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Contractual Thinking and Responsible Government in China: A Constructivist Framework for Analysis*

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Abstract

Responsible government is often seen as contingent on democracy. Yet despite China’s continued lack of notable progress in democratization, recent years have witnessed some limited moves towards responsible governance. In the absence of free elections and other institutional arrangements, how can an authoritarian regime become responsible? This paper turns to the role of ideas and culture in general and contractual thinking in particular for an explanation. Contractual thinking, defined as a particular kind of intersubjective understanding between the government and citizens with regard to their mutual interests, is present in both China’s contemporary official discourse on

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"responsible government" and traditional Chinese culture. Taking a constructivist approach, the paper focuses on two interrelated aspects of the role of contractual thinking in the construction of responsible government. First, it examines how contractual thinking, by helping redefine the identity and interest of the government in line with citizens' loyalty, could allow more responsible government behaviour. It then illustrates that in the case of government irresponsibility, contractual thinking sets the discursive context for rightful resistance from citizens as well as for a more sympathetic reading of such resistance by the government, both of which, the paper argues, could facilitate the development of responsible governance.

Introduction

Responsible government seems to be intimately linked to democratization. Many important ingredients of good governance, such as the rule of law, transparency, accountability and respect for human rights, are commonly believed to be affiliated with democratic institutions, especially free, fair, competitive, and regularized elections. According to Bentham and Mill, through liberal democracy, the governors can be held accountable to the governed. Against this backdrop, the issues of China's democratization and its enabling infrastructure and institutions such as civil society, public sphere, and village elections have been one of the main focuses of a vast body of literature on Chinese politics. Clearly, the democratization and institutionalist perspectives are important in understanding the sources of responsible government, but the purpose of this paper is to explore the possibility and dynamics of responsible government in China despite the continued authoritarian rule of the party-state. Responsible government and authoritarianism have often been treated as antonyms, yet the gradual evolution of China from totalitarianism to authoritarianism seems to suggest that limited responsible governance is possible before democratization takes place. Otherwise, the unusual resilience of the Chinese authoritarian regime, which has thus far defied repeated predictions of its impending collapse, would be difficult to fully comprehend. However limited the extent of China's responsible government may be, failure to come to grips with it is to ignore an important piece in the ongoing puzzle of Chinese political change and continuity.

Given China's apparent lack of democratic transformation, the
questions concern why its ability to govern responsibly exists at all and what helps bring it about. This paper proposes to examine the constructive role of ideas, norms, and political culture in order to find an answer. This “constructivist” approach assumes that social relations and political change cannot exist or take place independently of ideas and culture. Rather, they are constituted in subtle, often invisible yet significant processes of cognitive learning and ideational (trans) formation. That is, with changes in ideas and ways of thinking, people come to redefine and reinterpret their interests, identity, and social relations. On the basis of such redefinition, they then reshape their behaviour and modify their interaction with others. As Peter Winch notes, “A man’s social relations with his fellows are permeated with his ideas about reality. Indeed, ‘permeated’ is hardly a strong enough word: social relations are expressions of ideas about reality.” In the China context, the role of ideas in mediating and constructing social reality is also noted by Richard Madsen. He reminds us that an understanding of China’s contemporary transition from state socialism entails looking at not only the “economic and political resources” of groups opposed to socialism, but also their “moral resources.”

By focusing on ideas as important sources of political change, the constructivist approach does not preclude the role of institutions and formal democratic procedures, which can reinforce or constrain the effect of ideas. Ideas are more powerful when they are institutionalized or embodied in political institutions. For instance, the influence of the Washington Consensus cannot be separated from the institutional power of the World Bank, International Monetary Fund (IMF), and the United States Treasury. But on the other hand, ideas are socially constitutive of reality, including institutions. To illustrate, without the ideas of Marxism and Leninism, even if the establishment of the Soviet Union and the People’s Republic of China might still have been possible, their institutional characteristics would have been quite different. Fairclough suggests that as the embodiment of ideas, discourse contributes to the constitution of many dimensions of social structure, such as its norms, conventions, and institutions. In this sense, ideas are as much constitutive of institutions as they are influenced by them, and indeed some institutionalist literature rightly defines established norms and ideas as one particular form of institution.

To explore the relevance of ideas to the development of responsible government in China, this paper focuses on a particular kind of idea,
namely, contractual thinking, which is evident in both traditional Chinese culture and recent Chinese discourses on government responsibility and citizens’ rights. In this paper, contractual thinking is defined as an intersubjective understanding between the government and citizens that there exists an interdependent, reciprocal relationship in which the vital interest of each side is considered ultimately inseparable from its responsibility to the other. Recent literature has noted the role of such understanding in developments in rightful resistance and government reforms. Building on this literature as well as sketching a constructivist framework for analysis, this paper seeks to shed light on the ways in which contractual thinking contributes to the construction of responsible government in China.

The rest of the paper is organized into four parts. First, it outlines the Chinese government’s recent discourse on responsible government, and examines how this discourse reflects the (re-)emergence of a contractual way of thinking in Chinese politics. Next, it traces how this official discourse, by re-defining the government’s interests, identity, and its relationship with citizens, helps foster responsible governance (or moves towards it). In the third section, the paper discusses how contractual thinking familiarizes citizens with their right to resist, and via such resistance, plays an important, if often indirect, role in holding the government to account. Finally, the conclusion summarizes the constitutive roles of contractual thinking in the evolution of responsible government in China.

