

行政院國家科學委員會專題研究計畫 期末報告

「鄉財縣管」：中國大陸縣鄉政府體制改革之研究(第2年)

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計畫主持人：趙建民
共同主持人：張淳翔
計畫參與人員：博士班研究生-兼任助理人員：李應文

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公開資訊：本計畫涉及專利或其他智慧財產權，1年後可公開查詢

中華民國 102年12月20日

中文摘要：中國大陸的農村經濟改革成功的因素之一，即為賦予基層更多處理本地事務的自主權力，從而激發和激活鄉村基層的內在動力與活力。正如鄧小平所說：「調動積極性，權力下放是最主要的內容。我們農村改革之所以會見效，就是因為給農民更多的自主權，調動了農民的積極性。」而近來所進行的基層政府改革，似乎希望能解決「一放就亂、一收就死」的循環。依據 2011 年底的統計，已有將近三萬個鄉鎮實現了「鄉財縣管」。但是在缺乏進一步政治體制改革的狀況下，「鄉財縣管」或服務型政府建設，事實上並無法提高自治的程度。

稅費改革的直接效果是大幅減輕農民負擔，而問題則是基層財政收支的嚴重不對稱，在中央轉移支付不到位的狀況下，巨額的收支缺口成為迫切需要解決的問題。財政危機可能是財政民主、甚至是政治改革的最佳切入點。

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中文關鍵詞：鄉財縣管、縣鄉政府、稅費改革、三農問題

英文摘要：

英文關鍵詞：

行政院國家科學委員會補助專題研究計畫

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成果報告

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執行機構及系所：國立政治大學國家發展研究所

計畫主持人：國立政治大學國家發展研究所 趙建民 教授

共同主持人：中國科技大學通識教育中心 張淳翔 副教授

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中 華 民 國 年 月 日

中文摘要及關鍵詞

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英文摘要及關鍵詞(keywords)

一、前言

十屆全國人大常委會第十九次會議通過決定，自 2006 年 1 月 1 日起廢止農業稅條例，農民依法不需再繳納農業稅。農村稅費改革不僅取消了原來 336 億元的農業稅賦，而且取消了 700 多億元的「三提五統」（三提：公積金、公益金、管理費；五統：教育附加費、計劃生育費、民兵訓練費、民政優撫費、民辦交通費）和農村教育集資。

農民負擔減輕的同時，原有鄉鎮組織及村委會勢必進行調整。表面上鄉鎮及村委會幹部催糧催款的壓力消除之後，幹群關係應該更為和諧，但是基層政府所提供的公共服務亦有可能因此而減少。農村的綜合配套改革需要整合稅費改革及組織變革等一系列制度改革，

在試點之後大規模推廣的「鄉財縣管」，基本上係以財政權上收為主要的改革思路，對於未來的基層政權與村委會組織均可能帶來不同的思考模式。「鄉財縣管」，是在農村稅費改革基礎上進行的縣鄉財政管理體制調整，不僅是財政管理方式需要變革，隨著中小學教育、鄉鎮衛生院等支出責任上劃到縣，稅務、工商、技術監督等部門實行垂直管理，使鄉鎮政府原有職能進一步弱化。

中國大陸各地推行的「鄉財縣管」基本內容大體如下：一是堅持「三權不變」原則，即鄉鎮預算管理權不變、鄉鎮資金所有權不變、財務審批權不變。因此，也有人稱這一改革為「鄉財縣管鄉用」。此原則繞開了「一級政府一級財政」的敏感話題，有利於減少由此引發的改革阻力。二是改革的具體內容，主要包括預算共編、賬戶統設、集中收付、採購統辦、票據統管等措施。這些措施將鄉鎮財政的預算編制、資金管理、撥付、使用等環節置於縣級財政的監督之下，有利於加強對鄉鎮政府財政收支的管理。三是改革的配套措施，主要包括清理鄉鎮財政供給人員，嚴格控制財政供給人數增長；明確鄉鎮財政支出的基本順序，按「保工資、保運轉、保重點」的原則，優先保證工資正常發放，嚴格控制會議、招待、轎車、電話等費用開支；全面清理鄉鎮銀行賬戶和票據，清查鄉鎮實際收入，核實清理鄉鎮各項債權債務。並在此基礎上嚴禁新增負債，採取積極有效措施，努力消化現有債務。

2012 年 8 月，中國大陸財政部長謝旭人表示，全國共有 27 個省份對 1080 個縣進行財政直接管理，2.93 萬個鄉鎮實現了「鄉財縣管」。

二、研究目的

稅費改革的直接效果是大幅減輕農民負擔，而問題則是基層財政收支的嚴重不對稱，在中央轉移

支付不到位的狀況下，巨額的收支缺口成為迫切需要解決的問題。若干學者已建議順勢進行財政民主化改革。以鄉鎮政府而言，鄉鎮人大具有財政預算的審查權，若此權限獲得充分發揮，地方公共財供給才能忠實地反映當地居民的公共財需求。基層組織之間的關係亦予以關注，例如基層黨組織與群眾性自治組織的關係、基層政權與群眾自治性組織等問題。往往在農村最為突出的是「兩委關係」，在城市則是基層政權與社區組織的問題。

中國大陸的政權是否以及如何轉型，攸關兩岸發展至鉅。近年來對中國大陸基層自治的選舉研究已具成效，惟對目前中共正在進行之最大政治改革——鄉鎮政府再造——的研究，則尚未起步，此一研究具有開展領域的意義。

三、文獻探討

Jean Oi (戴慕珍) 提出了兩個核心概念：「結構性動因」(The structure of incentives) 和「法團化」(Corporatism)。結構性動因是指制度性的刺激政策，促進中國鄉村工業起飛的結構性動因有兩個：非集體化和財政改革。通過結構性動因的描述作為起點，分析地方政府是如何理性選擇發展策略，展現地方政府與中央政府之間圍繞稅收與提成而展開的博弈過程，最後論證中國鄉村工業的起飛與制度變遷之間的關係。政府法團化是指地方政府即縣、鎮、村三級政府直接介入經濟，擔任管理企業的角色過程，以及各級政府、政黨與所轄企業形成的一個類似大企業的利益共同體。藉著「法團化」此一頗具解釋力的概念，分析在經濟轉型時期，黨、政、企糾纏在一起的獨特現象，三者結合形成的法團組織是中國經濟改革的制度基礎。

大陸學者張靜認為基層政府普遍通行的處理稅務原則為：以支定收（根據需要補不足）、集體結算（村莊或單位）、不依法律的定稅（鼓勵開創新的稅源）、允許和解（私下的妥協讓步）、程序的缺乏（各級稅收機構有權決定稅收及其標準），然而這些原則並無法導致納稅主體與收稅機構之間的權利義務關係，也就是說納稅主體不能因為納稅而主張權利，包括要求和使用公共服務，而稅收機構也無法依據法律對於逃稅者予以處罰。另一位學者李一花則認為，稅費改革的直接效果是大幅減輕農民負擔，而問題則是基層財政收支的嚴重不對稱，在中央轉移支付不到位的狀況下，巨額的收支缺口成為迫切需要解決的問題。而對於民主財政（公共財政）及財政民主化改革議題，學者的觀點可分為以下三類：

（一）財政危機是財政民主、甚至是憲政民主改革的契機。

(二) 民主財政建設是民主政治改革的最佳突破口。

(三) 改造財政是政治改革的最佳切入點。

四、研究方法

本計畫擬採用結構功能途徑，用以檢視鄉鎮基層政權在農業稅停徵、政府機構並因此遭到精簡（甚至裁併）後，政府之角色轉型問題，尋找作為原「贏利經紀人角色」的鄉鎮基層政權，如何轉型適應新的農村政治生態。在研究方法（research method）方面，本計畫希望以實地調查法，至四川成都從事移地研究。由於農業稅停徵和機構精簡實施不久，鄉鎮政府仍然在摸索調適當中，實地調查有其必要性。

五、結果與討論

目前鄉鎮政府改革改革的意見大體有三：其一是主張維持「鄉鎮村治」的政治結構型態，以鄉鎮做為農村基層政權的最低層級，實行村自治；其二主張鄉鎮政權下放至（行政）村一級，回到中共建政初期之「小鄉制」，實行村民自治；其三主張擴大鄉鎮政權，實行自治。

中國大陸的農村經濟改革成功的因素之一，即為賦予地方更多的自主權力，從而激發和激活鄉村基層的內在動力與活力。地方財政是改革開放以來活絡地方經濟的良方，但地方政府亂收稅費，也造成地方不穩、民怨高漲，自農村稅費廢除後，地方政治生態必將發生重大變革，值得學界深入探究。

