

# 县下辖市与《《《《《《《《《 XIANXIAXIASHI YUTUIJINZIZHI 推进自治

我国县辖政区的发展与改革研究

贺曲夫◎著



中国经济出版社  
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北 京

## 图书在版编目 (CIP) 数据

县下辖市与推进自治: 我国县辖政区的发展与改革研究/贺曲夫著

北京: 中国经济出版社, 2012. 3

ISBN 978 - 7 - 5136 - 0690 - 5

I. ①县… II. ①贺… III. ①县—行政区划—体制改革—研究—中国

IV. ①K928. 2

中国版本图书馆 CIP 数据核字 (2011) 第 053757 号

责任编辑 刘一玲

责任审读 贺 静

责任印制 石星岳

封面设计 任燕飞工作室

出版发行 中国经济出版社

印 刷 者 北京市人民文学印刷厂

经 销 者 各地新华书店

开 本 880mm × 1230mm 1/32

印 张 13

字 数 300 千字

版 次 2012 年 3 月第 1 版

印 次 2012 年 3 月第 1 次

书 号 ISBN 978 - 7 - 5136 - 0690 - 5/F · 8835

定 价 32.00 元

中国经济出版社 网址 [www.economyph.com](http://www.economyph.com) 社址 北京市西城区百万庄北街 3 号 邮编 100037

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服务热线: 010 - 68344225 88386794

本书的出版得到以下单位和项目资助:

国家教育部人文社会科学研究项目(编号:02JA810003)

湖南科技大学学术著作出版基金

湖南科技大学应用经济学重点学科

湖南科技大学产业经济学重点学科建设基金

湖南科技大学湖南省战略性新兴产业研究基地

## 内容摘要

县辖政区是指我国县以下的由县统辖的基层政区。我国自秦朝正式确立行政区划体制以来,直至清末,国家设治都是以县为最低层,所谓“皇权不下县”,但历代在县以下均存在系统的乡里组织,虽然皇权不至,然事务不可不管,乡官的任命虽不在中央政府,却也仍然需要上级任命,具有国家基层官员的性质,县以下仍然可以而且应该被看成我国行政区划体制上的一个层级。我国作为农村基层行政建制的乡,则萌芽于春秋战国时期,定型于秦汉时期,隋朝把乡亭制改为乡里制,乡才不再是地方基层政权。清末又有变化,1909年1月清政府颁布了《城镇乡地方自治章程》,又重新以法律形式确定了城、镇、乡为县以下的基层单位。民国时期的《县各级组织纲要》也是明确规定乡、镇为县以下的基层行政区域。新中国成立以后即规定,乡为县领导下的基层行政区域。1954年宪法规定我国农村基层政权为乡、民族乡和镇,第一次以宪法的形式确定了乡镇为一级行政区划。这也就是说,至少从秦至隋初期,以及清末至今,我国的行政区划体制都存在正式的县辖政区层级。

改革开放以来,我国政治经济生活面临新的环境,全球化与WTO规则对我国各级政府的功能提出了新的要求;农村与城市的分异和城乡相对地位变化等一系列新的背景都对包括县辖政区在内的整个国家的行政区划体制提出新的要求。特别是2005年10月,党的十六届五中全会提出推进社会主义新农村建设,对我国县域发展意义重大,必将对我国县辖政区体制产生深刻影响。首先,

新农村建设的将对县域农村地区经济与城市化发展起到推动作用,进而促进乡向镇、镇向市方向发展。其次,建设社会主义新农村,必然要求全面深化乡、镇职能转变和机构改革,并还将在推进农村民主政治建设上大有作为,不断提高农民的民主法制意识和民主自治意识的培养,这有利于我国最终实现地方民主自治制度的形成与发展。