The Discourse of “Responsible Government”

Political slogans are a constant feature in Chinese politics. Many slogans quickly pass their use-by dates and prove to be little more than ephemeral political word-games. In this sense, one may be tempted to conclude that more recent catchphrases, such as “harmonious society,” “scientific development,” and “responsible government,” are no exception, being merely the continuation of a political anachronism with Chinese characteristics. No doubt, we should take Chinese official discourse with a grain of salt, rather than readily accept it at face value. However, to critically assess Chinese official discourse is not to dismiss all slogans out of hand, for discourse is always part and parcel of politics. Confucius once said: “What is necessary is to rectify names.... If names be not correct, language is not in accordance with the truth of
things. If language be not in accordance with the truth of things, affairs cannot be carried on to success." As part of Chinese political discourse, those buzzwords and slogans are frequently linked to particular political movements and practices and often have some important messages to convey. The discourse of "responsible government," for example, inevitably has bearings on the meanings of government interests and its relations with citizens, which in turn could have important practical implications for governance.

At this point, it is worth noting that the Chinese term "responsible government" (zeren zhengfufu) discussed here should not be understood in a formal, institutional and legal sense. Rather, adopting an approach similar to Herzfeld's treatment of the term "accountability," I define "responsibility" in the Chinese context as "a socially produced, culturally saturated amalgam of ideas about person, presence, and politi ... [whose] meaning is culturally specific." This is not to say the two terms are synonymous; rather, my point here is that like "accountability," "responsibility" cannot be equated with some fixed, "objective," and "universal" qualities from a Western vantage point, but needs to be understood within China's specific socio-historical context. Only through such a culturally specific lens is it possible to take the Chinese discourse of responsible government seriously and better appreciate the hitherto little examined role of contractual thinking in the process of China's political metamorphosis.

This present analysis focuses mainly on the discourse of "responsible government" and its constitutive effect during the Hu Jintao and Wen Jiabao administration. Formed after the Sixteenth Congress of the Chinese Communist Party (CCP) in 2002, the Hu-Wen leadership has been characterized by a high degree of image-consciousness in both international and domestic settings. The pronouncement of the "Peaceful Development" strategy and its more cooperative gesture in dealing with the humanitarian crisis in Sudan's Darfur region, for example, reflect Beijing's growing interest in becoming a "responsible power." Equally in the domestic scene, both President Hu Jintao and Premier Wen Jiabao are keen to cultivate a "people-first" (qinmin) image for the new government. It is in the latter context that the slogan of "responsible government" has begun to take shape and proliferate in various government documents and pieces of legislation.

The idea of responsibility occupies a central role, for example, in the Law on Administrative Licensing. Taking effect from July 2004, the Law
delineates a series of principles and rules to regulate administrative licensing and requires the government to abide strictly by the law in its regulatory practice. Similarly, the responsibilities of the government-departments-in-charge have been clearly laid out in the 2005 Regulations on Letters of Petition and Personal Petition, so as to ensure complaints and petitions from citizens be appropriately dealt with. The idea of “the government of the people” is also an important theme in the White Paper on the “Building of Political Democracy,” published in October 2005. The fundamental purpose of government, the White Paper explains, “is to serve the people, be responsible to the people, and support and guarantee the people’s right as the masters of the state.”¹² More recently, building a responsible government was explicitly made one of the three focuses of the Eleventh Five-Year Plan.¹³ In the chapter on the reform of the administration system, it is stated that China should accelerate the construction of a more efficient, responsible government which is ruled by law and which provides more services to the people.¹⁴

As well as working its way into government documents, the notion of “responsible government” has been a buzzword in numerous speeches made by Chinese leaders. In his 2006 Report on the Work of the Government, Wen Jiabao vowed to “establish a sound administrative accountability system, improve the government’s ability to perform its duties and strengthen public trust.”¹⁵ At a national teleconference on accelerating government reform in September 2006, he said that government officials at all levels should strengthen their sense of responsibility and mission, and endeavour to build a legally governing, serving, responsible, and efficient government. According to Wen, responsible government means that leading officials must be investigated when they are accused of doing wrong, and that the wrongdoings of government too must be corrected.¹⁶ As befits the growing emphasis on responsible government in the official rhetoric, in 2004 and 2005 the Communist Party required cadres of all levels to participate in indoctrination sessions. One focus of the sessions, in the words of Hu Jintao, was to increase amongst party cadres and members an “awareness of living in dangerous times, sense of duty as public servants, and the virtue of thriftiness.”¹⁷

Two themes stand out in these “responsible government” talks. One is the need for government responsibility, a theme which dates back to the earlier periods of China’s economic reform.¹⁸ For example, in his
Report to the Sixteenth National Congress of the Communist Party in 2002, Jiang Zemin stressed the importance of establishing a “responsibility system” (zeren zhì) for decision-making and an “accountability system” (zeren zhùjì zhì) for appointing government officials. These systems, as Jiang envisioned them, would be able to make officials more sensitive to the people’s opinions and prevent the arbitrary use of power.¹⁹ Such rhetoric, while often lacking specific details or substance, nonetheless signals the beginning of a gradual discursive shift away from the conventional claims to the indisputable leadership of the party.

