of the "Investigation Report 2000-2001: A Study of Contradictions among the People under New Historical Conditions."²⁸ This report contains a survey conducted by the State Commission on Reform of the Economic Structure in 1998, which described the urgent needs and problems in the countryside in very drastic terms. It was interpreted as a warning to the chief Party ideologists to take the fundamental needs of the rural population into consideration. The report revealed that 80.6 per cent of the respondents were dissatisfied with the growing gap between rich and poor.²⁹ Since various interest groups were keen on becoming power stakeholders, the Party had to react by redefining its role in a market economy.

²⁶ Luo Bing, "Zhonggong yinian qingxi erbai wan dangyuan" (The CCP purged 2 million Party members in one year), in: *Zhengming*, (Juli 2004), no. 321, pp. 8-9.

²⁷ From 1995 to 2005 150,000 state enterprises were closed. See John Chan, "Chinesische Führung will gestürzten Partei-'Reformer' ehren" (The Chinese leadership wants to honour fallen Party 'reformer'), in: *World Socialist Web Site* (http://www.wsws.org/de/2005/okt2005/hu-o08_prn.html, accessed on 2.2.2006).

²⁸ *2000-2001 Zhongguo Diaocha baogao, Xin xingshi xia renmin neibu maodun yanjiu* (2000-2001 China Investigation Report: A study of contradictions among the people under new historical conditions). Beijing: Zhong-yang bianyiju chubanshe, 2001; also: Erik Eckholm, "China's Inner Circle Reveals Big Unrest, and Lists Causes," *New York Times*, 3 June 2001, p. 14.

²⁹ Joseph Fewsmith, "Political reform ahead? Beijing confronts problems facing society – and the CCP," in: *China Leadership Monitor*, no. 1, (2001), at: www.chinaleadershipmonitor.org/20011/CLM20011JF.pdf (30.4.2002).

II.1. 2002-2005: The Theoretical Redefinition of the Party

The loss of legitimacy was finally counteracted – as we all know – in the attempt to redefine the CCP as capable of representing all kinds of "advanced" productive forces. Former requests to introduce "fundamental political reforms" (like introducing a bicameral system and a multi-party system) and "institutionalise" (*zhidu hua*) and "formalise" (*guifan hua*) socialist democracy³⁰) were channelled into a new theoretical concept of the ruling party. The "Theory of the Three Represents" (*sange daibiao lilun*) was officially announced at the XVIth Party Congress in 2002. Jiang Zemin's new doctrine looked back on a long test phase between 1999 and 2002. It presented the research results of the main political think tanks asked to develop a political strategy for the survival of the one-party system.

Ding Kuisong, the former vice-chairman of the Council of China Reform Forum (CRF), which is said to be the ghost-writing think tank behind the doctrine, explained:

We engaged a large number of scientists to design the blueprint of the doctrine. They did comprehensive research on the party systems in Taiwan, Eastern and Western Europe, Russia, Japan and Singapore in order to gain knowledge about the right strategy of reform for the CCP to enable it to survive economic and social changes. The changes inside the German Social Democrats were studied as well.³¹

The first attempts to implement the new doctrine were started in late 1999/early 2000 when piles of books on party reform were sold. In February 2000, Jiang Zemin publicly mentioned the "Three Represents" for the first time while on a trip to Guangzhou by referring to the difficulty of governing a party consisting of more than 60 million members. Although he mentioned that this party represented the "advanced productive forces, the advanced cultural forces and the interests of the Chinese people," nobody was really able to grasp the meaning of the speech at the time. Following this, in autumn 2000 Li Junru, who was then a close advisor to Jiang Zemin and vice-director of the Council of China Reform Forum (CRF),³² published an article in the Party journal, *Lilun dongtai* (Theory News), which theorised the role of intellectuals inside the working class. He suggested that intellectuals should be included in the working class, which is represented by the Party. Ironically, the year 2000 also marked a peak in the persecution of so-called "pro-Western" and "pro-US" intellectuals. The next step in raising awareness vis-à-vis the ideological reform followed in 2001 on the eve of the 80th anniversary of the founding of the Party. Various publications dealt with the positive role played by intellectuals who had fought for the liberation of the working class during the Communist movement and the founding period of the Party. Clarification regarding

³⁰ Gang Lin, "Leadership transition, intra-party democracy, and institution building in China," in: *Asian Survey*, vol. 19, no. 2, (2004), p. 256.

