

# From “Rubber Stamps” to “Iron Stamps”: The Emergence of Chinese Local People’s Congresses as Supervisory Powerhouses\*

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**ABSTRACT** This article analyses Chinese local people’s congresses’ supervision of governments in order to see whether people’s congresses have played a meaningful role in the reform era. The article will show that the main strategies of people’s congresses have been to gain the support of the Chinese Communist Party and to co-operate with governments, rather than to use confrontation, in an effort to overcome their lower political status. But after primarily achieving these goals by the early 1990s, people’s congresses have also started to employ the confrontation strategy towards governments. At the same time, people’s congresses have actively pioneered new supervisory measures so that they overcome current problematic legal and legislative systems. As a result, legislative supervision began to influence governments and officials significantly in the early 1990s. So people’s congresses, along with the Party and governments, have become important political actors in local politics, even though they are not as influential as the other two institutions.

Chinese legislatures are no longer “rubber stamps” in the reform era. The National People’s Congress (NPC) now has an important effect on national politics, especially on legislation.<sup>1</sup> Local people’s congresses (LPCs) at provincial-level have also grown in importance as local law-makers, or as “information brokers” between the central and local levels thanks to their complex networks.<sup>2</sup> Some provincial LPCs have turned down Party nominees for state leadership posts in an attempt to express local discontent over the centre’s personnel selections, or to remind Party and government leaders not only to observe due legal procedures but also to respect the opinions of LPCs concerning personnel affairs.<sup>3</sup> There are

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1. Kevin O’Brien, *Reform without Liberalization: China’s National People’s Congress and the Politics of Institutional Change* (New York: Cambridge University Press, 1990), pp. 157–179; Murray Scot Tanner, *The Politics of Lawmaking in China: Institutions, Processes, and Democratic Prospects* (Oxford: Oxford University Press, 1999), pp. 231–252; Ming Xia, *The Dual Development State: Development Strategy and Institutional Arrangements for China’s Transition* (Aldershot: Ashgate, 2000), pp. 100–135.

2. Sen Lin, “A new pattern of democratization in China: the increase of provincial powers in economic legislation,” *China Information*, Vol. 7, No. 3 (Winter 1992–93), pp. 27–38; Ming Xia, *The Dual Developmental State*, pp. 136–177; Ming Xia, “Political contestation and the emergence of the provincial People’s Congresses as power players in Chinese politics: a network explanation,” *Journal of Contemporary China*, Vol. 9, No. 24 (2000), pp. 185–214; Roderick MacFarquhar, “Reports from the field: Provincial people’s congresses,” *The China Quarterly*, No. 155 (September 1998), pp. 656–667.

3. A survey of 18 out of 30 provincial LPCs around 1988 found that they vetoed 49 of 712 Party nominees (a rejection rate of 4%). Cai Dingjian, *Zhongguo renmin daibiao zhidu (People’s Congress System in China)* (revised edition) (Beijing: Falü chubanshe, 1998), pp. 359–360. On other cases, see An Chen, *Restructuring Political Power in China: Alliance and*

also claims in China that LPC supervision of governments is more active and effective than that of the NPC.<sup>4</sup> These new phenomena have urged researchers in Chinese studies to pay more attention to LPCs.<sup>5</sup>

This article asks whether LPCs have played a meaningful role in local politics. Have political reforms strengthened the role of LPCs? If so, how have they enhanced their status, and to what degree? To this end, LPC supervision of governments is analysed in the context of power relations between major political actors and legal and legislative institutions. Like other representative bodies, LPCs act in a given political environment, so both power relations and legal and legislative systems seriously influence their activities. In particular, because LPCs have only recently made an impact in local politics, they have had to make political space for themselves in the established power structure.

The article will show that the main strategies of LPCs have been to gain the support of the Chinese Communist Party (CCP) and to cooperate with governments, rather than to use confrontation, in order to overcome their lower political status. That is, as O'Brien puts it, LPCs pursued an "embeddedness" strategy to get clarified and expanded jurisdiction, and organizational capacity, in which they would be "entwined" with the Party (subordination) rather than distanced (autonomy).<sup>6</sup> But after primarily achieving these goals by the early 1990s, while firmly adhering to the strategy of gaining the Party's support, LPCs have also started to employ the confrontation strategy toward governments. At the same time, they have actively pioneered new supervisory measures in order to overcome problematic legal and legislative systems. As a result, LPC supervision began to influence governments and officials

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*Opposition, 1978–98* (Boulder & London: Lynne Rienner Publishers, 1999), pp. 97–124; Ming Xia, "Political contestation," pp. 206–209.

4. Quanguorenda changweihui bangongting yanjiushi (ed.), *Zongjie tansuo zhanwang: 8jie quanguorenda gongzuo yanjiu baogao* (Summary, *Exploration and Prospects: Investigation Report on the Work of the Eighth NPC*) (Beijing: Zhongguo minzhufazhi chubanshe, 1998), pp. 297–299; Dong Shouan (ed.), *Difang renda gongzuo xintan* (New *Exploration into the Work of LPCs*) (Beijing: Zhongguo minzhufazhi chubanshe, 1998), pp. 283–284.

5. On the organizational development of LPCs, see Kevin O'Brien, "Chinese people's congresses and legislative embeddedness: understanding early organizational development," *Comparative Political Studies*, Vol. 27, No. 1 (April 1994), pp. 80–109. On the representation roles of LPC deputies, see O'Brien, "Agents and remonstrators: role accumulation by Chinese people's congress deputies," *The China Quarterly*, No. 138 (June 1994), pp. 359–379. On the vertical relationship between LPCs, see O'Brien and Laura M. Luehrmann, "Institutionalizing Chinese legislatures: trade-offs between autonomy and capacity," *Legislative Studies Quarterly*, Vol. 23, No. 1 (February 1998), pp. 91–108. On the election of LPC deputies, see Brantly Womack, "The 1980 county-level elections in China: experiment in democratic modernization," *Asian Survey*, Vol. 22, No. 3 (March 1982), pp. 261–277; Andrew J. Nathan, *Chinese Democracy* (Berkeley: University of California Press, 1985), pp. 193–223; Barrett L. McCormick, *Political Reform in Post-Mao China: Democracy and Bureaucracy in a Leninist State* (Berkeley: University of California Press, 1990), pp. 130–56; J. Bruce Jacobs, "Election in China," *The Australian Journal of Chinese Affairs*, No. 5 (January 1991), pp. 171–99; Tianjian Shi, "Voting and nonvoting in China: Voting behavior in plebiscitary and limited-choice elections," *The Journal of Politics*, Vol. 61, No. 4 (November 1999), pp. 1115–39.

