

Rule of Law is the Fundamental Method to Promote Contemporary Governance in Rural China

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Abstract

Governance in rural area is an important aspect of advancing the modernization of the governance system and capacity of socialism with Chinese characteristics. The rule of law and rural governance are closely related and has the same logic. The rule of law is the fundamental method to promote rural governance in China. In order to cultivate and apply the rule of law in rural governance, it is necessary to respond to realistic demands from the aspect of rule of law, to reform the rural governance, and promote the modernization of rural governance systems and capabilities.

Key words: China; Rural governance; Cogitation of rule of law; Rule of law

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Rural governance is an important aspect of promoting the modernization of the governance system and governance capacity of the socialism with Chinese characteristics. It is of great theoretical and practical significance to explore the issue of rural social governance in China.

1. HISTORICAL PROGRESS AND CONTEMPORARY REFLECTION OF RURAL GOVERNANCE

The Communist Party of China (CPC) has always attached importance to the development of rural society and is good at grasping the problems and patterns of rural governance in the great historical process of revolution, construction, and reform.

During the New Democratic Revolution, the CPC accumulated much experience in rural governance in the process of stabilizing rural social order, developing production power in rural social, gathering revolutionary forces, and exploring the future of the revolution. In conclusion, we need to maintain the advanced nature of the Communist Party organization and Party members while adhering to the Party's leadership in rural governance and always emphasize the strictness of the Party organization and the seriousness of discipline; secondly, we must be good at the process of rural governance representing the development requirements of China's advanced productive forces, good at integrating rural social resources and coordinating rural social production relations based on the actual conditions; finally, in the process of rural governance, we must adhere to the basic discipline of caring about the masses and actively responding to the interests of the majority of people in rural society. Because the rural society under the leadership of the CPC faced a very harsh external environment at that time, work in the rural China must be based on the rapid and effective vertical mobilization of rural social resources as the starting point and end point. Rural governance cannot simultaneously manifest the instrumental property and rationality of the system.

At the beginning of the founding of the People's Republic of China, the Communist Party of China actively learned and applied the experience of rural governance gained during the New Democratic Revolution. It relied

heavily on the people, and boldly borrowed the experience of rural governance from the Soviet Union and integrated and shaped China's rural society like it never did before. The unprecedented degree of organization of rural society in China had increased, and a new political form of rural society in China had been preliminarily established. Since the founding of New China at that time, the whole society was in the starting period of the system and the practice in various aspects was obviously exploratory. Mistakes and even errors were inevitable, and it was worth learning from them. First of all, the characteristics of the ruling by man in the rural political environment during this period were relatively obvious, resulting in the lack of institutional rationality in the development of rural society, with a certain degree of subjectivity and randomness. Secondly, the understanding of the regularity of rural governance under the socialist conditions was not clear enough, and there was a certain degree of blindness in the practice, which did not produce effective performance; finally, the logical relationship between the fundamental social conflicts and the main social conflicts had not been understood in the process of rural social construction. Political construction was separated from the economic foundation of the rural society, and the political development of the rural society fell into a certain degree of logical idling.

Since the reform and opening up, in the process of resolving the conflicts between increasing material and cultural needs of the people and decreasing of social production, the entire society has gradually transitioned from a planned economy system to a market economy system. The change of rural society caused by the household responsibility system of contracted production forced the change of rural social governance model. In the process of exploring new governance models in rural society, the rural social governance system characterized by social autonomy of the people had gradually become the fundamental consensus and the basic direction in all aspects of society with the continuous development of market economy. However, in fact, we have not reached a unified conclusion on the ideology and path to take for promoting the social autonomy of the people. Rule by ethnic, rule by men, "rule by virtue", and rule of law are all frequently discussed options. At the same time, because the society is in a transition period, there are many mismatches among the interests of various interest subjects and the absorption mechanisms in the process of rural social regulation and system restructuring. Many improper subject behaviors have appeared during the process, including low political participation of residents, low efficiency of public governance institutions, frequent corruption in the operation of public rights, and inadequate supervision systems.

Recalling the history of the development of rural society under the leadership of the Communist Party of

China, a basic conclusion has been reached that rural governance and social development were positively correlated.

2. LOOKING FOR THE RULE OF LAW PRESENCE IN RURAL GOVERNANCE IN THE NEW ERA

The social autonomy of the people is the value provisions and basic logic for the construction of a rural social governance system under the socialism with Chinese characteristics. Although the social autonomy of the people has become the consensus and institutional choice of all parties in the society, as mentioned earlier, the ideology and path for promoting the social autonomy of the people has not reached a unified conclusion at the practical level. Rule by ethnic, rule by men, "rule by virtue", and rule of law are all frequently discussed options.

