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What Do We Still Ignore About Chinese Constitutionalism?

**The United Front and the Chinese People's Political Consultative
Conference**

Part 2

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“To have mastered ‘theory’ and ‘method’ is to have become
 a conscious thinker (...) to be mastered by ‘method’ or ‘theory’
 is simply to be kept from working”

([Giovanni Sartori](#))

In the first part of this post, based on the text of the 1949 Common Program of the Chinese People’s Political Consultative Conference and on its 1954 and 1978 amendments, I observed how, contrary to what Western mainstream scholarship of Chinese constitutionalism holds, the Constitution (or Charter, or Statute) of the CPPCC is not a “temporary” or “provisional” Constitution. Rather, it is a document that:

- (a) defines what the Political Consultative Conference is: an organization of the United Front, distinct from the Communist Party of China and the state apparatus, operating under the leadership of the CCP, and within the normative boundaries set by the Constitution of the State;
- (b) specifies how the Political Consultative Conference relates to the Communist Party, and to the People’s Republic of China;
- (c) sets rules about the goals of the patriotic united front of the Chinese people, multiparty-cooperation and political consultation led by the CCP;
- (d) sets rules about the Political Consultative Conference’s work, organization, membership, its national congress, and local congresses.

In this post, I will jump forward in time from Deng Xiaoping’s 1978 “new period” (新时期) – or as it is conventionally called “the opening up and reform era” - to 2018. Virtually each one of the analyses produced for public consumption from November 2017 to March 2018 has focused on what experts have deemed to be the most important developments in Chinese constitutionalism:

- (a) the removal of the term limits for the President of the Republic from the State Constitution
- (b) the creation of the State Supervision Commission

Then it came the ‘trade war’ between a certain country and China, and several other developments, as this one, this one, and this one. And then...everyone was trying to keep track of these multiple developments – without ignoring such things as “Big Data”, and without neglecting to weave a few other strands of the broader narrative on China.

In the meantime, something happened, that the Western narrative produced for public consumption overlooked. *The Constitution of the CPPCC was amended.*

	Party Constitution	CPPCC Constitution	State Constitution
1945	Amendment VI		
1949		Common Program	
1954		Amendment I	Constitution Promulgated
1956	Amendment VII		
1969	Amendment VIII		
1973	Amendment IX		
1975			Amendment I
1977	Amendment X		
1978		Amendment II	Amendment II
1982	Amendment XI	Amendment III	Amendment III
1987	Amendment XII		
1988			Amendment IV
1992	Amendment XIII		
1993			Amendment V
1994		Amendment IV	
1997	Amendment XIV		
1999			Amendment VI
2000		Amendment V	
2002	Amendment XV		
2004		Amendment VI	Amendment VII
2007	Amendment XVI		
2012	Amendment XVII		
2018	Amendment XVII	Amendment VII	Amendment VIII

For the third time in the history of the People's Republic of China, within a few months' the documents constitutive of the leading organization of China, the united front organization, and the state apparatus were amended. The very same occurrence happened in 1977, and in 1982.

At this point in my post, it may be tempting to speculate on what this means for Chinese constitutionalism. But, the goal of this post is simply describing how the 'united front part' of the composite structure of Chinese constitutionalism looks now. And describing that to all those readers who have been wondering if there is more to China and its 'composite Constitution', than what emerges from press reports about the "term limits", the "State Supervision Commission", or the actual geographical shape of the "belt" - *which is not really a belt* – and the "road".

So, I will let the 2018 Constitution of the CPPCC speak for itself, and *let its plain meaning come out as it is.*

Not as it ought to be according to some abstract moral imperative.

Not as I would advocate for it to be according to what is good for me.

Not as it should be according to conventional models of Chinese constitutionalism.

