Corporatist Legislature:
Authoritarianism, Representation and Local People’s Congress in Zhejiang

by

Jing Qian
LL.B., Zhejiang Gongshang University, 2007

A Thesis Submitted in Partial Fulfillment
of the Requirements for the Degree of

MASTER OF LAWS

in the Faculty of Law

© Jing Qian, 2009
University of Victoria

All rights reserved. This thesis may not be reproduced in whole or in part, by photocopy
or other means, without the permission of the author.
Supervisory Committee

Corporatist Legislature:
Authoritarianism, Representation and Local People’s Congress in Zhejiang

by

Jing Qian
LL.B., Zhejiang Gongshang University, 2007
Abstract

In this thesis, the author analyzes the role of Local People’s Congresses (LPCs) in China in shaping state-society relations in a decentralized authoritarian regime. Classical theories of corporatism are applied in order to examine the political functions of the LPC, a local representative and legislative mechanism. The author further proposes expanding the application of corporatist theory to encompass elected representative assemblies. In his analysis, the author explores how the state penetrates into and controls the LPC, and how, at the same time, the local legislature unequally incorporates various social groups into public affairs. He compares and contrasts biased strategies adopted by the state via the LPCs concerning different social sectors, under a dichotomy of inclusionary and exclusionary corporatism, based on which he further suggests a tentative typology of liberal/corporatist/communist legislature to enrich theories of comparative legislative studies. The author’s analysis is based on field research conducted in 2009, as well as on his previous internships and attendances in the Provincial People’s Congress in Zhejiang Province, China. This thesis extends the scope of research on the legislative institution in China to the field of state-society relations and contributes to comparative legislative studies in the perspective of corporatism.
# Table of Contents

Supervisory Committee..................................................................................................................ii
Abstract............................................................................................................................................iii
Table of Contents ............................................................................................................................. iv
List of Tables ...................................................................................................................................... v
List of Figures ...................................................................................................................................... vi
Acknowledgement ............................................................................................................................ vii
Dedication ........................................................................................................................................... viii
Introduction ........................................................................................................................................1
   Research Question and Thesis Statement .................................................................................. 2
   Contextualization and Methodology ......................................................................................... 8
   Outline of the Thesis .................................................................................................................. 13
Chapter 1—PC and Corporatism: Theoretical Framework .......................................................... 15
   A Brief History .......................................................................................................................... 17
   A Literature Review ............................................................................................................... 20
   A Further Explanation of the Research Subject ..................................................................... 26
   Origins and Usages of Corporatism ....................................................................................... 29
   Corporatism in China ............................................................................................................. 33
   PC and Corporatism .............................................................................................................. 37
   An Analytic Tool .................................................................................................................... 44
Chapter 2—Party-PC Relations: Designs and Controls ............................................................... 56
   Re-empowerment of the LPC/CPC ....................................................................................... 60
   Institutional Limitation ........................................................................................................... 64
   Organizational Penetration .................................................................................................... 65
   Bureaucratic Constraints ....................................................................................................... 69
   Representational Control ....................................................................................................... 71
      An Arranged Election ......................................................................................................... 72
      Controls after Elections ...................................................................................................... 80
Chapter 3—PC and Societal Sectors: A Comparative and Contrastive Pattern ...................... 87
   Changing State-Society Relations in a Fragmented Society .................................................... 88
      Workers ............................................................................................................................... 89
      Peasants ............................................................................................................................ 93
      Businesspeople .................................................................................................................. 98
      Intellectuals ........................................................................................................................ 102
   Comparative and Contrastive Analyses ............................................................................... 105
      Recruitment of People’s Deputy ....................................................................................... 106
      Interest Articulation and Policy making ........................................................................... 112
      Policy Implementation ....................................................................................................... 118
      Some Concluding Figures ................................................................................................. 119
Concluding Reflections: Corporatist Legislature and Local Governance .............................. 124
Bibliography ................................................................................................................................. 134
Appendix 1: List of Abbreviations ............................................................................................. 149
Appendix 2: List of Interviews ..................................................................................................... 150
List of Tables

Table 1: Criteria of corporatist policies ................................................................. 49
Table 2: A comparison of education level of staff at three levels of LPCs in Zhejiang Province ........................................................................ 70
Table 3: 2006-2007 election results in CPC (County B) ........................................ 78
Table 4: Percentage of Party–members Deputies at different levels of PCs .......... 79
Table 5: Percentage of Party–members Deputies at different levels of PCSCs ....... 79
Table 6: Decrease of worker PDs in the NPC from 1978 to 2003 ....................... 90
Table 7: Decrease of worker PDs in County C CPC from 1981 to 1998 .......... 91
Table 8: Decrease of peasant PDs in the NPC from 1978 to 2003 .................... 94
Table 9: Decrease of peasant PDs in Yu’xi CPC in Yunnan Province from 1979 to 1993 ............................................................ 94
Table 10: Number of peasant PDs—the gap between what ought to be and what is 95
Table 11: Percentages of intellectual PDs in the NPC from 1983 to 2003 ............ 104
Table 12: Percentages of intellectual PDs and their proposals to CPCs ............. 104
Table 13: 2006-2007 Election results in the work report of the Election Committee ......................................................................................... 108
Table 14: Disaggregation of the composition of different social strata ............... 108
Table 15: Percentage of economic statutes in local legislation (1979-1990) ........ 113
Table 16: Percentage of economic statutes in total legislation (1993-1999) ........ 113
Table 17: Motions and suggestions from different societal sectors in County C CPC ......................................................................................... 116
Table 18: A contrasting pattern of the comparative analysis of corporatist strategies ... 120
Table 19: A tentative typology of legislatures .................................................... 129
List of Figures

Figure 1: Hierarchical structure of the PC system in a practically general sense….26
Figure 2: Subtypes of corporatism and subdivision of state/authoritarian
corporatism………………………………………………………………………45
Figure 3: Typology of group representation…………………………………….50
Figure 4: Policy tendencies in corporatist legislature…………………………51
Figure 5: The corporatist formula of Party-PC-Societal Sectors……………….55
Figure 6: Constitutional power structure at the national level in China…………56
Figure 7: The actual power structure……………………………………………..57
Figure 8: The internal structure of CPC and its SC in County C……………….66
Figure 9: Party structure and executive structure of the Plenary Session of County C
CPC…………………………………………………………………………………..69
Figure 10: A variety of corporatist tendencies towards different societal interest
sectors…………………………………………………………………………………122
Figure 11: Two poles on the spectrum of state corporatism……………………122
Figure 12: A tentative typology of legislatures…………………………………130
Figure 13: Macro historical evolvement of the state elites’ strategies towards
different social sectors………………………….………………………………131
Acknowledgments

This thesis-writing has been an unforgettable journey to me, in which I not only re-learnt how to observe the previously arrogantly thinking familiar world, but also re-learnt qualities of diligence, modesty, courage and consistence. When looking back to this journey, first and foremost, I am deeply indebted to, both of my honourable supervisors, Dr. Andrew James Harding and Dr. Wu Guoguang, for their constant tolerance, enlightenment and mentorship. I also thank my external examiner, Dr. Zhang Qianfan, for his insightful comments and helpful suggestions.

I wish to thank all professors who led me through this journey of discovering both research and myself: Jeremy Webber, Hester Lessard, Michael M’Gonigle, Andrew Petter, Hamar Foster, James Tully and Colin Macleod. Similarly, the provocative thinking and assistance of colleagues and friends encouraged and improved both my work and my life: Nicole O’Byrne, Zhuang Zhong, Ke Chong, Zheng Lizhao, Guo Guoting, Johnny Mack, Mike Large, Lorinda Fraser and Michael Lines; and I owe special thanks to Kerry Sloan for her expert editorial advice of my drafts.

In particular, I want express my gratitude to Wu Enyu in the Provincial People’s Congress of Zhejiang to help me to arrange all necessary interviews and questionnaires; to Douglas W. Thompson, Maxine V.H. Matilpi and John Lorn Elliot for making Victoria my second home; and to Wang Yifan, for his continuous help in both public and personal lives of mine, so I can concentrate on my thesis.

The Pacific Century Graduate Scholarship, the Law Foundation of British Columbia, and the University of Victoria Faculty of law provided me with financial support, for which I am very thankful.

Finally, but most importantly, I am grateful to my parents Xu Jianfeng and Qian Wenjin, to my brother Li Jincheng, and especially to my girl, Ke Qi, for their endless love and support, which makes me feel so privileged.
Dedication

For My MaMa, BaBa and Qiqi
Introduction

When the perfect order prevails, the world is like a home shared by all . . . peace and trust among all men are the maxims of living . . . There is caring for the old; there are jobs for the adults; there are nourishment and education for the children. There is a means of support for the widows, and the widowers; for all who find themselves alone in the world; and for the disabled . . . A sense of sharing displaces the effects of selfishness and materialism. A devotion to public duty leaves no room for idleness. Intrigues and conniving are unknown . . . These are the characteristics of the ideal world, the commonwealth state (Or the Great Harmony).¹

The “Great Harmony” of the state and society has always been a utopia worth pursuing in China. It was sought after in the ancient Chinese empires, and it remains a goal in the People’s Republic of China (PRC) in the 21st century. This balance has been pursued in different ways throughout the history of the PRC: Mao firstly implemented communism to merge society and state into one, which unfortunately ended in decades of political and social chaos; in the late 20th century, Deng dropped communist ideologies and borrowed the tools of the market economy to re-build a road towards the ideal referred to as “socialism with Chinese characteristics”. Although the ideal has not been achieved yet, Chinese society has undergone earth-shaking changes ever since. Facing dramatically changing relations between the state and society in the new century, the Hu-Wen administration (as the regime of Hu Jintao and Wen Jiabao is known) again brought forward the ideal vision of “the harmonious society”, which is rooted in the Confucian

doctrines previously quoted, to deal with increasing gaps both within Chinese society and between the state and society.²

However, under the facade of Confucian values, I find traces of corporatist practices, especially in representative assemblies such as the People’s Congress.

**Research Question and Thesis Statement**

The third generation of contemporary Chinese studies aims to depict changes in China via examination of the interaction between the state and society.³ This thesis aims to analyze the role of local legislatures in shaping state-society relations in a decentralized authoritarian regime. The research question has two layers. First, as a “modernizing authoritarianism” with limited and non-responsive pluralism, how does the current regime deal with “interest representation/articulation/intermediation” in a more and more complex and pluralistic society?⁴ Second, which is more essential: what roles/functions do the People’s Congresses (PCs), especially the Local People’s Congresses (LPCs), play in state elites’ response to such conflicts between an authoritarian state and a diversifying society?

---


³ “The first generation of the study of contemporary Chinese politics came out around the 1960s, which was limited by the cold war atmosphere; the second generation around the 1970s, which was ‘overly influenced by the Cultural Revolution’; and the third generation emerged since 1980s, which surpassed both limitations of previous generations and concerned mostly about the state and society relations in China.” See Harry Harding, “The Study of Chinese Politics: Toward a Third Generation of Scholarship” (1984) 36: 2 World Politics 284 [Harding]; also see Elizabeth J. Perry, “Trends in the Study of Chinese Politics: State-Society Relations”, (1994) 139, The China Quarterly 704 [Perry].

⁴ 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. See Andrew G. Walder, *Communist Neo-Traditionalism: Work and Authority in Chinese Industry* (University of California Press, 1988) at 4, 240; see also Gongqin Xiao, “The Rise of the Technocrats” (2003)14: 1 Journal of Democracy 60.
To understand these two interrelated questions better, the paradigm of “who does what to whom, and how” will be borrowed and applied here for further disaggregation.\(^5\)

The first layer is more like the grand context of the second layer, within which the “who” is the state with an authoritarian polity (the term “state” will hereinafter be short for the term “an authoritarian Party-state”). Although the Chinese Communist Party (CCP) still dominates the state apparatus, the Chinese polity can no longer be labelled as a totalitarian regime, but more appropriately, as an authoritarian state, according to Linz’s typology of totalitarianism and authoritarianism.\(^6\) More precisely, it is a development-oriented authoritarian polity, or a so-called “modernizing authoritarianism”, but only with

---


Authoritarian regimes are political systems with limited, not responsible political pluralism: without elaborate and guiding ideology (but with distinctive mentalities); without intensive or extensive political mobilization (except some points in their development); and in which a leader (or occasionally a small group) exercises power within formally ill-defined limits but actually quite predictable ones.

(The current Chinese regime fits into these criteria perfectly: 1) limited but non-responsive political pluralism; 2) sacrificing political ideology for economic development; 3) political mobilization still exists, but just on certain occasions, such as the Wenchuang earthquake and 60th anniversary of National Day; 4) reform initiated by Hu Yaobang in the early 1980s, and institutionalization of the PC system both make political rules more rationalized and predictable, but only in a very limited and ill-defined way.)

a “lame” modernization, within which economic development brings a more pluralistic societal sphere, but not a more liberalized political sphere.\(^7\)

However, as De Tocqueville’s famous hypothesis predicts: “as societies become more developed, they acquire more complex and pluralistic interest group structure.”\(^8\) It is inevitable that more organized social interests will develop, and more conflicts among different societal circles will emerge along with economic liberalization, as well as administrative decentralization.\(^9\) Therefore, one realistic question becomes evident: how does the Chinese authoritarian regime control increasingly diversified societal interests when there is only a limited degree of pluralism? How does it at the same time address minority claims, solve inter-social conflicts and represent diverging interests in the public-policy making process, in order to keep political stability on the one hand, and

---


sustain economic development on the other? It is at this point that we need to ask “to whom?” and “does what?”. “To whom” means the more diversified society created by a better-developed market and a liberalizing economy, while “does what” implies two top tasks of the state: sustainability of economic development and maintenance of political stability. In short, an appreciation of the conflict between economic development and modernization on the one hand, and lagging political reform and democratization on the other, is crucial to understanding the transition underway in China.

The question still remains: “how”? The Leninist model is not workable in the context of the current globalized world, nor will liberal democracy be acceptable in an authoritarian regime. From my observation, the state elites’ response to this conflict has been to penetrate into society via a set of institutional designs of corporatism, including corporatist associations, such as the Federation of Trade Unions, the Women’s Federation, the Federation of Industry and Commerce, and higher-level corporatively arranged representative assemblies, such as the Political Consultative Conference (PCC) and the People’s Congress (PC). Via these corporatist institutional designs, the state can actively structure and even create different sectors of social interests so as to manipulate interest representation, to direct interest articulation to form class-biased demands, and to dominate interest intermediation to formulate and implement public policies.

---

Similarly, the same format can be applied to understand the second layer of this research. “Who” refers to the LPC; “does what” means selective interest representation and biased policy-making; “to whom” implies abstractly or concretely organized social interest sectors; and “how” contains strategies (policies) of “inclusionary (inducements)” and “exclusionary (constraints)” corporatism or their combinations for political recruitment, interest/demand articulation, public policy formulation/legislation and policy/law implementation. All these will be analyzed in detail below in the theoretical chapter but, prior to that, several considerations need to be clarified to explain the selection of the LPC as the research subject. First, representative assemblies rather than associations are chosen because I attempt to expand the application of the classical conceptual framework of corporatism to a broader range to include authoritarian representative systems. Although both representative assemblies and associations are expressions of corporatist interest articulation, Schmitter’s classic definition of corporatism only covers associational groups with corporatist characteristics, not higher professional or functional assemblies that absorb delegates from different functional categories in society. Meanwhile, although previous scholarship on China from a corporatist perspective has already covered several unions/federations, no one has yet expanded the application of corporatist analyses to higher-level representative assemblies

---

11 Further discussion of this analytical model will be found at 41-48, below.
such as the People’s Congress or the Political Consultative Conference. Second, the People’s Congress is selected over the Political Consultative Conference because while both have similar political functions in interest articulation, the PC is the constitutionally established Chinese legislature, which also enjoys periodic, popular and multi-candidate elections. Third, the LPC is focused on because, in a decentralized authoritarian state, social interests are more diversified and conflictual at local levels than at the national level, and thus the LPC serves the research purposes better. Several other rationales for making this selection will be demonstrated below.

With the LPC as the research focus, this thesis will attempt to explore political roles/functions of this representative mechanism in shaping the state-society relationship in China from the perspective of corporatism, and to redefine the People’s Congress system as a form of institutional arrangement for interest representation in authoritarian China. This is the first attempt to understand the People’s Congress in China 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, and also provide a new theoretical

---

perspective for both researches on Chinese legislatures and comparative legislative studies.\textsuperscript{14}

**Contextualization and Methodology**

This thesis is an interdisciplinary study involving 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. However, it must be clarified that the state-society relationship is configured into political institutions, such as the research objective here, the People’s Congress.

This paper also belongs to the family of comparative legislative studies, especially the study of Chinese legislatures. However, unlike previous legislative studies in China, this thesis explores the People’s Congress as the representative institution for interest articulation, and as the intermediary realm between the state and society or, more precisely, between the Party-state and social stratifications.

Rather than using the more popular approach of pluralism, this thesis applies the alternative perspective of corporatism here, 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 stratifications based on intents of state elites and certain policy goals set by them. As for conceptual models and analytical tools of

\textsuperscript{14} The most classical definition here refers to P. Schmitter’s definition of corporatism. See Schmitter \textit{supra} note 12.
corporatism, I learned from Phillip Schmitter, Gerhard Lehmbuch, Alfred Stepan, and David and Ruth Colliers. Based on their excellent works, I have tailored a unique theoretical framework to analyze how the People’s Congress 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.

Other than theoretical conceptualizations, empirical research is equally emphasized in this thesis. While the theoretical framework and conceptual model is applied to the PC system as a whole, the LPC, and county-level People’s Congress (CPC) in particular, is chosen here as a 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”, makes local politics in China a more appealing research field. Second, direct elections of People’s Deputies (PDs) in the CPC prioritize it from higher level PCs which recruit deputies only through indirect elections, while the organizational completeness of the CPC makes town- and township-level PCs (TPCs) inferior. Although TPCs also enjoy direct elections, they do not have a standing political organ. In short, having both direct elections and a standing committee


makes the CPC a very special political player in both the PC system and local politics.


On levels of government below the CPC and on grassroots PCs, see: Melanie Manion, “Chinese Democratization in Perspective: Electorates and Selectorates at the Township Level” (2000) 163 The China Quarterly 764.
CPC also makes it necessary to shed more light on this county-level representative institution in China.

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 CPCs in Zhejiang Province. 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 CPCs and with related officials from the Provincial People’s Congress in Zhejiang Province; interviews with both People’s Deputies and local constituents; as well as some internal information provided by friends in these three CPCs and the Zhejiang Provincial People’s Congress. Laws, regulations and related legal documents are also used as the most prominent formal expression of the legislature on different strategies it applies towards different social sectors, within which we can see preferences and distinguish inducements from constraints. However, it is insufficient to just focus on normative legal analyses of the PCs, as there is always a set of “hidden transcripts”, such as the Party rules, behind the formal series of “public transcripts”, such as laws. This makes legal analyses based simply on law texts irrelevant most of time, and thus empirical studies are necessary to discover the truth and make sense of the real situation in China.

---

18 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 CPCSC (18 March, 2009)”.

Secondary materials consist of empirical studies done by other scholars in English and a critical reading of a selection of Chinese literature, including government documents, newspaper reports, public speeches by People’s Congress leaders, published yearbooks/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 participation in both the 5th plenary session and the 33rd to 35th Standing Committee sessions of the 10th PPC in Zhejiang Province not only served as the initial inspiration for me to study the PC, but also enabled me to see a more accurate image of the People’s Congress.

Zhejiang Province is selected as the empirical setting of this research on LPCs (CPCs) 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 and interest intermediation among different societal sectors. Secondly, the province-county relationship in Zhejiang has been a test field in financial management reform (Sheng Guan Xian) ever since 1953, and the expanding empowerment of counties is becoming a tradition in Zhejiang, which makes counties in Zhejiang more powerful and autonomous than counties anywhere else in China.20

20 Thirty counties from Zhejiang out of 2,862 counties all over China ranked in the top 100 counties in both 2005 and 2006, which is the highest result for any province. See Fu Baishui, “Zhejiang’s sheng guan
In order to achieve theoretical and empirical goals, deductive and inductive reasoning, qualitative and legal analyses, comparative and contrastive approaches, as well as empirical and case studies are applied as analytical methods in this research. In the theoretical part, deductive reasoning is used to connect performances of the PC with characteristics of corporatism, while an inductive approach is used to extend Schmitter’s classic theoretical framework of corporatism based on corporatist features found in functional fulfillments of the PC. In the empirical part, qualitative 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 in-depth case studies is also generated as supportive evidence and is used to draw a more vivid picture.

Outline of the Thesis

Generally, as mentioned above, this thesis contains two parts: the theoretical part consists of this introduction and Chapter 1, and the empirical part includes Chapters 2 and 3. The introductory chapter explains research question, methodology and thesis structure. The following theoretical chapter includes a brief introduction to locate the People’s Congress, a theoretical background explaining corporatism and its applications in China, as well as a conceptual framework and analytic tool for corporatist legislature customized for this study.

Chapters 2 and 3 elaborate concepts and arguments discussed in the theoretical part via empirical evaluation of one corporatist formula in China: Party—PC—Society. Chapter 2 demonstrates how the state elites — the Party leadership — establish, develop and control the PC/LPC via institutional limitation, organizational penetration, and bureaucratic constraints, and further control its representational formulation and operation. Chapter 3 conducts comparative and contrastive analyses of strategies the PC/LPC has applied towards different interest sectors (peasants, workers, businesspeople and intellectuals) in processes of political recruitment, interest articulation, policy formulation and implementation, to illustrate how the LPC uses its power to control some class factions, such as peasants and workers, but to protect others, such as businesspeople.

Finally, there are some concluding reflections and two open discussions. On the one hand, besides the theoretical and analytical model of corporatist legislature, I further put forward a tentative typology of liberal/corporatist/communist legislature to provide yet another dimension to comparative legislative studies. On the other hand, by reviewing the evolution of corporatist strategies towards selected social sectors from the state elites since the foundation of the PRC, I also briefly evaluate whether this corporatist arrangement improves the quality of governance and contributes to the “Great Harmony”.
Chapter 1

PC and Corporatism: Theoretical Framework

Western scholars today find themselves struggling to re-conceptualize the workings of a Party state that no longer directly dominates society and of an economy that no longer can be classified as “Leninist command”. Observers of China find themselves faced with a system in free-fall transition to some system as yet unknown, to the point that it often becomes difficult to analytically frame what is occurring at present, let alone attempt analyses of China's probable future. A concept that is of considerable assistance in making sense of the ongoing shifts is “corporatism”. It does not provide an all-encompassing framework for everything occurring in China today, but it does seem to hold strong explanatory value for some of the most important trends.  

