

# **Corporatist Representation via People's Congress:**

An Aspect on the State-society Relationship in Contemporary China<sup>1</sup>

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## **I. RESEARCH QUESTION, METHODOLOGY & OUTLINE**

The third generation of contemporary Chinese studies aims to depict changes in China via examination of the interaction between state and society (Harding 1984; Perry 1994). This paper takes on the wave of the third generation, aiming to analyze roles of legislatures in shaping the state-society relationship in a decentralized authoritarian regime.<sup>2</sup> The research question is twofold. First, as a “modernizing authoritarianism” (Wu 2005; Nathan 2003; Oscar 2005) with limited and non-responsive pluralism, how does the current regime deal with “interest representation” in a more and more complex and pluralistic society (Walder 1988; Xiao 2003)?<sup>3</sup> Second, which is more essential here: what functions do People's Congresses (PCs), especially Local People's Congresses (LPCs), fulfill in state elites' responses to conflicts between an authoritarian state and a diversifying society?<sup>4</sup>

With the PC/LPC as the research focus, this paper attempts to illustrate how the state-society relationship is configured into political institutions, and to explore political functions of this representative mechanism in shaping the state-society interactions from the perspective of corporatism, both of which will uncover traces of corporatist representation via the People's Congress in China. This is the first attempt to understand PCs from the perspective of corporatism, to describe corporatist characteristics of this representative assembly, and to label Chinese legislature as corporatist, all of which will enrich the classical conceptual framework of corporatism (Schmitter 1974), and also provide a new theoretical perspective for research on China, Chinese legislatures and comparative legislative studies<sup>5</sup>. Analyses of state-society interactions via the PC can also shed some light on roots deep in institutional arrangements which account for the current widespread social tensions and governance issues.

Methodologically, this project is empirically orientated. Empirical sources in this paper consist of a combination of primary and secondary materials. First-hand resources are based primarily on the author's field trip to China from March to April 2009, which looked at three randomly selected County level People's Congress (CLPCs) in Zhejiang Province.<sup>6</sup> In order to preserve anonymity, these three counties will be referred to as “County A”, “County B” and “County C”. Empirical materials include interviews with officials in these CLPCs and with related officials from the Provincial People's Congress in Zhejiang Province; interviews with both People's Deputies (PD) and local constituents; as well as some internal information provided

by friends in these three CLPCs and the Zhejiang Provincial People’s Congress.<sup>7</sup> Laws, regulations and related legal documents are also used as the most prominent formal expression of the legislature on different strategies it applies towards certain social sectors, within which we can see preferences and distinguish inducements from constraints. Secondary materials consist of empirical studies on PC/LPCs done by other scholars in English and a critical reading of a selection of Chinese literature, including government documents, newspaper reports, public speeches by PC leaders, published yearbooks and magazines put out by different PCs, and some unpublished internal materials. In addition, a six-month internship (2007) in the standing committee of the Zhejiang Provincial People’s Congress, and personal participations in both the 5<sup>th</sup> plenary session and the 33<sup>rd</sup> to 35<sup>th</sup> Standing Committee sessions of the 10<sup>th</sup> PLPC in Zhejiang Province not only served as the initial inspiration for this project, but also enabled me to see a more accurate image of the PC system.

Figure 1.1 below indicates the structure of relations empirically explored to verify a formula of corporatism conceptually tailored here: State–PC–Society, which also outlines this paper. First, dominance of the PC by the Party will be illustrated to depict why and how the State makes the LPC/CLPC into a representative institution of corporatism and how it penetrates into the structural format of the LPC, and controls its functional fulfillments. I conclude that the LPC (and the PC as a whole) can be labeled as a state apparatus designed and utilized by the central/local states as a corporatist mechanism to shape state-society relations. Second, I will investigate, using a “compare and contrast” method, how the LPC/ CLPC represents certain social segments in processes of deputy recruitment, demand articulation, decision making and policy implementation by incorporating or excluding different sectors of social interests. This paper also slightly reveals how the LPC mediates among conflicting interests from different social sectors – labour and capital, for example, and how the LPC uses its power to control some social segments, such as the peasants and workers, but to protect others, such as the businesspeople. Qualitative and quantitative analyses of empirically collected data and legal analyses of policies and legislation are adopted jointly to compare and contrast different corporatist strategies the LPC has applied towards a variety of social sectors. A set of case studies are also presented as supportive evidence and to draw a more vivid picture.

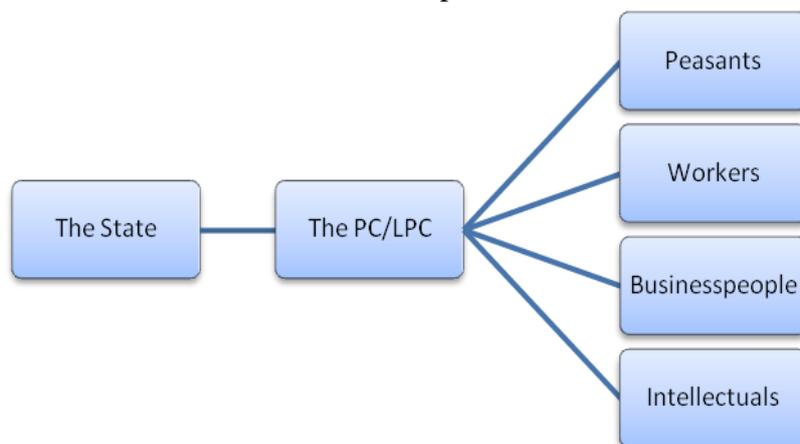


Figure 1.1 The corporatist formula of State—PC/LPC—Societal Sectors <sup>8</sup>

## II. CONTEXTUALIZATION, ANALYTIC MODEL & DEFINITIONAL FRAMEWORK

Although this paper is an interdisciplinary study combining law, political science and sociology, within the framework of contemporary Chinese studies and, more specifically, within studies on Chinese socio-political transition, under the context of the fundamentally altered and still rapidly changing relations between the state and society in post-1978 China, conceptually, this paper also belongs to the family of comparative legislative studies, especially the study of Chinese legislatures. However, unlike previous legislative studies<sup>9</sup> in China, this paper explores the PC as a representative institution for interest representation, and an intermediary realm between state and society. Rather than using the more popular approach of pluralism, this paper applies the alternative perspective of corporatism, in which the state, as well as the PC, has an autonomous and dominant role in shaping state-society relations by selectively including or excluding functionally different social segments based on intentions of state elites and policy goals set by them.

The conceptual models and analytical tools of corporatism applied here mostly fit into the 3<sup>rd</sup> category of Panitch's typology, as "a new form of interest-group politics" ("Corporatism"), and sources of which primarily come from Phillip Schmitter (1974), Gerhard Lehmbruch (1977), Alfred Stepan (1978), and David and Ruth Colliers (1977, 1979). Based on their excellent works, I have tailored a unique theoretical framework to analyze how the PC functions in structuring and controlling relations between state and societal sectors. Meanwhile, the application of corporatist theory to the case of Chinese legislature also expands the traditional conceptual framework of corporatism.

With Schmitter's classic conceptual framework, Stepan's "inclusionary" and "exclusionary" poles of corporatist policies (1978), and Colliers' subtle rubric of corporatist policies concerning societal groups of "inducements" and "constraints" (1979), an analytical model is developed to mark PCs' corporatist features and distinguish different policies of corporatism PCs apply to various societal sectors. As indicated below in Table 2.1, inducements of the corporatist legislature include advantages in selection of PDs to both PCs and PCSCs; priorities in interest representation, including both demands articulated within PCs and via mass organizations representing certain social segments; preferential leanings in policy making and implementation, such as advantages in legislation; and other personal privileges in both "public" and "hidden" transcripts, such as legislative immunity and honorary benefits as PDs. Accordingly, constraints contain disadvantages of PD recruitments; indifference in interest representation; discrimination in policy formulation and related policy implementation supervision; and restrictions on other representational activities. The following criteria are generated for a contrasting pattern of corporatist tendencies applied by the PC to different societal sectors of interests.

Table 2.1 Criteria of corporatist policies

	<b>Inducements</b>	<b>Constraints</b>
<b>1. PD Recruitment/ Regime Support</b>		
1) PCPDs	Favourable	Unfavourable
2) PCSCPDS	Favourable	Unfavourable
<b>2. Interest Representation</b>		
1) Proposals and suggestions from PDs	Favourable	Unfavourable
2) Relationship with mass organizations	Favourable	Unfavourable Non-existent
<b>3. Policy-making/ Legislation</b>	Favourable	Unfavourable
<b>4. Policy implementation/ Supervision</b>	Favourable	Unfavourable

Furthermore, combining Stepan's (1978) two poles with Colliers' (1979) measurements of corporatist policies, as indicated in Figure 2.1, four combinations are generated for indicating policy tendencies in corporatist legislature: 1) a high level of inducements and a low level of constraints (re businesspeople), which means the state elites seek to gain support and cooperation of certain social sectors, and it should lie on the inclusionary side of the spectrum of state corporatism<sup>10</sup>; 2) a high level of both inducements and constraints (re intellectuals), which means the state cares less about gaining support from certain social sectors but more about controlling it, and it should lie in the middle of the spectrum of state corporatism; 3) a high level of constraints combined with a low level of inducements (re peasants, workers) which means the primary concern of the state is to control certain social sectors, and it should lie on the exclusionary side of the spectrum of state corporatism; 4) a low level of both means the state elites do not care much about certain social sectors.

