

# **Does the legislature matter? The executive-legislative relations in Chinese legislative process**

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*To discuss the type of legislature, this article explores what role the National People's Congress (NPC) plays in China's political system, particularly in legislative process. According to Mezey's study, he defines 'minimal legislatures' as being characterized by having little or no policy-making power and being more supported by the elite. The assumption is that the NPC is a minimal legislature, acting as a rubber stamp for the executive. This study is used to test this assumption. The findings show that the NPC does play an important role in the whole political system, especially in legislation, though the NPC has typically been under the control of the China's Communist Party (CCP). The findings also call into question the continued applicability of Mezey's classic typology legislatures by given the development of the Chinese legislature. A new approach of classifying legislatures is introduced based on the institutionalisation and professionalization of a legislature.*

*Key words: National People's Congress; Chinese politics; minimal legislature; legislature typology; legislativ; institutionalisation; professionalization.*

In his seminal typology of legislatures, Mezey (Mezey, 1979, pp. 42-43) divided legislature into five types: active, vulnerable, reactive, marginal, and minimal. So far, studies have paid more attention to established democracies which are generally regarded as active or reactive legislature. However, legislatures in non-democratic states are often regarded as 'minimal legislatures' or 'rubber stamp' legislatures that provide nothing other than latent legitimacy (Allmark, 2012). In this research, China offers the interesting experience of a non-democratic regime that has attempted to institutionalise a legislative system divergent from that of western competitive democracies. Therefore, a better knowledge of this legislature can help us understand the working in an emerging economy of a legislative body that contrasts with the legislatures in established democracies which are usually studied. To begin to study what role the NPC plays in legislation, I examine all laws which are still in force to date, passed between the 5<sup>th</sup> session of the NPC and the 11<sup>th</sup> session of the NPC. Specifically, I look at the changing trend of the bills initiated by the executive branch and by the NPC, the time spent on deliberation of bills, and if there is preference to what type of legislation the executive and the legislative pursue. On the basis of the data and evidence, I discuss the continuing validity of the expectation that the NPC is a minimal actor in the political system and generate a modified typology of legislatures.

## Overview of the National People's Congress and its legislative process

The National People's Congress (NPC)<sup>1</sup> was established by the first constitution of the People's Republic of China promulgated in 1954. So far, it is the largest legislature with nearly 3,000 deputies and it has gone through three main stages in its 60 years' development: shape-taking phase (1954-1965), damaged phase (1965-1978), and redevelopment phase (1978- ) (Yu, 1998). It is often said that the NPC passively convey the CCP's<sup>2</sup> decisions and lack significant policy influence (O'Brien, 1990a). In Lawrence and Martin's description (Lawrence and Martin, 2012), the NPC is a 'strong on Paper, weak in Practice' legislature. Like many west European parliaments, the NPC is guided by the principle of parliamentary supremacy, according to which the parliament is the highest legislative, as well as constitutional authority, in charge of supervising other constitutional organs. Thus, as the highest state organ, in theory the NPC's power is supreme. But in fact, the CCP continues to exercise ultimate power in China. All other state organs including the NPC are accountable and subordinate to it.

The long-standing perception is that the legislatures exist to make law. Without exception, the primary function of the NPC is lawmaking. However, the legislative process in the NPC is different from many other legislatures. Its legislative power is shared by the NPC plenary session and the National People's Congress Standing Committee (NPCSC).<sup>3</sup> According to the 1982 Constitution which is still in force, the NPC plenary session and the NPCSC are both empowered to legislate.<sup>4</sup> Technically, the legislative process in the NPC can be divided into four stages below:

Stage one: Planning. The Council of Chairmen of the NPCSC sets legislative plans regularly for the NPC plenary session and the NPCSC. The plans have three forms: the long-term legislative outline, the five-year plan and the annual plan. The long-term legislative outline and the five-year plan instruct both the NPC plenary session and the NPCSC. The annual plan mainly directs the NPCSC's legislative activities. Zhou (Zhou, 1994, p. 460) points out that the legislative planning stage in China is "not only expectation but arrangement to be implemented in legislation". Although the NPC takes charge of the plan making, it needs to seek and adopt advice from all sides including the executive, local congresses, academia and so on (Interview A).

Stage two: Bill drafting and initiation. According to the Legislative Law of China, the legal bill initiators comprise the delegations of the NPC,<sup>5</sup> deputies of the NPC (over 30 initiate jointly), members of the NPC Standing Committees (over 10 initiate jointly), special committees of the NPCSC,<sup>6</sup> the Presidium of the NPC, the Council of Chairmen of NPC Standing Committee, the State Council, the Central Military Commission, the Supreme People's Court, and the Supreme People's

Procuratorate. Of which, the executive (the State Council) and the legislative (the first six initiators above) are the major initiators. Among these initiators, joint deputies of the NPC (over 30), specialized committees of the NPCSC and the Presidium of the NPC initiate bills when the NPC is in session. In fact, rarely do initiators submit bills to the NPC plenary session (the Presidium) directly. Almost all bills are submitted to the NPCSC prior to adopting into the legislative process of the NPC plenary session. For instance, the State Council usually submit bills to the NPCSC at first. After the NPCSC approve the bills in principle, it submits the bills to the NPC plenary session.

Stage three: Deliberation. Firstly, the initiators need to introduce and explain their bills to the chamber of the NPC plenary session (when the NPC is in session) or the floor of the NPCSC. The initiator simply reads out the explanation which has been circulated to the chamber of the NPC plenary session or the floor of the NPCSC. Secondly, the bills are deliberated by the deputies of the NPC (when the NPC is in session) or the members of the NPCSC and its specialised committees which are relevant with the bill. Bills are examined provision by provision, however, the bills are not amended directly at the stage. The suggestions and opinions on the bills are reported to the Presidium or the Council of Chairmen. As Jiang (Jiang, 2003) states, deputies of the NPC and members of the NPCSC offer their opinions but not amendments to the bill. Thirdly, it is a crucial stage that the Law Committee which is the only unit empowered to amend a bill. It assembles all opinions from the deputies of the NPC or the members of the NPCSC and the specialized committees, to consider what opinions are acceptable and amend the bill accordingly. At this stage, many bills are ultimately in a different form from the one originally intended (Interview B). Then the Law Committee submits the final amended bill to the Presidium or the Council of Chairmen of NPCSC for voting.

