

THE PRESENT STAGE OF STATE BUILDING IN CHINA AND THE 1979 ELECTORAL LAW

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Elections have a long history in Western democratic countries, and naturally the volume of literature on the subject is substantial¹. Communist countries subscribing to the principle of proletarian dictatorship, as well as authoritarian régimes and military dictatorships in developing countries, however, also feel the need to hold elections. According to a survey in 1978, among the 136 member states of the United Nations, only eight of them had not held a general election in the previous decade².

Studies of elections in the Soviet Union and Eastern Europe have begun to accumulate³: but research on elections in the People's Republic of China (PRC) after 1949 has been negligible⁴. Despite the limited data available, this article intends to explore the functions and significance of elections in the present stage of state building in China, and the implementation of the 1979 Electoral Law, as well as its limitations, loopholes, achievement and long-term impact.

I. THE PURPOSES OF ELECTIONS

Most shades of political opinion seem to agree that the following objectives are among the legitimate purposes for which elections have been instituted: (1) a parliament reflecting the main trends of opinion within the electorate; (2) government according to the wishes of the majority of the electorate; (3) the election of representatives whose personal qualities best fit them for the function of government; and (4) strong and stable government⁵.

If a system of election can be found that will promote all these ends, we shall have approached the ideal. Failing this, a choice will have to be made among them.

Although elections are generally held in various countries, the actual choice

available for the electorate in many cases may be quite limited. And no matter how fair an electoral system may be, wealth, power, organization, etc. are used to influence the decision of the voters. Perhaps the only fair election may be through the form of direct democracy practised by the ancient Greek city-states or by casting lots⁶.

Basically, freedom of voters and competition among candidates are the two most important criteria in assessing the significance of an election. Moreover, the impact of an election on government policy is also an important factor to consider.

Regarding voters' freedom, a free, meaningful election has to ensure that the voters can:

- (1) be recognized as such through formal registration;
- (2) exercise their voting rights uniformly without discrimination;
- (3) vote freely and independently without restraint and under no external pressure; and
- (4) expect that their votes will be counted fairly and accurately, even when the election results go against the wishes of those in power.

It has to be admitted, nevertheless, that the above guarantees cannot eliminate the social pressure on the electorate generated by the influence of the dominant culture or ideology.

Competition among candidates in an election is the scope of voters' choice. The keener the competition, the greater the voters' choice, which is guaranteed by their right to nominate candidates and the existence of more candidates than the number of deputies to be elected. Nevertheless, even in a multi-party democracy, electoral competition is still limited by two constraints: the first is economic, political parties or candidates with more financial resources at their disposal are naturally in a stronger position; the other is legal and ideological, in many states, certain extremist political parties are barred from elections because of their political views. In Communist states, even when voters have the right to nominate their candidates and when there are more candidates than the number of deputies to be elected, electoral competition still has to depend on whether non-Communist candidates can compete on equal terms with those backed by the Communist parties.

In a parliamentary democracy, the replacement of a governing party by another is a basic principle. It is accepted that a general election will decide which party or coalition of parties should be in power. In a Communist state, the results of elections will not alter the status of the Communist party as the governing party, at most they will serve as a political barometer whose readings are inadequate to constitute governmental commitments. Nonetheless, can election results affect and how will they affect the policies of Communist régimes remains a criterion to be studied, though its significance is less than that of voters' choice and competition among candidates.

II. ELECTIONS AND COMMUNIST REGIMES

The major difference between elections in Communist states and those in Western liberal democracies lies in the assumption of the Communist ideology that under socialism the existence of competing political interests is illegitimate. In Communist doctrine, the Party is motivated solely by its desire to serve the people and bring about their welfare and emancipation. Since the Party's interests are identical with those of the people, all Party policies and state plans are said to represent the people's interests.

In his *La Guerre civile en France*, Karl Marx denied the democratic validity of universal suffrage as practised in parliamentary régimes. He referred to the Paris Commune as the only democratic model in which those elected had to be "servants", always "liable to be dismissed by their electors"⁷. Extending the Marxist criticism of representative liberal democracy, Antonio Gramsci emphasized the system of ideological domination which would facilitate what he called "electoral putsches". Of the bourgeois Gramsci wrote, "All that is necessary is to have ideological supremacy (or, better, supremacy of passions) on the chosen day, in order to win a majority which will govern for four or five years in spite of the fact that the mass of the electorate would dissociate itself from its legal expression once passions have died down"⁸. Mao Zedong's claim that "political power comes from the barrel of the gun" is well known, and he had also ridiculed elections publicly⁹.

There are as yet not many comparative studies on elections in Communist states and this section intends to survey briefly the background and development of elections to national parliamentary and local government bodies in various Communist states, compare their elections and examine the functions of elections in them, especially the variations in functions among them.

According to the Marxist-Leninist view, elections are part of the state superstructure, deriving their real nature from their socio-economic content. Since elections are supposed to reflect the infrastructure, they have constantly to be adjusted to keep pace with developments. As part of a system of representative democracy, elections in their present form are scheduled to be superseded by more advanced direct democratic processes in the course of evolution towards full Communism. At present and in the foreseeable future, ideology endows elections with considerable legitimacy in Communist states; they are still lauded as essential channels for expressing popular sovereignty and socialist democracy. As the influence of Eurocommunism strengthens and the eschatological elements of the ideology continue to give way to those legitimating the political status quo, so the position of elections becomes even more firmly entrenched.

It is very important that with the exception of Czechoslovakia and East Germany, none of the Communist states have an historical tradition which endowed elections with a strong authority prior to Communist rule. The authoritarian characteristics of many of these countries' historical traditions easily combine with and reinforce the political structure and style of the Com-

minist states. The concept of the Communist Party's leading role in society and the operation of democratic centralism have made non-party representative bodies, and elections to them, instruments for the implementation of Communist Party policy.

In the 1920s in the Soviet Union and in the late 1940s in Eastern Europe, elections took place in conditions of political struggle; they can even be designated as "semi-civil war elections"¹⁰. In most cases the Communist Parties had taken part in competitive elections before assuming power, but none had succeeded in obtaining a clear majority. They then found themselves in power in a hostile political climate, without a basis of popular support or popular legitimacy. From these circumstances stemmed a general anxiety to hold elections which would give the new régimes the legitimacy they lacked. In order to ensure a favourable result in what were at best unsure political conditions, various subterfuges were adopted.

The completion of fundamental socialist transformations and the defeat of class enemies paved the way for the introduction of universal suffrage, direct elections at all levels, the secret ballot and other measures associated with free elections in the West. In the Soviet Union, where the new electoral system formed part of the 1936 Constitution, these changes were explained as reflecting the new socialist stage of development. Similar arguments were employed in Eastern Europe, where parallel electoral reforms were accompanied by new constitutions in the early 1950s¹¹. On paper, such electoral systems approximated those of the West. Yet in the Stalinist era of coerced unanimity, the actual elections held were close to plebiscites in which all parts of the processes, from the selection of candidates to the counting of votes, were bureaucratically manipulated and coordinated to produce the desired results.

From the mid-1950s to the mid-1960s, as part of the process of de-Stalinization, a relaxation of centralization and a decline in police powers gave somewhat greater control over elections to state, as against party, authorities. Moreover the new emphasis on socialist legality and constitutionalism reduced the violation of electoral rules and enhanced the standing and role of representative bodies. In Yugoslavia and Poland, de-Stalinization produced far-reaching reforms, the plebiscitary nature of elections was changed qualitatively by the introduction of elements of real choice. Elections offering choices among political parties were seen as one of the most important guarantees against the return of Stalinism.

These reforms gradually spread to the Soviet Union and other East European states, although the scope of the reform varied considerably among them¹². Since the mid-1960s, the Communist leadership in these states has gradually realized that the achievement of increasingly secularized goals in a highly complex modern society requires considerable decentralization of decision-making power and administrative responsibility to non-Communist Party bodies, and this has led to the elevation of the role and powers of parliamentary and local government organs as well as to a greater emphasis on the need

for deputies and councillors of high ability. Further, it has also recognized that the most effective way to maintain political stability and economic progress is to provide more institutional opportunities for the articulation of different interests within the community, and closer links between the electorate and their representatives.

The impact of these changes in thinking, however, has varied with political conditions in individual countries. Where strong concern with the maintenance of very close control over all political processes persists, as in the Soviet Union, Bulgaria and Czechoslovakia after 1968, proposals advocating the introduction of elements of choice and competition in the elections have remained on paper. In East Germany, Hungary and Romania, varying elements of electoral choice have been offered to the voters. And in Poland and Yugoslavia, where a degree of choice has long been an established part of elections, measures have been taken to enhance its scope and encourage its utilization. Such changes of the electoral systems have often been part of larger packages of reforms making the political systems more responsive, and the introduction of electoral choice has invariably been officially depicted as proof of advances in socialist democracy. In all instances, however, the Communist Parties' leading roles have continued to be beyond electoral challenge. There is no question even in Yugoslavia, of voters being given a choice between the Communist Party and an organized opposition.

The variations of the above development, within the limits imposed by one-party rule, may be categorized according to three sets of criteria: (1) the degree of contest permitted, the main factors here being the number of candidates standing for every seat and the scope of programmatic differences in election campaigns; (2) the scope available for the expression of voters' preferences both at the polls and in the process of selecting candidates; and (3) the consequences of election results, in terms of the tenure of political power and in terms of policy¹³.

