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Local People's Congresses and Governing China

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Review Essay

LOCAL PEOPLE'S CONGRESSES AND GOVERNING CHINA

Kevin J. O'Brien

Young Nam Cho, *Local People's Congresses in China: Development and Transition*. New York: Cambridge University Press, 2008. 192pp. US\$80.00 (hardcover)

Ming Xia, *The People's Congresses and Governance in China: Toward a Network Mode of Governance*. London: Routledge, 2007. 300pp. US\$130.00 (hardcover)

Taken together, these two books depict the role that local people's congresses (LPCs) play in Chinese politics. The image that emerges is somewhat unexpected. One might have thought that the crucial question about LPCs centers on how representative they are. What stands out in these accounts, however, is how little attention is devoted to elections, deputy-constituent ties, and speaking out at plenary sessions. For Young Nam Cho and Ming Xia, the big story is occurring inside the state and concerns institutionalization, multi-step deliberation, and enhanced oversight. Administrative reforms have transformed the policy process and new arenas have been created to manage conflict. LPCs have benefited greatly from this re-division of labor and are not a "rival show" or a "rubber stamp" (Xia, p. 228) but partners in governance that provide a

venue for interested parties (mostly within the bureaucracy) to work out disagreements. Energetic LPCs are first and foremost a sign that *where* Chinese politics takes place has changed. Legislative development, in this way of thinking, has less to do with responsiveness and altered state-society relations and more to do with state-building, restructuring bureaucratic ties, and making Party rule predictable and effective.

If LPCs have become a “strong political force in local politics,” (Cho, p. 163) but have been empowered only selectively (with much more attention to lawmaking and oversight than representation), what does this imply about the shape of the Chinese polity?¹ Or more simply, what do local people’s congresses do, and what do they not do? And what does their mixture of activism and quiescence say about how governance is changing?

Evidence and Variation

Students of LPCs sometimes fall prey to cherry-picking instances of assertiveness and downplaying how pliant and passive most congresses are. Cho and Xia do not steer clear

¹ People’s congresses have often been treated as a window on the Chinese polity and the forces for change brewing within. On the policy process, “organized anarchy,” and democratization, see Murray Scot Tanner, *The Politics of Lawmaking in China: Institutions, Processes, and Democratic Prospects* (Oxford: Oxford University Press, 1999). On liberalization, rationalization, and inclusion, see Kevin J. O’Brien, *Reform Without Liberalization: China’s National People’s Congress and the Politics of Institutional Change* (New York: Cambridge University Press, 1990). On the rule of law, see Oscar Almen, “Authoritarianism Constrained: The Role of Local People’s Congresses in China,” Ph.D. dissertation, Göteborg University, Sweden, 2005. On checks and balances, see An Chen, *Restructuring Political Power in China: Alliances and Opposition, 1978-1998* (Boulder, CO: Lynne Rienner, 1999). On constitutionalism, see Michael W. Dowdle, “The Constitutional Development and Operations of the National People’s Congress,” *Columbia Journal of Asian Law*, Vol. 11, No. 1 (Spring 1997), pp. 1-125.

of this entirely. Many passages, especially in Xia's book, detail the most exciting (but perhaps least representative) episodes of contestation, muscularity in lawmaking, and vigorous oversight to be found. The significance of events such as vetoing a court work report (the "Shenyang Incident") or interpellating and then refusing to ratify several bureau directors (the "Guangdong Phenomena") (Cho, pp. 1-2) can at times be difficult to evaluate and a feeling lingers that atypical occurrences (and unusually hardworking congresses) have been blown up beyond their import.²

That said, both authors have assembled convincing evidence that LPCs are more active than previously thought and that many are closer to the center of power locally than the National People's Congress (NPC) is in Beijing (Cho, p. 163; Xia, p. 250).³ At a time when the NPC often appears sleepy and handcuffed, the most enterprising local congresses introduce innovations that begin in the provinces and spread outwards. Formerly quiet LPCs emulate dynamic neighbors and policy diffusion occurs on issues including nationalities' autonomy, consumer rights, and the protection of children (Xia, pp. 163-164; Cho, pp. 15, 165) Provincial congresses, especially, have filled a void created by too few national laws promoting economic liberalization (Xia, p. 5), such that by the late 1990s, legislators in Shanghai and Shenzhen were heard bragging how

² Both authors are aware of this danger. Cho (p. 15) explicitly acknowledges that the congresses he examines in Shanghai and Guangdong are "pioneers and possible models" and that "we need to be careful about generalizing these cases."

