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China at the Tipping Point?

THE RISING COST OF STABILITY

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In the two decades since the Chinese Communist Party (CCP) put down the 1989 student protest movement, the People's Republic of China (PRC) has enjoyed not only stunning economic growth but impressive political stability as well. Political elites have maintained considerable solidarity, and at least until quite recently, power struggles and policy disputes at the CCP's top levels never posed any serious threat to the collective leadership or its succession arrangements. Chinese society was reasonably stable too. Social protests have risen dramatically in number since the early 1990s, but most have remained isolated and constrained. Rather than threatening the CCP regime's ability to survive, routinized popular contention has become a form of interest articulation, and as such has actually helped the political system to achieve a certain degree of responsiveness and accountability.¹

No wonder, then, that starting about a decade ago the topic of "authoritarian resilience" became a feature in the field of China studies. In 2012, however, some evidence began to suggest that the CCP regime's stability may be more fragile than had been thought, and that even if a "tipping point" had not yet been reached, perhaps the system has begun teetering. The smooth process by which the so-called fifth generation of leaders was set to take over at the Eighteenth Party Congress was thrown into question when a massive scandal erupted around Bo Xilai, the CCP chief of Chongqing and a contender for the top ruling body, the Standing Committee of the CCP Politburo. Along with power struggles, debates over policy and ideology among Party leaders and intellectuals have been intensifying. President Hu Jintao's decade-old "no debates" policy seems as if it may be reaching the end of its shelf life.

In society at large, popular contention is nowhere close to getting out of control. Yet there remain reasons to wonder whether the current system of *weiwén* (stability maintenance) can continue. The CCP leadership is clearly anxious to keep it going, and *weiwén* has become a priority. Never before has the CCP devoted so many resources to this task. Almost the entire party-state apparatus is mobilized behind it, at a high and increasing cost that includes excessive and often illegitimate uses of force. What is worse, the system backfires regularly by inadvertently encouraging people to engage in “troublemaking” activities.

As many scholars have noted, the difficulties that the CCP is now experiencing can be partly explained by a variety of social changes that have posed new challenges to political authoritarianism. The information revolution, especially in the form of social media, has made collective action easier. The transition to a market economy has also released ordinary people from the *danwei* (work-unit) system and many other social-control mechanisms.

Ultimately, however, the difficulties that the stability-maintenance approach is now facing in China should be ascribed to institutional weakness. The all-encompassing *weiwén* system—which includes everything from secret-police agencies to courts and petition-receiving offices that can be used to press popular claims—is good at responding to challenges in the short term, but creates many serious long-term problems along the way.

In order to grasp the problematic nature of the *weiwén* system, it helps to know something about its source. It is the product of two competing forces: 1) the CCP’s efforts to institutionalize its political structure, and 2) the influential legacy of Chairman Mao Zedong. Shortly after the turbulent Mao years, which concluded with the Cultural Revolution that raged from 1966 through his death in 1976, Deng Xiaoping and other leaders decided to overhaul the political system. Deng blamed the CCP’s mistakes under Mao on a lack of good institutions.

The political reforms of the 1980s had two main aims: 1) to differentiate the CCP from the government, and 2) to establish formal rules and norms. Putting space between the Party and the state was thought essential to solving the problem of Party officials with too much power and responsibility.

Party officials were told to focus on “Party affairs” rather than the direct running of state agencies, mass organizations, media outlets, and state-owned enterprises. Deng and his fellow reformers took this step not to undermine the CCP’s political monopoly, of course, but rather to make the Party more effective by relieving it of distracting administrative burdens. Similarly, the move toward formal rules and procedures—including an extensive legal-reform program that began in the late 1970s—was meant to promote long-term stability and the rational governance of a burgeoning market economy.

The reformers wanted to part with problematic Maoist politics, but Mao's legacies turned out to be very resilient.² Mao's resentment of differentiated and formal institutions and his romance with mass mobilization have continued to shape developments long after his death. When-

ever reforms run into difficulties and the CCP seems threatened, its leaders tend to fall back on Maoist methods.

