

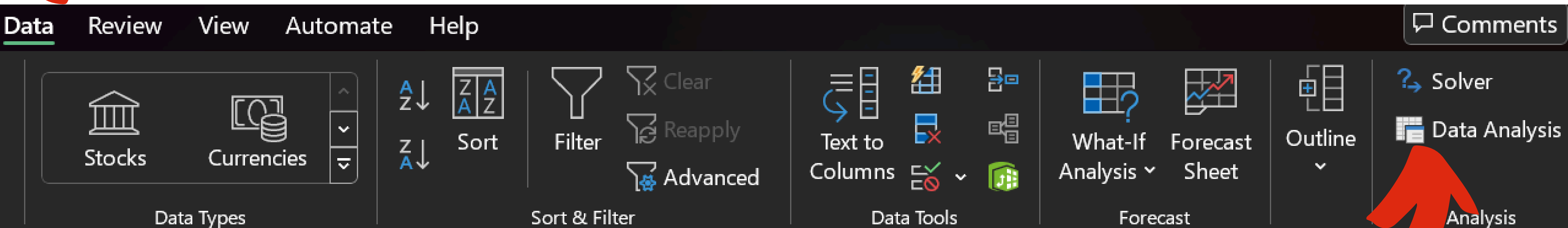


PEKINGOLOGY

LAWS AND REGULATIONS

**METHODOLOGICAL QUESTIONS OF CHINESE ECONOMIC
RESEARCH**

Preperations for the Statistics Session



(that's Excel, I hope that's obviously)

Click 'Data' and look if you already have the 'Data Analysis' tool

Preperations for the Statistics Session

If you don't have the tool yet, please install the add-in:

File

More

Options

Add-ins

Analysis ToolPak

Activate or download the add-in and your're good to go!

1 Types of laws and regulations



2 How to read them



3 Chinese discours analysis



1 Types of laws and regulations



Governance by Law

- Officially ‘rule of law’, practically ‘rule by law’
- The People’s Republic has a very democratic constitution, but it is not applied democratically
- Neither the Supreme People’s Court nor any other judicial institution can overrule laws

依法治国

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Laws and Formal Regulations

Type of Document	Issuing Institution	Typical Name
Law	NPC or NPCSC	Law
Administrative Regulation	State Council	Regulation, Provision, or Measure
Departmental Rules	Government Ministry or Ministerial-Level Agency	Provision or Measure

Sub-National Level

Law

- Provincial PCs and their SCs can issue ‘local regulations’
- In autonomous regions, they are called ‘autonomous regulations’ or ‘separate regulations’

Formal Regulations

- Governments of first level sub-national divisions and large cities can issue ‘local rules’

Governance by Document

- **Established form to run both the party and county**
- **Very fast compared to ‘regular’ lawmaking, which can take several months (reviews, opinions ...)**
- **Relative inefficient, as it renders the rule of law useless and threatens governmental legitimacy down the road**

文件治国

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文件治国

- Documents (and meetings) are still an important tool to transmit decisions
- CCP aware of low efficiency and legitimacy problems
- Rule of law is continuously strengthened, most notably in 1997 and 2014 (note: not in a 'Western' sense)

Informal Regulations

- Informal policy directives and regulations are called ‘regulatory documents’
- They are typically published as ‘notice’, ‘decision’, or ‘opinion’
- Not *de jure* law, but *de facto* treated as such

Informal Regulations

- Many government agencies create *ultra vires* legislation through informal policy directives
- In 2018, the SPC reaffirmed the legality of all informal policy directives under Legislation Law
- This is what *Governance by Document* is

Types of Central Directives

- **Grey directives:** ambiguous language about what can be done; flexible implementation and experiments
- **Black directives:** clear language on what can be done; boost certain policies or initiatives
- **Red directives:** clear language on what cannot be done; forbid certain policies or actions

Policy Documents

- Lay out policy goals in specific areas, guiding ideology, and set out goals
- Different from informal policy directives, which set out norms instead
- Typically published as ‘plans’, ‘outlines’, or ‘programs’

2 How to read them



Basics: How to Read

- **Type of document**
- **Issuing institution**
- **Signatures and date**
- **Document number**
- **Date it goes into effect**
- **Content: policy, regulation ... put forward**
- **Do other documents refer to it?**

Question

**What do you think is
important to keep in mind
while reading Chinese
policy documents?**



Meta: How to Read

**“To understand China today, you must understand the
Chinese Communist Party”**

Xi Jinping, in Parton (2022)



Meta: How to Read

- Chinese as the “first line of coding” (Parton, 2022)
- The CCP as its particular language
- Chinese and English versions often different in tone
- You have to read between the lines

Question

When Xi talks says that the
**“market will play a dominant role
in the allocation of resources”,**
does that mean he’s in favor of
major market reforms?

