DEMOCRATIC DEVELOPMENT IN CHINA’S URBAN COMMUNITIES

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ABSTRACT OF DISSERTATION

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ABSTRACT

Since mid-1990s, the Chinese government has been promoting a policy of community construction (shequ) in urban areas. One of the main focuses of this policy is to build up the democratic infrastructure and institutions at the grassroots level in the cities. As a result, political and institutional reforms to make grassroots governance more democratic have been experimented and implemented in many cities. Members of the residents’ committee, the “mass-organization” entrusted to governance the communities (shequ), are now to be democratically elected. The administration of the communities has to adhere to the principles of democratic decision-making, democratic management, and democratic supervision. The grassroots organs of the ruling Chinese Communist Party have to adapt to the democratic institutions, while non-governmental organizations, especially in the form of the homeowners’ committee, also emerges as another channel for urban residents to participate in public affairs. The major aim of this study is to document and analyze these institutional designs and reforms. It also provides an interpretive perspective for these grassroots democratic reforms, arguing that these reforms embody a Chinese model of democratic development.
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Chapter 1 Introduction: Democratic Development in China’s Urban Shequ/Communities

The “reform and opening up” policy of China, launched after the ascendancy of the then paramount leader Deng Xiaoping in 1979, has brought tremendous material improvements to China and has made China a rising power in East Asia and the world. The reform policy, successful as it is, is mostly understood in economic terms. With the ruling Chinese Communist Party still restricting multi-party competition, full judicial independence, free flow of information and media liberalization, and freedoms of speech and association, there is a strong perception that no significant political reforms have taken place.

Nevertheless, this is a simplistic perception. It is true that reforms have not made China a liberal democratic polity, not even an electoral authoritarian regime. But politics in the reform era is very different from the politics in the pre-reform era. Succession of leadership has been institutionalized. The legislative institution is becoming more assertive and independent. Government actions are less arbitrary and more predictable. Rule of law and the building of legal institutions have been expanded and are recognized as foundational to the “socialist political civilization.” A modern, technocratic civil service system has taken the place of the old revolutionary cadres system. Proliferation of interest associations has reduced the omnipresent power of the state. On an individual level, Chinese citizens now enjoy more freedoms and rights than before.

Among the political changes that have occurred in the reform era, elections naturally attract the most attentions. Since elections are generally seen as synonymous with “democracy” as narrowly defined, many China watchers have tried to gauge the
“true” extent of political reforms by looking at Chinese elections. Grassroots elections of villagers’ committees in the rural areas, introduced in the late 1980s and early 1990s, thus is one of the most popular subjects for political scientists studying China.¹

China, however, is rapidly urbanizing. A 2009 report released by the Chinese Academy of Social Sciences shows that Chinese urbanization rate is estimated at 45.7%, which means that China now has more than 600 million urban residents, almost half of the population. There are 118 cities with a population size of more than a million.² Focusing on political reforms in rural villages is no longer adequate for assessing China’s overall political reforms. Political reforms undertaken in cities, the political-economic-cultural centers in China, could have implications as well. This dissertation, therefore, is a study of political reforms/democratic development in Chinese cities, with a special focus on its grassroots shequ (communities).

In this introductory chapter I will first discuss the use of the term “democracy,” and then proceed to briefly discuss the literature on Chinese shequ. I will follow this with a discussion of my methodological approach, and to introduce the chapters of this dissertation

1.1 Democratic Development in Chinese Shequ (Communities)

Since the late 1990s, the Chinese central government has launched and supported a policy of shequ jianshe (community construction). Elements of political reforms could

be found in this policy, such as the emphasis on democratic elections and democratic self-governance of the residents’ committee. *Shequ jianshe* has been hailed in official discourse and by optimistic academics in China as a strategy of developing civil society and grassroots democracy, rationalizing urban governance, and promoting political reforms. According to these assessments, *shequ* is becoming an important part in the reform and modernization of China’s political and administrative system. The development of *shequs* in China’s cities has also received increasing attention by scholars and government policymakers. The *shequ jianshe* policy, although not always the highest priority in the nation’s agenda, nevertheless remains in the government’s vision in the reform of urban governance in China.

This study mainly focuses on the democratic development aspect of *shequ jianshe*, investigating and analyzing what kind of democratic institutions that are being experimented and implemented in urban grassroots communities. This study will principally focus on three important *shequ* organizations: the residents’ committee, the *shequ* party organization, and the homeowners’ committee.

For some readers, my use of the terms “democracy” or “democratic” in this study could be the main objection. The many institutions that I will discuss in this study certainly do not resemble the democratic institutions of a liberal democratic system. “Democracy” of course is a term that could be, and has been, abused to justify or mask certain truly undemocratic institutions and polities. Some political scientists have undertaken efforts to do some “conceptual housecleaning” work, to get rid of the
modifying adjectives such as “sovereign” and “popular” that distort the meaning of
democracy, and to come up with a more or less universal understanding of the term.\(^3\)

I do not disagree with the importance of making democracy a more conceptually
precise term. Having a more or less universal understanding of the term is also the
foundation of comparative analysis. However, in this study, I wish to take a broader
approach, for two purposes. First, strictly following a universal definition could limit our
understanding of some of the political institutional reforms in China that could make the
political system more accountable, and indeed, more “democratic.” It could also limit out
understanding of the efforts of reformist officials and scholars to increase the democratic
aspects of existing institutions. If we take a narrow perspective on the meaning of
democracy, we might have simply dismissed such institutional innovations and political
reforms as insubstantial.

Second, using a strict definition could easily lead us to dismiss the official actions
to promote democracy, and the official model of democracy in China, as nothing more
than propaganda. This will restrict our understanding of the official model, how the
model functions, what are the institutions that sustain this model, and whether this model
is compatible with the strict definition. The official model may not be genuinely
democratic after all, but we should not rule it out by definition, without first looking and
investigating the “democratic” potential of its institutions.

The use of “democracy” here, therefore, is more broadly conceptualized. In
November of 2009, I attended an international conference on “Chinese-style democracy”

held in Wuhan, China. In the conference, many thoughtful Chinese participants proposed, analyzed, and discussed some of the alternative models of “democracy” that are sensitive to the historical and political realities of present-day China. In this dissertation, I take seriously, though not necessarily agree with, the official model of “socialist democracy with Chinese characteristics,” which champions a conception of democracy that includes and goes beyond electoral institutions. The official discourse of “four democracies” emphasizes election, democratic decision-making, management, and supervision. In this discourse, democratic public administration is as important as the question of whether the decision makers are appointed or elected. Leadership of the party is unquestionable, but the party itself is also subject to the rule of law, and could be subject to popular supervision and accountability. This conception of democracy also tolerates, and even encourages, a cooperative and active civil society.

Some of the questions for this study will then be: What democratic institutions are being established in the shequ? Can these institutions improve governance and participation? How does the party solve the conflicts arising from the principles of democracy and of party’s leadership? What institutions foster civil society development at the urban grassroots level? How will this development affect the power dynamics within a shequ?

1.2 Literature Review and Methodological Approach

In contrast to the blossoming studies on village political reforms, political reforms in shequs receive relatively fewer scholarly attentions in Western academia. One reason is timing: village democratization preceded shequ jianshe by at least ten years. It might still be too early to come to a definite scholarly and theoretical assessment of the
relatively new (and unevenly spread) urban grassroots political reforms. Many studies on *shequs* in by Western scholars are descriptive. They introduce the background, structure, transition, and organization of *shequ* institutions, mainly the residents’ committee. The articles by Read and by Derleth and Koldyk are representative of this kind of studies. Read is one of the first scholars to pay attention to the Chinese government’s policy to, in his own word, “revitalize the state’s urban ‘nerve tips’.” Read discusses extensively the historical evolution and functions of the main *shequ* organization – the residents’ committee, and explores the changing relationship between residents and residents’ committees in the reform era. Many of his observations, such as the generally closer relationship between retirees in the neighborhood and residents’ committees, the importance of informal, personal networks and face-to-face interaction in the work of residents’ committees, and the spontaneous and bottom-up fashion of the homeowners’ movement, are still valid today. Derleth and Koldyk discuss the historical background of *shequ jianshe* and some of the reforms that have taken place in the last decade, which served to strengthen and expand the functions of *shequ*. Nevertheless, they caution against over-reading the impact of *shequ jianshe* on the overall political system.

In recent years, more analytical studies have emerged. Most of these studies are based on case studies of a number of *shequs* in a city. Based on his field research in Shenyang, Bray interestingly concludes that *shequ* self-governance is in essence a continuation of the previous strategy of *danwei* (work unit)-based governance. *Shequ jianshe* appears to be a strategy to beef up the institution of the residents’ committee so

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that it could fulfill the role played by the work units before. Moreover, Bray highlights
the implied ethnical training and moral self-regulation in the shequ jianshe policy, from
which he contends that it is useful to think of shequ jianshe (and shequ self-governance)
as “governing the [collective] self” in the Foucaultian sense.⁶

Wong and Poon trace the changing emphasis of China’s community policy, which
evolved from an emphasis on welfare provision to the more recent program of
community building. Based on their research in Guangzhou, they conclude that the
combination of “welfare and control” functions of the shequ jianshe policy “raises the
political profile of [the residents’ committee] as an institutional devise to re-impose
control on a more mobile and heterogeneous [urban] society.”⁷ An examination of this
policy by Yan and Gao basically come to the same conclusion. The authors characterize
the shequ jianshe policy as a “massive social engineering project.” The communities
constructed under the shequ jianshe policy are not synonymous with notions of civil
society or civic communities in Western societies. They are rather to be understood as
reconstructed administrative units. Residents’ participation in shequ self-governance is
heavily regulated by the party-state. Residents’ committees, the authors conclude, remain
tools of political control despite their new found mission as welfare providers.⁸

Some other studies compare the political reforms of villagers’ institutions and of
shequ institutions. Such comparison leads Benewick and his colleagues to conclude that
shequ jianshe strengthens and consolidates the rule of the party rather than democracy.

⁶ David Bray, “Building ‘Community’: New Strategies of Governance in Urban China,” Economy and
⁷ Linda Wong and Bernard Poon, “From Serving Neighbors to Recontrolling Urban Society: The
Transformation of China’s Community Policy,” China Information 19:3 (2005), pg. 413-442.
⁸ Miu Chung Yan & Jian Guo Gao, “Social Engineering of Community Building: Examination of Policy
Process and Characteristics of Community Construction in China,” Community Development Journal 42:2
(2007), pg. 222-236.
Despite substantial political reforms of these institutions, both villagers’ committees and residents’ committees, the authors contend, should be viewed as “surrogates of state-corporatist structures” that “represent adaptations of a Party-state determined to keep its dominance.” They should not be considered equivalent “to self-determination, popular sovereignty or democracy.”

While most Chinese scholars are optimistic about the democratic potentials of shequ jianshe and residents’ committees, studies on shequ in the West tend to be more skeptical. My study is also concerned about the democratic implications of shequ jianshe. It is different from the existing literature on two grounds. First, this study is not based on in-depth case studies. I base my studies on many empirical examples across China. Second, this study especially focuses on the institutional aspects. The shequ jianshe policy is not a coherent policy. In the varying local designs of shequ jianshe, there are both institutional innovations and reforms that could have democratic consequences and institutional flaws and inadequacies that become obstacles to shequ democratic development. The primary focus of this study is to investigate the institutions.

The theoretical and methodological assumption of this study is naturally institutionalism. Institutionalism in political science, of course, has many schools (such as rational choice institutionalism, historical institutionalism, old institutionalism, new institutionalism, etc.). This study, however, is not primarily concerned about theoretical abstraction and sophistication. Suffice to state here that this study agrees with the statement “Political democracy depends not only on economic and social conditions but

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also on the design of political institutions.”

I also use a broad definition of institutions, including both formal, written structure of rules and informal patterns and practices.

Most of the materials of study come from a research trip to Shanghai in the autumn of 2007. I was a visiting research student at Shanghai’s Fudan University. Initially I planned to conduct a large number of interviews and to observe grassroots elections in Shanghai. However, I was restricted by the policy in which a foreign researcher has to have an official permission to carry out interviews. I was grateful to get permission from my host institution to carry out interviews in two shequ. Nevertheless this would not be enough materials for this study. I also missed the opportunity to directly observe urban grassroots elections, since the election cycle had just ended the year before. I decided to pursue another research strategy. I spent a lot of time in Fudan’s library collecting documents, journal articles, press reports, magazine reports, books, and other publications on Chinese shequs. I continued to collect these materials after I left Fudan, utilizing the skills in getting hold of Chinese print materials that I learned in working in Fudan’s library.

Among the print materials, I heavily rely on the articles in the magazine Shequ (Community). Published by the Ministry of Civil Affairs since 2002, this magazine is the primary authoritative source for materials such as central directives on the shequ jianshe policy, local documents, latest developments of shequ jianshe in various localities, shequ issues and problems, innovative local institutional designs, achievements of shequ democratic development, and many others. For chapter 7, I rely also rely heavily on several magazines that are at the forefront of reporting issues related to property

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management and the homeowners’ committee: Xiandai Wuye (Modern Property Management), Xiandai Wuye-Xinyezhu (Modern Property Management –New Proprietor), and Zhongguo Wuye Guanli (Chinese Property Management).

1.3 Chapter Summaries

Chapter 2: The Meaning and Concept of Shequ in China’s Political System

In this chapter I discuss the concept and meaning of shequ in China. Although it is translated as “community” in English, it has some specific meanings in China. The most obvious difference is that it is actually designated as an administrative level. I also discuss in this chapter the institutions of the street office and the residents’ committee, but particularly the latter, since it is the designated principal governing organization of a shequ. The laws and regulations, history, functions, organization of the residents’ committee will be presented in this chapter. I will also discuss the historical background and the rationale of the formulation of the shequ jianshe (community construction) policy, especially how it evolved from an earlier policy of community services. Finally, I briefly discuss the present state of the shequ jianshe policy.

Chapter 3: The Background of Shequ Democratization

In the discourse of “socialist democracy with Chinese characteristics,” grassroots democratic self-governance is generally presented as a key element. What is the nature of this grassroots self-governance and what is the relationship between democratic development in shequ and other forms of grassroots democracy will be explored in this chapter. I will particularly pay attention to the thought of Peng Zhen. One of the “gerontocrats” in the reform era and generally regarded as a conservative outside of
China, Peng nonetheless is the main Chinese communist leader to advocate giving more democracy to the mass in rural villages and urban communities.

In this chapter I also discuss the main causes of official promotion of shequ democracy. Apart from the changing socio-economic environment, I point out that government’s consideration of the costs and benefits of shequ democratic development also played an important part in the decision to allow experiments of democratic political reforms in grassroots China. I also draw attention to the impact of village democracy on shequ democratization, and present a preliminary comparison of village democracy and shequ democratic development in terms of their strengths and weaknesses.

Chapter 4: Institutionalizing and Reforming Shequ Elections

Central to grassroots political reform in cities is the institutionalization and reforms of the elections of residents’ committees. Until the last decade, residents’ committees were mainly staffed by retired cadres from work units and household wives, Elections were nominally held, but these elections were nonetheless mostly meaningless exercises. A typical way to conduct an election was for the street office to first select the candidates and in an “election” voters confirmed the selection.

Reforming the electoral process thus is vital in making residents’ committees more accountable and democratic. In this chapter I will first discuss the general conceptualization of elections in China, especially how official views toward election have evolved from early Marxist influences to the recent model of “one-party competitive elections.” I then proceed to discuss ten institutional aspects of the electoral process that are essential and crucial in defining the success or failure of election reform. I will show, in the discussion of these ten institutional aspects, that shequ elections in China have an
extremely decentralized character, with varying electoral institutional practices and
different outcomes in different localities. This decentralized character, while permitting
some local reformist officials to come up with institutional innovations that improve the
election process, nevertheless also have the drawbacks of making all these elections
unsystematic, unconsolidated, and subject to local influences.

Chapter 5: Toward Democratic Public Administration and Governance in Shequ

Apart from the election of the residents’ committee, shequ democratic
development includes the introduction of several institutions to make the public
administration of shequ more democratic. Following the official discourse on democracy,
I look at what kinds of institution embody democratic decision-making, democratic
management, and democratic supervision, and how these institutions are implemented in
shequ. I also discuss what kind of institutional innovations have been introduced in trying
to reform the existing institutions, as well as the potentials of these institutions in
effecting a more democratic public administration.

All these reform measures can be understood as efforts to democratize the shequ
in a top-down manner. Both central and provincial governments have encouraged local
governments to experiment, within certain perimeters, with institutional innovations that
would make residents’ committee more accountable to the residents. This top-down
process of democratization, imperfect as it is, signifies the political reforms that are being
couraged in China.

Chapter 6: Accommodating the Party or Accommodating Democracy?

Notwithstanding the institutional innovations and experimentations, the political
structure within a shequ is supposed to mirror the political structure at the national level.
One of the perimeters of these innovations and experimentations is that each shequ is to maintain a party organization that plays a “leadership role.” Critical scholars and China observers will remain skeptical of any claims of “democratic breakthrough” resulted from shequ jianshe as long as the power of the ruling party is unquestionable. In this chapter I focus on the shequ party organization –the nationwide party building program, the nature and content of the program of “shequ party building” that is to running together with the shequ jianshe policy, the organizational and penetration work of party building, the party organization’s relationship with the other shequ institutions, and what kind of institutional innovations have taken in shequ that would democratize the party organization.

Chapter 7: The Homeowners’ Committee: the Rise of Shequ-based Civil Society

While the previous chapters focus on the top-down direction of shequ democratization, this chapter analyzes the bottom-up process of democratizing the shequ. Despite the visible hand of the government in the community construction project and the fact that many residents have not enthusiastically responded to this project, there are signs that these urban communities could slowly evolve into a foundation for civic society.

The most important shequ-based non-governmental organization is the flowering homeowners’ committees and their “weiquan” (rights-defense) movement. Originated in Shenzhen, this phenomenon has spread to other cities. The homeowners’ committee is established to protect the rights of homeowners in the face of developers, property management companies, and occasionally local governments. In most cases they do not challenge the local authorities overtly. The more affluent middle-class members, who are
usually thought of being politically obedient, nevertheless demonstrate their “rights-consciousness” and organizational capabilities in the homeowners’ rights-defense movement. This chapter analyzes the structural origins of the homeowners’ movement, the concept, laws and regulations of property management, the main issues of concern to homeowners, the institutional obstacles of establishing of a homeowners’ committee, and the institutional innovations the homeowners have come up with.

The relationship between the homeowners’ committee, civil society, and democratic development is further developed in the last section of this chapter. There are contradictory trends. On the one hand the homeowners’ committee has characteristics of a civil society organization that could strengthen the democratic foundation of China. On the other hand, the homeowners’ committee is also heavily regulated, restricted, and in some instances penetrated by the party.

Chapter 8: Conclusion and Discussion

In this concluding chapter, I discuss three theoretical perspectives for shequ democratic developments. The first perspective interprets shequ democratization as the foundation for the eventual democratization of China. The second perspective sees shequ political reforms as the coping strategies for an authoritarian system that will prolong its longevity. The third perspective sees shequ democratic developments as exemplification of the “socialist democracy with Chinese characteristics.” In the final part of this chapter, I provide an explanation why I see the third perspective as the more fruitful interpretation compared to the first two.
Chapter 2 The Concept and Meaning of Shequ in China’s Political System

In China, areas under the administration of street offices and residents’ committees are popularly known as shequ/communities. But in strict official usage of the term, shequ has a specific meaning and is demarcated in accordance to the boundary of an administrative level. The shequ jianshe (community construction) policy aims to make urban shequs the robust, vigorous, self-reliant, and stabilizing building blocks in China’s cities, which have been going through rapid demographic, social and economic transformation and face many critical issues.

In this chapter, I will first discuss the differences between the Chinese concept of shequ and the general notions of community, and then proceed to present a brief history of the residents’ committee, the laws, functions and responsibilities, and organization of the residents’ committee, shequ reforms in macro-perspective, and the current state of shequ jianshe (community construction).

2.1 Shequ and Community

German sociologist Ferdinand Tönnies is the first major thinker to formulate a comprehensive theory of community (Gemeinschaft). Tönnies views community as a form of pre-industrial, pre-modern human association that is characterized by unity of human wills among members. According to him, “Community by blood, indicating primal unity of existence, develops more specifically into community of place, which is expressed first of all as living in close proximity to one another. This in turn becomes
community of spirit, working together for the same end and purpose.”¹¹ Home, neighborhood and comradeship are the corresponding expressions of these three elements of community.¹² The rural village during the pre-industrial era that features strong kinship ties, high level of face-to-face interactions and familiarity, moderate division of labor, commonality of physical life, belief, and social norms, as well as the closeness of living and working spaces, embodies Tönnies’ conception of community. The onslaught of industrial modernity disrupted and dissolved the community type of human association, and brought forth a new mode of human association: society (Gesellschaft). The society exhibits characteristics that are opposite to the nature of community: depersonalized relationships, interaction based on utilitarian motives, diversity of beliefs and social mobility. The rise of the modern city and the trend of urbanization exemplify the displacement of community by society. In his classic essay on urbanism, Louis Wirth suggested that, “Nowhere has mankind been farther removed from organic nature than under the conditions of life characteristic of great cities.”¹³

The transition from traditional community to modern society was also the major theme occupying the thought of many classical social theorists. Durkheim differentiates modern organic societies from traditional mechanical societies. Weber sees urbanization as part of the process of rationalization and bureaucratization – the most important changes in the era of industrialization. And Marx would see the process of capitalistic mode of production displacing feudalistic mode of production being reflected in

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¹¹ Ferdinand Tönnies, Community and Civil Society, edited by Jose Harris, New York, NY: Cambridge University Press (2001), pg. 27.
¹² Ibid, pg. 28-29.
industrial urbanization. The town is the productive and revolutionary center of a new civilization, while the countryside, filled with peasants, can only follow the lead of the town in entering a new stage of history.

The presumed death of traditional, organic, natural communities in the modern, “artificial”, urban society needs to be qualified. It is true that the community that features closed territorial boundary belongs to a long-gone era. But sociologists also have found that grassroots communities that cherish social bonds and natural common identity continue to exist and evolve in the supposedly impersonal metropolises. The rise of industrial, urbanized society as the age of the European Enlightenment drew to a close was thought to be a liberating force for the people who yearned to escape from the encapsulating bonds and ties of traditional communities and to live a more privately guarded life. But the negative consequences of the demise of traditional communities were also apparent, with crime, divorce, and suicide rates rising. Grassroots communities, usually formed along ethnic ties or similar class background, were able to provide some refuge from these negative effects.

The ideas of community by spirit and unity of will also resonate with modern theorists and thinkers who are concerned with the ill effects of industrialization and urbanization, such as the decline of civic responsibility and public-spiritedness. They see this decline as responsible for the range of social problems in modern society. Theorists of different ideological persuasions, ranging from “third way” social democracy to communitarianism, therefore argue for a more cohesive, integrated, and participatory social life oriented towards grassroots communities. “Third way” advocate Anthony Giddens writes that “community building emphasizes support networks, self-help and the
cultural of social capital”¹⁴, and it “doesn’t imply trying to recapture lost forms of local solidarity: it refers to practical means of furthering the social and material refurbishment of neighborhoods, towns, and larger local areas.”¹⁵ In short, “the theme of community is…fundamental to the new politics” of the social democracy of the Labor Party in Britain.

On the other hand, the communitarian movement led by American sociologist Amitai Etzioni also takes community as the core of a new policy and ideological platform that positions itself between liberal-individualists and moralistic social conservatives. Communitarians seek to establish community as an alternative mechanism to the state and market for distributing goods. They are unsatisfied with the overemphasis on individual rights in the dominant liberal paradigm. They contend that the enjoyment of rights comes with the moral obligations and responsibilities to the communities in which an individual is embedded. Although Etzioni asserts that community is “not a concrete place but a set of attributes,”¹⁶ the communitarian writings generally do emphasize individuals’ local relationships and the importance of organizations and associations being properly rooted in, and responsive to, their local constituents.¹⁷

2.1.1 Shequ in China

Similar to “third way” and communitarian writers, in recent years China also seeks to address some of the social problems emerge from the reform process through

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¹⁵ Ibid, pg. 79.
community organizing and institutions.\textsuperscript{18} The concept of “community” was imported into China during the 1930s through the flowering of sociological studies at that time. The term was translated as shequ by the eminent sociologist Fei Xiaotong.\textsuperscript{19} However, the term rapidly disappeared in China after the new People’s Republic condemned sociology as a “bourgeois” discipline and banned its teaching and research. Shequ only resurfaced in the post-Mao era when social science disciplines were rehabilitated. It became part of the official discourse in the mid 1980s when the Ministry of Civil Affairs promoted the policy of shequ fuwu (community service) in the cities. In 2000, the Ministry of Civil Affairs issued the document “Opinion on Promoting Shequ Construction Nationwide”. The document was later re-issued as Central Document No.23 jointly by the State Council and the Central Committee of the Communist Party. This officially began the central government’s push for shequ jianshe (community construction) nationwide.\textsuperscript{20} With the initiatives and support of the party and government, shequ has become a regular term appearing in the media and popular discussion.

The official revitalization of shequ carries certain policy implications. Shequ in China does not simply mean a grassroots, “organic” community. An important feature of Chinese shequ is that it is a “combination of administrative unit and community.”\textsuperscript{21} From its very inception, shequ jianshe is not only meant for community construction. It has

\textsuperscript{19} Yu Yanyan, \textit{Shequ zizhi yu zhengfu zhineng zhuanbian} (Community Self-governance and Transformation of Government Functions), Beijing: Zhongguo shehui chubanshe (2005), pg. 18
\textsuperscript{20} Chen Zhiwei & Dai Zhiwei, \textit{Shequ jianshe lilun yu shijian tansuo} (An Inquiry into Community Theory and Practice), Beijing: Zhongguo shehui chubanshe (2005), pg. 2-3.
\textsuperscript{21} Xu Yong, Chen Weidong et al. \textit{Zhongguo chengshi shequ zizhi} (Community Self-governance in Urban China), Wuhan: Wuhan chubanshe (2002), pg. 34.
strong elements of social control and urban management.\textsuperscript{22} Just as the village is the
lowest level of administration in the rural areas, shequ is designated as the lowest level of
the administrative hierarchy in the cities (see Figure 2.1). Predominantly the boundary of
each shequ is demarcated as the jurisdiction of a shequ residents’ committee (jumin
weiyuanhui).\textsuperscript{23} In rarer instances it is demarcated as the jurisdiction of a street office
(jidao banshichu).

However, it would be a mistake to conclude that shequ serves no greater purpose
than being a convenient instrument for managing and controlling urban population, and
that the residents’ committee as nothing more than a field office of the local government.
The Chinese Constitution and the principal law on the residents committee designate the
residents’ committee as a “mass self-governance” organization. Although shequ (and
village) constitutes a level of administration and its authority sanctioned by the state, \textit{it is\not considered part of the formal state apparatus}. The lowest reach of the formal power
of the Chinese state is the township level in the countryside and the street-office level in
the cities. Members of the residents’ committee are not considered state cadres or civil
servants.

Some may consider this assertion to be insignificant since the residents’
committee in practice has always been performing social, political and policing
responsibilities entrusted by the government. Nevertheless we should also pay attention
to the fact that the government has never made any attempt to incorporate the residents’
committee into its formal apparatus. Instead, the government has always insisted that the

\textsuperscript{22} Yu Yanyan, \textit{Shequ zizhi yu zhengfu zhineng zhuanbian (Community Self-governance and Transformation
\textsuperscript{23} Sometimes it is also translated as “neighborhood committee” in some English publications. To maintain
consistency throughout this dissertation I will use the term “residents’ committee”.

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residents’ committee remains a self-governance organization. Despite being a
government-initiated program, one of the goals of the shequ jianshe policy is to
eventually make shequ less reliant on the state and become a self-sustaining, self-
governing and harmonious community.

*Shequ* thus has different meanings from what is traditionally understood as
“community”. At the risk of over-simplification, we can say that there are at least four
principal differences between *shequ* in China and a typical community.

First, a “community”, as usually understood in developed societies, implies a
common attachment developed naturally by the people inhabiting an area with open
boundary and usually minimal government’s interference. Whereas in China, the
formation, organization and development of *shequ* is the result of government’s policy
initiative and planning, though its future development could make it more like a
“community” than an administrative unit.

Second, a *shequ* in China has some functions that a typical community does not
usually have –such as acting as an agent of social and political control for the state.
Although a community generally also has some sort of social control mechanisms to
preserve community tradition, morality and coherence, the political, policing and security
responsibilities being entrusted to *shequ* organizations in China are not something
commonly found in typical communities.

Third, community governance in general has a strong voluntary element. But in
China almost all *shequ* residents’ committees in one way or another have to take some
instructions and orders from their administrative superiors in the street office. Residents
in general perceive the residents committee as an agent of the government rather than being a genuinely autonomous self-governance body.\textsuperscript{24}

Fourth, community development, as suggested by Giddens or Etzioni, aims to foster civic responsibilities and public spiritedness, rebuild trust among the atomized individuals, reduce the sense of alienation and the associated social ills, and to rely on the local populace to take care of their own community problems. In short, community development is meant to deal with problems in a post-industrialized, postmodern society. In China, however, the shequ jianshe policy was initiated with the hope of mobilizing urban residents to help the government in the modernization process. A Chinese scholar argues, “Shequ itself has become a factor in modernization; it helps China’s present transition to a modern society, modern economy, and even democratic development.”\textsuperscript{25}

\section*{2.2 A Brief History of the Residents’ Committee}

The principal self-governance organization of shequ is the residents’ committee. Unlike its rural counterpart—the villagers’ committee, which was established after the dissolution of the people’s communes in the early 1980s, the history of the residents’ committee is only two or three years shorter than the history of the People’s Republic. Despite being a grassroots organization, the residents’ committee played an important role in the state rebuilding process after the 1949 revolution. The China that the Chinese Communist Party (here after CCP or simply the party) inherited from its defeated rival, the Kuomintang, was a broken one, exhausted by civil wars, economic mismanagement,

\textsuperscript{24} Chen & Dai, Shequ jianshe lilun yu shijian tansuo, pg. 78.
\textsuperscript{25} Guo Shengli, Jumin weiyuanhui de chuangjian yu biange: Shanghai shi gean yanjiu (The Establishment and Change of the Residents Committee: A Case Study in Shanghai), Beijing: Zhongguo shehui chubanshe (2006), pg. 158.
and social disintegration, particularly in urban areas.\textsuperscript{26} The CCP’s power was built in the rural areas. After leaving the cities in 1927 as a result of Kuomintang’s sudden suppression, the CCP returned to the cities only in 1948-49.\textsuperscript{27} After the CCP captured the cities, it decided to dismantle the entire administrative apparatus left behind by the Kuomintang and wanted to start all over. But the immediate Herculean task was: How to govern these populated cities with practically no state institutions of its own? The residents’ committee was one of the Chinese communist responses to this question.

\textbf{2.2.1 The Residents’ Committee and the \textit{Baojia} System}

The residents’ committee shares some similarities with the pre-1949 \textit{baojia} system, a grassroots political management system that has its origins in the dynastic periods in rural China. But its modern form was introduced by the Japanese occupation forces in occupied cities during the Sino-Japanese War in 1937 to 1945. The organizing principle of the \textit{baojia} system was simple. Below the city government was the district level, and within a district, around ten to thirty households formed a \textit{jia}; and ten to thirty \textit{jias} were organized as a \textit{bao}.\textsuperscript{28} Under this system, all families were integrated into a \textit{baojia} network, and each unit within the \textit{baojia} would have a designated leader who could liaise with the local policy authority. The city policy chief was also then the top official to oversee all \textit{baojia} organizations in a city.\textsuperscript{29} This system, though disliked by the


residents in general, was impressively effective in maintaining law and order, performing surveillance and control functions, and keeping and managing information about households and residents. The Kuomintang, despite branding *baojia* organizations as symbols of Japanese occupation and oppression, nevertheless found their usefulness once they re-captured the cities from the Japanese forces. The urban “re-organization” scheme of the Kuomintang never went beyond the superficial stage. The *baojia* system and most of its personnel were effectively retained by the Kuomintang.

When the CCP took over the cities, the *baojia* system was (again) declared a tool of the reactionary and imperialist forces. It was, therefore, an illegitimate institution that had to be disbanded. A significant number of *baojia* personnel were targets of persecution, though in reality, many of them were also temporarily retained by the CCP for lack of a better choice; for these people were still needed to maintain local order in the chaotic period of regime transition in the cities.  

But importantly, the CCP also understood very well that this type of system was essential for its control and social management functions, for securing a foundation of the new regime, and for its role in social re-integration in the process of regime change. The residents’ committee was the communists’ answer to the *baojia* system.

### 2.2.2 The Residents’ Committee: 1949 to 1976

According to the most recent archival research, the first residents’ committee was founded in Hangzhou. In December 1949, Hangzhou city government promulgated an ordinance on the residents’ committee. This ordinance stipulated that the *baojia*

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30 Zhu Guoming, “Shanghai: Cong feibaojia dao jumin weiyuanhui de dansheng (Shanghai: From the dissolution of Baojiao to the Birth of the Residents’ Committee),” *Dangan yu shixue (Archives and History)* 2 (2002), pg. 58.

organization had to be smashed and replaced by a new mode of democratic organizing and participation—the residents’ committee. The residents’ committee would not become part of the official governmental structure but rather would be a self-governance organization. The “Organic Rules on Urban Residents’ Committee”, the national law on this organization that would be promulgated 5 years later, contained many provisions that originated from this ordinance.32

But before 1954, the residents’ committee was only one of the many types of neighborhood and grassroots organizations proliferating in China’s cities. Most of these organizations were ad hoc in nature, and resulted in disorganized and chaotic urban administration.33 For instance, in Shanghai, grassroots organizations such as “tenants’ union”, “tap water managerial committee”, “workers’ welfare union”, and “winter defense team” became widespread in many neighborhoods.34 The CCP also utilized their time-tested mobilization capability to build up their own support base, especially among the marginalized groups in the cities under Kuomintang rule, such as workers, hawkers, and petty artisans. These grassroots activists became the backbone of a wide variety of grassroots organizations in the cities.

The leaders of these organizations were generally appointed and supervised by local public security officers. Although the multiplicity and ad hoc nature of these organizations presented administrative problems such as overlapping functions and multi-

33 Schurmann, Ideology and Organization, pg. 369-373.
head leadership, these organizations were to play an important role in “poverty and
disaster relief, administration of refugees and jobless wanderers, propaganda of party
policies, smoothing over residents’ doubts [of the new regime], security work, census,
and household registration.” 35 These organizations were therefore vitally important for
the consolidation of the communist rule in the cities, and helped the new city
governments to formulate policies on production, education, health and urban
administration.

The process of standardizing, formalizing, and consolidating these various
governmental organizations began in 1952. In June 1952, the East China Military and
Political Committee drafted a plan on establishing residents’ committees in cities with
population larger than 100,000. At the national level, a national decree was issued to
launch a campaign to mobilize urban residents to “cleanup” the remnants of Kuomintang
and other resistance forces in the cities. It was in this decree that the residents’ committee
for the first time was being acknowledged by the laws and regulations at the national
level. 36 The campaign had the effect on consolidating the diverse grassroots organizations
into what would become residents’ committees. The residents’ committee was to play the
key organizing and mobilizing role in the cities in subsequent national campaigns,
including the Resist America Aid Korea, Three-Anti (corruption, waste, bureaucratism),

35 Chen Hui & Xie Shicheng, “Jianguo chuqi chengshi jumin weiyuanhui yanjiu (A Study of Urban
Residents’ Committees in the Early History of the PRC),” Dangdai Zhongguoshi yanjiu (Contemporary
36 Han, “Jianguo chuqi chengshi jumin zuzhi de fazhan yu qishi (zhiyi)”, pg. 20.
and Five-Anti (bribery, tax evasion, theft of state properties, dishonesty in work, theft of state economic intelligence) campaigns.\(^{37}\)

In 1953, Peng Zhen, the then mayor of Beijing and the party leader in charge of legal work at that time, in a report suggested that

An organization such as the residents’ committee needs to be established. Its nature is a mass self-governance organization, not a governmental organ. Its primary mission is to organize the residents who are not working in factories, shops, schools or government offices. Under the principle of self-governance, they should take care of the residents’ welfare, publicize policies and laws of the government, mobilize the residents to support the government’s appeal, and communicate to the base-level government the opinions of the residents. The residents should elect members of the residents’ committee. The work of the residents’ committee should be under the guidance of urban base-level government or its field office, but organizationally the residents’ committee is not a “leg” of the base-level government, it should not be given too many tasks.\(^{38}\)

According to Peng Zhen, both the street office and the residents’ committee were meant to be temporary organizations. They were meant to compliment the production or work units (danwei) in a dual administrative system. Therefore, whereas workers and students were organized at their places of employment or study,\(^{39}\) the primary mission of the street office and residents’ committee was to organize residents outside the orbit of danweis (factories, schools, enterprises, army units, government organs, hospitals) such as housewife, hawkers, artisans, jobless youth and the elderly people, who were then estimated to comprise around 60% of the urban population. With industrialization, economic growth, and the completion of socialist transformation, the danwei system


would eventually cover every single individual in the cities. Both the street office and residents’ committee would eventually cease to exist. But for the time being, these organizations were needed for the purpose of “total organization of the population.”

With Peng Zheng’s urging, the Standing Committee of the National People’s Congress (China’s legislative body) passed both the “Organic Rules on Urban Residents’ Committee” and the “Regulations on Street Office” in 1954. These two laws put the Street Office-Residents’ Committee system (jiejuzhi) fully in place. This system played a vitally important role in the early history of the republic, mobilizing urban residents to support and consolidate the new regime, as well as extending the penetration of the party’s power deep into the society, something never achieved by the Kuomintang.

During the Great Leap era (1958-1962), street offices were replaced by urban people’s communes. The people’s commune was a vastly expanded and highly centralized bureaucratic organ. The residents’ committee became an organizing part of the commune, losing much of its self-governance functions and nature. As a campaign to increase dramatically China’s economic production to “surpass Britain and catch up with America”, the Great Leap spared no one from contributing to this highly politicized economic goal. As mentioned before, the Street Office-Residents’ Committee system was meant to organize residents outside of work units, which in the CCP’s socialist ideological framework they were considered the “non-productive” population. A primary mission of urban communization under the Great Leap therefore was to organize these residents to engage in economically productive activities. The slogans used by Beijing

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municipal party committee during that era were “transforming a consuming city into a productive city,” and “each individual has to work; each household has no idler.”

Economic entities, including production type (such as small-scale processing plants) and service-oriented type (such as canteens and childcare centers), were established in urban neighborhoods.

There were several positive features in this experience. Women were liberated from their housework and became members of the productive forces, elevating their status in a regime committed to realizing the goal of a “workers’ state.” Neighborhood-level economic activities also generated resources for members of the commune. In fact, these economic entities served as the foundation of the shequ fuwu (community services) policy in future development. The downside was the increasingly bureaucratization of, and residents’ alienation, from residents’ committees. Corruption on the part of residents’ committee members also increasingly became an issue, when they took over residents’ properties in the name of communization. Urban people’s communes, together with the Great Leap, ultimately failed because of the highly unrealistic and politicized conception of economic production. In 1962, most cities halted the communization movement and reverted to the Street Office-Residents’ Committee system.

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42 Ding Chao, “Chengshi shequ jianjiu zhier: quanneng zhuyi jiangou zhong de shequ yu danwei (A Study of Urban Community Part 2: Communities and Work Units Within the Totalistic Framework),” Zhongguo fangyu (Chinese Territories) 4 (2001), pg. 5.

Notwithstanding its many positive roles in providing services and employment, the residents’ committee was not a very popular institution among residents.\textsuperscript{44} The close working relationship between local public security bureaus and the Street Office-Residents’ Committee system brought to “bear upon every individual a pervasive and overwhelming public pressure.”\textsuperscript{45} Spying on and denunciation of fellow neighbors by members of the residents’ committee were not uncommon.\textsuperscript{46} As a nation with long history of patriarchal tradition, women members of the residents’ committees acting as bosses of the neighborhood also made many male residents uncomfortable.\textsuperscript{47} Therefore, when the Cultural Revolution (1966-1976) engulfed the whole of China into a destructive revolutionary frenzy, residents’ committees would not escape from the inevitable fate of being targeted and struggled against.

Under these conditions, many residents’ committees were suspended, leading to a chaotic situation in many neighborhoods. Frequently, neighborhood security and order broke down. Residents’ committees were ultimately brought back to maintain neighborhood order, but they were re-organized and renamed as “revolutionary residents’ committees”, mimicking the “revolutionary committees” popping up at the higher levels of administration. They consisted of revolutionary rebels, members of the original residents’ committees, and public security officers, and in some cases also the army soldiers sent to the neighborhoods. The revolutionary residents’ committees’ main

\textsuperscript{44} Whyte & Parish, \textit{Urban Life in Contemporary China}, pg. 285.
\textsuperscript{46} Meisner, \textit{Mao’s China and After}, pg. 90.
\textsuperscript{47} Schurmann, \textit{Ideology and Organization}, pg. 377.
responsibility was to preserve order even as they pursued class struggle. They were also
given a vital mobilization task and became an important mechanism to transfer the urban
youth to the rural areas in the 1968 “up to the mountains, down to the villages”
campaign. For much of the Cultural Revolution period, the revolutionary residents’
committees excelled in the functions of organization, mobilization and control, while
only playing a secondary role in providing residential services.

The Cultural Revolution ended with the death of Mao Zedong and the overthrow
of the Gang of Four in 1976. What followed were the rehabilitation of wrongfully
prosecuted individuals and the restoration of political institutions in place of the
“revolutionary” institutions set up during the Cultural Revolution era. The residents’
committee was re-instated in place of the revolutionary residents’ committee. In January
1980, the National People’s Congress re-promulgated the 1954 “Organic Rules Urban
Residents’ Committees” and “Regulations on Street Offices”. The sudden return of
millions of “transferred youth” to the cities created a huge employment problem. The
residents’ committees across the country helped alleviate the situation by employing
these returned young people in whatever economic activities they were still permitted to
do. The “reform and opening up” of China also gradually also began to alter the
ubiquitous landscape of danweis (work units) in China and presented new challenges in

48 Guo Shengli & Wang yinong, “Cong liweihui dao geweihe: “wenge” shinianzhong juweihui de kaocha
yu sikao (From the Neighborhood Committee to the Revolutionary Residents’ Committee: Investigating
and Reflecting on the Residents’ Committee in the Ten Years of Cultural Revolution),” Guangzhou daxue
xuebao (Journal of Guangzhou University) 3:7 (2004), pg. 7-8. See also B. Michael Frolic, Mao’s People:
49 Thomas P. Bernstein, Up to the Mountains and Down to the Villages: The Transfer of Youth from Urban
to Rural China, New Haven, CT: Yale University Press (1977), pg. 85.
50 Liu Jitong, “Zuzhixing dongyuan yu zhengzhi jingji yundong: 20 shiji 60-70 niandai Zhongguo chengshi
shequ gongzuo moshi (Organizational Mobilization and Political and Economic Campaigns: The
Community Work Model in Urban China in the 1960s and 1970s),” Beijing keji daxue xuebao (Journal of
Beijing University of Science and Technology) 2 (2005), pg. 34.
which the danwei-based governance system was unable to cope with. The residents’ committee began to receive attention from national leaders to play a role in urban governance.

After the re-promulgation of the 1954 “Organic Rules on Urban Residents’ Committees” in 1980, the Ministry of Civil Affairs had been soliciting opinions to revise this law. In 1989, the NPC passed a new “Organic Law on Urban Residents’ Committees”. The law affirms the role and status of the residents’ committee while expanding its responsibilities in the reform era. About ten years after the passage of this law, the policy of shequ jianshe (community construction) was introduced. This would ultimately lead to dramatic change in China’s urban grassroots governance, supposedly in a direction of more participation and democracy.

It is ironic that the street office and the residents’ committee were originally designed as temporary institutions that would wither away once “work unit socialism” was fully built in China. Instead, both organizations have found a new mission in reform-era China. In a reflection, a Chinese scholar writes that “50 years ago, the active promotion of the residents’ committee was based on the assumption that active mobilization of citizens would help the development and consolidation of the new regime in urban areas. After 50 years, the intentions of reforming the residents’ committee under the rubric of shequ jianshe are to readjust the state-society relationship, increase social capacity for self-governance, and promote grassroots democracy.”

52 Wang Bangzuo et al. Juweihui yu shequ zhili: chengshi shequ jumin weiyuanhui zuzhi yanjiu (The Residents’ Committee and Community Governance: An Organizational Study of the Residents’ Committee in Urban Communities), Shanghai: Shanghai renmin chubanshe (2003), pg. 46.
2.3 Laws, Functions and Responsibilities, and Organization of the Residents’ Committee

Article 3 of the 1982 Constitution of the Peoples’ Republic states that:

The residents’ committees and villagers’ committees established among urban and rural residents on the basis of their place of residence are mass organizations of self-management at the grassroots level. The chairman, vice-chairman and members of each residents’ or villagers’ committee are elected by the residents. The relationship between the residents’ and villagers’ committees and the grassroots organs of state power is prescribed by the law. The residents’ and villagers’ committees establish committees for people’s mediation, public security, public health and other matters in order to manage public affairs and social services in their areas, mediate civil disputes, help maintain public order and convey residents’ opinions and demands and make suggestions to the people’s government.\(^{53}\)

The Street Office, which plays an important role in \textit{shequ jianshe}, is the lowest level of the administrative apparatus that guides the work and development of the residents’ committee. Nonetheless, it has no legal provisions in the Constitution. Technically is not a formal level of government but rather a “field office” of the district government. The 1954 “Regulations on the Street Office” is still the only national law on the street office.

The law stipulates that the jurisdiction of a street office should be the same as the public security office at the same level. There are only three official responsibilities: to undertake the job assignments given by the municipal or district government, to guide (\textit{zhidao}) the residents’ committees’ work, and to communicate residents’ demands and opinions to the district government. Before the reform of the \textit{danwei} system, the administrative structure was designed to strengthen the \textit{danwei} and its vertical line of authority. The street office had no power over these \textit{danweis} and the government departments under its jurisdiction. But with the implementation of \textit{shequ jianshe} policy,

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there is an attempt to strengthen the powers of the street office over the *danwei* organizations under its jurisdiction, especially through the re-organization of street-level party organization (to be discussed in Chapter 6).

Apart from the constitution, the most important law is the 1989 “Organic Law on Urban Residents’ Committees” (Residents’ Committee Law hereafter). Some of the more important provisions in this law are as briefly listed below.

Article 2 states that the residents’ committee is a “self-management, self-education and self-service” mass organization. Its work is to be guided by the field office of the municipal or district government.

Article 3 contains stipulations about the six primary responsibilities of a residents’ committee (to be discussed more extensively later).

Articles 8 and 9 contain rules regarding the composition and election of the residents’ committee (to be discussed in Chapter 4).

Article 10 stipulates the status, power, and composition of the residents’ assembly, an organ in which the residents’ committee is responsible to (to be discussed in Chapter 5).

Article 15 provides the basis and procedure of formulating a “residents’ self-governance charter” (to be discussed in Chapter 5).

Article 19 states that the work units (*danweis*) within the jurisdiction of a residents’ committee (meaning the *shequ*) are not required to take part in the activities of
the residents’ committee. However, they should provide support when there is such demand.\footnote{“Zhonghua renmin gongheguo chengshi jumin weiyuanhui zuzhifa (Organic Law on the Urban Residents’ Committee),” in \textit{Zhongguo shequ jianshe nianjian 2003 (China’s Community Construction Yearbook 2003)}, Beijing: Zhongguo shehui chubanshe (2004), pg. 133-135.}

It is interesting to note here, that unlike its rural counterpart – the 1987 Villagers’ Committee Law, Residents’ Committee Law provides no legal ground of party leadership in a \textit{shequ}. In fact, the law has no mention of the party organization at all.

Apart from these three basic laws, many other laws and departmental regulations also have provisions pertaining to the residents’ committee and the street office.\footnote{Below are some of the examples: Article 12 of the Law on Physical Culture and Sports states that residents’ committees should organize exercises and other physical activities for the residents; Article 13 of the Compulsory Education Law states that residents’ committees shall assist the government in bringing school-age children and adolescents to school; Article 12 of the Law on Population and Family Planning states that residents’ committees shall conduct the family planning work in accordance to the law; Articles 43 and 44 of the Marriage Law give residents’ committees the power to intervene in family issues such as domestic violence, maltreatment and deserted family members; the 2007 Emergency Response Law effectively incorporates the street office and the residents’ committee into the emergency response and control mechanism. For a detailed discussion of the many laws that touch upon the residents’ committee, see Deng Enyuan \\& Zhao Xuechang (ed), \textit{Shequ jianshe zhengce yu fagui (Policies and Laws of Community Construction)} Beijing: Zhongguo qinggongye chubanshe (2003). According to one count, as of 1998, there are around 130 laws and regulations that contain articles on the street office and/or the residents’ committee. See Yang Hongtai, Wu Zhilihua \\& Shen Haiping (ed.) \textit{Chengshi shequ tizhi gaige yu fagui shequ jianshe yanjiu (System Reform in Urban Communities and a Study of Legal Institutional Construction)}, Shanghai: Shanghai Jiaotong daxue chubanshe (2004), pg. 35.} Provincial, city, and district governments also enact their own policies, rules and regulations regarding the street office and the residents’ committee. While the national laws provide the basis, it is these local policies and regulations that constitute the way \textit{shequ jianshe} is carried out in each locality, and it is here that we usually find some institutional innovations in \textit{shequ} governance. Many of these laws and regulations also, in effect, expand the functions and responsibilities of the residents’ committee beyond what is stated in the constitution and the Residents’ Committee Law.
2.3.1 Functions and Responsibilities of the Residents Committee

Historically, the important functions performed by the residents’ committee were mobilization, security, mediation, propaganda and welfare. As the historical introduction in the previous section has illustrated, the new regime relied on the mobilization capacity of the residents’ committees to carry out many political campaigns. Mobilizations were not always for political goals. A former member of a residents’ committee recalled that public sanitation and health campaigns were more frequent than political campaigns.\(^\text{56}\) It was a crude but effective method to accomplish the policy goals of different campaigns.\(^\text{57}\) Apart from mobilization, security and control were other primary functions of the residents’ committee.\(^\text{58}\) Each resident’ committee was responsible for forming a local security committee (with one of the members of the residents’ committee being the leader of this security committee). The main job of this security committee was to keep an eye on the neighborhood and report suspicious activities to the police. Political monitoring was also an important part of the job description.\(^\text{59}\) Jerome Cohen, an American expert on the Chinese criminal justice system, wrote that this civilian security committee was able

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\(^{56}\) Michael Frolic, *Mao’s People*, pg. 228.

\(^{57}\) A memoir by a Chinese writer told a story in which each family in a pest elimination campaign was required to present evidence of eliminated pest such as chopped-off tails to the residents’ committee. See Chen Chen and Ted King, *Come Watch the Sun Go Home*, New York: Marlowe & Company (1998), pg. 98.


\(^{59}\) A civil affairs official mentioned in an article in 1990 that after the Tiananmen crackdown, residents’ committees were the main forces to maintain political stability in neighborhoods with many college students. See Bai Yihua, “Chengshi, juweihui, lingdao (Cities, Residents’ Committees, Leadership)” *Chengshi wenti (Urban Problems)* 6 (1990), pg. 59-60. A memoir by a dissident who had participated in the Tiananmen movement mentioned that aftermath of the crackdown, “all residents’ committees and police in each city went house to house to check on the people in each family.” See Zhang Boli, *The Long Journey from Tiananmen to Freedom*, New York, NY: Washington Square Press (2002), pg. 89.
to bring surveillance “down to the level of the individual household, a task that the police alone could not perform.”\(^{60}\)

Since its formal establishment in 1954, mediation of neighborhood and family disputes had always been an important quasi-juridical function performed by the residents’ committee. A residents’ committee was responsible for forming a local mediation committee (with one of the members of the residents’ committee being the leader of this mediation committee) to oversee the mediation process. This local mediation mechanism operated by the residents’ committee had provided an effective alternative to China’s underdeveloped judiciary and contributed to the maintenance of social stability. In addition, residents’ committees were also important organizers of propaganda, ideological education, and policy promotion classes.\(^{61}\)

The traditional political functions are not as important in today’s residents’ committees as they used to be. My interviewees confirmed to me that there were very few political campaigns and propaganda activities, except for such occasions as the convening of a new national party congress. Mobilization for crisis management continues to be an important function. During the 2002-2003 SARS Crisis, residents’ committees were mobilized to control and monitor the movement of migrant workers, inspect, question, and isolate people who might have SARS symptoms, set up checkpoints, monitor the entrance to their residential compounds, propagate official information on the crisis, and


clean the neighborhood. The effectiveness of this residents’ committee-based emergency mobilization network is often cited as an important factor in China’s eventual success in containing the SARS Crisis. Political security and surveillance, although not as pervasive and invasive as they used to be, also remain to be an important job for many residents’ committees.

In addition to these activities, the welfare functions had been the raison d’être of residents committees. Even during the most turbulent Maoist years in which residents’ committees were loaded with mobilization and propaganda functions, welfare and services remained basic responsibilities of the residents' committees. In the early post-Mao era, the Chinese leadership intended to make the residents’ committee a more benign organization, strengthening its role in providing welfare and service. Articles on the residents’ committee in *Beijing Review*, the primary official magazine in English intended for foreign consumption, generally featured the residents’ committee as a “good-neighborly” organization that takes care of public welfare, handles family issues, provides employment opportunities to the jobless youth, provides services to the needy and marginalized groups such as the elderly and the handicapped, acts as a liaison between the government and residents, and even performs the role of matchmaker for singles.

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By 1989, when the new Residents’ Committee Law was written to reflect changes in China’s polity and society, six formal responsibilities were given to the residents’ committee:

(1) Publicizing the Constitution, laws, regulations and state policies, safeguarding the lawful rights and interests of residents, educating residents for the fulfillment of their statutory obligations and for the protection of public property, and conducting various forms of activities for the development of an advanced socialist culture and ideology;

(2) Handling public affairs and public welfare services of the residents in local residential areas;

(3) Mediating disputes among residents;

(4) Assisting in the maintenance of public security;

(5) Assisting the local people’s government or its agency in its work related to the interests of residents, such as public health, family planning, special care for disabled servicemen and for family members of revolutionary martyrs and servicemen, social relief, and juvenile education; and

(6) Conveying residents’ opinions and demands and making suggestions to the local people’s government or its agency.\(^{64}\)

A typical residents’ committee is more likely to undertake a staggering amount of work in addition to the formal responsibilities contained in the law. A residents’ committee member described to me that the work and responsibilities of a residents’ committee are *baoluo wanxiang* (all-embracing), covering from the most trivial matters in the neighborhood to the most important tasks such as fighting a pandemic crisis.

Numerous factors contributed to this increased amount work of the residents’ committee. First, as discussed earlier, many laws and departmental regulations conveniently include the residents’ committee in the implementation of certain policies.

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Second, many local government departments, in an effort to streamline their operations, also conveniently prefer to transfer the numerous functions and responsibilities to the residents’ committee. According to a number of Chinese press reports, typically a residents’ committee would have to undertake from 100 to 200 work items, a majority of them being tasks and responsibilities sent to them by different department and offices at higher level. Somewhat ironically, although a policy goal of shequ jianshe (community construction) is to increase their “self-governing” quality, many residents’ committees have indeed been loaded with more functions and responsibilities since the promotion of this policy (to be discussed more in a later section).

The many functions and responsibilities of the residents’ committee raise the concern that this organization is becoming less of a “self-governance” organization. In some cities reforms that are meant to alleviate the heavy workload of residents’ committees have been carried out. However, in general, most residents’ committees today still describe their work situation as “shangmian qiantiao xian, xiamian yigen zhen” (thousands of thread on top trying to squeeze in one needle hole at the bottom), vividly portraying the demanding tasks and responsibilities being loaded to them.

2.3.2 Organization of the Residents’ Committee

According to Article 7 of the Residents’ Committee Law, a residents’ committee shall have 5 to 9 members, depending on the size of the population under its jurisdiction.

66 Zhao Hongwen, “Juweihui de fudan daodi you duozhong (How Heavy is the Burden of the Residents’ Committee)?” *Zhongguo shehuibao* April 27, 2005; Zhi Xiumei, “Juweihui buneng shedouzhuang (Residents’ Committees Cannot Take Care of Everything),” *Zhongguo funubao* July 13, 2005; Qian Lan, “Yige shequ yao fuze 140 duoxiang gongzuo (A Community is Responsible for More than 140 Items of Work),” *Taizhou ribao* November 15, 2008.
67 I will elaborate further these reforms in Chapters 3 and 5 later.
The residents’ committee has one chairperson. Each member of the residents’ committee is in charge of one or two “lines of work” or “portfolios”. One (or sometimes two) of the committee members will serve as a deputy to the chairperson. The chair may or may not be in charge of one of the “lines of work”. In general, these responsibilities include security, mediation, family planning, health, culture and education, women, youth and the elderly affairs, welfare, among others. One of my interviewees describes the chairperson and the residents’ committee as the “neighborhood prime minister (xiaoxiang zongli) and his/her cabinet”.

Furthermore, Article 13 of the Residents’ Committee Law states that specialized committees (such as security committee and mediation committee, which historically had existed before the 1989 Residents’ Committee law) could be established under the leadership of the residents’ committee. Generally speaking, only security, mediation, and health committees are likely to be established. Article 15 of the law also stipulates the establishment of a number of “residents’ small groups”, informal organizations of residents based on housing blocks and buildings (to be discussed more extensively in Chapter 4), under the leadership of the residents’ committee. Figure 2.2 illustrates the general organizational structure of a residents’ committee.