³ See also Melanie Manion, "When Communist Party Candidates Can Lose, Who Wins? Assessing the Role of Local People's Congresses in the Selection of Leaders in China," *China Quarterly*, No. 195 (September 2008), p. 608.

advanced their congresses were compared to the NPC, both in terms of top-notch staff and an ability to enact controversial laws.⁴

Still, legislative activism remains uneven, among and within provinces (Cho, p. 5).⁵ In the absence of a nationwide sample (or armies of scholars studying people's congresses) Cho offers a number of useful hypotheses about variation and how to understand it. Future researchers will want to confirm (or contest) his suggestion that LPCs are more active in poorer than richer urban districts, in coastal than inland provinces, and that leadership, above all, determines whether a congress takes its work seriously (p. 15; chap. 7).⁶ Cho also proposes several typologies that will attract attention: LPCs can be divided into pioneers, bandwagoners, and inactives (p. 53). Deputies may be thought of as policy-providers, supervisors, reflectors, or exemplars,⁷ and social background helps predict which role(s) a deputy chooses (chap. 5). Though this field still awaits large-scale quantitative research, time-series data, and in-depth

⁴ Li Yahong, "The Legislative Autonomy of the Localities in China," *China Perspectives*, No. 32 (November-December 2000), p. 16.

⁵ On variation, see also Jean-Pierre Cabestan, "More Power to the People's Congresses? Parliaments and Parliamentarism in the People's Republic of China," *ASIEN* 99 (April 2006), p. 43; Almen, "Authoritarianism Constrained," pp. 160-61. Xia (pp. 156, also p. 164) questions this, arguing that provincial people's congresses "are very homogenous in terms of their institutional arrangements and activism."

⁶ Xia (p. 252; pp. 100, 247) also underscores "sophisticated political entrepreneurs" in LPCs and their efforts to strengthen congresses. Almen, "Authoritarianism Constrained," (p. 154), highlights the role of people's congress standing committee chairs in activating LPCs.

⁷ For another typology of deputy roles (regime agent, remonstrator, and inactive), see Kevin J. O'Brien, "Agents and Remonstrators: Role Accumulation by Chinese People's Congress Deputies," *China Quarterly*, No. 138 (June 1994), pp. 359-80.

studies of single congresses,⁸ Xia and Cho have established a baseline against which change can be measured, while leaving little doubt that many LPCs play an important part in the policy process.

Lawmaking

In the 1980s, laws were typically enacted after a period of gathering experience (Xia, p. 157; Cho, p. 27). Reforms were implemented first through policies, and only later “actively but prudently” transformed into law.⁹ In the early 1990s, a new practice emerged. The principle of “lawmaking in advance” encouraged LPCs to step into areas not legislated by the Center, rather than waiting for extensive experience and just the right moment (Cho, p. 27). This approach relied on creating test points that preceded national legislation and using local statutes to launch reforms.¹⁰ It fostered experimentation in policy areas as different as private business promotion, state-sector

⁸ Xia’s findings rest on a careful reading of Chinese sources, including document collections published by people’s congresses and provincial yearbooks, as well as interviews with deputies and staff members from six provincial-level congresses. Cho consulted similar written materials and also conducted interviews with legislative leaders, staff, and government officials in Tianjin, Shanghai, and Guangdong. To examine factors that led to uneven legislative development, Cho gathered data on eighteen district and county congresses in Tianjin.

⁹ O’Brien, *Reform Without Liberalization*, p. 157.