6. O'Brien, "Chinese people's congresses and legislative embeddedness," pp. 80–109.

significantly in the early 1990s. So LPCs, along with the Party and governments, have become important political actors in local politics, even though they are not as influential as the other two groups.

This article focuses on the oversight activities of county-level (*xianji*) LPCs over governments, and two areas of supervision: examination of law enforcement (*zhifa jiancha*), and appraisal of government bureaus and officials (*pingyi*), which have been the most active and representative forms of LPC supervision since the early 1990s. In contrast to lawmaking, in which co-operation between political actors is prevalent, supervision frequently entails conflict because it involves controlling the power of governments, and sometimes that of the Party. Analysing these conflicts reveals the real status and role of LPCs concerning the Party and governments. Besides, compared with the NPC, which has concentrated on lawmaking, LPCs at various levels have regarded supervision as their most important role since the early 1980s.<sup>7</sup> In particular, because county-level LPCs do not enjoy local legislative power, they have to concentrate on supervision. So focusing on the oversight activities of county-level LPCs is the best way to examine LPC supervision at different levels (hereafter LPCs refers to county-level LPCs unless otherwise indicated).

#### *Power Relations and LPC Strategies for Development*

The Chinese legislatures are regulated as organs of state power at each level. However power relations between the LPC, Party and government seriously affect LPC supervision, regardless of formal regulations. And LPCs have a less powerful political status than governments, not to mention the Party. To overcome difficulties caused by their weaker political position, LPCs have adopted two strategies: gaining the Party's support and co-operating with governments. However, with the accumulation of supervisory experience and supportive Party policies in the 1990s, LPCs have gradually employed the strategies of confrontation and co-operation against governments.

*Gaining support strategy: LPCs and the Party.* The success of LPC supervision of governments heavily hinges on gaining the Party's support. It is almost impossible for LPCs to conduct supervision without this support in a party-state. Therefore legislative leaders emphasize that they should stick to the principle of Party leadership during supervision.<sup>8</sup> For

7. Quanguorenda changweihui bangongting yanjiushi wenhua yanjiushi (ed.), *Guojia quanli jiguan de jiandu zhidu yu jiandu gongzuo* (*The Supervision Systems and Work of State Power Organs*) (Beijing: Zhongguo minzhufazhi chubanshe, 1999), pp. 44–46; Yang Fengchun (ed.), *Zai shengji renda gongzuo gangweishang* (*On the Posts of Provincial People's Congresses*) (Beijing: Zhongguo minzhufazhi chubanshe, 1996), pp. 378–79.

8. Interviews with LPC leaders and staff in Tianjin and Hebei, 30 July–2 August 2000; Quanguorenda changweihui bangongting yanjiushi (ed.), *Difang renda shi zenyang xingshi zhiquan de* (*How LPCs Exercise Their Power*) (Beijing: Zhongguo minzhufazhi chubanshe, 1992), p. 296; Quanguorenda changweihui bangongting yanjiushi (ed.) *Difang renda jiandu gongzuo tansuo* (*An Exploration of the Supervisory Works of LPCs*) (Beijing: Zhongguo minzhufazhi chubanshe, 1997), pp. 148–49, 231.

Chinese legislatures, adhering to this principle is not rhetoric, but a necessity, for two reasons.

First, LPCs need it to cope with the resistance of governments during supervision. Governments do not always agree to the requests of LPCs. In extreme cases, they openly challenge LPC authority.<sup>9</sup> Two conditions allow governments to behave in this way. Their political status, as measured by the standing of their leaders in the Party hierarchy,<sup>10</sup> is much higher than that of LPCs. According to a 1994 report, in 61 LPCs surveyed, only 28 per cent of chairpersons served concurrently as (vice-) secretaries of Party committees.<sup>11</sup> So most LPC leaders had only limited influence on Party decision-making since they attended Party standing committee meetings as non-voting delegates (*liexi*). In contrast, all government chiefs were Party deputy secretaries, and usually ranked number two in command. This situation has not yet changed, and the status of legislature leaders inside the Party, it is insisted, should be at least equal to that of government chiefs.<sup>12</sup> So people say, “legislatures supervise governments in the state, but governments supervise legislatures in the Party.”<sup>13</sup> Also, most important government policies are decided in advance at Party meetings, and Party committees and governments sometimes jointly issue policies. Therefore governments can reject the requests of LPCs under the pretext that the Party decided and supported their policy.

Furthermore, LPCs have to abide by the “request and report system” (*qingshi huibao zhidu*). They should report and wait for Party instructions before making such important decisions as dismissing leading officials during supervision.<sup>14</sup> In principle, LPCs do not need these instructions because they are not subordinate to the Party. But Party groups (*dangzu*), which are formed in LPC standing committees and lead the work of legislatures, are directly subordinate to Party committees, and they must follow the Party line.

Taking these conditions into account, it is necessary and rational for LPCs to endeavour to be entwined with the Party rather than keep it at a distance. To this end, they conduct supervision in accordance with the Party line. When Party committees urge governments to observe certain

9. Quanguorenda changweihui bangongting yanjiushi (ed.), *Woguo dangqian falü shishide wenti he duice (Problems and Countermeasures in Law Enforcement in China)* (Beijing: Zhongguo minzhufazhi chubanshe, 1997), p. 105.

10. In China, an institution's political status tends to be decided not by its legal regulation but by its leaders' position inside the Party. Cai Dingjian, *People's Congress System*, p. 38.

11. Quanguorenda changweihui bangongting yanjiushi (ed.), *Renda chengli 40 zhounian jinianji (Papers Commemorating the 40th Anniversary of People's Congresses)* (Beijing: Zhongguo minzhufazhi chubanshe, 1995), pp. 327–28.

12. Some LPC leaders and staff consider that the current power balance between the Party, People's Congresses and central government is ideal: the General Secretary of CCP (Jiang Zemin) is the “number one man,” and the Chairman of NPC Standing Committee (Li Peng), not the Premier of the State Council (Zhu Rongji), is “number two man.” Interviews in Tianjin, 15 and 21–22 March 2001.

13. Hubeisheng wuxueshi renda changweihui (ed.), *Xianxiang renda gongzuo yanjiu (A Study on the Work of County- and Township-level People's Congresses)* (Beijing: Zhongguo minzhufazhi chubanshe, 1994), p. 24.