³¹ Interview with Ding Kuisong in Beijing, 26.10.2002.

³² A few months later he became vice-president of the Central Party School.

the ambiguous meaning of these propaganda efforts finally came with the lengthy speech made by Jiang Zemin on 1 July 2001; he proclaimed that the new social classes that had evolved over the last 20 years – like private entrepreneurs, freelance workers and bankers – could lead China to a bright future if they worked under the guidance of the CCP.³³ Furthermore, it was pronounced that these groups should become the "architects of socialism with Chinese characteristics" together with "the workers, peasants, intellectuals, cadres and the People's Liberation Army."³⁴ Through the close connection with these advanced forces, the Party would be sure to lead the nation and the people towards progress and development. The main points of this speech can be summarised as follows:

- The CCP has a legitimate right to remain the leading national political force because it successfully fought for the liberation of the productive forces and introduced socialism with Chinese characteristics³⁵
- The Party will lead the people in the reform process by keeping democratic centralism, fully develop a scientific leadership system (*jianquan kexue de lingdao tizhi*), promote inner-party democracy and protect inner-party unity. The Party therefore promotes young, revolutionary, professional, knowledgeable and morally educated cadres
- The core membership of the Party should be recruited from workers, peasants, intellectuals, soldiers and cadres. In addition, the Party has to change in order to adopt changes in the economic and social environment and therefore integrate the newly advanced productive forces. In the future it will represent a) the needs of the advanced productive forces, b) the interests of the advanced cultural forces and c) the fundamental interests of the majority of the nation's citizens
- These new tasks require the building process within the Party to be continued in order to promote intra-party democracy, democratic centralism, party unity and party vitality.³⁶

In fact, the new concept also meant a renewal of the Party's personnel. New Party members were expected to be "advanced socialists," which meant they had to be

1. effective (especially in promoting the economic growth rate of their enterprises and being capable of modernising state enterprises)
2. professional (and, ideally, have a foreign degree)
3. loyal (promoting and supporting the Party and its reform policies).

³³ Jiang Zemin, *Zai qingzhu zhongguo gongchandang chengli bashi zhou nian dahui shang de jianghua* (Speech during the Grand Assembly of the 80th Anniversary of the Founding of the CCP), Beijing: Renmin chubanshe (1.7.2001), p. 31.

³⁴ Ibid.

³⁵ Jiang Zemin (2001), pp. 14-15.

³⁶ Jiang Zemin (2001), pp. 25-33.

Ideological reform also included concrete intra-party structural reforms which could possibly result in an overall redefinition of the Party and the Party system.

II.2. Critical Reflections on the Ideological Reform – Is the Party Becoming a People's Party?

Perhaps the most obvious dilemma which strikes one when trying to understand this new ideological turn is the question of how the CCP can manage to represent the interests of such diverging groups as workers, peasants, intellectuals, soldiers, entrepreneurs and academics. In truth, the new doctrine was a reaction to changing realities and the overdue definition of the role of the Party – in short, the Party's survival strategy. The new theoretical concept tried to dissolve the old class paradigm in order to conceptualise the Party as a "people's party" and a "professional party."

Michael Schoenhals has reminded us that the idea of renaming the Party a "people's party" was proclaimed by Lin Biao as far back as 1945:

Actually we could have picked a different name, such as Chinese People's Party, the Revolutionary Party, The Liberation Party – any of these would have been OK. But no matter what, our intention remains to resolve the 'property' issue. What are we fighting for? [...] Getting 'property' – not private property, but public property. For everybody to get rich, for everybody to lead a good life.³⁷

This proclamation given on the eve of the founding of the People's Republic of China reminds us of Deng Xiaoping's as well as Jiang Zemin's legacies – the "representing" and "property" issues are much older than most of us are aware.

