

Chapter 2

The Social and System Background of Villagers' Self-Governance

The system of villagers' self-governance in rural China has been in place for nearly three decades since a few villages in Guangxi Province decided to elect their own village leaders in late 1980 and early 1981. What began as a stopgap effort to fill a political vacuum with the dismantling of the commune system has developed into one of China's most talked-about political reforms. This chapter aims to provide a general background to this system, particularly in terms of the formal institutions, so as to facilitate analysis in the subsequent chapters on how and why those formal "democratic" institutions have been largely subverted by clientelism in B village.

The discussion will start by reviewing the origin of villagers' self-governance in rural China in the early 1980s. Then I will describe the national legislation (provisional Organic Law) and local regulations for villagers' self-governance before 1998. Finally, I will discuss the revised Organic Law and the related local regulations issued after it was enforced in 1998.

2.1 The Origin of Villagers' Self-Governance

2.1.1 *The Dismantling of the People's Commune System*

Villagers' self-governance germinated and developed on the ruins of the people's commune system. Since the end of the 1950s, with gradual collectivization, the people's commune system was established throughout rural China. The structure of the commune was such that households were organized into production teams (*shengchan dui*), then production teams formed production brigades (*shengchan dadui*), and production brigades formed the commune.

Under the commune system, the commune controlled all resources and the peasants were tied tightly within it. Peasants had to take part in unified, collective production activities and distribution. With the household registration system carried out from 1958, the whole population was divided into two parts, namely,

urban households (*chengshi hukou*) and rural ones (*nongye hukou*). Without the approval of the commune organization, peasants had no way to leave this organization. The peasantry was highly organized through the commune, the Party organization and the other organizations subject to the party-state. Through this system, the state realized its totalitarian control of the peasants and was able to extract the maximum surplus from the countryside (see Zweig 1989; Chen and Ridley 1969; Ling 1997; Zhang 1998; Shen 2003, 2004).

However, its function completely depended on state coercion, which led to extremely inefficient agricultural production and popular pauperization (Xiao 2002a; Song 2002: pp. 20–21). With the death of Mao Zedong, the new Chinese Communist Party (CCP) leaders were determined to reform.

2.1.2 *The Emergence of Villagers' Committees (VCs)*

VCs emerged with the collapse of the commune system. Since 1980, confirmed by the third plenary session of the eleventh Chinese Communist Party Central Committee, the household contract system was established and spread throughout rural China. Decollectivization freed peasants from the tight control of the commune (brigade) while bestowing upon them the right to take the initiative regarding decisions concerned with production. Individual households became the accounting units, replacing the production teams set up under the commune system. As a result, peasants, with their newly bestowed autonomy over production, were much more willing to produce, and the rural economy grew quickly. However, with the dismantling of the commune system and the retreat of the state from village communities, a serious “political vacuum” (Hu 2001: p. 18) appeared in the countryside. On the one hand, the dismantling of the commune system had left village (brigade) cadres with unclear authority and limited resources; on the other hand, in many villages, since previous village cadres were able to take advantage of the new economic opportunities afforded by decollectivization, they were inclined to leave their positions of leadership and focus on their own family production. Consequently, some public services, such as social security, public facilities, community welfare and irrigation infrastructure, were neglected and rural China was in a state of potential crisis (Chen 2000: pp. 34–37; Song 2002: pp. 21–23; Xiao 2002a: pp. 35–36).

In order to fill the political vacuum formed by the retreat of state power, in some places peasants established village-level management organizations by themselves. The earliest villagers' committees (VCs) emerged in Yishan and Luocheng counties, Guangxi Province, in late 1980. Take, for instance, the example of the first VC to be established in China, Guozuo VC of Yishan County. After the implementation of the household contract system, the production brigade stopped functioning and the brigade leaders lost their authority to lead. Meanwhile, unlawful behaviour such as theft became rampant in the village, and public facilities such as irrigating aqueducts and village lanes were in a poor condition. As a result, it became urgent to find someone who could stand out and organize the scattered peasants and take charge

of public affairs. In February 1980, a former production team leader suggested establishing an organization to manage village public affairs, which was subsequently named the villagers' committee (VC). In order to gain enough authority, the sponsors called for a household representative meeting of the whole village, producing the VC members by anonymous voting. Then the VC worked out the regulations and rules for villagers (*cungui minyue*) and started to manage village public affairs. With the establishment of the VC, village order resumed and public affairs were carried out effectively (Song 2002: p. 22; Chen 2000: pp. 34–37).

Guozuo village set an example for other places. With the recommendation of local Party leaders, VCs were established throughout the region (Chen 2000: p. 36). At the same time, similar organizations were created in the rural areas in provinces including Shandong, Sichuan and Henan. The names of these village organizations were not uniform, although they were usually called “leadership group for village public security” (*cun zhi'an lingdao xiaozu*) or “village management committee” (*cun guan hui*). Initially, the function of those organizations was keeping social order and maintaining irrigation facilities. Later, these functions gradually extended to the self-governance of rural grassroots social, political and economic affairs (O'Brien and Li 2000).

2.1.3 *Peng Zhen's Pushing and the Constitutional Confirmation of VCs*

The popularization of VCs received great attention from the CCP senior leader Peng Zhen, who was then vice-chairman of the National People's Congress Standing Committee (NPCSC) and secretary of the CCP Central Politics and Law Committee. He believed that VCs were the creation of the masses and represented grassroots democracy in practice. He immediately instructed the NPCSC and Ministry of Civil Affairs (MoCA) to investigate carefully in order that it might be spread throughout the country (Song 2002: p. 22).

