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China's National People's Congress: Reform and Its Limits

Prior to 1976, legislatures did not play a significant role in Chinese politics. In the last decade, however, efforts have been made to revamp the Chinese legislative system and strengthen its centerpiece, the National People's Congress (NPC). This paper assesses the evolving role of the NPC by analyzing the legislative reform debate of 1979-1982 and by evaluating the pattern of changes accepted and rejected. The analysis shows that four long-standing obstacles to legislative development (manipulated elections, large size, perfunctory plenary sessions, and weak committees) have yet to be fully overcome. However, reforms in personnel selection, procedures, and committee structure are enabling the NPC to play a larger consultative and rationalizing role in the political system.

Chinese legislatures have had a short and turbulent history. First established in the final decade of the Qing Dynasty (1644-1911), popular assemblies have rarely exerted considerable power, persisted for long, or drawn the attention of foreign scholars. The national legislature set up under the Communists is no exception. After its founding in 1954, the National People's Congress (NPC) "traversed a winding and tortuous road of development" (Xu and He, 1982a, p. 29), with more than its share of detours and wrong turns. A burst of legislative activity and reform in the mid-1950s ended suddenly when a series of policy shifts reversed a trend toward institutionalization and reliance on law. For two decades, political campaigns, from the Anti-Rightist Movement (1957-1958) to the Great Leap Forward (1958-1960) to the Cultural Revolution (1966-1976), interrupted legislative development and ultimately drove the NPC into inactivity. For the last 10 years of Mao Zedong's life, a legislature whose ancestry was in the "revisionist" Soviet Union and the "capitalist" West had no place in the Chinese political system; it was ignored and scorned, called a "rubber stamp" or "a phony organ of idle talk" (Xu and He, 1982b, pp. 59-60; Wang Xiangming, 1983, p. 119; Wu, 1980, p. 48).

Then, in the autumn of 1976, Mao died. His passing ushered in a new era in Chinese politics—one which brought a reassessment of past policies and a spate of political reforms, including revival and strengthening of the NPC. Beginning in 1978, party leaders convened people's

congresses each year and encouraged lively debate. Legislative committees were reestablished and NPC involvement in law making, oversight, and representation reached and then surpassed the level of the mid-1950s. Even after the promulgation of a new constitution in 1982, discussions have continued on the proper role of a legislature in a socialist, one-party state, and reform proposals have continued to appear.

Few western scholars, however, have investigated Chinese legislative renewal and its implications, save as one small part of the political reform "package."¹ What can be learned from direct focus on the NPC, its demise and rebirth, remains to be explored. This paper will assess the evolving role of the NPC by analyzing the legislative reform debate of 1979–1982 and evaluating the pattern of changes accepted and rejected. After a brief historical introduction, the argument will be structured around four long-standing, organizational obstacles to legislative development and the efforts, some successful and some not, to overcome these obstacles and build a stronger NPC. The analysis will shed light on the four central questions of post-Mao Chinese legislative development: Is the party loosening its stranglehold on deputy selection and allowing capable and experienced individuals to serve in the NPC? Has the size of the legislature been reduced to enable it to become a true deliberating organ? Is deputy policy influence, via voting or speeches at plenary sessions, increasing? Has a working committee structure been created?

The NPC under Mao

In theory, the NPC was to be the centerpiece of a unified state structure—a modern embodiment of the Paris Commune that "combined legislation and administration" and demonstrated the fiction of separation of powers and the inefficiency of checks and balances (Xiong, 1958; Shi, 1981; Wu, 1984). In practice, a state system premised on integrating legislative and executive functions led to a weak legislature. Formal NPC supremacy and extensive powers over law making, oversight, and personnel selection meant little in a system in which all state organs were considered to be simultaneously legislative and executive and in which the Communist party enjoyed unclear and ever-changing legal status. Ill-defined functions led to a maze of overlapping jurisdiction and allowed party committees, powerful individuals, or subordinate state bodies to make and carry out policy in-house, outside the purview of the NPC.

Soon after the legislature's founding in 1954, a consensus among the political elite emerged in favor of a tame, predictable NPC. With few exceptions, the leadership spoke as one at congress sessions and sup-

pressed ongoing disputes. Factional and policy differences were generally hashed out before plenary sessions in other, less public, forums. The NPC appeared on the political stage to announce policies, to mobilize activists to take part in implementation, and to gather feedback on developing problems, especially in times of difficulty. Deputies served as eyes and ears of the government, reporting to it local feelings and transmitting government policy to the governed (Yu, 1964). Deputies gathered opinions in order to smooth policy implementation. Throughout the 1950s and early 1960s, educative, informational and mobilizational functions were most important; law making, oversight, and representation much less so. In a time of rapidly changing policies and a society where rule required the dissemination of doctrine, the NPC was simply one of many means to demonstrate to citizens the aims and concerns of the leadership.

During the Cultural Revolution (1966–1976), the role of the legislature constricted further. China's leaders chose to base their claims to popular rule on a direct relationship with the masses. "Revolution" replaced "modernization" as the highest priority; guerrilla work-style and mass mobilization took the place of legal rule. With limited costs, communications and mobilization functions were performed outside the NPC, through local cadres or the media. The party controlled policy making and mobilization, dispensed with representation, and staked its legitimacy on correct policies. Elections were canceled and the NPC, when it met, was little more than a forum for vanguard elements and a cheerleader for party rule. By 1975, the NPC was a meeting rather than an organization. Institutional symbols of popular sovereignty had become superfluous (O'Brien, 1987).

The Reform Coalition and Its Vision

When the NPC reemerged in 1978, China was at a crossroads. The Third Plenum was nine months away and Deng Xiaoping had yet to consolidate his power. The first post-Mao constitution accurately reflected the unsettled political situation: it both praised the Cultural Revolution and promised a return to predictable, nondisruptive patterns of rule; it granted the NPC more powers than it had at its nadir, but fewer than it had from 1954–1966 (Cohen, 1978). Two years after Mao's death, the NPC resembled the congresses of the late 1950s. The organizational obstacles to legislative development remained firmly in place.

As 1978 progressed, Deng's power increased. By the end of the year he was able to control the agenda of the party's Third Plenum and to initiate a decisive break with the policies of the Cultural Revolution.

Although Deng was in ascendance, his power was far from absolute. Hua Guofeng reigned as Mao's hand-picked successor and conservatives held key positions throughout the political hierarchy. Often outmanned in leadership councils, Deng turned to allies on the fringe of power (typically academics and advisors in theory, planning, and propaganda) to publicize and build support for his policies. Through the press, he put pressure on his political opponents and aligned himself with the forces of reform. From 1979 to 1982, a loose coalition of liberal intellectuals drew support from Deng and published scores of articles elaborating his ideas. These government analysts and academics accepted Deng's diagnosis of China's "systemic" problems and prescribed radical cures; they generated hundreds of policy proposals and challenged Deng to follow through with the reforms he had begun.²

As regards the NPC, Liao Gailong, a research fellow in the Policy Research Office of the Central Committee Secretariat, and Feng Wenbin, the Vice President of the Central Party School, took the lead in urging reform. In a speech to the Party School in October 1980, Liao (1980) interpreted and expanded ideas first raised by Deng (1981) two months before at an Enlarged Politburo Meeting. Of particular interest, Liao transformed a vague call to upgrade the legislature into a penetrating critique of the NPC's past ineffectiveness. Soon after Liao's speech, Feng Wenbin (1980) gave legislative reform a prominent place in a two-part *People's Daily* article on "socialist democracy." Other legal scholars (Wu, 1980; Cao, 1980) chimed in with specific suggestions on how to strengthen the NPC. Deputies at the 1980 People's Congress reviewed the history of the NPC and submitted "detailed proposals for correcting current organizational shortcomings" (FBIS, 1980b). The autumn of 1980 saw a debate launched that would continue for two years, finally culminating in a new Constitution and a new NPC Organic Law.