農業稅條例自 2006 年 1 月 1 日起廢止，農民依法不需再繳納農業稅。農村稅費改革不僅取消了原來 336 億元的農業稅賦，而且取消了 700 多億元的「三提五統」（三提：公積金、公益金、管理費；五統：教育附加費、計劃生育費、民兵訓練費、民政優撫費、民辦交通費）和農村教育集資。

農民負擔減輕的同時，原有鄉鎮組織及村委會勢必進行調整。表面上鄉鎮及村委會幹部催糧催款的壓力消除之後，幹群關係應可獲得改善，但是基層政府所提供的公共服務亦有可能因此而減少。農村的綜合配套改革，需要整合稅費改革及組織變革等一系列制度改革配合，而目前中共在試點之後可能大規模推廣的「鄉財縣管」等措施，基本上係以財政權上收為主要的改革思路，對於未來的基層政權與村委會組織，均可能帶來不同的思考模式。

農業稅取消之後，自上而下的轉移支付在鄉鎮組織收入中的分量將愈來愈重，或有利於自上而下

的監督和控制。但若無相應的制度配合，在轉移支付成為鄉鎮組織的可支配財力的主要來源時，鄉鎮就會在很大程度上喪失自主權和獨立性，與推進村民自治和加強基層民主建設的要求背道而馳。農村稅費改革前，鄉鎮幹部之所以主動為農民提供一些生產服務，很大程度上是為了順利收取稅費，收稅的多少直接與他們的工資報酬發生關連，農民也常以拒交和拖欠來維護權益與表達訴求。但在稅費改革後，鄉鎮幹部不承擔收稅職責，由於沒有利益驅動，有可能對村民的要求減少注意。如果說農村稅費改革前鄉鎮幹部存在行政過度作為，那麼隨著農業稅的逐步免除，鄉鎮幹部就有可能出現行政不作為。

雖然中央和地方財政逐步加大了對基層財政的轉移支付力度，但除了個別工商業發達的省份外，短缺財政的現狀並無法在短期內解決。一方面，減免農業稅提高了鄉鎮改革的緊迫性，逼迫鄉鎮通過裁減人員和合併機構來保障其運轉，但同時也降低了鄉鎮組織支付改革成本的能力，精簡機構所需要的巨額財力，是目前的鄉鎮財政所不能承擔的；另一方面，作為一級政權，在目前的壓力型體制環境下，鄉鎮幹部從自身的升遷出發，具有內在的「政績」衝動，相應的，各種達標升級活動也就無法根本杜絕，鄉鎮機構改革的成本又變相轉嫁到農民身上，沖淡減免農業稅給農民帶來的利益。

但如果將減免農業稅對鄉鎮政權和村委會的影響加以對比的話，可以發現減免農業稅對鄉鎮政權帶來的積極影響，也同樣適用於村一級：減免農業稅亦緩解了村幹部與村民的矛盾，重塑了村委會的合法性。雖然減免農業稅後，村幹部正式成為領取國家工資的公務員，作為準官員，他們也具有內在的「政績」衝動，但上述減免農業稅可能會對鄉鎮政權造成的消極影響，村委會卻在很大程度上可以避免。這是因為村莊與鄉鎮不同，村委會已經在某種程度上實現了民主選舉，村民手中的選票，應可從根本上避免村幹部由於減免農業稅的影響，可能帶來的官僚化及行政不作為傾向。

整體而言，農業稅改革之後的鄉村治理，必須有相應的民主機制作為其制約機制，亦應進一步擴大鄉村自治的空間範圍，在鄉鎮一級建構多元的民主機制，擴大鄉村人民參與鄉鎮政權的管道，逐步實現鄉鎮長由村民直接選舉，並強化鄉鎮人大的功能。

「鄉財縣管」僅是不同層次政府間財政管理權限分配的改革，縣鄉兩級的總財力並沒有增加，經由加強對鄉鎮財政支出的管理，的確能夠相對減少政府運行成本和資金浪費現象，但如果沒有其他配套措施，並不能從根本上緩解縣鄉財政的困難。鄉鎮政府財政權受到削弱、上劃，但鄉鎮政府的職能無法取消，計劃生育、社會治安、鄉村道路建設、廣播電視設施維護等基本公共設施和服務的提供，

仍然是鄉鎮政府的職責。鄉鎮財政權的削弱，可能會對鄉鎮政府履行其職責產生負面影響，因而導致下列問題出現：一是鄉鎮政權運轉資金更加困難；二是由此導致鄉鎮公共服務供給的缺位；三是資金管理成本加大，資金使用費時費力。

稅費改革的直接效果是大幅減輕農民負擔，而問題則是基層財政收支的嚴重不對稱，在中央轉移支付不到位的狀況下，巨額的收支缺口成為迫切需要解決的問題。若干學者已建議順勢進行財政民主化改革。以鄉鎮政府而言，鄉鎮人大具有財政預算的審查權，若此權限獲得充分發揮，地方公共財供給才能忠實地反映當地居民的公共財需求。

「鄉財公開」以提升財政的透明度，可能是更為長期的治本之道。並應增強鄉鎮人民代表大會之職能，強化民眾對鄉鎮事務的監督。

目前中國大陸的鄉鎮長選舉與其他政府官員選舉大體類似，都由人民代表大會間接選舉產生。村所選出來的村長或是村主任，多半是村裡較有能力的人，但是鄉、鎮卻仍是由黨的系統主導人事，鄉、鎮長多為黨委書記，沿襲黨國體制的傳統。因此，目前已出現要求鄉鎮長比照村辦理選舉的聲音，並已在深圳大鵬鎮、湖北、四川等地試點，改革的重點，集中在擴大選民民意直接的表現，顯現經由鄉鎮人民代表大會間接選舉產生出鄉鎮長民主性不足，也呈現中國大陸人民對改變基層政治的想法。

基層財政訊息的公開，在預算編列上可使資源配置較為透明，鄉鎮人民代表大會更應進行預算的實質審查與監督，並且與群眾的參政議政意識相互聯繫，以公民及輿論的監督，配合制度的變革，或可疏導城鄉之間出現的不滿情緒。

六、計畫成果自評

本計畫與四川社會科學院政治學研究所建立合作管道，計畫主持人至四川省成都市進行實地訪談，對學界而言，此一研究具有開展領域的意義。對政府大陸政策之決策人士而言，鄉鎮基層政權的變化，亦是份值得關注的重大議題。此計畫的研究成果，也有相當的參考價值。本計畫乃針對當前中國大陸基層政府體制改革的開創性研究，諒能提供參與計畫人士共同發掘問題並了解當前中國大陸基層政權之組織與運作之機會，進而尋找基層政權改革後運作之合理解釋。

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國科會補助專題研究計畫項下赴國外(或大陸地區)出差或 研習心得報告

計畫編號	NSC 99-2410-H-004-114-MY2		
計畫名稱	「鄉財縣管」：中國大陸縣鄉政府體制改革之研究		
出國人員 姓名	趙建民	服務機構 及職稱	國立政治大學 國家發展研究所教授
出國時間	100年10 月8日至 100年10 月17日	出國地點	美國 匹茲堡

一、國外(大陸)研究過程

本研究為兩年期的計畫，主要研究目的為觀察基層政府「鄉財縣管」的發展趨勢，進一步對於縣鄉政府改革中的試點予以分類，並觀察轉型過程中政府角色的變化。基於此，本計畫主持人於2011年10月8日前往美國匹茲堡大學(University of Pittsburgh)進行為期10天的移地研究，與相關學者專家及學術單位進行交流與考察，同時交換中國研究的心得與意見。

二、研究成果

計畫主持人在美國匹茲堡大學的訪問，與美國重要的中國研究學者經濟學系的Thomas G. Rawski教授和政治學系的Pierre F. Landry教授交換許多研究上的意見，對本研究的進行有相當大幫助，並就中國研究的發展帶來許多啟發與省思。匹茲堡大學近年來開始對中國研究投入豐富的人力與資源，甚至開設許多相關的研究課題與課程；其中，Rawski教授長期對中國大陸經濟發展有深入的研究與觀點，尤其是有關中國經濟統計數據的解讀與分析，包括中國經濟轉型、經濟與社會關係等面向有具份量的研究成果與學術貢獻，更編著許多與中國經濟相關的專書，包括：China's great economic transformation、China's rise and the balance

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國科會補助專題研究計畫項下赴國外(或大陸地區)出差或 研習心得報告

計畫編號	NSC 99-2410-H-004-114-MY2		
計畫名稱	「鄉財縣管」：中國大陸縣鄉政府體制改革之研究		
出國人員 姓名	趙建民	服務機構 及職稱	國立政治大學 國家發展研究所教授
出國時間	100年10 月8日至 100年10 月17日	出國地點	美國 匹茲堡