Ruled by ethnic is an idea of family governance, which is essentially a governance method intertwined with blood relationship and narrow interest relationship. It advocates the use of the secular and ethical power of rural families to promote rural social governance and self-restraint, forming the corresponding rural political environment. This kind of governance with characteristics such as greed, exclusiveness, and closedness, is essentially feudalism, is the opposite of the modern social governance concept with contractual relations and had led to the ultimate consequence of tearing and confrontation of rural society in Chinese history. The values of ethnic governance are totally inconsistent with the nature of value of the shared prosperity of all aspects of the society, so they are not a proper option for rural governance.

The idea of governing by men advocates relying on the "powerful" roles of returning squires, social prominent personage, people with capabilities, and even "ferocious" people in rural society to govern rural society. This kind of governing ideology essentially depends on the role of individual will to manage the rural society. Governance practice under this ideology will eventually lead to the reformation of the unitary tradition in rural society, and at the same time, it will inevitably form a "linear" control model, which will impede the integrity of the legal system. It can be seen that the unitary tradition of "rule by men" and the "linear" control model of power are political obstacles to constitutionalism and are not conducive to institutional civilization and social development.

The "rule by virtue" advocates the use of the profound human relations foundation and ethical power of rural society to achieve an impact on the people's inner thoughts, and then regulate their external behaviors. This "rule by virtue" has some practical meanings, but there is a key difference between this "rule by virtue" and running the country by virtue. The logical foundation for

this “rule by virtue” is the individual, and the ultimate logical result can only be obedience to personal interests; the logical foundation for governing the country by virtue is collective, and the final logical destination must be to serve the people. Obviously, this “rule by virtue” is individualistic in nature and does not conform to the principles of socialist collectivism. Therefore, it is impossible to build a rural political environment with this “rule by virtue”. Similarly, we cannot simply adopt the method of ruling the country to build a rural political environment because in the context of an open society where the diversity of rural interests requires individualization, self-regulation requires more discipline, and governing the country by virtue alone is not enough to respond to the emergence of various practical problems of the rural society.

The rule of law advocates a ideology mode that uses the principles, rules, and methods of law to think and deal with problems, guided by the value and the spirit of the rule of law. As a result of the inverse movement and progress of the rule by men, the rule of law believes that the values of law are supreme, power constraints, fairness and justice, human rights protection, due process, and other value orientations. In the process of rural social autonomy of the people, phenomena such as improper behavior of rural social and political subjects, low levels of political participation of residents, low efficiency of public governance institutions, frequent corruption in the operation of public rights, and incomplete supervision systems can all be gradually dissipated during the application of the rule of law, and the rural political environment is further optimized and improved. The value orientation of the rule of law is in line with the inherent needs of the socialist governance system with Chinese characteristics and the development direction of rural social governance. “The Party’s leadership is the guarantee for the people to be the masters of the country and governing the country according to the law. The people’s ownership is the essential feature of socialist democracy. Governing the country according to law is the basic way in which the Party leads the people to govern the country, and the three are unified in the great practice of socialist democracy in China. “ (Commentator of the paper, 2018) The Fourth Plenary Session of the 19th CPC Central Committee pointed out: “Building a socialist legal system with Chinese characteristics and building a socialist country with a legal system are the inherent requirements for upholding and developing socialism with Chinese characteristics. We must unswervingly follow the path of socialist legal system with Chinese characteristics and fully promote governing the country according to law, adhere to the rule of law, governing by law, and administering according to law, with an integration of the nation, the government, and the society under the

rule of law.”¹ It can be seen that the rule of law and rural governance are closely related and share the same internal logic. The rule of law is the fundamental way to promote rural governance.

3. PATH CHOSEN FOR RURAL GOVERNANCE IN THE NEW ERA

The rule of law is the value orientation of rural social governance and the premise and basis for building a rural social governance structure. It is necessary to cultivate and apply the rule of law in rural governance and respond to realistic demands from the five dimensions of law establishment, learning the law, abiding by the law, law enforcement, and justice, shaping the rural social governance and advancing the modernization of the rural political environment governance system and governance capabilities.