As all elections in Communist states exclude the possibility of choice between competing national programmes, it is often assumed that their functions are confined to mobilization and legitimation. In actual fact, they perform a range of functions which in many respects resemble those associated with classic Western elections.

1. Mobilization

Organized mass activity is a salient feature of political life in a Communist state, and elections are important occasions for the mobilization of the normally passive elements of the community, hence the great emphasis on achieving extremely high levels of turn-out (99 per cent and over). Participation in voters' meetings, in the nomination of candidates, and so on are not to be neglected either. As elections provide unique opportunities for all political and social organizations to collaborate in major national campaigns, they

also test the organizational and propaganda abilities of the various apparatuses.

2. Political education and socialization

Elections are naturally important occasions for the intensification of political education and socialization. They also open up a great variety of channels for political communication. Political information is given even greater media prominence and direct contact with the electorate is made possible by meetings at places of work and residence. The sheer duration and frequency of elections probably ensure a considerable impact. Very large numbers also participate in elections through working on election commissions and committees, in canvassing groups and at polling stations; this certainly is a form of political education and socialization. In Hungary, Poland and, especially, Yugoslavia, the introduction of competition in local elections has led to candidates expounding their own views of election issues, and contests have often enlivened discussions and helped to make elections into more of a two-way exchange of information and opinion¹⁴.

3. Integration

Elections enable party leaders to appear as national figures and to appeal to all citizens on a national rather than party-political platform. The politically unaffiliated is made to feel equal to his Communist fellow, and attention is also paid to these groups distanced from the centre by their geographical, social, ethnic or spiritual location. In Poland and Hungary, for example, party leaders stress the alliance with the Catholic Church. Integration by way of a public image of unity and equality is accompanied by integration through representation. The main rationale behind the party's guidelines on the composition of candidates is to achieve a balanced and proportional "mix" of occupational, ethnic and minority groups. Though controls remain tight, elections in Yugoslavia nevertheless show that greater voter choice can produce representatives who foment rather than stem parochialism, thus weakening integration.

4. Legitimation

Legitimation is by far the most important function performed by elections in Communist states. Although the leading role of the Communist Party is hardly affected by elections, they legitimate it in at least two ways. First, as a large proportion of candidates are Communists, elections constitute a vote of confidence in the Party. Further, elections confer legitimacy on the whole political system, of which the Communist Party is the core. In this way elections also

make illegitimate any political alternatives. The Hungarian election of 1958 and the Czechoslovak election of 1971 were held with the express purpose of showing that opposition elements had no popular support and that their attacks upon the régime had no substance¹⁵. The higher status of popularly elected government institutions, however, might weaken the legitimacy of Communist Party organs which are not formed on that basis.

5. Influence on public policy

The policy process in all Communist states is highly bureaucratic and decisions are largely confined to the upper echelons of the party and government. Nevertheless the last two decades or more have seen a certain opening up of policy-making, creating some scope for the expression of popular attitudes through electoral barometers towards policies relating to matters of local concern, especially housing, transport and local government performance.

III. ELECTIONS AND STATE BUILDING IN THE PRC

According to Joseph LaPalombara and Myron Weiner, the emergence of political parties is a response to a crisis or crises brought about by political modernization, e.g., legitimacy crisis, participation crisis, integration crisis, and so on¹⁶. In the process of political modernization, traditional belief systems are eroded, particularly those concerned with the relationship between the individual and authority, and political parties as well as other types of political organizations grow.

Lucian Pye in his study of mass participation in contemporary China pointed out the great trauma of the Japanese War taught the Chinese that political events could shatter their private lives and that neither government nor their historic associations could offer them security. The political and economic chaos before and after the Japanese War certainly reinforced this experience. In the light of the uncertainty facing many Chinese after the war and the occupation, it was not surprising that the majority of the Chinese welcomed Communist rule¹⁷.

During the first few years of the PRC, the Chinese Communist leaders displayed a genius for creating social and political organizations that encompassed every segment of the population, although such mass participation was essentially limited and controlled. From 1949 to the early 1950s, trade unions, the Youth League, the Women's Federation; the Students' Federation, co-operatives and other mass organizations were established; through them, the Chinese Communist Party (CCP) maintained close ties with the masses organizing and mobilizing them to respond to its call¹⁸.

Although the style and the emotional context of participation were radically new, the situation in the early 1950s did share many basic similarities with the patterns of traditional China. As C.P.Fitzgerald stated:

"So the Chinese once more feel themselves at home. There is the Party, to replace the old imperial civil service, there is Marxism, the new orthodoxy in place of old Confucianism, there is authority and obedience. . . . This is the liberty as they have understood it . . .¹⁹.

Individuals were compelled once again to find their social identities in the context of associational relationships, but the Communist régime remained untouched by anything resembling pressures from private groups and organizations. Land reform completely removed political power from the landlord class, the "five-anti movement" and the socialist transformation of industry and commerce totally destroyed the influence of the bourgeoisie, and non-party members among the intelligentsia were forced to undergo "thought reforms", hence a high level of participation, political sensitivity and awareness only produced conformity and discipline, not autonomy and initiative²⁰.

From 1949 to 1955, the rule of the CCP was legitimized through its identification with the long-standing Chinese national revolution. Approximately from 1956 to 1962, the CCP moved into open administration of the economy and society, and advanced its own legitimate ideology of "socialist construction". According to Chalmers Johnson, during its first two decades (although not uniformly over the twenty-year period), the PRC offered the rare example of a legitimate revolution, one in which the population genuinely authorized the exercise of political power to bring about social change, and in which the changes championed by the leadership were truly aimed at restructuring the social system according to a popularly supported image²¹. The Chinese Communist régime then possessed authority, i.e., legitimate power, as defined by Amitai Etzioni, "power that is used in accord with the subject's values and under conditions he views as proper"²².

James R. Townsend also recognized the CCP's ability to produce organized mass action, but he believed that the element of "voluntarism" in Chinese political participation was frequently not what the CCP meant by "conscious and voluntary" action, but rested on other factors. The first was the Chinese habitual obedience to political authority. The second was the Chinese people's positive ideological support for some or all of the CCP's objectives without the ideological commitment to CCP doctrine as such. The third was the satisfaction of personal needs, especially desires for personal advancement and community status and belonging, provided by voluntary political participation. Finally, some of the appeal of political participation rested on its connection with popular interests, as was the case with programmes for improvements in sanitation, pest riddance, agricultural technology, etc.²³.

Summing up, one can see that the early years of the Chinese Communist régime differed markedly from the situations in the Soviet Union in the 1920s and in Eastern Europe in the late 1940s. The Chinese Communist régime then

possessed a large measure of authority, was leading a legitimate revolution, and was able to guide and control the Chinese people's political participation successfully through superb organization and the effective implementation of the "mass line"²⁴, as well as through the exploitation of the people's strong desire for social and political participation in the wake of decades of war and chaos. Hence the functions performed by elections in Communist states, as discussed in the previous section, were largely irrelevant to the Chinese leadership.

The Electoral Law promulgated in March 1953²⁵, and the elections held in 1953-54 for local people's congresses at all levels leading to the National People's Congress²⁶, reflected the consolidation of a revolutionary régime and its entry into a new era, in which "socialist construction" became the ideology providing and strengthening the legitimacy of the régime. In this new era, the above-mentioned pressures exerting upon a highly centralized Communist régime generated by the complexities of modern society, the need to decentralize decision-making power and administrative responsibility to non-Communist Party bodies and to provide more institutional opportunities for the articulation of different interests within the community, began to emerge in the PRC. These pressures led to certain policy differences among the Chinese leaders in the mid-1950s but apparently the question of elections did not receive any serious attention.

One of the major tenets of the Maoist revolutionary romanticism was that the enthusiasm generated by mass participation practices might make it possible to discount material incentives and to provide essentially symbolic rewards for increased outputs of energy on the part of the population. Closely related to this was the argument that in a transitional society such as China it would be essential to bring about a change in attitudes to reduce feelings of fatalism and lack of initiative, and to increase the spirit of self-reliance and other attitudes associated with the "new socialist man", an important Maoist objective both before and during the Cultural Revolution²⁷.

The failure of the Great Leap Forward earlier, however, already seriously tarnished the prestige of the CCP and exacerbated policy differences within the Chinese leadership. Mao was "kicked upstairs" at the Sixth Plenum of the Eighth Party Congress (December 1958) and withdrew to the "second line" of leadership. In the following Lushan conference in July 1959, however, Mao was able to withstand Peng Dehuai's indictment and had him purged. In response to this deep authority crisis, the development of the cult of Mao's personal authority received a great impetus in the People's Liberation Army under Lin Biao, who succeeded Peng Dehuai as defence minister²⁸.

During the Cultural Revolution, Mao Zedong called for the abandonment of the previous forms and organizational framework of mass participation and advocated more direct, spontaneous revolutionary forms. From an idealistic point of view, the Cultural Revolution aimed to expand participation and eliminate the gaps between the leadership and the masses. But the practical outcome was the destruction of the existing political institutions and political chaos,

resulting in the lack of identification and apathy among the Chinese people. At the same time, Mao's personality cult was pushed to a new peak of "the greatest Marxist-Leninist of our era"²⁹.

