A nighttime photograph of the Oriental Pearl Tower in Shanghai, China, illuminated with lights. The tower is the central focus on the left side of the image. In the background, other skyscrapers of the Shanghai skyline are visible, including one with 'MIRAE ASSET' signage. The lights from the buildings reflect on the water in the foreground. A large yellow rectangle with a white border is overlaid on the right side of the image, containing the title and subtitle text.

End of an Era

A Conversation with
Carl Minzner

Elisa Nesossi

China's post-1978 era of 'reform and opening up' is ending. China—a country that claims to shape the global order—is closing down and its future remains uncertain. This is the key message from Carl Minzner's *End of an Era: How China's Authoritarian Revival Is Undermining Its Rise*, an engaging, provocative, albeit sobering, analysis of contemporary China.

Elisa Nesossi: Reform is one of the key topics in your book. You argue that China is entering a new era: the counter-reform era. What do you mean by counter-reform specifically? And, can you please explain what could be both the positives and the negatives of counter-reform?

Carl Minzner: I do not really like the term 'reform' (*gaige*). It has become so overused both by Chinese officials and observers alike as to be virtually meaningless. Literally, it means 'to make change'. But building a skyscraper can be a change. So can tearing one down. When China's one-child policy was instituted in the late 1970s, it was presented as a reform. And when it was altered to a two-child policy in 2016, it was also labelled as a reform. I prefer to talk about China's 'reform era'—that is the period that began in the late 1970s, corresponding with the Deng Xiaoping policies of 'reform and opening up' (*gaige kaifang*). It was marked by three factors: a) rapid economic growth; b) a certain degree of ideological openness to the outside world; and c) relative political stability, characterised by partial political institutionalisation.

Since the early 2000s, China has entered a new era—the 'counter-reform era'. Economically, China is slowing down; ideologically, it is closing up; and politically, China's leaders are ripping up the written and unwritten norms that had characterised the reform era, with the centralisation of power in a single leader being simply the most obvious example. Sure, there are some positives. For example, the halting abandonment of the growth-at-all-costs model of development has led to increased official support for environmental protection. But I tend to think that the risks are massive, particularly when you consider politics. In the 1970s and 1980s, Chinese leaders adopted political norms such as decentralisation of power, abandonment of one-man rule, and avoidance of anything resembling a cult of personality in order to steer China out of the turbulence and instability of the Maoist era. But as Beijing steadily reverses those norms, there is a real risk of repeating history. Processes and practices thought to have been dead and buried are already beginning to push themselves—zombie-like—back to the surface again.

Carl Minzner

EN: When you talk about reforms in China, you describe it as a ‘one-step-forward, one-step-backward cycle’. Would you mind explaining this ‘depressing cycle’—as you define it—and its implications for China’s future?

CM: That quote is specifically taken from the section of the book discussing changes to China’s political and institutional system. After 1989, Beijing ruled out any alterations that might call into question the Communist Party’s leading role. But during the 1990s and early 2000s, Chinese leaders nonetheless continued to experiment with a range of reforms lower down in the bureaucracy, such as village elections, administrative law reforms, intra-Party democracy, and so on. All were aimed at addressing very real problems caused by the overconcentration of power in the hands of local officials—issues like corruption, abuse of power, and wilfully ignoring directives from Beijing. Their shared feature was the opening of some kind of channel for citizen input to check local authorities. Back in the early 2000s, you could sort of imagine a world in which—even if real democratic reform was totally off the table—such innovations might eventually mature into meaningful institutions for citizens to voice their concerns in the Chinese political process. Perhaps the hard edges of the political system would be slowly sanded smooth. And perhaps citizens and officials alike might gradually and organically grapple their way towards building new institutional mechanisms to address classic governance problems of social conflict, political voice, and supervision of power.

That did not happen. As each of those reforms was instituted, citizens rushed to use them, first to criticise local officials, and then to make deeper political claims. And at each point when such things happened, Party leaders saw shades of 1989 and Tiananmen Square, and moved to pull the rug out from under their own reforms. That is the one-step-forward, one-step-backward dynamic that I mentioned. As a result, China’s own tentative institutional reforms have been smothered in the cradle one after another. This has robbed officials and citizens alike of the opportunity to gradually shift the underlying political dynamics at the heart of the Chinese system.

EN: In your book you introduce two alternative models of Chinese governance that Chinese leaders can choose between using the symbolism of the contemporary Three Gorges Dam and the ancient Dujiangyan water diversion and irrigation project. How do these massive projects symbolise different forms of governance in China today?

CM: Ah, good question! Short answer: Dujiangyan was what could have happened, the Three Gorges Dam is what is happening now.

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Over the past four decades, China has experienced some of the most rapid changes in world history. Urbanisation and economic change have generated a host of latent tensions—migrants seeking a place in urban China, educated youths dissatisfied with their job prospects, laid-off workers demanding back wages. The key question is effectively a hydraulic one: how to channel the pressures that these changes are producing?

Dujiangyan—the third-century-BC irrigation system in Sichuan—represents a more natural, organic approach. It does not rely on manmade dams to stem the pressure of the waters. Rather, by using the natural topography of the land, it both steers the rising river levels into irrigation channels for the fields of the Sichuan basin and avoids any risk of catastrophic flooding caused by dam breaches. Notably, this differed dramatically with the approach pursued with regard to the Yellow River in the north, which historically was always more dependent on large levees prone to regular breaching. Something like a political version of the Dujiangyan approach—a more organic institutional evolution responding to rising social pressures—was one option that Chinese authorities had before them during the reform era. It was not chosen.