Why was Peng Zhen so enthusiastic about the creation of VCs in rural China? His “singular enthusiasm for grassroots elections and villagers' committees can be traced to the era before the foundation of the PRC, when the communists had organized grassroots elections of various forms affording peasants the right to choose their cadres in the rural areas under their control” (O'Brien and Li 2000: pp. 467–469). Peng, as major leader, at that time had clearly expressed his support for such institutions. After the PRC was founded, Peng continued to show interest in grassroots mass organizations, and it is said that his later experience as one of the first victims of high-level officials in the Cultural Revolution particularly reinforced his commitment to gradually build up “socialist democracy” in China. In relation to the VCs, he said that through the construction of VCs, Chinese peasants would be able to get “democratic training”, and after they became qualified in managing their own villages, they might then move on to govern townships and counties (Cai 1989; O'Brien and Li 2000: p. 40).

Table 2.1 Commune organization and post-commune division

Commune organization	Post-commune divisions
County	County
Commune	Township
Production brigade	Village
Production team	Villagers’ small group
Households	Households

Mainly because of Peng’s support (Bai 1995: pp. 284–285), the central government gave its endorsement to VCs in the 1982 PRC Constitution, which stated that “VCs are the mass self-governance organizations of grassroots countryside; the Chairpersons and Vice-Chairpersons of VCs are elected by the villagers” (Article 111). According to this article, all village-level management organizations were given a uniform name, VC, and it also confirmed that VCs’ status should be “self-governance organizations” at the rural grassroots level.

In October 1983, the CCP Central Committee and the State Council issued “The notification on carrying out separation of government and commune and establishing township government” (*guanyu shixing zhengshe fenkai jianli xiang zhengfu de tongzhi*), declaring the end of the commune system and paving the way for establishing VCs throughout the country (Song 2002: p. 22). By February 1985, the task of establishing VCs in the whole country had basically been completed, with the number of VCs totalling 948,629 (Wang and Tang 1994: p. 1). By estimation, 97 % of VCs were just established by the scope of former production brigades. Among them, 47 % of VCs were formed on one natural village, 51 % were based on several natural villages, and 2 % were formed by the division of large natural villages (Liu 1994: p. 54).

The transition proceeded so smoothly because, at that stage, it was “little more than a change in name” (O’Brien and Li 2000: p. 472): the communes were simply replaced by township governments; brigades were converted into villages and production teams into village small groups (see Table 2.1). And the constitutional provision for “electing” VC members had not been put into effect in subsequent years. Most of the VC leaders throughout the country were still appointed as were during the commune era rather than being democratically elected (Ibid.).

**2.2 The Legislation for Village Self-Governance:
The Provisional Organic Law and Relevant Local
Regulations Before 1998**

2.2.1 A Controversial Legislative Start: 1984–1987

Though Article 111 of the 1982 PRC Constitution confirmed the legal status of VCs, from the very start the legislation on VCs has been a source of great controversy. The process of more fully legislating of VCs started since 1984, when VCs had been

established around most of the country. The Ministry of Civil Affairs (MoCA), which is the ministry in charge of villagers' self-governance, dutifully drafted the law on VCs. However, there were divergent views on how to draft the law. The legislation on VCs had stimulated the "hottest debate in the legislation history of the PRC" (Shen 2004: part 2).

The debates were mainly focused around the following issues. First, was the timing "ripe" for applying democratic self-governance to backward rural areas? Second, should the relationship between townships and VCs be one of leadership or guidance? To what degree should the VCs' autonomy be allowed? Would village autonomy hurt the enforcement of state policies? Third, what kind of electoral approach should be applied to produce VC leaders? Fourth, what kind of relationship should there be between the VC and village Party branch (VPB) (O'Brien and Li 2000: pp. 470–475; Kelliher 1997)?

Due to the great controversy, the Bill had been amended repeatedly before it was finally presented to the fifth session of the sixth National People's Congress (NPC) in March 1987. When discussing the Bill, Peng Zhen had to make a long and enthusiastic speech to persuade the NPC members to support the passing of the Bill (Chen 2000: p. 63). Peng argued that "grassroots democracy" in rural China was a matter of "life or death" for the Party. He acknowledged that self-governance might "make rural cadres' life a little harder", i.e. it might complicate policy implementation in the short term, but insisted that it would not "produce chaos" because "the masses accept what is reasonable" (O'Brien 1994: p. 474).

Despite Peng's impassioned efforts, opposition voices were still strong. For example, delegates of Fujian Province held that social conditions were not ripe to put the law into practice immediately; delegates of Shandong Province suggested putting off the approval of the law; delegates of Guizhou Province proposed making the VCs a level of governmental authority since if the VCs were stipulated as autonomous organizations, the township governments' public administration work would be very difficult and state interests would be very hard to guarantee. Most opponents recommended that the draft be revised; some even went so far as to advise that the Constitution should be amended so that VCs were converted into government organs, whose leaders were appointed by the government (Bai 1995: pp. 282–309). With time running out, the NPC presidium thought it was improper to force through the draft law and instead recommended approval of it "in principle" and authorized the NPCSC to make further revisions before promulgating it. The NPC members accepted this advice. Eight months later, in November 1987, after further opinion soliciting and debates, the Organic Law (provisional) was passed and came into force on 1 June 1988 (O'Brien and Li 2000: p. 475). It should be noted that because the Organic Law was passed with only "provisional" status, this opened a backdoor for some places where the conditions had not been "ripe" to not implement it.