Similar difficulties exist in trying to understand Chinese legislatures, including the People’s Congress, in conceptually correct ways. The PC does not “rubber stamp” any more, but it is still not where “the real power” lies. It is more capable and institutionalized than before, but not more independent or autonomous. It makes political life more rational and predictable, but still not liberalized or transparent. It is more active than before in law-making and oversight, but the existence of selective social interest inputs and biased public policy outputs still label it as authoritarian. Its People’s Deputies (PDs) are elected via “periodical, popular and multi-candidate elections”, but

---

21 Unger & Chan, supra note 13.

22 “Shiquan” (the real power) is a common phrase used by PC officials, and I learnt it from interviews with some of them; there is a gap between the constitutionally granted powers and the real powers of the PCs. Interview of officials in County A CPCSC [County A CPCSC] (20 March, 2009) and PPCSC Zhejiang Province (5 March, 2009) [Zhejiang PPCSC]; see details, analyses and examples in Chapter 2, below.

23 O’Brien & Luehrmann, supra note 17.

controlled nomination, public campaigns and quota distribution raise questions about whether its representation is fundamentally democratic or not. In short, neither Leninist-socialism nor Liberal-democracy is appropriate to label the PCs. Therefore, I argue that the People’s Congress, as well as the Chinese regime, is under transition away from Leninist-socialism, but has not yet arrived at any destination. Rather, it currently fits most clearly into the category of authoritarian corporatism.\textsuperscript{25}

This part concentrates on theoretical and conceptual thoughts, aiming to pave the way for empirical studies in following chapters. In the first place, it reviews roots and developments of the PC/LPC system, as well as previous scholarship on legislative development and on the political role of this representative institution. However, unlike previous studies on the political role/function of PC/LPC, this paper shifts the focus from state-building to the state-society relationship. In the second place, classic definitions of corporatism will be employed as the conceptual framework to understand the PC’s role in shaping or altering state-society relations in China, and will be further developed to serve the purpose of better studying a legislative body in an authoritarian regime. Finally, “inclusionary” corporatism emphasizing “inducements” and “exclusionary” corporatism emphasizing “constraints” will be integrated with functional fulfillments of PC/LPC to

\textsuperscript{25} On the transition of regime types, see Stepan, supra note 15 at 42; on the transition of the PC, An Chen argues, “China’s legislative representativeness and its institutional capacity to articulate and defend the interests of constituencies seem to have considerably exceeded those of a typical communist legislature.” See Chen, supra note 17 at 16; also see Goldman and MacFarquhar supra note 9 at 100-128.
tailor an analytic tool subtle enough to depict different corporatist policies applied by the PC/LPC towards diversified societal forces in China.26

**A Brief History**

As stated above, the Chinese regime is transforming away from Leninist totalitarianism, and so is the People’s Congress, away from a socialist mobilizational assembly.27 In order to understand the process of this transition better, the history of legislative development in China, from its installation to institutionalization, will be generally reviewed.

The installation of the People’s Congress can be described as a process of legislative embeddedness.28 Representative institutions have been transplanted from other political systems into Chinese polity arrangements, but are not self-generating or evolving within Chinese political culture. Despite thousands of years of political history in China, no representative institution existed until the late Qing Dynasty. During the end of the 34-year reign of the Guangxu Emperor in 1908, five ministers of the Qing government returned from an international trip to 15 industrialised and politically advanced countries, and implanted a locally elected representative council—the Bureau of Consultation (Zi Yi

---

26 See generally Stepan, *supra* note 15 at 73-80; see also Collier and Collier, “Who Does What, to Whom, and How”, *supra* note 5;

27 In transitionalogy, democratization is deemed as the destination for both post-Communist countries and authoritarian countries, based on the experiences of Eastern Europe and Eastern Asia. See e.g. McCormick & Unger *supra* note 9; Pei Minxin, China’s Trapped Transition: The Limits of Developmental Autocracy (Cambridge: Harvard University Press, 2006) [Pei].

—primarily based on Japan’s Western-style constitutional governments. Similarly, the system of People’s Congresses was not autogenic, but transplanted from China’s communist fellow, the Soviet Union. It was founded in the mid-1950s by the 1954 Constitution, which granted the PCs “an array of powers that paralleled those of the Supreme Soviet and East European assemblies”.

The People’s Congress, especially the NPC, at that time, can be understood as a Leninist legislative institution, or a legalized “united front line”, which mainly focused on mass mobilization for communication between state elites and the masses (gathering information from and dispensing information to the masses), social integration by defusing conflicts among different societal interests, and regime legitimation via political inclusion of various social forces, such as intellectuals, technocrats, bureaucrats, merchants and overseas Chinese to make a symbolic “sociological representation”. However, this newly-grafted representative institution not only faced internal structural constraints, such as ill-equipped staff, but also stood in an inhospitable and unstable


30 The earliest studies of the Chinese legislature are mostly descriptively introductive. See Yu, *supra* note 17; Green, *supra* note 17; Bridgham, *supra* note 17; Solinger, *supra* note 17; O’Brien, Reform without Liberalization, *supra* note 17 at 29-91.

31 O’Brien, “Reform without Liberalization”, *supra* note 17 at 29; see also 1954 Constitution of the People’s Republic of China (the 1954 Constitution was the first written constitution in P.R.China).

32 For political inclusion and social mobilization of the Chinese Legislature, see Richard Baum, “Modernization and Legal Reform in Post-Mao China: the Rebirth of Socialist Legality” (1986) 19 Studies in Comparative Communism at 94-95; James R. Townsend, *Political Participation in Communist China* (Berkeley: University of California Press, 1967) at 146-148; see also O’Brien, “Reform without Liberalization”, *supra* note 17 at 79-85: “People’s Congresses were set up partly to complement direct mass-line participation, to give these groupings a voice in state affairs, and to legitimize Party rule.” (O’Brien also defines functions of the NPC at that time as “educative, informational, and mobilizational” *Ibid.* at 87).
political environment, facing external political pressure. A series of political movements began in 1957 constricted its development and finally terminated it for more than a decade.\(^{33}\) Until the late 1970s and early 1980s, the revised Electoral Law (1982) and Organic Law (1982), together with the 1982 Constitution restored and to some degree expanded the PCs’ capacities.\(^{34}\) For example, annual plenary sessions were re-convened, multi-candidate elections introduced to all levels, direct elections of PDs extended to the county level, and standing organs, with special working committees, set up in sub-national PCs up to the county level. All of these resumed legislative development in China. Afterwards, People’s Congresses entered the era of reform (late 1970s to the new century),\(^{35}\) transforming from a “class-based, illiberal and charismatic style of rule” into “inclusion, rationalization and liberalization”, but all with limits, especially liberalization.\(^{36}\)

---

\(^{33}\) For detailed description of a series of political movements including the Anti-Rightist, The Great Leap Forward, the Cultural Revolution and so on, see O’Brien, “Reform without Liberalization”, supra note 17 at 29-60 (there is almost no research on People’s Congresses during this period).


\(^{35}\) In the study of contemporary China, the reform era generally refers to post-1978. See Harding, supra note 3; Perry, supra note 3.

A Literature Review

During the reform era of the PC, a great number of studies comprehensively recorded its development and institutionalization under the context of marketization, legalization and decentralization. Dorothy Solinger’s research (1982) represents the earliest descriptive introductions of the PC system, concretely analyzing plenary sessions of the NPC to describe how the process of policy-making actually operates. O’Brien’s (1990) milestone book adopts an “integrated historical-structural approach” to explore the NPC’s history, ideologies, structures, functions and power relations in both the Mao and Deng periods. Dowdle (1997 & 2002) keeps an account of the NPC’s development from the perspective of constitutional change, in which he proposes limitations on theories of constitutionalism in order to understand China’s constitutional parliament in an authoritarian setting. Murray Scot Tanner (1999) examines the NPC from the perspective of institutionalization and liberalization to demonstrate that the NPC has moved far away from the model of a Leninist representative institution, but is yet to be

---

38 Solinger, supra note 17; see also other early researches on the NPC, including: Yu, supra note 17; Green, supra note 17; Bridgham, supra note 17.
39 O’Brien, Reform without Liberalization, supra note 17.
40 Michael W. Dowdle, “Of Parliaments, Pragmatism, and the Dynamics of Constitutional Development: The Curious Case of China” (2000) 35:1 Journal of International Law and Politics 1; It stems from an observation that existing theories of constitutionalism and constitutional development are ill equipped to explore for elements of constitutional potential in regimes that lack significant praxis of electoral democracy and/or judicial review—what we will call “authoritarian regimes”.
See also Dowdle, supra note 17; Michael W. Dowdle, “Constructing Citizenship: The NPC as Catalyst for Political Participation” in Goldman & Perry supra note 9 at 330-52.
called a liberal parliament.\textsuperscript{41} Jiang Jinsong (2003), the first China-trained constitutional scholar to write about the NPC in English, contributes a current and almost exhaustive coverage of this constitutional arrangement in China.\textsuperscript{42} Although all kinds of criticisms of the PC, especially about liberalization, still exist, one thing all these studies have in common is a similar positive conclusion about the development of the NPC, which is no longer a “rubber stamp” or a “phony organ of idle talk”.\textsuperscript{43}

However, “is the LPC going the same direction of the NPC?”\textsuperscript{44}

As decentralization has risen up in economic and administrative reforms and regional development has prevailed in recent years, legislative studies in China have given more attention to Local People’s Congresses.\textsuperscript{45} Sen Lin (1992-1993) and Chien-Min Chao

\textsuperscript{41} Murray Scot Tanner, “The National People’s Congress” in Goldman & MacFarquhar, \textit{supra} note 9 at 100-128.


\textsuperscript{43} O’Brien, Reform without Liberalization, \textit{supra} note 17; Xia, “The People’s Congresses and Governance in China”, \textit{supra} note 17; Cho, “Local People’s Congresses in China”, \textit{supra} note 17.

\textsuperscript{44} MacFarquhar, “Provincial People’s Congresses”, \textit{supra} note 17.

\textsuperscript{45} See Xia, “Informational Efficiency”, \textit{supra} note 17.

In Deng Xiaoping’s reform programme, decentralization and legalization were two major policies for dealing with the chronic problems associated with a Stalinist system, such as bureaucratism, over-centralization, low incentive, inefficient information system and personal political dictatorship. But as the Chinese Communist regime began to loosen up, local officials acquired more freedom as a result of decentralization, the ‘forces of slowdown’ could grow out of control if no new mechanism was found to keep them in check. As China’s economic system moved to a hybrid mode with more emphasis on market, the Chinese Communist reformers also tried to find a commensurate mode of political governance. The mechanism of competition among officials and local institutions was introduced to reduce their collusive behaviors, to improve the quality of information and to revitalize the whole system. The legislatures at the sub-national levels were expected to play a series of roles, especially in dealing with the information impactedness problem of the whole Communist system.
(1994) firstly explore the role of Provincial People’s Congresses (PPCs) in legislation, while O’Brien (1994 & 1998) introduces the theory of the “process of embeddedness” to understand early organizational development of LPCs, while describing later institutionalization of LPCs as a “trade-off between autonomy and capacity”. Ming Xia (1997) covers informational efficiency, organizational development and institutional linkages of PPCs, and MacFarquhar (1998) investigates the operation of two PPCs in Shandong and Heilongjiang to examine democratic possibilities of the PC system in mainland, China. An Chen (1999) explains why the central leadership re-empowered local legislatures, especially the CPC in the 1980s is to create more checks-and-balances to restrict local cadres’ misbehaviours. Young Nam Cho (2002 & 2003) also extends empirical research to county-level PCs, and argues that functions of LPCs are mostly about supervision and law-making. Similarly, Oscar Almén (2005) applies rule of law as the theoretical framework to analyze political participation and the exercise of political power respectively via cases from CPCs, and concludes that the political role of the LPC is to put constraints on the other two political institutions, the government and the Party

---


48 Chen, supra note 17.

committee, by strengthening the rule of law. Furthermore, the two most recent books examining the role of LPCs, from Xia (2008) and Cho (2009), both assume that LPCs are closer to the centre of power locally than the NPC is in national politics, although they hold the opposite opinion about whether the LPC or the whole PC system will be the start of political change in China.\textsuperscript{50} In short, LPCs, as well as the NPC, change where politics happen.\textsuperscript{51}

All of these studies of PCs reviewed above can generally be grouped into two major categories based on their research questions: they are either developmental analyses, or role-depicting analyses, both of which, however, have certain limits. On the one hand, developmental analyses of the PC mostly focus on enhanced legislative functions (mostly supervision and law-making) and organizational development, namely, political institutionalization of the PC, but not political democratization.\textsuperscript{52} Besides, as O’Brien


\textsuperscript{51} However, is that true? Even if politics happened elsewhere than in the Party Committees, can we ignore the dominating control of the Party of both the state and society? We will see.

\textsuperscript{52} On the typology of legislative functions, see generally, Michael L. Mezey, Comparative Legislature (Durham, NC: Duke University Press, 1979);

On the application of legislative functions to the studies of People’s Congresses in China, see O’Brien, Reform without Liberalization, \textit{supra} note 17; on the application of legislative functions to the studies of Local People’s Congresses in China, see Young Nam Cho, “Law-making in Local People’s Congresses” (2006) The China Quarterly [Cho, “Law-making”];

warned, studies on PCs in China “sometimes fall prey to cherry-picking instances of assertiveness (about most exciting but perhaps least representative episodes of contestation, muscleity in lawmaking, and vigorous oversight) and downplaying how pliant and passive most congresses are.”\textsuperscript{53} This is accurate. Given the thousands of PCs all over China, instances of vetoing work reports of courts or procuratorates, or of refusing to ratify several nominees from the leadership, only happen very occasionally in a few locations, and thus we should be very careful about generalizing from these unique cases.\textsuperscript{54} In contrast, analyses of PCs’ role-depicting typically focus more on their interactions with the Party Committee and the government — such as restructuring bureaucracies and making Party rules predictable — than on examples of its interplay with the masses and societal groups of interests, such as demand articulation, policy responsiveness and other representational activities.\textsuperscript{55} Therefore, rather than continuing to


\textsuperscript{54} For examples of vetoing work reports of courts and procuratorates, and refusing to ratify several nominees from the leadership, see Cho, supra note 17 at 1-2, 64-82; see also Oscar, supra note 6 at 111.

demonstrate the PCs’ contribution to state-building, this thesis shifts focus to how the PCs, especially the LPCs, shape the state-society relationship in present-day China.

It is more appropriate to examine how the state controls society, rather than how society controls the state, via the PCs, within an authoritarian regime. For that reason, the role of PCs will be explored from a corporatist perspective under the context of an increasingly diversified structure of social interests. The symbolic demographic composition of interest representation and actual interest articulation with policy output will be equally emphasized. In addition, in terms of legislative development in China, I emphasize the Party’s dominating control over the PC, and argue that expanded capacities of the PC are authorized or even designed by the Party. In this sense, I further argue that the development of the PCs is part of state elites’ response to current governance crises in China.56 Finally, this thesis tries to avoid the mythical dichotomy of “democratic vs. non-democratic”, and the obsession with “how to be democratic” in modern Chinese studies. Instead, it focuses more on “what is” than “how it should be” so as to better describe the PC and the Chinese regime in transition. Namely, rather than investigating the ideology and values of corporatism, more attention will be given to outcomes and performance of corporatist institutions.

56 See specifically, Stepan, supra note 15 at 55.
A Further Explanation of the Research Subject

Figure 1 Hierarchical structure of the PC system in a practically general sense (source: Author).  

As shown in Figure 1, there are five levels in the hierarchy of the People’s Congress system, which is in accordance with practical administrative orders in general in China. The NPC at the national level sits on the top of the hierarchical order. Thirty-one PPCs in 22 provinces, five autonomous regions and four directly governed municipalities (Beijing, Tianjin, Shanghai, and Chongqing), over 300 MPCs in municipalities with subordinated districts or counties (including 30 autonomous municipalities, 17 prefectures and 3 leagues), and nearly 3,000 CPCs in counties, autonomous counties, county-level cities and city districts (including a few other county-level areas) are classified as “Local Level People’s Congresses (LPCs)”. Below that, tens of thousands of TPCs in Towns,

---

57 The provincial level includes Provinces, Autonomous Regions, Municipalities, and Special Administrative Regions (SARs); the municipal level includes Prefectures, Autonomous Prefectures, Prefecture-level cities, Sub-provincial cities, and Leagues; the county level includes Counties, Autonomous Counties, County-level Cities, sub-Prefecture-level Cities, Districts Banners, and Autonomous Banners; the town and township level includes Townships (ethnic), Sumu (ethnic), Towns Subdistricts, and County Districts. (For a detailed explanation of the structure of Chinese administrative organizations, see online: Wikipedia< http://en.wikipedia.org/wiki/County_ (China)>.

Townships, Ethnic Townships, as well as thousands of sub-district PC offices/agencies/branches (Jiedao-PC) are grouped as grassroots-level PCs in this research. In this thesis, a theoretical framework is generated for the PC system as a whole, but empirical studies focus mainly on LPCs, especially the CPC.

To date, there have been only a handful of studies involving the CPC as a subject in the study of elections in China, but only three pieces of research actually examine the role/function of the CPC as a power centre for local/county level politics and governance.\(^{58}\) Cho takes the CPC as an example to illustrate that LPCs have developed into a supervisory powerhouse. Chen deems the CPC to be a centrally designed mechanism for checks and balances of local politics. Oscar’s “explorative and descriptive” research uses several CPC cases to study how rule of law encourages the CPC to put constraints on the other two political players at the corresponding level.

However, my research differs from all of theirs. First, like most studies on the NPC, their role-depicting analyses of the CPC are still within the “state-building” framework, but my research focuses on the “state-society relations” aspect. Namely, my concern is more with the political role played by the CPC as a state organ \(\text{vis-à-vis}\) society, but not as a power player within the state. Although Cho’s most recent research slightly touches on

---

the LPC from the perspective of state-society relations, our approaches are fundamentally different. Cho explores state-society relations by explaining that NGOs sought to participate in the process of legislation to protect their own interests, while LPCs actively got the NGOs engaged in lawmaking as supplements to LPCs’ shortage of personnel and weak organizational capacity. Unlike Cho, I describe the LPC as a state apparatus that actively structures and controls different groups of societal interests; while mass organizations fitting into interests categories made by the state are involved in the process, others are basically irrelevant. In addition, my theoretical framework of corporatism is different from Oscar’s rule of law and Chen’s checks and balances. Cho briefly mentions the concept of state corporatism, but only to explain its pros and cons in describing state-society relations in China. Last but not least, some misrepresentation in Oscar’s dissertation about PCs may cause misunderstandings. Clarifications are necessary. For example, Oscar distinguishes District People’s Congresses from County People’s Congresses, as the former relies more on municipal level People’s Congresses, and is thus of less research value. However, the MPC equally controls District PCs and County PCs, as they are both at the county level. Besides, in an ambiguous map of power relations in China, Oscar divides the hierarchy into three dimensions: central, intermediate, and local, and he puts “county to province” PCs in the intermediate category, while he labels “town to city” PCs as local PCs. This may cause confusion, as

59 Cho, supra note 17 at 113-143.
60 Oscar, supra note 6 at 9.
“city” could include “county level city” (xian ji shi), which would be at the same level as county, and it could also include “municipal level city” (di ji shi), which lies between the county and provincial levels, or it could be a municipality under direct control of the central government, which should be at the same level as the province. My hierarchical depiction of the People’s Congress system attempts to be clearer. As well, some others of my first-hand empirical resources will also enrich or update Oscar’s ethnographical introduction of this county-level representative institution.

**Origins and Usages of Corporatism**

After locating the research subject, I turn to a review of the theoretical setting. This review will follow a similar pattern as the first section, firstly tracing the history, then reviewing previous works, and finally customizing my own conceptual framework and analytical tools.

Corporatism as a political culture different from that of liberalism or socialism has ancient roots in Aristotle, Roman law and Catholic social doctrines. It was found predominantly in Iberian and Latin American countries, which rested on an organic view of a society divided into different estates, and an authoritarian perspective of the state as a defender of the public good, and of an orderly and harmonious society.

---

62 See Figure 1 at 26, above.
From the 1860s to the 1940s, theories of corporatism in social and economic thought prevailed in European countries and provided an alternative to capitalism or socialism with regard to economic development and modernization. Corporatism then is essentially about “to recognize the organic nature of the society in the political and economic arrangements of industrial society” as it did in medieval society, and thus emphasis was placed more on practical (structural) advantages, than on moral (values-based) advantages of corporatism.64 From approximately the 1930s, corporatism peaked when liberalism and capitalism broke down, and while Stalinist socialism remained unacceptable. After the Second World War, it fell out of favour, as it was associated with fascism in Italy.65 Its most recent revival was neo-corporatism, in the mid-1970s, as a “distinctive, modern system of interest representation” to describe the state-society relationship from a non-liberal/non-Marxist perspective.66

During the “dynasty of neo-corporatism”67 and ever since, theories of corporatism developed into the third great “-ism”,68 while empirical explorations of corporatism extended worldwide.69

---

64 Ibid. at 25-34; see also, Stepan, supra note 15 at 28; Malloy, supra note 7.


67 Williamson, supra note 63 at 9. Schmitter also argues in his most recent article about corporatism, and refers to the historical development of corporatism as “The Corporatist Sisyphus”. However, here, neo-corporatism since 1974 will be taken as a whole. See Philippe C. Schmitter & Jürgen R. Grote, “The
As a theoretical framework, corporatism is most famous for providing a paradigm of group interest politics alternative to pluralism. Pluralism and corporatism, as two remedies for problems generated by diversity and conflicts of interests in modern regimes, provide different systems of interest representation and articulation. Pluralists emphasize “spontaneous formation, numerical proliferation, horizontal extension and competitive interaction”, while corporatists focus more on “controlled emergence, quantitative limitation, vertical stratification and complementary interdependence”. Additionally, as mentioned above, corporatism as a theory of political economy also generates alternative social and economic thoughts concerning economic development and modernization, which emphasizes state intervention and assumes that “a harmonious process of development and modernization can be achieved if society is correctly organized”. Finally, corporatism is connected to theories of democracy and democratization. The former is mainly about corporatist functional representation as supplementary to


So, this article argues, the Corporatist Sisyphus is headed back up the hill, goaded as before by an architectonic national state. Moreover, he is just about on time. If previous speculation about a twenty to twenty-five year cycle was correct and if one traces their last downturn to the First Oil Shock of 1973, then corporatist practices should have bottomed out ca. 1985-8 and will be hitting their peak sometime after 1998-9 -- more or less at the very moment that monetary unification is (supposed) to occur!

68 Wiarda regarded “corporatism” as other great “-ism” beside Liberalism and Marxism. See Howard J. Wiarda, Corporatism and Comparative Politics: the Other Great “Ism” (M.E. Sharpe, 1997), preface.

69 See Unger & Chan, supra note 13, “Corporatist mechanisms, in short, do not define a political system: a polity can contain corporatist elements and at the same time be a dictatorial Communist Party regime, or an authoritarian Third World government, or a liberal parliamentarian state”.