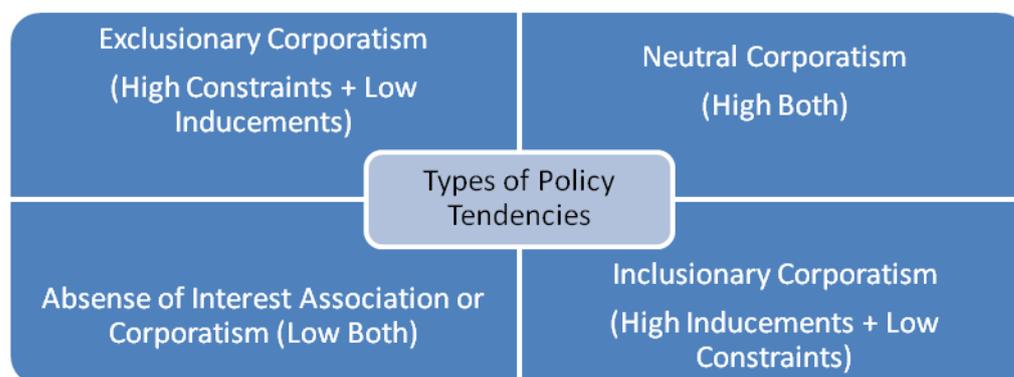


Figure 2.1 Four types of policy tendencies in a corporatist legislature

With all above, a working definition<sup>11</sup> of a corporatist legislature containing both descriptive and comparative aspects, can be generated as follows:

*A corporatist legislature (the PC in China for example), could be defined as a system of state designed/controlled hierarchically ordered representative institution to recruit representatives and articulate/intermediate interests among constituent units catalogued by the state elites into a limited number of singular, quasi-competitive, and functionally differentiated tangible and intangible groups. (Descriptive)*

*Representative recruitment, interest articulation, policy formulation and policy implementation assistance are based on an authoritatively structured interests input via selectively inclusionary or/and exclusionary processes. (Comparative)*

Accordingly, a corporatist legislature is firstly a representative institution, and secondly an institutional arrangement for interest representation and political control, and finally a system of representative institutions firmly in control of a relatively autonomous state apparatus which reflects asymmetries in existing distribution of power and privilege to different social segments. The functions of a corporatist legislature include: 1) to recruit representatives from state-structured interest groups, substantive and suppositional, entitative and abstract, tangible and intangible; 2) to articulate demands of these social interest groups and mediate among them; 3) to authoritatively include and exclude certain sectors of social interests in both policy making and implementation.

Hereinafter are primarily empirical findings to descriptively and comparatively verify the definitional framework via the analytic tools, following the formula of corporatism mentioned above: State–PC–Society. Part III focuses on the former half, while Part IV the latter. It is worth mentioning here, while the theoretical framework and conceptual model is designed to be applicable to the PC system as a whole, the LPC, and county-level People’s Congress (CLPC) in particular, is chosen here as the subject of empirical research based on several considerations. First, local politics is an important component in comparative studies of politics and governance, while decentralization, or “decentralized authoritarianism” (Landry 2008), makes local politics in China a more appealing research field; Second, direct elections of People’s Deputies (PDs) in the CLPC prioritize it from higher level PCs which recruit deputies only through indirect elections, while the organizational completeness of the CLPC makes town- and township-level PCs (TLPCs) inferior. Although TLPCs also enjoy direct elections, they do not have a standing political organ. In short, having both direct elections and a standing committee makes the CLPC a very special political player in both the PC system and local politics. Third, however, most legislative studies in China focus on the NPC. Not until recently did they decentralize to provincial-level PCs (PLPCs), but rarely has scholar focused on sub-provincial-level PCs, let alone the CLPC in particular.<sup>12</sup> Therefore, on the one hand, insufficient research on the CLPC also makes it necessary to shed more light on this county-level representative institution in China, but on the other hand, the empirical verifications are primarily based on findings from CLPCs, and are thus limited.

### **III. STATE—PC/LPC: A GENERAL DESCRIPTION**

The re-empowerment of LPCs, especially the CLPC, was one of central items on the reform agenda of the late 1970s. But why is this so, especially given that there are already two other power players in existence: the Party committee and the government? What is the relationship between this newly empowered representative institution and the Party? Here I argue the entire PC system is designed as responses of Party elites in the state to social crises released by economic development in a corporatist style.<sup>13</sup>

Along with reforms, the socio-economic situation in China has changed, but dominance of the Party in both state and society remains. What has changed accordingly is the means of control. In terms of the state, the Party retreated from micro-activities in economic development and social management, but still kept “political authority in the hands of top Party leaders” and conducted organizational control of the government via personnel appointments (Wu 2005: 176).<sup>14</sup> In terms of society, direct manipulation via ideology and mass mobilization no longer work well in this diversifying societal context of an information era. Instead, a series of institutions was designed to penetrate into society and draw a corporatist interest representation out of society. The re-empowerment of LPCs was part of these institutional arrangements by the Party.

Here, the dominance of the Party on LPCs/CLPCs will be generally demonstrated from aspects of institutional limitations, organizational penetrations, and personnel constraints.

#### **1. Institutional Limitations**

The centrally-designed proposal for the LPC reform placed institutional constraints on them. For instance, a dual-track system of responsibilities was imposed on LPCs. On the one hand, according to Articles 96 and 110 of the Constitution (2004), Article 4 of the Organic Law (2004) and Article 2 of the Electoral Law (2004), LPCs and LPC Standing Committees (LPCSC) are state organs elected from the public via multi-candidate, direct/indirect and periodic elections, and therefore should be responsible and accountable to the constituents. On the other hand, Article 99 of the Constitution (2004) and Article 8 of the Organic Law (2004) make the LPC into a centrally-chartered supervisory powerhouse to ensure, on behalf of the up-levels’ leadership, the implementation of laws and regulations and oversight over misbehaviours of local cadres within certain geo-political boundaries.

Within this institutional design of the dual-track system of responsibilities, a dilemma faces the LPCs: what if demands of the state and interests of the people conflict with each other? As a matter of fact, the “core of leadership” principle of the Party and its universal representation will guide the LPCs to reach a decision.<sup>15</sup>

## 2. Organizational Penetrations

Article 46 in the CCP Constitution (2007) indicates the institutional roots of why and how the Party organizationally exists and dominates everywhere in various state apparatuses, including, of course, LPCs/CLPCs.<sup>16</sup> In fact, right after the re-empowerment of the LPC/CLPC in 1981, the central leadership issued a policy guide to set up Leading Party Member's Groups within CLPCs nation-wide (He 2005: 164-165). Typically, when a Leading Party Members' Group (LPMG) is set up, the principle of "Democratic Centralism" functions in vital decision-making.<sup>17</sup> Simultaneously, the Party's hierarchical ranking system is applied to put CLPC officials under personnel management of the organizational department of the Party committee.<sup>18</sup>

As Figure 3.1 depicts, the Party organization penetrates into both the CLPC and its SC. On the one hand, a LPMG lies at the heart of the CLPCSC, which actually has the final say in making major decisions on such themes as supervisory activities and vital legislation. The author learned from the director of the CLPCSC Law Committee in County C that the annual theme of supervisory activities should be accordant with the Party's priorities each year.<sup>19</sup> Similarly, at other levels of LPCs, as a vice-director of the PLPC Law Committee in Zhejiang has implied, although the PLPC enjoys certain autonomy in legislation, the LPMG still has to report the annual legislative plan to the Provincial Party Committee and, in 2008, one piece of potentially reformist legislation on household registration systems was called off by the Provincial Party Committee.<sup>20</sup>

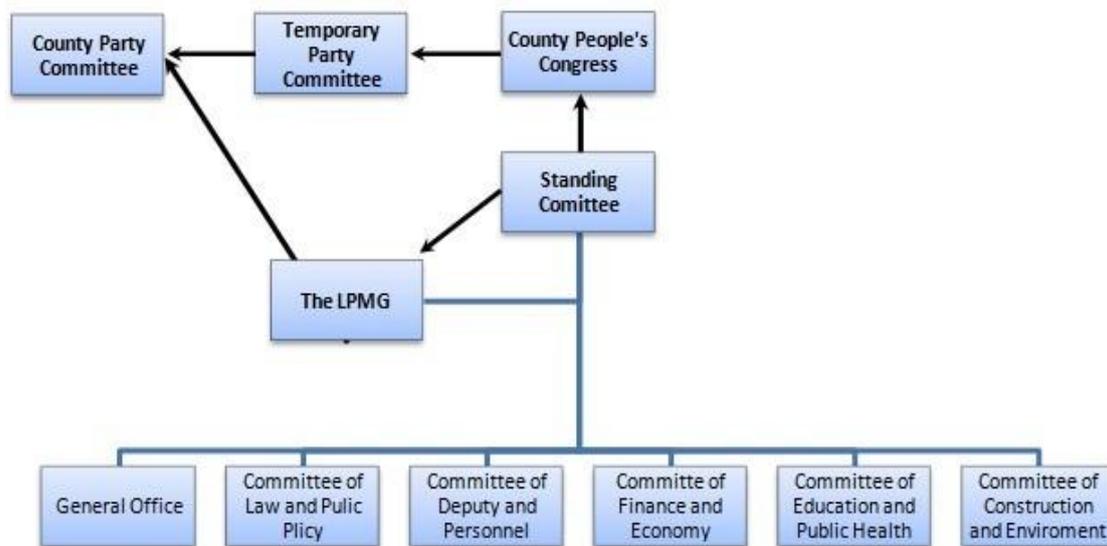


Figure 3.1 The internal structure of County C CLPC and its SC<sup>21</sup>

On the other hand, field research presents a hierarchy of Party control over the CLPC plenary session. As shown in Figure 3.2, two systems of organizations co-exist in the plenary session, and every level of the executive in the plenary session is correspondingly under the leadership of a Party organ. Generally speaking, before the annual plenary session of the CLPC, the County Party Committee would convene a

plenary session of the County Party Congress, within which a temporary Party committee (in Figures 3.1 and 3.2) would be set up to lead and supervise the whole CLPC annual plenary session. The establishment of actual executive organs during the plenary session, including the Presidium, Delegations and Deputy Groups of the CLPC, are arranged by the corresponding temporary Party committees, the compositions of which are highly coincident. In short, the Party controls each and every step of the plenary session. Take the process of policy making, for example: while the Presidium serves as a “filter” for the selection of proposals and suggestions from PDs, the Delegations and Deputy Groups mobilize deputies to make sure motions and candidates endorsed by the state will successfully pass during sessions.