一、國外(大陸)研究過程

本研究為兩年期的計畫，主要研究目的為觀察基層政府「鄉財縣管」的發展趨勢，進一步對於縣鄉政府改革中的試點予以分類，並觀察轉型過程中政府角色的變化。基於此，本計畫主持人於2011年10月8日前往美國匹茲堡大學(University of Pittsburgh)進行為期10天的移地研究，與相關學者專家及學術單位進行交流與考察，同時交換中國研究的心得與意見。

二、研究成果

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國科會補助專題研究計畫出席國際學術會議心得報告

日期： 102 年 8 月 1 日

計畫編號	NSC 99-2410-H-004-114-MY2		
計畫名稱	「鄉財縣管」：中國大陸縣鄉政府體制改革之研究		
出國人員姓名	趙建民	服務機構及職稱	國立政治大學國家發展研究所
會議時間	101 年 7 月 8 日至 101 年 7 月 12 日	會議地點	西班牙馬德里
會議名稱	(中文)第二十二屆世界政治學會議 (英文)22nd World Congress of Political Science		
發表題目	(中文)橡皮圖章式議會的專業化、自主性與立法能力：中國大陸案例分析 (英文) Specialization, Autonomy and Legislative Capacity in a Rubber Stamp Legislature: The Case of China		

一、參加會議經過

2012 年 7 月 8-12 日，本人參加由國際政治學會(International Political Science Association)所舉辦的第二十二屆世界政治學會議，會議地點在西班牙馬德里。本人參加立法專家小組所組織的會議場次，討論主題為「威權和半民主國家議會的角色」，發表文章為“Specialization, Autonomy and Legislative Capacity in a Rubber Stamp Legislature: The Case of China”(橡皮圖章式議會的專業化、自主性與立法能力：中國大陸案例分析)，此篇文章的共同作者為政治大學東亞研究所博士候選人張鈞智。

本場次的會議主席是 Werner J. Patzelt，共同主席是 Michael Mezey，評論人為 David M. Olson，這幾位都是在比較立法研究學界擁有極高聲望的資深學者，我與其中幾位教授也有長期來往。此次會議針對數個威權或新興民主國家的代議政治進行探討。此次發表文章是以中國大陸全國人大專門委員會的專業化為主題進行探討，有鑑於中國大陸是威權主義國家的代表國家，具有高度的研究價值，許多學者對於中國大陸人大發展具有極大興趣，對於本文的研究內容和成果諸多肯定。在會議之後，許多

學者特地鼓勵我們，應持續發表中國大陸人大制度的相關研究。

會後，我們參與了立法專家小組的行政會議，與多位學者進行更多的交流，小組主席邀請我們參加 2014 年國際政治學會年會，並將定期告知相關活動，希望以我們作為學術的橋樑，引介更多亞洲或台灣學者參與國際政治學會的活動。

二、與會心得

不同於美國政治學會，國際政治學會抱持更開放和包容的態度，鼓勵非英美國家研究的交流，鼓勵不同研究方法的多元化探討。這樣的氛圍也充分展現於會議進行的過程當中，來自多個國家的學者能夠以不同的觀點，進行相關主題的探討，也因此激盪出許多精彩的討論，對於我們的研究有極大的助益。

此次會議更大的意義在於，與比較議會研究學界建立起良好關係，尤其本人是唯一代表亞洲參與立法專家小組活動的學者，具有極為特殊的意義。此小組的主席和副主席，對於本人的參與都表示極大的歡迎，有利於強化台灣與國際學界之交流。

三、發表論文全文或摘要

請見附檔。

四、建議

相較於每年有許多台灣學者參與美國政治學會年會，國際政治學會議受到的關注較少，也較少台灣學者與會，我認為這是非常可惜的事情。希望未來能夠多多鼓勵台灣學者參加此一會議，為爭取台灣做為東亞研究的代表者而努力。

五、攜回資料名稱及內容

無

六、其他

**Specialization, Autonomy and Legislative Capacity in a Rubber
Stamp Legislature: The Case of China**

Chien-min Chao
Professor
Graduate Institute for Development Studies
National Chengchi University

And

Chun-chih Chang
Ph. D. Candidate
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National Chengchi University

2012.05.28

Paper to be delivered at the 22nd World Congress of Political Science held by the
International Political Science Association, July 8-12, 2012, Madrid, Spain.

Summary

China's National People's Congress (NPC) has been deemed as a rubber stamp for lacking in information processing capacity and poor autonomy. This paper tries to find out if the permanent committees of the NPC are becoming more specialized, and if so, whether it will bring more autonomy to the law-making process. After examining backgrounds of members of the nine committees, it is found that the NPC is indeed becoming more specialized. While the average time served by members of the legislative committees is declining, it is a deliberate rationalization to increase specialization as new recruits are more professional than their predecessors. It is also found that members who have professional backgrounds tend to have better chances serving longer term in committees. Riding the trend of specialization, committees are much more active in bill formulation and deliberation than before, and the NPC may gradually become arena where divergent interests might be contested. The paper concludes that the trend towards specialization in the NPC's committees has rendered more capability and autonomy to the heretofore anemic legislature.

Key words: China, National People's Congress, Special Committee, Specialization

Introduction

Legislative theorists have offered three explanations for standing committees' behaviors in legislature in Western democracies – information efficiency, distributive benefits, and major-party cartel theory (Groseclose and King 2000). To what extent do these theories help delineate the role of permanent committees in an autocratic system like China? As a party-state system, it is only natural that the CCP party is guaranteed a special space in any political activities. This is why previous studies bear resemblance to the major-party cartel theory in analyzing the development of China's National People's Congress (NPC). Whether the two institutions, the party and the NPC, are cooperating in order to maximize the efficiencies of the NPC in what has been known as a relationship of embeddedness, or engage in some sort of power competition so that some autonomy can be gained by the legislative organ, has long been a debate among scholars working to unravel the mysteries of the Chinese legislative system (Cho 2002; O'Brien 1990; 1994; O'Brien and Luehrmann 1998; Xia 2000). By examining the legislative experiences since the 1980's, Chien-min Chao (2002) concludes that institutionalization has taken a great stride and that the development has brought specialization to the fore. This paper, based on the experiences of members of the NPC committees, argues that as the society demands more rules of law China's legislature has been growingly relying on more informed personnel in its committees for the drafting and deliberating of bills.

Legislatures of Communist countries have been deemed as “rubber stamps” for their function is no more than providing a thread of legitimacy to the regime. Since there is hardly need for them in the making of any important policies, it is redundant to exercise quality control over members of the legislative chamber. The capacity of the organ is predictably low. As Johnson and Nakamura (1999, 6) vividly describe:

Since rubber stamp legislatures merely endorse decisions made elsewhere, they typically require little in the way of internal complexity and information processing capacity. While these things may help members in more active legislatures to make decisions, they are not needed when the only decision to be made is to endorse outcomes of other decision-making processes. Rubber stamp legislatures, by definition, do not make independent contributions to the process of governing their societies.

A NPC position is usually the last stop for China's power-holders before retirement and this “dead end” is another reason contributing to the ineffective rubber stamp nature of the NPC. For those powerful ministers and cadres who are selected into the assembly shortly before retirement the job is demoralizing and disheartening. Under this design, short average terms and high turnover rate seem to be the norm. By

contrast, representatives in “career legislatures” in Western democracies tend to put more value into their work and normally have longer average term and much lower turnover rate. In yet another type of legislature, the so-called “springboard legislature”, members may not serve as long but they are highly motivated as their performance may dictate their fate in the power hierarchy (Squire 1988).

As China’s market economy is getting more sophisticated, is it possible that its legislature might get more specialized and hence, enhance its capacity? As a rubber stamp, the NPC has been an instrument to reward those who have made contribution to the state. This sacrosanct duty has made the NPC a defunct organ (Zhou 2005, 243-248). However, since the 1980’s a series of reforms have been heralded in the Chinese legislature to increase the CCP’s legitimacy, and a critical one among them is to have the committees expanded both in size and capacity (Chao 2002; O’Brien 1990, 148-156). This paper is to examine if specialization has been indeed a part of this reform process.¹

Following Hamm, Hedlund, and Post’s (2011) framework, this paper gauges the specialization of NPC’s permanent committees from two dimensions—work experiences before becoming a committee member and the length of staying in various committees. We start by revisiting the history and membership recruitments of the NPC’s special committees. We then try to fathom the depth of the specialization in the committees between the 9th NPC and the 11th NPC. Last, we attempt to come to some senses in the context of law-making and deliberation processes.