14. Quanguorenda, *Problems and Countermeasures*, pp. 148–49, 160.

economic laws, LPCs supervise the governments to ensure that they implement these laws properly.<sup>15</sup> They also request the Party to take part in their supervision, by for instance asking Party leaders to attend appraisal conferences, or asking them to act as heads of *ad hoc* supervisory groups.<sup>16</sup> Whenever they encounter difficulties caused by governments, LPCs report and follow Party instructions instead of acting of their own volition. In this way, LPCs save the face of the Party and avoid confrontation with governments.<sup>17</sup>

During the 1990s, the attitude of the CCP towards legislatures changed. The Party came to consider LPC supervision as a useful way to check and prevent corruption in government. A decision issued by the CCP Central Committee in 1990 illustrates this point well: the Party decided to strengthen the supervisory functions of all state organs as well as Party apparatuses to control cadre corruption and restore public confidence.<sup>18</sup> Thereafter provincial Party committees throughout the country held LPC work conferences to put the central policy into practice in their regions. They usually emphasized two points: Party committees at all levels should put LPC work on their agendas and fully support LPCs to exert their power according to laws; and LPCs should toe the Party line when improving legislative activities.<sup>19</sup> In addition, since the CCP launched the “governance according to the law” (*yifa zhiguo*) project in the early 1990s, which was formalized at the 15th Party Congress in 1997, Party leaders have encouraged LPCs to supervise officials more rigorously. As a result, Party committees have taken pride in “supporting” legislatures to exercise their powers according to pertinent laws.<sup>20</sup>

At the same time, LPCs have gained more autonomy with respect to the Party. Except for important items, they can decide and handle their own matters without the Party’s prior approval. When they need Party

15. Interviews in Tianjin and Hebei, 30 July 2–August 2000; Bai Guangquan (ed.), *Kaichuang chengshi quji renda gongzuode xinjunian* (*Pioneering New Situations of Big City District People’s Congresses*) (Beijing: Zhongguo mizhufazhi chubanshe, 1997), pp. 78, 316–320.

16. Interviews in Tianjin and Hebei, 30 July–2 August 2000; Bai Guangquan, *Pioneering New Situations*, p. 78; Quanguorenda, *Exploration of the Supervisory Works*, p. 187.

17. Bai Guangquan, *Pioneering New Situations*, p. 160; Chen Yaoliang (ed.), *Ruiyi jinqude xianji renda gongzuo* (*Resolute Progress of the Work of County-level People’s Congresses*) (Beijing: Zhongguo minzhufazhi chubanshe, 1997), p. 227.

18. “Zhonggong zhongyang guanyu jiaqiang dang tong renmin qunzhong lianxie jue ding” (“Decision of the CCP Central Committee on strengthening ties between the Party and the masses”), Zhonggong zhongyang wenxian yanjiushi (ed.), *Shisanda yilai zhongyao wenxian xuanbian* (*zhong*) (*Selections of Important Documents since the 13th Party Congress* (vol. 2)) (Beijing: Renmin chubanshe, 1991), p. 935.

19. Li Bojun, “Ge sheng zizhi qu zhixiashi dangwei zhaokai renda gongzuohuide qingkuang” (“The state of LPC work conferences held by provincial Party committees”), *Zhongguo renda* (hereafter ZR) (*Chinese People’s Congresses*), No. 3 (February 2000), pp. 19–20; Tianjinshi difangzhi bianxiu weiyuanhui (ed.), *Tianjin tongzhi: zhengquan zhi renmin daibiao dahui jian* (*Overall Annals of Tianjin: Regime Annal People’s Congress Volume*) (Tianjin: Tianjin shehui kexueyuan chubanshe, 1997), pp. 482–83.

20. “Liangou xianwei: women shi ruhe zhichi renda jiqi changweihui yifa xingshi zhiquande” (“Liangou county Party committee: how we support LPCs and their standing committees to use their powers according to the law”), *Zhongguo renda xinwen* (ZRX) (*News of Chinese People’s Congresses*), 16 September 2000 (available at <http://zgrdxw.peopledaily.com.cn/gb/paper7/2/class000700005/hwz3003.htm>).

approval and support, they actively strive to get them, not passively wait for them. In this regard, the status and autonomy of LPCs were markedly strengthened in the 1990s.<sup>21</sup>

*Co-operation strategy: LPCs and governments.* According to the law, governments should function as the executive branches of LPCs. In other words, governments are legally responsible to LPCs and subject to legislative supervision. At the same time, because LPCs and governments are state organs that execute Party policy, they should complement each other and co-operate.<sup>22</sup> Legislative-executive relations are thus considered as a division of labour, not a separation of powers. Of these two potentially contradictory regulations, the second set of relations surpasses the first thanks to the actual political status and capacities of LPCs and governments. So LPCs are forced to use co-operation as their priority strategy rather than confrontation.

As mentioned earlier, since government leaders are well represented in Party organs, they play a decisive role in whether the Party supports LPC oversight. So LPCs should consider the position of governments if they want to get Party support. If LPC chairpersons are (vice-) secretaries of Party committees, as they are in some regions, LPCs can more easily make governments accept their supervision.<sup>23</sup>

In addition, governments have a decisive advantage over LPCs in terms of capacity. LPCs began to establish standing committees and bureaucracies in the early 1980s, and the number of standing committee members and staff has since increased.<sup>24</sup> But they are not equipped well enough to conduct supervision properly. The core members of standing committees are still relatively old, for they are mostly transferred from Party and government leadership positions just before retirement.<sup>25</sup> Also, only about 30 per cent of standing committee members serve full time.<sup>26</sup> The offices and staff have problems too. In general, LPCs have about three offices, three to five work committees (*gongzuo weiyuanhui*),<sup>27</sup> and

21. Interviews in Tianjin and Hebei, 30 July–2 August 2000.

22. Hangzhoushi renda (ed.), *Zhongxin chengshi renda gongzuode xinjinzhan (New Developments in the Works of Core City People's Congresses)* (Beijing: Zhongguo minzhufazhi chubanshe, 1997), pp. 191, 251.

23. Interviews in Tianjin, 15 and 21–22 March 2001.

24. Interviews in Tianjin and Hebei, 30 July–2 August 2000; Jinnuqu rendazhi biancan weiyuanhui (ed.), *Chendushi Jinnuqu rendazhi (Gazette of Jinnu District People's Congress in Chengdu City)* (Chengdu: Sichuan renmin chubanshe, 1995), pp. 163–174.

25. An LPC standing committee is composed of three groups. The core group of chairperson and vice-chairpersons is usually transferred from the Party committee and government. The second group consists of representatives of social interest groups (such as workers, peasants and intellectuals). The third comes from mass organizations (trade unions, the Women's Federation and the Communist Youth League). The last two groups are better educated and younger than before, but most of them are part-timers.