城市化是我国 21 世纪的主旋律之一,关系着我国现代化进程的顺利推进。小城镇推动的我国城市化进程开辟了我国一条新的不同于发达国家的城市化道路。20 世纪 90 年代以来,我国农村的快速城市化和乡镇的分化发展,使得部分乡镇发展成为县域的重点中心镇。2006 年公布的《中华人民共和国国民经济和社会发展规划第十一个五年规划纲要》再次提出:“坚持大中小城市和小城镇协调发展,……积极稳妥地推进城镇化。”为此,在保持我国县制基本稳定的前提下,从行政区划体系和县域城镇体系及其相互关系的整体性和全局性角度出发,借鉴世界主要发达国家(美、日、德、法等)与我国台湾地区市镇区划制度的经验,并结合若干案例研究,应对我国现代化、城市化发展需要,选择其中规模较大、具备条件、有发展前景的中心镇(新市镇)试行县辖市制度(镇级市),实现我国由县—乡、镇体制向县—乡、镇、市体制转变,为我国县辖政区行政区划体制改革提供新的思路。

目前我国主流设市模式已从以往的“切块设市”转变为城乡共治性的“整建制改市”(县改市、地改市等)模式,表明中国政区体制在实践中出现了偏差,将原本属于聚落性建制的城市型政区改造成区域性建制的地域型政区,忽略了此两种建制性质的迥异,从而产生很多问题,并造成目前我国市制与国际市制不可比拟性。我国市制改革需要寻求新的出路,探索新的模式,“十一五”规划明确提出了“完善行政区划设置和管理模式”的要求。研究实行三级

市制(直辖市、省辖市、县辖市)与“适度切块”设市模式等对创新我国市制具有重大意义。

中国现代化的过程,实际上也是一个民主化的过程。长期以来,我国一直是一个单一制中央集权国家,这决定了在府际关系上地方政府在政治上服从中央,受中央的直接领导和监督,地方政府不可能像联邦制国家那样成为相对独立的一级政治实体。但是,改革开放以来,随着我国社会主义市场经济体制的建立与完善和经济体制改革的不断深入,中央与地方经济关系处在一个趋于分权化的调整过程中,地方政府经济管理职能的扩大,必然要求拥有与之相应的政治权力,政治关系也必须作出适当的调整与改革,主要体现在中央与地方的立法关系、干部人事关系和行政关系等诸多方面。这就需要从府际关系(主要是中央与地方关系)的角度思考我国今后地方治理的问题。同时,随着人民物质文化生活水平的提高,国家民主政治的发展,公民参政议政议事能力的大大增强,也要求中央适度向地方分权,最终实现地方自治。笔者认为,县辖政区在地方自治上可先行一步,积累经验再推广;同时本书提出乡镇市自治制度的具体构想,并对我国县辖政区体制改革提出一系列配套措施。

本书围绕县辖政区这一研究主题,以历代县辖政区(县下行政组织)的沿革、发展脉络为主线,综合运用地理学、历史学、行政学 and 经济学等相关学科的理论知识,萃取各学科有关最新研究成果,对我国历代各时期主要的县辖政区(县下组织)设置与管理体制的沿革与特点进行描述,总结其发展规律,并对新中国成立以来的乡镇政区发展演化的内在机制作深入剖析,围绕当前以县辖政区为中心的行政区划改革,进行多角度、多学科系统分析,通过理论和实践分析,并借鉴国际和我国台湾地区市镇制度的经验,构设出我国未来县辖政区体制改革方向。全书由如下几部分构成:

导论,引入研究主题——县辖政区,对县辖政区的概念进行了界定与分类,还对相关的几个概念加以比较,并指出本书的理论与实践意义,概括其研究思路与方法。

**第1章:**本章重点就我国有关县辖政区体制改革的文献回顾与研究综述,从乡镇政区体制和乡镇管理体制现状与存在的问题入手,对目前国内主要研究成果进行总结,并就当前几种主要的关于乡镇体制改革的主张进行总结与评价。

**第2章:**对县辖政区的理论基础以及与之关系较为密切的城市化、城乡关系、府际关系与地方自治等理论加以梳理,并分析它们与本书研究的县辖政区体制及其改革的关系。

**第3章:**从我国县制的形成、发展与演变切入,全面系统地分析我国自秦汉至民国各历史时期县辖政区(县下组织)制度的发展与演变的基本脉络,以及新中国成立前我党革命根据地时期的政区体制,探索这一特殊时期县辖政区设置与管理体制。并总结各时期县辖政区的特点与发展演变的规律:城乡分治与地方自治。