The provisional Organic Law (see Appendix B) has a total of only 21 articles, which stipulate such things as VCs' nature, status, functions and power, organization settings, electoral principles, office tenure and working regulations, as well as the need for villagers' meetings. The law finally realized Peng's intention, defining VCs as villagers' self-governance organizations. The key spirit of the law is the

relationship between the township government and the VC is *not* that of leading and being led, but rather, the former gives guidance, assistance and help to the latter's work; VC cadres are directly elected by villagers and take their duties on a part-time basis without being released from their own production work. To the supporters of the villagers' self-governance policy, the approval of the provisional Organic Law marked a "historic stage for the legalized operation of villagers' self-governance" (Chen 2000: p. 65).

2.2.2 Irresolution and Implementation of the Provisional Organic Law at the Central Level: 1988–1998

The provisional Organic Law was in place for a full decade before the formal revised version was finally passed in 1998. Although the 10-year trial was considered to be a period of "establishing and perfecting" laws and regulations for villagers' self-governance (Song 2002: pp. 29–31), doubt and resistance coming from both the central and local officials had persisted.

After the suppression of the 1989 Tiananmen Square protest movement, views on villagers' self-governance diverged more severely at the central level. Some opponents reiterated that the provisional Organic Law had been divorced from rural China's reality and it was "far ahead of its time". Some even labelled the law "bourgeois libertarianism" condoned by purged Party General Secretary Zhao Ziyang (Tang 1992: p. 44). Opponents therefore demanded that the law be revoked (Bai 2000). To determine whether the law should essentially be scrapped, the NPC, the Central Organization Department, the MoCA and the Ministry of Personnel dispatched a team of investigators to report on the performance of village-level organizations. However, the team could not reach a consensus. Only a small minority favoured continuing implementing the law, while the majority suggested that VCs be replaced by government administrative offices (Li 1994: pp. 69–72).

At this crucial juncture, Peng Zhen, who was nearly 90 years and retired, once again exerted his influence and strong political prestige as a Party senior to defend the law, on which he had placed so much effort. He privately summoned the minister of the MoCA and pressed him to take a firm stand on villagers' self-governance policy (Bai 1995: pp. 223–224; Li 1994: p. 72). It is also reported that Peng even summoned (unnamed) opponents in private, complaining about their foot-dragging on the implementation of villagers' self-governance (White 1992: p. 277; Shi 1999: n. 37).

Another crucial reason for the survival of villagers' self-governance was the intervention and support coming from another Party elder, Bo Yibo, who was a close ally of Deng Xiaoping and one of a few most influential Party seniors. After reading a MoCA report praising villagers' self-governance, Bo gave his backing to this policy, which proved to be "decisive" for its survival (O'Brien and Li 2000: p. 477; also see Thurston 1998: pp. 11–12; Wang 1998: p. 244).

Largely due to Peng's insistency and Bo's support, the responsible CCP Politburo Standing Committee member Song Ping finally ended all the indecision.

He instructed, at a conference for nationwide village-level organization construction in August 1990, that the law be implemented rather than debated (Li 1994: p. 73). The central government stopped the debate by issuing Central Committee Document No. 19 (1990), which decreed that each of China's counties should establish "demonstration villages" (*shifan cun*) for villagers' self-governance in areas that had "good working conditions" (O'Brien and Li 2000: p. 478). Only weeks after the endorsement of the centre, the MoCA issued a document (*Zhonghua renmin gongheguo minzhengbu* 1990), calling for establishing not only demonstration villages but also demonstration townships and counties nationwide.

In 1994, the MoCA issued another document, systematically stipulating the aim, tasks and measures for the demonstration activity. For the first time, it raised "four democracies" of village self-governance, which are democratic elections, democratic decision-making, democratic management and democratic supervision (*Zhonghua renmin gongheguo minzhengbu* 1994). This document considerably accelerated the implementation of villagers' self-governance. After the issue of this document, 63 demonstration counties, 3,917 demonstration townships and 82,266 demonstration villages were established all over the country by the end of 1995. It is said that, with the influence of these demonstration units, "the villagers' self-governance has kept developing and relevant democratic procedures have further improved in the countryside" (Song 2002: p. 31).

2.2.3 Local Regulations for Implementing the Provisional Organic Law and Villagers' Self-Governance: 1988–1998

Responding to the centre's decision to implement the provisional Organic Law, local governments also gradually issued their corresponding regulations and rules in relation to the implementation of the provisional law. From 1988 to 1995, 24 provincial-level governments had issued their implementing measures for the provisional Organic Law. And by 1997, the overwhelming majority of provincial governments had issued their rules and regulations for implementing villages' self-governance (Chen 2000: pp. 65–66). Following the issuing of provincial-level regulations for the provisional Organic Law, many lower-level governments (municipal, county and township) had also worked out a number of detailed rules and regulations for implementing villagers' self-governance in their locales. It has been said that during that period a "legalized and institutionalized" system for villagers' self-governance was created from the centre to each level of local government (Ibid.: pp. 66–67).

