

Study on the Cultivation of Idea of the Democracy and Ruling by Law for the Key Officials for Governance of CPC From the Perspective of the China Dream

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Abstract

Democracy and ruling by law are the internal regulator to maintain the running of body for the modern society. China Dream means to build a prosperous, democratic, civilized and harmonious wonderful country, and to construct a perfect society of freedom, equality, justice and ruling by law. Whether democracy and ruling by law can be achieved in China, the crucial point lies on the ruling party, the key officials in governance of the Communist Party of China. The Eighteenth National Congress of the Communist Party of China put forward “the building of a contingent of competent key officials for governance”, which is the core forces to the leading of the realizing the socialist modern country, and the historic task of the rejuvenation of great Chinese Nation. However, the idea of democracy and ruling by law of the key officials for governance cannot fully meet the requirement of the reality. As a result, it is necessary not only to fight the corruption, uphold Party integrity and improve Party rules and regulations, but also to ensure that leading officials are guided by law to thinking and action in their effort to

deepen reform, promote development, solve problems, and maintain stability. Then the idea of democracy and ruling by law for the key officials for governance can be enhanced fundamentally.

Key words: China Dream; The key officials for governance; Democracy; Ruling by law; Cultivation

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INTRODUCTION

Democracy and ruling by law are the internal regulator to maintain the running of body for the modern society. China Dream means to build a prosperous, democratic, civilized and harmonious wonderful country, and to construct a perfect society of freedom, equality, justice and ruling by law. To reach the overall goal “to improve and develop the socialist system with Chinese characteristics, and to promote the modernization of national governance system and the governing ability” (The Selected Important Documents Since, para. 7, 2014, p.512), the central government pointed that “we must keep the deepening political reform, and ensure the unity of the leadership of the Party, the position of the people as masters of the country and law-based governance, and accelerate the institutionalization, standazation, and routinization of socialist democratic politics, construct the socialist country ruling by law, to develop the people’s democracy more extensively, more fully, more perfectly” (Ibid.). Whether the democracy and ruling by law can be achieved in China, the crucial point lies on the ruling party, especially the key officials for governance of the Communist Party of China. The Eighteenth National

Congress of the Communist Party of China proposed that to uphold and build socialism with Chinese characteristics, it is imperative to build a contingent of key officials for governance who are firm in political conviction, competent and energetic and have fine conduct (Ibid., p.41), which is the core forces to the leading of the realizing the socialist modern country, and the historic task of the rejuvenation of great Chinese Nation. However, the idea of democracy and ruling by law of the key officials for governance cannot fully meet the requirement of the reality. As a result, it is necessary not only to fight the corruption, uphold Party integrity and improve Party rules and regulations, but also to ensure that leading officials are guided by law to thinking and action in their effort to deepen reform, promote development, solve problems, and maintain stability. Then the idea of democracy and ruling by law for the key officials for governance can be enhanced fundamentally.

1. PROBLEMS FACED IN THE IDEA OF DEMOCRACY AND RULING BY LAW FOR THE KEY OFFICIALS FOR GOVERNANCE

Who are the key officials for governance? Zhou Xinming believed that the key officials for governance are “the most important components or parts of the Party’s cadre team” (Li, 2013, January 13). We believe that they are the core leading forces to promote all the careers of China in the cadre’s team, and the basic forces of governing the country. In extension, they include the cadres of members of the Communist Party of China who have public power, and also the cadres of other parties having public power, too; in quantity, they are the minority in the cadres; in terms of the administrative level, generally they are the Party chief officials at least in the roles of divisions or equivalents. At present, the problems of ideas of democracy and ruling by law for the key officials for governance are very serious.

1.1 Non-Positive Correlation Between the Idea of Democracy and Ruling by Law, and the Position of Power

Generally speaking, there is a positive correlation between the idea of democracy and ruling by law, and the position of power, and time for the Party’s key officials for governance. This is because of the always attention to cadre’s education, “building a party for the interests of the people, assuming power for the people”, education of the fine traditions and styles of the Party, and long time immersion and nurturing, the key officials for governance should have strong ideas of democracy and ruling by law. However, longer time some officials having public power, higher rank they have, more skillful at the power of using, “having long sleeves good at dancing”, better

they are at using public power as private sources to earn private profit, so they often go beyond the democracy and limit of law. Some of them are excellent talents, who use their public power to help the companies become stronger and bigger, and put the companies as their economic foundation of their official career, leading to the huge lost and damage of interests of the whole country and the people, or use the public power to practice graft, bribe, and embezzle public funds, or hold a huge amount of property with unidentified sources. At present, these cases often happened in the key officials in governance, with such high frequency, leading to serious consequences which have affected the image and popular trust, even damaging the people’s confidence in the future of the country and Chinese nation.

