

## **Effectiveness of the Chinese Communist Party's Anti-corruption Institutions and Policies: A Critical Review**

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Mohammad Shakil WAHED

University of Reading, UK

Email: [m.s.wahed@pgr.reading.ac.uk](mailto:m.s.wahed@pgr.reading.ac.uk)

### **Abstract:**

The intensity of corruption in China has been progressively high since the 1980s. This seriously undermines the overall effectiveness of Chinese anti-corruption institutions and policies. This article argues that the existing anti-corruption measures in China have not been working properly to eliminate or even contain the problem at an acceptable level. It seems that something has been holding it back somewhere. This article argues that China badly needs, inter alia, a sincere demonstration of 'political will' from the top coupled with the introduction of 'rule of law' in the country. Without these two important elements, it will probably be quite difficult for China to achieve an effective anti-corruption mechanism.

**Key Words:** Anti-corruption, Political will, Rule of law

## 1. INTRODUCTION

China's reform policies since 1978 have been marked by enormous successes in its economy. Ironically, along with successes, came the problem of corruption primarily incited by the 'transition to a market economy' (Dong and Torgler, 2013: 152). Corruption in China 'hinders economic development, generates poverty and instability, and leads to an unequal distribution of income across localities' (Wu and Zhu, 2011: 444). The Global Attitudes Survey of Spring 2014 conducted by reputed fact tank Pew Research Center reveals that 54 percent of the respondents in China identified corruption as the number 1 problem of the country (Pew Research Center, 2014: 3). Therefore, the top leadership of the Chinese Communist Party (CCP) has recognized the growing importance of abating widespread corruption in China and of accordingly taking various measures from time to time in order to tackle the problem (Gong, 2014: 1). Nevertheless, the issue of how successful these measures have, so far, been remains a matter of controversy.

This article will attempt to critically evaluate the effectiveness of Chinese anti-corruption institutions and policies by taking the competing viewpoints into consideration. At the very beginning, there will be a brief overview of how corruption has been defined by the various international organizations as well as how it has been viewed in China. Secondly, attempts will also be made in order to assess the intensity of corruption in the country. The major causes and the changing pattern of corruption in China will also briefly be depicted in this section. Thirdly, the concerns of the Chinese citizens and policy elites about corruption will be noted. Fourthly, the article will try to find out how China has been tackling the problem of corruption so far and in this connection, an historical overview of Chinese anti-corruption institutions and policies will be placed in order to lay the foundation for the main section of the article.

The main part of the article will essentially involve critical analyses by juxtaposing arguments and counter arguments supported by evidence from various sources. At the end, a quick summary of the main arguments will be presented along with a few concluding remarks.

## 2. DEFINITION OF CORRUPTION

The World Bank's definition of corruption is simple – "the abuse of public office for private gain" (International Monetary Fund, 1998: 8). United Nations Office on Drugs and Crime (UNODC) also reiterates almost the same definition in a slightly rephrased form – "the misuse of a public or private position for direct or indirect personal gain" (United Nations Office on Drugs and Crime, 2004: 23). This definition by the United Nations broadens the scope by adding 'private position' in it. International NGO Transparency International defines corruption as "... the abuse of entrusted power for private gain" (International Council on Human Rights Policy, 2009: 16). However, Chinese Criminal Law (CCL) distinguishes between corruption and malfeasance. Economic corruption like bribery, embezzlement, misappropriation, tax

evasion, copyright fraud etc. are seen as different from disciplinary crimes like negligence, dereliction of duty etc. (Wedeman, 2005: 100).

### 3. INTENSITY OF CORRUPTION IN CHINA

Quantifying the magnitude of corruption in a country is quite difficult due to the secretive nature of this behavioral phenomenon. The task is presumably much more difficult in a country like China where an current regime tightly controls all the state organs including the judiciary, the media, and other formal and informal institutions of society. Chinese official statistics regarding corruption are considered by scholars as understated. According to Melanie Manion, even these understated official statistics were good enough for her to conclude that ‘corruption exploded in the early 1980s and grew significantly in the 1980s through the 1990s’ (Manion, 2004: 86). In fact, corruption in China has become more and more widespread since the launch of reforms in 1978 (Dong and Torgler, 2013: 152). It prevails almost everywhere – hierarchically from the top to the bottom, geographically across all provinces both urban and rural, sector wise from commercial to non-commercial type of charitable and social services, administratively from bureaucracy to party rank and file at different levels, and even in sensitive state organizations like the military and other security agencies. In summary, corruption has not only pervaded the economic spheres, but it has also affected politics, culture, and almost ‘all aspects of social life’ in China (Manion, 2004: 84).