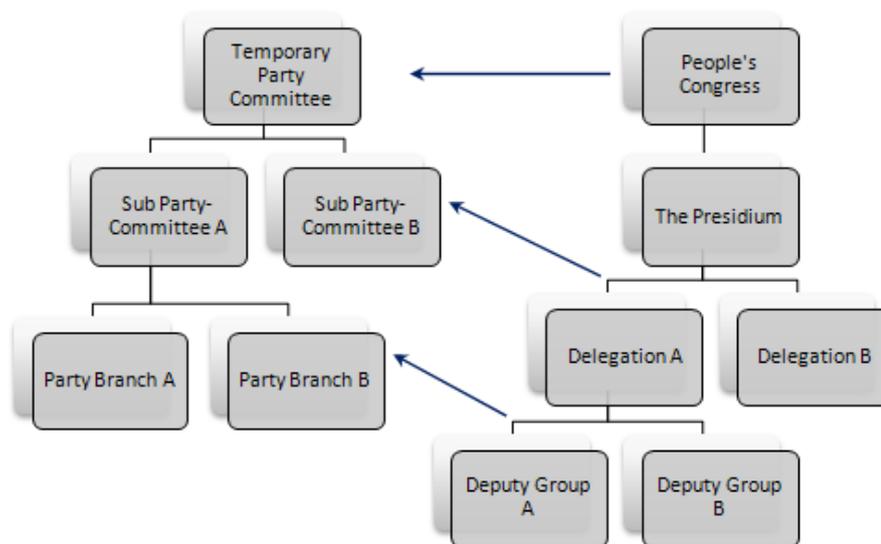


Figure 3.2 Party and executive structures of the County C CLPC plenary session<sup>22</sup>

### 3. Personnel Constraints

Personnel constraints, from the Party, on both bureaucrats and deputies in LPCs/CLPCs, are most prominent. On the one hand, bureaucratic constraints, especially on standing committees of LPCs/CLPCs, are crucial. First, many Chief Directors of LPCSCs are concurrently secretaries of the Party Committee at corresponding levels,<sup>23</sup> which enhances the position of LPCSCs within the power structure of local politics but, as some scholars note, also subordinates them even more closely to the Party organization so that it becomes a “legal arm” of the Party (Cho 2009). Second, vice-directors of LPCSCs are normally retired chief cadres from the government or other state organs. This makes LPCs into a “hub” for “second-line” (*erxian*, 二线) officials, which actually inactivates LPCs, as most of them are usually conservative Party elders, loyal to the Party; even if some of them are progressive, they are simply too old to be energetically capable (Tanner 1999). Third, LPCSC staff members are deemed as “politically qualified, while professionally disqualified”, especially at lower levels of PCSCs, which implies priorities of political loyalty over professional education in selection of LPCSC staff (Qian 2009: 70).<sup>24</sup> On the other

hand, controls on PDs, of both elections, and representative activities afterwards, are more sophisticatedly conducted, which will be illustrated below.

Besides setting up the Standing Committee at the county level, another main issue on the reform agenda is to apply “popular, multi-candidate and periodic” elections of PDs to CLPCs.<sup>25</sup> However, does “popular” election guarantee equal political participation? Does “multi-candidate” equal “competitive”? Are the PD selections territorially or functionally based? Are electoral campaigns of candidates autonomous or arranged? Observations made while following a direct election of PDs to the CLPC step by step clarify the former two questions above as negative, and answer the latter two by labelling CLPCPD elections as functionally arranged.<sup>26</sup>

It turns out, each and every step of the CLPCPD election, is carefully arranged by the Party-controlled CLPC. Firstly, an Election Committee (EC), headed by the secretary of the County Party Committee and comprised mainly of heads of important Party and government organs, is established nominally by the CLPCSC to lead and organize the election.<sup>27</sup> Secondly, electorates are divided and seats distributed by the EC according to corporatist requirements of quotas arrangements among different societal segments.<sup>28</sup> Thirdly, “independent candidates”, though the Electoral Law permits, are restricted in being nominated or elected.<sup>29</sup> Fourthly, any kind of unofficial campaign by candidates themselves is strongly discouraged.<sup>30</sup> Finally, when people vote, there are also traces of manipulation, such as mobile “ballot boxes”, suggested “proxy votes”, and supervised “secret votes” (F. Li 2007). Therefore, with such a functionally arranged election, it is not surprising to see in Table 3.1, where actual election results match closely with previous guidelines of corporatist arrangements.

Table 3.1 Election results in the County B CLPC (2006-2007)<sup>31</sup>

	Peasants	Workers	Intellectuals	Cadres	CCP members	Women
<b>Requirements of local electoral rules</b>	20%	25%	20%	25%	65%	20%
<b>Outcome of elections</b>	21.4%	23.4%	27.6%	26.6%	75.6%	25.3%

Table 3.2 Percentage of Party-members Deputies at different levels of PCs<sup>32</sup>

<b>Different levels of PCs</b>	<b>NPC</b>	<b>PLPC in general</b>	<b>CLPC in general</b>	<b>County C CLPC in Zhejiang Province</b>
<b>Percentage of Party-member deputies</b>				
<b>Years of elections</b>				
<b>1992-1993</b>	66.8%	68.44%	70.4%	68.8%
<b>1997-1998</b>	71.5%	70.25%	72.16%	70.53%
<b>2001-2002</b>	72.99%	N/A	N/A	70.58%

Table 3.3 Percentage of Party–members Deputies at different levels of PCSCs <sup>33</sup>

	<b>PLPCSC in general</b>	<b>County C CLPCSC in Zhejiang Province</b>
<b>1992-1993</b>	71.78%	66.67%
<b>1997-1998</b>	71.44%	72.73%
<b>2001-2002</b>	N/A	85.71%

Moreover, as shown in tables 3.1-3.3, the percentages of CCP members are dominant in all levels of PCs and PCSCs, which allow the Party to easily exert controls over their activities. As for the rest, most of them are subordinated and accountable to certain work units, according to the Deputy Law (1992), and almost all of these work units are under the leadership of certain Party organs, according to the CCP Constitution (2007). As for the rest of the rest, the “dual-track” responsibilities system still applies, in relation to which a variety of mechanisms developed.<sup>34</sup> Take the County A CLPC, for example, where it is positively reported that PDs are required to report their works to the CLPCSC as an assessment for accountability.<sup>35</sup> However, evaluation criteria in work reports of PDs in the County A CLPC surprisingly indicate the accountability is not to the constituency, but to the Party Committee and up-level PCs. Most articles are about “how to cooperate with the Party committee” and “how to accomplish tasks assigned by up-level PCs”, while none given any regard to constituents.<sup>36</sup> Furthermore, PDs’ activities during the plenary session are controlled by Deputy Groups and Delegations, and all activities of PDs after the plenary session must be organized by PCSCs according to annual plans of deputies’ activities.<sup>37</sup> Undirected private PD activities are strongly discouraged.<sup>38</sup> The case of the famous “*Yao Lifa*” (姚立法) and fates of other “independent self-nominated candidates” who “jump out of the ballot box” illustrate not only a liberalizing society in China as many studies claim, but also show how deputy activities are constrained accordingly by the still powerful state.<sup>39</sup>

To briefly conclude, as a state organ to achieve certain policy goals, not only is the structural format of LPCs and LPCSCs fully penetrated by the Party, but PDs are also under strict controls. Elections of PDs are carefully arranged by state elites and quotas of seats distributed to a limited number of singular, quasi-competitive, and functionally differentiated social segments. State-endorsed PDs are subsidized and granted a representational monopoly, while unruly PDs have to face obstacles deliberately put forward for them and must often even sacrifice personal liberty and even family safety to fulfill their lawful representational roles. However, although the elections look like a “democratic show”, the result of the election is not as meaningless as the election appears, which reflects state elites’ rational considerations to “structure, subsidy and control” interests from different social sectors; although the representative process can be considered fundamentally un-democratic, interest representation with corporatist characteristics not just provides legitimacy to the regime, but is also a societal reflection of public policy formulation (McCormick 1990: 34). In the following part, I will explore how this works.

## **IV. PC/LPC—SOCIAL SECTORS: A COMPARATIVE AND CONTRASTIVE ANALYSIS**

After reviewing the corporatist strategy designed by the state to control the representative institution, this part, with the tailored analytic model, specifically explores how the LPC adopts a variety of combinations of “inducements” and “constraints” towards social sectors of workers, peasants, businesspeople and intellectuals, in deputy recruitment, interest articulation, policy formulation, and policy implementation in a comparative and contrastive pattern, and to reveal how the LPC controls some social sectors but subsidizes others.

### **1. Recruitment of People’s Deputies**

Biases in PD recruitment from different social segments are most visible. Institutionally, until 2011, quotas of representatives to PCs are unevenly allocated to different social sectors in both the Electoral Law and related regulations which, to some extent, reflect different corporatist strategies applied by PCs to various social sectors.<sup>40</sup> For example, as shown in Tables 3.1-3.3, CCP members predominate over non-Party members at all levels of PCs. In addition, women, ethnic minorities, overseas returned Chinese and the military are all obviously over-represented compared to other societal sectors. So are Hong Kong, Macau and Taiwan residents in the mainland (Cabestan 2006).

More importantly here, local electoral directives and practice widen the already uneven distribution of quotas, which allows certain social segments to be discriminatorily underrepresented and unfavourably recruited.<sup>41</sup> Combining related electoral regulations and specific social sectors, PLPCs usually design local electoral directives and guidelines to suggest a relatively “representative” quota allocation to various social occupations, such as workers, peasants, and intellectuals.<sup>42</sup> However, in practice, actual election results are not strictly congruent with these arrangements, as local leadership and election organizers prefer intellectuals and businesspeople over peasants and workers when recruiting deputies, even if they have to manipulate some statistics referring to the PDs’ occupational allocations to meet criteria set by up-level PCs. For example, after disaggregating the 2006-2007 election result of County B CLPC, their tricks in calculating PD allocation data were visualized.<sup>43</sup> Table 4.1 is directly taken from a work report on election outcome made by the Committee of Deputy in County B CLPCSC on behalf of the Election Committee, in which we can see a nice fit between quotas of PDs from different social segments in the election result and suggested percentages of PDs of different social segments required by local electoral directives. However, based on Table 4.2, in which actual compositions of peasants’ and workers’ PDs are disaggregated by the author with detailed personal information of each and every PD, we can see how few spaces are really occupied by peasants and workers, as most peasant/worker PDs are actually cadres and managers.<sup>44</sup> By combining the data of these two tables, it can be observed

that intellectuals are preferred in PD selection, as they are the smallest group compared to the other three but take the biggest share, while businesspeople are also favourably recruited as, in total, businesspeople occupy almost one third of all seats, which is nearly 10 times of the number occupied by workers and 20 times of the number occupied by peasants.