¹⁰ Laura Paler, “China’s Legislation Law and the Making of a More Orderly and Representative Legislative System,” *China Quarterly*, No. 182 (June 2005), p. 307. Paler notes (p. 306) that while the 2000 Legislation Law institutionalized “lawmaking in advance” it also curbed LPC lawmaking in some respects by granting the NPC and State Council exclusive authority in ten areas.

restructuring, and stock market regulation.¹¹ Its result was a boom in legislating that put over 8100 local statutes on the books by the mid-2000s.¹²

Most of these laws concern the economy, in particular market creation and regulation (Xia, chap. 6). A large majority, as in other countries, were drafted by the government.¹³ Even so, most LPCs have strengthened their capacity to take part in lawmaking. Many provincial congresses now have 100-200 staff members, including dozens of law school graduates, active committees, and more standing committee members who serve full time (Xia, pp. 57-60; Cho, p. 26).

Rather than drafting laws themselves, local legislatures focus on amending legislation drafted by others and providing a venue for concerned parties to hash out differences. This mainly offers access to government departments, but social organizations (business and consumer associations, the trade union, the Communist Youth League, the Women's Federation) often win a spot at the table on laws that touch on their interests (Cho, chaps. 2, 6). Since the Guangdong people's congress initiated hearings in 1999 and the 2000 Legislation Law affirmed their usefulness, dozens of

¹¹ Sebastian Heilmann, "From Local Experiments to National Policy: The Origins of China's Distinctive Policy Process," *China Journal*, No. 59 (January 2008), pp. 1-2.

¹² Cited in "The National People's Congress of the People's Republic of China," http://www.npc.gov.cn/englishnpc/about/2007-11/20/content_1373258.htm, accessed August 9, 2008. For a provincial breakdown, see Xia, p. 155.

¹³ 85% (34 of 40) in Shanghai from 1998-2002 (Cho, p. 25; also Xia, p. 157). On 80% of local laws in Shandong and "virtually all" in Heilongjiang originating with the government, see Roderick MacFarquhar, "Provincial People's Congresses," *China Quarterly*, No. 155 (September 1998), p. 660. Cho (p. 25) helpfully reminds readers of the "90 percent rule:" executives worldwide propose 90% of the legislative agenda, and at least 90% of what the government proposes is passed.

hearings have also been held, chiefly in big cities, to increase transparency and give selected members of the public a say, however small, in lawmaking (Xia, p. 167; Cho, p. 31).¹⁴

One of Cho's more striking findings is that the role of territorial Party committees in lawmaking is indirect and limited (pp. 20-22). Prior approval is seldom sought before laws are passed, and the Shanghai congress, for one, only submits its legislative plan and highly sensitive bills (e.g. concerning religion or the military) to the Municipal Party Committee. Of course, 60-75 percent of deputies and virtually all LPC leaders are Party members, so this does not mean the end of Party participation in lawmaking.

On local lawmaking, Cho and Xia paint a picture of a pluralized policy process in which the interests of Party committees and government departments do not have the impact they once had. Multiple players have opportunities for input as a bill shuttles between organizations, and bargaining and clashes occur, but the dominant pattern is one of "active consultation, voluntary cooperation, and intentional pre-emption of conflict" (Xia, p. 174). Outright winners or losers are uncommon (Cho, p. 41) and the job of LPCs is not to compete with the government or Party, but to prevent policy from being made unilaterally and to provide an arena for hammering out compromises.

Oversight

¹⁴ See also Paler, "China's Legislation Law," pp. 310-18. Although hearings are mentioned in the procedural rules of each provincial congress, practices vary on whom to invite, whether advance approval is required, and how to incorporate suggestions into legislation.

Because it rubs up against the Party's nomenklatura power and leads to friction with officials who wish to avoid disclosure of poor performance or misconduct, oversight is often a tougher assignment than lawmaking. Some deputies have even been detained or assaulted after seeking the removal of a corrupt leader or undertaking a thorough inspection (Xia, p. 138; Cho, p. 93). Nevertheless, LPC supervision of the government, courts, and procuracy has been growing steadily since the early 1990s and is now considered a top priority, especially for congresses below the provincial level (Cho, pp. 44, 55, 81).¹⁵

Deputies conduct oversight alone and in groups. Between plenary sessions, most members join inspection tours that examine the implementation of laws (Cho pp. 56, 92; Xia, pp. 195-96). These are generally arranged by a congress's standing committee and can deposit thousands of deputies in the field (every few months) to see if unlawful fees have been halted, pollution controlled, property rights respected, and compulsory education enforced (Xia, pp. 190, 197, 205; Cho, p. 56). Reports follow, both to the standing committee and the targeted department, and suggestions are made, some of which are ignored or have little effect. Although inspections can apply pressure on below par cadres and warn others to shape up, one 1994 study of Anhui showed that only about 30 percent of the problems identified were addressed (Cho, p. 57). As they

