

## *Villagers, Elections, and Citizenship in Contemporary China*

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More than five months had passed, but in December 1995, the oversized characters scrawled on a storefront on Wangjiacun's main street were still legible: "We're citizens. Give us back our citizenship rights. We're not rural labor power, even less are we slaves. Former village cadres must confess their corruption." The village leadership had little doubt who was behind this infuriating graffiti—namely, one of the twenty complainants who had accused Wangjiacun's Communist Party secretary and his predecessor of engaging in graft—but felt it was unwise to take any action. The corrupt cadres were said to be afraid that whitewashing the wall would only add fuel to the complaint and confirm their guilt. Instead, they would tough it out: they would refuse to turn over the accounts, stick with their story that the books had been destroyed in a fire, and wait for the summer rains to weather the charges away. But in the meantime, the allegations would stand un rebutted, there for all to see (Lianjiang Li, personal communication, July 1995; author's observation, December 1995).

Claims to citizenship have been a rallying cry for the excluded in many times and many places. In this one North China village, an enterprising farmer framed his critique of power in terms of citizenship rights and in so doing hamstrung a group of extremely hard-nosed cadres.<sup>1</sup> Couching a long-standing grievance in the language of community membership, he made his claim to inclusion unassailable. By

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reworking official "rights talk," he had turned a controversial demand for accountability into a simple plea for respect. Decollectivization had freed him. New political reforms had promised financial openness. As a citizen, he had a right to inspect the village accounts, and as a citizen, he had the right not to be treated as a slave.

In Wangjiacun, claims to citizenship have begun to affect how villagers and cadres interact. But this is only one village. Is the language of citizenship alive in the Chinese countryside today? Are Chinese villagers citizens in anything other than the narrowest juridical sense?

In this article, I assess the state of political citizenship in rural China. After discussing the often local and rural origins of citizenship and the meaning of the term itself, I review the limited reforms that have taken place in the election of high-ranking state leaders and people's congress deputies. I then turn to a more promising avenue of inclusion: the villagers' committee (VC) elections that began in the late 1980s. Here, we see notable efforts to heighten cadre responsiveness and draw rural residents into the local polity. At the same time, sizable obstacles to inclusion remain, not least because many electoral rules and practices do not enfranchise villagers reliably. The inescapable conclusion that villagers enjoy (at best) a partial citizenship needs to be qualified, however, owing to evidence that some rural people are starting to challenge improper elections using the language of rights. Building on a rules consciousness and a sensitivity to government rhetoric that have existed for centuries, as well as exploiting the spread of participatory ideologies and patterns of rule rooted in notions of equality, rights, and the rule of law, these villagers are busy advancing their interests within prevailing limits, forcing open blocked channels of participation, and struggling to make still-disputed rights real. In this regard, certain citizenship practices are emerging even before citizenship has appeared as a fully recognized status, and we may be observing the process by which a more complete citizenship comes about.

#### *RURAL CHINA?*

At first glance, searching for citizenship in rural China promises to be an excursion into the world of make-believe. Since at least Weber's

time, the development of citizenship has been associated with cities—cities mainly in the West (Dagger, 1981: 715-16; Turner, 1990: 194, 203; Bulmer and Rees, 1996: 272; Weber, 1998). Moreover, citizenship is often linked with notions such as political equality, civil society, democracy, and national integration (Marshall, 1976; Turner, 1992; Janoski, 1998) that apply badly (if at all) in Chinese villages. It is also obvious that many of the institutions that support citizenship are missing in rural China. Villagers play no meaningful part in choosing national leaders. Country folk are weakly represented in people's congresses, and those congresses have a limited role in making policy and checking executive authority (O'Brien, 1990; but for recent changes, see Tanner, 1999b; Dowdle, forthcoming).

Still, the subject of citizenship in the Chinese countryside cannot be dismissed with a wave of the hand. Recent studies have shown that the early history of citizenship was often local and parochial as much as it was national and universal. Although citizenship first appeared in the cities of ancient Greece and medieval Europe, it did so in autonomous, relatively small-scale towns (sometimes populated by as few as a thousand people) that were more rural than urban (Riesenberg, 1992: xv, 5). Even in England, the origins of citizenship trace to pastoral regions in the fourteenth century rather than to the industrializing cities of the nineteenth century. Long before the Industrial Revolution, certain rural dwellers had translated community autonomy and solidarity into a capacity for association and participation. It was in distant woodlands, not urban areas, where English peasants first appropriated labor laws and interpreted them as conferring citizenship rights (Somers, 1993: 594-98, 1994: 83). Citizenship, it would seem, can emerge deep in "the local node of a national legal structure" (Steinberg, 1995: 22)—that is, in small communities, where power is unfragmented and manageable size encourages participation and makes it easy to observe one's rulers in action (Dagger, 1981).

An insistence on linking citizenship with civil society, democracy, and equality also has a whiff of the ahistorical about it. Charles Tilly (1995: 233) has noted that the authoritarian regimes of Mussolini, Hitler, and Franco all emphasized bonds of citizenship, and Michael Mann (1996) has identified five varieties of citizenship, only one of which is associated with free association, strong legislatures, and liberal democracy.<sup>2</sup> A cursory review of world history also shows that

citizenship has long been an organizing principle for regimes riven by class, ethnic, and gender distinctions, and feminist scholars have been quick to point out that the idea of citizenship has always implied exclusion and discrimination as well as inclusion and political equality (Vogel, 1991: 61-62; Kerber, 1997; Lister, 1997).

Inasmuch as it is clear that citizenship, cities, democracy, and equality cannot be tied up in one neat bundle, it becomes reasonable to ask whether villagers in contemporary China are becoming citizens. Toiling far from urban centers, living under authoritarian rule, and being subject to institutionalized discrimination do not, in other words, rule out the first stirrings of citizenship. But if citizenship is not invariably associated with a specific location, a regime type, or even equality, what does it entail?