Paragraph 1 of the Preamble presents the genesis and composition of the United Front. The United Front emerged during the Chinese revolution understood as a historical process, and continued to exist during the subsequent periods in the history of China: the ‘construction’ period – a reference to the 1950s, and the period of ‘reform’, begun in 1978. The United Front is led by the CCP, and composed by entities and individuals autonomous from the Communist Party, in China and abroad. The United Front is an evolving mechanism. In fact, the first sentence of the Preamble underscores how the United Front was formed in the course of three distinct, long-term historical processes:

[Paragraph 1 – Genesis and composition of the United Front] During the long-term processes of revolution, construction, and reform, the Chinese people have formed a patriotic united front led by the Communist Party of China, and with the participation of various democratic parties, individuals not affiliated to parties, people’s organizations, ethnic minorities, and patriots from all walks of life; composed by all socialist laborers, builders of the socialist cause, patriots who support socialism, patriots who support the reunification of the motherland **and devote themselves to the great rejuvenation of the Chinese nation**, including compatriots of the Hong Kong Special Administrative Region, compatriots of the Macao Special Administrative Region, Taiwan compatriots, and overseas compatriots.

The reference to the patriots who support the reunification of the motherland and devote themselves to the great rejuvenation of the Chinese nation was added in 2018. Also, the 2018 amendment conceptualizes revolution, construction and reform as *three distinct historical processes*. Under the 2004 version of the CPPCC Constitution, the reference to reform was absent. Revolution and construction were conceived of as a dyad.

The category of ‘builders of the socialist cause’ was added in 2004. This category was absent from the 1994 version of the CPPCC Constitution.

Paragraph 2 of the Preamble presents a linkage between the State Constitution, and the CPPCC Constitution. As I have pointed out in [Part I of this post](#), while the CPPCC operates under the leadership of the Communist Party of China, it is autonomous and distinct from it, and from the state apparatus. The system of multiparty cooperation and political consultation embodied by the CPPCC, however, does not exist separate from the other components of China’s Constitution. Multiparty cooperation and political consultation find their basis in the Constitution of the Communist Party, and in the State Constitution. Added to the CPPCC Constitution in 1994 and never amended, paragraph 2 is a literal quotation of paragraph 10 of the Preamble to the 2018 State Constitution (*the cause of socialist construction*):

[Paragraph 2 – Multiparty Cooperation and Political Consultation] The Constitution of the People's Republic of China stipulates that: multi-party cooperation led by the Communist Party of China and the system of political consultation will continue to exist and develop for a long time.¹

Paragraph 3 of the Preamble describes what the Chinese People's Political Consultative Conference is, and the role it plays in China's governance system. The CPPCC has a five-fold nature. It is:

- (a) an organization of the United Front;
- (b) the main forum for multi-party cooperation and political consultation;
- (c) a channel to promote democracy in China's political life;
- (d) an important component of Chinese governance;
- (e) an institutional arrangement with Chinese characteristics

The nature of the CPPCC as a component of China's governance system, and as an institutional arrangement with Chinese characteristics were acknowledged in March 2018. An institutional arrangement is different from an institution *per se*. While an institution is a self-contained system, an institutional arrangement (制度安排) is broader. *An arrangement has the two-fold nature of a process and a blueprint. It is something highly dynamic and flexible.* Differently from an institution, an arrangement it has the potential to span across administrative, institutional, and other kinds of boundaries.

This more complex role has emerged over time, and through practice. Accordingly, the remainder of paragraph 3 describes the role the CPPCC played in the 1940s, in the 1950s, and in the 1970s and beyond.

Earlier version of the CPPCC Constitution did not mention points (d), and (e). The CPPCC was acknowledged as a form of promoting socialist democracy in 2004. Under the 1994 version of its Constitution, this role and the themes of unity and democracy were absent. Paragraph 3 of the Constitution of the CPPCC was added in 1994. Paragraph 3 of the current version of the CPPCC Constitution follows:

[Paragraph 3 – Nature and functions of the CPPCC] The Chinese People's Political Consultative Conference is an organization of the Chinese people's patriotic united front; it is a major institution of multi-party cooperation and political consultation led by the Communist Party of China; it is an important form of promoting socialist democracy in our political life, and an important part of the national governance system. It is an institutional arrangement with Chinese characteristics. Unity and democracy are the two major themes of the Chinese People's Political Consultative Conference. In September 1949, the first plenary session of the Chinese People's Political Consultative Conference took the authority of the National People's Congress on behalf of the people and