70 Schmitter, supra note 12.

71 Williamson, supra note 63 at 25-34; Stepan, supra note 15 at 28; see also Malloy, supra note 7.
parliamentary representation in liberal-democratic theory, and the latter uncovers the transition from “state corporatism” to “societal corporatism” as one more option for peacefully transferring from authoritarian regimes to liberal democracies. Although the term “corporatism” has been applied to a variety of theoretical settings as stated above, the central concern of corporatism is still interest representation and, more specifically, different patterns of corporatist policies applied by the state towards different societal sectors of grouped interests.

As an “empirically useful group theory of politics”, corporatism often refers to a set of institutional arrangements for organizing interests and making decisions based on “the representation (or misrepresentation) of empirically observable group interest”. Both descriptive and comparative analyses of corporatism in domestic state-society relations first emerged in authoritarian regimes of the Iberian Peninsula and in Latin America, then in liberal-parliamentary democracies in Western Europe, and more recently were extended to the Soviet Union, Eastern Europe and East Asia. China, as well, was

---


On democratization and liberalization via the transition from “state corporatism” to “societal corporatism”, see Unger & Chan, supra note 13; see also, Yunqiu Zhang, “From State Corporatism to Social Representation: Local Trade Unions in Reform Years”, in Timothy Brook & B.M. Frolic, eds., Civil Society in China (Armonk, NY: M.E. Sharpe, 1997).

73 Malloy, supra note 7.

74 Schmitter, supra note 12.


involved in corporatist analyses, as part of the East Asian context, beginning in the late 1980s.

**Corporatism in China**

Corporatism does not capture every aspect of Chinese polity, but corporatist institutional arrangements are found here and there in the authoritarian regime.\(^{77}\) One of the most obvious mechanisms with corporatist characteristics in the post-Mao era was the emergence and development of a great number of organizations linking the state and society.\(^{78}\)

The separation of state and society originates in the development of European capitalism in the eighteenth century, giving birth to a civil society in which disputes, both between society and the state, and within society, were resolved via competitions among pluralistic interest groups. The same separation happened in subsequently industrialized countries, such as those in East Asia, but in a corporatist rather than a liberal way; consensuses were reached via cooperation rather than via competition among a series of

---

\(^{77}\) William Hurst, "Conceptual Tools and the Study of Chinese Politics: Moral Economy and Corporatism" (Paper Presented at the Annual Meeting of the American Political Science Association, Boston, August 29-September 1, 2002) [unpublished] [Hurst].

\(^{78}\) Although there were already quasi-corporatist mechanisms during the Maoist era, here we focus on those in the post-Mao era. On quasi-corporatist mechanisms in the Maoist period, see Unger & Chan, *supra* note 13.
corporatist intermediary institutions. Similar phenomena went on in late 1970s China, resulting from an opening up of the economy and a loosening up of control by the Party state during Deng’s reform era, but it took a different direction from other East Asian corporatist regimes. Mass organizations were set up by the state as a corporatist mechanism “through which the state’s grip could be loosened”. They fulfilled those services and functions the state was unable or unwilling to carry, and accommodated social interests that were becoming increasingly pluralistic. The structure of corporatist interest representation system in China was emerging in such a transitional context that it was beginning to resolve the tensions between developing the economy and keeping the diversifying society under control. Therefore, given such background, scholarship on corporatist interest representation in China mainly focuses on mass organizations as intermediaries between the state and society.

In examining the structure of corporatist interest representation, P. Schmitter’s elaborate conceptual framework is too influential to be omitted. Schmitter defines corporatism as a system of interest representation in which the constituents units are organized into a limited number of singular, compulsory, non-competitive, hierarchically ordered and functionally differentiated categories, recognized or licensed (if not created) by the state and granted a deliberate representational monopoly within their respective categories in exchange for observing certain controls on their selection of leaders and articulation of demands and support.

---

79 B. Michael Frolic, “State-led Civil Society”, in Brook & Frolic, supra note 9 at 46.
81 Schmitter, supra note 12.
He further disaggregates it into “societal” and “state” corporatism, in which the former, as post-liberal interest representation, provides groups with greater autonomy and influence in a more pluralistic context, while the latter, as pre-liberal, is made by the state to penetrate into, structure and control society in an authoritarian political system.82 Chan firstly applies Schmitter’s comprehensive theoretical work of “state corporatism” to analyze the All China Federation of Trade Unions (ACFTU) as an example of associational interest representation in China, and reaffirm Chirot’s argument that the “communist one Party system is one variant of corporatist states”.83 Later on, Chan and Unger further generate “the East Asia Model” of corporatism, in which China stands with Japan, Taiwan, and South Korea as authoritarian/state corporatist regimes, though China applied an opposite approach to realising a similar policy goal.84 Dickson argued that this corporatist arrangement of co-opting various newly emerging social classes was the Party’s adaptation to unprecedented economic and social circumstances.85 Furthermore, via examining The State Regulation for Registration and Management of Associations,86 Ding presents strong evidence of corporatism in contemporary China based on Schmitter’s conceptual model.87 1) singular association is allowed or created by

82 Ibid. see also Dickson, supra note 13.
83 Chan, “Revolution or Corporatism”, supra note 13.
84 Unger & Chan, supra note 13.
85 Dickson, supra note 13.
86 The State Regulation for Registration and Management of Associations of the People’s Republic of China, 1953. [Regulation on Association].
87 Ding, supra note 9 at 73-75.
the state in each sector of social categories, which means each of them is singular, non-competitive and functionally differential;\(^88\) 2) the number of associations is limited in order to preserve representational monopoly;\(^89\) 3) one association is compulsorily subordinated to a state organizational unit, which is chartered, or even created by the state, in order to be legally registered with the government;\(^90\) and 4) associations need to function under the supervision and management of its “Mother-in-Law” state organizational unit (e.g. to be provided with personnel and funding), while assisting the

The concept of corporatism probably offers a better general description of associational activities in the areas of political and economic life, where the associations are limited in number, usually enjoy official status, and form nationwide hierarchical systems. Their memberships are either compulsory or highly inclusive within their respective social categories. Their leadership selection is largely controlled by the supervisory state organizations. In short, they fulfill all the major criteria for associations within a corporatist system.

\(^88\) Ibid. at 52-53:

At higher levels of government, where the bureaucracy is large and the division of labour between offices is specific, government industrial offices have been directly transformed into such associations. (Chan and Unger have examples of this also) For example, the city of Shanghai turned fourteen industrial bureaus into industry associations in 1992.

According to this theoretical model of corporatism, we can find the system of associational interest representation in China embodies obvious corporatist structure, as major functionally different associations are all licensed, or created by the state, within which congeneric associations are singular, or at least singularly recognized by the state, memberships are compulsory, leaders are appointed, and demands are shaped. Eight so-called democratic parties and several major organizations are nationally recognized and represent different interest sectors. For example, the All-China Federation of Trade Unions represents most public sector labourers, the All-China Women’s Federation represents women, the All-China Federation of Industry and Commerce represents the industry and commerce sectors, and the eight Democratic Parties each represents a specific social grouping of interest, such as high-level intellectuals, technocrats and scientists, doctors, school teachers, and the overseas Chinese.

See also “Social Organizations in China”, online: <http://www1.chinaculture.org/library/2008-02/14/content_22259_2.htm>.

\(^89\) Ding, supra note 9 at 55:

The State Regulation for Registration and Management of Associations stipulates that a new association that is the same as or similar to an existing association should not be allowed to be set up within the same administrative district. Strict enforcement of this regulation would create an ideal multi-level corporatist system, which would have only one official association targeting each social category within each socio-geographic unit.

\(^90\) See Ibid. at 53.
government to control related social sectors.\textsuperscript{91} These analyses are backed up by both Dickson and Chan.\textsuperscript{92}

To conclude, corporatist mechanisms of interest representation do exist in the Chinese regime to re-shape state-society relations, as associations and associational activities in China fulfill all major corporatist criteria. However, other than those quasi-civil mass organizations that are corporatist, are there some quasi-state political institutions that are also corporatively designed? We return again to the core question of this research: what is the role of legislature (the PC) in such a corporatist setting?

**Corporatism and PC**

When examining corporatist interest representation and intermediation between the state and society in China, there is one crucial limitation of both Schmitter’s “global connotation”\textsuperscript{93} theoretically, and corporatist analyses of Chinese associational interest representation empirically: the absence of a state-controlled representative body, such as the legislature, in addition to or above all state-licensed associations, which corporatively includes interests from different societal sectors.

Theoretically, on the one hand, as Schmitter recognizes, “this constructed definition […] ignores a number of institutional and behavioural dimensions they tended to stress

\textsuperscript{91} *Ibid.* at 52-53: “The State Regulation for Registration and Management of Associations sets up formal corporatist relations between the state and associations and provides a legal basis for state control through ‘supervisory organizations’. One might say that legally speaking, all Chinese associations are supposed to be ‘official’.”

\textsuperscript{92} See Chan & Unger, *supra* note 80; see also Dickson, *supra* note 13.

\textsuperscript{93} Schmitter, *supra* note 12.
[..] nor does it say anything about the presence of a higher council or parliament composed of functional or professional representatives.\footnote{Ibid, Footnote 24.} Empirically, on the other hand, evidence of both legal frameworks and practices of associations fully demonstrate corporatist characteristics of the Chinese regime regarding interest representation of organized social interests, but these are limited to unions, federations and associations.\footnote{There are some other studies that focus on other associational interest groups, such as private entrepreneurs’ associatione and prove them to be corporatist. See Ding, supra note 9 at 70; see also Christopher Earle Nevitt & Kristen Parris, “The Rise of Private Business interests” in Goldman and MacFarquhar, supra note 9; Susan H. Whiting, “The Politics of NGO Development in China” (1991) 2:2 International Journal of Voluntary and Nonprofit Organizations 16.}

However, if civil society in a liberal democratic sense (viz. Anglo-American political culture) can be corporatist, so can the parliamentary institution/legislature. In the Chinese context, the constitutionally designed electoral representative institution, the People’s Congress — a higher quasi-parliamentary council (quasi-state political institutions) in addition to or above state-licensed associations (quasi-civil mass organizations) — serves as a perfect case for providing empirical support to complement Schmitter’s most comprehensive but still not inclusive definitional framework of corporatism. As well, adding the legislature to the array of corporatist mechanisms helps to draw a more comprehensive picture of the institutional structure of corporatism in China. Moreover, analyzing the corporatist characteristics of the legislature in China is essential for understanding the role of the PC in shaping the state-society relationship in the authoritarian context — not for what it accomplished (as with many liberal-democratic
methods of analyzing the PCs), but for what it prevented from happening (as a state-designed corporatist mechanism).

Since Schmitter’s definition presents “an ideal type”, I therefore first examine corporatist characteristics of the PC, providing several hypotheses (formulas) to take account of the inclusiveness mentioned above and to shorten the distance between the ideal and reality.

**Hypothesis One: Semi-competitive elections are, in practice, approaching to non-competitive elections**

Scholars call Chinese elections “semi-competitive” because the Electoral Law requires multi-candidate PD elections (the public transcript). This seems to make it difficult for state elites to control election results. However, there are a number of “tricks” that allow the elites to remain in control over PD selection, some of which election organizers from the CPCSC proudly shared with me. For example, if two candidates are required for one position, but the leadership wants one to definitely be elected, then an “actor” and another “supporting actor” will be arranged to “perform a show”, in which the “supporting actor” is hopelessly weak compared to the one “actor” so that it becomes only remotely possible that the “supporting actor” will win the election.

---

96 As the fundamental function of corporatist arrangements is social control, see below at 41-46.
97 Stepan, supra note 15 at 68.
98 Electoral Law, supra note 34, Article 31, 41; see also McCormick, “Leninist Parliament”, supra note 19.
over the “actor”.\textsuperscript{99} As well, although the Electoral Law entitles the public to raise their own candidates, fully 95\% of final candidates are nominated by the Party committee, while the remaining 5\% are mostly proposed by other official organizations, such as the Women’s Federation and Trade Unions, and thus there is extremely limited space left for popular nominations.\textsuperscript{100} It also worth noting that some seats are reserved for heads of Party committees, governments at corresponding levels and sometimes at higher levels, without even a symbolic election.\textsuperscript{101} Thanks to these and other tricks (which will be introduced later in detail), semi-competitive elections are, in practice, essentially non-competitive selections. Besides, in the hierarchically ordered system of PCs, the higher the level of the PC is, the less competitive the PDs’ selection will be. While exceptions to control by state elites do exist, there are remedies to regain control, which will also be discussed in the case studies below.

**Hypothesis Two: Functional representation predominates over territorial representation**

Although the Electoral Law distributes quotas of PDs territorially, the actual composition of PDs is organized functionally. According to my interviews with several directors and staff members (who are organizers of elections of PDs) of Deputies’ Committees in both the CPCs and the PPC in Zhejiang Province, an “internal guide”\textsuperscript{102}

---

\textsuperscript{99} Interview of officials in CPCSC in County C (15 March 2009).

\textsuperscript{100} See also Cai Dingjian, Zhongguo xuanju zhuangkuang de baogao (Reports on Elections in China) (Beijing: Law Press, 2002) at 72, 75, 87 [translated by author] [Cai].

\textsuperscript{101} Ibid.

\textsuperscript{102} Although the guideline is advisory, it actually functions as a “hidden transcript” in elections; for detailed introduction to “public transcripts” and “hidden transcripts” in China, see McCormick, “Leninist Parliament”, supra note 19.
from the PPCSC on elections of PDs dominates the distribution of quotas of PDs according to different methods of social division, in which, for example: the percentage of CCP members shall not exceed 65%; the percentage of women delegates shall exceed 20%; ethnic minorities must prevail in the PC of autonomous areas; and overseas returned Chinese shall keep certain seats.\(^{103}\) Social occupations as another major division of society are also reflected in the PC’s composition, in which quotas for intellectuals, cadres, peasants, workers and the like are suggested in detail. Moreover, from the electoral work reports, it is not difficult to imply that the “implementation” of elections and representativeness of PDs are mainly reflected by fulfilments of quotas of different social categories in election results.\(^{104}\) From the above, I conclude that constituents’ units of PDs’ elections are divided by the state into a limited number of singular and functionally differential social categories. In this sense, selections of PDs are similar to those of associations’ leaders.

**Hypothesis Three: People’s Deputies are approximately equal to leaders of associational interest groups**

This is a key hypothesis in corporatist analyses of the PC. As mentioned above, selection of PDs to the PCs is similar to that of leaders of associations, and sometimes

---

\(^{103}\) Interview of officials in both CPCSC in County B [County B CPCSC] and Zhejiang PPCSC; see also Cai, *supra* note 100. Some other PPCs may propose electoral guidelines with different quota distribution, but it is more or less the same all over China.

\(^{104}\) Interview of one professor, who worked for the Zhejiang PPCSC (3 April, 2009): “The elections are more like a task need to be implemented, or even a show needed to be directed”.
they are the same persons. In addition, PDs and leaders of associations function similarly. Both serve as “transmission belts” between certain groups of constituents and the state: as representatives for sectional interests, on the one hand, and as spokespeople for the state on the other hand. Finally, the state structures, subsidizes and controls both the PDs and associations’ leaders in the same way. People’s Deputies, as soon as they are selected, enjoy some privileges subsidized by the state, such as legislative immunity. They also become the focus of mass media and hold certain power in public discourse, especially during the period of the plenary sessions, because they are officially recognized by the state. However, their representational activities are strictly controlled both during plenary sessions and afterwards. Within the annual plenary session, which is normally quite short (three days at the county level and five days at the provincial level), PDs’ proposals will be strictly pre-reviewed and filtered, and to speak in plenary sessions is almost impossible. After the plenary session, the PDs, although they are part-time, must continue to fulfil their deputy rights/duties, but all deputy activities should be organized by the standing committees, and any “out-of-control” independent actions are discouraged, even punished. To be specific, the PCSC can coercively suggest that the

---

105 See e.g. in Chapter Two and Chapter Three, below. The leaders of Trade Unions and Women’s Unions and so on normally serve as PDs in PCs.


107 Law of the People's Republic of China on Deputies to the National People's Congress and to the Local People's Congresses at Various Levels, Article 40-41 [Deputy Law]; see also interview with officials in County A CPCSCS (17 March, 2009). Some PDs deem activities afterwards as rights and gladly participate, but some other think they are duties, are passively involved, and frequently absent.
PD should resign if he/she is not “qualified” to be a People’s Deputy any longer. These restrictions actually control PDs and direct their interest articulation.

To summarize, although Schmitter’s definition is considered so idealistic that “no regime necessarily fulfills all his criteria”, the system of PCs still meets most of its requirements; thus, it is appropriate to call it “corporatist”, or more specifically, a mechanism with corporatist characteristics, rather than an association for interest representation in China.

However, in addition to the “interest representation” facet, there are other aspects of corporatism. Gerhard Lehmbruch, another leading scholar in rediscovering “corporatism”, equally as influential as Schmitter, complementarily defines corporatism as a process of public policy formulation and implementation:

Corporatism is more than a peculiar pattern of articulation of interests. [...] it is an institutionalized pattern of policy formation in which large interest organizations cooperate with each other and with public authorities not only in the articulation (or even ‘intermediation’) of interests, but — in its developed forms — in the ‘authoritative allocation of values’ and in the implementation of such policies.

This can be applied to a corporatist legislature as well. As demonstrated in the introductory chapter, the People’s Congress, the legislature in China, fulfills other legislative functions than representation, such as regime maintenance, legislation, and supervision. From the perspective of corporatism, it is not only a tool for structuring interest representation (particular-organized political demands), but also a channel for

---

108 Stepan, supra note 15 at 68.
109 Lehmbruch, supra note 15.
political recruitment (PD selection), a forum for public policy making (legislation and public policy formation), and an institution for assisting policy implementation (supervision), and all of these serve the ultimate goal of state elites—to control the society via the PC to pursue economic development and political stability. In short, functionally, the PC is able to fulfill corporatist tasks.

**An Analytic Tool**

After descriptively locating the legislature in the category of corporatism, I have answered questions about “who does what to whom”, and now I shall move to the question: “how”? To be specific, I will investigate the approaches the PC adopts to “structure, subsidy and control” different societal sectors of interests.\(^{110}\) To do this, it will be useful to compare and contrast corporatist practices of the PC with regard to different social sectors, as it is these practices in which state elites’ intents are also embodied. Therefore, a comparatively analytic tool, with measurable indicators, is needed here.\(^ {111}\)

Among various typologies of corporatism, the following subtypes will be applied here to distinguish different corporatist tendencies the PCs use in dealing with various social interest sectors.

---


\(^ {111}\) Stepan’s “inclusionary” and “exclusionary” poles of state corporatism will be applied as macro-strategies of corporatism, while Collier and Collier’s measurements of “inducements” and “constraints” polices will be made into micro-criteria within the framework of legislative functions. See Stepan, *supra* note 15 at 68; Collier and Collier, “Inducements versus Constraints”, *supra* note 15; on legislative functions see *supra* note 50.
Figure 2 Subtypes of corporatism and subdivision of state/authoritarian corporatism (source: Author).

As explained above in the discussion of Schmitter’s classic conceptual framework, corporatism can be disaggregated into state corporatism and societal corporatism based on whether the state or the society dominates the corporatist interest representation. Previous studies have proved corporatist mechanisms in the Chinese “bureaucratic authoritarian” regime fit into the “state corporatism” model, as associations in Chinese society are more likely to be dependent on and penetrated by the state than autonomous from and penetrative into the state. The logic is the same with the PC, in which the state dominates the process of interest representation, societal interests are incorporated purposefully but not represented spontaneously, and social interest representatives are selected to participate in the PC within the limitations placed on them by the state.

However, it is too broad and vague to simply label the PC as state corporatism, since it actually employs different strategies to structure and control diverse sectors of interests in society.

112 Schmitter, supra note 12.
With a similar puzzle concerning vital differences among policies applied by state elites to “penetrate and restructure associational patterns along corporatist lines” in various Latin American regimes within the same category of “state corporatism”, Stepan further develops two subsections under Schmitter’s subtype of state corporatism; he proposes “inclusionary” and “exclusionary” as two poles of corporatist policies, as indicated in Figure 2.

As Stepan explains, both inclusionary and exclusionary policy tendencies are elites’ response to governance crises: to control popular participation so as to forge “a new state-society equilibrium”.\(^\text{113}\) However, around the “inclusionary pole”, the state aims to incorporate salient societal associations into economic and political affairs while, around the “exclusionary pole”, the state attempts to exclude prominent social groups and restructure them by coercive measures.\(^\text{114}\) Stepan creates more detailed distinctions between inclusionary and exclusionary corporatism according to indicators of “characteristic policies, coalitional partners, and hegemonic possibilities” and so on.\(^\text{115}\)

Take associations of peasants and workers, for example. Under inclusionary corporatism, characteristic polices are primarily regulative encapsulations, and the coalition is founded between state elites and “national bourgeoisie and newly encapsulated workers and peasants”, which is against “oligarchy and foreign capital”. Under exclusionary

\(^{113}\) Stepan, *supra* note 15 at 74, 78-80.  
\(^{114}\) *Ibid.*  
\(^{115}\) See *Ibid.* at 74.
corporatism, characteristic polices are primarily coercive exclusions, and state elites cooperate with “international bourgeoisie and technocrats” while opposing “populist political leaders and autonomously organized working class”.\textsuperscript{116} In addition, the former emphasizes “political populism and economic nationalism” and building hegemony via effective controlled mobilization of the working class, while the latter prioritizes “political order and economic efficiency”, with no hegemony but heavy coercive mechanisms.\textsuperscript{117}

Although Stepan’s subdivisions of inclusionary and exclusionary corporatism provide a proper macro classification to distinguish different policies applied by the PC towards different social sectors, they cannot be directly applied here for the analysis of a corporatist legislature. On the one hand, Stepan only creates distinctions of inclusionary and exclusionary corporatism, but does not distinguish “In” and “Ex” policies the state elites adopt and place onto different categories of social interest groups within the nation. Instead, he further develops five hypotheses to compare installation attempts of different regimes with marked corporatist characteristics in Latin America. On the other hand, although he also extends comparisons from “between-nation” to “within-nation” in Peru, it is pre-determined that strategic elites in Peru applied dominating inclusionary policies and, thus, comparisons are merely about different methods/levels/approaches of inclusion

\textsuperscript{116} Ibid. at 76-77 (Table 3.1).
\textsuperscript{117} Ibid.
towards different social sectors.\textsuperscript{118} In short, to distinguish “In” and “Ex” strategies with regard to different domestic social sectors, as well as diverse state-group relations between the state and groups of peasants, workers, businesspeople, and intellectuals, a more elaborate and sensitive analytic tool will better serve the purposes of cross-sectional comparative and contrastive analysis. Thus, we come to Collier and Collier’s “inducements” and “constraints” – subdivisions of corporatist policies.