The CCP leadership's aim of turning the Party into "a people's party" is mainly a bid to regain ruling legitimacy among the people without being legitimised through elections. This effort at image building is based on a simple logical argument: in order to represent the interests of the "the majority of people," it is necessary to promote the wealth of the people. It's therefore necessary to raise the level of education people receive and promote "advanced cultural forces." To attain these goals, economic growth must be promoted through private enterprise. As the people have lost their confidence in governmental policies and are increasingly concerned that the Party is acting more on behalf of the rich than the poor, they are likely to be sceptical about the concrete policy consequences of the public announcement to act in their interest. So far, the reforms that have been promised, like the institutionalisation of a rule-of-law system, the reduction of tax burdens for the rural population, anti-corruption measures, measures preventing illegal land seizure, etc. (in short, the combat of social injustice), have not all been achieved in practice. Consequently, one prerequisite for presenting the Party as a "people's party" is that the newly ap-

³⁷ Michael Schoenhals, "Political Movements, Change and Stability: The Chinese Communist Party in Power," in: *The China Quarterly*, no. 159 (1999), p. 595.

pointed government is able to successfully implement and maintain a rule-of-law system.

In fact, we have actually witnessed some important political corrections since the proclamation of the "Three Represents" and it seems that the pro-people orientation is gradually coming true. During the three years under the new Party leadership of the so-called "Fourth Generation," social policy, rural society and sustainable development have shifted to the forefront of the political agenda. Hu Jintao and Wen Jiabao, in particular, presented themselves as "men of the people" who put a lot of effort into promoting studies on ways of solving the "three rural problems" (*san nong wenti*), namely treating agricultural issues as being interrelated with the structurally disadvantageous position of the rural economy as regards income, the social capital development of rural society, and the integration of rural production. Wen Tiejun, a well-known expert on rural problems at the People's University, mentioned the need to change the urban-rural binary structure before the "Three Represents" were proclaimed and defined the "*san nong wenti*" concept in order to achieve sustainable solutions for rural problems.³⁸ According to Wen, economic and regional disintegration are the root cause of the disadvantaged rural economy. At the Fifth Session of the 16th Central Committee of the Chinese Communist Party, Premier Wen Jiabao pointed out quite clearly that building a "new socialist landscape" would be a "task of paramount importance" during the period from 2006 to 2010. Apart from that, a new concept for the Chinese development strategy was announced at the Annual Meeting of the NPC in March 2004, which put the main emphasis on the reduction of regional and social disparities.³⁹ One and a half years later, the CCP approved a new set of guidelines for the eleventh Five-Year "Program" (2006-2010).⁴⁰ This "new road map" concerning China's modernisation outlines the landmarks of the development strategy: focusing on the promotion of social justice by applying policies which help to reduce the income gap and promoting academic research on sustainable development.

The government identified 22 topics to reform, which mainly focused on the rural economy, energy resources, regional disparities, income disparities, population development, rural and urban unemployment, social security and environmental problems.⁴¹ A whole range of pro-people policies were adopted: access to state privileges like social welfare and private housing for migrants, new regulations to

³⁸ Wen Tiejun, "Reflection at the turn of the century on rural issues in three dimensions," orig. published in *Dushu*, vol. 2, no. 2, (2001), pp. 187-295, transl. by Petrus Liu, at www.ruralchina.org/files/library/Wen_Tiejun_Sannong_2001.pdf (accessed on 5.12.2005).

³⁹ *China aktuell*, (March 2004), p. 242.

⁴⁰ Li Xin, "Party Proposal for Sustainable Development," in: *Business Beijing*, (15.1.2006).

⁴¹ Heike Holbig, "Wissenschaftliches Entwicklungskonzept, Harmonische Gesellschaft und eigenständige Innovation. Neue parteipolitische Prioritäten unter Hu Jintao" (Scientific development concept, a harmonious society, and independent innovation. New Party priorities under Hu Jintao), in: *China aktuell*, no. 6, (2005), p. 19.

control land seizure, measures to create a unified labour market, tax reduction for the rural population, new regulations for industrial emissions, etc.⁴² Up to 2020, the requirement to create a "healthy society" (*xiaokang shehui*) is to be achieved by promoting and further improving the health and educational systems. The government plans to increase its funding of the educational system from 2.3 per cent of GDP to 4.5 per cent in the year 2020.⁴³ Up to 2010, 13 billion euros are to be spent on strengthening the rural educational system and 1.2 million kilometres of new motorways are to be built to connect the underdeveloped hinterland to the booming coastline.⁴⁴

Propagating a scientifically based development strategy is an effective way to re-establish ruling legitimacy and create a "pro-people" image of the Party. Other methods were applied to gain legitimacy inside the Party, such as the celebration of the 90th birthday of former premier Hu Yaobang on 18 November 2005.⁴⁵ His premiership was informally regarded as pro-liberal and pro-scientific. The Hu Jintao administration is now trying to profit from this liberal image, although Hu's legacy was only traced up to 1987 to avoid the indirect rehabilitation of the 1989 Movement.