#### *BEING A CITIZEN*

In its most general sense, citizenship refers to a privileged legal status. A citizen is a full member of a community (Marshall, 1976: 84; Barbalet, 1988: 18). As citizens, categorically defined persons perform duties and possess rights, the most basic of which is the right to have rights (Kymlicka and Norman, 1995: 310). In nearly all communities, some residents are complete citizens and others fall short. Citizenship thus excludes at the same time that it includes; it draws boundaries and ranks the populace (Riesenberg, 1992: xvii; Kerber, 1997; Shafir, 1998: 24). Some people, such as children, the insane, and criminals, are excluded (at least temporarily) owing to an incapacity to exercise their rights and fulfill their obligations. Others, such as foreigners, refugees, and guest workers, are excluded because they are aliens (Vogel, 1991: 62). Citizens are in a privileged position vis-à-vis other community members because they possess rights that noncitizens and incomplete citizens lack.

Citizenship rights have evolved over time and have little fixed content. In today's world, however, citizenship is often understood to have three components (Marshall, 1976: 71-72). Civil citizenship involves rights required for personal liberty, such as freedom of speech, the right to make contracts, and the right to a fair trial. Social citizenship entails the right to a decent and secure standard of living,

and it conveys education, health, and welfare entitlements, according to a society's standards. Political citizenship, my main concern here, is associated with the right to participate in the exercise of power. It guarantees a person a place in the polity. In modern times, the sine qua non of political citizenship has become the right to elect state leaders—in the executive, in national parliaments, and in local councils.

*THE OPPORTUNITY TO PARTICIPATE:  
ELECTING TOP LEADERS*

It goes without saying that ordinary Chinese do not enjoy the right to elect their president or other officials near the apex of power. As early as 1953, Deng Xiaoping announced that because most people were unfamiliar with national policies and the names of state leaders, subjecting top Party and government functionaries to a popular vote was impossible (Houn, 1955: 205). In the years since Deng spoke, proposals to revise the constitution and allow general elections have occasionally appeared, only to be rejected on grounds that the time was not ripe (Wang Dexiang, 1979: 6; Xu Chongde and Pi Chunxie, 1982: 58-59). In 1997, President Jiang Zemin once again ruled out national and provincial elections (Tanner, 1999b: 248), and a year later Premier Zhu Rongji professed support for democratic elections but pointedly excluded the presidency and premiership. Such an important reform, Zhu said, needed more study, and it was hard to predict when officials of the first rank might begin to be elected (Spaeth, 1998).

While villagers (and city dwellers) have no direct means to determine who rules China, they are entitled to some say over a number of appointments through their deputies in the National People's Congress (NPC) and local congresses. In Mao Zedong's era, this meant little more than a right to hear that one's representative had "voted" for whomever the Party Organization Department had nominated, but since the late 1970s, the process for picking high-ranking members of the executive and judiciary has been revamped. Although the NPC has yet to remove an official on its own accord or reject a nominee placed before it (Yang, 1998: 5), competition has been introduced for many positions, and the number of dissenting votes has grown. At the 1995

plenary session, for instance, nearly 37% of the NPC's deputies abstained or voted against a Party-nominated candidate for vice premier (Tanner and Chen, 1998: 41).<sup>3</sup> Local congresses have shown even more mettle when challenging name lists put forward by the Party's Organization Department. Among notable instances of assertiveness, provincial assemblies have impeached a vice governor in Hunan, rejected Party-sponsored nominees for governor in Guizhou and Zhejiang, and elected a deputy-nominated chief judge over a Party-designated candidate in Jiangsu (Xia, 1997: 15; 2000: 168-72; Shi, 1997: 36).<sup>4</sup>

It is wrong, however, to interpret this newfound feistiness as a sign of significant growth in citizenship rights. People's congresses have long been negligent in exercising their powers of appointment and recall, and a smattering of newsworthy examples to the contrary does not mean that business as usual has changed. The Party still manipulates nominations, and procedures surrounding senior appointments remain "extremely vague and ill-formed" (Dowdle, 1997: 104). Legislators, as in the past, are provided scant information about candidates, and campaigning is frowned upon. Competition typically entails having one more nominee than the number of positions (e.g., six candidates for five spots), and for top posts (e.g., president, vice president, governor), deputies are usually presented with a single nominee, whom they then vote up or down (Bao Yu'e, Pang Shaotang, and Sun Yezhong, 1990: 104; Jacobs, 1991: 188, 190-91; Dowdle, 1997: 37-41).

Competition at the chief executive rank remains limited even in the lowest reaches of the state hierarchy. In a 1999 election observed by a delegation from the Carter Center, town deputies were presented with five candidates for four deputy magistrate positions but only the incumbents for people's congress chair and magistrate. To delegation members, it was "very obvious" that once the nominee for a top position was put forward, "all deputies understood the message and refrained from nominating any new candidates" (Carter Center of Emory University, 1999: 12). To this day, the selection of nominees mainly reflects the outcome of administrative evaluation, recommendations from the organization department, and the normal workings of the *nomenklatura* system. As a "remedy for occasional defects" (Manion, 2000: 775), deputies may veto leaders selected by the Party

committee one level up, but this power is less an opportunity for choice than an incentive for the Party committee to vet its candidates with care.

Ordinary Chinese, of course, have even less say over high-level Party positions. Members of the Politburo and its Standing Committee, as well as provincial first secretaries, are all selected at Party conclaves with no pretense of mass participation. At the very top, the situation is much as it has been since 1949: there are few constraints on the ruling elite, and formal means of accountability have little weight in a system that is innately elitist and (at times) intentionally unresponsive. Opportunities to participate in the exercise of political power remain closely held. China's top leaders respond to popular opinion as a matter of choice or tactics, not out of obligation or because they fear removal in a democratic election.

