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Public Focusing Events as Catalysts: An Empirical Study of ‘Pressure-Induced Legislations’ in China

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ABSTRACT
Empowered by the media, legislations in China have, over recent years, been increasingly influenced by public focusing events. Many national legislations have been triggered by public focusing events, rather than being entirely pre-determined by the Party or by the government. After a detailed empirical study of 132 public focusing events and national legislations between 2003 and 2016, the article explores the features, the reasons, and the advantages and disadvantages of legislations triggered by public focusing events. In these ‘pressure-induced legislations’, the public focusing events serve as catalysts that create a new consensus or demand for new laws and regulations that are enacted over a short period of time, thereby influencing the national legislation. Compared to traditional Chinese legislations, pressure-induced legislations are more efficient and more responsive to the needs of the general public, but they also carry the danger of irrational judgments being made, leading to the enactment of improper laws or regulations.

Introduction: Towards an Empirical Understanding of the Agenda-Setting of Chinese Legislation

Chinese legislation has long been viewed by Western academia as controlled by the Chinese Communist Party.\(^1\) According to this view, Chinese legislation is essentially an expression of the CCP’s will.\(^2\) The agenda of the legislation is, therefore, also decided by the CCP. This form of legislation stands opposite that of the West, where the legislation process and agenda-setting are more significantly influenced by society or the masses. Rather than being controlled by the state power, legislation in the West is more responsive to the general public and the media.\(^3\)


While this view is not entirely wrong, such a view provides only a partial understanding of the Chinese legislative process. In this article, following an empirical study of ‘pressure-induced legislation’, the authors argue that the Chinese legislative process and agenda-setting are actually strongly influenced by public focusing events as a result of the development of the Chinese media, and that public focusing events can indeed trigger the Chinese government to enact legislation in response.

At the same time, this article also provides a more detailed analysis of the features and mechanisms of pressure-induced legislation or public focusing events-triggered legislation. It highlights the common features of public focusing events-triggered legislations and explores the reasons why public focusing events successfully triggered certain national legislations, and why certain public focusing events failed to have any effect. It argues that these public focusing events triggered legislation because these events served as ‘catalysts’ that created new consensus or demand for new laws and regulations. The authors, therefore, argue that, compared to other more traditional ways of legislation, pressure-induced legislation has its own advantages, but also some disadvantages.

This article proceeds as follows. The first part provides an empirical study of public focusing events and related responsive legislations between 2003 and 2016 that offer a glimpse into China’s pressure-induced legislation. The second part turns from description to a more detailed analysis of pressure-induced legislation and summarizes the common features of these events. In the third part, the article compares public focusing events that successfully triggered legislation with certain public focusing events that failed to trigger any legislative responses. The fourth part concludes by providing a preliminary study of the advantages and disadvantages of pressure-induced legislation.

**Effectiveness of Media Coverage—An Empirical Study of Public Focusing Events and the Legislation Agenda**

**Conventional View of Chinese Legislative Agenda-Setting**

For many observers of Chinese politics, Chinese legislative activity is mainly controlled by the Party or by the government. Viewing China as an authoritarian Party-state regime, many Chinese observers think that the Party or government decides the content of law, as well as the agenda of legislation and that the general public and the media, therefore, have little influence on the legislative process.

A quick look at Chinese legislative institutions would reinforce such a view or perception. The National People’s Congress (NPC), for example, is widely considered to be like a ‘rubber stamp’ that simply enforces the will of the Party. Although the Chinese Constitution empowers the NPC as the highest state organ and legislative body that represents the people, there is in fact not much interaction between the legislative process and the general public. Since most of the NPC representative members are not

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4This concept is in fact first used by Yuanyuan Wu in her studies of Chinese legislation, see Yuanyuan Wu, ‘Information competency and pressure-induced legislation’, Social Science in China 31, (2010), pp. 20–35.

5O’Brien, ‘legislative development and Chinese political change’.

6Generally speaking, the ‘rubber stamp’ describes legislatures embodied in communist regimes as being subordinate bodies. Their functions are only for legitimizing the policies and decisions of the ruling party. See Daniel Nelson and Stephen White, Communist Legislatures in Comparative Perspective (Albany, NY: State University of New York Press, 1982), p. 191.