Why did interest in legislative reform grow after years of neglect? Amidst a sea of rhetoric, three motives stand out. First, the reformers sought to create political conditions conducive to economic development. They felt that an active, lively legislature would heighten enthusiasm and encourage cooperation of groups needed for modernization. Institutionalized political participation would inspire production and complement increased reliance on material incentives. Institutional recognition of social diversity would boost regime legitimacy and help party leaders implement their economic program (Gao Gongyou, 1982, p. 15; Cheng, 1983, pp. 99–102). Rebuilding the legislature would, in a word, expand the united front; it would help win over fence-sitters (e.g., intellectuals, technicians, merchants, and former industrialists) who were

crucial to the nation's future but who were slow to accept socialism because of their essentially bourgeois nature.

Second, commentators linked legislative reform with improved government efficiency. In Deng's China, the party would not monopolize state organs but would attend to its own tasks. Pathologies resulting from overconcentration of power would disappear and a "rational division of labor" would free leadership cadres from the need to be experts at everything. State organs would be responsible and accountable to each other and a strong legislature would help realize party policy. Clarified jurisdiction would enhance government capabilities and strengthen party leadership (Peng Zhen 1982, p. K45; Wang, Wang, and Zhang, 1982, p. 15; Cao, 1981, p. 5; Cao, 1980; Gao Gongyou, 1982, p. 15). An able legislature, in a word, would rationalize authority and regularize one-party rule.

Last, and most important, a strengthened legislature would contribute to political stability. A national assembly that lived up to its name would check wayward government leaders and disperse influence. In Gao Gongyou's words, "During the Cultural Revolution the people had no way to dismiss the Gang of Four from the political stage; only with systemic guarantees and strengthening of the NPC system can we prevent restoration of counterrevolutionary schemers and careerists" (1982, p. 15).

This was the vision guiding legislative reform—ambitious and controversial in itself, revolutionary if fully implemented. The NPC had served the united front in the mid-1950s and was beginning to do so again by the late 1970s; using a legislature to rationalize authority had been a goal of imperial reformers and had reached the agenda of the Eighth Party Congress in 1956 but was never carried out; real legislative influence over leaders and policies had been suggested during the Hundred Flowers Movement but was quickly dismissed. How far would Deng go in "correcting leftist errors"? Would he countenance removing the structural obstacles that sapped legislative vitality and limited the NPC's contribution to development, efficiency and stability? Systemic reform entailed more than speeches; it required organizational confirmation—in the case of the NPC, changes in deputy selection procedures, membership size, session conduct, and committee structure.

Electoral Reform and "Deputy Quality"

A new electoral law, passed in 1979, took an important step toward contested, popular election of state leaders. It introduced direct elections for county people's congresses and provided that voters at all

levels were to have a choice among candidates. For county and commune congresses, the law stipulated one and a half to two times as many candidates as positions; for provincial congresses and the NPC, it required 20 to 50% more candidates. The law stopped short, however, of fully enfranchising China's citizens—county and provincial deputies, in a series of stepwise elections, were to continue choosing the members of higher congresses. Universal, popular elections awaited “the passage of considerable time and work” (Xu and Pi, 1982, p. 59).

In 1980 the timetable suddenly changed and electoral reform became a matter of some urgency. Liao Gailong's speech did not mention NPC selection procedures, but Feng Wenbin did. Feng (1980) derided those who thought direct county elections signified a great stride toward democracy. He wrote, “Our electoral system still leaves much to be desired. . . . Measures should be taken step-by-step to elect people's deputies at all levels by direct popular vote.” Reform-minded legal scholars immediately picked up Feng's theme and explored its implications. Wu Jialin (1980) suggested drawing up election zones and conducting nationwide NPC elections as soon as possible. Wu and Feng both linked direct election of NPC deputies to improved accountability and heightened enthusiasm for socialism, and they challenged the back-room politics implicit in indirect elections.

Other reformers were more guarded; they conceded the unlikelihood of further structural change and emphasized opportunities within the system. The 1979 Electoral Law granted NPC electors a choice—moderate reformers implored them to use it. Shen Baoxiang (1980) reminded deputies in local congresses to show care in considering candidate lists for higher level congresses, including “special deputies” recommended from above, and to turn down candidates who did not comply with the job specification or who did not conform with the people's interests. Cao Siyuan (1981, p. 9) urged that votes against party members should not be feared or criticized and that, even if party candidates were occasionally defeated by nonparty individuals, there was “no reason for panic.” A confident leadership, the moderate reformers argued, should allow provincial electors to weed out horribly unpopular or unqualified NPC candidates. Choice, within limits, need not lead to chaos.

Several reformers recognized that meaningful indirect elections required informed voters as well as conscientious (and brave) ones. Cao Siyuan (1981, p. 13) suggested periodic publication of NPC document collections “to give the electorate a clear understanding of the legislative activities and proposals of each deputy.” Wu Jialin (1981), more boldly, went a step further. He argued that campaigning “went hand in hand

with contested elections'' and was the key to supervising deputies and ensuring their ''sense of responsibility.'' Campaigning, he said, was especially important in indirect elections and for ''special deputies,'' who were allotted from above, who did not participate in the election congress, and who often were not known to voters. He believed that candidates should openly express their views to electors, clearly indicate why they wanted to be a deputy, and explain what they would do after elected. Campaigns would enable provincial electors to see whether NPC deputies were keeping their promises and thereby help them make a decision at the next election. In Wu's view, if direct elections could not be used to supervise NPC deputies, perhaps provincial delegates could.

The Revised 1982 Electoral Law rejected most of the proposed reforms. Direct, contested NPC elections were again consigned to the distant future, on grounds they ''would cause considerable difficulties and chaos'' (He, 1983, p. 49; Li, 1986a, p. 10). Unpleasant surprises in the 1980-1981 county elections, including the appearance of professed non-Marxist candidates, precipitated restrictions on campaigning (Womack, 1982, pp. 269-70). Commentators defended party manipulation of NPC candidate lists and enjoined electoral units to accept party supplements and quotas (Chen Hefu, 1983, p. 97). Deputy selection procedures were left as stipulated in the 1979 Electoral Law, and in the 1983 NPC elections more than a few candidates were ''determined undemocratically'' and ''were unknown to the people'' (Zhang, 1986, p. 2; Pi and Nian, 1986).

Although the 1980-1981 proposals bore no fruit, it appears that the 1979 reforms have been implemented. According to the NPC Credentials Committee Report (1983), ''in all the elections, the number of candidates was greater than the deputies to be selected.'' Provincial reports indicate that deputies discussed nomination lists at some length, and, in several instances, preliminary elections were conducted. As for the legislature's leadership core, the Standing Committee (NPCSC), Party General Secretary Hu Yaobang convened a ''democratic consultation meeting'' before the 1983 Congress and accepted several changes proposed by deputies in the candidate list for NPCSC members and vice-chairmen (Li and Xu, 1983).