Demographic data of all nine permanent committee members in the three NPCs, 680 in total, are compiled and analyzed. On average, each committee has 26 members, including 1 chairman, 6.8 vice chairmen, and 17.4 rank-and-file members.² Biographic data is obtained from NPC’s website (www.npc.gov.cn), Renwu Online (www.renwuonline.com), and China Vitae (www.chinavitae.com).

Evolution of Special Committees in the NPC

When the NPC was established in 1954 there were only two committees, the Ethnic Affairs Committee and the Bill Committee, to provide technical assistance to the arguably biggest legislative structure on earth. As Mao’s regime became more mobilizational in orientation the legislative organ was pummeled just as the rest of the political system even before the start of the tumultuous years of the Cultural Revolution. After Mao’s demise, in the wake of writing a new constitution in 1982 it

¹ In the West, legislative committees are normally addressed as “standing committees.” But in the NPC, the term might be confused with the NPC Standing Committee which is actually the legislature when the NPC is not in session (the NPC is in session only very briefly) and therefore, the term “special committees” is coined.

² All committees have one chairman, but the number of vice-chairman and rank-and file member changes each term with different committees.

was decided that permanent committees were to be made part of the reformulation to help with the reconstruction of a new legal system that had quickly become hallmark of Deng Xiaoping's reform policies. Six committees were established in 1983 as a result of this new drive of institution-building and legalization: the Law Committee (formerly Bill Committee), the Ethnic Affairs Committee, the Financial and Economic Affairs Committee, the Education, Science, Culture and Public Health Committee, the Foreign Affairs Committee, and the Overseas Chinese Affairs Committee. During the 7th NPC Congress, held in 1988, another committee, the Internal and Judicial Affairs Committee, was created. The Environment Protection and Resources Conservation Committee (renamed Environment and Resources Committee in 1994) was added to the 8th NPC's Congress in 1993, and at last, in 1998 at the 9th NPC Congress, the Agriculture and Rural Affairs Committee was founded (Cai 2003, 243-250; Zhou 2005).

In general, legislative committees are responsible for introducing and reviewing new bills and acts, scrutinizing questions presented to the NPC and its Standing Committee (NPCSC), researching, making contacts, and investigating cases (Jiang 2002, 293-295). Although each committee has its own area of jurisdiction (see Appendix 1), the division of labor among committees is not well-defined and not in parallel to the division of labor in the administrative branch of the government. While some committees may be made accountable to many administrative agencies, others may only have to face one or two agencies. It is not unusual for some committees to only review a bill every few years. For instance, while Foreign Affairs Committee and Overseas Chinese Affairs Committee may process only one or two bills in average during a five-year term, the Education, Science, Culture and Public Health Committee entails a multiple policy areas. This institutional weakness will no doubt affect the effectiveness of the NPC (Yin, et al., 2003). Among the NPC committees, the Law Committee stands out as the most important. The Committee has the power to "universally review all bills" (*tongyi shengyi*) after being examined by a relevant committee.

The CCP party still plays important role in the legislature. According to Article 35 of the NPC's Organic Law, members of the legislative committees as well as their leadership are to be nominated by the NPC Presidium and approved by the congress. Only NPC delegates are eligible for the nomination. When the NPC is not in session, the NPCSC can only fill in "individual deputy chairman" and "part of the committee members" and candidates for these supplementary elections shall be nominated by the NPCSC Chairman's Meeting and approved by the NPCSC plenary meeting. In reality, the list is prepared by the NPC's CCP Party Committee and handed over to the Presidium. The Presidium will then give the list to the delegates and get finalized after

discussion and “fermentation” (*yunniang*). The delegates will then vote on the final list (Chen 2008).

In another sign of political maneuvering the ratio between CCP party membership and non-CCP membership remains steady at about five to one for the three NPCs under review. If the eight Democratic Parties are to be included then the ratio for the tripartite membership is about 13:2:1 (Chao and Chang 2010). It is further regulated that only those with the CCP’s party membership are allowed to be in leading positions. Evidently, to keep the permanent committees in line is critical to safeguard the CCP’s rein.

From the way the NPC’s committees is structured and staffed to the maintenance of predominantly partisan presence say aloud the usefulness of the major-party cartel theory in the legislature in an autocratic polity. However, it should be pointed out that the increase of specialization and hence, the capacity of the legislature, does not bode ill with the CCP’s goal of maintaining a strong party-state structure. On the contrary, the growing specialization has reinforced the party’s image as a competent ruling force. Maltzman’s (1997) conditional model of committee responsiveness suggests that committees’ function may change contingent on the internal coherence of major parties. O’Brien (1994; O’Brien and Luehrmann 1998), built on the concept of “embeddedness”, argues that by cooperating with the predominant party, legislatures of Communist countries could enhance its capacity and challenge the State Council in the law-making process. Chao (2002) highlights special committees have been consolidating their role in NPC and transforming the Chinese legislature from one that has been dominated by the chamber to one that is dominated by the committees. These studies vindicate the new developments in China’s legislative organ. In the following section, we will prove, by using empirical data, that the trend of specialization in the NPC is gradually taking roots since the late 1990s.

Two Measures of Specialization

While studying the composition of local legislatures in the United States, Hamm, Hedlund, and Post (2011) build a two-dimensional model to gauge specialization in the committees: The external dimension is meant to judge members’ competence by tracing their previous work experiences; the internal dimension, on the other hand, is the length members serve in relevant committees. The framework is transplanted in our study.

In what they call an information efficiency theory, Tom Gilligan and Keith Krehbiel (1987, 1989, 1990; Krehbiel 1991) illustrate that since lawmaking requires wide array of information and some of them unsubstantiated, it is not efficient, nor feasible, to have the whole chamber involved in the reviewing of bills. Permanent

committees, with their professionalism, compact size and sufficient access to information, can help reduce uncertainties in the policy-making process. This is why the chamber is willing to delegate powers to the committees and seek their advice before making decisions. We believe the two-dimensional framework is sufficient in judging if NPC committees are competent in accessing and processing information.

Different from distributive benefits theory which features self-selection hypothesis and preference outliers, efficiency theory underlines specialization as a low-cost means in composing legislative committees. The cost of information collection will be significantly reduced by including representatives with professional knowledge. As Krehbiel (1991, 136; see also Gilligan and Krehbiel 1990; Hamm, Hedlund, and Post 2011, 132) points out:

[A] rational legislature is one that efficiently taps the special talents of its legislators. Such a legislature appoints to committees members who can specialize at relatively low cost due to, for example, their prior experience or intense interest, in the policies that lie within a committee's jurisdiction. Other things being equal, this form of interest is likely to make members work relatively hard to master the intricacies of policy-making.

Although members may have heterogeneous preferences, the decisions they make are normally in line with their professional backgrounds. For the chamber, it is preferable to endow committees with some freedoms so that it may reap the benefits of professionalism. Certainly, the freedoms endowed upon the committees are not unlimited and can be exercised only under the chamber's supervision. In this regard, information efficiency theory is also called "chamber-dominated committees perspective" (Krehbiel 1991, 134-141).

Past experiences and backgrounds can not only bring down costs in information-collecting, they also provide members with more diversified information so that the chronic problem of uneven access to information between the administration and the legislature can be bridged. Zwiwer's study (1979) concludes that specialists try to access information from a wide variety of sources such as the administration, staff, and interest groups, while non-specialists are much more conservative and concentrate almost exclusively on information from within the legislature and his constituency.

To information efficiency theorists seniority contributes to committee specialization. The longer a member stays within a single committee, the more specialized he is likely to be. However, seniority can be accrued either by working in a single committee, or it can be attained cumulatively through working in a number of committees. Single-committee seniority is no doubt a more preferable system but

sometimes members change committees for various reasons. In the latter case seniority is defined in a broader, sometimes referred as indirect, fashion. It is more fitting to address this phenomenon as legislative stability instead of seniority. The paper opts for the broader definition of membership stability.

Generally speaking, membership stability and committee experiences facilitate specialization in three ways. First, seniority means stability and is good indication that the committee is immune from improper outside interference. In his seminal study on congressional institutionalization, Polsby (1968) suggests “boundedness” helps with organizations differentiating from external environment when stable membership is easily identifiable and leaders recruited principally from within. If membership recruitment is institutionalized, it is less easy for outside forces such as the political party to penetrate which means more autonomy for the committee.

Second, it takes time to be professional. Bell and Price (1975, cited from Squire 1988, 66) indicate that normally it takes two years, or about 250 working days, for a full-time legislator (or six years for part-time legislators) in California to get acquainted with the job he is supposed to perform. The problem with the NPC is that there are still too many part-time members in the committees and it takes long time for them to get competent.