However, the timing of local regulations and implementing the provisional Organic Law varied significantly in different places. For example, shortly after the provisional law took effect in 1988, Fujian and Zhejiang Provinces swiftly passed "Measures for Implementing the Organic Law (Provisional)" in their own provinces. At the same time, provinces including Yunnan, Guangdong, Hainan and Guangxi did not carry out the system of villagers' government nor make any corresponding

local regulations until the revised Organic Law took effect in 1998 (Yu 2002: pp. 186–191). To serve the purpose of this book, I will only focus on local regulations and rules applicable where B village is located.

Four years after the provisional Organic Law took effect, on 10 May 1992, the Standing Committee of the People's Congress of Shandong Province passed *Measures for Shandong Province Implementing "PRC VC Organic Law (Provisional)"* (Shandongsheng shishi "zhonghua renmin gongheguo cunmin weiyuanhui zuzhifa (shixing)" banfa) (hereafter the 1992 Measures), setting out supposedly detailed rules and regulations for implementing the provisional Organic Law.

2.2.3.1 On VC Elections

The 1992 Measures have only a total of 15 articles on VC elections, which at best set out some basic principles and regulations. They generally provide regulations on four major issues: election management, voter registration, candidate nomination and electoral meetings. First, the management and organization work of VC elections is undertaken by the Village Election Committee (VEC) "under the guidance of township/town government" (Article 26). VEC is composed of 3–5 persons who are selected by villagers' meeting (Article 26). Second, voters must register before the VC election and the electoral roll; the date and venue of elections must be publicized (Article 26). Third, VC candidates are recommended by each villagers' small group.¹ The number of VC candidates should be one third to double more than the number of available VC positions. VECs should publicize formal candidate list 5 days before the election day. The order of candidate names appearing on the list is sorted according to the number of character strokes in their names (Article 28). Finally, electoral meetings should be held to elect VC cadres. Electoral meetings are presided by VECs and the electoral meeting is not legal unless more than two thirds of eligible voters attend (Article 29). A voter who cannot attend the electoral meeting may, with the consent of the VEC, entrust another voter in writing to vote on behalf of him/her (Article 31). Roving ballot boxes are allowed to use for those old, weak, sick and disabled voters who cannot walk to the electoral meetings (Article 31). Candidates must win more than half the votes cast by voters to get elected. If there are more candidates winning more than half the votes than VC posts, the one who gets more votes wins (Article 33).

Due to the looseness and vagueness of the 1992 Measures and, more importantly, due to the doubt and resistance of local officials, VC elections and the 1992 Measures were carried out in name only in most places of Shandong before 1998 (Xiao 2002b: p. 63). For example, a 1989 survey in Shandong Province revealed

¹ Villagers' small groups (*cunmin xiaozu*) are derived from former production team. A village comprises several small groups, each of which is made up of about 30–50 households and 150–200 villagers.

that over 60 % of township leaders disapproved of villagers' self-governance (Yang and Sun 1989: p. 113). Some county leaders in Shandong even claimed that they had the authority to decide whether their counties were ready for VC elections (O'Brien and Li 2000: p. 479). As far as Longkou City (county status) and Xinjia Township are concerned, VC elections were not seriously implemented at all before 1998, just as elsewhere in the province (Interviews 1 and 33). During my fieldwork, I was unable to find a single government document in Xinjia Township on implementing VC elections before 1998.

In Xinjia Township, VC candidates were usually nominated by the village Party branch (VPB) (the role of VPB will be discussed in detail in Chap. 6) with the permission of the township government or directly handpicked by the township government. Rather than holding an electoral meeting, if an election was organized, only roving ballot boxes were used. Usually the incumbent village cadres appointed two election workers from each villagers' small group to carry a roving ballot box and ballots to each household of their village small group in order to let villagers vote. The election workers would instruct villagers whom to vote for, and after the voting finished, all roving ballot boxes were sent to the VC-VPB office and votes were counted by village cadres and election workers in private (Interviews 1 and 33).² To a large degree, this was nothing but a mere formality. VC candidates, or to be precise VC cadres, had actually been decided before the election.³ As a former VC cadre of B village told me,

Before (direct elections), elections in our village were just a formality. The VPB secretary usually recommended the VC candidates to the township government before the election. If the township government approved them, this usually meant that the VC cadres had been decided. On election day, the village cadres would arrange a few of their trustworthy persons, coming to villager's house with roving ballot box and ballots. Those persons holding ballot boxes of course knew who were the "right" candidates on the ballot. They would indicate villagers whom to vote for. Villagers knew it was a mere formality and they were not serious about it at all. Some villagers simply asked those persons to write for them. In the end, the ballots were just counted by village cadres privately in their office. In some other villages, I heard that village cadres even ignored the formality by filling all the votes by themselves. (Interview 47)

2.2.3.2 On Village Self-Governance

Regarding village self-governance, the 1992 Measures set out some basic regulations on duties and functions of village general meetings (VGMs), villagers' representative assemblies (VRAs) and VCs. The VGM is supposed to be the supreme power organization of village self-governance. According to the 1992 Measures, a VGM is

² Roving ballot boxes were also widely applies in other provinces. See Pastor and Tan (2000: p. 498).

