

## Legislative Development and Chinese Political Change

Legislative development (or decay) is a component of political change.<sup>1</sup> In nations with weak legislatures just as in those with strong legislatures, growth or decline of an assembly's institutional importance alters the pattern of rule. In socialist systems, in particular, the health of a legislature reveals much about the state of mass–elite relations and the division of tasks among government organs. When a socialist legislature is impotent or ignored, lawmaking, supervision, representation, and regime support functions are dispensed with or carried out elsewhere. When a legislature is rising and active, it assumes a range of responsibilities and may serve as a testing ground to develop and refine techniques of rule. In China, the ups and downs of the National People's Congress (NPC) have coincided with changes in the policymaking environment and have heralded (or reflected) changes in the way leaders interact with the citizenry and with each other. Throughout its history, the NPC has been a window on evolving party–society and party–state relations which has shed light on the broad character of the Chinese polity—how open or closed it is, how exclusive or inclusive it may be becoming.<sup>2</sup>

In one institution, in miniature, the forces of change and continuity have met and interacted. At different times, reform or reaction has prevailed. But the underlying question, posed at the end of the Qing dynasty and still troubling to this day, has remained the same: what reforms must be instituted to build China into a strong and prosperous nation? Through our legislative window, three separate but intersecting alternatives can be discerned.

First, the path of liberalization. Advocates of liberalization have achieved notoriety on three separate occasions—in the 1910s, during the Hundred Flowers Movement in the mid-1950s, and in the first few years of the post-Mao thaw. In the legislature their ascendance has been marked by lively criticism and calls for structural reform. Liberal reformers, at various points, have sought to limit central power and to transform the legislature from a “rubber stamp” into an institution with an established place in the policymaking process. They have envisioned outside control over leaders and regular influence over policy: they have aimed to build a legislature that has the wherewithal to veto misguided policies and the power to remove incompetent or immoral leaders. They have sought to strengthen the nation by diffusing power. When allowed, liberals have urged leaders to be more responsive and have championed electoral reform and elite accountability; they have supported close legislator–constituent ties and active representation of individual, partial, and national interests. Despite repeated defeats, several

1. For the seminal discussion of political change, see Samuel P. Huntington, “The Change to Change,” *Comparative Politics*, 3 (April 1971), 283–322.

2. For a similar argument, see Daniel N. Nelson, “Editor’s Introduction: Communist Legislatures and Communist Politics,” *Legislative Studies Quarterly*, 5 (May 1980), 165–67.

generations of liberal-minded reformers have periodically reintroduced the idea of popularizing autocratic rule and allowing limited political competition. Though never strong in numbers, advocates of liberalization have galvanized the nation with bold proposals and have explored the outer bounds of permissible debate.

A second option discussed for many years is that of rationalization. Less far-reaching than liberalization, rationalization involves regularizing and legalizing political power and reducing the power of individual leaders. Proponents of this strategy have emphasized fixed legal codes, formal rules, and a "rational division of labor" among government organs. They have recommended clarifying jurisdiction to prevent over-concentration of power and to increase government efficiency. Less interested in diffusing power than liberals, rationalizers have focused on increasing the capabilities of the state and institutionalizing political power. They have sought a predictable and orderly political system in which the duties and rights of government officials and ordinary citizens are spelled out in regulations and laws. In the legislature, they have been particularly concerned with managing intra-elite relations and have stressed the importance of lawmaking and government supervision. The rationalizing impulse has been strong at most points in the 20th century, with the exception of several protracted leftist interludes under Mao.<sup>3</sup>

A third course, relevant only to China under Communist rule, can be considered under the rubric of "inclusion." Inclusion, as Kenneth Jowitt uses the term, refers to measures adopted by the leaders of a one-party, Leninist state that institutionally acknowledge social diversity and that grant some influence to non-party forces, but do not require functioning electoral machinery or imply any right to organized opposition. Inclusion might be thought of as a promise to be consulted—a right to a presence in policymaking, if not always a regular, guaranteed role. It involves enlarging the united front<sup>4</sup> and institutionalizing legitimacy—using the legislature (as well as other organizations) to integrate the political community and to organize it around one-party rule. It entails heading off "anti-party" ideas by cooptation rather than coercion and expanding the internal boundaries of the regime to preempt political challenges and to protect party rule.<sup>5</sup> Over the years, the NPC has been a prime venue for witnessing changing elite approaches to inclusion. At times, the leadership has used the legislature to exclude the "enemies of socialism" and to pursue class-based programs. At other times, it has been used to win over these same enemies, now regarded as key social groups necessary for modernization.

Periodically, all the options—liberalization, rationalization, and inclusion—have come onto the agenda in ways that touched the legislature. Appropriate reforms have been suggested, accepted rejected, revoked, and reconsidered. Two steps forward have been followed by one step back—or three steps back. This study focuses on the latest round of legislative change—the renewal underway since 1978. It examines

3. Peng Zhen, the NPC Chairman from 1983–88, for example, has long favored rationalizing the polity. See Pitman Potter, "Peng Zhen: Evolving Views on Party Organization and Law," in Carol Lee Hamrin and Timothy Cheek, eds., *China's Establishment Intellectuals* (Armonk, NY: M. E. Sharpe, 1986), pp. 21–50.

4. United Front policy involves the "wavering allies" of Communist rule—patriotic intellectuals, bureaucrats, professional and technical workers, merchants and industrialists, and overseas Chinese—who must be united with to further the revolution but struggled against to transform their bourgeois character. For a discussion of the United Front, see James R. Townsend, *Political Participation in Communist China* (Berkeley: University of California Press, 1969), pp. 146–48.

5. The concept of inclusion is defined and applied in Kenneth Jowitt, "Inclusion and Mobilization in European Leninist Regimes," *World Politics*, 28 (October 1975), 69–96.

NPC involvement in four common legislative activities (lawmaking, supervision, representation, regime support) and shows how legislative role expansion is one component of systemic, political change. By focusing on one institution and one set of political functions we trace the trajectory of Chinese political development and what we find is a continuing wariness toward liberalization, combined with a growing commitment to rationalization and inclusion.

### Lawmaking

After a lapse of two decades, legal drafting recommenced in 1979. By early 1988 the NPC and its main working organ, the Standing Committee (NPCSC), had passed 63 laws. From June 1983 to March 1988 alone, 37 new laws were enacted, 10 existing laws were revised or amended and 16 legal decisions were made.<sup>6</sup> After twenty years of near lawlessness, the beginnings of a legal code emerged.

With an enormous backlog of work and few institutions experienced in legal drafting, several organizations have been mobilized into the lawmaking process, at various stages with varying degrees of influence. As currently arranged, four separate hierarchies have a hand in translating the broad programmatic decisions of the party leadership into specific legal norms.

First, there is the Communist party itself, usually through its Political–Legal Committee. Direct party involvement in lawmaking occurs primarily in the earliest stage of drafting—determining an issue is ripe for legislation—and near the end—reviewing and approving a bill.<sup>7</sup> Legal journals closely analyze every utterance by party officials responsible for legal affairs, and it is likely that editorials published in *People's Daily* or speeches by the likes of Peng Zhen, Chen Pixian, Zhang Youyu, and Wang Hanbin initiate legal drafting. Months (or even years) later, the Central Committee considers each completed bill. In the interim, however, the CCP turns responsibility for drafting over to other organizations, and it only indirectly controls what happens through party legal experts who work in a non-party capacity and non-party setting. Available evidence suggests that party committees set the lawmaking process in motion and check the results; state organs do much of the work.<sup>8</sup>

The State Council, the nation's highest executive organ, leads the second complex involved in lawmaking. The role of administrative bodies in drafting and enacting laws is growing rapidly both in theory and in practice. The State Council's Legislative Bureau is a prime force in legal drafting and relevant ministries have drafted the Fisheries Law and the Environmental Protection Law.<sup>9</sup> Legal scholars are quietly abandoning the fiction of unified legislative authority along with "the conventional

6. Chen Pixian, "Work Report of the Standing Committee of the NPC" (hereafter, 1988 NPCSC Report), *Foreign Broadcast Information Service, Daily Reports: China* (hereafter, *FBIS*), 81 (27 April 1988), 11.