#### *ELECTING PEOPLE'S CONGRESSES*

The structure of people's congresses also impedes popular participation. Of special importance to villagers, Chinese electoral laws favor urban over rural districts. Each deputy from the countryside must represent four times as many constituents in county people's congresses, five times as many in provincial congresses, and eight times as many in the NPC. This discrimination is said to be called for because cities are the nation's political, economic, and cultural centers and because urban leadership is desirable as industrialization proceeds. Equal weighting of urban and rural residents, it is claimed, would produce large majorities of low-quality (*suzhi*) rural deputies, which might diminish the vitality of representative assemblies (Jacobs, 1991: 177; Xu Chongde and Pi Chunxie, 1982: 64-65). In recent years, some Chinese scholars and deputies have suggested righting this imbalance somewhat (see Bernstein, 1995: 14-15), perhaps reducing the disparity to two-to-one (see Nathan, 1997: 236), but calls to end malapportionment have seldom been heard.

Even many advocates of stronger legislatures have doubts about institutionalizing political equality. Despite constitutional provisions guaranteeing equal protection to all Chinese, they feel that undereducated peasants cannot take part in politics and that congresses should

be “galaxies of talent” (Tan, 1987: 49) stocked with the nation’s best and brightest. Such self-proclaimed reformers are hesitant to grant too much power to “backward” country people. Instead, they would replace deputies who cannot read complex legal documents or understand budget proposals with highly qualified officials and professionals. To this end, they would gerrymander election precincts so that cadres and intellectuals would stop “bumping cars” and would be elected in disproportionate numbers (Xu Datong and Li Zhao, 1986). These supporters of tinkering with legislative composition argue that the interests of the least educated can be upheld by others, and they have little sympathy for farmer (or worker) deputies who weigh down congresses and dilute the influence of people (like themselves!) deemed more able (Chen Yanqing and Xu Anbiao, 1990: 11-12; interviewees 1, 2, 3). Although this view is usually expressed in hushed tones and elliptical language, recent election results suggest it has made considerable headway. Should education and professional abilities continue to be valued highly, the underrepresentation of rural people in people’s congresses will only increase (O’Brien and Li, 1993-1994).

How legislators are chosen also affects the extent to which villagers are included in the polity. People’s congresses may be symbols of popular sovereignty, but deputies are elected in a popular vote only up to the county level. Above that, members are “produced” (*chansheng*) by deputies who serve in the congress immediately below. Regulations call for a measure of competition, with 20% to 50% more candidates than positions, but by all accounts these “indirect” (*jianjie*) elections are strongly influenced by quotas and Party-provided name lists. The selection process is generally secretive, and nominations from the floor are unusual and fare poorly. A lack of campaigning leads to much “blind” voting, and Party luminaries are often assigned to represent a region in which they grew up or worked but no longer live (O’Brien, 1990: 129, 168; Jacobs, 1991: 188-90, 199; Dowdle, 1997: 37-39; Tanner, 1999a: 119-21).

Proposals to begin direct voting for provincial congresses and the NPC spring up every few years, and since the mid-1990s, NPC research staff have been exploring what would be needed to expand popular elections. But, as one Western researcher observes, “given the undermining of other Leninist states by even modestly competitive



legislative electoral reforms, such reforms are unlikely in the immediate future" (Tanner, 1999a: 121). To this point, there has been little reason to think that deputies produced via indirect elections would be chosen in a popular vote.

Direct elections to county and township congresses offer greater opportunities for political participation. In the 1980s, the first several rounds of contested county elections took place with much fanfare. Early reports suggested that new provisions requiring more candidates than positions were generally observed and that some nominees put forth by voters had reached the final ballot. At the same time, it was also clear that manipulation of the nomination process was rife, and unapproved nominees were frequently crossed out or replaced. Election officials sometimes offered flattering introductions and a preferred place on the ballot for candidates they favored, and voters had few chances to meet their representatives or find out what they thought (Womack, 1982; Nathan, 1985: 193-223; McCormick, 1990: 130-56; Jacobs, 1991: 188, 178-88). Groups of constituents "very rarely" proposed their own nominees, and secret balloting was the exception, especially in rural districts. According to Chinese commentators, many voters simply "went through the motions"; villagers, in particular, often felt elections were "meaningless" (Nie Yulin, 1988: 250-51; Jiang Fukun, 1989: 10-11; Ji Yu, 1990: 254; Kang Fangming, 1990: 274, 277-79).

More recently, a team of foreign observers that witnessed a town election expressed concern with ballot secrecy and distribution, voter identification, and limited candidate responsiveness to voters' concerns but was impressed by the large turnout and the eagerness of deputies to criticize the performance of town officials (Carter Center of Emory University, 1999: 4). Tianjian Shi's surveys (Shi, 1997: 38-39, 110, 177, 179; 1999b) have also shown increased interest in choosing local congress deputies. Although the authorities still work hard to handpick nominees, many voters have apparently decided to take part in imperfect, semicompetitive elections to punish corrupt leaders or promote political change. Private, informal campaigning is on the rise, and better educated, more informed voters are less inclined to boycott elections as a means of showing displeasure with the candidates they are presented (but also see Chen, 2000). Instead, they sometimes use elections to get rid of or humiliate leaders they dislike. Insofar as

defeat at the polls always causes a loss of face, usually leads to a transfer, and often triggers an investigation, casting a ballot has become a way to exercise a dollop of influence. Small procedural reforms, in sum, have changed voting behavior, and some Chinese have become adept at working a reforming authoritarian system to their advantage. In the cities, this means making the most of limited-choice people's congress elections. In the countryside, these contests draw less interest, and the most promising avenue of inclusion lies with village-level voting (Choate, 1997: 7; Shi, 1999b: 1134).