1 中华人民共和国宪法规定：中国共产党领导的多党合作和政治协商制度将长期存在和发展。

declared the establishment of the People's Republic of China, playing an important historical role. After the First National People's Congress was held in 1954, the Chinese People's Political Consultative Conference continued to perform many tasks in the country's political and social life and foreign friendship activities, making important contributions. Since the Third Plenary Session of the Eleventh Central Committee of the Communist Party of China in December 1978, the Chinese People's Political Consultative Conference has further played an important role in rectifying chaos, consolidating and developing the political situation of stability and unity, realizing the transfer of the National Working Center to economic construction, and advancing the reform and opening up and socialist modernization drive in the struggle to reunify the motherland including Taiwan, oppose hegemonism and safeguard world peace.²

Paragraph 4 of the Constitution of the CPPCC describes the role the United Front has played since 1949. Added in 1994 and absent from all earlier version of the CPPCC Constitution, this paragraph has been amended in 2018. The amendments describe in greater detail the role of the Chinese people mentioning how the people have:

- (a) promoted the construction of socialism;
- (b) started a great new revolution in reform and opening up;
- (c) opened up the road to socialist with Chinese characteristics

Equally importantly, they define the role of the eight democratic parties. For the first time since 1949, the eight democratic parties have been defined as “socialist participating parties with Chinese characteristics”. Paragraph 4 appears to introduce a new concept in politics – that of a party which participates in processes of endogenous democracy, professes loyalty to and concretely works towards the realization of a given political ideal, while preserving its heritage and distinctiveness.

Here we have a further – and significant - difficulty for the Western mainstream scholar of Chinese constitutionalism. In the universe of abstract concepts used by mainstream analyses there exist no conceptual construct possessing each one of the features listed by paragraph 4 of the Preamble. Such

2 中国人民政治协商会议是中国人民爱国统一战线的组织，是中国共产党领导的多党合作和政治协商的重要机构，是我国政治生活中发扬社会主义民主的重要形式，是国家治理体系的重要组成部分，是具有中国特色的制度安排。团结和民主是中国人民政治协商会议的两大主题。一九四九年九月，中国人民政治协商会议第一届全体会议代行全国人民代表大会的职权，代表全国人民的意志，宣告中华人民共和国的成立，发挥了重要的历史作用。一九五四年第一届全国人民代表大会召开后，中国人民政治协商会议继续在国家的政治生活和社会生活以及对外友好活动中进行了许多工作，作出了重要的贡献。一九七八年十二月中国共产党十一届三中全会以来，在拨乱反正、巩固和发展安定团结的政治局面，实现国家工作中心向经济建设转移，推进改革开放和社会主义现代化建设，争取实现包括台湾在内的祖国统一，反对霸权主义、维护世界和平的斗争中，中国人民政治协商会议进一步发挥了重要作用。

a conceptual construct **cannot** exist. An explanation of the *hows* and the *whys* a Western academic (assuming anything like a ‘Western academic’ exists) **cannot construct a concept accounting for the complexity of any of the political parties existing in China** goes beyond the goal of this post. Here’s paragraph 4:

[Paragraph 4 – Historical role of the CPPCC, and of the democratic parties] Since the founding of the People's Republic of China, under the leadership of the Communist Party of China, all ethnic groups in China have eliminated the exploitation system, established a socialist system, promoted socialist construction, carried out a great new revolution in reform and opening up, and opened up the road to socialism with Chinese characteristics. The status of social classes in our country has undergone fundamental changes. The alliance of workers and peasants has been consolidated. Intellectuals, like workers and peasants, are the forces on which the socialist cause depends. In the revolutionary, construction, and reform undertakings of the people, the democratic parties that have marched forward with the Chinese Communist Party, have stood the test, and made important contributions. They have become a part of the political alliance [made of] respective contacts among part of socialist laborers, the builders of the socialist cause, and patriots who support socialism. They are socialist participating parties with Chinese characteristics that plays an increasingly important role. All ethnic groups in the country have formed socialist ethnic relations of equality, unity, and mutual assistance. The patriots in religious circles actively participate in the socialist construction of the motherland. Non-public economic personnel, new social strata, and others are builders of the socialist cause with Chinese characteristics. Compatriots in the Hong Kong Special Administrative Region, compatriots in the Macao Special Administrative Region, compatriots in Taiwan, and compatriots in overseas countries love the motherland, support the reunification of the motherland and support the construction of the motherland. The continuous development of the country’s undertakings and our country’s patriotic united front have more vitality. They continue to be important magic weapon for the Chinese people to unite and fight, build the motherland and reunify the motherland, and they will further consolidate and develop.³

3 中华人民共和国成立以后，我国各族人民在中国共产党的领导下，消灭了剥削制度，建立了社会主义制度，推进社会主义建设，进行改革开放新的伟大革命，开辟了中国特色社会主义道路。我国社会阶级状况发生了根本的变化。工农联盟更加巩固。知识分子同工人、农民一样是社会主义事业的依靠力量。在人民革命、建设、改革事业中同中国共产党一道前进、一道经受考验并作出重要贡献的各民主党派，已经成为各自所联系的一部分社会主义劳动者、社会主义事业的建设和拥护社会主义的爱国者的政治联盟，是中国特色社会主义参政党，日益发挥其重要作用。全国各民族已经形成平等团结互助和谐的社会主义民族关系。宗教界的爱国人士积极参加祖国的社会主义建设。非公有制经济人士、新的社会阶层人士等是中国特色社会主义事业的建设者。香港特别行政区同胞、澳门特别行政区同胞、台湾同胞和海外侨胞热爱祖国，拥护祖国统一，支援祖国建设事业。国家事业不断发展，我国的爱国统一战线具有更强大的生命力，仍然是中国人民团结战斗、建设祖国和统一祖国的一个重要法宝，它将更加巩固，更加发展。

Paragraph 5 of the Constitution of the CPPCC sets forth the series of developmental goals and normative principles guiding the action of the Political-Consultative Conference. Coherent with the nature and function of the United Front, these goals and principles are not exclusive to the Political-Consultative Conference. They are shared among the Chinese Communist Party, the CPPCC, the state apparatus, and other institutions and actors part of the United Front. The text of paragraph 5 overlaps significantly with the main parts of the Report to the 19th Party Congress, the Preamble to the Constitution of the PCC, and of the State Constitution.

Under an interpretation commonly accepted by Western scholarship of Chinese constitutionalism, and conveyed to the Western public through the media, this overlap would signal how the Political-Consultative Conference is little more than “a rubber stamp” ([see here](#) – year 2018), an advisory body formed by “wealthy people” ([see here](#) – year 2014), or a “powerless” body composed by CCP members (sic!) ([see here](#) – year 2013).

If one, however, tries to let the CPPCC Constitution speak for itself, paragraph 5 gives life to a dense web of references connecting one part of China’s constitutional system to any other part. These references are much more than textual references relating the Constitution of the CPPCC to the Constitution of the Party and of the State: they are part of the “[connective tissue](#)” between the CCP and the State Constitution.

Paragraph 5 of the 2018 Constitution of the CPPCC builds on the foundation laid by paragraph 4 of the 1982 CPPCC Constitution, and gradually expanded in the 1994, 2000, and 2004 versions.