First of all, we must do a good job in the relevant legislative work in rural governance so that there are laws to abide. Laws and regulations are the code of conduct for political subjects in the process of rural governance. Therefore, rural governance requires high-quality laws and regulations so that in practice, the thinking methods of political subjects can be continuously improved and enhance the problem-solving ability during analysis according to the rule of law. First, we must continue to improve the construction of laws and regulations within the Party, regulate the behavior of Party members and cadres in the process of rural governance, and focus on the key minority, especially the Party leader. Second, we must continue to conduct in-depth investigations and studies and be good at identifying problems and learning from experiences in rural governance in the form of laws and regulations to provide basic compliance for subsequent practice. Third, we must constantly regulate local legislative work, strengthen democratic and scientific decision-making, and reduce the subjectivity and randomness of decision-making. Fourth, we must strengthen the organic unity of the construction of laws and regulations within the Party, of the national legislation, and of the local legislation.

Second, we must do a good job of studying the subject of rural politics. A systematic and comprehensive study and mastery of basic legal knowledge is the prerequisite for cultivating the ideology of rule of law. If every political subject in rural society knows nothing or little about legal knowledge, it is impossible to form the rule of law ideology, and it is impossible to use the rule of law to guide practice. If only a part of the political subjects has

¹ *Communique of the Fourth Plenary Session of the 19th Central Committee of the Communist Party of China* [EB / OL]. Xinhua Net. http://www.xinhuanet.com/politics/2019-10/31/c_1125178024.htm, 2019-10-31.

formed such thinking, it will be difficult to enforce the habit of the rule of law in the entire rural society. To this end, relevant parties must organize the implementation of law popularization in rural society, increase publicity of law popularization, expand channels for law popularization, improve the quality of law popularization, and enhance the effectiveness and pertinence of law popularization. We must be good at using traditional methods of law popularization, but also good at exploring new methods of popularizing law, including new media. As political subjects in rural areas, we must learn not only the specific provisions of the law, but also the principles of the law. Only in this way can we understand the spirit of the law better and form the thinking. In particular, Party members in rural society, especially those in leadership positions, must take the lead in learning the law, popularize the law effectively, vigorously carry forward the spirit of the socialist rule of law, and take practical actions to guide political entities in rural society to consciously protect their rights and interests in accordance with the law and consciously fulfill their legal obligations.

Thirdly, all political subjects in rural society must form a good habit of abiding by the law. The rule of law is a kind of inertia thinking. Only when the political subjects in the countryside consciously abide by laws and regulations can they develop the habit of obeying the law and the rule of law. This also means that as a kind of inertial thinking, the rule of law thinking needs to be constantly formed in overcoming the inertia of the previous illegal governance thinking. We must deeply understand that the rule of law is the carrier for advancing the national governance system and governance capabilities. We must consciously abide by the law in practice and resolutely maintain the seriousness and authority of laws and regulations. No one in the process of rural social governance, especially the leading cadres who have control over public power, can engage in acts that surpass the law, replace the law, and selectively enforce the law. Especially when it comes to self-interest, it is necessary to be self-disciplined, obey the rules and regulations, and not engage in privileges and hidden rules. This needs to provide a more complete and more operable system guarantee from the perspective of top-level design.

Fourthly, it is necessary to maintain legal authority in the process of strict law enforcement. Public institutions and related individuals in the process of rural social governance must adhere to the law. Whether it is decision-making, implementation, resolution of contradictions,

promotion of development, and deepening of reforms, we must constantly examine whether the purpose, authority, content, means, and procedures of our actions are legal and consciously implement “the law can be followed, the law must be followed, strict law enforcement, and punish when the law is violated.” We must continuously and vigorously promote the formulation of the list of power and “enclose power in the cage of the system” to ensure open usage of power and effectively maintain legal authority.

Finally, in the process of rural social governance, it is necessary to promote the deepening of judicial system reform and maintain social fairness and justice. At present, China’s “judicial reform is going deeper and becoming more difficult, and there are plans to gradually and steadily push it forward step by step.” (Hong, 2014) However, it is common for judicial ideas in rural social judicial practice to conflict with traditional dispute resolution. Conflicts between “folk law” and state law often occur, and the problem of judicial corruption is often heard. Therefore, it is necessary to speed up the reform of the judicial system, improve the credibility of the judiciary, and make the law truly the last line of defense to maintain social fairness and justice, so that the whole society fully believes in the law and depends on the law.

Rural governance is related to the modernization of the national governance system and governance capacity, and the rule of law is the basic strategy for governing the country. In the process of learning and applying the rule of law ideology, we must respond to the needs of rural social development from the perspective of the rule of law, shape the form of rural social governance, and promote the great cause of socialism with Chinese characteristics.

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