

3-1-2005

The Chinese Communist Party and Deliberative Democracy

Ethan J. Leib

University of California, Hastings College of the Law, ethan.leib@law.fordham.edu

Follow this and additional works at: <https://www.publicdeliberation.net/jpd>

Recommended Citation

Leib, Ethan J. (2005) "The Chinese Communist Party and Deliberative Democracy," *Journal of Public Deliberation*: Vol. 1 : Iss. 1 , Article 1.

Available at: <https://www.publicdeliberation.net/jpd/vol1/iss1/art1>

This Essay is brought to you for free and open access by Public Deliberation. It has been accepted for inclusion in Journal of Public Deliberation by an authorized editor of Public Deliberation.

The Chinese Communist Party and Deliberative Democracy

The Chinese Communist Party and Deliberative Democracy

Ethan J. Leib

Hannah Arendt's *On Revolution* explores how every truly revolutionary regime seeks to govern through local councils of deliberating citizens—"organs of the people"—rather than through party-led machines of governance. These councils are, as Thomas Jefferson described them, "elementary republics" where "the voice of the whole people [can] be fairly, fully, and peaceably expressed, discussed, and decided by the common reason" of citizens: they have both a populist and deliberative quality.

Arendt is sure that party systems ultimately win out and crush rule by local councils (and the revolutionary spirit with it). But before parties gain ascendancy and rule through their elite bureaucracies, populism reigns through local rule by layperson deliberative councils; until the councils are viewed as a threat and are terminated by the party. This cycle, she argues, has been borne out in the French, American, and Russian revolutions.

The November 2004 Hangzhou Conference on Deliberative Democracy

Against this background, it came as a surprise to be invited to the People's Republic of China in November 2004 to attend and speak at The International Conference on Deliberative Democracy and Chinese Practices of Participatory and Deliberative Institutions in Hangzhou. The revolution is long over in China—and the party bureaucracy has won.

Although at one time the Chinese Communist Party ("CCP") maintained control through smaller local work units, those units were a mechanism of control rather than a forum for deliberative freedom like the council system Jefferson imagines. Yet, the conference—attended by members of the CCP, who gave talks and participated in discussions—was meant to be an occasion to consider ways to devolve power away from the centralized state party and create sites of deliberative freedom. We were all self-consciously considering a new deliberative council system of local administration for China. Rather than crushing a local council system, the CCP was actively trying to learn about its virtues and was considering implementing it in one form or another.

The purpose of the conference was far from purely theoretical or merely symbolic of Chinese openness to new ideas for democratization of the one-party state. On the contrary, we were actually there to discuss with a straight face how China could govern in a manner consistent with the values of deliberative democracy. Not that we didn't spend a fair bit of time arguing about what those values are and what they could possibly mean for China. Still, there we were: talking about designing deliberative democratic institutions in a country that was seeming more open to institutional innovation than many Western democracies that are set in their ways.

In attendance were some of the West's most committed deliberative democrats.

*Mark Warren, from the University of British Columbia, gave a stimulating talk on the state and its role in sustaining democracy, even in our increasingly post-national global culture.

*James Fishkin, of Stanford, talked about the recent successes of non-face-to-face deliberative democracy over the internet.

*Shawn Rosenberg, of the University of California at Irvine, spoke about experiments he has been doing in Laguna Beach, California that aim to get a better sense of what actually happens when people deliberate with different ground rules structuring their conversations.

*John Dryzek, of Australian National University, spoke about how different local political and cultural conditions should lead to different priorities for deliberative democrats.

*Dryzek's colleague, John Uhr, forced us to reconsider the deliberative qualities of national referenda.

*And another Australian, Geoffrey Stokes, of Deakin University, started us on a conversation about whether the field of deliberative democracy has anything interesting to say about the role of citizenship in governing.

*Finally, I spoke about whether my proposal for a popular branch of government in *Deliberative Democracy in America* had any application for China. My normative work suggests that China ought to take seriously the potential inclusion within their governmental structure ward-based deliberative councils that can enact laws, an idea Jefferson considered for America and Arendt discusses approvingly in *On Revolution*.

Perhaps even more interesting than the bunch of professor types were a group of practitioners in attendance. Dr. Adolf Gunderson, of Madison, Wisconsin's Interactivity Foundation, described the work of his institution, which helps ordinary citizens think through policy issues and make recommendations to policymakers. Similarly, Dr. Ivan Zwart, a civil servant in Australia, spoke about the efforts of his Glenorchy City Council in maximizing citizen participation.