³ For local officials' tactics of rigging VC elections elsewhere before 1998, see Ma (1994: pp. 19–20) and Fan (1998a: pp. 14–15).

formed by villagers over 18 years of age or by household representatives. According to it (Article 6), the VGM has the following powers:

- To scrutinize and approve the social and economic development strategy and annual plan of the village
- To elect and recall VC cadres
- To discuss and approve rules and regulations in the village
- To hear and examine the VC annual work report
- To discuss and approve the extraction and usage plans of village collective funds
- To discuss and decide the division and adjustment of farmland
- To change or revoke the improper decisions made by the VC
- To scrutinize village financial affairs
- To discuss the allocation and usage of housing plots
- To discuss and approve other issues relating to the interests of villagers

According to the 1992 Measures (Article 7), the VRA is a “supplementary form” of VGM in villages where the population is too big to convene a VGM. VRA members are recommended and elected by each villagers’ small group on the basis of one representative in 10–15 households and the VRA assumes some of the power that the VGM has (items 5–10 of the above-mentioned power of VGM).

An elected VC, according to the 1992 Measures, has the duties of carrying out self-governance issues such as managing collective property, dealing with public affairs, providing village welfare, organizing various cultural or spiritual activities for villagers, mediating people’s disputes and reflecting villagers’ opinions and demands to the government (Article 13). Although a VC is required to “assist” the township government in carrying out state policies, such as family planning, tax collecting and conscription, according to the 1992 Measures (and the provisional Organic Law as well), it is responsible and must report to the VGM (Article 13). A VC must carry out decisions made by the VGM. Village spending on village public affairs, villagers’ welfare as well as VC members’ pay must also be discussed and decided by the VGM (Articles 16 and 17).

Just as with VC elections, the 1992 Measures’ regulation on villagers’ self-governance had also merely stayed on paper and been simply ignored by subordinate county and township governments like Longkou County and Xinjia Township. I found no government documents or circulars issued by Longkou or Xinjia governments on convening VGMs, establishing VRAs or implementing village self-governance regulations set by the 1992 Measures before 1998. Interviews with both Xinjia officials and villagers also confirmed that rules and regulations relating to villagers’ self-governance had not been given attention before 1998 (Interviews 1, 3, 31 and 47). Actually, before 1998, except in a few demonstration villages, implementation of villagers’ self-governance had been ignored in the overwhelming majority of villages throughout the country. As O’Brien (1994: p. 49) points out, since the provisional law was vaguely phrased and the implementing regulations at the provincial and lower levels were still incomplete, local officials had no incentive to implement and so chose to ignore them. What happened in Xinjia Township during that period largely fits O’Brien’s description.

Before 1998, village governance in Xinjia Township had been centred around and dominated by the VPB, which was appointed by and directly responsible to the township government. The VC was by and large treated as a tool and immediate subordinate of the VPB, whose duty was to carry out orders from the township. Actually, the VPB and VC were commonly considered as *one* leadership group with two different names (Alpermann 2001: p. 46). The VC chair was usually appointed as the deputy VPB secretary, and it was also common that other VC members concurrently served as VPB members. In terms of village governance, it was the VPB, rather than the VC, that was the governing and decision-making body in a village. All major decisions concerning village affairs had to be approved by the VPB before formal adoption by the VC. The power of the VPB, however, was concentrated in the VPB secretary, who was undoubtedly the most powerful village cadre (*first hand*). The VPB secretary was appointed by and responsible to the township Party Committee (Zhong 2003: p. 163 and interview 5). Under this system, VPB/VC cadres were simply treated as implementing arms of the local state. Village affairs were often indistinguishable from township tasks. In many respects, such a top-down system had not been much different from the commune era (O'Brien 1994: p. 54). The situation of B village before 1998 was no exception. The VC and VPB were merged as one integrated village leading team headed by the VPB secretary Qu Sixiang. All village cadres were directly appointed by and responsible to the Xinjia Township government/Party Committee. Although, according to the provisional Organic Law and the 1992 Measures, the VGM or VRA was supposed to play a crucial role in the so-called village self-governance, in practice they did not exist except on paper.

2.3 The Revised Organic Law and Relevant Local Regulations After 1998

2.3.1 *The Revised Organic Law*

The efforts to work out a revised and formal Organic Law started from 1994 (Chen 2000: p. 71). It is said that from 1994 to 1998, the MoCA, the State Council and the NPCSC carried out quite a lot “in-depth” and “careful” surveys and held many hearings on the nationwide practice of village self-governance. It was claimed that many people who were interested in it, from government officials and scholars to ordinary peasants, “involved enthusiastically” in the process of making the revised Organic Law (Fan 1998c). However, in the revision process, opponents of village self-governance still made their voices heard. Although in a “minority”, some NPCSC members, when debating the revised Organic Law, still insisted that the nature of the VC should be a grassroots administrative organization rather than a mass autonomous organization. Opponents also suggested that township governments should “lead” rather “guide” VCs because VCs must implement state policies (Fan 1998b).