7. See Frances Hoar Foster, "Codification in Post-Mao China," *American Journal of Comparative Law*, 30 (1982), 413.

8. The Chinese leadership discloses little on Party involvement in lawmaking. Even in a direct interview with NPCSC Legal Affairs Commission members, Leng and Chiu were unable to discover when the Central Committee examined and approved laws. Shao-chuan Leng and Hungdah Chiu, *Criminal Justice in Post-Mao China* (Albany: State University of New York Press, 1985), pp. 44, 57, fn 38. A chronology of the legislative process for one law, however, can be found in Ta-kuang Chang, "The Making of the Chinese Bankruptcy Law: A Study in the Chinese Legislative Process," *Harvard International Law Journal*, 28 (Spring 1987), 333–72.

9. Chang, note 8, p. 339.

view that the NPC and NPCSC are the only two legislative organs." Many argue that "legislative authority is an important function of administrative organs," or even that "administrative organs primarily bear the burden of legislative work."<sup>10</sup> In the past, the State Council had the power to draft administrative regulations; now it has gained the authority to enact "empowered legislation" (*shouquan lifa*). On three occasions in 1984 and 1985 the NPCSC authorized the State Council to pass legislation on issues (retirement policy, tax reform, economic restructuring, and open door policy) "beyond the realm of administrative regulations." By empowering the State Council to make these "quasi-laws" (*zhun falu*), the leadership aims to improve legislative continuity, comprehensiveness, and speed and to lay a groundwork for future NPC action.<sup>11</sup> It seems likely that this form of legislation will be relied upon often in coming years and, more than ever before, administrative organs will also be legislative.

Provincial-level people's congresses are the third set of lawmaking bodies. Although Chinese commentators unanimously reject federalism, the evolving "Chinese-style legislative system" has a strong, relatively autonomous, local component. Legal scholars point out that China's size and complexity make it impossible for the NPC and NPCSC to pass all necessary laws. Many argue that delegating power accords with the spirit of reform and that several layers of lawmaking bodies will help overcome over-concentration of power and bring into play local activism.<sup>12</sup> While debate continues on whether China has a one level (NPC and NPCSC), two-level (NPC and provincial congresses) or multi-level (NPC, provincial congresses, State Council, Ministries) legislative system, the issue is resolved in practice.<sup>13</sup> Dispersed legislative capabilities are a fact, accepted even by those who cling to the one-level notion.<sup>14</sup> From 1983 to 1988, provincial-level congresses and their Standing Committees passed 630 local laws on topics ranging from regional minority affairs to province-wide political, economic, and cultural life to constitutional enforcement.<sup>15</sup> Provincial legislatures in the past only were empowered to enforce laws; now they are empowered to enact them.

Legislative authority is shared across systems and within the legislative system. But what of the NPC and its committees—the fourth leg in the legislative complex? Does the NPC take part in making laws? Available evidence suggests it does. According to a

10. Yao Dengkui and Deng Quangan, "Qianlun woguo lifa tizhi de tedian" [Discussing the features of our country's legislative system], *Faxue Jikan*, no. 2 (April 1985), 7; Huang Shuhai and Zhu Weijiu, "Shilun shouquan lifa" [On empowered legislation], *Faxue Yanjiu*, no. 1 (February 1986), 9; Zhang Shuyi, "Jingji tizhi gaige de fazhi xietiao fazhan" [Coordinated legal development within economic system reform], *Faxue*, no. 7 (July 1986), 10.

11. The Secretary General of the NPCSC Legislative Affairs Commission explained the reasoning behind empowered legislation, in Wang Hanbin, "Explanation of the 'Decision Authorizing the State Council to Formulate Provisional Regulations Concerning Economic Restructuring and Implementation of the Open Door Policy (Draft),' " *China Report: Political, Sociological, and Military Affairs* (hereafter, *CR:PSM*), 15 (29 January 1986), 1–2, from *Guowuyuan Gongbao*, no. 11 (30 April 1985), 331–32. A cogent and detailed treatment of empowered legislation is available in Huang Shuhai and Zhu Weijiu, note 10, pp. 7–13.

12. A clear statement of this view can be found in Liu Shengping, "Liun woguo lifa tizhi" [On our country's legislative system], *Zhengzhi yu Falu*, no. 5 (October 1985), 29–31.

13. For a summary of the debate over "levels," see Xu Xiuyi and Xiao Jinquan, "A Summary of Recent Theoretical Discussions of Major Constitutional Issues in China," *Social Sciences in China*, 7, No. 2 (Summer 1986), 14–15; A *People's Daily* article started the debate by recounting the various views without commentary. See Tian Nong, "Different Views on the Legislative System in Our Country," *FBIS*, 165 (24 August 1983), K10–12, from *Renmin Ribao*, 19 August 1983, p. 5.

14. "One-level" proponents who acknowledge the benefits of dispersed legislative capabilities include Chen Deshan, "Tantan woguo lifa tixi" [Discussing our country's legislative system], *Faxue Zazhi*, no. 2 (April 1985), 32; Wu Jialin, "'Liangji lifa tizhi' he 'duoji lifa tizhi' shuo zhiyi" [Querying 'two-level legislative system' and 'multi-level' legislative system'], *Faxue*, no. 1 (January 1984), 14.

15. "Sixth Congress Leaves Agency of Achievements," *FBIS*, 56 (23 March 1988), 7.

deputy director of the Law Institute of the Academy of Social Sciences, "legislation has become the key task of the NPC and its Standing Committee."<sup>16</sup> Through the NPCSC's Legislative Affairs Committee, the NPC "plays a very active role in each stage of the legislative process, including the drafting task force, investigation in different cities and provinces, solicitation of opinion from government officials, and conferences of scholars and officials."<sup>17</sup>

The legislature has exclusive domain over certain areas (e.g. criminal law, matters of state organization) and other areas, such as economic laws, have become the focus of its work.<sup>18</sup> Deputies at each session introduce dozens of motions advocating new laws, NPC committees include experts from administrative organs and research institutes who assist in drafting laws and carrying out legislative planning, and, at times (e.g. Regional Autonomy Law, Inheritance Law) NPC committees themselves write a bill (or parts of it).<sup>19</sup>

Moreover, even for those 70 percent of NPC and NPCSC laws that are drafted by the State Council,<sup>20</sup> legislative viscosity can be considerable. Party leaders encourage careful legislative deliberation of legal drafts and have decreed that when major articles of a draft are "rather controversial" and "many Standing Committee members hold different opinions," voting should be put off and efforts should not be made "to try to force the bill through."<sup>21</sup> The NPCSC, accordingly, has on several occasions sent draft bills received from the State Council or Central Committee back for rewriting. Most notably, ten of fourteen Standing Committee members spoke (on national television!) against a draft of the Bankruptcy Law and remanded the bill to the Law Committee for further revisions.<sup>22</sup> The State-Owned Enterprise Law likewise went through multiple drafts over three years and was debated four times by the NPCSC before it was released for public discussion and finally passed by the full NPC in April 1988.<sup>23</sup> An Organic

16. Wu Jianfan, "The Building of China's Democracy and Legal System," *FBIS*, 143 (25 July 1985), K2, from *Renmin Ribao*, 16 July 1985, p. 2. Leng and Chiu also report: "The Party Central Committee's approval is still essential to the adoption of all legislation in the PRC, but the major responsibility for legislative work now appears to rest with the NPC." Leng and Chiu, note 8, p. 44.

17. Chang, note 8, p. 345.

18. Chen Pixian, 1988 NPCSC Report, note 6, p. 12.

19. On the Regional Autonomy Law and Inheritance Law, see Ngapoi Ngawang Jigme, "Explanations of 'Law on Regional Autonomy for PRC Minority Nationalities,'" *CR:PSM*, 92 (31 December 1984), 1, from *Guowuyuan Gongbao*, no. 13 (30 June 1984), 430-37; Chen Pixian, "Report on the Work of the Standing Committee of the National People's Congress," (hereafter, 1985 NPCSC Report), *FBIS*, 78 (28 April 1985), K5; Chen Pixian, "Work Report of the Standing Committee of the National People's Congress," (hereafter, 1984 NPCSC Report), *FBIS*, 113 (11 June 1984), K5. On augmenting committees and the involvement of 47 NPCSC members in drafting fifteen laws, see Chen Pixian, "Report on the Work of the Standing Committee," (hereafter 1986 NPCSC Report), *FBIS*, 80 (25 April 1986), K13; Chen Pixian, 1988 NPCSC Report, note 6, p. 18.