III. Intra-Party Reform – Promoting Intra-Party Democracy

What followed from the "Three Represents" was a new guideline for the development strategy of the CCP, which was designed by the new leadership group around Hu Jintao and Wen Jiabao. In order to harmonise inner-party cleavages and successfully conduct the ambitious projects mentioned above, functional reforms were developed on the basis of the ideological reform and the new theoretical concept.

The functional dimension of party reform focused on restructuring the power elite, reforming recruitment methods and putting limits on terms in office. Another aspect concerned new consultation processes such as the inclusion of national and international academic expertise in the design of policy programmes (see below).

The restructuring of the Party elite primarily functioned by designing new recruitment requirements and regulations for Party cadres. Zeng Qinghong, former director of the Organisation Committee (*zuzhibu*), was responsible for the personnel policies of the Party as outlined by the "Three Represents." On 23 July 2002, only three weeks after the official proclamation of the "Three Represents" concept, the new

⁴² Lectures by Huang Ping (Chinese Academy of Social Sciences), Zhang Jie (Qinghua University), Shao Lei (Qinghua University), Yang Baojun (Chinese Institute for Planning and Design) on the Beijing case workshop "High-speed urbanism in China," 29. August 2005, Beijing (the author was the director of that programme).

⁴³ Tony Saich, "The changing role of government. Background Note for the World Bank Report on China's 11th Five-Year Plan," Harvard University, (2004), at http://ksghome.harvard.edu/~asaich/The_Changing_Role_of_Government.pdf, (accessed on 3.10.2004), p. 9.

⁴⁴ Christiane Kühl, "Peking plant für die Armen" (Peking plans for the poor), FTD, 6.3.06, p. 15.

⁴⁵ *China aktuell*, no. 6 (2005), p. 57.

"Regulation for the Selection and Nomination of Leading Party and Governmental Personnel" was released.⁴⁶ Two days later, Zeng organised a meeting to decide on the selection criteria.

The new "fourth-generation" leadership (featuring politicians like Hu Jintao and Wen Jiabao who had gained their experience during the Cultural Revolution), which came to power after the XVIth Party Congress in 2002, very much differed from the former leadership generation as regards its education, professional training and experience in the West. 75 per cent of the political leaders born between 1941 and 1956 possess university degrees, most of which are in an engineering discipline.⁴⁷ This qualitative change in leadership personnel was pushed further by promoting a "scientific development concept" (*kexue fazhan guan*) to enhance the governing capability of the Party. The new concept, which became the primary guiding principle after the October 2005 meeting of the Central Committee, applied the concept of the "Three Represents" by including national and international academics in the political consultation process. For the conceptualisation of the eleventh Five-Year Program, the Party organised an expert group consisting of 50 Party members and academics, for example. The Five-Year Program featured a long period of planning starting in 2003, when professionals from regional and national universities, research institutions as well from the United Nations and the World Bank were all asked to contribute reports to the government.⁴⁸ Prominent academics who had been active in designing governmental policies at the beginning of the 1990s – for example Hu Angang from Qinghua University and the former vice-president of the Central Party School, Zheng Bijian – were also actively involved.

As described in detail elsewhere, the Party also implemented several proposals for the strengthening of participation, transparency and supervision of power holders.⁴⁹ Discussions on the democratisation of intra-party decision-making processes and the introduction of power-supervision mechanisms were on the political agenda several years before the "Three Represents" were announced.⁵⁰ In 2000, a nationwide debate on the necessity of reforming the Party system was fuelled by a report on the case of Li Changping, a former Party secretary who worked in a town in Hubei district for 17 years in this capacity. His story unveiled the mendacity of the Party when he

⁴⁶ John Lewis, Xue Litai, "Social Change and Political Reform in China: Meeting the Challenge of Success," in: *The China Quarterly*, no. 176, (2003), p. 939.