(Parton, 2022)



Meanings Differ

- Remember what Xi said!
- CCP is a Leninist party
- Words can have different meanings in different political systems: democracy, dictatorship, equality ...

PRC Starter Pack

- **Understand Leninist party structures**
- **Understand that ideology matters**
- **Understand how the CCP and its members work**
- **Understand the five levels of administration**

CCP Power Monopoly

- **Rising prosperity**
- **China's rightful place at the center of the world**
- **Territorial integrity**
- **Also: respect for China, best form of government, and new solutions to inequality and environmental threats**

Intelligence on the CCP

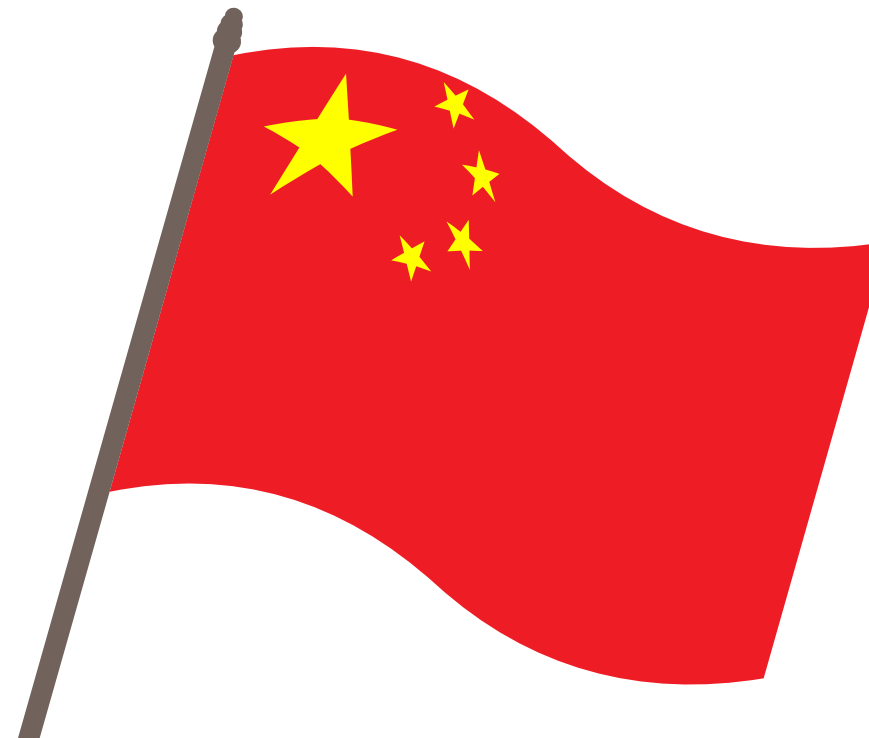
- Increasingly tight controls on grounds of national security
- Transparency left the policy and narrative
- Following the rules mentioned
- Opens-source intelligence increasingly important

Question

**What sources other than
government documents could
you use to find out more about
certain topics?**



3 Chinese discourse analysis



Discourse Analysis in the PRC

- **Similar to quantitative methods, qualitative methods in sinological contexts are increasingly sophisticated**
- **It needs a well-versed sinologist to do a proper discourse analysis on highly specialized topics**
- **Methodological plurality is key**

Soft Steering under the Shadow of Hierarchy

- There are political constraints to discourse analysis, including censorship and, importantly, self-censorship
- Soft steering describes the use of discursive strategies to influence public behavior or discourse
- The shadow of hierarchy is the ever-present ability of the CCP to intervene in behaviors and discourses

Top Down Structure and Bandwagoning

- One has to follow state line to achieve career goals
- Media obviously follows official narratives, and so does pop culture to some degree
- Scientist pick up topics to gain recognition, flooding their field with papers on similar subject matters

Questions?



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