26. Interviews in Tianjin and Hebei, 30 July–2 August 2000; Guangdongsheng rendazhidu yanjiuhui (ed.), *Yifa zhishengde tantao (An Inquiry into the Governance of Provinces According to the Law)* (Beijing: Zhongguo minzhufazhi chubanshe, 1997), pp. 164–65; Hubeisheng wuxueshi, *A Study*, p. 166.

27. Offices include general office (*bangongshi*), research office (*diaoyanshi*), and deputy liaison office (*daibiao lianluoshi*). Work committees are interior and legal affairs (*neiwu sifa*),

15 to 35 permanent staff.<sup>28</sup> But this is too small to monitor the work of governments that have 50 to 60 bureaus and many hundreds of officials.<sup>29</sup>

Finally, LPCs have financial problems. They have the right to review draft budgets and oversee implementation. But LPC budgets are not independent of those of governments. Government financial bureaus manage and control LPC expenditures. Therefore, LPCs have to get approval from governments to pay for their work. This financial dependency discourages them from resolutely supervising governments.<sup>30</sup> To solve this problem, for example, the Weishi county Party committee in Henan required the government to increase and guarantee LPC expenditures as a measure of strengthening the legislature's capacity in 2000.<sup>31</sup>

These factors have forced LPCs to use the strategy of co-operation. For example, LPCs discuss schedules and agendas with governments before starting supervision, to avoid unnecessary conflict. They try to resolve problems in advance too. For instance, LPC financial and economic committees usually take part in or observe the drafting of budgets. LPCs give their opinions, and differences of opinion between the institutions are usually resolved through this process, before draft budgets are presented at LPC plenary sessions.<sup>32</sup> Finally, LPCs sometimes conduct joint oversight with governments. During supervision, officials explain their behaviour to legislators, and address small issues on the spot as they arise.<sup>33</sup> While it may seem absurd that the objects of supervision also act as supervisors, this practice is still widespread.<sup>34</sup> And LPCs and governments use various official and unofficial systems (*lianxi zhidu*) to communicate with each other.<sup>35</sup>

But there have been important changes in legislative-executive relations since the early 1990s, especially after the "governance according to the law" programme, which emphasized that governments, as executive branches of LPCs, should accept supervision in compliance with the law. In short, LPCs, not governments, have begun to take the initiative in these

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financial and economic affairs (*caizheng jingji*), education, science, culture and public health (*jiaowei kexue wenhua weisheng*), city construction and management (*chengjian chengguan*), and rural areas (*nongcun*). Interviews in Tianjin and Hebei, 30 July–2 August 2000.

28. Zhuzhoushi rendazhi biancan weiyuanhui (ed.), *Zhuzhoushi rendazhi* (*Gazette of Zhuzhou City People's Congress*) (Changsha: Hunan chubanshe, 1991), p. 191; Chuanzhoushi Lichengqu rendazhi biancan weiyuanhui (ed.), *Chuanzhoushi Lichengqu rendazhi* (*Gazette of Licheng District People's Congress in Chuanzhou City*) (Beijing: Zhongguo minzhufazhi chubanshe, 1994), p. 173.

29. Niao Jie (ed.), *Zhongguo zhengfu yu jigou gaige (shang)* (*Chinese Government and Structural Reform* (Vol. 1)) (Beijing: Guojia xingzheng xueyuan chubanshe, 1998), p. 1051.

30. Interviews in Tianjin, 15 and 21–22 March 2001; Zhou Wenxian (ed.), *Difang renda gongzuo lilun yu shiwu* (*Theory and Practice of the Work of LPCs*) (Beijing: Zhongguo minzhufazhi chubanshe, 2000), pp. 385–86.

31. "Weishi xianwei duofangwei jiaqiang renda jianshe" ("The Party committee of Weishi county takes various actions to strengthen LPC's construction"), *ZRX*, 21 February 2001 (available at <http://zgrdxw.peopledaily.com.cn/gb/paper7/7/class00070005/hwz91725.htm>).

32. Interviews in Tianjin and Hebei, 30 July–2 August 2000.

33. *Ibid.*

34. *Ibid.*; Quanguorenda, *Papers Commemorating the 40th Anniversary*, pp. 375–76; Quanguorenda, *Exploration of the Supervisory Works*, p. 121.

35. *Ibid.*

relations. They can require governments to convene joint meetings when necessary. Government officials willingly attend these meetings, and prepare the required materials. Government leaders usually instruct bureaus and officials to execute the requirements of legislatures faithfully and to accept supervision docilely.<sup>36</sup> Within these changed relations, LPCs have dared to dismiss leading officials during oversight, and to employ more stringent supervisory measures like interpellation (this will be discussed in more detail below). This reveals that LPCs have gradually used confrontation, supplementing the co-operation strategy, as they have become more firmly embedded in the Chinese political system.

#### *Pioneering New Supervisory Measures and Activating Strong Weapons*

LPCs conduct supervision in given legal and legislative systems. But because of problems with these systems, they have been unable to fulfil their delegated duties. Therefore, at the same time as LPCs have tried to activate supervisory measures provided by the constitution and pertinent laws, they have had to pioneer “new forms” of strong measures that are not described in laws. These new measures have become their main methods for supervising governments since the early 1990s.

The constitution and Local Organic Law provide LPCs with supervisory measures, including hearing and reviewing government work-reports, socio-economic development plans and draft budgets, questions and interpellation (*zhixun*), special investigative commissions, and inspection (*shicha*).<sup>37</sup> From a purely legal viewpoint, Chinese legislatures have similar supervisory methods as their counterparts in liberal democracies. But they have two serious weaknesses.

First, these measures exceed the present capacities of LPCs. Most of them are used in annual plenary sessions, which last three to five days, and bimonthly LPC standing committee meetings, which last one to two days. LPCs can thus use them for less than 20 days a year. Also, LPC deputies need specialized knowledge to examine government work-reports and draft budgets, as well as sufficient time to investigate certain matters. But most deputies lack knowledge and time because they are amateurs (*jianzhi daibiao*). As stated above, LPC standing committee members and staff are better equipped than deputies, but they do not have sufficient capacities either, especially in financial and economic areas.