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After the CCP regime's "close call" with the 1989 student movement, for example, almost all reforms aimed at separating the Communist Party from the government came to a halt. For Deng and his colleagues, the movement was a wake-up call. The willingness of so many party-state agencies to support the protesting students

suggested that institutional differentiation and political liberalization would endanger the Party's grip on power. Then came the collapse of the Soviet and East European socialist regimes, underlining the danger that institutional reforms resembling Soviet leader Mikhail Gorbachev's *glasnost* (openness) and *perestroika* (restructuring) could lead to a loss of political control.

The CCP thus largely aborted reforms that encouraged relatively autonomous identities for public and semipublic agencies. Instead, it began to reassert direct control over the People's Congresses (China's many elected local legislatures), mass organizations such as labor unions, and the media. Of course, institutionalization in the classic style first described by Max Weber did not stop entirely after 1989. For instance, legal-system reforms continued into the 1990s and 2000s. As Andrew Nathan has observed, institutionalization also made great progress with respect to collective leadership, succession, and a variety of other areas, even though many new norms and procedures were informal.³

In the 2000s, when the CCP's leaders began to feel threatened by the rise of popular contention and moved to strengthen the *weiwen* system, they once again slipped into grooves that Mao had carved. In order to cope with rampant protests, riots, and other "emergency events," they looked for a system that could mobilize all kinds of resources and act quickly. For such a task, they concluded, relatively autonomous institutions that act according to their institutional interests and are constrained by rigid rules and procedures are not a good fit.

Paradoxically, China's market-based economic success and the recent financial difficulties of the West have furnished additional reasons for following the Maoist tradition. In Chinese leaders' eyes, the West's economic troubles discredit the "Western model" of democracy, the rule of law, separation of powers, and independent media. Has not China's

recent success, they ask, proven the strengths of the CCP, especially its power to marshal resources in pursuit of key goals?

Given this thinking, it is no surprise that the *weiwen* system rests on a highly centralized power structure. Through it, Party leaders supervise and coordinate a bewildering and overlapping range of agencies—including police, surveillance, and propaganda organizations—dedicated to preserving social stability. The system’s scope is remarkable. It includes not only state offices but also state-owned enterprises, semi-public bodies, and even private businesses. For example, many telecommunication companies and Internet service providers are required to conduct surveillance and censorship. At the same time, the system has a hierarchical structure that reaches from the central government all the way down to neighborhood and village committees throughout urban and rural areas alike. Such an all-embracing apparatus can usually identify and respond to any threats quickly and forcefully.

Yet the system does not rely solely on surveillance and repression. The CCP’s leaders understand that they also need the means to address social conflicts and popular grievances. This is where the courts and the *xinfang* (petition) system come in.

The development of the judicial system illustrates very well the tension between institutionalization and the Maoist legacy. For thirty years, China has been undertaking legal reforms. Taken together, they form one of the best examples of the CCP’s efforts to institutionalize the political structure. There have been great strides toward increased professionalism, more regular procedures, and the creation of a proper legal infrastructure. The courts have acquired a relatively distinctive institutional identity, and for a time even looked as if they were part of an evolution toward the rule of law.

About a decade ago, however, Party leaders began steering the court system toward Maoist populism. They took to warning against legal “Westernization” and insisted that Chinese courts should follow their own path. Adjudication and formality were downplayed in favor of mediation. Taking inspiration from the Maoist era, CCP higher-ups also warned judges and lawyers that they should take care to be responsive to “public views” and the “mass line.” One of the Party’s favorite methods for resolving legal disputes, known as “Ma Xiwu adjudication,” stresses informality and morality over rules and laws. It stems from the revolutionary era.⁴

The development of the *xinfang* system also reveals Mao’s continuing influence. It was Mao who first installed it as the channel through which Party leaders could receive complaints from ordinary people. Unlike most other authoritarian regimes, which go to considerable lengths to claim that they are liberal democracies, the PRC explicitly rejects liberal democracy and instead relies on the “mass line” as the main means of interest representation. According to this doctrine, CCP officials should

hold extensive consultations with interested parties both before and after setting public policy. Petitions are important because they give “the masses” (to use Maoist jargon) an approved means for communicating with the Party elite.