Stage four: Vote and Promulgation. When the NPC is at the session, the Presidium submits the final amended draft of the bill to the chamber for a vote. The approval by over two-thirds of all the NPC plenary deputies is required to amend the constitution. And the approval vote of a majority of all the deputies are required for law bills to pass. Similarly, the NPCSC requires a majority of the full members to pass a bill. So far, the NPC chamber has never voted down any single law bill. This means the Presidium won't put a bill up for a vote until they have confidence that the bill is popular enough among the deputies to pass the final vote. At last, according to the 1982 Constitution, the State President has the duty to promulgate law bills passed by both the NPC plenary session and NPCSC. Usually, the President signs a decree to promulgate that a law bill is to take effect.

Normally, in order to avoid the confrontation in the formal stage of decision-making, the NPC inclines to reach agreement prior to the final vote stage. So, the consensus has been achieved

among all interest-related actors before the final vote. If consensus cannot be reached, the NPC would insist on a delay to a controversial bill until 'all social conditions are ripe', or until a 'relatively perfect' draft has been worked out (Interview C). So to speak, the major confrontation, bargaining, even lobbying mainly happen in the drafting and deliberation stages in both formal and informal ways. That is the reason why the following research focuses on the drafting and deliberation stages in the NPC.

In terms of the role of the NPC in China's political system, under the present Constitution, the NPC is sovereign. There is no division of powers in China. The state organs including the executive and the judiciary report to the NPC. However, in the NPC, the CCP's leadership is exercised in a number of formal and informal ways. It can be said undoubtedly that the CCP is the centre of the whole political system. After Xi Jinping becomes the president of China, as several leading groups<sup>7</sup> have established, the CCP's centre status, which is higher than any other state organs, has even been strengthened. The CCP's leadership over the NPC is guaranteed mainly by prior review and personnel penetration. On the one hand, the CCP guides the work of all state organs and staff by discipline. According to the Central Committee Document 18 of 1986 (Jiang, 1990, p. 624), the CCP committee evaluates all important decisions of the NPC to ensure correctness and authoritativeness. Furthermore, the party exerts influence through a crucial subunit, called the Party Group (*Dangzu*). By tradition and for obvious reasons, the NPCSC chairman heads the Party Group simultaneously. This party organization within the NPC controls its budget, determines the agenda of legislations and reports the NPC's work to the CCP. In Chinese masses' mind, the NPC is weakly representative and rarely challenges the party's powers and decisions. On the other hand, the CCP instructs the NPC whom to elect to crucial posts such as the President, chair of the Military Affairs Commission, and head of the Supreme People's Court (Nathan, 1996). At the annual plenary sessions, the NPC deputies almost always vote to approve the law bills, reports, and candidates put before them, usually by overwhelming margins. As a result, both ordinary people and media pay more attention to the elections in the National Congress of the China's Communist Party than to the NPC plenary session.

In addition, the CCP members make up an absolute majority of the membership of the NPC, including the Presidium, its Standing Committee, and the members of eight Specialised Committees especially their heads, as well as the bulk of its full-time staff and experts working for the five work commissions under the NPCSC. A survey (Zhu, 2010, pp. 107-108) suggests that roughly 70 per cent of all deputies were CCP members in the past two decades. In order to 'carry out work well', roughly four fifths of legislative leader are former cadres who are transferred from the party or the executive

(Shi, 1988, p. 14). Undoubtedly, party members who participate in the NPC are subject to party discipline, this means that the CCP is able to control the NPC easily.

However, with the development of professionalization and institutionalisation, the NPC has shown an increasing measure of autonomy which can be reflected by some disperse occasions. Apart from the cases of the Bankruptcy Law bill and the Three Gorges Dam bill which have already been well-documented by other scholars (Tanner, 1995; Nathan, 1996), the deputy director of the Commission of Legislative Affairs of the NPCSC (Kan, 2014) lately disclosed that on October 31, 1989, the NPCSC members rejected the amendment of a provision of the Urban Committee Organization Law due to only 65 out of 150 members supporting it; In 1995, the nomination of a counsellor of the Foreign Affairs Committee was turned down because less than half NPCSC members (73 out of 155) supported the appointment. It is highlighted that, on April 29, 1999, members of the 9<sup>th</sup> NPCSC rejected a law bill, known as the Highway Act Amendment Bill, which was drafted and introduced by the executive (the State Council). Before this date, the rejection of a legislation bill as whole by the NPC had never happened in history. Furthermore, recently, the opposition rates to the work reports in the NPC reached new heights. In March 2013 at the first session of the 12<sup>th</sup> NPC, among 2943 deputies, 5 per cent (101 against votes and 44 abstentions), 21.6 per cent (509 against votes and 127 abstentions), and 32.6 per cent of deputies (605 against votes and 274 abstentions) withheld their support from the government work report, the Ministry of Finance's budget report, and Supreme People's Court's report respectively (Caixin, 2013). In addition, in China, the sub-national people's congresses usually run ahead of the NPC. There are numerous cases showing the assertiveness of the legislatures at sub-national people's congresses. Through compiling media reports, from 2000 to 2009, there are 28 sub-national people's congresses at various levels that said 'no' to 46 bills (Southern Urban Daily, 2009).

All these events above reflect the trend that the NPC has increased its autonomy and reduced the CCP's authority over it. The NPC deputies and staff began to gain a greater sense of responsibility as its institutionalisation and professionalization have expanded. According to Cabestan's conclusion (Cabestan, 2001) in his research, the NPC as an arena debates the national affairs more openly than the CCP. The NPCSC, the specialised committees and the work commissions of the NPC have also gradually grown their influence on the policy-making process in some areas, such as the legislation. Certainly, it is not convincing enough to demonstrate the assertiveness of the NPC based on these discrete events which are perhaps idiosyncratic occurrences. Hence, in the following, I will provide further empirical evidence to explore the role and type of the NPC.