Last, as Squire (1998, 24) rightfully points out, membership stability matters because new members of any legislature require some period of socialization or apprenticeship in order to develop collective identity, and shared values and interests. By using Denmark’s parliament as a case, Baekgaard (2010) argues that it is essential for a new legislator to learn by practicing and that members of the committees are likely to be more devoted when they become more experienced.

External Connections

For systemic reasons, the information theory is better suited than the distribution theory in explicating committee compositions in legislatures in the Communist countries. Instead of going through popular balloting, the NPC deputies are selected by local PC members in a way to maximize representation from all walks of life (or *jie bie*), including administrative agencies, local governments, democratic parties, mass groups, and so on in a system that has been termed as “policy constituency” (Agh 1998, 88). Therefore, constituent interests are hardly a concern. We will then discuss career paths through which committee members are recruited.

To better understand the NPC committee members’ past connections, nine career paths are drawn: legal profession, experiences with the NPC, the State Council, the CCP, local leadership, academics, business and financial community, the Democratic Parties and mass organizations, and the military. As Table 1 shows, people who have

links with the State Council in the past are expectedly claiming the largest share (22.8%). What is unusual is the relatively high representation from academics and the Democratic Parties and Mass Organizations, standing at 19.9% and 16.6% respectively. A big chunk of the pie claimed by retired generals of the People’s Liberation Army (11.6%) is a shocking testimony to the rigor of the party-military corporate state structure. On the other hand, people with backgrounds in legal profession, the NPC, business and financial community, and the CCP have representation lower than 10%. The reason for the low CCP presence is because many officials have experienced wide array of party and state duties in what has been known as the cross-section appointment (*jiaocha renzhi*). It is also due to the fact that most CCP background members come from the Organization Department, the Propaganda Department, and United Front Work Department, institutions tasked not much with legislation and supervision.

Table 1 Committee members’ career paths

		N	Percentage	Cumulative Percentage
Career Paths	The military	79	11.6	11.6
	The NPC	23	3.4	15.0
	Local leadership	89	13.1	28.1
	The State Council	155	22.8	50.9
	The CCP	29	4.3	55.1
	The Democratic Parties and mass organizations	113	16.6	71.8
	Business and financial community	27	4.0	75.7
	Academics (universities and research associations)	135	19.9	95.6
	Legal profession	30	4.4	100
	Total	680	100	

In general, the career paths in the three terms of the NPC under review has shown slight increase of specialization. Members with backgrounds in legal profession, academia, the NPC, and local leadership are on the rise while people who have experiences with the Democratic Parties, mass organizations and the military are declining. The representation of business and financial communities has been kept constant. In the future, to get more people with experiences at the NPC, the legal profession, and business community may be in need.

Richard Sisson (1973, 17-38) argues that recruitment of legislative personnel should be based on two thinking: First, a linkage between committees and the environment must be kept so that some sort of social mobility can be maintained. Second, to keep a organization young and rejuvenated a mechanism of leadership rotation must be in place. If these people could just seek out information in an unorthodox fashion, their decisions might be somewhat different in quality. Yin Zhongqing (Yin, et al. 2003), a seasoned Chinese scholar with prolonged years of work with the PC, comes up with a list which he believes might help in bringing vitality to China's heretofore enervated legislature: people with past experience working with the legislature; scholars and experts; representatives of social organizations; and those who have experiences with the juridical system. These people will provide the system with pluralistic opinions to an institution which has seen heavy party-state penetration, a tradition hardly accordant with the duties required out of a watch-dog to oversee the monolithic system.

Based on these beliefs this paper regroups the NPC committee members into three professions: legislative professionals, representatives of social organizations, and party-state cadres. The legislative professionals cover those who have experiences with the PC system in the past or scholars and legal practitioners who possess legal and judicial knowledge. These people might offer the committees professional advice. Representatives of social organizations include those who have worked with the eight Democratic Parties, mass organizations, and business and financial communities. These people may bring in more diversified opinions into the ossified system. The party-state cadres (including the military), on the other hand, might have better knowledge about how the system works but departmentalism might be a risk.

Table 2 reveals that although committee members who serve as party-state cadres in the past still dominate the NPC committees (51.8%), those with legal backgrounds are gaining grounds. The distribution of career patterns clearly shows that a party-state system is still at work as many legislators are transferred from party-state apparatus. This is diametrically opposite from Western parliamentary democracies where government officials are also parliamentarians. This unique career path presupposes departmental interests in the making of laws in China.

Table 2 Three types of career paths

			career paths			Total
			Legal professions	Social Deputies	Party-State Cadres	
Term	9	N	50	48	112	210
		%	(23.8)	(22.9)	(53.3)	(100)
	10	N	68	47	120	235
		%	(28.9)	(20.0)	(51.1)	(100)
	11	N	70	45	120	235
		%	(29.8)	(19.1)	(51.1)	(100)
Total		B	188	140	352	680
		%	(27.6)	(20.6)	(51.8)	(100)

Career pattern may not tell the whole story of specialization in the NPC committees as many party-state cadres might have experiences relevant to legislative work. We try to resolve this conundrum by matching the duties delineated by each committee (see Appendix 1) with corresponding government agencies. The breakdown listed in Appendix 1 is borrowed from a scholar in China (Zeng 2004) with some revision. Data provided by Table 3 substantiates the finding that the NPC committees are becoming more specialized. Overall, 63.7% of the aggregate members are professionals, a climb of more than 3% during the three NPC terms under review.

Table 3 Professional backgrounds

			Non-professionals	Professionals	Total
Term	9	N	79	131	210
		%	(37.6)	(62.4)	(100)
	10	N	87	148	235
		%	(37.0)	(63.0)	(100)
	11	N	81	154	235
		%	(34.5)	(65.5)	(100)
Total		N	247	433	680
		%	(36.3)	(63.7)	(100)

Relevant Experiences

Two measures are normally used to gauge legislative committee stability: seniority and average tenure (Squire 1988). For any institution to be stable, it is imperative that a certain proportion of its members are there to stay for relatively long

period of time. In Western practices, committee stability is judged by the duration of members staying in a single committee. However, since members who have changed committees in the NPC are relatively few (only 36 out of a total of 680 or about 5.3% in the 9th, 10th and 11th NPC) the study takes all committee experiences into account. Seniority is calculated according to the total time a member stays with any NPC committee.

Table 4 illustrates that stability is not an asset in NPC's committees. During the period under scrutiny the proportion of committee members who have previous work experience in other committees goes down nearly five percentage, from 34.8% in the 9th NPC to 29.8% at the 10th NPC, and further down to 28.9% at the 11th NPC. Overall, senior membership is averaged at a paltry 30.1%, lagging far behind the 60-80% rate in the U.S. Congress (Fenno 1973, 111-113).

Table 4 Ratio between freshmen and senior members

	Freshmen	Seniors	Total
9 th NPC	120 (65.2%)	64 (34.8%)	184* (100%)
10 th NPC	165 (70.2%)	70 (29.8%)	235 (100%)
11 th NPC	167 (71.1%)	68 (28.9%)	235 (100%)
Total	452 (69.9%)	202 (30.1%)	654 (100%)

Notes: * The Agriculture and Rural Affairs Committee was established at the 9th NPC and therefore, no data is available.

A decline of term limit further testifies to the problem of insufficient membership continuity. Overall, the average term served in the committees is 1.30 (or about 6.5 years). However, the downward trend is obvious. It starts with 1.32 term (or about 6.6 years) in the 9th NPC, and is reduced to 1.30 term (or about 6.5 years), then falls down to 1.26 term (about 6.3 years). This is tantamount to reduction of 0.06 term (or about 3.5 months) per term. This lack of continuity in NPC committees undercuts the endeavors that have been taken to beef up specialization.

The decline in seniority and tenure is attributable to the policy of rejuvenating the hitherto aging institution by replacing them with younger and more capable personnel. However, the downside is that a transitional gap might be emerging, inhibiting experiences and knowledge from being passed on from generation to generation, making internal norms that much harder to be established.

Nevertheless, a promising sign is detected in the transitional period, featuring a

gradual change of a “dead end legislature” to “springboard legislature”. As table 5 shows five committee members have been promoted to leadership positions in various government agencies, including the State Council, local governments, and Supreme People’s Procuratorate. This upward mobility also suggests that the stature of the NPC is on the rise.