The second theme emerging from the “responsible government” discourse is the notion of citizens’ rights (gòngmíngquān). As evident in the slogan “putting people first” (yì rén wèi běn), citizens’ rights have now frequently figured in top leaders’ remarks. During the 2004 sessions of the National People’s Congress (NPC), Wen Jiabao pointed out that all powers of the government came from the people, and therefore the government should be responsible to the people, serve their interests and accept their supervision. His popular catchphrase is “With power comes responsibility, the use of power must be supervised, and infringement of [people’s] rights needs to be compensated” (yōuquān bì yǒu zé, yòngquān shòu jiàndù, qīngquān yào pèichéng).²⁰ In a similar vein, while addressing the Australian Parliament in 2003, Hu Jintao said that democracy was the common aspiration of humankind and all countries “must earnestly protect the democratic rights of the people.”²¹ In his speech to party members on the 82nd anniversary of the CCP, this theme was further elaborated:

Party officials at every level should solidly establish the mindset of serving the people and the spirit of honesty to and responsibility for the people. They must exercise their power for the people, build an emotional bond with the people, and seek benefits for the people. They must solve concrete problems for the people, make every effort to handle difficult situations for them, persistently doing good deeds for the sake of people’s [sic], and always place people’s [sic] interest above everything else.²²

As some have noted, Hu’s speech strongly echoes the Confucian notion of renzhèng (benevolent government), which advises that the King think and act in people’s interest.²³ It is even described as the new “Three People’s Principles,” after Sun Yat-sen’s “Three People’s Principles” of nationalism, people’s rights and people’s livelihood proposed nearly a century ago.²⁴ Reflecting this growing consciousness of people’s rights,
the statement “the government must respect and protect human rights” was for the first time written into the Chinese Constitution in 2004.

The twin themes of government responsibility and citizens’ rights are interconnected. Talk of responsible government implies citizens’ rights, whereas the notion of citizens’ rights both demands and presupposes government responsibility. Taken together, this dual emphasis on citizens’ rights and government responsibility bespeaks a contractual way of thinking on state-society relations. How this thinking has emerged and evolved is beyond the scope of this paper; the focus here is on how it may contribute to the improvement of responsible government in China.

Pertinent to this question are two potentially mutually reinforcing aspects or processes. One may be roughly described as a “top-down” process and the other “bottom-up,” although the term “process” here is not meant to suggest an orderly, organized or linear transformation. On the one hand, the contractual thinking manifested in the “responsible government” discourse impacts upon government behaviour and policy through its redefinition of government interests, identity, and relationship with citizens. On the other hand, in the face of unacceptable levels of government irresponsibility, contractual thinking both sensitizes citizens to their rights and encourages rightful resistance. By threatening to undermine the government’s legitimacy, rightful resistance compels leaders to act more responsibly and/or to rectify their irresponsible policy. In the following two sections, I will deal with each of the processes in greater detail.

Contractual Thinking and the Redefinition of Government Interests and Identity

The Weberian maxim has it that an actor’s action is predominantly informed by self-interest. Routinely defining the Chinese government’s interest in terms of maximizing its grip on power and perpetuating its political monopoly, many scholars declare that such a self-serving interest is fundamentally incompatible with responsible governance. Yet this argument risks oversimplifying or essentializing the interests and subjectivity of the Chinese government. While it is true that interest determines action, the precise and specific meaning of a particular actor’s interest, as well as the best way to advance it, is not always transparent or self-evident. Although the Chinese government is
extremely concerned about its survival, how it defines this vital interest often depends on its prevailing ideas about its relationship with the people, ideas which are by definition fluid and susceptible to change. Consequently, its authoritarianism notwithstanding, the regime is not, to borrow Geyer’s phrase, “a massive thing-like entity, housed in compact, fortresslike buildings,” nor does it have a fixed “portfolio” of interests that it carries around independent of its social and cultural context. Indeed, it is more a subject (or more precisely, an amalgam of many different subjects) whose interests are multifaceted and subjected to (re)definition and (re)construction through competing ideas and discourses. Max Weber may have argued that “Interests (material and ideal), not ideas, dominate directly the actions of men.” but he is quick to add that “the ‘images of the world’ created by these ideas have very often served as switches determining the tracks on which the dynamism of interests kept actions moving.” Thus, to understand how the Chinese government acts in accordance with its interests, we need to know how those interests may be influenced and constructed by relevant political ideas - in this case, by contractual thinking.

It is safe to say that a government’s fundamental interest lies not just in sheer predatory power, but in the effectiveness of power. What constitutes “effectiveness,” however, cannot be answered independently of ideas. In the context of a non-contractual view of state-society relations, effective power may mean strict political control. But with a contractual discourse about government responsibility, effective rule may come to be interpreted more in terms of citizens’ loyalty and their acceptance of regime legitimacy. In this way, government interests clearly overlap with citizens’ interests, and government responsiveness and concession to citizens’ demands, instead of causing a loss of government power, will enhance its legitimacy and effective rule. Interpreted through this contractual lens, the relationship between government and citizens, for all its tensions, could become one of mutual empowerment.