1.2 Separation of Ruling People for Law and Ruling Oneself by Law

In the process that the key officials for governance stand out from the people and become the leading cadre, they are leading the people to the right direction, practicing the quality of the members of Communist Party that “bearing the hardships first, and enjoying the comfort last”. However, with more public power, some key officials begin to separate “ruling people by law” in “ruling themselves by law”, in which they cannot reach the cultivated level of democracy and ruling by law as the leading cadre, even they act more recklessly than the common people and care for nobody to violate the law with full knowledge of it and become corrupt and degenerate. The law has become “the sword of high power” to govern or frighten the general public, and some officials abuse their knowledge and skill of ruling and governing, and the public power they have, replacement of power instead of the law, replacement of personal words instead of law, abusing the power to exploit the people’s rights or to get social public benefits. In terms of the relationship with the people, serving for the general public is turned into governing and defending the people, listening to the people turned into keeping away from the people, great love to the people turned into being hostile to the people. The ruling by law is violated, and the people being the masters of the country will be suspended, like the castle in the air.

1.3 Separation the Knowledge From Practice of the Ruling the Country by Law

Nowadays, “the society of acquaintances” in agrestic China has given way to the society of strangers in the market economy and economic globalization. The present social ranks and classes have been changed from the single proletariat of workers and farmers to the Party leading cadre, general civil servants, leading cadre of enterprises and state-run institutions, general managers in the enterprise and state-run institutions, special skillful personnel, private entrepreneurs, individual and commercial households, immigrant workers, the

unemployed and other new ranks and classes. (Chen, Xiong, & He, 2011). In the stratification of society, the old authorized governing methods such as instruction of the leaders, commands from the higher authorities will not unite and cohere the larger group of new ranks and classes. So the country requires the law to regulate people's behaviors, and maintain the good order of the society. However, some officials in fact thought the law is drafted by people, some imperfect and falling behind in the law, so they thought it is unavoidable to break the law; they also thought the legal thinking and daily affairs thinking are different, so it is difficult to complete the heavy work with the legal thinking, resulting to the separation the knowledge and practice of the ruling the country by law.

1.4 Separation Democracy and Ruling by Law From the Concentration of Power

The public power is understood as the personal absolute power; no toleration of power separation and the power restriction by democracy, even the concentration of power and democracy are separated and conflicted with each other. No toleration of power restriction and supervision by the law, the public power endowed by the people is made absolute, and turned into monopoly power. In their mind, even the constitutional law is not the most authoritative, only themselves as the most authoritative. Those officials view the democracy and ruling by law as the dreadful monsters, randomly marking the left-wing or the right-wing views. After calming down and reflection, we know that socialism is full of inspiration and life because of its pursuit of justice, fairness and democracy. The Communist Party of China is full of public calls and innovation because of the pursuit of the genuine freedom and democracy and prosperity and happiness for the large populace. As a result, the leading cadre who is violating the justice and fairness for their own private interests, preventing the people as the masters of the country are the objective to be supervised by the democracy and restricted by the law.

2. CAUSES FOR THE PROBLEMS OF IDEA OF DEMOCRACY AND RULING BY LAW FOR THE KEY OFFICIALS OF GOVERNANCE

The above discussed problems of the idea of democracy and ruling by law for the key officials of governance fundamentally come from the ruling party, the country and the nation themselves.

2.1 Arrogance of Long-Term Governance Leads to the Indifference Even Forgetting Gradually the Origin of Public Power

The long-term governance of the Communist Party of China creates the splendid achievement that leaves a great

impression on the world. At the same time, some key officials for governance in the Party are blind selectively, shutting their eyes and ears to the opinions of the people, apathetic to the suffering and pain of the people, and what they are viewing is the present superior position as governors, and the strong public power they have, absent from the rationality and self-awareness, indulging in the pursuit, keeping and showing off their power. In 1980s, some long-term governing parties in the world were replaced by other parties and went out of power. It seems the misfortune of the Party, and in fact, it is the logical necessity. At present, legitimacy of governance for the Communist Party of China comes from firstly the political authoritative legitimacy gained from the leading the Chinese to the victory of revolution and construction, secondly the capacities performance legitimacy obtained from the impressive ruling abilities in the ruling, thirdly, the legal legitimacy obtained from the recognition and support of the people for the social administration system and the morality of the Party (Tang, 2013). The legitimacy of the ruling party is not born with, not everlasting ruling for the historical achievements, and the fundamentality depends on the ruling achievement and the ideas of human-orientated, especially people-oriented, basic interests standing for the common people, people as the masters of the country. It is the essence of legitimacy of ruling party.