## Data and Analysis

According to Mezey's classic typology (Mezey, 1979, pp. 42-43), 'minimal legislatures' are characterised by having little or no policy-making power and being supported by the elite. Examples of this type are the legislature of the former Soviet Union and the Tanzanian legislature. Although Mezey doesn't mention the exact position of the NPC in his six-box classification explicitly, it is not difficult to speculate the NPC can be classified into 'minimal legislature' because the NPC system originates from the political system of the Soviet Union.<sup>8</sup> Moreover, there is a prevalent view (Skilling, 1973, p. 96) that legislatures in communist countries are no more than rubber-stamp organizations, deprived of the real power of policy-making. However, whether this is still fit for Chinese legislature, the NPC, has yet to be widely studied. In this part, in order to explore the continuing validity of the expectation that the NPC is a minimal actor in the political system and to broaden our understanding of the NPC which is assumed to be nothing but a 'rubber stamp', I will discuss if it is appropriate to place the NPC into the category of minimal legislature by answering the question: what role does the NPC play in the legislative process?

To expand our knowledge concerning the behaviour of the NPC, specifically in legislation, I collected all 402 laws, including amendments and resolutions which are still in force to date, passed between 5<sup>th</sup> session of the NPC and 11<sup>th</sup> session of the NPC.<sup>9</sup> Why did I collect and analyze the data in this range? According to the archive (Research Office, 1990; Yang, 1997, pp. 337-348), at the first session of the NPC, the NPC enacted 26 laws which were most basic laws including the 1954 Constitution, the Organic Law of the National People of Congress, the Organic Law of the State Council, the Organic Law of the People's Court and the Organic Law of the People's Procuratorate. But in the following consecutive three sessions, there was no law promulgated by the NPC. Specifically, after the outbreak of the Cultural Revolution in May 1966, the 33<sup>rd</sup> meeting of the NPCSC decided to indefinitely postpone the second meeting of the 3<sup>rd</sup> session of the NPC. There was no meeting in the next 8 years, until the first meeting of the 4<sup>th</sup> session of the NPC held in 1975. Following this period, although nominally restored, the NPC and the NPCSC did not hold any meeting. In fact, it had been paralyzed and completely lost the role of the legislature. Even if the first meeting of the 4<sup>th</sup> session of the NPC was held in 1975, in fact, the 4<sup>th</sup> session of the NPC could not be regarded as a legislature, as the representatives were appointed by the Revolutionary Committee. In addition, the 4<sup>th</sup> session only had one plenary meeting and four Standing Committee meetings. The 5<sup>th</sup> session of the NPC is the first session after the Cultural Revolution. Since then, the NPC started to be on the track. As a result, the first four sessions of the NPC can be seen as an initiating period of the legislature. Due to the fact that it is not reasonable to start the analysis with the initial period of

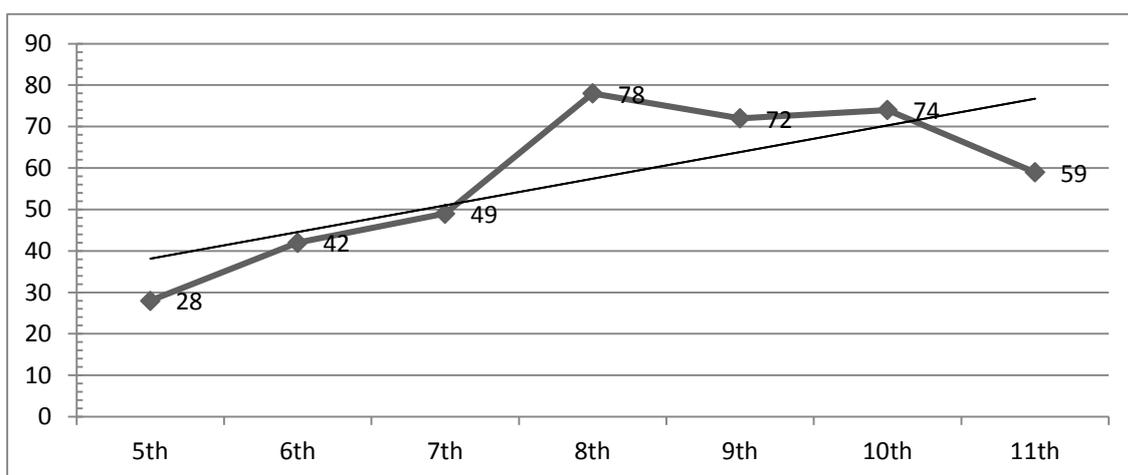
an institution, my analysis will concentrate on the data between the 5<sup>th</sup> session and the 11<sup>th</sup> session of the NPC for examining the role of the NPC in legislation.

To explore the role of the NPC in legislation, the result should be that the vast majority of bills that are passed into law, are initiated or drafted by the executive branch and the deliberation of the NPC to bills is nominal and weak if the NPC were a minimal legislature. This hypothesis is consistent with Mezey’s definition (Mezey, 1979, p. 25) of a minimal legislature, which has little or no policy-making power. The following data can be used to analyse this theory.