8Paler, ‘China’s legislation law’, p. 313.
genuinely elected and lack the incentive to be responsive to their constituents, the general public cannot exert any substantial influence or checks on NPC legislation.

In fact, the process of legislative planning by the NPC demonstrates that the Chinese legislative agenda-setting is pre-determined by the NPC. Since 1991, every five years the NPC enacts a legislative plan, which sets the legislative agenda for the congressional legislative bodies for the next five years. This five-year legislative plan, which is enacted by the Legislative Affairs Commission of the NPC, has substantial influence on the legislation of the NPC as well as on the legislation of other governmental branches.

Like the NPC, the State Council also has a pre-determined legislative plan, which substantially determines the agenda of its legislative process. Article 66 of the Legislation Law, for example, entitles the State Council to enact a legislative plan to ensure the unity of governmental laws and regulations at all levels. This legislative plan, rather than being made in an open and accountable way, is made in a bureaucratic way by the Legislative Affairs Office of the State Council. According to the State Council, the legislative plan should ‘center around the Party’s main policy and take the interests of the whole into account’, rather than ensure full participation of the general public and be responsive to their concerns. Despite the fact that Article 2 and Article 41 of the Chinese Constitution (1982) entitle its citizens the right to ‘criticize and make suggestions to any state organ or functionary’, there seems to exist few mechanisms by which the citizens could ‘criticize and make suggestions’ over the State Council’s legislation. Compared to Western democratic and representative legislative processes, whose legislative agenda-setting is greatly influenced by its citizens’ petitions and political activities, there seems no accessible way for the general public to participate in the legislative process or agenda-setting of the Chinese legislative bodies.

This picture of Chinese legislative processes and agenda-setting, however, is incomplete and only partial. The conventional view understands the Chinese legislative process as being largely controlled and pre-determined by the Party or the government, but a closer look at contemporary Chinese legislation shows that the general public and the media do actually influence the legislative process, especially the legislative agenda-setting process. In fact, in recent years, Chinese legislative bodies have become increasingly responsive to the general public and the media.

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10 Taking the 8th NPC as an example, 56 out of the 63 laws enacted by the 8th NPC were pre-listed in the legislation agenda. The rest of the laws are listed in the legislation plan for the next term in order to indicate the accomplishment rate of the legislation plan. See the Legislation Plan of the 8th NPC and the Resolution of Law Enactment of the 8th NPC and its Standing Committee.

11 Articles 6–9 of the Regulation on Procedure for Making Administrative Regulation and Articles 9–12 of the Regulation on Procedure for Making Administrative Rules prescribe the legislative plan for administrative lawmaking in China.


14 Article 2: ‘The people administer state affairs and manage economic, cultural and social affairs through various channels and in various ways in accordance with the law’; Article 27: ‘All state organs and functionaries must rely on the support of the people, keep in close touch with them, heed their opinions and suggestions, accept their supervision and work hard to serve them’; Article 41: ‘Citizens of the People’s Republic of China have the right to criticize and make suggestions to any state organ or functionary’.

15 Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances. See US Constitution Amendment I.
This is especially obvious in public focusing events. In public focusing events, both the media and the general public can exert considerable influence on the legislation. By disseminating information, creating and leading discussion, as well as arousing public sentiment, the media can substantially accumulate and exert public pressure on the legislative body, thereby changing the legislative agenda-setting.

In contemporary researches of Chinese law and politics, there are already many studies related to the claim that the authors have made here. First of all, many studies have researched the role of the media in Chinese legal reforms. Randall Peerenboom, Mechthild Exner and Tahirih V. Lee, for example, investigated the media’s role in propagating legal norms and promoting legal education. Carl Minzner, Rachel Stern, Andrew Mertha and many other scholars, on the other hand, have touched upon the media and public interest cases and their influence on legal reforms in China.

Secondly, there are also many researches that study the relationship between the media and the judicial system. In Western scholarship on Chinese law, Benjamin L. Liebman has already done a nuanced and systematic research on the multifaceted roles of media and its impact on court decisions in China.