Now, if you reject such an approach, do social (or water) pressures simply disappear? No. Rain keeps falling. Society keeps changing, and you are forced to rely on other measures to respond. Like sinking millions of tonnes of concrete into the ground to build a massive physical dam—such as the Three Gorges Dam or the northern Chinese levees along the Yellow River—or similarly throwing massive amounts of resources into constructing parallel projects to manage rising social pressures, whether it be the Great Firewall, social credit monitoring system, or an extensive network of re-education camps in Xinjiang. In the short term, this buys you a degree of stability, at least as long as you have the money and resources to continually throw at the problems or raise the height of the manmade levees. But if you look just below the surface, you realise the weight of the social pressures that they are straining to hold back. And then you start thinking through exactly what happened to those northern Chinese levees holding back the Yellow River levees once the Qing dynasty passed its peak and political (and physical) erosion set in.

EN: You start your book confidently and depressingly (for a law scholar) stating that 'law is becoming less and less relevant to China's future'. This is not what President Xi Jinping claims as he puts, at least at the rhetorical level, *yifa zhiguo* ('ruling the country in accordance to the law') at the centre of his governance strategy. Are Xi's statements about *yifa zhiguo* mere empty words? Or, if not, why is the Xi regime putting so much emphasis on this concept?

CM: Xi Jinping certainly intends for law to play some role in managing Chinese society. But it is important to remember that the full slogan is actually *yigui zhidang, yifa zhiguo* ('rule the Party according to internal regulations, rule the country according to law'). That is a vision of two separate systems—the first being the internal one applied to the Party itself, the other being the external one applied to the state and society.

Now, those slogans have been around for a while, and back in the late 1990s, there was somewhat more Party emphasis on the 'law' bit. Back then, it was possible to read internal Party documents and think that—just maybe—there was the potential for the 'law' bit to expand. That is precisely why all of those public interest lawyers and scholars had visions for the steadily expanding role of the constitution and its laws.

That has come to a grinding halt. First, Party leaders have clearly signalled that those visions are politically incorrect. Things like repoliticising the Chinese bar association, shutting down academic discussion of broader rule-of-law issues, or altering the constitution to expressly mention the leading role of the Party within the text itself (and not just the preface)—all of those are big red flags to everyone within the law community that, just as with other areas, Party leadership is supreme. But there is a second, and deeper dynamic at work as well. It is not just that there are simply limits to how far rule-of-law norms will be permitted to go. Rather, the Party norms are actually beginning to *cannibalise* the legal ones. For example, take a look at the new National Supervisory Commission or the 2018 government reorganisation plan. What you see there is that previous legal norms and institutions (like the functions of the state procuracy) are being absorbed—Borg-like—into Party ones (such as the Party disciplinary commissions).

And, of course, this is merely a reflection of a much broader trend in China today—the reassertion of Party political power across the board. You see precisely the same dynamic in corporate China with the reassertion of the role of Party cells in firms. Reform-era market forces, legal principles, civil society institutions—all of these things are being steadily marginalised in the face of the deepening pressure to strengthen Party power and uphold social stability.

EN: You describe China today as 'a modernised, updated version of the traditional authoritarian-bureaucratic imperial system'. Can you please elaborate on this statement? Does this imply that China's circumstances are somehow unique—as many within China often remind us—and cannot be compared with those of any other country?

CM: Well, Chinese citizens are people like in any other country in the world, and they have desires and hopes and

fears like everyone else. So I do not buy the whole idea that there is something culturally specific about China that makes it totally alien to outsiders. But in searching for an answer to how to structure their political system, China's Party leaders are steadily pivoting back to their own past—both the twentieth century, i.e. hard-line Leninist one-Party authoritarianism, and its yet earlier roots, i.e. the imperial authoritarian-bureaucratic regime that extensively co-opted and controlled social forces such as religion and commerce.

If you are careful, you can still draw comparisons and contrasts with other regimes—imperial Russia is interesting because it has some similar strands, Taiwan under the Nationalist Party is interesting because it followed a different path. However, it is really important to look at institutions and history. It certainly seems odd to draw facile conclusions on the direction of China today based on the experience of say, nineteenth-century Britain or twentieth-century America, when the underlying political structures are so different. And I certainly think there need to be more comparisons today with China's own past—looking back at what happened, for example, in the Qing dynasty when internal political decay began to set in, or in the early Communist period, when Beijing's leaders regularly relied on periodic campaigns to purge the Party itself.

EN: A final question about the format and tone of the book. As a China-legal scholar, why did you choose to write a non-academic book? Are you subtly encouraging academics to write in a format more widely accessible to the general public?

CM: That is exactly right. Academics face immense pressures early in their careers to write narrowly specialised books and articles targetted primarily at other academics. There is some benefit to that—you have to develop expertise in a particular field, and you have to argue convincingly to other experts. But if that is all we do, it is a real problem. China is at the heart of the most important global issues of the twenty-first century, whether in economics, environment, or foreign policy. If the people who have devoted their lives to trying to understand all the complex nuances of what is taking place in China do not take part in trying to explain them to the general public, it virtually guarantees that role is going to be filled by fly-by-night pundits who are willing to fill the void with glib generalisations and inflammatory rhetoric. And the cable TV channels are more than willing to fill the air with those guys. However, since us professors are always defensive about any suggestion that our books aren't 'academic'—you have no idea what goes on in faculty workshops!—I would hope my readers find I did write a thoughtful academic book, just an engaging and readable one that a broader audience can appreciate too! ■