These contractual ideas about government interests and its potential “mutual empowerment” relationship with the people provide an enabling discursive context for responsible government. That is, the contractual belief that serving citizens’ interests may bring political “reward” to the government makes responsible government desirable. In a widely reported court case, twelve farmers from a village in Zhejiang province won their lawsuit against the provincial government and the governor
over the acquisition of their farmland. That the provincial court had been able to reach a decision in favour of the farmers, as well as the extensive national media coverage of the case, suggests an official understanding that despite, or precisely because of, the provincial government's loss of the lawsuit, an ensuing image of the government's abiding by the law could work in favour of the governor and the provincial government. Thus, acting responsively towards the farmers' demands, even if this meant the loss of a court case, became acceptable as it served to strengthen the government's image and legitimacy. Here, the notion that the government's legitimacy hinges on its responsibility to citizens is indicative of a contractual way of thinking at work.

In another case involving lower levels of government, Zeguo Township in Wenling City, Zhejiang province, was among China's first townships to experiment with "deliberative polling." A randomly selected sample of average citizens was asked to deliberate on the township budget and prioritize local infrastructure projects. Previously the township government had maintained tight control over budget spending, but when it came to implementation, its decisions, often related to difficult budgeting issues, were routinely met with local resistance. With the introduction of "deliberative polling," the Zeguo government began to transfer some of its decision-making power to citizens, but in return was "rewarded" with less resistance and even more popular support. What was involved here, it seems, was a contractual interpretation of government interests in terms of its need to be more responsible and responsive to local residents. The township party secretary summed it up nicely: "Although I gave up some final decision-making power, we gain more power back because the process has increased the legitimacy for the choice of priority projects and created public transparency in the public policy decision-making process. Public policy is therefore more easily implemented."

In both cases, through a broader definition of government interests, contractual thinking contains, as it were, a reward mechanism. Insofar as the people's loyalty comes to be seen as an integral part of government interests, the anticipated reward in loyalty and enhanced legitimacy provides an incentive for the government to become more responsible and responsive. The Chinese government's unswerving pursuit of economic development can best illustrate this point. It is commonly held that the emergence of a more prosperous middle class as a result of continued economic development will sound the death knell for the
Communist regime. But amazingly, the most enthusiastic proponent of China's economic development has been the regime itself. Beijing is of course not oblivious to the potential challenge of a resultant well-off society to its grip on power, but it is also keenly aware of the mutual empowerment logic associated with China's economic expansion. Informed by a contractual understanding, it sees maintaining a healthy economy as its primary responsibility to the people — the sine qua non for its continued claim to legitimacy. Deng Xiaoping pointed out in 1990 that the reason why the people still supported the government (despite the widespread dissatisfaction that led to the 1989 protests and crackdown) was largely due to impressive economic development during the previous decade.\textsuperscript{32} So long as people were allowed to enjoy the promised prosperity, so goes the perception, they tended to honour their "contract" with the government by rewarding it with continued loyalty or at least acquiescence. Even shortly after the political crisis of 1989, a 1993 nationwide random-sample survey revealed that 94.1% of respondents agreed with the statement that "We should trust and obey the government, for in the last analysis it serves our interest." A similar survey in 2002 again found an overwhelming endorsement of the Chinese government's performance.\textsuperscript{33} It sounds reasonable to surmise that it is partly in anticipation of such "reward" that successive central leaderships have strenuously pushed reforms and economic development.

While this contractual understanding of government interests makes it logical for the government to act responsibly, especially in economic policies, its impact on political reforms has been more muted. More often than not, various levels of government have resorted to "cosmetic" measures when it came to political reform. As "window dressing" or public relations exercises, such measures frequently create an image, not effects, of "responsible government." For example, to impress their audience by the government's commitment to fulfilling its responsibility, during the past few years Hu Jintao and Wen Jiabao have almost invariably appeared during national holidays on Chinese state television visiting farmers or working-class families in remote regions or harsh working environments. In December 2002, Hu Jintao was shown to have paid a high-profile visit to Xibaipo, Mao Zedong's revolutionary base in Hebei province in the lead up to the Communist victory in the Civil War. Many copycat visits by lower-level officials to historic revolutionary sites and poor regions followed. Another popular band-aid solution to governance deficit is to scapegoat local governments (as the irresponsible
Other). Doing so may help project a positive image of the central government for the short term but otherwise contribute little to responsible government. Indeed, it may well lead to greater governance difficulties at the local levels and damage public confidence in government more in the long run.