NPC electoral reform, all in all, was quite modest. Changes made in 1979 were maintained but not extended. Early support for universal, direct elections or invigorated indirect elections proved thin and quickly dissipated. The reformers were treading on dangerous ground and withdrew when the leadership made it clear that party meddling was to continue and should no longer be discussed. The potential gains in ''democracy'' from a more open process were outweighed by the

gains in certainty under the current, murky procedures; talk of combining contested elections with open campaigning remained both an "old forbidden zone" and a "new forbidden zone." Hungarian-like electoral reforms, for China, were both "sensitive" and "complicated" (Wu, 1987, p. 30; on Hungary, see Hahn, 1987).

After 1981 the debate turned from how deputies are selected to who is selected. Procedural reform took a back seat to improving "deputy quality" and enhancing NPC capabilities.

Attention came to rest on the number of "honorary deputies" selected to serve in a typical NPC. Reformers disdained united front appointments designed to placate social groups and emphasized the need for deputies with "political and organizational abilities" (Chen Yunsheng, 1982, p. 18). They criticized excessive concern with broad representation and noted that scholars, scientists, model workers, and advanced workers may excel at what they do but often are not good politicians. They reminded the leadership that united front organs (trade unions, women's and youth groups, consultative organizations) existed to honor exemplary individuals and that the NPC was an "organ of strategic decisions," whose members should all have political experience, know-how, and resourcefulness (Wu, 1981, p. 231; 1980, p. 49; Pan, 1981, p. 33). With the right people, however chosen, the legislature could fulfill its constitutional duties and serve as a counterweight to other powerful institutions. Liberal academics saw the contradiction between symbolic representation of "all circles" and a true organ of state power, and they opted for power.

They started by criticizing the escalating age of most NPC leaders. Liao Gailong (1980, p. 87) noted that the members of the Fifth Standing Committee (1978–1983) were all 70 or 80 years old and that many had difficulty walking, needed attendants, and were unable to attend meetings. Other commentators were unsparing in their criticism of doddering legislators, some of whom they claimed were senile (Wu, 1980, p. 49; Zhang Shixin, 1982, p. 51). The solution they offered was simple: remove the dead wood. Zhang Shixin (1982, p. 51) argued that the NPCSC should not be an "old folks home" and that its members should be young and spirited, capable of full participation in state affairs. Liao Gailong (1980, p. 88) and Cao Siyuan (1981, p. 12) agreed that future Standing Committee members should be in their prime and able to work eight hours each day: "any who because of deteriorating health cannot attend NPCSC meetings for 60 or more days each year should resign."

Reformers were aware that reducing the number of "honorary deputies" and "old comrades" on the NPCSC was politically sensitive,

yet they felt it was essential. Zhang Shixin said, "Those old cadres who have much merit, are healthy and capable of carrying out work ought to have considerable representation on the NPCSC. Those old comrades who are not capable of performing their duties ought to retire, but they can always make suggestions to the party or state leadership organs and when necessary could be invited to attend the relevant conferences and discuss major national plans" (1982, p. 52).

Cao Siyuan, mindful of likely opposition, sugar-coated the pill even more: "Not to have those highly respected and venerated deputies who are of failing health participate in routine work is a most appropriate show of consideration and a most reasonable arrangement. It must be clear that a deputy's political status remains the same whether he is a member of the Standing Committee or not" (1981, p. 13). Transition from a united front organ to a working legislature would disappoint recently-rehabilitated allies of Deng Xiaoping, who felt they deserved recognition and a soft job in the capital. But old friends and retired cadres could be placated without enfeebling the standing committee of an important organ of state power.

The 1983 elections altered the composition of the NPC substantially, if not always in the ways the reformers envisioned. Representation became more closely proportionate to population, as the number of deputies from Beijing, Tianjin, and Shanghai was cut by nearly two-thirds (though a strong urban bias remained). The armed forces' representation was halved and party representation declined 10%, to 62.5%. The educational background of deputies improved dramatically, with 44.5% said to be of university level and 41.5% engaged in professional or technical work. 76.5% of the deputies were new and their average age at election was 53 (Peng Chong, 1983; Zheng Zhi, 1983).

Selecting younger deputies, tripling the number of intellectuals, and reducing the number of "special deputies" suggested a serious effort to enhance deputy quality. But this did not mean traditional selection considerations were discarded. Peng Chong's report (1983) on the deputies' credentials emphasized the number of "trailblazers" in modernization and reform and detailed the usual mix of labor models, star athletes, heroic soldiers, playwrights, poets, opera singers, inventors, chefs, sportscasters, and so on. In some respects, the NPC had many new faces but much the old complexion. The young and middle-aged, including the intellectuals, were not noteworthy for their political skills or experience. They may have "embodied the spirit of reform and strengthened NPC vitality" (Wang Xiangming, 1983, p. 123), but they lacked the wherewithal to transform the legislature into an effective political actor. This depended on the legislator's leading core—its Standing Committee.

Personnel changes on the NPCSC were pronounced and potentially significant. Two-thirds of its members were new, and the representation of non-Communists and intellectuals increased considerably. Eleven of 20 NPCSC vice-chairmen were newcomers, only 10 of 20 were Communists, and the number of nonparty intellectuals doubled to eight (Long Fei, 1983).

The age problem was not addressed, however. In a speech at the democratic consultation meeting preceding the 1983 NPC, Hu Yaobang (FBIS, 1980a) emphasized the need to groom a new generation of Chinese leaders, the "third echelon," but pointedly excluded the NPC and its Standing Committee, publicly asking esteemed "old friends" to stay in their leading posts. The 1983 NPCSC consequently averaged 69.3 years old and the 20 vice-chairmen approached an average age of 74. NPCSC Chairman Peng Zhen was healthy and capable but 81 years old at the time of his election.

Both Taiwanese and Hong Kong commentators were disappointed with the 1983 Standing Committee. A Taiwanese source judged its members to be "elderly party, government, or army cadres who have been eliminated by competition and are retiring to the second line" (Zhonggong Yanjiu, 1983, p. 2). Usually sympathetic Hong Kong sources similarly saw an effort to remove obstacles to reform and to pacify old first-line cadres with status and position.

These assessments are correct but incomplete. The 1983 NPCSC had potential from the outset and went some distance in developing it. Three of its leaders (Peng Zhen, Chen Pixian, and Xi Zhongxun) were also Politburo members who used the legislature and its committees as an organizational base to augment their power. (Peng Zhen, in particular, brought prestige and powerful connections to the legislature.) As the leader of the so-called "rubber stamp gang," Peng more than once used the Standing Committee to oppose Deng Xiaoping on the pace and scope of reform, most notably in 1986 when the NPCSC sent the proposed Bankruptcy Law back to the Law Committee for revisions (Gao, 1986; Ding, 1986; Yan, 1986; Gu, 1986). Old though they were, Peng and his fellow NPCSC members spoke freely on the law, 10 against it and 4 for it, and did so in the glare of unprecedented print and national television coverage (FBIS, 1986). The NPCSC has also been identified as a hotbed of opposition to "bourgeois liberalization," the special economic zones, and factory management reform (He, 1987). It appears that the old tigers retired to the NPC still have some teeth, especially those given chairmanships of committees. They may be second-line leaders, past the peak of careers essentially made outside the legislature, but they retain considerable power and have a stake in building up nonparty political institu-

tions. Although overall party control is secure, a standing committee comprised of prominent pensioned-off opponents, seasoned democratic party members, aging intellectuals, and minority representatives is proving to be a far more interesting place than first imagined.