20. Lu Jiawei and Zhao Chengjin, "Jiaqiang lifa gongzuo, cujin quanmian gaige he duiwai kaifang" [Strengthen legislative work, promote all-around reform and opening to the outside], *Fazhi Jianshe*, no. 5 (October 1987), 10-11.

21. Chen Pixian, 1988 NPCSC Report, note 6, p. 13; "Zhongguo renmin daibaiao dahui changwu weiyuanhui yishi guize," [NPCSC proceedings regulations], *Renmin Ribao* (Haiwaiiban), 25 November 1987, p. 4.

22. "TV Special Covers NPC Committee Session," *FBIS*, 191 (2 October 1986), K1; Gao Ling, "Why the Draft Enterprise Bankruptcy Law Has Not Been Adopted," *FBIS*, 194 (7 October 1986), K1-3, from *Liaowang* (Overseas Edition), no. 39, 29 September 1986, pp. 13-14; Hu Jihua and Li Yahong, "Commenting on Views on Temporarily Not Putting the Bankruptcy Law to Vote," *FBIS*, 220 (14 November 1986), K3-5, from *Zhongguo Fazhibao*, 27 October 1986, p. 3; Chang, note 8, pp. 333-72.

23. Zhang Sutang and He Ping, "Gaige huhuanzhe qiye fa chu tai [Reform calling the enterprise law out from behind the stage], *Liaowang* (Haiwaiiban), 8 February 1988, pp. 17-18; Chen Pixian, 1988 NPCSC Report, note 6, p. 13; Marlowe Hood, "Hong Kong Paper Comments," *FBIS*, 58 (25 March 1988), 35-36, from *South China Morning Post*, 25 March 1988, p. 7.

Law of Villagers' Committees was also tabled in 1987 after "heated debate" and the expression of "sharply differing opinions" in both the NPC and NPCSC.<sup>24</sup>

At the same time, the NPC's Law Committee revises and edits *all* bills submitted to the legislature—sometimes substantially. In three noteworthy cases, the Law Committee extended the coverage of the Patent Law from inventions to new models and exterior designs, and required collective enterprises to share patents; it altered provisions of the Inheritance Law concerning widow's rights and heirs who do not support bequeathers; and it added several sets of compromise amendments to the Bankruptcy Law.<sup>25</sup>

In sum, the NPC and its committees occasionally draft legislation, often revise and edit it, and always oversee the drafting process. As in most legislatures, deputies in plenary meetings do not alter drafts greatly. Changes are made in smaller, more private settings—typically joint or group meetings of the NPCSC or sessions of the NPCSC Legal Affairs Committee or the Law Committee. The NPC sits at the center of a horizontally and vertically integrated legislative system, linked sideways to the State Council, ministries and party, and downwards to regions via local congresses. Although its mandate has narrowed (because lawmaking powers are shared with the State Council and provincial legislatures), its activities have grown. In its role as lawmaker, the legislature occasionally resists central initiatives and provides a forum for bargaining and negotiating. It also, as a matter of course, serves to clarify and elaborate general directives and to coordinate a lawmaking process that involves individuals and groups scattered across a number of organizations. The NPC thus both expands the bounds of the policymaking process (to include selected elites) and legalizes and regularizes it. It is both an agent of inclusion and of rationalization.

### Supervision

Focus on economic construction and efforts to reduce functional duplication have brought new responsibilities to state organs and less party involvement in day-to-day administration. Party committees retain ultimate control, of course, but now their decisions often pass through formal, legal procedures before implementation by a separate state agency. Greater State Council, ministry, and local government participation in policymaking benefits efficiency and allows the party to attend to its own tasks, but it also introduces uncertainties. To ensure that its directives are faithfully carried out and to prevent limited inclusion from evolving into true liberalization, the party is re-establishing long-unused, indirect channels of control over state organs. One such channel involves the NPC. Through representatives in the NPC, party leaders monitor state bureaucrats to ensure that they are implementing policies and observing party principles. In this sense, the legislature is becoming a proxy for the party—an alter ego

24. Bao Xin, "Concerning the Villagers' Committee Organization Law," *FBIS*, 79 (24 April 1987), K10–12, from *Liaowang* (Overseas Edition), no. 16, 20 April 1987, p. 1; Gong Miao, "Reform of Political Structure, Autonomy for Peasants—NPC Deputies Argue over Draft of Villagers' Law," *FBIS*, 71 (14 April 1987), K24–25, from *Zhongguo Tongxunshu*, 11 April 1987; "Discusses Village Rule, Contracts," *FBIS*, 12 (20 January 1987), K22–23; "NPC Standing Committee on Village Draft Law," *FBIS*, 224 (20 November 1987), 12–13.

25. NPC Law Committee, "Report by the Law Committee of the NPC on the Result of Examination of the 'Patent Law of the People's Republic of China,'" *CR:PSM*, 79 (23 November 1984), 12–15, from *Guowuyuan Gongbao*, no. 6 (20 April 1984), 173–76; "NPC to Consider Inheritance Law," *Beijing Review*, 28 (1 April 1985), 8–9; Chang, note 8, pp. 347–50.

embedded in the state apparatus. The rejection of liberalizing constitutional reforms at the turn of the 1980s cast doubt on the ability of the NPC to limit party power on behalf of "the people;" it did not, however, affect party efforts to rationalize authority, to define the political system, and to exert institutional leverage over non-party organs.<sup>26</sup>

Legislative supervision may be conducted by the full NPC, its committees, or individual deputies, and it may be directed at state functionaries or the institutions they head. Supervision may be personal and sporadic or it may be institutional and regular.<sup>27</sup> In recent years, three forms of supervision in three different settings have come to the fore: (1) criticism of ministry or State Council officials by deputies in small group meetings; (2) inspection of local government organs and economic enterprises by groups of NPCSC or NPC deputies; and (3) institutional oversight of subordinate administrative agencies by NPC committees.

Incisive interpellations and angry deputy speeches have become a common occurrence at recent NPC sessions. In just one example, deputies at the 1988 session criticized Premier Li Peng's suggestion that intellectuals moonlight to supplement their incomes, saying it was an "improper measure" that would interfere with teaching and research and "damage long-term national interests," and several bluntly disagreed (in his presence) with party General Secretary Zhao Ziyang's assessment that such a policy was "necessary and possible."<sup>28</sup> More generally, deputies in small group meetings at plenary sessions in 1979, 1980, 1981, 1985, 1987, and 1988 took exception to passages in the Premier's government work report and criticized state officials for immorality, incompetence, and mistaken priorities. Deputies publicly admonished rising stars as well as falling ones and questioned established policies as well as ones soon to be abandoned. Through publicity, if not binding sanctions, deputies mocked sloganeering, checked dishonesty and waste, tempered over-optimism, encouraged the removal of officials, and hastened the reversal of unpopular policies. Speeches (and votes) usually served whichever leadership group was dominant, though at times legislators joined with temporarily out-manuevered elites to embarrass those on top.

These activities may not resemble legislative supervision in a parliamentary democracy, but in an uninstitutionalized system with a very strong executive they serve similar ends. Individuals outside the ordinary power structure subject select decision-makers to scrutiny and demand explanations for official misconduct and ill-fated decisions.<sup>29</sup> Particularly when the leadership is divided, deputies, with the support of

26. On the 1982 constitutional reforms, see Kevin J. O'Brien, "China's National People's Congress: Reform and Its Limits," *Legislative Studies Quarterly*, 13 (August 1988), 343-74. For discussions of the "control" function of European socialist legislatures, see Peter Vanneman, *The Supreme Soviet: Politics and the Legislative Process in the Soviet Political System* (Durham, North Carolina: Duke University Press, 1977), pp. 102-23, 166; William A. Welsh, "The Status of Research on Representative Institutions in Eastern Europe," *Legislative Studies Quarterly*, 5 (May 1980), 290-95; Stephen White, "Some Conclusions," in Daniel Nelson and Stephen White, eds, *Communist Legislatures in Comparative Perspective* (London: Macmillan Press, 1982), pp. 192-96.

27. For definitions of legislative oversight, see Bert A. Rockman, "Executive-Legislative Relations and Legislative Oversight," in Gerhard Loewenberg, Samuel C. Patterson, and Malcolm E. Jewell, eds, *Handbook of Legislative Research* (Cambridge: Harvard University Press, 1985), pp. 549-50.