This time, proponents of village self-governance managed to win support from the top leaders again. One of the successful tactics employed by proponents was, as Kelliher (1997: p. 77) puts it, trying to “use village self-governance to manipulate foreign opinion, and then use that foreign opinion to manipulate higher Chinese officials”. When the MoCA arranged for foreigners to visit model villages of self-governance, it attempted to promote a specific human rights image outside of China. For instance, then deputy minister of MoCA, Yan Mingfu, made his point explicit at the end of a 1995 trip to Lishu County, the village self-governance model in Jilin Province to which many foreigners have been invited. Upon his return, Yan said, “Lishu’s experience has received worldwide recognition ... and it has greatly aided the counterattack on Western accusations about human rights in China” (Kelliher 1997: p. 76). According to an article published in the newspaper affiliated to the MoCA, VC elections were considered to be the key to positive foreign publicity. Supposedly, when foreigners witness a good election (preferably with competitive candidates and secret ballots), “the first emotion they feel is astonishment: it dawns on them that this is real democracy ... and then they praise it to the skies. ... Their reports and commentaries help the international community to understand the reality of democracy and human rights in China. Objectively, they serve the function of aiding our propaganda” (Wu 1995).

Particularly realizing that VC elections and self-governance actually functioned to improved China’s international image in terms of human rights and democracy, the top central leaders after the Deng Xiaoping era, such as Jiang Zemin and Li Peng, had been prone to taking a supportive stance on village self-governance (Kelliher 1997: p. 77; O’Brien and Li 2000: p. 484). For instance, on an inspection tour to Anhui Province in September 1998, then Party General Secretary Jiang Zemin sang high praise for village elections and self-governance, stressing that they are “fundamental issues” for Chinese peasants and “the practice of socialist grassroots democracy” (Jiang 1998). Li Peng, then Chair of NPCSC, during his visit to a county in Jilin Province known for its open nomination procedures for VC candidates, explicitly stated: “villagers’ self-governance is good” (Fan 1998c).

Thus, with the top leaders’ favour, the marathon legislation for the Organic Law finally came to an end on 4 November 1998, when the revised Organic Law (see Appendix C) was finally approved by the fifth session of the ninth NPCSC. There is probably no other law that has arisen through such harsh and prolonged debate in the PRC’s legislation history.

As far as the nature of VC is concerned, the revised Organic Law not only confirms the provisional Organic Law’s provision that the VC is the “primary mass organization of self-governance, in which villagers manage their own affairs, educate themselves and serve their own needs”, but also adds that VCs “apply democratic elections, democratic decision-making, democratic management and democratic supervision” (Article 2).

In terms of VC elections, the revised law, in contrast to the provisional law, sets out more detailed regulations on election requirements and procedures. The provisional law only states that “the VC chair, deputy-chair and members are directly elected by villagers” (Article 11), but does not specify how or through which

procedures the elections should be carried out. The revised law, however, has seven articles that deal specifically with election requirements and procedures. There are several noteworthy added provisions. Article 9 specifies that the composition of a village committee should consist of three to seven members: a chair, deputy chair(s) and members. In response to the influence of township governments over candidacy and village elections, Article 11 makes it clear that no organization or individual is permitted to “appoint, designate, remove or replace members of the village committee”. Article 14 is the most detailed legislation on village election procedures. It first stipulates that candidates are “directly nominated by eligible villagers” and their number should exceed that of positions to be elected, which is supposed to limit the possibility of township officials manipulating nominations. Then the winning requirement is written into the article—that an election is valid if the winner gains more than 50 % of the votes cast (rather than 50 % of the eligible votes), as long as more than 50 % of those eligible cast their votes. The article also specifies that secret ballots and open counting be adopted in the electoral process and that private voting booths be set up during elections. Article 16 further adds the procedures for villagers’ recalling incumbent VC cadres.

In terms of village governance, the revised law confirms the provisional law’s stipulation that VCs are villagers’ self-governance organizations and defines the content of VC’s self-governance mainly as managing public affairs, undertaking village welfare, mediating disputes among villagers, reflecting the villagers’ opinions and demands to the government and managing village collective economy and property (Articles 2 and 5). Township government offers “guidance, support and assistance” to VCs, which in turn should also “assist” township governments to carry out state tasks (Article 4). In addition, the revised law clearly defines the VCs’ “democratic” nature, stating that VC “applies democratic elections, democratic decision-making, democratic management and democratic supervision” (Article 2). In addition, it clearly stipulates that township government “must not intervene in the village affairs that belong to the sphere of villagers’ self-governance according to law” (Article 4). The revised law further specifies the VGM’s working procedures and its duties in village governance, stipulating that “the VC is responsible for and must report to the VGM” (Articles 17–19). It also specifically endorses the legal status of VRA, which functions on behalf of VGM in village government (Article 21).

However, Article 3 of the revised law also specifies that VPB, as the grassroots organization of the CCP in countryside, works according to the CCP Constitution and “exerts the effect of a leading core” in village elections and governance. This stipulation, as will be discussed later in this chapter and Chap. 6, causes serious confusion and conflict when the law is enforced in practice.

After the revised Organic Law was passed and put into practice in 1998, the central government showed determination to seriously carry out village elections and self-governance in the Chinese countryside. By early 2000, villagers’ self-governance was implemented throughout rural China (Wang 2002: p. 95). However, how the law should be concretely implemented is a matter of local efforts. After the revised law took effect, individual provinces made their own enforcement regulations one

after the other. And in terms of provincial regulations on implementing the revised Organic Law, there have been differences among different provinces (Yu 2002). But I will still focus on the relevant regulations of Shandong Province, where the fieldwork for this research was carried out.