2.4 *Shequ Jianshe (Community Construction) in the Reform Era: A Macro Perspective*

As mentioned before, street offices and residents’ committees were revitalized to play a larger role in urban governance after the decline of the *danwei* (work unit) system. The areas under the administration of residents’ committees became known as the *shequ* (communities). In order to understand the increasing significance of the *shequ* in the

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political system, we would have to first understand importance of the *danwei* system, as well as the historical background of this system—the “totalistic” party-state in the Maoist era.69

The *danwei* system was one of the institutions that buttressed the totalistic political structure. Other institutions included the people’s communes (*renmin gongshe*) in rural areas, the household registration system (*hukou* or *huji*) that restricted internal migration, the class identification system (*shenfen jieji zhidu*) that classified the “class backgrounds” of the citizens, the centralized job allocation and employment planning system that highly restricted social and occupational mobility, the personal dossier system that kept track of an individual misconduct throughout his or her life, the state and collective ownership of means of production that centralized the control of economic resources,70 and the extensive party networks among the people. The street office-residents’ committee system (*jiejuzhi*) in the cities itself could also be considered as a member of these totalistic institutions, although it was more a complimentary institution to the *danwei* system.

It was through these institutions that communist party-state achieved a high degree of centralized political control and penetrated into social, economic, and even family life of the people. The communist political elite believed that such totalistic control of the population was not only a necessary response to decades of wars, internal

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69 The “totalitarian” model as applied to China in recent years has been criticized by a number of western scholars as too simplistic (for example, Vivienne Shue, *The Reach of the State: Sketches of the Chinese Body Politic*, Stanford, CA: Stanford University Press [1988]), but in China increasingly many scholars use the label *quanneng zhuyi* (which could be translated into “totalitarian” or “totalistic”) to describe the political system under Mao’s rule. For example, see Guo Jiangang & Xi Xiaoqin, “Quanneng zhuyi zai zhongguo de xingqi, gaochao jiqi weilai (The Rise, Climax and Future of Totalistic Politics in China),” *Zhejiang xuekan (Zhejiang Academic Journal)* 5 (2003), pg. 157-159.

70 Zhongguo chengshi shequ dangjian yanjiu ketizu, ed., *Zhongguo chengshi shequ dangjian (Community Party Building in Urban China)* Shanghai: Shanghai renmin chubanshe (2000), pg. 84-89.
strife, chaos, famines, political instability, and economic backwardness, but also to
organized and galvanize the population to achieve socialist targets and goals.⁷¹

Notwithstanding some of the achievements made during the Mao’s era, the
totalistic system severely stifled economic initiatives, innovation and development. The
market-oriented “reform and opening up” programs in the post-Mao era thus required the
dismantlement of these totalistic institutions. The system of classifying an individual’s
class background was abolished in 1979. Practically all people’s communes were
dissolved in the 1980s. Geographic, social, and occupational mobility also dramatically
increased with the abolition of the centralized job allocation system and the easing of the
household registration rules. The danwei system has survived, but its functions have been
dramatically transformed.

2.4.1 Emergence of the Shequ: Basic Factors⁷²

The reform era thus dramatically transformed China from a totalistic party-state to
an authoritarian state. In the process shequs increasingly became more important in the
political system. In general, there are three principal factors that have contributed to the
emerging importance of the shequ: reform of the danwei system, the rise of non-danwei
population, and housing policy reforms.

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⁷¹ See Lin Shangli, Dandai Zhongguo zhengzhi xingtai yanjiu (A Study of China’s Contemporary Political Formation), Tianjin: Tianjin renmin chubanshe (2000), pg. 57-64.
2.4.1A Reform of the Danwei System

The pre-reform institution of the *danwei* is well known as the main mechanism to provide employment, collect taxes, disperse welfare resources, monitor and control the movement of its employees, certify births, deaths and marriages, and implement governmental policies. *Danwei* could be the state and collective enterprises, bureaucratic organs and agencies at different levels of government, and the state’s “service units” (*shiye danwei*) such as hospitals, universities and schools, and research centers.

The basic foundation of the *danwei* system was established in 1956 with the completion of the “socialist transformation” of urban private enterprises. At the height of its development, most residents in urban China were organized into different *danwei*, and it became the single most effective channel through which the state connected with and controlled each individual. Beginning in the 1990s, the Chinese government undertook the task of state-enterprise reforms. A more competitive market economy required the enterprises to be more efficient and market oriented. Partly in pursuit of this goal, reforms also tried to separate the government from state enterprises and service units, making them more autonomous economic and social units.

The reforms also demanded the *danweis* to relinquish, on the one hand, their welfare functions, such as housing, medical care, education, childcare, and residential administration, and on the other hand, the political functions, such as ideological education and mobilization. In doing so, the *danwei* reforms released the urban

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population from the tight control of the state, but at the same time also cut off the existing channels for allocating welfare resources. China’s “danwei society,” a unique phenomenon that characterized Chinese socialism, was disintegrating. A popular saying in China is that the urban populace is experiencing a transition from being “danwei ren” (unit persons) to “shehui ren” (social persons). Many of those relinquished functions, especially those of welfare services and administrative nature, were now to be taken up by residential units, primarily the residents’ committee. For example, pension payments by the state and unemployment insurance are now to be administered by the residents’ committees.\textsuperscript{74}

2.4.1B The Increase of Non-Danwei Population

While the above scenario points out the changing nature of danwei, the number of people not covered by a danwei had also increased significantly. This is due to the following reasons:

1) The Increase of Laid-off Workers: As a result of the reform of state-owned enterprises, “iron rice bowl” employment by danwei was no longer guaranteed to the workers. Some state-owned enterprises went beyond paring down the number of life-time jobs and became fully privatized. Since 1996, the number of workers in state-owned enterprises was reduced by 31 millions. Every year, millions of laid-off employees from state-owned enterprises were added. The residents’ committee is now tasked to take care of the management (such as birth/death certification, marriage licenses, school enrollment for

\textsuperscript{74} Kazuko Kojima and Ryosei Kokubun, “The ‘Shequ’ Construction Programme and the Chinese Communist Party,” in Bringing the Party Back In: How China is Governed, edited by Kjeld Erik Brodsgaard & Zheng Yongnian (2004), Singapore: Eastern Universities Press, pg. 218. It is important to note here the reform of the danwei system does not mean that the danweis are no longer an important institution. In many ways the reform makes them more efficient organizations. Many state and collective danweis continue to exert certain influence in the shequis in which they are stationed.
their children, enforcement of family plan, etc.) of this increasingly large group of people who no longer have connection to their danwei. The re-employment scheme increasingly has to rely on the work of the residents’ committee as well.\textsuperscript{75}

2. Rise of Non-State Enterprises: China in the reform era has witnessed the rapid development of private, joint venture, and foreign invested enterprises. These enterprises, unlike the pre-reform danwei, have no legal obligation toward the social welfare of their employees. Without an advanced governmental social welfare system in place, the social welfare of these employees falls to shequ organizations.

3. The Aging of the Population: One cumulative effect of the one-child policy over the years is the aging of the population. In 1982, the ratio of the elderly people age 60 and over to the whole population was 7.6%. In 2000 the number increased to 10.1%, which translates into 130 million senior citizens in China.\textsuperscript{76} The problem of an aging population is compounded by the adoption of a nuclear family life by many families, particularly in the cities. The result is that, in spite of controlled population growth, the number of households in China had increased substantially. When the danwei system shed its welfare responsibilities, this also meant that that the retirees among the elderly population could no longer rely on their former work units to take care of them. Community (shequ) care for the elderly population thus became one more task assigned to the shequ.

4. Rising Migrant Population: China’s urbanization process likewise picked up its pace after 1979. While the 1980s saw the income of peasants increased substantially, in the

\textsuperscript{75} Zhang Yong, “Chengshi shequ tizhi gaige xianzhuang yu sikao (The Present Situation and Thoughts on Urban Community System Reform),” \textit{Guanxi shehui kexue (Guanxi Social Sciences)} 6 (2001), pg. 102.

\textsuperscript{76} In Shanghai, in 1999 the ration of the elderly people age 60 and older to the whole city population was a staggering 18.2%, which translates into 2.3 million people. See Wang et al. \textit{Juweihui yu shequ zhili}, pg. 379.
1990s rural income lagged behind urban income. Urban jobs became a much more attractive option for the rural surplus labor. As more and more peasants have taken up undesirable jobs in the cities, China has witnessed a phenomenal “floating population” of migrant rural labor in the 100s of millions. These migrant workers in most cases are still disadvantaged by the restrictive hukou (or huji) household registration system. While the hukou system has been relaxed so as to permit greater geographical mobility, the continuation of the hukou system still ties the migrating workers to their original provinces. This means that the migrant workers encounter serious difficulties in getting the benefits and acceptance from the cities they migrated to. Their employers have even fewer incentives than does the urban government to provide assistance and benefits to the migrant labors.

Another group with higher geographical mobility is the professional and management class; many of them become expatriates sent from other cities to metropolitan areas such as Shanghai, Shenzhen, and Beijing. With the number of migrant workers and migrant professionals rapidly rising, residents’ committee becomes one of the primary organizations designated to provide assistance to and management of these people.

2.4.1C Housing Policy Reforms

Unlike in the past when housing was part of the benefits provided by the danwei, today the government encourages urbanites to purchase their own homes. As more and more residents become homeowners, their concerns of neighborhood and community issues also naturally increase (this is the major topic to be discussed in Chapter 7).
2.4.2 From Shequ Fuwu (Community Services) to Shequ Jianshe (Community Construction)

The immediate implication of the decline of the danwei system for urban governance should not be underestimated. Monitoring of crime or political subversive activities, as well as provision of welfare services, became harder. Governmental programs such as family planning, public health, re-employment, and the census would need reliable grassroots agents to implement. Large inflows of migrant labor would cause serious problems if left unmanaged. Issues of local and essentially community nature, such as neighborhood disputes, environmental concerns, or the use and management of community public goods, required an authoritative body for mediation and deliberation so these issues would not escalate into wider conflicts and overload the burden of city governments. It was clear to the both central and local officials that a new urban governance system in which state programs would be implemented and services delivered “on the basis of residence rather than work unit”\(^77\) was needed. Residents’ committee had not been expected, much less equipped, to step into a major role in base-level governance. But together with the street office, they were now being revitalized to counter the social ills and governance crisis resulting from the decline of work units. This is a two-stage process, first being the shequ fuwu (community services) policy in the 1980s and early 1990s that focused more on welfare and service provisions, and the second being the shequ jianshe (community construction) policy beginning in the late 1990s until present, a more comprehensive policy program.

\(^{77}\) Lieberthal, *Governing China*, pg. 186.
2.4.2A Shequ Fuwu (Community Services)\textsuperscript{78}

In 1983, the Ministry of Civil Affairs began to contemplate an overhaul of the welfare and service delivery system. It sought ways to diversify the channel of social service provision. Around 1986-1987, the Ministry brought forth the concept of *shequ fuwu* (community services), in which *shequ* residents were to provide for themselves mutually beneficial social services and solve their local problems. In 1993, 14 central government bodies including the Ministry of Civil Affairs, the Ministry of Finance, and the State Planning Commission issued a joint policy paper stating the nature, goals, responsibilities, and management of community services. Community services were categorized into three general types: (1) welfare services for the vulnerable groups of the society (*ruoshi qunti*, such as the elderly, the handicapped, widows, and destitute families) that were basically free-of-charge; (2) livelihood convenience services (*bianmin limin fuwu*) that were allowed to charge for the services; and (3) the management of workers’ social insurance.

Under this *shequ fuwu* policy, the residents’ committee is to become a major coordinator for different service providers or is itself a major provider for the livelihood convenience services. These services (such as grocery stores, barber shops, locksmiths, health-care consultation, and repair shops) were obviously meant to improve the quality and convenience of life for *shequ* residents, at the same time generating substantial

\textsuperscript{78} In addition to the articles cited in the following discussion, I also draw on these studies: Linda Wong and Bernard Poon, “From Serving Neighbors to Recontrolling Urban Society: The Transformation of China’s Community Policy,” *China Information* 19:3 (2005), pg. 413-442; Qingwen Xu, Jianguo Gao, Miu Chung Yan, “Community Centers in Urban China: Context, Development and Limitations,” *Journal of Community Practice* 13:3 (2005), pg. 73-90.
employment opportunities. The livelihood convenience services were also recognized in an earlier policy paper as part of the service sector in the economy, making them commercially oriented. The welfare services for the vulnerable groups would then be partly financed by profits generated from these livelihood convenience services. Small-scale private enterprises that provide these services were also encouraged to develop under the supervision of the residents’ committee.

The rationale of these policy initiatives was obvious: since the service sector in the economy was generally less developed at that time and the government was no longer willing to provide such services, it was hoped that locally self-reliant community services would be the solution. In addition, with the ability to generate their own resources, residents’ committees were expected to be less dependent on the government. They would also be able to provide job opportunities.

However, one result of the dual nature (being welfare- and commercial-oriented at the same time) of shequ fuwu was that many residents’ committees began turning their understanding of shequ fuwu into a money-making venture, neglecting the welfare part of the definition, and diverting a great deal of their energy and time from other duties and responsibilities. They were several reasons for this development. Placing the fee-charging livelihood convenient services in the category of service industry, which the government was promoting, naturally encouraged the residents’ committee to maximize profits out of

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81 Zhang Guixing, “Guanyu juweihui de diwei zuoyong he cunzai wenti (About the Status and Problems of the Residents’ Committee),” Chengshi wenti (Urban Problems) 4 (1992), pg. 65.
these commercially-oriented services. Inadequate funding on the part of the government and unwillingness to contribute to the operation of the residents’ committee on the part of the ordinary residents also meant that most residents’ committee would have to rely on their own commercial ventures to generate resources.  

Such commercialization of the shequ fuwu policy seriously undermined the policy goal of providing welfare services to the vulnerable groups. A study of community service implementation in Beijing reveals that fee-charging services had proliferated over the years, while welfare services for the vulnerable groups were “no better than before.” It could also generate tensions with between the residents’ committee and residents, since the economic interests of the residents’ committee did not necessarily coincide with the interest of the residents, to whom the residents’ committees are supposed to be accountable to.

Even if the residents committees were to devote themselves to the welfare aspect of shequ fuwu, it was clear that the issues emerging from the rapidly transforming and diversifying urban population necessitated a larger, and more fundamental, change of the methods and institutions of urban governance. Dissatisfied residents, including the unemployed, laid-off workers, and migrants, were potential recruits for organizations that the party would see as subversive. That Falun Gong, a complex urban-based quasi-religious organization, could emerge and grow to the extent that it challenged the authorities by posting a mass protest in Tiananmen Square in 1999, only heightened and confirmed the central leadership’s concerns that urban grassroots governance had to be

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83 Xu & Jones, “Community Welfare Services,” pg. 52.
84 Wang et al. Juweihui yu shequ zhili, pg. 347.
rigorously strengthened under a more comprehensive, long-term, and strategic paradigm, which is the *shequ jianshe* policy.  

### 2.4.2B Shequ Jianshe (Community Construction)

In 1991, the then Minister of Civil Affairs, Cui Naifu, began to articulate the idea of *shequ jianshe* (community construction). In 1992 the first nationwide conference on *shequ jianshe* was held in Hangzhou, Zhejiang province. In 1994, the then Chinese leader Jiang Zemin, in a speech addressed to the deputies to NPC, suggested the strengthening of base-level institutions such as the street office and the residents’ committee in urban governance, as well as the need for *shequ jianshe* (community building), making this speech one of the earliest calls by the central leadership to make *shequ jianshe* a major policy. In his report to Sixteenth Party Congress in 2002, in the passage regarding political development and restructuring, Jiang maintained that “extending democracy at the grassroots level is the groundwork for developing socialist democracy,” which includes “[improving] self-governance among urban residents and [building] new-type and well-managed [shequ] featuring civility and harmony.”

In a Central Party School forum on building a harmonious society (*hexie shehui*) in 2005, the present Chinese leader Hu Jintao pointed out that the *shequ* plays the crucial roles of bridging the relationship between the mass and the party and maintaining social stability.

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85 The connection between the challenges of Falungong and *shequ jianshe* is acknowledged in a number of Chinese publications. For example, see Chen & Dai, *Shequ jianshe lilun yu shijian tansuo*, pg. 3. A Chinese expert on grassroots democracy also noted that the Falun Gong movement was the immediate factor of the *shequ jianshe* policy. See Li Fan, “Zhongguo dalu chengshi shequ jiceng minzhu fazhan beijing (The Background of the Development of Community Grassroots Democracy in China’s Cities)” in *Zhongguo dalu chengshi jiceng minzhu yanjiu (A Study of Urban Grassroots Democracy in Mainland China)*, edited by Chu Shin-Min, Taipei: Yuanjing jijinhui (2004), pg. 29-30.  
86 “Jiang Zemin tongzhi zai bajie quanguo renda sici huiyi shang de jianghua(jiexuan)”, in *Zhongguo shequ jianshe nianjian 2003*, pg. 7.  
87 Appendix 1 in Lieberthal, *Governing China*, pg. 370.
stability. In a speech at the same forum, the then director of the party’s Organization Department Zeng Qinghong also said, “shequ is the cell of society, and constructing harmonious shequ is the basis of building a harmonious society.” In the same speech, he also emphasized social stability, service to the people, residents’ self-governance, cultural advancement and the leadership of the party as the crucial elements of making the shequ a harmonious living community for different social groups.\(^\text{88}\)

In July 1998, during a restructuring of the State Council, the Bureau of Base-Level Government of the Ministry of Civil Affairs was renamed the Bureau of Base-Level Government and Community Construction (jiceng zhengquan yu shehui jianshe si), underscoring the increasing significance of shequ jianshe. In 1999, the Ministry issued the policy document “On the Setting up of Experimental Sites of Shequ Construction Nationwide.” It first selected 11 urban districts (qu), later adding another 15 districts from 21 cities as the experimental sites of shequ jianshe.\(^\text{89}\) As experimental sites, these district and city governments were given greater autonomy to initiate reforms “without explicit authorization from the central government.”\(^\text{90}\) This document explicitly states that the experimental sites should embrace greater democracy and residents’ self-governance. It also maintains that the residents’ committees should continue to be the

\(^{88}\) Quoted in Zhang Baofeng, Xiandai chengshi shequ zhi jiegou yanjiu (A Study in the Governance Structure of Modern Urban Communities), Beijing: Zhongguo shehui chubanshe (2006), pg. 4.

\(^{89}\) These cities are: Beijing, Shanghai, Chongqing, Nanjing, Hangzhou, Qingdao, Shijiazhuang, Haikou, Shenyang, Tianjin, Hefei, Harbin, Benxi, Xi’an, Wuhan, Jinan, Foshan, Shenzhen, Kelamayi, Luohe, Xiamen, Changchun.

\(^{90}\) James Derleth and Daniel R. Koldyk, “The Shequ Experiment: Grassroots Political Reform in Urban China,” Journal of Contemporary China, 13:41 (2004), pg. 751. The authors of this article erred in stating that the selected sites were shequets. In fact, these sites are districts. It has to come from the district government to initiate shequ jianshe, not shequ, which is not a level of government.
principal self-governance body in whatever reforms that might be undertaken by the experimental sites.\textsuperscript{91}

Before these actions taken by central government, in the mid 1990s some cities, such as Qingdao, Shanghai, and Shenyang, had already been experimenting with different ways to restructure and reform their grassroots governance system. Encouragement and endorsements from the Ministry of Civil Affairs meant the central government not only approved the work of these cities but also shared their assessment that grassroots governance in urban China needed an overhaul. With the central government’s support, more cities took up the task to reconstitute their grassroots urban governance system. The institutional innovations and experiences of the more successful cities and districts come to be known as different models of *shequ jianshe*. Appendix 2.1 presents a brief discussion of some of these models.

After examining the characteristics, strengths and weaknesses of these models and their experiences, the Ministry of Civil Affairs in 2000 issued the “Opinion of the Ministry of Civil Affairs on Promoting *Shequ jianshe* Nationwide.” I should note here that this policy document, while undoubtedly the most important document on *shequ jianshe* coming from the central government, is not a law.

This document defines the nature, goals, basic principles and contents of *shequ jianshe*. It is meant to provide certain standardizations and serve as guidance. In this document the Ministry of Civil Affairs agrees to the policy of consolidating the existing residents’ committee into a larger residents’ committee, and defines the boundary of

\textsuperscript{91} Deng Quanguo, *Zhongguo chengshi shequ jumin zizhi* (Community Residents’ Self-governance in Urban China), Shenyang: Liaoning renmin chubanshe (2004), pg. 46.
shequ as the jurisdiction of this enlarged residents’ committee. This new residents’ committee should then be renamed as the shequ residents’ committee. In the rest of this dissertation I will refer to this institution as the shequ residents’ committee or the residents’ committee interchangeably, with the understanding that these are all residents’ committees that have been consolidated under this policy.

Shequ jianshe is defined as “under the guidance of the party and government, a [community construction] process in which the strengths and resources of the shequ would be relied upon and utilized to strengthen shequ functions, solve shequ problems, promote the political, economic, cultural, environmental, and healthy development of the shequ, and increase the quality of life for shequ residents.” The document also lays out the five basic principles in which the different local shequ reform projects should adhere to:

(1) people-based (yiren weiben) and serving the residents as the core ideas;

(2) sharing of resources between different shequ organizations, and between shequ organizations and danwei organizations stationed in shequs;

(3) restructuring of the shequ management system to make it more efficient, orderly, and has the legal authority to accommodate its increased responsibilities;

(4) expanding shequ democracy and residents’ self-governance; and

92 The demarcation of shequ is not without disagreements. Shanghai and Qingdao continue to defy the Ministry of Civil Affairs and defines shequ at both the street office level at the residents’ committee level. Some scholars also voice their support for Shanghai’s method. See Wei Kenan, “Lun shequ zizhi (On Community Self-Governance),” Sichuan daxue xuebao (Journal of Sichuan University) 5 (2003), pg. 50. A minority view also argues that shequ should be even smaller than the pre-reform Residents’ Committee. See Xu Chongde (ed.) Chengshi zhengzhi xue (Urban Politics), Beijing: Guangming ribao chubanshe (1988), pg. 256.

93 In 2000 there were a total of 108424 residents’ committees, and by 2003 this number went down to 77431, because of the consolidation policy. See 2006 Zhongguo shehui tongji nianjian (2006 China Social Statistical Yearbook), Beijing: Zhongguo tongji chubanshe (2006), pg. 291.
(5) allowing for local variety and being flexible and pragmatic in designing a
shequ jianshe policy.

Shequ fuwu (community services) is retained as a key component of shequ
jianshe, but the contents of shequ jianshe are now expanded to include environment
(cleanliness, expansion and maintenance of “green” areas, etc.), health administration
(prevention measures, health and sanitary inspections, family planning, etc.), public
security (legal education and community correction, management of migrant population,
ensuring social stability, etc.), cultural development (“spiritual civilization” building,
ideological-political work, exercises, science education, etc.), grassroots democracy,
party-building, and any other contents that are deemed to be relevant. The policy
document also recommends that shequ jianshe be incorporated into national, provincial,
and local economic and social development plans. 94

It is clear that from shequ fuwu to shequ jianshe, the major driving force comes
from both the central and local (especially the city level) authorities. With the decline of
the danwei system, they are justified to be worried about the negative effects, not just in
terms of service delivery failures, but wider social disintegration and alienation as well.
The developing market cannot pretend to be an integrative force when it is actually
creating more inequality and marginalizing vulnerable groups in the society. Shequ
jianshe was proposed to be the solution that can reshape and re-integrate the society. 95

2.4.2C Comprehending Shequ Jianshe

94 “Minzhengbu guanyu zai quanguo tuijing chengshi shequ jianshe de yijian (Opinion of the Ministry of
Civil Affairs on Promoting Community Construction Nationwide” in Zhongguo shequ jianshe nianjian
95 Wang Bangzuo et al. Juweihui yu shequ zhili: chengshi shequ jumin weiyuanhui zushi yanjiu (Residents’
Committee and Community Governance: An Organizational Study of the Residents’ Committee in Urban
Communities), Shanghai: Shanghai renmin chubanshe (2003), pg. 271, 306.
A Chinese scholar argues that from the perspectives of both the central and local authorities, there are three different expectations or conceptualizations of what shequ jianshe essentially imply: (1) replacement of danwei; (2) social foundation of party rule; (3) a partner of the state.  

Replacement of Danwei

The first conceptualization is to treat the shequ as spatial units of governance. The shequ is designed to replace the danwei as a new platform for policy implementation, services delivery, and control and management. In this sense, it is no different from the danwei: both are parts of a huge state machinery of social management. Under this conceptualization, the shequs should be built in a way that minimizes variety and promotes homogenization and standardization.

Social Foundation of Party Rule

The second conceptualization is to regard the shequ as the social foundation of the ruling party. With the demise of the danwei, the party finds itself losing its grassroots connection and penetration. The shequ jianshe policy highlights the critical task of re-energizing and bolstering shequ party building. Through this policy the party will become more active and invigorated at the grassroots level to re-affirm its leadership, to recruit the grassroots elite, to re-organize base-level party organizations, and therefore to prevent politically challenging forces from emerging (more discussion on this theme in Chapter 6).

A Partner of the State

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The third conceptualization envisions the *shequ* as an eventually well-developed community that can partner with the state in present era of great social transformation in the cities. Unlike in the past, the Chinese government today recognizes the role of autonomous social forces. A mature, autonomous, trustful, and cooperative society reduces the costs and burdens of governance, diffuses grievances, and most importantly, provides the scope and space for a modernizing state to engage in its efforts of transforming and rebuilding its functions and institutions. Under this conception, the *shequ* is the basis of not just modernization but of a civil society (to be discussed more in Chapter 7).

In addition to these three conceptualizations, I would say that there is a fourth conceptualization: *A Testing and Training Ground for National Democratization*. As such, the *shequ* can also be conceptualized as the testing and training ground and the base-level foundation of national democratic politics. In the 2000 Ministry of Civil Affairs policy document, speeches by China’s leaders, government and party’s reports, and a government white paper on democracy, the *shequ* is consistently designated as part of China’s grassroots democracy, which in turn is a component of the official socialist democracy with Chinese characteristics. Under this conception, the institutional innovations to democratize the *shequ* could offer valuable lessons of how democratization might (or might not) be done on a larger scale. This, of course, is the overall theme of this dissertation.

All these conceptualizations translate into concrete tasks and responsibilities to be fulfilled by the *shequ*. They also contribute to both its increasing significance and problems. Different levels or departments of the government might be visualizing the
shequ with a particular conceptual emphasis. For example, promoting democracy and elections usually receives greater support from higher levels of government (typically the forerunners in, and designers of, shequ democratization are district governments, such as Haishu district in Ningbo, Luwan district in Shanghai, Yantian district in Shenzhen) rather than from local cadres, especially the street office officials. The party and public security officials might be more enthusiastic in emphasizing the security aspect of shequ jianshe, while other departments have their own focus in mind. Since the shequ jianshe policy is such a comprehensive program, the shequis are now made responsible for so many tasks that some scholars are worried that the emphasis on autonomy and self-governance might be weakened considerably.

A Chinese scholar speaks of the two contradictory trends or orientations emerging from the experiences of various shequ jianshe programs in the country: (1) an administrative steering or guidance orientation (xingzheng daoxiang), in which the government plays a larger and stronger role, with weak autonomous development of shequ organizations; and (2) self-governing orientation (zizhi daoxiang), in which the government devolves more power to increasingly autonomous and democratic shequ organizations. He argues that shequ jianshe should be kept on the track of making the shequis more autonomous and democratic. The following chapters thus investigate the issues and achievements of shequ democracy and self-governance.

2.5 The State of Shequ Jianshe (Community Construction)

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As of 2005, the total number of residents’ committees in China was 79,947, an increase of 2.65% from 2004. With the policy of consolidating smaller residents’ committees into a shequ residents’ committee, the number of residents’ committee should gradually become smaller. The reason that the number is growing points to the trend of urbanization, and the conversion of villagers’ committees into residents’ committees. Thus, while the number of residents’ committees was increasing, from 2004 to 2005, the number of villagers’ committees decreased by 2.34%. A majority of these consolidated residents’ committees contain 1000 to 3000 households.

According to a report prepared by Zhan Chengfu, the head of the Bureau of Base-Level Governance and Community Construction of the Ministry of Civil Affairs, as of 2005, 99% of shequs have a residents’ committee, 93% have a party organization, and 89% establish a residents’ representative’ assembly. Traditional mass organizations also have their local branches established in shequ, among which are the communist youth leagues (69%), trade unions (57%), committees on the elderly (72%) and the disabled (68%), and women’s groups (78%).

The total number of the members of residents’ committees in 2005 was 453,543, of which more than half of them (240,890) were women. This was in accordance with the historical pattern of women playing a larger role in the residents’ committee, especially in comparison to villagers’ committees. However, today residents’ committee members are generally younger as well. While the retirees were a major source of residents’ committee members in the past, today many of them are in the age category of 31-50.

Many shequs did appear to be on the right track of building up the infrastructure for community services, culture, education, public safety, social security, and welfare and
health provision. In general 80-90% of the shequis have community service centers, public security offices and health inspection stations, and 60-70% of them have library and other recreational public facilities. More than 20 million destitute families are covered by the social safety net provided through shegu residents’ committees. In terms of building up grassroots democracy, in 2004 and 2005, the numbers of residents’ committees that organized elections were 43053 and 29689 respectively, covering about 90% of all the residents’ committees. Of course these elections are not necessarily up to the standards of democracy (to be discussed in Chapter 4), but compared to the past when most residents’ committee members were simply appointed, this also represented an improvement.

Conclusion

In this chapter, I explain the differences between the concepts of shequ and community. In China, the term shequ has a policy dimension. It is officially demarcated with officially supported (self-) governing institutions. The main body, the residents’ committee, has a long history dating back to the early years of the Peoples’ Republic. Nevertheless, the residents’ committee was marginalized in the years of Maoist years of central planning as the work units were the more important organizations in the urban social, economic and political life. It was revitalized after the gradual destruction of “work unit socialism” in the reform era. The government introduced the shequ jianshe (community construction) policy in the late 1990s as the main urban governance system.

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This chapter also discusses the relevant laws and documents on the residents’
committee, its official functions, and its organizational structure. The residents’
committee handles many works in addition to the responsibilities, and remains an
important organization for policy implementation, popular mobilization and political
surveillance. With strong government involvement, there are some doubts among some
scholars and observers whether the shequ jianshe policy will be able to achieve the stated
goals of democratic self-governance. Nevertheless, the government remains officially
committed to the democratic self-governance of shequ.
Figure 2.1 Administrative Structure in China

1. Central Level

2. Province Level

3. Prefecture Level (Municipal/City Government)

4. County Level
   - Urban Areas
   - Rural Areas
   - District Government
   - County Government

5. Town Level
   - Street Office
   - Town/Township Government

6. Self-Governance Level (Shequ)
   - Residents’ Committee
   - Villagers’ Committee

Notes:
The Street Office is technically not a level of government (yiji zhengquan), but a field office or dispatch agency of the district government (quzhengfu de paichu jiguan), sometimes also referred to as a subdistrict government. Town or township government in the rural areas is a level of government. The difference is that as a level of government, the township has a township level people’s congress and has more decision making powers.
At the self-governance level, both the residents’ committee and villagers’ committee are technically not part of the state structure.
Shequ residents’ committee is the consolidated body of several original, smaller residents’ committees.
Underneath the self-governance level, there are residents’ small groups, homeowners’ committees, and villagers’ small groups.
Figure 2.2 General Organizational Structure of the Residents' Committee

Notes:
1. A residents’ committee chair could also assume one of the portfolios.
2. One of the committee members could also be a vice-chairperson of the residents’ committee.
3. A committee member could be in charge of more than one portfolios.
Chapter 3 The Background of Shequ Democratization

As pointed out in the previous chapter, the Ministry of Civil Affairs 2000 policy document affirms shequ democracy and residents’ self-governance as one of the principles of the shequ jianshe (community construction) policy. A further elaboration of this principle contains the following passage:

Shequ should be delineated scientifically and reasonably based on factors such as locality and common identity. Democratic elections, democratic decision-making, democratic management and democratic supervision should be implemented in the shequ, and steps should be taken to realize shequ residents’ self-management, self-education, self-service, and self-supervision.  

In 2005 the State Council issued a White Paper “Building of Political Democracy in China”, which spells out the strategy of political reform and democratization preferred by the party leadership. Chapter 6 of this White Paper is devoted to “grassroots democracy,” which states that

China has now established a grassroots democratic self-government system, which mainly includes the rural villagers’ committee, urban neighborhood committee and the conference of workers and staff in enterprises. In these grassroots mass organizations of self-government in urban and rural areas, the Chinese people directly exercise their legal rights of democratic election, democratic decision-making, democratic management and democratic supervision, so that they can manage the public affairs and welfare undertakings of their grassroots organizations and [shequis] by themselves. This has become the most direct and broadest practice of democracy in China today.

Election, decision-making, management and supervision thus are the four principal elements in the official discourse of democracy. The latter three elements are meant to make public administration and governance more democratic, rule-based, and transparent. Following these two documents, we could make the argument that there are three aspects of shequ democratization: (1) election, (2) democratic governance (the other three elements in the official discourse), and (3) shequ self-governance.

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Election and democratic governance will be discussed in Chapters 4 and 5 respectively, while I will discuss the third aspect (self-governance) in the first section of this chapter. In the rest of this chapter I will also discuss the theoretical causes of official promotion of shequ democratization, and then briefly compare the advantages and disadvantages of urban shequ democratic development and village democracy in China.

3.1 Shequ Democracy and Shequ Self-Governance

Some Chinese scholars argue that the idea of residents’ self-governance under a socialist political system can be traced back to Marx’s writings on the Paris Commune,\(^\text{101}\) in which he wrote “[once the] communal regime[s] were established in Paris and secondary centers, the old centralized government would…have to give way to the self-government of the producers.”\(^\text{102}\) But the influence of the ideas of Peng Zhen, the party leader in charge of legal work in much of his public career, on the development of grassroots self-governance and democracy, was probably more profound than Marx. In a 1987 speech, he answered the theoretical question “How can a billion people exercise democracy and become their own masters?” by saying that

one way is to exercise the power of the state through the people’s congresses at various levels, and the other way is to exercise mass self-governance at the grassroots level, [and] let the people to take care of their own matters...Without mass self-governance, without grassroots direct democracy, villagers and residents cannot take care of their own public affairs. Our socialist democracy still lacks a solid and comprehensive mass base. As for the ability to govern themselves, through practices the people’s governing skills can be trained and enhanced.\(^\text{103}\)

Here Peng Zhen in fact laid out the foundation of the concept of two “spheres of democracy”: (1) the “state” form of democracy embodied by the various levels of the people’s congresses, which are the constitutionally recognized as the supreme power


organs of the state (not party); and (2) the “social” sphere of democracy, which is the system of grassroots mass self-governance (in both rural and urban areas), with the “masses taking care of their own affairs”. This is recognized and promoted as a form of socialist democratic practice, embodied particularly in the institutions of residents’ committees, villagers’ committees, and conferences of workers’ representatives in work units.

Shequ democracy is thus inseparable from having an autonomous sphere of shequ self-governance. In short, shequ democracy will be essentially meaningless if the self-governing institutions (shequ residents’ committees) are still nothing more than the grassroots agents of, and controlled by, the government. Strengthening of shequ self-governance therefore means a reform of the relationship between the street office and the residents’ committee.

3.1.2 The Relationship between the Street Office and the Residents’ Committee

In the previous chapter it was noted that both the constitution and the 1989 Residents’ Committee Law designate the residents’ committee as a self-governance organization, and that the only national law for the street office, the 1954 “Organic Rules on the Street Office”, specifies a limited amount of responsibilities. However, as the most immediate government body that interacts with resident’ committees, the street office has in fact always been, according to a Chinese scholar, “the central nexus of political power in urban shequs; it fundamentally determines shequ socio-political life.”

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A typical street office covers around 60,000 people and generally contains more than 100 staff\textsuperscript{105}, overseeing 3 to 10 residents’ committees. In a recent study carried out in Shanghai, the researchers concluded that under the existing administrative arrangement, street offices have almost complete control over residents’ committees, including appointments, dismissal, performance evaluation, and duties of the members of residents’ committees, effectively turning them into “pseudo-administrative cadres.” The residents’ committee, instead of being a “mass self-governance organization”, in fact functions more like the executor of “administrative and management functions at the urban grassroots level.” “From the street office’s point of view, residents’ committees are their tentacles reaching out to the grass-roots.”\textsuperscript{106} Another study likewise concludes that we see strong domination by the street office not only in personnel matters, but also in other areas such as daily decision making, resources and spending, and the process of drafting the self-governance charter.\textsuperscript{107} Several other empirical and theoretical studies also confirm the patterns of a general lack of genuine autonomy of shequ residents’ committees and of a strong tendency to interfere from street offices.\textsuperscript{108}

Such criticism of strong control over the residents’ committee is not limited to academic writings. In 2000, a report of an inspection team of the Standing Committee of


\textsuperscript{107} Shi Fayong, “Chengshi shequ minzhu jianshe yu zhidu xingyue: Shanghaishi juweihui gaige ge’an yanjiu (Democratic Construction in Urban Communities and Institutional Constraints: A Case Study of Residents’ Committee Reform in Shanghai),” \textit{Shehui (Society)} 2 (2005), pg. 62-65.

the National Peoples’ Congress on the implementation of the residents’ committee law points out that one of the problems in the implementation of the law was that some street offices have effectively turned residents’ committees into their own “dispatched agencies.” The residents’ committees complained of having no power in decision-making, personnel and financial matters. The team regarded this practice as violating the spirit of the residents’ committee law and urged the street offices to respect the self-governance status of the residents’ committees.\textsuperscript{109} Lacking essential autonomy, many residents’ committees exhibit a strong tendency to behave more like a bureaucratic, governmental organization, rather then the “mass self-governance” community organization they are supposed to be.\textsuperscript{110}

There are a number of factors that have contributed to the pattern of strong street offices and weak residents’ committees. These include the socialist bureaucratic tradition and tendency of “administrative totalism”, a weak economic base (notwithstanding the operation of some commercial-oriented shequ fuwu [community services]) of the residents’ committee, the inadequacies in the 1989 Residents’ Committee Law, and the lack of community identity and spirit among shequ residents.\textsuperscript{111}

\textsuperscript{109}“Quanguo renda changweihui zhifa jianchazhu guanyu jianche “Zhonghua renmin gongheguo chengshi jumin weiyuanhui zuzhifa”shishi qingkuang de baogao (A Report on the Implementation of the “Organic Law on Urban Residents’ Committee” by the Law Implementation Inspection Team of the Standing Committee of the National People’s Congress)” in Jiujie quanguo renda changweihui zhifa jiancha baogao huibian (Compilation of Reports of Law Implementation Inspection by the Standing Committee of the National People’s Congress), Beijing: Zhongguo minzhu yu fazhi chubanshe (2003), pg. 632. This report was based research during field trips by the inspection team to eight provinces.

\textsuperscript{110}Pan Xiaojuan, “Shequ xingzhenhua wenti tanjiu (An Inquiry into the Problem of Governmentalization of Community),” Guojia xingzheng xueyuan xuebao (Journal of the National Institute of Administration) 3 (2007), pg. 33-35.

\textsuperscript{111}Zhang Guoxiang, “Shequ zizhi yu shehui kongzhi (Community self-governance and social control)” Shehui zhiyi yanjiu (Socialism Studies) 6 (2007), pg. 97. See also Wang Bangzuo et al. Juweihui yu shequ zhibi: chengshi shequ jumin weiyuanhui zuzhi yanjiu (The Residents’ Committee and Community Governance: An Organizational Study of the Residents’ Committee in Urban Communities), Shanghai: Shanghai renmin chubanshe (2003), pg. 209-211; Yuan Dayi, “Jumin zizhi yu jieju guanxi de yanjin (Residents’ Self-Governance and the Evolution of Street Office-Residents’ Committee Relations)” Fazhi lunchong (Rule of Law Forum) 20:5 (2005), pg. 15.
But perhaps the most important factor is the unwillingness of the street office to grant a more autonomous space to the residents’ committee, because of its fear that this would lead to the decline of the urban management authority and ability of the street office.\footnote{Yang Hui, Zhang Genfu, “Lun chengshi jiceng zhengquan yu jumin zizhi de youji xianjie (On Organically Connecting the Urban Base-Level Government and Residents’ Self-Governance)” Zhejiang shifan daxue xuebao (Journal of Zhejiang Normal University) 3 (2003), pg. 11. In Chapter 4 I will discuss various ways in which the street office could exercise control in the electoral process of the residents’ committee.} As noted in Chapter 2, there are two contradictory trends that have emerged from the various practices of *shequ jianshe*: the administrative steering orientation (*xingzhenghua*, denoting stronger governmental role and presence) and the self-governance orientation (*zizihua*). Generally speaking, the administrative steering orientation appears to be the more widespread trend. Despite its professed goal of achieving *shequ* democracy and *shequ* self-governance, *shequ jianshe* could actually strengthen the tendency for the government to exert stronger control over the residents’ committee, at least for a time period after immediate implementation. Given its strong social engineering character, the policy of *shequ jianshe* requires city governments invest considerable resources to create and sustain *shequ* so that they have the capability of taking care of their own environment, healthcare, community services, cultural activities, and democratic governance. Such heavy investment in resources also naturally comes with a stronger urge to control.

Therefore, in order to increase the space for self-governance, it is necessary for the street office to be less controlling and interfering, but not to the point of total irrelevance; the question is how to achieve a balance between societal autonomy and official control.
A civil affairs official in Sichuan province argued that the contents of shequ self-governance should include self-governance in “social affairs” such as personnel administration of the residents’ committee, financial resources, property of the residents’ committee, cultural and educational activities, and operation of shequ fuwu, as well as in areas of work that are generally considered “governmental affairs”, such as public security, family planning, and hygiene and sanitary administration. Most Chinese scholars and officials, however, argued that in order for shequ self-governance to be meaningful, a clear differentiation of the governmental/administrative affairs (zhengfu shiwu) and social affairs (shehui shiwu) is necessary. The shequ residents’ committee would then be in charge of the social affairs; while governmental affairs would be undertaken by professional community workers hired and monitored by the street office or by the specialized officers sent to the shequs by the district government departments.

Nevertheless, until today, there is still no consensus or standardization of the exact content of shequ self-governance. Different cities have implemented different policies in this regard. For example, in the city of Changsha, shequs are nominally guaranteed several rights, including the free election of its own members of the residents’ committee, control of its own finance and resources, autonomous decision-making, self-supervision and self-management. In Hangzhou, there are eight formal rights being promised to shequs, including the right to refuse unreasonable or illegal request for work

113 Xu Kaiming, “Shequ zizhi de jiben neirong (Basic Contents of Community Self-Governance)” Shequ (Community) 3 (2003), pg. 22.
and fees imposed by the street office.\textsuperscript{115} Despite the fact that most residents’ committees are still obliged to assist the street office in the areas of work that are considered governmental affairs, the formulation of a set of formal rights of shequ self-governance has increasingly become prevalent across China’s cities. This is an encouraging step toward realizing the goal of shequ self-governance.\textsuperscript{116}

### 3.2 Why Shequ Democracy?

As with any other major nationwide policy initiatives, it would not be possible to speak of shequ democracy without the backing, or at least the tacit approval, from the central party-state leadership. 2000 seems to be year in which the central leaders took some actions. In that year, in addition to the issuance of the Ministry of Civil Affairs document on shequ jianshe, the “Proposal of Formulating the 10th Five-Year Plan (2001-2005) for National Economic and Social Development,” the party’s major document on development planning, also for the first time recognized the promotion of shequ democracy as a major policy goal of the party.\textsuperscript{117} This documents calls for the strengthening of the construction of base-level government and grassroots mass self-government, the expansion of “orderly citizens’ political participation” (youxu gongmin canyu), and the guiding of the people to take care of their own affairs based on the rule of law.\textsuperscript{118} Thus, beginning in 2000, the promotion of shequ democracy had established itself in the nation’s policy agenda.

\textsuperscript{115} Lu Jimin, “Youle shequ zizhuquan, dangjia jiuneng zuozhu le (With Self-Governance Right, Residents can Become True Masters of Their Own)” Shequ (Community) 12 (2001), pg. 19-20.


\textsuperscript{117} Li Lianyong, “Shequ minzhu heyi keneng (How Community Democracy is Possible)” Zhonggong Zhejiang shengwei dangxiao xuebao (Journal Zhejiang Provincial Party School) 6 (2003), pg. 94.

\textsuperscript{118} “Zhonggong zhongyang guanyu zhiding guomin jihua he shehui fazhan de dishige wunian jihua de jianyi (Suggestions by the Central Committee of the CCP in Formulating the Tenth Five-Year Plan on National Economy and Social Development) Renmin ribao October 19, 2000.
But this does not mean that the central leadership suddenly came to appreciate the intrinsic value of democracy. A number of factors are crucial in the central government’s decision to allow more democratic experiments in grassroots urban areas. There are: (1) the social-economic changes in the cities, (2) government’s considerations, and (3) the impact of village democracy.

3.2.1 Social-Economic Changes in the Cities

In Chapter 2, I discussed the pre-dominance of work units (danwei) in urban areas in Mao’s era and the early years of the reform era. Residents’ committees were only revitalized after economic reforms reached the cities in the mid-1990s, causing state-owned enterprises and other work units to undergo drastic transformations. The possibility of shequ democracy and self-governance can be understood only in this same context: the forces of socio-economic changes constituted the first push factor for grassroots self-governance. The dismantlement of the totalistic institutions, the reform of danweis, and economic liberalization freed up and expanded the social sphere for citizens to pursue individual interests and identities. Civil society growth was possible when individuals were released from the all-embracing functions of the danwei. The general political implications of this were the increasing demand for more political participation and the awareness of citizens’ rights.\textsuperscript{119} Urban grassroots self-governance thus offers a channel to meet this demand.

In addition, for retirees and laid-off workers, shequ\textsuperscript{s} have become increasingly more important to their daily life and interests than their former danweis. As a former

hospital doctor noted in respect a recent residents’ committee election. “Shequ residents’ committees are the bridge in which the party and government connect with the residents. We the retirees now have less connection to our *danweis*, and spend more time in the *shequ*. It could be said that we have become ‘social people’ from ‘*danwei* people’. We are really serious about this election. Only when we elect good people who take a good care of our *shequ*, can we then be at ease!”\(^{120}\)

3.2.2 Government’s Considerations: Stability and Legitimacy

From the government perspective, by encouraging self-governance at the grassroots level for local affairs unrelated to larger national concerns, the political leadership hopes to unload some burdens and to create a buffer between the state and citizenry. In truth, however, local affairs can have a profound effect on urban stability, and urban stability also partly depends on harmony in the *shequ*. As socio-economic reforms deepen in the cities, *shequ* have increasingly become the sites of various types of conflicts (between local dwellers and migrant workers, rich and poor, property management companies and homeowners, developers and homeowners).\(^{121}\) The 1989 Tiananmen crisis and the 1999 Falun Gong crisis, the two challenges to the party-state rising from urban discontents, prompted the party to use (some) democracy in *shequ* to better deal with some local issues and affairs. In short, *shequ* democratic development is believed by the political leadership to be a force for social stability; it alleviates the negative effects of social disintegration in the economically volatile environment by

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\(^{120}\) Gao Xiushu, “Renxin shi hanping: Anhuisheng shouci shequ juweihui huanjie zhixue ceji (The heart is the measurer: Notes to the first direct election of residents’ committee in Anhui province)” *Zhongguo shehuibao* November 2, 2002.

\(^{121}\) Liu Feng & Chang Jun, “Lun shehui zhuangxingqi shequ renmin neibu maodun de chansheng yuyanin he tedian (On the Characteristics and Reasons of Peoples’ Conflicts in Communities during the Social Transitional Period)” *Shanghai shehui kexueyuan xueshu jikan* (Quarterly Journal of the Shanghai Academy of Social Sciences) 3 (2000), pg. 57-64.
offering channels of social mobilization and integration through the self-governing institution of residents’ committees.\(^\text{122}\) Shequ democratic building is therefore consistent with the goal of constructing a “harmonious society” by the present leadership. It provides a good platform for orderly political participation and for articulating and protecting residents’ interests while not threatening political status quo and social stability.

Another calculated benefit is the increase of legitimacy for the party-state. The party was anxious to rebuild a closer link to the urban population after the loss of some legitimacy associated with Tiananmen suppression.\(^\text{123}\) The purpose of introducing shequ self-governance and democracy, therefore “was not to introduce forces capable of opposing the authorities, but to transform and limit governmental functions…With the government supportive of shequ self-governance and democracy and playing a less meddling role in shequ affairs, the government enjoys higher support and reputation, and the interaction between the government and the [shequs] will turn out to be much more positive.”\(^\text{124}\) The increasingly supportive attitude toward shequ direct elections by the central leadership also points to the instrumental value of creating “trust and legitimacy” for the regime.\(^\text{125}\)

The experience of gaining legitimacy and consolidation of the party’s rule through democracy in the countryside (discussed below) also strengthens the leadership’s confidence in grassroots democracy’s ability to generate similar support and legitimacy

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\(^\text{122}\) Wang et al. *Juweihui yu shequ zhili*, pg. 44.  
\(^\text{124}\) Li Lianyong, “Shequ minzhu heyi keneng”, pg. 95.  
to the regime and the party in the cities. The central leadership also expects an improvement of cadre-mass relationship, stronger accountability and transparency, and an increase of residents’ participations in shequ affairs through shequ democratic development. If bad and incompetent officials can be rooted out, and instead competent, clean and loyal (at least non-confrontational toward the regime) people are elected into the residents’ committees and other institutions of governance, the legitimacy of the regime and the party will be strongly enhanced.

3.2.3 The Impact of Village Democracy

Finally, perhaps the most important factor contributing to the development of urban shequ democracy is the diffusion impact of village democracy. In late 1980s and early 1990s, in response to the authority vacuum resulting from the dissolution of the people’s communes in the countryside, the central government encouraged the election of villagers’ committees.

The diffusion impact of village democracy that began more than 20 years ago has been both vertical and lateral. Vertically, the impact of village democracy has led to the election of officials at a higher level, particularly the town and township level (xiangzheng), which is the logical step to further extend village democracy and to complete political reforms in the rural areas.\(^\text{126}\) Laterally, village democracy also diffuses to the urban shequs. This diffusion is sometimes popularly referred to as the third

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\(^{126}\) Fearing a possible drastic consequence, the authorities have prevented this vertical diffusion of democracy, barring a few towns/townships that were bold enough to undertake democratic elections to their mayors. Since town/township level constitute a formal level of state administration, elections of town/township mayor has a legal and political consequence of altering the existing authority structure of the state, and the authorities have been far more cautious and conservative in this regard.
“encirclement of cities by villages” （nongcun baowei chengshi）.

Although far from being an unqualified success, villager democratization may have opened “a window of opportunity for the party to gain new legitimacy and political leeway for solving the many problems that rural China faces, thereby securing its political survival.”

Despite having a different dynamic in place, urban shequ democracy may have similar stabilizing and legitimizing effects.

From the perspective of the law too, both the villages’ committee and the urban residents’ committee are essentially organizations with the same “self-governance” nature under the constitution. There is no particular legal reason why members of the residents’ committee should not be subject to popular vote, just as members of the villagers’ committee are. If the regime is sincere in promoting more rule of law, as it often proclaims, then giving the same voting right to the urbanites as it did to the villagers is also on the path of following the true spirit of the constitution and the residents’ committee law.

3.3 Village Democracy and Shequ Democracy: A Brief Comparison of Advantages and Disadvantages

In comparison to village democracy, urban residents have a lower level of interest in the activities and functions of shequ residents’ committees. They are reluctant to participate in shequ affairs and to become members of the residents’ committee.

Although some residents’ committees have sizable assets and operate profitable shequ

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127 Li Huan, “Guanyu woguo chengshi shequ jiceng minzhu jianshe de jidian sikao (Several Thoughts on the Grassroots Democratic Construction in China’s Urban Communities)” Shaanxi shifan daxue jixu jiaoyu xuebao (Journal of Further Education of Shaanxi Normal University) 21:2 (2004), pg. 59. The first encirclement refers to Mao’s strategy of encircling KMT-ruled cities with revolutionary rural areas under the communist party leadership during the 1945-1949 Civil War, and the second encirclement refers Deng’s rural household responsibility system, which preceded economic reforms in cities.

fuwu enterprises, in general residents’ committees have far fewer economic power and control fewer resources than do villagers’ committees. A member of the residents’ committee has many thankless tasks, but the prestige and income is considered low by urban standards. The urban danwei system, although in the process of slow decline, still has significant influence over the life of many urban residents, especially employees of the publicly owned enterprises and the service units still operated by the government. So, they have few incentives and interests to participate in the residents’ committee. Furthermore, the socio-economic ties of urban residents extend beyond their residential areas. They are generally less tied into, and less interested in, the local neighborhood affairs. Urban residents therefore tend to be more outward-looking than the villagers, who have higher stakes in village administration and governance.

A survey conducted in a midlevel city in the northwestern autonomous region of Xinjiang shows that close to a quarter of the interviewees expressed no knowledge of, or interest in, the residents’ committee. A study of shequ participation in northeastern Heilongjiang province likewise shows that shequ residents generally have less interest participating in shequ affairs, especially politics and governance. Another study conducted in a coastal area city cited the lack of a direct interest relationship as the main factor contributing to the residents’ low level of enthusiasm for participating in residents’ committee elections. Numerous other studies point to the similar pattern.

129 Men Hongli, “Ni qu guo juweihui ma –dui shequ shenghuozhong juweihui zuoyong de diaocha (Have You been to the Residents’ Committee –An Investigation of the Role of Residents’ Committee in Community Life)” Shequ (Community), 8 (2007), pg. 12.
130 Hu Yongqin, “Heilongjiangsheng chengshi shequ jumin canyu wenti yanjiu (A Study of the Problems of Participation by Urban Community Residents in Heilongjiang)” Haerbin shiweidangxiao xuebao (Journal of Harbin Committee School of the CCP) 52:4 (2007), pg. 42.
131 Chen Yu, “Chengshi shequ juweihui xuanju jumin canyuxixiao de diaocha shikao (Investigation and Thought on the Effects of Residents’ Participation in Elections of Community Residents’ Committees) Guangdong xingzheng xueyuan xuebao (Journal of Guangdong Institute of Public Administration) 18:4 (2006), pg. 37; see also Wu Wei,
On the other hand, due to the sensitivity and higher risk associated with urban-based political challenge, political experimentations in the cities also tend to be more tightly controlled and cautious. In short, there are obstacles to shequ democratic development that are usually not present in village democratization.

Nevertheless, democracy in shequs enjoys several advantages in comparison to village democracy. First, similar to what Huntington notes as the “demonstration effect” in his Third Wave, in which “people in the follow-on society … [learn] … the techniques and the methods used to bring about the earlier democratizations,” shequ democracy can also learn from the mistakes, lessons and institutional innovations of village democracy. The residents’ self-governance charter (jumin zizhi zhangcheng), the practice of disclosure and openness concerning public affairs by residents’ committees (juwu gongkai), and the democratic mechanisms used to resolve the potential conflict between the residents’ committee and the shequ party organization are some of the key democratic institutions introduced to the urban shequs that can be traced back to village practices resulting from their experiences in improving democratic governance. The demonstration effect can also been seen in residents’ committee elections. Many techniques to improve the democratic character of a residents’ committee election derive directly from villages’ electoral experiences, such as opening the nomination process to ordinary residents, a “primary” election to winnow down the number of candidates appearing on the ballot, the

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“Zhongguo chengshi shequ jumin zizhi canyu buzhu de yuanyin yu duice (The Reasons of and Counter-Measures for the Low Level of Participation in Residents’ Self-Governance in Urban Communities)” Fujian xingzheng xueyuan Fujian jingji guanli ganbu xueyuan xuebao (Journal of Fujian Institute of Administration and Fujian Institute of Economics and Management) 3 (2004), pg. 34.

132 Li Fan, “Zhongguo dalu chengshi shequ jiceng minzhu fazhan beijing”, pg. 36-45.
roving ballot box, Lessons are also learned from the mistakes and problems in rural elections. In the short history of implementing urban *shequ* elections, some researchers have found surprisingly that it is not necessarily the more developed cities (such as Shanghai or Beijing) that are at the forefront of establishing democratic electoral institutions. Rather, it is areas (such as the small and middle town-level cities in the far poorer province of Guangxi) with a somewhat stronger rural character that have tended to be more innovative and progressive. Indeed, the more developed cities only picked up their pace of democratizing residents’ committee elections later.

A second advantage that urban elections have is that urban residents tend to be more educated, more exposed to the effects of modernization, and to have more interaction with the external world. Classical modernization theorists would argue that urban residents should, therefore, have a stronger social foundation for democratic politics. As a result, once urban *shequ* elections are fully implemented, although they started later than village, their campaign and vote-canvassing activities, candidates’ speeches and debates, use of legally available channels for political advertisement and promotion, should surpass the standards reached by their rural counterparts.

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134 The roving ballot box is not considered to be a very democratic voting method because it can be easily manipulated and misused, and indeed is being strongly criticized for its negative impact in rural elections. Nonetheless, urban election committees probably still regard this as a good method for it provides voting opportunities to the handicapped and elderly people who have difficulties being present at the voting stations.


Third, with the shequ jianshe policy now being promoted by the government and the continuing reform of the danwei system, shequ will increasingly become more and more important in residents’ social and economic life, and they would become more motivated to participate in elections of the residents’ committee. Meanwhile, the attention of civil affairs officials at different levels of government in recent years has shifted from village democratization, which presumably is well-established, to democratization in urban shequs.