[Paragraph 5. Developmental Goals and Normative Principles During the New Era]

Since the Eighteenth National Congress of the Communist Party of China in November 2012, based on the long-term efforts since the establishment of New China, especially since the reform and opening up, the country’s cause has undergone historic changes, and socialism with Chinese characteristics has entered a new era. We are closer to, confident and capable of achieving the goal of the great rejuvenation of the Chinese nation than at any time in history. At this stage, the main contradiction in our society is the contradiction between the people’s ever-growing needs for a better life and unbalanced development. However, the basic national conditions in which China is still and will remain in the primary stage of socialism for a long time have not changed, and our country status as the world’s largest developing country has not changed. Due to domestic factors and international influence, the struggle between the Chinese people and domestic and foreign hostile forces and hostile elements will be long-term, and the class struggle will also exist within a certain range for a long time, but it is no longer the main contradiction in our society. The fundamental task of the people of all ethnicities in China is to uphold the basic line of the primary stage of socialism along the path of socialism with Chinese characteristics under the leadership of the Communist Party of China and take economic construction as the center, adhere to the four basic principles, adhere to the reform and opening up, and strive for self-reliance. Arduous pioneering work will build China into a prosperous, strong, democratic, civilized, harmonious and beautiful socialist modernized country. The Chinese People’s Political Consultative Conference must, under the guidance of Marxism-Leninism, Mao Zedong Thought, Deng Xiaoping Theory, the important thinking of the ‘Three Represents,’ the concept of scientific development, Xi Jinping thought on socialism with Chinese characteristics in

the New Era, hold high the banner of patriotism and socialism and resolutely stay on the socialist path of self-confidence, theoretical self-confidence, institutional self-confidence, and cultural self-confidence in the path of socialism, upholding solidarity, unity and unity in diversity, and further consolidate and develop the patriotic United Front on the political basis of love of the People's Republic of China, support of the leadership of the Communist Party of China, advocacy of the cause of socialism, and mutual commitment to realization of the Chinese Dream of a great rejuvenation of Chinese nation. It must mobilize all positive factors, unite all those who might be united, find the greatest common denominator, draw up the largest concentric circle, unite efforts, make concerted efforts in accordance with the "Five in One" overall layout of the socialist cause and the "four comprehensive" strategic layout, safeguard and develop the political situation of stability and unity, and constantly promote the coordinated development of socialist material civilization, political civilization, spiritual civilization, social civilization, and ecological civilization, and struggle to achieve "two hundred years" goal, and the Chinese Dream of a Great Rejuvenation of the Chinese Nation.⁴

Further underscoring the inapplicability – to China - of analytical and theoretical models tailored on the features of Western political systems, paragraph 6 outlines two features of a political system with “Chinese characteristics”, as they relate to the role of the CPPCC. These features related to the role political parties play in China. Differently from Western systems, the role of political parties in China does not involve competing for popular vote, but cooperating, and taking part to processes of political consultation.

The institutional locus where such processes occur is the Chinese People's Political Consultative Conference.

A paragraph on the role of the CPPCC in socialist democracy was first included in the Statute of the CPPCC in 1992. In the 1978 and 1992 versions of the Constitution of the CPPCC, the Political Consultative Conference figures as “an important form” of socialist democracy in China's political life, gaining the role of “fundamental political system” of multi-party cooperation and political consultation only in 2004. While the 1978 and 1982 Constitutions

4 二〇一二年十一月中国共产党第十八次全国代表大会以来，在新中国成立特别是改革开放以来长期努力的基础上，国家事业发生了历史性变革，中国特色社会主义进入了新时代。我们比历史上任何时期都更接近、更有信心和能力实现中华民族伟大复兴的目标。在现阶段，我国社会主要矛盾是人民日益增长的美好生活需要和不平衡不充分的发展之间的矛盾。但我国仍处于并将长期处于社会主义初级阶段的基本国情没有变，我国是世界最大发展中国家的国际地位没有变。由于国内的因素和国际的影响，我国人民同国内外的敌对势力和敌对分子的斗争还将是长期的，阶级斗争还将在一定范围内长期存在，但已经不是我国社会的主要矛盾。我国各族人民的根本任务是，在中国共产党的领导下，沿着中国特色社会主义道路，坚持社会主义初级阶段的基本路线，以经济建设为中心，坚持四项基本原则，坚持改革开放，自力更生，艰苦创业，把我国建设成为富强民主文明和谐美丽的社会主义现代化强国。中国人民政治协商会议要在马克思列宁主义、毛泽东思想、邓小平理论、“三个代表”重要思想、科学发展观、习近平新时代中国特色社会主义思想指引下，高举爱国主义、社会主义旗帜，坚定中国特色社会主义道路自信、理论自信、制度自信、文化自信，坚持大团结大联合，坚持一致性和多样性统一，在热爱中华人民共和国、拥护中国共产党的领导、拥护社会主义事业、共同致力于实现中华民族伟大复兴中国梦的政治基础上，进一步巩固和发展爱国统一战线，调动一切积极因素，团结一切可能团结的人，找到最大公约数，画出最大同心圆，同心同德，群策群力，按照中国特色社会主义事业“五位一体”总体布局和“四个全面”战略布局，维护和发展安定团结的政治局面，不断促进社会主义物质文明、政治文明、精神文明、社会文明、生态文明的协调发展，为实现“两个一百年”奋斗目标、实现中华民族伟大复兴的中国梦而奋斗。