28. He Ping and Yang Xinzhe, "Hu Qili Joins Tianjin Group," *FBIS*, 61 (30 March 1988), 21; "Urges Paid Services to Society," *FBIS*, 61 (30 March 1988), 21; "Listens to Criticisms," *FBIS*, 62 (31 March 1988), 16-17; "Intellectuals' Second Job Opposed," *FBIS*, 63 (1 April 1988), 23; Guo Zhaojin, "Some NPC Delegates Are Worried About Part-time Jobs for Intellectuals," *FBIS*, 64 (4 April 1988), 32-33; Robert Dells, "Brighter Means Poorer," *Far Eastern Economic Review*, 140 (16 June 1988), 34-36.

29. During the 1988 session, at the request of NPC deputies, 30 ministers and vice ministers came to small group meetings of 17 provincial panels to hear deputies' views. "Ministers Hear Deputies' Views," *FBIS*, 69

influential backers, seize popular positions or the moral high ground and use their mandate for supervision to question factional or policy opponents. Their opponents defend their policies or admit mistakes and compromise. At such times, the NPC becomes an arena for leadership conflict and review of official reports becomes an occasion for scathing attacks. At times of leadership dissensus, legislative supervision becomes legislative influence; deputies speak for all sides and against party leaders as well as state officials, and pressures for accommodation build. The likely motive is power struggle and the likely hope is complete victory, but the outcome is restraint, a tendency to move toward the center, and unfavorable publicity for arbitrary or extreme behavior.<sup>30</sup>

Legislative supervision, of a more traditional sort, also takes place after a plenary session closes. Beginning in 1980, and continuing every year since, the NPCSC has organized its members to carry out inspections of local units. Inspection tours last up to several weeks and cover a different topic each year, usually related to the implementation of laws or recent initiatives in economic or educational policy. Inspections uncover problems in a given unit or region and, more importantly, gather information on a cross-section of geographically dispersed and economically variegated enterprises. By investigating "good, middle, and poor" and then submitting a statement on findings to the NPCSC, legislators provide central authorities with a flash report on how a policy is being carried out and suggestions on what might be changed.<sup>31</sup>

Following complaints that deputies were "swarming like troops," (*dadui renma yiyong*) and "treating inspections like pleasure trips," (*youshan wanshui*), and that inspected units were lavishing deputies with banquets and gifts and ignoring requests for materials,<sup>32</sup> efforts have been made to institutionalize and regularize deputy inspections. In 1985, NPC leaders revived the process of sending ordinary deputies as well as NPCSC members on inspection tours. In 1986 and 1987, the General Office of the NPCSC also issued two decisions that reduced the size of inspection groups and gave legislators the right to conduct random spot checks.<sup>33</sup> In recent years, deputies have visited schools, factories, and government offices in all 29 provinces to investigate "questions pertaining to the state plan and budget and economic structural reform." They have joined concerned State Council departments to inspect the implementation of the Compulsory Education Law, the Nationality Autonomy Law, the Cultural Relics Protection Law, the Medicine Management Law, the Food Sanitation Law, and the Environmental Protection Law. They have put forward suggestions to address problems with fake and inferior pharmaceuticals, toxic food, and brand name infringe-

(11 April 1982), 32. For a request for a minister to appear, see Wang Gangyi, "PLA Deputies Air Concerns," *FBIS*, 60 (29 March 1988), 21, from *China Daily*, 29 March 1988, p. 4.

30. For a discussion of the NPC's moderating influence and its procedurally conservative impact, see Kevin J. O'Brien, "Is China's National People's Congress a 'Conservative' Legislature?" Unpublished manuscript.

31. See "NPC Standing Committee to Make Inspection Tours," *FBIS*, 99 (22 May 1981), K1-2.

32. Zhang Youyu, "Lun renmin daibiao dahui daibiao de renwu, zhiquan he huodong fangshi wenti" [On the tasks, powers, functions, and mode of activity of National People's Congress deputies], *Faxue Yanjiu*, no. 2 (April 1985), 7; "NPC Standing Committee to Make Inspection Tours," note 31, p. K2.

33. Chen Pixian, 1986 NPCSC Report, note 19, pp. K8-9; Chen Pixian, 1988 NPCSC Report, note 6, p. 17; Chen Pixian, "Quanguo renmin daibiao dahui changwu weiyuanhui gongzuo baogao," [Work Report of the NPCSC] (hereafter, 1987 NPCSC Report), *Zhonghua Renmin Gongheguo Quanguo Renmin Daibiao Dahui Changwu Weiyuanhui Gongbao*, no. 3 (May 1987), 76-77; Yau Shing-mu, "NPC Deputies Given Inspection Rights Passes," *FBIS*, 104 (1 June 1987), K14, from *Hong Kong Standard*, 30 May 1987, p. K6.

ment.<sup>34</sup> It appears that inspections channel information to decisionmakers and help them refine their directives and ensure local compliance. Well-conducted tours should uncover evasion, end it, and warn others of the consequences of continued resistance.

Until recently, minimal staff support (essentially a small office responsible for visits and letters), and a lack of explicit procedures severely limited legislative efforts to conduct regular, institutional supervision of local people's congresses, the State Council, the Supreme Procurator, and the Supreme Court. A 60 per cent increase (40 members) in the size of the seven specialized NPC committees and new "NPCSC Proceedings Regulations" have eased the problem by drawing substantive experts into legislative work, liberalizing interpellation rules, and institutionalizing NPCSC joint meetings (*lian zu hui yi*) and small group meetings (*fen zu hui yi*) as forms in which close scrutiny of reports takes place and at which responsible officials from subordinate organs are required to appear.<sup>35</sup> The NPCSC's work outline for 1988–93 calls for legislative committees to redouble their efforts to examine and revoke all unconstitutional local statutes, State Council regulations, and autonomous region regulations.<sup>36</sup>

Institutional supervision is still limited, however, because of uncertainty over how the NPC can supervise judicial and administrative organs without supervising party committees that continue to guide all state work, and because state organs and provincial-level congresses heretofore have not reported all decisions (especially ones jointly issued with the party).<sup>37</sup> Yet, activities have begun as offenders have been "reminded and criticized," several unconstitutional appointments and transfers at the local level have been annulled, and a plan to merge three ministries into a new Ministry of Transportation has been withdrawn.<sup>38</sup>

Institutional supervision is increasing, but it remains unlikely that the jurisdiction of the NPC (or any other state body) will be extended to party committees or be allowed to greatly impinge on party autonomy. Party cadres will observe laws and the Constitution, if they do, because of education, moral suasion, and party discipline—not because they are subject to external checks.<sup>39</sup> The advent of limited legal and constitutional supervision will not diminish the importance of party self-restraint. What it could do is

34. Chen Pixian, 1986 NPCSC Report, note 19, p. K4, K8–9; "NPC Deputies to Tour Localities Before Session," *FBIS*, 23 (4 February 1985), K13; Chen Pixian, 1985 NPCSC Report, note 19, p. K6; Chen Pixian, 1987 NPCSC Report, note 33, pp. 71–72; Chen Pixian, 1988 NPCSC Report, note 6, p. 14.

35. Chen Pixian, 1988 NPCSC Report, note 6, p. 18; Chen Pixian, 1986 NPCSC Report, note 19, p. K13; "Zhongguo renmin daibiao dahui changwu weiyuanhui yishi guize," note 21, p. 4; "Tigao yishi xiaolu, wanshan changweihui zhineng," [Improve proceedings efficiency, improve standing committee functions], *Renmin Ribao* (Haiwaiban), 4 December 1987, p. 4.

36. "NPC Standing Committee's Work Outline Adopted," *FBIS*, 132 (11 July 1988), 37.

37. On reporting decisions, see Yuan Jiliang, "Guanyu jiaqiang guojia quanli jiguan falü jian du baozheng zhineng de jige wenti" [Problems in strengthening state power organs and guaranteeing the role of legal supervision], *Faxue Yanjiu*, no. 1 (February 1988), 23. For differing views on NPC supervision of Party committees, see Shao Jingjun, "Renmin daibiao dahui zhidu jianshe lilun taolun lunhui gaishu," [Summary of the symposium on the theory of people's congress construction], *Renmin Ribao* (Haiwaiban), 3 December 1987, p. 4; Zhang Pingli, "Yao jiaqiang renda de falü jian du," [We must strengthen the NPC's legal supervision], *Renmin Ribao* (Haiwaiban), 31 October 1987, p. 2; Zeng Heng and Zhong Ming, "Lun renda changweihui dui dangzuzhi de xianfa jian du" [On the NPCSC's constitutional supervision of party organizations], *Faxue Jikan*, no. 1 (January 1987), 39–44.