⁴⁷ Li Cheng, "Jiang Zemin's Successors: The Rise of the Fourth Generation of Leaders in the PRC," in: *The China Quarterly*, no. 161, (2000), pp. 1-40.

⁴⁸ Holbig (2005), p. 14.

⁴⁹ Heberer, Derichs, Sausmikat (2004), pp.121-128; Gang Lin (2004), pp.270-272; Fewsmith (2001); Lyman Miller, "Commemorating Deng to press Party reform," in: *China Leadership Monitor*, no. 12, (2004), www.chinaleadershipmonitor.org (accessed on 10.6.2005).

⁵⁰ In a discussion at the conference on "Fighting for unity inside the Party," Jiang addressed the topic of more open discussion in the NPC, but made clear that "the central control of the Party should always prevail." See "Dali jiaqiang dang de tongyi zhanxian gongzuo" (Fully strengthen the unified struggle of the Party), *RMRB*, (5.12.2000).

described the deep-rooted practice of tax corruption in the countryside. Li also reported about counterfeit government reports and statistics and pointed out that it had become impossible to carry out governmental policies because of the criminal nature of the rural Party apparatus.⁵¹ This triggered a heated intra-party debate that eventually resulted in tax regulations being reformed in the peasants' favour.

These problems still prevail today; media reports on poor working conditions in the countryside, tax corruption and illegal land seizures are abundant. To successfully conduct "social justice" schemes, it seems it's not enough to restructure the Party by recruiting professional personnel. The campaign known as "Ruling by Virtue" (*yide zhi guo*), which ran parallel to the "Ruling by Law" (*yifa zhiguo*) campaign, only resulted in superficial reforms like the supervisory methods introduced under Jiang Zemin. In a speech made on 1 July 2001, Jiang pointed out that only individuals who supported the aims of the Party and were therefore willing to fight against corruption and for common welfare could belong to the "advanced forces." The chief of security in Peking, Zhou Yongkang, announced a nationwide "fight against corruption" campaign in January 2005, which especially focused on high Party cadres. The introduction of different layers of supervision by law and different political parties, as proposed by intellectuals like Liu Junning⁵² and the Central Party School professor Wang Guixiu,⁵³ would have been a much more fundamental type of intra-party reform.

Nevertheless, advocates of the "Three Represents" consistently declare that the new theoretical concept is a breakthrough for democratisation and participation. In fact, reform measures include the introduction of intra-party division of power, inner-party control measures, the decentralisation of decision-making processes, the institutionalisation of democratic personnel policies (public announcement of vacancies, termination of tenures, selection processes) and improved transparency.⁵⁴ In the run-up to the Annual Meeting of the NPC in March 2004, Premier Wen Jiabao advocated new evaluation criteria for state officials, who are not only supposed to be rated according to economic performance, but also to public opinion.⁵⁵ The evaluation checklist for officials already covers 33 different criteria ranging from environ-

⁵¹ His report was printed in the *Southern Weekend (Nanfang Zhoumo)* in 2000 and in the end caused a revision of the taxation practice. It also triggered widespread inner-party discussion on corruption and degeneration. Immediately after publication, a critical campaign against Li started, who then resigned from his post after six months and went to Beijing.

⁵² Liu wrote several articles on the necessity to introduce a system of "limited government" (*youxian zhengfu*) and the concrete steps necessary to truly introduce a rule-of-law system. Author's interview with Liu in 2000 and 2002. See also Liu Junning, "Chanquan baohu yu youxian zhengfu" (Protection of property rights and limited government), in: Dong Youyu et al. (eds.), *Zhengzhi Zhongguo (Political China)*, Beijing: Jinri zhongguo chubanshe (1998), pp. 40-48.

⁵³ Wang is an old advocate of inner-party democracy, rule of law and a strong critic of the overcentralisation of power. See for example Gu Shihong, "CPC Party School professor interviewed on China's political reform," in: *Beijing Zhongguo Xinwen she*, FIBS-CHI-2001-0605 (5.6.2001).

⁵⁴ *Renmin Ribao*, (24.7.02).

⁵⁵ *China aktuell*, (March 2004), p. 242.

mental protection to allocation of public services.⁵⁶ Term limits were also introduced for cadres, whose terms in office are not permitted to exceed 10 years now (5 + 5).