A relatively low level of corruption was observed in the country during the 1950s – 1970s. Since 1978, however, the transition from command economy to market economy created ample opportunities for party-state officials to exploit state resources for their private gains (Wallace, 2014: 4). The launch of experimentations like dual-track pricing, decentralization, reforms in State Owned Enterprises (SOEs), and rapid urbanization enabled immoral opportunists to take undue advantage of their positions. The overall pattern of Chinese corruption has been changing in response to the changes in economic and administrative spheres. Amid the growth of a vibrant private sector, corruption in China has been expanding from ‘non-transactional’ type of corruption like embezzlement and misappropriation to ‘transactional’ type of corruption like bribery (Ko and Weng, 2012: 718-23). Conventional wisdom suggests that better pay for government officials might help reduce corruption. But in the case of China, higher remuneration for government officials has been playing ‘a limited role’ in controlling corruption (Liou, Xue, and Dong, 2012: 111; Gong and Wu, 2012: 192). Some argue in favor of implementing fiscal decentralization in order to reduce the level of corruption. But it has been reported by scholars that fiscal decentralization in China without monitoring exacerbated corruption (Ko and Zhi, 2013: 36).

Corruption rose dramatically during the 1980s, while the 1990s witnessed an overall intensification of the same involving ‘larger sums of money’ and at the same time, ‘higher levels of officials’ (Wedeman, 2004: 895). Alarmingly, many of the cases involving big sums of money had been linked to a number of top leaders of the CCP. The case of Bo Xilai, a

politburo member of the CCP, drew much attention in 2012 (*The Guardian*, 2012). Last year, the case of Zhou Yongkang, a former politburo standing committee member of the CCP, again made headlines. Since 1949, he has been considered to be the most senior leader of the CCP to be implicated in a corruption case (*New York Times*, 2014). Another high profile case has been the one involving former Vice Chairman of the Central Military Commission and PLA top General Xu Caihou. He died of cancer recently while under trial (*New York Times*, 2015).

Other top leaders and officials sentenced or investigated for corruption include former Mayor of Beijing and Politburo member Chen Xitong (*South China Morning Post*, 1995), former Mayor of Shanghai and Politburo member Chen Lianyu (*The Guardian*, 2006), Railway Minister Liu Zhijun (*South China Morning Post*, 2013), former Mayor of Nanjing Ji Jianye (*BBC News*, 2013), former head of State-owned Assets Supervision and Administration Commission (SASAC) Jiang Jiemin (*China Economic Review*, 2013), former Vice Minister of Public Security Li Dongsheng (*Huffington Post*, 2013), former Deputy Chief of National Development and Reform Council (NDRC) Liu Tienan (*Financial Times*, 2013), and so on. These are some of the high profile cases of corruption that drew world's attention. According to media reports, a total of 51,306 officials and 37,551 cases were investigated in 2013 on corruption charges (*China Daily*, 2014). But a more recent report suggests that 55,101 officials and 41,487 cases were investigated in 2014 marking a 7.4% increase in the number of officials and a 10.48% increase in the number of cases over the preceding year (*China Daily*, 2015). In 2014, China ranked 100<sup>th</sup> in the Corruption Perception Index (CPI) by Transparency International (TI) among the 175 countries/territories that were studied (*Corruption Perception Index - CPI, 2014: 5*).