#### *ELECTING VILLAGERS' COMMITTEES*

That villagers' committee elections have attracted much notice in China and abroad is not surprising. As a breeding ground for citizenship rights, VCs have two decisive advantages over people's congresses: they are more autonomous, and they control things people care about. Legislators may remonstrate for groups or individuals to whom they feel an attachment (O'Brien, 1994a). But congress deputies have few resources and less power, and they must rely on others to carry out their decisions.

Members of villagers' committees work with fewer constraints. Under the Organic Law of Villagers' Committees (1987, revised 1998), VCs are not part of the state apparatus; rather, they are "autonomous mass organizations" through which villagers manage their own affairs, educate themselves, and meet their own needs (art. 2). VCs are composed of three to seven members, each of whom is elected for a term of three years. Committees have broad powers and limited but real autonomy from the township governments that sit above them. While committees, for instance, must "help" townships in their work, they are not subject to top-down "leadership relations" (*lingdao guanxi*), and townships are prohibited from meddling in affairs that fall within a VC's purview (art. 4).

Villagers' committees also control resources. In eight villages that I visited in Fujian in 1992, VCs managed on average 15% of the yearly income earned by villagers. Although Party secretaries usually dominate enterprise management in richer areas, even weak VCs own a village's land and usually have "veto power to decide the general use of

village resources—what might be called macro-economic control” (Oi, 1996: 137; see also Oi and Rozelle, 2000).

Whether villagers are currently political citizens in more than a formal sense rests in large part on the quality of VC elections. What rights does the Organic Law guarantee? Have rural people been enfranchised, and are village elections free and fair?

The Organic Law details an impressive array of citizenship rights. Notably, all registered adult villagers are entitled to vote and to stand for office (art. 12). With the exception of “those deprived of political rights by law,” it contains no notion of being “among the people” or of the class-based identities of the Maoist era. These provisions repeat standard Chinese eligibility rules, except that in some places, restrictions have been added that exclude the mentally ill (Elklit, 1997: 6).

Special efforts have also been made to protect the rights of women. In the years after the Organic Law was first passed, balloting on a family basis was common. This practice often placed a household’s vote in the hands of a family patriarch. More recently, reportedly as a result of foreign prodding, household voting was banned in Fujian and a number of other provinces (Wang Zhenyao, 1998: 246; Shi, 1999a: 408). Both the original Organic Law and its 1998 revision also accord women “appropriate” (*shidang*) representation on VCs (art. 9).

Recent amendments also strengthen voter privacy and freedom of choice. For the first time, secret voting, semicompetitive elections (i.e., more candidates than the number of positions), and open counts are required (art. 14). Some provinces have also taken the lead in prohibiting proxy voting, experimenting with absentee ballots, and making primaries mandatory. Since the mid-1990s, the Ministry of Civil Affairs has promoted “sea elections” (open nominations) (Epstein, 1996: 409; Shi, 1999a: 405-6), and Fujian, a pacesetter in carrying out villagers’ autonomy, now requires more than one candidate for each VC post.

Perhaps most important, villagers have been empowered to fight misimplementation of the Organic Law. For many years, civil affairs officials have been receptive to complaints about election irregularities (O’Brien, 1996: 44; Li and O’Brien, 1999: 139; O’Brien and Li, 2000: 482-83), but now voters are expressly authorized to combat dishonest elections (“threats, bribes, forged ballots and other improper methods”) by lodging “reports” (*jubao*) with local governments,

people's congresses, and other concerned departments (e.g., civil affairs offices; art. 15). At the same time, the Organic Law clearly states that no organization or individual is allowed to "appoint, designate, remove, or replace" members of a VC (art. 11).

By all accounts, the quality of village elections has improved since the early 1990s, and voter interest is on the rise. In the words of two observers, "local elections appear to be acquiring high salience in the political life of the countryside" (Jennings, 1997: 366), and "peasants have shown great enthusiasm for this grassroots political reform" (Wang, 1997: 1437). Early on, many villagers had scoffed at their voting rights, and in some places they shunned VC elections (O'Brien, 1994b: 51-53; Shi, 1999a: 394). But this seems to be changing. According to an official in the Ministry of Civil Affairs, "most villagers did not pay attention to the first round of elections, but some became interested the second time, and by the third time many actively participated" (quoted in Shi, 1999a: 402). After seeing that elections could dislodge incompetent, corrupt, and high-handed cadres, some villagers now take them so seriously that a nationwide survey showed that 17% of villagers have nominated a VC candidate.<sup>5</sup> There is good reason for them to pay attention—elections have given rural people a way to unseat some horribly unpopular cadres. In balloting between 1995 and 1997, VC turnover in seven provinces ranged from 2% to 31%, averaging just under 19% (Pastor and Tan, 2000: 504).<sup>6</sup> In some villages, particularly where economic growth has been disappointing, elections have sidelined a team of village cadres en masse. Freshly installed leaders are said to be younger and more entrepreneurial than the people they replaced (Epstein, 1996: 415; Wang, 1997: 1437; Howell, 1998: 99; interviewees 4, 5, 6). In some locations, write-in campaigns waged by maverick businessmen succeed ("Villagers Spurn Communist," 1999), and as Bruce Dickson (1999: 16) recently found, 15.5% of 524 private entrepreneurs surveyed in eight rural counties had been candidates for village chief.