Still, deceptive or superficial as these measures may be, the fact that the government cares about its image in the eyes of citizens indicates both the presence of contractual thinking and its tentative impact on responsible governance. The projection of a responsible government image, while lacking substance, could still help stem the erosion of political trust. And continued political trust, by affording the regime a degree of legitimacy, may in turn allow it more breathing space to explore further reform and political change. As Yasheng Huang observes, "authoritarian leaders introduce democracy only when they do not feel threatened by the opening of the political system."36

Furthermore, for all the insincerity of most government-sponsored discourses on responsibility, those discourses may exert some positive influence on the development of responsible government through providing what Lianjiang Li calls a "discursive opening." True, government discourses on political reform have too often raised false hopes, and therefore need to be treated with caution and scepticism. But importantly, for many Chinese intellectuals and some government actors, some of those discourses could mean a ray of hope for political reform. For example, at the Fifteenth Party Congress in 1997, Jiang Zemin made a pledge to "extend the scope of democracy at the grassroots level." During a news conference in March 2000, the then Premier Zhu Rongji flagged a similar prospect for direct elections in China. Given the lack of follow-up measures, these statements seemed half-hearted at best. Nevertheless, they were seized upon by some former government think-tank officials, liberal scholars and reform-minded local cadres to push for direct elections at the township level. As Lianjiang Li notes, Jiang's vague praise of villagers' self-government as a "great invention" of Chinese farmers had the effect of opening "the door for others to equate democratic election with direct election," thus providing several localities with the justification to experiment with direct elections of township leaders.37 According to Daniel Kelliher, the now widely-held village election itself had a "sleepy beginning" with the introduction of an initially seemingly meaningless term — "villagers' committee" (cunmin weiyuanhui) — to the then newly revised Constitution in 1982. Yet,
within less than two years, the Ministry of Civil Affairs had begun to put that apparently innocuous passage in the Constitution into practice by working on the *Organic Law of Village Committees.*

As a result, although central leaders might not actually mean what they said about democracy, the rule of law, or responsible government, once the genie of the "responsible government" discourse was out of the bottle and into the public sphere, its constitutive consequences *could* go beyond those leaders' control or original intentions. Such discourse not only may be taken at face value by some government officials, but may also be readily appropriated by citizens. For the latter, the government's pledge on responsibility brings a heightened level of rights- and citizenship-consciousness and expectation of the government's performance, which enables citizens to understand state-society relations in a contractual manner. When there exists a clear disparity between government promises and its actual performance, citizens can be made aware of the government's shortcomings in fulfilling its "contractual" responsibility. In this context, as will be examined in the following section, contractual thinking helps embolden citizens to lodge complaints and demand compensatory actions, to the extent that doing so is their "contractual" right. Citizens' exercise of such rights may in turn inspire "power holders to consider policy innovations and institutional reforms" to improve governance, thereby completing the loop from ideas to actions.

**Rights Consciousness, Rightful Resistance, and the Construction of Responsible Government**

Discussion so far has focused on the process whereby the responsible government discourse, by implying a contractual relationship between state and society, helps both redefine government interests and affect its behaviour. With the government's stake in effective rule being linked to the loyalty of its citizens, contractual thinking helps internalize a reward mechanism among government officials, a mechanism which entices them to act more responsibly to their constituency. Of course, as noted above, the actual effect of such a mechanism should not be exaggerated. For politically China remains a centralized, hierarchical system, with power at lower levels deriving largely from the next level up, rather than granted from below through the ballot box. Directives from the top, not grassroots loyalty, are therefore seen as most essential to the political
fortune of many government cadres. Until regular democratic elections
are incorporated into the reward mechanism of the “social contract,”
most cadres would feel that they owe little of their power and legitimacy
to their constituency. In its own right, the “reward” of citizens’ loyalty
implied in the contractual relationship, for all its theoretical or potential
importance, seems inadequate for keeping Chinese cadres accountable.

Indeed, after nearly three decades of economic reforms and
unprecedented social change, the reality of responsible government in
China is still far off. One does not have to look very far to notice the
myriad governance deficits ranging from the widening gap between rich
and poor, massive unemployment, and rampant corruption, to
environmental degradation and the rising number of protests and “mass
incidents.” In 2004, the number of “mass incidents” in China climbed to
74,000, up from 10,000 a decade before, with the number of participants
jumping from 730,000 to 3.8 million during the same period. Not
surprisingly, many observers were confident that these unmistakable
signs of China’s governance crisis would soon spell its collapse. ⁴⁰

Does this, then, mark the end of the role of contractual thinking in
constructing responsible government? The fact that the Chinese regime
has so far managed to avoid a collapse, I argue, suggests otherwise: even
in the face of a governance crisis, contractual thinking still has an
important role to play. In addition to its reward mechanism and mutual
empowerment logic, contractual thinking is linked to a punishment
mechanism should the government fail to perform. Although Chinese
citizens do not, as yet, enjoy a “right to choose” their trusted leaders
through the ballot box, their emerging contractual understanding does
work to afford them “a right to rebel” against incompetent or
irresponsible incumbent leaders. Indeed, throughout history generations
of Chinese people have “risen up” and exerted their power over their
rulers. Both their resistance and the government’s fear of its fateful
effects serve as a punitive deterrent to excessive government
misbehaviour.

This potentially constructive role of governance problems in the
context of contractual thinking is what the hasty prediction of a Soviet-
style collapse in China has missed or underestimated. ⁴¹ Before they
become terminal, many governance problems take on a contractual
meaning in the eyes of both citizens and the government. On the one
hand, contractual thinking enables citizens to perceive government
irresponsibility as the basis of their reciprocal entitlement to resist. On
the other hand, for the government it serves as a discursive framework within which rightful resistance can be interpreted less in terms of counterrevolutionary challenge and more in terms of legitimate social disobedience. Both rightful resistance and an official contractual interpretation of it are important to the development of responsible government or, at least, to the correction of irresponsible government behaviour.