38. Chen Pixian, 1984 NPCSC Report, note 19, p. K3; Chen Pixian, 1986 NPCSC Report, no. 19, p. K4; Zhou Minyi, "NPC No Longer a Platform of One Voice," *Beijing Review*, 31 (18–24 April 1988), 7; "NPC Presidium Holds Fourth Meeting 5 April, Wan Li Presides," *FBIS*, 65 (5 April 1988), 11–12.

39. The editors of *Faxue* have written that education of leading cadres in "socialist democracy and legal system" is more important than establishing a special organ for enforcing the Constitution. See Benkan Pinglun (Editors), "Lingdao ganbu bu neng chaoyue xianfa xingshi zhiquan" [Leadership cadres cannot overstep the constitution], *Faxue*, no. 12 (December 1985), 2.

cement a framework of public rules regulating state officials and work to ensure that all state administrative, judicial, and procuratorial decisions accord with party policies.

Inspections and institutional supervision, like lawmaking, involve the NPC with an array of state and party institutions, some of which have considerably more power than the legislature. The NPC's role thus is primarily that of a clearinghouse that gathers information on local officials and central departments who are not implementing policy and which defines and supervises handling of unconstitutional and illegal behavior. The anomaly of influence by a formerly powerless and still weak institution arises because of the legislature's powerful patron—the party and especially the reform coalition currently in power. As Stephen White concluded at the end of a volume on socialist legislatures:

A vigorous legislative body may be quite “functional” to the rule of a single dominant party, providing it with a means of checking upon the performance of government and its conformity to party policy as well as a legal basis, through its representatives, for its intervention in affairs of state.<sup>40</sup>

The third major form of NPC supervision (i.e. that by deputies in small group meetings) is less frequently found in other socialist legislatures, where ordinary deputies have few opportunities to speak and elite disputes are infrequently aired. In China, power struggles and a growing commitment to openness have raised legislative debate to a high level and have enabled deputies to palpably, albeit irregularly, restrain leadership discretion. In this sense, the NPC's supervisory activities overlap with its linkage activities; in terms of our four dimensions, it may take part in representation.

## Representation

For Hanna Pitkin, representation entails regular, institutionalized responsiveness and can only be discussed in reference to the overall structure and functioning of a political system.<sup>41</sup> Seen in this light, the Chinese polity is profoundly unrepresentative. NPC deputies are elected indirectly by lower level legislators, through a series of step-wise elections, and local, provincial, and central party committees control nomination lists and election committees. Ethnic, gender, party, and occupational quotas exist and some deputies are selected and sent by “higher levels.”<sup>42</sup> Campaigning is prohibited, all candidates run on the same program, and until recently all candidates ran unopposed. Most likely, overt coaching is rarely necessary in the choosing of legislators as political savvy alone leads deputies to elect reliable colleagues to the next higher congress.

40. White, note 26, p. 192.

41. Hanna F. Pitkin, *The Concept of Representation* (Berkeley: University of California Press, 1967), pp. 221–34.

42. On party domination of NPC elections and reliance on quotas, see Xu Chongde and He Huahui, *Xianfa yu Minzhu Zhidu* [The Constitution and Democratic System] (Hubei: Hubei Renmin Chubanshe, 1982), p. 60; Wu Jialin, “Zenyang fahui quanguo renda zuowei zuigao guojia quanli jiguan de zuoyong” [How to bring into play the NPC as the highest organ of state power], *Xinhua Wenzhai*, no. 12 (December 1980), 49; Li Guoxiong, “Woguo renmin daibiao zhi dangyi” [An opinion on the Chinese NPC system], *Faxue Pinglun*, no. 1 (January 1987), 14; Zhang Zonghou, “Quanli zhi yuelun” [On the system of power], *Faxue*, no. 10 (October 1986), 2; Pi Chunxue and Nian Xinyong, “Zhengzhi tizhi gaige de yixiang zhongyao renwu—tantan jianquan renmin daibiao dahui zhidu” [Some important tasks in political systemic reform—discussing perfecting the NPC system], *Zhongguo Zhengzhi*, no. 1 (January 1987), 28; Liu Xia, “Zhengzhi tizhi gaige yu renmin daibiao suzhi” [Political system reform and people's deputy quality], *Fazhi Jianshe*, no. 5 (October 1987), 22.

On top of the essentially undemocratic structure of the electoral system, Confucian assumptions of a "natural harmony of interests" and a Leninist conception of the political party encourage Chinese leaders to equate the party's interest with the people's interest, and justify shaping and manipulating public opinion and silencing inconvenient popular demands. Party leaders take it upon themselves to define the "people's will" and respond to outside opinions as a matter of choice and tactics, not out of obligation or because they fear removal. The party learns from the masses, but more importantly, it educates them to their own interests. When the people or their representatives are wrong, the party need not (and should not) heed them. Ideology and decades of Communist rule dictate that the people inform the leadership, they do not control it. Formal means of accountability are of secondary importance in a system which is innately elitist and (at times) intentionally unresponsive.

Yet, within this basically unrepresentative system, acts of response do occur. Communist representation, though circumscribed and fragile, is not an oxymoron. Despite continued leadership hostility toward "bourgeois-style" institutionalized representation and electoral sanctions, and despite Deng's belief that direct, popular elections for the NPC are at least fifty years away,<sup>43</sup> activities by deputies on behalf of constituents, regions, social groups, and the "whole nation" are beginning to appear and to have an effect on political outcomes.

Efforts by deputies to obtain advantages and benefits for particular constituents, i.e. "service responsiveness," were infrequent in the NPC's first generation.<sup>44</sup> This is changing. Consider the story of a 39-year-old factory worker and deputy from Beijing, Chen Lunfen. Chen is well-known for pressing local bureaucrats to resolve constituents' problems and for persisting in the face of opposition. Before the 1985 Spring Festival, for example, several families in Chen's district had a dispute over housing allocations and there was grumbling about non-staple food supplies. A group of local residents went to the head of the district, who referred them to Chen. Chen listened to their complaints, found them reasonable, and paid a call on the district official responsible for food and housing supplies. Upon her arrival, this official, who had dealt with her many times before, glumly commented: "Whenever you come to raise suggestions, we get criticized." Chen launched into an impassioned speech about her constitutional duty to reflect the people's views and concluded with the words, "if you don't resolve these problems, who will?" The official acknowledged he was cornered and immediately set out to improve the situation.<sup>45</sup> Though Chen's devotion to constituency work may not be universally shared, it is considered praiseworthy. If other deputies follow her

43. See comments by Deng cited in Stuart Schram, "Political Reform in China," *IHJ Bulletin*, 8 (Spring 1988), 3-4. For reasons direct elections are opposed (low efficiency on the first ballot, too much trouble, humiliates losers), see She Xuxin and Xu Laiqin, "Guanyu zhijie xuanze zhong ruogan wenti de tantao" [Research on problems of direct elections], *Faxue Yanjiu*, no. 1 (February 1987), 3-4. Some commentators, however, point out that China's transition period has already been longer than those of most East European nations, and they favor a more rapid introduction of direct, popular elections. See Kan Ke, "Quanguo renmin daibiao dahui mingde queding yiju tantao" [An approach to determining the number of deputies to the NPC], *Zhengzhixue Yanjiu*, no. 5 (September 1987), 33; Wu Jialin, "Tigao difang guojia quanli jiguan de quanweixing" [Views on strengthening the competence of local organs of state power], *Faxue Pinglun*, no. 1 (January 1987), 30.

44. The concept of service responsiveness is discussed in H. Eulau and P. Karps, "The Puzzle of Representation: Specifying Components of Responsiveness," *Legislative Studies Quarterly*, 2 (August 1977), 243-45.

45. This encounter is reported in Zhang Zonghou and Yan Jun, "Wo shi renmin daibiao, jiuyao ti quanzhong jianghua" [I am a people's representative and must speak for the masses], *Zhongguo Fazhibao*, 1 April 1985, p. 1.

example, citizens may increasingly turn to their representatives to gain the attention of haughty or negligent bureaucrats who ignore legitimate grievances.