**第4章:**对新中国县辖政区体制进行分阶段考察,探讨新中国各个时期县辖政区体制演进规律,并对县辖政区的城市化趋势和管理幅度扩大与层级减少等问题进行了深入探讨。同时阐述了目前我国县辖政区(乡、镇)体制的现状和存在的问题,并分析了我国现行乡镇体制的不适应性与县辖政区改革的必要性。

**第5章:**针对我国面临的WTO与全球化、城市化与信息化、我国政治民主化及新农村建设等新形势,提出对未来我国县辖政区的重新定位,通过分析指出未来我国县辖政区(乡、镇级)体制改革方向:行政区划建制多元化发展——创新县辖市制度,实现县—乡、镇体制向县—乡、镇、市体制转变;行政制度自治化发展——推行地方自治制度,实行县辖乡(民族乡)、镇、市自治。

**第6章:**本章分析了世界主要国家(如美国、日本、德国、法国



等)和我国台湾地区的市镇制度(包括市镇建制与管理权限等),总结其经验教训,并对清末民初县辖市体制探索进行了剖析,以期为我国县辖政区体制改革提供经验借鉴。

**第7章:**从“足履相适”原则、城镇化发展的趋势、国家行政区划体制整体改革的主要方向、公众认知度调查,论述我国实行县下辖市体制的可行性,并论述了未来县辖市体制基本内容:设市体系——构建我国未来三级市制体系:直辖市、省辖市、县辖市三级市制;设市模式——实行“城郊合治”管理理念下的“适度切块设市”模式;设市标准——合理拟定了县辖市设置的标准;审批制度——确定未来我国县辖市的审批程序与审批机构;并明确我国未来县辖市的若干设置类型。

**第8章:**本章先从新中国成立后中央与地方府际关系的演变,分析各历史阶段府际关系的特点及其规律,指出分权化是我国府际关系发展的必然趋势。同时,本章还从我国各历史时期地方乡绅自治特点分析了中国自古并不缺乏地方自治的传统,并结合我国近代以来地方政治现代化发展进程,指出我国未来行政体制走向地方自治是必然趋势,而县辖政区自治可以先行一步。本章还阐述了实行县辖政区自治的可能性与基本原则,并从乡、镇、市性质的认定、自治权限的划分及县下自治的监督机制等方面,初步构建我国县辖政区管理新体制:乡、镇、县辖市自治制度。

**第9章:**分析了我国县辖政区体制改革即创新县辖市与乡镇市自治的诸多制约性因素与障碍,提出我国县辖政区体制改革的主要配套措施。

**第10章:**通过对一些典型案例的解剖,以期对我国县辖政区体制改革有更为直观、具体的认识。

结语部分,对全书重点探讨的问题和所形成的结论进行了总体概括。

## Abstract

Country – governed – district refers to the grass – root administrative division below the level of county and governed by county. From the official establishment of administrative division system in Qin dynasty until Qing dynasty, county was the bottom – down level of the government in China, just as the saying goes: the king power does not go down to county – below places. However, there were systemic village organizations in county – below places in history where the king’s power never went to yet matters of which could not be neglected. The appointment of those village governors was not within the scope of central government’s duty, but still needed care of the above authorities, because they should be deemed as a level of our administrative division due to their grass – root features. The village level basic administrative structure was started in Chun – Chiu and Warring States Period and shaped in Qin and Han period. The Xiang (village) Ting system was changed into Xiang (village) Li system in Sui dynasty and the village was not the basic administration anymore. In Qing period, things were changed again. Qing government issued “the Autonomy Chapters for Cities, Towns and Villages” in January 1909, re – confirming the basic position of cities, towns and villages by law. The “Outline of County – level Organizations” in the republic period stipulated clearly that villages and towns are grass – root administrative divisions below county level. Since the foundation of People’s Republic of China, village be-

came the basic administrative division under the governance of county. The constitution in 1954 confirmed the premier - level administrative position of villages and towns at the first time in forms of constitution by specifying that the grass - root administrations in rural area are villages, ethnic villages and towns. That is to say, there were official country - governed - districts in our administrative division system at least from Qin dynasty to earlier Sui dynasty, and from late Qing period to the present.