Table 4.1 Election results in the work report of the County B CLPC Election Committee (2006-2007)<sup>45</sup>

	Peasants	Workers	Intellectuals	Cadres	CCP members	Women
<b>Suggested percentage</b>	20%	25%	20%	25%	65%	20%
<b>Actual percentage</b>	21.4%	24.4%	27.6%	26.6%	75.6%	25.3%
<b>Actual number</b>	48	55	62	60	170	57

Table 4.2 Disaggregation of the occupational compositions of peasant/worker PDs<sup>46</sup>

	Peasants				Workers	
<b>Total number</b>	48				55	
<b>Total percentage</b>	21.4%				24.4%	
<b>Disaggregation</b>	Local cadres	PLA	Managers of TVE	Peasants	Company managers	Workers
<b>Number</b>	24	5	16	3	49	6
<b>Percentage</b>	10.67%	2%	7.1%	1.3%	21.76%	2.67%

This discrimination of representation is common all over the nation. As an empirical study in Jiangxi (an agriculture dominated province) indicates, real peasant PDs comprise 5.47% of the PLPC, 0.92% of the MLPC in Nanchang City, and 5.58% of the CLPC in Yongxiu County (F.L. Zhang 2006). The situation for worker PDs is by no means better. For instance, they made up only 2.67% of the County B CLPC in 2006, and only 0.4% of the Zhejiang (a private economy dominated province) PLPC in 2001 (Li 2005: 28). Furthermore, regardless of the exact number of PDs, or the percentage of peasant/worker PDs in PCs, it is astonishing to compare the ratio of businesspeople PDs to businesspeople with the ratio of peasant/worker PDs to peasants/workers. According to an empirical study conducted in Liu City in Guangxi Province, 17.33% of all 831 local private entrepreneurs (non-state sector enterprise managers or owners) are recruited as PDs or members in Political Consultative Conferences at all levels, which means the ratio of private entrepreneurs' Deputies in both PCs and PCCs to private entrepreneurs is nearly 1:6 (Chen, Lu and He 2008). However, if the suggested ratio of rural PDs to rural population from the NPC

Electoral Guidelines (2003) is applied, which says there should be one PD for every 960,000 rural people, it is shocking to even estimate very roughly that the level of representation of private entrepreneurs, excluding all other components in the social segment of businesspeople, is 160,000 times of that of peasants. The ratio might be relatively better for workers, but they still are extremely unfairly represented when compared to either businesspeople or intellectuals. What is also worth mentioning is that this unequal political recruitment worsens in the Standing Committees, in which both intellectuals and businesspeople acquired some seats as part-time (*jianzhi*, 兼职) committee members, while this is impossible for peasants or workers under current circumstances.<sup>47</sup>

Why are small groups of intellectuals and businesspeople favoured by LPCs in PD recruitment over large groups of workers and peasants? As scholars reveal, China's liberalization and political inclusion follows an "elite path", which formed "an elite-based exclusivist ruling coalition", marginalizing and excluding weak social groups like workers and peasants (Pei 2006: 15; Tanner, 1999). Intellectual elites are privileged in PD selection primarily for two reasons. On the one hand, this is consistent with principles of cadre selection in the Party. "More revolutionary, younger in average age, better educated and more professionally competent" are the "four modernizations" proposed by Deng for cadre selection and promotion in the new era (Deng 1993: 2: 326, 361; Deng 1993: 3: 380). Another popular and interesting label, "Innocent Maiden (*wuzhi shaonü* 无知少女)"<sup>48</sup>, also reflects which groups of people are more likely to be selected as officials and get promoted, including non-Party members ("wu, 无"), intellectuals ("zhi, 知"), ethnic minorities ("shao, 少") and women ("nü, 女"). The overlap between these two examples shows that the intellectual is a main target of the state's political inclusion strategy for enlarging the "club" of strategic elites. On the other hand, intellectuals became more "rational" and "realistic" in the post-1989 era, as they became "the beneficiaries of the reform" (Guo 2003: 142-148). They are generally supportive of the current regime and tend to pro the status quo by agreeing the official line that "China's unity, stability, prosperity, and democracy depend on the party leadership" (Guo).

Businesspeople are preferred because there is a symbiotic relationship between businesspeople and local governments. On the one hand, businesspeople value the benefits of being a PD. Not only can this provide a chance for them to influence public policy formation, but it is also deemed as an act of taking public responsibility and doing social charity: good for both reputation and business.<sup>49</sup> Furthermore, the legislative immunity of PDs is a very attractive "protective umbrella" for those businesspeople conducting trade in many grey areas or with no clear boundaries.<sup>50</sup> And, thus, on the other hand, due to the pressure for economic development, especially the high GDP growth rate, some local governments use the identity of PD to attract or keep businesspeople, together with their enterprises, and more importantly, their taxes and investments in the local jurisdiction. The following case of *Liang Guangzhen* (梁广镇) reveals how the deal between local economic interests and businesspersons' legislative immunity is conducted in LPCs.

Case: A Tale of Two Cities—“Double representation, double protection”.

Liang, a successful businessman and billionaire in Yun’fu City (云浮市 municipal level), Guangdong Province, was accused of committing the criminal offence of defalcation and was investigated by the local authority in 2008. In consideration of the fact that Liang was elected and at that time served as a PD in Yun’fu City MLPC, the Procuratorate reported to the Standing Committee in Yun’fu and got approval to take Liang into custody. However, Liang also served as a PD in Baise City (百色市 municipal level), Guangxi Province, and the Standing Committee of Baise MLPC intervened, strongly claiming that their ratification was also necessary to arrest Liang and bring him to trial. Facing two MLPCSCs at odds, the Procuratorate was at a loss, and the case got stalled.

It was reported that Liang invested hundreds of millions to re-construct an aluminum factory in Longlin County, and thus he was elected as MLPCPD in Baise City from the electorate of Longlin County. Baise MLPCSC officials also publicly announced that the reason they intervened was that Liang contributed to the local economic development, and they had to protect their local enterprises and entrepreneurs.

## 2. Interest Articulation and Policy making

However, as some scholars may argue, peasants’/workers’ representatives do not have to be peasants and workers, because intellectuals can speak for peasants, and businesspeople can act for workers (Q.F. Zhang 2007). This is logically correct and actually happens sometimes, but there are some natural disparities and fundamental conflicts among different social segments, such as tensions between labour and capital. In fact, although all channels of political demand expression are controlled by the PCs, how deputies are chosen does affect the extent to which demands of certain groups will be voiced and policy formulation impacted.<sup>51</sup> At each level of PCs, discriminations in both demand-expressing and policy-making against the weakly represented are visible.

When checking the online legislation database of the NPC, an interesting comparison is found: only 17 statutes and resolutions on state regulations are concerned with labourers’ rights, while 118 are concerned with business and economy.<sup>52</sup> Evidences are found coincidentally at local levels. Tables 4.3 and 4.4 indicate how PC legislations are preferentially concerned with economic affairs. Although the biases in legislation may not be directly initiated by PDs from the businesspeople segment, and economic legislation does not only concern interests of businesspeople, it is not difficult to sense imparities in public policy formation.

Table 4.3 Percentage of economic statutes in local legislation (1979-1990) <sup>53</sup>

Province	Zhejiang	Jilin	Shanxi	Jiangxi
Percentage	52.2%	56.0%	45.2%	48.0%

Table 4.4 Percentage of economic statutes in total legislation (1993-1999) <sup>54</sup>

Province	Heilongjiang	Jiangsu	Guangxi	Hubei
Percentage	69%	55%	60%	58.4%

Furthermore, two case studies also reflect the relevance between unequal recruitment of PDs and unequal accessibility of political demand articulation and unequal capability of influence in public policy formation.

Case: Local Legislation of Labour Contract Regulation in Shanghai PLPC. <sup>55</sup>

*When the Shanghai PLPC enacted the Labour Contract Regulation in 2001, there were severe conflicts among labourers and businesspeople. Therefore, the Shanghai General Trade Union and business-related associations in Shanghai got involved and tried to steer the lawmaking to reflect their interests, and the PLPCSC played the role of mediator.*

*There were three rounds of fights on several primary conflictual issues during the lawmaking process. The first round was concerned with the aim of the regulation. The labour side insisted the regulation's primary goal as "safeguard the lawful rights and interests of labourers", while the business side claimed it as "safeguard the lawful rights and interests of both parties to the labour contract". The business side won. The second round was about the "10 + 3 provision", which meant an enterprise could not "cancel a labour contract or lay off workers who were within three years of retirement after having worked for the company for more than 10 years". The labour side wanted this. The business side rejected. Again, the business side won. The third round was about whether trade unions could interfere with labour contracts. Finally, the labour side won. However, labour unions within companies were actually neither independent nor powerful enough to substantially intervene.*

*Other than these three major conflicts, it is also noted that during the whole law drafting process, the PLPCSC and the Trade Union severely clashed. As one union leader claimed, the drafting team in the PLPCSC took sides with the businesspeople and the draft was made to generally accord with the demands of the business circle.*

From above we can read preferential leanings of the Shanghai PLPCSC in the processes of interest intermediation and conflict mediation. The percentage of worker PDs in Zhejiang PLPC is only 0.4%, while businesspeople make up more than 16%. Although no exact data of those in Shanghai PLPC has been collected, it will not likely be much different from Zhejiang, which shares similar socio-economic contexts.