Chen Lunfen is a model for her conscientious behavior, but also for her restraint. She transmitted complaints and demanded attention, yet allowed the concerned official to make the final decision. In recent years, this has not always been the case. NPC Law Committee Vice Chairman Zhang Youyu reports:

Some deputies are dissatisfied with the status quo on work outside meetings . . . and would like to do even more. They ask to intervene directly in government, judicial, and procuratorial work, or to directly handle mass appeals, complaints, and proposals.<sup>46</sup>

Zhang finds this request "understandable" but "inappropriate"—based on a mistaken view of an NPC deputy's authority. As Zhang and several other NPC leaders have pointed out, although individual deputies may uncover problems between congresses, they do not have the authority to solve them. Deputies should reflect the local situation and raise suggestions to state organs, but should not "meddle" in government and judicial work, for this will lead to delays and mistakes when deputy views are incorrect, incomplete, biased, based on a misunderstanding of the law, or when they are in conflict with each other. Deputies take part in the work of other systems (*xitong*) but do not supplant them. In no circumstances may they, in the name of representation, bypass state functionaries or force them to act.<sup>47</sup>

In addition to conveying private demands, NPC deputies also speak for regions or occupational groups and press for "allocation responsiveness," i.e. redistribution of resources.<sup>48</sup> At recent plenary sessions, deputies have championed disadvantaged sectors (e.g. heavy industry in 1980, backward and mountainous areas in 1985, inland provinces and grain-producing areas in 1988) as well as groups and sectors (e.g. entrepreneurs, exporters, education, light industry) that are prospering.<sup>49</sup> For the disadvantaged they seek fairer treatment—e.g. greater resources for heavy industry and inland areas and higher prices, greater agricultural investment and more plentiful inputs for grain farmers.<sup>50</sup> For the advantaged they request additional benefits and

46. Zhang Youyu, note 32, p. 5.

47. See comments by NPCSC Chairman Peng Zhen, NPC Secretary General Chen Pixian and Zhang Youyu in Zhang Youyu, note 32, pp. 5–8; Chen Pixian, 1984 NPCSC Report, note 19, p. K7.

48. See Eulau and Karps, note 44, p. 245 for a definition of allocation responsiveness.

49. Detailed analysis of deputy speeches at plenary sessions can be found in Kevin J. O'Brien, "The National People's Congress: Continuity and Change in Chinese Legislative Politics," Ph.D. Dissertation, Yale University, 1987, pp. 178–235; Dorothy J. Solinger, "The Fifth National People's Congress and the Process of Policy-making: Reform, Readjustment and Opposition," *Asian Survey*, 22 (December 1982), 1238–75.

50. On pleas for heavy industry, see Solinger, note 49, pp. 1238–75; For typical remarks on inland areas, see Liang Qian, "Jingji gaige zhong chule shemma wenti?" [What problems are emerging in economic reform?] *Zhengming*, no. 91 (May 1985), 44; Han Baocheng, "NPC Sidelights—Taking the Road to Common Prosperity," *Beijing Review*, 28 (8 April 1985), 17–19; "Poor Areas Want Attention," *FBIS*, 62 (1 April 1987), K9–10; "Tibetans Want More Favorable Policies," *FBIS*, 66 (6 April 1988), 21–22; "Yunnan Urges More Interior Aid," *FBIS*, 59s (28 March 1988), 34; Seth Faison, "Xinjiang Fears Coastal Development Rebound," *FBIS*, 66 (6 April 1988), 23–24, from *South China Morning Post*, 6 April 1988, p. 7. For requests for attention to agriculture, see Luo Bing, "Liujie renda huinei huiwai" [Inside and outside the Sixth NPC], *Zhengming*, no. 69 (July 1983), 11; "Deputies Make Suggestions," *FBIS*, 114 (13 June 1983), K12–13; "Local Leaders Advocate Attention to Agriculture," *FBIS*, 61 (31 March 1986), K10; "Study of Zhao's Report Continues," *FBIS*, 61 (31 March 1987), K6; "More Agriculture Investment Urged," *FBIS*, 60 (29 March 1988), 23; Zhang Yuan, "Farm Production Concerns Voiced," *FBIS*, 66 (6 April 1988), 28–29, from *China Daily*, 5 April 1988, p. 4; Guo Weifeng, "NPC Delegates, CPPCC Members Warn Against Dangerous Situation in Agriculture," *FBIS*, 63 (1 April 1988), 38.

unflinching policy implementation. Deputies rarely demand immediate, explicit changes (making allocation responsiveness difficult to measure), but instead they publicize and draw leadership attention to territorial and functional claims and attempt to nudge policies in a desired direction.

Yet, well-developed and efficacious allocation responsiveness, like service responsiveness, clashes with the traditional understanding of the proper role of NPC deputies and the place in decisionmaking for partial interests. According to Zhang Youyu, deputies are free to do as they please in their speeches and votes so long as they "seek truth from facts" and serve the public interest.<sup>51</sup> Serving the public interest, however, has always involved forsaking most other interests. The public or national interest has been regarded to be objective and in some respects deductive; it is not simply an agglomeration of private, regional, and functional interests. Deputies should not be "delegates":

NPC deputies consider important matters that involve the whole people and the whole nation; although they are elected by a certain district and certain voters, they represent the people of the whole nation and must think about the interests of the nation, not just their own district . . . Individual and partial interests follow the whole. Deputies must pay attention to their district but not fall prey to localism or departmentalism.<sup>52</sup>

What this remark suggests is that allocation responsiveness is permissible only to ask for more of the same or on controversial issues for which no national interest has been determined. Well-timed deputy pressure may affect decisions when changes are under consideration, but once a leadership position is established and announced, vigorous lobbying for sub-national interests becomes divisive, even unpatriotic. At the 1988 NPC, for example, deputies requested increased agricultural investment, improvements in intellectuals' living conditions, and attention to the development of backward, inland areas, but there was no real disagreement on establishing a new province, opening coastal regions to the outside world, resolving Tibetan unrest, or passing two constitutional amendments.<sup>53</sup> Quite clearly, the party has only partially legitimized partial interests. Despite remarks by Zhao Ziyang at the Thirteenth Party Congress on the need to reconcile the different interests of different groups,<sup>54</sup> service and allocation responsiveness continue to occupy a gray area between orthodoxy and "bourgeois liberalization."

More intriguing, and revolutionary if carried out, is the possibility of legislative representation as the party has always intended it—representation of the whole people. In the past, this formulation simply justified party domination of the legislature and ensured the identity of the people's and the party's will. But now, with a leadership

51. Zhang Youyu, note 32, p. 4.

52. Zhang Youyu, note 32, pp. 2, 8. A commentator at the 1988 NPC also noted that too many deputy legislative proposals concern local and professional issues and too few deal with "the interests of the whole." Tang Xiaoke, "NPC Proposals and NPC Deputies," *FBIS*, 74 (18 April 1988), 18.

53. On lobbying for intellectuals' interests, see He Ping and Yang Xinhe, "Hu Qili Joins Tianjin Group," *FBIS*, 61 (30 March 1988), 21; Suzanne Pepper, "Rocky Road to Reform," *Far Eastern Economic Review*, 140 (16 June 1988), 32–34; "Listens to Criticisms," *FBIS*, 62 (31 March 1988), 16–17; "Intellectuals' Second Jobs Opposed," *FBIS*, 63 (1 April 1988), 23; Guo Zhaojin, "Some NPC Delegates are Worried About Part-time Jobs for Intellectuals," *FBIS*, 64 (4 April 1988), 32–33. On pressure to pay attention to agriculture and inland areas see note 50 above.

54. See Michel Oksenberg, "China's Thirteenth Party Congress," *Problems of Communism*, 36 (November–December 1987), 13. For other treatments of "interests," see Li Fan, "The Question of Interests in the Chinese Policy Making Process," *China Quarterly*, no. 109 (March 1987), 64–71; Benedict Stavis, *China's Political Reforms* (New York: Praeger, 1988), pp. 55, 119.

more open to experimentation and less sure of what the national interest is on every issue, this formerly empty form of representation may have new content. Perhaps deputy comments on wages, prices, railway safety, pollution, and equity should be seen as efforts to reflect public opinion and to identify where the people's interest and party policy have diverged. More generally, the NPC's institutional preference for moderation evident in recent years may be seen as representation of all those who fear rapid change and value stability.<sup>55</sup> In this view, political jockeying may not be the only motive for deputies to champion popular, minority opinions. Some deputies may take the party at its word, stand up for the people as a whole, and present options that they believe will further the societal good.