Besides, the laws concerning these measures are too ambiguous for LPCs to use, so the tools are less effective than intended. For example, it is not clear who would be responsible if a work-report of a state organ were not ratified in an LPC meeting. When the Shenyang city people's congress failed to ratify the annual work-report of the Intermediate Court in February 2001, no one knew which procedures to follow and who was

36. *Ibid.*

37. Sun Weiben (ed.), *Renda gongzuo shouce (Handbook of the Work of People's Congresses)* (Beijing: Zhongguo minzhufazhi chubanshe, 1997), pp. 164–71; Zhang Wei, *Renda jiandu zhineng yanjiu (A Study on the Supervisory Function of People's Congresses)* (Beijing: Zhongguo falü chubanshe, 1996), pp. 14–21.



responsible.<sup>38</sup> In a similar way, the Baoshan city people's congress in Yunnan could not punish officials when it rejected a government work-report on implementing suggestions of LPC deputies in February 2001.<sup>39</sup> For this reason, NPC deputies have petitioned their leaders to enact a supervision law since the mid-1980s, but no such law yet exists. As an emergency action, most provincial LPCs enacted supervisory regulations in the 1990s.<sup>40</sup> But they have not solved the problems either, because they lack the legal authority that only the NPC and its Standing Committee can exercise, and because they are so ambiguous that LPCs cannot punish governments.

Instead of grumbling about problematic legislative and legal systems, LPCs have striven to develop new supervisory measures from the early 1980s, free of directions from the NPC and concrete legal regulations. This is the most important characteristic of LPC supervision. So people say, "legislatures do not go along a highway but a path."<sup>41</sup> These new measures include examination, appraisal, the responsibility system of department law enforcement (*bumen zhifa zerenzhi*), law supervision papers (*faliu jianrushu*) and individual case supervision (*gean jiandu*).

Not all LPCs have tried to explore new supervisory measures, however. There are regional disparities in adopting new measures, and LPCs can be classified into three categories in terms of their commitment to adopting new measures. The first is "pioneer." The role of both LPC and Party leaders is the most important factor in the adoption of new measures. Pioneering can entail political risks because of the lack of legal guarantees, so resolute LPC leaders and accompanying Party support are necessary. A former vice-chairman of the Shanxi provincial people's congress summed up their experiences of introducing appraisal by commenting at a 1992 LPC work conference: "Appraisal is not the work of LPCs, but both Party committees and LPCs."<sup>42</sup> So there are few pioneers. The second category is "bandwagoner," consisting of those who emulate other LPCs only after being assured that conducting new measures is politically safe. Most LPCs belong to this category. Bandwagoners frequently become more active as they accumulate experience. The third category is "inactive," consisting of those who do not try to use new

38. "Shenyang zhongji fayuan baogao weihuo shirenda tongguo" ("A work-report of Shenyang Intermediate Court didn't pass municipal People's Congress"), *ZRX*, 15 February 2001 (available at <http://zgrdxw.peopledaily.com.cn/gb/paper6/7/class000600002/hwz87453.htm>); "Baogao weihuo renda tongguo zenmeban" ("If a work-report doesn't pass People's Congress, what's to be done?"), *ZRX*, 27 March 2001 (available at <http://zgrdxw.peopledaily.com.cn/gb/paper6/7/class000600002/hwz107837.htm>).

39. "Yunnan Baoshan shi zhengfu yi xiang baogao weihuo shi renda changweihui tongguo" ("A report of Baoshan city government didn't pass city People's Congress Standing Committee"), *ZRX*, 24 February 2001 (available at <http://zgrdxw.peopledaily.com.cn/gb/paper7/7/class000700001/hwz91720.htm>).

40. Quanguorenda changweihui bangongting yanjiushi (ed.), *Difang renda 20 nian (20 years of LPCs)* (Beijing: Zhongguo minzhufazhi chubanshe, 2000), p. 88.

41. Zhou Wenxian, *Theory and Practice*, pp. 398–403.

42. Quanguorenda neiwu sifa weiyuanhui sifashi (ed.), *Shehuizhuyi minzhu fazhi jianshede youyi tansuo (A Beneficial Exploration of Socialist Democratic and Legal System Construction)* (Beijing: Zhongguo minzhu fazhi chubanshe, 1993), p. 58.

measures for fear of legal and political problems. Few LPCs fell into this category in the 1990s.<sup>43</sup>

As LPCs have got more political support from the Party, and accumulated supervisory experience and self-confidence through new measures, they have also dared to activate the strong weapons that the law provides, and that can be exercised by deputies only in plenary sessions or standing committee meetings. For example, according to an aforementioned 1994 report, of 61 LPCs surveyed, 20 per cent (12 LPCs) supervised governments 25 times in total by use of interpellation for three years from 1991 to 1993. And 12 per cent (seven LPCs) also formed special investigative commissions 67 times to investigate important matters during the same period.<sup>44</sup> By the late 1990s, even provincial LPCs began to employ interpellation for overseeing governments: Hunan in 1998, Sichuan in 1996 (to the Higher Court) and 1999, Henan in 1999, and Hainan and Guangdong in 2000.<sup>45</sup>

In addition, LPCs have resolutely vetoed the work-reports of state organs since the late 1990s, when they believe these organizations did not strive to do their work or did not listen to LPC requests faithfully. Apart from the above-mentioned cases of Shenyang and Baoshan cities, the people's congresses of Chongqing, Wuhan and Shiyan city in Hubei did not approve government work-reports in 1999: a report on implementing LPC deputies' suggestions (Chongqing), the state of implementing a re-employment project (Wuhan), and settling the problems of misappropriation of a poverty relief fund (Shiyan).<sup>46</sup> In these ways, LPCs sometimes do not hesitate to confront governments, even though they more frequently co-operate with them.

43. Quanguorenda, *Problems and Countermeasures*, p. 255. On the regional disparities of LPC development, see Young Nam Cho, "Differences in the oversight activities of China's local People's Congresses: evidence from Tianjin" (unpublished manuscript).

44. Quanguorenda, *Papers Commemorating the 40th Anniversary*, pp. 330–31.

45. "Sichuan renda daibiao zhixun shebaoju" ("Deputies to the Sichuan provincial People's Congress take interpellation to the Social Insurance Bureau"), *Renmin zhi you* (*People's Friend*), Nos. 3 and 4 (April 1999), p. 55; Chu Yang, "Weiyuan nu ti zhixun an" ("Members angrily introduce interpellation bill"), *Renmin zhi you*, Nos. 3 and 4 (April 1999), pp. 20–22; Wang Caiwei, "Yipian kaikuo er qinglangde tiankong: jiqi zhixun an jishi" ("Open and clear sky: records on several interpellation cases"), *Renmin zhengtan* (*People's Political Forum*), No. 6 (June 2001), pp. 10–13; Ren Tianyang and Wang Diao, "Guangdongsheng renda daibiao zhixun sheng huanbaoju shimo" ("The whole story on the interpellation to the Environmental Protection Bureau of government by deputies to Guangdong provincial people's congress"), *Renda yanjiu* (*Studies on People's Congresses*), No. 4 (April 2000) (available at <http://www.rdyj.com.cn/2000/rdqk-4-7.html>). In 1989, Hunan provincial people's congress introduced an interpellation bill to the provincial government, but it was a rare case at that time.