In order to distinguish various “corporative patterns of state-group relations” both within-nation and cross-national, David and Ruth Collier developed a subtle rubric of corporatist policies concerning societal groups: “inducements” and “constraints”, which are based on their own summary of definitions of corporatism, and are divided into the three pillars of “structure, subsidy and control”. In comparative analyses of relations between the state and organized labour in Latin America, the Colliers put “structure” and “subsidy” into the box of “inducements” which, for example, includes “registration of unions”, “rights of combinations”, “monopolies on representation”, “compulsory membership” and “revenue subsidies”, while the “control” pillar under the label of “constraints”, includes the state’s constraints on unions’ “collective bargaining and strikes”, “demand-making”, “leadership” and “internal governance”.\textsuperscript{119}

As above, I have to transfer these indicators for corporatist associations into measurements for corporatist legislature so as to mark PCs’ corporatist features and

\textsuperscript{118} \textit{Ibid.} at 6 (preface).

\textsuperscript{119} Collier and Collier, “Inducements versus Constraints”, \textit{supra} note 15.
distinguish the different policies of corporatism PCs apply to various societal sectors.

Therefore, inducements of the corporatist legislature include advantages in selection of PDs to both the PC and the PCSC, priorities in demand articulation, 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. Based on the above analyses, the following analytical criteria are generated for a contrasting pattern of corporatist tendencies applied by the PC to different societal sectors of interests within the nation.

*Table 1* Criteria of corporatist policies

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Inducements</th>
<th>Constraints</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. PD Recruitment/Regime Support</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1) PCPD</td>
<td>Favourable</td>
<td>Unfavourable</td>
</tr>
<tr>
<td>2) PCSC members</td>
<td>Favourable</td>
<td>Unfavourable</td>
</tr>
<tr>
<td>2. Interest Articulation/Representation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1) PDs—motions and suggestions</td>
<td>Favourable</td>
<td>Unfavourable</td>
</tr>
<tr>
<td>2) Relationship with Mass Organizations</td>
<td>Favourable</td>
<td>Unfavourable/Non-existence</td>
</tr>
<tr>
<td>3. Policy-making/Legislation</td>
<td>Favourable</td>
<td>Unfavourable</td>
</tr>
<tr>
<td>4. Policy implementation/Supervision</td>
<td>Favourable</td>
<td>Unfavourable</td>
</tr>
</tbody>
</table>

Source: Author
Furthermore, as shown in Figure 3, Ruth and David Collier also create a series of combinations of “inducements” and “constraints” to classify different types of state-group relations. Notwithstanding the broader typology of group representation, it is more useful to narrow it down to provide a set of subtle typologies to connect micro-criteria of “inducements” and “constraints” with macro-tendencies of “inclusionary” and “exclusionary”. 120

Accordingly, as indicated in Figure 4, four combinations are tailored for policy tendencies in corporatist legislature: 1) a higher level of inducements and a lower level of constraints (re businesspeople), which means the state elites seek to gain support and

120 Ibid., “Though our immediate empirical referent is the relationship between the state and organized labour in Latin America, this modified conceptualization may be extended to the analysis of other types of groups and other regional contexts”.

cooperation of certain social sectors, and it should lie on the inclusionary side of the spectrum of state corporatism; 2) a higher 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 higher level of constraints combined with a lower level of inducements (re peasants, workers) which means the primary concern of the state is to control certain social sectors/classes, 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 groups.\(^{122}\)

![Policy Tendencies in Corporatist Legislature](source: Author)

Figure 4 Policy tendencies in corporatist legislature (source: Author).

Additionally, there are several points that need to be clarified. First, both inducements and constraints, although they are approached differently, provide social control.\(^{123}\) Second, as for social control, inducements focus more on economic mechanisms, while constraints focus primarily on coercive means. Third, as indicated in Table 1, in the

\(^{122}\) *Ibid.* For the spectrum of state corporatism, see below, Figure 11 at 122.

\(^{123}\) *Ibid.*
relationship between the PC and associations of certain interest sectors, the inducement side emphasizes “co-optation”, and the constraint side prefers “ignorance”, or the association does not exist.\(^\text{124}\) Fourth, there is no strategy that is purely inclusionary, simply inducement-oriented or wholly exclusionary with absolute constraints; corporatist policy is thus always a combination of “carrots and sticks”, an interaction of “inducements” and “constraints”, and an interplay between inclusionary and exclusionary tendencies.\(^\text{125}\) Lastly, policies applied to certain societal circles will be shifted from inclusionary to exclusionary or vice versa from time to time. All of these points will be reflected in following empirical analyses.

Another approach to the disaggregation of corporatism is to divide between administrative levels of governance. Some scholars, such as Nan Lin, Jean Oi and Anita Chan developed concepts of “local corporatism”, “local state corporatism”, and “regional corporatism” in corporatist researches in local China.\(^\text{126}\) However, based on my theoretical setting, at both the central and local level, the logic/processes of interest representation, articulation, intermediation, public policy making, and policy implementation are the same; what is different is the objective of inclusionary and exclusionary policies of the central and local state. Besides, instead of a comparison

\(^\text{124}\) Ibid.

\(^\text{125}\) Ibid.

between different corporatist policies applied by the NPC and LPC towards certain societal circles, the focus of this research is mainly to compare different corporatist strategies applied by LPCs to incorporate or exclude grouped interests of various social sectors. Therefore, conceptual differences between corporatism and local corporatism will not be emphasized here, but it is still of value to briefly compare different corporatist approaches of the central and local PCs to a specific social sector, such as the peasants, to both provide some supplementary evidence and draw a general picture of a fragmented society in a decentralized authoritarian regime in China.  

To conclude, the definition of a corporatist legislature contains both descriptive and comparative aspects, and 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)

Therefore, 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 societal circles. The functions of a corporatist legislature include: 1) to recruit

127 Landry, supra note 16.
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 intermediate among them; 3) to authoritatively include and exclude certain categories of social interests in both decision-making and policy-implementation.

The following part (Chapters 2 and 3) will descriptively and comparatively analyze the definitional framework via the analytic tools. It will employ empirical evidence based on interviews conducted and data collected during field trips in China from March to April, 2009, and it will also refer to a number of secondary empirical statistics from both the English and Chinese literature. While the theoretical framework takes on the PC system as a whole, the empirical study mainly focuses on the LPC/CPC. However, data and cases from the NPC will also be borrowed as complementary supportive evidence to show corporatist features of the legislature, or for comparison of different corporatist strategies among levels of PCs.

Figure 5 below indicates the structure of relations to be explored in the empirical part, in which I explore the formula of corporatism in China: Party-state–PC–Society. First, dominance of the PC by the Party will be explored to see why and how the Party-state makes the LPC/CPC into a representative institution of corporatism and how it penetrates into the structural format of the LPC, and controls its functional fulfillment. I conclude that the LPC (and the PC as a whole) can be labelled as a state apparatus, or a Party organ more specifically, designed and manipulated by the central leadership as a corporatist mechanism to shape state-society relations. Second, I will investigate, using a compare
and contrast method, how the PC/LPC represents different sectors of interests in processes of deputy recruitment, demand articulation, decision making and policy implementation by incorporating or excluding different circles of social interests. It is also the aim of this thesis to view how the LPC mediates among conflicting interests of different social sectors – labour and capital, for example. A core question is how the LPC uses its power to control some class factions, such as the peasants and workers, but to protect others, such as the businesspeople.

*Figure 5* The corporatist formula of Party-PC-Societal Sectors (source: Author).
Chapter 2

Party-PC Relations: Designs and Controls

“All power in the People's Republic of China belongs to the people. The organs through which the people exercise state power are the National People's Congress and the local people's congresses at different levels.” “The National People's Congress and the local people's congresses at different levels are instituted through democratic election. They are responsible to the people and subject to their supervision. All administrative, judicial and procuratorial organs of the state are created by the people's congresses to which they are responsible and under whose supervision they operate.” “The National People's Congress of the People's Republic of China is the highest organ of state power.”

The above constitutional articles state that the NPC is the highest organ of China, which is democratically elected by and responsible to the people, and all other state organs are created by and accountable to the NPC.

Therefore, as shown in Figure 6, I draw a constitutional map of power relations (including the state-society relationship aspect) at the national level in China (the logic of power structure at local levels is similar).

Figure 6 Constitutional power structure at the national level in China (source: Author)

---

128 Constitution Law, supra note 34, Article 2, 3, 57 (Power structures at local level are similar).

129 Organic Law, supra note 34 Article 1-5.
However, is that so in reality? It is obviously not, as the role of the Party in the state, in society and in the interaction between the state and society is neglected.

Where is the Party in the structural map then?

It is everywhere, as is indicated below: the Party penetrates into both the state and society and dominates state-society relations.

**Figure 7** The actual power structure (source: Author).

As Stepan points out, a state is composed of various parts or functions, such as the executive, the judiciary, the coercive, and the legislative apparatuses, and the “strategic elite” composed of different “ideological or organizational unity” are in control of state apparatuses. In China, the composition of the strategic elite is quite simple: the Chinese Communist Party (CCP) dominates all state apparatuses, including the permanent administration, the coercive apparatus and of course the representative legislative body, and decides who else is eligible to join in the “club” of strategic elites. This should be considered as one of the foundations in analyses of state-society relations in China.

Along with reforms, the socio-economic situation in China has changed, but the dominance of the Party in both the state and society remains. What has changed

---

130 Stepan, *supra* note 15 at 1-3.
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 appointment.\footnote{On the separation of the Party from the government, see Guoguang Wu, \textit{The Anatomy of Political Power in China} (Singapore: East Asian Institute, National University of Singapore, Marshall Cavendish Academic, 2005) at 176; see also Guo, \textit{supra} note 9 at 21.} In terms of society, direct manipulation via
ideology and mass mobilization no longer worked in the diversifying societal context.
Instead, a series of institutions was designed to penetrate into society and to draw
corporatist interest representation out of society. The re-empowerment of the PC and its
development was part of these institutional arrangements.

A certain number of previous studies on legislative development in China deem the
PC to be an independent political power force, which is willing to develop and expand.\footnote{Xia, “The People’s Congresses and Governance in China”, \textit{supra} note 17 (preface).} However, what if development of the PC is not positive, but is merely a passive response
of state elites to certain governance crises?\footnote{On corporatism as an “elite response to crises”, see Stepan, \textit{supra} note 15 at 55. (However, later in this chapter, I will argue the re-empowerment of the PC reflects both historical continuity and elite response to crisis. See pages 54-58, below.).} The dominance, control and manipulation
of the Party should be given more weight in the formulation and operation of the PC.
Some others describe institutionalization of the PC as state-building, reconstructing
bureaucratic ties and legalizing Party policies.\footnote{O’Brien, “Review Essay”, \textit{supra} note 50.} However, as a constitutionally
established legislature which recruits representatives via popular elections, there should
be something more than just state-building, such as societal interest articulation and
intermediation among interest groups. In short, what is missing in previous studies is the
consideration of legislative development as an indicator of the changing pattern of
interaction between state and society.

This part firstly tries to “bring the Party back in”\textsuperscript{135} to analyses of Chinese legislature,
and explains why the Party makes the PC, and the LPC in particular, a representative
institution of corporatism. It then demonstrates how the Party controls the structural
format of the LPC, and the CPC in particular, via institutional limitation, organizational
penetration, bureaucratic constraints and representational manipulation. This raises two
questions: 1) how does the Party direct the formulation/election of the LPC/CPC based
on a corporatist arrangement, such as electorate division (functional rather than territorial)
and PDs’ quota distribution (corporatism rather than pluralism);\textsuperscript{136} 2) how does the Party
control People’s Deputies afterwards by recognizing “qualified” PDs, while punishing
“disqualified” ones so as to limit their role-fulfilment according to corporatist
requirements (inducements and constraints).\textsuperscript{137}

\textsuperscript{135} \textit{Bringing the Party Back In} is the title of a book edited by Brødsgaard and Zheng, which explains
the weight of the Party in the governance of China. See Kjeld Erik Brødsgaard & Yongnian Zheng, eds.,
[Brødsgaard & Zheng].

\textsuperscript{136} Constituents units are catalogued by the state elite into a limited number of singular, quasi-
competitive, and functionally differentiated tangibly or intangibly groups. This is explained at 35, above.

\textsuperscript{137} See generally Collier and Collier, “Inducements versus Constraints”, \textit{supra} note 15.
Re-empowerment of the LPC/CPC

As stated in the introduction, re-empowerment of LPCs, especially the CPC, was one of central items on the reform agenda of Deng from the late 1970s, and is still the case today. 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 mechanism and the dominant communist Party?\(^\text{138}\)

Here I argue that the corporatist institutional design of the entire PC system, especially LPCs, is both a historical continuity and an elites’ response to crises. On the one hand, obvious corporatist traces can be found in predecessors of the PC: a series of representative mechanisms was set up before and after the foundation of the People’s Republic of China (PRC). As early as 1931, the Soviet-style representative institution (Zhonghua Suweiai gong-nong-bin daibiao dahui) established in revolutionary base areas embodied corporatist characteristics, incorporating only “peasants, workers and soldiers” while excluding “bureaucrats, warlords, landlords and businesspeople”. Similarly, representative assemblies founded in 1937 applied a “triangular” representation system (San-san-zhi), which means groups of “communist party members, non-party member leftists, and centrists” each controlled one-third of the representative seats. Immediately after the foundation of the PRC in 1949-1950, a representative body (gejie renmin daibiao huiyi) was set up under The Common Program of the Chinese People's Political

\(^{138}\) In a general sense, representative mechanisms, especially those formulated via elections should be pluralistic in interest representation, while the one-party communist regimes heavily rely on monist interest control, and thus there is a natural conflict between them.
Consultative Conference to include all social circles, such as “workers, peasants, soldiers, students, businesspeople, education, intellectuals, women and independents”. Later on in 1954, when the 1954 Constitution of China formally established the PC system, it also emphasized corporatist representation of “businesspeople, intellectuals, ethnic minorities and members of democratic parties”. All of the above historical roots lead to the conclusion that the corporatist tradition has for long been operating in Chinese representative institutions.

On the other hand, the re-empowerment of the PC/LPC since 1979 also reflects state elites’ response to crises that arose from the reform: former –conservative forces in the Party, social disorder and instability after the Cultural Revolution, decentralization, and the creation of a more pluralistic society brought about by economic liberalization. First, in struggle with Hua Guofeng (Mao’s handpicked successor), Deng not only separated the government from the Party, but also empowered another power corner, the People’s Congress, to wrest more power from the Party. Second, although Deng won the

---

139 The Common Program of the Chinese People’s Political Consultative Conference.

140 He Junzhi, Zhidu dengdai liyi: xianji renda zhidu chengzhang moshi yanjiu (Legislative development of the CPC) (Chongqing: Chongqing chubanshe, 2005) at 22-25 [translated by author] [He].

141 Dickson, supra note 13. The reform “set up a debate within the CCP between those who sought to protect Party traditions and preserve their own positions, on the one hand, and those who sought the Party's adaptation to facilitate economic change, on the other.”

See also Chen, supra note 17 at 14:

In this political power game, Deng divided the traditional, monolithically structured Party-state bureaucracy into three parts. He extracted administrative power from the local Party apparatus and transferred it to the government, which was to be structured as an executive organ with some autonomy. The major function left for the Party apparatus was to maintain the so-called political and ideological leadership and guarantee that local policymaking adhered to the general guidelines set by the Party center. At the same time, he shifted some local decision-making power to a re-construed
supreme power, he still had to fulfill his promises of political and economic reform and, more importantly, restore government authority among the citizens after a decade of chaos. Maoist totalitarian mobilization and pure communist ideology were no longer able to retain control and achieve political goals. Therefore, Deng had to find new sources of legitimacy: via popular elections of the People’s Congress, getting citizens involved to some extent in state affairs provided new legitimacy to his regime. Therefore, besides a more effective separation of the Party from the government, the central leadership further deprived the Party of certain powers of policy-making and oversight and transferred them to LPCs, in order to design a stronger triangle of checks and balances among the Party, the government and the People’s Congress at the local level. However, both the re- structuring of local power relations and the re-empowerment of the LPC were carried out according to blueprints of the central leadership, in which the leadership of the Party was never negotiable. Thus, how this triangular checks and balances system worked in the decentralized but fragmented authoritarian regime remains in doubt. Finally,

---

people’s congress. In the resulting configuration, the Party committee and the PC coexisted as decision-making organs and exercised double oversight over the government’s performance.

(Meanwhile, Deng skilfully played two cards against each other, demanding that the PC must accept “political leadership” of the Party committee, while the Party must recognize the PC as the “highest organ of state power”. ) ; See also Chen, supra note 17 at 185; Wu, supra note 6 at 176.

142 Chen, supra note 17 at 10.
143 Chen, supra note 17 at 20 and Chapter 7:
marketization and economic liberalization (e.g. privatization of the economy and constitutional protection of private property) not only fundamentally altered the nature of the regime, but also inevitably brought about a diversifying and pluralizing society, full of conflictual interests, especially at local levels. The Party’s attitude/relationship towards/with society had to change accordingly. Its main task transformed from class struggle and mass mobilization to economic development and conflict management, while its strategy of political inclusion also turned from being “ideologically determined” to being “interest-based”.\footnote{See Dickson, \textit{supra} note 13: “The CCP’s decision at the Third Plenum in December 1978 to abandon class struggle and to pursue economic modernization announced the beginning of the post-Mao reform era and the onset of the CCP’s adaptation”; see also Zheng Yongnian, “Interest representation and the Transformation of the Chinese Communist Party”, in Brødsgaard & Zheng \textit{supra} note 135 at 273 [Zheng].} For example, those previously thought of as “class enemies” and “counter-revolutionaries” were now welcomed to join in the club of strategic elites, as “they have the skills desired by Party leaders to accomplish their new policy agenda”, while former “masters of the country”\footnote{Constitution, \textit{supra} note 34, Article 42.} and “progressive forces” became seriously under-represented, as they were not as useful in the new regime as they had been at

\begin{quote}
...it broke up the traditional power monopoly of Party committee by depriving them of executive power and reducing their influence over local legislation and policymaking. At the same time, the local congresses carved out an increasingly important institutional role in both legislation and supervision of the government. In many locations they rose as one of the three major powerful actors—along with Party committee and government—in the policymaking process, contributing substantially to the decline of the Party cadre hegemony in local politics. But as a top-down process sponsored by the Party centre, local power re-structuring has been placed under considerable central manipulation and has proceeded largely according to the central blueprint. More than in the political reform at the central or grassroots level, the Party centre had to make deliberate efforts to strike a balance of power between local Party committees and people’s congresses to prevent either side from slipping out of control.
\end{quote}

revolutionary tasks. In this context, the LPC and LPCSC, as a tool of the Party-state, had undertaken the task of incorporating newly emerging and diversifying demands, to intermediate among conflicting interests and to release the mounting discontent of the public.

Nonetheless, a fundamental dilemma emerges when fulfilling given political goals: how do reformers keep a balance between keeping this representative institution under control, and letting pluralizing social forces participate directly? Here I will demonstrate that the state dominates the corporatist interest representation in the PC/LPC via institutional limitation, organizational penetration, bureaucratic constraints and representational manipulation.

**Institutional Limitation**

The centrally-designed proposal for 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, Article 4 of the Organic Law and Article 2 of the Electoral Law, LPCs and LPCSCs are state organs elected from the public via multi-candidate, direct/indirect and periodic elections, and therefore should

---

146 Jiang Zemin’s speech celebrating the 80th anniversary of the CCP on 1 July, 2001 was a milestone event reflecting the attitude change of the Party regarding political inclusion. See Wu, supra note 6, Chapter Two; see also Zheng, supra note 144 at 269; Dickson, supra note 13 (Detailed illustration of under-representation of progressive forces can be found in Chapters 2 and 3).

be responsible and accountable to constituents. On the other hand, Article 99 of the Constitution and Article 8 of the Organic Law make the LPC into a centrally-chartered supervisory powerhouse to ensure, on behalf of the central 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 LPC: what if demands/interests of the state and the people conflict with each other? As a matter of fact, the “core of leadership” principle (Party Constitution) of the Party and its universal representation (Three Represents Theory) will help to make a decision.

### Organizational Penetration

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.

---

148 Constitution, supra note 34, Article 96, 110; Organic Law, supra note 34, Article 4; Electoral Law, supra note 34, Article 2.


150 On the “core of leadership” principle, see CCP Constitution, supra note 143, Article 46;

Three represents theory—“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.” See CCP Constitution, the general program; see also Jiang Zemin on “Three Represents Theory”, referred to in Translation of Important Speeches of Jiang Zemin on the “Three Represents Theory” from 2000 to 2001 (Beijing: Foreign Language Press, 2001)

151 CCP Constitution, supra note 149, Article 46.
This article in the CCP Constitution indicates the institutional roots of why/how the Party exists and dominates everywhere in various state apparatuses, including, of course, the LPC/CPC. In fact, right after the re-empowerment of the LPC/CPC in 1981, the central leadership issued a policy guide to set up Leading Party Member’s Groups within CPCs nation-wide. Typically, when a Leading Party Members’ Group is set up, the principle of “Democratic Centralism” functions in vital decision-making.

Simultaneously, the Party’s hierarchical ranking system is applied to put CPC officials under personnel management of the organizational department of the Party committee.

---

152 He, supra note 140 at 164.

153 See Constitution, supra note 34, Article 3. 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”. See CCP Constitution, supra note 149 (the General Program part);

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”, cited to Merle Goldman & Ashley Esarey, “Intellectual Pluralism and Dissent” in Bruce Gilley & Larry Diamond, eds., Political Change in China: Comparison with Taiwan (New York: Lynne Rienner Publishers, 2008) at 53 [Goldman & Esarey].

154 Interview of officials in Zhejiang PPCSC (5 April, 2009) (Personnel decisions of the LPCSCs are all made via organizational departments of Party committees at the corresponding or higher levels).
Figure 8 The internal structure of CPC and its SC in County C

As Figure 8 depicts, the Party organization penetrates into both the CPC and its SC. On the one hand, as mentioned before, a Leading Party Members’ Group (LPMG) lies at the heart of the CPCSC, which actually has the final say in making major decisions on such themes as supervisory activities and vital legislation. The author learnt from the director of the CPCSC Law Committee in County C that the annual theme of supervisory activities should be accordant with the Party’s top priority each year. Similarly, at other levels of LPCs, as a vice-director of the PPC Law Committee in Zhejiang has implied, although the PPC 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.

On the other hand, there also exists a hierarchy of Party control over the CPC plenary session. As shown in Figure 9, two systems of organizations co-exist in the plenary session, and each 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 CPC, the County Party Committee would convene a plenary session.