The reformation and opening up of China brings us a new economic and political atmosphere, the globalization and WTO regulations challenge the functions of all levels of governments among which many are reformative; and the whole country's administrative division system including country - governed - district are confronted with new requirements due to a series of new circumstances including the differentiation of rural and urban places and change of their comparative position. The proposition of promoting socialism new rural construction in the fifth plenary session of the 16<sup>th</sup> CPC in October, 2005 has shed great importance on the county division development and is due to affect our country's county administrative division system profoundly in our country. First of all, the new rural construction would promote the economic development and the urbanization process of county - governed rural district, and further promote the developing process from village to town and from town to city. Meanwhile, the construction of new socialism rural area requires overall deepening of functional shift and structural reform of villages and towns. It would also play an important role in pushing forward the democratic political construction of rural area, raising peasants' democratic and legal consciousness and cultivating their

democratic self – governing awareness. Finally it would benefit the shaping and developing of local democratic self – governance system in our country.

Urbanization is one developing theme of our country in the 21st century and is directly related to the smooth progress of our modernization. The urbanization model propelled by small villages and towns has opened a new way of urbanization different from that of developed countries. Since 1990, the rapid pace of urbanization of rural area and the split development of villages and towns has enabled some villages and towns turning into county – governed key center towns. “the eleventh five – year planning outline of PRC’s national economic and social development ” issued in 2006 again brought forward the concept that “persist in the coordinative development of big, middle, small cities and small towns, enthusiastically and prudently promoting cityship and township”. Therefore, we should consider and meet with the demand of modernization and urbanization under the perquisite of ensuring a basic stable county – governance system and consider the overall complete shape of administrative division system and county – governed township system and their relations with each other, borrow ideas from city – town division system experience of major developed countries ( America, Japan, Germany, France etc. ) and Taiwan, and from some case studies. We then should select some large scale, conditioned center towns ( new town ) with developing prospect to implement county – govern – city system ( cities at town level ) and city management, and to realize the systemic shift from county to village, from town system to county – village, town, city system in order to provide new theories support to the systemic reform of country – governed – district in our

country.

However, the spreading city - establishing model at present has been changed from the previous "city establishing by piece - cutting" to "overall transforming system" model (transforming county to city, prefecture to city) featured by city - village overall governance. These have well denoted that there is serious deviation in the practice of China's administrative division system. Various shortcomings and errors have been incurred by a changed establishing model of the settlement system from city - type administrative division into graded district system establishing (regional administrative division) by neglecting the great differences between them. All these disadvantages have caused the chaos of our city - establishing system and incompatibility with international level.

China has to seek new ways to reform its city - establishing system and to search for new models. The "eleventh five - year" plan clearly specifies the requirement of "to perfect administrative division establishment and management models". The study on and implementing of trio - level city establishment (directly governed city, province governed city, county governed city) and the city establishment model of "appropriate piece - cutting city establishment" has great influence toward the innovation of our city establishment system.

The modernization of China is actually a progress of democracy. China has been a single centralized country from a long time ago, which takes it for granted that the local government shall report to center government politically and be governed and supervised directly by central government. It is impossible for local governments to become a first level political entity entitled with comparative independence as that

in a federal country. But since the reform and opening up of China, our central and regional economic relations has been in the coordinative process of authority decentralization together with the founding and completing of socialism market economic system and the deepening of economic system reform. The power expansion of economic control of regional government inevitably demands corresponded political power expansion. Therefore, political relations have to be adjusted and changed accordingly mainly on the side of legislation, governing personnel, administrative conducting and controlling etc. Thus we shall consider our country's future local governance problems from the angle of relations among governments (mainly relations between central and regional government). Meanwhile, with the increasing living standard and developing democratic policy, citizens' ability to participate in or comment on politics in our country has been increased greatly, which demands center government to decentralize its authority in order to achieve regional autonomy ultimately. However, the author here thinks that the country - governed - district system could lead the way to that ultimate goal through accumulating and spreading experience. The thesis also proposes specific outline of autonomy regulations of villages, towns and cities and conceives major supporting measures to the reform of the county - governed division system.