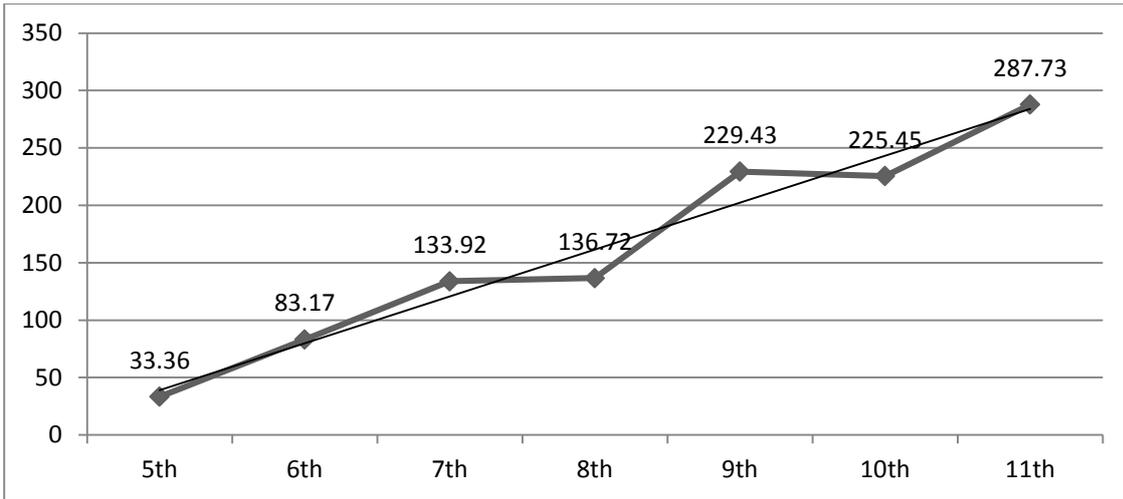
**Table 1: data set of laws**

	5 <sup>th</sup> session	6 <sup>th</sup> session	7 <sup>th</sup> session	8 <sup>th</sup> session	9 <sup>th</sup> session	10 <sup>th</sup> session	11 <sup>th</sup> session
Number of laws	28	42	49	78	72	74	59
Length of deliberation (days)	33.36	83.17	133.92	136.72	229.43	225.45	287.73
Deliberation times	1.11	1.86	2.12	2.01	2.51	2.43	2.24

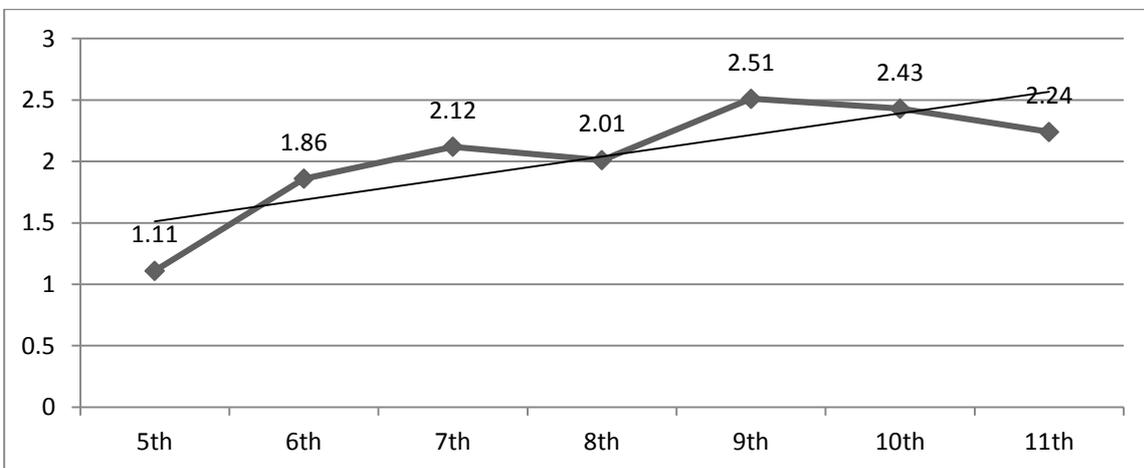
*Source:* The Legislative Planning Office of the Legislative Affairs Commission of the NPC Standing Committee (2013).



**Figure 1: Number of Laws per session**



**Figure 2: Average days of deliberation per session**



**Figure 3: Average deliberation times per session**

In terms of the number of laws, as Figure 1 shows, the total number passed in the NPC has a marked increase between the 5<sup>th</sup> session and the 8<sup>th</sup> session and level off at around 75 in the following three sessions. In spite of a drop to 59 at the 11<sup>th</sup> session, the trend line (black) indicates an increasing trend on the whole. Regarding to the length and times of deliberation of NPC standing committee (NPCSC), according to Figure 2, the length of deliberation from 5<sup>th</sup> session to 11<sup>th</sup> session had a remarkable climb from 33.36 days to 287.73 days. Likewise, in Figure 3, it can be noticed that the deliberation times reached a peak at 2.51 times at the 9<sup>th</sup> session from only 1.11 times at the 5<sup>th</sup> session, which was followed by a slight drop to 2.24 times at the 11<sup>th</sup> session. To sum up, it means not just the absolute quantity of laws increased, but also the time spent on each bill. As Blondel (Blondel, 1970) created the pioneering concept ‘viscosity’ to define the autonomy of a legislature, he mentioned: “...where the legislature is very compliant, bills pass very easily and in particular, the time spent or the number of speakers engaged in debate is very small. As the legislature became

