

Oscar Almén ©

Abstract

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This is a study of China's local legislatures, the local people's congresses, and their political role. Through the in-depth study of three county people's congresses and interviews with local politicians two aspects of the local people's congresses have been examined in detail: political participation and the exercise of political power. This study examines how and to what extent the local people's congress can constrain the powers of the local party committee and the local government.

Instead of considering rule of man and rule of law as dichotomies, this study views rule of law as a continuum. The rule of law increases as the rulers avail themselves of the law to rule and when political power is distributed among competing organized interests. The exercise of legal power and the distribution of power have been used as indications on how the local people's congress constrains the powers of the local party committee and the local government.

This study has found that the local people's congresses strengthen the extent to which the local party committees rule by law. Without the local people's congress the party committee rules the local government with extra legal means. With the use of strong supervisory methods such as appraisals and interpellations, the local people's congress standing committee can with the support of the local party committee constrain the discretionary powers of the local government. But the institutional rules of the people's congress also shape the actions and incentives of the party committee when it avails itself of the people's congress as an instrument to rule. By helping the party committee to rule by law, the people's congress puts institutional constraints on the party committee's ruling as well as on the local government. One important finding of this study is that the standing committee of the local people's congress functions as a buffer between the local party committee and government, on the one hand, and the people's congress plenary session, on the other, effectively neutralising actions from either part that could disturb the relationship between the people's congress and the party and government. To a limited extent it is meaningful to talk about distribution of power over the people's congress. This explains how the local people's congress strengthens not only rule by law, but also the rule of law.

The implication of this study is that legal institutions, such as local legislatures, can provide constraints on the powers of rulers in authoritarian regimes. The local legislatures have a dual role in China. On the one hand, the legislatures improve how the party rules by law and provides the rulers with legal legitimacy. On the other hand, by providing institutional constraints and a limited distribution of power, the legislatures also strengthen the rule of law in China.

Keywords: China, Rule of law, Authoritarianism, Democratisation, Legislatures, Political Participation, People's Congresses, Local Politics

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Oscar Almén, Department of Peace and Development Studies, Göteborg University, Box 700, SE-405 30 Göteborg, Sweden. (Oscar.almen@padrigu.gu.se)