#### 4. IS CORRUPTION A SERIOUS CONCERN IN CHINA?

Xi Jinping's warning of 2012 highlighting the fact that corruption may cause "public anger, civil unrest and government collapse" was, in fact, an official recognition of the serious public concern regarding corruption. He had also pointed to the potential threat that corruption posed to the legitimacy of the current regime. Various public opinion polls and events since the 1980s have been suggesting corruption as one of the top concerns of the citizens of the country. History suggests that the much talked about 1989 event was centered around corruption as one of the key grievances of the public (Manion, 2004: 180). In 2002, an internet survey conducted by the CCP newspaper reported that corruption topped the table of ten social, political and economic concerns of the citizens (*Straits Times*, 2002). The latest Survey by Pew also suggested that 54% of the respondents in China identified corruption as their top concern (*Pew Research Center*, 2014: 3). Chinese people have been expressing their growing concerns regarding corruption in various ways like protests, polls, petitioning etc. over a period of more than 3 decades. Some of the occasional outbursts shook the regime to its base and drew the attention of the entire world. But most of these outbursts often go unreported and are suppressed by the Chinese government. A few of the cases are, of course, taken seriously by the authority prompting quick remedial actions. For instance, the Wukan protest drew much media

attention, and it could be cited as an example where the provincial government came forward to intervene in order to resolve the tense situation (New York Times, 2012). Therefore, they have been taking the growing public concerns about corruption into serious consideration.

## 5. HISTORICAL OVERVIEW OF CHINA'S ANTICORRUPTION MECHANISM

After the CCP's assumption of power in 1949, the first ever anticorruption campaign was launched in December 1951 - known in history as the 'Three Anti campaign'. The second campaign was launched in January 1952 known as the 'Five Anti campaign' (Manion, 2004: 156). History suggests that these campaigns mainly relied on party leadership and mass mobilization without having an appropriate legal framework at that time. Although, it was perhaps too early to have a proper legal framework in the country, nobody dared to question the legality of anticorruption campaigns amidst the high tide of the revolutionary spirit. These successive two campaigns can be viewed as more of a political consolidation exercise for the victorious communists. These campaigns served at least two purposes - a) boosting the morale of the party cadres and the ordinary citizens in favor of the revolution, and b) panicking the bourgeois elements in the society.

Post-Mao era anticorruption campaigns, however, have been different from the Mao era ones. Since 1978, the campaign designs have excluded the element of 'mass mobilization' (Manion, 2004: 161). The reformers knew that mass mobilization may disrupt the normal functioning of the market mechanism and adversely affect their reform agenda. Therefore, they were adhering to the principle of maintaining order and discipline. In the 1980s and 1990s, there were five major anticorruption campaigns – 1982, 1986, 1989, 1993 and 1995. Campaigns described above have been characterized by their heightened publicity and increased intensity of enforcement, and therefore, overshadowed the routine enforcements.

In China, the overall anticorruption enforcement mechanism comprises of various laws, regulations and policies along with a set of institutions which have been evolving over time. During the early years of the Mao era, there had almost been no legal framework to fight corruption. The Chinese Criminal Law (CCL) of 1979 had failed to specify certain aspects of corruption and the related punishments (Ko and Weng, 2012: 722). In 1988, the National People's Congress (NPC) had enacted the Supplementary Regulation on Suppression of Corruption and Bribery clarifying on the ambiguities. Certain functions of the Central Discipline and Inspection Commission (CDIC) of the CCP and the Ministry of Supervision had been merged in 1993-1994 in order to avoid overlapping and duplication of dealings with the cases that involved party cadres. In 1997, NPC had passed five anticorruption laws and disciplinary regulations to fill the legal vacuum (Yang, 2009: S147).

Currently, the two key institutions focusing on anticorruption enforcement in China are a) the Supreme People's Procuratorate (SPP), and b) the Central Discipline and Inspection Commission (CDIC). The SPP represents the state, reports to the State Council, and has been

responsible for the investigation and prosecution of all corruption cases in China. The CDIC represents the party, reports to the party high-ups, and has been responsible for the primary investigation of corruption cases involving CCP cadres. The legal framework of China's anticorruption mechanism also involves the supportive roles of the legislature (NPC) to enact the required laws, the law enforcing agencies to help and support enforcements, and the People's Court to finally try the cases of corruption. In case of China, one must not forget the most important role of the party at the center which is to issue various narratives setting the ultimate policy directions and the associated courses of action.

## 6. EFFECTIVENESS OF THE ANTI-CORRUPTION INSTITUTIONS AND POLICIES IN CHINA

For the convenience of analysis, this section will be divided into two parts – a) the effectiveness of anti-corruption measures during the Mao era, and b) the effectiveness of anti-corruption measures during the post-Mao era.