A number of leading Chinese scholars have written extensively on the influence of media on judicial decision-making.

Thirdly, there are also some studies concerning the Chinese media and legislation. Wu Yuanyuan, for example, argues that the media and the general public influence Chinese legislation with the increasing social uses of the Internet. Under certain circumstances, media voices representing public concern can exert strong pressure on the government, leading to the introduction of or changes to legislation.

Niujing, Zhaqian and Ge Xianyuan make similar claims. By focusing on Chinese public participation media in Chinese legal reforms. Randall Peerenboom, Mechthild Exner and Tahirih V. Lee, for example, investigated the media’s role in propagating legal norms and promoting legal education. Carl Minzner, Rachel Stern, Andrew Mertha and many other scholars, on the other hand, have touched upon the media and public interest cases and their influence on legal reforms in China.

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Prior studies have offered many valuable insights for this article. Being closely related to the topic of this article, these studies provide the starting point, as well as a comparative perspective. Nevertheless, prior scholarships are neither focusing on the relationship between Chinese legislation and public focusing events, nor providing detailed empirical study of the relationship between Chinese legislation agenda-setting and the media. Lacking detailed empirical and statistical studies, these studies cannot reveal the common features of pressure-induced legislation, nor why certain public focusing events triggered legislation and others failed.

This article seeks to contribute to the existing research on the relationship between Chinese media and legislation through a more detailed empirical study, and in so doing to gain a better understanding of Chinese legislative response to the general public. The following section focuses on national legislation that is triggered by public focusing events. The authors argue that public focusing events can provide a window for capturing the role of the media in Chinese legislation, and presents the real landscape of the Chinese legislative process.

**A Preliminary Study of Pressure-Induced Legislation**

To demonstrate the influence of public focusing events on legislation, the article is based on public focusing events and related national legislations between 2003 and 2016. In this section, the authors identify 132 public focusing events that possibly triggered national legislation.

In terms of the time period for collecting public focusing events, 2003 marked the first year of public focusing events’ influence on national legislation in China. In the year 2003, the Sun Zhigang case and the outbreak of the Severe Acute Respiratory Syndrome (SARS) epidemic aroused great public attention and fundamentally changed public awareness of the government’s responsibility with regard to information disclosure. After these two events, both the general public and the media became more actively involved in influencing the government’s legislative activities. In a sense, as many scholars have already pointed out, the year 2003 opened a new chapter in China’s political and legal development.

As for the method of identifying public focusing events and the related legislations, the authors first searched key words such as ‘News Ranking in 2003’ and ‘Top Ten News in 2013’ via Baidu and Google, two influential search engines in China. Through the links provided by Baidu and Google, the authors managed to find 251 news rankings between 2003 and 2016, such as ‘Top Ten News of People’s Web in 2003’ and ‘Top Ten legal events that happened in 2003’. Then, after crosschecking these 251 news rankings, 132 public focusing events were selected that were covered by the greatest number of news rankings during the period 2003–2016.

Next, the authors crosschecked these 132 public focusing events with newly enacted laws and regulations during the same period 2003–2016. By searching China’s Laws and Regulations Searching System database, the authors ascertained that there were 34 laws and regulations likely to have been triggered by public focusing events. The public events and the related laws and regulations are shown Table 1.

As Table 1 shows, there are several laws and regulations that are highly related to prior public focusing events each year. In fact, there were 34 laws and regulations made during the period 2003–2016 that are likely to have been triggered by public focusing events.

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26 Haibo He, ‘Gong zhong yi jian yu si fa pan jue’ (describes the year 2003 as ‘the first year of the Internet era’).


Table 1. Legislation caused by public focusing events selected from the top ten news rankings between 2003 and 2016.