The confidence crisis that emerged after the Cultural Revolution posed a serious threat to the Chinese Communist régime's legitimacy. The achievements of the first "ten glorious years" could hardly compensate for the following chaos and disasters. The privilege of cadres and rampant bureaucratism eroded the people's trust and respect for the party and state organs. Mao Zedong was reduced from god to man. Mass campaigns could no longer arouse the people's enthusiasm. The superiority of the socialist system was in doubt. All these transformed the foundation of the régime's legitimacy to a vacuum. Deng Xiaoping and his supporters hence introduced the Four Modernizations as the guiding ideology in an attempt to restore the régime's legitimacy, which may be interpreted as a programme to raise the people's living standards to resolve the confidence crisis.

In the wake of the Cultural Revolution, the Chinese intelligentsia generally believed that the Four Modernizations could not succeed without democracy and legalism. It appeared that this demand for the "fifth modernization" received the support of the liberal reformers within the CCP leadership. Liao Gailong, a research associate of the Policy Research Bureau of the CCP Central Committee, in a report to a seminar on party history at the CCP party school on October 25, 1980 stated that democracy was an ultimate goal to be achieved. The report was an elaboration of Deng's speech to the Political Bureau on August 18 earlier in the year, and could be regarded as the CCP reformers' blueprint for democratic reforms³⁰. The report stated:

"... highly developed democracy in politics and widespread freedom themselves are also an important part of the ultimate goal of socialist construction. Didn't Comrade Mao Zedong say this in his 'On the Question of Correct Handling of People's Contradictions'? Democracy looks like an end, but in practice it is a means to an end; this is because politics is the superstructure, it (democracy) belongs to the political superstructure. This statement is not entirely correct, and let us change it. Democracy is a means, but it is also an end in itself. It is a means to achieve our political goal, at the same time it is also our ultimate goal."³¹

At this stage, the two most important tasks of the Chinese leadership were to improve the people's living standards and to eliminate bureaucratism and cadres' privileges from the party and state organs, and only thus could the confidence crisis be overcome and the régime's legitimacy be restored. In tackling these two problems, the reformers of the CCP finally realized the significance of socialist democracy, although it would still be confined within the limits of the "four cardinal principles"³².

The communique of the Third Plenum of the Eleventh Party Congress admitted:

"In a certain period in the past, democratic centralism had not been truly

practised, centralism was practised without mentioning democracy, and there was too little democracy. Hence democracy needs to be particularly emphasized in this period, the relationship of dialectical unity between democracy and centralism has to be emphasized, so that the unified leadership of the Party and the effective command of various production units may be established on the foundation of the mass line."³³

To achieve this end, Liao indicated in the Renmin Ribao (People's Daily) that an urgent task of the Chinese leaders was to restore the system of democratic elections at the various levels of people's congresses³⁴.

Peng Zhen, director of Commission for Legal Affairs of the National People's Congress Standing Committee, in introducing the draft of the Organic Law of the Local People's Congresses and the Local People's Governments (the Organic Law) and the draft of the Electoral Law for the National People's Congress and the Local People's Congresses (the Electoral Law) to the Second Session of the Fifth National People's Congress in June 1979, explained the purpose of the important changes made in the organization of the local organs of state power and the electoral system. Peng Zhen stated:

"changes ... are intended to expand people's democracy, strengthen and perfect our socialist legal system and ensure and facilitate the management of state affairs by the 900 million people while at the same time, bringing into fuller play the initiative of the local authorities so as to meet the needs of the shift of the nation's efforts to socialist modernization and the needs of the reform of our economic system."³⁵

In contrast to the early years of the PRC, as the practice of guiding and controlling the Chinese people's political participation through the mass organizations and the policy of the "mass line" became bankrupt in the wake of the Cultural Revolution, the functions of elections in Communist states discussed in the previous section, i.e., mobilization, political education and sozialization, integration, legitimation, the provision of feedback on public policy, etc., became significant in China at this stage. As the Chinese leadership eagerly sought results in economic development, it also appreciated the pressures exerted upon the Eastern European Communist régimes generated by the complexities of modern society and was willing to use elections to reduce the burden of these pressures.

IV. ANALYSIS OF THE 1979 ELECTORAL LAW

On July 1, 1979, the Second Session of the Fifth National People's Congress adopted the revised Electoral Law to be implemented in 1980³⁶. The revised Electoral Law has 11 chapters and 44 articles, in comparison to the 1953

Electoral Law which consisted of 10 chapters and 66 articles. A new chapter was added to the revised Electoral Law on the supervision, recall and by-election of deputies; and the revised Electoral Law has fewer articles simply because its articles are more comprehensive³⁷.

It appeared that the revision of the Electoral Law had involved considerable consultative work: and in the Second Session of the Fifth National People's Congress, a number of amendments were also made. Before the session, Renmin Ribao, Gongren Ribao (Workers' Daily) and many local papers discussed the issue in the form of "special column" and "commentator's article"³⁸. There were also many signed articles by experts expressing their individual opinions³⁹.

In sum, the opinions expressed centred on the following areas:

- 1) The principle of universality and equality must be upheld; the holding of elections should be made more common: the differences between the weights of a vote in urban and rural areas should be narrowed; the number of deputies of people's congresses at all levels should be increased in an appropriate way.
- 2) The conduct of elections by a raising of hands should be banned as this practice had many defects, and the use of secret ballots should be adopted as it had become practicable.
- 3) The people should be mobilized and their demands fully reflected in nominating candidates and in drawing up the official list of candidates; the procedures involved should be clearly defined by the Electoral Law.
- 4) The system of voting for deputies from the same number of candidates should be replaced with that of voting from a larger number of candidates.
- 5) The division of constituencies should take into consideration not only the voters' residences but also their working units so as to facilitate voting and strengthen the ties between voters and their deputies.
- 6) A system to supervise and recall deputies should be established.
- 7) Attention should be paid to select qualified non-party members to leading posts.

On the above basis, the 1953 Electoral Law was revised. According to Cheng Zihua, the Minister of Civil Affairs, the following new aspects of the revised Electoral Law were considered particularly significant⁴⁰.

a) Voters' choice

Chapter 7 Article 27 of the Electoral Law stipulates that the number of candidates for deputies to the people's congresses at all levels should be larger than the number to be elected. In direct elections, the number of candidates should be 50 per cent to 100 per cent larger than the actual number of deputies to be elected; in indirect elections, the number of candidates should be between 20 and 50 per cent larger than the actual number of deputies to be elected.

This provision would allow the Chinese voters to have a limited choice, increase their sense of participation, and help to curb cadres' abuse of power and privileges. In Eastern Europe, limited voters' choice was introduced in

the mid-1950s as part of the de-Stalinization process; the same measure introduced in China after the fall of the Gang of Four was certainly not a mere coincidence. However, to ensure that this provision be effective voters' freedom and independence in nominating candidates and in voting must be guaranteed.

A semi-official manual, Questions and Answers on the Electoral System, explained that the Electoral Law had to stipulate approximately the number of candidates in the elections because too many candidates would lead to too wide a dispersal of votes, the need for a second ballot and various difficulties in electoral work. Further, the results of the elections would "neglect certain essential areas demanding special attention"⁴¹. This is certainly not a very satisfactory explanation. Moreover, the stipulated limit on the number of candidates might provide the legal grounds for the voters' groups and electoral committees at the grassroots or the presidiums of congresses above the county level to remove certain candidates disliked by the officialdom in defining the final list of candidates.

b) Nomination of candidates and democratic consultation

Chapter 7 Article 26 of the Electoral Law states that candidates will be nominated on the basis of constituencies and electoral units. The CCP, the various democratic parties, people's organizations, or any voter or deputy when seconded by no less than three others can nominate candidates. This is highly democratic, and will be a significant improvement in grassroots democracy if implemented.

Regarding direct elections at the county level and below, Chapter 7 Article 28 of the Electoral Law stipulates that the electoral committee will collect nominations as well as accounts of the nominees' qualifications and pass them to the voters' groups of the constituency for repeated discussions and democratic consultation twenty days before the election. If there are too many candidates in the list which has already been published, a preliminary vote may be held to decide on the final list of candidates to be published five days before the election. Questions and Answers on the Electoral System explained that details of a preliminary vote might be decided later by the localities⁴².

As the qualities of the Chinese cadres posed serious problems, their lack of understanding of and support for the electoral system together with the prevalence of corruption and abuse of power, attempts to reduce the number of candidates by democratic consultation or a preliminary vote arranged by the local cadres might be detrimental to the interests of the candidates not enjoying the support of the officialdom. A better arrangement would have been the adoption of a second ballot system without limiting the number of candidates in the first round⁴³. Any candidate receiving more than half of the votes cast in the first ballot will be duly elected. A number of candidates receiving the most votes but not elected in the first round or the candidates receiving more than a certain percentage of the votes but not elected in the first round will then become candidates for the second ballot in which they still need to

receive more than half of the votes cast to be elected. Otherwise a third ballot may have to be held on the above principle.

c) Extending direct elections to the county level

The late Premier Zhou Enlai promised in his 1957 Report on the Work of the Government that "when conditions ripen, direct elections should be extended gradually to the county level and above"⁴⁴. In fulfilling this promise, the revised Electoral Law extends the scope of direct elections from municipalities without administrative districts under them, municipal districts, people's communes and towns to cover counties and autonomous counties as well (Chapter 1 Article 2). In view of the actual difficulties involved, this is probably the limit and direct elections above the county level are hardly practical in the near future.