### 6.1 Effectiveness of Anti-corruption Measures during Mao Era

Mao era anti-corruption measures have been known in history for two popular campaigns – a) the 'three anti campaign', and b) the 'five anti campaign'. Both the campaigns had been driven by mass mobilization creating widespread panic in the minds of state officials about the dire consequences of corruption which had an overall deterring effect (Manion, 2004: 159). In terms of numbers, the 'three anti campaign' was a big success. It had exposed 1.23 million corrupt officials which was equivalent to one third of the officials covered by the campaign. More than 100,000 officials had been identified as tigers involved in cases worth 1,000 Yuan or more, around 4% of them had been given criminal punishment, 21% had to accept disciplinary actions, and about 76% had been exempted. The ideological spirit of the people and party cadres were at a peak at the time and the campaigns were on time to boost their spirits further. The campaigns were viewed positively as the reflection of the CCP's commitment to high moral standards and an intolerant attitude towards corruption. This ultimately contributed to the strengthening of the legitimacy of the CCP. The campaigns also acted as 'a huge exercise in mass political education' trying to establish the ideological superiority of CCP ideals over those of the bourgeois. Moreover, the campaigns successfully eliminated the bourgeois elements, the political enemies of the CCP, in the government offices to create replacement opportunities for party cadres. The party organization was strengthened by activating the existing members of the party as well as recruiting new cadres from the enthusiasts identified during the campaigns. In summary, the Mao era anticorruption campaigns were effective in achieving multifaceted results for the newly installed regime of the CCP.

### 6.2 Effectiveness of Anti-corruption Measures During Post-Mao Era

Scholars are divided on the issue of overall effectiveness of the post-Mao era Chinese anti-corruption measures. Due to space constraints, two contrasting viewpoints from – a) Ko and Weng (2012), and b) Manion (2004) and Wedeman (2005) - will be discussed in this section.

According to Ko and Weng, China has been experiencing an overall downward trend in corruption since 1998 mainly due to the increased efficacy of anti-corruption measures and other administrative reforms (Ko and Weng 2012: 729). They argue that corruption in China has several aspects including embezzlement, misappropriation, bribery, profiteering etc. They oppose the tendency of portraying an overall worsening milieu of Chinese corruption. In their opinion, the situation of corruption has, particularly after the 1990s, improved in some aspects while worsening in others. For example, despite an increase in the ‘transactional’ type of corruption like bribery, there has been a downward trend in ‘non-transactional’ types of corruption like embezzlement and misappropriation (p. 719).

Contrarily, according to others, corruption in China has been continuously growing despite ‘repeated crackdowns’ that leads to the conclusion that the Chinese anti-corruption mechanism has not been working effectively (Manion, 2004: 84; Wedeman, 2005: 93). Melanie Manion in her book presented corruption related data for the period of 1979-2000 to support her hypothesis of the explosion of corruption in China, and mainly on that basis, she reached to an overall conclusion that the anti-corruption measures in China had not been working properly. However, her data also showed a downward trend since 1998 as was mentioned by Ko and Weng (2012). She further argued that the campaigns were disrupting the routine enforcement mechanism further barring the institutionalization of ‘rule of law’ (Manion, 2004: 198).

This article takes account of important arguments from both viewpoints. In fact, both have certain valid points to look at. Data presented by Melanie Manion (from 1979 to 2000) and Ko and Weng (from 1998 to 2007) have been from the same source and are therefore consistent with each other. Differences have mainly been reflected in their approaches as well as in their conclusions. However, this article highlights the limitation of Chinese official data related to corruption due to various structural and societal reasons. The article also recognizes the fact that corruption in China has still been exacerbating which has been reflected in all the available indicators such as the CPI of TI, various opinion polls and surveys conducted by national and international research centers, stakeholders’ perspectives computed by the World Bank and Heritage Foundation etc. Estimates have suggested that corruption every year eats up state revenue to the tune of approximately 4% of Chinese GDP (Manion, 2004: 86). Facts and figures from various sources underpin the argument that the anti-corruption measures in China have not been delivering the desired results at least in terms of containing the problem and thus hurting the country in a big way. In this connection, certain weaknesses that have so far been adversely affecting the overall effectiveness of the Chinese anti-corruption mechanism are discussed below.