---

155 Interviews of officials in County C CPC (24 March, 2009)

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

156 Interview of officials in County C CPCSC (21 March, 2009) (When asked what the major responsibility of the CPCSC is, they replied “the top task of CPC is to assist the government in economic development under the leadership of the Party”, and also gave examples about its supervisory plan in 2008: when the Party is concerned about environmental protection, then the CPCSC organizes Deputies to examine the implementation of environmental protection law.)
session of the County Party Congress, within which a temporary Party committee (in Figures 8 and 9) would be set up to lead and supervise the CPC annual plenary session. The establishment of actual executive organs during the plenary session, including the Presidium, Deputy Delegations and Representative Groups of the CPC, is arranged by the corresponding temporary Party committee, the compositions of which are highly coincident. The leading position of this temporary Party committee is usually held concurrently by the secretary of the County Party Committee, who also serves as the chairperson of the Presidium. Under the Presidium, there are Deputy Delegations, which are headed by the vice-secretary of the County Party Committee, or the secretary of Party committees in towns and townships within that county. Meanwhile, these delegation heads also serve as Party secretaries of sub-committees of the temporary Party committee. Below Deputy Delegations, there are Representative Groups. Based on the same logic, Party branches subordinated to certain sub-Party committees are set up in every Representative Group, which are also headed by certain Party cadres. In short, the Party controls each and every step of the plenary session. Take policy making, for example: while the Presidium serves as a “filter” for the selection of proposals and suggestions from PDs, the Delegations and Representative Groups mobilize deputies to make sure proposals and bills from the leadership will successfully pass during sessions.
Bureaucratic Constraints

In addition to institutional and organizational controls, there are also bureaucratic constraints, especially on standing committees of LPC/CPC. First, many directors of the LPCSC are concurrently secretaries of the Party Committee at corresponding levels,\(^{158}\) which enhances the position of that LPCSC within the power structure of local politics but, as some scholars note, also subordinates it even more closely to the Party organization so that it becomes the “legal arm” of the Party.\(^ {159}\) Second, vice-directors of LPCSCs are normally retired chief cadres from the government or other state organs.

\(^{157}\) Interview of officials in County C CPCSC (22 March 2009) and plenary session materials of County C CPC; see also supra note 155 for explanation of the usage of the symbol of the arrow (It is similar in other CPCs, see He, supra note 140).

\(^{158}\) In all 31 PPCs in China, the Party Secretaries co-hold the Directorate of the PPCSC in 25 PPCs (except four directly-managed municipalities and Xinjiang and Tibet; Hong Kong and Macau are not included). See online: National People’s Congress Website <http://www.npc.gov.cn/>.

\(^{159}\) Cho, supra note 17.
This makes the LPC into a “hub” for “second-line” officials, which actually inactivates the LPC, as these second-line officials are usually conservative Party elders, who may also be too old to be energetically capable. However, although they might not be particularly capable, they are definitely loyal to the Party. Third, LPCSC staff members are deemed as “politically highly educated, while professionally disqualified”, especially at lower levels of PCSCs, which means that political loyalty rather than professional education is key in selection of LPCSC staff. Moreover, as the following table indicates, the lower the level of the PC, the lower the level of professional education of the PC staff members.

*Table 2 A comparison of education level of staff at three levels of LPCs in Zhejiang Province*

<table>
<thead>
<tr>
<th></th>
<th>Zhejiang PPC</th>
<th>One MPC in Zhejiang</th>
<th>County C CPC</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Hold a Graduate Degree</strong></td>
<td>40%</td>
<td>11%</td>
<td>0</td>
</tr>
<tr>
<td><strong>Hold a Law Degree</strong></td>
<td>20%</td>
<td>5%</td>
<td>0</td>
</tr>
<tr>
<td><strong>Hold a College Diploma</strong></td>
<td>93%</td>
<td>78%</td>
<td>45%</td>
</tr>
<tr>
<td><strong>Hold a High school Diploma</strong></td>
<td>100%</td>
<td>100%</td>
<td>91%</td>
</tr>
</tbody>
</table>

Source: Author

---

160 “Second-line” officials refer to those who retired from certain important positions to inferior, less powerful positions.

161 Tanner, “the National People’s Congress”, *supra* note 17.

162 Interview of officials in County C CPCSC (23 March 2009); see also He, *supra* note 140. (This is common everywhere in personnel selection in China, and is not limited to the PCSC).

163 Interviews of officials in County C CPCSC (23 March 2009) and Zhejiang PPCSC (3 April 2009).
Representational Control

Last but by no means least, I illustrate the Party’s control of People’s Deputies, through elections as well as Deputies’ activities after being elected. Elections in PCs include: 1) direct elections of PDs to CPCs and TPCs; 2) indirect elections of PDs to MPCs, PPCs 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 is on the direct election of PDs to CPCs, 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) 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.\textsuperscript{166}

Furthermore, the elections of heads to the government, judiciary and Procuratorate, often with only one candidate for each position, are basically non-competitive.\textsuperscript{167}

**An Arranged Election**\textsuperscript{168}

Besides setting up the Standing Committee at the county level, another main issue on the reform agenda is to apply the “popular, multi-candidate and periodic” elections to the CPC.\textsuperscript{169} 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 controlled? I will explain by following a direct election of PDs to the CPC step by step.\textsuperscript{170}

\textsuperscript{166}See J. Bruce Jacobs, “Elections in China” (1991) 25 The Australian Journal of Chinese Affairs, 171 [Jacobs] “In an effort to select candidates representing a wide variety of interests, the Party attempts to include nominees from all geographic areas within the province, the various democratic parties as well as the Communist Party and non-partisans, the various ‘system’ (xitong) in China’s political and economic system, intellectuals, and a few ‘model’ workers and peasants”.

As for indirect elections of PDs to higher level PCs, such as to the NPC: the Provincial Party Committee controls certain numbers of seats for important officials, while the Provincial Party’s Committee’s Organizational Department and United Front Department together with the standing Committee of PPC consider how to distribute certain numbers of seats to the NPC.

\textsuperscript{167}Interview of officials in Zhejiang PPCSC (6 April 2009) and County B CPCSC (10 March 2009); see also Organic Law (1986 amendment) Article 20.

\textsuperscript{168}Based on interviews of officials in County B CPCSC (7 March 2009) about the electoral process of County B in the 2006-2007 election and that of County C CPCSC (22 March 2009), as well as on their work reports [translated by author].

\textsuperscript{169}See Electoral Law, supra note 34, Article 2, 30, 36; Organic Law, supra note 34, Article 5, 6.

\textsuperscript{170}Interviews, supra note 162, 163; for descriptions of the process of direct election, see e.g. Cai, supra note 100 at 75-77; Chen, supra note 17 chapter 3; McCormick, supra note 52, Chapter 4; Jacobs, supra note 166.
The first stage is preparation for the election. An Election Committee, which is headed by the secretary of the County Party Committee and comprised mainly of heads (yibashou) of important Party and government organs, is established nominally by the CPCSC to lead and organize the election. Its major responsibilities 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) resolve disputes arising from the election. Firstly, the Election Committee makes an operational plan and a set of electoral procedures according to electoral guidelines from up-level PCs (usually from PPCs) and relevant laws and regulations, by which electorates are divided and seats distributed. According to the Electoral Law, electoral units are divided on the basis of “production units, administrative units, and work units, as well as residential areas”. But in practice, electorates are mainly divided based on production and administrative and work units rather than on residential areas at the county level; this results in easier management of elections and allocation of quotas of PD seats. Numbers of seats in each electorate are determined primarily according to corporatist requirements of quotas distribution to different societal circles, complemented by

---

171 Electoral Law, Organic Law, supra note 34; see also equivalent regulations in Zhejiang Province.

172 See Electoral Law, supra note 34, Article 24.

territorial considerations.\textsuperscript{174} The Electoral Law only indicates how numbers of representatives should be territorially allocated and suggests several groups (e.g. women, ethnic minorities, overseas returned Chinese and military personnel) should have certain seats,\textsuperscript{175} but the local practical election rules (guidelines of PPCs and electoral procedures of CPCs) draw a more detailed picture of how a limited number of singular, compulsory, and functionally differentiated categories in society should be represented by indicating that “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.”\textsuperscript{176} To make it easier, most Election Committees allocate quotas of PD seats first, and then divide electoral units accordingly. It sounds ridiculous, but works better.\textsuperscript{177}

Later on, propaganda and education for the election mobilize the public to register, to nominate, and to vote, and then there is the second stage: registration of voters and nomination of candidates. Ironically, while there is mobilization for the public on the one

\textsuperscript{174} See Jacobs, \textit{supra} note 166:

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.

\textsuperscript{175} See Electoral Law, \textit{supra} note 34 see Article 5 (military), 6 (women and overseas returned Chinese), 18 (ethnic minorities).

\textsuperscript{176} Jacobs, \textit{supra} note 166.

\textsuperscript{177} Interviews of officials in CPCSCs in County A, B and C (March 2009).
hand, there are restrictions for “independent candidates” on the other hand.\textsuperscript{178} To successfully register as a voter is a precondition to having the right to vote and, more importantly, to having the right to be voted for, and thus voters’ registration is actually the first barrier which prevents some citizens from being nominated.\textsuperscript{179} For example, although the Electoral Law sets the principle of perpetual voter’s registration, it is common that some localities go through the registration process all over again before every election, in order to exclude certain “unruly people” (diaomin) from nomination and, thus, election, base on past records.\textsuperscript{180} Besides, it is also difficult for “newcomers” in certain electoral units, such as the “floating population” — migrant workers in particular — to register as voters, let alone to be nominated or elected.\textsuperscript{181} Actually, in some economically advanced areas, migrant workers often consist of more than half of the entire population.\textsuperscript{182}

After the first round of slight “filtering” by the Election Committee, more restrictions are added during the second round: nomination. Via two major channels, nominations of PD candidates are made — by the Party or other organizations, or by a joint group of at

\begin{footnotesize}
\textsuperscript{178} On “Independent candidates” see 73-74, below.

\textsuperscript{179} Although it is unconstitutional to restrict who can vote and who can be voted for, this does happen in practice.

\textsuperscript{180} Interviews of officials in CPCSC in County A and County B (March 2009).

\textsuperscript{181} See e.g. Li Fan, “Manipulation in the Local Peoples Congress Deputy General Election”(28 February 2006), online: The World And China Institute <http://www.world-china.org/newsdetail.asp?newsid=1786> [Li, “Manipulation”].

\textsuperscript{182} See e.g. County B, interview of officials in CPCSC in County B (11 March 2009).
\end{footnotesize}
least 10 voters (independent nominees).\textsuperscript{183} Ostensibly, the nominations are open to all, but nominations in practice are strictly limited to both joint nominators and some “non-Party” organizations.\textsuperscript{184} Priorities are given to officially-proved nominees, like those from the Party or Party-chartered mass organizations. 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.\textsuperscript{185} Cases of jointly nominated nominees denied qualification for candidacy based on this restriction are found everywhere.\textsuperscript{186} Furthermore, even if joint voters’ nominees successfully overcome these obstacles and appear on the nominees’ name list, another barrier prevents them from getting onto the final candidate list. As indicated by the Electoral Law, when the number of nominees exceeds the maximum number of formal candidates, it requires “discussion and consultation” (\textit{xieshang, yunniang}) between the Election Committee and groups of nominators.\textsuperscript{187} When consensus cannot be reached, it

\textsuperscript{183} See Electoral Law, \textit{supra} note 34, Article 29.

\textsuperscript{184} On restrictions on nomination for “joint nominators” and “non-Party” organizations, see Li, “Manipulation”, supra note 181.


\textsuperscript{186} Interviews of CPCSCs in County A, B and C (March 2009) [Interviews of CPCSCs]; see also Jean-Pierre Cabestan, “More Power to the People's Congresses? Parliaments and Parliamentarianism in the People's Republic of China” (2006) 99 ASIEN 42 [Cabestan].

\textsuperscript{187} See Electoral Law, \textit{supra} note 34, Article 30-31.
should legally go to a “preliminary election”,\textsuperscript{188} but, in practice, the primary is often bypassed, and the Election Committee “harmoniously” makes a consensus and secretly finalizes the list of candidates according to a series of occupational, territorial, gender-based, ethnic and other quota requirements of the election.\textsuperscript{189} Indeed, the Electoral Law requires 33\% to 100\% more candidates than deputies to make it competitive, but what if these 33\% to 100\% more candidates are also nominated under the plan and control of the Election Committee? Does the multi-candidate election then become equal to a competitive election?\textsuperscript{190}

The third stage is to arrange campaigns for formal candidates, while any kind of unarranged campaign of the candidates themselves is strongly discouraged. In the 1979 Electoral Law, various campaign activities were allowed, but due to out-of-control campaigns on university campuses in 1980, the 1982 Electoral Law added more restrictions, and actually discouraged individual campaigning.\textsuperscript{191} This carried on until the enacting of the 2004 Electoral Law, which indicates the Election Committee or the Presidium shall introduce candidates to voters or organize meetings between candidates and voters, and political parties, people’s organizations and joint nominators can also

\textsuperscript{188} Cabestan, \textit{supra} note 186: “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”.

\textsuperscript{189} See also Cai, \textit{supra} note 100 at 75-77; Electoral Law, \textit{supra} note 34, Article 31.

\textsuperscript{190} Also See Jie Chen & Yang Zhong, “Why Do People Vote in Semicompetitive Elections in China?” (2002) 64:1 The Journal of Politics 178; Nathan also indicates local people’s congress elections so far “have not turned into competitive campaigns owing to tight Party control”. See Andrew Nathan, China’s Transition (New York: Columbia University Press, 1997) at 235.

\textsuperscript{191} Cai, “People’s Congress”, \textit{supra} note 173 at 162.
introduce their nominees at Voter’s Delegation Groups (in no wider sphere), but
nominees are not entitled to campaign for themselves.\textsuperscript{192} Although in practice they are
sometimes allowed to introduce themselves publicly, this institutional constraint gives the
Election Committee an excuse to intervene whenever they feel such public introductions
are getting beyond their control. Finally, even when people vote, there are traces of
manipulation, such as mobile “ballot boxes”, suggested “proxy votes”, and supervised
“secret votes”.\textsuperscript{193} Therefore, with all sorts of manipulations during elections, it is not
surprising to see the results in Table 3, with both dominance of the CCP members and
corporatist arrangements. Moreover, as summarized in the following two tables, the
percentages of CCP members are equally dominant in other levels of PCs and PCSCs.

\textit{Table 3} 2006-2007 election results in CPC (County B)

<table>
<thead>
<tr>
<th>Requirements of local electoral rules</th>
<th>Peasants</th>
<th>Workers</th>
<th>Intellectuals</th>
<th>Cadres</th>
<th>CCP members</th>
<th>Women</th>
</tr>
</thead>
<tbody>
<tr>
<td>Requirements of local electoral rules</td>
<td>20%</td>
<td>25%</td>
<td>20%</td>
<td>25%</td>
<td>65%</td>
<td>20%</td>
</tr>
<tr>
<td>Actual percentage</td>
<td>21.4%</td>
<td>23.4%</td>
<td>27.6%</td>
<td>26.6%</td>
<td>75.6%</td>
<td>25.3%</td>
</tr>
</tbody>
</table>

Source: County B CPCSC, Committee of Deputy\textsuperscript{194}

\textsuperscript{192} See Electoral Law, \textit{supra} note 34, Article 33.


\textsuperscript{194} Interview of CPC County B and work report on 2006-2007 election results of the Committee of Deputies in CPCSC County B;

It is also very interesting to have 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 CPCSC [translated by Author]:

Title: “Elections of PDs to CPC and TPC in our County are Successfully Accomplished”
Table 4 Percentage of Party–members Deputies at different levels of PCs

<table>
<thead>
<tr>
<th>Years of elections</th>
<th>NPC</th>
<th>PPC in general</th>
<th>CPC in general</th>
<th>County C CPC in Zhejiang Province</th>
</tr>
</thead>
<tbody>
<tr>
<td>1992-1993</td>
<td>66.8%</td>
<td>68.44%</td>
<td>70.4%</td>
<td>68.8%</td>
</tr>
<tr>
<td>1997-1998</td>
<td>71.5%</td>
<td>70.25%</td>
<td>72.16%</td>
<td>70.53%</td>
</tr>
<tr>
<td>2001-2002</td>
<td>72.99%</td>
<td>N/A</td>
<td>N/A</td>
<td>70.58%</td>
</tr>
</tbody>
</table>

Source: Table 8.3, Ming Xia (NPC); Table 4.4, Ming Xia (PPC in general); Liu, at 275, 2001 (CPC in general); County C rendazhi, 2004.

Table 5 Percentage of Party–members Deputies at different levels of PCSCs

<table>
<thead>
<tr>
<th></th>
<th>PPCSC in general</th>
<th>County C CPCSC, Zhejiang Province</th>
</tr>
</thead>
<tbody>
<tr>
<td>1992-1993</td>
<td>71.78%</td>
<td>66.67%</td>
</tr>
<tr>
<td>1997-1998</td>
<td>71.44%</td>
<td>72.73%</td>
</tr>
<tr>
<td>2001-2002</td>
<td>N/A</td>
<td>85.71%</td>
</tr>
</tbody>
</table>

Source: Xia, Table 4.7, at 114; County C rendazhi, at 284-298.

Abstract: Elections of PDs to CPC and TPC 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 (guanjinxing)......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.

See e.g. other specific examples of Percentage of Party-Members-Deputies in the county PD election: 1. 79.2% in 2001-2002 elections in CPC in County H in Anhui Province, He, supra note 140 at139; 2. 73.7% in 1997-1998 election in KuanCheng Manzu Autonomous County PC in Hebei Province, see Cai supra note 100.

On corporatist arrangement of PD allocations in higher level PCs, see Chen, supra note 17 at 84-85.

Xia, “The People’s Congresses and Governance in China”, supra note 17; Liuzhi et al., eds., Shuju xuanju—renda daibiao tongji yanjiu (Data of Elections—statistical research of People’s Deputy) (Beijing: China Social Science Press, 2001) [Translated by Author] [Liu]; County C rendazhi, (Hangzhou: Zhejiang Sheying Press, 2004) at 78 [County C rendazhi].
Controls after Elections

The composition of PDs implies that it is not difficult for the Party to control PDs and their activities, as the majority are Party members. As for the rest, most of them are subordinated and accountable to certain work units, according to the Deputy Law, and these work units are all under the leadership of certain Party organs, according to the CCP Constitution.\(^\text{(197)}\) As for the rest of the rest, there are still other means to control their activities. On the one hand, the “dual-track” responsibilities system also applies to PDs, in relation to which a variety of mechanisms developed.\(^\text{(198)}\) Take County A CPC, for example, where it is positively reported that PDs are required to report their works to the CPCSC as an assessment for accountability.\(^\text{(199)}\) However, when reading articles of evaluation criteria in work reports of PDs in County A CPC, I was surprised to find that the accountability is not to the constituency, but to the Party Committee and up-level PCs. Most of the criteria are about “how to cooperate with the Party committee” and “how to accomplish tasks assigned by up-level PCs”, while there are none with regard to constituents.\(^\text{(200)}\) On the other hand, PDs’ activities during the plenary session are controlled by Representative Groups and Delegations, while all activities of PDs after the plenary session must be organized by the PCSCs according to annual plans of deputies’

\(^{197}\) Deputy Law, supra note 107, Article 5.

\(^{198}\) Ibid., Article 3-5.

\(^{199}\) Interview of officials in CPCSC in County A (18 March 2009).

\(^{200}\) Ibid.
activities, including supervisory trips. Unintended or private PD activities are strongly discouraged. The following case of the famous “Yao Lifa” illustrates how representational activities of PDs are constrained.

Case: The Story of Deputy Yao (Yao Daibiao)

“Born in 1958, Yao Lifa, of Qianjiang City (County-level) in the central province of Hubei, was apparently the first person in China elected through self-nomination to a municipal (county)-level people’s congress.” Although Yao was not the first successfully elected self-nominated PD in CPCs, he is surely one of the pioneers and one of the most persistent persons to run for office based on the “joint nomination” and “write-in” articles of the Electoral Law, which has earned him a reputation both in China and internationally. Yao started competing for the PD seat in Qianjiang CPC in 1987, and after 12 years of striving, he was finally elected for a five-year term in 1998. “Over the course of the next five years, Yao was a busy and controversial figure—he raised 187 of the 459 suggestions, opinions, and criticisms presented to the local People’s Congress (which consists of 38.7% of all Deputies’ in 5 years). Yao also undertook a survey of the 329 villages under Qianjiang City and found that 187 village chairmen and 432 vice chairmen and village committee members in 269 villages who had been elected in 1999—some 57 percent of the total—had been dismissed over the course of the following three years.”

It seems Yao was quite actively fulfilling his representational roles. However, many constraints hide behind those flashy activities, especially when he crossed certain vested interests’ boundaries. Normally, Yao’s seat in plenary sessions and other PDs’ meetings was positioned at the furthest corner of the room, and Yao’s

---

201 Organic Law, supra note 34, Article 19 (Annual plan of deputies’ activities and annual plan of supervisory activities are common are all levels of PCs).

202 Interviews with CPCSCs, supra note 180.

203 For a more detailed account of Yao, see Fewsmith, “Pressures for Expanding Local-level Democracy” (2004) 12 China Leadership Monitor 1 [Fewsmith].


205 Fewsmith, supra note 203.
minutes to speak in public were strictly limited, due to all kinds of reasons. In addition, most of Yao’s proposals and suggestions were repealed, returned or simply ignored. Furthermore, it became almost impossible for Yao, or any other Yao-related candidates, to be elected into Qianjiang CPC. In the 2003 CPC election in Qianjiang City, all 32 candidates including Yao himself lost. In the 2006 election, Yao lost again. During the period from 2003 to the present, Yao lost his job in the education bureau in Qianjiang City, his personal freedom was restricted, and his family security was threatened. He concluded he was up against an invincible wall on the election road, a wall combined of a man-made masterpiece as well as the inherent result of the election environment.

The “Yao Lifa phenomenon” represents a tendency in China in recent years. As some scholars observe, there has emerged a number of successful cases of “independent self-nominated candidates” who won their elections in the end. It is professionally known as “jump[ing] out of the ballot box”. Theoretically, the “write-in” article in the Electoral Law makes it possible for any “independent candidate” to be elected, if there

---


207 Ibid.

208 Fewsmith, supra note 203:
In 2003, Yao and 40 other people—including teachers, village heads, lawyers, workers, and peasants—put themselves forward as candidates for the Qianjiang Municipal People’s Congress, and 32 of them became formal candidates. In an election fraught with controversy, the whole group of self-nominated candidates lost the election, though Yao at least vowed to run again in the next election. Because Yao and the others were not backed by local authorities, their only chance of being elected was to wage a write-in campaign. Yao had succeeded in doing so in 1999, but local authorities were determined to prevent more than one successful write-in campaign in 2003. As Li Fan put it, the local administration felt it was bad enough to have one Yao Lifa in the people’s congress; they would not have been able to tolerate 32 Yao Lifas!