Liao Gailong in his report made in October 1980 also discussed a proposal to improve the National People's Congress. He suggested that it should be divided into two chambers, one representing regional interests, and the other functional interests⁴⁵. It is entirely possible that the latter may consist of representatives from various national mass organizations directly elected by the respective membership. Though no more has been heard of this proposal, it certainly deserves serious consideration.

d) Secret ballot

Chapter 8 Article 33 of the Electoral Law provides that all voting shall be conducted by secret ballot. Further, one may vote for or against any candidate, or vote for any other voter not on the list of candidates, or abstain from voting. Provisions are also made for the illiterate and disabled to entrust someone to write on their behalf. Questions and Answers on the Electoral System also gave detailed answers to various queries of this kind⁴⁶. Chapter 8 Article 31 of the Electoral Law stipulates that in direct elections, each constituency should establish voting stations or call an electoral meeting to facilitate voting. Under the present circumstances, the setting up of voting stations should be made compulsory as a better guarantee of voters' right of confidentiality.

e) The right to supervise and recall deputies

Chapter 9 of the Electoral Law deals with this right and Article 41 states that the voters or electoral units have the power to supervise and recall their deputies. The demand to recall deputies should be presented to the standing committee of the people's congress concerned, which should promptly organize investigation to verify the charge. Article 40 stipulates that the recall of deputies directly elected should be endorsed by more than half of the voters of the constituency concerned, and the recall of deputies elected by people's congresses at various levels should be endorsed by more than half of the deputies of the people's congress concerned. If the people's congress concerned is in recess, the recall should be endorsed by more than half of the members of the standing committee of the people's congress. The deputy to be recalled

may appeal at the meeting held for his recall. The resolution on the recall should be reported to the standing committee of the people's congress at the next higher level. The above provisions will serve as a curb to the bureaucratism, feudal patriarchy, abuse of power, corruption and privileges of cadres, but their implementation is in doubt.

The issues of the division of constituencies, election campaigns and the equality of voting rights also merit some discussion. Chapter 5 Article 22 of the Electoral Law provides that constituencies are to be divided according to production units, working units and residences instead of solely on the basis of residences as before.

Regarding election campaigns Chapter 7 Article 30 of the Electoral Law states that various political parties, people's organizations and voters can use all forms of publicity to introduce their candidates. But campaigns should stop on election day. It is obviously a liberal measure, but there are no stipulations concerning campaign resources and the use of the mass media. Chapter 1 Article 8 of the Electoral Law provides that the expenditure of elections of people's congresses at all levels comes from the national treasury, but there are no specifications on whether the candidates' campaign funds can be included in the expenditure of elections. More important still, as all the mass media are in the hands of the party and state organs, and even the freedom of writing "big character posters" has been abolished, there should be more concrete guarantee of the actual freedom and practical opportunities available for campaigning so that candidates endorsed by the officialdom will not receive special favours.

On the question of the equality of voting rights, Chapter 2 Article 10, Article 12 and Chapter 3 Article 14 stipulate that at the county, provincial and national level, the population represented by a deputy from the rural areas should be respectively four, five and eight times larger than the population represented by a deputy from the urban areas. According to the Lecture Outline of the Course on the Propagation of Legalism, this was for the strengthening of the leading role of the working class in the organs of state power⁴⁷. This is hardly an explanation, though the same book promised that such disparities would be gradually reduced and ultimately eliminated in the course of socialist modernization⁴⁸. Nonetheless it should be pointed out that the disparity had not been reduced since 1953, at least at the national level: for the 1953 Electoral Law stipulated that the number of deputies to the National People's Congress from each province should be based on the rule that each deputy represented 800 000 people, whereas the number of deputies from each municipality should be based on the rule that each deputy represented 100 000 people⁴⁹. Questions and Answers on the Electoral System also pointed out that the vast majority of the Chinese population lived in rural areas, and the cities were political, economic, scientific and cultural centres, where the working class was most concentrated, and where there was a higher density of intellectuals, various kinds of experts, leading officials of party and state organs, and representatives of the industrial, commercial and other sectors, hence the need to provide for different population/deputy ratios be-

tween urban and rural areas⁵⁰. A better compromise may perhaps be found in Liao Gailong's proposal to divide the National People's Congress into two chambers: in the chamber representing regional interests, the disparity between the population/deputy ratios of urban and rural areas may be considerably reduced; whereas in the chamber representing functional interests, representatives from the agricultural and related sectors certainly should not hold more than a quarter of the seats.

Though there are still areas to be improved regarding the 1979 Electoral Law, yet on the whole this is perhaps the most democratic piece of legislation of the PRC since 1949. At this stage, it may be unwise to seek perfection; the most important concern would be the actual implementation of the law.

V. DIRECT ELECTIONS AT THE COUNTY LEVEL UNDER THE 1979 ELECTORAL LAW

A New China News Agency report in May 1984 indicated that among the 2780 county-level units in China, 1812 (65.2 per cent) had begun work for the second direct elections of the people's congresses⁵¹. However, details of the second direct elections at the county level are still very scanty, and the following analysis will be limited to the first direct elections at the county level held under the 1979 Electoral Law.

The Chinese leaders apparently placed considerable emphasis on the first direct elections at the county level⁵². According to a report of Cheng Zihua, the Minister of Civil Affairs, the Standing Committee of the National People's Congress almost immediately set up a National Office for the Work of Direct Elections at the County Level (the National Office) for the task. In 1980, the Ministry of Civil Affairs and the National Office twice sent work teams led by the minister, deputy ministers and advisors to take part in the electoral work of thirteen provinces and municipalities. From every province, autonomous region and municipality down to every county-level unit, an organ was established to lead the electoral work; a majority of these organs were led by the principal leading officials at the corresponding level. Every province, autonomous region and municipality had held a conference on electoral work to discuss the details of holding elections. Many leading officials from the provincial to the county level went to grassroot units to observe and lead the electoral work⁵³.

After the formal adoption of the Electoral Law, pilot tests of direct elections at the county level were held in two batches. In the second half of 1979, pilot tests were held in 92 counties, autonomous counties, municipalities without administrative districts and municipal districts; in early 1980, further pilot tests were held in 460 county-level units⁵⁴. In February 1980, a conference was held in Beijing to exchange working experience, in which

Cheng Zihua made a report⁵⁵.

In the same month, in reporting to the Standing Committee of the National People's Congress, Cheng pointed out that before the beginning of the electoral work, the cadres involved had to be organized to study in depth the Electoral Law and the Organic Law; further, all means of propaganda had to be used to make the two laws known to the people⁵⁶. The publication of Questions and Answers on the Electoral System and the Lecture Outline of the Course on the Propagation of Legalism to some extent reflected the work in this area.

In March 1981, Cheng Zihua again reported to the Standing Committee of the National People's Congress. The report indicated that in the second half of 1980, direct elections at the county level were held in separate batches in different periods. At the end of 1980, among the 2757 county-level units, 1947 had elected the deputies to the people's congresses, and 1319 had already held their people's congresses. Three hundred and fifty five units were still engaged in electoral work, while the remaining 455 units would conduct their electoral work in 1981⁵⁷. The report admitted that greater difficulty was encountered in Hebei, Shanxi, Nei Monggol, Jiangsu, Anhui, Henan, Yunnan, Tibet, Gansu and Xinjiang; as these provinces and autonomous regions were mostly along the border with considerable national minorities, this appeared natural.

Cheng's report considered that four major achievements were made in the elections. In the first place, the voters' increased their awareness of socialist democracy and socialist legalism, and strengthened their sense of responsibility as "masters of society". Secondly, cadres were reviewed and assessed by the people, and thus improved their style of work. Thirdly, better leaders were elected, and closer relations developed between the government and the people. Finally, various positive factors were mobilized, and political stability and unity were further strengthened. The achievements listed probably reflected the Chinese leadership's perception of the functions of elections. As long as the elections were conducted according to the law in a fair manner, the above achievements were certainly attainable.

Cheng's report also mentioned that in general voters' turn-out rates were above 90 per cent, an interesting figure that merits attention. If the voters had perfect freedom to decide whether to vote or not, then the turn-out rates were certainly a significant achievement. In Eastern Europe, social and organizational pressures on participation in voting were so great that non-participation would create considerable inconvenience. As a result, the turn-out rates there ranged from 99,4 per cent in Czechoslovakia to 100 per cent in Albania⁵⁸. According to New China News Agency, turn-out rates in Sichuan in the second direct elections at the county level in 1984 seemed to have improved: in the 134 county-level units surveyed, turn-out rates were all above 96 per cent, and in 79 units, turn-out rates exceeded 98 per cent⁵⁹. It appeared that the relatively low turn-out rates were largely due to the slackening of the cadres involved rather than the existence of a minority attempting to boycott the elections as a sign of protest⁶⁰. It has to be admitted, however, that there is insufficient data to account for the absentee voters.