Cadres chosen in popular elections may also be more responsive to their constituents—at least in some regions. Oi and Rozelle (2000: 537) found that "in some villages where there have been elections, there is more open accounting of village spending." Amy Epstein (1996: 413) has argued that elections give villagers more control over how taxes are spent (but also see Bernstein and Lü, 2000: 762). A

four-county survey designed by political scientists at the University of Michigan and Beijing University showed that cadres in villages with competitive elections were closer to their constituents' positions on the state's role in the economy than cadres in villages that had not held competitive elections (Manion, 1996: 741-45). Interviews in the countryside also suggest that where free and fair voting is the norm, village leaders live in a different world than the officials above them. As one VC director explained to Lianjiang Li,

We village cadres depend on the "ground line" (*dixian*) (that is, villagers' votes); those at higher levels depend on the antenna (*tianxian*) (that is, appointment by higher levels). If we wish to be cadres, we must win the masses' support. [Quoted in Li and O'Brien, 1999: 140]

#### LIMITS ON PARTICIPATION

Although VC elections offer villagers entry into the local polity, the inclusion they confer is incomplete. The state has yet to recognize certain citizenship rights, and it has not taken the steps needed to ensure that all the rights it recognizes are honored.

Under the Organic Law, nonresidents cannot take part in village elections (art. 20). This would be of small concern if rural-to-rural migration were not accelerating. In a sprawling, industrial complex in the Tianjin suburbs, I was surprised to hear the Party secretary say that the population topped out at 1,100 villagers (interviewee 7). Only later did he mention that the village was also home to more than 2,000 guest workers and their families. The secretary acknowledged that in many places, outsiders were treated like "slaves" (*nuli*) and that it was a struggle to guarantee their labor and welfare rights, let alone to imagine enfranchising them. In a Shandong village that relies on nonresidents to work its gold mine and to perform other backbreaking labor, the exclusion and condescension trained on guest workers were hardly less (interviewee 5).<sup>7</sup>

Women are also underrepresented on VCs. Quotas may exist, but even in provinces that have embraced grassroots elections, few women are nominated to committees, and even fewer serve as VC directors (International Republican Institute, 1997: 20). In the twenty-

odd villages in which I have done interviews, the VC usually includes one woman, and it is easy to guess her portfolio—the thankless job of enforcing family planning. Male domination may grow further if plans to streamline the government and lighten “peasant burdens” come to fruition. Since the mid-1990s, female representation has begun to drop in some villages as the size of VCs is pared to cut costs (Howell, 1998: 99-100).

There are also a number of areas in which election practices and rules are wanting. Practices and institutions that impede political participation include the following:

*Election committees.* Election steering groups, often led by the village Party secretary or a representative of the township, play a murky role in selecting nominees and final candidates (Elklit, 1997: 5; Carter Center of Emory University, 1997: 10; Howell, 1998: 97-98, 101). Sometimes, VC candidates even serve on these committees, despite regulations to the contrary (Carter Center of Emory University, 1998: 7; Pastor and Tan, 2000: 494). Although the revised Organic Law (art. 13) empowers villagers’ assemblies or small groups to “select” (*tuixuan chansheng*) the village steering group, it is unclear how this provision will be implemented and how much control it will provide.

*Nomination procedures.* VC candidates are chosen in a bewildering number of ways. While formal and informal primaries are becoming more common, procedures for whittling down the number of nominees are far from transparent and leave considerable room for manipulation. Much still goes on behind closed doors, and townships and village Party branches have numerous opportunities to prevent unapproved candidates from reaching the final ballot (O’Brien, 1994b: 55; Elklit, 1997: 8-9; Kelliher, 1997: 82; Howell, 1998: 97).

*Competition.* Village elections are short of being fully competitive; in many provinces, only one more candidate than the number of seats is required. This rule makes curbing voter choice a cinch and encourages ruses such as placing an obviously unqualified candidate on the ballot alongside the incumbents or putting up a husband and wife (when only one woman is running and couples are not permitted to serve) (O’Brien and Li, 2000: 485; interviewee 7). In some villages, as

recently as 1998, no VC races were contested (on limited competition, see Elklit, 1997: 6; Howell, 1998: 98-99; Chan, 1998: 513).<sup>8</sup>

*Campaigning.* Candidates ordinarily make a brief statement on election day. Spirited speeches brimming with promises appear here and there (Friedman, 1998; Pastor and Tan, 2000: 496), as does door-to-door campaigning (Elklit, 1997: 9; Wang Zhenyao, 1998: 248-50; Thurston, 1999: 28), but lobbying for votes is not encouraged. Many VC members liken campaigning to self-promotion and regard "pulling votes" (*lapiao*) to be unfair, even corrupt (interviewee 8; Epstein, 1996: 410; Chan, 1998: 512-13; Thurston, 1999: 28). Running against the Communist Party or organizing a new party is, of course, forbidden.

*Secret balloting.* Before the Organic Law was revised in 1998, comparatively little attention was paid to secret balloting. In some locations, polling booths were provided but not used; in others, voters filled out their ballots in public while milling about and chatting with neighbors (Elklit, 1997: 10-11; Chan, 1998: 513; Howell, 1998: 96; Thurston, 1999: 3). Attention to vote privacy may be growing, however. A survey conducted in the provinces of Fujian and Jilin (largely in demonstration areas) showed that nearly 100% of the villages had employed a secret ballot (Pastor and Tan, 2000: 509). Still, outside democratically advanced locales, it is unclear if the importance of casting a vote privately is fully appreciated by election officials or most voters (Howell, 1998: 96; Pastor and Tan, 2000: 498, 508).

*Proxy voting.* Proxy voting is used to boost turnout and protect the rights of the aged, the sick, and those away from home. But as the Carter Center (1998: 5-6, 11-12) and the International Republican Institute (1998: 11) have pointed out, allowing one person to vote for up to three others can compromise voter privacy and freedom of choice. Ann Thurston (1999: 30) discovered that the dominance of a family's senior male was so ingrained in Lishu county, the nationwide model for village elections (!), "that few women or younger men would even think of casting an independent vote." So far, only Fujian has banned proxy voting, and in some villages, one-fifth or more of the ballots are cast by proxy (Pastor and Tan, 2000: 498).