Many Chinese academics and politicians participated in the conference as well, both teaching Westerners about their local conditions and learning from them potential ways to help democratize their country with a deliberative orientation. In turn, the Westerners learned a bit about the limitations of the deliberative democratic enterprise.

*Daniel Bell, of Tsinghua University and the City University of Hong Kong, offered a proposal for an elite deliberative house to participate in national governance in China based in the ideas of China's classical thinkers. He sketched the outlines of what a Confucian democracy for the twenty-first century might look like.

*Tan Qingshan, of Cleveland State University, shared with us his studies of village elections in China and how they might be made more deliberative.

*Baogang He, one of the conference organizers, of the University of Tasmania, spoke about many deliberative and participatory forums in which he participated in the Chinese countryside.

*Chen Shengyong, another conference organizer, of Zhejiang University, gave a theoretical talk on whether deliberative democracy had any application to China—and then a more empirical talk about how the internet has facilitated a thin but powerful form of deliberation in Chinese civil society.

*Han Fuguo, a graduate student at Zhejiang, presented an interesting case study exploring why talk of deliberation and democracy in China is absurd.

*Mao Dan discussed the limitation of deliberative democracy in rural China through a case study about farm land and how it gets taken from farmers, their participation notwithstanding.

Many other speakers offered case studies of what they argued were forms of deliberative democracy in China. There were papers on: the reforms undertaken by Peking University (by Xu Jiling); on women's political participation in a region of Zhejiang province (by Guo Xiajuan); on a "democratic talkfest" in Zhejiang province (by Lang Youxing); on the deliberative potential of homeowners' associations, which are sprouting up all over urban China (by Meng Wei); and on more online forums in Deji, an urban community, which has used various technologies to engage citizens in deliberation (by Zhang Yali and Lao Jie).

In the final session, CCP public administrators Wang Yingyou, Lu Joangtong, Dai Kangnian, and Li Weiqi offered a series of observations about the use of deliberative democratic ideas and institutions in the governance of China, from the perspective of those in power. All in all, it was an extraordinary event that demonstrated an openness on the part of Chinese citizens and governors alike to consider deliberative democracy—and how it can be used as an orientation to democratize China. Although no one forgot that we were openly discussing this subject in a one-party state, it was exciting to be imagining a possible future for China that was more inclusive, more deliberative, and more democratic.

Reflections

I had a few observations of my own when the conference was done. First, and most superficially, I was imbued with a deep sense of the ungovernability of such a gigantic country that spans so much territory and includes so many different peoples. That realization helped me make sense of the fact that we all spent very little time trying to imagine what a national democracy for China could look like, save some final comments by the CCP members. There was Daniel Bell's vision, but very little of the conversation over the few days gave national democratization its due. We talked a lot of about grassroots activism and ways local communities could get their party leaders to be more responsive and accountable; but large scale institutional design didn't really seem like it was on the agenda. I tried to bring it up. But there was far more comfort among the academics with empirical work that traced small institutional innovations on the local level.

Second, I thought the use of the term “democracy” in the context of our discussions about “deliberative democracy” was a bit too capacious. It may be the case that the political scientist’s minimalist definition—a country with competitive elections—is not terribly helpful for those interested in democratic reform projects. But the fact that we were ready to call almost any participatory institution “democratic” seemed too generous, given that this participation was occurring within a country without the most basic of democratic indicia: competitive elections on the national level and basic liberal rights.

To be sure, talking and inclusion may be valuable even without basic liberal rights: but many deliberative democrats reasonably insist that participation and deliberation both require some preconditions in the form of civil rights and the rule of law. We all could have benefited from more attention to the big picture—and to the deep irony that we were considering the options for creating forms of deliberative democracy in a one-party authoritarian state. That some villages have experimented with some admirable exercises of citizen participation and elections should be welcomed; but using the term “democracy” to describe such ventures seemed to let the Chinese government off too easily.

Third, and most bizarre, was the universal condemnation of Taiwan. Not a single Chinese participant had anything good to say about a country/territory that China treats as its own, and which has successfully democratized. Although there is a reasonable cause for suspicion that aspects of the administration of Taiwan’s democracy may be corrupt, Taiwan is still a polity with a Confucian heritage that has run a number of national competitive elections and is far along the road to deep democratic reform.