Fourth, there is a greater resistance at town/township level of authorities in the countryside to further village democratization because so much is at stake. The town government still relies on the villagers’ committee to extract rural resources, so there is a stronger will to exert control over and interfere in village democracy. In the cities, there is also some resistance to grassroots democratization by the street office, largely because of concerns for administrative necessity or efficiency. Otherwise, there is no other strong incentive for the street office to exert strong control over shequ democracy.\footnote{Luo Feng, “Jiceng minzhu cong xiangcun dao chengshi (Grassroots Democracy from Countryside to Cities)” Tansuo yu zhengming (Exploration and Free Views) 4 (2001), pg. 23.}

Conclusion

This chapter focuses on the theoretical background of shequ democratization and its relationship with village democratization. I discuss the meaning of shequ self-governance, especially within the context of the relationship between the street office and the residents’ committee. The thought of Peng Zhen is also an important theoretical foundation for shequ self-governance. There are three main causes of shequ democratization. The first is the socio-economic changes in the cities, in which more and more urban residents are demanding a say in how their neighborhoods are governed. The
second is the government’s calculation of the benefits of legitimacy and stability. With stronger democratic foundation, the ruling party expects to be rewarded with higher legitimacy for the regime and greater social stability. The third is the impact of village democracy. The legitimizing and stabilizing effects of village democratization lead to the greater confidence among officials that similar effects could also result from shequ democratization.

Nevertheless, there are some obstacles in urban shequ democratization. In contrast to villages, urban residents generally do not have much interest to participate in residents’ committee elections. But there are also some advantages too. Shequ democratization can learn from the experiences, techniques, innovations, mistakes and lessons of village democratization. Urban residents are generally more educated. The government has increasingly paid more attention to shequ democratization. Finally, the resistance to democratization by the street office is lower in comparison to the town or township government in the rural areas.
Chapter 4: Institutionalizing and Reforming Elections in Shequ

Among the four official democratic institutions (election, decision-making, management, and supervision), democratic election is generally regarded as the foundational one. Many pilot sites selected by Ministry of Civil Affairs for shequ jianshe initially did not focus much on electoral reforms, but instead attempted to build up “democratic management” and “democratic supervision” as the way of building up “democratic politics.” However, without democratic elections being firmly established, without the residents having at least some control over the personnel of the organization (the residents’ committee) that is supposed to represent and articulate their interests, experiences showed that the other three elements of shequ democratic governance could easily become hollow and “democratic” participation by residents was not sustainable.

In China, different laws govern different types of election. A national election law governs the national and local people’s congresses elections. The 1987 Villagers’ Committee Law governs village elections and the 1989 Residents’ Committee Law governs residents’ committee elections. Throughout this chapter I will, when it is necessary, refer to the elections of members of the residents’ committee, since that is the principal shequ organization responsible for shequ self-governance.

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139 Within a shequ, there are several major organizations in which elections take place: the residents’ committee, residents’ small groups, the leadership of the shequ party organization, and homeowners’ associations. But when we speak of shequ elections we mainly and generally refer to the elections of members of the residents’ committee, since the residents’ committee is the principal shequ organization responsible for shequ self-governance.


141 Li Fan (ed.) Zhongguo xuanju zhidu gaige (Reform of the Electoral System in China) Shanghai: Shanghai jiaotong daxue chubanshe (2005), pg. 43.

142 The full title of this law is The Election Law of the National People’s Congress and Local People’s Congresses of the People’s Republic of China. There is also an Organic Law of the Local People’s Congress and Local People’s Government of the Peoples’ Republic of China, enacted in 1979 and amended several times, that supplements the Election Law regarding the elections of local people’s congresses. Since it is cumbersome to cite the full title, I will basically refer them as the national election law.
necessary, discuss the national election law and villagers’ committee law. Although residents’ committee elections are not governed by these laws, they are significantly influenced by them. In designing or reforming electoral system for the residents’ committee, many local officials in fact do look at how elections are carried out in people’s congress elections and village elections, and try to copy and improve from these electoral ideas and practices.

In this chapter, I will first discuss the evolution of the official view toward election. This section is not about residents’ committee elections per se but it provides the overall context and historical background and gives us an understanding of the general political meaning of election in China. I will then proceed to discuss ten aspects and issues in residents’ committee elections. In the last section I will briefly discuss an election rule formulated by the Ministry of Civil Affairs.

4.1 Evolution of the Official View of Election:

The views on and practices of elections in China had changed considerably from time to time. Today, elections are widely and officially accepted in China today as the key institution that embodies democracy. However, in earlier periods the Chinese communists had a very different conceptualization of elections. In the following section I will discuss the Marxist influences, the early practices of elections, the general conception of elections in China today, and how it differs from the western conception.

4.1.1 Marxist Influences

For many years, the attitudes toward election by the Chinese communists were influenced by the Marxian conception that elections, as part of the superstructure, have a class nature; that democratic-parliamentary institutions (including elections) were merely
the “bourgeois” tools of class oppression and subjugation. As Lenin once paraphrased Marx, “to decide once every few years which member of the ruling class is to misrepresent the people in parliament is the real essence of bourgeois parliamentarism.” Engels was equally critical of “the modern representative state,” which accordingly is nothing more than “an instrument for exploiting wage labor by capital” and “an organization for the protection of the possessing class against the non-possessing class.” The possessing class “rules directly by means of universal suffrage. As long as the oppressed class [the proletariat] is not yet ripe for its self-liberation, so long will, it in its majority, recognize the existing order of society as the only possible one and remain politically the tail of the capitalist class, its extreme left wing.”

However, it would be simplistic to assume Marx and Engels did not see the “internal contradiction” of these “bourgeois” political institutions. Marx recognized that “bourgeois” constitution also “deprives the bourgeoisie, the class whose old social power it sanctions, of the political guarantee of this power. It imposes on the political rule of the bourgeoisie democratic conditions which constantly help its enemies toward victory and endanger the very basis of bourgeois society.” Engels, immediately following the quote above, writes

But in the measure in which it matures toward its self-emancipation, in the same measure it constitutes itself as its own party and votes for its own representatives, not those of the capitalists. Universal suffrage is thus the gauge of the maturity of the working class. It cannot and never will be anything more in the modern state; but that is enough. On the day when the thermometer of universal suffrage shows

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boiling point among the workers, they as well as the capitalists will know where they stand.\footnote{Engels, \textit{The Origin of the Family}, pg. 211-212.}

Furthermore, socialist system also embraces genuine, democratic elections to embody the democratic character of such system. In describing the Paris Commune, the only form of “proletarian state” realized and highly praised by Marx, he wrote that “the Commune was formed of the municipal councilors, chosen by \textit{universal suffrage} in the various wards of the town, responsible and revocable at short terms,” “the magistrates and judges (of the Commune government) were to be \textit{elective, responsible and revocable},” each delegate of the rural commune to the National Delegation in Paris was “to be at any time revocable and bound by the \textit{mandat imperatif} (formal instructions) of his constituents” and finally, “nothing could be more foreign to the spirit of the Commune than to supersede universal suffrage by hierarchic investiture.”\footnote{Marx, \textit{The Civil War in France}, pg. 57-59. Italicized by the present author.}

The theoretical legacy of Marxism thus provides ammunition to opposing camps of implementing democratic election reforms in China. Although Marxism no longer serves as an important guide in the party’s formulation of policies, it could still strengthen the legitimacy of new policies. Party conservatives cite Marx’ hostility toward “bourgeois” institutions as proof that these are tools to subvert “the dictatorship of the proletariat,” whereas democratically inclined reformers cite Marx’s other passages to push for democratic and electoral reforms.

\subsection*{4.1.2 Practices of Election by the Chinese Communist Party: from the Revolutionary Era to the Present}

In 1933, the Chinese communist leader Mao Zedong wrote in a work report:
The forces of counter-revolution fight vehemently against the revolutionary forces for the purpose of protecting their own political power. The masses of workers and peasants in the soviet area have successfully wrested control of this political power. We have to safeguard this political power all the time and develop it, therefore making it able to attack the counter-revolutionary forces to the best of its abilities and to improve the welfare of the workers and peasants. In order to fulfill these tasks, we must use elections to elect the most progressive and active people to the soviet, to flush out the useless people from the past. This is the most important task.\footnote{Cited in Wang Ying, Xinminzhu zhuyi geming shiqi xuanju zhidu yanjiu (A Study of the Electoral System during the New Democratic Revolutionary Era), Beijing: Zhongguo shehui kexue chubanshe (2005), pg. 52. Present author’s italicization.}

And later, he wrote:

> We have to be careful of the class composition of the nomination list. Not only do we have to make sure the appropriate number of workers and peasants are elected according to the election law, we have also to adhere to the directive to ensure at least 25% of the working women candidates are elected. \textit{We should pay attention to political performance [of the candidates]. We must ensure that those who are corrupt and lazy, and those who have compromised with the landlords, rich peasants and capitalists, are not elected. Those elected must have correct view and good work performance.}\footnote{Cited in ibid, pg. 57. Present author’s italicization.}

The above passages by Mao illustrate that for a long time the communist revolutionaries treated election as an instrument of class mobilization, rather than valued it intrinsically as an essential component of a democratic polity. A 1951 speech by Liu Shaoqi, the then vice president and later president of China, illustrated the highly instrumental view on election. He argued that the struggle for universal and equal suffrage and anonymous ballot made sense under the dictatorial and reactionary KMT regime. But now under the rule of “peoples’ democratic dictatorship” led by the communists, implementing these institutional guarantees for the procedural fairness of elections was no longer a priority. In fact, these institutional rules were merely “formality” that would hinder the real, substantial and enthusiastic participation of the
The first election law of the People’s Republic was promulgated in 1953. Reflecting the views toward election among Chinese leaders at that time, the law contained several flaws, such as limited suffrage with class background restrictions, no guarantee of anonymous ballots, and limited nomination rights.\textsuperscript{151}

The 1953 “Directive by the Central Election Commission on Base-Level Election Work” is an important document with long-lasting influence. This document first established the principle of “corresponding” elections (\textit{deng’\textsc{e} xuanju}),\textsuperscript{152} which was subsequently to be widely practiced throughout China and became an essential component of the system of nomenclature of the communist party during the Maoist era. Another principle from this document that left an enduring impact on China’s electoral practices was the requirement of high voter-turnout rate.\textsuperscript{153} The Chinese obsession of obtaining high turnout rate reflects the logic that “socialist” political system is more democratic than the “bourgeois” election, which generally has lower turnout rate and therefore is supposedly less reflective of the will of the people and more reflective of the dominance of the ruling class and the interests allied with this class. High turnout rate thus becomes an indicator for “more democracy”\textsuperscript{154} under the “people’s democratic dictatorship”.


\textsuperscript{151}Ibid, pg. 5-6.

\textsuperscript{152}“Corresponding election” means that the number of candidate corresponds to the number of elective post, thus in effect an election without choice. See Appendix 4.1 for the use of this translation.


In 1979, the National Peoples’ Congress promulgated a new election law to replace the 1953 election law. Under the 1979 law, “unreformed landlords”, “anti-revolutionaries”, and “convicted criminals”, hitherto the three categories of people stripped of the voting right, were replaced by a single category “people stripped of political right in accordance to law” (yífǎ bù duō zhèngzhì quǎnli de rén). Direct elections are to be held at the county level’s people congresses. “Differential” elections (cha’è xuānjǔ) were introduced, and anonymous voting should be the standard voting process. Nomination was open to individual suggestions, primary elections were introduced, and some campaign activities were now allowed. As a result of the 1979 election law, in 1980, China witnessed several unusually democratic and competitive elections, especially in constituencies that included college campuses, which attracted domestic and foreign attention. Some of the student candidates later became prominent intellectuals supportive of the Tiananmen movement in 1989. The authorities were wary of these competitive elections being too “far ahead of the time” and placed certain restrictions in the 1982 amendment to the 1979 law. Subsequent amendments in 1986, 1995 and 2004 also removed a number of these restrictions (not all), and in general signaled the attempt to improve the democratic character of the law, albeit in cautious steps.

4.1.3 Contemporary Views on Elections

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156 “Differential election” refers to the election in which the number of candidate exceeds the number of contested positions. See Appendix 4.1 for the use of this term.
Contemporary discourses on election are generally much more appreciative of the Western writings as well. The conception of the class nature of elections is much less accepted today among officials and scholars. They now tend to see elections as having universal and general, rather than class, nature, and as the embodiment of a genuinely democratic system. An authoritative Chinese textbook on the government and politics of China asserts that “elections are…associated with democratic politics. The essence of democratic politics is to reflect and carry out the ‘common will of the people’ (quantirenmin de gongtong yizhi)…Voters must vote in a way that fully expresses their preference…without which the election will become meaningless.” The 2005 State Council’s White Paper on democracy in China does not have a separate section on election, however maintains that the National People’s Congress and the local people’s congresses, whose members are elected, are “responsible to the people and subject to their supervision.”

However, the White Paper also states that “the [Chinese Communist Party’s] leadership and rule is an objective requirement of the country’s development and progress.” Thus, embracing democratic elections within a political system in which there can be no alternation of the ruling party seems to be illogical and self-defeating in the eyes of the critics of the Chinese political system, and can be easily dismissed as mere propaganda. Mainstream Western political science will also not recognize an election as sufficiently democratic if it restricts the “organized contestation” of different political

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159 This statement might seem contradicting to my earlier argument about Marxist influences. But Marx and Engels also talk about elections being more than “tools of the bourgeoisie”, thus warrant the pro-reform officials and scholars to justify the argument that elections could be “class-neutral” while not contradicting what Marx had said.

160 Pu Xingzu, Zhonghua renming gongheguo zhengzhi zhidu, pg. 149.


162 Ibid, pg. 7.
organizations. Underpinning this emphasis on organized political contestation (thus the importance of political opposition in a democracy) is the political theory of pluralism. The logic of pluralism conceives that society is by nature diverse and filled with different interests, which inevitably lead to the formation of political organizations articulating and aggregating these different interests, resulting in a multiparty system. The fundamental function of a democratic election is to provide a neutral platform for different interest groupings (aggregated into political parties) to contest fairly in the game of democracy governed by well-established procedural rules, rather than the ability of elections to serve as a mechanism to express the common will of the people.\textsuperscript{163}

Chinese scholars and officials could easily dismiss as merely “Western” concerns that do not affect the way “democratic elections” are interpreted and carried out in China with “Chinese characteristics.” Nevertheless, the importance of procedures in securing a “free, fair and democratic election” is being increasingly recognized by the Chinese academia and policymakers alike. The report of the 16\textsuperscript{th} party congress emphasized the “institutionalization, standardization, and \textit{proceduralization}” of “socialist democratic politics.” There have been some serious efforts by the government to improve the electoral rules and procedures in order to reduce and prevent electoral manipulations and abuses by local officials. A robust procedural democracy is recognized to be able to strengthen the orderliness and predictability of politics, and to restrain the excesses in the name of substantive democracy.\textsuperscript{164} Universal suffrage, one-person-one-vote with more-

\textsuperscript{163} Robert Dahl, \textit{Polyarchy: Opposition and Participation}, New Haven, CT: Yale University Press (1971). Although western political science has many traditions, Robert Dahl undoubtedly remains the most influential democratic theorist, and his pluralism remains the mainstream paradigm in understanding concepts such as election and democracy.

\textsuperscript{164} Ban Baosheng, “Chengxu minzhu de hanyi, tezheng he gongneng (The Meaning, Features and Functions of Procedural Democracy),” \textit{Heilongjiang shehui kexue (Heilongjiang Social Sciences)} 6 (2006), pg. 145, 147.
or-less equal weighting of the vote, direct election, differential election, and secret ballot are the general principles of election that are nominally and generally accepted (but not universally practiced) in today’s China.165

Chinese officials and scholars also argue that competitive and democratic elections can be accommodated in a one-party system, in spite of the fact that such political contestation will not come from organized opposition forces. For example, an influential Central Party School scholar argues that a party can offer multiple candidates in an election, and this can be as competitive as a multiparty-election:

Although the presence of multiple parties implies multiple candidates in an election, but the presence of multiple candidates does not inevitably mean the presence of multiple parties. One party can field several candidates.

He also argues,

The leadership of the party (dangde lingdao) and the people being in the masters in their own country (renmin dangjia zuozhu—a generic Chinese term for democracy) are not irreconcilable… In the history of political parties…the parties have always performed the functions of training political leaders, recommending these political elite to the public, and convincing the public to choose qualified politicians. In fact, political parties have always influenced, and frequently determined, the people’s choice of political leaders. However, there is also a clear limit of this influence, in which the political power of a party can never grow so large to replace the people’s right to choose.166

4.1.4 “One-Party Competitive Election” and Multiparty Election

This “one-party competitive election” hence has a very different logic from the theory of political pluralism. The Chinese leaders today acknowledge the increasing diversity of their society. They allow and legitimize the formation of many formal or

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informal groups and associations representing different societal interests and sectors. But this does not mean that they accept the logic of interest pluralism in the political system. The party has coped with this increased societal plurality by expanding its social base to encompass and to co-opt more interests (such as the discourse of “three represents” that justifies and permits individual capitalist-entrepreneurs joining the communist party), not by opening up the political system to allow other political organizations representing different social strata and interests to emerge.\textsuperscript{167} The Leninist party logic dictates that theoretically speaking, the party can only articulate the interests of the working class and its allied classes. The party thus has had re-define class workers as including members of the middle-class, entrepreneurs, professionals and intellectuals, who are called “workers in the era of information and knowledge economy.”\textsuperscript{168} In such a way, it precludes the emergence of any other political organization from claiming to represent the interests of these classes.

Thus, the logic of one-party competitive elections means that in general, candidates compete on a platform that highlight their skills, competence, access to resources, abilities, viewpoints, and personalities. Sometimes they may want to emphasize in their campaign that there are some issues they want to resolve once elected, and that these issues tend to affect certain groups in the society. They will not, at least not ostensibly, compete based on rival political programs that reflect articulations of different


interests in the society. In a one-party competitive election, the competitive campaigns by the competing candidates basically focus on different ways to achieve a set of more or less similar policy goals, rather than focus on systematically different policy goals.

This model of “one-party competitive elections” governed by fair electoral principles and rules thus seems to be clearest type of “democratic election” that the Chinese political leadership is willing to offer in the foreseeable future. The Western liberal mode of multiparty election would reject this model as insufficiently “democratic.” But China does not have to follow the models and theories of liberal democracy in formulating a model of election that it deems to be more fitting to its present political-economic-social configurations. Furthermore, even if we are to assert that this model is essentially not democratic and should only be viewed as a stepping stone toward the truly democratic multiparty election, this does not prevent its usefulness to serve as an ideal to improve the quality and standards of the many types of elections in China.

First, if we apply the principle of “external critique”, which uses international standards as bases of evaluation, the general principles of elections in China today are basically also universally accepted as the minimum standards of democratic elections. The willingness to embrace these principles should be taken as a positive sign to make the electoral process in China more democratic. The detailed electoral rules and procedures could then be evaluated based on the criteria of whether they could achieve the standards set by these general principles. The effectiveness of the “one-party” electoral system could in several aspects also be evaluated on the basis of international standards. For example, if one of the universal and primary goals of election is to secure
the “vertical accountability of the rulers to the ruled.\textsuperscript{169} the “one-party competitive election” could also be evaluated based on its effectiveness in ensuring that individual leaders (but not the ruling party as a whole) are accountable to the electorate.\textsuperscript{170}

Second, if we apply the principle of “internal critique” in which a society judges itself by its own standards,\textsuperscript{171} then elections in China can also be measured against a set of standards that are not “imposed by Westerners” but are acceptable in the official discourse in China. Genuine implementation of, and adherence to, these electoral principles, rules and procedures can be used as the basis to evaluate the democratic quality of elections in China.

4.2 The Conduct of Shequ Elections: Issues and Reforms

Shequ residents’ committee elections exhibit a strong localized character: Different provinces, cities, districts, street offices, and even different shequ within the jurisdiction of the same street office have different designs of residents’ committee elections. In comparison to its rural counterpart, the 1989 Residents’ Committee Law is notably deficient in terms of provisions governing electoral conduct. The 1998 Villagers’ Committee Law contains 6 articles (Articles 11 to 16) on elections, specifying such election rules and procedures as direct and differential election, anonymous ballot and open counting of votes, the organization and functions of the election committee, open


nomination by voters, and the voters’ recall process. Although universal compliance of all these provisions in all of China’s villages is hard to verify, at least the law is clear about what is permissible. Violations by rural officials can now be appealed by villagers with legal protection and may result in legal sanctions.

By contrast, the Residents’ Committee Law, contains only one article (Article 8). It stipulates the terms of office of the committee members, the methods of residents’ committee election, and residents’ qualifications as voters. The lack of legal clarification means that each level of the government is able to clarify (and thereby design) the electoral process and system for its residents’ committees (see Figure 4.1), sometimes with genuine institutional innovations and reforms to improve the procedural fairness and democratic quality of the elections, but sometimes also with loopholes or ambiguity for local officials (especially street level) to manipulate the electoral process.

In the following sections I will discuss ten aspects or issues in the elections of shequ residents’ committees in China: The functions and organization of the election committee, the mode of election (indirect vs. direct), elections of residents’ representatives and leaders of residents’ small groups, suffrage, voters’ registration, nomination, corresponding vs. differential election, regulation of campaign activities, the secret ballot, and residents’ recall right. I select these issues not only because they are crucial in the efforts to improve, institutionalize and democratize the shequ election process, but also because they could be evaluated and reformed in accordance with the accepted general principles of election in China. Through an analysis of these issues, we

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will see how the model of “one-party competitive elections” operates, and look at the ways in which the Chinese are thinking to improve it.

4.2.1 Pre-Election Phase: Organizing Election and the Election Committee

The preparatory work of shequ residents’ committee elections usually involves officials at the higher levels. At both the city and district levels, “shequ election work leadership small groups” (or groups with a similar name) are established in preparing for upcoming residents’ committee elections. The group generally includes officials from departments of civil affairs and public security, people’s congress deputies, and the party’s organization and propaganda officials. The civil affairs officials usually are the main coordinating officials, but nominally the group is led by important party and government leaders (such as district mayor or district party secretary).\(^{173}\) The major functions of the small group are to draw up implementation measures and general rules of elections and to provide ideological and political “direction.” As repeatedly emphasized in official discourse, grassroots elections could become too “unorganized” and “anarchic” without the supervision and leadership from the party and government.\(^{174}\)

At the street office level, the “shequ election work guidance small group” is in charge of several more specific responsibilities. For instance, the main tasks of the street-level election small group in Beijing include drafting a working plan and implementation measures for shequ elections, publicizing the relevant laws and election rules, setting up

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\(^{173}\) The organization of the group thus can be summarized as “dangwei lingdao (leadership of the party committee), renda jiandu (supervision by people’s congress), zhengfu shishi (implementation by government), minzheng yunzuo (operation by civil affairs), bumen peihe (cooperation by departments).” See Zhan Chengfu (ed.), Shequ juweihui xuanju gongzuo jingcheng baogao (A Report on the Progress of Election Work of Community Residents’ Committee) Beijing: Zhongguo shehui chubanshe (2006), pg. 110.

\(^{174}\) See, for example, “Shenyangshi Hepingqu 202 Yiyuan shequ zhijie xuanju gongzuo baogao (Report on the Election Work of 202 Yiyuan Community in Heping District, Shenyang),” in Zhongguo chengshi shequ zhijie xuanju gaige (Direct Election Reform in China’s Urban Communities), edited by Li Fan, Xi’an: Xibei daxue chubanshe (2003), pg. 320.
an election date, training election workers, and receiving petitions and complaints relating to shequ elections.\textsuperscript{175} The responsibilities of street-level election small groups reported elsewhere are basically the same.

Presiding over the implementation of elections at the shequ level is the shequ election committee.\textsuperscript{176} The election committee consists of 9 to 11 members. In general, many functions and responsibilities of the shequ election committee overlap with those of the street-level election group. But the shequ election committee is generally also assigned the responsibilities for registering voters, examining candidates’ speech, convening meetings between candidates and residents, and designing and printing ballot papers. Some of them are actively involved in the nomination process.\textsuperscript{177} In all the election documents that I have read, the relationship between the street-level election small group and the shequ election committee is generally left unspecified, summarized in one ambiguous word: zhida\textsuperscript{o} (guidance). Such ambiguity tends to make it easier for the street-level election group to dominate the shequ election committee.

The residents’ committee law also does not stipulate how the election committee is organized. Without legal standardization, the composition of shequ election committee and the way committee members are selected vary considerably from place to place.

4.2.1A Composition of the Election Committee

\textsuperscript{175} “Beijingshi jumin weiyuanhui xuanju gongzuo guicheng (shixing) Procedure of Residents’ Committee Election Work of Beijing (Trial)” in Zhongguo shequ jianshe nianjian 2003 (China’s Community Construction Yearbook 2003), Beijing: Zhongguo shehui chubanshe (2004), pg. 149.

\textsuperscript{176} Sometimes this committee is also called “the shequ election leading small group.” However, to maintain uniformity I will use the terms election committee or shequ election committee throughout this project, unless otherwise noted.

\textsuperscript{177} See the election documents collected in Zhongguo chengshi shequ zhijie xuanju gaige, pg. 339-417. An exception is the election measures of Wuming Town in Guangxi, which provides clear differentiation of the functions and responsibilities between shequ election committee and the election small groups at the upper levels of government. On the election committee’s role in the nomination process, see the discussion in the section “Nomination” below.
A Ministry of Civil Affairs handbook proposes that the election committee should consist of members of the outgoing residents’ committee, leaders of residents’ small groups, and residents’ representatives.178 Nevertheless, this is not an authoritative or binding policy. Strong party presence and domination in the election committee is in fact more common in many shequ.179 The election implementation plan of a city in the province of Guangxi states that potential candidates of the shequ election committee have to come from the party, traditional “mass groups” such as communist youth league and women’s association, and residents’ representatives.180 The election implementation plan for a shequ in Beijing specifies that the election committee consists of cadres sent from the street office, retired members of residents’ committee, and some volunteers.181

In a Guangzhou shequ, the entire election committee is staffed by a local NGO.182 In the Haishu district in the city of Ningbo, the shequ election office (as it is called in this district) is staffed by community workers recruited by the street office. Representatives from danweis stationed in the shequ, community police officers (shequ minjing), delegates of property management companies and homeowners’ committees, and eminent persons within shequ are also reportedly selected as members of the election committee. Sometimes members of residents’ committee of the expiring term also are also drawn

180 “Guangxi Wumingxian shequ jumin weiyuanhui xuanju zanxing banfa (Trial Measures of Community Residents’ Committee Elections in Wuming Town, Guangxi),” in Zhongguo chengshi shequ zhijie xuanju gaige, pg. 385.
181 “Beijingshi Bajiao jiedao Yuanbei juweihui zhixuan gongzuo fangan (Implementation Plan of Direct Election for Yuanbei Residents’ Committee in Bajiao Street in Beijing),” in ibid, pg. 377.
182 He Yanling, “Gongtong xingdong de dacheng he shequ guangxi geju de chonggou (Accomplishment of Common Actions and Re-organization of Community Relational Structure),” in ibid, pg. 100.
into the *shequ* election committee, despite obvious conflicts of interests when members of the residents’ committee are re-running for another term.

**4.2.1B Selecting Members of the Election Committee**

Another issue is how members of the election committee are selected. The Ministry of Civil Affairs identifies several methods of selecting members of the election committee that are in practice in China: (1) appointment by the residents’ committee, (2) nomination by the street office and confirmation by the residents’ committee, (3) discussion and consultation among residents’ small groups, (4) “election” by the residents’ assembly or by residents’ small groups. Among the four methods, “election” appears to be the “right” way. Perhaps because its rural counterpart, the village election committee, is stipulated to be “elected” by the villagers’ assembly or villagers’ small groups in Article 13 of the Villager’s Committee Law, many local election documents in fact stipulate “election” as the preferred method of selecting the committee members.

There is a reason why I put the quotation marks to cover the word “election” here. While *xuanju* is the standard Chinese term for “election,” there is also another Chinese term *tuixian* which could be translated as “election” in English. The official English version of the Villagers’ Committee Law uses “election” in translating the term *tuixuan*. In many election documents, when describing the “election” of the election committee, the word in use is *tuixuan*. In contrast to *xuanju*, *tuixuan* in Chinese language indicates a more informal, casual, consultative process. The inexact nature of this term thus allows the authorities (for instances, the *shequ* party organization, the residents’ committee, or

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183 Zhan Chengfu, *Shequ juweihui xuanju gongzuo jingcheng baogao*, pg. 4-5.
the street office) to play a more directing role in the *tuixuan* of members of election committee (see Appendix 4.2 for an account of the *tuixuan* process).

The issue of reforming the *shequ* election committee is critical to how *shequ* elections can be carried out fairly and impartially. An election committee that is tightly controlled by the authorities tends to be much more restrictive of democratic competition and be biased toward certain “preferred” candidates. Reforming the institution of the election committee, however, has not received enough official attention, which tends to focus on achieving direct election, differential election, and open nomination. This issue is also not unique to residents’ committee elections; it has its roots in the decentralized nature of all types of election organizing in China, in which different bodies of local governments are in charge of organizing different types of election. Election organizing bodies are set up on a temporary basis, making the accumulation of election expertise and knowledge difficult. They contribute to the lack of consistency and institutionalization of the whole electoral system. They also tend to dissolve after elections, making it harder for voters to file appeals or complaints. Because of the decentralized nature of election organizing, local powerful officials tend to exert great control and could manipulate the process and outcome if they choose to.

4.2.2 Mode of Election: From Indirect Voting to Direct Voting

The Residents’ Committee Law permits three modes of election: indirect election in the form of (1) election by residents’ representatives and (2) election by household representatives, and (3) direct election by all eligible adult residents. *Haixuan*, or “sea

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184 For a vivid example, see the story in Appendix 4.3.
185 For instances, people’s congresses elections are organized by the officials in the offices of the people’s congresses, residents’ committee elections and villagers’ committee elections are organized by the civil affairs officials.
election”, a peculiar mode of election originated from some village experiences, will be discussed separately in the section on “Nomination” below.

Until today, indirect election by residents’ representatives is still the predominant mode of residents’ committee elections in most of Chinese cities. This mode of election is considered deeply flawed. *The Washington Post* reported in 2000 that these elections were “highly restricted, dominated by the Communist Party and generally limited to a few participants.” 

Although they are also nominally “elected” by residents, in practice it is more likely that residents’ representatives are appointed by the residents’ committee or the street office (see more discussion below on the “election” of residents’ representatives) in *tuixuan* type of election. Genuine residents’ involvement in the “elections” of these representatives, if there are any, is limited to only informal consultation and confirmation.  

In this mode of election, residents’ representatives tend to vote for the residents’ committee nominees selected by the authorities. The residents’ committee “election” thus has nothing to do with voters’ choice and participation; instead it is merely a formality to confirm official selection. 

Indirect election by household representatives is considered more democratic than indirect election by residents’ representatives. First, this mode of election involves a larger number of voters (each household will send one representative, compared to one residents’ representative for several households), increasing the level of direct 

participation among the residents. Second, household representatives are selected within each household. The authorities basically have no control over their selection. Thus, household representatives also tend to be more autonomous in their voice choice and reflect better the opinions and preferences of the residents.

Direct election is undoubtedly the most democratic mode out of the three modes of election. It expands suffrage, increases the level of political participation, and is consistent with the vision of the “masses taking care of their own affairs” in a “socialist democracy.” Direct election is also stipulated as the only mode of election in the Villagers’ Committee Law. Logically, as the comparable organization in the cities, the residents’ committee should also be directly elected.

According to the data provided by the Ministry of Civil Affairs, around 60% of the residents’ committees in China held elections in 2004, among them 22% were direct elections, 29% were indirect elections by household representatives, and 49% were indirect elections by residents’ representatives. This is the most recent data on the distribution of the use of these three modes of election I am able to obtain.

There is a consensus among scholars and officials alike that indirect election by residents’ representatives is deficient and should be replaced by the other two modes. The Ministry of Civil Affairs in a report criticizes the mode of indirect election by residents’ representatives. It points out that many of these representatives were in fact appointed by street office, and could not in effect claim to “represent” the residents. However, there is some debate about whether to replace this mode with indirect election by household representatives.

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190 Zhan Chengfu, Shequ juweihui xuanju gongzuo jingcheng baogao, pg. 24.
representatives or with direct election. The arguments for and against these two modes are presented below.

4.2.2A Arguments against Direct Election and for Indirect Election by Household Representatives

Many officials at the street-office level are not happy to implement direct elections. The most common objections are (1) direct election could result in social and political instability, (2) the high costs of implementing direct election, and (3) residents are not interested in direct election.191

Some officials have expressed concerns that “unlawful elements” could use the opportunity offered by direct election to consolidate their position (as in the case in some villages in which black societies and clan organizations become more entrenched and dominant after elections). They are also worried that residents could turn against the street office when they are unsatisfied with some local issues (such as land expropriation for development projects and pollution).192

On the other hand, the Ministry of Civil Affairs also recognizes that election costs and the lack of institutionalized funding for elections are critical problems impeding the introduction of direct election.193 Table 4.1 provides some data on average election costs, ranging from a few thousand yuan to as high as 50,000 yuan per residents’ committee election. As indirect election switches to direct election, it is generally assumed that

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191 In his study of shequ elections in three Chinese cities, Thomas Heberer reports that among the reasons given by those officials who were against the implementation of direct elections were “low interest among residents” (27.3%), “lack of material conditions” (18.2%), “situation could get out of control” (18.2%), “too complicated” (13.6%), among others. See Thomas Heberer, “Institutional Change and Legitimacy via Urban Elections? People’s Awareness of Elections and Participation in Urban Neighborhoods (Shequ),” in Regime Legitimacy in Contemporary China: Institutional Change and Stability, pg. 95.

192 Guo Bo, “Shequ Zhixuan xuyao jiejue de jige wenti (Several Issues of Community Direct Election that need to be Taken Care of),” in Zhongguo chengshi shequ zhijie xuanju gaige, pg. 113.

193 Zheng Quan, “Shequ juweihui xuanju huodong de xian zhuang, wenti ji duice (The Present Situation, Problems, and Countermeasures of Community Residents’ Committee Elections)” Shequ (Community) 7 (2006), pg. 36.
election expenses also increase. As the number of participants in an election increases, expenses covering election materials (ballot papers and ballot boxes), publicity materials, remunerations and compensation (such as food and gifts) to election workers also increase.\textsuperscript{194} Since Chinese officials generally are obsessed in the attainment of high voter turnout rate, a direct election will multiply the resources needed to mobilize and persuade all the eligible voters to vote in order to obtain a high turnout rate.\textsuperscript{195} Many shequ also hand out small souvenirs as material incentives to voters.\textsuperscript{196} Direct election, in short, is too costly to implement on a wide scale.

But the strongest official argument against direct election is simply that residents are not interested. For these officials, despite doing their best to mobilize the residents, the general lack of interest among residents\textsuperscript{197} could still result in their failure to obtain high voter turnout rate. In the eyes of their superiors, this failure could imply (1) their weak mobilization capacity, and (2) they enjoy low public support. This in turn could dampen their bureaucratic career and interests. In short, direct election is considered a “risk” in the sense that these officials have to get the job (implementing direct election) done and done well, but not necessary considered a serious “threat”, as in the case among rural town and township officials who oppose village direct elections in which the control over vital interests and resources is at stake.

This official argument is not necessary unfounded. When Shanghai began its shequ election reforms in 1999, a poll was conducted to ask the residents of these pilot

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\textsuperscript{194} Heberer, “Institutional Change,” pg. 94. \\
\textsuperscript{195} Zhan Chengfu, \textit{Shequ juweihui xuanju gongzuo jingcheng baogao}, pg. 112. \\
\textsuperscript{196} The first major direct and competitive shequ election in Beijing, the Jiudaowan election in 2002, cost a staggering amount of 100,000 yuan. If all of Beijing’s approximate 1,000 shequs were to conduct direct elections, the election costs for the whole city was calculated as more than a hundred million yuan. See “Gei shequ xuanmin suan yibizhang (Calculating the Costs of Community Election)” in \textit{Shequ (Community)} 11-22 (2002), pg. 8.
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\textsuperscript{197} I have discussed some of the factors causing this lack of interest in Chapter 3.
sites to decide which mode of election was their preference. Overwhelmingly they opted for indirect election by residents’ representatives.\footnote{Lin Shangli (eds), *Shequ minzhu yu shili: anli yanjiu* (*Community Democracy and Governance: Case Studies*) Beijing: Shehui kexue wenxian chubanshe (2003), pg. 73-74.}

In those cases in which direct elections are implemented, studies show that there is widespread apathy among the electorate toward the elections. The party and government had to spend a considerable amount of efforts and energy to mobilize the residents to participate in the elections. Therefore, residents’ demand for greater *shequ* self-governance and democracy, to a certain extent, is overblown by optimistic media portrayal and unfounded analysis. The implication for democracy of *shequ* direct elections, these studies conclude, was unsubstantial.\footnote{Gui et al, “Cultivation of Grassroots Democracy”; Gui Yong, “Linli zhengzhi: chengshi jiceng de quanli caozuo celue yu guojia shehui de zhanlian moshi (Neighborhood Politics: Power Manipulation Tactics and the Adhesive-Connective Model of State and Society in Urban Grassroots)” *Shehui* (*Society*), 6 (2007), 102-126; Tu Longke, “Shanghai S jiedao jiceng shequ zhiyue xuanju de diaocha (An Investigation into the Community Grassroots Direct Elections in the S Street of Shanghai)” *Huaodong ligong daxue xuebao* (*Journal of East China University of Science and Technology*), 3 (2005), pg. 14-18; Gui Yong et al. “Zhixuan: shehui ziben kaifa xiang zheng xingzheng tuixiao minzhu (Direct Election: Utilization of Social Capital or Official Promotion of Democracy)” *Shanghai chengshi guanli zhiye jishu xueyuan xuebao* (*Journal of Shanghai Polytechnic College Urban Management*) 6 (2003), 22-25.}

Official arguments against expansion of direct elections are thus not necessarily based on the ground that democracy is intrinsically undesirable, but that conditions are not yet ripe for greater democracy. Residents, in short, should develop stronger ties with their *shequ* before they have the interest and civic-mindedness to participate in the elections and activities of the residents’ committee. Indirect election by household representatives is therefore recommended as a more feasible and logical next step, rather than the unrealistic “great leap” of direct elections at the present moment.\footnote{Zhang Xiaogan, “Quanmian tuijin zhequ zhixuan weishi shangzao (It is Still Early to Comprehensively Promote Direct Elections in Communities), *Zhonguo shehui bao* April 22, 2004.; see also Zhan Chengfu, *Shequ juwei xuanju gongzuo jingcheng baogao*, pg. 113.}

\subsection*{4.2.2B Arguments against Indirect Election by Household Representatives and For Direct Election}
Unsurprisingly, the above view is contested by the promoters of direct election. First, indirect election by household representatives still does not fully reflect the will of the residents. If differences of opinion are present within a household, then there is bound to be dissenting voice inside the household being suppressed.\(^{201}\)

Furthermore, residents’ lack of interests in shequ affairs and in residents’ committee elections could also be the effect, rather than the cause, of an indirect electoral system that fails to vigorously engage with and involve the residents. Some scholars also point out that this pattern of disinterestedness is not necessarily universal in China. Residents in cities that have experienced painful bankruptcies or massive layoffs by danweis are generally eager to participate in residents’ committee elections. In some small and mid-size cities in which there are fewer dominating danwei but more migrant workers, residents are also found to be genuinely enthusiastic in shequ elections.\(^{202}\)

The cost argument is flawed to a certain extent as well. While it is true that costs of direct election in certain shequ were quite high, the benefits that come with direct election should not be ignored. With direct election also come greater legitimacy, accountability and transparency of the work of residents’ committee. This could generate the confidence, trust, support, and the “social capital” of the residents. Some Chinese scholars argue that there is an inverse relationship between the level of shequ self-organization (social capital) and the costs of direct election. As the level of social capital increases, the costs of direct election decrease.\(^{203}\) Also, as direct elections

\(^{202}\) Ibid, pg. 25-36.
become routinized, the material incentives offered to residents will become unnecessary, lowering the costs of direct election.\footnote{Zhou Hongling, “Chengshi shequ zhixuan nengbuneng tuguang (Can Community Direct Elections be Promoted)?” \textit{Zhongguo shehuibao} August 31, 2002; see also Xiong Chunmao, “Juweihui xuanju wei shequ guanli gouzi lige pingtai (Residents’ Community Elections Establish Six Platforms for Community Management)” \textit{Zhongguo shehuibao} December 2, 2004.}

The Ministry of Civil Affairs has in recent years been supportive of direct election. In a recent report the Ministry acknowledges that those shequ that have implemented direct election have had far fewer cases of receiving voters’ complaints and petition than those shequ that continue to use indirect election by residents’ representatives.\footnote{Zhan Chengfu, \textit{Shequ juweihui xuanju gongzuo jingcheng baogao}, pg. 24.} In 2008, the Ministry officially set a target in which by 2010, at least 50% of all shequ elections shall be direct elections.\footnote{Li Huizhi et al., “Minzhengbu: chengshi shequ zhixuan fugaimian 2010 nianqian jiangda 50% (Ministry of Civil Affairs: Direct Elections for Urban Community Residents’ Committee to Expand to 50% before 2010)” \textit{Zhongguo gaigebao} August 5, 2008.}

4.2.3 Electing Residents’ Representatives and Leaders of Residents’ Small Groups

On the organizational chart (Figure 2.1), the shequ residents’ committee is the lowest level of administration. But below this level, there is yet another level: An informal, flexible level consisting of residents’ small groups, the equivalent of villagers’ small groups in the countryside.\footnote{The villagers’ small groups are established on the basis of “natural village” (ziran cun), which then form the larger “administrative village” (xingzheng cun) that the villagers’ committee governs.} Residents’ small groups are established generally on the basis of residential blocks. A residents’ small group covers about 20 to 50 households, but sometimes it could be as large as 100 households. There are no official duties of these residents’ small groups. They mainly help organize and mobilize residents for a variety of activities, help implement policies, and convey residents’ opinions and demands to the residents’ committee or other relevant authorities.\footnote{Wang & Bai, \textit{Jiedao gongzuo yu jumin weiyuanhui jianshe}, pg. 229.}

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4.2.3A Network of Activists: Block Leaders, Group Leaders, Residents’ Representatives

Each small group has a leader (or sometimes a leader and a deputy leader). The leader is either directly “elected” by the eligible residents, or by the household representatives. A large residents’ small group might cover more than one residential block. Each block will also have to “elect” a “block leader.” Typically a group leader is also a block leader. In a smaller residents’ small group, in which it covers only one residential block, the block leader and the group leader is typically the same person. Collectively they are referred to “louzuzhang” (block and group leaders) in China.

The small group meets once or twice a month. The meeting is attended by household representatives, block leaders, or any other interested residents and activists (again, there is no institutionalization of these small group meetings). Each small group is also responsible for “electing” 2 to 3 residents’ representatives (or 4 to 5 representatives for larger small groups), usually through a vote by show of hands or discussion in a small group meeting. In this sense, residents’ small groups are also akin to small electoral districts in a shequ, and the residents’ representatives akin to the representatives of these electoral districts. Typically the small group leader is one of the representatives, though this is not always the case. The term of office for the representatives is same with the term of office for members of the residents’ committee. The “elections” of the leaders of residents’ small groups and residents representatives generally precede residents’ committee election. The “elections” tend to be the informal tuixuan process (see Appendix 4.2). Block leaders, residents’ small group leaders, and residents’

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209 In Lin Shangli & Ma Yili, Shequ zuzhi yu juweihui jianshe, Shanghai shequ jianshe yanjiu baogao chongshu zhiqi (Community Organization and Residents’ Committee Construction, Volume 7 of Shanghai Community Development Report Series), Shanghai: Shanghai daxue chubanshe (2000), pg. 190.
representatives form an informal, but critically important, network of *shequ* activists (*shequ jiji fenzi*). In the administration of the *shequ*, the role played by these activists is significant (see Appendix 4.4).

The reason to discuss these activists in the context of residents’ committee election is that a significant number of these activists (residents’ representatives and group leaders) are themselves in the elected positions as well. For residents’ committees that are still elected indirectly by residents’ representatives, improving the election of these representatives could be the first step of making these elections more democratic. Even if all residents’ committees are to adopt the mode of direct election, residents’ representatives are still important. They are the participants in the residents’ representatives’ assembly (*jumin daibiao huiyi*), an important decision-making body in *shequ*.

The informal *tuixuan* process therefore is inadequate to guarantee the democratic election of these representatives. There is, however, very little attention paid to the reform of the elections of residents’ representatives and small group leaders. Almost all of the documents on residents’ committee election stipulate the *tuixuan* process, with the Beijing *shequ* election regulation as the only exception.  

4.2.4 Suffrage in Shequ Elections

Article 8 of the Residents’ Committee Law stipulates that “any resident of a residential area who has reached the age of 18 shall have the right to elect and stand for election, regardless of his ethnic status, race, sex, occupation, family background, religious belief, education, property status and length of residence, with the exception of

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210 For example, see the laws collected in Zhan Chengfu, *Shequ jiewei hui xuanju fangzao jingcheng baogao*, pg. 207, 212, 237, 244; for the Beijing document, see pg. 350-352.
persons who have been deprived of political rights in accordance with the law.”

Nevertheless, in practice, the right to vote is not as straightforward as it seems. The voting right of three groups of people sometimes generate some controversies. They are:

(1) the danwei people, (2) migrant workers, and (3) foreign nationals.

4.2.4A The Danwei People

The first issue is the voting right of the so-called “danwei people in shequ” (shequ li de danweiren), meaning the employees of danwei (work units) stationed inside the shequ. This issue has generated some controversies and lawsuits. In 2003, in a residents’ committee election in Wuhan, the election committee pushed for the voting right of the danwei people, but was later accused of doing so to serve the purpose of the residents’ committee members who were running for another term. In 2006, a lawsuit was brought against a shequ election committee in the city of Yiwu. The election committee denied voting rights to 11 persons. Their voting rights were disqualified on the grounds that they were employees of the danwei in the shequ, despite the fact that these employees were also at the same time registered residents of this shequ. The court ruled in favor of the plaintiff, restoring the voting rights of these 11 persons, on the grounds of their residence status. This does not necessarily indicate the affirmation of the voting right of the danwei people.

There is no standard policy of whether danwei people should have the right to participate in residents’ committee elections. In many shequs, danwei leaders are usually

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211 The same residents’ committee in the story of Appendix 4.3.
invited to send representatives to various meetings. The Ministry of Civil Affairs also encourages danwei participation in shequ jianshe.\textsuperscript{214} If the participation of danwei in shequ jianshe (community construction) is essential for its success, then giving the danwei people the voting rights could be justified. Opponents, however, argue that giving voting right to the danwei people would violate the principle of “one person, one vote.” Since the danwei employees are also residents of their own shequ and would also participate in the shequ elections in their own residential areas, giving them voting right in the shequ in which they work would have made them vote twice.\textsuperscript{215}

4.2.4B Migrant Workers

The second issue is about the voting right of the migrant workers. Although the household registration system (hukou or huji) has been relaxed in recent years, it is still quite restrictive, especially toward the people with rural registration who are working in cities. Basically, a person (including professional-expatriates) without the official household registration of his/her present living place will face a lot of difficulties to be recognized as an official resident of that place. This limits his/her access to certain benefits, and in shequ elections, the rights to vote and stand for elections.

Urbanites tend to view migrant workers with disdain. They perceive these workers as uneducated, uncultured and feudalistic who cause rising crimes and other problems in their neighborhoods. Urban residents thus quite strongly object to giving

\textsuperscript{214}The 2000 Ministry of Civil Affairs document states that “government organs, mass organizations, troop units, enterprises, service units and other [danweis] [should be mobilized] to participate in shequ jianshe and to [share] shequ resources, thus bringing forward the good environment of shequ ‘co-station and co-construction’ (gongzhu gongjian)” See “Minzhengbu guanyu zai quanguo tuijing chengshi shequ jianshe de yijian (Opinion of the Ministry of Civil Affairs on Promoting Community Construction Nationwide)” in Zhongguo shequ jianshe nianjian 2003 (China’s Community Construction Yearbook 2003), Beijing: Zhongguo shehui chubanshe (2004), pg. 136.

voting rights to migrant workers. On the other hand, the presence of a large number of migrant workers is also inevitable in many big and developing cities.\textsuperscript{216} In many shequ, the “migrant” workers have actually settled down, purchased property and maintained a stable job. They are as “urban” as other residents except their registration. Regulation and management of migrant workers are also often cited as key reason for the shequ jianshe policy. Excluding the electoral participation of migrant workers thus contradicts the purpose of shequ jianshe and shequ democracy.

Thus, most shequ do give migrant workers the voting rights, but with certain qualifications. Length of residency requirement is the most common one. More controversial ones are the rules that would require these people to provide evidence that they have a valid and stable income, and have purchased property in the shequ they are living in. A migrant worker also has to secure a written statement from the villagers’ committee where he/she is registered. The statement testifies that the concerned person is no longer a voter in his/her original villagers’ committee, so as to prevent the situation in which a migrant worker could vote in his/her hometown village and in the shequ he/she is living in.\textsuperscript{217}

4.2.4C Foreign Nationals

There are some shequ in China in which there is a large presence of foreign nationals (with long-term residency), who are also an integral part of the neighborhood. The question then is whether these foreign nationals have the right to vote and stand for

\textsuperscript{216} For instance, more than half of the people in Shenzhen, one of the largest cities in China, do not hold Shenzhen household registration.
residents’ committee elections. One opinion is that since the residents’ committee is not strictly a state or governmental organization, and since foreign nationals are a significant part of the shequ they live in, they should be included in the electorate. Including foreign nationals in the residents’ committee and having them participated in elections serve to facilitate cooperation between Chinese and foreign nationals and to enlarge the social basis of the authority of the residents’ committee. In a shequ in Shanghai, not only do foreign nationals have the voting right, but some of them actually stood for and won elections.\(^{218}\)

The opposing viewpoint argues that although the residents’ committee is not strictly a state or governmental organization, it has nevertheless always served political and policy purposes. Therefore, its election should be open only to Chinese citizens. This was the reason cited to deny the voting rights of overseas Chinese with foreign citizenship (despite their long-term residency and significant community contribution) in a shequ election in Guangzhou.\(^{219}\)

The essence of these issues is the interpretation of the nature of the residents’ committee and the Residents’ Committee Law. Some scholars argue that since the residents’ committee is essentially mass self-governance organization, its election is therefore fundamentally different from elections of state institutions. Its election is more akin to elections in a social organization (for example, a lawyers’ association), in which case members of the organization are free to participate in other elections. The “one

\(^{218}\) Liu Bo, “Waiji jumin ruxuan juweihui de xuanju luo ji yu shequ zhengzhi kongjian zhuanghuan (The Electoral Logic and Transformation of Community Political Space the in the Election of Foreign Citizens into the Residents’ Committee)” *Shehui kexue (Journal of Social Sciences)* 7 (2007), pg. 124-131.

\(^{219}\) He Yanling, “Gongtong xingdong de dacheng he shequ guangxi geju de chonggou (Accomplishment of Common Actions and Re-organization of Community Relational Structure)” in *Zhongguo chengshi shequ zhijie xuanju gaige*, pg. 101
person, one vote” principle thus is not applicable. Following this interpretation, the *danwei* people, migrant workers, and foreign nationals should all be given the voting rights.

On the other hand, neither citizenship, nor household registration nor employment, are established as the basis of voting rights in the Residents’ Committee law. The only condition is residency. A strict interpretation of Article 8 of the Law will dismiss the voting right of the *danwei* people on the one hand, and affirm the voting right of migrant workers and even foreign nationals on the other hand. The property and income qualifications imposed on migrant workers are also clearly against the text and spirit of the law, and are in fact illegal.

Although it does not receive much attention as a serious issue in the reform of the electoral process, the issue of voting right is nonetheless important. Especially for the migrant workers, securing them the voting right would be the necessary first step to guarantee their equal citizenship rights with urban residents. The long-term implication could be even an overhaul of the problematic household registration system. In this case, the present Residents’ Committee Law is quite adequate since the voting right is established on the basis of residence, not household registration. The problem, of course, is the imposition of property or income qualifications on the migrant workers by the local governments.

### 4.2.5 Voters’ Registration

Like suffrage, voters’ registration appears to be a rather straightforward and non-controversial issue. After all, it is a universal practice to register voters in order to

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differentiate those who possess suffrage from those who do not, to ensure each voter receives only one ballot paper in elections, and to prevent voters from voting in constituencies other than their own. Both the Villagers’ Committee law and the Residents’ Committee law mention nothing about voters’ registration. The national election law ascertains those who have voting rights shall be registered, but it is vague in terms of how they should be registered. In residents’ committee elections, they are two principal methods: dengji xuanmin and xuanmin dengji.

4.2.5A Dengji Xuanmin

The prevalent practice in shequ elections in China is “dengji xuanmin” (registering voters), in which the election committee takes a pro-active role in the process of registering voters. Typically, the election committee first compiles a list of voters based on the household registration (huji) book kept by the shequ residents’ committee. The next step is the tiresome process of verifying the voters in each household on the list, usually through repeated visits in person to these households by members of the election committee, election workers, and shequ activists.221 Residents whose political rights are restricted and not yet restored (such as prisoners who are just released) or with mental illness will be removed from the voters’ roll, while those who qualify but have not been included will now be added to the roll.222

4.2.5B Xuanmin Dengji

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221 Li Xiuqin, “Jiamenkou de minzhu (Democracy outside of Home)” Shequ (Community), 8-15 (2003), pg. 21.
Some shequ elections also began to experiment with another practice of registering voters—xuanmin dengji (voters’ registration).\(^{223}\) Xuanmin dengji simply means that non-registered residents should voluntarily register with the election committee to be on the voters’ roll. Because it requires the residents to take the initiative to ascertain their voting rights, xuanmin dengji is thought to be a better method that can raise residents’ awareness of democratic rights. Those who fail to register in a sense exercise their democratic right by choosing not to become voters. Residents who take the initiative to register tend to pay more attention to the procedure, candidates and issues of the elections. In contrast, under dengji xuanmin, residents as political actors are more passive. Their voting rights are imposed from above (obligation) rather than ascertained through their own initiative (right). Voters registered under dengji xuanmin tend to be passively mobilized during elections.

In 2000, Pudong New District in Shanghai experimented with xuanmin dengji in some residents’ committee elections.\(^{224}\) This is probably the earliest reported cases of xuanmin dengji. Under the advice of some foreign election experts (including experts from the Carter Center), the city of Nanning in Guangxi province became the first city to implement xuanmin dengji on large scale in its shequ elections in 2004.\(^{225}\) Another city that has focused on xuanmin dengji in reforming residents’ committee elections is Xi’an. A poll conducted among Xi’an residents in 2006 shocked the city officials in which 40% of the residents reported no knowledge of who were their residents’ committee chairs.

\(^{223}\) It might appear that the two terms (dengji xuanmin and xuanmin dengji, or literal English translations “registering voters” and “voters’ registration”) are unnecessary semantics referring to the same thing, especially for general readers who are unfamiliar with the different meaning of the terms.

\(^{224}\) “2000nian Pudong xinqu juweihui xuanju gongzuo zongjie (Concluding the Election Work of Pudong New District’s Residents’ Committee in 2000)” in Zhongguo chengshi shequ zhijie xuanju gaige, pg. 244.

After some considerations and analysis, the city civil affairs officials decided to promote xuanmin dengji, rather than direct election, in the coming shequ elections in 2007. Reportedly 50% of all shequ were to use xuanmin dengji and 10% would go for direct election. Xuanmin dengji, for some election reformers, could be the tentative first step toward the more democratic mode of direct election.

Xuanmin dengji is not without problems. From the perspective of local government officials, the main worry is too few residents care to register. Failure to secure a high turnout rate, as mentioned before, is perceived to be damaging to their bureaucratic career. Another potential downside of xuanmin dengji is that with voluntary registration, only those activists (and their family and friends) will be drawn into participating elections. Governance of shequ affairs will then be dominated by a group of shequ activists rather than having a majority of the residents engaged in a democratic process. Dengji xuanmin, although a much more cumbersome process, is more reliable to secure higher voter turnout rate. It requires more work, but it posts lower risk. Thus, many officials are still uneasy about the use and implementation of xuanmin dengji.

Some shequ experimented with the combination of both methods. For instance, in a 2004 shequ election in the city of Wuxi, the election committee prepared a three-phase registration process. The first phase was voluntary registration by the residents (xuanmin dengji). The second phase was the traditional dengji xuanmin, in which election workers would go door-to-door to register the unregistered residents. The final phase is “make-up” registration. Those who failed to register (or be registered) during the first two phases

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could register during this phase, and do so voluntarily. The first phase drew 36.1% of the eligible residents to register as voters. This indicates a substantial portion of the residents who were interested in the election and took the initiative to ascertain their democratic rights. Interestingly, this number was actually higher than the number in the second phase (27.7%). However, if the registration process ended just after this phase, this election would be an invalid one, because this would mean that less than 50% of the eligible voters (36.1%) would cast their vote—a violation of the standard “50%” election rule in China. The second phase (dengji xuanmin) therefore allowed the election committee to almost double the number of registered voters (eventually after all phases 70.9% of all eligible residents registered as voters). This combination approach is considered by some to be appropriate for the current stage of development of shequ elections in China. It is able to let residents to ascertain their democratic rights (the main virtue of xuanmin dengji) while at the same time avoid the risk of low participation (the main virtue of dengji xuanmin). Hence, it could be regarded as a good option for those local government officials who want to proceed at a more cautious pace.