<table>
<thead>
<tr>
<th>Year</th>
<th>Public focusing event</th>
<th>Legislation triggered by public focusing events</th>
<th>Number of days between exposure of events and subsequent legislation</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006</td>
<td>1. The First Reputation Infringement Lawsuit; 2. 82 Fish Farmers v. the State Environmental Protection Administration</td>
<td>1. Regulation on the Protection of the Right to Network Dissemination of Information; 2. The Measures for Environmental Administrative Reconsideration</td>
<td>218; 184</td>
</tr>
<tr>
<td>2007</td>
<td>1. Environmental Crisis of Cyanobacteria Bloom in Tai Lake</td>
<td>1. Regulation on the Administration of the Taihu Lake Basin</td>
<td></td>
</tr>
<tr>
<td>2011</td>
<td>1. Gansu School Bus Accident; Jiang Su School Bus Accident; 2. PM 2.5 Online Debate</td>
<td>1. The Regulation on School Bus Safety Management; 2. The National Ambient Air Quality Standards</td>
<td>918; 512</td>
</tr>
<tr>
<td>2012</td>
<td>1. Tang Hui v. Yong Zhou Labor Reeducation Committee; Ren Jianyu v. Chong Qing Labor Reeducation Committee</td>
<td>1. NPC Decision on Abolishing Legal Provisions Pertaining to Reeducation through Labor</td>
<td></td>
</tr>
<tr>
<td>2013</td>
<td>1. Incidents of Sexual Abuse against Young Girls; 2. Reports of Food Safety Case; 3. Wenling Doctoral Murder Case</td>
<td>1. The Opinion of SPC, SPP, MPS and MOJ on Punishing Sexual Abuse of Juvenile Criminal Cases; 2. The SPC and SPP Interpretation On Criminal Food Safety Cases; 3.1. (Action Plan to Fight Medically-related Illegal and Criminal Actions to Preserve Health Care Order; 3.2. Amendment (IX) to the Criminal Law)</td>
<td>169; 58; (56; 367)</td>
</tr>
<tr>
<td>2014</td>
<td>1. 2013 Eastern China Smog and 2014 China Smog and Haze Crisis; 2. Hunan Election Fraud Scandal</td>
<td>1. The Law of the People’s Republic of China on the Prevention and Control of Atmospheric Pollution; 2. Decision of the SCNPC on Amending the Organization Law for Local People’s Congresses (LPC) and Local People’s Governments (LPG), the Election Law of the NPC and LPC, and the Law on Deputies to the NPC and LPC</td>
<td>200; 376</td>
</tr>
</tbody>
</table>

(Continued)
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<table>
<thead>
<tr>
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<th>Number of days between exposure of events and subsequent legislation</th>
</tr>
</thead>
<tbody>
<tr>
<td>2015</td>
<td>1. Four Left-behind Children Committed Suicide in Southwest China; 2. Online Debate on Death Penalty about Child Trafficking Poster; 3. 600,000 Chinese Doctors Sign Petition Against Hospital Violence</td>
<td>1. The Opinion of Strengthen Protection and Care of Left-behind Children in Rural China; 2. Article 241 of the Amendment (IX) to the Criminal Law; 3. Regulations On The Prevention And Handling Of Medical Disputes (Draft For Approval)</td>
<td>218; 19; 103</td>
</tr>
<tr>
<td>2016</td>
<td>1. Shandong Vaccine Case; 2. Weize Xi Case; 3. ‘Yip Man 3’ Box Office Fraud</td>
<td>1. Regulation on the Administration of Circulation and Vaccination of Vaccines (2016); 2. Provisions on the Administration of Internet Information Search Services; 3. China’s Film Industry Promotion Law</td>
<td>26; 87; 231</td>
</tr>
</tbody>
</table>

The first significant public focusing event that possibly triggered legislation mentioned in the table is the repeal and enactment of two regulations related to the Sun Zhigang case. In 2003, a 27-year-old graphic designer named Sun Zhigang was detained by police in Guangzhou because he failed to produce a temporary residence permit. He was beaten to death by fellow inmates in a detention center for migrants on 17 March 2003. After Sun’s death, the Southern Metropolis Daily carried out an investigation and coverage of the case by a series of reports, which soon became a focusing event for the nation. Several months after the event, the State Council repealed the two-decade-old regulation ‘The Measures of Detention and Repatriation of Vagrants and Beggars in Urban Areas’, and enacted a new regulation called ‘Measures for Assisting Vagrants and Beggars with No Means of Support in Cities Together with Supporting Measures’.