Apart from that, proposals for expanding the power of Party committees, the nationwide introduction of competitive elections for Party committee members, independent proposals of nominees, and the initiative to let Party committees meet annually (instead of once every five years) were accepted and tried out in several district towns and cities.⁵⁷ Other methods to devise power and establish check-and-balance methods were proposed prior to the XVIth Party Congress, such as the founding of a Party Executive Committee and enhancing the status of the Central Party Disciplinary Inspection Committee. According to this last suggestion, the institution should only be allowed to supervise the newly designed Executive Committee, not the Central Party Committee itself.⁵⁸ No major progress has been achieved so far concerning the expansion of electoral competition to the Central Party Committee – nominees still only exceed the number of seats by five per cent.⁵⁹ Therefore, calls by high-ranking Party cadres like the former deputy head of the State Council Economic Restructuring Office, Pan Yue, to introduce competitive elections at all levels of the Party are still awaiting further developments.

Nonetheless, reforms concerning the governmental bodies are now pushed forward with much greater vigour and progress at a faster pace than intra-party reforms. The establishment of "rule-of-law structures" (probably meaning the improvement of "ruling by law") is apparently going to be completed by 2010⁶⁰ and the elections for all of the People's Congresses are to become secret, competitive and multi-candidate elections. Positive signals have also been given by the cautious announcements by members of Party institutions on how to interpret the attitude of the new leadership to the theoretical innovations of the Jiang Zemin leadership. The deputy director of the Party History Institute of the Central Party School, Xie Chunshou, highlighted that Hu Jintao insisted on understanding the "Three Represents" doctrine as a "concept for further development."⁶¹ Thus, the potential to implement "old" concepts that were developed 15 years earlier, like the institutionalisation of check-and-balance measures or the legal procedures of multiple-candidate elections, could become one element of the newly designed concept of "democracy with Chinese characteristics."

⁵⁶ Tony Saich, (2004), p. 9.

⁵⁷ Gang Lin (2004), p. 270.

⁵⁸ These proposals are based on the report by Li Yongzheng (2002), *ibid*.

⁵⁹ Gang Lin (2004), p. 272.

⁶⁰ "China to Establish Comprehensive Legal System by 2010," in: *China Daily*, (17 March 2003).

⁶¹ Article in Qishi by Zhen Xiaoying (Vice-President of the Central Academy of Socialism) and Li Qinghua (Central Party School) in the run-up to the inaugural speech by Hu Jintao on 1.6.03; see Joseph Fewsmith, "Studying the Three Represents," in: *China Leadership Monitor*, no. 8, 2003, www.chinaleadershipmonitor.org/20034/jf.pdf, p. 6.

IV. Critical Voices on Party Reforms

Following Jiang Zemin's first announcement of the "Three Represents" on 1 July 2001, a fierce argument broke out among Party members concerning the proposed redefinition of the Party. In November 2002, the newly appointed premier, General Secretary and State President, Hu Jintao, was confronted with the interpretation of the "Three Represents" by his former mentor, Song Ping. Song declared that the doctrine would deal a deathblow to the Party.⁶² Also, Party intellectuals mainly occupied with the study of rural problems forecast that this concept focused too much on urban private enterprises and would disrupt the Party because it was impossible to represent the interests of private entrepreneurs and those of the workers simultaneously.⁶³ The critics of the "Three Represents" concept are mainly concerned about the strengthening of private entrepreneurs during a development stage in which no real legal protection is guaranteed for workers or other underprivileged groups. Bao Tong, former secretary to discarded ex-premier Zhao Ziyang, wrote cynically:

How lucky we are that the 'interests of the majority of the people,' the 'advanced cultural forces' and the 'advanced productive forces' have found a party willing to represent them. Only the CCP is really the lucky one, though, not China or its people. We all know that the workers are also included in 'the majority of the people,' but the CCP turned its back on them a long time ago. [...] The acceptance of the 'red capitalists' therefore has nothing to do with democratisation. These people just want to keep their privileges rather than see pluralism and rule of law promoted.⁶⁴

Apart from this, strong criticism was voiced concerning the formal procedure of enshrining the new concept in the Constitution. Shortly after his appointment, the chairman of the NPC Standing Committee, Wu Bangguo, was authorised to head a research commission on proposals for constitutional changes. These proposals were published at the end of 2003 and extensive revisions of the Constitution were undertaken in March 2004. The main changes included

- the inclusion of Jiang's "Three Represents" theory in the preamble
- the addition of Jiang's formula of "political civilisation" to the previously formulated "development of spiritual and material civilisation" in the preamble
- the state's duty to pay compensation for confiscated private property and land (Art. 13)
- the establishment of a social security system (Art. 14)
- the protection of human rights (Art. 33)

⁶² SCMP 18.10.01.