4.2.6 Nomination: Qualifications, Preliminary Candidates and Formal Candidates

The nomination process has been one of the major areas of election reforms in many residents’ committees. There are three issues regarding the nomination process: (1) nominees’ qualifications; (2) nomination of preliminary candidates, and (3) determination of formal candidates.

4.2.6A Nominee’s Qualifications

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228 About the 50% rule, I will discuss more about it in the section of “Protecting the Secret Vote” below.
Traditionally, the residents’ committee is staffed mostly by women. Today it is 
still a major platform for women’s participation in politics. However, this image of 
residents’ committees being run by old nannies with little education tends to discourage 
capable people from considering running for residents’ committee elections. The 
Ministry of Civil Affairs has made recruitment of young, capable and energetic people an 
important foundation for the success of the shequ jianshe policy. In order to increase the 
overall quality of residents’ committee members, many local governments have instituted 
certain regulations regarding nominees’ qualifications, the most common being age 
qualification (nominees have to be below the age of 55) and education (at least a college 
degree). They also reserve the authority to disqualify nominees who fail to meet such 
qualifications.

These qualification requirements do have the real effect of making residents’ 
committee members younger and more educated. However, these qualification 
requirements are by nature discriminatory and have actually violated Article 8 of the 
Residents’ Committee law. Many old and experienced residents’ committee members 
are forced to retire. Despite their senior age and low level of education, many of these old 
members have been immersed in their residential neighborhoods for years. They are also 
dedicated to and enthusiastic about their work. Their disqualification thus also is a loss of 
some genuinely capable people to run shequ residents’ committees.

4.2.6B Nomination of Preliminary Candidates

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231 Yang Qiaoli, “Shequ juweihui –funu canzheng de zhongyao wutai (Community Residents’ Committee –an Important Platform for Women’s Participation in Politics)” Zhongguo funubao, September 23, 2003. As noted in “the State of Shequ Jianshe” in Chapter 2, more than half of the residents’ committee members are women. All the residents’ committee members that I interviewed, except one, are women in their mid-forties or fifties.

In Chinese elections (including village elections and local peoples’ congress elections), the nomination process generally involves two sub-processes—the nomination of preliminary candidates, and the determination of the final candidates from the list of preliminary candidates. The Residents’ Committee Law again does not stipulate any regulations about the nomination process, thus different localities have used different nomination methods. Here I will discuss the first sub-process (nomination of preliminary candidates).

Traditionally, nomination is not open. Only organizational nomination (by the party, the street office, the residents’ committee, the election committee, or other “mass organizations”) is accepted. Residents’ opinions sometimes are solicited and considered, but otherwise they tend to play only insignificant role in the preliminary nomination process. Reforming this sub-process has been focused on giving residents the right to nominate. Similar to the three modes of election, several modes of residents’ nomination have also been proposed, such as nomination by residents’ representatives/residents’ small groups, nomination by household representatives, and residents’ direct nomination. Two common methods of resident’s direct nomination are self-nomination seconded by fellow residents and joint nomination by a group of residents/voters (usually 10). There is also a type of nomination called “sea election” which I will discuss later in this section.

Giving residents’ nomination rights, however, do not mean that organizational nomination is no longer in use. Most election committees accept both organizational nomination and residents’ nomination. Table 4.2 contains the data collected by the Ministry of Civil Affairs on the use of different nomination modes and methods during

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233 Li Fan, Zhongguo xuanju zhidu gaige, pg. 47.
the *shequ* election cycle in 2003-2004. The data shows that nationally, nomination by residents’ small groups was the most common mode of nomination used in the 2003-2004 residents’ committee elections, followed by joint nomination, nomination by the street office, and self-nomination.\(^{234}\)

Many *shequ* election committees are active in this preliminary nomination process. As mentioned before, some election committees can nominate candidates. In some cities the election committee is responsible for accepting and rejecting preliminary nominees. Even if it is not responsible for nominating, accepting, rejecting candidates, it could play a “directing” role to ensure the list of preliminary candidates shows adequate “representation” of different social groups. For example, during a 1999 *shequ* election in Shanghai, the election committee felt that there were not enough party members in the list of preliminary candidates nominated by the residents’ representatives. It therefore sought to “encourage” or “guide” the nomination of party members by several residents’ representatives who had not yet decided.\(^{235}\)

Unsurprisingly, those nominees on organizational tickets are understood to be the “official” candidates in elections, and tend to be the formal candidates in the second sub-process. Nominees on organizational tickets generally come from three types of background: (1) residents’ committee member of the current term, (2) cadres arranged or sent by the street office to work in *shequ*, and (3) recruits from the public through a policy known as *jiepin minxuan* (the street office hires, the residents elect) or *xuanpin*

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\(^{234}\) Apparently the Ministry relied on information provided by provincial or local authorities in compiling the data (some numbers are quite specific and others are general; the 100% joint nomination by voters in Tibet was basically unverifiable, and the 100% nomination by residents’ small groups in Beijing contradicts the known facts that some Beijing *shequ* have experimented with more direct nomination by residents). This data is therefore not totally reliable. Nevertheless, it still demonstrates the diverse nomination methods used in different localities.

\(^{235}\) Lin & Ma, *Shequ zuzhi yu juweihui jianshe*, pg. 198.
heyi (unity of electing and hiring). This policy is an institutional innovation in shequ elections that has no counterpart in village elections. In the subsection following the discussion on determination of formal candidates, I will present a more in-depth discussion on this policy of jiepin minxuan.

4.2.6C Determination of Formal Candidates

In general, all types of election in China require an officially approved list of formal candidates, with the number of these candidates being determined by the election organizing bodies.\textsuperscript{236} With the opening up of the preliminary nomination to residents, it is conceivable –in fact it is a common occurrence –that the number of preliminary candidates exceeds the specific number of formal candidates, thus requiring this sub-process of determination of the formal candidates.

In most sheus this sub-process is done with the so-called “consultative” (xieshang) method,\textsuperscript{237} in which several rounds of discussion and consultation between residents, the authorities and the election committee eventually lead to a final list of formal candidates. Despite some residents’ participations, the ultimate authority generally resides in the street office and the election committee. They make sure certain preliminary nominees will appear on the list of formal candidates (such as party members and the recruits under jiepin minxuan), and reject preliminary nominees they do not like.

Partly borrowing from village election experiences, some localities have experimented with a more democratic alternative –a primary election to determine the

\textsuperscript{236} For instance, Articles 27 and 28 of the national election law state that “the number of candidates for deputies to be directly elected by the voters shall be from one third to 100 percent greater than the number of deputies to be elected. Candidates…shall be nominated by the voters in the various electoral districts and by the various political parties and people’s organizations. The election committee…shall decide, in accordance with the opinion of the majority of voters, upon a formal list of candidates to be made public five days prior to the date of election.”

\textsuperscript{237} This is clearly included by the “consultation” process in local peoples’ congress elections. See J. Bruce Jacobs, “Elections in China” *The Australian Journal of Chinese Affairs*, 25 (1991), pg. 183-186.
formal candidates from the preliminary candidates. Again, three modes of primary
election exist. In this case, the electors could be residents’ representatives, household
representatives, or all eligible residents.

Primary election by residents’ representatives is the predominant mode of primary
election. Guangxi, Ningbo, Wuxi, Shanghai and Shenyang are some of the provinces and
cities that have experimented with primary election by residents’ representatives. An
example of primary election by household representatives is the election of Yousan shequ
in the city of Wuhan. Primary election by all eligible residents is called “sea nomination”
(haitui), an example of which is the election of Chang’er residents’ committee in the city
of Wuhan in 2003.238

The primary election process, however, is not immune from control and
interference, especially if is a primary election by residents’ representatives. An account
of a shequ election in Shanghai is highly informative in this regard. In this election, the
election committee asked the residents’ representatives to each nominate 5 to 9 formal
candidates from a list of 28 preliminary nominees. After tallying the nomination votes,
the first 10 preliminary candidates who obtained most nominations would then be
tentatively considered as formal candidates. However, out of these 10 candidates, 4 of
them declined to stand for election for personal or work reasons. The logical solution for
the election committee would be to take the preliminary candidates on the 11th, 12th and
13th place. But then the election committee discovered that in this case there would not be
enough party members in the list of tentative formal candidates. In the end, it decided two

238 Liu Chongshun, “Wuhanshi Changer shequ juweihui huanjie zhixuan kaocha baogao (A Report on the Term-
Changing Direct Election to Changer Community Residents’ Committee in Wuhan)” Shehui gongzuo (Journal of
members of the election committee (also party members) would be included as tentative formal candidates. The representatives then were asked to determine from this list of tentative formal candidates the formal candidates through a primary election. The two candidates added by the election committee were unsurprisingly elected formal candidates too.239

4.2.6 D Jiepin Minxuan/Xuanpin heyi 240

This policy basically means that potential members of residents’ committees are first recruited and hired by the street office after going through examinations and interviews (not unlike civil service entrance examinations), before they are subject to election. The recruits in this case need not be residents from the shequ they are running for elections. The purpose of this policy is to recruit capable and qualified people from the general public to run residents’ committees. Qingdao, Tianjin, Shanghai, Beijing, Changchun, Xi’an and Nanjing are some of the cities known to have adopted jiepin minxuan. In a shequ election in Nanjing in 2000, all candidates were in fact recruited and hired by the street office after shequ residents failed to nominate any candidate.241

The 2000 Ministry of Civil Affairs document provides the basis for such a policy. On the one hand it asserts that members of residents’ committees are elected. On the other hand it encourages recruitment of capable and qualified people, especially among college graduates and laid-off employees, to work in shequ through “lawful procedure” (fading chengxu), which could be interpreted as elections.242 For instance, a Beijing

239 Lin & Ma, Shequ zuzhi yu juweihui jianshe., pg. 198.
240 These two terms refer to the same thing, so I will use jiepin minxuan for the rest of this dissertation.
241 Li Fan, “Nanjingshi Baixiaqu Huaihailu jiedao Youfuxiejie shequ xuanju guancha (Observation of the Election in Youfu xijie Community of Huaihailu Street in Nanjing’s Baixia district) in Zhongguo chengshi shequ zhijie xuanju gaige, pg. 249.
242 “Minzhengbu guanyu zai quanguo tuijing chengshi shequ jianshe de yijian,” pg. 138.
policy document states that those who are recruited by the street office will be nominated as the candidates in residents’ committee elections. After being elected, these recruits will sign a work contract with the street office. They will also be included in the official public personnel management system.\(^{243}\) This policy is credited for bringing in talented people to work in the residents’ committee.\(^{244}\)

There is considerable amount of debate about this policy. *Jiepin minxuan* is criticized for bringing in recruits who are not the actual residents of the very *shequ* they are serving. The residents do not feel close to them. This policy could further alienate residents’ participation. It also contradicts the efforts to promote residents’ self-governance and community identity. Technically, *jiepin minxuan* is also against the Residents’ Committee Law since the voting rights (which includes the right to stand for elections) is established on the basis of residence.

Supporters of *jiepin minxuan* counter this argument by contending that the idea that *shequ* can only be served by their own residents is a rather parochial view. Even though these recruits may not necessarily be the residents of the *shequ*, their enthusiasm and willingness to work for and serve the residents should not be presumed to be less than the residents themselves. Furthermore, *jiepin minxuan* allows the street office to recruit talented people through rigorous training and examination, at the same time also allows residents to have the final choice in an election. It combines the two basic methods of selecting officials in a modern government: the merit-based method of civil servant

\(^{243}\) “Beijngshi shequ shiye ganbu guanli zhidao yijian (shixing) [Guiding Opinion of Beijing on Community Cadres Management (Trial)]” in *Zhongguo shequ jianshe nianjian 2003* (China’s Community Construction Yearbook 2003), Beijing: Zhongguo shehui chubanshe (2004), pg. 143.

recruitment and the democratic method of electing officials. It thus has the virtues of both methods.\textsuperscript{245}

Critics again point out this is exactly the problem. They are first recruited and hired by the street office (jiepin) and then elected by residents (minxuan). This dual identity creates a conflicting dilemma for these recruits. One recruit asks, “We are recruited and paid by the street office, how are we not going to listen to them? We are also elected by the residents. We cannot ignore their interests. Well then, are we only the employees and “legs” of government, or are we to articulate residents’ interests, to become the “head” of the residents?”\textsuperscript{246} Since they are first and foremost hired by the street office, in general they are more inclined to consider the interests of the street office first. And since they are recruits of the street office, the street office has strong incentive to make sure these recruits are elected, even through manipulation. Among the 3270 recruits nominated as formal candidates in the 2003 residents’ committee elections in Beijing, 3204 of them managed to get elected.\textsuperscript{247} This high success rate of jiepin minxuan nonetheless makes people suspicious that the election process was controlled to ensure their victory.

4.2.6E Sea Election (Haixuan)

There is also a type of residents’ nomination and election called “sea election”.

The most radical type of “sea election” combines nomination and election and involves

\begin{footnotesize}
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\item \textsuperscript{245} Xu Yong, Chen Weidong, et al. \textit{Zhongguo chengshi shequ zizhi (Self-Governance in China’s Urban Communities)}, Wuhan: Wuhan chubanshe (2002), pg. 129-132.
\item \textsuperscript{247} Zhan Chengfu, \textit{Shequ juweihui xuanju gongzuojingcheng baogao}, pg. 68.
\end{itemize}
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no candidates at all. All voters are given a blank ballot paper, and on the ballot paper the voters write down the name of the persons they intend to vote for. Although there are no formal candidates, persons interested to stand for elections and to promote themselves can register with the election committee as “contestants” (jingxuanren). After tallying all the ballots, the persons (might or might not be the “contestants”) who have received the most votes will then simply be declared the winners of the election. Some districts in the cities of Nanjing, Changsha, and Tianjin were all reported to have experimented with this type of shequ “sea election” (or a modified version of it) before.248

The less radical type of “sea election” combines preliminary nomination and primary election. Similar to the first type, all voters are given a blank ballot paper to write down the name of any persons they intend to vote for. After tallying the nomination votes, the persons with the highest nomination votes will then be chosen as the formal candidates. The nomination of formal candidates in Beijing’s Jiudaowan election in 2002 is similar to this type of primary election.249

In the least radical type, “sea election” will be used for the preliminary nomination process only. Again, all voters are given a blank ballot paper to write down the name of the persons they intend to vote for. Any person whose name has appeared on the ballot paper is considered a preliminary candidate. The determination of final candidates from the list of preliminary candidates will then be carried out either through

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249 Zhou Hongling, Zhang Minwei, “Jumin zenyang na xuanpiao quandian dangjiaren (How Residents Vote Their Leaders)” Shequ (Community) 9-17 (2002), pg. 9.
the traditional consultative approach or through a primary election. The Sifang shequ in
the city of Changsha is known to have used this type of “sea election” during the
preliminary nomination process.\textsuperscript{250}

“Sea election” tends to be confused with direct election, or sometimes is
considered a variant of direct election.\textsuperscript{251} Although “sea election” and direct election
tends to go together, they are different. “Sea election” in fact can be combined with
indirect election, as have been the case in a 2004 shequ election in Qingdao and some
elections in Nanjing.\textsuperscript{252} The “voter” in a “sea election” could be any adult resident
(therefore combining “sea election” with direct election), a household representative
(combining “sea election” with indirect election by household representatives), or a
residents’ representative (combining “sea election” with indirect election by residents’
representatives).

The essence of “sea election” is election without formal candidates, or, if applied
at the nomination stages, nomination without the approval of the nominees. “Sea
election” is not without criticisms among election reformers and scholars. “Sea election”
is completely open –the voters can write any names they prefer –so the problem is that it
does not care whether those nominated are willing to serve as residents’ committee
members or not. Some of them would decline to be involved in the election at all.
Sometimes they would feel obliged to serve once they are actually elected, but in a way
that would be unwillingly and unenthusiastically.

\textsuperscript{252} Zhan Chengfu, \textit{Shequ juweihui xuanju gongzuo jingcheng}, pg. 153.
Another problem is that “sea election” tends to favor the incumbents or those who are already well-known in the shequ, since residents tend to nominate and vote for the “familiar face.” It is therefore unfair to those who have not yet established a reputation. The most radical type of “sea election”, in which the preliminary nomination process and formal nomination process is collapsed into one direct election without candidates, offers only limited opportunities for the less well-known to promote their name and to campaign for votes either as preliminary candidates or formal candidates.253

4.2.7 Increasing Electoral Competition: Differential and Corresponding Elections

The meaning and difference between differential (cha’er) and corresponding (denger) elections have been explained in Box 4.1. For much of the history of Maoist era corresponding election was the prevalent form. However, since the reform era differential election has been promoted and incorporated in the national election law and Villagers’ Committee Law.

This does not mean that corresponding election is no longer in use in China. The elections of principal government officials254 are all corresponding elections. For shequ elections, the Residents’ Committee Law again mentions nothing about differential or corresponding elections. Most provincial laws on the residents’ committee permit both corresponding and differential elections. Corresponding election is permitted generally if the one of the following conditions occur: 1) after the nomination process, the number of formal candidates is still the same with the number of elected positions; 2) after discussion among residents in the residents’ assembly it is agreed that corresponding

253 Wang Hua, Li Fenfa, “Chengshi shequ jumin weiyuanhui zhijie xuanju yanjiu (A Study of Direct Election s of Urban Community Residents’ Committee)” Xiamen tequ dangxiao xuebao (Journal of the Party School of CPC Xiamen Municipal Committee) 3 (2008), pg. 35; Li Fan, Zhongguo xuanju zhidu gaige, pg. 148-149.

254 The Chinese president, premier, the provincial governors, mayors, county magistrates, etc. are supposedly “elected” by the people’s congress at respective levels.
election will be used. Among all the provinces, only Shandong and Anhui explicitly state that elections of the residents’ committee have to be carried out according to the differential election principle.

4.2.7A “Degree” and “Range” of Differential Election

(To make my discussion clearer, I will use a residents’ committee with five members, with one of them being the chairperson and another being the vice-chairperson, as a model). The differential election principle can be applied along two dimensions: “degree” and “range”. The “degree” of differential election refers to whether the election of each position (chairperson, vice-chairperson, regular committee member) of the residents’ committee is elected based on the differential principle, or whether only the position of regular members is subject to differential election. It also refers to whether each position is voted separately or whether all members of the residents’ committee elections are voted in one bloc. Thus, a differential election in which each position is elected separately and differentially has the highest “degree.” A differential election in which voters simply choose five names out of the six formal candidates on the ballot paper, without indicating who is going to be the chair, vice-chairperson, and regular committee member, is a differential election with the lowest “degree.”

The “range” of differential election refers to the number of formal candidates that is required in order to exceed the number of elected positions. This could be determined either by a ratio, such as stating that the number of formal candidates shall be 20% or one-thirds more than the number of elected positions, or by a number, such as stating that the number of formal candidates shall be 1 or 2 more than the elected positions. The ratio

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or number could also be applied differently: either to all positions combined together (for example, stating that the number of candidates shall be one more than the number of all residents’ committee members), or to each position separately (for example, stating that the number of candidates for the chairpersonship shall exceed the number of chairperson of the residents’ residents’ committee).

4.2.7B Different Types of Differential Election

Different combinations of both dimensions give us different possibilities of a differential election. Figure 4.2 presents the different types of differential elections that have been used or proposed so far. Under the “single plurality” election, the voters will vote a bloc of candidates rather than vote for each elected position separately. The two highest vote receivers become the chairperson and vice-chairperson respectively, and the lowest vote receiver is therefore voted out, or in Chinese term, is “differenced out” (bei cha’e). Alternatively, the five elected members could decide on their own who are going to be the chair and vice-chairperson. An example of this type of differential election is the Nanjing shequ election in Baixia district in 2000.

A “limited differential” election is a combination of differential and corresponding elections. The elections of the two leadership positions are corresponding elections (only one formal candidate for the chairpersonship and one formal candidate for the vice-chairpersonship), while the elections of the regular membership positions are differential elections (four candidates contesting for three positions). Xuanwu district in Nanjing and Luwan district in Shanghai had used this type of differential election before.

\footnote{Unless otherwise noted, the actual examples provided in the following discussion come from my analysis of the election documents collected in Zhan Chengfu, Shequ juweihui xuanju gongzuo jingcheng baogao. Thus, I will not cite them separately.}
An alternative “limited differential” election is when it is the leadership positions, rather than the regular membership positions, that are elected differentially. A modified form of this type of election was proposed as an experiment for the Beijing’s Jiudaowan election in 2002, but was never used and I have so far not encountered any actual case of this type of election.

A “separate voting” differential election means that all three positions are elected separately and differentially. Under the “transferable separate voting” system, the losing candidate of the election of the chairperson position will be transferred as a candidate of the election of the vice-chairpersonship position. The losing candidate of the election of the vice-chairpersonship will again become a candidate of the elections of the regular membership position. Shanghai\textsuperscript{257} and Wuhan had used this type of differential election before.

Finally, the “nontransferable separate voting system” is actually the most common type for those shequ that have implemented electoral reforms. In this case, the election will feature two contestants for each of the two leadership posts (chairperson and vice-chairperson), and one or two persons more than the number of regular members of the committee (for example, four candidates for three regular membership positions), making all positions differential, but without the transferability of the losing candidates.

We can evaluate the competitiveness of these differential electoral systems based on the two dimensions mentioned above. Assuming that the higher “degree” (each position elected separately and differentially) and “range” (more formal candidates, thus allowing residents more choice) of a differential election, the more competitive the

\textsuperscript{257} Wang et al., *Juweihui yu shequ zhili*, pg. 140-141.
election is, the “simple plurality” election is the least competitive and the
“nontransferable separate voting” system is the most competitive. The “simple plurality”
restricts both the “degree” and “range” of an election, with none of the positions
separately voted at and the number of candidates is only one more than the number of
elected positions. Both “limited differential” electoral systems have a moderate “degree”
of differential elections, with some of the positions (leadership or regular membership)
being contested while others not.

The “degree” of the “transferable separate voting” system is high, with each
position being contested differentially, but the “range” is generally restricted to one more
candidate than the number of elected positions. Finally, the “nontransferable separate
voting” system naturally increases the “degree” and “range” of elections. For a five-
member residents’ committee, it must have at least have 8 formal candidates (2 for each
of the two leadership positions and 4 for the 3 regular membership positions). Table 4.3
summarizes the argument made above. Theoretically speaking, the “range” of each type
of differential election could be enlarged (increasing the number of candidates), but only
the “nontransferable separate voting” system will ensure at least a moderate “range”.

Each of these systems has its strengths and weaknesses. “Simple plurality”
elections provide simplicity and “controllability” from the perspective of the authorities
(meaning higher chance for “official candidates” being elected). The same can be said
about “limited differential” elections without leadership positions. The “nontransferable
separate voting” system appears to be the most “democratic” since is provides more
choices to the residents. However, one criticism against the “nontransferable separate
voting” system is that since the losing candidates will not be able to contest in the next
round, this could result in the loss of some talented people eager to serve the residents. There could be cases in which two equally competent candidates are running for the chairpersonship. The losing candidate of the election of chairpersonship is actually more qualified and preferred by the residents than the two candidates for the vice-chairpersonship. Under the “transferable separate voting” system, residents could get their wish of having two competent persons serving as chairperson and vice-chairperson respectively. However, the “transferable separate voting” system still generally provides limited choice, and is easily more “controllable” than the “nontransferable separate voting” system.

4.2.7C Competitive Corresponding Election and Uncompetitive Differential Election

Simply adopting a differential system does not mean the electoral process will automatically become more competitive. The electoral process can still be easily manipulated, especially through the nomination process, to ensure the victory of the candidates favored by the authorities. Through controlling the nomination process, the authorities can simply disqualify some potential rivals to their preferred candidates. They can field “weak candidates” together with capable “official” candidates in a differential election. Residents in this case have only a limited choice between a capable “official candidate” and a “weak candidate.” The role of the “weak candidates” in this is nothing more then to make the election appear to be a competitive, differential election.²⁵⁸

On the other hand, a corresponding election can be competitive. A corresponding election can be competitive at the stage of nomination of formal candidates rather than

²⁵⁸ Zhang Honggang, “Jumin zizhi yun zhixuan er shengdong (Residents’ Self-Governance is Vitalized Because of Direct Election)” Shequ (Community) 5 (2005), pg. 18; Cui Guoqiang, Zhou Jing, “Dui woguo xuanju zhidu yuanze de shikao (Thoughts about the Principles of Election in China)” Renda yanjiu (People’s Congress Study) 1 (2003), pg. 18-19.
the actual election stage. There are cases in which the “transferable separate voting” and
the “nontransferable separate voting” are used in the process of determining formal
candidates, such as some of the residents’ committee elections in the city of Wuhan in
2000.259

4.2.8 Increasing Electoral Competition: Candidates’ Campaigns

For voters to make a meaningful choice between contesting candidates, it is
vitally essential that basic information about the candidates be made available and
accessible to the voters. Introducing the differential principle is only the first step toward
creating an effectively competitive election.260 A blind vote is hardly a democratic
choice.

Securing the voters’ right to know candidates’ information, and the candidates’
right to campaign, however, has not been a top priority on the agenda of electoral reforms
in many shequ, and not particularly encouraged by the authorities. Overt self-promotion
and attacking rivals’ point of view are viewed as not particularly “suitable” to Chinese
culture or “national conditions.” The cultural argument has some validity. The traditional
cultural emphasis on humility and on unassuming modesty does make some candidates
rather shy about self-promotion and fearful of the public perception of being “power-
hungry.”261

259 Xu Yong, Chen Weidong, et al. Zhongguo chengshi shequ zizhi (Self-Governance in China's Urban Communities),
260 As an eminent Chinese legal scholar once said, “An election that is not differential is not truly an election; a
differential election without competitive campaigning is not truly a differential election.” Wu Jialin, Wu Jialin zixuanji
261 Liu Chongshun, “Wuhanshi Changer shuixi juweihui huangjie zhixuan kaocha baogao (A Report on the Term-
Changing Direct Election to Changer Community Residents’ Committee in Wuhan)” Shehui gongzuo (Journal of
Social Work) 5 (2004), pg. 17; see also Li Fan, “Guangxi Liuzhou xin’er shequ zhixuan guangcha (Observation of
the Direct Election in Xin’er Community in Liuzhou, Guangxi)” in Zhongguo chengshi shequ zhijie xuanju, pg. 286. J.
Bruce Jacobs also noted the influence of the cultural factor in his analysis of Chinese people’s congress elections when
Both the Villagers’ Committee law and Residents’ Committee Law have no provisions regarding promotion of the candidates and their meeting with voters. Before the residents’ committee election reforms in the late 1990s, most elections were thoroughly controlled by street offices. It was unnecessary for any introduction of the candidates, not to mention campaign activities. With the introduction of direct, differential and other election reform measures, provisions similar to the 2004 amendments to the national election law regarding candidates-voters meetings (including questions-and-answers sessions) and introduction of the candidates by the election committee have also been incorporated in many local election regulations. The importance of competitive campaigning, the availability of candidates’ information to the voters, and voters-candidates interaction, is increasingly being recognized in shequ elections. A government official who was instrumental in the introduction of direct elections of the residents’ committee in the city of Ningbo admits that high turnout rate is meaningless if there was “information asymmetry” between candidates and voters. Only when the electors fully possess adequate information of the elected would the electors be able to vote meaningfully and rationally, and to supervise the elected effectively. A government survey in district in the city of Wuhan shows that adding the procedure of organizing meetings between voters and (preliminary) candidates increases shequ

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263 Xu Yiping, “Duiyu sheu zhixuan de jige wenti de kanfa (My Opinions on Some Issues of Community Direct Election)” in Zhongguo chengshi shequ zhijie xuanju gaige, pg. 58-60; see also Zhan Chengfu (ed.), Shequ juweihui xuanju gongzuo jingcheng, pg. 157.
residents’ knowledge of the candidates and is thus helpful for them to make a more meaningful choice.\textsuperscript{264}

Generally there are two types of candidates’ introduction and promotion: organizational introduction and self-introduction. Traditionally organizational introduction is the only method, but increasingly many residents’ committee elections permit both organizational introduction and self-introduction.\textsuperscript{265}

4.2.8A Organizational Introduction

In organizational introductions, candidates are basically passive actors. The election committee is the main actor to introduce and publicize candidates. It is responsible for printing and distributing flyers containing candidates’ information and pictures, putting candidates’ information and pictures on propaganda boards or banners that would be visible around the shequ, and using other mediums (such as loudspeakers and posters) to introduce all candidates, all in a supposedly neutral and fair way. The election committee also organizes meetings of residents to introduce the candidates personally. Candidates’ initiatives are limited to have the election committee publicize on their behalf some of their work-plan and work targets. In the 2003 residents’ committee elections in Haishu district of Ningbo, the local election committees had some novel ideas. They paraded the candidates on shequ streets in celebrity style, and organized performances and shows to attract voters to meet with the candidates.\textsuperscript{266}

Although an organizational introduction does not generally advance very much the competitiveness of elections, it does have its useful purpose in situations in which

\textsuperscript{264} Ibid, pg. 161.
\textsuperscript{265} For an example, see Liu Chongshun, “Wuhanshi Changer shequ juweihui huanjie zhixuan kaocha baogao,” pg. 24.
\textsuperscript{266} Li Fan, “Guifanhua chengshi shequ xuanju de chenggong changshi (A Successful Attempt to Standardize Urban Community Elections)” in Zhongguo chengshi shequ zhijie xuanju gaige, pg. 202-205.
candidates are unwilling to overtly publicize themselves. In this case, an organizational introduction becomes the only channel of effective communication between voters and candidates.

4.2.8B Self-Introduction

Self-introduction requires more candidates’ initiatives to attract voters support. An election that permits self-introduction will at least allow candidates to give speeches and answer voters’ questions in meetings with the residents. Self-introduction thus could be viewed as the basis of candidates’ campaign activities, albeit to be strictly regulated by the election committee as well.²⁶⁷

For example, Guangxi has issued a regulation about competitive campaign speeches in residents’ committee elections (jingxuan shizhi yanshuo guize). The regulation states that the speech of the candidates has to be submitted to the election committee. The speech shall include basic information (age, political affiliation, working experience, education, etc.), a three-year work plan and work targets, special abilities or strong points, and promises to shequ residents once elected. The speech shall not have contents that (1) violate national policies and laws, (2) attack, vilify, slander the rival candidates, and (3) make unrealistic and deceiving promises. The election committee is responsible for scrutinizing, censoring and approving all campaign speeches. It generally would not alter the text of the speech, but shall do so when “politically incorrect views” (zhengzhi cuowu guandian) are contained in the speech. The election committee shall not leak candidates’ speech to their rivals. Voters have the right to question the candidates

²⁶⁷ See the Beijing shequ election regulations contained in Zhan Chengfu (ed.), Shequ juweihui xuanju gongzuo jingcheng baogao, pg. 357.
after their speech, and the candidates should answer voters’ questions unless they are related to national policies and personal privacy.\textsuperscript{268}

While in most elections direct interaction between candidates and residents generally is confined to the meetings of residents’ assembly and residents’ small groups, organized and supervised by the election committee, some local governments allow more opportunities for candidates to be more pro-active in the courting of votes. Haishu district in the city of Ningbo was novel in its approach to election campaigning. Article 15 of its shequ election regulations stipulates that candidates can “meet voters according to their own ways.”\textsuperscript{269} Some candidates took this opportunity to introduce some innovative practices, such as door-to-door canvassing for votes, a rarity in Chinese elections. More interestingly was the emergence of election campaign teams (xuanju houyuantuan or xuanju zhinangtuan). These teams were organized by the candidates. They recommended campaign strategies, remade the image of their candidates, and served as election observers during elections.\textsuperscript{270} The campaign teams in a way resemble the political consultants that are common in democratic countries. Not only did these election campaign teams raise the level and quality of electoral competition, absent competitive party politics, they could be the only form of organized political contestation that is tolerated and acceptable in China.

\textsuperscript{268} “Guangxi shequ jumin weiyuanhui jingxuan shizhi yanshuo guize (Regulation on Campaign Speech of Community Residents’ Committee of Guangxi)" in Zhongguo chengshi shequ zhijie xuanju gaihe, pg. 366-368; The Beijing shequ election regulations also have similar provisions governing the rules of candidates’ speech, see Zhan Chengfu (ed.), Shequ juweihui xuanju tongzhong baogao, pg. 357-358.

\textsuperscript{269} “Ningboshi Haishuqu shequ jumin weiyuanhui xuanju banfa (shixing) [Election Law of Community Residents’ Committee of Haishu District, Ningbo (Trial)]” in Zhongguo chengshi shequ zhijie xuanju gaihe (Direct Election Reform in China’s Urban Communities), pg. 195.

\textsuperscript{270} Li Fan, “Shequ juweihui xuanju shouci dachu chaungxinpai (Innovative Ideas in Residents’ Committee Elections) Shequ (Community) 6-12 (2003), pg. 20; Li Fan, “Guifanhua chengshi shequ xuanju de chenggong changshi (A Successful Attempt to Standardize Urban Community Elections)” in Zhongguo chengshi shequ zhijie xuanju gaihe, pg. 202-205.
Another important issue in self-introduction is the election debate. As mentioned in the first section of this chapter, the logic of “one-party competitive election” is that in general, elections are not about competition between rival political proposals or programs that are based on different interest demands, representation, and aggregation. Rather, they are a competition based on candidates’ competence, character, and access to resources. As a result, most election debates are also rather timid and insubstantial. The candidates’ speeches in residents’ committee elections reported in Chinese media and publications generally conform to this pattern: they are mostly apolitical and service-oriented. Even in Haishu district of Ningbo, a “star” district in shequ democratization, anecdotic collection of campaign speeches shows that all candidates were making general and vague promises to serve the residents better.  

Some scholars consider elections without substantial competitive policy programs as democratically deficient. Instead of being the foundation for further political democratization, shequ elections become an “element of depoliticization” This assessment is a bit harsh, considering that local elections in liberal democratic systems generally also emphasize non-political and daily-life issues, as well as the competence and ability (rather than the ideological stand) of the candidates. Nevertheless, the criticism that candidates should not just focus on advertising and promoting their service capabilities is valid.

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271 Xu Yiping, “Duiyu sheu zhixuan de jige wenti de kanfa (My Opinions on Some Issues of Community Direct Election)” in Zhongguo chengshi shequ zhijie xuanju, pg. 51.
273 There is a case in which a candidate in a residents’ committee election vowed to fight for the interest of laid-off workers (himself a layoff worker) in the city of Dalian. See “Dalian ‘xiaoxiang zongli’ shouchang zhixuan (Direct elections for ‘Lane Managers’ in Dalian)” Liaoning ribao, January 20, 2005. This will contradict the logic of “one-party competitive elections.” Nonetheless, this is so far the only example of an interest-based approach to election campaigning I have seen.
Allowing more substantial debate between candidates, or to put it more bluntly, allowing candidates to attack their rivals during the campaign period (as indicated in the Guangxi regulations above, attacking rivals is not allowed), brings forth a number of benefits, such as forcing the candidates to be more specific about their work plan and targets, clarifying the choice the voters have, and training both the candidates and the voters the “game of democratic election.” During Beijing’s Jiudaowan shequ election, there was an unusual fierce debate between the candidates for the vice-chairpersonship. The election committee permitted the candidates to attack their rival’s speech, as long as it was not personal attack. The debate, together with some critical and penetrating questions from the voters during the questions-and-answers session, forced each candidate to be more responsive. It also generated an atmosphere of candidates’ responsibility and accountability to the residents.  

4.2.9 In the Act of Voting: How to Protect the Secret Vote

The secret vote is essential to the exercise of free choice by the voters. Without the choice being fully protected by the secret vote, voters might feel obliged, threatened, or be coerced to vote for certain candidates. In the past, China has not placed much emphasis on the importance of secret voting. Citing the large number of illiterate in the society, the government argued that the secret vote was impractical. However, in recent years, the principle of the secret vote has been basically accepted. Article 33 of the national election law and Article 14 of the Villagers’ Committee Law both stipulate that elections shall be by “anonymous vote.”

The “anonymous vote” (wujiming toupiao) is still not yet a fully secret vote (mimi toupiao). It is only the first step, although in China these two terms are sometimes misinterpreted as synonymous. An anonymous vote simply means that ballot papers are not traceable and identifiable, whereas the secret vote requires a more complicated design and regulation of the voting process that would protect the identity of the voters and the choice they make.

4.2.9A Centralized Voting and Decentralized Voting

The first issue here is the organization of the actual voting process. The prevalent method of organizing voters to cast their ballot in shequ elections is the so-called “centralized voting” (jizhong toupiao) method, which means voters are to assemble at one major location on the polling day. There, voters listen to candidates’ speech and approve the appointments of ballot counters and ballot supervisors. After this, they collect, write and then cast their ballots.

There are both spatial and temporal problems. Since voters first have to go through a number of things (candidates’ speech, etc.) before proceeding to vote, there is generally a sense of impatience among voters. They want to finish the business as soon as possible. Then there is the issue of limited space. Many election committees complain about not having a location that could accommodate the large number of voters. They also complain there is not enough space for the installation of secret ballot booths on that location. Few secret ballot booths also make voters to wait in a long queue.

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275 The official English translations of national election law and Villagers’ Committee Law use the term “secret vote,” which is not exactly correct. Even an authoritative textbook on Chinese government also makes such mistake. See Pu Xingzu (ed.) Zhonghua renming gongheguo zhengzhi zhidu, pg. 159.
Election committees generally also give voters the option to write their ballot in public or to do so in secret ballot booths. Out of convenience, impatience, and unwilling to stand in a long queue, many voters choose to write their ballot in public. Sometimes they even have discussions with fellow voters about the vote choice. Some voters also might feel that they should not write their ballot in secret ballot booths, since this could be interpreted (by the voters themselves and by the officials) as making the statement of voting against the candidates favored by the authorities. Only those who intend not to vote for the “official candidates” have the incentive to hide the identity of their vote choice.

The use of secret ballot booths tends to be ignored as an important procedural step. Many election organizers simply interpret the anonymous vote as a secret vote and have not viewed this is an important issue. However, in recent years, increasingly election committees have begun to grasp the difference between the anonymous vote and the secret vote, and have taken a number of procedural reforms in the voting process to protect the secret vote. Instead of convening a voters’ assembly to go through candidates’ speech, appointment of vote-counters, and other technical issues are on the polling day, these issues are now to be settled before the polling day. On that day more secret ballot booths and voting stations are established at many locations in the shequ and open for the whole day –the so-called method of “decentralized voting” (fenshan toupiao). More importantly, writing the ballot inside secret ballot booths is to be mandatory. In such a way, voters do not feel that their vote choice will be implied by their preference of voting

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in the secret ballot booth. The residents’ committee elections in the province of Guangxi are pioneers in this regard. 278

4.2.9B Proxy Voters, Scribes for the Illiterate, Roving Ballot Boxes

Another issue is the use of several practices known (from rural election experiences) to have compromised the integrity of the secret vote: the use of proxy voters, scribes for illiterate voters, and roving ballot boxes. All these practices essentially will result in the vote choice of a voter being exposed to, and influenced by, another person. Election officials have abused these practices to either influence voters to vote for their preferred candidates, or to artificially inflate voter turnout rate. Nevertheless, these practices are still justified in China on the ground that China, especially in rural areas, still has large numbers of illiterate voters. Many voters also live in villages faraway from town centers. Without proxy voters, scribes for the illiterate, and roving ballot boxes, large number of voters may actually be deprived of their franchise. They are necessary for a more inclusive electoral participation in China.

In general, the urban literacy rate is much higher. Shequ residents also live in more compact residential areas. Scribes for illiterate voters and the use of roving ballot boxes are therefore less common (but not totally absent). The use of proxy voters in shequ elections, however, is widespread. As we have seen before, many shequ residents are not interested in elections. They are therefore happy to entrust a proxy to vote on their behalf. The obsessive belief among officials in the value of high turnout rate is also a fundamental reason in the widespread use of proxy voters.

278 Li Ji, Gu Yizhong, “Zheli de canxuanlu weishenme gao (Why the Turnout Rate is High Here)” Shequ (Community), 11-21 (2001), pg. 26; Li Fan, “Yige cong nongcun xuanju xiang chengshi xuanju guodu de chenggong shili (A Succesful Case of Transition From Rural Elections to Urban Elections)” Shequ (Community) 6-11 (2002), pg. 25.
Legally, Chinese elections are not required to have a high turnout rate. But they are bounded by two “50% rules”, which are stipulated in Article 38 of the national election law and Article 14 of the Villagers’ Committee Law. The Residents’ Committee Law has no similar provisions, but almost all local election regulations for residents’ committees have such provisions. These rules state that: 1) for an election to be valid it has to obtain the ballots of at least 50 percent of all registered voters; 2) for a candidate to be elected he or she has to obtain at least 50 percent of the votes.

Theoretically, these two rules can be powerful weapons for the voters to vote out the candidates they dislike, even if these candidates are supported and approved by the authorities. Voters could choose not to turn up for an election and therefore make the election invalid, and the authorities would have to reconsider the choices of candidates. Voters could abstain or vote against all formal candidates. This will result in all candidates receiving less than 50% of the vote, thus none would be elected. Indeed, there are cases of shequ elections in which all candidates failed to fulfill either one of the “50% rules,” making it necessary for second-round elections. The candidates then were replaced or had to work harder to gain support voters’ support, enhancing democratic accountability between the electors and elected.

Notwithstanding these positive effects, these two rules are also the institutional incentives for local officials and election committees to manipulate the election process to secure the requirement of these rules. Especially for officials at the street office, failing
to fulfill either one of these rules is an indication of their weak work performance. These institutional incentives, together with the bureaucratic mentality of equaling success with impressive numbers, create an environment in which high turnout rate is normal expectation by local officials and election organizers. Electoral mobilization through networks of activists and party members, the use of proxy voters and the use of roving ballot box, thus have become standard tactics for officials to inflate the turnout rate in shequ elections. In using these practices, the principle of the secret vote also tends to be brushed aside.

I have mentioned briefly the role played by shequ activists during elections in Appendix 4.4. In electoral mobilization, activists often try to persuade residents (to vote) by resorting to personal ties (guanxi) or by asking residents “to give them face” (gei mianzi). With their good relationship with the residents, many activists are also entrusted to vote on their behalf. When entrusting the activists to vote on their behalf, residents also often let activists to decide for them whom to vote for. It is not uncommon for an activist to actually dictate the vote choice of more than 20 residents, even though many election regulations clearly stipulate that a proxy can only vote on behalf of a maximum of three other voters. Thus, many residents’ committee elections with a high turnout rate actually have very low level of participation. They are democratically flawed and deficient elections, but unfortunately many local officials still consider the result of high turnout more important than an election process that protects the integrity of the secret vote.


Some scholars have suggested the elimination of all these practices (roving ballot boxes, scribes, proxy voters), but this will certainly be opposed by most officials. The next best answer to these problems is restricting and regulating these practices, such as certification of proxy voters before the polling day. Beijing’s Jiudaowan election in 2002 was particularly strict about the use of the roving ballot box, restricting its use to accommodate the disabled and elderly residents only. Nevertheless, the problem of inadequate protection of the secret vote is not as much an institutional and technical problem as it is a cultural problem—the obsession to obtain high turnout rate.

4.2.10 Removing Members of the Residents’ Committee: The Right to Recall and the Right to Dismiss

The last issue in this section is the process of removing members of the shequ residents’ committee. Some scholars argue that theoretically and constitutionally the voting rights include the right to recall. Since it is through election that the elector mandates the elected to exercise power on the elector’s behalf, the elector thus also has the right to recall this mandate.283

4.2.10A Residents’ Right to Recall

Article 10 of the Residents’ Committee Law stipulates that the residents’ assembly has the right to recall members of the residents’ committee and the right to hold by-elections, without providing the mechanism and procedure to initiate a recall process. Local laws and regulations are more specific. Provincial law on the residents’ committee of Henan and Beijing shequ election regulations both state that the recall of a member of

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283 Li Fan (ed.) Zhongguo xuanju zhidu gaige, pg. 231. This right is still enshrined in Article 40 of the national election law and Article 16 of the Villagers’ Committee law. In 2003 there is a case of voters attempting to recall an elected deputy to the district people’s congress (who is also chair of a residents’ committee) in Shenzhen. The case received extensive media attention, chiefly because of the rarity of such situation. Li Nanling, Wu Huanqing, Shen Lutao, “Bamian, shi quanli yeshi jiandu (Recall, it is a Right also a Supervision)” Renmin ribao July 2, 2007.
the residents’ committee has to be jointly proposed by one-fifth of the residents who have
the voting right. In the case of Beijing, one-fifth of the household representatives or one-
third of the residents’ representatives can also propose to recall a residents’ committee
member. The recall proposal can only be submitted three months after an election, to the
residents’ committee, the street office, and the district government. On the recall
proposal, residents have to state the reason(s) for recalling this particular member. Upon
receiving the recall proposal, the residents’ committee then has to convene the residents’
assembly (or residents’ representatives’ assembly) with the approval of the street office.
In the meeting of the assembly, the concerned member of the residents’ committee is
given a chance to defend himself/herself. The recall is confirmed if more than half of the
residents (or residents’ representatives) attending the assembly vote to recall this
particular member. After the member is recalled, a by-election shall be organized as soon
as possible. Other local election documents generally have similar provisions regarding
the process of recall.284

However, successfully recalling a member of the residents’ committee is, not
surprisingly, extremely rare. In 2007, in the city of Chengdu, there was a case in which
52 residents’ representatives (out of a total of 72) in a shequ in Qingyang district
successfully convened a residents’ representatives assembly and voted to remove an
unpopular member of the residents’ committee (she was given 5 minutes to defend
herself in the assembly). This committee member already received poor evaluation from
the residents in the street office’s assessment of her performance. The street office

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284 Zhan Chengfu (ed.), Shequ juweihui xuanju gongzuo jingcheng baogao, pg. 211,422.
attempted to persuade her to resign but to no avail, and it was the residents (through residents’ representatives) who were successfully able to remove her from office.\textsuperscript{285}

This was indeed an exercise of the recall power of the residents over the office-holders. That the recall was successful also enhanced the democratic accountability of the residents’ committee to the residents. However, this case has to be qualified as well, since the street office was also supportive of the removal of this member. The street office in this case proceeded carefully and was supportive of the residents. But what if the residents were attempting to remove a member who had the support of the street office?

In an earlier case in 2006 in which residents in a shequ attempted to remove the whole residents’ committee in Beijing was unsuccessful. Residents suspected election irregularities after a residents’ committee election, and proposed to convene a meeting of the residents’ assembly to initiate the recall process. The proposal, however, was consistently rejected by the street office, which apparently had decided to support the residents’ committee.\textsuperscript{286}

\textit{4.2.10B Street Office’s Power to Dismiss and Transfer}

The removal of a member of the residents’ committee is very unlikely to be the result of a successful recall. It is more likely the case of being dismissed or transferred by the street office. The legal basis for the street office to exercise this power is unclear. The Residents’ Committee Law and most election documents basically state that members of

\textsuperscript{285} Liu Feng, “Chengdu jumin bamian ‘buchengzhi’ shequ ganbu (Chengdu Residents Recall an ‘Underperforming’ Community Cadre)” \textit{Renmin daibiaobao} April 12, 2007; Li Dequan, Wang Jing, “Woshi shouci jumin daibiao xi “ba” quan, “chao” diao juweihui weiyuan (For the First Time Residents’ Representatives Exercise the Right to Recall, Firing a Member of Residents’ Committee in Our City)” \textit{Chengdu ribao} April 7, 2007.

\textsuperscript{286} “Tianxin jiayuan 639hu jumin lianming bamian juweihui (Residents from 639 Households Jointly Propose to Recall Residents’ Committee in Tianxin Jiayuan Community)” \textit{Huaxia shibao} May 26, 2006.
the residents’ committee be removed through the recall process initiated by residents, but do not state whether this is the only way of removal.

The street office’s power to dismiss and transfer members of the residents’ committee, however, defeats the purposes of residents’ self-governance and electoral accountability. Residents’ committee members will feel less accountable to residents and more responsible to the street office. In the above case of a successful recall in Chengdu, the street office acted with prudence. Instead of dismissing an unpopular member of the residents’ committee, it let the residents do the job of removing this person. Nevertheless, most street offices consider themselves to have this power, especially if a residents’ committee member is a recruit of the street office under the policy of jiepin minxuan (see Box 4.5). From the point of view of the street office, these recruits are basically hired under a contract to do jobs for the street office in shequ. Therefore they can be fired and transferred at will.287

4.3 The Rules of Shequ Residents’ Committee Direct Elections

In 2003, the Bureau of Base-Level Government and Community Construction of the Ministry and Civil Affairs, an election study center at Duke University, and the China Elections Project at the Carter Center established a joint task force to study and draft a set of rules and regulations of shequ elections. The result was the “Rules of Shequ Residents’ Committee Direct Elections” (Shequ jumin weiyuanhui zhijie xuanju guicheng), issued in 2004.

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The “Rules” states that all members of the election committee are elected by residents, with only the chair and deputy chairperson of the election committee are “elected” by the *tuixuan* process internally. All residents’ committee elections are direct elections and differential elections. Registration of voters is done through *xuanmin dengji*. Suffrage of migrant workers is guaranteed. The provisions on elections of residents’ representatives and leaders of residents’ small groups are still inadequate, but it states clearly these positions are to be elected by anonymous vote. There are no formal nominee qualification requirements. The preliminary nomination process is restricted to joint nomination, self-nomination, or “sea election” only. Primary election by residents through the residents’ assembly provides for the determination of formal candidates. Candidates are allowed to openly campaign for voters. Roving ballot box is prohibited, whereas the use of proxy voters and scribes for the illiterate are restricted with stricter regulations. Voters must write their ballot in secret ballot booths. A residents’ assembly must convene 30 days after receiving a recall proposal supported by one-fifths of the residents.288

The “Rules” are by far the best and most democratic election document in China. Many of its stipulations are superior to the similar provisions in the national election law and Villagers’ Committee Law. It is consistent with the model of “one-party competitive elections”, and it probably represents how democratic elections could be under such a model. However, the “Rules” are not a law. The Ministry of Civil Affairs can only recommend the use of these “Rules” and the incorporation of some of the provisions of the “Rules” in the election regulations of the local governments. The Ministry cannot

288 Zhan Chengfu (ed.), *Shequ juweihui xuanju gongzuo jingcheng*, pg. 33-43.
enforce it. But the “Rules” still serves as a guide for reformist officials in designing, reforming, improving, and institutionalizing the diverse shequ electoral processes.

**Conclusion**

This chapter first reviews the evolution of the views on elections by Chinese communist leaders. Influenced by Marxist-Leninist critique of “bourgeois elections,” early communist leaders tended to have an instrumental conception of elections. In recent years, however, Chinese leaders begin to accept the idea that elections are class-neutral and a necessary element in the construction of a socialist democratic system. The model of “one-party competitive elections,” which combines Leninist party logic, one-party rule, and competitive elections, is at present the type of elections that is mostly to be accepted by the Chinese leaders today.

The electoral systems used for residents’ committee elections are very diverse. In this chapter I look at and analyze the critical issues, as well as the institutional reforms and flaws, in which residents’ committee elections are facing. First, how the election committee is selected and staffed is critical to ensuring a fair election. There is still no independent, professional election organizing body in China, and many election committees are controlled by the authorities. Second, shifting the mode of election from indirect election by residents’ representatives to either direct election or indirect election by household representatives is the focus of recent election reforms in many residents’ committees. Nevertheless, there is still no consensus whether direct election is the best institutional reform at the present moment. Third, the elections of leaders of residents’ small groups and residents’ representatives are also part of the process of residents’ committee elections. These shequ activists are important part of the network of
governance within a shequ. Fourth, the voting rights of migrant workers, danwei people, and foreign nationals have been subject to considerable debate in the implementation of residents’ committee election reforms in recent years. As the voting rights of residents’ committee elections are established on the basis of residence under the law, it is suggested that migrant workers and even foreign nationals be given the voting rights.

Fifth, some shequ have experimented with xuanmin dengji, a reform that requires the voluntary registration by voters, to replace or complement the old registration system in which the voters are passive actors in the registration process. This reform, it is argued, will increase residents’ passion and interests in the elections. Sixth, a number of institutional reforms are focused on the complex nomination process. From the nomination of preliminary candidates to the determination of formal candidates, election reformers have argued for more a more open process in which voters, rather than political parties and organizations, play the major nomination role. Seventh, different types of differential elections have proliferated in the residents’ committee elections in recent years, some giving more choices to the voters, some less so.

Eighth, some shequ in recent years have liberalized the regulation of campaign activities. Organized political contestations are now possible in a number of residents’ committee elections. Some shequ also allow more direct debates between candidates. All these reforms will increase the quality of elections. Ninth, the protection of the secret ballot is also an important area of reform in residents’ committee elections. The major reforms include the strict requirement of voting in secret ballot booths, and the limitation of the use of roving ballot boxes, scribes for illiterate, and proxy voters. Here I argue that the bureaucratic culture of securing high turnout rate is the main source of the problem,
rather than the institutional design of the electoral system. Finally, the removal process of
the elected residents’ committee members also requires attention from election reformers.
At present, residents’ right to recall still largely exists on paper only, while many street
offices have taken liberty to dismiss or transfer elected residents’ committee members at
will.

Finally, I conclude with a brief discussion of a new set of election rules for
residents’ committee elections drafted by the Ministry of Civil Affairs in 2005. The
election rules address many of the institutional failures of the present electoral systems,
and adopt a number of institutional innovations and reforms proposed by election
reformers. These election rules appear to be the most democratic election system
available in China today. However, the rules are not a law or decree, they have no
binding force.
Table 4.1: Average Election Expenses per Shequ

<table>
<thead>
<tr>
<th>City/Province</th>
<th>Average election expenses, per shequ, in Chinese yuan</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>City</strong></td>
<td></td>
</tr>
<tr>
<td>Beijing</td>
<td>Direct election: 50,000</td>
</tr>
<tr>
<td></td>
<td>Election by household representatives: 10,000-30,000</td>
</tr>
<tr>
<td></td>
<td>Election by residents’ representatives: 5,000</td>
</tr>
<tr>
<td>Tianjin</td>
<td>3,000</td>
</tr>
<tr>
<td>Chongqing</td>
<td>2,500</td>
</tr>
<tr>
<td><strong>Province</strong></td>
<td></td>
</tr>
<tr>
<td>Hainan</td>
<td>5,000</td>
</tr>
<tr>
<td>Sichuan</td>
<td>3,900</td>
</tr>
<tr>
<td>Yunnan</td>
<td>7,500</td>
</tr>
<tr>
<td>Heilongjiang</td>
<td>3,000-5,000</td>
</tr>
<tr>
<td>Guangdong</td>
<td>18,000</td>
</tr>
<tr>
<td>Jiangxi</td>
<td>2,000</td>
</tr>
<tr>
<td>Henan</td>
<td>3,000</td>
</tr>
<tr>
<td>Guizhou</td>
<td>5,000</td>
</tr>
<tr>
<td>Tibet</td>
<td>4,000</td>
</tr>
<tr>
<td>Ningxia</td>
<td>1,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Provincial Units/Nomination Methods</th>
<th>Street Office (%)</th>
<th>Residents’ Small Groups (%)</th>
<th>Joint Nomination by Voters (%)</th>
<th>Self-Nomination (%)</th>
<th>Others (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beijing</td>
<td>100</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tianjin</td>
<td>70</td>
<td>20</td>
<td>5</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>Liaoning</td>
<td>15.5</td>
<td>82</td>
<td>1.5</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Jilin</td>
<td>34</td>
<td>34</td>
<td>30</td>
<td>36</td>
<td></td>
</tr>
<tr>
<td>Heilongjiang</td>
<td>55</td>
<td>35</td>
<td>20</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Shanghai</td>
<td>95.1</td>
<td>4.1</td>
<td>0.8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fujian</td>
<td>100</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jiangxi</td>
<td>40</td>
<td>34</td>
<td>89</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Henan</td>
<td>69</td>
<td>37</td>
<td>3.7</td>
<td>6.5</td>
<td></td>
</tr>
<tr>
<td>Hunan</td>
<td>65</td>
<td>20</td>
<td>5</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>Guangdong</td>
<td>3.65</td>
<td>40.69</td>
<td>9.76</td>
<td>4.07</td>
<td>41.83</td>
</tr>
<tr>
<td>Guangxi</td>
<td>30.7</td>
<td>69.3</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hainan</td>
<td>10</td>
<td>80</td>
<td>10</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chongqing</td>
<td>50</td>
<td>20</td>
<td>30</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sichuan</td>
<td>0.4</td>
<td>53.4</td>
<td>28.5</td>
<td>3.7</td>
<td>14</td>
</tr>
<tr>
<td>Guizhou</td>
<td>40</td>
<td>50</td>
<td>10</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yunnan</td>
<td>32</td>
<td>25</td>
<td>38</td>
<td>4</td>
<td>1</td>
</tr>
<tr>
<td>Tibet</td>
<td>100</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Shaanxi</td>
<td>76</td>
<td>23</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Qinghai</td>
<td>85</td>
<td>12</td>
<td>3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ningxia</td>
<td>38</td>
<td></td>
<td></td>
<td></td>
<td>62</td>
</tr>
</tbody>
</table>

Table 4.3: “Degree” and “Range” of Different Type of Differential Elections:

<table>
<thead>
<tr>
<th>Type of Election</th>
<th>“Degree”</th>
<th>“Range”</th>
</tr>
</thead>
<tbody>
<tr>
<td>Simple Plurality</td>
<td>Low</td>
<td>Low</td>
</tr>
<tr>
<td>Limited Differential without Leadership Positions</td>
<td>Moderate</td>
<td>Low</td>
</tr>
<tr>
<td>Limited Differential with Leadership Positions</td>
<td>Moderate</td>
<td>Low/Moderate</td>
</tr>
<tr>
<td>Transferable Separate Voting</td>
<td>High</td>
<td>Low</td>
</tr>
<tr>
<td>Nontransferable Separate Voting</td>
<td>High</td>
<td>Moderate/High</td>
</tr>
</tbody>
</table>
Figure 4.1 Legal Framework of Shequ Residents’ Committee Elections

Constitution of the People’s Republic of China

The Organic Law of Urban Residents’ Committees of the People’s Republic of China


The Election Law for Urban Residents’ Committee of XX City Peoples’ Government

Implementation Act of Residents’ Committee Elections of XX District Government

Implementation Measures of Residents’ Committee Elections of XX Street Office

Election Work Guide, XX Shequ

Notes:
1. Not all city governments have an election law for the residents’ committee.