But this system is inefficient at articulating interests and tends to encourage “troublemaking” petitioning tactics. In the highly centralized power structure, only leaders can effectively address popular claims. Inevitably, however, those with real power can only deal with a relative handful of petitions. In order to get attention, then, petitioners resort to disruptive tactics. At the same time, many local officials dislike petitions and may neglect or even obstruct them.

The CCP has tried to institutionalize *xinfang*, laying down rules and strengthening complaint-hearing bodies. Yet the system’s combination of centralism and populism makes it resistant to institutional differentiation and formal procedures. No one takes the rules seriously. Petitioners often jump channels and try to go straight to higher-ups. A favorite means for this is to stage a large collective action. The rules say that no more than five people are supposed to deliver a petition, but it is well known that officials will take a petition with a crowd behind it more seriously than they will take an ordinary petition.

The story of the court and *xinfang* systems shows that when it comes to institutionalization, the CCP’s leaders are of two minds. They know that it is useful for dealing with disputes and popular claims. Yet centralized power unconstrained by formal rules often seems to them just as needful, and even better at “solving problems.”

An Unsustainable Model

How effective is the *weiwen* system? It is certainly good at removing “malicious” Internet posts and at bringing force to bear to suppress protests. The PRC party-state still commands vast resources and is capable of quick action. Yet three shortcomings of the system make it a poor bet for the long term.

First, its cost is enormous and rising. In 2011, the National People’s Congress allocated the equivalent of US\$95 billion to law and order. That staggering sum—it was slightly more than the PRC’s military budget for that year—in fact paid for only a small part of the whole *weiwen* system. Much stability-related work is done “off-budget” by party-state agencies, state-owned enterprises, and private businesses. Then too, financial expenditures are not the only costs of the *weiwen* system, which also eats up less tangible public resources such as the time and attention of state officials.

The system is so costly in part because the party-state’s sheer capacity for mobilizing resources breeds “overkill,” especially when officials believe that the problem they are tackling is urgent. For example, local

officials in Shandong Province reportedly spent close to \$10 million over the past few years on efforts to control the well-known blind lawyer and rights activist Chen Guangcheng before his recent exile to the United States.⁵ This may be an extreme case, but it is not uncommon for local governments to spend substantial sums on a single petitioner determined enough to spend years petitioning Beijing or a provincial capital.

The quest for stability, in a populist climate that does not value institutional boundaries and formal procedures, often spurs government functionaries to go way beyond their nominal roles in order to pacify protesters. When relatives of someone killed in a Hubei Province traffic incident failed to gain satisfactory compensation from the driver, they repeatedly staged disruptive protests in order to pressure the police. Although not legally bound to, stability-conscious police officials helped the family to find a lawyer and even went with them to court. When the lawsuit failed because the uninsured driver was poor, the police department paid the family from its own official funds and even took up a collection among its officers. This sort of thing of course encourages more protests—and more extraordinary actions to mollify protestors—in a cycle that threatens to drive *weiwen* costs up indefinitely.

The second problem of the *weiwen* system is that it tends to undermine the CCP regime's legitimacy by producing excessive and illegitimate uses of force. It is not surprising that such a formidable machine of social control can trigger excessive coercion. The system holds local officials strictly responsible; a single serious breakdown of order is enough to destroy careers. Internet surveillance and the security cameras that are now common in Chinese cities can provide nervous officials with targets for repression that they may go after rather than risk the "firing offense" of allowing a major disturbance to develop.