Table 5 Committee members promoted to leadership positions

Term	Committee	Name	Time	Position
11	Environment Protection and Resources Conservation	Ni Yuefeng	2011.2	Vice Governor of Fujian Province
	Education, Science, Culture and Public Health	Li Dongsheng	2009.10	Party secretary at the Ministry of Public Security
10	Ethnic Affairs	Huang Kangsheng	2007.6	Vice Governor of Guizhou Province
	Internal and Judicial Affairs	Zhang Geng	2003.10	Deputy Procurator-General of the Supreme People's Procuratorate
	Agriculture and Rural Affairs	Hua Fuzhou	2003.8	Deputy Minister of Ministry of Labor Security

A Typological Analysis of Specialization

In accordance with the framework of specialization that we build, a typology on legislative committees can be established. Depending on whether a member has any previous experiences working in legislative committees and whether he is senior or not, a two-by-two table is constructed. Consequently, four types of committee members are distinguished: members with professional background and committee experience; members with committee experience but no professional background; members with professional background but no committee experience; members with neither (see table 6).

Table 6 Types of legislative membership

	No professional background	Professional background
No committee experience	Neither	Background
Committee experience	Experience	Experience + background

Sources : Hamm, Hedlund, and Post (2011)

Table 7 displays the distribution of specialization of NPC committees according to past backgrounds and work experiences. In general, 41.9% of committee members have relevant backgrounds in the past while 27.9% of members do not have such experience; if members with both professional background and committee experiences, standing at 21.6%, are to be counted, over 63% of NPC committee members are professionals. Members who only have committee experience stand at a low 9.3%. After further probing, we find out that members with relevant backgrounds have increased from 36.4% at the 9th NPC to 45.5% at the 11th NPC, while those who have neither professional background nor committee experience have fallen from 28.8% to 25.5%. What is worth noting is members with both experience and professional background have also gone down 5% (from 25% to 20%).

Table 7 Specialization of NPC Committees according to past backgrounds and work experiences (%)

Type	9 th	10 th	11 th	9-11 th
Neither	28.8	27.7	25.5	27.2
Experience	9.8	9.4	8.9	9.3
Background	36.4	42.6	45.5	41.9
Experience + Background	25	20.4	20	21.6
Total	100	100	100	100

The results spell two facts: First, specialization is indeed taking roots in the NPC's committees. More members with relevant experiences is beneficial to committee capacity. Second, party-state structure is still lingering. In order to enhance specialization members with insufficient background and irrelevant work experience have to be eliminated. But, the irony is, seniority is also sacrificed in the process, incurring negative impact of the autonomy of the committees.

Figure 1 details the state of specialization among the nine NPC committees. Among them, the Education, Science, Culture and Public Health Committee is the most specialized, with 94.3% of its members having either professional backgrounds or committee experiences, or both. With 48.5% of its members having neither relative background nor committee experience, the Overseas Chinese Affairs Committee is the least specialized. Depending on the degree of specialization, we divide the nine NPC committees into four types:

The first type is non-specialized committees, the Foreign Affairs Committee and the Overseas Chinese Affairs Committee are examples. These two committees do not have as many parallel government agencies as others and hence, new recruits often come from government agencies which do not provide proper training for committee

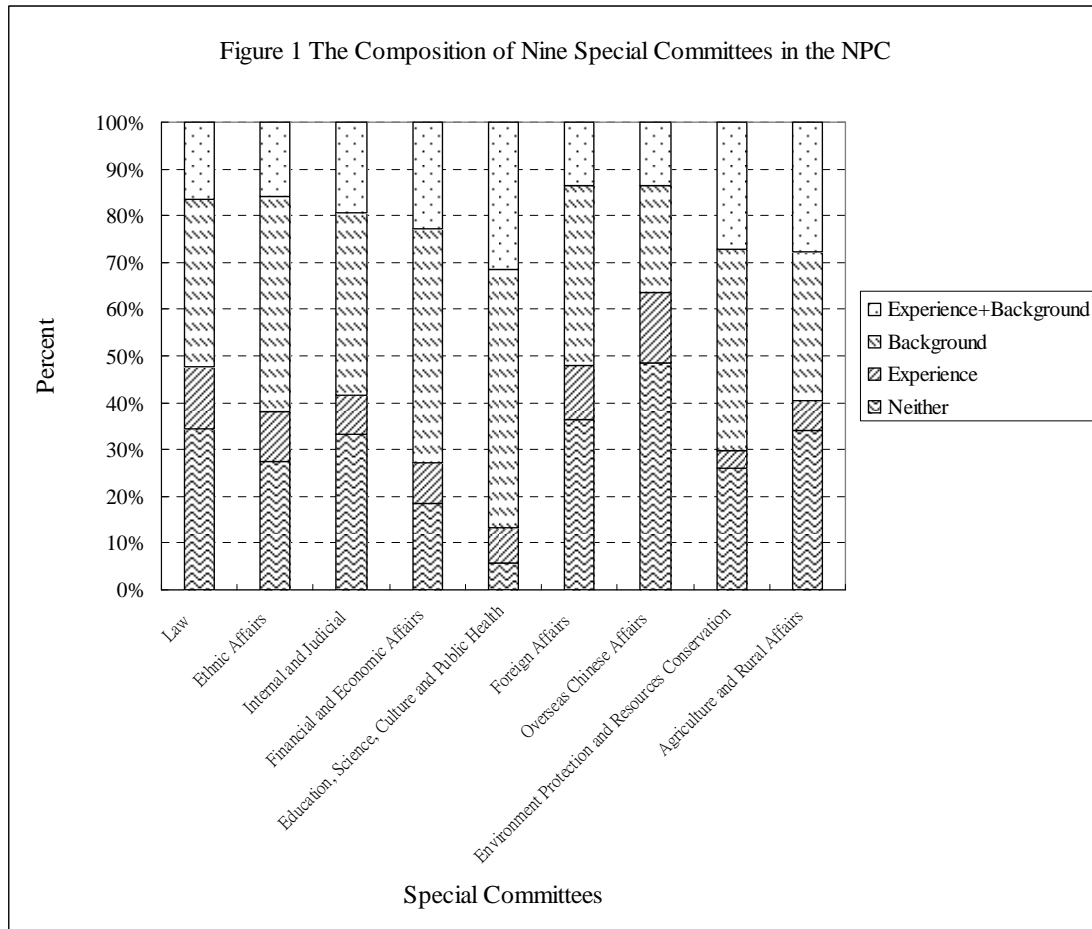
service. The work load in these two committees is not as demanding, neither is their influence. It is not uncommon that only one or two bills pass through the committees in an average five-year term.

The second type of committees places a lot of value on members' previous experiences, and the Law Committee is a typical one. This is because the committee is created to "universally review all bills". As such, the Law Committee tries to recruit members with divergent experiences and backgrounds. The fact that members with both relevant backgrounds and committee expertise have been on the rise vindicates the trend of specialization.

The third type of NPC committees, including the Ethnic Affairs Committee, the Internal and Judicial Affairs Committee, and the Financial and Economic Affairs Committee, demand more professionalism than other committees. They often recruit people with good relevant backgrounds. There are also more government agencies whose duties are in line with these committees and hence the pool for replenishment is larger. In the mean time, since the work at the committees might have huge stake for relevant government agencies, entry competition is a lot fiercer than other committees. This is especially so for the Financial and Economic Affairs Committee as it has fast become the most popular committee at the NPC.³

The fourth type of committees are those which stress both previous backgrounds and committee experience, as the Education, Science, Culture and Public Health Committee, the Environment Protection and Resources Conservation Committee, and the Agriculture and Rural Affairs Committee are examples. Take the ESCP Committee as an example. The Committee includes many scholars from major universities and research institutes as its members. The Environment Protection and Resources Conservation Committee and the Agriculture and Rural Affairs Committee also attract large number of highly professional personnel.

³ Interview, 2012/4/9.



A question has to be addressed: is there association between the two dimensions? In other words, do members with professional backgrounds have longer tenure? To evaluate this correlation a multiple regression model is constructed using professional background and average term as variables. It is hypothesized that committee members who have expertise or who have previous experiences might serve longer in the committees.⁴

In the multiple regression model that we construct, average term is designated as dependent variable, and professional background and career pattern independent variables. Appendix 1 lists the relevant job that is to be identified as professional. Career pattern is further broken down to three: legislative professionals, social deputies, and party-state cadres. We also add a few control variables in the model, including party membership, standing committee membership, position, age, and education. Two kinds of party membership are listed: committees members with CCP membership are coded 1, while members with the Democratic Parties or no party identification are coded 0. As for age, 65 is the dividing line. According to our

⁴ The Agriculture and Rural Affairs Committee was excluded from the model because it was established at the 9th NPC.

interviews, many cadres in leading positions are inquired to see if they are willing to transfer to the NPC to work for a five-year term before retiring. As for education, members who received graduate degrees are coded 1, and 0 for those who have degrees below graduate schools. As Chao and Chang's study (2010) indicates, 47.3% of the committee members own college degrees and above at the 11th NPC (also see Appendix 2).