2.2 System Deficiency Leads to the Excluding of the Growth Space of Democracy and Ruling by Law From the Ruling Authoritative

China is lack of ruling by law in tradition. In the modern China there was no sovereign right, not to mention the legal struggling, so the Communist Party of China adopted the violent revolution which seems illegal. After the foundation of the People's Republic of China in 1949, the serious national and international circumstances forced China to follow the Soviet Union to construct the centralized political system and highly centralized planning economy system. After 1954, Mao Zedong pointed out that the citizens enjoy "the right of freedom and democracy" according to the Constitution Law. But with misjudge of the national and international circumstances, after the year 1957, Mao Zedong abandoned the ideas of law which is harmful to the class struggle; in the year 1958, he even said that "it is possible without the law, and we have our own ways," "ours each resolution is the law, and the meeting is the law... We mainly depend on the decision and conference, four times a year, no need of civil law and criminal law to maintain the order"; Liu Shaoqi interrupted, "Is it ruling by law or by people? It is ruling by people in reality, and the law only provides references in practice." (The Research Center of Standing Committee Office of NPC, 1991, p.102) Those speeches in the special historical periods encourage the unhealthy tendency of replacement of power instead of the

law and the replacement of personal speech instead of the law. After the Third Plenary Session of the 11th Central Committee in 1979, Deng Xiaoping led the focus of Party's work to the economical construction, establishing the principle that "the Party should conduct under the Constitutional and other laws" in the Constitutional Law and Charter, then the ideas of ruling by law in the mind of leading cadre began to grow. In 1997, in the Fifteenth National Congress of the Communist Party of China to the ruling by law was set down as the basic tactic of ruling the country, then it was written in the Charter. But for the problem of basic system is not completely eliminated, lack of corresponding system and the ruling authority excludes the growth of the democracy and ruling by law. In the 21st century, facing the special circumstances the centralized power is strengthened once more, and the people's democracy is damaged, the authoritative of ruling by law is discouraged, which in turn damages the authoritative of the Party's leading power, the prestige, resulting to the inability of ruling power.

2.3 Short-Term Ruling Ability Leads to the Trying of Stepping Over the Stage of Democracy and Ruling by Law

The system of law is the social regulation which is of compelling force drawn by the ruling class based on the social existing, and it has some behavior regulations beyond the general principle, and there is something limited inevitably. As a result, while strengthening the ruling by law, China should design a whole set of the system to make up for the deficiency. Promote the moral education of keeping improving and ending in best condition to overcome the exploiting an advantage of the law; motivate the pursuit of the socialism and communism and keep the high-spirit of the people; make a full play of the powerful social unity, organization and mobilization by using the strict organization from the central to the grassroots of the leading party, etc. The ruling by law, moral teaching, igniting people's dream and faith and the system are the means to cooperate with the accomplishment of people's democracy, peace to the country, good social governance, which is the product of China learning and understanding the experiences and lessons from the west. At the same time, the ruling by law mainly includes the registration, law enforcement, judiciary, abiding by the law and so on, and the concrete design and carrying out of each link is quite tough and difficult. The democracy is not a catchword, requiring the corresponding mechanism and system, power supervision to safeguard the achievement. The governing ability of the Party is quite challengeable to grasp the opportunities, realize the development of the new coming country, and to rule by the law and democracy. Thus some key officials for governance want to step over the stage of ruling by the law and democracy luckily, mainly depending on the morality self-discipline, value education, noble ambition

to motivate the passion and the encouragement of the leading party to realize the good social governance and people's happiness.

3. SOLUTIONS FOR THE IDEA OF DEMOCRACY AND RULING BY LAW FOR THE PARTY'S KEY OFFICIALS FOR GOVERNANCE

China Dream means to build a prosperous, democratic, civilized, harmonious country, and to construct a society of freedom, equality, justice, and ruling by law. At present it is the best opportunity to realize the China Dream, also the most crucial period of the reform. The diachronic contradictions of three hundred years in the capital country have become the synchronic contradictions happening simultaneously in China, in which the whole society has the characteristic of the "middle income trap". How to overcome the above problems and how to systematically construct the idea of democracy and ruling by law for the Party's key officials in governance is the urgent strategic problems in China.