### Type 1: Simple Plurality

(6 formal candidates, 5 elected positions)

<table>
<thead>
<tr>
<th>Chair</th>
<th>Vice-Chair</th>
<th>Regular</th>
<th>Not-Elected</th>
</tr>
</thead>
</table>

- The highest vote receiver becomes the chairperson
- The runner-up becomes the vice-chairperson
- The lowest vote receiver is voted out

### Type 2: Limited Differential without Leadership Positions

(6 formal candidates, 5 elected positions)

<table>
<thead>
<tr>
<th>Chair</th>
<th>Vice-Chairperson</th>
<th>Regular</th>
<th>Not-Elected</th>
</tr>
</thead>
</table>

- The chairperson and vice-chairperson elected correspondingly

### Type 3: Limited Differential with Leadership positions

(7 formal candidates, 5 elected positions)

<table>
<thead>
<tr>
<th>Chair</th>
<th>Vice-Chair</th>
<th>Regular</th>
<th>Not-Elected</th>
</tr>
</thead>
</table>

- The chairperson and vice-chairperson elected differentially

### Type 4: Transferable Separate Voting

(6 formal candidates, 5 elected positions)

<table>
<thead>
<tr>
<th>Chair</th>
<th>Next-round candidate</th>
<th>Vice-Chair</th>
<th>Next-round candidate</th>
<th>Regular</th>
<th>Not-Elected</th>
</tr>
</thead>
</table>

- The losing candidate becomes the next-round candidate
- Each position elected differentially

### Type 5: Nontransferable Separate Voting

(8 formal candidates, 5 elected positions)

<table>
<thead>
<tr>
<th>Chair</th>
<th>Vice-Chair</th>
<th>Regular</th>
<th>Not-Elected</th>
</tr>
</thead>
</table>

- The chairperson and vice-chairperson elected correspondingly
Chapter 5 Toward Democratic Public Administration and Governance in Shequ: Institutional Innovations

While election is undoubtedly the foundation of reforming and democratizing the shequ residents’ committees, the other three elements of democracy (democratic decision-making, management, and supervision) in the official discourse of “socialist democracy with Chinese characteristics” provide the basic structure of a democratic public administration and governance. The 2005 White Paper on democracy makes the following argument regarding the implementation of these elements in shequ democracy:

In terms of democratic decision-making, the residents of a [shequ], as the mainstay in this respect, exercise their decision-making power by holding residents’ [assembly], forums, hearings and through other effective forms and channels. In the aspect of democratic management, the [residents’ committees] work within the framework of law, standardize their work according to the [shequ] residents’ self-government rules and regulations, in an effort to make the residents more conscious of being the masters of their own affairs and concerned about public affairs in the [shequ]. In the aspect of democratic supervision, the [residents’ committee] practices open management; all issues of public concern, difficult problems and important matters involving the residents’ interests are made public to the residents in a timely manner and subject to their discussions, comments, suggestions and supervision.289

This citation from the official statement on Chinese democracy illustrates what “democratic” elements and institutions the Chinese policymakers are looking for when they pronounce a policy of building up democratic politics in urban shequ. If election ensures democratic participation and accountability once in every three years, these institutions and mechanisms are designed to ensure participation and accountability on a more ongoing basis. In this chapter, I will discuss each of these elements/aspects of

democratic governance, and in the last section, I will pay particular attention to an institutional innovation in Shanghai’s Luwan district called the three-meeting system (*sanhui zhidu*).

### 5.1 Democratic Decision-Making in Shequ

In accordance with the 2005 White Paper, *shequ* democratic decision-making basically means the effective functioning of the *shequ* residents’ assembly\(^{290}\), the *shequ* residents’ representatives’ assembly\(^{291}\), and/or other participatory channels (such as hearings or forums) in the decision-making process. Among these channels, only the residents’ assembly (or representatives’ assembly) is prescribed in the Residents’ Committee Law. The law contains two articles stipulating the composition, operation, and functions of the residents’ assembly. Article 9 states that the assembly shall be attended by all residents who are 18 or older, household representatives, or elected residents’ representatives. A simple majority is required to approve the decisions of the assembly. Article 10 states that the residents’ committee shall be responsible to the residents’ assembly, and it shall deliver its work report to the residents’ assembly. The residents’ committee is also responsible for convening and chairing the residents’ assembly. A residents’ assembly shall convene when proposed by one-fifth of the residents who are at least 18, one-fifth of the households, or one-third of the number of residents’ representatives. The residents’ assembly decides on important matters involving the interests of all residents. It has the power to remove members of the residents’ committee and hold a by-election.

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\(^{290}\) *Shequ huiyi*, *shequ jumin huiyi*, and *jumin huiyi* are the terms used in Chinese in referring to this same body.

\(^{291}\) *Shequ daibiao huiyi*, *shequ jumin daibiao huiyi*, *shequ chengyuan daibiao huiyi* and *jumin daibiao huiyi* are the terms used in Chinese in referring to this same body.
From the above stipulations, it can be deduced that the residents’ assembly has at least two powers formally enshrined in the law: 1) the power of decision-making, especially regarding “important matters involving the interests of all the residents,” and 2) the power of supervision. Since the residents’ committee is obliged to report to the residents’ assembly, presumably the latter is empowered to examine the performance and the work report of the residents’ committee. The work report explains the progress and issues in implementing the decisions made by the assembly.292 Articles 15, 16 and 17 of the Residents’ Committee Law spell out three particular instances that are considered “important matters” and require the approval of the residents’ assembly: drafting the residents’ agreements293, raising funds for public welfare projects, and determining the amount of remuneration for members of the residents’ committees. However, it is obvious that “important matters” are not limited to only these items. The law does not stipulate the frequency for the meeting of residents’ assemblies, but commonly it is held once a year.

The law also endorses the format of the residents’ representatives’ assembly in place of the residents’ assembly. Since the re-organization of several residents’ committees into one shequ residents’ committee, convening a shequ residents’ assembly attended by all eligible residents becomes extremely difficult. Instead, shequ residents’ representatives’ assemblies are much more common today. As noted in Chapter 4, the elections of these representatives are not always up to democratic standards. Thus, we could argue that the “democratic degree” of residents’ representatives’ assemblies is less

293 Jumin gongyue, to be discussed under the section “Democratic Management”.

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than residents’ assemblies. On the other hand, in many shequ the representatives’ assembly is not only attended by residents’ representatives but also by representatives from the danwei in shequ, and by representatives of the migrant workers. These representatives’ assemblies are more broadly representative.

Whether in the form of representatives’ assembly or residents’ representatives’ assembly, it seems that the institutional design of this organ is that it is the designated principal decision-maker while the residents’ committee is the implementer. A Ministry of Civil Affairs handbook published in 1996 states that “the highest form of residents’ self-governance is the residents’ assembly… It is through the residents’ assembly that ordinary residents become masters of their own affairs.” It seems that the assembly provides an avenue of direct participation by the residents. In this regard, direct participation by the residents in the residents’ assembly shares some similarities with the “real democracy” of New England town meetings in some American states. The residents’ assembly and the residents’ committee are thus the respective participatory and electoral institutions sustaining shequ democratic development.

However, in a confusing explanation of the relationship between the assembly and the residents’ committee, the same handbook also states that the working principle of residents’ committee is “legislative-executive unity” (yixing heyi). According to this principle, the residents’ committee is the “highest decision-making organ.” The views

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294 Hereafter, unless cited from another text, I will refer to this organ as the residents’ assembly or simply the assembly.
296 The idea of “legislative-executive unity” comes from Marx’s description of the Paris Commune: “The Commune was to be a working, not a parliamentary body, executive and legislative at the same time.” See Karl Marx, The Civil War in France, New York, NY: International Publishers (1940), pg. 57. According to this principle, the legislative and executive powers are united in one organ, in contrast to the “separation-of-power” doctrine more common in democratic societies. The Chinese political theorists have insisted that the National People’s Congress operates according to this principle. See Lin Shangli, Dandai Zhongguo zhengzhi xingtai yanjiu (A Study of China’s Contemporary Political Formation), Tianjin: Tianjin renmin chubanshe (2000), pg. 181-188.
that the assembly is the “highest power organ,” “highest decision-making organ” or “highest supervision organ” and that the residents’ committee is the executive organ of the assembly is without theoretical basis and “unscientific”, the authors of this handbook claim.297

This theoretical obscurity and the vague division of authority between the residents’ committee and the residents’ assembly render the residents’ assembly ineffective most of the time. Most residents’ committees only pay lip service to the purported “decision making power” of the assembly. In an article published in the newspaper of the Ministry of Civil Affairs, the author laments that many residents have not heard of the residents’ assembly. Many cadres disregard this institution. There are certain weaknesses in the traditional design of the assembly.

First, the residents’ committee enjoys substantial informational advantage and dominates the agenda during the assembly’s meeting. Second, the residents’ assembly is generally convened once a year and chaired by a member of the residents’ committee. The infrequent meeting of the assembly also means the residents’ committee is the dominant organization most of the time. Although residents can propose convening a meeting of the residents’ assembly anytime, it is difficult to fulfill the requirements of “one-fifth of the eligible residents”, “one-fifth of the household representatives”, or “one-third of the residents’ representatives.” The logistical costs and collective efforts tend to deter them from doing so.

Third, the residents’ committee is in charge of the possession and use of official stamp. The official stamp formalizes the legality of a document, transaction, contract, etc.

297 Wang & Bao, Jiedao gongzuo yu jumin weiyuanhui jianshe, pg. 235.
While in theory the residents’ assembly deliberates and decides on “important matters”, in fact the residents’ committee can make important decisions regardless of what the residents’ assembly thinks, since it has control over the use of the official stamp. Fourth, the street office also rarely respects the authority of the residents’ assembly. Even if the law states that the residents’ committee is responsible to the residents’ assembly, the real “boss” in many instances is the street office.  

5.1.1 Legislative-Executive Separation (Yixing fenshe)  

To reform the shequ democratic decision-making process, a reform known as yixing fenshe, which translates into “separation of legislation and execution”, is being implemented in many cities. A system of yixing fenshe is intended to create three “layers” in a decision process. The “legislation” (yi) is divided into two parts: deliberation (yishi) and decision (juece). Together with “execution” (zhixing or caozuo), a decision process can be structured into three “layers” – the deliberation layer, the decision layer, and the execution layer. Beyond this three-layered decision process there is also a “leadership” layer (lingdaocheng), referring to the leadership position of the shequ party organization.

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There are two basic models of *yixing fenshe*. In the first model (hereafter Model A), the residents’ committee becomes not an executive body but a deliberative body. The execution function is now carried out by a *shequ* work station (*shequ gongzuozhan*) staffed by professional community workers (*shequ gongzuozhe*). The residents’ assembly remains the principal decision-maker. Thus in a decision process, the residents’ committee would first deliberate the matters at hand and then submit proposals to the residents’ assembly. Once passed, direct execution of these decisions is carried out by the community workers of the work station. Some areas in the cities of Shanghai, Harbin, Hangzhou and Shenzhen have experimented with this model of *yixing fenshe*.

In the second model (hereafter Model B), the residents’ committee is designated as an executive body and the residents’ assembly a decision making body. But there is a new institution of “deliberative council” created to play the major role in the deliberation process. In a decision process, the deliberative council assumes the deliberation functions. Most of the items in a meeting of the residents’ assembly would be first referred to the deliberative council before being voted on in the residents’ assembly. The residents’ committee is responsible for implementing the decisions. Shenyang and Qingdao are the cities that have used this model. The differences between the two models are summarized in Figure 5.1.

In both models the party organization is the designated leadership core (the subject of Chapter 6) and the residents’ assembly the principal decision-maker. I should add two caveats here. First, in either model, *yixing fenshe* does not mean that the residents’ assembly does not have some deliberation functions (rather than just decide on things deliberated by other bodies) or that the residents’ committee does not have some
power in decision-making (rather than being purely an executive or deliberative organ). Second, the two new institutions (shequ work station and deliberative council) are not mutually exclusive. It is incorrect to think that that the work station and the deliberative council are the defining features of Models A and B respectively. For instances, there are examples of a Model A that also has a deliberative council that shares the deliberation functions with the residents’ committee, and of a Model B that also has a work station to aid the residents’ committee in the performance of the execution functions. The different role played by the residents’ committee (deliberation or execution) is the principal difference between the two models.

The work station and the deliberative council however are the institutional innovations in urban grassroots democratic development that have no counterparts in China’s rural democracy and deserve further discussion. Neither of them are anywhere to be found in the Residents’ Committee Law. In this respect, the reforms of yixing fenshe are way ahead of the legal framework of shequ governance. Below I will discuss more in-depth the work station and the deliberative council and their different models.

5.1.1A Shequ Work Station

According to a study by the officials at the Ministry of Civil Affairs, there are four models of shequ work station. In the separation model (fenshe moshi), the work station is independent of the shequ residents’ committee. Its relationship with the residents’ committee is one of mutual support. The community workers are recruited and paid by the street office. In effect, the work station has the characteristics of being the

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300 Minzhengbu jicheng zhengquan he shequ jianshe si ketizu, “Guanyu ‘shequ gongzuozhan’ yao liqing naxie renshi (Several Clarifications Regarding the ‘Community Work Station’),” Shequ (Community) 2 (2007), pg. 6-9. One of the authors of this article is the director of the office in charge of shequ jianshe at the Ministry of Civil Affairs.
“dispatched office” of the street office. Members of the residents’ committees are free from many administrative burdens and duties and can spend more time and energy deliberating on issues that matter to the shequ residents themselves. One drawback however is that since the execution body (the work station) is in effect controlled by the street office, the authority of the residents’ committee is also in doubt. Shenzhen is the main city to have implemented this model.\(^3\) In the subordinate model (\textit{xiashu moshi}), the work station is to be directed by the street office and its staff (community workers) hired and recruited by the street office, but it is to operate under the leadership of the shequ residents’ committee and shequ party organization as well. In practical terms, it is to be conceived as the executive organ of the residents’ committee. Some districts in Beijing, Hangzhou, Nanjing are known to have implemented this model.

Under the vertical model (\textit{tiaoshu moshi}), there is no one work station but several “work stations”, such as shequ public security station, shequ health station, etc., each of them being the dispatched station of a functional department. The work stations operate under the dual leadership of their vertical bureaucratic boss (functional department) and the residents’ committee. Finally there is the specialized model (\textit{zhuangan moshi}). This model is similar to the subordinate model described above, except that the hiring of the community workers is done by shequ residents’ committee. It could be said that this model of work station is most fitting to the governance structure of the standard Model A. The Haishu district of Ningbo is a pioneer in implementing this model of work station.

The district government issued in 2005 issued a regulation to institutionalize the work station system in the district.\textsuperscript{302}

5.1.1B The Deliberative Council

The deliberative council (\textit{shequ xieshang yishihui}) generally is chaired by the leader of the \textit{shequ} party organization. Members of the council include the chair of the residents’ committee, selected residents’ representatives, selected representatives from \textit{danwei} stationed in the \textit{shequ}, selected homeowners’ representatives and representatives from the property management companies, officials from the street office, public security bureau or other governmental organs, and other socially eminent persons (such as deputies to the local people’s congress, successful businessmen and professionals, celebrities), numbering about 10 and 15 people. The members of the deliberative council are recommended by \textit{shequ} residents and the \textit{danwei} leaders in the \textit{shequ} and approved (or elected) by the residents’ assembly. Instead of an annual meeting, members of the deliberative council are to meet quarterly and anytime necessary (fewer participants make it easier to convene).\textsuperscript{303}

Generally there are two models of the deliberative council. The first is that it is the “substitute organ” (\textit{daixing jiguan}) of the residents’ assembly when the residents’ assembly is not meeting. In this case, the deliberative council is actually quite significant, since it is empowered to perform most of the functions of the residents’ assembly.

Nominally still a “deliberative” organ and not a “decision-making” unit, in practice it could in fact deliberate and decide upon important matters. It also retains the supervisory

\textsuperscript{302} “Ningboshi Haishuqu shequ zhuanzhi gongzuo zhengce banfa [shixing] (Regulations of Professional Community Workers in Haishu District, Ningbo City [Trial Version])” \textit{Shequ (Community)} 5 (2005), pg. 20-21.

\textsuperscript{303} Xu, Chen et al. \textit{Zhongguo chengshi shequ zizhi}, pg. 59. My interviewees in Shanghai also confirmed that the deliberative council meets at least four times in a year.
power of the residents’ assembly as well. The residents’ committee has to report to the deliberative council. The deliberative council can recommend the suspension and removal of members of the residents’ committee. Some districts in the cities of Shenyang, Xi’an, Wuhan and Shanghai are examples of this model.\(^{304}\) The alternative model is that the deliberative council is purely a “consultative body” (zixun guwen jigou). In this case the deliberative council is less powerful and more fitting to the name “deliberative” in its title. Its basic functions are thus consultation, coordination and deliberation: it has no independent decision-making power and its recommendations are for reference purpose only, without the binding force of a law.\(^{305}\)

Whether it is the “substitute organ” model or the “consultative body” model, the deliberative council in general serves two broad purposes. First, it is a mechanism to formally include the political and social elite in shequ into the decision-making process.\(^{306}\) Unlike the shequ activists (discussed in Chapter 4), who are mostly retirees and elderly people whose life are oriented within shequ, members of the deliberative council are almost exclusively people with higher socio-economic status (businessmen or professionals) or with certain political status (district people’s congress deputies, public security officer, party secretary) whose active life are mainly not confined within the shequ. Even the retirees who are selected into the deliberative council had high cadre rank before retirement and thus have more powerful political connection. The formal inclusion of the elite is useful in the sense that the political, economic, organizational and social connections and resources of these elite members of the society can be mobilized.

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\(^{304}\) See the case studies in Xu, Chen et al. Zhongguo chengshi shequ zizhi, pg. 183-189, and in Lin Shangli, (ed.s), Shequ minzhu yu zhili: anli yanjiu (Community Democracy and Governance: Case Studies), Beijing: Zhongguo shehui kexue chubanshe (2003), pg. 198-230.

\(^{305}\) Deng Mingfen, “Lun shequ zizhi jincheng zhong chengshi jiceng zuzhi jianshe de xinsilu,” pg. 43.

\(^{306}\) Lin, Shequ minzhu yu zhili: anli yanjiu, pg. 211.
for purposes of shequ governance. Furthermore, since the shequ residents’ committee is only a “mass self-governance organization” without a bureaucratic rank, having the members of the elite integrated within it will increase its authoritativeness, especially when dealing with the higher-ranked danwei within its jurisdiction.

Second, the deliberative council is also a coordinative mechanism. With the secretary of the party organization as its chair, and representatives from various sectors (danwei, government, businesses, etc.) as its members, the council is a forum for the different sectors to coordinate their operations and integrate their resources.

5.1.2 Discussion on Democratic Decision-Making and Yixing Fenshe

In comparison to the confusing yixing heyi (legislation-execution unity) system, the yixing fenshe reforms, whether in the mode of Model A or Model B, indeed are successful in creating a more rational and effective shequ governance structure with clearer division of authority and responsibility. But it is debatable whether the yixing fenshe reforms have democratized the shequ decision-making process. In fact, instead of strengthening democratic decision-making, the two new institutions might each have the effect of weakening the residents’ committee and the residents’ assembly, the respective electoral and participatory institutions in a shequ.

Although it is designed to lessen the heavy load of work of the residents’ committee, the work station might in practice also relieve some of the de facto powers of the residents committee as well. Many work stations (especially the separation model and

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308 This is commonly known as “vertical-horizontal conflict” (tiaokuai chongtu) in China. Chapter 6 I will discuss more about this conflict from the perspective of party organization.
vertical model) are in practice also controlled by the local government more so than by the residents’ committee. In such instances, even if members of the residents’ committee are elected democratically, it might not matter at all since they have in effect yielded most of the powers to the work station. While the deliberative council is supposed to help the residents’ assembly in deliberating important matters more effectively and efficiently, in practice it has significantly diluted the authority of the residents’ assembly. With a deliberative council empowered to do most of the things the residents’ assembly does, it even becomes unnecessary for the latter to play any significant role. Since members of the council are exclusively from the elite, this is hardly a more democratic organization.\(^{310}\)

Abolishing the *yixi heyi* (legislative-executive unity) system would help democratize the decision-making process. But the subsequent *yixi fenshe* reforms have in a way strayed away from these purposes. The full democratic potential of the residents’ assembly so far thus remains unrealized.

### 5.2 Democratic Management in Shequ

According to the 2005 White Paper on Chinese democracy, *shequ* democratic management implies that the work of the residents’ committee and the administration of *shequ* are carried out “within the framework of law.” Specifically, the White Paper mentions two types of quasi-legal documents for *shequ* residents’ self-governance: the “residents’ self-governance charter” (*jumin zizhi zhangcheng* or *shequ zizhi zhangcheng* [community self-governance charter] in some instances) and “residents’ agreements” (*jugui minyue, jumin gongyue*, or *shequ gongyue* [community agreements]).

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\(^{310}\) One Chinese author criticizes the deliberative council as “illegitimate” and “impairing the real reforms of the residents’ committee”. See Wang et al. *Juweihui yu shequ zhili*, pg. 314-315
The management of *shequ* affairs involves miscellaneous matters. The idea behind *shequ* democratic management is that as a sphere of “societal self-governance”, it is more appropriate for the residents of *shequ* to come up, on their own, with a set of rules and regulations which they willingly adhere to, particularly the self-governance charter and residents’ agreements. In rarer instances some *shequ* also adopt *shequ* managerial rules (*juti shiwu guanli guize*) to institutionalize the operation of *shequ* institutions (residents’ committee, deliberative council, etc.) and to regulate the public behavior of the personnel of these institutions. For instances, there are specific managerial rules that stipulate the procedure of disclosing the budgetary information, the management and archiving of household files, the safeguard and use of the *shequ* official stamp, etc.\textsuperscript{311} In the Laoshan Dongli *shequ* in Beijing, a “rule of order for *shequ* residents’ representatives assembly”, “duties and obligations of residents’ representatives”, “duties and obligations of the residents’ committee members”, “duties and obligations of the members of *shequ* deliberative council” and other specific managerial rules are instituted to regulate the behavior of these *shequ* officials and to provide the basis for other residents to evaluate their work and performance.\textsuperscript{312}

But in general, the self-governance charter and residents’ agreements are the standard documents required for each *shequ* in fulfilling democratic management. Article 15 of the Residents’ Committee Law stipulates that the residents’ agreement shall be deliberated and drafted by the residents through the residents’ assembly, shall be submitted to the relevant government authorities for approval, shall not contradict the

\textsuperscript{311} Deng Quanguo, *Zhongguo chengshi shequ jumin zizhi*, pg. 133.

constitutions and other national laws and policies, and shall be followed by members of the residents’ committee and by residents. Although the Residents’ Committee Law uses the term “residents’ agreement” (jumin gongyue), from the wording and spirit of this article, it could be safely assumed that what is stipulated in this article of the law is the residents’ self-governance charter. Today the term “residents’ agreement” refers to a document different from what is intended in the law.

According to an explanation provided by an official at the Ministry of Civil Affairs, there are four similarities and three differences between a residents’ agreement and a self-governance charter. The similarities are that both documents are designed to improve management of shequ affairs and regulation of residents’ behavior, both acquire legitimacy through active participation by the residents in the drafting process, both have certain forces of enforcement that are more authoritative than mere social norms but less than that of a law, and both are only applicable to the residents who drafted them. The differences between these two documents are in three points: 1) whereas the agreement only covers one or few aspects of shequ affairs, the charter is a much more comprehensive document that covers almost all aspects of shequ life; 2) whereas the agreement is meant to regulate mostly the residents only, the charter is to be followed by both shequ officials and residents; 3) since the charter affects more people and covers more aspects, generally there are more residents participating in the process of drafting the charter.  

5.2.1 Residents’ Agreement

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A residents’ agreement is meant to oblige the residents to follow certain behavioral norms agreed upon by the residents themselves. Most of the residents’ agreements are about specific trivial matters in neighborhood life (pet-keeping, littering and spitting, car or bicycle parking, maintenance of public property, noise-making, throwing out trash from high floors, etc.) about which neighbors have frequent argue but which the government has little incentive or interest to interfere in.\(^{314}\) It therefore specifies what kind of behavior is encouraged and discouraged (therefore a residents’ agreement will contain many provisions of “do…” and “do not…”).\(^{315}\) Typically a residents’ agreement is a very short document, containing several sentences that are easy to memorize. In some instances, it is even written in a verse form that can be sung.\(^{316}\) Within a shequ, the residents at each residential block or building can write a residents’ agreement for their own block or building.

The drafting of a residents’ agreement can be initiated by any resident. In an example of the drafting process in a shequ in Shanghai, a resident came up with a draft of a residents’ agreement for his residential building and then solicited opinions from his neighbors through meetings of residents’ small groups or household survey. The draft and the solicited opinions were then submitted to the residents’ committee, which organized discussion groups and came up with a second draft and still invited residents’

\(^{314}\) Lu Wangda, Bao Tian, “Gongyue suixiao zuoyong da (Small Agreement with Big Influence)” _Renmin ribao_ September 24, 2002.
\(^{315}\) Wang & Bai, _Jiedao gongzuo yu jumin weiyuanhui jianshe_, pg. 241-244.
\(^{316}\) For examples, see the residents’ agreements collected in this article, Ding Lei, Zhong Hua, “Shanghai shi Luwanqu ‘jumin gongyue’ xuandeng (Selected Compilation of ‘Residents’ Agreements’ in Luwan District of Shanghai)” _Shequ (Community)_ 24 (2003), pg. 38.
opinions on this second draft. Through several revisions the third and final draft became the residents’ agreement.  

5.2.2 Self-Governance Charter

The self-governance charter (jumin zizhi zhangcheng or shequ zizhi zhangcheng or other similar names) is a much more systematic, developed and comprehensive document (this is the document that is intended in the Article 15 of the Residents’ Committee Law, despite the different term used in the law). The charter is supposedly drafted directly by the residents and takes into account the national and intermediate governmental policies and laws as well as local conditions of the shequ. As a quasi-legal document, the self-governance charter in effect amounts to a “small constitution” of a shequ.  

Since the self-governance charter is written by the residents and reflects the issues and concerns of these residents, different localities will emphasize different things on their charters. But in general, a self-governance charter covers the following aspects: 1) the governance framework and organizational structure, such as the division of authority and responsibilities between the various shequ bodies (residents’ committee, residents’ assembly, deliberative council [if there is one], residents’ small groups, etc.); 2) the nature, rights, obligations and responsibilities of the each of these bodies and of the members of these bodies; 3) basic rules and procedures in the management of shequ affairs, especially the management of shequ finance. In some shequ, the self-governance charter stipulates the relationship between shequ residents’ committee and other

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317 Xie Jian, “‘Louzhu jumin gongyue’ jumin ziji ding (Residents Draft Their Own ‘Building Residents’ Agreement’)” Shequ (Community) 23 (2006), pg. 14.
318 Deng Quanguo, Zhongguo chengshi shequ jumin zizhi, pg. 132; see also Xu, Chen, et al. Zhongguo chengshi shequ zizhi, pg. 170-171.
organizations, such as the street office, party organization, homeowners’ committee; in other instances the charter contains stipulations on social norms such as neighborhood relations, family and marriage, etc.\textsuperscript{319}

Although the Residents’ Committee Law states that the charter is drafted in the residents’ assembly, the procedure usually takes several steps: 1) publicizing and educating the residents about the necessity of the charter for residents’ self-governance; 2) organizing the residents to study and discuss the national constitution and relevant laws so that the charter will not contradict national laws and policies; 3) convening meetings of residents' small groups for discussion by the residents’ committee; 4) formulating the first draft in accordance with both the laws and the issues that are raised by the residents in the meetings of residents’ small groups; 5) soliciting opinions from shequ residents regarding the draft; 5) convening the residents’ assembly to make changes and approval: 6) publicizing the approved draft of the charter and submitting it to the authorities. Each household will also be mailed a copy of the charter.\textsuperscript{320}

5.2.3 Discussion on the Residents’ Agreement and Residents’ Self-Governance Charter

In theory the residents’ agreement and the self-governance charter do make management of shequ affairs more democratic –the residents are given opportunities to participate in making the rules and regulations for their own shequ. Since these rules are supposedly made by them, the residents should also be able to identify with and follow these rules more willingly. Self-governance without government interference from the

\textsuperscript{319} See the self-governance charts published in the magazine Shequ. “Beijingshi Xisibeitoutiao shequ jumin weiyuanhui zhangcheng (Residents’ Committee Charter in Xisibeitoutiao Community, Beijing)” Shequ (Community), 2-3 (2003), pg. 33-34; “Xiamenshi Huliqu Dianqian jiedao Xingleng shequ zizhi zhangcheng (The Self-Governance Charter of Xingleng Community, in Dianqian Street, Huli District, Xiamen City)” Shequ (Community) 2 (2001), pg. 24-25. A different interpretation here is presented in Deng Quanguo, Zhongguo chengshi shequ jumin zizhi, pg. 132

\textsuperscript{320} Xu, Chen et al. Zhongguo chengshi shequ zizhi, pg. 172-173.
outside seems plausible. However, in practice the usefulness of these documents in raising the level of democratic management remains doubtful in many shequ.

In an article critical of the residents’ agreement published in the magazine Shequ, the author points out that there are several flaws in the residents’ agreement. Most residents actually do not treat the document as something that they would enthusiastically embrace and follow but instead as another example of “a new form of propaganda by the authorities”. Purportedly containing certain enforcement power, the residents’ agreement in practice also has little enforcement capacity; it constrains only those who are willing to follow it but not those who are not. The residents’ agreement in fact has little practical usefulness in the daily life of shequ residents.\footnote{Yu Yiqing, “‘Jumin gongyue’ de gongxindu weihe zhubu xiajiang (Why the Credibility of the ‘Residents’ Agreement’ has been Declining)?” Shequ (Community) 23 (2006), pg. 10.} The value of the self-governance charter in improving democratic management also might not be as rosy as it seems. None of my interviewees in Shanghai, including members of the residents’ committee and ordinary residents, discussed much about the residents’ agreement and the self-governance charter.\footnote{In a study of the villagers’ self-governance charter (the comparable document in the villages), the author concludes that the charter reflects the will of the state more than the will of the residents. The villagers did not actually write the initial draft of the document but instead merely commented on a “standard draft” provided by the government. It is quite possible that in shequ the residents in fact played only a minor role in the drafting process of the self-governance charter. See Yu Jianrong, “Shifan de qiyue (Ineffective Contract)” Zhongguo nongcun guancha (China Rural Survey) 1 (2001), pg. 64-69.} Democratic management, defined as a system of self-governance based on residents’ agreements and residents’ self-governance charter, appears to be the least effective part among the official four elements of democracy in shequ.

5.3 Democratic Supervision in Shequ

In the 2005 White paper on democracy, democratic supervision in urban shequ is prescribed as “practices” of “open management” in which all “important matters” in the

\footnote{Yu Yiqing, “‘Jumin gongyue’ de gongxindu weihe zhubu xiajiang (Why the Credibility of the ‘Residents’ Agreement’ has been Declining)?” Shequ (Community) 23 (2006), pg. 10.}
work of residents’ committee shall be made public and subject to residents’ suggestions, evaluation, supervision. The “open management” that the White Paper mentions is a form of information disclosure system known as juwu gongkai in China. In addition to information disclosure, democratic supervision also takes places in the form of democratic evaluation (minzhu pingyi) of officials.

5.3.1 Information Disclosure (Juwu gongkai)

A Japanese scholar argues that increasing government transparency and accountability and giving citizens the “right to [some] information” are important hallmarks of the political reform initiatives of the present Hu-Wen administration.\(^{323}\) Despite the fact that many official secrets (particularly personnel appointments at the high-level administration) remain inaccessible, and open violation of official secrecy could be punished severely, the current administration is much more willing to implement a system to disclose information related to the work of government (zhengwu gongkai). At the grassroots level, this system is referred to as cunwu gongkai (in villages) and juwu gongkai (in urban shequ).

*Juwu gongkai* is to make information regarding the finance, operations, procedures, and policies of the residents’ committee publicly and easily accessible. *Juwu gongkai* can find its legal basis in Article 16 of the Residents’ Committee Law, which stipulates that the budgetary items of the residents’ committee should be made public and supervised by the residents. However, other than the budget there is no consensus about the range of information that should be made public. According to a district civil affairs

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official in Shanghai, the contents of *juwu gongkai* should include: 1) the three-year work target of the residents’ committee (since the normal term of office of the residents’ committee is three years); 2) the division of work responsibilities (portfolios) among the residents’ committee members; 3) the promised work target of each member and the state of fulfilling his/her work target; 4) the progress in implementing the resolutions passed by the residents assembly; 5) the finances related to public affairs; 6) the processing of those permit applications requiring the approval of the residents’ committee; 7) the list of residents receiving social safety fund and food ration and their present conditions; 8) the work on family planning; 9) the report of the residents’ supervisory small group; and 10) any other aspect of the work of the residents’ committee when at least one-tenth of the residents or one-third of the residents’ representatives make such a demand. Similar items are reported in the *juwu gongkai* implemented in some other cities such as Wuxi and Baoji.

In 2004, the Shenzhen city government approved a policy document on *juwu gongkai* and democratic management to be practiced in the districts of Bao’an and Longgang. In this document, the information to be disclosed is grouped into two categories: political affairs and financial affairs. The political affairs (*zhengwu*) include all policies, laws and regulations that involve residential life, the tasks assigned by higher levels of government, family planning matters (such as plan, target, punishment fees for violating the plan, number of violation, the use of punishment fees), the distribution of emergency and welfare resources, the implementation of the work targets of residents’

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committee members, the use (construction, rental, etc.) of land, and all other important matters that affect the interests of residents. The financial affairs include proposed budget, property value, debt of the residents’ committee, as well as the actual incomes and expenses, such as grants from higher authorities, collected fees, voluntary contributions from residents or private sector, the pay and subsidies to residents’ committee members, the expenses during official duties, etc.\textsuperscript{326}

The issue of land is a particular item of concern to residents of certain areas that were originally villages, since village committees as collective entities are granted the collective ownership right of land. In certain districts in the cities of Mianyang and Qingdao, issues of land deals, “ownership”, compensation, profits and debts were important items of \textit{juwu gongkai}. The Mianyang municipal civil affairs department further determines that contracts given out by the residents’ committees and the collective economic projects in \textit{shequ} have to be vigorously debated and supervised by \textit{shequ} residents.\textsuperscript{327} In the city of Shantou, the \textit{shequ} in a district bordering rural areas inherited collective ownership over certain lands, and derived rental income from these lands. Alleged mismanagement over these lands by the residents’ committee members had caused tension between the residents’ committees and the residents. A \textit{juwu gongkai} system was implemented so that ordinary residents were able to participate in the

\textsuperscript{326} “Shenzhenshi renmin zhengfu bangongting guanyu Bao’an Longgang liangqu chengshihua hou tuixing jwu gongkai jiaqiang minzhu guanli de yijian de tongzhi (Circular of the Opinion on promoting Residents’ Committee Disclosure and Democratic Management in Bao’an and Longgang Districts after Urbanization by the Office of the Shenzhen People’s Government),” (2004), Shenzhen Government Policy Document No.214.

\textsuperscript{327} Hu Min, “Mianyang zai quansheng xuaixian chutai shequ minzhu guanli zhidu: jwu gongkai jumin zuozhu (Mianyang is the first in whole province to have a community democratic management system: the information disclosure system and the mastery of the residents),” \textit{Sichuan ribao} May, 9 2006; “Kaifaqu shixing jwu gongkai minzhu guanli (Implementing Information Disclosure and Democratic Management in New Areas),” \textit{Qingdao ribao} September 17, 2006.
supervision of these land deals and in the decision making process by voicing their opinions and concerns in the residents’ assembly.328

The residents’ committees (and villagers’ committees) were parts of the distributional network of emergency relief assistance and resources in the deadly earthquake in Sichuan province in 2008. The Bureau of Civil Affairs of Sichuan Provincial Government specifically required making information regarding the total amount of assistance, the distributional procedures and channels, the conditions and lists of people receiving assistance, the re-construction plan and policies, and the official evaluation of the performance of grassroots officials in their work on assistance distribution, to be openly accessible through juwu gongkai and cunwu gongkai.329

Designing a juwu gongkai system involves the designation of the principal institution that carries out the supervision work. Again, different localities have different practices. Generally the shequ residents’ assembly is the principal supervisory body, in which case the residents’ committee is to report to the assembly the information to be disclosed. However, the infrequent meetings of residents’ assembly would render this institution to be a rather weak supervisory body. In Hebei province, Shenyang and the Jianghan district of Wuhan, the shequ deliberative council is designated as the principal supervisory body. Outside of these institutional bodies, increasingly ordinary residents

328 Hong Yuehao, “Yi juwu gongkai chu hexie wending (Using Information Disclosure to Promote Harmonious Stability),” Shantou ribao October 17, 2005.
can also directly supervise the residents’ committee by requiring the residents’ committee to allow access to the information under *juwu gongkai*.\(^{330}\)

In some *shequ*, there are also the separate bodies of supervision small group and “democratic financial management group (*minzhu lichai xiaozhu*)” established to do the work of democratic supervision. The members of the supervision small groups are mostly residents’ representatives and are to be elected. In Mianyang, the responsibilities of a supervision small group is to make sure that all the items under *juwu gongkai* are made public, to verify the accuracy of the disclosed information, and to check whether *juwu gongkai* is implemented according to the proper procedures, on time and through channels that are reachable by ordinary residents.

“Democratic financial management group” is specifically formed to supervise and audit the finances of the residents’ committees. Again, the local practices are different from places to places. In the Chenhua district in Chengdu, a relatively sophisticated financial supervision system is in place in which budgetary items of *shequ* that involve more than 600 yuan will need the approval of the “democratic financial small groups.” A separate “financial supervision small groups” are formed to keep track of every spending of the residents’ committee. Auditing is professionalized and annualized, and every resident is reportedly able to initiate a call to audit any suspected spending.\(^{331}\)

### 5.3.2 Public Evaluation (*Minzhu Pingyi/Minpingguan*)

\(^{330}\) Xu, Chen et al. *Zhongguo chengshi shequ zizhi*, pg. 123. See also Deng Quanguo, *Zhongguo chengshi shequ jumin zizhi*, pg. 138.

\(^{331}\) Yuan Chengmin & Liming, “*Juwu gongkai, touming guanli* (Information Disclosure, Transparent Management),” *Zhongguo shehuibao* April 21, 2001; Hu Min, “Mianyang zai quansheng xuaixian chutai shequ minzhu guanli zhidu: *juwu gongkai* jumin zuozhu (Mianyang is the first in whole province to have a community democratic management system: the information disclosure system and the mastery of the residents),” *Sichuan ribao* (*Sichuan Daily*) May 9, 2006; Lin Feng & Che Wenbin, “Shenji shequ dangjiaren, xiang 'luanhuaqian' kaidao: Chenghuaqu wanshan shequ minzhu jiandu zhidu (Audit the community authorities, say no to poor spending decisions: Chenghua district perfects the mechanism of community democratic supervision and establishes a community auditing system),” *Chengdu ribao* September 21, 2008.
The second aspect of shequ democratic supervision is the public evaluation of governmental officials and residents’ committee members by shequ residents. The practices of minzhu pingyi again vary from place to place. Some cities only have minzhu pingyi for the members of shequ residents’ committees, while other cities practice minzhu pingyi primarily to evaluate governmental officials other than the residents’ committee members. Cities that have introduced institutional innovations in public evaluation include Wuhan, Beijing and Tianjin. Their experiments and experiences are reported in the following sections.

The Jianghan district in the city of Wuhan has been in the forefront in reforming the structure of shequ governance for many years, with many innovative ideas and efforts to make its shequ more autonomous. It positions the government-shequ relationship as one of “guidance and service [from the government]” and “assistance and supervision [from the shequ]” (zhidao yu xiezhu, fuwu yu jianzhu). From this principle various governmental organs (district functional departments and street offices) are to become less involved in the work of shequ residents’ committees. To ensure the governmental organs would adhere to this principle, it introduced a new policy initiative designed to facilitate and eventually institutionalize the evaluation and assessment of governmental officials by the public, the annual minpingguan (literally translated as public evaluation of officials) activity, in 2000. What was innovative about the idea of minpingguan was the empowerment of ordinary residents and making government officials and even the whole departments subject to open public evaluation, thus increasing the sense of being the “public servants” among government officials. Properly implemented, minpingguan
could be an effective weapon for residents to remove underperforming and bad officials, or at least to force these officials to improve their performance.

Two detailed studies of the 2002 minpingguan activities show that the whole activity of minpingguan consisted of three parts: the evaluation of certain governmental officers sent to shequ by the representatives from shequ, the evaluation of the street office by shequ residents’ committee members, and the evaluation of selected governmental bodies at the district level by officials at the street offices and shequ.332

In the first evaluation, the governmental personnel to be publicly evaluated include shequ police officers, family planning officers, sanitation and hygiene officers, as well as city cleanliness maintenance officers (shirong ganbu).333 Traditionally, the works and responsibilities of these officers (apart from the police officer) are taken care of by shequ residents’ committees. This is still the case in many other shequ residents’ committees. In the reforms of Jianghan district, the residents’ committees were relieved of these governmental tasks and instead the government departments at the district level will have to send their own officers to the shequ to do these jobs. The evaluators representing the shequ attending the minpingguan meetings include members of the residents’ committee, secretary of shequ party organization, residents’ representatives, members of the shequ deliberative council, and representatives from certain concerned groups such as the elderly, women, and families on social security support, as well as some local people’s congress deputies.

332 Unless specified otherwise, the following discussion is based on Xu, Chen et al. Zhongguo chengshi shequ zizhi, pg. 408-418; and Li Fan, “Cong Jianghanqu de shequ ping yi zhengfu kan shequ minzhu de fazhan (The Development of Community Democracy from the Perspective of Community Evaluation of Government in Jianghan District) in Zhongguo jiceng minzhu fazhan baogao 2002 (A Report on the Grassroots Democracy in China 2002), edited by Li Fan, Xi’an: Xibei daxue chubanshe (2003), pg. 428-436.
333 These officers are examples of the community workers of the “vertical model” mentioned above in the “democratic decision-making” section.
In the *minpingguan* meeting, the governmental officers would first make formal reports of their work in the past year to representatives from the *shequ*. The representatives would then voice their opinions. Then they would evaluate each of these cadres based on their attitude, performance, respect of the law, etc. with a vote. Officers who received more than 20 percent “unsatisfied” votes from the evaluators in the meeting would be considered for dismissal from office.\(^{334}\)

The second part of *minpingguan* basically was a similar format, with street office officials making reports of their work in the past year to the evaluators who consisted of members of *shequ* residents’ committees and secretaries of *shequ* party organizations. A following question-and-answer session allowed the evaluators to have the opportunity to question and criticize the work of the street office officials, often sharply. Sometimes street office officials would agree to make immediate changes in the meeting. After that, the evaluators would vote on the performance of the street office as a whole based on several categories, including “reforming street office-residents’ committee relations and improving *shequ* self-governance”, “infrastructure construction for *shequ jianshe*”, “ensuring *shequ* decision making autonomy on *shequ* matters”, “ensuring *shequ* autonomy on financial management”, “supporting and developing *shequ fuwu* (community services)”, “payments of subsidies to *shequ* workers and office expenses”, and “maintaining a diligent, clean and honest administration” The street offices that received more than 20 percent of unsatisfied votes would be singled out by the district government for reform and reorganization.\(^{335}\)

\(^{334}\) Li Fan, “Cong Jianghanqu de shequ pingyi zhengfu kan shequ minzhu de fazhan,” pg. 429.

\(^{335}\) Ibid, pg. 429-430.
The third part involved the evaluation of selected district-level government departments and offices by officials from both the street offices and shequ. In the 2002 evaluation meeting, the seven departments to face public evaluation were public security, health administration, municipal management, culture and physical education, civil affairs, criminal justice, and family planning. The evaluators would evaluate based on the work reports prepared by these departments. Again, the officials at the government departments that received the most “unsatisfied” votes would be considered for demotion or dismissal from office. 336

The basic format of minpingguan in the following years remained similar, but the composition of the evaluators and evaluated individuals and governmental bodies could be different from year to year. For example, in the 2003 minpingguan, the list of evaluated governmental personnel sent to shequ expanded to include officers responsible of managing migrant population and social security. The evaluators representing the shequ also were also more inclusive, with the migrant workers, retirees and poor families all had representatives sent to minpingguan meetings as their evaluators. There was even an evaluator specifically representing pregnant women. There were also some procedural improvements of minpingguan meetings, such as lengthening the face-to-face interaction between the evaluators and the evaluated, as well as improving voting methods and process. 337 In 2004, the city of Wuhan began the implementation of its main shequ jianshe plan called “Action 883” (883 xingdong jihua, 883 referring to the number of

336 Ibid, pg. 430.
residents’ committees in Wuhan). *Minpingguan* was discontinued as a separate activity but was fused into the plan and to be implemented throughout the city.\(^{338}\)

*Minpingguan* in Jianghan district of Wuhan is the one that is most well-known in China. Some other cities also have similar activities. In Fangshan district of Beijing, 13 district-level government departments were selected for *minpingguang* evaluation, in which they would be evaluated on a 100-point scale (10 points for establishing a working system with the residents’ committee, 20 points for helping to solve the problems encountered by *shequ* residents, 30 points for fulfilling the department’s own responsibilities and duties in relevance to the *shequ*, 15 points for guiding and helping the residents’ committee in improving the quality of *shequ* life and meeting residents’ needs and demands, 25 points for the level of satisfaction among residents regarding the services provided by these departments through having their own agents sent to the *shequ* rather than instructing the residents’ committee to perform such services. The evaluators basically consisted of residents’ representatives.\(^{339}\) In the city of Tianjin, *minpingguan* was also organized in Hexi district. Here, *minpingguan* consisted of two parts: evaluation of the members of *shequ* residents’ committees by *shequ* residents’ representatives, and evaluation of officials at the street offices by members of *shequ* residents’ committees. Similar to the *minpingguan* activities reported above, the evaluators took a vote after *minpingguan* meetings. Individuals and offices that receive substantial “unsatisfactory” votes would then have to find out their problems and improve their work, especially for

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\(^{339}\) Tan Sufen, Xu Shuling, “Jumin daibiao rixin ‘minpingguan’ (Residents’ Representatives are Enthusiastic about Public Evaluation of Officials)” *Shequ (Community)* 1-2 (2004), pg. 15.
the officials at the street offices. The leaders of the street offices as well as the secretaries of the street party organizations, however, were not among the evaluated.\(^{340}\)

In Fujian province, the provincial government decided to promote shequ democratic evaluation (shequ mingzhu pingyi) meetings throughout the province beginning in 2003. Shequ residents’ committees were the primary objects in these evaluation meetings, while the evaluators consisted of residents’ representatives, members of shequ deliberative council, deputies to the local people’s congresses and local people’s political consultative conferences, and a select group of residents. The meetings were organized and chaired by shequ party organizations.\(^{341}\) The district of Shanhaiguan in the city of Qinhuangdao in Hebei province was also reported to have conducted similar democratic evaluation meetings for members of shequ residents’ committees as well as the leaders of shequ party organizations, by shequ residents’ representatives and the representatives of party members in the shequ respectively.\(^{342}\)

5.3.3 Discussion on Democratic Supervision (Juwu gongkai and Minpingguan)

Juwu gongkai is reportedly credited for improving social stability, governance and legitimacy. Although this is far from the “freedom of information” policies common in Western societies, juwu gongkai represents a correct first step to open up the information space. This is especially important since informing the public or letting the public have access to information related to governmental affairs has not been a tradition of the ruling culture of the communist party. The public is at least acknowledged to have

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\(^{341}\) Lin Zhen, “Fujian quanmin tuiguang shequ minzhu pingyi huodong (Fujian to Promote Activities of Community Democratic Evaluations Throughout)” Zhongguo shehuibao May 21, 2003.

\(^{342}\) Yang Zhifang, Zhao Fang, “Qinhuangdaoshi Shanhaiguanqu quanmian qidong shequ pingyi huodong (Shanhaiguan district of Qinhuangdao to Start Community Evaluation Activities)” Zhongguo shehuibao January 4, 2008.
the right to information. Overall *juwu gongkai* is still quite undeveloped as a form of democratic supervision. For example, although in most instances it requires the residents’ committee to open its book for inspection, there are no rules in terms of what would be the consequences if the residents’ committee refuses to do so. In this sense, the effectiveness of *juwu gongkai* largely depends on the willingness of the residents’ committee to vigorously implement it. Residents are still not yet institutionally empowered to play a larger role of democratic supervision under the present models of *juwu gongkai*.

The *minzhu pingyi* or *minpingguan* activities appear to be a better mechanism of democratic supervision. A Chinese scholar concludes that *minpingguang* serves four important functions: 1) institutional complementary function, in which it complements and strengthens the existing design of *shequ* democracy; 2) information integration function, in which it provides an alternative channel of information flow outside of the bureaucratic structure, so that officials and governmental leaders have better knowledge about what *shequ* residents think of their work; 3) communicative function, in which it increases communication, and therefore trust and understanding, between officials and ordinary residents; and 4) civic training functions, in which it contributes to increased participation and involvement in public affairs among *shequ* residents, and also raises residents’ attention to and awareness of public issues.  

Thus, not only does *minpingguan* enhance democratic supervision, it has the potential of training the critical skills of democratic self-governance. With the government officials being subject to evaluation, some vertical accountability towards the

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residents is also being created. The government’s goal of reforming the bureaucracy to make it more efficient and people-friendly could also be met by *minzhu pingyi*. Equally significant is that this reform could lead to the de-institutionalization of the long-time dominance of the residents’ committees by the street offices. However, notwithstanding these positive outcomes, when there is no electoral mechanism (apart from the residents’ committee members who face election), the residents have no power to decide the removal of a particular official. Perhaps this is the reason why democratic evaluation of officials is more valuable in the absence of an electoral mechanism.

5.4 The Three-Meeting System (*Sanhui zhidu*) in Shanghai

In the final part of this chapter I would like to focus on a unique “three-meeting system”, which was pioneered by the Luwan district government in Shanghai in 1999 and copied in some other parts of the city subsequently. The “three meetings” refer to the decision hearing meeting (*juece tingzhenhui*, or simply *tingzhenhui*), conflict mediation meeting (*maodun xietiaohui*, or simply *xietiaohui*), and governance evaluation meeting (*zhengwu pingyihui*, or simply *pingyihui*) meetings. The designers of this “three-meeting” system intended the system to be an innovative mechanism that combines “the leadership

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of the party, the people’s mastership of their own affairs, and the rule of law.” These meetings also accordingly reflect the “mass-line” tradition of the Communist party, and in practice they have the effect of strengthening shequ democratic decision-making, management and supervision.

An official of the party organization department of Luwan district party committee summarizes the “three-meeting” system as “hearing in advance, decision-making more democratic and scientific”, “mediation during the process, achieving the balance between different concerned parties”, and “evaluation afterwards, leaving the evaluation of work performance to the mass”. Of course, this does not mean that mechanically each decision in a shequ has to go through these three steps. A well formulated decision made with public participation through a hearing meeting could mean that a mediation meeting is not necessary since the concerned parties have already resolved their disagreements in the hearing meeting. A mediation meeting can be convened to deal with an issue not arising from the implementation of a decision by the residents’ committee but from private actions taken by the residents themselves that could jeopardize the interests of other residents. The evaluation meeting is not called to evaluate the effectiveness of each decision but the overall performance of the members of the residents’ committee. Nevertheless, the basic idea of the system is that there will be some public participation in the decision processes of formulation, implementation and evaluation in a shequ.

A policy document on the three-meeting system by the Luwan district government provides some details of the working of these meetings. The evaluation

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346 Wang Qi, “‘Sanhui’ zhidhu de shijian yu sikao,” pg. 40-41.
meeting is similar to the minpingguan meetings discussed above. The shequ residents’ committee is responsible for organizing an evaluation small group, with membership selected among residents’ representatives and led by the chief of the shequ party organization. The evaluation meeting is to be held annually, and the evaluated bodies include the street offices, the dispatched offices and personnel of functional departments (such as local public security bureaus, local offices of taxation, local environmental and health administration bureaus, local housing authorities, community health centers, among others), the property management companies, and community workers hired by the residents’ committee. These bodies are evaluated according to their performances in implementing their tasks and duties and their contribution to shequ jianshe. Those who are to be evaluated are required to submit their annual working plan to the evaluation small group each January. The evaluation meeting is usually held around the end of a year.

Fifteen days before the meeting, each evaluated body is to submit its written work report. After receiving the report, the evaluation small group will study the report and conclude with its own written report. In the evaluation meeting, the evaluated bodies will then report to the evaluation small group about their performances, issues to be tackled, and suggestions for improvement. The evaluation small group will hold discussion on the written and oral reports of the evaluated bodies, and come up with grades (good, average, bad) for each body. The grades will be submitted to the superiors of these evaluated
bodies and will become their references for job evaluations, promotions, bonuses, or
demotions.\footnote{\textit{Shequ minzhu zizhi de baohushan -pingyihui, xietiaohui, tingzhenghui zhidu (The Protective Umbrella of Community Democratic Self-Governance),} \textit{Shequ (Community) }7-13 (2002), pg. 28.}

The \textit{xietiaohui} (mediation meetings) can be convened to mediate and resolve issues that involve 1) the common interests of all \textit{shequ} residents, 2) private disputes between \textit{shequ} residents and/or \textit{danweis}, 3) conflict of interests among \textit{shequ} residents, and 4) any other issue that the concerned parties are willing to resolve through the meeting. An important purpose of these meetings is to prevent potentially destabilizing issues from escalating into more serious incidents. The residents’ committee members with the security and mediation responsibilities are generally in charge of convening and presiding over the meetings. The participants of the meeting include the residents’ committee members with the security and mediation portfolios, chair of the residents’ committee, community police officers, the \textit{shequ} party leadership, certain street office officials, and the residents or organizations that are involved in a dispute.

In the meeting, the disputing parties will first be given the chance to express their viewpoints and arguments. The presiding residents’ committee members will then proceed to make further inquiries about each party and try to find the common ground and find solutions to these agreements. If the mediation is successful, the disputing parties are to sign a written mediation agreement. The residents’ committee is then responsible for supervising the implementation of this agreement. If the mediation meeting is unable to resolve the conflicts between the disputants, the matter will be referred to governmental authorities. However, if one of the disputing parties insists on having the matter resolved through the mediation meeting, the meeting will be held at the
maximum of three times before it is determined that the matter cannot be dealt with at the meeting and requires judicial or administrative intervention.

The last of the three-meeting system is the hearing meeting (tingzhenghui). A hearing meeting with the residents should be held before any decision or project that involves public interests are made by the residents’ committee and/or local government departments, although in practice most of the hearing meetings are about pending government’s projects. The hearing meeting is not open to all residents. The number of attendants of the meeting is to be determined jointly by the residents’ committee and the relevant government departments. The attendants should have “good political and cultural qualities, familiarity with the relevant issues and the ability to offer constructive and representative suggestions.” Those who are directly affected by the concerned decisions can attend the hearing meeting as well. A clerk shall be specially hired to record the meetings of the hearing.

A hearing meeting usually is initiated by a city or district government department when a proposed project will affect shequ residents (for example, approving a new road construction crossing a neighborhood), in which case the department shall notify the residents’ committee within 7 days. The residents’ committee shall work out the time, place, the clerk, and the qualified attendants of the hearing meeting. Representatives from the government department will first make oral reports to the attendants regarding the issue, and after discussion among the attendants and the officials, a preliminary written report summarizing residents’ opinions, proposals, and proposed revisions of the original government plan shall be presented at the end of the meeting. After the meeting, the clerk

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348 The 2005 White Paper on democracy also mentions hearing as an element that would enhance democratic decision-making.
will write a report based on the preliminary materials and submit such a report to the district governmental authorities. Within 15 days of such submission, the district authorities will report back to the residents’ committee regarding the final decisions.\textsuperscript{349}

According to a press report, in two years since instituting the “three-meeting” system the whole Luwan district had had 2231 mediation meetings, with 1881 of the meetings successfully resolved the issues (84% success rate), 436 hearing meetings, among them a total of 157 meeting resulted in having the residents’ opinions and proposals being accepted by the government, and 1028 evaluation meetings, in which a minority of officials had been demoted or removed because of residents’ criticisms.\textsuperscript{350} In another rough estimate, in the seven years since instituting the “three-meeting system”, the whole Luwan district had had more than 6000 mediation meetings, more than 1700 hearing meetings, and more than 2100 evaluation meetings.\textsuperscript{351}

5.4.1 Discussion on the “Three-Meeting” System

An official argues that sanhui zhidu (“three-meeting” system) allows residents direct, frequent and comprehensive political participation.\textsuperscript{352} Taken together, these meetings do provide residents the opportunities to express their own voice regarding different issues in their own shequ and to check and monitor government officials. The hearing meeting is a particularly novel approach to make residents and officials to work together in coming up with a proposal acceptable to both. The evaluation meeting has similar positive functions with the minpingguan activities discussed above. And the

\textsuperscript{349} “Shequ minzhu zizhi de baohushan -pingyihui, xietiaohui, tingzhenghui,” pg. 29.
\textsuperscript{351} Wang Qi, “‘Sanhui’ zhidhu de shijian yu sikao,” pg. 41.
\textsuperscript{352} Ibid, pg. 41.
mediation meeting allows residents to deliberate, debate and sort out their own differences. In the process it also enhances trust among residents and has the effect of building up social capital and strengthening citizenship. Considering that these institutional innovations are created in an authoritarian polity, they do have the potentials of creating a more responsive, accountable and democratic system of public administration.