The future also holds promise. The leadership recognizes that most legislators continue to suffer from either excessive age or inadequate experience. NPC deputies themselves have commented on the dearth of "third echelon" individuals in the NPCSC and have called for adjustments and supplements to include them (Li and Xu, 1983, p. 4; Long Fei, 1983, pp. 43–44). At this juncture, it is impossible to say whether these recommendations will be heeded or whether the traditional united front, "old age home" atmosphere will be maintained indefinitely. For the time being, indirect elections appear secure and symbolic recognition of important individuals and social groups has overwhelmed devolution of power to a feisty and quasi-independent legislature. But this may change. The current arrangements are transitional. After the "old revolutionaries" die, new means may be discovered to retire leaders gracefully without cluttering the NPCSC. Future NPCs may be stocked with young up-and-comers selected by the party or with nonparty influentials selected through more open election procedures. Improving the quality of legislators will require organizational reform, however. China's future leaders will not be asked to assume leading posts in the legislature (some of which require full-time attention), unless the NPC is granted a full array of powers (Li, 1986b, p. 6). Serving as an NPCSC vice-chairman or chairman must be a step up rather than a recognition of past service and a retreat from real politics.

NPC Size

Decreasing the size of the nearly 3,500 member NPC was the linchpin in the liberal reform program. Reformers considered it an essential first step in transforming the NPC into a "working body" that "combined discussion and action." The legislature's size had always inhibited deputy interaction and had encouraged a casual attitude toward session preparation. Only a smaller Congress could be a true deliberative organ that institutionalized participation and checked wayward leaders. With fewer deputies the NPC could meet longer and more frequently and deputies would play a larger role in lawmaking, supervision, and representation.

Support for a smaller NPC originated at the top. In September 1980, *People's Daily* (FBIS, 1980c, p. L15) reported that a deputy at the NPC had argued for a smaller legislature—one of 600 members or fewer.

A month later, Liao Gailong (1980, p. 86) broached the subject in a speech at the Central Party School. He indicated that "a reduction in the number of deputies was under consideration, perhaps to 1000." Press reports quickly corroborated Liao's words, and a parade of commentators called for "some reduction" (Song, 1981, p. 65) or accepted Liao's number of 1000 (Xu, 1981, p. 4; Wu, 1980, p. 49; Zhang Shixin, 1982, p. 51). Just one month before the Draft Constitution was published in April 1982, Dong Chengmei (1982, p. 9) observed that only the English (including the House of Lords) and Soviet Parliaments had more than 1000 legislators, and suggested a "small number of keen and capable deputies" for China—about 1500, with further "gradual reduction" to come.

For several of these authors, size reduction was only a start. Liao Gailong (1980, pp. 86–87, 92) wrote that "1000 is still quite a big number," and Xu Chongde (1981, p. 4) concluded that 1000 deputies "crowded together in one hall will hardly be able to solve problems." Liao, Xu, and Song Richang (1981, p. 65) thus offered a yet more radical suggestion: divide the NPC into two chambers. Novel though it was, reformers presented bicameralism as a compromise: "Reducing the number further to a few hundred, we are afraid cannot be done. What can be done? We may only have to struggle to reduce the delegates to 1000 and some, and then have them meet in two separate chambers. This is a feasible proposal and would satisfy both sides" (Xu, 1981, p. 4). Political realities demanded careful packaging. A bicameral legislature would satisfy those who demanded a large number of deputies (for demographic representation), yet it would also increase the legislature's capacity for work.

Most supporters of bicameralism agreed that the lower house would be elected on the basis of population and would "represent the common interests and will of the whole people." But they differed on the composition and powers of the upper chamber. Song Richang (1981, p. 65) resurrected the Hundred-Flowers-era proposal to turn the People's Political Consultative Conference into an upper house. Others suggested a Chamber of Nationalities Affairs (as in the Soviet Union) or a Chamber of Senior Statesmen (Pan, 1981, pp. 32–33; Xu, 1981, pp. 4–5, reports of proposals, but in opposition). Xu Chongde (1981, p. 5) and Liao Gailong (1980, p. 87) opted for functional representation in a Chamber of Social Professions and Occupations. Liao suggested a 300 member Regional Chamber and a 700 member Social Chamber that shared powers of initiative and legislation and jointly supervised government work. Xu was uncertain whether the two houses should have equal powers or whether one should be dominant and tasks formally divided.

Xu called for further research on election procedures, committee organization, oversight responsibilities, and procedures for resolution of conflicts. Numerous plans circulated, but all shared a common vision: increased legislative influence in the name of stability and efficiency and clearer norms of representation in a smaller, divided national assembly.

Proposals to reduce the size of the NPC and to introduce bicameralism challenged long-standing Chinese legislative practices. Some reformers cast away conciliatory language and drew contrasts sharply. Liu Chuanchen (1982, p. 21), for example, criticized the 150% NPC enlargement of 1964 on grounds that it filled the legislature with deputies who lacked "political abilities" and led to empty talk and inadequate legislative supervision. Liu mocked "paying attention to targets" and stopped just short of calling demographic doubling, as the main basis for representation, a fraud. Xu Chongde (1981, p. 4), more subtly, questioned "mechanical" views of representation that equated more deputies with more democracy. What he neglected to say was that this "mechanical" way of thinking had been the *de facto* official line since 1964, if not earlier.

Unsurprisingly, bicameralism met opposition on theoretical, historical, and practical grounds. The vice-president of the East China Political Legal Institute, Pan Nianzhi (1981, p. 32), noted that capitalist bicameral legislatures arose as a concession to the landed nobility in nations where revolutions were incomplete and in federal, multistate systems. He explained that neither of these conditions applied in China, where the revolution was complete and state power unified. Dong Chengmei (1982, p. 9) pointed to two thousand years of Chinese history as a unitary, multinational state and declared it inappropriate to use two chambers to resolve the problem of too many deputies or to improve representation.

Opponents also found fault with the proposed structure of the second chamber. To upgrade the People's Political Consultative Conference, it was said, would destroy the integrity of the state system by changing a united front organ into an organ of state power (Pan, 1981, pp. 32–33). Some commentators also argued that China did not need a second chamber to represent ethnic minorities: the NPC had minority deputies itself and the Nationalities Committee looked after their interests. A separate Nationalities Chamber, it was argued, might fan divisiveness (Wang Xiangming, 1983, p. 133). According to these authors, a broad united front did not require an upper chamber, new representational norms, or steps toward federalism. Ethnic and social tensions could best be resolved within a unicameral legislature.

Some defenders of the status quo argued that dividing the NPC

would further weaken it. Liao Gailong (1980, p. 87) had suggested that two legislative chambers would "check and constrain each other. . . . If one makes a wrong decision, the other may still correct it." In all likelihood, Liao simply sought to reassure skeptics that reform would not strengthen the NPC unduly vis-à-vis the party. Instead, he augmented fears that bicameralism would enervate the legislature. Pan Nianzhi (1981, pp. 32-33; Kuan, 1984, p. 59), for example, argued, "Up to now the NPC has not completely exercised its authority to its limits, its powers are not too great, and there is no need to institute a restrictive balance." In this view, bicameralism was only sham strengthening, or a sincere attempt that would backfire.