3.1 Using the People's Congress System to Promote the Cultivation of Ideas of Democracy and Ruling by Law

According to the rule, that the members of ruling party going into the state agencies and becoming the key officials of governance have to be public democratic elected through the law procedure and based on the legal standard of the National People's Congress, no straight becoming the member of the state agencies to exercise the public power without the election. The citizens can become the directors of the People's Congress or other organizations of People's Congress by the democratic election, direct or indirect election, then the government, people's court, people's procuratorate. However, in reality, compared with the government, people's court, people's procuratorate, the people's congress does not have the power of the title should have. The fundamental reason is that the democratic election of the members of People's Congress doesn't carry out genuinely. If the representatives of People's Congress are not voted by the people genuinely, the people have no legal right to supervise and remove, also they can not give strong support. To change such situation and guarantee the democracy of the people, we will "make full use of the basic politic system---People's Congress system" (The Selected Important Documents Since, para.7, 2014, p.527). "The People's Congress system is the basic politic system to guarantee the democracy of the people." (The Writing Group, 2013, p.206) The ratio of the grass-roots representatives especially the workers in the front of the representatives in the National Congress should go up, especially the system and mechanism should be strengthened.

Firstly, "Giving full plays to democracy at the community level. We will open wider the channels for democracy and improve the system of community-level election, political discussion, information disclosure, duty reporting, accountability and so on" (The Selected Important Documents Since, para. 7, 2014, p.528), which is the base to cultivate the idea of democracy and ruling by law for the Party's key officials for governance. Without it, the best top design will be suspended in the air. In terms of the democratic election, not only the public opinion and democratic election in the grass-root are held in order, but also the democratic election above the level of the county should be carried out in reality. Some scholars suggest that in the election of representatives above the level of the county, "six months or more before the discussing and voting in the People's Congress by the Party, the recommended list of the cadres should be handed into the People's Congress, and made public to the whole society by the news media, opinions can be addressed to the standing committee, and the standing committee of the People's Congress has to carry out some investigations and research. After hearing the voice of various circles of society, the People's Congress then makes the discussion and voting" (Hao, 1996). Secondly, "The fundamental solution to keep power under control is to put power, government operations and personnel management under institutional checks to ensure that the people oversee the exercise of power and that power is exercised in a transparent manner....we must build a power-exercise mechanism featuring scientific decision-making, resolute enforcement and effective oversight. We will improve a system that combats and prevents corruption....we will strengthen and improve the checks and oversight over the exercise of power by principal leading officials, and enhance administrative and audit supervision. We will introduce a list of the powers of local governments and their working departments at all levels, and publicize the power-exercise process in accordance with the law. We will improve information disclosure in Party, government and other fields, so as to promote transparency in decision-making, management, services and results." (The Selected Important Documents Since, para. 7, 2014, p.531) Thirdly, strengthen the interact of people and the representatives of People's Congress, "We will improve the working mechanism of people's congresses, widen channels for the public to participate in legislative work in an orderly manner through discussion, hearing, assessment and publicizing draft laws; actively address social concerns through inquiry, investigation of specific problems, and putting on record for examination.," "strengthen the tie between the Standing Committee of People's Congress and representatives of People's Congress, and fully play the role of representatives. Through the construction and improvement of representatives to contact agencies, Internet platform and etc. to relate the representatives and the people closely." (Ibid., p.527) Through the

development of grass-root democracy and power exercise supervision mechanism, the positive interaction mechanism between the people and the representatives of People's Congress, representatives of People's Congress and Standing Committee of PC is fully improved.

3.2 Ideological Education and Party Constitution and State Laws, Reviving the Spirit and Safeguarding the Ruling by Law

The law is not the dead rules and regulations. "Law is the art between the just and good" (Cicero, 1997, p.87). The supervision of power for the key officials of governance is both in the Party and out of the Party. The restriction from the Party originated from the Party's Constitution, the highest level of discipline and regulation. The self-discipline is flexible, fully displaying the infinite advancing of goodness of morality, and the results are uncertain and unstable. Based on the national will, heteronomy is forced to implement through the state agencies, and it is rigid, full of certainty and stability. Party Constitution and state laws, self-discipline and heteronomy are the best ways to strengthen the idea of democracy and ruling by law for the key officials for governance. Firstly, promote the noble thoughts and feelings of human liberation and world peace. In view of the serious circumstances of spiritual slackness of the Party key officials for governance, much effort should be spent on the reviving the spirit and reaching to the higher spirit state, which asks for the great social ideal and noble moral spirit of the Party's key officials for governance, to inherit the traditional Chinese lofty spirit "to ordain conscience for Heaven and Earth, to secure life and fortune for the people, to continue lost teachings for past sages, to establish peace for all future generations."