46. Yun Wanbang, "Liangge xiao gushi, yipian da wenzhang" ("Two small stories and one big essay"), *ZR*, No. 16 (August 2000), pp. 33–34; "Wuhanshi renda changweihui fujue zhengfu yifen gongzuo baogao" ("Wuhan municipal People's Congress Standing Committee vetoes government work-report"), *Jilin renda gongzuo* (*Works of People's Congresses in Jilin*), No. 4 (April 1999), p. 26; Sun Tianfu, "Shiyanshi renda changweihui yanshen fupin gongzuo baogao" ("Shiyan city people's congress standing committee strictly deliberates report of poverty relief work"), *ZR*, No. 4 (February 2000), pp. 13–14.

*LPC Supervision of Government in the 1990s*

Examination and appraisal are the most important and typical types of supervision that LPCs have conducted nation-wide since the early 1990s. They have some problems, but they have real supervisory effects in controlling government officials.

*Examination of law enforcement.* Examination shows LPCs whether government officials faithfully enforce laws and central policies. It has two main aims: to understand law enforcement conditions and identify problems, and to urge governments to address these problems.<sup>47</sup> Some LPCs carried out examination in the early 1980s, and most used it by the early 1990s with the backing of the Party.<sup>48</sup> The NPC also enacted a detailed regulation for examination in 1993, and declared that it regarded examination to be as important a duty as lawmaking. LPCs also put it at the top of their agendas.<sup>49</sup>

Examination generally has three steps: preparation, investigation and addressing problems. At the closing of an annual plenary session, an LPC standing committee makes a plan, and organizes supervisory groups composed of its members and ordinary deputies. Party policy usually determines which laws will be supervised. After collecting materials and listening to comprehensive reports from officials, supervisory groups conduct field research for up to several months, by visiting government bureaus and interviewing residents. Afterwards, the groups submit inspection reports to the standing committee. Finally, the standing committee notifies the government of the results, and requires it to address problems and to report the results within a certain period. When necessary, it re-assembles supervisory groups and conducts examination to verify that the government has corrected problems as reported.<sup>50</sup>

The supervisory effect of examination can be evaluated from two aspects of its publicized aims: one is to oversee the enforcement of laws and to urge governments to execute laws; the other is to urge them to correct problems. LPCs can check how laws are being implemented, and urge government officials to implement them by use of several tactics. For instance, LPCs at various levels in a province simultaneously conduct examination for certain designated laws under the leadership of the

47. "Quanguorenda changweihui guanyu jiaqiang dui falü shishi qingkuang jiancha jiandude ruogan guiding (1993)" ("Some regulations of the NPC Standing Committee's on strengthening the examination of law enforcement"), *Renda gongzuo tongxun (RGT) (Bulletin of the Work of People's Congress)*, No. 13 (July 1994), p. 5.

48. Quanguorenda, *How LPCs Exercise Their Power*, pp. 156–58; Chen Yong, "Guanyu falü zhixing jiandude jige wenti" ("On the problems of the examination of law enforcement"), *RGT*, No. 2 (January 1994), p. 30; Quanguorenda, *The Supervision Systems*, pp. 44–46.

49. "Tian Jiyun fuweiyuanzhang zai quanguorenda changweihui mishuzhang huiyi shangde jianghua" ("Address of the Vice-Chairman of Tian Jiyun at the NPC Standing Committee secretaries' meeting"), *RGT*, No. 4 (February 1997), p. 6; Liu Fusheng, "Renqing xingshi, mingque renwu, nuli kaichuang difang renda gongzuode xinjunmian" ("Clearly understanding situations and duties, endeavouring to open new prospect of the works of LPCs"), *RGT*, No. 4 (January 1997), p. 9.

50. Quanguorenda, *How LPCs Exercise Their Power*, pp. 284–85; Sun Weiben, *Handbook*, p. 165.

provincial LPC. When the Henan provincial people's congress conducted examination in 1992 to see whether governments had implemented agriculture-related laws and central policies properly, 77 per cent of LPCs and 91 per cent of township-level LPCs participated in this examination, mobilizing some 70,000 deputies at all levels.<sup>51</sup> Other regions did the same.<sup>52</sup> Most LPCs also conduct examination for certain laws (such as the Compulsory Education Law and Environment Protection Law) for several consecutive years in order repeatedly to urge governments to implement the laws.

LPCs cannot force government officials to correct problems faithfully in many cases, however. A 1994 report, based on the investigation of examination executive situations in Anhui, said that governments corrected only about 30 per cent of the problems identified.<sup>53</sup> Other LPCs experienced similar problems.<sup>54</sup> Officials were usually willing to address visible and minor issues immediately, but not complex ones. For instance, when Dongcheng district people's congress in Beijing required the district government to devote more funds to education in accordance with the Compulsory Education Law in 1987, the government had to fulfil the request, for it was a clear violation of the law.<sup>55</sup> But peasant problems are different. Most LPCs repeatedly conducted examination into the implementation of the Agriculture Law and related central policies in the 1990s. But the excessive burdens on peasants have yet to be lifted, even though governments took some action to relieve these burdens whenever LPCs raised the issue. In a similar fashion, governments only took action to implement the Environment Law and related policies when LPCs urged them to.

LPCs have difficulties in forcing government officials to correct these complicated problems through examination. As mentioned above, LPCs usually have a lower political status than governments. To carry out laws and central policies that LPCs demand, governments often have to find extra money or adjust spending priorities. But in existing power relations, LPCs do not have enough power to force both the Party and governments to adjust their priorities. At the same time, governments are adept at escaping criticism about poor policy implementation. They concentrate a large part of their budgets on industrial projects to follow Party policy about developing regional economies. This sometimes means sacrificing investment in the environment and agriculture, resulting in complaints from LPCs and the public. So LPCs cannot make governments correct

51. Quanguorenda, *Papers Commemorating the 40th Anniversary*, p. 239.

52. Quanguorenda changweihui bangongting yanjiushi (ed.), *Difang renda xingshi zhiquan shili xuanbian (Selected Cases on LPCs Exercising Their Power)* (Beijing: Zhongguo minzhufazhi chubanshe, 1996), pp. 159–63; Yang Fengchun, *On the Posts*, pp. 48–49, 104, 197, 290.

53. Quanguorenda, *Exploration of the Supervisory Works*, pp. 119, 123.

54. *Ibid.* p. 99; Quanguorenda, *The Supervision Systems*, pp. 81, 886.