⁶³ Interview with Cao Jingqing in Shanghai, 1.1.2002.

⁶⁴ Bao Tong, "Chinas KP vertritt nicht das Volk" (China's CCP does not represent the people), 'Comment' in *Die Welt* (a German daily), (originally in *Syndicat*), 4.11.2002, p. 6.

- the State President represents the interests of the country and not just those of the Party (Art. 81).⁶⁵

Whilst the previous constitutional changes of 1988, 1993 and 1999 focused on economic aspects, the new changes of 2004 touched upon fundamental issues concerning the socialist political system. These changes triggered a debate on the basic function and political significance of the Chinese Constitution, especially concerning the function and role of the Party-state.

In summer 2003, a number of Chinese lawyers protested about the incorporation of the 'Three Represents' in the preamble of the Constitution. The lawyers complained that this act was unconstitutional and violated Article 1 of the Constitution, which defines the People's Republic of China as a socialist country under the leadership of the working class and the alliance of workers and peasants.⁶⁶ Besides that, they complained that the advocates of the enshrinement were people who profited from the privatisation policies of state enterprises and whose prosperity was gained by illegal methods. Consequently, enshrining the doctrine in the preamble required profound changes to be made to the Constitution itself.

V. Conclusion

The attempt to gain new legitimacy through reforming the Party was first and foremost a strategy to involve new, powerful economic elites and the scientific elite in the policy-making process. At first sight, this only seems to be a survival strategy for the Party. The potential of the newly designed Party image could actually go far beyond this, however.

On one hand, the theoretical redefinition of the Party and the enhanced "scientific development concept" could result in the PRC gaining respect from the international community as well as having advantages with respect to development policies and securing ruling legitimacy. On the other hand, the continuous warning about the "peaceful evolution" (*heping yanbian*) from socialism to capitalism and the closure of independent news magazines show how vulnerable the authoritarian system still is to democratic procedures. The people – and especially the intellectuals among them – do not believe there will be any fundamental changes in the political system in the next few years. In fact, the "scientific development concept" is interpreted as a new attempt to legitimise policies that dictate what the people need to them.⁶⁷

Perhaps the most important outcome of the Party reform is the fundamental discussion triggered by the various changes in the Constitution. Politicians and intellectu-

⁶⁵ See Sebastian Heilmann, Nicole Schulte-Kulmann, Lea Shih, "Die Farbe der Macht hat sich geändert: Kontroversen um die Verfassungsreform in der VR China" (The colour of power has changed: controversies regarding the reform of the Constitution in the PRC), in: *China aktuell*, (January 2004), p. 33.

⁶⁶ Ibid.

⁶⁷ Interview with a high-ranking intellectual in Beijing on 30 January 2006.

als started to argue in favour of a reliable, enforceable constitution. The Party reform and the anchoring of the "Three Represents" in the Constitution subsequently paved the way for a fundamental discussion about the nature of a constitutional state and the reliability of the Constitution. Several constitutional principles were tested as to how well they could actually be put into political practice. Various retired cadres pointed out that the power of the NPC ought to be independent from that of the Party according to constitutional law.⁶⁸ Consequently, it was proposed that the status of the Party needed to be redefined and subordinated under the law of the People's Republic of China.

In January 2005 Cai Dingjian, director of the Institute for Constitutional Studies, pointed out that the establishment of "constitutional rule" was the logical consequence of social development.⁶⁹ In the past, he said, the Constitution had been (mis)used for ideological battles, but since 1997 it had been politicised. The biggest problems ahead lie in establishing the independence of the jurisdiction, changing Article 5 (which excludes the Party from obeying the Constitution) and developing control organs for the Constitution (*xianfa jiandu jigou*).