Indeed, Taiwan is engaged in a very serious experiment in deliberative democracy proper. The Taiwan national government has culled a citizen panel composed of a “random” sample of self-described “undecideds” on the issue of the decriminalization of surrogate parenthood. Taiwan’s Department of Health expects the law drafted by the panel to be ratified by the national legislature within a year. Although only 68 persons applied to be part of the 20-person “random” sample, this Taiwanese citizen panel had a virtually unprecedented amount of political power: its deliberations produced binding law. The unanimous disrespect afforded Taiwan at the conference by mainland Chinese democratic reformers was a bit hard to digest.

Another problem—and this one seems to be endemic to the deliberative democracy enterprise in general: almost any cultural institution in civil society that could be made more deliberative was considered to be relevant to the discussion of deliberative democracy. Now it may be that deliberative democracies have deliberative school boards and deliberative university administration and deliberative civil associations and deliberative sporting commissions. But most deliberative democrats are interested first and foremost in political rather than social organization. No effort was made to bridge the gap from social deliberation (or deliberation in civil society) to political deliberation in the political public sphere. Since only some deliberative democrats really believe the aspirations of a deliberative democracy should penetrate

to or develop from civil society, failing to address the social-political divide in the discussion about deliberative democracy seemed (and continues to seem) to be a serious omission.

“Deliberation” itself was insufficiently addressed as well. We spoke generally about online chat rooms, but less about whether those forums qualify as deliberative in any real or useful way. We talked a lot about participation, but less about what sorts of participation could truly be held to be or designed to be deliberative. Such practices—like the ability of villagers to vote to reduce their party leaders’ salary—surely seemed like institutional innovations that were in the direction of progress; but they weren’t clearly oriented by a desire to have a more *deliberative* politics.

Indeed, many people argue that the greater level of lay participation, the less deliberative a regime can be. It may be that China is at a point in its political development where the tradeoff is worthwhile: that more participation in decision-making is better than deliberative participation. But that makes the orientation toward deliberative democracy more awkward and suggests that Chinese policy should be democracy first, deliberative democracy only later. Perhaps China should pursue both at once if possible; but we didn’t entertain whether it was, in fact, possible or whether mass participation should be the priority for the short term.

Another intriguing line of thought that got short shrift was the problem that mass participation is sometimes frowned upon in China because it is reminiscent of the bad parts of Maoism, i.e., “the cultural revolution.” Deliberative participation of the few may be the right course, after all, for the Chinese to skirt the fear of the many. This was certainly part of what made Daniel Bell’s vision sensible for China, even if it seemed too elitist for the Westerners’ taste.

A final observation: the Chinese politicians, themselves members of the CCP, were the ones at the conference with the biggest vision. The Chinese academics were, by and large, sanguine about the present and were generally hopeful for the future. To be sure, there was some dissension between the “romantics” like Baogang He, who felt that Chinese political life was well on its way toward democratization, and the nay-sayers, like Han Fuguo, who felt that the dominant political culture of authoritarianism leaves China with too much work to do to call it democratizing.

But, amazing yet true, it was the politicians and party leaders who felt the need to begin a much more thorough-going institutional design project. Perhaps only they felt free enough to speak their minds—and perhaps their very presence had a chilling effect on what the academics were willing to say. That wasn’t my sense, however: I felt that those governing simply were more in touch with the reality that the democratization project needs to be as top-down as it will invariably be bottom up, as local grassroots activism finds ways to engage Chinese citizens. The academics were mostly excited about what they were finding at the grassroots level and did not focus as much on major constitutional reform.

Like any conference, this one had its limitations. Still, it was extraordinarily exciting to have the opportunity to participate in discussing China's future among academics and politicians alike. The East-meets-West dimension made it more exotic—and it also helped Westerners understand the limitations of their theories of deliberative democracy. On the other hand, there was no question that China could make use of some of the institutional innovations the movement of deliberative democracy recommends; and because democracy is so new and is only first taking root in China some innovations have a greater chance of adoption there than they do here. And they may even prove Arendt wrong. Long after the revolution, the local council may become a unit of governance in China and may not be shut down or appropriated by the party. The Chinese revolutionary spirit—albeit of a different kind in this century—lives on.

But maybe I'm just a romantic like Baogang He.

Dr. Ethan J. Leib will be Assistant Professor of Law at the University of California, Hastings College of the Law, effective July 1, 2005. He is the author of Deliberative Democracy in America: A Proposal for a Popular Branch of Government (2004) and is co-editing The Search for Deliberative Democracy in China (forthcoming 2006).