A certain level of legislative responsiveness may be functional to party rule, just as sharing lawmaking and legislative supervision are. But representation involves far more than rationalizing power and disappears in the presence of manipulation. Representation is threatening and without institutional machinery to ensure it, party forbearance and duty-bound deputies are crucial. For representation of the whole people to be both significant and representative, party leaders must acknowledge that at times they are out of step with "the people" and "the people" are right, and deputies must voluntarily and with some accuracy gauge what the citizenry in a very large and varied country want. It should be no surprise that meaningful representation in a fundamentally unrepresentative system is precarious, inexact, and occasional.

### Regime Support and the United Front

By the late 1970s, the party had spent much of its political capital and it faced a population exhausted by decades of upheaval. In the wake of the Cultural Revolution, many Chinese wanted stability and were wary of grand plans and optimistic predictions. Mao's death had deprived the nation of its symbol of rectitude and the reversal of his policies left many people adrift, unsure what socialism meant and unconvinced it had value. Without a charismatic leader of Mao's stature, or indeed any credible base of legitimation, a deep "crisis of faith, confidence, and trust" spread—especially among the young. Party leaders were understandably concerned and responded, in part, by freeing individual initiative and increasing production of consumer goods, i.e. attacking cynicism with measures that would quickly and dramatically improve living standards. For nearly a decade now, healthy growth rates have bought the party much good will and undoubtedly have relegitimized it in the eyes of many. The party promised a better life and, for many, it has delivered. But, in the era of "to get rich is glorious," ever-increasing prosperity is both an expectation and a promise, and it is potentially threatening because the market reforms it is based on may undermine the rationale for the party's monopoly of power.<sup>56</sup> Further reform, high inflation, or a prolonged economic downturn could conceivably stir up doubts that would again diminish the party's ability to rule. The use of the NPC since 1978 suggests that the reformers recognize these dangers and intend to establish party legitimacy on a sounder footing. Institutionalized legitimacy will supplement legitimacy based on performance. To help

55. See O'Brien, "Is China's National People's Congress a 'Conservative' Legislature?", note 30.

56. In the countryside, Gordon White has identified four possible distributions of power between political and economic elites: fusion, collusion, cooperative coexistence, and conflict. Gordon White, "The Impact of Economic Reforms in the Chinese Countryside: Toward the Politics of Social Capitalism?," *Modern China*, 13 (October 1987), 424–27.

deflect challenges and dispel doubts, Deng and his associates are building up the legislature as a non-party organization composed of socially-prestigious individuals who express support for party policy and work for its implementation. Through the NPC (as well as local congresses, consultative organs, and mass organizations) the party is integrating the political community and organizing it around the principle of one-party rule.<sup>57</sup>

In the 1950s and to a lesser extent in the early 1960s, NPC deputies engaged in activities designed to increase regime support. Change along this dimension thus in many respects is simply revival. What is new, however, is an increasingly subtle approach to building a united front, based on a revised understanding of who the main targets are and what is needed to draw them in.

After the 1957 Anti-Rightist Movement, the thrust of NPC mobilization efforts shifted from untrustworthy “bourgeois elements” back to the party’s original constituency of young idealists and worker-peasant-soldiers. The united front narrowed and the party concentrated its appeal on people it had already converted. Special skills and education were regarded as less important than loyalty and commitment to socialism. At the NPC, political activists were held up as models and ordinary people were told they were the backbone of the Revolution. Under Deng, this of course is changing. The reformers have ambitious plans and they seek the cooperation of precisely those people who were discarded in the 1950s and are most alienated from Communist rule—intellectuals, scientists and technicians, risk-takers. Old-style model deputies still sit in the NPC, but they are much less prominent. Attention instead falls on democratic party members and scholars, technical experts, and former “tails of capitalism,” many of whom have suffered under the Communists but are needed now. Through the NPC, the leadership is appealing to the agents of modernization and urging them “to accept party leadership voluntarily.”<sup>58</sup> By allowing social and economic elites to meet with high cadres and to express dissatisfaction, the party is seeking to show that it can incorporate all interests—that the united front includes the entire citizenry and that there is something in socialism for everyone.

The NPC is no longer expected to symbolize a perfectly united political community or unanimous acceptance of one-party rule. Political integration is seen as a process that requires time and compromises. The party aims first to win back the trust of the unconverted (through coopted class brothers) and then to gain their active support. NPC deputies are mobilizers in a post-mobilization regime, persuaders who have ties to key social groups. They are entrepreneurs, path-breaking scientists and millionaire peasants—pioneers in reform who are willing to say that the party has been good to them and that more socialism and more party leadership is just what China needs. In the NPC, the party is creating a corps of influential activists and propagandists—models of success who can also live with one-party rule.

The party offers these people limited inclusion to soften demands and to preserve an illiberal state. Party prerogative is not affected in important ways. The party “does not bow to opinions that renounce our principles or diminish our alliance.” Democratic consultation is a method that positively influences and attracts other members to the

57. For a discussion of extending rights of consultation in order to preempt demands for systemic change in European socialist nations, see Stephen White, “Economic Performance and Communist Legitimacy,” *World Politics*, 38 (April 1986), 462–82.

58. Zhang Youyu, “Minzhu xieshang shi shixing renmin minzhu de youxiao fangshi” [Democratic consultation is an effective means to carry out people’s democracy], *Jianghai Xuekan*, no. 4 (August 1984), 7.

united front and induces them to accept party principles.<sup>59</sup> A democratic atmosphere is encouraged in certain years (1979, 1980, 1985, 1988) to defuse embarrassing events, to show party openness, and to mobilize consent. In other years (1982, 1983, 1986), a more heavy-handed emphasis on unity returns, and deputies primarily disseminate official policy. At all times, after decisions are announced, deputies are expected to gather feedback and to smooth implementation. In exchange for the right to disagree and to articulate group interests, deputies penetrate society, build legitimacy among doubters, and contribute to system-maintenance.<sup>60</sup> The NPC is again a united front organ and a tool for mobilization, but a more sophisticated one directed at a more skeptical audience.

### Systemic Change and the NPC

In Deng's China, revolutionary socialism is receding into history. From the economy to ideology, Maoist priorities and precepts are under constant review and are subject to frequent reinterpretation. Since 1979, the reform coalition has privatized agriculture, renounced mass mobilization and demoted class struggle from its position as the principal contradiction. They have rejected egalitarianism, removed class labels and declared the "turbulent" and "large-scale" class struggles of the past "basically resolved."<sup>61</sup> When faced with opposition, they have been more apt to see "non-antagonistic contradictions among the people" rather than "resurgent enemies." In politics as in economics, Deng and his associates are discarding the Maoist development strategy, along with the bifurcated view of society at its root, and they are re-examining the foundations of Communist rule.

The Chinese polity is certainly evolving, but toward what and how fast? And, what is remaining the same? The NPC, a latecomer to Chinese politics and a fifth wheel in the Maoist era, has been an indicator and an embodiment of the direction and speed of change. As a representative and mobilizational organ, the NPC has reflected shifting approaches to party-society relations; as the nation's putative lawmaker and chief supervisory organ, it has prospered or suffered with changing attitudes toward legalizing and regularizing party rule. Throughout its history, the NPC has witnessed debates over China's economic and political development, and the content of these debates and extent of NPC participation in resolving them has shed light on three alternatives to Mao's class-based, illiberal, charismatic style of rule (namely, inclusion, liberalization, and rationalization), alternatives which offer paths out of revolutionary socialism and options for the post-Mao leadership.

The decision to increase inclusiveness has already been made. China is entering a stage where:

59. Zhang Youyu, *Jianghai Xuekan*, no. 4 (August 1984), 8.

60. For a discussion of assemblies that conform to a systems-maintenance model of legislatures, see Michael L. Mezey, *Comparative Legislatures* (Durham, N.C.: Duke University Press, 1979), pp. 11, 18–20, 259–70, 281–82. See also, Michael L. Mezey, "The Functions of Legislatures in the Third World," in Gerhard Loewenberg, Samuel C. Patterson, and Malcolm E. Jewell, eds, *Handbook of Legislative Research* (Cambridge: Harvard University Press, 1985), pp. 744–50.