listed “motions” (建议) and “constructive criticism” (批评) as the means through which the CPPCC fulfilled its role of democratic supervision (民主监督), these institutions were not mentioned in the 2004 Constitution. In discussing political consultation and multi-party cooperation, the 2004 Constitution of the CPPCC rather underscored how the CPPCC exists in order to promote cooperation and unity among different political parties, and persons not affiliated to any party.

In 2018, this paragraph was amended, specifying how multi-party cooperation and political consultation are not merely a “fundamental system” but the “basic political system” of China, and also a socialist political party system. Paragraph 6 follows, in its English and Chinese versions:

[Paragraph 6. Multi-party cooperation and political consultation] The system of multi-party cooperation and political consultation led by the Communist Party of China is a basic political system of our country and a socialist political party system with Chinese characteristics. The Chinese People's Political Consultative Conference is an important political form and organizational form for implementing the system of multi-party cooperation and political consultation under the leadership of the Chinese Communist Party. The Chinese People's Political Consultative Conference based on the principles of the Chinese Communist Party's long-term coexistence with democratic parties, and persons not affiliated to a political party, mutual supervision, treating each other with sincerity, and sharing both honor and disgrace promotes the solidarity and cooperation among parties and persons not affiliated to a political party participating in the Chinese People's Political Consultative Conference. It brings into play the characteristics and advantages of our country's new socialist party system.⁵

Following the references to multi-party cooperation and political consultation in paragraph 6, paragraph 7 describes what consultative democracy is, and the institutional forms it takes. Consultative democracy – that is a democracy not based on universal elections – is a distinguishing feature of Chinese politics. This variant of democracy finds its institutional locus in the CPPCC, an organization of the United Front. The rest of paragraph 7 describes the foci of the United Front as expressed through the CPPCC, and underscores how the role of the CPPCC in modernizing China's governance capability cannot be replaced by any other institution. This paragraph was absent from the 1982, 1994, 2000, and 2004 versions of the CPPCC Constitution.

[Paragraph 7 – Consultative Democracy] Consultative democracy is a unique form and unique advantage of China's socialist democratic politics. The Chinese People's Political Consultative Conference is an important channel and a specialized consultative body for socialist consultative democracy. It must focus on the central task of the

5 中国共产党领导的多党合作和政治协商制度是我国的一项基本政治制度，是具有中国特色的社会主义政党制度。中国人民政治协商会议是实行中国共产党领导的多党合作和政治协商制度的重要政治形式和组织形式。中国人民政治协商会议根据中国共产党同各民主党派和无党派人士长期共存、互相监督、肝胆相照、荣辱与共的方针，促进参加中国人民政治协商会议的各党派、无党派人士的团结合作，充分体现和发挥我国社会主义新型政党制度的特点和优势

country, implement consultative democracy throughout the entire process of performing its functions, improve the content and form of consultation and discussion, and strive to increase consensus and promote solidarity in the promotion of consultations. It plays an irreplaceable role in the development of democratic and multi-layered institutionalization, and in advancing the modernization of national governance systems and governance capabilities.⁶

Paragraph 8 poses a rule concerning the relationship between the Political Consultative Conference and the People's Republic of China. We are talking about two separate entities: the Political Consultative Conference was established before 1949, and it exists separate from the State apparatus. It's a different component of Chinese constitutionalism. This fact calls for some method to regulate the relation between the Political Consultative Conference and all the other entities in the universe of Chinese constitutionalism. We have already seen how the relation between the CPPCC and the Chinese Communist Party obeys the principle of leadership. But, what is the relation between the Political Consultative Conference, and the National People's Congress, the State Council, the Supreme Court, and the Supreme Procuratorate?