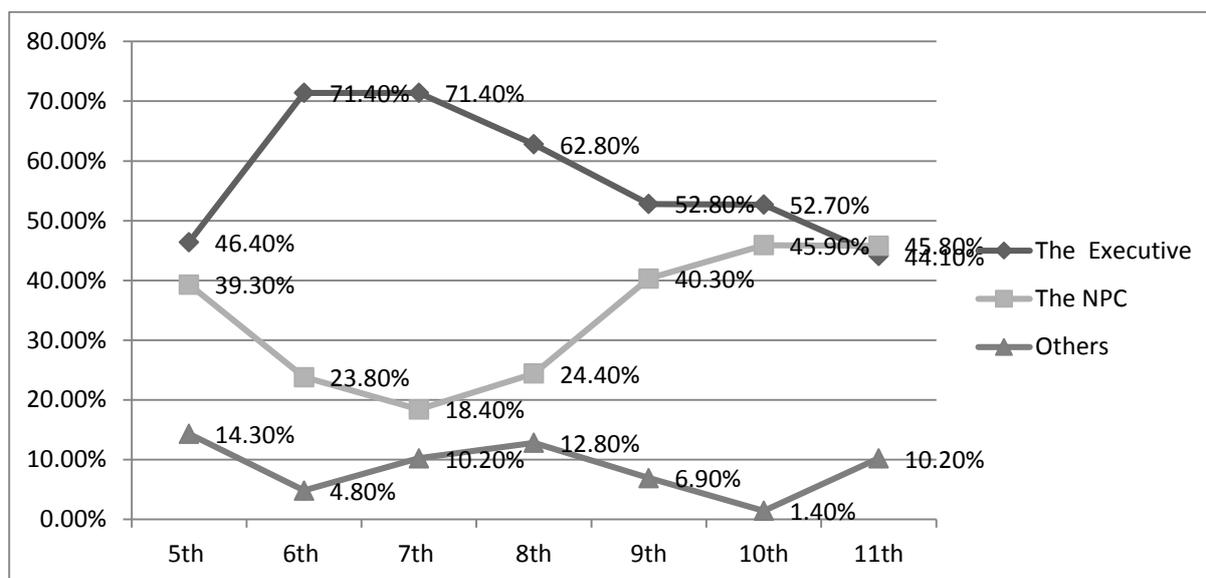
freer, the time spent increases and amendments are discussed...”. The NPC has become relatively assertive in legislative deliberation over time since the 5<sup>th</sup> session of the NPC. However, the deliberation is only one aspect of the legislative process. Subsequently, I will discuss the performance of the NPC in the other crucial aspect of the legislative process, bill drafting.

**Table 2: Number and percentage of laws drafted by the executive, the legislative and others**

	5 <sup>th</sup> session	6 <sup>th</sup> session	7 <sup>th</sup> session	8 <sup>th</sup> session	9 <sup>th</sup> session	10 <sup>th</sup> session	11 <sup>th</sup> session
The Executive	13(46.4%)	30(71.4%)	35(71.4%)	49(62.8%)	38(52.8%)	39(52.7%)	26(44.1%)
The NPC	11(39.3%)	10(23.8%)	9(18.4%)	19(24.4%)	29(40.3%)	34(45.9%)	27(45.8%)
Others	4(14.3%)	2(4.8%)	5(10.2%)	10(12.8%)	5(6.9%)	1(1.4%)	6(10.2%)

*Notes:* Others comprise the judiciary, military commissions and the NGOs.

*Source:* The Legislative Planning Office of the Legislative Affairs Commission of the NPC Standing Committee (2013).



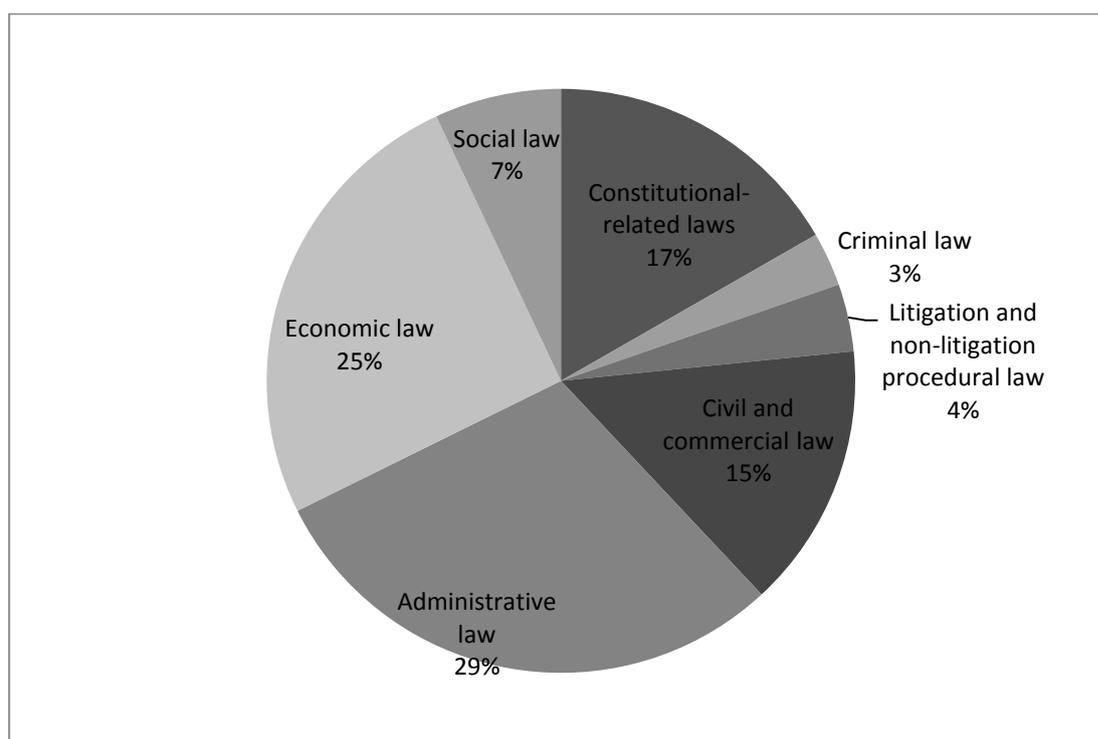
**Figure 4: Percentage of laws drafted by the executive, the legislative and others**

Obviously, as clearly shown in Table 2 and Figure 4, except the 5<sup>th</sup> and 6<sup>th</sup> sessions, the overall trend for percentage of laws drafted by the NPC soared from 18.4 per cent at the 7<sup>th</sup> session, to 45.8 per cent at the 11<sup>th</sup> session. On the contrary, the percentage of laws drafted by the executive was in decline from 71.4 per cent at the 7<sup>th</sup> session to 44.1 per cent at the 11<sup>th</sup> session. It is worth mentioning that the number of laws drafted by the NPC surpassed the ones drafted by the executive for the first time at the 11<sup>th</sup> session of the NPC, which was recently finished in 2013.