55. Quanguorenda, *How LPCs Exercise Their Power*, pp. 171–172.

problems through examination without an improved overall system of policy implementation.<sup>56</sup>

Examination also has some problems in terms of procedure. LPCs do not officially have the right to address problems directly, only to make suggestions. That is, examination *per se* carries no legally binding force because suggestions are not orders.<sup>57</sup> Besides, LPCs conduct examination so often that they cannot execute it properly. Most LPCs conducted examination 10–20 times annually up until the mid-1990s, to follow the requests from higher authorities, and to show that they were doing something.<sup>58</sup> But they could not fulfil these duties properly.

LPCs of course take action to enhance the supervisory effects of examination. For example, in Guangdong and Hubei, some LPCs have used law supervision papers from the late 1980s: the standing committee, after examination, issues supervision papers to the government, clearly stating specific problems to be corrected, bureaus to implement and deadlines. Upon receiving the paper, the bureaus should address the problems without reservation; otherwise officials should accept legal responsibility.<sup>59</sup> Many LPCs also connect examination with appraisal of officials. LPCs consider whether governments implement their suggestions as a criterion of appraisal. So officials cannot neglect LPC suggestions, and supervisory effects of examination are enhanced, as will be discussed below.

In sum, LPCs can check and urge governments to execute laws and central policies through examination. They can also sometimes force governments to correct the problems identified during examination.

*Appraisal of government bureaus and officials.* LPCs use appraisal to supervise the performance of government bureaus and officials. The terms and procedures of appraisal differ from place to place, but there are two main types: self-reporting of performance appraisal (*shuzhi pingyi*) and deputies' appraisal (*daibiao pingyi*). LPC standing committees use the first type to examine leading officials elected or appointed by LPCs. LPC deputies mainly use the second to oversee the conduct of bureaus.<sup>60</sup> Some LPCs started appraisal in the early 1980s, and it extended nationwide after a former vice-chairman of the NPC Standing Committee, Peng Chong, publicly approved it in 1992. Now most LPCs conduct it.

56. Interviews in Tianjin, 15 and 21–22 March 2001; Quanguorenda, *Problems and Countermeasures*, pp. 60–64, 85–89; Guangdongsheng, *An Inquiry*, pp. 89–91.

57. Quanguorenda, *The Supervision Systems*, pp. 8, 81, 88.

58. Quanguorenda, *Problems and Countermeasures*, p. 355.

59. Quanguorenda, *The Supervision Systems*, p. 45; Quanguorenda, *Exploration of the Supervisory Works*, pp. 340–351.

60. Sun Weiben, *Handbook*, pp. 167–68; Meng Liankun, “Renzhen zongjie jingyan, tuidong pingyin gongzuo jiankang kaizhan” (“Sincerely summarizing experiences and healthily promoting the work of appraisal”), *RGT*, No. 24 (December 1995), pp. 9–12; Yun Wanbang, “Shilun renda daibiaode pingyi gongzuo” (“On the appraisal work of LPC deputies”), *RGT*, No. 13 (July 1994), pp. 27–32.

According to one 1995 report, all LPCs in Hebei and Shaanxi carried it out; in Zhejiang, the figure was 88 per cent.<sup>61</sup>

Appraisal focuses on three aspects: how faithfully government bureaus and officials implement laws and central policies; how honestly and sincerely officials work; and how faithfully they implement LPC suggestions.<sup>62</sup> This shows that appraisal, like examination, targets specific aims. The first two aspects can meet the Party's expectations by helping address poor policy implementation in the regions and anti-corruption policies. The third can satisfy LPCs' desire to improve their status vis-à-vis governments.

Appraisal usually has four steps: preparation, investigation, appraisal and execution. An LPC standing committee makes a plan and assembles an appraisal group composed of its members and ordinary deputies. The group conducts investigations for several months by visiting related officials and interviewing residents. It then submits an appraisal report to the standing committee. At the appraisal stage, the standing committee convenes appraisal conferences, where Party and government leaders attend. The conferences go as follows: officials' self-evaluation report, questions and answers, the appraisal group's comments and final evaluation of performance. In some regions, LPCs put appraisal to a secret vote and release the voting results. After the conferences, the standing committee reports the result to the Party committee and takes action. If a majority of appraisal members do not approve the officials supervised, the standing committee punishes them severely by, for instance, dismissal. If officials commit trivial mistakes, it advises them to address these mistakes and requires them to report the results within a certain time.<sup>63</sup>

The supervisory effects of appraisal are much greater than examination of law enforcement.<sup>64</sup> Several factors make this possible. Most importantly, appraisal is closely connected with the system of Party cadre management. The results of appraisal are reported to Party committees who use them as important materials for future personnel transfers, and are sometimes recorded in personnel files (*dang'an*).<sup>65</sup> Some Party committees send leading cadres in organization departments to participate in

61. Quanguorenda, *The Supervision Systems*, p. 239; Quanguorenda, *Exploration of the Supervisory Works*, p. 207.

62. Quanguorenda, *The Supervision Systems*, pp. 217, 225–26; Yun Wanbang, "On the appraisal work," p. 28.

63. Quanguorenda, *The Supervision Systems*, pp. 226–28, 243–45; Sun Weiben, *Handbook*, pp. 166–68; Yun Wanbang, "On the appraisal work," pp. 28–29; Hangzhoushi renda, *New Developments*, p. 74.

64. Interviews in Tianjin and Hebei, 30 July–2 August 2000; Tian Jiwun, "Fahui renda jianqu zuoyong, cuijin minzhi fazhi jianshe" ("Displaying the supervisory role of people's congresses, promoting the construction of democracy and legal system"), *RGT*, No. 12 (June 1995), p. 3; Meng Liankun, "Sincerely summarizing," pp. 7–8; Yun Wanbang, "On the appraisal work," pp. 30–31; Quanguorenda, *The Supervision Systems*, pp. 245–47; Yang Fengchun, *On the Posts*, pp. 433–34.

65. Interviews in Tianjin and Hebei, 30 July–2 August 2000; Quanguorenda, *The Supervision Systems*, pp. 228–29; Quanguorenda, *Exploration of the Supervisory Works*, pp. 217–18, 255.

LPC appraisal.<sup>66</sup> In this case, LPCs and the Party conduct appraisal together. Negative appraisals can thus fatally affect officials' career prospects, even though they are not discharged from office immediately.