There is a danger, however, that these meetings are nothing more than putting up a “democratic” face. For instance, it is quite conceivable that government officials could have initiated a hearing and yet have already decided that nothing would be changed. In such a case, the hearing meeting is nothing more than a required procedure to be completed. The residents would have few options too when the outcome of the hearing meeting did not favor them. Similarly, in a mediation meeting, the government officials could have decided to favor a particular party and force other parties to make accommodation. The mediation meeting in this sense only legitimizes the official’s preference.

Conclusion

This chapter describes and analyzes the shequ institutions designed to embody the processes of democratic decision-making, democratic management, and democratic supervision. These institutions are also meant to create a more democratic public administration and governance. For democratic decision-making, the yixing fenshe reforms and the creation of new bodies (the shequ work station and the deliberative council) have rationalized and improved the decision process. Nevertheless, the role of the residents’ assembly, the primary institution for resident’s direct participation, remains
to be strengthened and reformed. For democratic management, the effectiveness of residents’ agreements and the residents’ self-governance charter are still quite weak. Residents’ participation in the drafting of these documents is still quite limited. For democratic supervision, the institutions of “information disclosure” and “public evaluation” are important tools and channels for residents to check and supervise official power. “Public evaluation” is especially well-developed in certain cities, with well defined procedures and real consequences for those officials who failed the evaluation tests. Finally, the “three-meeting” system in Shanghai also holds great promise in increasing residents’ level of participation and deliberation. Residents are offered the opportunities to participate and contribute their input in a hearing meeting, solve their disputes in a mediation meeting, and hold officials accountable in an evaluation meeting.
Figure 5.1 Two Models of Yixing Fenshe

Model A

Residents’ Assembly (Decision Layer)

Shequ Party Organization (The Leadership Layer)

Shequ Work Station (Execution Layer) Residents’ Committee (Deliberation Layer)

Model B

Residents’ Assembly (Decision Layer)

Shequ Party Organization (The Leadership Layer)

Residents’ Committee (Execution Layer)  Deliberative Council (Deliberation Layer)
Chapter 6: Accommodating the Party or Accommodating Democracy: Shequ Party Building and Shequ Democratic Development

The concept of shequ party building (shequ dangjian) was being articulated about the same time of the formulation of the shequ jianshe policy. Although, in contrast to its rural counterpart (the Organic Law of the Villagers’ Committee), the 1989 Residents’ Committee law contains no provisions on shequ party organizations, in China, any discussion of democratic development cannot leave out the party. In fact, the party’s leadership position in the shequ is affirmed in the Ministry of Civil Affairs 2000 policy document “Opinion on Promoting Shequ jianshe Nationwide.”

In this chapter I will first discuss the concepts of party building and grassroots party building, and then proceed to discuss two key elements in the shequ party building program, and finally the relationship between shequ party organization and shequ democratic development.

6.1 The Concepts of Party Building and Grassroots Party Building

The party occupies a special place in the state-society relations in China. The party and state are in many ways institutionally mingled. Therefore, many analysts use the term “party-state” as an analytical and descriptive model for the Chinese political system. On the other hand, many Chinese scholars also argue that the communist party is a “societal” organization, in the sense that it originated from a social movement and it continues to represent and articulates societal/class interests. Society is therefore the “base area” of the party. It provides the necessary “space” for the party to mobilize,
organize and consolidate support. The “party building” program in essence can be conceptualized as a wide range of party self-strengthening measures designed to ensure the party remains capable of leading both the state institutions and societal forces, as well as competent in the performance of the numerous tasks of governance, social integration, and mobilization. Party building also requires party members to be well trained in ideology, organizational skills and organizational discipline. The ultimate goal is to construct a well-disciplined, organizationally sophisticated, and highly competent mass party. The exact theoretical contents and practical consequences of “party building,” however, are flexible, with each generation of leadership adding their own interpretations.

6.1.1 Party Building: From Revolutionary Party to Governing Party

Shiping Zheng argues that there is an inherent structural conflict in a “revolutionary party-state” such as China, in which the two entities (party and state) follow different organizational logics: the party is a perpetually revolutionary-mobilization organization, while the state is an inherently conservative bureaucratic institution. During the Mao years, there was stronger party prevalence over the state. “Party building” program was skewed toward strengthening the party’s mobilization capacity. As a result, the building up of state institutions suffered during this period, and the political system was inherently unstable. With the post-Mao emphases on the rule of law, political stability, technocracy, and merit-based recruitment of government staff, the party building program also had to readjust to reflect the new challenges.

On the other hand, in terms of party-society relations, the party also faces challenges in post-Mao era as well. With the advent of private and foreign enterprises, the party no longer monopolizes organizational activities in the societal sphere. Increasingly many newly established social organizations, registered and non-registered alike, are less susceptible to the party’s control and influence.

The party building program in the reform era therefore aims to fundamentally transform the party from being a “revolutionary party” to a “governing party.” Especially for the present Hu-Wen leadership, the “strengthening of governing capacity” is the critical mission of the party in the new century. In the Fourth Plenary Session of the 16th Central Committee in 2004, the party approved the “Decision on Strengthening the Building of Governing Capacity of the Party,” a document that reflects the Hu-Wen team’s approach to governance and party building. The document demands the party to comprehensively improve its ability to guide and manage the “socialist market economy,” to “govern through scientific and democratic method,” to promote “oversight of power” in the decision-making process, to build up the rule of law, to construct “harmonious” society, and to elevate theoretical and ideological training among the cadres.  

At the provincial and regional levels, the “strengthening of the governing capacity” of regional party leaders include the enhancement of their ability to maintain social stability, particularly their ability to respond to both natural and political crises. Other important tasks include ideological-political education of party members.

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promotion of “scientific development”, and the management and improvement of cadres. In essence, the “strengthening of governing capacity” is the basis for the realizing the long-sought goal of creating a “well-off society” (xiaokang shehui).\textsuperscript{356}

These new elements added to the party building program since the end of Mao’s era fundamentally changes the party. As a “governing” party, it behaves more like “conservative-bureaucratic” institution than a “revolutionary-mobilization” organization. With this transformation, the party reduces the structural conflicts mentioned by Zheng, and stabilizes the political system.

6.1.2 Grassroots Party Building

There are three basic levels in the party’s organizational hierarchy: the center, regional (encompassing provincial, municipal, and county units) and grassroots units. Grassroots party organizations are established in enterprises, villages, government’s organs, schools, research institutes, streets and shequ, social organizations, companies of Peoples’ Liberation Army, and any other types of grassroots organizations. Depending on the number of party members in a particular grassroots unit, different types of grassroots party organization can be formed. According to a party organizational handbook, a local unit that has more than 3 but fewer than 50 party members, has to establish a party branch (dang zhibu). A local unit that has more than 50 but fewer than 100 party members, has to establish a party general branch (dang zhongzhì). If it has more than 100 members, it has to establish a party base-level committee (dang jiceng weiyuanhui). Collectively they

are all referred to as “grassroots party organizations”\textsuperscript{357}. Each grassroots party organization is led by a leadership committee elected by the party members under its jurisdiction. Within each grassroots organization, there is also a smaller, unofficial unit – the party small group or party cell (\textit{dang xiaozu}). Any three party members can form a party small group. Since it is not an official unit, the activities and works of the small group have to be directed and led by the party branch.\textsuperscript{358}

Article 8 of the Constitution of the Communist Party of China stipulates that every party member, regardless of party rank, shall have an organizational relationship (\textit{zuzhi guanxi}) attached to a grassroots party organization. Every member shall attend and participate in the activities of the organization, such as the “democratic life meetings” (\textit{minzhui shenghuohui}).\textsuperscript{359} No party member shall be allowed to exempt him- or herself from these organizational activities. Article 31 spells out the eight principal responsibilities of a grassroots party organization, including 1) disseminating and implementing party’s basic policies; 2) organizing study sessions on Marxist theories for party members; 3) educating, managing, supervising, and serving its members; 4) maintaining a close ties with the mass; 5) supporting the creative work of the party members and the masses in the service of reform and socialist modernization; 6) training and recruiting talented activists; 7) ensuring the strict observation of laws and

\textsuperscript{357} Therefore in this chapter I use the generic term \textit{shequ} party organization rather then the more specific \textit{shequ} party committee, \textit{shequ} party general branch or \textit{shequ} party branch.


\textsuperscript{359} In “democratic life meeting” (\textit{minzhui shenghuohui}), party members would report about their political thinking, study government policies and Marxist theory, engage in criticism and self-criticism, etc. For more discussion on the party’s organizational activities, see \textit{Xin shiji dangde jiceng zuzhi gongzuo shiwu shouce}, pg. 90-96.
administrative discipline among party and non-party cadres; and 8) directing party members to resist unhealthy practices and to struggle against criminal activities.\textsuperscript{360}

The Chinese Communist Party has always stressed the importance of its grassroots organizations. It views them not only as effective mechanisms to penetrate and mobilize the socio-political energy of the mass, but also the foundational blocks of the party’s organizational edifice. For instance, the former Chinese leader Jiang Zemin once warned about the dangers of weak grassroots party organizations that are ineffective and divided, which would cause the “mountains” of “Party’s leadership and government, of the Party’s entire work, and of the socialist state’s political power” to collapse.\textsuperscript{361}

With the current Hu-Wen administration’s emphasis on governing capacity, grassroots party building programs in the country are re-structured around this concept as well. For example, the Organization Department of Fujian Provincial Party Committee highlights six particular aspects of the governing capacity of the grassroots party organizations. They include (1) development, (2) serving the mass, (3) competitiveness, (4) execution, (5) management, and (6) control. Development refers primarily to the ability to promote and guide economic development.\textsuperscript{362} Serving the masses would demand that the party members to become activists and volunteers. Competitiveness is a particularly novel idea, which means that grassroots party members should be subject to electoral pressure in order to enhance their own qualities and to consolidate the party’s governing status. Execution refers to the strict following and successful implementation of the policies and instructions from the party hierarchy by grassroots party members.

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\textsuperscript{361} Jiang Zemin, Jiang Zemin on the “Three Represents” Beijing: Foreign Languages Press (2003), pg. 168-170.
\textsuperscript{362} This is more applicable to village and enterprise party organizations, whose job would include promoting economic development, but less so far other types of grassroots party organizations.
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Management means that grassroots party organizations have to manage and supervise their own party members well, making sure that they are well qualified and able to maintain the “advanced nature” of the party. Finally, control demands grassroots party organizations to be a vigilant and effective force in responding to and resolving emergency crises and conflicts between cadres and mass. These grassroots party organizations are the key force upholding social stability.\[^{363}\] Especially, grassroots party organizations should be able to “demonstrate effective combat capability” when facing “political turmoil,”\[^{364}\] meaning that they are the first line of defense in facing potentially subversive or destabilizing activities, such as “mass incidents”, collective visits to complaints bureaus, and anti-party activities.

There is also a new dimension of the grassroots party building program that emphasizes the party’s “social nature” (shequ shuxing). As mentioned above, there is a theoretical view in China that the party has a dual nature (political and social) that justifies its active intervention in the society. Thus, although the state is withdrawing from the social sphere, in tandem with the current official thinking to create “small government, big society,” political power in the form of the party continues to expand its influence in the society. The “social nature” of the party resulted in some service-oriented elements in grassroots party building –interest mediation and societal attentiveness (shehui guanhuai). Under interest mediation, grassroots party organizations should ensure effective communication between different interests. They should coordinate and


\[^{364}\] Zhonggong zhongyang zuzhibu dangjian yanjiusuo ketizu, “Guanyu jiaqiang difang dangwei zhizheng nengli jianshe de diaoyan baogao,” pg. 97.
mediate disputes and conflicts. Under societal attentiveness, the party should be attentive to and care about the spiritual life (thus working on ideological education), the political life (grassroots self-governance and democracy), and the daily life of the people (social-cultural activities and helping the vulnerable groups).\textsuperscript{365} The idea that grassroots party organizations should be more “socially attentive” illustrates the efforts of the party to transform itself, to become less “revolutionary,” and therefore less political. At the same time, it has transformed itself into a more pragmatic, welfare-oriented and service-guided organization, while remaining broadly paternalistic.

At present, the party has millions of these grassroots party organizations established in enterprises, villages, \textit{shequ}s, etc. Although the effectiveness of these grassroots party organizations vary considerably among different areas, they still constitute an important part of the governing structure in present-day China. Among these grassroots party organizations, \textit{shequ} party organizations generally tend to be weakest. The \textit{shequ} party building program is thus meant to boost their leadership in the \textit{shequ}.

6.2 \textit{Shequ} Party Building: Organization and Integration\textsuperscript{366} 

Before the 1990s, the work of grassroots party building in the cities was concentrated in the \textit{danwei}, reflecting the Leninist principle of organizing the party’s


\textsuperscript{366} For some general Chinese discussions on \textit{shequ} party building, see Gao Hanrong, “Shequ dangjian yu woguo jieng shehui zizhi zuzhi de chonggou (Community Party Building and the Reconstruction of Grassroots Self-Governance Organization)” \textit{Gansu shehui kexue (Gansu Social Sciences)} 3 (2003), pg. 42-44; Zhongguo chengshi shequ dangjian yanjiu ketizu (ed.) \textit{Zhongguo chengshi shequ dangjian (Community Party Building in Urban China)} Shanghai: Shanghai renmin chubanshe (2000); Han Jun, “Xinshi qi shequ dangjian yu Zhongguo gongchandang de xiandaihua (Community Party Building in the New Era and the Modernization of the Chinese Communist Party)” \textit{Xinjiang shehui kexue (Social Sciences in Xinjiang)} 3 (2005), pg. 24-27; Li Chaoyang, “Chengshi shequ dangjian: jiaqiang dangde jian she de zhuanlue xing xuanze (Urban Community Party Building: A Strategic Choice to Strengthen Party Building)” \textit{Tianjin shifan daxue xuebao (Journal of Tianjin Normal University)} 5 (2005), pg. 1-5.
base units on the basis of production units, government organs, and service units. The idea was to embed the party in different sectors of the urban society. Through integrating these sectors under the party’s leadership the party would be able to extend its reach into the deepest corners of the society. Therefore, party’s base units that were established on the basis of residential areas (street offices and residents’ committees) had only a marginal and peripheral role in much of the organizational history of the party in the cities.

However, the reform of the *danwei* system beginning in the mid 1990s changed that. Many party members were victims of corporate reorganization, bankruptcy, merger, and layoffs during the reform of the *danwei* system. Many of them also became unattached to any party organization—*the* so-called “pocket party members” (*koudai dangyuan*).367 Furthermore, among the vast migrating labor force in the cities there is also a large number of party members who have no contacts with their party organizations. How to organize and mobilize these types of party members became a challenge for the party.

Another issue is the emergence of the so-called “two-new” organizations (*liangxin zuzhi*), referring to private or foreign enterprises and some newly established social organizations (such as NGOs, foundations, charities). Most of these organizations are concentrated in *shequ* residential areas and have very few or no party members at all.368 The party’s influence is particularly weak in these organizations.369 There is also

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367 Zhongguo chengshi shequ dangjian yanjiu ketizu (ed.) *Zhongguo chengshi shequ dangjian*, pg. 115. They are called pocket party members because they keep their party certificates in their own pockets, i.e. no organizational attachment.

368 This is in contrast to the state-owned enterprises and the traditional social organizations, such as unions, writers’ associations, disabled persons’ associations, women’s associations, etc. in which the party continues to have a much stronger presence and leadership.
the question of how to integrate and coordinate the work of two types of grassroots party organizations in the cities—shequ party organizations and danwei party organizations stationed in the shequ. All these challenges mean that the party has to employ a new approach and method. The shequ party building program is thus formulated to tackle these challenges and to maintain the overall political and organizational leadership of the party in society.  

In the mid 1990s, some cities, most notably Shanghai, had already began the work on shequ party building, but the central push for the shequ party building program began only in 2000, around the time of the formulation of shequ jianshe policy. In a May 2000 speech on the “theory of three represents”, Jiang Zemin’s own “theoretical contribution” to Chinese Marxism, he highlighted the significance of building up party organizations in urban shequs, especially their “promotion of socialist culture and ethics, ideological and political work among the masses, comprehensive maintenance of public order, community services, [and efforts to maintain] close ties with the masses.”

The 2000 Ministry of Civil Affairs document on shequ jianshe also affirms the role of the shequ party organization in shequ jianshe. In addition, in November 2004 the Central Organization Department of the CCP issued the directive “Opinions on Further Strengthening and Improving the Street and Shequ Party Building Work.” Just as the

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369 According to one estimate, as of the end of 2007, only 4.1% of the employees of “non-public” enterprises are party members, only 8% of these enterprises have organized party presence. Cited from Wu Xiang, “Guanyu chengshi shequ dangjian de lilun sikao (Theoretical Thinking about Urban Community Party Building)” Jingji yu shehui fazhan (Economic and Social Development) 6:10 (2008), pg. 65.

370 Chu Jianyi, “Goujian shequ dangzuzhi lingdao hexin de baozhang jizhi (Constructing the Mechanisms that Ensure the Core Leadership Role of Community Party Organizations)” Lilun tantao (Theoretical Investigation) 5 (2005), pg. 151.


2000 Ministry of Civil Affairs document has been serving as the basic guideline for shequ jianshe, this document by the Central Organization Department is also the official policy guideline for the shequ party-building work. Both the Ministry of Civil Affairs document and the Central Organization Department documents also specify the basic responsibilities of the party organizations at the grassroots levels. Table 6.1 summarizes the basic responsibilities laid out in these two documents.

Shequ party building, therefore, involves a number of elements, such as strengthening the quality of party leadership and cadres in shequs, reorganization and integration, expanding the range of activities and services provided by shequ party organization, ideological and theoretical training of the party members, etc. Among them the organization and integration work are the backbone of shequ party building.

6.2.1 Organization

As the speech by Jiang indicates, an important part of shequ party building is to organize the party members in the shequs, many of whom had become “pocket party members”, and to establish the party’s organizational presence in the shequs. Any shequ with more than 3 party members should organize a party branch or party cell. The organizational relationship of those retired, layoff, and mobile party members should be transferred to shequ party organization. Fresh college graduates with party membership also should have their organizational relationship with the party established in shequs.

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374 The CCP is quite interested in the community centers organized by the activists and members of the People Action Party in Singapore. The local party activists in Singapore play the crucial role of mobilizing popular support for the ruling party. They construct sophisticated local networks that penetrate into every corner of a neighborhood, strengthening the influence and competitiveness of the ruling party. See Zhongguo chengshi shequ dangjian yanjiu ketizu (ed.) Zhongguo chengshi shequ dangjian, pg. 158.
before they find employment. The goal is to have at least one party organization for every shequ (yiju yizhi in Chinese, literally “one residents’ committee, one branch”). Once organized, the party will then have a formal organizational presence within the shequ and could fulfill the leadership role. In addition, the party organization should also continue recruiting talented elements from the mass. All these efforts are aimed to widen the organizational reach of the party deeper into the corners of the society. As of 2004, 93% of the shequ have at least one party organization.\footnote{Zhan Chengfu (ed) Shequ jianshe gongzuo jinzhan baogao (The Report on the Progress of the Work of Community Construction) Beijing: Zhongguo shehui chubanshe (2005), pg. 4.}

6.2.1A Party Organization at the Street-Office Level

Organizational work of shequ party building is not confined to the shequ level only. An important part of it is to strengthen and re-organize the authority of the street-level party organization. Within the party hierarchy, the shequ party organization occupies the lowest rank. For many of the high-ranked danwei party organizations stationed in a shequ, the authority of the shequ party organization over them is extremely weak. In many instances, street-level party organizations are likewise outranked by danwei party organizations. The high-ranked danwei party organizations command huge resources, but have no incentive to assist the streets and shequ in the work of shequ jianshe. On the other hand, lower-ranked party organizations are given many responsibilities but without the authority to fully mobilize the necessary resources. This vertical (danwei)/horizontal (streets & shequ) conflict is indeed common in China’s administrative system –the so-called “tiaquai chongtu” (vertical-horizontal conflict). In order to strengthen the authority of shequ party organizations, many cities reorganize the
street-level party organization, instituting a “street party work committee” (jiedao danggongwei) in place of the regular “street party committee” (jiedao dangwei).³⁷⁶

The “street party work committee” is different from a regular party unit. The “work committee” is a dispatched organ of the district party committee. Leaders of the “work committee” are directly appointed from above, not elected from below. Other than the responsibilities specified in the party’s constitution, the “work committee” is also entrusted with specific responsibilities and functions by the district committee. The term of office for leaders of the “work committee” is also longer than the leaders of a regular party organization.³⁷⁷ The composition of the leadership of the “work committee” generally includes some representatives from danwei party organizations. For instance, in Shanghai, the leadership of a street party work committee consists of 11 to 13 members; among them are directors of street-level public security bureaus and representatives from the party organizations in government’s functional departments and other danwei.³⁷⁸

Through the “work committee” system the vertical and horizontal authorities are connected and integrated. Since the authority of the street party work committee comes from the district party committee, it is empowered to “mobilize the resources and [to] coordinate the related work of the various offices and units” within the street’s jurisdiction,³⁷⁹ at least those with comparable rank at district level. In such a way, under the overall leadership of a street party work committee, shequ party organizations could

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³⁷⁶ The vertical-horizontal conflict is also the main subject in the next section, here I will discuss only the nature of street party work committee.
³⁷⁷ Interestingly Mainland Chinese sources rarely discuss the nature of the work committee and its differences with a regular party organization. The above discussion is based on a Taiwanese source, see Lu Jing, Zhonggong dangzheng yanjiu lunwenji, shangji (Essays on the Study of Chinese Communist Party-State, First Volume) Taipei: Zhonggong yanjiu zhazhishe (1999), pg. 51-52.
become more forceful when dealing with high-ranked danweis stationed in their jurisdiction.

6.2.1B Party Organization below the Shequ Level

Below the shequ level, party’s organizational penetration is to be extended to blocks and buildings – the so-called “loudong dangjian.” (Also referred to as louyu dangjian or louzu dangjian. All these terms refer to party building work in residential or commercial blocks and buildings.) Let say there is a shequ with more than 100 party members (all with their organizational relationship attached to the party organization of this shequ). The party members who are scattered in different residential blocks and buildings will be organized into party branches or cells in their respective blocks and buildings. This will create a shequ party network with the shequ party committee as the center and the smaller units as its tentacles extending to each block and building. Many of the activists and leaders of residents’ small groups (see Chapter 4) are also party members, and sometimes residents’ small groups coincide with the smaller party branches and cells. These party members in the most basic units play the leading role in mobilizing their neighbors to participate in various shequ activities, doing ideological work, as well as being the eyes and ears of the party. In a district in Shanghai, party cells are required to ensure that there are “no illegal activities…, no security incidents, no superstitious activities” in their building and bocks. On the other hand, these smaller

380 For some of the empirical examples of loudong dangjian, see the following press reports. Chen Guangming, Wang Bingkun, “Loudong dangzhibu, dangjian yan chujiao (Block Party Branch, Extended Tentacles of Party Building)” Xinhua meiri dianxun June 26, 2006; Dong Yongqian, “Xigu tuichu shequ dangjian xinmoshi (Xigu’s New Model of Community Party Building)” Lanzhou ribao October 24, 2008; Huang Guoliang, Xiao Suping, “Xihu shequ dangjian chuangxinlu, xiaoxiao loudongzhang yinyin zhu minqing (New Path of Community Party Building in Xihu District, Block and Building Leaders Serving the People)” Xi’an ribao November 11, 2004.
units are also the most basic units of the party to “serve the people.” They pay visit to sick neighbors, mediate family and neighborhood disputes, and organize some cultural activities and exercises for the old and retired people.\textsuperscript{382} Through the street party work committee, \textit{yiju yizhi} (one residents’ committee, one party branch), and \textit{loudong dangjian} (block party building), a vertical party network ranging from the street to each residential block is instituted.

\textit{6.2.1C Party Organization in “Two-New” Organizations}

Organizational penetration also extends to the so-called “two-new” organizations. Party building work in these organizations in a minimum sense would thus involve organizing the party members working in these organizations (no matter how few they are) into branches and cells, and recruiting prospective talents.\textsuperscript{383} One effective way to extend party building in these organizations is again through “\textit{louyu dangjian}” (block party building), in this case establishing party organizations in commercial buildings.\textsuperscript{384} For example, whereas a company might have only one or two party members, a commercial building with several companies might have enough party members to establish an organizational presence. The commercial buildings are generally located outside of the jurisdiction of residents’ committee, and therefore it is the responsibility of the street party work committee to extend party building work to these organizations. But for those buildings located within \textit{shequ}s, sometimes the \textit{shequ} party organization is entrusted to do party building work there. \textit{Louyu dangjian} is reportedly a successful strategy of grassroots party building. In Shanghai, the latest statistics show that, due to

\begin{footnotesize}
\begin{enumerate}
\item Wu Deyu, “Zenyang dangyao yiming louyuan dangzhibu shuji (How to Become a Good Secretary of Building Party Branch)” \textit{Shequ (Community)} 24 (2006), pg. 28-29.
\item Xin shiji dangde jiceng zuzhi gongzuo shouce, pg. 744.
\item Ou Xiaoming, “Louyu dangjian yu shequ dangjian de hudong (Mutual Interaction between Building Party Building and Community Party Building)” \textit{Dangzheng ganbu luntan (Cadres’ Tribune)} 11 (2005), pg. 9-10.
\end{enumerate}
\end{footnotesize}
louyu dangjian, there were 12941 party organizations established in the “two-new” organizations in 2008, a 320% growth over 5 years, and that more than 205,000 party members belonged to “two-new” party organizations.385

If all urban shequ in China are successful in the organizational work of shequ party building described above, then not only will the party’s base would become more consolidated and entrenched, the party may also be able to re-establish its ubiquitous presence in urban society.

6.2.2 Integration

Another important element in the shequ party building program is to integrate the danwei party organizations and members. Although the reorganization of street party work committees has achieved some results, by no means does this reorganization institutionally guarantee the full cooperation of all danwei party organizations. Provincial and municipal units are still ranked much higher than the street party work committee. Securing their cooperation can be a struggle for the street party work committee. On the other hand, the dispatched organs of district government’s departments at the street level are in theory integrated under the authority of the street party work committee, but it is not as easy as it seems. Each of these organs still has to follow the leadership and command within the vertical bureaucratic channel, under the notion of “dual leadership” (shuangchong lingdao). How the “dual leadership” concept operates is still not quite institutionalized and it is not uncommon that the authority of the street party work committee to be sidelined.

Finally, there are many party members whose organizational relationships are attached to the *danwei* outside of their *shequ* (the Chinese term is *zaizhi dangyuan*). For these party members, their obligation to participate in party’s organizational activities is being fulfilled in their own *danwei*, not in the *shequ*. They are not even required to reveal themselves as party members in *shequ*. Many of them are indeed uninterested in the work and activities of *shequ* party organization, but the *shequ* party organization has traditionally no authority over them.\(^\text{386}\)

The problems described above are commonly encountered when carrying out *shequ* party building work in many cities. In order to better coordinate and integrate the horizontal party organizations (*shequ* and street) and vertical party organizations (*danwei*), the 2004 Central Organization Department document suggests establishing some kind of “party building coordination mechanism” what would give the horizontal party organization more powers. Horizontal party organizations can request mobilization of the resources commanded by vertical party organizations. Some cities had already experimented with this kind of integration reform before the issuance of the 2004 document.

In Beijing, a “party building coordination committee” is established at the street level with its branches extended to the *shequ* level. The “coordination committee” is an

\(^{386}\) Wu Wei, Chen Richang, “Shequ dangjianzhong ‘tiaokuai chongtu’ maodun de huajie (Solving the Problem of ‘Vertical-Horizontal Conflict’ in Community Party Building)” *Gansu xingzheng xueyuan xuebao (Journal of Gansu Administration Institute)* 3 (2004); Xu Yong, Chen Weidong, et al. *Zhongguo chengshi shequ zizhi* (Self-Governance in China's Urban Communities), Wuhan: Wuhan chubanshe (2002), pg. 261-265. According to one estimate, on average only 30% of the party members in a *shequ* have their organizational relationship attached to *shequ* party organization, 60% of the party members are the so-called *zaizhi dangyuan*, and about 10% are still “pocket party members.” See Zhongguo chengshi shequ dangjian yanjiu ketizu (ed.) *Zhongguo chengshi shequ dangjian*, pg. 265. The organizational department of Guizhou provincial committee estimated that only 0.37% of the party members in the province have their organizational relationship attached to *shequ*. See Shengwei zuzhibu zuzhichu, “Wosheng chengshi shequ dangjian gongzuo diaocha (Investigating Urban Community Party Work in the Province)” *Dangdai Guizhou (Guizhou Today)* 6 (2003), pg. 31.
attempt to transition the organizational system of grassroots party building from having
the vertical and horizontal party networks separated to having an “integrated horizontal-
vertical party networks, with the horizontal party organizations in charge” (tiaokuai jiehe,
yikuai weizhu). According to one survey, at the end of 2002 all street offices in Beijing
have established the “coordination committees.” A total of 3084 danwei party
organizations have joined the coordination committees, among which are 451 central-
level danwei party organizations. Shanghai also has similar mechanisms at the street
level, with different titles such as “shequ party building joint conference” or “shequ party
building research society.”

The integration work is more difficult than the organization work of shequ party
building. As the authors of the Beijing survey cited above acknowledge, crucial to the
success of the “party building coordination committee” is the support of the danwei party
leaders. In another party report, it is recognized that whether these mechanisms are able
to mobilize danwei party members and resources depends on the personal relationship
between danwei party leaders and street party leaders. The “street party work committee”
on paper commands huge authority, but there is a lack of an institutionalized guarantee
that it actually wields such authority.

It is still too early to judge whether shequ party building as a whole accomplishes
the intended goals. The weaknesses of shequ party organizations are frankly
acknowledged in a number of Chinese publications. At present, many shequ party

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387 Beijing chengshi shequ dangjian ketizu, “Beijingshi chengshi shequ dangjian zhuangkuang diaocha (A Survey of
Party Building in Beijing’s Urban Communities)” Chengshi wenti (Urban Problems) 4 (2003), pg. 66.
388 Zhongguo chengshi shequ dangjian yanjiu ketizu (ed.) Zhongguo chengshi shequ dangjian, pg. 254; Wang Bangzuo
et al. Juweihui yu shequ zhiyi, pg. 252.
389 Jiangshusheng dangde jianshu xuehui, Taizhoushi dangde jianshu xuehui, “Guanyu shequ dang zuzhi lingdao
tizhideng jige wenti de gaige gouxiang (Ideas of Reforming the Community Party Organization Leadership System and
Other Issues)” Dangde shenghuo (Party’s Life) 2 (2007), pg. 16-19.
organizations are still far from having the different aspects of “governing capacity” emphasized by the present leadership. A Chinese official highlighted several main problems of shequ party building, criticizing it for being overly focused on the quantitative aspect (expansion of party members, party organizations and party activities), and paying inadequate attention to the political and organizational performance and capabilities of many of these party organizations. Actual participation by party members was not as active and passionate as assumed, while the organizational activities were impractical and irrelevant. Party members also complained that they had too much obligations to fulfill. General social indifference toward shequ party organizations and their activities was still prevalent. Some party organizations became hollow once key leaders moved to other places. The lack of cohesiveness among newly established party organizations was not unusual; and although some party organizations were being successfully established and consolidated, others were failing and disintegrating.\footnote{Liu Jiyuan, “Shequ dangjian you liangde leiji xiang zhide tisheng jieduan zhuanbian yanjiu (A Study of the Transition of Community Party Building from Quantitative Accumulation to Qualitative Improvement)” Zhonggong Shijiazhuang shiwei dangxiao xuebao (Journal of the Party School of Shijiazhuang Committee of CCP) 10:2 (2008), pg. 12-13.}

Notwithstanding the mixed results of the program of shequ party building, the role of the party organization as the “core leadership” in shequ governance is still affirmed in national documents. How party organization might affect shequ democratic development and vice versa will be discussed in the next section.

6.3 Shequ Democracy and Shequ Party Organization
Some scholars interpret the weakness of *shequ* party organization as beneficial to *shequ* democratic self-governance.\(^{391}\) This incompatibility view rests on the assumption that as a Leninist organization, the party is bound to follow instructions from above. Therefore, the stronger the party organization is, the more likely that democratic self-governance in a *shequ* is insignificant. Unsurprisingly, the mainstream view in China argues for the leadership of the party organization in the development of grassroots democracy. Although the party organization is the “core leadership” in a *shequ*, it does not directly interfere with the decision making process. Its main job is to ensure that the decisions made and carried out by the residents’ committee or residents’ assembly do not contradict the overall national and local policies and laws. Furthermore, the leadership of the party is also necessary so that destabilizing forces in society would not have a chance to seize on the opening up of democratic space to create political and social instability. Democratization has to be orderly, and *shequ* party organizations are the “stabilizing force” in the process of democratic development.\(^{392}\)

The relationship between *shequ* party organization and *shequ* democratic development, however, is complicated. In Chapter 4, it was noted that the party organization has the ability and motive to interfere at each stage of the election process. It could be argued that the party’s manipulation and interference is detrimental to democratic reforms of the electoral systems. On the other hand, the party is also


instrumental in the mobilization of residents to participate in residents’ committee elections. A survey on Shanghai residents shows that party members are generally more active and willing to contribute to shequ jianshe than non-party members. Some analysts suggest that without the supportive role played by the party organization, shequ democratic development would not have proceeded so healthily and smoothly. The party members in this sense are playing the “exemplary role” (xianfeng jiaose) in electoral participation and mobilization.

Another example of the complicated picture of the relationship between party and democracy in shequs is the so-called “two-committee” problem. The nature of the problem is which organization is the “boss”? Is it the residents’ committee, which is popularly elected (no matter how flawed the electoral procedure is), or the shequ party organization, which is not popularly elected but privileged to perform the leadership role in the shequ? Although the ideal design of the party organization is that it is not to interfere in the decision-making process and involve itself in the day-to-day affairs of running the shequ, in reality the exact division of responsibilities and authorities between the two bodies is never clear. Whether democracy should accommodate the party, or whether the party should accommodate democracy, is a tough question in the democratic development in shequs. So far, there are two main approaches to resolving the problem:

(1) incorporating the leadership of the shequ party organization with the residents’

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393 Zhongguo chengshi shequ dangjian yanjiu ketizu (ed.) Zhongguo chengshi shequ dangjian, pg. 166.
394 Gu Jianjian, “Zhuangxingqi shequ dangjian gonzuo de zhelidian: juminqu dangzhibu jianshe (The Main Aspect in Urban Community Party Building Work during Transitional Era: Building of Party Branch in Residential Areas)” Shanghai dangsi yu dangjian (Shanghai Party History and Party Building) 6 (2001), pg. 54. Two foreign scholars also conclude with the observation that “the leadership role of the party is indispensable for an effective operation of the [shequ]”, cited in Akio Takahara and Robert Benewick, “Party Work in Urban Communities,” pg. 169.
395 This problem is not unique to shequs, conflicts between villagers’ committees and village party organizations are not uncommon as well.
committee, and (2) reforming the *shequ* party organization to make it more democratically accountable to non-party members.\(^{396}\)

6.3.1 Incorporating the Leadership of the *Shequ* Party Organization with the Residents’ Committee

Partly borrowing from rural experiences, there are strong suggestions to fuse *shequ* party organization and *shequ* residents’ committee (*neizihua*).\(^{397}\) This is achieved through two methods: 1) the secretary of the *shequ* party organization is also the chair of the residents’ committee, a practice known as “*yijiantiao*” (literally “one shoulder carrying [all responsibilities]”); and 2) members of the leadership committee of the *shequ* party organization are concurrently holding positions in the residents’ committee, a practice known as “*jiaocha renzhi*” (cross-holding of office positions). Incorporating both organizations is the approach favored by the national leadership. The 2004 Central Organization Department document encourages cross-holding of positions between *shequ* party leaders and members of the residents’ committee, and that *shequ* party secretary should also become the chair of the residents’ committee through elections.

In early 2006, the Ministry of Civil Affairs also issued a directive on residents’ committee elections that encourages cross-holding of office positions. In this document, it suggests that party members who are interested to run for positions in the party’s leadership should first get elected as members of the residents’ committee before being nominated as candidates in party elections. Those who are unable to get elected as members of the residents’ committee should not be nominated in party elections.

\(^{396}\) It should be pointed out that both approaches have their origins in village practices. See “*‘Liangpiaozhi’, ‘liangtui yixuan’ yu ‘yijiantiao’ de chuangxinxing (The Innovativeness of ‘Two-Ballot System’, ‘Two Nomination One Election’ and ‘One Shoulder Carrying’) Shehui zhuyi yanjiu (Socialism Studies) 6 (2007), pg. 73-76.*

\(^{397}\) Xu Yong, Chen Weidong, et al. *Zhongguo chengshi shequ zizhi*, pg. 274-278.
especially if it is the position of the party secretary. As for party members who are already members of the residents’ committee, they should run for leadership positions of the party in party elections.398 Both yijiantiao and jiaocha renzhi are meant to achieve “structural integration” in which residents’ committee members overwhelmingly are party members.399

As of 2004, 89% of the chairs of the residents’ committee throughout the country were party members.400 This statistic, however, does not tell us whether these party members were also party secretaries or not. Table 6.2 provides some of the data on yijiantiao and jiaocha renzhi in selected provinces and cities in the years 2003-2007. From the table we can see that the incorporation approach is indeed quite successful. About half of the residents’ committee members were party members.401 While in Beijing 42% of the chairs of the shequ residents’ committee were party secretaries, other provinces and cities reported more than half of their shequ residents’ committee chairs also concurrently served as party secretaries, with the city of Nanjing reporting a 90% rate of yijiantiao.

Theoretically speaking, incorporating the two bodies could lead to greater democratic accountability between the shequ party organization and shequ residents. Under this approach, the party secretary and other shequ party leaders have to stand before the test of public opinion and popular elections. As the above-mentioned 2006

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401 This pattern is confirmed in the two residents’ committees in Shanghai that I have conducted interview. Both residents’ committees have 50% party members.
Ministry of Civil Affairs directive spells out, those who failed the test of residents’ committee elections should not be allowed to contest in party elections. The party indeed would have to accommodate democracy. From a practical perspective, incorporating the two bodies also strengthens the residents’ committee. Party members in the residents’ committee could use their resources and connections in the party to help the work of the residents’ committee.402

However, incorporating the two bodies could also lead to the subordination of the residents’ committee by the party organization. The high percentage of yijiantiao raised the suspicion that this is the unwritten required “quota”.403 One would not be surprised to learn if the party organizations had dominated and manipulated the election process to achieve this quota. There are critics of this approach as well from a different perspective. Increasingly line between the shequ party organization and the residents’ committee is blurred. The unintended consequence is actually weakening the shequ party organization, since now it would have to involve itself in the detailed daily administrative affairs in the shequ. The authority of the shequ party organization in fact has to depend on the effectiveness of the residents’ committee. It now also has less time to strengthen its own organizational and integration work.404

6.3.2 Inner-party Democratic Reforms at the Shequ Level

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402 This point was made to me by a residents’ committee chair I interviewed in Shanghai in November 2007.
403 According to an official at the Ministry of Civil Affairs, many local governments have imposed the 70% quota of yijiantiao in village committee elections, a practice known as “yidaoqie” (literally “one knife cut”) in China. It is conceivable that many street officials also similarly impose such quota in shequ residents’ committee elections. This official disagrees with such practice and discourages imposing the quota. See Liu Feng, “Moba ‘yijiantiao’ biancheng ‘yidaoqie’ (Do Not Make ‘One Shoulder Carrying’ Becomes ‘One Knife Cut’)” Zhongguo minzheng (China Civil Affairs) 9 (2002), pg. 45.
To boost the “democratic legitimacy” of shequ party organizations, a number of cities have also experimented with some institutional innovations to democratize the shequ party organizations. Although the leadership at various levels of the party hierarchy is supposed to be “elected,” in practice control and appointment from above are much more likely the norms. The inner-party electoral system basically is nothing more than a formality process to confirm the selection already made through the Nomenclature system. In the shequ, the street-level party officials would nominate the candidates of shequ party elections, and the party members in an “election” confirmed the selection.

A reform known as gongtui zhixuan (literal translation is public nomination and direct election) thus has been implemented in some cities to democratize the electoral process. Gongtui zhixuan originated from the elections of party chiefs in rural villages, it aims to increase participation by party members and the public and competition between candidates. There are different models of gongtui zhixuan, but all of them, as the name gongtui zhixuan suggests, involves ending the monopolization of nomination by party officials and allowing for direct election by party members.296 296 shequ party organizations in Shanghai are reported to have carried out gongtui zhixuan reforms.406 Other cities reported to have experimented with gongtui zhixuan include Beijing, Shenzhen, Ningbo, Nanjing, Dalian, Chengdu, etc. Similar to village gongtui zhixuan reforms, many gongtui zhixuan reforms in urban shequs also let the non-party residents have a say in the election process.

The most common practice of gongtui zhixuan is to allow nomination by shequ party members (jointly or self-nomination) and non-party residents’ representatives. Street party officials then decide from the preliminary nominees who would become the formal candidates. Party members will then directly elect the secretary and other shequ party leaders. In some instance, candidates are not necessarily restricted only those party members whose organizational relationship are attached to the shequ only. For instance, in order to encourage the participation of danwei party members, a district in Beijing allows nominating danwei party members to run for the election of shequ party organization.407

In a district in the city of Sanmenxia in Henan province, a similar model called “santui zhixuan” (three nominations and direct election) allows shequ party members, non-party residents’ representatives, and representatives from danweis and businesses to nominate the candidates. This is another effort to integrate better the relationship between shequ party organization and danwei party organizations.408 In a Shenzhen district, the “santui yiping yixuan” (three nominations, one evaluation, and direct election) model allows for organizational nomination, joint nomination by party members, and self-nomination. The participation of non-party residents is in the “democratic evaluation” meeting of the preliminary nominees, in which these nominees are evaluated by the party


members and non-party residents’ representatives, before the street party officials
determine the final list of formal candidates.409

Apart from gongtui zhixuan, there are also some reform measures to increase
democratic supervision of shequ party organizations. One example is the “shequ party
oversight council” (shequ dangwu jiandu weiyuanhui) established in a shequ in Chengdu.
The oversight council is elected separately from the leadership committee by the party
members. Shequ party leaders and their family members are not allowed to sit on the
oversight council. The duties of the council include preventing power abuses and
corruption by shequ party leaders, ensuring the integrity of the procedure of party
elections, and implementing “disclosure of information of party’s affairs” (dangwu
gongkai)410. The oversight council has the right to sit on the meetings held by the
leadership committee, to read every party document, to question members of the
leadership committee, and to recommend impeachment of particular shequ party
leaders.411

In designing the system of oversight council, there was a strong emphasis on
“oversight by a different body” (yiti jiandu). The oversight council is still a party organ,
but it is clear to the district officials who designed this system that to effectively
supervise the shequ party leaders, there has to be an institution independent from the
control of these leaders. Although it would be absurd to argue “check and balance” and

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409 Yuan Lianggang et al., “Luohu shequ dangzuzhi huanjie 100% shixing shuang zhixuan (Community Party
Organizations in Luohu District 100% Double Direct Elections)” Shenzhen tequbao April 30, 2008.
410 Dangwu gongkai is similar to the Juwu gongkai described in Chapter 5. See Li Kuiyang, “Jiji tansuo dangwu
gongkai de xintuijing (Positively Experimenting with New Ways to Open up Party Affairs)” Xuexi yuekan (Study
Monthly) 7 (2008), pg. 92-93.
411 Jin Zhu, “Jiaozhi shequ dangwu jiandu xiang ‘yiti’ zhuanzhan (Jiaozhi Community Oversight of Party Affairs
Transitioning to a ‘Different Body’)” Shequ (Community) 5 (2007), pg. 20-21; “Shishi yiti jiandu, Chengdu shidian
jianli shequ dangwu jiandu weiyuanhui (Implementing Different Body Supervision, Chengdu Experimenting with
“separation of powers” are taking hold within the CCP, the idea of “supervision by a different body” is nevertheless something novel. The party always has an internal regulation and corruption investigation mechanism—the “disciplinary inspection committee.” The disciplinary inspection committee, however, has not been very effective in preventing and investigating corruption and power abuses, since it is controlled by the party committee at the same level of the party hierarchy. In comparison to the disciplinary inspection committee, the design of the oversight council and the idea of “supervision by a different body” represent a progressive step toward a more democratically governed party organization.

Incorporation of the shequ party leadership and the residents’ committee and democratizing shequ party organizations are not exclusive to each other. A shequ party organization could experiment with embedment and inner-party democratic reforms at the same time. The overall shequ democratic development could have a democratizing impact on the party organization. But such optimistic picture still has to be balanced by the fact that the no matter how many tests of popular scrutiny the shequ party leaders have to go through, their ultimate boss is the street-level party organization, under the party doctrine of “democratic centralism.” A shequ party secretary that rides on popular support against his/her boss at the street-level could be destabilizing the coherence of the regime; it would surprise no one if this secretary is immediately removed from power. So far the evidence in this chapter supports the argument that the party has tentatively in

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412 For the nature of the disciplinary inspection committee and its relationship with the party committee, see Lu Jing, *Zhonggong dangzheng yanjiu lunwenji*, shangji, pg. 51-52, 174-199.
some aspects accommodated democracy, but whether this is sustainable and consolidated in the long-run remains to be seen.

**Conclusion**

This chapter analyzes the role of the party organization in the process of *shequ* democratic development. The party has a long history of strengthening its grassroots units and organizations. Under the concept of “party building,” it has taken a number of measures to strengthen the cohesiveness, ideological conviction, and organizational discipline of these party organizations. The strong focus on “governing capacity” in the recent years also means that the party building program for grassroots party organizations have some new elements that emphasize their abilities to respond to and diffuse destabilizing crises and to serve the people. On the other hand, *shequ* party organizations, being the weakest grassroots organizations of the party and being hampered by the “vertical-horizontal conflict,” mainly concentrate on strengthening the organization and integration aspects of *shequ* party building.

This chapter also describes and analyzes different ways in which the party accommodates the democratic development of *shequ*. Subjecting party leaders to residents’ committee elections ensures that party leaders also have popular mandates. Opening up the nomination process to non-party residents also increases the likelihood that elected party leaders enjoy certain legitimacy. Having an oversight council that is separate from the party leadership to supervise the leaders strengthens democratic supervision. These institutional innovations suggest that the party, at least at the grassroots *shequ* level, is concerned about its own “democratic deficit,” and is experimenting ways to boost its democratic legitimacy.
<table>
<thead>
<tr>
<th>Street-Level Party Organization</th>
<th>2000 Ministry of Civil Affairs Document on <em>Shequ Jianshe</em></th>
<th>2004 CCP Central Organization Department Document on <em>Shequ Party Building</em></th>
</tr>
</thead>
<tbody>
<tr>
<td>NA</td>
<td>1) To publicize and implement the line, principles, and polices the party center, superior party organizations, and its own decisions; to organize and lead the cadres and mass in completing its own tasks</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2) to discuss and decide important matters regarding urban management, economic management, and community construction; to coordinate with the relevant departments and mobilize various resources to serve the masses and support the work of <em>shequ jianshe</em></td>
<td></td>
</tr>
<tr>
<td></td>
<td>3) to lead the street office and other street-level mass organizations such as unions and women federations; to lead the party building work in the “two new” organizations</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4) to lead ideological-political work, grassroots democratic</td>
<td></td>
</tr>
</tbody>
</table>
| Shequ-Level Party Organization | 1) to publicize and implement party’s line, principles and policies and the laws and regulations of the state  
2) to unite and organize party members and ordinary residents in carrying out various shequ tasks  
3) to support and ensure the rule of law and fulfillment of responsibilities by shequ residents’ committee  
4) to strengthen its own organizational construction and ideological political work  
5) to perform the exemplifying role of the party members in the shequ | 1) to publicize and implement party’s line, principles and policies  
2) to discuss and decide important matters regarding shequ jianshe  
3) to lead the shequ residents’ committee and support shequ self-governance  
4) to maintain close ties with the mass, resolve social disputes and maintain social stability  
5) to organize party members and the mass in doing shequ jianshe work  
6) to strengthen its own organizational construction | Sources: “Minzhengbu guanyu zai quanguo tuijing chengshu shequ jianshe de yijian (Opinion of the Ministry of Civil Affairs on Promoting Community Construction Nationwide)” in Zhongguo shequ jianshe nianjian 2003 (China’s Community Construction Yearbook 2003), Beijing: Zhongguo shehui chubanshe (2004), pg. 137-138; “Zhonggong
zhongyang zuzhibu guanyu jinyibu jiaqiang he gaijin jiedao shequ dangde gongzuo de yijian (Opinions by the Party Central Organization Department on Further Strengthening and Improving Street and Community Party Building Work)’’ Renmin ribao November 22, 2004; ‘‘Zhonggong zhongyang zuzhibu guanyu jinyibu jiaqiang he gaijin shequ dangde jianshe gongzuo de yijian’ wenda (Questions and Answers Regarding the ‘Opinions by the Party Central Organization Department on Further Strengthening and Improving Street and Community Party Building Work’’)’’ Shijian (Practice) 3 (2005), pg. 15-16.
Table 6.2 Percentages of *Jiaocha renzhi* and *Yijiantiao*

<table>
<thead>
<tr>
<th>Cities</th>
<th>Residents’ Committee Members as Party Members (<em>Jiaocha renzhi</em>)</th>
<th>Chair of the Residents’ Committee as Secretary of the <em>Shequ</em> Party Organization (<em>Yijiantiao</em>)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beijing</td>
<td>47%</td>
<td>42%</td>
</tr>
<tr>
<td>Shanghai</td>
<td>54.7%</td>
<td>NA</td>
</tr>
<tr>
<td>Nanjing</td>
<td>57%</td>
<td>Above 90%</td>
</tr>
<tr>
<td>Jinan</td>
<td>52%</td>
<td>NA</td>
</tr>
<tr>
<td>Qingdao</td>
<td>NA</td>
<td>63%</td>
</tr>
<tr>
<td><strong>Provinces</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Liaoning</td>
<td>49%</td>
<td>75%</td>
</tr>
<tr>
<td>Hubei</td>
<td>NA</td>
<td>Above 70%</td>
</tr>
</tbody>
</table>

Chapter 7: Homeowners’ Committees: The Emergence of Shequ-based Civil Society

The development of the homeowners’ committee (yézhù wéiyuànhuì) in urban shequ epitomizes a different pattern of grassroots democratic development. The characteristics of the homeowners’ committee are similar in some ways to the civil society organizations in Western societies. In contrast to the residents’ committee, the homeowners’ committee is generally viewed as having more potential to develop into an autonomous organization capable of representing and articulating the interests of urban residents-homeowners.

The government did not anticipate the emergence of the homeowners’ committee in the shequ. The focus of the shequ jianshe policy has always been the revitalization of residents’ committees in urban grassroots governance. The most important policy document on shequ jianshe (the 2000 Ministry of Civil Affairs document) does not contain any significant description of the homeowners’ committee. Likewise, official discourse on grassroots democracy always points to the elections and democratic governance of the shequ residents’ committee. Nevertheless, this does not mean that the government is unsupportive of the development of the homeowners’ committee. Beginning in the mid-1990s, both central and local governments have issued and promulgated a body of laws and regulations to regulate, but also to ascertain, the role and functions of the homeowners’ committee in urban shequs.

This chapter consists of the following sections: the concept and background of property management, laws and regulations regarding property management and the

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413 Also translated as proprietors’ committee or property owners’ committee.
homeowners’ committee, the homeowners’ “rights-defense” movement and the
homeowners’ committee, institutional innovations in homeowners’ self-governance, and
finally the relationship between the homeowners’ committee, civil society, and
democratic development.

7.1 Property Management and Homeowners’ Committees

The emergence of homeowners’ committees can be traced back to the housing
policy reform and the subsequent emergence of the privatized housing market in
China. Before the housing reform, which began in the late 1980s and involved a complex
set of plans over several years, the danwei (work unit) was the main provider of housing
(primarily apartments) to employees. At least one working family member usually
resided in the same area in which the work unit was located. The main focus of the
housing policy reform initially aimed to remove the heavy financial and administrative
burden for work units by privatizing this public-owned housing through subsidies. More
recently, the housing reform has tried to create a vibrant, commercialized property market
by encouraging real property developers to develop new residential areas and to
undertake urban re-development projects.

Today, it is estimated that at least 40% of urban residents are homeowners. Those
who acquired their property through privatization of work unit property and through
government subsidization generally belong to the low and lower-middle income strata,

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414 The housing policy reform is applied exclusively in urban areas. Rural residents are basically completely unaffected
by the housing policy reform, as are migrant workers to the cities, as they never were part of urban work units.
415 There was some private ownership dating back to the pre-revolutionary era, but for the most parts private
homeownership was practically non-existent.
416 For housing reform in China, see Ya Ping Wang & Alan Murie, “Social and Spatial Implications of Housing Reform
Buo, Cong chongtu dao zhixu: hexie shequ jianshezhong de yezhuhui (From Conflict to Order: Homeowners’
whereas those who purchased their property from the property market are generally members of the middle and upper-middle income strata. It is the latter group that tends to be more active in protecting and advancing their rights and interests as homeowners.417

In the pre-housing reform era, property’s maintenance was performed by the logistics departments of work units or the housing bureaus of local governments. The occupants showed little interest in taking a good care of the property. With the emergence of private homeownership, homeowners have a stronger incentive to keep their property well maintained. Homeowners invested a large sum of money to purchase their property, so they have a direct stake in keeping their property value high. Property value in turn depends on the quality of property management and the quality of life and governance in their residential area.418 Homeowners’ committees are therefore organized to represent, protect and advance homeowners’ rights and interests. Homeowners’ assemblies are the forums for homeowners to meet, discuss, and decide on important issues.419

7.1.1 The Concept of Property Management

Upon purchasing a property, a homeowner acquires the exclusive ownership right of the purchased unit and shared ownership right to common areas and equipments

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417 According to the nationwide census conducted in 2000, 45.2% of urban residents are homeowners. Among them, 65.15% purchased their property from their work unit; 20.38% purchased from the property market, and 14.47% of the homeowners acquired their property through the scheme of government-subsidized “economy housing”. See Liu Yongli, “Jumin zhufang zhuangkuang dagaiguan (Huge Changes in the Patterns of Urban Housing)” Zhongguo xinxi bao October 28, 2002. The next census is scheduled in 2010.

418 Xia Jianzhong, “Zhongguo gongmin shehui de xianshe ng: yi yezhu weiyuanhui weili (The Forerunner of Civil Society in China: The Homeowners’ Committee as an Example),” Wenshizhe (Journal of Literature, History and Philosophy) 3 (2003), pg. 116-117.

419 Although the homeowners’ committee is a “new thing” in China, it is not an institution unique to China (unlike the residents’ committee). In the United States, there is a comparable organization of homeowners’ organizations—the Residential Community Associations (RCA), that are prevalent in the so-called “common interest development” housing. The homeowners’ committee is akin to the board of directors of the residential community association, whereas the homeowners’ assembly, in which the homeowners’ committee answers to, is similar to the general meeting of the residential community association. See Robert Jay Dilgor, Neighborhood Politics: Residential Community Associations in American Governance, New York, NY: New York University Press (1992); Evan McKenzie, Privatopia: Homeowner Associations and the Rise of Residential Private Government, New Haven: Yale University Press (1994).
(lanes, elevators, gardens, the water supply and sewage system, the heating equipment, etc.). He/she also enjoys at least the usage right (if not also the shared ownership right) of shared facilities, such as playgrounds, activity centers, sports facilities, swimming pools, and so on. “Property” in this sense includes all of the above. Management of common property areas and shared facilities comes to be known as “property management” (wuye guanli). The concept of “homeowners’ self-governance” (yezhu zizhi) means that homeowners cooperate to jointly take care of their common property areas and shared facilities, as well as the governance of public affairs related to the common interests of homeowners. In effect, however, the predominant model in China is the delegation of property management responsibilities to a property management company, which is nominally hired by, and under the supervision of, the homeowners’ committee.

7.1.1A Property Management Company

Each neighborhood (or xiaoqu)\textsuperscript{422} is managed by a property management company. In most instances a neighborhood consists of a few building blocks; but sometimes it could consist of only a single building. A shequ generally encompasses several xiaoqus, or in some instances, a large xiaoqu coincides with the boundary of a shequ. Xiaoqu here basically is a concept applied to property development and management. It can be conceptualized as a private housing estate. Shequ, on the other

\textsuperscript{420} The ownership patterns of these common areas and public facilities however are not uniform. In some neighborhoods, the developer continues to own some common areas and public facilities, with the homeowners guaranteed the usage rights. While in other neighborhoods, homeowners acquire shared ownership rights over more common areas and facilities once they purchased a unit, but also had to pay a higher property price.

\textsuperscript{421} See Yang Buo, Cong chongtu dao zhixu, pg. 40-51.