*Roving ballot boxes.* Roving ballot boxes are used in remote areas and to help the sick and elderly vote. Like proxy voting, this practice attests to a desire to be inclusive but also poses a threat to ballot secrecy and is open to abuse. In some places, mobile boxes are used mainly for the convenience of busy villagers. In one Liaoning village, for example, more than 90% of the votes were cast in mobile boxes rather than at polling stations (Pastor and Tan, 2000: 497-98). Many election observers advise that proxy voting and roving ballot boxes be replaced by absentee voting to protect the integrity of voting, promote the civic awareness that comes with going to a polling station, and reinforce the principle of voting by and for oneself (International Republican Institute, 1997: 26-27, 1998: 11; Carter Center of Emory University, 1997: 15).

*Certification.* Township governments have also been known to annul elections if the “wrong” candidate wins or to dispense with voting and appoint “acting” VC members (Kelliher, 1997: 82; Li and O’Brien, 1999: 136-39). Sometimes, sitting cadres go so far as to bribe township officials to subvert the Organic Law. They may, for instance, coax township officials to cancel or rig an election by offering expensive gifts, hosting lavish banquets, or purposely losing at mah-jongg (interviewees 9, 10). In some counties, semicompetitive village elections have never been held.

*VC-Party relations.* VCs seldom have final say over village political life (Kelliher, 1997: 81-85; Howell, 1998: 101). In many areas, the influence of the village Party branch exceeds that of the VC, and “real power remains in the hands of the Party secretary who makes the key economic decisions regarding industry” (Oi, 1996: 136). Concurrent membership on villagers’ committees and Party branches is common, as is the convening of joint or consecutive meetings (O’Brien, 1994b: 54). The revised Organic Law (art. 3) has further muddied relations between VCs and Party branches and increased the temptation to meddle by stipulating that the Party branch is a village’s “leadership core” (*lingdao hexin*).

Chinese villagers have certain rights, but theirs is a partial, local citizenship. Rural dwellers have few opportunities to participate outside



the village, and their inclusion in the wider polity is not well established. While villagers have a foothold in grassroots politics and some resources, their ability to rein in state sovereignty is slight. The inclusion that rural people have been offered is piecemeal and incomplete.

#### *CITIZENSHIP FROM BELOW*

If citizenship were solely a status awarded by the state, our story would end here. But citizenship is more than a collection of rights bestowed on passive recipients (Turner, 1992: 2). It is also an outcome of historical processes that emerges as members of the popular classes seek to improve their lot by confronting the powers that be. Citizenship, in other words, arises out of negotiation between representatives of the state and social groups, and all initiative does not lie with the state. In fact, in many places, enlarging the scope of citizenship requires prolonged struggle (Giddens, 1982: 165, 171-72), and new rights are acquired only through bottom-up pressure and the painstaking extraction of concessions. Citizenship, in this sense, is less granted than won, less accorded than made.

Understood this way, citizenship is a "way of life growing within" (Marshall, 1976: 70) that reflects new aspirations and demands. Its spread depends on changes in people's hearts and minds, and it leads to changes in behavior. As seen in the farmer from Wangjiacun who denounced corruption using the soothing language of community membership, the rise of citizenship signals new identities and a growing fluency in "rights talk." To understand how citizenship develops, it is important to tally up what the central state recognizes and the local state enforces, but tracing changes in claims making and popular consciousness is just as key. In this regard, political citizenship involves adjustments in psychological orientation: in particular, it involves changes in one's awareness of politics, sense of efficacy, and feelings toward government. It implies a willingness to question authority and suggests that people view their relationship with the state as reciprocal. It entails a readiness to enter into conflicts with the powerful and a certain assertiveness in articulating one's interests (Shi, 2000).

When the spotlight shifts to how citizenship rights emerge, popular dissatisfaction with incomplete inclusion takes on a new meaning. It

becomes a sign that ordinary people are learning to speak the language of power with skill: to make officials prisoners of their own rhetoric by advancing claims in a particularly effective way. Consider the following incidents:

- Two men in Hunan, when facing an illegal snap election, organized their neighbors to plaster 74 posters around their village, recommending rejection of handpicked candidates and opposition to “dictatorial elections” (*Zhongguo jiceng zhengquan jianshe yanjiuhui*, 1994: 80).<sup>9</sup>
- Hundreds of Shanxi farmers besieged a county government building, demanding that a VC election be nullified after a cadre seeking reelection escorted a mobile ballot box on its rounds (interviewees 10, 11).
- Residents of two Shanxi villages occupied a township office and refused to end their sit-in unless officials agreed to make their villages “special zones” where free and fair elections would be conducted (Shao Xingliang et al., 1994).
- Nearly a hundred Hebei villagers lodged complaints with the Central Discipline Inspection Commission concerning a township Party committee that insisted a village Party branch had the right to nominate VC candidates (interviewee 10).
- More than twenty Liaoning complainants, indignant over “minor” technical infractions, traveled to the county seat, the provincial capital, and finally Beijing, at each stop reciting chapters of the Organic Law while appealing for new elections (Tian Yuan, 1993: 3-4).

In each of these cases, villagers cited specific clauses or the spirit of the Organic Law to back up their charges. By pointing to procedural irregularities that peasants are usually thought to ignore, these strict constructionists turned the gap between rights promised and rights delivered into a political resource. They challenged official misconduct using state-sanctioned symbols and deployed rights claims to protest illegal or undemocratic practices. To protect themselves and increase the likelihood of success, they shrewdly couched their demands in the language of loyal intentions while professing little more than a desire to make the system live up to what it was supposed to be. The regime had promised them a place in the polity, and they expected the system to live up to its billing.