Pan's concern, though probably genuine, appears misguided. A second house, however organized, would institutionally acknowledge diversity. It would legitimize partial interests and free deputies from single-minded attention to "objective, national interests." It might foster the elusive "constructive yet democratic atmosphere" Chinese leaders have always said they sought. And even if insistence on broad representation resulted in an upper chamber largely composed of powerless "representative" individuals, bicameralism offered a chance to segregate symbolic tasks and real work. It is conceivable that a large Social House could have handled simple demographic representation and political mobilization, thus freeing the 300 member Regional House to take on day-to-day political tasks.

But reform was not to be. The 1982 constitution retained a unicameral legislature. The 1982 Electoral Law (Art. 13) limited the NPC to 3,500 deputies, but said nothing of decreases. Constitutional scholars mysteriously spoke of "altered plans," "conventions that are not easy to change," and "difficulties in implementation" (Wang Xiangming, 1982, p. 13; Xiao, 1982, p. K9; Wang Shuwen, 1982b, p. 34). *People's Daily* (Renmin Ribao Shelun, 1982, p. 1) and NPCSC Chairman Peng Zhen (1982, p. K44) rehashed familiar arguments that justified a large NPC because China was a large and populous country with more than 2000 counties and 55 nationalities. Reforms that appeared virtually certain in early 1981 were dismissed in a sentence or two in late 1982; 2,978 deputies were elected to the 1983 NPC. Orthodoxy had prevailed.

After three years, the debate had circled back to its starting point. The size of the legislature was not negotiable. Though this was a defeat for the liberal reformers, it also redirected them toward more promising avenues. Unable to reduce the size of the NPC, they redoubled their efforts to make sessions more meaningful and to strengthen legislative committees.

Upgrading Plenary Sessions

Despite manipulated elections and unwieldy size, the NPC could become a significant force, and a contributor to stability, efficiency, and development, if its deputies displayed initiative during sessions. Via either speeches or votes, active legislators could present minority views, scrutinize government actions, and prod leaders toward accountability. Deputies always had enjoyed a right to information and a modicum of access to China's leaders; what they lacked were time to express their opinions, courage to exercise their rights, and procedures to systematize their influence.

Time

Beginning in the autumn of 1980, indications appeared that changes in session duration and frequency were under consideration. Several reformers, including an NPCSC vice-chairman, suggested professionalizing legislative work by increasing the length of NPC sessions and convening two sessions each year (Liao Gailong, 1980, p. 87; Cao, 1981, p. 12; FBIS, 1981, p. VI). For the first time in many years, Chinese sources acknowledged an important structural obstacle to legislative development—part-time deputies—and asked if change was possible.

Although the idea of longer legislative sessions undoubtedly originated in top party councils, it quickly encountered opposition. Commentators rediscovered traditional arguments against “professional politicians who stand above the masses,” and they deemed extended sessions “inappropriate” (Wang Xiangming, 1983, p. 125; Xu and He, 1982a, p. 31). In recent years, as in the past, the only “professional politicians” among ordinary NPC deputies have been full-time party or state functionaries, who cannot be drawn away from their regular posts for long. Legislative sessions continue to be brief, annual events, typically two or three weeks in duration.

Courage

Unable to increase session duration or frequency, reformers turned their attention to making short sessions more meaningful. Many traced the source of legislative impotence to passive, fearful legislators and advocated activating NPC veto powers. They criticized “voting machine” deputies, decried vague language on “examining and approving” reports, and called for constitutional provisions granting the NPC “the right to veto, amend, or refer for further deliberation any govern-

ment report, budget, final accounts, bill, or other proposal" (Pan, 1981, p. 34; Wu, 1980, p. 49; Shi, 1981, p. 7). These critics accepted outside powers of initiative, but dreamed of a legislature able to check government actions and to prevent "typhoon-like movements." Legislative consideration of "all strategic decisions," and the real possibility of rejection, would frustrate "schemers" and improve the "correctness" of laws (Pan, 1981, p. 34). It would restrain party and state leaders and reveal "impracticable" decisions before they were implemented (FBIS, 1980c, 1980a).

Although the 1982 constitution reaffirmed the NPC's supreme power, it did not increase the significance of NPC voting. In fact, early interpretations of the constitution cautioned deputies to "seek truth from facts" and reminded party deputies that party discipline entailed support for leadership policy and opposition to "mistaken things" proposed by nonparty colleagues (Zhang Youyu, 1985, p. 4). Many party members argued that the NPC should not reject documents submitted by the party or the government. They charged that such an activity would amount to "putting on a rival show" (Li, 1986b; Pu Xingzu, 1986, pp. 78-79). Some officials even defended unanimity, with Zhou Gucheng, an 88-year-old NPCSC deputy secretary general, explaining that 3,000 votes to none was much "more convincing" and "more democratic" than 50 votes to 49 (Dong, 1986).

Zhou's curious notion of democracy notwithstanding, the custom of NPC unanimity is no longer unanimously supported. Li Zuxing (1986a, 1986b) recently opposed the view that "unanimous votes are necessary to uphold leadership authority and to demonstrate national stability and unity" and pointed out that "many of the documents unanimously passed from 1954 to 1985 were not perfectly correct and in accordance with the people's wishes." Zi Mu (1987, pp. 87-88) noted that even party deputies are elected by the people, not by other party members, and they should be able to talk freely about disagreements with the party at the People's Congress. Pu Xingzu (1986, pp. 78-79) reminded proponents of unanimity that a party proposal to the NPC does not have legal force and can not be regarded as a formal decision until it is adopted by the legislature. A proposal, Pu argued, should be turned down if it is incorrect or poorly explained.

While the controversy over dissenting votes continues, the full NPC has yet to reject a party or government proposal, though several "courageous" nay votes were cast at the 1986 NPC against the Supreme Court and Supreme Procurator's Report and against two aged Standing Committee members (Li, 1986b; Juan, 1986). The 1988 NPC session also saw dozens of dissenting votes and abstentions, and for the first time not

a single committee of the congress was elected unanimously (Gargan, 1988). Yet, voting against a party or government proposal remains an extraordinary and newsworthy event. Efforts may continue to make voting more significant, but, to this point, most reports and legislative drafts are accepted without serious deliberation and unanimity is often achieved. Control over large projects and personnel appointments has proven to be "difficult to unfold" (Zhang, 1986, pp. 2-3; Pi and Nian, 1986). Votes in the full NPC may challenge, but they rarely alter, major policy or personnel decisions.

Legislators hesitate to vote their convictions and to speak out, despite an expansion of deputy immunities. In order to "dispel deputies' political misgivings," the Constitution (Art. 74, 75) and Organic Law (Art. 43, 44) forbade arrest or trial of NPC deputies without permission of the NPCSC and guaranteed that deputies would not be called to legal account for speeches or votes at sessions. These clauses "drew on the serious lessons of the past in which not a few deputies suffered censure and punishment" and were designed to prevent further "illegal usurpations of deputy rights." Strengthened immunities would "encourage deputies to show initiative in representing the people, to speak out freely, to air their own views, and to discuss national affairs and give advice" (Wang Xiangming, 1983, pp. 137-38; Gao, 1982, p. 12). Commentators were confident that the majority would reject "inappropriate" opinions, should they arise, and they promised that "even if what is said goes too far, or criticism of certain government officials is excessive, it will not be legally investigated (Gao, 1982, p. 12; Zhang, 1985, p. 4).