Other significant and typical public focusing events in Table 1 include the Sanlu Baby Milk Powder Scandal, the Tang Fu-zhen Self-immolation Incident, the Gansu School Bus Accident and the Jiang Su School Bus Accident. In the Sanlu Baby Milk Powder Scandal, thousands of babies were found to be suffering after ingesting milk and infant formula along with other food materials. After the scandal was reported on by the media and became a national focus, the food safety law was enacted. In the Tang Fu-zhen Self-immolation Incident, a peasant woman self-immolated herself in order to save her building from demolition. The incident attracted nationwide attention, and subsequently led to the State Council’s abolishment of the Regulation on the Dismantlement of Urban Houses and the issuing of the Regulation on the Expropriation of Buildings on State-owned Land and Compensation.

In this article, the authors employ a broad definition of legislation and include activities such as repeal of certain laws, and also accept judicial interpretations of the Supreme People’s Court as forming part of state legislation. The Southern Metropolis Daily (Chinese: 南方都市報) is a daily tabloid newspaper published in Guangzhou, sister to the Southern Daily and part of the giant Southern Media Group. The paper is known for its investigative reporting, which often gets it into trouble with the Beijing authorities. As examples of the interplay between its relatively fearless approach and official consequences, it reported on the Sun Zhigang beating case and on the emergence of SARS at a time when the government did not want it covered. Shortly afterwards, several editors were prosecuted for corruption on what were widely seen as trumped-up charges. See ‘Southern Metropolis Daily’; Wikipedia, available at: https://en.wikipedia.org/wiki/Southern_Metropolis_Daily (accessed 27 February 2015).

In the Gansu School Bus Accident and Jiang Su School Bus Accident many school children were killed, and these incidents attracted public attention, leading to the enactment of new regulations on school safety and school bus management. In the Sanlu Baby Milk Powder Scandal, thousands of babies were found to be suffering after ingesting milk and infant formula along with other food materials. After the scandal was reported on by the media and became a national focus, the food safety law was enacted. In the Tang Fu-zhen Self-immolation Incident, a peasant woman self-immolated herself in order to save her building from demolition. The incident attracted nationwide attention, and subsequently led to the State Council’s abolishment of the Regulation on the Dismantlement of Urban Houses and the issuing of the Regulation on the Expropriation of Buildings on State-owned Land and Compensation.

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traffic accidents were at least partly caused as a result of insufficient safety measures. After wide media coverage of the accidents, the State Council issued the Regulation on School Bus Safety Management to regulate the safety measures of school buses within five months.34

In addition, Table 1 also illustrates that there is a high possibility of, if not a definite, causal relationship between 32 public focusing events and the related responsive legislations. As can be seen from the number of days between the exposure of public focusing events and their related responsive legislations, all such laws and regulations in the table were enacted within a short period of time. It is very likely, if not definite, that it was the public focusing events, and not any pre-determined state legislative plans, that led to the enactment, amendment or repeal of certain laws and regulations.

A comparison with data concerning China's average legislative speed shows the significant role that these public focusing events played in these legislations. According to official data, 243 effective laws and more than 680 effective administrative regulations have been enacted during the past 30 years in China.35 Of all these laws and regulations, the average time period between the planning of a law and the final enactment of it is 1,412 days.36 By way of contrast, for the public focusing events and their related laws and regulations just discussed, the longest time period between the exposure of a public focusing event and the enactment of relevant laws and regulations is 197 days. The shortest, as shown in the SARS virus case, is only 20 days. Apparently, these public focusing events played an important, if not decisive role in the enactment of the laws and regulations listed in Table 1.

In fact, some certain specific cases further show the importance or the decisive role of these public focusing events on national legislation. In the above mentioned school bus crashes, for example, there was a failed legislative initiative prior to the two crashes in Gansu and Jiangsu. Eight months before the coverage of these two major school bus crashes, deputies Zhou Hongyu and Tang Yuxiang submitted a detailed report on school bus safety and called for the enactment of stricter rules and regulations covering school transportation safety measures. This effort, however, did not lead to the enactment of any laws or regulations on school traffic safety issues. It was only after the occurrence of the two tragic bus crashes and the wide focus on these events that the State Council determined to issue a new regulation. After the exposure of the bus crashes in Gansu and Jiangsu, Premier Wen Jiabao then announced that a new regulation should be enacted to deal with similar problems, and the Regulation on School Bus Safety Management was issued just five months later. Apparently the two bus crashes, which drew wide public attention, exerted significant pressure on the government, and played a decisive role in the legislative activity of the State Council.