The development that guided the Party when changing the Constitution in order to secure its own survival can be described as a development from the practice of "ideologising the law" to "politicising the law," and finally to "litigating politics." In July 2002, Du Guang, a senior cadre from the Central Party School, wrote an extensive internal pamphlet ("No. 22") on the occasion of an exchange on the future direction of Chinese socialism, in which he argued that the separation of the Party from the government and the economy, and the strengthening of the "three powers" were all logical consequences of the recent constitutional changes.⁷⁰ He argued that instead of the prejudiced belief that establishing the separation of powers would automatically lead to the establishment of a capitalist system and the demolition of the Party, the opposite would, in fact, be true. The central role of the NPC as the legislature, the control of the Constitution, the Executive, the judiciary as well as the participation of the people, Du said, would be the only way to abolish feudal autocracy. In the end, he concluded, the "dictatorship of the proletariat" would triumph.

As described above, public support for the Party will depend on reform measures in such fields as social policy (building up a welfare system), tax policies (the rural tax system was changed in 2005 in favour of the peasants), citizens' rights (legal protection against the misuse of authority), structural policies (disentanglement of the Party and enterprises and of the Party and the NPC), and democratic governance

⁶⁸ Li Rui, "Guanyu wo guo zhengzhi tishi gaige de jianyi" (A proposal for reforming the political system of my country), in: *Faxue kongjian*, (10.2.2003), at <http://www.222.lawsky.org/detail.asp> (accessed on 24.11.2004).

⁶⁹ Lecture by Cai Dingjian in Bonn, Konrad Adenauer Foundation, 19.1.2005.

⁷⁰ Du Guang, *Jianshe gaige de shehui zhuyi fangxiang* (Adhering to the Direction of Reform of Socialism), internal paper of the Central Party School, (2002), pp. 1-82.

practices (transparency of decision-making processes, integration of public opinion, independent judicial system). Disaffection and aggression are growing among rural and urban inhabitants, and social unrest and mass protest have become a daily phenomenon in China's political system. Mass protests grew from 50,000 in 2002 to 53,000 in 2003 and 74,000 in 2004.⁷¹ The self-organisation of peasants is seriously challenging the authorities – Yu Jianrong, who works at the Chinese Academy of Social Sciences, emphasised that spontaneously established groups with names like "Committee for Reducing Burdens" or "Group for Documentation of the Reduction of Financial Burdens" are proof of the informal creation of rural leadership groups that are supported by urban intellectuals who wish to prepare and stage uprisings and protests.⁷²

To conclude, the obvious tension inside the Party and the growing pressure due to the various social forces are going to create a more competitive atmosphere among the lobbyists in the NPC. The ideological and intra-party reforms have therefore strengthened intra-party democracy and helped to further promote the policy-orientated design of the political system. The Party can now function as a platform for diversified proposals on political reform. It's for this reason that we can speak of a "governmentalisation of the Party."⁷³ As for the efforts to gain more legitimacy for one-party rule, it can only be assumed that the growth of the competing political forces inside the Party will lead to further intra-party conflicts, which could possibly result in two scenarios: a) the slow dismantling of one-party rule, or b) a return to more authoritarian rule. The establishment of legitimacy inside the Party and among the governmental bodies it rules over therefore remains a task for the future. On the other hand, the intention to establish ruling legitimacy among the people could be much more successful because of the pro-people policies implemented by the leadership under Hu Jintao and Wen Jiabao.

⁷¹ Murray Scott Tanner, "Chinese Government Responses to Social Unrest," in: *Rand Corporation Testimony Series*, (April 2005) in www.rand.org/pubs/testimonies/2005/RAND_CT240.pdf (accessed on 3.2.2006); US Congressional-Executive Commission on China, 2005 Annual Report, Introduction: Growing Social Unrest and the Chinese Leadership's Counterproductive Response, in www.cecc.gov/pages/annualRpt/annualRpt05/2005_a_intro.php (accessed on 3.2.2006).

⁷² Yu Jianrong, "Let farmers speak for themselves," in: *China Development Brief*, vol. 6, no. 1, (July 2003) in www.chinadevelopmentbrief.com/prarticle.asp (accessed on 24.6.2004).

⁷³ Gang Lin (2004), p. 266.