210 Ibid.

211 “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. For a more detailed description, see 84-85, below.
are enough voters who do not circle any of the names of formal candidates but write down another name on the ballot.\textsuperscript{212} Practically speaking, “the partial liberalisation of the political environment and the pluralisation of interests within society have encouraged more and more independent candidates to try their luck”.\textsuperscript{213} Therefore, although most “independent candidates” are lost due to the Party’s manipulation, there are exceptions.\textsuperscript{214}

Nonetheless, as O’Brien warns, we need to be very careful not to generalize from these rare cases.\textsuperscript{215} 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 and the PC 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

\textsuperscript{212} Electoral Law, supra note 34, Article 37.

\textsuperscript{213} Cabestan, supra note 186.

\textsuperscript{214} A great number of “independent candidates” has emerged in recent years. See Li, “Manipulation”, supra note 181:

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.


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.

the nerves of the leadership. A recent article from the “south-wind-window” magazine titled “Ten Years of ‘Independent Candidates’” describes the status of several famous PDs elected as independent candidates; in this article, we can easily identify those who are subsidized, those who are marginalized, and those who are punished. Another case collected from the author’s field trip also provides a view of the Party’s control over PDs after elections, which reveals how the Party treats someone who is “within the system” but “jump[s] out of the ballot box”. It also re-confirms the conclusion that the Party committee is actually the final judge, and even the provincial level PC may not be able to win the wrestling contest with a county-level city Party Committee.

Case: Jumping out of the ballot box? Not allowed.

John (not his true name), a senior staff member, serves as the chief of the general office in the People’s Congress Standing Committee in Fuyang City (county level) in Hangzhou Municipality (municipal level), Zhejiang Province. He was elected as a People’s Deputy in Fuyang PC in the election of 2001-2002. As a very progressive person and due to some other reasons, he decided to run to be committee member of the SC in the 2006-2007 election. Being in his position, it was easy to get enough nominators among colleagues and constituents. However, the leadership (Electoral Leadership Committee and the Party group in Fuyang CPCSC) denied his nomination because all seats were allocated that term.

This persistent office chief did not give up. Instead, he started calling and visiting deputies of the Fuyang PC to “campaign” for himself. Where there is a will, there is a way. In the plenary session of Fuyang PC in 2007, he successfully beat two leadership-chartered candidates and won the seat to be a SC committee member of Fuyang PC. This phenomenon was known as “jumping out of the ballot box”, which means enough PDs or constituents do not select any name printed on the ballot for a

216 Two PDs are “suggested to resign” in County-A CPC. Interviews of CPCSC in County A (18 March 2009).

217 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. See, specifically, Zhang, “Nanfeng Chuang”, supra note 206; see also a related introduction of these successful “self-nominated” PDs in English: Fewsmith, supra note 203.
certain seat, but write down a new name. For example, for the seat John ran for, two names printed on the ballot were X and Y, but due to John’s efforts of campaigning within PDs, over half of PDs wrote his name down, instead of circling either X or Y, and John was elected.\textsuperscript{218}

However, on the second day of the election, after the Party group of Fuyang PC reported this to the Party Committee of Fuyang City, the latter officially declared John’s victory void. In the coming week, John was removed from his position as the chief of general office in Fuyang PCSC, and was suspended.

John, however, based on his years of working experience in the PC system in Zhejiang, found one of the vice-directors of PPCSC, Lu, to appeal to. Lu, who was previously vice-governor of Zhejiang Province, was shocked and stood up for John. After months of struggle between the PPCSC and the Party Committee in Fuyang City, which was backed up by the Party Committee in Hangzhou Municipality, the punishment remained, and John was sent to Fuyang City Bureau of Education as a Monitor, holding the same rank as he previously did, but the Head of the City Bureau of Education informed him in private that there was no office space for him and he needed not come to work. Thus John enjoyed the salary and stayed at home afterwards. And that is the end.\textsuperscript{219}

To conclude, as a “Party-organ” to achieve certain policy goals, not only is the structural format of LPCs and LPCSCs fully penetrated by the Party, but People’s Deputies are also under strict control of state elites. On the one hand, elections of PDs are carefully arranged and quotas of seats are distributed to a limited number of singular, quasi-competitive, and functionally differentiated social circles. On the other hand, state elites ensure the outcome of elections in accordance with the previously planned corporatist arrangements, by which state-endorsed PDs are subsidized and granted a representational monopoly, while unruly PDs have to face obstacles deliberately put

\textsuperscript{218} See Electoral Law, \textit{supra} note 34, Article 37, 41.

\textsuperscript{219} This case is summarized from interviews with the vice-director and other relevant staff members of the PPC in Zhejiang, from an interview of officials in Zhejiang PPCSC (April 2009).
forward for them and must often even sacrifice personal liberty to fulfill their representational roles.

This set of institutional arrangements for elections and the representative institutions themselves cannot, of course, bring about parliamentary representation, but what is their purpose? McCormick once commented on PDs’ elections to PCs in China: “The most important message conveyed by the electoral process is not which candidate won, but that society participated and thereby, willing or not, legitimate[d] the Leninist state’s practice of democracy.”220 I partially agree with McCormick, but I read something more. Although the elections are symbolic and no more meaningful than a “democratic show”, yet the result of the election is not as meaningless as the election itself, which reflects the state elites’ rational considerations in “structure, subsidy and control” interests from different social sectors. Although the representative process is considered fundamentally un-democratic, yet interest representation with corporatist characteristics does not just provide legitimacy to the regime, but is also a societal reflection of public policy formulation. In the coming chapter, I will explore how this works.

---

220 See McCormick, supra 52 at145.
Chapter 3

LPC and Societal Sectors: A Comparative and Contrastive Pattern

After generally reviewing the former part of the corporatism formula, I move to the latter part: how the PC/LPC recruits from, interacts with and intermediates among different sectors of social interests through inclusionary and exclusionary corporatism.

As demonstrated previously, the LPC serves as a Party organ, so its corporatist strategies towards different social sectors remain highly consistent with the Party and the state as a whole. Therefore, to view how macro corporatist policies of the state applied to diverse social sectors will be necessary to the understanding of LPCs, I thus firstly examine corporatist strategies that state elites employ vis-à-vis different societal sectors, and how the LPC plays a role within them. Following this, I conduct comparative and contrastive analyses of different corporatist tendencies of political recruitment, interest articulation, policy formulation and implementation and how they are applied to a series of social sectors, trying to answer the core question raised earlier: how does the LPC control some class factions, such as peasants and workers, but subsidize others, such as businesspeople. Additionally, examples from the NPC will also be borrowed as supporting evidence and will provide a frame of reference. As illustrated before, although it is not key here to distinguish the difference between central and local state strategies, it is still of importance, because what the central state/NPC wants to incorporate based on
national policies is often different from what local state/LPCs actually incorporate according to local interests.

**Changing State-Society Relations in a Fragmented Society**

Under Mao’s totalitarian regime, ideological monism equates “interest intermediation among different social sectors” with “correct management of contradictions among the people”. 221 Mass campaigns put group interests’ articulation under the dominance of mobilization. Thus the state and the society were theoretically one. During the reforms of detotalitarization and economic liberalization in the post-Mao era went on, a variety of social forces were unleashed, and emerged/re-emerged and developed, which caused the formation of a new society and drove it away from the state. When ideological detotalitarization went further, cultural pluralism was re-evoked, which the leadership did not want, but as the economic reforms went deeper, the economy took off, and the leadership was unable to resist the pull of marketization. Therefore, a series of intermediary institutions of corporatism were set up to control pluralism to a limited extent, and these institutions purposefully incorporated certain sectors of social interest over others. As a result, stratified differentiation deepened, and a fragmented society came into being.

Here I look at four major societal circles: workers, peasants, businesspeople and intellectuals, to analyze historical development of each societal sector and evolvement of

---

the state’s corporatist policies towards it, focusing on the following questions: how/to what extent has certain state-group relationship changed during the process of reform? By what channels can social sectors voice grievances, demands, and interests? How does the state respond to interests of different societal sectors? And, most importantly, what role does the PC/LPC play in responding to societal sectors?

Workers

“Workers must lead everything!” — Mao

In the Maoist state socialism period, China’s working class enjoyed economic, social and political privileges compared to other classes: stable and secure salaries with lifelong employment were guaranteed; public housing, education and health care were provided; and active involvement in state politics and public affairs were encouraged. Workers’ voices were adequately expressed, their interests frequently reflected and rights fiercely defended. “Workers’ incomes and standards of living far exceeded those of farmers in the 1950s” and, more importantly, “levels of inequality between workers and managers and government officials were extraordinarily low in absolute terms”. Chinese workers were envied by other social occupations, including the class of cadres.

However, Deng’s reforms initiated in 1978 have slowly but steadily deprived workers of their prerogatives and have broken the configuration of industrial relations.

---

222 Although this slogan was first raised by Yao Wenyuan, it is famously found in Mao’s Quotations.


224 See e.g. Ibid. During the Great Leap Forward, many officials took smaller food rations than those allotted to workers.
On the one hand, a combination of liberalizing market policies, diversifying economic patterns and increasing economic growth not only brought a significant expansion of the working class, it also fragmented it.\footnote{Martin King Whyte, “The Changing Role of Workers” in Goldman & MacFarquhar, supra note 9 at 193 [Whyte].} Although workers were treated variously in different economic sectors, on average the social, economic and political status of the working class was declining. Jobs were no longer secure, and a great number of workers in state-owned units were laid off. Quality and availability of public goods decreased and became more costly due to inflation combined with the more or less stagnant working class income. Political resources and opportunities for workers were reduced. The quota allocation to workers at all levels of PCs diminished (as we shall see in Tables 6 and 7), protest leaders and activists were incorporated into the regime or incarcerated, and voices for workers in public comparatively were turned down.\footnote{Ibid.} As some scholars concluded, workers’ public participation was contained by the hegemony of both the market and the state.\footnote{Blecher, supra note 15.}

\textit{Table 6} Decrease of worker PDs in the NPC from 1978 to 2003

<table>
<thead>
<tr>
<th></th>
<th>5\textsuperscript{th} NPC 1978</th>
<th>6\textsuperscript{th} NPC 1983</th>
<th>7\textsuperscript{th} NPC 1988</th>
<th>8\textsuperscript{th} NPC 1993</th>
<th>9\textsuperscript{th} NPC 1998</th>
<th>10\textsuperscript{th} NPC 2003</th>
</tr>
</thead>
<tbody>
<tr>
<td>Workers</td>
<td>26.7%</td>
<td>14.88%</td>
<td>12.86%</td>
<td>11.15%</td>
<td>10.84%</td>
<td>10.31%</td>
</tr>
</tbody>
</table>

Source: Zhao Xiaoli.\footnote{Zhao Xiaoli, “gaijin renda daibiao mingie fenpai zhidu” (to improve the quota distribution of PCs) Zhongguo gaige (11 March 2008), online: CHINA ELECTIONS AND GOVERNANCE <http://www.chinaelections.org/NewsInfo.asp?NewsID=124155> [Zhao]; see also Chen, supra note 17 at}
Table 7 Decrease of worker PDs in County C CPC from 1981 to 1998

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Workers</td>
<td>43.3%</td>
<td>39.1%</td>
<td>35.5%</td>
<td>27.7%</td>
<td>23.2%</td>
<td>17.6%</td>
</tr>
</tbody>
</table>

Source: County C rendazhi.229

On the other hand, as the “most revolutionary class”, workers in China did not accept their “fall from grace” quietly.230 Unlike their counter-parts, the co-masters of the country, peasants, workers are lucky to still have their own organization, the All China Federation of Trade Union (ACFTU), even though it is mostly contained in a “state-corporatist mold”.231 Trade Unions, together with workers, have spearheaded a series of movements since 1978. Although two significant labour-related events (i.e. the Polish Solidarity movement during early the 1980s, and the Tiananmen protests in the late 1980s) enhanced the state elites’ constraints on labour, these protests pushed forward a series of Acts from both the NPC and LPCs.232 A Trade Union law was first passed in 1992, in which “‘work stoppages’ and ‘slowdowns’ are deemed to be legal”.233 A new Labour Law was drafted in 1994, in which basic labour rights were clarified, especially the right


229 Supra note 196.

230 Whyte, supra note 225 at 194.


232 Chan, “Revolution or Corporatism”, supra note 13.

of collective bargaining, procedures of capital-labour dispute-resolution were established, and a democratically elected Staff and Workers Representative Congress (SWRC) was also set up to legally supervise corporation managers and veto certain decisions.234 Later on in 2002, the Prevention and Treatment of Occupational Diseases Law and the Production Safety Law took effect to provide labourers with more protection.235 Most recently, two pieces of important legislation were enacted: the Employment Promotion Law and the Labour Contract Law, both of which show increasing inducements towards the working class.236 At the local level, a number of corresponding regulations have also been put forward. Take the PPC in Zhejiang, for example. From 2003 to 2008, four labour-related regulations were passed on labour security supervision, occupational diseases, work injury insurance and democratic enterprise management.237

In conclusion, although there have been a number of inducements laid out for workers, strategies towards the labour circle since 1978 have been more exclusionary than inclusionary.

---


237 Interviews of officials in Zhejiang PPCSC (April 2009); see also legislative proposals (2003-2008) of Zhejiang PPC.
Peasants:

“The People’s Republic of China is a socialist state under the people’s democratic dictatorship led by the working class and based on the alliance of workers and peasants.” 238 The peasant class, considered with the alliance of the workers as co-owners of the country, experienced similar, and even worse, treatment during the history of the People’s Republic of China. Ever since the Mao era, the state, as a powerful and autonomous actor, has penetrated into the most local levels of society, the villages. In 1950, the villages in China became “production brigades” (shengchan dadui), under which there were several production teams, and a certain number of production brigades consisted of a commune (gongshe). This newly formed organizational system took the place of peasants’ associations, through which peasants were incorporated into the regime and controlled until the 1980s. 239 Although peasants were not as privileged as their alliance in the Mao’s regime, their demands and interests are well represented and articulated via a series of institutionalized channels. 240

In the initial period of post-Mao reform, reformers implemented the Household Responsibility System (HRS) and still aimed to incorporate peasants’ interests. 241 However, a series of disparities and problems emerged within the agrarian sector and

---

238 Article One in both Constitutions, 1954 and 2004.


240 Peasants’ participation during the Maoist ages, see John Burns, “Political participation of peasants” in Falkenheim supra note 9 at 93-114.

241 Thomas P. Bernstein, “Farmer Discontent and Regime Response”, in Goldman and MacFarquhar supra note 9 at 204.
between the agrarian and other sectors as the reforms moved on. Peasants’ discontents arose accordingly, but channels for expression were so limited and the state’s focus was on other matters, such as the business sector, and thus responses to the agrarian circle from the state were relatively infrequent. Afterwards, nonparticipation of peasants in the Tiananmen demonstration assured the central leadership that the urban sector was the major source of China’s instability; this was another reason the state was distracted and ignored the needs of peasants. All of these factors led to the steady but dramatic decline of peasants’ political representation in PCs from the beginning of the reform period, which is shown in the following two tables.

*Table 8 Decrease of peasant PDs in the NPC from 1978 to 2003*

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Peasants</td>
<td>20.59%</td>
<td>11.69%</td>
<td>10.17%</td>
<td>9.4%</td>
<td>8.06%</td>
</tr>
</tbody>
</table>

Source: Zhao Xiaoli.

*Table 9 Decrease of peasant PDs in Yu’xi CPC in Yunnan Province from 1979 to 1993*

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Peasants</td>
<td>66.1%</td>
<td>58.67%</td>
<td>52%</td>
<td>53.7%</td>
<td>20.2%</td>
</tr>
</tbody>
</table>

Source: He.

---

242 *Ibid.* at 207-212. Such as territorial inequalities due to uneven development of rural industrial and commercial enterprises in different regions and local spending to agriculture decreased from 6% to 0.8%. See also Jonathan Unger, “Rich Man, Poor Man: The Making of New Classes in the Countryside”, in David S.G. Goodman & Beverley Hooper, eds., *China’s Quiet Revolution: New Interactions between State and Society* (Melbourne: Longman Cheshire, 1994) at 44.

243 See Zhao, *supra* note 228.

244 He, *supra* note 140.
Moreover, discrimination against peasants’ political participation is institutionalized. On the one hand, rural populations are unfavourably represented at all levels of People’s Congresses in written law clauses.\(^{245}\) 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.\(^{246}\) 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 draft of the Electoral Law amendment in 2009 finally aims to even the unequal vote between rural and urban residents, the long tradition of discriminatory representation of peasants has existed for half a century and will likely persist for some time. Furthermore, regardless of the changing ratios of peasant PDs and peasant population, the realities make the electoral result even more unfair. According to the NPC electoral guidelines, there should be one NPC PD per 960,000 rural people, but from Table 10, we see that, in practice, peasants are even more poorly represented in the already discriminatory institutional setting.\(^{247}\) Besides, due to the coalition between local cadres and businesspeople, peasants’ representation at LPCs is by no means better, which will be illustrated later.

Table 10 Number of peasant PDs—the gap between what ought to be and what is

<table>
<thead>
<tr>
<th>Total number of</th>
<th>6th NPC</th>
<th>7th</th>
<th>8th</th>
<th>9th</th>
<th>10th</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2978</td>
<td>2970</td>
<td>2978</td>
<td>2981</td>
<td>2985</td>
</tr>
</tbody>
</table>

\(^{245}\) Kevin O’Brien, “Villagers, Elections, and Citizenship”, in Goldman & Perry, supra note 9 at 213.

\(^{246}\) Ibid. at 217.

\(^{247}\) See also Cabestan, supra note 186.
<table>
<thead>
<tr>
<th>NPCPDs</th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Number “ought to be”</td>
<td>668</td>
<td>680</td>
<td>708</td>
<td>876</td>
</tr>
<tr>
<td>Number “is”</td>
<td>348</td>
<td>312</td>
<td>280</td>
<td>240</td>
</tr>
</tbody>
</table>

Source: Zhang, “Absence of Institutional Protection of Peasants’ Rights”.248

On the other hand, although they comprise the largest social circle in China, the peasants do not have an organized interest association of their own—the peasants’ association never recovered after the 1950s. Instead, an autonomous organization of Villagers’ Committees (VCs) was established at the grassroots level by the Organic Law of Villagers Committees in the late 1980s. However, notwithstanding that grassroots democracy is not well implemented, even if the VC is an autonomous, local self-governance institution, it still cannot connect villagers with higher-level policy making and resource allocation.

Furthermore, biased and uneven political participation of peasants, both directly and indirectly, causes more discrimination against them, such as limited freedom of movement, unfair distribution of public goods, enlarged gap in wealth distribution resulting from economic growth, disadvantages regarding employment, and unequal state compensation for rural populations, all of which leads to social injustice towards peasants.

When normal channels for the expression of demands and the release of grievances are


A note for table 10: According to the 6th to 8th NPCs, there should be one PD for every 1,200,000 rural people; according to the 8th to 10th NPCs, there should be one PD for every 960,000 rural people; the rural population is based on each year’s official statistics.
ineffective and often blocked, farmers turn to “abnormal” or violent means like protests and demonstrations at local levels to make themselves heard. However, the state’s responses to these actions are mainly coercive repressions, which re-consolidate the exclusionary corporatist strategies of the state towards the peasants.\textsuperscript{249}

Nonetheless, a turn of policies towards peasants since 1998 should be noted. The state brought forward the “three rural problems” (\emph{sannong wenti}—agriculture, villages and farmers) to increase agricultural productivity gains and improve village governance. State Council Document No.1 of each year is dedicated to rural problems in order to raise local cadres’ awareness of the seriousness of rural problems and develop a more coherent policy for the countryside.\textsuperscript{250} However, the decline of central control, insufficient financial capability of grassroots-level government, together with rampant corruption at the local level results in a very weak implementation of these documents, and thus poor accomplishment of these policy goals.\textsuperscript{251} As it is said: “‘the center decides policy, whereas local authorities devise counter-measures’ (\emph{shang you zhengce, xiayou duice}).”\textsuperscript{252} The situation in rural areas remains more or less as Document No. 1 states, “At present, agricultural and rural development are still arduously crawling uphill, basic infrastructure


\textsuperscript{250} Tony Saich, 2009 Web up-date for Governance and Politics Of China, online: <http://www.palgrave.com/politics/saich/docs/update1.pdf> [Saich, “Up-date”]; see also Tony Saich, \textit{Governance and Politics of China} (New York: Palgrave Macmillan, 2001) [Saich].

\textsuperscript{251} \textit{Ibid.} “One major problem for local governments is where will they now get their revenues from to fulfill centrally mandated but unfunded policy obligations?”.

\textsuperscript{252} Interviews of officials in CPCSC in County C (25 March 2009).
for agriculture is weak, rural social service development is backward and the contradictions of a widening urban-rural income gap remain stark.”

In conclusion, although in the Hu-Wen period, policies towards peasants approach being inclusionary and include a number of inducements, a combination of reduced capacities of central leadership, weak implementation of laws, and the coalition between local state elites and capital makes those changes not merely ineffective, but may even negate them. Generally speaking, corporatist strategies towards the peasants consist overwhelmingly of constraints, with very limited inducements, and the peasant circle is basically excluded from the political process and public affairs.

**Businesspeople**

“...The private sector of economy is an important component of socialist market economy. The state protects the lawful rights and interests of the non-public sectors of the economy, including individual and private sectors of the economy.” (The development of the Constitutions of China, including constitutional amendments, from 1954 to 2004, actually reflects the evolution of businesspeople’s social and political status in China.)

During the Maoist regime, although the united front policy required the state to cooperate with the national bourgeoisie, the state in the Maoist period successfully complied with the ideological principle of treating the bourgeoisie as class enemies. As the 1954 Constitution indicated: “The state aims to exploit, restrict and transform the

---

253 Saich, “Up-date”, supra note 250.

254 Constitution (2004 amendment), Article 11 (this translation of “The private sector of economy is an important component of socialist market economy” is made by the author based on the Chinese version of constitution to better reflect the change towards the private entrepreneurs than the official translation. For the official translation, see online: <http://english.people.com.cn/constitution/constitution.html> .
Capitalist Industry and Commerce, and to replace the private ownership with the public ownership”. 255 Not only did the state apply a Soviet-style economic system to control the allocation of all social resources, but it also launched a series of campaigns targeting capitalists in the New China, such as the “Three-Antis” and the “Five-Antis”, in order to “get rid of private interests altogether”. Chinese businesspeople had a tough and painful time until the death of Mao. 256

At the beginning of the post-Mao reform era, the constitutional amendment which redefined the private sector economy as “a complement to the socialist public economy”, together with Deng’s slogan “to get rich is glorious”, not only legitimized but also encouraged the development of the private economy. 257 The main purpose of the state transformed from class struggle to economic modernization, and businesspeople became important contributors. The 1988 constitutional amendment further consolidated the status of the private economy. After that, the social status of businesspeople rose substantially, and many years of exclusion and denigration were at an end. Eleven years later, the new constitutional amendment which described the private sector not as “a complement to the socialist public economy”, but as “an important component of


257 Constitution, supra note 34, Article 11; see also Guo, supra note 9 at 158.
socialist market economy”, together with Jiang Zemin’s proclamation to absorb private entrepreneurs into the CCP, indicated policies towards the circle of businesspeople changed completely from being exclusionary to being inclusionary.