When direct elections were first held under the 1979 Electoral Law in the wake of "the spring of Beijing", it appeared that official channels of political participation were opened to the Chinese dissidents involved in the democratic and human rights movements, particularly among those who had an admiration for Western democracy. Tertiary students in Shanghai first initiated campaigning, probably because they had better contacts with the West. Shanghai county and Xuhui district of the Shanghai municipality were designated as testing-points where pilot direct elections were to be held. A student of the Chinese department of Shanghai Teachers College in Shanghai county, Xu Chengyu, volunteered as a candidate for the county people's congress. He announced his platform, campaigned vigorously and was subsequently elected. Following Xu's example, many tertiary students in Shanghai presented themselves as candidates or actively participated in the candidates' campaigning. There were more success stories, Xu Bongtai, a journalism student of Fudan University, and Sun Dewei, a chemistry student from the same university, were elected deputies to the Baoshan county people's congress. There were students from Shanghai Teachers University and Shanghai Science and Technology University who were elected as deputies to county-level people's congresses⁶¹.

Students from Beijing University, Shandong Teachers University and Hunan Teachers College were also actively involved. Beijing University students took part in the elections of Haidian district, Beijing municipality which were held on December 11, 1980. Electoral activities on the Beijing University campus attracted most domestic and international attention because of Beijing University status among Chinese intellectuals and because of the outstanding performance of the students involved. They demonstrated an admirable grasp of political theory, and the issues discussed in the campaign platforms were the central questions for those concerned with democracy in China. They showed good organising ability too, to the extent that formal "campaign committees" were established. As the voters were also keenly interested in the activities and discussions, certain explosive topics were touched upon in the open and free electoral activities. One of the candidates, Wang Juntao, in a forum among the candidates stated his stand on the evaluation of Mao Zedong. Wang said: "Comrade Mao Zedong was a revolutionary influenced by Marxism, but he was not a Marxist"⁶². Another candidate, Fang Zhiyuan, who lost in the preliminary vote, gathered a group of students in the campaign period, they drafted a "Publication, Printing and Distribution Law of the PRC" and started to collect signatures in support of the draft⁶³. This draft soon generated a warm response among the tertiary institutions in Hong Kong, where in early 1981, a signature campaign was also organized to support the draft.

As can be expected, not all elections in China at this stage were as free and open as the one in Beijing University. Hongqi (Red Flag) in September 1980 cited an example in Linhe county, Nei Monggol in which Yang Leshan was elected county major⁶⁴. Yang was not even an official candidate. Before the election, county officials strongly lobbied against him; and even after the

election, these officials considered that it had not achieved the anticipated result, and they went to consult the organization department of the Nei Mong-gol Autonomous Regional Government to see if the election might be declared invalid. The authors of the article indicated that the incident reflected the shallow commitment to democracy among some cadres⁶⁵; and what caused worry was that this probably was not an isolated incident and that there was considerable lobbying by party and state officials as well as interference in the elections.

Apart from the Linhe county incident, a young worker in Shanghai, Fu Shenqi, and the students of Hunan Teachers College also encountered interference and suppression in their electoral activities. Fu was a factory worker in Shanghai, and he attempted to campaign in his factory by distributing pamphlets. As Fu was an activist in the Chinese democratic movement and founder of the underground publication Minzhu Zhisheng (Voice of Democracy) in Shanghai, his electoral activities encountered severe suppression and defamation by the party committee of his factory, the election leadership group and the electoral committee of his municipal district. He was not included in the official list of candidates; and though he received the second highest number of votes in the election he finally lost in the by-election⁶⁶.

Campaign activities began in September 1980 at the Hunan Teachers College, where a number of students took part as candidates announcing their platforms. Such activities were interfered with by the college authorities; and later when the election leadership group of the college was dissatisfied with the official list of candidates, it drew up another official list. This aroused protests from the students which were ignored, and the students' activities were described as counter-revolutionary and illegal. Such abuse of power led to an escalation of demonstrations, hunger strikes, boycotts of classes and visits to the authorities in Beijing by the students. Their activities received support from tertiary students all over the country, and they ultimately received a satisfactory answer from Cheng Zihua⁶⁷.

These incidents provided evidence of some Chinese cadres' shallow commitment to democracy and open violations of the Electoral Law. In the case of the Hunan Teachers College, the college authorities apparently had the support of the provincial party committee. On the other hand, the voters' enthusiasm was certainly encouraging. Apart from the tertiary students, the voters for Fu Shenqi and the deputies supporting Yang Leshan should strengthen one's confidence in the prospects for democracy in China. Certain Chinese leaders also behaved in a liberal manner. CCP Political Bureau member Wang Zhen, hardly regarded as a liberal today, was said to have praised the student candidate from Shanghai Teachers College, Xu Chengyu, as a fighter for democracy; and Wang also supported the practice of electoral campaigns in the long transitional stage from socialism to communism⁶⁸. Cheng Zihua too appeared to be sympathetic towards the students of Hunan Teachers College⁶⁹.

On the other hand, some Chinese leaders and cadres obviously did not appreciate the functions of elections. Deng Liqun, then director of the Policy

Research Bureau of the CCP Central Committee Secretariat analyzed the "concrete factors" contributing to the confidence crisis in an article in Gong-ren Ribao in March 1981⁷⁰. Deng identified the factors as sabotage by domestic and international enemies, the legacy of the ten years of chaos for which Lin Biao and the Gang of Four were responsible, and the mistakes made in the work of the Chinese Communist régime. Deng's analysis did not identify any defects and inadequacies of the existing system, and thus denied that they caused the prevailing bureaucratism and privileges among cadres. It appeared that Deng's line was an advocacy of a simple return to the policies of the early years of the régime, and the current problems would be solved.

The Hongqi article quoted above admitted:

There are still some cadres who are accustomed to the old system of appointment and life employment. They feel they can only be promoted and refuse to step down. They are not interested in elections, and they may even be against them, adopting various ways to boycott them. They have only their authority in mind and ignore the people. They put themselves above the people, and consider the strengthening of leadership as the anti-thesis of democracy, in fact, they deny that the people are the masters of the state⁷¹.

Such attitudes, as can be expected, are quite widespread among cadres, who tend to support Deng Liqun's line of thinking and create obstacles to the implementation of the Electoral Law.

In early 1981, when direct elections at the county level had not been completed, the Chinese leaders began to suppress the underground publications and the organizations involved. On January 10, 1981, a commentator's article in Jiefang Ribao (Liberation Daily) of Shanghai labelled them as "illegal publications" and "illegal organizations". Wen Wei Po in Hong Kong also reported on February 26, 1981 that a work report of the deputy governor of Guangdong, Liu Tianfu, indicated that "illegal organizations" and "illegal publications" had to be suppressed in accordance with the legislation concerned. It was said that in the following April, the CCP Central Committee issued a "Document No.9" ordering the strong suppression of the "illegal organizations" and "illegal publications" that violated the law and opposed the "four cardinal principles". In the same month, a number of prominent figures in the Chinese democratic movement including Wang Xizhe and Siwu Luntan (Forum of April 5)'s Xu Wenli and Yang Jing were arrested⁷². At the same time a series of harsh criticisms of the "scar literature" were published and Bai Hua was singled out for attack. Though Hu Yaobang, the general secretary of the CCP, appealed in May to stop such criticisms, later in August 1981 a meeting of the Propaganda Department of the CCP Central Committee decided to tighten the freedom for literature and to ban too severe criticisms of the Party⁷³. All these decisions and measures were obviously a major blow to those engaged in free electoral campaigning and the moderates in the democratic movement who were basically in support of the Chinese Communist régime and who

wanted to seek political participation through legal channels.

Through the conduct of the first direct elections at the county level, it may be observed that a number of reformers in the Chinese leadership gradually appreciated the functions and significance of elections in this stage of China's development, and they were prepared to conduct honest elections within the confines of the "four cardinal principles", though they then encountered very considerable resistance. The demand for democracy and legalism mainly came from the intellectuals in urban areas, and they were undoubtedly a powerless minority. Progress towards genuine socialist democracy and legalism largely depended on the determination of the reformers in the Chinese leadership who appeared to have been gradually gaining the upper hand since the Third Plenum of the Eleventh Central Committee in December 1978. Yet in view of the strong opposition from the conservative old guards and the military, it appears in the mid-1980s that the reformers have chosen to concentrate on economic reforms and liberalization in the economic sector, while conceding to the conservative opposition in the ideological and political spheres.

VI. THE ELECTORAL LAW AND DEVELOPMENT IN CHINA'S STATE BUILDING

In December 1981, the author was invited to lecture in Shanghai's Fudan University and he also visited a number of tertiary institutions in Shanghai and neighbouring Hangzhou, Suzhou, during which a series of interviews were conducted with the institutions' student union officials and student activists on the subject of elections. For the benefit of the interviewed, only a general summary of the findings is presented here.

The interviewees almost unanimously believed that the following three conditions would be essential to ensure that elections would be meaningful and not a mere formality. They were: (a) freedom of speech, i.e., the freedom to express various political views; (b) the abandonment of the existing system of keeping and controlling personal files by the administrative units concerned; and (c) the conduct of elections according to the Electoral Law so as to prevent corruption and abuse of power.