To appreciate the role of contractual thinking in inspiring popular resistance among citizens, we need first to recognize the cultural nature of resistance. According to Elizabeth Perry, popular protest is "culturally sanctioned," and to understand its dynamism requires "serious attention to the language, symbolism, and ritual of both resistance and repression." In other words, protest or resistance is not just a spontaneous, straightforward reaction to government irresponsibility or social grievances, but is deeply seated in its socio-cultural context. In China, as elsewhere, the idea of a social contract has often constituted such a context.

Conventional Western liberal thinking takes the social contract as an interrelationship between the government and society in which the former governs on the basis of popular consent through formal election. For this reason, some suggest that no social contract exists in China as the Chinese government, by evading democratic elections beyond the village level, does not in any way base its power on the consent of the governed. Yet, true as this may be, the lack of democratic elections beyond the village level does not necessarily mean the absence of government by consent or the non-existence of the social contract. As Stephen Angle rightly notes, government by consent, in a broad sense, implies that political authority is a dependent variable. Apart from democratically elected governance, government by consent involves some other forms of dependency, which may similarly indicate some sort of social contract at work.

The idea that government is a dependent variable has a long history in China. Although in the Confucian order the ruler and the father seemed to enjoy absolute authority, they were nevertheless expected to perform their duties. Such expectations, based on the norm of reciprocity, point to the nascent presence of a contractual way of thinking. When asked about the way of good government, Confucius alluded to this contractual relationship by replying that "There is government, when the prince is prince, and the minister is minister; when the father is father,
and the son is son.” True, the expected duties of the ruler were not about respecting the “inalienable” rights of the subject, but about acting in accordance with certain rituals and moral standards. In this sense, the “Confucian” social contract was less than equal. Nonetheless, the tradition suggests that political authority in China was neither unconditional nor absolute, but dependent, in the words of Mencius, on the “Mandate of Heaven.” Such “relative openness” in Chinese political tradition, according to Perry, sets China apart from other imperial orders such as Europe and Japan. Even during the Maoist era, a time often noted for its totalitarian control and revolutionary break with the past, such contractual thinking had not completely ceased to operate. Though different from Mencius’s Mandate of Heaven, Mao Zedong’s “mass line” doctrine seemed to have continued the belief that “to rebel is justified.” There is no denying that Mao’s mass line mainly served the purpose of his contentious mobilization politics, which more often than not led to social turbulence rather than responsible governance. That said, ironically, it also fostered “a residual sense of entitlement and a repertoire of protest strategies.”

It is China’s long tradition of contractual thinking that may hold the key to why the Chinese tradition of rebellion (or social banditry) has survived two millennia. Confucianism, the Mandate of Heaven, the mass line, as well as the popular belief in the right to rebel, all constitute a rich “Chinese repertoire of contention” such as petitioning, appeals, and even mass campaigns. Together, they constitute a moral economy that gives rightful resistance its potency. Contemporary resisters, who have also begun to accept modern Western concepts and practices, are not only able to draw key techniques of resistance from the cultural repertoire, but also to derive a contractual way of thinking as their ideational justification for resistance.

Traditional cultural repertoires are just one source of contractual thinking; government discourses on responsibility and what O’Brien calls the “central policy” represent another. In many cases, by contrasting higher-level directives with local practices, villagers came to better understand their legal rights as well as local governments’ responsibility. By treating taxes, fees, and other demands by the government “in terms of exchanges that imply mutual obligations,” they are able to “see their relationship with cadres partly in terms of enforceable contracts.” When officials fail to perform their expected duties, people can articulate their grievances in distinctly contractual
terms. For example, some farmers questioned their leaders this way: "Failing to carry out the 'three-linkage-policy' [concerning supply of agricultural inputs] amounts to unilaterally breaking a contract. I have the right not to pay the grain tax. You have broken the contract, so how can you ask me to honor it?"55 Recently the central government's tax-for-fee reform has only reinforced this contractual mentality. According to a Beijing researcher,

When Agriculture Tax is eventually phased out in a few years' time, peasants would know that the central government no longer requires them to pay tax. Period! This would improve the transparency of the rural tax regime and enable the peasants to protest more effectively against any illegal fees when imposed....56

Whether drawn from Chinese political tradition or appropriated from the central policy, the contractual way of thinking helps re-frame citizens' identity as well as their attitude and behaviour towards the government. Imagining a reciprocal or contractual relationship with the state, many Chinese, as O'Brien points out, act like citizens even before they are recognized as such, and together with "a growing fluency in 'rights talk,'" the new identities centred on citizenship imply both "a willingness to question authority" and "a readiness to enter into conflicts with the powerful."57

Empowered by the new identities associated with contractual thinking, citizens may become not only more willing to mount resistance, but often more resourceful and effective in organizing it. For instance, villagers in some locations appropriated the Organic Law of Village Committees, the Administrative Litigation Law, and the Law on Agriculture for their appeals and petitions (shangfang gaozhuang).58 In another example, Murphy documented that after viewing the state-sanctioned anti-corruption film The Life and Death Decision (Shengsi jueze), many people took to heart the film's message of people's right to exercise surveillance over cadres and were emboldened to lodge complaints against corrupt officials. In one instance in Guangdong province, villagers inspired by the film successfully stopped a cadre from collecting levies to build a big cemetery.59 In June 2007, thousands of residents in Xiamen city, Fujian province, used mobile phone text messages and the Maoist slogan "serve the people" (wei renmin fuwu) in a "wild cat" action against a chemical factory project, which allegedly poses environmental and public health risks. Caught off guard by the
protests, the Xiamen government was forced to suspend the plant’s construction.60