Here we see another of the system's contradictions: It tends to generate a high demand for force, but at the same time it needs and wants that force to be legitimate. Thus there exists a thicket of restrictions on how and when local authorities may use official force. But the restrictions serve all too often to drive coercion into the realm of informality and illegality. Officials following regular procedures may not be able to use force, but they can and do pay temporary staffers, private security firms, or even criminal gangs to do so. Such violence is frequently not only excessive but covert. Some local governments have used secret and substandard "black prisons" (*hei jianyu*) and even mental hospitals to deal with troublesome petitioners.⁶ Many private security firms are abusive and poorly disciplined. One of the most notorious, Beijing's Anyuanding Security Company, hired out more than three-thousand guards to local governments looking for help in dealing with petitioners. Using force to excess and without legitimacy can hardly be good for regime stability. Here is another price of the *weiwen* system.

The *weiwen* system's final drawback is its perverse tendency to encourage unruly behavior. When the CCP's fondness for the "mass line" meets the instrumentalist attitude toward legality that is common within

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both officialdom and society at large, the result is contempt for rules and forms. Courts and agencies will bend the law to keep boisterous petitioners quiet, so ordinary Chinese citizens (provided they calculate that repression is not a major risk) have learned to "act out" in order to guard their interests or boost their bargaining power. Compensation for houses demolished under eminent domain is often minimal, but a few homeowners with the nerve to "make trouble" have received excessive payouts. Similarly, judges have received orders from on high to

keep working with unhappy litigants even after their cases have been formally decided when the litigants resorted to "troublemaking" petitions. Following the principle of "the squeaky wheel gets the grease" in order to keep the peace certainly holds the danger of teaching people that disruptive tactics are a shortcut to special treatment.

The defects of the current *weiwen* system are no secret. During my recent field trips to Hunan and Hubei provinces, I heard judges and police officers ruefully say, "The more *weiwen*, the more instability." If even low-ranking officials know that the system has fundamental problems, why have CCP leaders not tried to change it?

The main answer, I believe, is that reforms are fraught with risk. If China's rulers want to maintain stability on a solid institutional base, they will need to initiate changes that will differentiate and liberalize the political system. From their experiences in the 1980s, however, they have taken away the lesson that such a move may ultimately endanger their monopoly on power. As long as the economy is growing rapidly and elites and ordinary people alike are mostly content with the status quo, putting off such a risky step will seem understandable and even sensible. If crisis or a sense of crisis supervenes, however, calculations may change. If rejecting reform seems likely to trigger a sudden regime collapse, embracing gradual political change may come to seem like a good way to gain a degree (perhaps even years) of breathing room.

The year 2012 was likely not a tipping point, but it was a year in which (to change the metaphor) many cracks in the façade of regime stability began to appear. From the standpoint of China's leaders, therefore, the year 2013 is probably a good time to begin a reckoning.

NOTES

1. Xi Chen, *Social Protest and Contentious Authoritarianism in China* (Cambridge: Cambridge University Press, 2012).
2. Sebastian Heilmann and Elizabeth Perry, eds., *Mao's Invisible Hand: The Political Foundations of Adaptive Governance in China* (Cambridge: Harvard University Asia Center, 2011).
3. Andrew J. Nathan, "China's Changing of the Guard: Authoritarian Resilience," *Journal of Democracy* 14 (January 2003): 6–17.
4. Benjamin Liebman, "A Return to Populist Legality? Historical Legacies and Legal Reform," in Heilmann and Perry, eds., *Mao's Invisible Hand*, 174. Ma Xiwu (1899–1962) was a Communist legal official who in the 1930s and 1940s stressed informality as a way of administering "socialist justice."
5. Voice of America, "Chen Guangcheng shijing zhongwai, weiwen yueweiyuebuwen?" [Cheng Guangcheng incident shocks China and the world, stability maintenance leads to more instability], 29 April 2012, available at www.voachinese.com/content/article-20120430-will-chinas-stability-prevervation-work-149545255/957538.html.
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