Table 4.5 below summarizes another case from the County C CLPC, in which we can see disadvantages of interest representation for both peasants and labours, and reaffirm the connection between unfair representation and unequal interest input and,

finally, biased policy output (Li 2005). In agriculture-based County C, where the majority of the population is rural, peasant PDs take only 11% of all seats, while proposals on agriculture and peasants related consist of less than 14 %. Repeatedly is the bias against labours, with only 4% seats taken, and 5% of all motion/suggestions brought up.<sup>56</sup>

Table 4.5 Motions/suggestions in County C CLPC (2009)

	<b>Industry, construction and commerce related</b>	<b>Agriculture and peasants related</b>	<b>Labor related</b>
<b>Number</b>	71+41+32=144	39	14
<b>Percentage</b>	51.4%	13.9%	5%

However, the relationship between PC and relative mass organizations is at least cooperative, which means the workers still have the Trade Union, while the peasants with no organization at all are even more disadvantageous in policy outputs. Institutionalized discriminations in laws/regulations against peasants can be found extensively. Firstly, the household registration system distinguishes the Chinese population by “rural identity” and “urban identity”, and unconstitutionally restricts peasants’ movement.<sup>57</sup> Secondly, this dualistic social structure unevenly distributes public goods, such as education and public health care. As scholars warned, “discrimination against rural areas, combined with marketization, means that villagers must pay a disproportionate share of infrastructure expenses for virtually every social service they receive” (O’Brien and Li 1995). However, they are much poorer than those who enjoy these public goods for free. Thirdly, rural labourers, especially migrant workers, face disadvantages in job-seeking and do not enjoy basic labour rights as do their urban competitors. In most cases, an urban worker gets better payment than a rural worker for the same amount and quality of work. Moreover, peasants are not protected by the Labour Law or the Labour Contract Law, are not secured by the minimum standard of living, and do not even enjoy equal compensation for personal injuries.<sup>58</sup> It is not merely that these institutional norms seriously discriminate against peasants, but “manipulations of policies in the course of implementation” at local levels make it even worse (Oi 1989: 228).

Although these institutionalized discriminations against peasants in both national legislations and local directives and practice are not wholly related to or directly caused by weak representation of peasants at all level of PCs, there is no doubt that more peasant representatives could help to heal, or at least narrow, those gaps.

### **3. Policy Implementation**

There are always gaps between “law in books” and “law in action” in China, especially those between central policies and local practice. Biases towards different social sectors are also reflected in the PCs’ selection of laws and regulations for implementation supervision.

As argued before, besides functioning as an interest representation institution, LPCs were also designed to put more constraints on local cadres' misbehaviours when the central capacity to control weakened after administrative decentralization. In recent years, LPCs grew up to be a supervisory powerhouse, assisting implementation of central and local regulations via a series of supervisory methods, of which the law enforcement examination is the most frequently used (Cho 2009). For example, in 2003, based on instructions from the Party committee, the County C CLPC conducted law enforcement examinations of the *Production Safety Law*, the *Labour Law*, and the *Law and Regulations on the Protection of Rights and Interests of the Elderly*.<sup>59</sup> And, in the 2009 supervisory plan of the PLPC in Zhejiang, they choose to implement examinations of the *Agriculture Law*, the *Law and Regulations on the Protection of Rights and Interests of Women*, and the *Regulation on Promoting Development of Small and Medium-sized Enterprises*.<sup>60</sup>

It seems here more preferences in selection of laws/policies to supervise implementation are given to the weak—peasants and workers over the powerful—businesspeople and intellectuals. The explanation is twofold. First, although the selections of laws/policies implementation supervision are more favourable towards the peasants and workers, the target is not on the businesspeople or intellectual, but mainly at local cadres against their insubordinations within processes of laws/policies implementations.<sup>61</sup> In consideration of both cadres' personal interests and regional benefits, local governments are always devoted to economic development and GDP growth, but central policies on protections of both the environment and the weak often put obstacles in the way of their economic pursuits, so local governments are inclined to treat those policies indifferently or even purposely neglect them. As a result, local economic developments are achieved at the cost of social stability, regime legitimacy, and most seriously, authority of the leadership. Therefore, those weakly implemented and deliberately ignored policies are often selected by the up-level leadership as target laws/regulations for LPCs to examine so as to contain certain local misconduct. Second, the LPCs are quite passive in this function fulfillment. On the one hand, the selection of target laws to supervise and examine should accord with Party policies, or simply is determined by the Party. On the other hand, LPCs are only in charge of detecting flaws in law implementation and reporting them to the government, but do not have the authority to urge the government to fix those shortcomings. In other words, whether supervision of law enforcement can be successfully implemented and make sense is dependent on the Party's and the government's attitudes towards it.

## V. SOME CONCLUDING MARKS

To briefly sum up, this study begins by jumping out of the traditional framework of legislative analyses in China, and by following instead the path of the third generation of contemporary Chinese studies, to examine roles of the PC/LPC in structuring and shaping state-society relations, and to depict an aspect of state-society interaction in current China via the viewpoint of the PC/LPC. With the extended conceptual

framework and customized analytical model of corporatist legislature, this paper followed the formula of State-PC-Society to characterize corporatist features of the PC, and to compare and contrast corporatist policies and strategies state elites used with selected social sectors via LPCs/CLPCs.

Based on the empirical analyses above, criteria summarized in Table 2.1 is filled as in Table 5.1, in which businesspeople and intellectuals enjoy advantages in PD recruitment over peasants and workers, with regard to both LPCs and LPCSCs. Partially because of the existence of those advantages, political demands articulated by intellectuals and businesspeople are treated more favourably than those of peasants and workers. This directly and indirectly leads to the enactment of fewer laws and public policies for peasantry and labour than for industry and commerce. However, although quotas of PDs among peasants and workers can be considered as being equally low, workers' interests are relatively better represented than those of peasants, because workers' demands can at least be expressed via another channel: the Trade's Union, with which LPCs work closely. Finally, even though preferences of policy/law implementation supervision are given to peasants and workers, this does not change the overall policies of constraints applied to them. In comparison to peasants and workers, businesspeople and intellectuals enjoy mostly policies of inducements.

Table 5.1 A contrasting pattern of the comparative analysis of corporatist strategies

	Peasants	Workers	Businesspeople	Intellectuals
<b>1. PD Recruitment/ Regime Support</b>				
1) PCPDs	Unfavourable	Unfavourable	Favourable	Favourable
2) PCSCPDs	Unfavourable	Unfavourable	Favourable	Favourable
<b>2. Interest Representation</b>				
1) Proposals and suggestions from PDs	Unfavourable	Unfavourable	Favourable	Favourable
2) Relationship with mass organizations	non-existent	Favourable	Favourable	Favourable
<b>3. Policy-making/ Legislation</b>	Unfavourable	Unfavourable	Favourable	N/A
<b>4. Policy Implementation/ Supervision</b>	Preferences	Preferences	N/A	N/A

In Figure 5.1, furthermore, I use a graph to display the relationship between indicators of inducement and constraint, the different corporatist strategy components, and the four examined social sectors. In this figure the size of the circle symbolically represents the size of the population in each societal sector. The largest circle, that representing peasants, sits at the top left of the diagram. Disadvantages in political participation, discrimination with respect to legislation and public policy-making, as well as coercive repressions of their "rightful protests" (O'Brien 1996) all indicate high constraints but low inducements are put on the social segment of peasants. The circle of workers is placed next to the peasants' circle. Workers enjoy a few more

inducements, provided by the Trade Union in the way of political participation for the labour sector. In addition, primary measures for managing workers' conflicts or protests are not as coercive as those applied to peasants, which makes the constraints on workers a little less severe.<sup>62</sup> The circle of intellectuals is located in the top right-hand corner, which shows the state's sensitive corporatist strategies of creating both high inducements to gain support from intellectuals and high constraints to put them under control. The circle of businesspeople is located in the bottom right-hand corner. It reveals that the state still heavily relies on businesspeople for economic development, and thus uses high inducements and low constraints to trade for the support and cooperation from the segment of businesspeople.

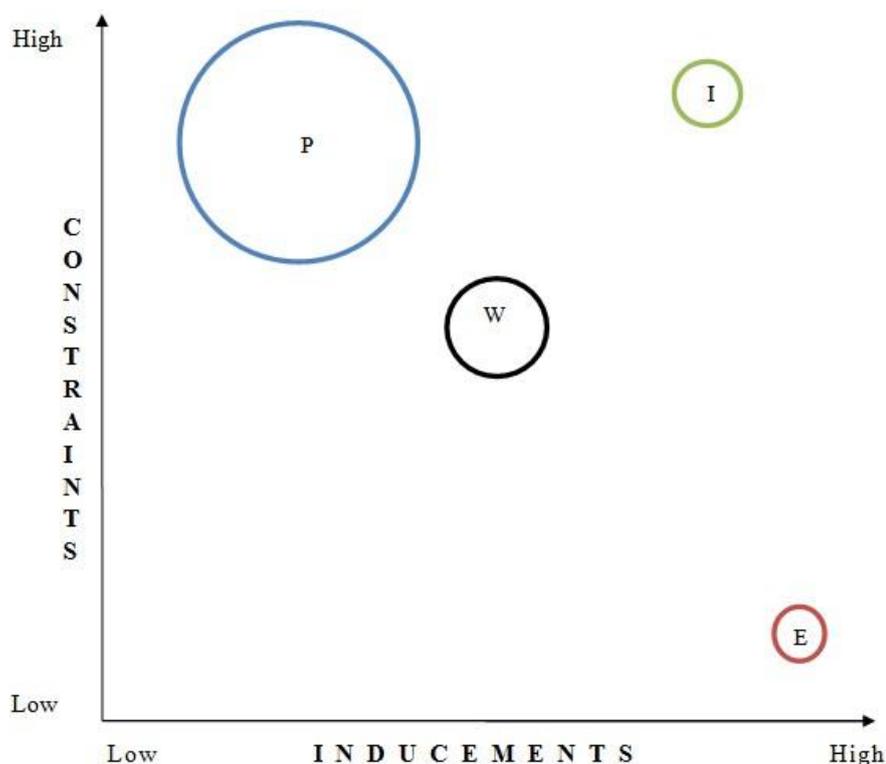


Figure 5.1 Varieties of corporatist tendencies towards different societal sectors

By further grouping these combinations of policies of inducement and constraint with these four social segments into the taxonomy of inclusionary and exclusionary corporatist strategies, and arraying them on the spectrum of state corporatism, we shall see they range from left to right as follows: businesspeople and intellectuals enjoy predominately inclusionary policies, while workers and peasants suffer mostly exclusionary treatments.