As well as forcing the government to refrain from irresponsible policy, repeated resistance practices can also be a formative experience for the resisters, through which they learn and strengthen the contractual way of thinking. Baogang He suggests that by fighting against the misuse of power by village cadres, villagers not only forced local cadres to respect and honour their rights, but were also capable of “changing local political culture and establishing a rights-based political morality.”61 As a result of the experience of rightful resistance, the resisters could better appreciate the notion of a moral contract with authority.62

What matters here is not just the presence of rightful resistance, however. How resistance is discursively constructed by the government is also relevant to whether resistance could help develop responsible government. In many localities, resistance frequently meets with suppression and results in still tighter control. Even at the central level, at times official response to organized resistance is anything but responsible: witness the 1989 Tiananmen crackdown. But instead of nullifying the significance of contractual thinking, the mismatch between resistance and responsible government may be attributed to the very lack of a contractual framework among those government officials who adopt a hardline stance towards resistance. Without contractual thinking, they not only fail to heed the legitimate message from resisters, but also tend to interpret resistance as criminal or even counterrevolutionary riots, an interpretation which, not surprisingly, is not conducive to responsible governance.

Conversely, Beijing’s recent more conciliatory responses to resistance can be understood in the context of the emerging official contractual discourse. This discourse plays a role not only through redefining government self-interest, but also through conferring a more legitimate meaning to resistance, which is seen as a gesture to pressure the government to hold up its end of the bargain. Most Chinese analysts now claim that the vast majority of protests resulted from disagreements “among the people,” rather than conflicts “between the people and their enemies.” Since 1999, the Ministry of Public Security and its think-tanks have adopted “mass group incidents” as the new standard phrase for describing protests, the use of the term “the masses” suggesting some sympathetic overtones.63 Given this discursive shift, officials can treat resisters as citizens who are acting within their legitimate rights and take
the rise of resistance as a sign of people’s growing displeasure at the government’s failure in responsibility.

Viewed through the contractual lens, governance problems and the resulting resistance at once cast a shadow over government legitimacy and invoke a strong sense of urgency in the Chinese leadership. As Bernstein and Lü point out, in the aftermath of a series of rural riots over burdens, the central government was reportedly shocked by the spectre of a potential repetition of “officials driving the people to revolt,” a phenomenon which had figured prominently in Chinese history.64 Premier Wen Jiabao has repeatedly urged cadres to respect farmers’ wishes and avoid committing “historic blunders” in dealing with rural protests. Citing a famous Chinese dictum, he warned that “while water can carry a boat, it can also overturn it.” In the same vein, a stream of government documents, which caution that social policy reform should fully take into account people’s tolerance, increasingly reveal an acute fear of instability and rebellion.65

Such fear can force the government both to identify the sources of social discontent and to come up with necessary remedies.66 For example, it has been widely noted that the 1993 riots of thousands of villagers against excessive local levies in Renshou county, Sichuan province, had both underscored the farmers’ plight and spurred the central government to begin abolishing dozens of administration fees and fundraising programmes imposed on them.67 Similarly, in the implementation of village self-government, it was also largely a “fear of chaos,” rather than an idealistic aspiration to democracy per se, that was the main driving force.68 By the time that village self-government began to be hotly debated, many local governments in rural China had been on the brink of administrative collapse. Dreading the possibility of chaos and rebellion, the then Chairman of the Standing Committee of the NPC, Peng Zhen, passionately called for village self-government. He described the rural situation as a matter of “life and death” for the regime: if the deteriorating relationship between cadres and villagers was not improved, he said that villagers would “sooner or later attack our rural cadres with their shoulder poles.”69 Prompted by such a fear of rebellion, Peng embraced the concept of village democracy and managed to win over sceptics, thus setting the stage for the introduction of village elections in the late 1980s and early 1990s. Peng Zhen was not alone in utilizing the fear factor to push through reforms. In order to implement government policies, sometimes central government officials would
deliberately play up similar fears to discipline local officials or pressure them into action.\textsuperscript{70}

The spectre of social unrest has continued to form the backdrop for most recent government reforms or policy initiatives. In response to mounting social tensions in rural China, in the late 1990s and early 2000s the Chinese government embarked on the “tax-for-fee” reform to lessen farmers' financial burden. In 2004, Wen Jiabao announced the phasing out of the Agricultural Tax at the annual session of the NPC. By 2006 this tax category had disappeared.\textsuperscript{71} In September 2004, for the first time in the Communist Party’s 55 years in power, its Central Committee spent the major part of a plenary session discussing how to enhance its “ruling capabilities.” Then in October 2006, in an attempt to repair the crumbling social safety net, the Central Committee passed a resolution on building a “socialist harmonious society.” This was the first time social policies had ever become the focus of a plenary session of the Central Committee.\textsuperscript{72}

Thus, thanks to contractual thinking, despite or perhaps precisely because of the existence of some governance problems, there is some room for responsible government. Instead of inevitably sliding into permanent decay and eventual collapse, the Chinese regime seems able to grasp the consequences of its governance crisis and become motivated enough to prevent it from deteriorating into a legitimacy crisis. Both the contract-inspired resistance and the fear factor constitute a punishment mechanism, which can somehow act to galvanize the government into reform. No doubt more empirical research on the constitutive effect of contractual thinking is called for, but it is fair to say that it can at least partly account for China’s existing capacity for responsible governance.