On electoral activities and campaigning, many tertiary students considered that individual candidates were excessively provocative in order to attract attention, e.g., some openly stated in their platforms that they opposed Marxism. Such provocations would only lead to interference. It was also observed that many candidates did not understand or chose to ignore the authority of the deputies of the county and lower level people's congresses, a lot of their campaign promises were beyond the prerogatives of the offices for which they were running, and were irrelevant to the more immediate interests of the constituents. Some interviewees criticized the private lives

of certain dissident candidates, indicating that they affected the voters' confidence in the candidates and in elections.

On the whole, the interviewees showed considerable reservations regarding elections, focussing on the concern that elections at this stage might adversely affect China's political stability, and that the resources spent would have been better used. Their general expectations of the deputies of people's congresses at various levels were supervision of the work of party and state officials and the redress of grievances, in sum, those of an ombudsman. Many interviewees thought that participation in elections was looking for trouble, and becoming too involved in politics would affect their studies and job opportunities. They also believed that campaign activities in the tertiary institutions in Beijing and Shanghai were exaggerated overseas.

On the basis of scanty information, direct elections at the county level tended to enhance the influence of cadres with local roots and adversely affected the prestige of expatriates; the issue of "location" might well be exacerbated. In elections at the people's communes level, confrontation among clans often emerged when support for the candidates was based on clan ties. Another rather common phenomenon at the county level elections was that the People's Liberation Army veterans who became local cadres during the Cultural Revolution did not have much voters' support.

These problems and difficulties encountered in the elections mainly reflected the obstacles posed by a backward political culture in the way of free, meaningful elections.

While China was conducting its direct elections at the county level, a politico-economic crisis occurred in Poland. The Chinese mass media provided considerable coverage of the crisis, reflecting the Chinese leadership's concern⁷⁴. The April 1981 issue of The Seventies Monthly (Hong Kong) published a secret document released by the Information Office of the Propaganda Department of a provincial party committee released on November 25, 1980 on the Polish crisis as reference material for the study of the current international situation⁷⁵. The document summed up the roots of the Polish crisis as follows: (a) mistakes in economic policy; (b) corruption in the upper strata of the Party; and (c) dependence on the Soviet Union. On the corruption of the Party's upper strata, the document pointed out the "serious bureaucratism" of the Polish United Workers' Party, "the wall of distrust between the Party and society", and "the great disparities between the opportunities of different interest groups and different categories of party members to obtain power"⁷⁶. The latter problems also existed in the political life of the CCP.

The last section of the document mentioned the reforms adopted by the Polish United Workers' Party under the pressure of the Polish people. The Polish reforms "noted" by the document shared certain similarities with some of the measures proposed in Liao Gailong's report. They included: (a) adjustment of the leadership, and replacement of incompetent cadres by a group of young, efficient and reform-minded cadres promoted to the leading posts of the central organs of the Party and the state; (b) preparations for reforms of

the economic planning and management systems, adjusting correspondingly the structure of production and that of the national economy, expansion of the autonomy of enterprises, strengthening the authority of local government and reform of the central planning and economic organs; and (c) indications to develop socialist democracy, absorb various strata of the society to take part in the state's political leadership and economic management, recognize the trade unions as the independent, self-governing organs of the working class, recognize the workers' right to strike, and agree to the re-establishment of the Supreme Supervisory Council as the legislature's supervisory organ to supervise the work of the government and the administrative departments. It was also noted that the Polish United Workers' Party proposed in the Sixth Plenum of the Central Committee reforms of the Party's functions, adjustment of the relationship between the Party and the state's administrative organs, and the regulation that leaders should resign after serving two consecutive terms⁷⁷.

In view of the conservatives' resistance to socialist democracy and legalism, it was interesting to observe what lessons were learnt from the Polish crisis. Despite the concessions of the reformers among the Chinese leaders in the ideological and political spheres, the electoral system in China in the near future would be influenced by the discussion on the goals of socialist construction and the implementation of the policy of elections for the leaders of the basic production units.

Liao Gailong in his report in October 1980 affirmed that "highly developed democracy in politics and widespread freedom themselves are also an important part of the ultimate goal of socialist construction" and that "democracy is a means, but it is also an end in itself"⁷⁸. In response to the demand for the "fifth modernization", the Chinese leaders in recent years have defined their general task as "energetically promote the socialist material and spiritual civilization, continue to strengthen socialist democracy and the socialist legal system . . .", and "to achieve, step by step, the modernization of our industry, agriculture, national defence and science and technology and to make China a culturally advanced and highly democratic socialist country"⁷⁹. It has become clear to the Chinese leadership, after the disastrous ten years of the Cultural Revolution, that democracy and legalism should be part of the "ultimate goal of socialist construction". At this stage, priority has been given to the rapid improvement of the people's living standards on which the legitimacy of the Chinese Communist régime is now based. The reformers in the leadership also concentrate on reforms and liberalization in the economic sphere. Partly as a concession to the conservative forces, the linkage between democracy and the legal system on one hand, and economic development on the other has been neglected. Socialist modernization may be defined at least in the foreseeable future as "US\$ 1000 per capita GNP at the end of the century", and the electoral system will produce ombudsmen with limited authority rather than deputies responsible to the people for the administration of the state.

In the near future, the implementation of the Electoral Law will not create much impact on the Chinese Communist régime. In terms of mobilization, political education and socialization, integration, legitimation and influence on public policy, elections will only have a limited contribution to make. Direct elections at the county level and below will provide better institutionalization of the articulation and aggregation of different interests. Together with the implementation of the Organic Law⁸⁰, the local people's governments at various levels elected by the people's congresses of the corresponding level may be more effectively supervised; in fact the Organic Law stipulates that an important function of the standing committees of the people's congresses at the county level and above, is the supervision of the work of the people's governments, the people's courts and the people's procuratorates at the corresponding level⁸¹. The conscientious deputies of the local people's congresses, through raising questions and the exercise of their legal prerogatives, may play a constructive role in the redress of grievances and help to curb corruption, privileges and abuse of power among cadres⁸².

The effective functioning of the Electoral Law has to wait for the cultivation of a more advanced participatory political culture, i. e., when the vast majority of Chinese people fully understand the rights and obligations bestowed on them by the Constitution and the Electoral Law and appreciate the direct, practical benefits of assuming such rights and obligations. The expansion of the autonomy of enterprises and the division of labour, to a larger extent, between the party and state will establish a direct relationship between the election of the leaders of the basic production units and the immediate material interests of the people concerned, and this will enable the people to better appreciate the significance of elections. As a Hongqi article in December 1979 pointed out:

In enterprises with enhanced autonomy, there will be a better integration of economic responsibility, economic efficiency and economic interests, this will create better conditions for the conduct of democratic elections⁸³.

If the Chinese people can elect the leaders of the factories and people's communes to which they belong in open, free elections, and if such basic production units enjoy a large measure of autonomy and economic responsibility so that the performance of the leaders will directly affect the income of the factory and commune workers concerned, the people will certainly seriously participate to elect leaders who can promote production and increase their income. Such experience will contribute much to the cultivation of a more advanced participatory political culture, and encourage the régime as well as the people to take elections seriously.

The above experience and the appreciation of the significance of elections will enhance the legitimacy of the elected state organs, whose authority and legitimacy will increase vis-à-vis those of the corresponding party organs. As the legitimacy of the leadership of the basic production units rests upon the ability to improve the livelihood of the factory and commune workers

under them, this perception will reinforce the conviction that the legitimacy of the Chinese Communist régime should be based on its ability and performance to raise the people's living standards. This development is certainly a threat to the incompetent cadres, and will exacerbate their opposition to elections in general; in some ways, the old "red" versus "expert" issue will have to be reconsidered too.

Another important reform in the basic production units concerns their responsibility system. Liao Gailong's report proposed that the head or manager of a factory should no longer be responsible to the party committee; instead, through experimentation and implementation by stages, the manager should be made responsible to the management committee of a factory, the board of directors of a corporation, or the economic committee of an economic cooperative⁸⁴. This reform obviously strengthens the emphasis on expertise and provides a clearer division of labour between the party organs and the corresponding administrative production units.

Elections at the basic production units and reforms of their responsibility system will help to create an important foundation for a more advanced participatory political culture in China. However, political development is not static, the above experiences and reforms will enhance the voters' demand for political participation and generate greater pressure on the existing political system. The experience of Eastern Europe in the past three decades shows that the voters' demands have not been satisfied by the various attempts to decentralize and to institutionalize the articulation and aggregation of different interests. When disappointed by the lack of choice in politics, the people turn to economic choices. Their material demands rapidly surpass the capacity of the Communist régimes, leading to economic crises⁸⁵. On the other hand, the Chinese peasants as yet have very low expectations of democracy and the legal system; when the economic conditions have improved, the Chinese Communist régime may then feel inclined to suppress the demand for democracy and legalism from the intellectuals in urban areas.

The Chinese leaders, however, have also demonstrated considerable interest in the development experience of Eastern Europe and even the views of Eurocommunism. In November 1980, the secretary-general of the Spanish Communist Party, Santiago Carrillo, in a speech at the Beijing University, expounded his advocacy for a multi-party system following a democratic way to socialism⁸⁶. This certainly violated the "four cardinal principles" and would not be acceptable to the Chinese leadership.