In addition, appraisal has legally binding force; LPCs can dismiss leading officials based on the supervisory results. Officials were actually dismissed from office after appraisal in the 1990s. For instance, the Yiliang county people's congress in Yunnan discharged the director of the Forestry Bureau in 1994. The director got only one vote of "worked well," 33 votes of "worked badly" and 17 votes of "worked averagely" in secret voting. The Xiacheng district people's congress in Hangzhou discharged the director of the Culture Bureau after appraisal in 1993. The Pan'an and Tiantai county people's congresses in Zhejiang also dismissed the directors of the Grain and Tourism Bureaus in 1993 and 1994 respectively.<sup>67</sup> And Mayang county people's congress in Hunan appraised ten leading officials in 2000, and dismissed two directors of the Forestry, and Water and Electricity Bureaus.<sup>68</sup> LPCs of course should gain prior consent from Party committees before dismissing officials.

Finally, by targeting certain government bureaus or officials, not laws and policies, the procedure of appraisal differs from examination. Officials can't escape responsibility if they poorly carry out their duties. By contrast, examination targets certain laws and policies; so officials can shift responsibility back and forth. And LPCs usually select five to ten objects for annual appraisal so that they can supervise most officials within a five-year term of office.<sup>69</sup> So even officials who are not currently being supervised should follow the requests of LPCs, because their turn will come. But examination usually concentrates on bureaus related with economic matters, and with hot issues about which the public makes complaints like education and pollution. So other bureaus can avoid examination if they do their duties without making serious mistakes.

There are still problems in appraisal. Because LPCs have a lower political status, conflict can arise if they attempt to dismiss leading officials without strong Party support.<sup>70</sup> For example, a county Party committee in Yunnan re-assigned an official dismissed by LPC to another position.<sup>71</sup> There are also problems in terms of procedure. LPCs generally laud the achievements of officials, rather than criticize them. In more infrequent but serious cases, governments ask LPCs to conduct appraisal

66. "Tengchong shixing renda pingyi yu dangwei kaocha xiang jiehe" ("Tengchong county put together the appraisal work of LPC and cadres investigation of Party committee"), *ZRX*, 1 March 2000 (available at <http://www.peopledaily.com.cn/zgrdxw/news/200003/01/30107.html>).

67. Quanguorenda, *The Supervision Systems*, pp. 232–33; Chen Yaoliang, *Resolute Progress*, p. 221; Quanguorenda, *Selected Cases*, p. 300.

68. "Xingshi shenshengde zhiquan" ("Exercising a sacred power"), *ZRX*, 28 February 2001 (available at <http://zgrdxw.peopledaily.com.cn/gb/paper7/7/class000700004/hwz93804.htm>).

69. Interviews in Tianjin and Hebei, 30 July–2 August 2000.

70. Quanguorenda, *20 Years of LPCs*, pp. 89–90.

71. Quanguorenda, *Problems and Countermeasures*, p. 294.

to propagate their achievements.<sup>72</sup> In these cases, appraisal is no more than a political stunt.

In sum, LPC supervision has exerted real effects to control governments and officials since the early 1990s, and as a result, LPCs have become important players in local politics. So deputies to the NPC were able to criticize the NPC Standing Committee for not supervising the State Council as thoroughly as LPCs supervised governments.<sup>73</sup> And people have visited LPCs and their deputies more frequently to express their complaints and demands.<sup>74</sup>

### *Implications in the Process of LPCs' Emergence*

When LPCs were re-organized around 1980, occupying a political space in an already crowded power structure was a challenging task. Because of their lower political status, the legislatures were vulnerable to the encroachment of the Party and governments. Problematic legal and legislative systems were not able to provide LPCs with the appropriate institutional guarantees necessary to face governments. Poor organizational capacity and weak popular support also added to the problem.

In these conditions, it was dangerous as well as unrealistic for LPCs to pursue only autonomy by confronting the established powers. Instead, they have made a priority of adopting the strategies of gaining the Party's support and co-operating with governments. In retrospect, as this study showed, these strategies have been successful: LPC supervision exerts real effects on the control of government bureaus and officials, and accordingly, they have emerged as new political powers in local politics. This shows that "embeddedness" is not merely expedient but also strategically optimal for newly emerging social forces.<sup>75</sup>

However, with the accumulation of experience and self-confidence, and in an improved political environment, which is mainly attributable to the Party, the developmental strategy has gradually changed throughout the 1990s. LPCs have taken a more assertive attitude towards governments by use of the confrontation strategy: they have dismissed leading officials in appraisal, introduced interpellation bills, and rejected government work-reports in LPC meetings. This shows that LPCs have started to argue and pursue independence as well as co-operation towards governments, and that they are entering a new developmental stage. This also reveals that the power balance between political actors can change without radical reform of a one-party system.

On the other hand, Chinese legislatures still persist with the strategy of

72. Quanguorenda, *20 Years of LPCs*, p. 90.

73. "Daibiao shenyi fayan zhaideng" ("Summary of deputies' speeches"), *RGT*, Nos. 6 and 7 (May 1997), pp. 78–79.

74. Tianjian Shi, "Mass political behavior in Beijing," in Merle Goldman and Roderick MacFarquhar (eds.), *The Paradox of China's Post-Mao Reforms* (Cambridge, MA: Harvard University Press, 1999), p. 155.

75. Richard Baum and Alexei Shevchenko, "The 'state of the state'," in Goldman and MacFarquhar, *The Paradox of China's Post-Mao Reforms*, pp. 358–59.



gaining the Party's support (that is, entwinement with the party) to cope with governments, and this will not change in the foreseeable future. This limits the potential development of LPCs: they risk becoming merely legal arms that the Party can use to control more differentiated and sophisticated government bureaucrats, and to supplement its ideological and personnel controls.<sup>76</sup> In fact, most Chinese researchers and people involved with legislatures have argued in this way. The Party has experimented with this possibility in certain areas since the late 1980s: all Party leaders except those responsible for government work served concurrently as legislative leaders.<sup>77</sup> For further legislative development in China, re-adjusting the relations between the Party and LPCs is a central problem; until this problem is resolved, we should not simply regard legislative development itself as democratization in China.

76. Peter Vanneman, *The Supreme Soviet: Politics and the Legislative Process in the Soviet Political System* (Durham, NC: Duke University Press, 1977), pp. 101, 141; William A. Welsh, "The status of research on representative institutions in eastern Europe," *Legislative Studies Quarterly*, Vol. 15, No. 2 (May 1980), p. 290.

77. On the experiments in Baiyin city in Gansu, see Cai Dingjian and Wang Chenguang (eds.), *Renmin daibiao dahui ershi nian fazhan yu gaige (Twenty Years' Development and Reform of People's Congresses)* (Beijing: Zhongguo jiancha chubanshe, 2001), pp. 410–13.