

Yu Keping

Democracy in China

Challenge and Opportunity



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Preface

Democracy, governance and globalization are among the hottest topics in realpolitik for every single country in contemporary world. They are also the most important discourses in today's humanities and social sciences fields. However, what's democracy? What's governance? What's globalization? And what are their implications to humankind under today's historical context? What opportunities and challenges will they bring to all the countries across the globe? Different intellectuals and politicians have different or even conflicting answers to the aforementioned questions. Thus, a serious and scholarly analysis on these questions is both conducive to deepening social sciences researches and narrowing the substantial political differences among the people as well. This is exactly the responsibility for political scholars.

As a selection of important articles on democracy, human rights, governance and globalization by the author, this book not only highlights the author's answers to the aforementioned questions, but also presents the general ideas of the author, as a Chinese political scientist, on such hot issues like democracy, human rights, governance and globalization etc. From the perspective of political philosophy, the author examines some important concepts including human rights, democracy, governance, good governance, legitimacy, globalization and state sovereignty etc and dissects the delicate interrelations between human rights and democracy, democracy and governance, good governance and legitimacy as well as between globalization and state sovereignty. On the other hand, the author also discusses such important realpolitik issues including democracy, human rights, new immigration, citizenship, state governance, populism and state sovereignty in contemporary China and the debate on "China Model" thesis as well.

Composed with three separate parts as “Democracy”, “Governance” and “Globalization”, this book includes 11 articles altogether. All these articles have been published in Chinese, but their English version, for the most part, is brand-new. The author is indebted to those who have contributed to the publication of the book in general and the translators and English editors in particular. Special thanks to Dr. Yan Jian and Dr. Hou Tianbao, who did invaluable and irreplaceable assisting work during the process. The author is honored to have this book being sponsored by the National Publishing Fund for Translated Chinese Works.

Yu Keping
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Part I

Democracy

Human Rights and Democracy

For hundreds and thousands of years, great thinkers have devoted their energies to understanding politics. The output and contribution of this body of work has been very great: we understand a lot about the underlying patterns of political development, we have accumulated a large body of knowledge of political science, and we have many accepted truths regarding political life. This has been of great service to humanity in the pursuit of ever better political systems and ever greater social progress. Here, I want to discuss some of the most important truths of political science, and I will particularly emphasize a number of long-neglected political truths. Four of these are most important: firstly, humanity has a set of common basic political values. Secondly, appropriate political systems are needed if these values are to be realised. Thirdly, to date, democracy is the best political system we have. Fourthly, there are a set of objective standards by which we can evaluate how democratic political systems are.

1. Human Rights Are a Basic Political Value

Simply stated, human rights are those basic rights which all persons possess, or ought to possess. “All persons” refers to all people in society, irrespective of their race, colour, sex, language, religion, political views, nationality, family status, wealth, education, ability, etc. Calling these “rights” signifies that they are demands individuals make of governments or societies, not vice versa. To say that these are “basic” rights is to say that human rights are the basis of all rights; without human rights, we cannot talk about any

other rights.

Human rights can be divided into two main categories: basic political rights and socio-economic rights. Basic political rights are what were traditionally called natural rights, mainly the right to survival, the right to freedom, the right to equality, etc. Socio-economic rights are rights to various forms of welfare, including the right to health, the right to education, the right to rest, etc. The Universal Declaration of Human Rights lists a total of twenty-eight human rights, the most important of which are the right to equality, the right to freedom (of religion, of expression, of association, of movement, of security of the person, of employment, of communication, of assembly), the right to life, the right to independence, the right to dignity of the person (the right to be recognised as a person, the right to privacy; the right to respect of reputation), the right to petition, the right to a public trial, the right to nationality, the right to marry, the right to asylum, the right to take part in government, the right to various kinds of benefit (the right to social security, the right to education, the right to assistance, the right to rest, the right to culture and leisure, etc), the right to own property, the right to pursue happiness, etc (UN General Assembly 1948).

Human rights are demands individuals make of governments or societies, not demands governments or societies make of individuals. These demands can be either positive or negative, as can human rights. Negative rights are the rights of “free from” and refer to those rights which individuals require the state to ensure are under no circumstances infringed. States have the duty to ensure legal protections for these individual rights and to ensure that they are not infringed. Negative rights are also known as individual rights, and they are the corollary of human life. These rights include the right to freedom (of individual action, of security, of residence, of movement, of expression, of authorship, of publication, of faith, of petition, of employment, of communication, of assembly, of association, etc), the right to equality (equality of the sexes, equality of different religions, equality of different races, political equality, economic equality, equality of political parties, individual equality, etc). Positive rights are the rights of “free to” and refer to those demands for action made of the state by individuals, including the

right to social benefits. This is mainly expressed in the rights to various kinds of benefits (for example, the right to work, the right to education, the right to social assistance, the right to protection of health, the right to leisure, etc). Negative rights denote things the state must abstain from doing; positive rights denote things the state must actively bring about or, rather, things which must be guaranteed by the state. They are duties from which the state may not withdraw.

As demands by individuals on the state, human rights imply a constraint on government's behaviour towards individuals. That is to say that human rights directly determine what government should and should not do, what government can and cannot do, in relation to individuals. If the state acts incorrectly, infringing individuals' freedom of conscience, education, expression or life, it tramples on human rights. Equally, if the state fails to do what it ought to do by, for example, failing to provide basic education for its people, by failing to provide assistance for those in serious need, it also tramples on human rights. The degree to which human rights are realised in a given country is one of the main indicators of whether a government is just and democratic.