**Pressure-Induced Legislation**

After previous empirical study and analysis of public focusing events and related legislations, a preliminary conclusion about the Chinese media and the general public's influence on the legislative process,
especially on the legislative agenda, can be made. In contemporary China, contrary to the conventional view, which considers the general public and the media as having little influence on state legislation, the general public and the media indeed strongly influence the legislation in real Chinese politics. In real Chinese politics, public focusing events can indeed lead to what are known as ‘pressure-induced legislation’. These public focusing events can put substantial pressure on the legislative bodies or the government, thereby influencing the outcome of legislation.

Pressure-Induced Legislation: A Further Analysis

A More Detailed Empirical Study of Pressure-Induced Legislation

Despite having shown that the Chinese legislative process is influenced by public focusing events, the above analysis is not enough to illustrate any of the details as to how these public focusing events triggered such pressure-induced legislation. It does not present which kinds of public focusing events successfully lead to pressure-induced legislation, which legislative body is more likely to respond to public focusing events, or the manner in which pressure-induced legislation responds to public focusing events — by enactment, amendment or repeal of a law? To answer these questions, a more detailed empirical study of the 34 pressure-induced legislations is needed.

First of all, as shown in Figure 1, most pressure-induced legislation belongs to administrative law, criminal law and environmental law. On the one hand, administrative law or regulations constitute 46% of the pressure-induced legislation. On the other hand, criminal law and environmental law or regulations constitute 17% and 11% respectively of pressure-induced legislation.

Secondly, as Figure 2 shows, most laws and regulations were newly enacted. Of all pressure-induced legislations, 61.8% of laws and regulations were newly enacted, while only 32.4% of them were amended and 5.8% of them were repealed.

Thirdly, as Figure 3 shows, the State Council is the most responsive government branch in public focusing events. Out of the 34 pressure-induced legislations or legislation-like legal interpretations, 50% of them were made by the State Council, with only 38.2% of them made by the NPC and 11.8% of them made by the Supreme People’s Court and Supreme People’s Procuratorate.

Government Tolerance and Quick Responsiveness by Pressure-Induced Legislation

Analyzing the three figures, two preliminary observations can be drawn. First of all, most pressure-induced legislations do not directly challenge the legitimacy of the Party or government. As Figure 1 shows, most pressure-induced legislation concerns non-political or non-sensitive administrative law, environmental law or criminal law issues. These issues, to a certain extent, are much more likely to be accepted by the government than other political and sensitive issues. Lee Epstein and Jack Knight have introduced a theory to indicate that there is a ‘tolerance interval’ among all the legal institutions. The

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ruling government can only accept policies that are not far from their ideal political ideology. This is especially true in the contemporary Chinese political system. In a state that emphasizes the Party and

Figure 1. Thirty-four pressure-induced legislations (2003–2016) categorized by area of law.

Figure 2. Enactment, amendment or repeal of pressure-induced laws and regulations (2003–2016).

government control, only legislations that do not challenge the dominant ideology of the contemporary Party-state regime can be accepted.

Figure 2 also confirms this observation. As shown in Figure 2, under most circumstances the government enacted new laws and regulations, rather than amending or repealing certain laws in response to public focusing events. This suggests that the government, irrespective of whether it is represented by the NPC, the State Council, or the Supreme People's Courts and Supreme People's Procuratorate, is more likely to accept legislation that does not challenge its existing laws and regulations. For the government, any amendment to, and more so a repeal of, existing laws and regulations, is a direct challenge to the political legitimacy of the government. Only under unusual circumstances, such as in the Sun Zhigang case or Tang Fuzhen case, would the government be willing to admit that existing laws and regulations are inherently ‘evil’ or flawed. Under most circumstances, the government is more willing to admit that existing laws and regulations are inadequate to meet the needs of society.