And these are not isolated incidents. Villagers in many locations shower officials with complaints when their electoral rights are abridged. One study reported that two-fifths of the occasions on which

rural residents contacted officials concerned elections (Jennings, 1997: 366); another survey showed that as many as 5% of villagers nationwide have lodged complaints about election fraud (Shi, 1999a: 403-4).<sup>10</sup>

Chinese villagers are increasingly identifying, interpreting, and challenging undemocratic elections using the vocabulary of rights (O'Brien, 1996; Chan, 1998: 519-20; on rights claims outside electoral contexts, see Zweig, 2000; McCarthy, 2000: 109; Goldman and Perry, forthcoming). Aware that the Organic Law and local regulations have granted them certain protections, they appropriate rights discourses and press to unclog channels of participation. These well-informed, exacting critics exploit the "discursive trappings of democracy" (Howell, 1998: 104) to trip up local officials who refuse to acknowledge rights that the central authorities have ostensibly recognized. They often invoke a contractual logic borrowed from their economic life to demand that protections they have been guaranteed are respected. When local cadres dare to manipulate elections, they are quick to step in and charge them with prohibited behavior. Venturing forth in the name of unimpeachable ideals, they say they are simply seeking faithful implementation of the Organic Law.

When villagers come to view state promises as a source of entitlement and inclusion, they are acting like citizens before they are citizens. Certain citizenship practices, in other words, are preceding the appearance of citizenship as a secure, universally recognized status. In fact, practice may be creating status, as local struggles begin in enclaves of tolerance, spread when conditions are auspicious, and evolve into inclusion in the broader polity.

For now, however, the claims villagers put forward mainly demand entry into local politics. Villagers seldom press for wider civil and political rights to association, expression, and unlicensed participation; nor do they often question the legitimacy of existing laws and policies, not to mention the right of unaccountable leaders at higher levels to promulgate laws and policies. Although it is possible that rights-oriented contention may find elite patrons (or generate political entrepreneurs) who organize regionally or even nationally significant pressure groups, no such trend is now apparent. The intervillage organization and national aspirations of most villagers appear to be rather limited. Even the most assertive among them rarely demand

provincial or national elections, wisely avoiding an issue that might alienate the allies they need to enforce their claims against local officials (Li and O'Brien, 1996: 54-55).

Rural complainants know that they exist at the sufferance of higher levels and that the "rights" they act on are conditional. Unlike some Chinese intellectuals, who employ a different kind of rights discourse, there is little evidence that villagers consider rights to be inherent, natural, or inalienable; nor do most claimants break with the common Chinese practice of viewing rights as granted by the state mainly for societal purposes rather than to protect an individual's autonomous being (Edwards, Henkin, and Nathan, 1986). Demanding citizenship is therefore making a claim more to community membership than to negative freedoms vis-à-vis the state. Villagers seldom argue that rights flow from human personhood but rather that the government's right to loyalty depends on ensuring that its officials fulfill their obligations. The duties of those below must be reciprocated by the duties of those above (Wang Gungwu, 1991).

Chinese villagers, accordingly, are best thought of as occupying an intermediate position between subjects and citizens. When they use unenforced citizenship rights as a weapon, they are demanding that the representatives of state power treat them equitably, respect their claims, and deliver on promises made by officials at higher levels (O'Brien, 1996; Bernstein and Lü, 2000: 756-59; Zweig, 2000). They are exploiting the spread of participatory ideologies and patterns of rule rooted in notions of equality, rights, and rule of law. By tendering impeccably respectable demands, they have found a persuasive way to agitate for the accountability that the Organic Law calls for and to challenge those who would usurp their electoral rights. Ultimately, their efforts may help make various still-contested rights real. Although villagers are only partial citizens in the local polity, we may be witnessing the beginnings of a more complete citizenship coming about.

#### *SOME HISTORICAL PERSPECTIVE*

Although this article has highlighted the upsurge in rights-based contention in recent years, rules consciousness and a sensitivity to the

power of government discourse are not new in China, or indeed elsewhere. Members of the popular classes have always been adept at taking advantage of government commitments, professed ideals, and legitimating myths (Field, 1976; Scott, 1990: 101-6). Chinese villagers, in particular, have long seized on official rhetoric—whether framed in terms of Confucianism, class struggle, or citizenship rights—to press claims against malfeasant power holders.

In late imperial China, the Qing government tried “to establish a direct rapport with tenants” (Wiens, 1980: 33), and tenants sometimes used official rulings as a pretext to delay or refuse payment of rent. Rural people also objected to taxes when they felt local authorities had ignored proper collection procedures and would back off when faced with popular complaints. Such challenges typically rested on appeals to equity and fairness, focusing on how the tax burden was apportioned, on adjustments for harvest conditions, and on the use of biased measures and conversion ratios. Local officials understood the protesters’ logic and, provided that fiscal concerns were not overly pressing, sometimes gave in (Wong, 1997: 235-37). Villagers, for their part, often submitted to all sanctioned impositions and used their fidelity to established values to launch attacks in a rhetoric that even unresponsive elites had to acknowledge. In the Laiyang tax revolt of 1910, for example, peasants considered the regular rates to be fair enough and employed them to fend off irregular levies. Like the rural complainants of a later era, their resistance was not only a reactive effort to restore what they had. Beyond demanding the removal of exploitative tax farmers, the Laiyang protesters “also proposed a system to help ensure that corrupt power was not regenerated—namely, the public election of new functionaries to administer reform programs” (Prazniak, 1980: 59). This defiance thus transcended run-of-the-mill rules consciousness. As with contemporary villagers who press for free and fair elections, the Laiyang resistance was both loyal and proactive: it was simultaneously a means to advance group interests within existing limits and a way to assert new rights and pry open new channels of participation.