This thesis aims to take the subject of country - governed - district and to follow the line of its (administrative organizations governed by county) reform and development in history. The thesis also combines and extracts the most advanced the knowledge of geography, history, administration, economy and other relevant theoretical disciplines in order to describe in a panoramic view the major establishments and

management systems of country - governed - district ( organizations governed by county ) in different ages in our country , to conclude their rules and developing mechanism and to analyze the profound development mechanism of village - and - town administrative division after the founding of the People ' s Republic of China . Regarding the current administrative division reform centered by country - governed - district , the author gives systemic analysis from different angles and by relating various kinds of disciplines , and would conceive the direction of future country - governed - district reform through theoretical and practice study and learning from experience of city - town system of other countries and Taiwan . The whole article is composed of nine chapters whose major content is listed below .

Introduction: this part introduces the subject of this thesis that country - governed - district , defines and classifies some relevant concepts , points out the theoretical and practical sense of this study and summarizes the train of thought and methodology of this thesis .

Chapter 1 , the focus of this chapter lies in generalizing major domestic study achievements and evaluating several major reforming proposes on country - governed - district at present through analyzing its general theories and studying progress in our county and other countries , tracing back some documents and statements of this field of study and considering the status quo and problems of village & town administrative system and its management system .

Chapter 2 , the fundamental theories of county - administrating - district are introduced briefly ; and closely related theories are sorted out such as urbanization , the urban - rural relationship , intergovernmental relationship and local autonomy etc . Then , it analyzes the relationships

between the above theories and the system of county jurisdiction over administrative which is discussed in this thesis, as well as its reform.

Chapter 3, regarding the shaping, developing and changing of the county governing system in our country, it analyzes systemically the overall and basic developing and evolving line of country - governed - district (organizations governed by county) in history from Qin and Han dynasty to the republic period, and further takes a research into the establishment and management of the administrative division system during the special revolution - base period before the founding of PRC. It also concludes the features and developing and changing rules of country - governed - district through the time and the regional and city - village's divide - and - control system.

Chapter 4, this part checks in phase the country - governed - district system of the new China, discusses its evolving regulations through the time and puts emphasis on problems of urbanizing trend of country - governed - districts, expanding managing scale and grade decreasing. Meanwhile, it takes a deep research on the status and existing problems of the country - governed - district systems, and analyzes the unsuitability of our current village and town system. And then, it analyzes the necessity of reformation of the country - governed - district system in our country.

Chapter 5, this part analyzes that concerning the re - fixing of country - governed - district in our country under the conditions of WTO, globalization, urbanization, informationization and new development of rural construction, the thesis also indicates our direction of future reform of country - governed - district (village, town level) system; to build county - governed - city system in order to accomplish



the transformation from county - village and town system to county - village, town and city system; to promote regional autonomy in administrative system in order to realize the autonomy of county - governed villages ( ethnic villages ), towns and cities.

Chapter 6, this part analyzes the city system including the organizational system to cities & towns, and the administer powers in the main countries ( America, Japan, Germany, France etc. ) and our Chinese Taiwan area, sum up the experience, and analyzes the exploration and practices of country - governed - city system in late Qing dynasty and early public period, in order to provide experience to the reformation of the country - governed - district system in our country.

Chapter 7, in order to analyze the feasibility of county - governed city system in our country, this chapter sets out from the principle of "the shoe must fit the foot", the growing trend toward cityship and township, the overall and main direction of administrative division system reforming in our country, the survey of public recognition. Moreover, it denotes that the implementing of county - governed city system is the combination of city system and the new idea of country - governed - district system in our country, and it shows the basic content of future county - governed city system; establishing future trio - level city system based upon the innovation of city establishing system - directly governed city, province governed city, county governed city; creating "appropriate piece cutting city establishing" model under the management concept of "urban - and - suburban overall governing"; making reasonable standard of county governed city establishment; specifying in auditing and approving regulations future procedures and organizations for the county governed city auditing and approving; confirming