Figure 5.2 Four social sectors on the spectrum of state corporatism

Due to certain constraints, there are a number of limitations, or to put it another way, unaccomplished goals, of this study. First, the coverage of field work is largely limited to CLPCs in Zhejiang Province, which is a relatively better off area on the east coast of China. This compromises empirical verification of the theoretical assumption, and thus applicability of its implications. A more comprehensive empirical study of CLPCs and other levels of PCs covering a wider geographic representation will draw a more accurate picture of a corporatist legislature and through which the state and society interact.

Second, the social sectors selected here are both too narrow and too broad. They are too narrow, on the one hand, because there are a variety of other significant social segments not included, such as women, ethnic minorities and the like. To add them would enrich the comparative and contrastive analyses. The social sectors are too broad, on the other hand, because within each major social sector there are more disaggregated and specific groups that actually exhibit differentiated and even conflicting interests, and thus corporatist strategies from state elites could also be different. Take the segment of businesspeople as an example. The interests of domestic business and international corporations are sometimes in conflict, while private entrepreneurs and SOEs' managers often pursue opposite goals. Besides, although not to the same degree as the society, the state is also fragmented, which makes combinations of logics of state-society interaction even more diversified and complicated. Therefore, more subtle comparative and contrastive studies of different corporatist policies applied by/to diversified interest sectors would be of great value.

Third, the theoretical inclusiveness of corporatism can also be extended to studies of other institutions in China, such as the Political Consultative Conferences, in which corporatist arranged interest representation of the societal sectors are even more obvious when the elections are not required to generate representatives. It is also feasible and rewarding to explore corporatist behaviours of the People's Court. For example, to investigate how courts selectively apply legal clauses, and swiftly adopt laws and policies when facing cases from different social sectors, would be of value in explaining the gap between "law in books" and "law in action", as well as the gap between "public transcripts" and "hidden transcripts" in China.

Nonetheless, designated empirical evidence to a great extent verifies theoretical assumptions raised by the author initially about how the state penetrates into this representative body via institutional, organizational and bureaucratic methods, and further controls the People's Congress in both its formulation and operation, on the one hand, and how this representative institution unequally incorporates functionally differentiated social sectors into public affairs via biased strategies in PD selection, interest articulation, policy making and implementation, on the other hand, which not only demonstrates the role of the PC in shaping relations between state and society, but also locates the PC in the overall institutional arrangement of state elites for corporatist interest representation during the current transitional era in China. Although the corporatist traces in Chinese State-society relationship via the PC may appear to some scholars as only "forms" (Yep 2000), this study depicts the tendency the Chinese state-society relationship is leading to, and demonstrates that the fertile

ground for corporatist interest representation to grow. Actually, considering the PC is getting support of, instead of pursuing autonomy from, the Party; is cooperating, rather than confronting with, the government (Cho 2009: 164-165); plus, considering that the authoritarianism is widely accepted in the general public of China (Teresa 2010), it is fair to say, if there is to be more authentic and effective interest representation, articulation and communication within the formula of state-society relations in China, a corporatist, rather than a pluralistic way, is certainly more plausible. Therefore, the theoretical generalization of a corporatist style of interest representation provides an alternative to the more established and widely accepted state-society relationship study perspective of pluralism, while the framework of empirical verifications of corporatist traces in the state-society relationship proposes a generally applied definitional and analytical model of studying legislatures from a corporatist perspective, especially in authoritarian regimes.

Finally, what implications, both theoretical and practical, can be drawn from this study, in regards to the contemporary study of China in general, and to enhance our understandings about China in the 21st Century?

First, considering the irreversible process of decentralization, the completeness of institutional arrangement at the county level, and the long tradition in Chinese culture of emphasizing the critical functions of a county government, studies of county politics in China deserve more attention. As Xia explains O'Brien's concerns, in studies of Chinese politics, that the top and bottom are mostly covered, while the middle layers are missing (2008). Based on my experience, empirical investigations on politics and governance at the county level are of unique value in explaining current political, economic and societal transitions in China. Second, we shall always bear in mind when making inquiries about political/economic/societal phenomena in China, that it still remains an authoritarian political status quo, in which the control of the Party/state is not fundamentally decreased, but more likely reshaped in a more delicate way. While Xia argues the development of the Chinese legislature is synchronized with the development of a market economy (2008), I want to emphasize that a market economy will not automatically/necessarily bring about economic and political liberalization. Via this mentality, we shall see a more authentic China.

However, the political/societal effects of economic development in China, especially in this globalized information era, are inevitably emerging, no matter how gradually. The society is pluralizing and diversifying, while the state is also weakening and fragmenting. The state-society interaction, or more specifically, the confrontation from the society towards the state is extremely intensified, as shown by the data of social protests in China (Lum 2006; Walder and Zhao 2007; Tong and Lei 2010). The economy is retreating to the area where more domination of the SOEs is granted at the cost of losing the private economic sector. The crisis of public trust in the government is widespread<sup>63</sup>. The Party is no longer able to claim its representation of the interests of all. What is the way out then? On the one hand, promises of public participation and transparent governance must be realized, both of which can be substantially improved when the interest representation via the people's congress becomes more authentic and effective. On the other hand, the current paradigm of

state-society interaction needs to be rebalanced. Otherwise, maladministration will not be effectively contained. Nor will social justice be achieved. Even the economy will be at serious risk. Moreover, all sorts of minor but diversified needs in the society can only be met by a vigorously blooming society. In the end, it must be realized by both central and local leaders in China that an organically developed society with authentically effective state-society interactions would be beneficial to the quality of governance, sustainability of economic development, as well as stability of the society.<sup>64</sup>

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1 This paper is a forthcoming book chapter largely based on my LL.M. thesis (Qian 2009). Due to the length limitation, it tries to include as many substantial empirical findings as possible, while squeezing both the grand background and the theoretical framework. Please refer to my LL.M. thesis for a fuller description of research background and a more complete version of theoretical generalization.

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2 On explanation of decentralization in China, see Landry 2008; On the separation of state and society, the emergence of civil society, and the rising up of societal forces in China, see Pei 1995; White 1993; Brook and Frolic 1997; Ding 2001; Gilley and Diamond 2008; McCormick and Unger 1996; Guo 2003; Falkenheim 1987; Burton 1990; Goldman and MacFarquhar 1999; Goldman and Perry 2002.

3 The term “society” here refers to the general idea of society, not to civil society in particular, although it is also commonly used of such.

4 To understand these two interrelated questions better, please refer to the full version of the author’s LL.M. thesis, for further explanations with application of the paradigm of “who does what to whom, and how” (Qian 2009: 3-7).

5 For example, one of the most classic definitions refers to P. Schmitter’s (1974).

6 Zhejiang Province is selected as the empirical setting of this research on LPCs (CLPCs) based on two considerations. Firstly, Zhejiang, as a pioneer of private economic development, has one of the most complex and pluralistic interest group structures in China. Not only is Zhejiang an economically well-off area, but its economic composition makes it highly suitable for the study of interest representation of different societal sectors. Secondly, the province-county relationship in Zhejiang has been a test field in financial management reform (*Sheng Guan Xian*, 省管县) ever since 1953 (except the period of cultural revolution), and the expanding empowerment of counties is becoming a tradition in Zhejiang, which makes counties in Zhejiang more powerful and autonomous than counties elsewhere in China.

7 For the requirement of anonymity, interviewees will be generally referred to as “officials”, “deputies” and “constituents”. Interviews will be referred to as follow, e.g.: “interview of officials in County A CLPCSC (18 March, 2009)”.

8 The scope of these four social groups needs some illustrations here: The social segment of peasants here includes rural residents based on the household registered system (*Hukou*, 户口制度), mainly the population earning an income by engaging in agricultural activities; The social segment of workers here includes labours employed in both state-owned sectors and private sectors; The social

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segment of businesspeople here includes business owners and the management layer in both state-owned enterprises and non-state sectors, and if not specifically pointed out, the businesspeople refers to both; The social segment of intellectuals here generally refers to population with a certain education level, in traditional Chinese sense as *zhishi fenzi*, 知识分子, including mainly white-collar professionals, self-employed artists, members of a variety of think tanks and so on.

9 Previous researches on the NPC see: Yu 1964; Green 1964; Bridgham 1965; Solinger 1982; O'Brien 1988; O'Brien 1990; Shi 1993; Dowdle 1997; Tanner 1999a: 100–128; Tanner 1999b: 231–252; Tanner 1994: 56–93; Xia 1998; Xia 2000 a; Lai 2001;

On PLPCs and, generally, on LPCs, see: Lin 1992-1993; O'Brien 1994; O'Brien and Luehrmann 1998; MacFarquhar 1998; Xia 2000 b; Xia 2008;

On the CLPC in part, see: Cho 2009; Oscar 2005; A. Chen 1999: 183–227;

On levels of government below the CLPC and on grassroots PCs, see: Manion 2000.

10 For the spectrum of state corporatism, see Figure 5.2 below.

11 Further explanations on linkages between Schmitter's classical definitional framework of Corporatism (1974) and my extension of it to representative institutions, please refer to three hypotheses verified in Qian 2009:

Hypothesis One: Semi-competitive elections are, in practice, approaching to non-competitive elections; Hypothesis Two: Functional representation predominates over territorial representation; Hypothesis Three: People's Deputies are approximately equal to leaders of associational interest groups (39-44).

12 Previous researches on the NPC see are numerous, while on PLPCs and, generally, on LPCs are emerging, but on the CLPC are only a handful. See *supra* note 9.

A further explanation on the research object, see Qian 2009: 26-29.

13 It is necessary to introduce the concept of the "Party-state" here, which indicates the Party still remain the "absolute power center" of the Chinese state, and dominates both symbolic interest representation and substantial policy making from/to the society, and thus the state-society relationship in China is closely related to/fundamentally dependant on the Party-PC relationship (Xia 2008: 20; Xia "The Communist Party of China and the 'Party-State'").

14 Wu also further demonstrates the separation of the Party from the government (2005).

15 On the "core of leadership" principle, see CCP Constitution 2007: Article 46; "Three represents theory", see CCP Constitution 2007: "the party must always represent the requirements of the development of China's advanced productive forces, the orientation of the development of China's advanced culture, and the fundamental interests of the overwhelming majority of the people in China" (the general program).