2.3.2 Institutional Background in Shandong After 1998

2.3.2.1 On VC Elections

No more than 3 weeks after the revised Organic Law was approved by the NPCSC on 4 November 1998, the Standing Committee of the People's Congress of Shandong Province passed "Measures for VC Elections in Shandong Province (hereafter the 1998 Measures)" (*shandong sheng cunmin weiyuanhui xuanju banfa*). This made Shandong the first province in the country to issue its new village electoral measures (Yu 2002: p. 186). Thanks to the pushing by the provincial government, this new electoral regulation was carried out all over the province in the subsequent village elections since 1999 (Shandongsheng renmin zhengfu bangongting 2001). And since then VC elections have been called "direct elections" (*zhixuan*).

The 1998 Measures set out detailed electoral procedures and methods for VC elections. According to it the process of VC elections can be divided into four stages: election preparation, voter registration, primary election for candidates and formal election.

The first stage is election preparation. Before holding village elections, the electoral institutions should be established first. The township government sets up a Leading Team for VC Elections (*cunmin weiyuanhui huanjie xuanju lingdao xiaozu*), whose duties are to (1) propagandize relative laws and regulations on VC elections; (2) work out and carry out the plans for VC elections; (3) decide the dates for elections; (4) train the election workers; (5) direct the affairs relating to the election or selection of VCs, VC subcommittees, heads of villagers' small groups and villagers' representatives; and (5) be responsible for other issues in relation to VC elections (Article 6).

Each village establishes a Village Electoral Committee (VEC), which will preside over the election-related work under the guidance of the township Leading Team for VC Elections. The VEC members, usually 5–9 persons, are elected by each villagers' small group or the village general meeting (VGM). Members of the VEC elect one person among them to preside over the work of the VEC (Article 7).

Stage two is voter registration. The VEC is responsible for voter registration. All villagers who are over the age of 18 have the right to vote and stand for election, except those who have been deprived of their political rights. Voter registration should be completed ahead of the election date. And the electoral roll should be publicized at least 20 days before the electoral date. Any villager who has objections to the electoral roll can make an appeal to the VEC, which should make an explanation for or correct it within 3 days (Articles 8, 9 and 10).

Stage three is the primary election of candidates. VC candidates are directly nominated by villagers, and formal candidates come out by primary election. The VEC should set up a polling station and secret voting booths for the primary election. The formal candidates come out according to the nomination votes they get from voters. The number of formal candidates should be one or two more than the number of VC posts subject to election (Articles 11 and 12).

Stage four is the formal election. Article 14 regulates that an electoral meeting should be held when electing VC cadres. The election is not valid unless more than half of the eligible voters cast votes (including proxy votes) and the candidates can only get elected by winning more than half of the votes cast in an election. Secret voting booths must be set up and used by voters in election. Proxy voting is allowed, but the villagers who need to make proxy voting must apply and get approval from the VEC. A voter who is present at the election can only take on no more than three proxy votes (Article 15).

Due to the fact that in rural areas it is quite difficult to summon an electoral meeting, Longkou City, as with most of the places in Shandong Province, has chosen to merge the primary election and the formal election into one electoral meeting. Namely, at the electoral meeting, villagers first vote for formal candidates and then, after the formal candidates come out, vote for the VC cadres. In Xinjia Township, since 1999, direct VC elections have been organized and carried out “carefully” by township government officials, of course, only in terms of satisfying the letter of the concerned laws and regulations. Every key link and step, such as voter registration, secret voting, direct nomination, open vote counting and so on, have been strictly carried out according to related rules and regulations. In the words of a government document of Xinjia Township, “every step and procedure of the VC elections must be carried out strictly according to the stipulation of the Organic Law and the 1998 Measures and every stipulated step or procedure must not be omitted” (Zhonggong Xinjiazhen weiyuanhui 2001).⁴

To examine “democratic” VC elections, numerous complicated details may need to be attended to in order to ascertain whether the elections are “free and fair”. However, it is not this book’s intention to discuss in detail the formal institutional rules and procedures of VC elections. It is sufficient to say here that since 1999, Xinjia Township government has not been able to manipulate VC elections by boldly violating the formal rules and procedures laid out by the laws. However, what I will try to argue in the subsequent chapters is that, even though the formal electoral procedures in Xinjia Township or B village are considered to be “free and fair”,⁵ VC elections in B village can also be largely manipulated by informal clientelist associations or networks.

⁴My personal observation of the 2004 VC elections in Xinjia Township confirmed that the VC elections had been organized and conducted strictly according to the stipulation of the Organic Law and the Shandong Measures.

⁵Li Lianjiang (2003: p. 653), for instance, considers VC elections as “free and fair” or procedurally “democratic” as long as four practices are applied: (1) direct nomination of candidates by villagers, (2) contested election of VC members, (3) anonymous voting and (4) open count of votes.

2.3.2.2 On Village Self-Governance

On 22 December 2000, the Standing Committee of Shandong People's Congress passed another important regulation for implementing the revised Organic Law, which is called "Measures for Implementing the PRC VC Organic Law in Shandong" (hereafter the 2000 Measures) (Shandongsheng shishi "zhonghua renmin gongheguo cunmin weiyuanhui zuzhifa" banfa). The 2000 Measures mainly specify rules and regulations on villagers' self-governance. The content of the 2000 Measures focuses on three aspects, respectively: (1) VGM and VRA, (2) VC and (3) transparency in village affairs.