As Table 8 shows, NPC committee members whose party affiliation goes to the Democratic Parties or no party affiliation at all; aged over 65 years; have an undergraduate degree or below; have professional backgrounds or experiences working in other legislative committees or social organizations, have better chances of staying longer in the committees. The findings lend support to the argument of specialization. It proves that both professional background and career pattern are important factors affecting a member's tenure. Namely, committee members who have experiences in legislation or with social organizations are more likely to stay longer in NPC committees.

Contrary to Western practices where major political parties are dictating the leadership positions in a legislature, members affiliated with either the small Democratic Parties or without party affiliation might sustain longer committee services in the NPC. The usual phenomenon might be explained by the theory of "political vase" – to showcase the democratic nature in an autocracy. It is not surprising that people aged 65 and over serve longer term. What is surprising is the negative correlation between level of education and length of committee service. This may be because the NPC is in transition and many elderly who might not have as much education are still there.

Table 8 Multiple regression model on members' tenure

	B (S.E.)
<i>Party Membership</i> (Others = 0)	
The CCP	-0.202 (0.055)***
<i>Standing Committee</i> (Else=0)	
Membership	0.046 (0.042)
<i>Position</i> (Normal Members=0)	
Leaders	-0.079 (0.047)
<i>Age</i> (under 65 year-old=0)	
Above 65 year-old	0.377 (0.046)***
<i>Educational level</i> (Other=0)	
Graduate School	-0.103 (0.045)*
<i>Professional Background</i> (None = 0)	
Relevant Expertise	0.097 (0.042)*
<i>Career Path</i> (Party-State Cadres=0)	
Legislative Professional	0.242 (0.052)***
Social Deputies	0.266 (0.055)***
Constant	1.191 (0.071)***
Information	
N	605
Adj. R ²	0.166
S.E.E	0.476
Conditional Index	9.574

Note : *** : $p < 0.001$, ** : $p < 0.01$, * : $p < 0.05$

Legislative Capacity and Autonomy

The question is: Does it matter to be more specialized? Mezey (1979, 54-55) suggests specialization could facilitate member participation in policy formulation, deliberation, and oversight. This section focuses on formulation and deliberation of bills.

Statistics suggest that committees' role in bill-formulating has been declining in the NPC. Table 9 reveals that bills formulated by the NPC committees went down nearly ten percentage, from 28% in the 9th NPC to 16.7% at the 10th NPC Congress and then, went up slightly to 18.4% at the 11th NPC. The results contravene the theme that specialization has brought committees more capacity and autonomy.

The NPC committees' direct involvement in bill-formulation may remain steady, but their role has been codified. The Legislation Law, promulgated in 2000, and "Opinions Concerning Fully Fulfilling Functions of the Special Committees" issued

by the CCP Central Committee in 2005, have consolidated the role of the committees in the process of bill formulation in two ways:

First, committees are now required to get involved as early as possible (*tiqian jieru*) in the drafting of laws prepared by the State Council, the Central Military Commission, the Supreme People’s Court, and the Supreme People’s Procuratorate. Second, committees are also asked to get involved in the process of deliberation of bills as early as possible (*tiqian shenyi*). The Chairmen's Meeting which has the powers to set the agenda for the NPCSC and is composed of the chairman, vice chairmen and the Secretary General of the NPC often seeks advice from relevant committees on issues such as whether the bill is to be tabled, what are the major areas of contention and so on. To sum up, while special committees may not involve in detail in the process of bill formulation, they are really supervisor and consultant in the writing of a law.

Table 9 Sponsors of legislative bills

		Sponsor		Total	
		Others	Special Committee		
Term	9	N	54	21	75
		%	(72.0)	(28.0)	(100)
	10	N	60	12	72
		%	(83.3)	(16.7)	(100)
	11	N	31	7	38
		%	(81.6)	(18.4)	(100)
Total		N	145	40	185
		%	(78.4)	(21.6)	(100)

The NPC committees play a pivotal role when a bill is being deliberated. Normally, after a bill is tabled by the NPC Standing Committee, a special committee is assigned to review the bill and relevant committees are also invited to the discussion. A report will then be presented to the Standing Committee and to the Law Committee for further review. Empowered to review all bills in what has been known as *tongyi shenyi* (or “universal deliberation”) the Law Committee is extremely important in the process. After gathering information from all possible channels including the State Council, local governments, and the public, the Law Committee amends the drafted bill. The importance of the special committees in bill-deliberation can be measured by the frequency of reviews and amount of time spent on the reviews.

Table 10 reveals frequency and average time of bill deliberation. The results are

mixed. While average time for bill deliberation has increased from 7.47 months to 10.29 months, or 2.82 additional months, the frequency has fallen from 2.65 to 2.53. Average time per deliberation increases tremendously, from 1.25 months at the 9th NPC to 4.07 months at the 11th NPC. These empirical results echo Tanner’s research (1999) on Chinese law-making process in that special committees could interfere in the legislative deliberation as a platform of incorporating opinions and making investigation. It also means that committee members are more conscientious about their duties and responsibilities. This is why they are willing to spend time in deliberating bills instead of throwing support blindly behind. Should the trend continue, it is not impossible that the NPC one day might emerge as a battleground where various interest groups vie for influence.

Table 10 Frequency and average time of bill deliberation

Term	Number of Bills	Average Time per Bill (Month)	Average Frequency of a bill	Average Time / Average Frequency
9	75	7.47	2.65	2.82
10	72	5.38	2.36	2.28
11	38	10.29	2.53	4.07
Total	185	7.23	2.51	2.88

Conclusion

By delving into the composition of the NPC’s special committees during the 9th, 10th, and 11th terms, the paper concludes that specialization is indeed on the rise. On average, over 70% of committee members have either professional backgrounds or committee experiences or both. The empirical results further suggest that information efficiency is best able in explaining the NPC committees’ behaviors. Specifically, the paper draws on the following findings:

First, generally speaking, the NPC committees are very professional ones, with 63.7% of members possessing expertise relevant to the duties prescribed by the committees. In the three terms that we analyze professionalism has climbed upward by 3.1%. This may not look huge but the rate of professionalism has been kept above 60% in all three terms without exception.

Second, unfortunately, the growth of specialization at the NPC has been achieved at the expense of its stability. There are less ranking members at the 11th NPC than the 9th NPC as the average time served in the committees falls from 1.32 term (or about 6.6 years) to 1.26 term (about 6.3 years).

Third, there is differential development of specialization among the nine special committees. Some committees stress members’ professional experiences in the past

while others pay more attention to experiences at other committees. There are also committees which require neither.

Fourth, there is a positive correlation between members' professional backgrounds and the length they serve in committees. Members who have legislative experiences or experiences with social organizations also tend to survive longer in the committees.

Fifth, while numerically the NPC committees' role in bill-drafting has seen no significant increase, their status is codified and legalized. On average, more time has been spent on bill deliberation and committees' autonomy and capacity have appreciably increased.

It has been pointed out that legislative committees need to feature the following characteristics in order to be active (Olson 1994, 57): its jurisdiction must be clearly fixed to issues and parallel to the administrative system; members can continue their committee services for a long time; only seniors can take the position of committee chairman, and members should be familiar with committee affairs, relevant issues, and behaviors of administration and interest groups. Our study indicates that while membership stability is still an issue, the NPC is obviously more specialized now, and specialization has brought more autonomy and capacity to the committees. The NPC is gradually shifting from a congress in adolescence to a congress in transition.