Other elements of today’s “rightful resistance” (O’Brien, 1996) were also apparent in Republican China, particularly in clashes surrounding taxation. Studies of the Nanjing Decade depict a state that was already too fragmented to treat as a unified actor and villagers

who did not experience the state as a single entity with a single face. In Patricia Thornton's (1999) telling, provincial leaders, circuit court judges, and the Administrative Yuan regularly received letters of complaint from peasants and "citizen representatives" (*gongmin daibiao*) criticizing official misconduct. But as incidents of tax and rent resistance rose, it was local administrators who bore the brunt of popular ire. "Rural residents seeking redress from fiscal predation of county officials and their minions tended to see central authorities not as culprits or co-conspirators in the fiscal battle being waged against them, but as potential protectors" against their real antagonists—local bureaucratic capitalists (Thornton, 1999: 13). Thornton goes so far as to argue that portrayals of the central state in popular sources were more positive and optimistic in the Republican era than they are now. Still, she acknowledges that while Republican taxpayers generally did not perceive the central government to be accountable to the citizenry, "rural residents in the reform era expect more from central authorities in Beijing" (Thornton, 1999: 30).<sup>11</sup> Contemporary protesters, one might add, sometimes find the intercessors they need. State power is divided against itself, and pressure points exist where elite unity crumbles. Resourceful villagers nowadays can often ferret out supporters in various bureaucracies (such as the Ministry of Civil Affairs) who have a stake in seeing their appeals addressed and in upholding the policies they invoke. Villagers may be pessimistic, but they are also sometimes successful in locating advocates to champion their claims.

The Maoist era offers an ambiguous legacy to villagers pursuing citizenship from below. On one hand, rights discourses were not in vogue; late Cultural Revolution-era protests, for instance, were "almost exclusively of a defensive and reactive character. The protesters defied political despotism, but only a few went so far as to demand an expansion of participatory rights" (Heilmann, 1996: 34). On the other hand, using the regime's own words as a weapon clearly did not begin in the 1990s. Borrowing slogans from the government arsenal to express heterodox views was a common tactic throughout the Cultural Revolution and the Hundred Flowers Movement (Perry, 1995; Heilmann, 1996). By instilling in the popular consciousness the idea that there is a right to rebel in the name of symbols embraced by those in power, Maoist practices set the stage for the partly institutionalized, partly legitimate resistance we see today. A generation of mass

mobilization reinforced existing resistance routines and inspired innovation at the edge of the repertoire of contention. It altered popular expectations and very likely made people more willing to act up when faced with official misconduct (Perry, 1995: 34; O'Brien and Li, 1999: 377, 384, 391).

It is hardly novel to say that new identities are built on the shoulders of old ones. Contemporary Chinese villagers are the inheritors of a repertoire of contention that has been honed over decades, even centuries. In one sense, our Wangjiacun graffiti artist was using a familiar tactic (writing a wall poster) and seeking a "return" (*huan*) of his rights. In another sense, he was cloaking a daring proactive claim in reactive terms, demanding citizenship rights he had never enjoyed while making it appear he had just been deprived of them.<sup>12</sup>

#### APPENDIX Interviewee List

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1. City and district people's congress deputy—May 1990.
  2. Provincial people's congress deputy—May 1990.
  3. Constitutional scholar—May 1990.
  4. Villagers' committee director—August 1992.
  5. Villagers' committee director—August 1994.
  6. Party secretary and villagers' committee director—July 1998.
  7. Villagers' committee director—September 1993.
  8. Villagers' committee members—July 1998.
  9. Villager—December 1995.
  10. Ministry of Civil Affairs official—June 1994, January 1997.
  11. Ministry of Civil Affairs official—June 1994.
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#### NOTES

1. For more on the village of Wangjiacun and the unfolding of a bitter collective complaint there, see O'Brien and Li (1995).

2. Riesenberg (1992: 176) writes, "Citizenship is today so freighted with notions of individual participation and self-government that we automatically think of it as an intrinsic part of democratic society. In fact, over most of history, considering it as a mechanism of discrimination and reward, it has been compatible with all forms of government." In the Chinese context,

Goldman and Perry (forthcoming: 3) have noted that citizenship "is not just another term for democratization."

3. According to one analyst (Dowdle, 1997: 105), Vice Premier Jiang Chunyun met opposition because National People's Congress deputies were disappointed with the amount of background information provided. Others have attributed the opposition to Jiang's age, his education level, and his association with corruption scandals (Pei, 1995: 71).

4. In 2001, the Shenyang Municipal People's Congress took the uncommon step of rejecting the Intermediate Court's work report, but it stopped short of demanding that court officials, some of whom were under investigation for graft and ties to organized crime, resign (Chao, 2001).

5. The survey data appear in Shi (1999a: 403-4). Other surveys put the number at a still healthy 5% (Lianjiang Li, personal communication, September 1999).

6. Shi (1999a: 386) reports that voters ousted 30% of incumbent villagers' committee (VC) members in the 1995 balloting in Shandong. A Ministry of Civil Affairs official has written that approximately 20% of VC chairs are not reelected "in most places" (Wang Zhenyao, 1998: 251). These sources do not make it clear if those leaving through ordinary retirement or choosing not to run are included.

7. Whether long-term migrants retain their voting rights varies by location. On the second-class citizenship of urban migrants, see Solinger (1999).

8. In a Moslem village I visited in the Tianjin suburbs in July 1998, primaries were hotly contested, but the final election was uncontested.

9. These posters were written on white paper (a color associated with death and ill fortune). This gesture attracted the attention of county officials, who investigated the charges and ruled that the balloting should be rescheduled and nominations reopened.

10. The figure of 5% seems remarkably high. In 1994, the Fujian Bureau of Civil Affairs received 562 election-related complaints and deemed 24 elections invalid (International Republican Institute, 1997: 27).

11. Kathryn Bernhardt has noted a similarly complex view of the Republican state in relation to rents: "In its role as rent dunnor, the state was seen as an oppressor, but in its role as the monitor of rents, it was seen as a potential ally" (Bernhardt, 1992: 229).

12. Some county officials use the phrase "return (*huan*) power to the people" analogously when promoting village elections, even though the people have never had the power that is being "returned" to them.

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