**Table 3: Type of laws**

	Number	Percentage
Constitutional-related laws	67	16.7%
Criminal law	12	3.0%
Litigation and non-litigation procedural law	15	3.7%
Civil and commercial law	59	14.7%
Administrative law	119	29.6%
Economic law	102	25.4%
Social law	28	7.0%
Total	402	100.0%

Source: The Legislative Planning Office of the Legislative Affairs Commission of the NPC Standing Committee (2013).



**Figure5: Pie chart of types of laws**

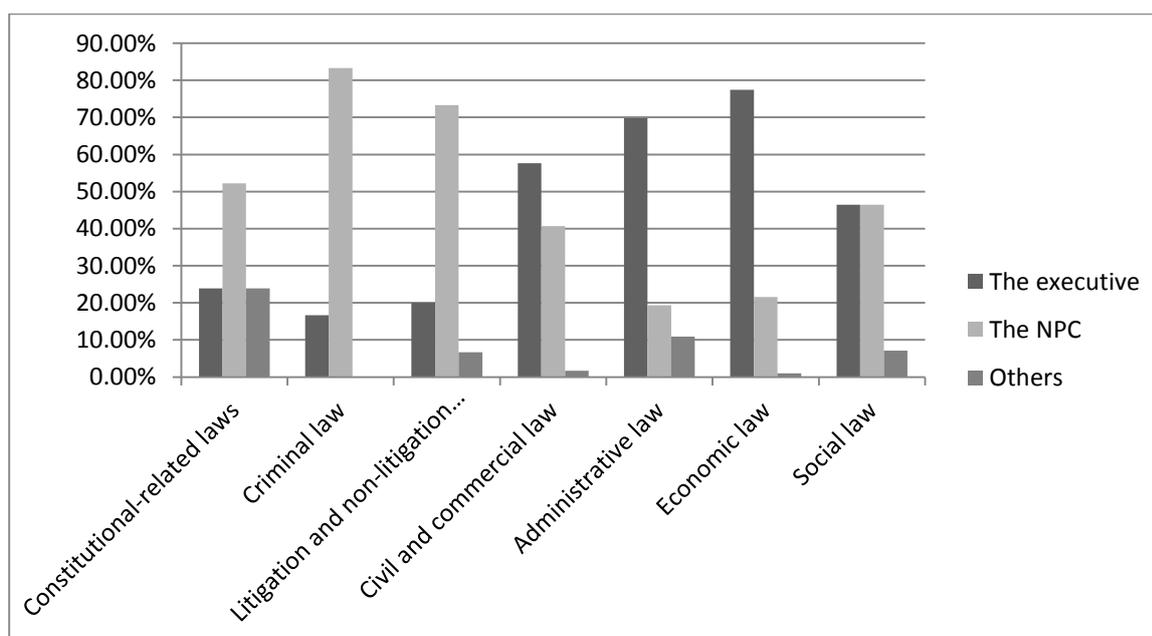
On the basis of content, all 402 laws, including amendments and resolutions, can be classified into seven types: constitutional-related laws, criminal law, litigation and non-litigation procedural law, civil and commercial law, administrative law, economic law, and social law.

As shown in Figure 5, it is clear that the largest type of law is administrative law with 119, which accounts for 29.6 per cent of all laws. The next largest is economic law, consisting of 102 laws, which accounts for 25.4 per cent. Constitutional-related law is the third, 67, 16.7 per cent of all the laws and followed closely by civil and commercial law, 59, accounts for 14.7 per cent. The above four types of laws take up 86.4 per cent of all. By contrast, social law, litigation and non-litigation procedural law and criminal law make up the smallest percentage, which are respectively 7 per cent, 3.7 per cent and 3 per cent.

**Table 4: The number and percentage of types of laws drafted by the executive, the NPC and others**

Types of laws	The executive	The NPC	Others
Constitutional-related laws	16(23.88%)	35(52.24%)	16(23.88%)
Criminal law	2(16.67%)	10(83.33%)	0(0.00%)
Litigation and non-litigation procedural law	3(20.00%)	11(73.33%)	1(6.67%)
Civil and commercial law	34(57.63%)	24(40.68%)	1(1.69%)
Administrative law	83(69.75%)	23(19.33%)	13(10.92%)
Economic law	79(77.45%)	22(21.57%)	1(0.98%)
Social law	13(46.43%)	13(46.43%)	2(7.14%)

Source: The Legislative Planning Office of the Legislative Affairs Commission of the NPC Standing Committee (2013).



**Figure 6: Percentage of types of laws drafted by the executive, the NPC and others**

As we can see in Figure 6, regarding to constitutional-related law, criminal law and litigation and non-litigation procedural law, the NPC is the dominant drafter. In contrast, the executive tends to draft more civil and commercial, administrative, and economic laws. The executive takes dominance because the complexity of these specialised areas requires a great deal of skill and knowledge. The NPC staff often lack the administrative, financial, and economic resources necessary to develop legislation. For social law, the executive and the NPC are neck and neck.

All the graphs above show some evidence to support that the NPC does exert significant legislative power that is contrary to expectations arising from the label of 'minimal legislature'. Thus, the NPC in its present incarnation appears to exceed the "little or none policy-making role" aspect of Mezey's definition of a minimal legislature, because the NPC not only exerted its influence into legislative process by increasing deliberation length and times, but it also successfully drafted a fair amount of legislation, particularly in constitutional-related law, criminal law and litigation and non-litigation procedural law.