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Appendix 1 Work of the NPC committees and corresponding agencies

	Scope of work	Main contacting agencies
Law	Mandatory review of bills and acts	Supreme court, supreme procuratorate, State Council's Legal Affairs Office, Central Military Commission's Bureau of Legal Affairs, CCP Central Commission on Political and Legal Affairs
Ethnic Affairs	Issues related to minorities and governance of the self-autonomous regions	State Ethnic Affairs Commission, local leadership of ethnic minority regions.
Internal and Judicial Affairs	Civic affairs; labor as punishment (laodong); social security; judiciary; social safety	Supreme People's Court, Supreme People's Procuratorate, Ministry of Public Security, Ministry of Justice, Ministry of Supervision, Ministry of Human Resources and Social Security, Ministry of Civil Affairs, State Administration of Work Safety, Legislative Affairs Office of State Council, All China Women's Federation, All China Federation of Trade Unions, Communist Youth League, CCP Commission of Politics and Law
Financial and Economic Affairs	Review national plans for financial, economic and social developments; budgetary review; economic legislation	National Development and Reform Commission, Ministry of Finance, Ministry of Commerce, Ministry of Transport, Ministry of Railways, Ministry of Industry and Information Technology, State Administration of Taxation, State Administration of Industry and Commerce, Banking Regulation Commission, Securities Regulatory Commission, National Bureau of Statistics, General Administration of Customs, Insurance Regulatory Commission, People's Bank of China and other policy banks
Education, Science, Culture and Public Health	Review bills and acts related to education, science, culture, hygiene, physical education, population, and mass communication	Ministry of Education, Ministry of Science and Technology, Ministry of Culture, Ministry of Health, National Population and Family Planning Commission, National Food Commission, General Administration of Press and Publication (National Copyright Administration), General Administration of Sport, State Food and Drug Administration, State Intellectual Property Office, State Administration of Radio, Film and Television, CCP Propaganda Department

Foreign Affairs	Review bills and acts related to external affairs	Ministry of Foreign Affairs, Ministry of State Security, Overseas Chinese Affairs Office of the State Council, Hong Kong and Macao Affairs Office of the State Council, Taiwan Affairs Office of the State Council, Information Office of the State Council, Legislative Affairs Office of State Council, CCP International Liaison Department, CCP United Front Work Department
Overseas Chinese Affairs	Review bills and acts related to the work on overseas Chinese	Overseas Chinese Affairs Office of the State Council, Hong Kong and Macao Affairs Office of the State Council, Taiwan Affairs Office of the State Council, CCP United Front Work Department
Environment Protection and Resources Conservation	Review bills and acts related to environmental protection and resources	National Development and Reform Commission, Ministry of Land and Resources, Ministry of Environment Protection, Ministry of Water Resources, State Forestry Administration, China Electricity Regulatory Commission, Meteorological Administration, General Administration of Quality Supervision, Inspection and Quarantine
Agriculture and Rural Affairs	Review bills and acts related to villages and agriculture	Ministry of Agriculture, Ministry of Water Resources, Ministry of Housing and Urban-Rural Development, State Forestry Administration, Meteorological Administration

Source: Zeng, Ping. 2004. *Yihui weiyuanhui zhidu bijiao yanjiu* (A Comparative Study of the Parliamentary Committee System). Beijing: Ph.D. dissertation of Renmin University.

Appendix 2 Descriptive Statistics of Major Variables

	N	Minimum	Maximum	Mean	Std. Deviation
Average Term	607	0.14	4.0	1.303	0.522
<i>Party Membership</i>					
CCP	607	0	1	0.811	0.392
<i>Standing Committee</i>					
Membership	607	0	1	0.570	0.495
<i>Position</i>					
Leaders	607	0	1	0.316	0.465
<i>Age</i>					
Above 65 year-old	607	0	1	0.313	0.464
<i>Educational level</i>					
Graduate School	605	0	1	0.304	0.460
<i>Professional Background</i>					
Relevant Expertise	607	0	1	0.638	0.481
<i>Career Path</i>					
Legislative Professional	607	0	1	0.277	0.448
Social Deputies	607	0	1	0.218	0.413

國科會補助計畫衍生研發成果推廣資料表

日期:2012/10/22

國科會補助計畫	計畫名稱: 「鄉財縣管」: 中國大陸縣鄉政府體制改革之研究
	計畫主持人: 趙建民
	計畫編號: 99-2410-H-004-114-MY2 學門領域: 比較政治
無研發成果推廣資料	

99 年度專題研究計畫研究成果彙整表

計畫主持人：趙建民		計畫編號：99-2410-H-004-114-MY2					
計畫名稱：「鄉財縣管」：中國大陸縣鄉政府體制改革之研究							
成果項目		量化			單位	備註(質化說明：如數個計畫共同成果、成果列為該期刊之封面故事...等)	
		實際已達成數(被接受或已發表)	預期總達成數(含實際已達成數)	本計畫實際貢獻百分比			
國內	論文著作	期刊論文	2	2	100%	篇	1. 趙建民、張鈞智，「中國大陸建政初期『黨政分工』模式的探討」(審查中) 2. 趙建民、張鈞智，「專業化與制度慣性的矛盾：論中國大陸全國人大專門委員會的制度化」(審查中)
		研究報告/技術報告	0	0	0%		
		研討會論文	0	0	0%		
		專書	1	1	100%		
	專利	申請中件數	0	0	0%	件	
		已獲得件數	0	0	0%		
	技術移轉	件數	0	0	0%	件	
		權利金	0	0	0%	千元	
	參與計畫人力 (本國籍)	碩士生	0	0	0%	人次	
		博士生	1	0	100%		
		博士後研究員	0	0	0%		
		專任助理	0	0	0%		
國外	論文著作	期刊論文	0	0	100%	篇	
		研究報告/技術報告	0	0	0%		
	研討會論文	2	2	100%	1. Chao, Chien-min and Chun-Chih Chang, 'Fair Trade? Institutionalization, Specialization, and Autonomy in Reforming China's Legislature,' paper delivered at the 2010 American Political Science Association		

							2. Chao, Chien-min and Chun-Chih Chang, ' Specialization, Autonomy and Legislative Capacity in a Rubber Stamp Legislature: The Case of China,' paper delivered at the 22nd World Congress of Political Science held by the International Political Science Association, July 8-12, 2012, Madrid, Spain.
		專書	0	0	0%	章/本	
	專利	申請中件數	0	0	0%	件	
		已獲得件數	0	0	0%		
	技術移轉	件數	0	0	0%	件	
		權利金	0	0	0%	千元	
	參與計畫人力 (外國籍)	碩士生	0	0	0%	人次	
		博士生	1	1	100%		
		博士後研究員	0	0	0%		
		專任助理	0	0	0%		
	其他成果 (無法以量化表達之 成果如辦理學術活 動、獲得獎項、重要 國際合作、研究成果 國際影響力及其他 協助產業技術發展 之具體效益事項 等,請以文字敘述填 列。)	1. 趙建民、張鈞智,「中國大陸建政初期『黨政分工』模式的探討」(審查中) 2. 趙建民、張鈞智,「專業化與制度慣性的矛盾:論中國大陸全國人大專門委員會的制度化」(審查中) 3. 趙建民編,大陸研究與兩岸關係(台北:晶典文化事業出版社,2010年)。 4. Chao, Chien-min and Chun-Chih Chang, ' Fair Trade? Institutionalization, Specialization, and Autonomy in Reforming China's Legislature,' paper delivered at the 2010 American Political Science Association Annual Meeting, Washington, D.C., September 4-7, 2010. 5. Chao, Chien-min and Chun-Chih Chang, ' Specialization, Autonomy and Legislative Capacity in a Rubber Stamp Legislature: The Case of China,' paper delivered at the 22nd World Congress of Political Science held by the International Political Science Association, July 8-12, 2012, Madrid, Spain.					
	成果項目	量化	名稱或內容性質簡述				
科 教 處 計 畫 加 填 項 目	測驗工具(含質性與量性)	0					
	課程/模組	0					
	電腦及網路系統或工具	0					
	教材	0					
	舉辦之活動/競賽	0					
	研討會/工作坊	0					
	電子報、網站	0					
	計畫成果推廣之參與(閱聽)人數	0					

國科會補助專題研究計畫成果報告自評表

請就研究內容與原計畫相符程度、達成預期目標情況、研究成果之學術或應用價值（簡要敘述成果所代表之意義、價值、影響或進一步發展之可能性）、是否適合在學術期刊發表或申請專利、主要發現或其他有關價值等，作一綜合評估。

1. 請就研究內容與原計畫相符程度、達成預期目標情況作一綜合評估

達成目標

未達成目標（請說明，以 100 字為限）

實驗失敗

因故實驗中斷

其他原因

說明：

2. 研究成果在學術期刊發表或申請專利等情形：

論文： 已發表 未發表之文稿 撰寫中 無

專利： 已獲得 申請中 無

技轉： 已技轉 洽談中 無

其他：（以 100 字為限）

3. 請依學術成就、技術創新、社會影響等方面，評估研究成果之學術或應用價值（簡要敘述成果所代表之意義、價值、影響或進一步發展之可能性）（以 500 字為限）

本計畫與四川社會科學院政治學研究所建立合作管道，計畫主持人至四川省成都市進行實地訪談，對學界而言，此一研究具有開展領域的意義。對政府大陸政策之決策人士而言，鄉鎮基層政權的變化，亦是份值得關注的重大議題。此計畫的研究成果，也有相當的參考價值。本計畫乃針對當前中國大陸基層政府體制改革的開創性研究，諒能提供參與計畫人士共同發掘問題並了解當前中國大陸基層政權之組織與運作之機會，進而尋找基層政權改革後運作之合理解釋。