¹⁵ See also James Derleth and Daniel R. Koldyk, "The District People's Congresses and Political Reform in China," *Problems of Post-Communism*, Vol. 49, No. 2 (March/April 2002), p. 19. On supervision as the "most promising" line of activity for congresses, see MacFarquhar, "Provincial People's Congresses," p. 661.

have for decades, inspections remain better at highlighting shortcomings than forcing change.¹⁶

Efforts have been made to stiffen oversight by linking inspections with “appraisal” (*pingyi*). Deputies, or more often a congress standing committee, now call local leaders before them to explain their work. Five to ten areas are evaluated annually, and LPCs get around to most department heads in a five year term. Appraisals have become so serious that some officials reportedly tremble with fear at their prospect,¹⁷ even though most conclude with a vote of at least “worked average” or “basically qualified” (rather than a call for dismissal). Still, some officials are awarded low marks for incompetence, unpopularity or misbehavior, all must report back how they acted on recommendations, and a final report is submitted that can figure in transfers and promotions (Xia, pp. 208-12; Cho, pp. 58-62).¹⁸

Appointment power may also be considered a form of monitoring. Deputies approve a slate of officials every five years and have the authority to remove those found wanting at plenary sessions or standing committee meetings. In the eyes of some analysts, no more than a “homeopathic degree of choice exists,”¹⁹ and it is noteworthy that many of the most stirring stories of defeated nominees for governor or other high

¹⁶ See Almen, “Authoritarianism Constrained,” p. 123. On NPC inspections from the 1950s through the 1980s, see O’Brien, *Reform Without Liberalization*, pp. 33-35, 165-67.

¹⁷ Chen, *Restructuring Political Power*, p. 210; also Xia, pp. 210-211.

¹⁸ For details on the appraisal system, and several cases studies, see Almen, “Authoritarianism Constrained,” pp. 130-36.

¹⁹ Cabestan, “More Power,” p. 57. Chen, *Restructuring Political Power* (p. 101) also notes that “one thousand votes cannot compete with a Party transfer order.”

office (Xia, chap. 7) date from the late 1980s and early 1990s. But reform is underway. Regulations passed in 1995 enlarged the number of participants in screening and gave deputies more choice, and Party-sponsored nominees do lose and deputy-sponsored ones do get through. A quantitative study by Melanie Manion documents “strikingly higher” Party loss rates following the 1995 reforms, though still in the 1-5 percent range, and only 1 out of every 2000 Party-sponsored provincial nominees was rejected between 2000 and 2003.²⁰ Even if vetoes remain “off-the-equilibrium-path outcomes,” the most important consequence of facing LPC scrutiny may be more careful vetting by personnel departments, so that unqualified or unpopular candidates are not nominated in the first place.²¹

Some efforts have also been made to examine work reports of the government, court, and procurator more diligently. But despite an upturn in vetoes and close votes (Cho, pp. 54, 73),²² this form of oversight remains weak. Important reasons include: budget review usually occurs after a fiscal year has begun, extra-budgetary funds are

²⁰ According to one estimate, 10-15 percent of official candidates are vetoed by the most assertive LPCs. Minxin Pei, *China's Trapped Transition: The Limits of Developmental Autocracy* (Cambridge, MA: Harvard University Press, 2006), p. 62. Manion (“When Communist Party Candidates Can Lose,” p. 624) estimates that 17,535 Party candidates lost in the first set of elections after 1995. Almen, “Authoritarianism Constrained,” (p. 117), notes that recalls usually come at the initiative of Party discipline organs, not an LPC.

²¹ Manion, “When Communist Party Candidates Can Lose,” p. 624; also Xia, p. 224; Melanie Manion, “Chinese Democratization in Perspective: Electorates and Selectorates at the Township Level,” *China Quarterly*, No. 163 (September 2000), pp. 764-82.