“Entrepreneurs have a greater corporate identity, facilitated by the state’s corporatist strategy of creating business associations and co-opting successful businessmen into the CCP.” The All-China Federation of Industry and Commerce, together with a great number of other business and trade associations, express businesspersons’ voices to public-policy makers. As well, an increasing percentage of businesspeople elected as PDs to PCs facilitates private entrepreneurs’ increasingly active involvement in state affairs. During the 6th NPC in 1983, there were only two PDs from the private economic sector, while at the 9th NPC in 1999, there were at least 48. In local level PCs, businesspeople are more actively incorporated. Notwithstanding that there is no suggested quota for businesspeople in the composition of PDs, they are the ones most welcomed as PDs and actually make up a very high percentage of PDs. It has been reported that 956 members of the Association of Industry and Commerce in Wenzhou City were elected as PDs or members of Political Consultative Conferences (PCC) at all levels, while 1,065 private entrepreneurs were elected to PCs above the county level in Zhejiang Province in 2001. Moreover, according to my data and interviews, nearly 30% of all PDs in CPCs

258 Constitution (1999 Amendment), Article 11.
259 Guo, supra note 9 at 256.
260 Chen Zhao & Lu Ming & He Junzhi, “quanshi yu qiyejia canzheng yizheng” (Power and political participation of private entrepreneurs) Shijie jingji (1 July 2008), online: CHINA ELECTIONS AND GOVERNANCE <http://www.chinaelections.org/newsinfo.asp?newsid=156007> [Chen, Lu & He]; See
are businesspeople, and on average they contributed over 35% of all motions and suggestions in the annual plenary meeting in 2009.261 As the PCs have become more and more powerful, businesspeople in Zhejiang have even organized themselves informally to nominate their own candidates for elections in LPCs and LPCSCs in order to carry out more policies to benefit themselves.262

In the economic development context, the inclusionary corporatist strategy towards businesspeople is evident and has become remarkable, as both businesspeople and local officials understand that their interests are communal, and that what is good for business is also good for the local authority.263 LPCs, as institutionalized corporatist structures, have successfully incorporate businesspeople into the state apparatus and public affairs. And businesspeople, previously labelled as class enemies, have re-emerged as a significantly active social force. However, most of them are still heavily dependent on officialdom for further development, thus they generally prefer to maintain good relationships with officials rather than challenge the regime.264

To summarize, the corporatist strategies towards the new rich sector of society are predominately inclusionary, with high inducements and low constraints.

---

261 Interview of CPCSCs in Counties B and C (March 2009).
262 Kristen Parris, “The Rise of Private Business Interests” in Goldman & MacFarquhar, supra note 9 at 274.
263 Ibid. at 282.
264 Goldman & MacFarquhar, supra note 9 at 17.
Intellectuals

“The world is my responsibility”. Intellectuals are in a different category. In the eyes of the masses, intellectuals are distinctive because of their high level of political awareness while, in eyes of the state elites, intellectuals are different as they can provide valuable advice but make tremendous trouble at the same time. Here, intellectuals are treated not as members of an occupation but as a social circle enjoying unique corporatist policies.

Inheriting a lineage of the spirit of the Literati throughout Chinese history, intellectuals in China have always been actively involved in state affairs: some were drawn into the policymaking process through political patronages, while others were exiled as dissidents but continued to criticize government policies. This tradition continued in the People’s Republic of China. According to terms coined by Hamrin and Cheek, those who accepted patronage appointments could be labelled as “establishment intellectuals”, while dissidents could be described as “disestablished intellectuals”. During the Mao era, although intellectual pluralism emerged for a short time during the Hundred Flowers period (1956 to 1957), intellectuals were usually strictly contained and coercively silenced, and were required to carry out all sorts of mass campaigns and to remain proponents of ideological monism. After Mao’s death, intellectuals were re-

266 See generally, Timothy Cheek & Carol Lee Hamrin, eds., China's Establishment Intellectuals (New York: M. E. Sharpe,1986); see also Goldman & Esarey, supra note 153 at 49.
267 The Hu Feng case is one of the famous cases from that time. See Chun-Chan Yeh, “The Role of the Intellectual in China” (April 1989) 11:2 Third World Quarterly 143; see also Xie Yong, “1949-1976
taken into the Party establishment by Deng and his fellow reformers to help “rebuild the government devastated by Mao’s campaigns, reform the economy, and open the country to the outside world”\(^\text{268}\). With their efforts, citizens have acquired more personal and economic freedom, accompanied by relaxation of controls over non-political spheres\(^\text{269}\).

“Establishment intellectuals” associated with the reformist Party leaders have further enhanced citizens’ rights consciousness, developed ideological pluralism, and built a more open intellectual environment. Although the overwhelming majority of intellectuals follow directions of the leadership, a small faction of the well-placed periodically tries to question the regime\(^\text{270}\). For example, some “establishment intellectuals” disentangled from Party patronage, together with a group of “dissent intellectuals”, expressed a broad range of views challenging the Party’s authority, and demanded political reform within existing political institutions\(^\text{271}\). Unfortunately, they were finally expelled and forcefully suppressed, together with the purge of their patrons, Hu Yaobang in 1987 and Zhao Ziyang in 1989.

Afterwards, the regime applied a more sophisticated strategy to co-opt active intellectual elites into the “establishment” by subsidizing them with public discourse in

\[^{268}\text{Goldman & Esarey, supra note 153 at 63.}\]
\[^{269}\text{Ibid. at 52.}\]
\[^{270}\text{Merle Goldman, “Dissident Intellectuals in the People’s Republic of China” in Falkenheim, supra note 9 at 159.}\]
\[^{271}\text{See e.g. Goldman & Esarey, supra note 153 at 69.}\]
trade for their compliance with Party policy or mentality. However, the state placed a multiplicity of constraints on public activists and political dissidents who refused to join the “establishment”, placing restrictions on publicizing their views and even causing them to “disappear”.\footnote{Ibid, at 52.}

On the one hand, highly educated intellectuals, especially those affiliated with democratic parties, are prioritized in the nomination of candidates in People’s Congress elections. As indicated in the following two tables, intellectuals often make up a high percentage of members of PCPDs, both at central and local levels. Also, they contribute to a high quantity of motions and proposals.

\textit{Table 11} Percentages of intellectual PDs in the NPC from 1983 to 2003

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Intellectuals</td>
<td>23.54%</td>
<td>23.47%</td>
<td>21.79%</td>
<td>21.08%</td>
<td>21.14%</td>
</tr>
</tbody>
</table>


\textit{Table 12} Percentages of intellectual PDs and their proposals to CPCs

<table>
<thead>
<tr>
<th></th>
<th>County A</th>
<th>County B</th>
<th>County H</th>
<th>Average</th>
</tr>
</thead>
<tbody>
<tr>
<td>Intellectuals</td>
<td>15.5%</td>
<td>27.6%</td>
<td>13.6%</td>
<td>12.68%</td>
</tr>
<tr>
<td>Proposals</td>
<td>21.1%</td>
<td>42.3%</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Source: County A, B, Author; County H, He at 137; Average (up to 1998), Liu at 366.\footnote{See He, supra note 140; Liu, supra note 196.}

On the other hand, because intellectuals are “opinion leaders”, the state and PCs are quite cautious to those “unruly” dissents or activists outside the “establishment”. PCs
pay extra attention to those who “jumped out of the ballot box” and became PDs, controlling their proposals and supervisory activities, and preventing them from being re-elected as People’s Deputies. The case of Yao Lifa previously analyzed shows how activities of out-of-establishment PDs can be controlled, while the case of “John” in Fuyang CPC reveals how policies can change from inducements to constraints when someone fails to comply and leaves the “establishment”.

The high percentage of intellectuals at all levels of PCs suggests inducements and subsidies from the state, while the cases of Yao Lifa and “John” and the like imply constraints and punishments for intellectuals. To conclude, due to their influence in public discourse, corporatist strategies towards intellectuals are sensitive, with both high inducements and constraints. Among intellectuals, some insist on continuing to touch the nerves of the current regime, some comprise and accept the constraints put on them, while still trying to make a difference in “gray” areas, while still others trade their integrity for personal gain and become official state mouthpieces who direct the public.

**Comparative and Contrastive Analyses**

After generally reviewing corporatist strategies applied by the state to social sectors of workers, peasants, businesspeople and intellectuals, this part specifically explores how the LPC adopts a variety of combinations of “inducements” and “constraints” towards these societal sectors in representative recruitment, demands articulation, policy

\[275\text{ } \text{Ibid.}\]

\[276\text{ } \text{For other cases, see e.g. “Xu Zhiyong”, online: Wikipedia <http://en.wikipedia.org/wiki/Xu_Zhiyong>.}\]
formulation, and policy implementation in a comparative and contrastive pattern, based
on the analytic model created in the theoretical part to reveal how the LPC controls some
class factions but subsidizes others.

**Recruitment of People’s Deputies**

Bias in PD recruitment from different social circles is highly visible. Institutionally,
quotas of representatives to PCs are unevenly allocated to different social sectors in both
the Electoral Law and related regulations as indicated above which, to some extent,
reflect different corporatist strategies applied by PCs to various social sectors. For
example, as pointed out in Tables 3-5, 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, and so are Hong Kong, Macau and Taiwan residents on the mainland.277

More importantly here, local electoral directives and practices widen the already
uneven distribution of quotas, which allows certain social circles to be discriminatorily
represented and unfavourably recruited.278 Combining related electoral regulations and

---

277 Cabestan, *supra* note 186.


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-
specific social stratifications, PPCs usually design local electoral directives and guidelines to suggest a relatively “representative” quota allocation to various social occupations, such as workers, peasants, and intellectuals. 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, although 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 CPC, I found one of their tricks in calculating PD allocation data. Table 13 is directly taken from an election result work report made by the Committee of Deputy in the County B CPCSC on behalf of the Election Committee, in which we can see a nice fit between quotas of PDs from different social circles in the election result and suggested percentages of PDs of different social circles required by local electoral directives. However, based on Table 14, in which

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.

As indicted in Table 13, 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 circles are authoritatively selected by the state based on certain policy goals, but many other social groups are not included in this quota arrangement, such as some religious circles.

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).
actual compositions of peasants’ and workers’ PDs are disaggregated by the author with detailed personal information of each and every PD, we see how few spaces are actually occupied by peasants and workers, as most peasants PDs are actually cadres and TVE managers.\(^{281}\) 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 more than the number occupied by workers and 20 times more than the number occupied by peasants.

*Table 13 2006-2007 Election results in the work report of the Election Committee*

<table>
<thead>
<tr>
<th>Suggested percentages</th>
<th>Peasants</th>
<th>Workers</th>
<th>Intellectuals</th>
<th>Cadres</th>
<th>CCP members</th>
<th>Women</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>20%</td>
<td>25%</td>
<td>20%</td>
<td>25%</td>
<td>65%</td>
<td>20%</td>
</tr>
<tr>
<td>Actual percentage</td>
<td>21.4%</td>
<td>24.4%</td>
<td>27.6%</td>
<td>26.6%</td>
<td>75.6%</td>
<td>25.3%</td>
</tr>
<tr>
<td>Actual Amount</td>
<td>48</td>
<td>55</td>
<td>62</td>
<td>60</td>
<td>170</td>
<td>57</td>
</tr>
</tbody>
</table>

Source: County B CPCSC, Deputy Committee.\(^{282}\)

*Table 14 Disaggregation of the composition of different social strata*

<table>
<thead>
<tr>
<th>Peasants</th>
<th>Workers</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total Amount</strong></td>
<td>48</td>
</tr>
<tr>
<td><strong>Total Percentage</strong></td>
<td>21.4%</td>
</tr>
</tbody>
</table>

\(^{281}\) There is always a small contact booklet containing detailed personal information of PDs. I obtained this one from County B CPCSC.

\(^{282}\) The total number of PDs in CPC in County B is 225; there is one more item in the suggested percentages: 10% consists of “others”, which brings the total to 100%.
This discrimination of representation is common all over the nation, even in agriculture-dominated provinces. As an empirical study in Jiangxi Province indicates, real peasant PDs comprises 5.47% of the PPC, 0.92% of the MPC of Nanchang City, and 5.58% of the CPC of Yongxiu County. The situation for worker PDs is by no means better. For instance, they made up only 2.67% of the County B CPC in 2006, and only 0.4% of the Zhejiang PPC in 2001. 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 He’s empirical research conducted in Liu City in Guangxi Province, 17.33% of all 831 local 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 businessperson Deputies in both PCs and PCCs to businesspeople is nearly 1:5. However, if I apply the suggested ratio of rural PDs to rural population from the NPC Electoral Guidelines (2003), which says there should be

<table>
<thead>
<tr>
<th>Number</th>
<th>24</th>
<th>5</th>
<th>16</th>
<th>3</th>
<th>49</th>
<th>6</th>
</tr>
</thead>
<tbody>
<tr>
<td>Percentage</td>
<td>10.67%</td>
<td>2%</td>
<td>7.1%</td>
<td>1.3%</td>
<td>21.76%</td>
<td>2.67%</td>
</tr>
</tbody>
</table>

Source: Author. 283

283 Local cadres include Party, government and TPC 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.

284 Zhang, supra note 248.

285 Li Li, ed., Shiyiwu shiqi Zhejiang shehui zhuyi minzhu fazhi jianshe yanjiu (Socialist Democracy and Rule of Law in Zhejiang During the Eleventh Five-year Period) (Hangzhou: Zhejiang’ People’s Press, 2005) at 28 [translated by author] [Li].

286 Chen, Lu & He, supra note 260.
one PD for every 960,000 rural people, it is shocking to even estimate very roughly that the level of representation of businesspeople is 192,000 times higher than that of peasants. The ratio will be relatively better for workers, but workers are still extremely unfairly represented when compared to either businesspeople or intellectuals. What is also worth mentioning is that this unfair political recruitment extends to the Standing Committees, in which both intellectuals and businesspeople acquired some seats as part-time committee members, while this is impossible for peasants or workers under current circumstances.

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. 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. Another popular and interesting label,

---

287 Intellectuals enjoy more or less the same percentage of PDs in PCs, and the same level of population.
288 It happened in both Zhejiang and Jiangsu PPCSC, interviews of officials in Zhejiang PPCSC (7 April 2009).
289 Pei, supra note 27 at 15; see also Tanner, “The National People’s Congress”, supra note 17.
290 See CCP Constitution, supra note 149.
“Innocent Maiden (wuzhi shaonv)”, also reflects which groups of people are more likely to be selected as officials and get promoted, including non-Communist Party members, intellectuals, ethic minorities and women. Both examples show 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 were more “rational” and “realistic” in the post-1989 era, and became “the beneficiaries of the reform”.291 Most of them are generally supportive of the current regime and agree that “China’s unity, stability, prosperity, and democracy depend on the party leadership”.292

Businesspeople are preferred because there is a reciprocal 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, which is good for both reputation and business.293 Furthermore, the legislative immunity of PDs is a very attractive “protective umbrella” for those businesspeople conducting illegal trade.294 And, thus, on the other hand, some local governments use the identity of PD to attract or keep businesspeople, together with their enterprises, and more importantly, their taxes and investments. The following is a famous Chinese case that explains this reciprocity between LPCs and businesspeople. The Liang

291 Guo, supra note 9 at 142-148.
292 Ibid.
293 Interviews of deputies in CPCSC in County A and C (March 2009).
294 Deputy Law, supra note 107, Article 30.
Guangzhen case does reflect legal loopholes, but more importantly, it reveals how the trade between local economic interests and businesspersons’ legislative immunity is conducted in LPCs. 295

Case: A Tale of Two Cities: “Double representation, double protection” 296

Liang, a successful businessman and billionaire in Yun’fu City (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 People’s Deputy in Yun’fu City MPC, the Procuratorate reported to the Standing Committee in Yun’fu and got approval to take Liang into custody. However, Liang also served as the PD in Baise City (municipal level), Guangxi Province, and the standing committee of Baise MPC intervened, strongly claiming that their ratification was also necessary to arrest Liang and bring him to trial. Facing two MPCSCs at odds, the Procuratorate was at a loss, and the case got stalled.

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

Interest Articulation and Policy making

However, as some scholars may argue, peasants’ representatives do not have to be peasants, because intellectuals can speak for peasants, and businesspeople can act for workers. 297 This is logically correct and actually happens sometimes, but there are some natural disparities and fundamental conflicts among different social occupations, such as

---

295 Fixing this loophole is also one major concern in the 2009 draft of the Electoral Law amendments.

296 The Liang Guangzhen case, see “Yiwan fuwen fanzui, yin shenjian liangdi renda daibiao,anjian bei geizhi” Jiancha ribao(2 June 2008), online: Xinhua Net <http://news.xinhuanet.com/legal/2008-06/02/content_8300052.htm>.

the tension between the circles of labour and capital. In fact, although all channels of political demand expression are controlled by the PCs, how legislators are chosen does affect the extent to which demands of certain groups will be voiced and then impact policy formulation.\textsuperscript{298} At each level of PCs, I can see discriminations in both demand-expressing and policy-making against the weakly represented.

When checking the legislation database of the NPC online, I found an interesting comparison between labour-related and business-related legislation: only 17 statutes and resolutions on state regulations are concerned with labourers’ rights, while 118 are concerned with business and the economy.\textsuperscript{299} Evidence is found coincidentally at local levels. Both Tables 15 and 16 indicate how PCC legislation is preferentially concerned with economic affairs. Although economic legislation does not only concern businesspeople, it is not difficult to sense the lack of parity in public policy formation.

\textit{Table 15} Percentage of economic statutes in local legislation (1979-1990)

<table>
<thead>
<tr>
<th>Province</th>
<th>Zhejiang</th>
<th>Jilin</th>
<th>Shanxi</th>
<th>Jiangxi</th>
</tr>
</thead>
<tbody>
<tr>
<td>Percentage</td>
<td>52.2%</td>
<td>56.0%</td>
<td>45.2%</td>
<td>48.0%</td>
</tr>
</tbody>
</table>

Source: Xia (extraction).\textsuperscript{300}

\textit{Table 16} Percentage of economic statutes in total legislation (1993-1999)

<table>
<thead>
<tr>
<th>Province</th>
<th>Heilongjiang</th>
<th>Jiangsu</th>
<th>Guangxi</th>
<th>Hubei</th>
</tr>
</thead>
<tbody>
<tr>
<td>Percentage</td>
<td>69%</td>
<td>55%</td>
<td>60%</td>
<td>58.4%</td>
</tr>
</tbody>
</table>

Source: Xia (extraction).\textsuperscript{301}

\textsuperscript{298} Motions 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, Villagers, Elections, and Citizenship, in Goldman and Perry \textit{supra} note 9 at 218.

\textsuperscript{299} “Wenxian ziliao” (Law and Regulations of the NPC) (12 November 2009), online: National People’s Congress Website <http://www.npc.gov.cn/npc/xinwen/newwxzl.htm>.

\textsuperscript{300} Xia, “The People’s Congresses and Governance in China”, \textit{supra} note 17 at 181.
Furthermore, two case studies also reflect the odds. The case of local legislation of labour contract regulation in Shanghai PPC reveals PPCSC preferences within the process of interest intermediation in policy formulation, while the motions and suggestions proposed to the plenary session in County C CPC confirm the relationship between the shortage of worker PDs and the shortage of demands. In short, unequal recruitment of PDs is relevant to unequal accessibility of political demand articulation and unequal capability of influence in public policy formation.

Case: Local Legislation of Labour Contract Regulation in Shanghai PPC  

When the Shanghai PPC enacted the Labour Contract Regulation in 2001, there were severe conflicts among relevant social groups, because this local regulation closely related to certain societal interests: both labourers and businesspeople could be seriously affected depending on how the law was enacted. Therefore, the Shanghai General Trade Union and business-related associations in Shanghai, including the Shanghai Federation of Industry and Commerce and certain Trade Associations got involved and tried to steer the lawmaking to reflect their interests. Similarly constructed committees in the Shanghai PPCSC played the role of mediator.

There were three rounds of fight on several primary conflictual issues in the lawmaking process. The first round was concerned with the aim of the regulation. The labour side insisted that the regulation’s primary goal should be to “safeguard the lawful rights and interests of labourers”, while the business side claimed the regulation should be better defined to “safeguard the lawful rights and interests of both parties to the labour contract”. The result was that 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 in the regulation, while the business side obviously did not. Again, the business side won. The third round was about whether trade unions could interfere with labour contracts. Finally, the labour side won this round. However, as is known to all, labour unions within companies were not independent or powerful enough to substantially intervene.

301 Ibid. at 182.

302 See full story, Cho, supra note 17 at 32-36 (Extraction due to space limitation).
Other than these three major conflicts, it is also noted that during the whole law drafting process, the PPCSC and the Trade Union severely clashed. As one union leader claimed, the drafting team in the PPCSC took sides with the business sector and the draft was made to generally accord with the demands of the business circle.

To conclude, we shall read preferential leanings of the Shanghai PPCSC in the processes of interest intermediation and conflict mediation. As mentioned above, the percentage of worker PDs in the PPC in Zhejiang is only 0.4%, while entrepreneurs make up more than 16%. Although no exact data of those in the Shanghai PPC has been collected, it will not likely be much different from the data relating to its neighbourhood, which shares similar socio-economic contexts. Therefore, this case roughly re-affirms the connection between unfair representation and unequal interest input and, finally, biased policy output.\(^{303}\) However, it is also worth mentioning that, although the PPC reflects biases privileging capital over labour in this case, the relationship between the PC and relative mass organizations is positively cooperative, which means, as stated before, that workers are relatively lucky to have the Trade Union, while the peasants have nothing.

**Case: Motions and Suggestions in County C CPC, 2009**\(^{304}\)

During the CPC 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 17, industry- and commerce-

\(^{303}\) Li, supra note 285 at 28.

\(^{304}\) Interview of officials in County C CPCSC (21-13 March 2009).
related proposals consist of more than half of all proposals, while only one-twentieth of proposals are labour-related.

Table 17 Motions and suggestions from different societal sectors in County C CPC

<table>
<thead>
<tr>
<th>Number</th>
<th>Industry, construction and commerce-related</th>
<th>Agriculture and Peasants-concerned</th>
<th>Labour issues</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number</td>
<td>(71+41+32=144)</td>
<td>39</td>
<td>14</td>
</tr>
<tr>
<td>Percentage</td>
<td>51.4%</td>
<td>13.9%</td>
<td>5%</td>
</tr>
</tbody>
</table>

Source: Author.\(^{305}\)

From this case from the CPC in County C, besides the unequal emphases on economic and labour issues, disadvantages of demand representation for peasants can not be denied. In an agriculture-based county like County C, where the majority of the population is rural, peasant PDs take only 11% of all seats, while proposals on farming and agriculture consist of less than 14% of all proposals, which re-confirms that the shortage of peasants PDs is relevant to the shortage of “proposals” related to peasants.\(^{306}\)

The brief description of institutionalized discrimination in laws and regulations against peasants stated above is worth more detailed elaboration, which can also demonstrate how weak interest representation can lead to biased legislation and policy formulation. Firstly, the household registration system divides the Chinese population into two groups of “rural identity” and “urban identity”, and unconstitutionally restricts the freedom of movement of peasants.\(^{307}\) Secondly, this dualistic social structure also unevenly distributes public goods, such as education and public health care. As one scholar warned, “discrimination against rural areas, combined with marketization, means

\(^{305}\) Ibid.