## **Discussion: What type of legislature is the NPC?**

In general, the 'rubber stamp' describes a situation where legislatures in communist regimes are subordinate and passive bodies, called simply for the purpose of legitimizing what the party has already decided (Nelson & White, 1982, p.191). They "hardly exerted more influence than mass associations, perhaps even less as compared with trade unions" (Nelson & White, 1982, p.131). However, in fact, most of the complaints levelled against the NPC are just as easily levelled against many other parliaments (Dowdle, 1997). In many parliamentary systems, parties also have great controlling effects on legislative process. As Sun (Sun, 2000, p. 465) argued, "If the NPC has rarely voted down an executive or party-sponsored bill, the same can be said for the UK, Japan, and many other Western parliamentary system". Dowdle (Dowdle, 1997) also has a similar statement:

*"In fact, one of the most striking features of the NPC is its relative independence from the executive branch, and even from the controlling party, as compared to many Western parliamentary systems. The NPC plays a much more active institutional role in China's legislative development than does the Japanese Diet or the British House of Commons. Between 1955 and 1993, the NPC actually voted down more pieces of executive sponsored legislation than either of these two parliaments. Since 1995, the CCP has suffered 25 per cent or more defection rates among NPC delegates in seven instances. By contrast, as*

*noted above, no similar breakdowns in party discipline have occurred in any contested parliamentary vote in either Britain or Japan since the Second World War”.*

Nowadays, the CCP remains dominant, but is smaller in size relative to that of the state. The increasing specialisation and institutionalisation of the NPC gradually led to a system that might render a mighty CCP to be checked and balanced by the legislature to some extent. In regard to the development of the NPC since 1980s, relevant research outcome is not uncommon. Some studies (Nathan, 1996; O'Brien, 1988; O'Brien and Luehrmann, 1998) focus on the new development of the NPC's autonomy and assertiveness. Some (Tanner, 1994) pay attention to the process of lawmaking and the decrease in the Communist Party's control over the legislative process. Other studies (Bowles, McCormick and Unger; O'Brien, 1990b) are attracted by institutionalisation of the NPC. According to data analysis and relevant research, it is not difficult to conclude that since the 1980s, the NPC has ensured that the legislative powers are not usurped and seek to extend the scope of lawmaking and to occupy a stable and effective position in the political system. The NPC seeks professionalization, a stronger committee system and capable staff, more resources, and ranking leaders. All in all, nowadays, although the NPC is not the primary engine of policy making in the political system, it remains a critical actor. Through improvement of institutionalisation and professionalization, the NPC is no longer a 'rubber stamp'.

In terms of the type of the NPC in Mezey's classification,<sup>10</sup> it does depend on the different development phases of the NPC. The position of the NPC in Mezey's six-box is dynamic. As the most accepted division divides the development of the NPC into three phases based on the China's political development, distinguishing establishing phase (1954-1957), damaged phase (1957-1978), redevelopment phase (1978-), we can easily categorise the NPC under the establishing phase into the minimal legislature, and put the NPC in the damaged phase (1957-1978) into the non-existent Mezey's sixth type of legislature with no less support and little or no policy-making power because the NPC during that period existed in name only. However, in my opinion, we should pay more attention to the NPC since 1982 when we examine the type of the NPC. There are two main reasons for this belief, firstly, China had no long-lasting and effective constitution until 1982; secondly, as we know, theoretically, due to the fact that it takes time for an organization to develop and get on the right track. So the NPC in the establishing phase (1954-1957) and the damaged phase (1957-1978), even the first session of the NPC after the damaged phase (1978-1982) can be summarised as the initial period which should be skipped when analysed.<sup>11</sup>

Regarding to the type of the NPC after 1982, traditionally, most legislatures in communist regimes, including the NPC have been placed in the minimal legislature category with little or no policy-

making power, however, the empirical findings above show that since 1982, although the NPC is still under the control of the CCP, compared with the executive, the NPC does play an important policy role. Meanwhile, both the political elites and the public support the NPC because it works as a channel of interests' expression to support social stability and facilitate economic growth. In Jiang's demonstration (Jiang, 2003, p. 554), the acceptance from the majority of the society's populace makes the NPC endure for 60 years. This means that the NPC enjoys high support. As a result, based on Mezey's dualistic standard of classification, the NPC could be categorised into the reactive legislature, which is the same as the UK parliament. However, as the 'mother of modern parliaments' (Graham, 1910), obviously the UK parliament is far more matured and developed than the NPC. At this point, putting the NPC and the UK Parliament in the same category is inappropriate. It means Mezey's typology may cause confusion. Therefore, in order to solve this contradiction, it would be useful to generate a new or reworked categorisation from a new perspective.

As far as I am concerned, it would be useful to rework Mezey's classification based on institutionalisation and professionalization. I would distinguish between legislatures which have been highly, moderately, little or not at all institutionalised and professionalised. To concretize institutionalisation and professionalization, I try to flesh out these primary terms with sub-indicators. In seeking to measure institutionalisation and professionalization, those sub-indicators have been provided by scholars in previous research. For example, O'Brien (O'Brien, 1994) abstractly deems the clarified and expanded jurisdiction and increased capability as the primary indicators of a legislature's organizational development; Likewise, Polsby (Polsby, 1968) reckons the process of expanding jurisdiction and boundaries, and the growth of internal complexity of a legislature reflect the increasing autonomy of a legislature; Tanner (Tanner, 1995) provides more concrete indicators as he points out that the development of a legislative bureaucracy and committee system, and the strengthening of oversight instruments are two major institutional growths; Chao(Chao, 2002) emphasises the importance of the size and increasing workload, autonomy of the committee system, capability of staff in a legislature and membership stability to the development of a legislature. Blondel (Blondel, 1970) identifies four specific variations including tabling of opposition amendments, opposition amendments passed, private members' bills passed, and length of debate to evaluate the capability of the legislature to resist legislation initiated by executive. Inspired by previous research, I identify size and workload, expertise, and work experience of legislators and membership stability as sub-indicators to depict professionalization; the sub-indicators to institutionalisation comprise the evolution of legislative procedure, committee system in size and capability and oversight instruments (See table 5).

**Table 5: Sub-indicators to categorise legislatures**

Professionalization	Institutionalisation
<ul style="list-style-type: none"> <li>• <i>Size and workload of legislators</i></li> <li>• <i>Expertise of legislators</i></li> <li>• <i>Experience of legislators</i></li> <li>• <i>Membership stability</i></li> </ul>	<ul style="list-style-type: none"> <li>• <i>Legislative procedure</i></li> <li>• <i>Committee system in size and capability</i></li> <li>• <i>Oversight instruments</i></li> </ul>

Source: made by the author.