\textsuperscript{422} In Chinese media, zhuchai xiaoqu (residential neighborhood), xinjian xiaoqu (new neighborhood), loupan xiaoqu (development estate neighborhood), shangpinfang xiaoqu (commercial housing neighborhood) are the terms used to essentially refer to the same thing.
hand, is a designated (lowest) level of administration. Throughout this chapter, the terms *xiaoqu* and neighborhood are used interchangeably.

While the primary responsibility of property management companies is the maintenance and repair of common property areas and public facilities, they also perform certain key functions that make residents highly dependent on them. Most property management companies also provide public security, trash collection, sanitation services, and parking management. Many of these companies are also responsible for the distribution of public utilities (running water, electricity, gas and heat). Thus, if a property development company decided to suddenly terminate its services in a *xiaoqu*, the life of the residents of this *xiaoqu* could become extremely difficult. They would have no running water, heat or electricity supplies. No one would come to collect trash and provide security petrol. In addition, for many newly developed residential areas, in which the residents’ committee has not yet been established, property management companies also assume many functions of the residents’ committee, such as assisting the local government in the areas of crime watch, household registration, health and sanitation inspections, and even political propaganda and mobilization. In short, the property management company can be quite powerful vis-à-vis ordinary resident-homeowners.

Today, there are at least 20,000 property management companies operating in Chinese cities. About 70% of these companies are privatized logistics departments of work units or privatized housing bureaus of local governments. These companies primarily service homeowners who purchased their property from their work units or through government subsidization. These companies generally maintain close ties to the *local government or the work units* they were formerly attached to. In the commercial
property market, however, property management companies are generally established by property developers in the form of “after-sale services” (around 20% of all property management companies). Generally speaking, these companies tend to act as an agency of the developers and side with the developers in their disputes with homeowners. Finally, about 10% of the property management companies are independently established by private entrepreneurs or are foreign invested. The service provided by this type of company tends to be the best and the most professional, but also is the most expensive.\(^{423}\)

### 7.2 Laws and Regulations on Property Management and Homeowners’ Committee

In March 1994, the Ministry of Construction (in 2008 the Ministry was re-organized as the Ministry of Housing and Urban-Rural Development) issued the “Management Measures of Urban New Residential Neighborhoods”, the first regulation of its kind to spell out the rights and obligations of both the property management company and the homeowner. This is the first official document authorizing the establishment of a homeowners’ organization, which, at that time, was called the “neighborhood management committee” (\textit{xiaoqu guanli weiyuanhui}). Neighborhood management committees were the predecessors of today’s homeowners’ committees.

#### 7.2.1 Regulations of Property Management, Property Law, Rules of the Homeowners’ Assembly

Despite the promulgation of the “Management Measures”, conflicts involving the violations of homeowners’ rights and interests persisted and intensified as more commercial developments and urban renewal projects were undertaken in Chinese cities, while the regulatory regime remained weak. Corruption and misbehavior among

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developers were widespread. This prompted the government to revise and update the regulatory framework of property management. The “Management Measures” were superseded by the Regulations of Property Management (wuye guanli tiaoli). The government reportedly took four years to finalize the document in 2003. In the drafting process the Ministry of Construction claimed to have incorporated more than half of the four thousand suggestions coming from the public. It also claimed that the “Regulations” would be a powerful document protecting homeowners’ rights. Following the promulgation of the 2007 “Property Law of China,” the “Regulations” were also updated to synchronize with the stipulations protecting private property rights in the Property Law. The Property Law and the “Regulations” are the two highest laws governing property management and homeowners’ organizations.

Apart from these two laws, in 2003 the Ministry of Construction also issued “Rules of the Homeowners’ Assembly” (yezhu dahui guicheng). The “Rules of the Homeowners’ Assembly” specify the formation, organization, and operation of the homeowners’ assembly and the homeowners’ committee. Technically speaking, the legal power of the “Rules” is not as authoritative and established as the two basic laws, since the “Rules” are meant to be an instructional guidance, not a law. Nonetheless, it is still an important document regularly cited by local governments, the courts, and homeowners.

In addition to these national laws and regulations, provincial and city governments also enact their own “implementation measures” of the “Regulations of

Property Management” that serve as the basic law on property management in their areas of administration. Some city governments (such as Beijing, Shenzhen, and Zhengzhou) also issue their own instructional guidance. A Western scholar argues that these local regulations and “implementation measures” tend to restrict and diminish homeowners’ rights that are laid out in the more general provisions contained in national documents.426 However, this is not always the case. Some provincial regulations, such as the provincial regulations on property management enacted by Zhejiang province, appear to give more substantive rights (such as litigation right) to the homeowners’ committee.427

7.2.2 Homeowners’ Covenant, Meeting Rules of the Homeowners’ Assembly, Property Service Contract

In addition to these national, provincial, and city laws and regulations, homeowners are also bounded within a neighborhood by three basic documents—the “homeowners’ covenant”/“management rules”428, the “meeting rules of the homeowners’ assembly” (yezhu dahui yishi guize), and the property service contract.429 The homeowners’ covenant stipulates the usage, maintenance, and protection of property, the common interests of homeowners, homeowners’ obligations, and the punishment/responsibilities for those homeowners who fail to fulfill their obligations.430

428 The general term for this document is “homeowners’ covenant” (yezhu gongyue), but the revised Regulations of Property Management in 2007 renames it as “management rules” (guanli guiyue). Nonetheless, the term “homeowners’ covenant” is still being used predominantly in China today, so it is used in this chapter.
430 The homeowners’ covenant is similar to the “covenants, conditions and regulations” (the so-called CC&Rs) in American neighborhoods. The property developer generally supplies a temporary homeowners’ covenant until it is replaced by the covenant drafted by the homeowners themselves. The homeowners’ collective right to draft their own covenant is in this case more democratic than American CC&Rs, which are written by the developer without any input from homeowners. Although there are some disagreements
The “meeting rules of the homeowners’ assembly” stipulate the rules of order in the meeting of the assembly, the procedure of making binding resolutions, and the voting right of homeowners.\(^{431}\) Both of these documents are the “internal documents” that govern the organization, functions and procedures of the homeowners’ assembly and the homeowners’ committee.

The property service contract stipulates the exact services the property management company provides and the amount of service charges. According to the Regulations of Property Management, the developer is responsible for hiring a property management company (again, this tends to be a company established by the same developer) and signing a contract with this company before the homeowners’ assembly signs a new contract (or the homeowners’ assembly decides to hire another company). The contract signed by the developer is called the “early contract” or “temporary contract” in China (for issues related to the contract, see Reports 3 and 4 in Appendix 7.1).

Altogether these laws, rules and regulations, and covenants dealing with property management and homeowners’ committees constitute a complex legal system, not to mention significant variations over time and place and inconsistencies among some of the laws and regulations. Many disputing parties could cite provisions justifying their over the legal force of the homeowners’ covenant, generally Chinese scholars agree that it has some contractual nature and violations of the covenant could be brought to the courts. See He Xiaohui, “Woguo yezhu gongyue wenti zhi tantao (An Inquiry into the Issue of the Homeowners’ Covenant in China),” Gansu zhengfa chengren jiaoyu xueyuan xuebao (Journal of Adult Education of Gansu Political Science and Law Institute) 1 (2006), pg. 20; see also Jin Zhiwei, “Yezhu gongyue shibushi hetong (Is the Homeowners’ Covenant a Contract)?” Xiandai wuye-xinyezhu (Modern Property Management –New Proprietor) 5 (2005), pg. 37-39; Qian Xiaoping, “Yezhu gongyue falu xingzhi zhi tantao (An Inquiry into the Legal Nature of the Homeowners’ Covenant),” Beijing gongye daxue xuebao (Journal of Beijing University of Technology) 4:4 (2004), pg. 78-82.

positions from different laws and regulations.\textsuperscript{432} The homeowners’ “right-defense” movement in this sense generally requires skillful lawyers.

\textbf{7.3 The Homeowners’ Rights-Defense Movement and the Homeowners’ Committee}

In recent years, the more developed Chinese cities (such as Beijing, Shenzhen, Shanghai, and Guangzhou) have seen an explosion in the number of property developers and property management companies. It is also in these cities that the homeowners’ “rights-defense” movement (\textit{yezhu weiquan yundong}) is most vibrant and well-publicized.

“Rights-defense” (\textit{weiquan}) movements (such as consumer’s rights, environmental protection, migrant’s rights, etc.) have been proliferating in China in recent years. Ostensibly they are dealing with nonpolitical “functional” issues; but their effects sometimes do have significant implications for the political system. By appealing to Chinese laws and the constitution when they challenge local governments, it is harder for the authorities to label them as anti-regime movements. In fact, sometimes higher authorities also do sympathize and agree with the case made by rights-defense activists.\textsuperscript{433} These movements therefore could be “regime supportive” and “rights upholding” at the same time. Nevertheless, this does not mean that the government will not crackdown on these “rights-defense” movements if they are perceived to become a destabilizing force in society.

\textsuperscript{432} Note that the complexity of the laws about property management is not unique to China too. In America, “different results were reached on important issues [regarding homeowners’ association] from state to state, many even among judicial districts in the same state.” See McKenzie, \textit{Privatopia}, pg. 151.

The homeowners’ “rights-defense” movement thus is one of these rights-defense movements; it is a “rights-based collective action on the part of citizens armed with an awareness of the gulf between what they are legally entitled to and what they are getting in practice.” There are however some general differences between the homeowners’ movement and other rights-defense movements. First, in comparison to the more unpredictable “rights-defense” movements (especially among workers and peasant groups), which can easily escalate into violent mass incidents, homeowners’ resistance is generally “reasonable, acceptable, modest, [and] persistent.” Although this does not mean that homeowners’ resistance is always peaceful and rational, in general the homeowners’ movement is essentially moderate and operates within boundaries of the law.

Second, “the principal motor driving homeowner organization is not government policy at either the central or local levels but rather the ways in which homeowners feel their rights are being abused by the developers and property management companies.” This is different from other rights-defense movements in which local governments are the principal villains. Although there are always susceptible connections between developers,

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436 There are incidents of physical assaults in the homeowners’ rights-defense movement. See Zhou Yan, “Zai kongzhi yezhu zhijian fei lixing weiquan zhong tisheng wuye guanli pinzhi (Improving the Quality of Property Management in the Control of Irrational Rights-Defense among Homeowners),” Zhongguo fangdichan (Chinese Property Management) 3 (2005), pg. 62-63.

437 Benjamin Read, “Property Rights and Homeowner Activism,” pg. 45
property management companies, and local governments\textsuperscript{438}, local governments generally are not a direct target of homeowners’ resistance. Sometimes the local authority is viewed as a neutral force that would side with the party that has a just demand in a dispute –the homeowners. Nevertheless, this does not mean that a local government will never be a target, especially if its decisions are perceived to have violated homeowners’ rights and interests.

7.3.1 Major Issues in Homeowners’ Rights-Defense Movement

The major issues in the homeowners’ rights-defense movement typically involve at least one of the following:

1) an unfair contract forced upon property purchasers by developers;

2) the refusal of property developers to handover the use of public facilities and equipment to homeowners, and instead, illegally rent out these facilities for their own profit;

3) the failure of property developers to provide property deeds (fangchanzheng) to the homeowners, without which the ownership of the property is not complete;

4) changes in the development plan of a neighborhood (such as replacing a garden or playground that had been promised to the homeowners with a supermarket or a factory from which the developer could profit from);

5) high property management fees imposed on the homeowners, combined with the low quality of the service provided;

6) the loss of, or damage to, private property (typically automobiles) that is due to the alleged inadequate security services provided by the property management company;

7) disagreements over certain extra fees and assessments imposed by the property management company;

8) the occupation and usage of certain common property and public facilities by the property management company for profiteering activities;

9) the inability of homeowners to change their property management company, or even if they did, the refusal by the property management company to transfer its services to another property management company;

10) the failure of local housing and property authorities to settle homeowners’ complaints in a fair and neutral manner;

11) the failure of having a homeowners’ committee to be established;

12) conflicts between the homeowners’ committee and homeowners, especially when the latter alleges abuses and corruption among members of the homeowners’ committee; and

13) in more recent years, the adverse environmental and social impact of certain decisions made by the city and district governments on homeowners’ lives and surrounding environment.439

7.3.2 The Homeowners’ Committee

439 Zhao Linmin, “Yezhu weiquan, zhengfu zenneban (Homeowners Protecting their Rights, What should the Government do)?” Nanfengchuang (Southern Wind) 7 (2005), pg. 52-53; “Wuda jiaodian wenti (Five Critical Issues” Renmin fayuanbao –fazhouskan, September 1, 2006; Li Ji et al., “Nanliqing de wuye he yezhu weiquan zhizheng (The Hard-to-Solve Conflicts between Property Management and Homeowners’ Rights Defense)” Renmin fayuanbao June 5, 2007. See also the case studies reported in Zou Shubin, “Zhuzhai xiaoruzhong de minzhu (Democracy in Residential Neighborhood)” in Chengshi shequ yezhu weiyuanhui fazhan yanjiu (Studies of the Development of Homeowners’ Committee in Urban Communities), edited by Tang Juan, Chongqin: Chongqin chubanshe (2005), pg.3-7. The plight of homeowners also receives sympathetic coverage in official media, among them the paramount “mouthpiece of the party” –the People’s Daily. In June 2006 the newspaper published a series of articles highlighting the difficulties homeowners in Beijing were dealing with. Appendix 7.1 summarizes these press reports.
The homeowners’ committee is the major organizational form of the homeowners’ rights-defense movement. Theoretically speaking, the homeowners’ committee is not an “autonomous” organization; it is the executive body of the homeowners’ assembly. Nevertheless, since the assembly only meets infrequently (whereas the homeowners’ committee operates on a daily basis), it means that in daily life the more important body is the homeowners’ committee.

The first homeowners’ committee was established in Shenzhen in 1991. Since then, the number of homeowners’ committees has grown. However, the complicated procedural obstacles of establishing a homeowners’ committee have thwarted their growth. As Table 7.1 shows, in most Chinese cities (with the exception of Shanghai and Nanjing), only 20% to 30% of the qualified neighborhoods are successful in establishing a homeowners’ committee. Many property developers and property management companies resist the establishment of homeowners’ committees. These companies are also frequently (but not always) backed by local housing and property authorities (some of these property officials sit on the board of the industry association of these companies).

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440 Important matters regarding the interest and welfare of the homeowners, such as the signing of a service contract with the property management company, the use of homeowners’ collective fund, and the imposition of special assessments for a particular project in the neighborhood, require the approval of at least half or two-thirds of the homeowners in a meeting of the assembly. See Articles 8 to 17 of the “Regulations of Property Management”.

441 The reason why Shanghai is an exception is its emphasis of the party leadership of the homeowners’ committees, therefore guaranteeing that the homeowners’ committees would not be too autonomous. See Zhang Nian, “Shanghai shi cong zhidu he caozuo cengmian jiaqiang yeweihui gon gzuo (Shanghai Strengthens the Work on Homeowners’ Committees through Institutional and Operational Aspects),” Zhongguo wuye guanli (Chinese Property Management) 11 (2007), pg. 52-53, and in a section below I will discuss more about the Shanghai case. In the case of Nanjing, many homeowners’ committees were established by the property management companies on their behalf. See Chen Long, Zhou Caixia, Zhu Xiancheng, “Nanjing yezhu weiyuanhui zizhi zhidu de diaocha yanjiu (An Investigative Study of the Homeowners’ Self-Governance System in Nanjing),” Zhongguo fangdichan (Chinese Real Estate) 4 (2004), pg. 70. We can assume that in such instance the homeowners’ committee is a weaker force in the protection of homeowners’ rights.

442 Tang Juan, “Chengshi shequ jiegou bianqianzhong de chongtu yu zhili (Conflicts and Governance in the Structural Changes of Urban Communities)” in Chengshi shequ yezhu weiyuanhui fazhan yanjiu, pg. 61.
7.3.2A Procedural Difficulties in Establishing a Homeowners’ Committee

The procedure of establishing a homeowners’ committee is very complicated. According to the Regulations of Property Management, each xiaoqu is allowed only one homeowners’ committee. Generally speaking, when one of the following conditions is present within a xiaoqu: (1) more than 50% of the units are sold; (2) the occupancy rate reaches 50%; (3) the total surface footage of homeowners’ property reaches 50% of the development plan, the homeowners can demand the establishment of a homeowners’ committee (exactly which condition is applicable differs from place to place).

Alternatively, without fulfilling any of the “50%” conditions above, some provincial governments also permit homeowners’ request to establish a homeowners’ committee after one or two years the first unit was sold or occupied. But not all local governments permit this alternative. One of the problems then is that the total development project of a xiaoqu could be divided into several phases, sometimes over more than ten years. The request to establish a homeowners’ committee can be easily turned down, the reason being that not enough units have been sold or occupied (not even built yet!). Thus, the early occupants in a newly developed xiaoqu tend to be disadvantaged as they would have to wait for many years before one of the “50%” condition is met.

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444 The term used in the Regulations is property development area (wuye guanli quyu). See “Wuye guanli tiaoli (Regulations of Property Management),” Shequ (Community) 14 (2003), pg. 51-53.
After having met this first condition, the homeowners can request the establishment of a homeowners’ committee through the convening a homeowners’ assembly, from which members of the homeowners’ committee are elected. There are two hurdles to be overcome at this stage. National and provincial regulations stipulate that a preparation committee has to be first formed to organize the convention of the homeowners’ assembly and the election of the homeowners’ committee. The preparation committee generally includes officials from the local housing and property authorities and the street office, members of the residents’ committee\textsuperscript{445}, representatives of the property developer (or the property management company attached to the developer), homeowners’ representatives, and sometimes public security officers. Uncooperative attitude on the part of any of the said persons can easily frustrate homeowners in forming a preparation committee. The composition of the preparation committee also tends to be influenced by the developer. Homeowners’ representatives sitting on the preparation committee tend to be those who have received special discounts or favors from the developer or its property management company.\textsuperscript{446}

The second hurdle is the technical issues involving the election of the homeowners’ committee. The voting right of homeowners (unless otherwise stated, tenants are disenfranchised) is not based on the “one person, one vote”, and not even “one household, one vote” principle, but rather on the calculation of the surface footage of the purchased unit. For example, the weight of the vote of a homeowner whose property surface area is 200 square meters is counted as double the weight of the vote of

\textsuperscript{445} For the role played the residents’ committee in property management, see Appendix 7.2.
\textsuperscript{446} For the problems of the preparation committee, see Yang Buo, 	extit{Cong chongtu dao zhixu}, pg. 93, 97-99.
a homeowner whose property surface area is 100 square meters. The problem is that the developer also claims the ownership rights of the surface areas of the unsold units (or yet-to-built units!) and of common property areas, giving it significant ballot power until all most or units are sold. Based on a provision in the Regulations of Property Management, many local regulations stipulate that a homeowners’ committee has to be elected by homeowners whose combined surface footage of their property is at least 66% of the total surface footage of their xiaoqu. The developer can use its ballot power, based on the surface footage of the unsold and yet-to-be constructed units, to deny the homeowners the target of 66%. The ballot power of the developer is reduced over the years as units are being sold, but it can claim that all these units belong to a development project that is yet to be finished. In such instance, it can still calculate its ballot power based on the surface areas of those undeveloped areas. It is through this technique that a developer in Beijing has been able to thwart the establishment of a homeowners’ committee within its development project for more than 14 years.448

On the other hand, even if the ballot power of a developer is reduced (as more units are sold), it is still very difficult to achieve the two-thirds criteria. Many homeowners are busy businesspersons or professionals. Some of them are real estate investors and never appear in the neighborhood. One homeowner-activist recounts that she and several activists had to go door-to-door for weeks to collect the necessary two-

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447 Note that the voting right of American homeowners in the elections of board of directors of their residential community associations is also similarly qualified by the size of the owned property. See Dilgor, Neighborhood Politics, pg. 34-35.
448 Xu Hao, “Zhiyushanzhuang yezhu: 14nian nanshe yeweihui (The Homeowners of Zhixushan Villa: 14 Years of Difficulty in Establishing a Homeowners’ Committee)” Zhongguo jingji zhoukan (China Economic Weekly) 11 (2007), pg. 32-33. A similar situation is reported in a case by Yongshun Cai, “China’s Moderate Middle Class,” pg. 784.
thirds ballots. The 2007 revision of the Regulations of Property Management reduces (indirectly) the two-thirds requirement to 50%, but it is still a major task to collect the votes of half of the homeowners in a neighborhood.

7.3.2B The Legal Status of the Homeowners’ Committee

There is some ambiguity in the legal nature of the homeowners’ committee, and this has made its efforts to protect homeowners’ rights much more difficult, especially in courts. Under the Chinese civil litigation law, a lawsuit can only be brought by a “litigation subject.” A litigation subject could be a natural person, a corporate person, a registered (dengji) social organization, or “other organizations” (qita zuzhi). The main condition of being a litigation subject is that it must be able to fulfill “civil responsibility” (minshi zeren) in the courts, i.e. to be able to compensate when it lost a lawsuit.

The homeowners’ committee does not register (dengji) as a social organization, instead it files a record (bei’an) with the local housing and property authority (see Appendix 7.3). Without the “social organization” status, many courts (but not all) have thrown out lawsuits brought by homeowners’ committees. The courts do not consider them a “litigation subject”. Some provincial regulations have made it easier for the homeowners’ committee to become a litigation subject, but so far these are only the exceptions. The 2007 Property Law might effect a change in the legal status of the

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449 Hou Xiaoling, “Tang Peizhen: Tangjihede dangdai nuxingban (Tang Peizhen, a Modern Female Version of Don Quixote),” *Renmin fayuanbao* July 28, 2006; see also Song Yunxia, “Qianxi yezhu dahuai he yezhu weiyuanhui chenglinan de yuanyin (A Preliminary Analysis of the Difficulty in Establishing Homeowners’ Assembly and Homeowners’ Committee),” *Xiandai wuye-xinyezhu (Modern Property Management –New Proprietor)* 7 (2008), pg. 94-95.

450 For issues related to the legal status of the homeowners’ committee, see Cui Yehu, “Chengshi shequ yezhu weiyuanhui falu diwei yanjiu (A Study of the Legal Status of the Homeowners’ Committee in Urban Communities),” *Hubei shehui kexue (Social Sciences in Hubei)*, 8 (2008), pg. 145-148; Zhang Zhuo, “Yezhu weiyuanhui falu dingwei yu xingzhi (Legal Status and Nature of the Homeowners’ Committee),” *Renmin fayuanbao* October 26, 2005.
homeowners’ committee, but so far the impact of the Property Law is unclear.\textsuperscript{451} The inability of the homeowners’ committee to pursue legal action remains one of the most contentious issues in the homeowners’ rights-defense movement.

\textbf{7.3.2C Homeowners’ Committees as Targets of Homeowners’ Resistance}

Homeowners’ committees could also be violators of homeowners’ rights and interests. Sometimes a property management company manages to buy off some of the members in the committee. In other instances, some committee members have personal agenda when making decisions. For example, there are cases in which a homeowners’ committee worked hard to push out a property management company that was actually providing a good service, only to be found later that the newly hired company has ties to some of the committee members. Incompetence, alleged abuses of power, manipulation of elections, and corruption (such as misuse of homeowners’ funds) among members of the homeowners’ committee also increasingly become common complaints by homeowners.\textsuperscript{452} In these situations, homeowners’ committees are the targets of homeowners’ resistance.

\textbf{7.4 Institutional Innovations and the Homeowners’ Self-Governance}

\textsuperscript{451} In an analytical piece published in a major property management magazine, a Chinese lawyer argues that the Property Law secures a “conditioned litigation right” for the homeowners’ committee. See Ding Min, “Mingque yeweihui shusong zhuti zige shi yingshi zhixu (Ascertaining the Litigation Rights of the Homeowners’ Committee is Necessary),” \textit{Xiandai wuye –xinyezhu (Modern Property Management-New Proprietor)} 12 (2008), pg. 30-31. In the 2008 session of the Chinese Peoples’ Political Consultative Conference, a proposal that would ascertain the “social organization” status of the homeowners’ committee was tabled, but to date it had not yet transpired into the legislative institution. Yang Bingling, Gao Yicun, “Li Maofeng weiyuan tichu: jiang yezhu weiyuanhui mingquewei ‘shetuan faren’ (Deputy Li Mao Feng Proposes: Give the Homeowners’ Committee the ‘Social Organization Corporate Personality’),” \textit{Zhongguo shehuibao} March 18, 2008.

\textsuperscript{452} For some of the examples of conflicts between homeowners and homeowners’ committees, see Song Ancheng, “Guanjia nanding quliu, jiazhang mianlin ‘fenjia’ (Undecided about the Housekeepers, Owners are Divided),” \textit{Xiandai wuye (Modern Property Management)} 10 (2005), pg. 46-50; Wang Gang et al., “Dushi zhong de minzhu ‘mafan’ (The Democratic ‘Problematic’ in Cities),” \textit{Zhongguo xinwen zhoukan (China Newsweek)} 8-14 (2006), pg. 20-22; Shu Kexin, “Cong Meiliyuan shijian kan yeweihui de xingwei houguo chengdan (The Responsibilities of Homeowners’ Committees from the Perspective of the Meiliyuan Incident),” \textit{Xiandai wuye –xinyezhu (Modern Property Management –New Proprietor)} 2 (2009), pg. 13-14; Wang Jianjun, “Mofan xiaoqu de yeweihui xuanju fengbo (Turbulences in the Homeowners’ Committee Election at a Model Neighborhood),” \textit{Xiandai wuye –xinyezhu (Modern Property Management –New Proprietor)} 3 (2009), pg. 9-12.
Homeowners in China thus face numerous obstacles and problems in their rights’ defense movement. Nevertheless, homeowners are also among the more innovative and creative groups in pursuing collective action and rights-defense. For example, some homeowners are the pioneers and most active groups to use internet forums to discuss their issues, exchange tactics, connect with each other, influence government’s actions, and generate pressures on their targets. Participants in homeowners’ online forums are some of the most active online activists that regularly discuss issues related to not only property management, but sometimes to governance of the country as well.453

In the efforts to reduce conflicts and improve the governance of their neighborhoods, homeowners sometimes also come up with some creative institutional innovations in homeowners’ self-governance. Below I will briefly discuss three cases.

7.4.1 Shangdixili Homeowners’ Representatives’ Assembly, Beijing454

Shangdixili xiaqu is an affluent neighborhood in Beijing. In 2004-2005, the homeowners of this neighborhood successfully established their homeowners’ committee. What was unique about Shangdixili neighborhood was that it also created a number of institutions to check and supervise the homeowners’ committee. One of them is the homeowners’ representatives’ assembly (yезhu daibiao dahui). The representatives’ assembly is established as the standing committee of the homeowners’

453 For homeowners’ online forums, see Hu Weihua, “Xiaqu yezhu luntan de zuoyong yu jianshe (The Functions and Contributions of Neighborhood Homeowners’ Forums),” Xiandai yezhu (Modern Property Management) 2 (2006), pg. 30-31; Wu Gongsun, “Wuye gongsi bufang changshi yixia zai wangshang yu yezhu goutong (Property Management Companies should Interact with Homeowners through the Internet),” Shequ (Community) 7 (2007), pg. 23; Zhu Dahui, “Yezhu luntan yu wuye guanli (Homeowners’ Forums and Property Management),” Xiandai wuye –xin yezhu (Modern Property Management –New Proprietor) 2 (2009), pg. 6-7
454 Based on Wei Jian, Meng Qian, “Bei ‘yезhu daibiao dahui’ zhidu tongling de yige xiaqu (A Neighborhood Governed by the ‘Homeowners’ Representatives Assembly’),” Shequ (Community) 7 (2007), pg. 6-9; Guo Weijiang, “Chengshi shequ zizhi de kunjing, shijian, fangxian he duice (The Difficulty, Practice, Direction, and Countermeasures of Urban Community Self-Governance),” Xiandai wuye –xin yezhu (Modern Property Management – New Proprietor) 9 (2007), pg. 35-37.
assembly, and is empowered to make important decisions when the homeowners’ assembly is not meeting.

The representatives’ assembly has 27 representatives. All of them are elected (some of these representatives are also members of the residents’ committee in this neighborhood). The representatives cannot serve concurrently as members of another two institutions: the homeowners’ committee and the homeowners’ oversight council (yezhu jiansihui, discussed below). Since its creation, the representatives’ assembly had met 8 times in 2 years, issued 6 public announcements, and made important decisions, such as approving a new service contract with a property management company, approving a parking arrangement plan, drafting the rules for the use of homeowners’ collective fund, and hiring the staff to do administrative work.

In addition, homeowners can directly contact these representatives if they have any concerns or opinions. Based on these opinions and concerns, these representatives would then draft and table “bills” in meetings of the representatives’ assembly. The “bills” passed by the representatives’ assembly are then carried out by the homeowners’ committee. The representatives’ assembly can also temporary suspend any member of the homeowners’ committee if he or she is found to be guilty of corruption. It also receives and examines frequently the work report of the homeowners’ committee.

Finally, the oversight council has 3 members and its primary responsibility is to ensure that all homeowners, homeowners’ representatives, and homeowners’ committee members are following the homeowners’ covenant and other relevant rules and regulations.
In a sense, the institutional design of the homeowners’ organization in this neighborhood is similar to the division of three branches of power common in democratic systems. The representatives’ assembly acts as a legislative institution, the homeowners’ committee being an executive institution, while the oversight council performs certain adjudicative responsibilities. It prevents the homeowners’ committee from being unaccountable to the homeowners. This system is reported to be working effectively, with most of the homeowners satisfied with the performance of the homeowners’ committee and the property management company. The residents’ committee and the homeowners’ committee also maintain a healthy working relationship.

7.4.2 Yueliangwan pianqu People’s Congress Deputy Work Station, Shenzhen

The Peoples’ Congress Deputy Work Station (renda daibiao gongzuozhan, hereafter Work Station) is located in Yueliangwan pianqu, a big shequ consisting of 12 neighborhoods in Nanshan district in Shenzhen. In 2001, the district government approved a project to locate a waste incinerator/power generator near Yueliangwan pianqu. The homeowners of Yueliangwan pianqu were infuriated. The homeowners’ committees in the area quickly joined together to lead a campaign in an attempt to force the district government to reverse this decision. They organized protests, collective visits to the complaints bureau, and sit-ins at the site of the incinerator.

Facing the tense situation, a party official at the street level that oversees Yueliangwan pianqu contacted the people’s congress deputies in this area and asked these deputies to speak to the homeowners. Using this channel (the people’s congress deputies), the homeowners and the district and city governments were able to resolve this

matter amicably. The successful conclusion of this episode led the government and homeowners to realize that a liaison mechanism that could link the residents and the people’s congress deputies is necessary. From the government’s perspective, such mechanism ensures that government-citizens conflicts at least would be first channeled to a proper and established mechanism of conflict resolution. From residents’ perspective, this mechanism ensures that their voices and concerns will be properly reflected in government decision making process. In 2002, with official blessing, a homeowner-activist established the Work Station. Directors of the homeowners’ committees in Yueliangwan pianqu all became the liaison officers of the Work Station.

The work station organizes a monthly meeting between people’s congress deputies and residents. It is also empowered by the people’s congress deputies to refer public issues and problems to relevant government authorities, and to check on the progress of the authorities’ handling of these issues. The work station also organizes consultative meetings between homeowners, party and government officials, the media, and scholars on important issues. Each liaison officer is individually responsible for collecting the opinions and concerns of the homeowners in his/her respective xiaqu. These opinions and concerns are then organized and reported to the people’s congress deputies. Residents can contact the work station anytime through visit, emails, phone, fax, etc.

The operation of the work station is reported to be very effective. It was able to solve more than 50 public issues involving transportation, environmental pollution, and public security in the 12 xiaqus of Yueliangwan pianqu. Since the establishment of the
work station, open confrontations have been visibly absent, while the cost of homeowners’ rights-defense has been brought down considerably.

7.4.3 *Pinge Community Service Center Limited Company, Beijing* ⁴⁵⁶

*Pinge xiaoqu* is a relatively small *xiaoqu* in Beijing, with only 148 households. The homeowners’ committee in this neighborhood was formed after its property management company, citing its unsustainable business operation, suddenly withdrew from the *xiaoqu*. The first decision the committee had to make thus was whether to rehire the previous property management company (probably with higher fees), hire another one, or take care of property management by the homeowners themselves. After a poll among the homeowners, a majority of them picked the last option.

The homeowners then decided to create their property management company - “*Pinge Community Service Center Limited Company,*” which is owned and operated by the homeowners themselves. This is the first time that homeowners of a *xiaoqu* directly take responsibility of property management, rather than follow the predominant model of hiring a property management company. The company is registered with the commercial bureau of Beijing.

According to the manager of the Company, all 148 homeowners in the *xiaoqu* are shareholders of the company, the homeowners’ committee acts as a board of directors of the company, while the manager answers to the homeowners’ committee. The homeowners’ committee itself answers to all the homeowners in the homeowners’ assembly, which is also the shareholders’ general meeting.

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Since the company is owned by the homeowners, all homeowners have an incentive to keep the company’s finance healthy. Many homeowners volunteer to help the company and pay property fees on time. They discuss various ways to cut costs. The book of the company is open to any interested homeowner. With prudent cost management, the company is able to generate a profit of 50,000 yuan annually. The use of this money is divided into three parts: one-third as bonus to the employees of the company, one-third as contribution to homeowners’ collective fund, and one-third as payment to property fees in the coming year.

The operation of the company is reported to be hugely successful. The quality of life of the xiaoqu improved substantially, while disputes between homeowners and the property management company have been basically non-existent.

7.4.4 Discussion

The three cases of institutional innovations are remarkable in that all of them were creative responses, initiated by private actions, to deal with difficult situations, without the direction or involvement of government officials. They point to the growing self-organizing capability of the Chinese citizenry. In designing these institutional innovations, the goal was to avoid being confrontational with the authorities over their grievances and dissatisfactions. The Work Station is also remarkable for it is a private citizens’ initiative to engage with the relevant government authorities in a cooperative manner to solve problems and disputes. The result is at least as effective as a more confrontational tactic.

These institutional innovations could be watched by higher authorities, and once proved successful, could be recommended to other areas as well. In this sense, these
institutional innovations share some similar characteristics with some of the bottom-up reform policies that are the hallmarks of the reform-era China, such as the rural household responsibility system. While the practical effects of these homeowners’ institutional innovations on the political system do not equal the importance of the household responsibility system to the economy, there is a similar pattern here –local social initiatives that symbolize, and strengthen, societal autonomy and the growth of civil society in China.

7.5 The Homeowners’ Committee, Civil Society, Democratic Development

The mainstream perspective on civil society is that it is a “realm of organized social life,” which is based on private, voluntary and collective action in the public sphere.\footnote{Larry Diamond, \textit{Developing Democracy: Toward Consolidation}, Baltimore, MD: Johns Hopkins University Press (1999), pg. 221.} Minimally speaking, civil society refers to citizens’ and societal self-organizing efforts. Being free from state’s penetration and control is viewed as a crucial factor distinguishing a genuine civil society from a politicized society. Civil society also implies that this “realm of organized social life” is capable of self-regulation and self-regeneration. Moreover, the pluralistic conception of state-society relations also contends that civil society organizations are principal articulators of different interests in the society. Interest groups in this sense are part of the civil society, and they seek to influence government policy to tilt toward certain social interests.\footnote{Charles Taylor, “Models of Civil Society,” \textit{Public Cultures} 3:1 (1991), pg. 95-118.} The state is a neutral ground in which different civil society organizations compete for influence and access to policymakers, and in such a way political power is diffused through the political system and society.
The application of the concept of “civil society” in China studies registered a substantial growth during and after the 1989 Tiananmen students’ movement. The students’ confrontation with the party leaders was often interpreted as a struggle between the autonomous forces of “civil society” and the authoritarian “party-state”. The more recent scholarship, however, tends to see a different picture of civil society development in China – one in which the state plays a critical role in forming and guiding civil society development. Frolic alludes to the notion of “state-led civil society” in China, which refers to the “social organizations and quasi-administrative units created by the state to help it manage a complex and rapidly expanding economy and changing society.”

Ogden points out that many interest associations in China perform a “dual role,” – representing the interests of their members at the same time regulating them to confirm to state’s policies. Moore argued that while the Chinese government is increasingly reliant on social organizations to provide social services, it is at the same time wary of their politically disruptive potentials and thus attempts to extend “its own tentacles into the 'nongovernmental' sector in an effort to reassert its control.”

The form of civil society that is taking shape in China, therefore, is different from civil society in liberal democracies in at least two crucial aspects: the non-confrontational nature of the civil society groups toward the political authorities, and the monitoring of such groups by the state and party organizations in China. There always remains,

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461 Suzanne Ogden, Inklings of Democracy in China, Cambridge, MA: Harvard University Asia Center (2002), pg. 266.
however, a tension between the attempts of social organizations to maintain and enlarge its autonomy from the party-state, and the party-state’s efforts to continue controlling, penetrating, or at least leading these social organizations in a paternalistic manner.

7.5.1 The Homeowners’ Committee as a Civil Society Organization

From the perspective of social self-organizing activities and capabilities, the largely self-initiated homeowners’ “rights-defense” movement, the emergence of homeowners’ committees, and the institutional innovations in homeowners’ self-governance, can be read as signs of a developing civil society in China. They also indicate the increasing “decentralization and pluralization of power bases” in Chinese society. In addition, “[homeowners’ committees] can be highly autonomous bodies with which the state and other interlocutors have no choice but to deal and negotiate. They constitute a new model for private associations in [China] as well as an attractive laboratory for activists who have ambitions for far-reaching political change.”

The homeowners’ movement therefore is different from the traditional interest associations in China such as unions and writers’ associations which are under the direct control of the party-state. In other words, the homeowners’ movement signifies a process of civil-society in making.

7.5.1A Homeowners’ Committees as Lobbyist Groups

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463 For general Chinese discussions of the relationship between homeowners’ committee and civil society and democratic development in China, see Xia Jianzhong, “Zhongguo gongmin shehui de xiansheng: yi yezhu weiyuanhui weili,” pg. 115-121; Fei Meiping, “Yezhu weiyuanhui yu Zhongguo de shimin shehui (Homeowners’ Committee and Civil Society in China),” Huadong ligong daxue xuebao (Journal of East China University of Science and Technology), 2 (2001), pg. 57-64; Zou Shubin, “Zhuzhai xiaoquzhong de minzhu,” pg. 1-19.
Increasingly homeowners are also capable of doing what interest groups normally do—lobbying. Perhaps the most dramatic example is the 2007 PX plant (a chemical plant) incident in Xiamen, a city in Fujian province. The local government approved the construction of the plant near the city. Residents in the city, many of them homeowners, were deeply concerned with the environmental impact of the operation of the plant, and they staged a dramatic “collective walk” on the streets in city’s downtown. The collective walk reportedly drew more than ten thousands of concerned residents. Under strong pressure, the local government finally agreed to suspend the project. A similar incident occurred in Shanghai (over the construction of a magnetic levitation train) in early 2008. That the homeowners were successful in forcing local governments to reverse decisions, even temporarily, pointed to the potential of homeowners as a lobbying force.

Nevertheless, the homeowners’ committee as an organization is actually not allowed to do lobbying work. All laws and regulations mentioned above state that the homeowners’ committee can only engage in activities within its neighborhood. But it does serve as the *organizational facilitator* for homeowners to pursue collective lobbying actions. By having a homeowners’ committee, homeowners come into regular contact with each other and discuss issues that could impact the neighborhood.

### 7.5.1B Homeowners’ Committees and Democratic Development

Civil society is generally regarded to have democratic implications: the more powerful the civil society is, the more likely is the political system to be democratic. This

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466 For discussion of these incidents, see Chen Jiaxi, “Cong tulu dao ‘shanbu’: ye zhu lixing weiquan de xin quxiang (From Road-blocking to ‘Walking’: The New Trend in Homeowners’ Rational Rights-Defense),” *Xiandai wuye-xinyezhu* (Modern Property Management-New Proprietor) 5 (2008), pg. 31-33; George J. Gilboy and Benjamin Read, “Political and Social Reform in China: Alive and Walking” *Washington Quarterly* 31:3 (2008), pg. 143-164.

467 Thus different from its counterpart in America, in which the Residential Community Associations are powerful lobbying forces in local governance.
democratic potential of civil society is underpinned by three principal considerations. First, civil society monitors and checks the growth of state power. As a buffer zone between individuals and the state, it protects individuals from state’s illegitimate intrusion, while also limiting the concentration of political power in the hands of the state. Second, civil society serves as a training ground for citizens to learn and practice political skills (organizing, getting elected, deal-making, lobbying) that are necessary in a democratic system. Third, civil society also serves as an arena for the “public sphere” in which citizens can discuss, debate, and deliberate on public issues. This would foster a critical citizenry that is conducive to democratic norms and ideals.

Thus, we can evaluate the democratic potentials of homeowners’ committees according to these three considerations: (1) social buffer, (2) training ground, and (3) public sphere. Below I will first discuss the democratic potentials of homeowners’ committees according to the latter two considerations. The question of homeowners’ committees being a “social buffer” is more complex and will be discussed in the subsequent subsection.

Like the shequ residents’ committee, the homeowners’ committee also provides a channel for homeowners-residents to participate in democratic elections. However, the electoral process of the homeowners’ committee is even less institutionalized and regularized than the electoral process of the residents’ committee (see Chapter 4). There are even more opportunities for certain actors (principally the developer) to manipulate and influence the electoral process. Nonetheless, in comparison to residents’ reactions to electoral abuses in residents’ committee elections, homeowners’ reactions are much more forceful. There are numerous cases of rights-conscious homeowners challenging the
validity of a homeowners’ committee election, in which they often cite higher laws and regulations against local ones. While it is undeniable that homeowners’ electoral participation remains unsatisfactory in many aspects, in general it is still better than residents’ participation in residents’ committee elections. Despite the lack of institutionalization, many homeowners take seriously the elections of their homeowners’ committees. Electoral participation thus has the effect of socializing the participants in the process of procedural democracy.

By providing a platform to discuss both residential and public issues, the homeowners’ committee is itself developing from a narrow focus on defending homeowners’ rights to broader issues that sometimes converge with other ‘rights-defense’ discourses and movements. More and more homeowners-activists are now discussing the nature of citizens’ rights, the problems and inadequacies of Chinese laws, corruption and power abuses, environmental pollution, and issues in urban planning. The homeowners’ committee as an organization does not deal with such issues, it nevertheless provides the organizational groundwork for homeowners (especially the activists among them) to interact, discuss and deliberate on these issues. In this sense, the homeowners’ committee also has the potential to become part of an emerging Chinese “public sphere” that is critical for the formation of a democratic civil society.

469 Bai Yang, “Xuanju de yishihua gongneng: cong yewei hui xuanju laikan chengshi jiceng minzhu shijianzhang de boyi (The Ritualization Function of Election: Urban Grassroots Democratic Practice from the Perspective of Homeowners’ Committee Elections),” Shehui kexue (Social Sciences) 5 (2003), pg. 71-75.
7.5.2 Homeowners’ Committees as Civil Society Organizations with “Chinese Characteristics”

While the preceding discussions point to the democratic potentials of homeowners’ committees, we should also pay attention to some factors that complicate such potentials. As observed by a foreign scholar, “the homeowner revolution has unleashed social and economic forces whose autonomy the [party] has not anticipated and against which they are now imposing new constraints.”

Heavy government’s regulations and penetration of the homeowners’ committee, interestingly, does not mean that inevitably it is becoming less capable of protecting homeowners’ rights. In fact, there are cases in which the involvements of party or government officials are indispensable in successful defense of homeowners’ rights and in better neighborhood governance. But such regulations and involvement also mean that the potential of homeowners’ committees to become a powerful force acting as a “social buffer” against party-state encroachment is limited.

7.5.2A Restrictions on Organizing an Association of Homeowners’ Committees

Homeowners’ committees are small, localized, fragmentized, and grassroots-based. Generally speaking, there is no coherence, coordination, or organization among homeowners’ committees in the homeowners’ “rights-defense” movement. Each committee basically struggles on its own. Other homeowners’ committees can only show moral support, share experience and legal knowledge, and recommend certain tactics or a good lawyer.

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Attempts to form an “Association of Homeowners’ Committees” (yezhu weiyuanhui lianhehui) that unites the homeowners’ committees within an administrative area have been consistently thwarted. Lacking an official government sponsor (required by Chinese law in the registration of a social organization) is the principal reason for the unsuccessful registration of these associations.\(^{471}\) Although housing and property authorities are the obvious candidate to serve as the official sponsor, many authorities refuse to serve as the sponsor. Fearing the growth of organizational power and influence of the homeowners, the local authorities tend to resist the formation of these associations.\(^{472}\)

Homeowners however are not merely passive force in the face of this obstacle. More entrepreneurial homeowners-activists are experimenting different ways to achieve official recognition, or at least official tolerance. Some associations of homeowners’ committees have been formed and began to operate through subterfuge, as for example, using names such as the “application committee for the association of homeowners’ committees” or “friendship society of homeowners’ committees.” Appendix 7.4 summarizes the experiences of an unofficial association in Guangzhou.

7.5.2B Control and Regulations

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\(^{471}\) Homeowners’ committees are required to apply for bei’an but not register (dengji), but if these committees are to join together as an Association of Homeowners’ Committees, then the Association has to register (dengji) as a social organization.

The second factor is the increasing efforts by local governments to control and regulate homeowners’ committees. In Shenzhen, a city that has one of the most active homeowners’ movements in China, the city government in 2005 issued a new regulation/instructional guidance (“The Rules of Conduct for the Homeowners’ Assembly and the Homeowners’ Committee”)\textsuperscript{473} that puts homeowners’ committees under the supervision and guidance of the residents’ committee and the street office. The regulation also gives local property and housing authorities the power to dissolve any homeowners’ committee that is found to be in violation of the “Rules.” It also strongly suggests that a “joint meeting” on property management be institutionalized, purportedly for better coordination. The participants of the meetings include the shequ residents’ committee, the street office, local housing and property authorities, the district party committee on politics and law, the shequ work station, public security bureaus, the property management company and the homeowners’ committee. With many more actors participating in property management, the influence of homeowners are significantly diluted. The clerk hired by the homeowners’ committee to do administrative work is to be paid by the property management company. This could have the effect of making the clerk work for the interest of the property management company more than the homeowners’ committee. Many homeowners in Shenzhen expressed concerns that this new regulation will diminish the autonomy of the homeowners’ committee, and are strongly against it.\textsuperscript{474}

\textsuperscript{473} “Shenzhenshi yezhu dahui he yezhu weiyuanhui zhidao guize (Guidance Rules for the Homeowners’ Assembly and Homeowners’ Committee in Shenzhen),” \textit{Xiangdai wuye –xinyezhu (Modern Property Management –New Proprietor)} 5 (2005), pg. 24-27.

\textsuperscript{474} Tang Juan, “Chengshi shequ jiegou bianqianzhong de chongtu yu zhili (Conflicts and Governance in the Structural Changes of Urban Communities)” in \textit{Chengshi shequ yezhu weiyuanhui fazhan yanjiu}, pg. 64-69; Ni Binlu, “Ruhe jieding yeweihui zhuguan bumen de xingzhengquan (How to Determine the Administrative Authority of the
Since the decree of this regulation, the city’s complaints bureau had received fewer cases of petitions regarding property management. The number of these cases decreased 30% from 2004 to 2005, and 21% from 2005 to 2006. There were no more large-scale collective visits to the complaints bureau. One could attribute this improvement to this regulation. More involvement by the street office and the residents’ committee may actually lead to better coordination between different organizations and better solutions to the conflicts in neighborhood.\(^{475}\) On the other hand, this phenomenon can also be interpreted as the successful taming of the homeowners’ movement since the decree of this regulation.

The regulations similar to the one in Shenzhen have also been decreed in other cities: Jinan (2007), Zhengzhou (2007), and Beijing (2009).\(^{476}\) Not all provisions of these regulations are meant to restrict homeowners’ rights and autonomy. For example, the Beijing regulations remove one of the common restrictions of homeowners running for a post in the homeowners’ committee – failure to pay property fees. Greater control through regulations of homeowners’ committees by local government therefore can be seen as a double-edge sword – the regulations dilute societal autonomy, but in some instances they also lead to better governance.

### 7.5.2C Party’s Cooptation and Penetration

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The third factor is the cooptation and penetration of homeowners’ committees by the party. Shanghai is the prime example of this tactic. As pointed out before, the rate of establishing homeowners’ committees in Shanghai is far higher than other the rate in other cities. This accomplishment nevertheless is conditioned by the integration of the homeowners’ committees integrated with the shequ party building policy, specifically under a program called “property management party building” (wuye guanli dangjian).

Below I will describe several elements of this party building program in a shequ in Shanghai.

Party members are encouraged to run for homeowners’ committee elections, and to establish a party cell within the homeowners’ committee. Retired party cadres within neighborhoods are especially encouraged to become directors of homeowners’ committees. If a committee does not have enough members to establish organizational presence, the shequ party organization will send a liaison officer to establish link between the party and the homeowners’ committee. As for the property management company, the shequ party organization also directs the formation of a party cell in the company, or alternatively sends a liaison officer to the company. If both the director of the committee and the manager of the property management company were party members, they both would be included in the leadership of the neighborhood party branch. In addition, a joint meeting between the homeowners’ committee, the property management company, and the party organization is regularly held to coordinate and resolve neighborhood issues.

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477 Zhang Nian, “Shanghaishi cong zhidu he caozuo cengmian jiaqiang yeweihui gongzuo (Shanghai Strengthens the Work on Homeowners’ Committee through Institutional and Operational Aspects),” Zhongguo wuye guanli (Chinese Property Management) 11 (2007), pg. 52-53.

“Dual leadership” mechanism is also established in local property and housing authorities. Horizontally, the party committee in a local housing and property authority is put under the leadership of the district party committee, while vertically it also answers to the party committee at the higher level within the same bureaucratic hierarchy. In such a way, there will be better coordination between work of property management and party building work. Assessment of the performance of shequ party leaders now includes their work in the area of “property management party building.” The aim of this “property management party building” is to create a “holy trinity” of the homeowners’ committee, the property management company, and the party organization, through the extensive network of party members in the neighborhoods.

Some district authorities in Shanghai have also stated that leadership positions of the homeowners’ committee must be occupied by party members.\(^479\) The party’s penetration of a non-governmental organization is reminiscent of the party’s efforts to insert itself into every social sector and organization in the past. The argument for such party’s penetration and cooptation of the homeowners’ committee is that it would strengthen the committee and improve neighborhood governance. In a 2006 consultative meeting between Shanghai municipal people’s congress deputies and representatives from residents’ committees and homeowners’ committees, some homeowners’ committee

\(^{479}\) See Zhou Meiyan, Yan Rui, “Cong Shanghai Xiqu Huading xiaoqu yezhu weiyuanhui xuanju kan yezhu zizhi xianzhuang yu qianjing (The Present Situation and Prospect of Homeowners’ Self-Governance from the Perspective of a Homeowner’s Committee Election in Huading Neighborhood, West District of Shanghai)” in Chengshi shequ yezhu weiyuanhui fazhan yanjiu, pg. 252; see also the policy directive circulated by the Pudong New District government, “Pudong xinqu guanyu jiaqiang dui yezhu weiyuanhui gongzuo zhidao he guanli de ruogan guiding (Some Measures to Strengthen Work Guidance and Management of Homeowners’ Committee in Pudong New District)” Pudong kaifa (Pudong Development) 8 (2001), pg. 57-58, in which Article 4 of that directive states that the party members are to play a major role in the homeowners’ committee.
directors felt that those *xiaoqus* that were conflict-ridden or badly managed tended to be places in which the party organization was particularly weak.\textsuperscript{480}

**Conclusion**

This chapter focuses on the homeowners’ committee, an organization that is smaller than the residents’ committee but is arguably a more autonomous organization. With the emergence of property markets in Chinese urban areas, more and more urban residents are now homeowners. As homeowners they are concerned about their rights and interests in their own neighborhood. Homeowners’ committees primarily exist to protect the rights and interests of homeowners, and they face a number of obstacles and challenges in their actions. Nationally, there are Property Law of China, Regulations of Property Management, and Rules of the Homeowners’ Assembly. Provincial and city governments also enact their own regulations regarding property management and homeowners organization. The complex legal system is not always on their side. Property management companies and developers, the two main adversaries of homeowners, are also frequently backed by the local housing and property management authorities. The procedural difficulties in establishing a homeowners’ committee, and the homeowners’ committee’s status (as an unqualified litigant) in the courts, demonstrate some of the frustrations and problems encountered by the homeowners rights-defense movement.

On the other hand, homeowners are also quite innovative and experimental in their efforts to defend their own interests, as was noted in several case studies. They sometimes engage with local authority to solve common problems, institute checks and balance among themselves, and come up with new ideas to improve their neighborhood,

\textsuperscript{480} Wang Haiyan, “Jiaqiang yeweihui gongzuo ying naru shequ dangjian (Strengthening the Work of Homeowners’ Committees should be Brought under Community Party Building)” *Jiefang ribao* August 8, 2006.
without guidance from officials. In this instance, they are clearly signs of civil society development in China.

Homeowners’ organizations in Western countries are normally not thought as a force for democracy. The narrow focus on homeowners’ interests and property prices may actually be counterproductive to democracy. In China, however, the development of the homeowners’ “rights-defense” movement and homeowners’ committees signify the extraordinary self-organizing efforts among members of the more affluent Chinese strata, their increasing demand for fairness and justice, and their willingness to engage in collective actions, including protests and lobbying. It is something the government has not expected. The government has tried to limit the power and influence of this movement by regulating homeowners’ organizations, limiting their growth, and co-opting them with party penetration. But still, the government has not suppressed the movement, and to a certain extent, has even encouraged it. This again, is another angle in the complex picture of citizens’ interaction with the party-state in China.

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Table 7.1: Homeowners’ Committees in 12 Chinese Cities

<table>
<thead>
<tr>
<th>City</th>
<th>Xiaoqus</th>
<th>Homeowners’ Committee</th>
<th>Percentage (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beijing</td>
<td>3077</td>
<td>360</td>
<td>11.7%</td>
</tr>
<tr>
<td>Guangzhou</td>
<td>About 4000</td>
<td>580</td>
<td>15%</td>
</tr>
<tr>
<td>Shenzhen</td>
<td>2003</td>
<td>721</td>
<td>36%</td>
</tr>
<tr>
<td>Zhengzhou</td>
<td>1237</td>
<td>102</td>
<td>8.2%</td>
</tr>
<tr>
<td>Shanghai</td>
<td>8661</td>
<td>6786</td>
<td>78.3%(2007)</td>
</tr>
<tr>
<td>Haikou</td>
<td>About 600</td>
<td>210</td>
<td>35%</td>
</tr>
<tr>
<td>Nanjing</td>
<td>1275</td>
<td>599</td>
<td>47%</td>
</tr>
<tr>
<td>Chongqing</td>
<td>3350</td>
<td>1124</td>
<td>33.6%</td>
</tr>
<tr>
<td>Chengdu</td>
<td>2824</td>
<td>932</td>
<td>33%</td>
</tr>
<tr>
<td>Changsha</td>
<td>About 800</td>
<td>About 200</td>
<td>25%</td>
</tr>
<tr>
<td>Wuhan</td>
<td>1200</td>
<td>About 400</td>
<td>33.3%</td>
</tr>
<tr>
<td>Guiyang</td>
<td>571</td>
<td>39</td>
<td>6.83%</td>
</tr>
</tbody>
</table>

Notes: Unless otherwise noted, the data are collected in 2004-2006.

Chapter 8: Conclusion and Discussion

The previous chapters have documented, analyzed and discussed the political-institutional reforms at the grassroots-level in China’s urban communities. Chapter 4 is focused on the election procedure of the residents’ committee, while Chapter 5 describes and analyzes the governance and administration of shequ. Chapter 6 discusses and evaluates the role of the party organization and its relationship with democratic development, and Chapter 7 introduces a non-governmental organization that plays an important role in the politics and governance of shequ – the homeowners’ committee. But what theoretical and practical conclusions should we draw from these developments? How will they impact on the wider polity? What would be the main implications for the Chinese political system? In this concluding analysis, I argue that three theoretical interpretations can be applied to the shequ democratic reforms: 1) a societal democracy that will “spillover” to state democracy; 2) authoritarian resilience and strengthening, and 3) embodiment of a “Chinese-style” democracy.

8.1 From “Societal” Democracy to “State” Democracy

As noted in Chapter 3, the Chinese official understanding and thinking of local autonomy and democracy conceptualize them as belonging to the sphere of societal democracy (represented by grassroots organizations such as the residents’ committee and the villagers’ committee), in contrast to the sphere of “state” democracy (exemplified by the people’s congresses at various levels). According to this understanding, societal-level democracy does not determine the personnel or policies of the government, which are left to the state, at least nominally. Therefore, the people’s congresses at different levels pass laws and elect officials, whereas institutions in the societal level do not. The primary
The purpose of societal democracy is to allow ordinary residents to directly manage their own affairs and improve their own quality of life.\footnote{Zhang Tao, Wang Xiangmin, Chen Wenxin, Zhongguo chengshi jiceng zhijie xuanju yanjiu (A Study of Direct Elections in Grassroots Urban China), Chongqin: Chongqin chubanshe (2008), pg. 180-181.}

This view allows Chinese officials to have some flexibility in terms of experimenting with political reforms. Political reforms can be experimented in the societal arena first. If experimentations in political reforms at the grassroots/societal level fail, it will not have a serious impact on the whole political system. If they succeed, the state has the option to adopt some of these policy innovations, but is not obliged to do so.

The dissolution of the Soviet state (together with the economy and the ruling party) particularly makes the Chinese leadership worried about any bold political reforms at the state level. They allow political reforms at the societal level to respond to citizens’ demand for increased participation, but these reforms would not affect the overall political system.