16 See CCP Constitution 2007:

A leading Party members' group may be formed in the leading body of a central or local state organ, people's organization, economic or cultural institution or other non-Party unit. The group plays the role of the core of leadership. Its main tasks are: to see to it that the Party's line, principles and policies are implemented, to discuss and decide on matters of major importance in its unit, to do well in cadre management, to rally the non-Party cadres and the masses in fulfilling the tasks assigned by the Party and the state and to guide the work of the Party organization of the unit and those directly under it (Article 46).

17 Officially, democratic centralism means "The minority is subordinate to the majority, the lower level to the higher level, and the entire membership of the Party to the Central Committee" (CCP Constitution 2007: Article 10). See also, Constitution 2004: Article 3.

Theoretically, democratic centralism means "to concentrate power in the top leader and give the Party control over the government and military, according to which the regimes also enforce bans on political activity outside the Party, established controls over the media and civil society, and advocated transformational goals through economic policy, mass mobilization, and use of propaganda" (Goldman and Esarey 2008: 53).

18 Interview of officials in Zhejiang PLPCSC (5 April, 2009).

Personnel decisions of the LPCSCs are all made via organizational departments of Party committees at the corresponding or higher levels. This is common in all sorts of governmental and semi-governmental institutions nationwide, not limited to the system of PC.

19 Interview of officials in County C CLPCSC (21 March, 2009).

When asked what are major responsibilities of the CLPCSC are, they replied "the top task of the CLPC is to assist the government in economic development under the leadership of the Party", and also

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gave examples about its supervisory plan in 2008: when the Party was concerned about environmental protection, then the CLPCSC organized Deputies to examine the implementation of environmental protection law; when the Party was thinking about ethnic minorities, the CLPCSC organized policies implementation activities related to ethnic minorities.

20 Interview of officials in Committee of Law of Zhejiang PLPCSC (9 March 2009).

21 Interviews of officials in County C CLPC (24 March, 2009).

The labour division of functional committees might differ from that in other CLPCs, but the LPMG exists to make vital decisions with no exception in both CLPCs and up-level PCs; A ← B, means B is responsible to A.

22 Interview of officials in County C CLPCSC (22 March 2009) and plenary session materials to PDs of County C CLPC; see *ibid.* for explanation of the usage of the symbol of the arrow.

This is similar in other CLPCs, see further He 2005.

23 In all 31 PLPCs in China, the Party Secretaries co-hold the Directorate of the PLPCSC in 25 PLPCs (except four directly-managed municipalities and Xinjiang and Tibet; Hong Kong and Macau are not included). See National People's Congress Website. [on-line].

<http://www.npc.gov.cn/npc/xinwen/dfrd/dfrd.htm> [Consulted 1 March 2009].

24 Interview of officials in County C CLPCSC (23 March 2009).

See also He 2005; Qian 2009: 70 (Table 2 A comparison of education level of staff at three levels of LPCs in Zhejiang Province).

25 See Electoral Law: Article 2, 30, 36; Organic Law: Article 5, 6.

26 Due to length limitation, here only displays key points of observations from this CLPC election. For a fuller description, see Qian 2009:72-80.

It is a combination of observations and readings of primary and secondary materials, which is based on interviews of officials in County B CLPCSC (7 March 2009) about the electoral process of County B in the 2006-2007 election and that of County C CLPCSC (22 March 2009), as well as on their work reports [translated by author]; for other descriptions the processes of direct election, see Cai 2002: 75-77; Chen 1999: Chapter 3; McCormick 1990: Chapter 4; Jacobs 1991; L. Zhu 2006.

Besides, why this type of election was selected to follow is illustrated as follow.

Elections in PCs include: 1) direct elections of PDs to CLPCs and TLPCs; 2) indirect elections of PDs to MLPCs, PLPCs and the NPC; 3) indirect elections of members from PDs to PCSCs; and 4) indirect elections of heads of the government, judiciary and Procuratorate by PDs at corresponding levels. Here the main focus lies on the direct election of PDs to CLPCs, as this type of election is considered to be the most difficult to manipulate. With even a lower degree of competitiveness (25% to 50% more in indirect elections, as opposed to 33% to 100% in direct elections-- Electoral Law: Article 30.26) and a much smaller population to deal with (i.e. only a certain number of PDs), indirect elections of PDs to SCs and to higher-level PCs are much easier to manipulate and, thus, are also predominantly arranged by the Party. Furthermore, the elections of heads to the government, judiciary and Procuratorate, often with only one candidate for each position, are basically non-competitive (Interview of officials in Zhejiang PLPCSC (6 April 2009) and County B CLPCSC (10 March 2009); Organic Law (1986): Article 20).

27 Major responsibilities of an Election Committee are to 1) make rules and plans for the election; 2) draw electoral boundaries and determine the number of seats per electorate; 3) publicize the election; 4) conduct the registration and qualification examinations of voters; 5) collect nominations and finalize lists of formal candidates; and 6) resolute disputes arising from the election (Qian 2009:72-80).

28 Interviews of officials in CLPCSCs in County A, B and C (March 2009). This is backed up by Cai 2003 and Jacobs:

Among people's congress members in local people's congresses at various levels, there must be people chosen from various fields. Among the congress members in the various local people's congress at the county and higher levels, workers, peasants, intellectuals, state employees, the People's Liberation Army, minority nationalities, the various political parties and patriotic personages, returned Overseas Chinese and Taiwanese compatriots must have congress members in suitable numbers. Among congress members, women must have a certain proportion (1991).

29 Some clarifications here are necessary.

First, the nominations are open to all ostensibly, but nominations in practice are strictly limited to both joint nominators and some "non-Party" organizations. Priorities are given to officially proved nominees, like those from the Party or Party chartered mass organizations. On restrictions on nomination for "joint nominators" and "non-Party" organizations, see F. Li 2006a.

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In addition, quota distribution is another limitation on what types of independent candidates can run for certain seats. For example, if, according to quota allocation in practical electoral procedures, “a woman of relatively high education background with no party affiliation” is required in this electorate, then nominees who fall short of these criteria are not able to become formal candidates (Interviews of CLPCSCs in County A, B and C (March 2009)). Cases of jointly nominated nominees denied qualification for candidacy based on this restriction are also found in Cabestan (2006).

Further, even if joint voters’ nominees successfully overcome these obstacles and appear on the nominees’ name list, “discussion and consultation” (*xieshang yunniang* 协商酝酿) between the EC and groups of nominators create another barrier for them to become a formal candidate. Legally, when consensus of “discussion and consultation” failed, “preliminary election” shall be initiated (Electoral Law: Article 30-31), but, in practice, this procedure is often bypassed, and the EC “harmoniously” finalizes the list of candidates according to a series of occupational, territorial, gender-based, ethnic and other quota requirements of the election (Cai 2002: 75-77; Chen and Yang 2002).

Cabestan states, “Primaries (*yuxuan*) will continue to take place until the 2004 revision (the fourth one) comes into effect (see below), but these are rather murky procedures” (2006); Nathan also indicates local people’s congress elections so far “have not turned into competitive campaigns owing to tight Party control” (1997: 235).

30 See Electoral Law: Article 33.

31 Source: County B CLPCSC, Committee of Deputy.

Interview of CLPC County B and work report on 2006-2007 election results of the Committee of Deputies in CLPCSC County B.

It is also very interesting to read the working report on the election by officials in the PC Electoral Committee. I selectively translate it as follows: “And it is a common expression of conclusion work report on election in all LPCs.

Work report on election 2006-2007, County B CLPCSC [translated by Author]:

Title: “Elections of PDs to CLPC and TLPC in our County are Successfully Accomplished”

Abstract: Elections of PDs to CLPC and TLPC in our County are successfully accomplished. The population of the county is..., the population who voted is..., the voting rate reached 99.5%. The composition of newly elected PDs balances both advancement (*xianjinxing*) and representativeness (*guanfanxing*).....within the total number of..., workers..., which consists of 25%; peasants..., 30%; cadres..., 35%; intellectuals..., 15%; military..., 5%; Party Members, 65%; females, 20% [...]The Percentage of different social sector are balanced, allocated, and fully fulfill the expected goals.

32 Source: Table 8.3, Ming Xia (NPC); Table 4.4, Ming Xia (PLPC in general); Liu, at 275, 2001 (CLPC in general); County C *rendazhi*, 2004.

Xia 2008; Liu et al. 2001; County C *rendazhi* 2004: 78.

See also other specific examples of Percentage of Party-Members-Deputies in the county PD election: 1. 79.2% in 2001-2002 elections in CLPC in County H in Anhui Province, He 2005:139; 2. 73.7% in 1997-1998 election in KuanCheng Manzu Autonomous County PC in Hebei Province, see Cai 2002: 60-99. On corporatist arrangement of PD allocations in higher level PCs, see Chen 1999: 84-85.

33 Source: Xia 2008: 114 (Table 4.7); County C *rendazhi* 2004: 284-298.

34 See above in the section of “Institutional Limitations”; CCP constitution 2007: Article 3-5.

35 Interview of officials in CLPCSC in County A (18 March 2009).

36 *Ibid.*

37 See Organic Law 2004: Article 19. Annual plan of deputies’ activities and annual plan of supervisory activities are made by the Party Committee within the PSSCs, which are common are all levels of PCs.

38 Interviews of officials in CLPCSC in County A and County B (March 2009).

39 A great number of “independent-candidates” has emerged in recent years, as Li Fan put, Since July 1st this year, many general elections have begun all around China and will continue until the end of 2007. Wuhan and Shenzhen were the first cities we knew that conducted such elections. Both cities had their elections in September; both witnessed a number of independent candidates (candidates nominated by joint endorsement of voters instead of official endorsement by the government) in the urban voting districts. In Wuhan, where there had been no independent candidates in 2003, there were over 20 independent candidates this year (2006 a).

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See also Fewsmith 2004; Y. Liu 2003; Li, Fan 2006 b.

However, much smaller numbers have successfully “jumped out of the ballot box”, such as: Wang Liang, Shenzhen City, Guangdong Province, 2003; Yao Lifa, Qianjiang City, Hubei Province; Xu Zhiyong, Haidian District, Beijing City etc. The most famous case of successfully elected “self-nominated” PD is Yao Lifa, which I made a case study (Qian 2009: 81-83); for a more detailed account of Yao, see L. Zhu 2006; Fewsmith 2004; Pomfret 2002.