Initially, the Chinese leaders in the late 1970s appeared to have found the Yugoslavian model attractive. Though one-party rule is practised in Yugoslavia, there is a large measure of autonomy for the constituent republics, the local governments and the economic enterprises. There is very little liberalization in the political sphere, but in the other areas, the individual and the collective enjoy a large degree of freedom. The Yugoslav League of Communists consider that the Party's totalitarian rule will hamper the initiative of the people and engender bureaucratism and subjectivism; therefore the

Party chooses to exercise its leadership only in the ideological and political spheres. There is still much to be desired in Yugoslavian politics and economics, but admittedly, relative to other Eastern European states, bureaucracy is less serious in Yugoslavia and the people live a freer life⁸⁷. In recent years, however, the Chinese leaders have shown a greater interest in the Hungarian model.

The Chinese leadership's attempts to have a larger extent of division of labour between the state and party organs and to expand the autonomy of enterprises reveal some parallels with the experience in Eastern Europe. At least the willingness to learn has to be applauded, though efforts should also be made to avoid blindly attacking the electoral system in the West⁸⁸.

VII. CONCLUSION

Today, the legitimacy of the Chinese Communist régime is based on progress made towards modernization and the improvement of the people's livelihood. The Chinese leaders basically have two options to achieve the Four Modernizations and "to make China a culturally advanced and highly democratic socialist country". They may concentrate on economic development, and strive for democracy and legalism later; or they may attempt to achieve both ends together. Obviously the Chinese leaders have placed top priority on improving the national economy and reforming the economic structure while upholding the "four cardinal principles". All reforms cannot exceed the confines of the "four cardinal principles" whose core is the leadership of the Party. In a relatively backward country like China, the transition from a predominantly agricultural economy to an advanced industrial economy presided over by the CCP may simply transfer power from cadres of the party apparatus to technical bureaucrats. In this way, industrialization and economic development may not bring democracy, but further consolidate the totalitarian rule of the Party. The Soviet Union is a case in point.

To achieve socialist modernization in China at this stage means to reform the economic system and to mobilize the people's initiative. To do this, the régime has to decentralize, to a considerable extent, its decision-making power and administrative responsibility to non-Party organs, and to provide more institutional opportunities for the articulation and aggregation of different interests within the community. The Electoral Law and the measures analysed above constitute an attempt to move along this direction.

The implementation of the Electoral Law and the achievements made revealed the significance attached to it by the reformers in the Chinese leadership, as well as the formidable resistance from a backward political culture and opposition from established interests and conservative forces. The effective functioning of the electoral system in China will have to rely on the

cultivation of a more advanced participatory political culture, and this in turn will be closely related to reforms of the economic system.

Through the expansion of the autonomy of the enterprises and the election of the leaders of the basis production units, a system, hopefully, may evolve that will enable the workers to exercise genuine control over the means of production, the production process and the management of the production unit. This may constitute the foundation to democratize the party and state organs. In this way, democracy will exist not only in the political system but also in the economic system and will indeed be superior to the bourgeois democracy in the capitalist world. It is unlikely that this will be achieved in the foreseeable future, but it is certainly a direction for the "Chinese way of modernization".

Notes:

- 1) See, for example, Richard Rose (ed.), Electoral Behaviour: A Comparative Handbook, New York: The Free Press, 1974 and Enid Lakeman, How Democracies Vote, London: Faber and Faber, 4th and revised edition, 1974.
- 2) Guy Hermet, Richard Rose and Alain Rouquié (eds.), Elections Without Choice, London and Basingstoke: The Macmillan Press Ltd., 1978, p.vii.
- 3) See, for example, Alex Pravda, "Elections in Communist Party States", in *ibid.*, pp.169-195.
- 4) See, for example, James R. Townsend, Political Participation in Communist China, Berkeley and Los Angeles: University of California Press, 1968, Chapter 5 and the author's "Ping Zhonggong Zuzhifa ji Xuanjufa (An Assessment of Communist China's Organic Law and Electoral Law)", Ming Pao Monthly, (Hong Kong), Vol.14, No.12, December 1979, pp.17-22.
- 5) Enid Lakeman, *op.cit.*, p.28.
- 6) Guy Hermet, Richard Rose and Alain Rouquié (eds.), *op.cit.*, p.2.
- 7) Karl Marx, La Guerre civile en France, 1871, Paris: Editions Sociales, 1968, p.214.
- 8) Antonio Gramsci, Passato e Presente, Turin: Einaudi, 1952, pp.158-159.
- 9) On May 1, 1967, when receiving an Albanian military delegation, Mao Zedong stated, "Someone said election is a good thing, I think election is a civilized word, I do not admit there are genuine elections. I am a deputy elected by the Beijing district, how many in Beijing really understand me? I believe Zhou Enlai's premiership is an assignment by the Party Central Committee". See Mao Zedong Sixiang Wansui (Long Live Mao Zedong's Thought), August 1969, p.678.
- 10) J.Wiatr, "Elections and Voting Behaviour in Poland", in Austin Ranney (ed.), Essays on the Behavioral Study of Politics, Urbana, Illinois: Uni-

- versity of Illinois Press, 1962, p.236.
- 11) Alex Pravda, loc.cit., p.172.
 - 12) See Harold Gordon Skilling, The Government of Communist East Europe, New York: Crowell, 1966.
 - 13) Alex Pravda, loc.cit., pp.173-174.
 - 14) Regarding detailed reports and analyses of elections in Poland, Hungary, Czechoslovakia, Bulgaria and Romania, see Radio Free Europe's Background Reports and Situation.
 - 15) See F.Dinka and M.J.Skidmore, "The Functions of Communist One-Party Elections: The Case of Czechoslovakia 1972", Political Science Quarterly, Vol.88, No.3, September 1973, pp.395-422 and Radio Free Europe, Czechoslovak Background Report, January 22, 1971.
 - 16) Joseph LaPalombara and Myron Weiner (eds.), Political Parties and Political Development, Princeton, Princeton University Press, 1966, p.18.
 - 17) Lucian W.Pye, "Mass Participation in Communist China: Its Limitations and the Continuity of Culture", in John M.H.Lindbeck (ed.), China: Management of a Revolutionary Society, Seattle and London: University of Washington Press, 1971, pp.15-19.
 - 18) See James R.Townsend, op.cit., Chapters 5 and 6.
 - 19) C.P.FitzGerald, "This Historical and Philosophical Background of Communist China", The Political Science Quarterly, Vol.XXXV, No.3, July-September 1964, p.259.
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 - 21) Chalmers Johnson, "The Changing Nature and Locus of Authority in Communist China", in John M.H.Lindbeck (ed.), op.cit., pp.35-36.
 - 22) Amitai Etzioni, The Active Society, New York: The Free Press, 1968, pp.360-361.
 - 23) James R.Townsend, op.cit., pp.194-196.
 - 24) On the "mass line", see Mark Shelden, The Yanan Way in Revolutionary China, Cambridge, Massachusetts: Harvard University Press, 1971.
 - 25) For the Electoral Law for the National People's Congress and Local People's Congresses of the People's Republic of China promulgated in 1953, see Commission for Legal Affairs of the Central People's Government (ed.), Zhong-yang Renmin Zhengfu Faling Huibian (A Compendium of the Laws and Decrees of the Central People's Government), Beijing: Falu Chubanshe, 1955, pp.10-19.
 - 26) For an account of the elections held in 1953-54 for local people's congresses at all levels leading to the National People's Congress, see James R. Townsend, op.cit., Chapter 5.
 - 27) Lucian W.Pye, op.cit., p.24.
 - 28) See Chalmers Johnson, op.cit., pp.64-70, especially p.69.
 - 29) See the communique of the Eleventh Plenum of the Eighth Central Committee of the CCP (August 12, 1966), collected in Union Research Institute, CCP Documents of the Great Proletarian Cultural Revolution, 1966-1967, Hong Kong: Union Research Institute, 1968, p.69.