The second observation is that most pressure-induced legislations were enacted within a short period of time. As previously shown in Table 1, the time span between the exposure of a public focusing event and the subsequent responsive legislation is very short. Figure 3 indicates the quick responsiveness of the government to public focusing events. Most pressure-induced laws and regulations, as shown in Figure 3, are made by the State Council, which has a more flexible legislative procedure than the NPC and the Supreme People's Courts and Supreme People's Procuratorate have.

Figure 3. Response to public focusing events by branches of government (2003–2016).


42Deng, ‘Dousing the flames’, p. 585.

43Viewed from the perspective of information, the administrative branch is more capable of collecting relevant information; see Keith Krehbiel, Information and Legislative Organization (Ann Arbor, MI: The University of Michigan Press, 1991), pp. 254–257.

This observation is not difficult to explain. Public focusing events, in a sense, are catalysts that create public pressure in a society. In a public focusing event, the status quo and the expectations of society change radically, and in a short period of time intense pressure from the general public is created. If the government does not respond to this pressure within a certain period of time, then such public pressure could turn into a crisis that threatens the legitimacy of the government. Therefore, as Rosenthal shows in his studies, quick responsiveness and short time decisions are inevitable in a crisis or emergency like public focusing events.

This is especially obvious in emergent cases when there is a general consensus among society. In emergent cases where there is wide consensus, the government or its decision makers usually respond to public crises or public pressures with swift decisions.

Public Focusing Events as a Consensus Builder

The above analysis has highlighted two common features of pressure-induced legislation: (1) the government’s tolerance; and (2) the government’s quick responsiveness. In this part of the study, the authors further explore the features of pressure-induced legislation by comparing public events that successfully triggered legislation with public events that failed to do so.

Public Focusing Events that Failed to Trigger State Legislation

After crosschecking 132 public focusing events with all legislations made during the period 2003–2016, the authors found that the government did not respond to the following 100 public focusing events. Although these 100 public focusing events also received high-profile media exposure and involved heated public debates, these events failed to trigger government legislation. These events are listed in Table 2.

As is shown in Table 2, these public events fall largely into three categories. The first category includes events that do not arouse any call for responsive legislation. In these events, there are already laws or regulations that can effectively respond to similar events. In many criminal law events listed in Table 2, for example, the existing Chinese Criminal Law is sufficient to deal with these criminal cases or similar ones.

The second category, in contrast, includes events that fail to create a social consensus within society or the general public. Although there is a call for responsive legislation in these public focusing events, the events fail to create social consensus, either because the issues involved in these events are too controversial, or because there is disagreement over using laws and regulations to deal with the issues related to these particular public focusing events.

The Wang Yue case and the urgent need for related law is an example. Wang Yue, also known as Yue Yue, was a two-year-old Chinese girl who was run over by two vehicles on the afternoon of 13 October 2011, in a narrow road in Foshan, Guangdong. While she was left lying on the road for more than seven minutes with massive bleeding, there were 18 passersby who skirted around her body and ignored her. She was eventually helped by a female rubbish scavenger and sent to a hospital for treatment, but succumbed to her injuries and tragically died eight days later. The closed-circuit television recording of the incident was uploaded onto the Internet and quickly stirred widespread public concern and public discussion both in China and overseas.

Many organizations and commentators saw this as indicative of a growing apathy in contemporary Chinese society and called for legislation to punish people who refuse to help others in danger. The NPC, however, refused to enact such a law or revise the relevant

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48 Many party and government departments and organizations in Guangdong, including the province’s commission on politics and law, the women’s federation, the Academy of Social Sciences and the Communist Youth League, discussed the need for enacting a law to punish people who refuse to help others in danger. See Caixiong Zheng, ‘Law mulled to make aid compulsory’, China Daily, available at: www.chinadaily.com.cn (accessed 19 July 2016).