At the same time, however, deputies have been warned not to abuse their rights and reminded that immunity from prosecution does not license "irresponsibility." These warnings appear hardly necessary. Irresponsibility has not been a great cause of concern. Deputies prefer to be "too responsible"; they avoid confrontation and "there is too much making one's position known and too little debating substance" (Li, 1986b, p. 6). "Excessive" criticism has yet to develop. On paper, deputies enjoy privileges other Chinese citizens lack; whether they will develop the courage to exercise their rights and whether the leadership will tolerate outside criticism remains to be seen.

Procedures

If deputies question the leadership more often and with fewer inhibitions, they will probably do so in panel discussions. At each plenary session, deputies divide into small groups which discuss the items on the agenda, and if they are so inclined, call officials before them to answer

questions. Past constitutions granted a right to interpellation—i.e., formal questioning of ministers—but it had not been used prior to 1980. After sharp exchanges that year over a troubled construction project (O'Brien, 1987, pp. 192–209), several reformers advocated expanding and institutionalizing NPC interpellations. Liu Chuanchen (1982, p. 21) in particular, pointed to obscurities in existing laws and called for new procedures to transform “addressing inquiries” (zhixun) into “holding to account” (zhiwen). Liu explained that a simple requirement to respond to interpellations was not enough: “[Without] a legally set time limit, or if deputies are unsatisfied, what can they do next? And then, if through whatever procedures, they are able to submit the problem to the whole NPC for deliberation, and if the NPC judges the government organ to be in the wrong, how can the legislature investigate and affix legal responsibility?”

The new Organic Law (Art. 16, 17) and constitution (Art. 73) partially addressed Liu's questions. These documents affirmed the right of deputies to address inquiries to the State Council and its Ministries and Commissions at any time, and required either written or oral responses. Those receiving inquiries were instructed to “answer the questions in a responsible manner” (Constitution, Art. 73) and to respect deputies' rights. The revisions did not go as far as they might have, however; time limits were not specified nor procedures to deal with unsatisfactory responses or illegal activities. The new provisions required that all inquiries be written (presumably to head off spontaneous, embarrassing questions) and limited inquiries to full delegations or groups of 30 or more deputies, “to guarantee that the inquiries have a definite mass base” (Wang Dexiang, 1983, pp. 198–99). A 1978 constitution and 1982 draft constitution provision granting NPC deputies the right to address inquiries to the Supreme Court and Supreme Procurator was deleted without explanation.

As with deputy immunities, discussions of interpellations emphasized “responsibility.” Deputies were given carte blanche to “seek information” (xunwen) from administrative departments, but were requested to show restraint in tendering criticisms, suggestions and opinions (Wang Xiangming, 1983, p. 139). Reformers had used deputy interpellations to their advantage in 1980 but were clearly hesitant to institutionalize something that could be turned against them. Especially with moderate-to-conservative Peng Zhen controlling the NPC, reform enthusiasts and their proposals might suffer from extensive use of legislative interpellation. Under the new procedures, deputies can ask informational questions at will but can “hold leaders to account” only with the consent of national leaders—including the head of a provincial delega-

tion and the NPC Presidium, which accepts the inquiry and passes it on.

Ambivalence also characterized new provisions on introducing legislative bills (yian) and motions (ti'an). On the one hand, for the first time, delegations and groups of 30 or more deputies gained the right to submit legislative bills to the NPC and NPCSC (Organic Law, Art. 10; Constitution, Art. 72). At the same time, however, the new laws "made an appropriate distinction between legislative bills and common opinions and suggestions" (Wang and Zhou, 1982, p. 29). Opinions and suggestions, it was said, involved considerable human effort, expense, and time, and many concerned matters outside the jurisdiction of the NPC or NPCSC. Piles of motions were printed and issued at each session, but few were read or decided upon. In the name of "simplified procedures" the 1982 Organic Law (Art. 21) stipulated that motions would no longer be presented in the form of bills but would be submitted to the NPCSC, which would refer them to the concerned administrative department. This would "reduce the amount of work at each session and enable the session to devote its primary energies to important matters on the agenda, so strengthening session efficiency and raising the quality of work" (Wang Xiangming, 1983, p. 132). The NPC would also dispense with reports on how motions were handled, freeing time for legislative work and eliminating an "unnecessary, trivial task" (Wang and Zhou, 1982, p. 29).

It is too early to judge the effect of new procedures for submitting motions. In the past, motions often went "through a long journey only to return to the deputies who made them" and problems were often ignored after they were discussed (*People's Daily Commentator*, 1980, pp. L5-6). Nevertheless, motions provided a channel for NPC deputies to bring local concerns to the attention of central authorities and usually reflected issues of some importance. In some years, upwards of 2,000 deputy motions were received and handled. Consigning motions to the NPCSC may have no effect or it may improve referral to decision makers, but it may also decrease their visibility, thus allowing state officials to ignore them more easily. Several years of experience with the new procedures should provide some answers.

The final scorecard on strengthening NPC sessions was mixed. The leadership flirted with truly liberal reform (longer, more frequent sessions; professional deputies; meaningful votes) but then pulled away. Several moderate reforms were adopted but not without accompanying explanations or countermeasures that reduced their effect. The problems of inadequate session time, timid deputies, and undeveloped procedures were not fully addressed. Efforts to encourage liveliness were offset by measures to ensure that sessions ran smoothly. In normal circumstances,

deputies continue to act as a group rather than as individuals and to offer consent rather than questions. They rarely "demand explanations" and they avoid embarrassing government departments or individual officials (Pu Xingzu, 1986, pp. 80–81). Lively panel discussions may arise over the ecological impact of the Three Gorges Dam Project or over the wisdom of the bankruptcy and enterprise autonomy laws, but not without behind-the-scenes prodding. Realizing the potential for policy influence inherent in voting or in speeches protected by expanded immunities and new powers of interpellation awaits openings provided by leadership dissensus or additional organizational strengthening.

Support for radical session and size reform peaked during a "hot wave of reform" in late 1980, but faded within a year. Perhaps a change of heart occurred; more likely, comparatively liberal academics went beyond their patrons or their patrons were outflanked by factional opponents. Exactly what happened we cannot say; the real players aren't talking and the ranks have closed behind the official line. What is certain is that as interest in NPC plenary reform declined, attention shifted to upgrading the NPCSC and creating a working committee structure. If the NPC could not be made into a working body perhaps its committees could.

Strengthening Committees

As the constitutional revision debate progressed, it became clear that the NPC, even after reform, would contribute little to clearing up the backlog of legislative work that had accumulated since the 1950s. Plenary sessions remained crowded, brief affairs where leaders spoke and deputies listened. The full legislature could ratify decisions but had minimal ability to veto, initiate, or revise. By early 1982, independent influence was probably out of the question, but using the legislature to legalize and regularize Party power remained a possibility. If the NPC was to rationalize rule and increase government efficiency, however, it needed specialized organs and trained personnel.

To enhance legislative capabilities, reformers looked first to the Standing Committee. The NPCSC was established at the legislature's founding and its functions included conducting NPC elections, convening sessions, interpreting laws, adopting decrees, and in general exercising all nonlawmaking powers of the NPC between plenary sessions. Though the NPCSC met twice each month for some years, its fortunes declined along with those of its parent. By the late 1970s, expanding NPCSC powers was an ideal strategy—neither excessively controversial nor without import. It did not entail changing the mission of the full

NPC but rather strengthening its working core. It did not challenge party control but simply rejuvenated a somewhat representative, nonparty organ that was small enough to meet regularly and to conduct meaningful discussions. Given the failure of radical plenary reform, reformers suggested a division of labor: the full NPC for united front and symbolic tasks, the NPCSC for lawmaking and supervision.