- 30) See especially Part IV of Liao Gailong's report, in The Seventies (Hong Kong), No.134, March 1981, pp.38-48.
- 31) Ibid., p.39.
- 32) The "four cardinal principles" are: adherence to the socialist road, to the people's democratic dictatorship (i.e., the dictatorship of the proletariat), to the leadership of the Communist Party and to Marxism-Leninism and Mao Zedong Thought.
- 33) For the text of the communique of the Third Plenum of the Eleventh Central Committee of the CCP, see Hongqi, No.329, January 1, 1979, pp.14-21; quotation from p.19.
- 34) Liao Gailong, "Minzhu Xuanju shi Zuizhongyao di Yijianshi (Democratic Election is a Most Important Task)", Renmin Ribao, July 13, 1979.
- 35) Peng Zhen, "Explanation on Seven Laws", Beijing Review, Vol.22, No.28, July 13, 1979, p.9.
- 36) For the text of the Electoral Law for the National People's Congress and Local People's Congresses of the People's Republic of China promulgated in 1979, see Renmin Ribao, July 5, 1979.
- 37) For a comparison between the 1953 Electoral Law and the 1979 Electoral Law, see Lung Guangpu, "Dui Zhonggong Xin Xuanjufa di Yanxi (An Analysis of Communist China's New Electoral Law)", Zhonggong Yanjiu Yuekan (Chinese Communism Studies Monthly, Taipei), Vol.13, No.8, August 1979, pp.57-60.
- 38) For example, Renmin Ribao established a special column on "Tantan Ganbu Zhidu di Gaige (Discussions on the Reform of the Cadre System)"; see also Special Commentators' article, "Renzhen Gaohao Minzhu Xuanju Jiceng Ganbu di Gongzuo (Seriously Handle Well the Work of Democratically Electing Basic Level Cadres)", Gongren Ribao, March 18, 1979 and Wen Hui Pao (Hong Kong), November 28, 1978.
- 39) See, for example, Renmin Ribao, May 22, 1979 and June 23, 1979; and Beijing Ribao, June 1, 1979.
- 40) Cheng Zihua, "On China's Electoral Law", Beijing Review, Vol.22, No.37, September 14, 1979, pp.15-18.
- 41) Xu Chongde and Pi Chunxie (eds.), Xuanju Zhidu Wenda (Questions and Answers on the Electoral System), Beijing: Qunzhong Chubanshe, 1980, pp.102-103.
- 42) ibid., p.108.
- 43) For further details regarding the second ballot system and its variations, see Enid Lakeman, op.cit., pp.61-63.
- 44) See Cheng Zihua, loc.cit., p.16.
- 45) See Part V of Liao Gailong's report, loc.cit., p.42.
- 46) See Xu Chongde and Pi Chauxie (eds.), op.cit., pp.124-126.
- 47) Research Group for the Teaching of the Course on the Propagation of Legalism for Cadres on Political and Legal Work (ed.), Fazhi Xuanjiaoban Jiangshou Tigang (Lecture Outline of the Course on the Propagation of Legalism), Beijing: Qunzhong Chubanshe, 1980, p.69.

- 48) Ibid.
- 49) See Chapter 3 Article 20 of the 1953 Electoral Law, op.cit., p.13.
- 50) Xu Chongde and Pi Chunxie, op.cit., pp.64-65.
- 51) NCND dispatch from Beijing, May 13, 1984, in Ming Pao (Hong Kong), May 14, 1984.
- 52) See Feng Zhen's speech in February 1980 at the national conference on the exchange of experience in work on pilot tests of county-level direct elections, Renmin Ribao, February 12, 1980.
- 53) For the work report of Cheng Zihua on direct elections at the county level to the Seventeenth Meeting of the Fifth Standing Committee of the National People's Congress on March 2, 1981, see ibid., March 10, 1981.
- 54) Ibid., June 21, 1980.
- 55) See ibid., February 12, 1980.
- 56) Ibid., February 13, 1980.
- 57) See Note 53.
- 58) Alex Pravda, loc.cit., p.176.
- 59) See Note 51.
- 60) See J.M.Gilison, "Soviet Elections as a Measure of Dissent: the Missing One Percent", American Political Science Review, Vol.LXII, No.3, September 1968, pp.814-823.
- 61) See Hai Ming, "Dalu Minzhu Jingxuan Huodong di Xingqi (The Rise of Democratic Electoral Campaign Activities in Mainland China)", The Seventies, No.127, August 1980, pp.35-37.
- 62) See Wei Ming, "Zhongguo Xinyidai di Zhengzhijia - Beida Canxuan Xuesheng Qunxiang (The New Generation of Politicians in China - Portraits of the Student Candidates from Beijing University)", ibid., No.133, February 1980, pp.15-20; quotation from p.15. On the political views of the student candidates from Beijing University, see "Zhongguo Xinyidai Zhengjian Xunlu (Selected Quotations of the Political Views of the New Generation of Politicians in China)", ibid., No.134, March 1980, pp.68-80. The platform of Hu Ping, an elected candidate, "Lun Yanlun Ziyou (On Freedom of Speech)", was also printed in the following issues of The Seventies, No.135, April 1981, pp.57-65; No.136, May 1981, pp.67-72 and No.137, June 1981, pp.67-75.
- 63) For the texts of the draft and the explanatory note asking for signatures in support of the draft, see ibid., No.134, March 1981, pp.68,80-82.
- 64) Lü Cheng and Zhu Gu, "Qieshi Baozhang Renmin di Minzhu Quanli (Genuinely Protect the People's Democratic Rights)", Hongqi, No.357, September 1, 1980, p.11.
- 65) Ibid.
- 66) See Hai Ming, loc.cit., p.36' and Ji Zhi, "Zuijin Juchuan Beibu di Qingnian Minzhu Fenzi Jianjie (A Brief Introduction of the Young Democratic Activists Reportedly Arrested Recently)", The Seventies, No.137, June 1981, p.17.
- 67) See Zong Lei, "Hunan Xuesheng Zhengminzhu Fanguanliao di Xingdong

- (Hunan Student Activities in Struggle for Democracy and against the Bureaucrats)", ibid., No.131, December 1980, pp.19-20.
- 68) Hai Ming, loc.cit., p.36.
- 69) Zong Lei, loc.cit., p.20.
- 70) Deng Liqun, "Gongchanzhuyi shi Qiangqiuwandai di Chonggao Shiye (Communism is a Lofty Undertaking For Generations and Generations)", Gongren Ribao, March 27, 1981.
- 71) Lü Cheng and Zhu Gu, op.cit., pp.11 and 4.
- 72) See Ji Zhi, "'Qingnian Minghupai' Jinnian Huodong Dashi Jiyao (A Chronology of the Major Activities of the 'Young Democrats' in Recent Years)", The Seventies, No.137, June 1981, pp.16-17.
- 73) Ming Pao, August 11, 1981.
- 74) See Li Min, "Bolan Gei Zhongguo di Jiaoxun (Poland's Lessons for China)", The Seventies, No.133, February 1981, p.57.
- 75) "Zhonggong cong 'Bolan Shijian' Xiqu Jiaoxun (Communist China Drew Lessons from the 'Polish Issue')", ibid., No.135, April 1981, pp.35-40.
- 76) Ibid., pp.37-38.
- 77) Ibid., pp.39-40.
- 78) See Note 31.
- 79) Hu Yaobang, "Create a New Situation in All Fields of Socialist Modernization - Report to the Twelfth National Congress of the Communist Party of China on September 1, 1982" in The Twelfth National Congress of the Communist Party of China, Beijing: Foreign Languages Press, 1982, p.18; see also Special Commentator's article, "Manzu Renmin di Xu yao shi Shehuzhuyi Jianshe di Chonggao Shiming (Satisfaction of the People's Needs is a Lofty Mission of Socialist Construction)", Hongqi, No.378, July 16, 1981, p.10.
- 80) The Second Session of the Fifth National People's Congress adopted the Organic Law of the Local People's Congresses and the Local People's Governments of the People's Republic of China on July 1, 1979 to be implemented from January 1, 1980 onwards; for the text of the Organic Law, see Renmin Ribao, July 5, 1979.
- 81) Chapter 3 Article 28 of the Organic Law.
- 82) Chapter 2 Article 18 of the Organic Law stipulates that when the local people's congresses are in session, deputies may raise questions on the work of the people's governments and their various departments, as well as the people's courts and the people's procuratorates, of the corresponding level, and the questions will be passed by the presidiums to the organs concerned. The organ questioned must be responsible for answering while the local people's congress is in session.
- 83) Kang Yonghe, "Minzhu Xuanju Qiye Jiceng Lingdao Renyuan (Democratically Electing the Basic-Level Leaders of Enterprises)", Hongqi, No.340, December 1, 1979, p.67.
- 84) See Part IV of Liao Gailong's report, loc.cit., p.44.
- 85) See Alex Pravda, loc.cit., p.194 and Alex Pravda, "Gierek's Poland: Five

- Years On", The World Today, Vol. XXXII, No. 7, July 1976, pp. 270-278.
- 86) For the text of the speech of Santiago Carrillo, secretary-general of the Spanish Communist Party, at the Beijing University on November 13, 1980, see Renmin Ribao, November 14, 1980.
- 87) See M. George Zaninovich, "Yugoslav Party Evolution: Moving Beyond Institutionalization", in Samuel P. Huntington and Clement H. Moore (eds.), Authoritarian Politics in Modern Society, New York and London: Basic Books, Inc., 1970, pp. 484-508; and Wan Hui, "Yidangzhi Haishi Duodangzhi - Sanping 'Sige Jianchi' (One-Party System or Multi-party System - the Third Critique of the 'Four Cardinal Principles')", Cheng Ming (Hong Kong), No. 43, May 1981, p. 36 as well as his "Dang di Lingdao Neng 'Jianchi' Ma? - Sanping 'Sige Jianchi' (xia) (Can the Party Leadership be Insisted On? - the Third Critique of the 'Four Cardinal Principles' (second part))", ibid., No. 44, June 1981, p. 51.
- 88) See, for example, Xu Chongde, "Zichan Jieji Puxuan shi Yige Pianju (General Election of the Bourgeoisie is a Facade)", Beijing Ribao, June 1, 1979; and Xu Chongde and Pi Chunxie (eds.), op.cit., pp. 9-13.