### Table 2. Public focusing events that failed to trigger legislation (2003–2016).

<table>
<thead>
<tr>
<th>Year</th>
<th>Public focusing events that failed to trigger legislation</th>
</tr>
</thead>
<tbody>
<tr>
<td>2003</td>
<td>1. The First Sexual Harassment Lawsuit; 2. Li Jing v. Chongqing Institute of Posts and Telecommunications; 3. Liu Yong Case; 4. Poison Gas Incident in Qiqiahaer City</td>
</tr>
<tr>
<td>2012</td>
<td>1. Medicine Capsule Scandal; 2. Illegally Recycled Waste Cooking Oil Scandal; 3. Illegal Fundraising and Fraud Case (Wu Ying Case); 4. Forced Abortion of Feng Jianmei; 5. 7·21’ Beijing Flood; 6. Yang Dacai Corruption Case; 7. Bo Xiilai Corruption Case; 8. Abusive Kindergarten Teacher Yan Hong Case</td>
</tr>
<tr>
<td>2016</td>
<td>1. Zhongguancun Second Primary School Bullying Case; 2. Lei Yang Case; 3. Hospital Ticket Scalper; 4. Captive Tiger Mauling Case</td>
</tr>
</tbody>
</table>

articles in criminal law. It seems that the legislature took note of the controversies involved in such moral issues, and the danger of using state law to deal with moral questions.

The third category includes events that fail to create consensus between the legislature and society. In these albeit influential cases, although there are demands and even consensus among the general public for legislative responsiveness to certain issues, the legislature considers responsive legislation on certain issues as being politically sensitive. For the legislature, the enactment, amendment or repeal of certain laws and regulations would appear to challenge the legitimacy of the Party and the government.49
Typical public events that belong in this category are the corruption cases in Table 2.50 In these cases, although many citizens called for the enactment of anti-corruption laws and property declaration laws for civil servants, neither the Party nor the government responded to the public’s demands for legislation. In both the Party and the government’s view, China is not ready for the enactment of anti-corruption laws, despite the fact that it finally shows up on the latest legislation plan, especially property declaration laws for civil servants. Although most people are aware that many government officials are extremely rich, public declaration of their property would pose a great danger to the legitimacy of the Party and the government.51

**Public Focusing Events as Catalysts: Creating New Consensus in Pressure-Induced Legislation**

After comparing public events that successfully triggered legislation with those that failed to trigger legislation, this study implies that public focusing events trigger national legislation if it creates not only a new consensus among the general public but also consensus between the general public and the government. As the above analysis shows, if there is no new demand created by public focusing events or if there is no consensus among the general public or no consensus between the general public and the legislature, then public focusing events will not lead to responsive legislation by the legislature.

Seen in this perspective, public focusing events can be viewed as ‘catalysts’ that create new social consensus or the need for new laws and regulations. Under most circumstances, the social demand for laws and regulations is predictable, and can therefore be met by the State’s pre-determined legislative plan. However, with the occurrence and exposure of public focusing events, an unanticipated social consensus or pressure can be created. To meet this unanticipated consensus or pressure, the legislative bodies may have to break with their existing legislative plan and respond more quickly to society with new legislative activities.

**Conclusion: The Pros and Cons of Pressure-Induced Legislation**

Conventional views of Chinese law and politics understand that Chinese legislation is an expression of the will of the Party or the government. It views Chinese legislation as unresponsive to the general public, and the general public as being unable to influence the legislative agenda-setting process. However, this study has shown this conventional understanding to be only partial, and inadequate to explain Chinese legislative activities in the real Chinese political life. In real Chinese political life, the Chinese legislative bodies indeed respond to both the general public and the media. Public focusing events do influence the legislative process and agenda-setting. By creating social consensus and a demand for new laws and regulations, those public focusing events can serve as ‘catalysts’ for ‘pressure-induced legislation’ by the government.

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50 A study indicated that there are 61 serious cases of corruption exposed by the media via the Internet in China between 2004 and 2010. See John Shijian Mo, “Rule by media”—the role of media in the present development of rule of law in anti-corruption cases in transitional China’, *Asia Pacific Law Review* 21, (2013), p. 229.

51 Only recently did the NPC declare that it will enact an anti-corruption law. After several years of anti-corruption campaigning, the Party and the government seem more confident about the challenge that anti-corruption law could bring to itself.
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