

Chinese Constitution:

Section of Chinese Constitution:	What it states:
The Preamble entrenches the CCP as the only lawful party	<ul style="list-style-type: none"> • Very weak constitutional limits to power
Chapter 2	<ul style="list-style-type: none"> • Outlines rights and duties of citizens
Chapter 3, Section 1	<ul style="list-style-type: none"> • Creates National People's congress, a unicameral legislature
Chapter 3, Section 2	<ul style="list-style-type: none"> • Creates the President (part of the executive)
Chapter 3, Section 3	<ul style="list-style-type: none"> • Creates State Council (equivalent to a Cabinet of ministers led by the Premier -executive)
Chapter 3, Section 4	<ul style="list-style-type: none"> • Creates the central Military Commission (makes the military a separate branch of government)
Chapter 3, Section 7	<ul style="list-style-type: none"> • Creates the judiciary

Features of the Chinese political and legal system:	Democracy evaluation:
<p>The Communist Party of China: The CCP is led by the following:</p> <ul style="list-style-type: none"> • General secretary • A group of 7 Politburo members, meets weekly • Larger group of 25 Politburo members, meets monthly • Central committee of the CCP that meet yearly • National Party Congress - 2,300 members who meet once every 5 years to 'rubber stamp' the decisions of the senior leadership group 	<ul style="list-style-type: none"> • CCP is above the Constitution, therefore their power is unlimited • The CCP is the only party that is permitted by the Constitution <ul style="list-style-type: none"> ◦ No tolerance for political views and interests • Personal power and relationships amongst the senior leaderships group determines how power will operate within the CCP • No rules governing power within the senior rank
Chinese constitution (outlined in table above)	<ul style="list-style-type: none"> • Very weak constitutional limits to power • Chapter 2 appears to provide protection and respect for the rights, although they are often violated by the executive and courts, both controlled by the CCP • An apparent separation of powers is outlined in the Chapter 3, but there are no checks and balances into the Chinese Constitution
<p>Legislature (National People's Congress)</p> <ul style="list-style-type: none"> • Unicameral <ul style="list-style-type: none"> ◦ No upper house to act as a house of review or a check on the lower house controlled by the CCP • 3000 members • Other parties represent ethnic groups but they share the same political ideology as the CPC • So they are not a parliamentary opposition party in a political sense 	<ul style="list-style-type: none"> • The NPC elected by the people in different regions • However these candidates are approved by the CCP • Legislative power is concentrated in the hands of the CCP • NPC members are loyal to the CCP before the NPC <ul style="list-style-type: none"> ◦ This constructs a 'rubber stamp' parliament and unaccountable to most people • The NPC merely approves decisions made by the higher members of the CCP • No separation of powers, no checks and balances • The NPC does not challenge the State Council or Presidential orders
<p>Executive - President</p> <ul style="list-style-type: none"> • General secretary of the CCP (leader of the party) is always the President • Heads the 7 member Politburo Standing Committee of the CCP • Heads the Central Military Commission • Appoints all members of the state council 	<ul style="list-style-type: none"> • Executive power is concentrated in the hands of CCP leadership • The CCP's leader is always the nation's supreme executive official • The President appoints State Council, which is led by a co-member of the CCP Politburo Standing Committee • No separation or checks and balances between these institutions
<p>Executive - State Council</p> <ul style="list-style-type: none"> • Cabinet of Ministers who head major departments within government <ul style="list-style-type: none"> ◦ Led by the Premier (member of the seven CCP Standing Politburo Committee) ◦ Premier nominates the ministers, the President appoints the nominations ◦ NPC approves of nominations 	<ul style="list-style-type: none"> • Majority rule is not reflected in State Council • They are appointed by the senior CCP members without any electoral accountability • The NPC have to approve of the appointments
<p>Judiciary - Courts</p> <ul style="list-style-type: none"> • Heavily influenced by the CCP • Judges are appointed by the NPC • Political pressure on judges by the CCP 	<ul style="list-style-type: none"> • Limited rule of law exists <ul style="list-style-type: none"> ◦ Judges know that the CCP can dismiss them • Parties to cases which threatened the CCP will not receive fair trial •

	<ul style="list-style-type: none"> • Supreme People's Court is not independent in practice
<p>Citizen participation and pluralism:</p> <ul style="list-style-type: none"> • No real political parties, other than the CCP can exist • All pressure groups must somehow align to the CCP, if not they will be suppressed • Protest is dangerous and will be met with forceful suppression • Some groups which advocate for more freedom, are heavily persecuted • The CCP demands for absolute loyalty from the Chinese media • Blocks news and media • International social media platforms are banned • The Chinese alternatives of these social media platforms cannot display any media against the CCP <ul style="list-style-type: none"> ◦ If they do they will be met with punishment 	<ul style="list-style-type: none"> • The Chinese are 'subjects' rather than 'citizens' as they cannot effectively exercise the rights of citizenship • No freedom of the media • Freedom of assembly and association do not exist <ul style="list-style-type: none"> ◦ Citizens cannot organise collectively to amplify the effectiveness of political participation • No tolerance for a range of political views or interests • Alternative political parties cannot be created • Independent candidates are intimidated • The electoral system makes it impossible for any other political parties to win seats • This limits the range of political views and interests to one party • Political views and interests reflect the interests of senior leadership

Key points:

Liberal Democracy:

- A liberal democracy is a political and legal system in which the will of the majority is expressed in government and law, and individual rights are protected

Authoritarian one party state:

- A lack of limitations on power and a lack of individual rights and freedoms
- A lack of tolerance for opposing views
- A state where only one political party has the right to form government and where there is a lack of limitations on government power and individual on government power and individual rights and freedoms are often recognised

Pluralism:

- Parties with many different views, ideas, groups or individuals competing for political influence

Liberal democracy:

- Form of government in which a country's sovereignty is vested in its citizens - that is, the people have the authority to govern themselves.

Operating principles of democracy:

Operating principles of a liberal democracy:	
Majority rule	<ul style="list-style-type: none"> → Legislature made by the people → The parliament (which make laws) consist of representatives that were elected by the people → This way, the laws that are made reflect what the people want and value → The executive is also chosen by the people → The executive is also known as 'the government' → Representative government determines government
Equality of political rights	<ul style="list-style-type: none"> → Essential to a citizen's right to govern themselves → Non citizens however may lack these rights (e.g. permanent residents cannot vote in elections) → This principle is important, as all citizens should have a chance to engage in political participation
Political freedom	<ul style="list-style-type: none"> → Definition: entitlements people have to enable them to participate in their government → To be free, someone should be able to make choices without coercion or intimidation from those in power → In Australia, people can think whatever they want to → Political freedom is broad, but limited → Unlike the US, Australia does not have the right of free speech
Political participation	<ul style="list-style-type: none"> → People taking part in their government → This is done by putting their political rights and freedoms to use → Allows citizens to influence law making and government decisions