61. See "Fundamental Change in China's Class Situation," *Beijing Review*, 22 (16 November 1979), 9–13 (23 November 1979), 14–18; "Comrade Ye Jianying's Speech—At the Meeting in Celebration of the Thirtieth Anniversary of the People's Republic of China," *Beijing Review*, 22 (5 October 1979), 21.

the locus of political uncertainty has shifted from protecting the precarious values of a newly established revolutionary regime with charismatic qualities to insuring that the social products of its developmental efforts identify themselves in terms that are consistent with the party's ideological self-image and organizational definition.<sup>62</sup>

In this environment, recurring revolutions from above threaten rather than bolster party legitimacy: surges of class struggle slow economic growth and alienate much of the population.<sup>63</sup> Aware of this, party leaders are cementing their position by acknowledging the legitimacy of social (if not political) diversity, by relying on manipulation rather than domination and procedural and empirical modes of action rather than arbitrary and dogmatic modes. They are heading off a "plurality of political-ideological definitions" less by command and elite-directed disruption, and more by coaxing support from a variety of new audiences.<sup>64</sup> Though articulate audiences of the sort found in industrialized nations do not yet exist in China, the reform coalition realizes they soon will. Deng and his associates are building on today's value consensus (and satisfaction with recent economic performance)<sup>65</sup> to control the political consequences of tomorrow's social differentiation.

Although enemies on the left or right are periodically dredged up and criticized—alleged anarchists in 1979 and carriers of bourgeois liberalization and spiritual pollution in 1981, 1983, and 1987—the post-Mao leadership has resisted the impulse to re-dichotomize society and to reinvigorate wide-scale coercion or terror. Efforts to cleanse the body politic have ended quickly because the reformers prefer to coopt the impure rather than exclude them. After years of insulation the party is seeking reconciliation with society and is willing to open the system somewhat to achieve it.

In the legislature, we see this tilt toward inclusion in efforts to broaden the united front and to institutionalize legitimacy. Through the NPC the party is displaying its readiness to bring professional groups, such as economists and scientists, into the decision-making process and its desire to win over fence-sitters to reform-style socialism. The party is granting former enemies status as valued and trustworthy members of society and is encouraging them to speak out. The leadership is allowing lively legislative debate in exchange for consent to one-party rule and active propagation of party policy. Confident that modernization is a widely-held goal, party leaders air their proposals in the NPC, ask for comments, and make concessions to gain support.<sup>66</sup>

62. Jowitt, note 5, p. 71.

63. On the costs of "revolutions from above," see Richard Loewenthal, "Development vs. Utopia in Communist Policy," in *Change in Communist Systems*, ed. Chalmers Johnson (Stanford: Stanford University Press, 1970), pp. 53–54, 111–116; Richard Loewenthal, "On 'Established' Communist Party Regimes," *Studies in Comparative Communism*, 7 (Winter 1974), 335–58.

64. See Jowitt, note 5, pp. 72–89.

65. Richard Loewenthal argues that Communist parties governing mature societies can rely on a considerable measure of value consensus to legitimate their regimes. Although they have not succeeded in inculcating popular belief in utopian goals, there is general agreement on other values, such as public ownership, social justice, rationality, productivity, and meritocracy. See Loewenthal, "On 'Established' Communist Party Regimes," note 63, pp. 348–54. In a similar vein, Samuel Huntington argues that an established one-party system "reflects the needs of a relatively consensual society rather than those of a sharply divided one." See Samuel P. Huntington, "The Social and Institutional Dynamics of One-Party Systems," in Samuel P. Huntington and Clement Moore, eds, *Authoritarian Politics in Modern Society: The Dynamics of Established One-Party Systems* (New York: Basic Books, 1970), p. 23. On the transformation from economic bases of legitimacy to political or procedural bases, see White, "Economic Performance and Communist Legitimacy," note 57, pp. 470–71.

66. Brantly Womack writes: "The regime has adopted reforms not out of weakness vis-a-vis an organized opposition but in order to accomplish presumably popular goals." Brantly Womack, "Modernization and Democratic Reform in China," *The Journal of Asian Studies*, 44 (May 1984), 421.

Although the political system is becoming more inclusive, it remains illiberal and authoritarian.<sup>67</sup> Recognition of the need to obtain information, advice and support from key sectors of the population has not diminished the party's commitment to suppress dissent and maintain political power.<sup>68</sup> As in the past, the leadership denies individuals the right to form and join groups to express dissatisfaction with party rule. Satellite parties, trade unions, and mass organizations all accept the leadership of the Communist party and none offer alternative programs or competing visions of a good society. Brief interludes of liberalization have passed quickly and have not legitimized collective political participation or created autonomous interest groups; influence is granted only when it is broadly supportive.

In the NPC, structural reforms, such as free elections, campaigning, longer sessions, and meaningful votes, have been rejected several times and legislative checks and balances have been discussed but never adopted.<sup>69</sup> The legislature, even at its strongest, has never been more than a helpmate to the party. Legislators discuss improving one-party rule; very few suggest ending it. Criticism of party leaders and policies is uncommon and arises most often when leadership dissensus is high and out-of-favor elites desire publicity for their views. A legislator's ability to press minority views or agitate for individual, group, or sectional interests still hinges on leadership sufferance. To this point, party leaders have allowed a certain amount of *de facto* liberalization, but they have stopped short of instituting real political competition and institutionalized responsiveness. Over time, experience with inclusiveness may encourage them to consider reforms that entail formal restraint as well as informal consultation, and they may grant the NPC some autonomy from party control, but this does not appear imminent. For now, reform means inclusion, and inclusion is a substitute for liberalization, not a sign of it.

Though the reform coalition is hesitant to liberalize, they are eager to rationalize and to reduce the capriciousness that characterized policymaking under Mao. Deng and his lieutenants are turning toward procedural regularity to promote modernization and to improve government efficiency. They are restructuring the organizational machinery of the party and state and reassigning responsibilities. They are advocating such rationalizing principles as recruitment based on merit, increased specialization, procedural regularity, and reliance on chains of command. They are seeking to build a political order free from Maoist excesses and aberrations—a state in which one-party rule is effective, stable, and predictable. They are striving to create a less personalized system that does not need leaders like Mao or Deng (nor smaller versions at every level)—a system in which authority flows from the party rather than from personal prestige.

In the legislature, this rationalizing tendency is seen in clarified spheres of jurisdiction, emphasis on expertise in personnel decisions, and concern with internal efficiency. The leadership is finally acting on the call of the Eighth Party Congress (1956) to "perfect the legal system" and is beginning to use the NPC to oversee the

67. For a discussion of "consultative authoritarianism," see H. Gordon Skilling, "Group Conflict and Political Change," in Chalmers Johnson, ed., *Change in Communist Systems* (Stanford: Stanford University Press, 1970), pp. 215–34. For a description of a "middle road" between party-state authoritarianism and parliamentary democracy, see Brantly Womack, "Party-State Democracy: A Theoretical Exploration," A paper presented at the 17th Sino-American Conference on Mainland China, 6 June 1988.

68. See Harry Harding, "Political Development in Post-Mao China," in A. Doak Barnett and Ralph N. Clough, eds., *Modernizing China: Post-Mao Reform and Development* (Boulder, CO: Westview Press, 1986), p. 33; Andrew J. Nathan, *Chinese Democracy* (New York: Alfred A. Knopf, 1985), p. 228.

69. O'Brien, "China's National People's Congress: Reform and Its Limits," note 26, *passim*.

bureaucracy and to ensure that party policies are standardized and carried out. If they continue along this course, the resulting system need not be more decentralized or liberal, but it will have less room for charisma and chiliastic ideology. Rationalization aims to protect the nation from rule by fiat and to clear away the layers of dogma that impede creativity. It promises order and control along with flexibility and adaptation. It is an attempt to limit discretion through organizational, intra-elite means: to build a system in which power inheres in roles and party rule is secure.

But reconstituting the polity in this fashion will not be easy. As the policy process is made more inclusive and rational, policy itself will become more difficult to change. Efforts to separate party and state and to involve non-party forces in policymaking may run aground if they interfere with implementation of the leadership's ambitious reform program. Indirect channels of control are less certain than direct ones; reforms threaten to give power to those who oppose reform. If institutionalization is to proceed, leaders must be willing to accept the consequences of consultation and procedural regularity: namely, delay, compromise, and occasional opposition. They must be willing to stand firm against hastiness and arbitrariness, even when they are the ones who want to act quickly and decisively. Deng and his associates have renounced Mao's policies; now they are asked to renounce his methods. To step away from a long history of authoritarianism and heroic, personal rule is a daunting challenge—and the party's success in meeting this challenge will determine just how far China's reforms go and what role the NPC is allowed to play.