After some debate (Chen Yunsheng, 1983, p. 34; Wang Shuwen, 1982; Zhang Youyu, 1983a, p. K13), the leadership accepted this compromise and set out to transform the NPCSC into a legislature-within-a-legislature. The 1982 constitution (Art. 67) granted the NPCSC the power to enact and amend laws (as well as decrees), excepting certain basic laws concerning criminal offenses, civil affairs and the structure of the state. The NPCSC also gained the right to adjust the state plan and budget and to amend basic laws between NPC sessions, "because in the course of socialist modernization unexpected situations often occur" (Zhang Youyu, 1983a, p. K12). As China's second law-making body, the NPCSC is to promptly discuss and pass the many statutes that cannot wait for NPC deliberation. Standing Committee members are to be kept informed of the legislative agenda (Organic Law, Art. 2) and to participate in legal drafting and supervision. Under the new laws, NPCSC members can address inquiries to state officials and organize and take part in nation-wide inspections. They are to work diligently at sessions and between them and to gather information from all quarters, in order to reduce mistakes in law making and policy implementation. To ensure that these reforms are carried out, the leadership has strengthened NPCSC organization and redefined deputy responsibilities in five major ways.

First, the NPCSC was reduced from 196 to 155 members. This decrease of 21% (one-and-one-half times that of the full NPC) was designed to improve attendance and to allow more frequent and lengthy meetings. A smaller NPCSC, it was hoped, would elicit greater participation from each member and a more conscientious approach to legislative work.

Second, the leadership acknowledged the need for a core of full-time legislators who would engage in NPCSC work year-round. In the past, members had no responsibilities other than coming to meetings, and some, because of "busyness," found it difficult to do that. The NPCSC only met a "few days each quarter" and most members had other jobs (Pan, 1981, p. 34; Wu, 1980; Han, 1983, p. 59). The 1982 Organic Law (Art. 23) sought to change this. It prohibited NPCSC members from holding state administrative, judicial, or procuratorial posts, in an effort to give them more time and energy for legislative work and the independence essential for government oversight.

Preliminary evidence suggests some movement toward professionalizing the NPCSC. Prior to the 1983 elections, commentators claimed that "a portion of NPC deputies" would be "half or fully released from their regular work" or that a "considerable number" of NPCSC members would devote all their energies to deputy work (Wang Xiangming, 1982, p. 14; Peng Zhen, 1982, pp. K42-43). As NPCSC personnel decisions were made, the number of full-time members edged up to "quite a number" or "most of them" (Han, 1983, p. 59; Zhang Youyu, 1983a, p. K13). Final reports on the 1983 Standing Committee show that some, but not all, members live in Beijing and regularly report for legislative work. Some members continue to hold other state posts illegally and many hold responsible party, mass organization, or enterprise positions (none of which were forbidden) (Pi and Nian, 1986). Overlapping memberships and supervision of oneself has been reduced but not eliminated.

A third organizational reform entailed establishing a chairmanship group composed of the NPCSC chairman, vice-chairmen, and secretary general. With 20 to 25 members, the chairmanship group will handle regular NPC work and guarantee continuity and implementation of NPC decisions. Its formal tasks include scheduling and drafting the agenda of NPCSC meetings, referring bills and inquiries to the NPCSC or relevant committees, and coordinating day-to-day work of legislative committees and the NPCSC (NPC Organic Law, Art. 25). In the view of several scholars based in Hong Kong, the chairmanship group may become an "authoritative and efficient organ of power" and a base for the NPCSC chairman to expand his influence. The chairman may become a "formidable political figure indeed," perhaps even one of the four preeminent leaders in an interlocking party-state directorate (Cheng, 1983, p. 105; Weng, 1982, pp. 501, 498). If the NPCSC is a legislature-within-a-legislature, the chairmanship group is the working organ of the working organ.

A fourth organizational reform sprang from the realization that the NPCSC alone could not make a dent in the crowded legislative calendar. As early as January 1979, a *People's Daily* article suggested establishing additional permanent committees and enlarging committee duties to include examining and drawing up legislative bills (Zhou and Chen, 1979, p. 3). Committees had existed intermittently since 1954, but without great effect. The Budget Committee, for example, met only during plenary sessions to examine the state budget, plans, and final accounts. It did no preparatory work beforehand and had no authority to conduct investigations afterward. Committee members could not "thoroughly, specifically, and rigorously" examine financial matters,

nor did they take part in drafting legislation or oversight (Cao, 1980, pp. L19–20).

In February 1979 the NPC set up a Law Committee, with Peng Zhen at its head. Later that year the Nationalities Committee was re-established and several meetings were convened. Available evidence suggests that these committees took part in drafting laws and revising regulations from 1979 to 1981, though to what extent is not clear. Whatever the effect, these first steps toward creating a working committee structure heartened reformers and augured further changes. In 1980 and 1981, reformers suggested establishing upwards of 15 additional permanent committees (Cao, 1981, p. 13; Pan, 1981, p. 34; Wu, 1980, p. 49; Dong, 1982, p. 9). They supported committee participation in legal drafting and committee discussion and investigation of all matters within NPC competence. They envisioned functionally-specific committees examining each legislative proposal and a Law Committee determining whether to submit bills to the NPC or NPCSC for deliberation. They argued that deputies taking part in committee work, like NPCSC members, should be released from other work and that outside experts should be invited to give advice (Cao, 1981, p. 13; Wu, 1980, p. 50; Liao, 1980, p. 88).

The leadership adopted most of these proposals. The constitution (Art. 70) set up six permanent committees—Law; Nationalities; Finance and Economics; Education, Science, Culture, and Public Health; Foreign Affairs; and Overseas Chinese—and commentators promised additions after a period of gathering experience. The new committees are to work under the NPC when the congress is in session and under the NPCSC when it is not. They were not given full law making powers (as committees in some countries enjoy), but virtually every other function listed above. Committees gained the right to draft legislative proposals and to examine bills and inquiries referred by the NPC or NPCSC (including administrative measures considered potentially unconstitutional). They were also empowered to investigate and study any issue that fell within the scope of NPC or NPCSC powers. “To help maintain the uniformity of the legal system and [to] avoid contradictions,” the Organic Law provided that all statutory bills would be examined by the Law Committee before submission to the NPC or NPCSC. Although all committee members are to be selected from the NPC, the committees, through the NPCSC, have been encouraged to appoint outside specialists to serve as part-time or full-time advisers.

The chairmen of the committees established in 1983 were generally former party leaders (e.g., Peng Chong, Wang Renzhong, Geng Biao) and all were NPCSC vice-chairmen (and thus members of

the chairmanship group). In the 1983 cohort, many of the committee members were quite old and some were in poor health. Yet committee composition was encouraging. The committees ranged in size from 10 to 16 members, rather than 40 to 100 as in the past. Ordinary committee members did not serve on the NPCSC: most members were highly educated specialists with considerable experience in the relevant field (*Ming Bao*, 1983).³ If, in the future, equally distinguished but somewhat younger experts are chosen for committee assignments, legislative committees could indeed become a political force.