The most important weakness of the Chinese anti-corruption mechanism has been the ineffectiveness of the routine anti-corruption enforcement mechanism. Therefore, several campaigns have been launched at regular intervals. This tendency of launching campaigns one after another has been undermining the credibility and effectiveness of routine enforcement (Manion, 2004: 198). Campaigns also undermine the issue of 'rule of law'. Perhaps the absence of 'rule of law' has made the situation particularly worse for China. Discriminatory treatment of corruption cases undermines the credibility of the existing anti-corruption mechanism.

This sometimes allows corrupt officials to escape by exerting undue political influence. CDIC or DICs may ignore, condone, or just put away corruption cases without being challenged by state agencies. Such absolute discretion coupled with undue political influence over the state hampers the effectiveness of Chinese anti-corruption measures in a big way.

Another important weakness of the Chinese anti-corruption mechanism has been the absence of free media and a proactive civil society. In liberal democracies, the media and civil society play an important role as the whistleblowers exposing various corrupt practices. The CCP has never allowed due space for 'the independent public, media and civil society as monitors of corrupt officials' (Birney, 2014: 65).

Existing mechanisms of reporting corruption incidents by Chinese citizens have remained flawed and inadequate. As a result, many of the corruption incidents go unreported in China (Manion, 2004: 87). Nevertheless, over 90% of corruption cases since 1980 have originated from the reporting of citizens (Ko and Weng, 2012: 726). Under an authoritarian rule, it is quite challenging for an ordinary citizen to come forward and report an incident of corruption. The risk of retribution by the powerful nexus may pose serious threats to a complainant when such retributions are not subject to severe punishment (Manion, 2004: 167). Moreover, the reward for reporting an incident of corruption has been negligible considering the potential risk of retribution. Therefore, very few citizens dare to report incidents of corruption that they encounter.

The predecessors of Xi Jinping such as Deng Xiao Ping, Jiang Zemin and Hu Jintao had also expressed similar sentiments against corruption that we have been hearing from the incumbent leader nowadays (Manion, 2004: 180 & 194). Their words never really transformed into real action in the past. Since 1978, Chinese anti-corruption measures have not been pervasive enough with an uncompromising attitude of zero tolerance to corruption. Therefore, citizens have always been skeptical and considered these to be political rhetoric only (p. 198). High-profile anticorruption cases have often been characterized as results of factional political grouping inside the CCP (Shambaugh, 2015).

## 7. CONCLUSION

From the above analyses, it has been evident that the intensity of corruption in China has been progressively high since the 1980s. This, however, seriously undermines the overall



effectiveness of Chinese anti-corruption institutions and policies. The article argues that the existing anti-corruption measures in China have not been working properly to eliminate or even contain the problem at an acceptable level. In this connection, one may aptly ask the question whether it will be possible to bring down the level of corruption in China to an absolute zero. Various corruption indices suggest that there exists no such country in the world with a zero level of corruption (Ramirez, 2014: 77). However, this article further argues that it is perhaps quite possible to bring down the level of corruption in China to a tolerable level at least compared to that of Singapore (7<sup>th</sup> position in the CPI of TI) and Taiwan (35<sup>th</sup> position in the CPI of TI), its close neighbors in the East and Southeast Asian region (Corruption Perception Index - CPI, 2014: 4). China may learn from the experience of its neighbors.

Some scholars tend to argue that all the efforts for an effective anti-corruption mechanism in China will be fruitless without the much talked about political reform leading to a Western-style democracy (Shambaugh, 2015). But similar authoritarian regimes in Singapore and Taiwan with the same race of people and the same Confucian culture have been doing far better than China in terms of containing corruption due to a better situation with regards to 'rule of law'. If 'rule of law' is ensured in China, routine enforcements may suffice to curb corruption and contain it at a tolerable level, and perhaps there will be no need for sporadic anti-corruption campaigns in the future.

This article also highlights the importance of having a strong 'political will' in order to combat corruption in China. Since the late 1990s, China has substantially improved its anti-corruption mechanism by enacting numerous anticorruption regulations and laws, developing specialized anti-corruption institutions, implementing administrative reforms, and improving accounting and auditing standards (Ko and Weng, 2012: 719). Nonetheless, the overall outcome suggests that the mechanism has not yet been working properly (Manion, 2004: 197) and it seems that something has been holding it back somewhere.

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