²² Chen, *Restructuring Political Power*, pp. 202-03.

typically not reported, and LPCs lack the expertise to interpret much of the technical material they receive.²³

The two authors differ on how conflictual oversight is. Xia detects a pattern of “cautious confrontation” and deference from standing committee members who, as often as not, live in the same compound as officials they supervise (pp. 226, 245). Cho see more variation by time and target, with congresses soft-pedaling conflict with governments (until very recently) and adopting an aggressive approach to courts (after ignoring them in the 1980s) (pp. 6, 43, 66, 81-82, 164).²⁴ For Cho, investigating misjudged cases has become a singularly contentious area, in which courts struggle to fend off supervision, and legislative activism and judicial independence often clash (chap. 4).

Strengthened oversight, like lawmaking, is mainly a story of inside-the-bureaucracy reform. It speaks to institutionalization of the polity and a reshuffling of power among state actors. It does not imply the appearance of full-fledged checks and balances or anything approaching democratization. An LPC remains less a parliament

²³ Cabestan, “More Power,” p. 58; also Cho, p. 52. On the Heilongjiang congress joining with the governor to secure inclusion of extra-budgetary funds in budget reports, see MacFarquhar, “Provincial People’s Congresses,” p. 662.

²⁴ On LPC conflict and cooperation with various organizations, including territorial Party committees, see Almen, “Authoritarianism Constrained,” pp. 34-35, 60-61, 151; Kevin J. O’Brien, “Chinese People’s Congresses and Legislative Embeddedness: Understanding Early Organizational Development,” *Comparative Political Studies*, Vol. 27, No. 1 (April 1994), pp. 80-107; Kevin J. 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; Manion, “When Communist Party Candidates Can Lose,” p. 608, footnote 1.

than a Censorate that polices the bureaucracy and “brings a different but equally loyal perspective to bear upon problems of governance.”²⁵

Representation

Representative government requires institutional machinery for constituents to express their wishes and leaders who are responsive unless there are good reasons not to be.²⁶

In today’s China, the Party still claims to represent the interests of the people and the linkage between popular preferences, deputy behavior, and policy making is tenuous at best. Local leaders retain a tight grip on LPC elections²⁷ and there is “minimal electoral connection between the elected and those who elect them” (Xia, p. 101). Some deputies in higher congresses do not even learn they are candidates for office until they read about their “election” in the newspaper.²⁸ Many members regard selection as a

²⁵ For this analogy and the quoted text, see MacFarquhar, “Provincial People’s Congresses,” pp. 666-67. The future of oversight, especially that by standing committees, may hinge on two questions that MacFarquhar (p. 661) suggests: to what extent does a change of job lead to a change of allegiance? Are LPCs institutions where yesterday’s poachers can become today’s gamekeepers?

²⁶ Hanna F. Pitkin, *The Concept of Representation* (Berkeley: University of California Press, 1967), pp. 221-23.

²⁷ Xia, pp. 101-11; also, Cabestan, “More Power,” pp. 44-51. On the 2002 county people’s congress elections in Yunnan, and their procedural shortcomings compared to village committee elections occurring the same month, see Kevin J. O’Brien, “Improving Election Procedures and Practices: Some Modest Proposals,” available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1157092, accessed August 25, 2008. On the election of a handful of write-in candidates in Shenzhen and Beijing in 2003, see Cabestan, “More Power,” pp. 47-48.

²⁸ Chen, *Restructuring Political Power*, pp. 78-79; Chen (chap. 3) provides a detailed account of LPC elections from 1979-98. Elections early in the reform era drew considerable scholarly attention. See Brantly Womack, “The 1980 County-Level Elections

favor that should be repaid by agreeability rather than spirited advocacy of constituent interests.²⁹

Although representation remains the least developed role of LPCs, deputies do more “opinion reflecting” than they did in the past (Cho, pp. 4-5, chap. 5).