First, on the VGM, it specifically stipulates that a VGM be convened at least once a year and that the VGM should assess and supervise the work of the VC (Articles 5 and 6). VGM can also revoke or change VC and VRA's improper decisions (Article 5). On VRA, it stipulates that a VRA must be convened at least once each quarter and that it should discuss and decide on issues that are authorized by the VGM (the role of VRA will be discussed in detail in Chap. 6). If more than one third of representatives propose it, then the VC should convene a VRA within a reasonable time. It also specifies that the VC must inform villagers' representatives of the issues to be discussed and decided 3 days before convening a VRA, and villagers' representatives must seek opinions and recommendations from their constituents (Article 9). Second, as far as the VC is concerned, it mainly sets out the duties of the VC, such as carrying out the VGM's decisions and resolutions, managing village collective property, carrying out public services and providing village welfare, as well as developing various cultural and entertainment activities (Article 13). Third, it stipulates that the VC is committed to making village affairs open and transparent. The VC must ensure villagers' "broad rights of being informed, participation and supervision" and it should be "subject to the inquiry and surveillance of villagers" (Article 25). The 2000 Measures also specify that the villagers' financing small team (VFST), which can be recommended and elected by the VGM, checks and audits the VC's financing account (the role of VFST will be discussed in detail in Chap. 6). The VFST checks the VC's financing account at least once a month, and every sum of expense can only be entered in the account after an audit by the VFST (Article 26).

Apart from the above stipulations on self-governance, one important but problematic provision should be particularly noted. Consistent with the Organic Law, the 2000 Measures also stipulate that the VBP is "a leading core" in village governance. But Article 3 of the 2000 Measures further specifies that "the VC must consciously accept the leadership" of the VPB (Article 3). So, a difficult problem arises here. As indicated previously, according to the 2000 Measures, the VC should be responsible to the VGM and carry out its decisions. However, according to the same regulation, VCs also need to "consciously accept the leadership" of the VPB. What would happen if the VGM's decision is different from the VPB's decision? Whose decision should the VC carry out? Another related contradiction is the relationship between the township government and the VC. According to the Organic Law and the 2000 Measures, the township government can only "guide and assist" the VC to

do its job, namely, the relationship between the two should be “guidance” rather than “leadership”. However, if the VC must accept the leadership of the VPB and, according to the CCP Constitution, the VPB must accept the leadership of the township government/Party Committee, then how can it be guaranteed that the township government does not intervene in the VC’s job? Consider this imaginary example: according to law, the daughter-in-law (VC) enjoys the right of not being controlled by the mother-in-law (township government). But at the same time, the law also stipulates that the wife (VC) must obey her husband (VPB) and the husband (VPB) must listen to his mother (township government). So how can the daughter-in-law (VC) truly enjoy her legal right of not being controlled by her mother-in-law (township government)? If the law itself is contradictory, its practice must be problematic. (In Chap. 6, I will discuss in detail the problematic VC-VPB relations in practice.) As I will examine in Chaps. 6 and 7, these related regulations and rules on self-governance largely stay on paper in practice.

2.4 Conclusion

This chapter has aimed to set out the background of VC elections and villagers’ self-governance in China and the institutional context for the case study of B village. With the dismantling of the commune system at the end of the 1970s, a potential crisis appeared in rural China arising from the paralysis of the long established social-political organizations. The situation at village level in general grew rather chaotic. Originally, as a means to tackle the political vacuum left by the collapse of the commune and to resume law and order, VCs were established voluntarily in a few villages in Guangxi Province in late 1980. The phenomenon, however, greatly interested Peng Zhen, one of a few highly powerful CCP elders, who later exerted his strong influence to support and promote the establishment of VCs throughout rural China. Mainly due to Peng’s influence and urging, VCs were written into the 1982 PRC Constitution as elected, mass organizations of self-governance (Article 111) and, despite strong opposition, in November 1987 the provisional Organic Law was “forced through”. And after the crackdown of the 1989 movement, particularly with the support of another influential CCP elder, Bo Yibo, the Chinese central government finally decided to implement the provisional Organic Law by setting up demonstration units in rural areas. Although Shandong Province enacted the Measures for implementing the provisional Organic Law in 1992 (the 1992 Measures), Xinjia Township officials, like most of other places, had simply ignored the provisional policy of villagers’ self-governance. Before 1999, village cadres were largely appointed by the Xinjia Township government and were treated as implementing arms of state tasks. Self-governance institutions set out by law, such as VGM and VRA, had not been implemented even in form.

Although the practice of the provisional Organic Law had been far from satisfactory, the top CCP leaders after Deng Xiaoping, particularly realizing that village elections and “village democracy” have functioned to improve China’s international

image and promote positive foreign publicity, endorsed the policy on villagers' self-governance. Therefore, in November 1998, despite persistent opposition, the revised Organic Law, which confirms the principles of "democratic" VC elections and self-governance, was finally approved and subsequently was implemented throughout the country. Shandong Province, like all other provinces, set out its own specific regulations on implementing the revised Organic Law within the province. As far as Xinjia Township is concerned, since 1999, VC elections have been carried out strictly to satisfy the *letter* of the relevant laws and regulations. But with the implementation of the "free and fair" electoral institutions, can the VC electoral processes be truly "free and fair"? What factors have influenced the VC elections? How have the regulations on self-governance been implemented in practice? Is it really "democratic"? After setting out the background, I will discuss these questions in the following chapters.

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