Conclusion

Responsible government has often been seen as a feature and product of formal institution-building — democratization in particular. But this perspective seems unable satisfactorily to explain the apparent capacity of the Chinese government to reform itself while maintaining its authoritarian rule. This paper draws attention to a discursive and cultural source of responsible government, namely, contractual thinking, which I argue plays a latent but important role in the construction of responsible government in China.
Two aspects of this constitutive process have been highlighted. One is how contractual thinking works to redefine government interests more or less in line with citizens’ interests, and how this redefinition provides an incentive for the government to act more responsibly. The other aspect involves its ideational justification for resistance via its implied citizens’ rights and government responsibility. Rightful resistance adds a sense of urgency for government actors, who, for fear of waning legitimacy, can feel compelled to address positively their governance deficit.

These two aspects are not independent of each other. By stressing government responsibility, the “responsible government” discourse helps foster rights consciousness among citizens. Conversely, contractual thinking among citizens, by underpinning rightful resistance, helps the government better recognize and fulfil its responsibility. In this mutually reinforcing process, the contractual thinking “embedded” in the discourses on government responsibility and citizens’ rights provides some important discursive and normative contexts within which responsible government can be imagined and socially constructed. Focusing on these constitutive roles of contractual thinking, the paper shows that in China’s march towards responsible government, ideas and culture, not just institutions, matter. Unless we pay close attention to the admittedly elusive subject of ideas, it is difficult to understand why and how the Chinese government, for all its rigid political system, still exhibits some resilience, responsiveness, and legitimacy.\(^3\)

Without doubt, in order to achieve a stable and lasting responsible government, developments in political institutions and democratic elections need to follow. Ideas and culture, while informing social and political behaviour, cannot in their own right determine social and political outcomes. But the question, ultimately, is not whether policy change in China can be best explained by formal institutions or ideas; both matter, as does their mutually constitutive relationship. Some institutionalist literature acknowledges that formal institutions may have little effect unless their ethos become cognitively internalized and “embedded” in the public psyche as political norms,\(^4\) but thus far insufficient attention has been paid to how ideational factors work in such a process. By offering a constructivist framework centred on contractual thinking, this paper hopes to have made a small step towards filling that gap.
Notes


8. See, for example, Susanne Brandtstädter and Gunter Schubert, "Democratic


13. The other two focuses are “perfecting the basic economic system” and “improving people’s livelihood.” See “China to Focus on Reforms, Economy and People’s Livelihood,” Xinhua News Agency, 4 April 2007.


18. For a report on the evolution of the official discourses on responsibility (zeren) and accountability (wenze), see “Cong ‘zerenzhi’ dao ‘wencezhi’ de licheng” (The Evolving Process from the Systems of “Responsibility” to “Accountability”), *Xin jingbao* (New Beijing News), 20 August 2004.


23. Ibid., p. 276.


25. The term “rightful resistance” was first used and made popular by Kevin O’Brien and Lianjiang Li. See O’Brien and Li (Note 8).


43. As Barrington Moore noted, very often criticisms of the dominant stratum take the form of attempts to demonstrate that the government "does not perform the tasks that it claims to perform and therefore violates the social contract." Quoted in James C. Scott, *Domination and the Arts of Resistance: Hidden Transcripts* (New Haven, CT: Yale University Press, 1990), p. 91.


“community pact” practice in Shenyang, the capital of Liaoning province, where the obligations of both the community organization and the resident are set out. See David Bray, “Building ‘Community’: New Strategies of Governance in Urban China,” *Economy and Society*, Vol. 35, No. 4 (2006), pp. 541–42.


47. Legge (Note 9), p. 256.


49. Ibid., p. 178; see also Wang (Note 46), pp. 182–83.


53. O’Brien (Note 52), p. 3.


55. Quoted in O’Brien and Li (Note 8), p. 7.


60. See Mitchell Landsberg, “Chinese Activists Turn to Cellphones,” Los Angeles Times, 1 June 2007.
64. Bernstein and Lü (Note 58), p. 753.
67. Bernstein and Lü (Note 58), p. 751; Li (Note 56), pp. 151–74.
68. Kelliher (Note 38), p. 66; see also Li (Note 37), p. 707.
70. One case is that of central officials from the Ministry of Civil Affairs persuading local officials to implement the Organic Law of Villager Committees, in which central officials deliberately raised the spectre of social unrest as a result of failure of implementation. Ibib., p. 483.
73. Of course, contractual thinking is not the only kind of political idea at work in China. Competing political discourses include the traditional discourse of the party leadership and the neoliberal discourse of economic development. A fuller understanding of the exact impact of contractual thinking on responsible government would need to take these parallel discourses into account, something which is beyond the ambit of the current paper.