More members speak up for groups or localities (Cho, p. 101), and some try to nudge policy in a desired direction. An influx of younger, better-educated deputies has energized congresses (Xia, pp. 145-49, 244) and many LPCs have evolved into gatherings of the local elite, including outspoken intellectuals and entrepreneurs angling to win government support.³⁰ For all that, plenary sessions remain brief, stage-managed affairs

in China: Experiment in Democratic Modernization,” *Asian Survey*, Vol. 22, No. 3 (March 1982), pp. 261-77; Barrett McCormick, *Political Reform in Post-Mao China* (Berkeley: University of California Press, 1990), chap. 4; J. Bruce Jacobs, “Elections in China,” *Australian Journal of Chinese Affairs*, No. 25 (January 1991), pp. 171-99. More recently, interest has shifted to voter turnout, and disagreement over how to interpret a person’s decision not to vote. See Tianjian Shi, “Voting and Nonvoting in China: Voting Behavior in Plebiscitary and Limited-Choice Elections,” *Journal of Politics*, Vol. 61, No. 4 (November 1999), pp. 1115-39; Jie Chen and Yang Zhong, *Journal of Politics*, Vol. 64, No. 1 (February 2002), pp. 178-97. For a get-out-the-vote effort in Beijing, see Mei Guan and Donald P. Green, “Noncoercive Mobilization in State-Controlled Elections: An Experimental Study in Beijing,” *Comparative Political Studies*, Vol. 39, No. 10 (December 2006), pp. 1175-93.

²⁹ Chen, *Restructuring Political Power*, pp. 82-83; Derleth and Koldyk, “District People’s Congresses,” pp. 16, 19.

³⁰ See also Cabestan, “More Power,” p. 46; Almen, “Authoritarianism Constrained,” p. 96; Bruce J. Dickson, *Red Capitalists in China: The Party, Private Entrepreneurs, and Prospects for Political Change* (New York: Cambridge University Press, 2003), p. 122. On improvements in “deputy quality” and commentators who favor excluding worker and peasant deputies, see Kevin J. O’Brien and Lianjiang Li, “Chinese Political Reform and the Question of ‘Deputy Quality,’” *China Information*, Vol. 8, No. 3 (Winter 1993-94), pp. 20-31. On charitable contributions by entrepreneurs resulting in higher social status and selection to LPCs, see Dali Ma and William L. Parish, “Tocquevillian Moments: Charitable Contributions by Chinese Private Entrepreneurs,” *Social Forces*, Vol. 85, No. 2 (December 2006), pp. 943-64. On status-seeking entrepreneurs in congresses, see also Cho, pp. 108-10.

whose length and frequency declined from the 1980s to the 1990s, and there is no shortage of “two hands deputies” who only applaud and vote yes, and are little more than sounding boards (Xia, pp. 43-50, 65, 135).

The best claim for improved representation lies with members who take it on themselves to do “good things” between sessions.³¹ What political scientists call service responsiveness — obtaining benefits for particular constituents — has increased since the 1980s. Many deputies now spend a fair amount of time responding to letters and visits, doing casework, and acting as ombudsmen. This draws them into all sorts of parochial matters, such as raising funds for a poor student, finding a job for a laid-off worker, helping an entrepreneur resist a tax shakedown, springing a constituent’s son from labor reform, or resolving a dispute between neighbors. Of late, many congresses have set up hotlines and reception days, and some deputies hold regular meetings with constituents to listen to their opinions. Through these channels, personal complaints are aired and also broader, community-wide concerns. Deputies learn of and convey demands to repair roads and bridges, improve public lavatories, halt hotel construction next to a hazardous materials warehouse, improve restaurant hygiene, relocate bus stops to reduce traffic congestion, and so on. Some deputies also go beyond the needs of a geographic constituency to reflect the views of occupational, gender, or ethnic groups. A school teacher pays attention to building libraries and science exhibition halls, a religious leader seeks to expel army regiments from temples occupied during the

³¹ Chen, *Restructuring Political Power*, p. 212.

Cultural Revolution, a forester tries to improve education in remote logging camps, a woman looks into day-care availability, a Moslem works to increase non-pork meat supply (Cho, pp. 95-97; Xia, pp. 136-48).³² Deputies exploit weak electoral ties to address whatever problems draw their interest.

