

Reforming Authoritarianism in Contemporary China. Reflections on Pan Wei's Consultative Rule of Law Regime

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Summary

Rampant corruption and declining regime legitimacy force the Communist Party to reform the political and legal system of the PRC. There are different opinions on how far these reforms have affected Chinese authoritarianism so far. While some observers have identified a higher degree of regime legitimacy achieved by gradual political liberalization in recent years, others have stated a reconsolidation of non-democratic one-party rule providing only temporary stability for the political system at best. The PRC leadership, for its part, has repeatedly claimed to work towards 'socialist democracy' by separating the Party from the government and subjecting the system to the rule of law. The institutional foundations of 'socialist democracy' may have been spelled out by Beijing scholar Pan Wei by his idea of 'consultative rule of law' modelled along the Hong Kong and Singaporean examples. This paper reconstructs Pan Wei's basic argument for such a system and discusses both its conceptual consistency and political practicability. It is suggested in this article that reforming Chinese authoritarianism by implementing legal reforms, a modern civil service structure and more mechanisms of political consultation might work for some time. It is argued, however, that 'consultative rule of law' cannot sustain one-party rule in the long run.

I Introduction: Assessing Political System Reform in the PRC

As the PRC is heading towards more world market integration and internal economic restructuring after its entry into the World Trade Organisation (WTO) in late 2001, rampant corruption and deepening social and political cleavages force the Communist leadership to engage in new initiatives to stabilize one-party rule and consolidate overall regime legitimacy. At the welfare front, this has led to efforts to build a nation-wide social security network,¹ to ameliorate the living conditions of

¹ Catherine Jones Finer (ed.), *Social Policy Reform in China: Views From Home and Abroad*, Aldershot (Ashgate) 2003; Zhang Junhua, "The Construction of a Social Security System in the PRC – A Critical Account" (in German), in: *China aktuell*, Vol. 32, No. 7, July 2003, pp. 866-975 (part I) and Vol. 32, No. 8, pp. 986-997 (part II); Zhu Yukun, "Recent Developments in China's Social Security Reforms", in: *International Social Security Review* (Oxford), Vol. 55, No. 2, 2002, pp. 39-54; Sarah Cook, *After the Iron Rice Bowl: extending the safety net in China* (Brighton: Institute of Development Studies) 2000.