However, if societal democracy has no substantial impact on the state institutions, then this also implies that the democratic reforms at the grassroots level are basically just grassroots reforms and no more than that. You could have a vibrant and robust democratic life and institutions at the local and societal arena, but the state will remain unaffected. Furthermore, this societal democracy is never secure without the state democracy. This is because, as Giovanni Sartori argues, that although societal democracy “[provides] the societal backbone and infrastructure of the political structure” and forms the “the extra-political substratum and foundation of political democracy,” ultimately “if
the enforcer of force, the state, is not a democracy, then all the infrastructures, all the microdemocracies…are in mortal danger.”

From Alex de Tocqueville’s and John Dewey’s perspective, however, democracy within the local, societal, and associational arenas trains, secures and sustains the necessary skills, attitudes, and relationships for a democratic political system. Tocqueville wrote that “town-meetings are to liberty what primary schools are to science; they bring it within people’s reach, they teach them how to use and how to enjoy it.” For Dewey, democracy is not just a matter of political system or constitutional design; for in modern large-scale societies, the chances of people having regard for their distant fellow citizens are limited, unless they have the “neighborhood experiences” to bring them the “love and understanding” for each other. Therefore, “democracy must begin at home, and its home is the neighborly community.” Other theorists also argue that participation in democracy at the primary levels allows “individuals…to learn about key issues in resource creation and control.” Thus, they will “be far better equipped to judge national questions, assess the performance of political representatives and participate in decisions of national scope when the opportunity [arises].”

Chinese scholars and reformers also vigorously debate this issue. Some contend that societal-level democratization should take precedence over state-level democratization and echo the theoretical viewpoints expressed by the Western theorists noted above. For example, a Chinese scholar argues that “if at the society level the

citizens were unable to establish...self-governing organizations that represent their own interests...then their electoral rights at the state level [would be inconceivable].

Democracy of the state was founded upon the societal democracy.”

Another one argues that “if democracy can be implemented in villages and shequis, then the representative institutions at the state level should be strengthened as well. The forces and pressures generated from village and shequ self-governance can enhance democratic construction at the state level.”

On the other hand, from a more strategic point of view, the sensitivity of political reforms in China means that democratization can only proceed along a cautious, gradual, step-by-step and slow pace. A radical program of democratization could be disruptive will risk another “Tiananmen Incident” that traumatizes the people. Rather, democratization should be patiently pushed forward. It requires tactics, planning, strategies. Some Chinese analysts thus advocate the building up of societal/grassroots democracy (along with inner-party democracy, rule of law, public consultation, etc.) as the foundations for a future democratic polity. Thus, even though societal democracy and state democracy belong to two different spheres, they can affect each other’s development in a cyclical, reinforcing ways. Eventually, there could be a “spillover” from societal democracy to state democracy.

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489 Xiao Lihui, “Tuijin minzhu de zhanlue yu celue (Tactics and Strategy to Push Forward Democracy)” *Xuexi shibao* October 9, 2006, pg. 005.
From this perspective, the institutional democratic developments in *shequ* presented in this dissertation are remarkable. They contain the seeds of liberal democracy (exemplified by the competitive elections of residents’ committees), deliberative democracy (residents’ participation and deliberations in the various decision-making and consultative bodies, in the drafting process of self-governance documents, and in the evaluation and supervision meetings of officials), inner-party democracy (more open participation by party members and non-party members in the election and evaluation of party leaders), and civil society development and cooperation with the state (homeowners’ committees). Eventually, residents’ participation in these grassroots institutions may socialize them into democratic norms and practices, promote a culture of accountability of officials, empower and train them critical citizenship skills, and strengthen their political efficacy. Grassroots party organizations will be forced to adjust to a more democratically lively populace, while homeowners’ committees will fulfill their democratic potential as civil society organizations.

Deliberative democratic theorists will also find the deliberative and participatory aspects of some of these *shequ* institutions exciting and conducive to democratic development in China. Unsatisfied with the strong focus on electoral, representative and aggregative institutions in the liberal democratic model, as well as its rational individualist assumption and adversarial conception of relationship between society and the state, deliberative democratic theory champions citizens’ deliberation and participation in the policy and governance processes. Civil society, community involvement, and deliberative institutions are therefore important elements of a democratic polity. Deliberative theorists, however, also view deliberative democracy and
liberal democracy as supporting each other. Therefore, with the absence or
underdevelopment of liberal-democratic institutions in China, some deliberative
democratic theorists argue that “developing deliberative institutions is…a [sensible]
democratizing strategy, a step toward a more full-scale democracy.”

Comparison with the experiences of Taiwan, another “Chinese” society, in which
its democratization was rooted in the local elections implemented in the 1950s, also
strengthens the argument that shequ democratic development will have a long-term
consequence. For many years grassroots elections in Taiwan were dominated by local
party bosses or strongmen connected to the ruling regime, but overtime it
institutionalized the principles of free and fair elections, and political legitimacy based on
democracy. It was also partly from these grassroots elections that an organized opposition
force (the dangwai) eventually emerged.

In recent years, there have been some cases in which shequ democracy does to a
certain degree affect democratization at the state’s institutions, the elections of local
people’s congresses. The elections of people’s congress deputies are overwhelmingly
“confirmative elections.” Voters are to vote for the nominees that have to be elected.

In the recent election cycles, however, more and more “independent candidates,” the
candidates with no official blessing and support, have emerged.

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490 Baogang He, “Western Theories of Deliberative Democracy and Chinese Practice of Complex Deliberative
Governance” in The Search for Deliberative Democracy in China, edited by Ethan J. Leib and Baogang He. New York,
NY: Palgrave Macmillan (2006), pg. 136. Although He was referring to other (but similar) participatory and
deliberative institutions in China, the same generalization can be applied here.

491 Tang Juan, “Cong querenxing xuanju dao jingxuanxing xuanju: dongying yu yiyi (From Confirmative Election to
Competitive Election: Factors and Implications) Nanjing shehui kexue (Social Sciences in Nanjing) 3 (2004), pg. 39-43.
Many of these “independent candidates” come from a background as homeowners- activists in shequ. They were driven by motives that were relatively novel in China—to protect and articulate their interests as homeowners (on this point, see more discussion in Chapter 7). In this sense, these independent candidates are changing the nature and logic of “one-party competitive elections.” Many “independent candidates” also draw considerable support from shequ residents. They were supportive of those candidates who have been a familiar face in promoting the interests and welfare of shequ residents. Local people’s congress elections have, therefore, become more competitive, challenging, and meaningful.

There were less than 100 “independent candidates” in China in the 2003 election. The number has since exploded to around 40,000 in 2006/2007. The drastic increase in the number of “independent candidates” has prompted John F. Thornton, the current chairman of the board of Brookings Institution, to talk about the “prospects for democracy” in China. As “democratic training grounds,” shequ could produce its fair share of “independent candidates” for local people’s congress elections with governance experiences through residents’ committees or homeowners’ committees. This is an indication of how politics at the “societal,” grassroots level could “spillover” to the politics at “state” institutions in China.

8.2 Political Reforms of a Resilient Authoritarian Regime

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494 Guo Hua, “Shenzhen: Shequ xuanmin tuidong jingxuan fengyun (Shenzhen: Community Voters Pushing for the Eventful Competitive Elections)” Shequ (Community) 9:17 (2003), pg. 6-11.

The second interpretation is in direct contrast to the first interpretation. In this view, the democratization reforms at the grassroots level, though substantial, are not intended to bring forth a total change of the political system, but rather aim to strengthen and consolidate the one-party authoritarian rule. These reforms illustrate the resilience and adaptability of a powerful and smart authoritarian regime, not the foundations for a future democratic polity. In this analysis, the Chinese Communist Party survived the global “third wave” of democratization by instituting a number of critical reforms, such as the normalization of leadership succession politics, basing both recruitment and promotion of the political elite on merit, turning officials into functionally specific bureaucrats, and more importantly, establishing “institutions for political participation and appeal that strengthens the CCP’s legitimacy at large.”

This line of reasoning goes on to suggest that recent attention to the rule of law, “socialist democracy,” the government’s transparency, and the party’s governing capability, is “to buttress the party’s effectiveness and acceptability, not subject its rule to challenge by nonparty outsiders.” Decentralization of power, a variable generally correlated with democratic rule, has not made China more democratic, but has made the regime more secure and led to strong economic development. Village elections are meant to “grant authority to the best managers of local development, not to provide an opportunity to elect national leaders from multiple parties.” Increased oversight of power by the media and citizens exposes corruption. This may taint the party’s image in

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the short term, but it will strengthen the party’s legitimacy in the long term. Reforms in governance, therefore, will make the regime more responsive, effective, and durable, but will not necessarily transform the regime transform into a democracy.

Applying this interpretation to the shequ, the institutional and political reforms could be interpreted as a strategy for consolidating the party’s position at the grassroots level in the cities. Electoral reforms are premised on the ground that they will improve, not erode, the party’s legitimacy and rule. Individual party cadres and members of the residents’ committees will become more accountable to the people, but not the leadership status of the party. The participatory and deliberative institutions in the processes of democratic decision-making, democratic management and democratic supervision exemplify what Baogang He terms “authoritarian deliberation.” As he notes, contemporary authoritarian rule no longer relies on sheer force (and pure propaganda) to secure compliance and consent from the ruled. It uses devices with democratic trappings, such as deliberative institutions, to reduce conflicts, mobilize support for and implementations of state policy, and overcome oppositions.499 Furthermore, as noted in Chapter 5, many of the deliberative institutions have certain flaws. They are far from the ideal deliberative institutions that promise “the maximization of communicative power” and “the minimization of the influence of money and power.”500

Critically, the shequ jianshe (community construction) policy was immediately followed by the shequ dangjian (community party building) policy. Reforms undertaken by the shequ party organization are to reinforce the leading position of the party. For

499 Baogang He, “Western Theories of Deliberative Democracy,” pg. 134-136. He nevertheless contends that “authoritarian deliberation” is inherently contradictory, since it also exhibits a “potential logic of democratization.”
example, although the incorporation of the residents’ committee and the shequ party leadership forces the latter to subject itself to popular scrutiny, more likely it will also tighten the party’s control of the residents’ committee, making sure that it will never turn into a popular base for organizing opposition force to the party, as the local elections in Taiwan once did.

As for the homeowners’ committee, adherents of this interpretation will be skeptical of the homeowners’ committee’s ability to realize the democratic potential of a civil society organization. The self-organizing capability of the homeowners is impressive, but China’s authoritarianism is no longer fearful of the growing power of the society. Instead, it aims to utilize the societal energy and initiatives to solve the issues the regime itself is unable or unwilling to solve. Chinese societal institutions, such as NGOs, could, therefore, flourish, but they will not likely pose political dangers to the regime. Moreover, as the analysis in Chapter 7 points out, in many cities in which the homeowners’ movement is vibrant, the local governments have also, through regulations and laws, successfully tamed or co-opted the homeowners’ committees. These regulations and co-optations actually result in better governance of the neighborhoods, but homeowners’ autonomy is also significantly reduced.

Finally, adherents of this interpretation will more likely agree with Sartori than with Tocqueville, Dewey or Held. Grassroots, societal democratization are only reforms at the margins of the political system. As long as the core of the system has not changed, the marginal reforms are not truly democratizing reforms. Grassroots, societal democratization could result in better governance. Good governance is, however, not democracy. The institutional-political reforms in the shequ signify the adaptability,
adjustment, and mending of a resilient authoritarian regime, not a transformative phenomenon that will lead to eventual democracy.

8.3 A Working Model for Socialist Democracy with Chinese Characteristics

The third interpretation does not necessarily disagree with the analyses made by the first and second interpretations. But it differs from them in terms of their judgment. China is democratizing, and is starting from the grassroots arena, as the first interpretation asserts. But China is not necessarily progressing to an eventual liberal democratic system, as Taiwan did. Furthermore, China is not, as the second interpretation argues, democratizing along the lines of the liberal democratic model; but it is “democratizing” toward a “Chinese-style” democracy. The third interpretation thus sees shequ political reforms as part of the experimentations to construct a “socialist democracy with Chinese characteristics.”

In recent years, some foreign observers have been buoyed by some pro-democracy statements made by Chinese leaders, including President Hu Jintao and Primer Wen Jiabao. To be sure, the Chinese Communist Party has never renounced democracy officially. However, early leaders such as Mao Zedong and Deng Xiaoping always stressed the differences between the “bourgeois” form of democracy and “proletariat” form of democracy, and rejected the former. What is interesting in the speeches of recent Chinese leaders is the view that “democracy, law, freedom, human rights, equality, and fraternity are not characteristics unique to capitalism. They are the shared fruits of civilization that have come into being in the history of the whole world
and are among the values that mankind has collectively pursued.”

In other words, the universal language these Chinese leaders use might lead some foreign observers to believe that the regime is committed to realizing a form of democratic rule that is similar to other democratic systems in the foreseeable future. But this is not the case. Although the Chinese leaders acknowledge the universal appeal of democratic values and systems, they continue to emphasize that they want to construct a “socialist democracy” that is conditioned by the social and historical characteristics of China. “Socialist democracy with Chinese characteristics,” not liberal democratic model, is consistently put forth as the form of democracy the party is pursuing.

As noted in the introduction chapter, the term “democracy” has been abused and stretched to mask some of the worst regimes possible (such as the Democratic People’s Republic of Korea). Might the “socialist democracy with Chinese characteristics” be just another attempt to prolong and justify authoritarian rule rather than a genuine democratic alternative to the mainstream liberal democratic model? The question whether there is a genuine form of democracy that is different from the prevalent liberal democratic model has long pre-occupied political scientists. In western societies, the development of the deliberative and participatory theories of democracy, the persistence of “real democracy” in several New England town-hall meetings, the introduction of larger scale direct democracy through initiatives and referenda, and the expansion of “advocacy democracy” through increased citizens’ access to policy deliberation and formation –

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usually through public interest organizations—indicate some genuine democratic innovations and efforts to bypass the liberal institutions of elected representative bodies, political parties, and in some instances, elections as well. But all these non-liberal modes of democracy essentially have to operate within a liberal democratic framework, so analysts might question whether they signify genuine democratic alternatives or only efforts to remedy the illnesses of the existing liberal system.

Chinese scholars are also in search of this genuine democratic alternative. In the 2009 Wuhan conference on “Chinese-style democracy,” a leading Chinese scholar suggested the theoretical possibility of a democratic policy making process with extensive public participation. In the policy formulation stage, the people are extensively consulted through hearings, assessments, and other mechanisms that let the people directly contribute their ideas and opinions, and in the final stage, the people also make the final decision, within an environment of free flow of information. He finds the “mass-line” policies during Mao’s era to echo such a democratic process, even many Chinese analysts had doubts about the democratic aspects of the “mass line” policies. Another Chinese scholar at the conference alluded to a theoretical viewpoint in China in which a “Chinese-style democracy” is already in place. This “Chinese-style democracy” recognizes people’s sovereignty, uses a system of representation that emphasizes the “delegate” nature of the representatives, incorporates democratic mechanisms in the


“Delegate” representation means the elected should always defer to the will of the elector, and recallable anytime, whereas “trustee” representation means that the elector trusts the elected to make the best decisions. The elected becomes accountable to the elector only in elections.
structures of both the ruling party and the state, and continues to experiment with ways to improve the democratic character of itself. Some other Chinese scholars, instead of following the official or Marxist lines of reasoning, seek to draw inspiration from Chinese indigenous cultural and philosophical tradition to construct a “Chinese-style” democracy based on tenets of Confucianism.

Some Western scholars do take seriously the efforts by the Chinese to build a genuinely democratic system different from liberal democracy. For example, one scholar contends that although there had not been a drastic change of the socialist political institutions built since 1949, increasingly “democratic content” has been added to the “democratic form” of these socialist institutions as a result of significant decentralization of political and economic power. Sensitive to the cultural tradition and the profound socio-economic transformation taking place in China, she also contends that concepts such as democracy, justice, and freedom need to be contextualized. Judged by its own standards and compared to its own past, China is gradually becoming more democratic and the Chinese people have gained many rights they previously lacked; but China’s leaders are determined not to be hostage to standards and values about democracy created by the Western liberal democratic system.

Another argument for “theoretical possibility of a party-state democracy” in China is that, although liberal democracy has been popular and effective for a long time, in essence it neither expresses the will of the people nor produces the best leadership. A

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507 These scholar include Bai Tongdong, Wang Guansheng, and Li Yinghua.
broader conceptualization of democracy that incorporated “consensus,” would allow for the inclusion of a Chinese style democratic system. Democratic consensus, which assumes benefits for the people, majority rule, and protection of minority rights and interest, could exist under CCP leadership. Although the present system is not yet qualified to claim the title democracy, a Chinese path of “party-state democratization,” which theoretically can fulfill all three aspects of democratic consensus, could present a genuine alternative democratic system. The theory of “three represents” by Jiang Zemin and the Hu-Wen administration’s emphasis on the governing capability of the party could be seen as the correct steps toward this “party-state democracy.”

Other China specialists have argued that the communist tradition of “democratic centralism” could become a coherent and defensible alternative to liberal democracy. Democratic centralism is premised on mass participation and articulation of interests on an equal basis at the “input” stage of policy-making. As an “input” democracy, it is not necessarily weaker than the citizens’ control of policies through electing parties and politicians in liberal democratic systems. Although the “centralism” part in democratic centralism is more problematic, it does not necessary rule out public criticism and dissent. Properly reformed and institutionalized, democratic centralism could fulfill Rawls’ standard of a “decent” regime and China’s own standard of legitimacy. Although the current political situation in China falls short of the standards of “decent democratic centralism,” this again does not disqualify China from constructing a “decent democratic” system different from the liberal system.

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While the search for this “Chinese-style democracy” as an alternative democratic system continues to intrigue scholars, the official model of “socialist democracy with Chinese characteristics” has already been put in place for a number of years. The fullest statement is the 2005 White Paper on the “Building of Political Democracy in China.” The White paper asserts that the leadership of the ruling Chinese Communist Party is indispensable in realizing the goal of people becoming the masters of their own state. The people’s congress system, the system of ethnic autonomous regions, multi-party cooperation and political consultation between political parties and social organizations under the leadership of the Communist Party, grassroots democracy practiced in villages, shequ, and state-owned work units, “inner-party democracy,” respect for human rights (in particular the social and economic rights), “governmental democracy” (defined as an administration based on laws and policy-making process that reflect public opinions through mechanisms such as hearings), and “judicial democracy” (defined as the accountability of the courts and the procurators to the people’s congresses), are the eight elements that comprise the core of this model.

To be sure, this is not a complete model. The same White Paper acknowledges that the “democratic system [in China] is not yet perfect.” It reckons that “there is still a long way to go in China’s building of political democracy,” but continues to assert that China will find its own path, in which “there is no one single and absolute democratic mode in the world that is universally applicable.”

As noted in the introduction chapter, the task of this dissertation is to examine and analyze the institutions that embody “democratic” rule in the shequ in Chinese cities,

with the term “democracy” understood in the context of the official discourse. Seen from this perspective, the political and institutional reforms in Chinese shequ are part and parcel of the “Socialist Democracy with Chinese Characteristics.” We can infer that a “democratic model” of Chinese shequ contain the following elements:

1. Sufficient, but not full, autonomy for the residents’ committee.
2. Direct residents’ committee elections that allow people to have choice and nomination rights.
3. Electoral contestation that allows candidates to promote themselves on the basis of capabilities and policy differences.
4. High level of voters’ participation in residents’ committee elections.
5. Residents’ right to recall elected members of the residents’ committee.
6. Active participation and deliberation by residents in residents’ small groups and the residents’ assembly.
7. Autonomy and highest decision-making power of the residents’ assembly.
8. Clear accountability and responsibility between the residents’ committee and the residents’ assembly.
9. Deliberation between different groups, and elite/expert consultation, through the deliberative council.
10. Mass initiatives, through deliberation and participation, in the creation and implementation of self-governing rules and regulations.
11. Open management by the residents’ committee to strengthen residents’ supervision.
12. Periodic public assessment and evaluation of the performance of government officials and members of the residents’ committee.
13. High level of satisfaction with the fairness and performance of the shequ officials.
15. Broad representation of diverse interests by the party organization.
16. The party’s commitment to serving the residents and neighborhood.
17. Institutionalized mechanisms that subject party leaders to popular scrutiny.
18. Sufficient, but not full, autonomy for non-governmental organizations, such as the homeowners’ committee.
19. Close cooperation and coordination between non-governmental organizations, the party organization, and the residents’ committee, to work together for the common good and better governance.

This “democracy” certainly differs from the liberal emphasis on political contestation based on different interests, opposition politics, separation of powers, aggregative representation, freedoms of speech and association, alternative sources of information,
etc. The democratic content of public administration (decision making, management, supervision) is as important as the election itself. Citizens’ direct participation and deliberation in the decision and rule making process are encouraged. A deliberative body is to involve the relevant stakeholders representing different sectors of the society in the discussion of policy matters. Coordination replaces checks and balances, yet the need to properly supervise the officials and leaders is recognized. One-party competitive elections help to produce good and capable leaders, get rid of bad leaders, represent broad interests of the masses, and ensure leadership accountability. The continuing leadership of the communist party does not preclude it from broadly representing the different interests of a diversifying society. Individual party leaders are also accountable to the masses. Civil society organizations play a role too. They maintain cooperative relationship with the authorities and form an integral part of the process that ensures good governance. They also provide another channel for people to participate in public affairs.

In this style of democracy, policies are produced through a process that requires participatory deliberation, community involvement and approval, and aims to achieve broad consensus. Theoretically speaking, these policies could be as effective and legitimate as the policies resulted from competitive multiparty elections. It differs, of course, from the adversarial nature of politics in liberal democracies. It shares a lot more similarities with the mode of deliberative democracy, but differs from the latter’s emphasis on social autonomy from the political authorities.

Of course, one could argue that this democratic model, as good as it is, only applies to shequ. But shequ/grassroots democracy is part of the overall “democratic system” laid out in the 2005 White Paper. It testifies to the sophisticated structure of an
alternative democratic system. Furthermore, if such a model could work well at the local/grassroots level, with proper changes and adjustment, it could be the path taken by the center for the overall democratization of the political system, since this model is also perfectly in tune with the central leadership’ promotion of “harmonious society” in recent years. The White Paper acknowledges that “socialist democracy with Chinese characteristics” is not static and will continue to be improved and perfected. In this sense, the political reforms in shequ signify a working model of such a democracy.

This is not to say that the present political-institutional designs of shequ are flawless. The above presentation of this democratic model is an idealized form and its flaws and problems have been noted throughout this dissertation. But this does not significantly affect the argument that the Chinese model of democracy could be genuinely democratic yet different from the liberal systems. After all, the liberal systems also have problems and continue to be reformed and improved.

Conclusion

In this final chapter, I discuss the three theoretical perspectives for the interpretation of the political democratic reforms in the shequ. The first theoretical perspective sees shequ reforms as providing “democratic preparation” and a “democratic foundation” at the social and local arenas that will eventually make the political system evolve to a full democracy comparable to the mainstream liberal systems in other societies. Even if this were not the intention of the central leaders, these reforms nevertheless contain such a logic that intention of the actors does not matter. This
theoretical perspective is therefore optimistic about the democratic future of China and sees the democratization of shequ as playing a significant part in it.

The second perspective sees political reforms in shequ as necessary adjustments and mending of the authoritarian system to prolong authoritarian rule, not to prepare for democratic rule. This perspective is skeptical about the idealized democratic promises of shequ political reforms; for nothing is more promising than opening up the political system at the center, but this is not likely to happen any time soon. Shequ democratization and self-governance ease some of the party-state’s burden of looking after the daily lives of its city population, fulfill the demands of some participation by urban residents, rationalize the urban governance system, make the cadres more responsive and accountable to public opinion, and thereby diffuse social tensions and instability. They only make the authoritarian rule more durable for the foreseeable future. This perspective, therefore, is more pessimistic about the democratic future of China and sees shequ reforms as playing no important role if democratization eventually occurs.

The third perspective sees democratic reforms in shequ as both the part and parcel of a genuine democratic alternative implemented in China – the “socialist democracy with Chinese characteristics.” Shequ democracy, together with village democracy and workplace democracy in state’s work units, ensure the broadest level of citizen empowerment and participation. Its own democratic development also suggests ways for the whole system to improve. The more democratic election procedure in some residents’ committee elections could be the model of people’s congress elections. The relationship between the residents’ committee, the residents’ assembly, and the deliberative council could be seen as a microcosm of the relationship between the executive branch, the
people’s congress, and the people’s political consultative conference at different levels of government. Shequ democratic reforms that rationalize the structure of relationship between the three bodies and at the same time empower residents deliberative and participatory powers suggest ways to reform these three bodies at the higher levels of government. In short, according to this perspective, China has its own democratic future, and shequ democracy is a crucial part of it.

My own inclination is toward the third interpretation. This does not mean that the present political system is the best path for China to move along. The Chinese political system continues to jail dissidents, limit freedoms of speech, press and association, interfere in its own judicial process, and breed corruption. But many Chinese scholars and officials also believe that a wholesale adoption of the liberal democratic system will not solve China’s problems. In some instances, it will only exacerbate the existing problems. Some of these scholars and officials, of course, also have something to lose if China turns into a liberal democracy; but others see the liberal system as too disruptive for a country the size of China. In their view, China might well have hundred of political parties and a fragmented party system if it opens up its political system today. In a parliamentary system, the fragile ruling coalition could be too weak to produce coherent and effective policies and governance (witness India, at least until recently), whereas in a presidential system, constant deadlocks between a president from one party and a legislature with multiple strong opposition parties could happen (witness Ukraine). Liberal democracy also runs the risk of national disintegration (witness the Soviet Union).
If China today recognizes the flaws in its present system, but wants to improve it on its own terms, to construct a system of democracy suitable to its own conditions, this is laudable. A “socialist democracy with Chinese characteristics” may work better for China than the liberal system. It may turn out to be a failure too, but again, we should not determine such a regime is undemocratic and unworkable just because it is not a liberal democratic system. In the long future, liberal democracies may still turn out to be the ultimate “end of history” type of victor (just as the communists once believed they were the “end of history” victors), but it cannot earn this victory uncontested. After all, if liberal democracy is a system that is pluralistic and accepting of different ideas, it should welcome the positive potential of the Chinese model of democracy.
Appendices

Appendix 2.1: Models of Shequ Jianshe

Below are brief sketches of some of the more prominent models of shequ jianshe in China. Other models not discussed here include the Beijing model, the Nanjing model, and others.

Shanghai model

Shanghai was one of the earliest cities to initiate shequ reforms. This model aims to bolster the street office, rather than only the residents’ committee. Confusingly for outsiders, Shanghai defines shequ at the level of the street office, while not denying that each the jurisdiction of the residents’ committee also constitutes a shequ. 1995 it implemented an ambitious program to reform the street offices. The reform is called “two levels of government, three levels of administration (liangji zhengfu, sanji guanli)”\(^{514}\), which increased the authority of the street office, such as giving its more autonomous control of finance and strengthening its ability to coordinate the district-level government departments under its jurisdiction. The duties of the street office also expanded; it now has to take care of local economic development as well.

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\(^{514}\) Two levels of government refer to the city government and the district government, and three levels of administration refer to the city, district, and street office level. As mentioned in Chapter 2, technically the street office is only a field office of the district government and does not constitute an independent level of government itself. This reform thus aimed to strengthen the street office.
With the Ministry of Civil Affairs eagerly promoting the role of the residents’ committee, Shanghai later modified its model and added the residents’ committees as the fourth level in a new formula of “two levels of government, three levels of administration, and four levels of network” (liangji zhengfu, sanji guanli, shiji wangluo). The new formula aimed to give more significance to the residents’ committee as implementer of policies. At the street office level, Shanghai also introduced the functional committee system as a way of coordinating the work of government bodies, China’s “mass organizations” such as unions and women federations, and some social organizations. One scholar commented that as a result of these reforms there was a “shift in the role of street offices from a low-level administrative body obeying higher government’s decisions to an entity representing local interest with more independence.”

Shenyang model

Similar to Shanghai, Shenyang also began exploring ways to improve local governance long before the central government pronounced shequ jianshe as a major policy. The Shenyang model is especially well known for its far-reaching reforms that received attention and praise from the officials at the Ministry of Civil Affairs. The first major effort of Shenyang was the policy of consolidating residents’ committees. The original residents’ committee was considered to be too small to command adequate resources for constructing a shequ. The delineation of shequ was thus decided at a level

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that is larger than the original residents’ committee but smaller than the street office.

Residents’ committees were then consolidated into the new shequ residents’ committees.

Shenyang also is also the first city to invent a four-layer authority structure in the shequ: the decision making layer, the execution layer, the deliberation layer, and the leadership layer (to be discussed further in Chapter 5). Shenyang also gave the shequ more substantial autonomy rights in relation to the street office.

Qingdao model

Similar to Shanghai, Qingdao also broadly defines shequ both at the street office level and at the residents’ committee level; and similar to Shenyang, Qingdao also consolidated its residents’ committees and designed a four-layer authority structure in its shequ. The Qingdao model however is notable for two aspects: in perfecting the existing shequ fuwu (community services) schemes, and in the innovative reforms carried out in Fushanhou shequ. In the former case, Qingdao established community service centers at the street office level throughout the city so that residents of all background have access to some form of services. In the latter case, Fushanhou gained national attention for its radical organizational restructuring of the governance system. The area covered by Fushanhou is as large as a street office. But instead of establishing a street office, the city government experimented by constructing a new shequ-based governance system based on the idea of a “grand shequ”. Under this new system, there are three work systems independent of each other but connected through the shequ party work committee: a self-governance system consisting of self-governing organizations (a shequ committee and a shequ representatives assembly at the “grand shequ” level, and several residents’ committees at the small shequ level); an administrative work system that consists of a
“shequ affairs handling center” (*shequ shiwu shouli zhongxin*) that handles administrative duties such as tax collection, urban management, social welfare administration, and others; and a community service system that consists of a *shequ* service center and several service stations.\(^5\) Under this system, residents’ committees will no longer be tasked to perform administrative and governmental functions, while *shequ fuwu* is carried out independently of the residents’ committee by the service stations.

*Jianghan model*

Jianghan is a district in the city of Wuhan. A notable feature of Jianghan model is the clear differentiation of responsibilities between the residents’ committee and governmental bodies such as the street office and the functional departments of the district government. Each item of work is categorized as either administrative work item or *shequ* work item, and under this rule, the residents’ committee will not take up those work items that are deemed as administrative, such as tax collection. Functional departments can no longer command the *shequis* to do works that are supposed to be completed by themselves. Instead these departments have to send their own field officers into the *shequis* to do their job (see the “public evaluation of officials” under “democratic supervision” in Chapter 5 for more in-depth discussion). *Shequis* are given the power to manage their own finance, some decision-making autonomy, and the extraordinary right to refuse any unreasonable imposition of works and duties from above.

*Shenzhen model*

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Due to its close proximity with Hong Kong, the Shenzhen model was notable for its market features. Shenzhen is the first city in China to establish a private property management company. Marketized property management in residential areas became an essential component of shequ governance. The responsibilities of public security and environmental cleanliness and maintenance are usually delegated to the property management companies. The residents’ committee in this shequ will focus more on their traditional responsibilities such as enforcement of family planning and mediation.

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518 Guo Yajie, Zhou jie, “Shequ jianshe: beijing, moshi he fazhan qushi (Community Construction: Background, Models and Trends)” Xuexi yu tansuo (Study and Exploration) 6 (2004), pg. 43.
Appendix 4.1 Translation of the Terms Deng’e xuanju and Cha’e xuanju

These two Chinese terms are notoriously difficult to translate. The literal translations of these two terms are “equal-number election” (deng’e xuanju) and “different-number election” (cha’e xuanju) respectively. “Equal-number election” indicates an election in which the number of candidates equals (corresponds to) the number of contested positions. “Different-number election” indicates an election in which the number of candidates exceeds the number of contested positions.

_Deng’e xuanju_ could be alternatively translated as “single-candidate election”, “uncontested election”, and “noncompetitive election.” But each of these translations carries a slight different meaning. “Single-candidate election” is misleading. In grassroots elections, members of the residents’ committee or the villagers’ committee are all elected at once (for example, electing 5 out of x number of candidates). Thus, there is basically no “single-candidate” election to speak of. In an election in which the number of candidates equals the number of contested positions (electing 5 out of 5 candidates), it is still a “multi-candidate” election, but at the same time also a _deng’e xuanju_. “Uncontested” and “noncompetitive” are the adjectives that normally describe the characteristics of a _deng’e xuanju_, but they are not the essence of it. A _deng’e xuanju_ can be competitive if there are strong “write-in candidates” present.

The alternative translations of _cha’e xuanju_ are “multi-candidate election”, “contested election” and “competitive election.” The problem of “multi-candidate election” is again that it could be misleading. A residents’ committee election or a villagers’ committee election is in the literal sense a “multi-candidate” election, even if the number of candidates equals the number of contested positions. “Contested” and
“competitive” are again the adjectives that generally characterize a cha’e xuanju, but not the essence of it. “Competitive” election also might give the wrong impression that a cha’e xuanju is by nature competitive, which is not always the case. Through manipulation, a cha’e xuanju could be as uncompetitive as a deng’e xuanju.519

The official English version of the 2005 White Paper on democracy uses the term “multi-candidate election” for cha’e xuanju. The China Daily, the major state-run English newspaper, translates deng’e xuanju and cha’e xuanju into “single-candidate system” and “differential voting system” respectively. For example, in a recent article describing the elections of Chinese leaders in the legislature, it stated:

According to the rules of election and appointment adopted at the NPC session, the elections of the chairman, vice-chairpersons and secretary-general of the 11th NPC Standing Committee, President and vice-president of China, and chairman of the CMC [central military commission] follow the single-candidate system. That is, they are elected from an equal number of candidates.

The election of the NPC Standing Committee members follows the differential voting system, with a seven percent margin to be eliminated.520

“Single-candidate” and “multi-candidate” elections, however, as stated above, could be misleading. The literal translations “equal-number election” and “different-number election” are cumbersome. Not that I am excited to invent new terms, but considering the deficiencies of these translated terms, I have decided therefore to use my own translation “corresponding election” for deng’e xuanju, and follow/modify the China Daily’s translation “differential voting system”/ “differential election” for cha’e xuanju.

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519 Cui Guoqiang, Zhou Jing, “Dui woguo xuanju zhidu yuaze de shikao (Thoughts about the Principles of Election in China)” Renda yanjiu (People’s Congress Study) 1 (2003), pg. 19.

Appendix 4.2: The *Tuixuan* Process

In a thorough account of the election process of a 1999 *shequ* residents’ committee election in Shanghai (apparently written by an internal participant), the *tuixuan* process of the *shequ* election committee is described in detail.\(^{521}\) In preparing for the coming election, the residents’ representatives’ assembly (in place of the usual residents’ assembly) was convened by the residents’ committee for the purpose of tuixuan-ing (“electing”) members of the *shequ* election committee. After announcing general election rules and regulations as well as the qualifications to become an election committee member, the presiding chair of the meeting of the assembly (a *shequ* party leader) proposed to let the attending residents’ representatives nominate members of the election committee, which was to consist of 7 to 9 people. None of the residents’ representatives made any suggestion and nomination. So the chair of the assembly proposed that all nominations would be made by the residents’ committee. The representatives agreed to this proposal. The residents’ committee then proceeded to nominate and introduce seven candidates. All candidates were party members. The representatives then voted for all of them, with show of hands.

This is the detailed process of a *tuixuan*, which is very informal and can be easily manipulated. But for people unfamiliar with the difference between *xuanju* and *tuixuan*, they might have the impression that *tuixuan* is basically same with *xuanju*, an election.

Appendix 4.3: Election Abuses through the *Shequ* Election Committee

An election controversy occurred in a *shequ* election in Wuhan in 2003 and was reported in the *Shequ* magazine.\(^{522}\) In this election, all five members of the residents’ committee of the expiring term intended to run for the upcoming residents’ committee election. Despite conflict of interest, three of them were also “elected” (*tuixuan*) as members of the election committee, which consisted of nine persons. These three members resigned from the election committee only after their candidacies were officially announced. The remaining members of the election committee consisted of two groups of people: recipients of a government subsidy fund for low-income families, and representatives from a particular *danwei* (a shipyard factory) in this *shequ*.

The subsidy fund was managed and dispensed by the residents’ committee. So, all the recipients basically wanted to cultivate and maintain good relationship with the residents’ committee. Those serving in the election committee who were recipients of this fund all had strong incentives to ensure that all five members of residents’ committee of the current term be re-elected. As for the representatives from that particular *danwei*, the factory is not the largest employer in the *shequ*. There was no particular reason why it should have large presence in the election committee. It was later revealed that the factory also had a close relationship with the residents’ committee.

The election committee was responsible for voters’ registration, distribution of ballot papers, verification of voters’ identity, assisting voters during election, and ballot counting. It recruited and trained many election workers to handle these tasks. It was revealed that all election workers were the recipients of the same government subsidy fund.

\(^{522}\) Zhang Mingyu, Liu Zhichang, “Shi shui zhai yingxiang juweihui zhixuan (Who is Influencing Residents’ Committee Election)” *Shequ (Community)* 5 (2005), pg. 30-31.
fund, and thus highly dependent on the current residents’ committee. The election workers were indeed all acting to ensure the electoral victory of the members of the current residents’ committee. The street committee was reported to be fully aware of the biased acts committed by the election workers and the election committee, but since it also preferred to work with the current residents’ committee, it decided not to intervene.

Superficially, this election fulfilled some standard democratic election criteria (such as being a differential election and a direct election). But because of the manipulation of and by the election committee, it undoubtedly was a manipulated, and undemocratic, election.
Appendix 4.4 *Shequ* Activists

The *shequ* activists (*shequ jijifenzi*) are an important resource for the residents’ committee and local officials in *shequ* administration. They are willing to contribute their time and efforts to serve the residents voluntarily, and to help the residents’ committee in areas such as communication, publicity and mobilization. *Shequ* party members, residents’ representatives, and block and small group leaders are by nature activists, but not all the activists have to be in one of these positions, some of them are just ordinary residents with “good voluntary spirit.” The authorities (residents’ committees and street offices) generally consider the activists able to communicate and connect with the residents better than themselves. The activists are thus highly relied upon to convey information. In the words of a residents’ committee member, the activists are to “teach and lead the residents in the discussion of important issues.”

During elections the activists become crucially significant in their role as agents of mobilization. Without the mobilization efforts of the activists, and without them acting as proxy voters, scribes for the illiterate, and carriers of roving ballot box, many residents’ committee elections might not be able to secure a high voter-turnout rate and claim success.

My interviewees told me that the relationship between ordinary residents and the activists are generally good. Although the “elected” representatives and group leaders tend to be activists favored and picked by the authorities, this does not necessarily mean that the residents are distrustful of these activists. The residents know that these activists

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523 The following discussion is based on my interviews with the members of two residents’ committees in Yangpu district of Shanghai in Fall 2007, and Li Hui, “Shehui baochou yu chengshi shequ jiji fenzi (Social Compensation and Urban Community Activists)” *Shehui (Society)* 1 (2008), pg. 97-117.
have the “ears” of the authorities well. They do not necessarily object to them being “elected” so that the activists can convey the concerns of ordinary residents to the authorities. Nevertheless, this should not lead to the conclusion that these residents’ representatives are, in name as well as in reality, genuine representatives preferred by the residents.

On the other hand, the activists can also be an effective network of surveillance. It is through the network of activists that the residents’ committee manages to monitor potentially subversive elements. For example, rehabilitated members of the Falun Gong spiritual group still receive multiple visits from the activists from time to time (rather than directly by police officers or officials). Because of the non-official status of these activists, the ex-members of Falun Gong tend to view them more positively. The monitoring of their activities becomes easier and less intense.

Shequ activists are not necessarily the elite strata in a shequ. The social elite (shehui jingying), such as the professionals and businessmen, are generally more occupied by the things and life outside of the shequ. Most activists are retirees from danwei. Many of them equipped with extensive organizational skills and have the leisure time to do voluntary work. Young people are generally not interested to become activists. According to my interviewees, each shequ generally has (or at least attempts to recruit) around 15% of the people under its jurisdiction as activists, which translates into about 200-400 activists in a shequ of typical size. Most of them voluntarily take the initiative to contact the residents’ committee to volunteer time and efforts, but some of the activists have to be “discovered”. Some residents’ committees attempt to recruit or discover activists from among the elite strata, such as doctors and teachers (especially those with
foreign language qualification), so that they can organize activities such as health and “learn English” seminars for the residents. An interviewee pointed out to me that having a group of activists with diverse background could help spread the message and influence of the residents’ committee to every corner of the shequ.
The property company of Meirandongli neighborhood is established and owned by the developer. The services it provided were below standard yet it was charging unreasonable high service fees. In 2005, the homeowners successfully established a homeowners’ committee. The committee decided not to renew the service contract with the property management company. It hired another company through an open bidding process. The old property management company however refused to leave the neighborhood. It claimed that there were still unpaid fees waiting to be collected. The homeowners’ committee proceeded to sue the company and won. The old property management company then suddenly terminated its services in the neighborhood. It turned off supplies of water and heat (during Beijing’s freezing winter) and withdrew security guards and cleaning crew. The home of the director of the homeowners’ committee was then mysteriously vandalized and damaged. Fearing his own personal safety, the director resigned from the committee.

A court order eventually forced the old company out. The new property company was finally able to begin its service. However, more troubles were coming. The new company was soon forced to terminate its services and withdraw from the neighborhood, citing various technical issues that were very likely to be caused by deliberate obstructions of the previous company (such as missing technical blueprints). A member

These stories were published from June 26 to June 30, 2006 in the People’s Daily and reproduced in the magazine Real Estate Information of China. The sources I draw on here are from the magazine. See “Yezhu weiquan you duonan (How Difficult to Defend Homeowners’ Rights)” and “Anju leye you duonan (How Difficult to Live Peacefully)” Zhongguo fangdi xinxi (Real Estate Information of China) 8 (2006), pg. 66-69; “Dangge yezhu you duonan (How Difficult to be a Homeowner)”, “Huangye wuye you duonan (How Difficult to Change a Property Management Company)” Zhongguo fangdi xinxi (Real Estate Information of China) 9 (2006), pg. 68-71.
of the homeowners’ committee also alleged that the reason this new company was withdrawing was that it was threatened by the old company. The contact person between the homeowners and the new company was physically assaulted by unknown assailants. This also put pressure on the employees of the new company.

The homeowners’ committee then organized another bidding process. Since the ownership rights of the heating facilities and underground parking lots still belonged to the developer, the committee requested that the bidders have to first secure the usage rights from the developer. At the end, there was only one company that successfully secured the usage rights from the developer. Nevertheless, one-thirds of the employees of this company were former employees of the much hated old company. Some homeowners alleged that this company is the old company, with a different name.

Report 2

The homeowners of Beijing’s *Daxiyangcheng* neighborhood were promised a primary school and an activity center. The school was never built and the activity center was rented out by the developer to a restaurant and a gym company, as well as to the street office. In addition, some homeowners who renovated their units discovered that the homeowners were using substandard materials. The developer continued to reap profits by renting out the areas and facilities it claims to have ownership, while it also forces the homeowners to share the ownership right of those facilities that are not profitable. The developer also promised the homeowners that there would be a foreign invested property management company providing hotel-quality services, therefore homeowners would be paying for higher management fees. Instead the developer created its own property management company, but continued to charge the same rate.
In the neighborhood of *Tianxin jiayuan*, the services of the property management company were truly substandard. The running water it supplied contained debris and smell. Every afternoon the company stopped providing water and electricity. Several lanes within the neighborhood had no lights. The company never opened its book for inspection; its security guards were seen to assault homeowners. Despite all these lousy services, the company continued to charge high service fees. Later, the homeowners discovered that the company actually failed to secure proper “service certification” from the municipal government, meaning that the company was operating without appropriate license. The homeowners also pointed out that when they signed the purchase agreement with the developer, the developer did not show them the temporary property service contract, but only when they went to collect keys that the developer showed them the contract (with many unequal articles) and forced them to sign; those who refused to sign the contract would not get the keys. Some homeowners were so upset about the poor services they received that they refused to pay the management fees. The property management company then sued them and won.

**Report 3**

In *Tianxin jiayuan* neighborhood, a garden that was promised by the developer had been turned into paid parking lots by the property management company. Free street parking also became metered parking. The elevators were full of commercial advertisements. In short, the property management companies managed to earn millions of dollars from common property areas and shared facilities, but never shared these profits with the homeowners, the supposed owners and users of these common areas and public facilities. This was the reason why withholding payment of service fees by
homeowners was unable to deter the company. The company was still able to make huge profits.

Report 4

Homeowners in many neighborhoods were unable to change the unequal terms in the temporary property service contract forced upon them. As long as a new homeowners’ committee had not been established and a homeowner’ assembly had not been convened, the temporary contract automatically renews every time it expires. Even without a contract, a Beijing court had interpreted that as long as a property management company was providing services, the homeowners were obliged to pay for its services. Some homeowners had been fighting battle after battle to changes their property management company for years without any achievement. Some property management companies were also alleged to use physical assaults to deter homeowners from engaging in “rights-defense” activities.

A prominent real estate lawyer made a calculation of the costs of homeowners’ “rights-defense”. Assuming that everything went smoothly, typically it would take up to 35 months and 700,000 yuan for a neighborhood of the size of a 1000 units to establish a homeowners’ committee and to force out its property management company through lawsuits.
Appendix 7.2: The Shequ Residents’ Committee and Property Management

The role of the shequ residents’ committee in property management is admittedly awkward. Residents’ committees generally (but not always) refrain from advocating homeowners’ concerns and issues, since they are seen as frictions resulting from two parties in a private transaction (homeowners as consumers and property management company and developer as providers) which the residents’ committee has no formal responsibility to deal with.

Conceptually, there is no official relationship between the residents’ committee and the two bodies related to property management—the homeowners’ committee and the property management company. To reiterate briefly, the shequ residents’ committee is a mass “self-governance organization” that serves and represents all residents, whether they are homeowners or not. The homeowners’ committee is established on the basis of private property rights; it does not answer to the residents’ committee, nor is its status institutionally subordinate to any other governmental body. Its main purpose is to serve and represent the homeowners.525 On the other hand, the property management company is a commercial unit supposedly hired by the homeowners’ committee to perform property management functions.

However, in effect, considerable overlapping of functions and responsibilities occur in the governance of xiaoqu and shequ. The shequ jianshe policy calls for increased residents’ committee’s involvement in promoting community health, environment, culture, safety, etc., which overlap to a some degree with what a property management company does. It is not uncommon for the residents’ committee and the property

525 “Yezhuhui yu juweihui shui caineng daibiao jumin quanzhong (Homeowners’ Committee or Residents’ Committee, Who can Represent the Masses)” Shequ (Community) 2 (2001), pg. 22.
management company each fielding a team of safety patrols around neighborhood, or performing similar tasks in street and building cleaning, as well as collecting the same sort of fees from the residents for the similar tasks. The residents/homeowners in this sense are being “taxed” twice for the same service because neither the property management company nor the residents’ committee is willing to let go of some money-generating activities.

The relationship between the property management company and the residents’ committee is not without friction. In a sense, both bodies claim to be the “boss” in a neighborhood. However, in some of the newly developed neighborhoods, the residents’ committee is marginalized (or not yet established) and could even be practically subordinate to the property management company. The office space of the residents’ committee in these neighborhoods are generally provided by the developer and managed by the property management company, and it is no surprise that the committee feels beholden to the company and tend to side with them against homeowners in disputes.

Another issue is the relationship between the residents’ committee and the homeowners’ committee. How both organizations coordinate their work and cooperate with each other is crucial for the governance of both shequ and xiaoxu. Nevertheless, disputes between them also often occur. The principal complains of the homeowners’ committee is that the residents’ committee is meddling in its internal affairs. Since both

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526 A study of the property management situation in Urumqi, the provincial capital of Xinjiang Autonomous Region, points out that conflicts between residents’ committees and property management companies are quite common. See Zhu Yanfei, “Urumqishi wuye fuwu qiye, juweihui, yeweihui guanxi chutan (A Preliminary Inquiry into the Relationship between Property Service Enterprises, Residents’ Committees, and Homeowners’ Committees in Urumqi)” Zhongguo wuye guanli (Chinese Property Management) 9 (2008), pg. 24-25.

organizations are designated as “self-governance” organizations, it is a misconception to think of the homeowners’ committee and the residents’ committee as something of an administrative subordinate-superior relationship. On the other hand, there is also the argument that the residents’ committee should replace the homeowners’ committee. Not only that having two grassroots organizations is redundant, it is also the source of conflicts and disputes, as they both compete for the allegiance and support of residents and for the same pool of resources. This redundancy could also sometimes lead to evasion of and confusion over responsibilities.

There is no definite official position on this matter, although the preference of many local governments seems to be the integration of the homeowners’ committee into the shequ jianshe policy, which in practice would make the homeowners’ committee a subordinate organization to the residents’ committee. Theoretically speaking, the government should maintain a neutral attitude toward both organizations. Nonetheless, it surprises no one that the government prefers the homeowners’ committee being subsumed under the residents’ committee. Many policy documents either suggest or require that the residents’ committee should play an active role in the formation, organization, and activities of homeowners’ committees. In Beijing, the establishment of preparation committee of the homeowners’ committee in practice has to be pre-approved by the residents’ committee. Also, according to Article 20 of the Regulations of

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528 Meng Xiansheng, “Yeweihui buneng zhiyu diedao ban he juweihui de lingdao xia (Homeowners’ Committee Cannot be Under the Leadership of Street Office and Residents’ Committee)” Xiandai wuye (Modern Property Management) 7 (2007), pg. 61.
529 Liao Zhongping, “Shequ juweihui ying qudai ye zhu weiyuanhui (Community Residents’ Committee Should Replace Homeowners’ Committee)” Xiandai wuye (Modern Property Management) 3 (2003), pg. 9.
530 Cui Xiaoyi, “Shequ jumin weiyuanhui yu yezhu weiyuanhui de quanli jiegou ji zai Beijingshi zhengce zhixingzhong de yanhua (The Power Structure of Residents’ Committee and Homeowners’ Committee and its Evolution in the Policy Execution in Beijing)” Beijing xingzheng xueyuan xuebao (Journal Beijing Administrative College) 6 (2008), pg. 1-7.
Property Management, the homeowners’ committee should (1) support the public security bureau and cooperate with the residents’ committee in the area of public security work; (2) actively coordinate with the residents’ committee in self-governance matters; (3) be under the supervision and guidance of the residents’ committee; (4) inform the residents’ committee regarding the decisions made by the homeowners’ assembly and the homeowners’ committee, as well as consider the suggestions made by the residents’ committee on these decisions.

Homeowners in general do not welcome this role played by the residents’ committee. They fear that the residents’ committee will interpret “supervision and guidance” as “regulation and interference”, or side with the adversaries of the homeowners’ committee (especially in cases in which the office space occupied by the residents’ committee is provided, for free, by the developer).

The major argument for residents’ committee’s “supervision and guidance” of the homeowners’ committee is that no matter how many residents are homeowners, there are still residents who are not homeowners. The life of these residents is affected by the decisions made by the homeowners’ committee. The homeowners’ committee tends to articulate the interests and concerns of the affluent middle class, and sometimes in the process it also ignores the rights and interests of the lower class residents, especially the migrant workers. In this case the residents’ committee could protect the rights and interests of the poorer residents or migrant groups.

In addition, if a decision made by the homeowners’ committee is backed by the residents’ committee, it is likely to carry much more weight than the one without. In 2004, a homeowners’ committee in Beijing fired its property management company and
hired a new one, with the residents’ committee fully aware and supportive of the decision. As a result, the transfer of the property management company was handled smoothly and amicably. This is a rare instance in the generally tense situation of property management companies being fired.\textsuperscript{531}

There is also a proposal to merge the two organizations. The advocates of this proposal argue that in many of the new neighborhoods (\textit{xiaoqu}), predominantly the residents are homeowners. Even in older neighborhoods, the trend is that more and more residents are becoming homeowners. Since both organizations are intended to serve the residents/homeowners, both are designated as “self-organizations” by laws (one for residents, one for homeowners), and both perform some overlapping functions, a merger of these two organizations would not only reduce redundancy and unnecessary disputes, it will also make governance of the neighborhood much more effective. The proposed model is to scrap both homeowners’ committee and residents’ committee, and to create a new association at the \textit{shequ} level which would perform the tasks of both homeowners’ committee (hiring property management companies, dealing with issues regarding property management) and residents’ committee (assisting governmental work, settling neighborhood disputes, public safety, etc.). Its members are to be elected and answerable to a \textit{shequ} representatives’ assembly. Even if there is a minority of residents who are not homeowners, their voting rights shall be guaranteed as well. Party organization should also be established within this proposed association to perform “leadership” role.\textsuperscript{532}

\textsuperscript{531} Miao Zhenghua, “Juweihui ruhe dui yeweihui ‘jiandu yu zhidao’ (How Residents’ Committee ‘Supervise and Guide’ Homeowners’ Committee)?” \textit{Xiandai wuye (Modern Property Management)} 1 (2006), pg. 32-34.

\textsuperscript{532} Lei Cuihong, “Yeweihui he juweihui nengfou he’erweiyi (Can Homeowners’ Committee and Residents’ Committee Merge into One?)” \textit{Shequ (Community)} 2 (2006), pg. 34-35; Chai Xiaohua, “Dang jumin chengwei yezhu – lun chengshi shequ juweihui yu yeweihui de zhenghe (When Residents Become Homeowners –On the Integration
It remains to be seen how the relationship between the residents’ committee, the homeowners’ committee and the property management company evolve. Some interesting institutional innovations in grassroots governance might eventually emerge.

between Residents’ Committee and Homeowners’ Committee)” Ningbo daxue xuebao (Journal of Ningbo University) 18:5 (2005), pg. 105-110.
Appendix 7.3 Bei’an of the Homeowners’ Committee

Once a homeowners’ committee is established, in order to gain official recognition it has to file a record (bei’an) with the local housing and property authority. Filing a record is technically different from “registration” (dengji, as is the case of registering a social organization by the civil affairs department or establishing a company in accordance with the Company Law); it is an act of having certain actions and transactions being officially recognized and recorded. The legal nature of bei’an is ex post facto and declarative. Nevertheless, without bei’an the legitimacy of a homeowners’ committee is much more limited. Bei’an thus could be said to be a halfway point between official registration and non-registration.

A homeowners’ committee that is without bei’an will not be able to obtain an official stamp (gongzhang) from the authorities. Without the stamp, the documents or contracts signed by the homeowners’ committee do not have legal force. Bei’an is also required for the homeowners’ committee to be recognized as the authorized organization in dealing with external entities (for example, in negotiations with property management companies).

In applying for bei’an, homeowners have to present several documents to the local housing and property authorities. These documents include the homeowners’ covenant, resolutions passed by the homeowners’ assembly, homeowners’ list,

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534 The exact body that deals with the homeowners’ committee differs from city to city. In Beijing there is a “new neighborhood office” set up to deal with issues related to property management and homeowners’ committee in Beijing’s xiaoqu. In other cities, district-level housing bureaus or land resources bureaus are more common. Collectively they are referred to in China as local housing and property authorities (difang fangdichan xingzhen bumen).
development blueprint of the neighborhood, any other documents deemed necessary. Since only the developer has a complete homeowners’ list and the development blueprint, refusing to handover these documents to homeowners is a common tactic by developers to frustrate homeowners’ rights-defense movement.

The local housing and property authority has to check the validity of these documents before it agrees to the bei’an of the applicants. Disputes between homeowners and the authority usually arise at this stage, when the authority considers the documents inadequate or flawed. Sometimes the local housing and property authority neither approves nor rejects the application of bei’an, letting the application lingering for years.535

535 Chen Xiangming, “Lun woguo yezhu weiyuanhui zhidu de quexian jiqi wanshan (On the Inadequacies and Ways of Improving the System of Homeowners’ Committee)” Qiye jingji (Enterprise Economy) 7 (2008), pg. 191.
One of the most successful, but officially unregistered, associations of homeowners’ committees is the “Preparation Committee for the Society of Homeowners’ Committees” (hereafter the “Society”) in the city of Guangzhou. It was organized in 2005 and aims to bring all homeowners’ committees in Guangzhou under one umbrella organization. The official reaction was initially unfriendly. Developers and property management companies in the city also exploited their ties with local governments to prevent it from gaining an official status.

The “Society” however also responded with some tactically astute moves. It enlisted the support of some party and government officials, cultivated friendship with the officials in charge of housing affairs, campaigned for those people’s congress deputies who had helped them in the past in people’s congress elections, pushed for legislative agenda, and enlisted the support of the media. More interestingly, the “Society” offered to help local governments in the implementation of some unpopular policies. As one activist explained, “Many xiaogus have become the fortress for some homeowners to avoid the one-child policy. The residents’ committee is too weak to penetrate inside it.” The “Society” offered to mobilize its network and influence to enforce this policy. Through years of cultivating positive relationships with the local government, the “Society” has indeed accumulated significant political and organizational resources and achieved semi-official recognition. This example clearly

537 The experience of this “Society” in Guangzhou is interestingly different from the observation made by Benjamin Read that unofficial homeowners’ groups tend to employ “more contentious tactics” toward their adversaries (including local officials) in the hope that these adversaries will compromise with them. See Benjamin Read, “Property Rights and
illustrates one aspect of the nature of “civil society with Chinese characteristics” – that organizations with hostile relationship with the state cannot survive. A civil society organization (in this case the homeowners’ organizations) can originate from private citizens’ actions, but its success, growth, and power to a large extent depends on it having a healthy, cooperative relationship with the state.

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