But none of this should be exaggerated. Representation depends on civic-minded deputies who assume this responsibility despite few rewards for doing so and few sanctions for ignoring it. There are also risks (Xia, pp. 137-48). Members who pursue constituent or group concerns zealously can be accused of neglecting the interests of the whole, divisiveness, or strong-arming officials. Rank-and-file deputies, by and large, continue to represent the Party as much as their constituents and “are more concerned with the survival of the whole regime and the interest of the ruling elite than the people’s interest” (Xia, p. 251). This is even more so for legislative leaders: following the 2003 elections, 23 of 31 provincial congresses were headed by a provincial Party secretary (Xia, pp. 113, 119-23).³³ Deputies are loyalists who uncover social discontent and sound an alarm before an explosion occurs (Cho, p. 95). Without institutional mechanisms to ensure it, representation rests on public-spirited members and leadership forbearance, and, in a fundamentally unrepresentative system, is precarious, inexact, and occasional.

Looking Forward

³² Some of these examples of constituency service and group representation are from O’Brien, “Agents and Remonstrators,” pp. 369-371, 377.

³³ On the increasing number of Party secretaries who serve as LPC standing committee chairs, see also Cabestan, “More Power,” p. 52; Almen, “Authoritarianism Constrained,” pp. 55-57.

Despite their attention to LPC restraint and consensus-seeking (Xia, pp. 172-74, 251; Cho, pp. 45-50), Cho and Xia agree that conflict with other state organs is on the rise.³⁴ For Cho, growing assertiveness, especially toward local governments, signals a “new developmental stage,” following a productive period of harmonious relations with other organizations (pp. 62-63). For Xia, LPCs have tangled with bureaucratic rivals since the beginning of the reform era while skillfully finessing an either-or choice between contestation and cooperation (pp. 67, 73, 100, 218-20).³⁵ Both authors see LPCs routinely seeking support from Party committees and the NPC, not least because congresses need powerful backers when they stand up to government departments or courts (Cho, pp. 45-48, 164; Xia, pp. 173, 244-45). The “sophisticated development strategy” (Cho, p. 6) fashioned by congress leaders involves a mixture of cooperation and confrontation, deference and feistiness. It hinges on astute selection of targets, picking one’s battles, focus on hot-button issues, and playing competitors off against each other.

The issue here is not just legislative development, but also the role of LPCs in political and (possible) regime change. Xia, plunging bravely into prediction, envisions “the inevitable coming of an authentic democracy to China,” as the Party “go[es] along with the tide of human progress” and “sooner or later has to allow free elections to produce its people’s congresses” (pp. 13, 262). In his view, congresses may offer a place

³⁴ See also Manion, “When Communist Party Candidates Can Lose.”

³⁵ cf. O’Brien, “Chinese People’s Congresses and Legislative Embeddedness.”

for negotiations about a democratic transition to occur³⁶ (p. 256) and so act as a “bridge . . . leading China from its authoritarian past to its democratic future” (p. 13).

Cho, more cautiously, rates recent legislative development to be evidence only of institutionalization of the polity, not a harbinger of democratization (chap. 8). He argues that congresses will be further upgraded if a democratic transition takes place, but that democratization “generally begins outside legislatures” and legislatures play a small part in it (pp. 169, 172). (Xia also believes that people’s congresses are unlikely to be the driving force behind democratization, but rather vehicles that assist it and benefit from it (p. 256)).³⁷ For both Cho and Xia, much more than beefed-up LPCs is needed if China is to democratize, including competitive elections, a multiparty system, and well-protected rights (Cho, p. 168, 171; Xia, pp. 250-51). This is certainly true, though the real lesson of these books is that we should forgo “democracy or not” questions and be alert to any number of possibilities as China finds its way out of state socialism. Today’s leaders do not face a choice between democracy or stagnation, but between different kinds of political reform, some familiar, some less so.

³⁶ On the NPC possibly being a meeting ground for reformers and moderate critics to negotiate a transition, see Tanner, *The Politics of Lawmaking*, p. 39; Kevin J. O’Brien, “Hunting for Political Change,” *China Journal*, No. 41 (January 1999), p. 168. Cho (pp. 167, 170) notes that legislatures typically participate in the debates about establishing democracy *after* authoritarian systems collapse, and is skeptical that Chinese people’s congresses “can play even such a limited role.”

³⁷ See also Cabestan, “More Power,” p. 69.