I thereby try to define a new trichotomy of legislatures based on the level of professionalization and institutionalisation of a legislature:

1. *Mature legislature* is the first category which is exemplified by the U.S. Congress and the British Parliament in which their professionalization and institutionalisation have been fully developed and thus afford them the capability to influence, even decide the policy-making process, to supervise the executive effectively even conflict with the executive. All mature legislatures should be fully supported by generous staff with expertise and experience. Moreover, this type of legislature usually has a strong committee system which is cohesive, collaborative, and capable to impact the legislative process.
  
2. The second category is called *adolescent legislature*, of which the NPC in China and those third wave democratic countries in South America are examples. In this type of legislature, the professionalization and institutionalisation has been developed for some time and render the legislatures in which have specialist staff and effective committees are capable to influence the policy-making with effective parliamentary instruments. This type of legislature plays an important and stable role in the whole political system, although it may not occupy the prime position.
  
3. The third type of legislature, *embryonic legislature*, with little or no professionalization and institutionalisation, is merely an empty symbol of popular sovereignty or fleeting, stage-managed displays of elite unity. The embryonic legislature often lacks a committee system and members with legislation expertise. It also can be seen as an ornamental legislature. Some legislatures in non-democratic states, such as the Majlis Al-Sh'ab of Syria and Hagerawi Baito of Eritrea, can be categorised into this type.

This classification of legislatures has two advantages. Firstly, it provides a concise framework for distinguishing legislatures by its unitary classifying standard. It is a continuum reflecting various

degrees rather than a dualistic box. It helps to categorise legislatures without considering the type of polity which is fairly intricate. Regardless of different governance systems including parliamentary system, presidential systems, and hybrid systems, the increased professionalization and institutionalisation strengthen the capacity of a legislature in the polity, especially to the executive. Secondly, the distinction is useful in helping understand dynamic developments. Unlike Mezey's categories which are static and describe legislatures at a particular point, it emphasizes the dynamic development of legislative power. It can be used to measure the change of a legislature within a certain period.

## Conclusion

On the basis of the findings of increasing deliberation length, times, and the percentage of laws drafted by the NPC, they show that since 1982, the NPC has played a larger part in legislation than normally expected in countries where the executive dominates the legislative process. The exploration of the NPC has broadened our knowledge about China's legislature and called into question the continuing utility of Mezey's legislature typology. Hence, a new typology is introduced. The new classification, which is based on the professionalization and institutionalisation, provides a unique perspective for those who are looking at comparative legislatures to categorise various legislatures preliminarily, in order to construct further research. In closing, we should consider what these findings portend for the future of China's politics. Despite the great progress of autonomy of the NPC, we should not be blindly optimistic for the role of the NPC in the future China's political system. Due to the fact that, apart from taking part in the legislative process, the executive also exerts its influence in the policy-making process through promulgating administrative rules and regulations (*Xingzheng Fagui*) and legal documents (*Faguixing Wenjian*). It is still too early to say the NPC has surpassed the executive to become a more crucial role in the policy-making process, even if it has no longer been a minimal or 'rubber stamp' legislature. For now, the Wu's description (Wu, 1999, pp. 327-338) that the NPC is becoming 'a third power centre', in addition to the CCP and the executive branch, is consistent with the current political reality in China. In the foreseeable future, the current power structure will continue to persevere.

## Note on Author

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## Notes

1. The NPC is the abbreviation for the National People's Congress.
2. The CCP is the abbreviation of the China's Communist Party.
3. The NPCSC is an abbreviation of the National People's Congress Standing Committee.
4. See "Legislation Law of the People's Republic of China" Article 7: "The National People's Congress and its Standing Committee exercise the legislative power of the State. The National People's Congress enacts and amends basic laws governing criminal offences, civil affairs, the State organs and other matters. The Standing Committee of the National People's Congress enacts and amends laws other than the ones to be enacted by the National People's Congress, and when the National People's Congress is not in session, partially supplements and amends laws enacted by the National People's Congress, but not in contradiction to the basic principles of such laws".
5. According to the Organic Law of the National People's Congress, the deputies to the NPC form delegations based on the electoral units of the provinces, autonomous regions, municipalities, special administrative regions and the armed services.
6. Specialised committees were established in 1983 and greatly expanded after 1987; these issue-based committees are staffed primarily with former high-ranking Party and state officials who have recently retired from the key ministries, departments, and mass organizations which is related to the issues under each committee's jurisdiction.
7. After taking power, in order to consolidate power, Xi Jinping established and headed a couple of leading groups including the Central Leading Group for Comprehensively Deepening Reforms, National Security Committee, Leading Group for Military reform, Finance and Economic Affairs Group, Internet Security Group, Foreign Affairs and Taiwan Affairs Groups.
8. The Soviet system of the Constitution of the Soviet Union was the model to imitate, when China drafted its own constitution and designed the National People's Congress in 1954. Mao Zedong requested that each member of the Constitution Drafting Committee must learn the Soviet Constitution by heart. When the Constitution Drafting Committee discussed the draft of constitution, unclear and controversial provisions must be interpreted by citing the Soviet Constitution (Cai, 1992, p. 20).
9. Data is updated to the 32th NPCSC meeting at the 11th NPC session which finished on 27th of February, 2013.
10. Mezey's typology derived from the position of the legislature in relation to the policy making power and the support it enjoys. He generated a six-box classification of legislatures by cross-tabulating policy-making power with levels of support.
11. The history of the political evolution in China prolongs the initial period. There are plenty of political movements at short intervals after the People's Republic China was established in 1949 such as the Campaign to Suppress Counterrevolutionaries (1950-1951), the Three-anti Campaign (1951) and Five-anti Campaign (1952), The Anti-Rightist Movement (1957-1959), Great Leap Forward (1958-1960), The Great Proletarian Cultural Revolution, commonly known as the Cultural Revolution (1966-1976). All of these political movements initiated political unrest and severely hindered the development of the NPC. China only had a relatively stable political environment since 1982.

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