The China Dream will "make the vitality flourishing together of all the work, knowledge, technology, management and capital, let the all the resources fully develop to create social wealth, and make more developing achievement shared by all the people equally and justly" (The Selected Important Documents Since, para. 7, 2014, p.527), to realize the common prosperity and happiness for all the people. Secondly, the key officials for governance have to the first to abide by the law, no overriding the law, that is, "no organization or individual has the privilege of overstepping the Constitution and laws; all acts in violation of the Constitution and laws must be investigated." (Ibid., p.529) The key officials for governance who violate the law will be punished as the same as the other social individuals, no mercy out of the law and simple dealing by the Party's discipline inspection bodies, and they should be sent to the judicial organs and severely punished by the administrative law enforcement organs. Thirdly, the articles, charters, rules and regulations of the ruling party have to agree with the law. Any rules or regulations disagreeing with the law have to be revised. There are no contradictions between the ruling party

guiding to make law and abide by the law, and once the law is formulated, everyone has to obey.

3.3 Party's Supervising the Key Officials for Governance to Practice the Democracy and Ruling by Law

Party supervision is the effective form to supervise the power. The Party's key officials for governance have to be responsible for the Party members, and accept the supervision, serve for the people, and accept their supervision, put their own behavior on the track of the law, and accept the supervision of the law. At the same time, the key officials for governance have to accept the powerful supervision from the other Parties. "The same as one person, a Party has to hear different voices. Everyone knows that it is the working people and the party members and the mass that mainly supervise the Communist Party, but with the democratic parties, it is more beneficial for us" (*The Mao Zedong Collected Works [Volume 7]*, 1999, pp.234-235). Deng Xiaoping pointed out that "the constitution establishes the leadership of the Communist Party of China, and the Party should lead well and accept the supervision" (*The Deng Xiaoping Collected Works (Volume 1)*, 1994, p.270); "The Communist Party is always observe the issue from one perspective, while the Democratic Party can observe it from other perspectives, and give some ideas. Only in this way, more problems reflected, more thorough dealing with the problems, more beneficial to make the decision, more appropriate the strategies and policies" (*Ibid.*, p.273).

But how to supervise in practice for the Democratic Parties? Whether the ruling party and the key officials for governance listen attentively to the suggestions from the Democratic Parties and democrats without party affiliation? If not sincerely, what to do? All those practical issues have to be guaranteed by the system and mechanism. The central government pointed out that "based on the key yearly work, the central Communist Party will put forward the proposal and hold the consultation by the coordination meeting, informal discussing and conversation. Improve and develop the system of proposal to the Central Communist Party directly to the Democratic Parties" (*The Selected Important Documents Since*, para. 7, 2014, p.528). It is the beneficial way for the central Democratic Parties to give political proposals to the Central Communist Parties directly and face by face, providing system foundation for the concretion, regulation, processing of the Party's supervision. The power exercising process should be made public by law, the same as the Party's affaires, administrative affairs, affairs and service of different departments. The Democratic Party can supervise the key officials for governance in the legislation, law enforcement, jurisdiction of the law and etc. and put forward suggestions to supervise the

decisions and the crucial strategies and other actions of key officials for governance, as well as the Party's affaires and the administrative affairs. Simultaneously, the supervising results should be reflected, the slackness, bureaucratism, corruption and other problems of the key officials for governance should be reflected, supervised and solved quickly by the ruling party, the People's Congress, administrative supervising departments, juridical organs, to strengthen the effectiveness of Party supervision. As for the accusation, complaint, impeachment, removal, withdrawal, punishment for the key officials for governance should be carried out by the People's Congress, Government department, or the judicial organ. The principle of the Democratic Party to supervise is to enhance and improve the leadership of the Communist Party of China, to keep the Socialist Road with Chinese Characteristics. As a result, Party supervision of China is different from the impeachment and removal in the western countries, and it is beneficial to gather the biggest social consensus and power.

CONCLUSION

The Party's key officials for governance are the excellent, outstanding cadres, who have both ability and political integrity, but the people are the creators of the history, and the idea of democracy and ruling by law for the Party's key officials for governance is promoted fundamentally by the people. With the powerful people, the significant ideas of democracy and ruling by law can be sharpened through the way of democratic supervision, law supervision, public opinion supervision, Internet supervision and etc.. As a result, in the long run, to comprehensively improve the people's livelihood, the social equality and justice has to be achieved from the perspectives of education, employment, medicine, housing and so on, making the people equally obtain the struggling opportunity and entrepreneurship, to enhance the ability to be the master of country for the people, strengthening the ability for the people to supervise and limit the power, in order to increase the idea of democracy and ruling by law for the key officials for governance.

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