A short answer to this question is contained in the 31 characters that compose paragraph 8:

The Political Consultative Conference has its own constitution, but *all its activities* "take the Constitution of the People's Republic of China as a fundamental guideline".

This paragraph deserves attention because **the 2018 Constitution of the PRC describes itself** – in the last paragraph of the Preamble – **as the fundamental law of the state** (国家的根本法). As we have seen, **the state apparatus does not include the Political Consultative Conference**. So what for the National People's Congress, the State Council, courts and procuratorates **is a law**, for the Political Consultative Conference **is a fundamental guideline**. With paragraph 8, the CPPCC has chosen to bind itself to the Constitution of the PRC. Given that the CPPCC is already regulated by its own Constitution, and state constitutions in all systems can only create rules for organs of the state, the Constitution of the PRC can only pose guidelines to the CPPCC. These guidelines apply only to the activities of the CPPCC, not to its organs, or to the eight democratic parties. Central and local organs of the CPPCC are regulated by the CPPCC, while each one of the eight democratic parties has its own Constitution and internal regulations. Let's read paragraph 8:

[Paragraph 8 – Relationship between the CPPCC and the People's Republic of China]. All activities of the Chinese People's Political Consultative Conference take the Constitution of the People's Republic of China as a fundamental guideline.⁷

6 协商民主是我国社会主义民主政治的特有形式和独特优势。中国人民政治协商会议是社会主义协商民主的重要渠道和专门协商机构，要聚焦国家中心任务，把协商民主贯穿履行职能全过程，完善协商议政内容和形式，着力增进共识、促进团结，在推动协商民主广泛多层制度化发展、推进国家治理体系和治理能力现代化中发挥不可替代的作用。

7 中国人民政治协商会议的一切活动以中华人民共和国宪法为根本的准则。

This paragraph was added to the Constitution of the CPPCC in 1982, and has never been amended. The 1978 version of the Preamble contained a different definition of *what the Constitution of the State was to the CPPCC*. Interested readers can find this definition [in the first part of this post](#).

Paragraph 9 was added to the Constitution of the CPPCC in 1994. While paragraph 8 specifies how the CPPCC positions itself in relation to the People's Republic of China, paragraph 9 is devoted to the relationship between the CPPCC and other legal and regulatory sub-systems of the PRC:

[Paragraph 9 – Relationship between the CPPCC and other sub-systems] The National Committee and local committees of the Chinese People's Political Consultative Conference shall, in accordance with the law, safeguard the rights of their participating units and individuals to perform their duties in accordance with the present Constitution.⁸

Mainstream Western scholarship might observe of the words “in accordance with the law” are “unclear”, “vague” or “under-defined” because they are not followed by a referent to any specific piece of legislation. As an autonomous organization of the United Front, the CPPCC is regulated by its own Constitution and by its own regulations and rules. So “the law” paragraph 9 refers to is to be understood as all those systems other than CCP regulation (which applies to members of the CCP only), and based on the State Constitution, on regulation internal to the eight democratic parties, on private, on private-public, or even transnational regulation.

Members of the CPPCC have the right to take collective action to pursue their own interests under the leadership of the CCP. The ‘law’ mentioned in paragraph 9, therefore, is to be understood as a reference to all those rules allowing individuals to come together to promote, and defend their common interest, an interest that may be expressed either collectively – through the forum provided by the CPPCC – or also individually in the most diverse contexts.

8 中国人民政治协商会议全国委员会和地方委员会，依法维护其参加单位和个人依照本章程履行职责的权利。