A fifth structural reform concerned the long-term viability of the NPC itself. Legislative strengthening clearly means nothing if the constitution can be suspended or ignored with impunity. How to handle constitutional enforcement was the subject of much debate. Past constitutions had charged the full NPC with constitutional supervision, but had left procedures and methods unspecified. Deputies lacked both the time and courage to identify unconstitutional behavior and the machinery to punish offenders. Unenforced, the constitution quickly lost its normative power and leaders ruled free from its restraint.

From 1979 to 1982, reformers looked to other nations' experiences for methods to guarantee enforcement of the constitution (Dong, 1982; Kang, 1981; Pu, 1980). Some suggested creating permanent special organs solely responsible for constitutional supervision and legal interpretation. Possibilities included a system of constitutional courts, modeled after the United States or Yugoslavia, or special constitutional committees, like those in France (Dong, 1982, p. 10). A judicial-based organ would have a clear mandate and adequate time to investigate unconstitutional actions. Wholly separate from the NPC, it would also eliminate legislative review of legislative decisions (Xu, 1981, p. 9; Yu, 1982, pp. 26-27).

Other reformers advocated keeping constitutional supervision within the NPC but delegating it to the Standing Committee. Pan Nianzhi (1981, p. 37) believed that the NPCSC should check and handle constitutional violations with the assistance of a Committee on Constitutional Questions. Kang Damin (1981, p. 30) envisioned a hybrid system, in which the NPCSC would carry out general supervision, such as guaranteeing the legality of laws and constitutional interpretation, while a judicial organ would handle constitutional violations.

In the end, the leadership decided to grant the NPCSC primary responsibility for constitutional enforcement. No new judicial organs were established. Constitutional analysts defended this decision primarily on theoretical grounds. They explained that in China's unified state system the scope of legislative supervision is greater than that of judicial

supervision because NPC powers are greater than that of any judicial organ (Gong Yuzhi, 1983). In this view, rejection of checks and balances and commitment to legislative supremacy dictate an NPC-based supervisory system. More practically, legislative supervision was said to be quick (the NPCSC can review any decision without waiting for a case) and decisive (NPC decisions are final). Commentators admitted that problems would arise if the NPCSC violated the constitution, but expressed confidence that the full NPC would correct any mistakes (Zhang Youyu, 1983b, pp. 13-14; Hu, 1985, pp. 72-73).

Unlike many other issues, the debate on constitutional enforcement did not end with publication of the draft constitution. During the nationwide discussions of the draft, criticisms of the new supervisory system were common. Yu Haocheng (1982, pp. 26-27), the editor of *Faxue Zazhi*, wrote that "some people" felt the draft was very vague and lacked detailed provisions on how to handle unconstitutional behavior. Yu advocated establishing a special legislative or judicial organ or at least a new NPC committee. Cui Min and Yu Chi (1982, p. 5) suggested adding explicit provisions that explained under what conditions and in what ways the NPCSC could investigate unconstitutional actions, including measures on rescinding laws, edicts, and regulations and procedures to prosecute and punish offenders.

Since 1982, efforts to enforce the constitution have begun. The 1986 NPCSC Work Report addressed constitutional issues in some detail and admitted continuing problems in unconstitutional transfers and appointments and violations of electoral procedures (Pu Zengyuan, 1986). Yet ambiguities remain, especially on the question of whether the NPCSC should supervise the party (in addition to state organs) (Zeng and Zhong, 1987). Advocates speak of an "onlooker seeing the game best"; opponents see Standing Committee supervision of party committees as "yet another mother-in-law" (Li Zuxing, 1986a, p. 11; Zhang, 1987).

That constitutional enforcement remains imperfect is obvious to all. Proposals continue to appear to establish special organs and to "absorb the benefits of the judicial and committee systems." Further reform is nearly certain and a new NPC committee is a frequently-mentioned possibility (Hu, 1985, p. 77; Benkan Pinglun, 1985; Zheng, 1985). Reform of the NPC committee structure has yet to run its course.

Conclusion

The legislative reforms adopted in 1982 did not give the Chinese people or their representatives more say over important matters of state.

Decision-making power remains closely guarded, limited to a comparative handful. Outside control of leaders and regular influence over policy became rallying points for several years but lacked the elite support to become policy. Other than in a simple demographic sense, the NPC is not a remarkably more "popular" body than it was in the past. Deputies may speak for the people, but not because the people control their fate. Leaders may listen to deputies, but not because deputies have an established and essential place in policy making. Reform did not recast the NPC into a liberal democratic legislature; those who hoped for such a development had forgotten the realities of one-party rule and the deeply-entrenched obstacles blocking Chinese legislative development.

But the post-Mao NPC does offer the possibility of drawing in some who in the past were excluded. It enlarges the united front and signals official recognition of social diversity. Individuals outside the normal leadership hierarchy, some of whom represent minority views, often conservative, have been selected to the chairmanship group and committees; such individuals have the right and resources to participate in a wide range of political decisions. On specialized matters, the six committees grant access to experts who otherwise have little say in policy making. The NPC is an olive branch—offered less to ordinary citizens than to estranged social and political elites on the fringe of power. It offers minority factions and key social groups a presence in policy making in exchange for support of party rule.

More than influence or inclusion, however, the recent legislative reforms suggest changing party-state relations and a desire to recast party power: to establish a more indirect pattern of rule in which law and state organs play a larger part. Thirty years of "winding and tortuous development" have brought Chinese legal thinking full circle: the call of the 1956 Eighth Party Congress "to establish a people's democratic legal system" has renewed relevance, as do nearly-forgotten proposals to establish powerful, permanent standing committees and a nationwide supervisory system.

As for the NPC, the committees are key. Work capacity must be translated into actual work if potential participation is to become real. What was given in 1982 can easily be taken away or ignored. To be maintained, organizational reforms must be confirmed and expanded, and it is uncertain whether they will be—just as uncertain as the leadership's commitment to self-restraint, law, and a "rational division of labor."

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NOTES

1. For informative treatments of the components of political reform, see Womack, 1984; Falkenheim, 1982; Stavis, 1987; and Harding, 1987. Over the years, western scholars have produced only a handful of articles on the NPC, with most tending toward narrowly-drawn constitutional studies or straightforward accounts of events at an individual session (Gasper, 1982; Yu, 1964). A thoughtful analysis of four recent NPC sessions can be found in Solinger, 1982.

2. The nature of Deng's relationship with the "liberal reformers" is not fully known. Stuart Schram (1984, pp. 417-22) tends toward the view that academic reformers usually elaborated ideas first put forward by Deng or Hu Yaobang. Hong Kong sources (Xu Xing, 1984) more often place Deng among the conservatives in the "reform faction" and note that Deng offered many criticisms but few strong proposals for systemic reform. It seems clear that in the debate over the NPC, Deng provided the impetus, but intellectuals on the fringe of power developed the concrete proposals.

3. The Nationalities Committee elected in 1983 had 10 minority representatives (out of 14) and included a well-known historian and a distinguished economist as well as a number of cadres with experience working in minority areas. The Law Committee included China's most prominent jurists, including Zhang Youyu and Qian Duansheng. The Financial and Economics Committee had among its members one former vice-premier, one former finance minister, a former vice-minister of commerce, two former industrialists, and a number of economists. The Education, Science, Culture, and Public Health Committee was comprised primarily of intellectuals and included the president of Qinghua University. Former diplomats and returned overseas Chinese dominated the Foreign Affairs Committee and the Overseas Chinese Committee, respectively (FBIS, 1983).

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