“Jump[ing] out of the ballot box” means a few independent “write-in” candidates (unapproved by the authorities and thus not included on the list of candidates) run for election to local congresses and finally win the seat (Qian 2009: 84-85). Theoretically, the “write-in” article in the Electoral Law makes it possible for any “independent candidate” to be elected, if there are enough voters who do not circle any of the names of formal candidates but write down another name on the ballot. Therefore, although most “independent candidates” lost due to manipulations, there are exceptions (Electoral Law: Article 37). Practically speaking, “the partial liberalization of the political environment and the pluralisation of interests within society have encouraged more and more independent candidates to try their luck” (Cabestan 2006).

However, on the one hand, as O’Brien’s warns, we need to be very careful not to generalize from these rare cases (2009). On the other hand, even though candidates can “jump out of the ballot box”, they cannot jump out of the Party’s control. The Party Committee and the CLPC either absorb them by education and inducements, or marginalize them in Deputies’ activities so as to mute their publicity, or even make them “disappear” by coercive approaches, such as “persuading to resign”, if they keep actively getting into the forbidden zone and touching the nerves of the leadership (Qian 2009: 85-86 (a case study); L. Zhu 2006).

A recent article from the “south-wind-window” magazine (*nanfengchuang* 南风窗) titled “Ten Years of ‘Independent Candidates’” also describes statuses of several famous PDs elected as independent candidates, in which we can easily identify those who are subsidized, those who are marginalized, and those who are punished: Xu Zhiyong, Zen Jianyu and Lu Banglie are punished; Yao Lifa is marginalized (he never won an election again after 1998); Huang Songhai, Sima Nan, Nie Hainiang and Wang Niang have all been subsidized (J.F. Zhang 2009); see also a related introduction of these successful “self-nominated” PDs: Fewsmith 2004; Yao Lifa 2007.

40 Discrimination against peasants’ political participation was institutionalized in written law clauses. Rural populations are unfavorably represented at all levels of People’s Congresses. Initially, deputies from the rural areas represent four times constituents in county People’s Congress of their urban counterparts do, five times in provincial congresses, and eight times in the NPC (Electoral Law 1953). Later, the gap of unequal representation between urban and rural population shortened to 1: 4 in the 1995 Electoral Law amendments. Although the most recent amendment of Electoral Law passed in 2011 finally evens the unequal vote between rural and urban residents, the long tradition of discriminatory representation of peasants has existed for half a century.

41 Cabestan observes, “At every level, the CCP in fact applies representation principles that privilege not only national minorities, women and returned overseas Chinese but also urban dwellers over rural residents. [...] Firstly, the list of candidates in the 35 constituencies must include enough minority people so that every ethnic minority is represented by at least one delegate. Overall they are supposed to represent at least 12% of the delegates (13.91% in 2003). Secondly, a growing proportion of women should be included, although actually this commitment was not respected in 2003 (20.24% of women as opposed to 21.81% in 1998). Thirdly, although the gap between rural and urban representation narrowed in the 1990s (one deputy for 880,000 rural residents and one for 220,000 urban dwellers in 1998 as opposed to a one to eight ratio before 1995), it increased again in 2003 (one delegate for 960,000 rural residents and one for 240,000 urban dwellers). But the best-represented “constituency” remains the PLA, which is estimated to number 2.3 million people. This still provides 268 delegates, a ratio amounting to one deputy for every 8,582 soldiers, as opposed to an average of one deputy for every 435,511 citizens and one deputy for every 1.08 million women! Hong Kong (36 deputies for 7 million inhabitants), Macao (12 deputies for 450,000 inhabitants) and Taiwan (13 deputies for about 33,000 Taiwanese residing on the mainland, as distinct from the Taiwanese business people or Taishang) are also over-represented” (2006).

42 As indicted in Table 4.1, quotas seem to be equally distributed and generally represent the all elements in society. However, this is not as “representative” as it seems to be. On the one hand, percentages of PDs for social sectors are mismatched with the actual percentage of the population. On the other hand, these social segments are authoritatively selected by the state based on certain policy

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goals, but many other social groups are not included in this quota arrangement, such as some religious segments.

43 During my interviews, I also found several interesting manipulations by electoral organizers. When calculating the composition status of PDs, they distribute registration forms to all PDs to collect personal information. Some local cadres in Township governments and Party secretaries in Village Committees prefer to fill in the blank “which type of PDs are you” with “cadre”. However, electoral officers always persuade them to change it to “peasant”. Interview of officials in County A and C (March 2009).

44 There is always a small “secret” contact booklet containing detailed personal information of PDs. I obtained this one from County B CLPCSC via personal connections.

45 Source: County B CLPCSC, Deputy Committee. The total number of PDs in CLPC in County B is 225; there is one more item in the suggested percentages: 10% consists of “others”, which brings the total to 100%.

46 Local cadres include Party, government and TLPC heads from towns and townships, as well as the Party Head of the Village Party Committee, and the elected Head of the Village Committee; TVEs is short for “township and village enterprises”; PLA refers to the military — in County B, they wanted to make the peasants’ percentage look better, so they put the PLA into the peasants’ group.

47 It happened in both Zhejiang and Jiangsu PLPCSC.

Interviews of officials in Zhejiang PLPCSC (7 April 2009).

48 “Innocent maidens” are extremely wanted, as they meet four criteria at one time, as all PCs intend to make a “representative” deputies composition to meet the “official guidelines”.

49 Interviews of deputies in CLPCSC in County A and C (March 2009).

50 There is a special procedure of arresting PD. See Deputy Law 1992: Article 30.

51 Proposals and suggestions during the plenary session have to go through the Presidium; letters and visits from the public go through the PCSC, and PDs’ activities organized by the PCSC. See O’Brien 2002: 218.

52 “Wenxian ziliao” (Law and Regulations of the NPC). National People’s Congress Website. <http://www.npc.gov.cn/npc/xinwen/newwxzl.htm> [consulted 12 November, 2009].

53 Source: Xia 2008: 181 (extraction).

54 Source: Xia 2008: 182 (extraction).

55 See further, Qian 2009: 114-115; see the full story, Cho 2009: 32-36.

56 Interview of officials in County C CLPCSC (21 March 2009): During the CLPC plenary session of County C in 2009, the Presidium received 33 “motions” and 247 “suggestions”. Of these 33 motions, 25 are concerned with local construction, 3 with environmental protection, 2 with public transportation, 2 with intangible cultural heritage, and 1 with peasants. Of the 247 suggestions, 71 are about industry, 41 are about city construction, 39 are about agriculture, 32 are about finance, business and tourism, 26 are about education and culture, 22 are about environmental protection, 16 are about public administration, 14 are about labour issues, and 19 are on other topics. As shown in Table 4.5, industry- and commerce-related proposals consist of more than half of all proposals, while only one-twentieth of proposals are labour-related.

57 See *Household Registration Ordinance* 1958; Constitution 2004: Article 33.

58 *Tongming bu tongjia* 同命不同价 See Gong Renren 2005.

59 Interview of officials in County C CLPCSC (21 March 2009).

60 Interview of Officials in Committee of Deputy of Zhejiang PLPCSC (7 March 2009).

61 Law/policy implementation examination can also be understood from a principal-agent perspective (Ginsburg and Chen 2009).

62 The attitude of the government towards a series of strikes led by workers from Foxconn and Honda in mid of 2010 is a good illustration here.

63 The case of *Qian Huiyun* (钱会云), and the like, fully demonstrates the society is losing trust in the government.

64 Glad to know that the *Regulation on Registration and Administration of Social Organizations* (《社会团体登记管理条例》); *Regulations on Foundation Administration* (《基金会管理条例》); and *Provisional Regulations for the Registration Administration of People-Run non-Enterprise Units* (《民办非企业单位登记管理暂行条例》) are all currently under revisions, but revising to what direction is yet to know, and what matters essentially are implementations of these laws. See further, interview with Mr. Ligu Li (李立国), Wen and Liu 2011.

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## **Appendix 1**

### List of Abbreviations

CCP	Chinese Communist Party
PC	People's Congresses
SC	Standing Committee
PCSC	People's Congress Standing Committee
NPC	National People's Congress
LPC	Local People's Congress
PLPC	Provincial-level People's Congress
MLPC	Municipal-level People's Congress
CLPC	County-level People's Congress
TLPC	Town- and Township-level People's Congress
PLPCSC	Provincial-level People's Congress Standing Committee
MLPCSC	Municipal-level People's Congress Standing Committee
CLPCSC	County-level People's Congress Standing Committee
PD	People's Deputy
LPMG	Leading Party Members' Group
PLA	People's Liberation Army
VC	Village Committee
TVE	Town and Village Enterprise

## **Appendix 2**

### List of Interviews

- Interview 1: Officials in Committee of Deputy of CLPCSC in County B, 10 March 2009
- Interview 2: Officials in General Office of CLPCSC in County B, 11 March 2009
- Interview 3: Deputies in CLPC in County B, 13 March 2009
- Interview 4: Constituents in County B, 12-15 March 2009
- Interview 5: Officials in Committee of Deputy of CLPCSC in County A, 16-17 March 2009
- Interview 6: Deputies in CLPC in County A, 18 March 2009
- Interview 7: Constituents in County B, 19 March 2009
- Interview 8: Officials in Committee of Deputy of CLPCSC in County C, 20 March 2009
- Interview 9: Officials in Committee of Law of CLPCSC in County C, 21 March 2009
- Interview 10: Officials in General Office of CLPCSC in County C, 21 March 2009
- Interview 11: Deputies in CLPC and CLPCSC in County C, 22-25 March 2009
- Interview 12: Constituents in County C, 23-24 March 2009
- Interview 13: Officials in Committee of Deputy of Zhejiang PLPCSC, 5-7 March 2009
- Interview 14: Officials in Committee of Law of Zhejiang PLPCSC, 6-9 March 2009
- Interview 15: Officials in Zhejiang PLPCSC, 4-5 April 2009
- Interview 16: Deputies in Zhejiang PLPC, 6 April 2009
- Interview 17: Deputies in Zhejiang PLPCSC, 7-8 April 2009
- Interview 18: Staff of the Magazine of Zhejiang Renda (official Magazine of Zhejiang PLPCSC), 9 April 2009