\(^{306}\) Ibid.

\(^{307}\) See Household Registration Ordinance, 1958.
that villagers must pay a disproportionate share of infrastructure expenses for virtually every social service they receive.”308 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 exactly the same amount and quality of work. Moreover, peasants are not protected by the Labour Law and Labour Contract Law, are not secured by the minimum standard of living (dibao), and do not even enjoy equal compensation for personal injury (tongming bu tongjia).309 It is not merely that these institutional norms seriously discriminate against peasants, but “manipulations of policies in the course of implementation” at local governance levels make it even worse.310

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


309 See Gong Renren, “Buqizhi yuanze he zhongguo nongmin quanli” (The Principle of Non-discrimination and Peasants’ Rights in China) in Yi quanli wei jichu cujin fazhan (Development Based on Rights) (Beijing: Beijing University Press, 2005) [translated by author].

310 Oi, “State and Peasant”, supra note 239 at 228.
Policy Implementation

There are always gaps between law-making and law implementation in China, especially those between central policies and local practices. Biases towards different social sectors are also reflected in the PCs’ selection of laws and regulations for implementation supervision, but this time with preferences given to the weak—peasants and workers. However, here bias is mainly against local cadres. 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. In recent years, local People’s Congresses grew up to be a supervisory powerhouse, which assists implementation of central and local regulations via a series of supervisory methods, of which the law enforcement examination is the most frequently used.311

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.312 As a result, economic developments are achieved at the cost of social stability and regime legitimacy. Therefore, these weakly implemented and deliberately ignored policies are often selected by the Party leadership

311 Cho, supra note 17, Chapter 3 and Chapter 4.
312 As mentioned above: local authorities always devise counter-measures to deceptively fulfill central policies.
as target laws/regulations for LPCs to examine so as to contain certain local misconduct. For example, in 2003, based on instructions from the Party committee, the CPC in County C conducted law enforcement examinations of the Production Safety Law, the Labour Law, the Law and Regulations on the Protection of Rights and Interests of the Elderly, and the Regulation on Forestry Protection. And, in the 2009 supervisory plan of the PPC 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.

However, 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 polices, or even be determined by the Party. One 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 legal authority to urge the government to fix those shortcomings. In short, 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.

Some Concluding Figures

Based on all empirical analyses above, I have filled Table 18 with criteria summarized in the analytic model, in which businesspeople and intellectuals enjoy advantages in PD recruitment over peasants and workers, with regard to both the LPC and the LPCSC. 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 peasants and workers than for industry and commerce. However, although quotas of PDs among peasants and workers can be considered as being equally low, workers’ interests are better represented than those of peasants, because workers’ demands can be expressed via another channel: the Trade’s Union, with which the LPC works closely. Finally, even though preferences of policy implementation supervision are given to peasants and workers, this does not change the overall policy of constraint applied to them. In comparison to peasants and workers, businesspeople and intellectuals mostly enjoy a policy of inducement.

Table 18 A contrasting pattern of the comparative analysis of corporatist strategies

<table>
<thead>
<tr>
<th></th>
<th>Peasant</th>
<th>Worker</th>
<th>Businesspeople</th>
<th>Intellectual</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. PD Recruitment</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1) PCPD</td>
<td>Unfavourable</td>
<td>Unfavourable</td>
<td>Favourable</td>
<td>Favourable</td>
</tr>
<tr>
<td>2) PCSC members</td>
<td>Unfavourable</td>
<td>Unfavourable</td>
<td>Favourable</td>
<td>Favourable</td>
</tr>
<tr>
<td><strong>2. Interest Articulation</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1) PDs—motions and suggestions</td>
<td>Unfavourable</td>
<td>Unfavourable</td>
<td>Favourable</td>
<td>Favourable</td>
</tr>
<tr>
<td>2) Relationship with mass organizations</td>
<td>non-exist</td>
<td>Favourable</td>
<td>Favourable</td>
<td>Favourable</td>
</tr>
<tr>
<td><strong>3. Policy Making</strong></td>
<td>Unfavourable</td>
<td>Unfavourable</td>
<td>Favourable</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>4. Policy Implementation</strong></td>
<td>Preferences (towards local cadres)</td>
<td>Preferences (towards local cadres)</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Source: Author

In Figure 10, below, I use a graph to represent the relationship between the 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” all indicate high constraints but low inducements are put on peasants. The circle of workers is placed next to the peasants’ circle. Workers enjoy a few more inducements, as the Trade Union provides extra inducements 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. 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 of the business sector.
By further grouping these combinations of policies of inducement and constraint with these four social circles 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 10** A variety of corporatist tendencies towards different societal interest sectors (source: Author).

---

**Figure 11** Two poles on the spectrum of state corporatism (source: Author).

---

313 P is short for peasants; W for workers; B for businesspeople; I for intellectuals; the size of the ball represents the size of the population of certain sectors.
All in all, after analyzing micro-criteria of inducements and constraints in PD recruitment, interest articulation, policy making and implementation, as well as macro-typologies of inclusionary and exclusionary corporatism, this part distinguishes corporatist policies and strategies applied by the LPC towards functionally differentiated social sectors, which not only demonstrates that the role of the LPC in shaping the relationship between the state and society is corporatist, but also locates the LPC in the overall institutional arrangement of state elites for corporatist interest representation.
Concluding Reflections

Corporatist Legislature and Local Governance

This study began 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 in order to examine the role of the Local People’s Congress in structuring and shaping state-society relations from the perspective of corporatism. After briefly reviewing the history, administrative hierarchy and previous studies of Chinese legislatures, I proposed the new theoretical approach of using corporatism to study the political role of the LPCs in authoritarian China. Applying classical definitions of corporatism, I connected the formulation and operation of the LPCs with corporatist characteristics to re-define this representative system as a corporatist institution, and also to apply Schmitter’s definitional model more broadly to higher-level representative assemblies. Subsequently, theoretical disaggregation of inclusionary and exclusionary strategies of corporatism, together with measurements of corporatist policies of inducements and constraints, were developed into an analytic tool for an internal comparative study of different corporatist tendencies of the PC towards different societal sectors.

With the extended conceptual framework and customized analytical model of corporatist legislature, this thesis followed the formula of the state, the legislature and the society to compare and contrast corporatist policies and strategies state elites used with
selected social sectors of workers, peasants, businesspeople and intellectuals via the LPC. Empirical evidence was used to show how the state penetrates into this representative body via institutional, organizational and bureaucratic methods, and further controls the local legislature in both its formulation and operation. On the other hand, the evidence showed how the local legislature unequally incorporates different social forces into public affairs via biased strategies in PD selection, interest articulation, policy making and implementation.

With the LPC as the observation subject, I found corporatist elements in the institutional design and functional operation of People’s Congresses and re-confirmed corporatist features of Chinese state-society relations in the current transitional era. With corporatism as my theoretical guide, I explored a new viewpoint and came to a fuller understanding of the political role of the local legislature in China, which is to structure and shape relations between the state and societal sectors.

To generally summarize, although there were a number of limitations of this research, several theoretical, empirical and methodological goals were achieved.

From the theoretical perspective, the classical conceptual model of corporatism and its empirical application was expanded. In order to describe how the Local People’s Congress shapes state-society relations in China, this thesis borrowed classic theoretical frameworks of corporatism and attempted to extend them by applying them to higher-level representative assemblies, using the Chinese local legislatures as a case study.
From the empirical perspective, diverse corporatist tendencies of the LPC towards different social circles were briefly explored. A comparative and contrastive model was tailored, based on the developed conceptualization, and two other elaborate analytic tools of corporatism, to examine four major social sectors in current China — workers, peasants, businesspeople and intellectuals — and to demonstrate the various corporatist polices applied to them by the state via the LPC. A conclusion was that the corporatist legislature applies biased strategies towards different social forces in structuring relations between the state and societal sectors, based on certain policy goals and intents of state elites. In addition, primary empirical resources of both LPCs and CPCs also enriched and updated current works on local People’s Congresses in China.

From the methodological perspective, a new approach to legislative studies in China was roughly sketched and put forward for further discussion. In traditional legislative development analyses, the legislature is deemed as an important and independent player in the task of state-building. However, from the perspective of state-society relations, the legislature is just one state apparatus or Party organ designed for certain policy goals. Therefore, the Party-state, the People’s Congress and society as a whole are connected by a formula which reflects the basic logic of corporatist arrangements for structuring state-society relations in China: the state elites control political recruitment, interest articulation, policy formulation and implementation from/for diverse societal circles via the PC.
Due to all kinds of constraints, there are several limitations of this thesis or, to put it another way: unaccomplished goals. First, empirical research was only conducted in three randomly picked counties in one province, Zhejiang, which is a very unique case in a relatively better off area on the east coast of China. A more comprehensive empirical study of CPCs or LPCs in other provinces will draw a more accurate picture of a corporatist legislature.

Second, the social sectors I selected here are both too limited and too vast. They are limited, on the one hand, because there are a variety of other significant societal circles not included, such as women, migrant workers, petitioners, ethnic minorities and the like. To add them in would definitely enrich the comparative and contrastive analyses of corporatist strategies the PC has applied to shaping relations between the state and societal sectors. The social sectors are vast, on the other hand, because within certain major social sectors 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 circle of businesspeople as an example. The interests of domestic entrepreneurs and international capitalists are often in conflict, while private businesspeople and managers of state corporations sometimes pursue conflictual interests. Therefore, more subtle comparative and contrastive studies of different corporatist policies applied to those more disaggregated interest sectors would be of value.
Thirdly, the journey of finding corporatist features in an authoritarian regime should not be limited to the legislature. If the legislature can be corporatist, so can the court. In other words, the logic of increasing the theoretical inclusiveness of corporatism can also be extended to other legal institutions, such as the court, which can also be corporatist, or can at least carry certain corporatist features, in the statist authoritarian context.³¹⁴ It is both feasible and rewarding to explore corporatist behaviours of the court in authoritarian regimes. It would also be interesting, for example, to investigate how courts selectively apply legal clauses, and swiftly adopt laws and policies, when facing cases from diverse societal circles. It is also of value to explain the gap between “law text” and “law implementation”, as well as the gap between “public transcripts” and “hidden transcripts”.

Finally, cross-national/regional comparative and contrastive analyses are also applicable under this theoretical model, such as those among corporatist legislatures in Taiwan, South Korea and Japan.³¹⁵ Furthermore, based on the definition of “corporatist legislature” as a system of hierarchically ordered representative institutions designed to recruit representatives and intermediate interests among constituent units catalogued by the state elite into a limited number of singular, quasi-competitive, and functionally

---


³¹⁵ Legislative Yuan (Legislative assembly) in Taiwan embodied corporatist features in delegate recruitment during certain periods, and so do those in Japan and South Korea to some extent. See Chan & Unger, supra note 13, 1995; re corporatism in Japan, see T.J. Pempel & Keiichi Tsunekawa, “Corporatism without labor? The Japanese Anomaly” in PC Schmitter & G Lehmbruch, eds., Trends Toward Corporatist Intermediation (London: Sage 1979); re corporatism in South Korea, see Moon Kyu Park, “Interest Representation in South Korea: The Limits of Corporatist Control” (1987) 27:8 Asian Survey 903.
differentiated tangible or intangible groups, and to formulate public policy and assist policy implementation based on a authoritative interests/demands articulation via selective inclusionary or/and exclusionary processes, I further suggest a very preliminary typology of communist, corporatist and parliamentary legislature, which might add one more dimension to cross-national/regional comparative and contrastive analyses of legislatures. As shown in the following table and figure, these subdivisions of legislature based on different representational approaches of interests could be both theoretically applicable and empirically operational for cross-national/regional comparative and contrastive analyses, but this thesis is much too short to comprehensively explore them.

After all, it is an immodest goal to try to connect corporatism with legislative studies, and this paper only makes a very modest contribution in that regard.

*Table 19* A tentative typology of legislatures

<table>
<thead>
<tr>
<th>Regime Type</th>
<th>Communist Legislature</th>
<th>Corporatist Legislature</th>
<th>Parliamentary Legislature</th>
</tr>
</thead>
<tbody>
<tr>
<td>Representative Recruitment</td>
<td>Totalitarian</td>
<td>Authoritarian</td>
<td>Liberal democratic</td>
</tr>
<tr>
<td></td>
<td>Non-competitive, ideologically selective</td>
<td>Non-competitive or semi-competitive, primarily functional, supplemented by territorial</td>
<td>Competitive, primarily territorial, supplemented by functional</td>
</tr>
<tr>
<td>Demand articulation</td>
<td>Monist</td>
<td>Limited pluralist</td>
<td>Pluralist</td>
</tr>
<tr>
<td>Law/policy formulation</td>
<td>Only to legalize political policies of the leadership, as a “rubber stamp”</td>
<td>Based on cooperation, but sides chosen among societal sectors</td>
<td>Based on competition among different interest groups, via electoral procedures</td>
</tr>
<tr>
<td>Law/policy implementation</td>
<td>Selected according to ideology and state elites’ needs</td>
<td>Selected according to state policy goals</td>
<td>The independent judiciary</td>
</tr>
</tbody>
</table>

Source: Author
Another question worth asking is how does this institutional arrangement of corporatism actually affect the quality of governance and bring state-society relations closer to the ideal of “greater harmony”?

If macroscopically concluding the evolvement of corporatist tendencies towards these four social forces from the state as whole (PCs’ attitudes included), we shall very generally see different traces of changes of combined strategies of inclusion and exclusion of workers, peasants, businesspeople and intellectuals from time to time. As illustrated in the following tendency chart (Figure 13), during the years before and after the foundation of the People’s Republic of China, each and every societal sector was included in the state apparatus in order to rebuild a new nation. However, during the Maoist era, workers and peasants were incorporated, while intellectuals and businesspeople suffered all sorts of mass campaigns against them. When it came to the reform period under Deng, the tide turned: previous class enemies were welcomed into public affairs, while the “co-owners” of the state were steadily excluded. This carried on throughout the transitional epoch, except that the 1989 movement made the leadership more cautious of the intellectual sector.
**Figure 13** Macro historical evolvement of the state elites’ strategies towards different social sectors (source: Author).

This tendency chart is very roughly drawn based on general changes of strategies towards different social sectors at key time junctures since the foundation of the PRC to reflect only a macro-trend. Nonetheless, it should be apparent from the chart that some new trends of corporatist strategy have appeared during the Hu-Wen administration. On the one hand, liberal democracy is still resisted by the state, while the leadership tries to find alternative values from Confucius, such as “to build up a harmonious society”, which resonates with the spirit of corporatism quite well. Therefore, active intellectuals,
especially liberalists, are still under strict constraints. Other than in academic journals, dissident opinions scarcely published in mass publications and rarely appear in the public eye. On the other hand, the high priority placed on economic development has been shifting to a balance between economic development and social governance. Due to mounting public discontent and social protests resulting from increasing gaps between rural and urban areas, rich and poor, cadres and the masses, the state has been granting more inducements to the weak and poor.\footnote{316} For example, more emphasis is now placed on helping migrant workers than on helping their urban counterparts; institutional disparities in laws and regulations are under review; while more peasant-workers are incorporated into both the Trade Union and all levels of PCs.\footnote{317} Additionally, environmental protection has also begun to generate more attention, and LPCs and LPCPDs have gotten more actively involved in environmental governance and dispute resolution.\footnote{318} Furthermore, recently promulgated laws, such as the Labour Contract Law and the Employment Promotion Law adjust the balance between labour and capital with

\footnote{316} It is reported that every 4.5 minutes there is a mass protest happening somewhere in China. See Guo Daohui, “Zhongguo fazhi yu zhongguo gaige de shehuidongli” Taipingyang xuebao (14 November 2009), online: China Elections and Government <http://www.chinaelections.org/newsinfo.asp?newsid=161042>.\footnote{317} Regarding migrant workers joining in the Trade Union, see “Nongmingong jiaru gonghui shlishixing jinbu” Nanfang doushibao (25 September 2003), online: Xinhua Net <http://news.xinhuanet.com/comments/2003-09/25/content_1099118.htm>.


\footnote{318} See Wang & Wang, supra note 164.
an inclination to the labour side.\textsuperscript{319} Most excitingly, the most recent Electoral Law amendment draft aims to make peasants’ votes equal to those of everyone else.

However, divergences in interests pursued between central and local states make localities unable to effectively enforce those policies and unwilling to head in the same direction. The most recent example is a local notification made by the Shenzhen government to control letters and visits, in which punishments for petitioners even included imprisonment. It is deemed as an obvious violation of both the Regulation on Complaint Letters and Visits and the Constitution.\textsuperscript{320} Besides, the coalition between capital and power at local level states is still firm. The case of \textit{Liang Guangzhen} is a good proof. Finally, mass protests, such as the Wen’an Event in Guizhou Province, the Menglian Event in Yunnan Province and the Dongyang Event in Zhejiang Province, are still coercively suppressed for social stability. In short, at local levels, social discontents are not resolved peacefully but are rather still responded to with violence.

To answer the above question briefly, there is still a long way to go to fill gaps between central policies and local practices, between legal texts and social justice, and between disharmony and harmony.


Selected Bibliography

ENGLISH


Brook, Timothy, and B. Michael Frolic, eds. Civil Society in China (New York: M.E. Sharpe, 1997).


Chen Jie, and Yang Zhong. “Why Do People Vote in Semicompetitive Elections in


———. “Symbiotic Neighbour or Extra-Court Judge? The Supervision over Courts by Chinese Local People's Congresses” (2003) 176 China Quarterly 1068.


Hamrin, Carol Lee, and Timothy Cheek. *China's Establishment Intellectuals* (Armonk,


Kjeld, Erik Brødsgaard, and Yongnian Zheng, eds. *Bringing the Party Back In: How*
China is Governed (Singapore: Eastern Universities Press, 2004).


Lee, Tahirih V. Law, the State, and Society in China (New York: Routledge, 1997).


———. *The National People’s Congress: Continuity and Change in Chinese Legislative Politics*, (Thesis (Ph. D.), Yale University, Department of Political Science, 1987 [unpublished].


———. *State and Peasant in Contemporary China: The Political Economy of Village*


Oscar, Almén. Authoritarianism Constrained: Role of Local People’s Congress in China (Sweden: Department of Peace and Development Research Goteborg University, 2005).


Townsend, James R. The Revolutionization of Chinese Youth; a Study of Chungkuo
ch'ing-nien (Berkeley: Center for Chinese Studies, University of California, 1967).


———. Corporatism and Comparative Politics: The Other Great “Ism” (Armonk, NY: M.E. Sharpe, 1997).


Legislation:

Constitution of the People’s Republic of China, 1954
Constitution of the People’s Republic of China, 1982
Electoral Law of the People’s Republic of China on the National People’s Congress and Local People’s Congresses, 1979
Organic Law of the Local People’s Congresses and Local People’s Governments of the People’s Republic of China, 1979
Law of the People’s Republic of China on Deputies to the National People’s Congress and to the Local People’s Congresses at Various Levels, 1992
Trade Union Law of the People’s Republic of China, 1992
Labour Law of the People’s Republic of China, 1994
Production Safety Law of the People’s Republic of China, 2002
The Common Program of the Chinese People’s Political Consultative Conference, 1949

Secondary materials:


Chen Zhao and Lu Ming and He Junzhi, “quanshi yu qiyejia canzheng yizheng” (Power and political participation of private entrepreneurs) Shijie jingji (1 July 2008), online: CHINA ELECTIONS AND GOVERNANCE <http://www.chinaelections.org/newsinfo.asp?newsid=156007>.

He Junzhi. zhidu dengdai liyi: xianji renda zhidu chengzhang moshi yanjiu (Chongqing: Chongqing chubanshe, 2005).

Liuzhi et al. eds. Shuju xuanju—renda daibiao tongji yanjiu (Data of Elections—statistical research of People’s Deputy) (Beijing: China Social Science Press,

Li Li, ed. Shiyiwu shiqi Zhejiang shehui zhuyi minzhu fazhi jianshe yanjiu (Socialist Democracy and Rule of Law in Zhejiang During the Eleventh Five-year Period) (Hangzhou: Zhejiang’ People’s Press, 2005).


Wu, Guoguang and Zheng Yongnian. Lun zhong yang - di fang guan xi : Zhongguo zhi du zhuan xing zhong de yi ge zhou xin wen ti (Hong Kong: Niujin da xue chu ban she, 1995).

Xie Yong. “1949-1976 Nianjian zhongguo zhishi fenzi ji qita jieceng de zisha wenti” (Suicide of Intellectuals in the Maoist Era), online:


Some useful websites:

China Elections and Governance at http://www.chinaelections.org/  
Institute of Election and People’s Congress System Research in Fudan University at http://www.fepc.org.cn/  
Centre for People’s Congress and Foreign Legislature Study in Peking University at http://www.e-cpcs.org/  
Website of People’s Deputy at http://www.rmdbw.gov.cn/  
The World and China Institute at http://www.world-china.org/  
Zhejiang PPC Home at http://www.zjrd.gov.cn/  
NPC Home at http://www.npc.gov.cn/
## Appendix 1

List of Abbreviations

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>CCP</td>
<td>Chinese Communist Party</td>
</tr>
<tr>
<td>PC</td>
<td>People’s Congresses</td>
</tr>
<tr>
<td>SC</td>
<td>Standing Committee</td>
</tr>
<tr>
<td>PCSC</td>
<td>People’s Congress Standing Committee</td>
</tr>
<tr>
<td>NPC</td>
<td>National People’s Congress</td>
</tr>
<tr>
<td>LPC</td>
<td>Local People’s Congress</td>
</tr>
<tr>
<td>PPC</td>
<td>Provincial-level People’s Congress</td>
</tr>
<tr>
<td>MPC</td>
<td>Municipal-level People’s Congress</td>
</tr>
<tr>
<td>CPC</td>
<td>County-level People’s Congress</td>
</tr>
<tr>
<td>TPC</td>
<td>Town- and Township-level People’s Congress</td>
</tr>
<tr>
<td>PD</td>
<td>People’s Deputy</td>
</tr>
<tr>
<td>PLA</td>
<td>People’s Liberation Army</td>
</tr>
<tr>
<td>VC</td>
<td>Village Committee</td>
</tr>
<tr>
<td>TVE</td>
<td>Town and Village Enterprise</td>
</tr>
</tbody>
</table>
Appendix 2

List of Interviews

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