Does the Communist Party Help Strengthen China’s Legal Reforms?

Pierre F. Landry

Abstract

This article draws on the empirical evidence collected in the 2003/2004 survey on the Institutionalization of Legal Reforms in China (ILRC). It explores how Chinese Communist Party (CCP) members understand, trust and make use of legal institutions in comparison with non-members through a national probability sample and a survey instrument that were specifically designed to measure the perception, understanding and use of legal institutions among Chinese adults. This data puts us on firmer empirical ground to evaluate whether the behaviour of today’s CCP members may become (or remain) a barrier to further legal reforms or whether CCP members are instead positive agents of change. I focus on three dimensions of legal change: the diffusion of substantive legal knowledge, the building of trust in legal institutions; and — given cognition and trust — the propensity to make use of legal institutions, specifically the courts.

Introduction

Both supporters of Stanley Lubman’s famous metaphor of the Chinese legal system as a bird caged in by the CCP and those who share Peerenboom’s more optimistic view that China’s march towards the rule of law...