Human rights are moral rights and are necessary components of a normal life. "Necessary" rights are, in the main, determined by human nature, rationality and morality; they are not assigned by specific groups or individuals, nor are they simple legal stipulations. However, if these moral rights are not turned into statutory legal rights, then they lack basic safeguards. For that reason, today human rights are expressed in legal rights in all countries to a greater or lesser degree. Distinguishing the moral and legal character of rights is important for two reasons. Firstly, human rights should not conform to law; rather, law should conform to human rights. If the law violates human rights, people have a right to violate the law. Secondly, law is not the arbiter of human rights; rather, human rights must be judged in terms of moral considerations. That is to say, in the absence of formal law, legitimate human rights cannot be seen as illegal.

In theory, human rights are self-evident, universal, inalienable and inviolable. To say that human rights are self-evident is to say that they are

not earned, that they need not be codified in law and that they are not granted by whomsoever; rather, they are rights that all should possess. All favours given by government or by others, all concessions, all promises – these are not human rights. To say that human rights are universal is to say that they are possessed by all persons, irrespective of their country, race, status or ability. To say that human rights are inalienable is to say that these rights embody fully-developed human nature and that, in the same way that people cannot give up or transfer their human nature, neither can human rights be surrendered or transferred. To lose one's rights is to lose one's dignity and to become less than a fully-developed person. To say that human rights are inviolable implies that every person has the right to resist any unjust intervention – in the first place the right to resist unjust intervention by the state.

To say that human rights are inalienable, inviolable and self-evident is to say that these rights are absolute. However, in reality, human rights are a relationship between the individual and society and their exercise is therefore relative and is, to a degree, restricted. While all people possess human rights, here “all people” comports certain criteria; to be possessors of human rights, persons must have sufficient capacity for rationality, independence and choice. In the exercise of their rights, the individual may not infringe the normal activity of others or of society. What this implies is that human rights, as a form of right, are the same as any other right and connote duties and responsibilities. If the individual infringes the normal activity of others or of society, then the death penalty is not an infringement of his right to life and incarceration is not an infringement of his right to freedom. In emergency situations, the state can suspend and/or limit certain human rights, though this is of course temporary, and the state does not have the right to remove human rights under any circumstances. Accordingly, all countries' constitutions, as well as specifying rights, also specify duties of citizens.

Human rights are, in essence, a form of moral right, and it has taken hundreds of years for these moral rights to become legal rights in the majority of countries, and the achievement of these rights has already come, and will continue to come, at a great price. For political, economic and cultural

reasons, today one would be better to talk about human rights as rights that each person ought to possess, rather than rights they do, in fact, possess. The reality is that human rights are a long way from being fully realised in many countries around the world. All kinds of special privileges, including class privilege, continue to exist, while power politics wrecks societies and the trampling of human rights remains common everywhere. The gap between human rights as moral rights and as de facto rights mirrors the emergency and imperativeness of human rights issues. In recent years the international community has made human rights a focus of attention. On one hand this expresses a direction for concerted effort, and on the other, it highlights the fact that realization of humanity's basic values in today's world is an arduous process: achieving them requires continued hard work.

2. Only a Good Political System Can Guarantee the Interests of All

All reasonable political scientists and political thinkers imbued with a sense of responsibility understand that it is thoroughly impossible to realise humanity's basic values and to protect human rights if appropriate political structures are not in place. Under a bad political system, even if politicians and citizens are genuinely selfless and have good intentions, it is hard to avoid eventual descent into tyranny or dictatorship. Once dictatorship, tyranny or oppressive government exists, it is impossible to fully guarantee individual freedom, equality, respect and other democratic rights.

There is a contemporary scholar who makes a very formal distinction between the disciplines of economics, politics and ethics. He argues that economics is concerned with questions of how to achieve the greatest benefit with the smallest cost; accordingly, its core concern is production. Politics, though, is concerned with questions of the distribution of the benefits of economic activity; its core concern is the distribution of value. Ethics is concerned to ask whether the distribution of benefits through political activity achieves a just result; its core concern is the evaluation of value. This distinction is not necessarily very exact, but it voices a basic fact –

that politics is concerned with the distribution of benefits and that it plays a key role in the distribution of social benefits between different individuals and groups. At a time of relative scarcity of resources, when the production of benefit is the principal task of social activity, the economy frequently becomes people's main concern. Once the production of benefits is assured and distribution of these benefits becomes a society's most pressing concern, people's attention naturally turns to politics. Obviously, production and distribution are indissociable, and the importance of each component is relative. This means that economics and politics exist in a state of interaction, and this interaction is an important component of social development.

Distribution of benefits is rarely straightforward. Each person, group and class has their own specific interests and people's actions are directly or indirectly related to their own interests. As Karl Marx said, what people struggle to achieve are their interests. Obviously, such interests are not limited to material interests, but also include political and spiritual interests; they are not confined to base cravings for material things, but also extend to the lofty pursuit of honor. It is inevitable that there will be contradictions and conflicts between individuals and between groups. Contradictions and conflicts, if not attended to and left to take their course, lead to the kind of situation described by Thomas Hobbes, the seventeenth century theorist of natural law and the social contract, of a war of all against all, or, as Friedrich Engels said, conflicting interests risk consuming "themselves and society in fruitless struggle (Engels 1985)."

How to prevent society consuming itself in fruitless struggle or, put another way, how to avoid the war of all against all? This requires an authoritative organization whose role is to formulate and enforce a set of rules. These rules should specify a number of things. They should specify how this organization is to be composed, of whom and according to what principles. They should specify the operating principles and the internal structure of this organization and how it can best perform its function. They should specify the range of things that can be distributed, such as property, money, status, rights, freedom, equality and how these benefits should be distributed, to whom, and according to what principles. They should specify

who should receive greater and lesser shares of society's benefits and who should have their benefits expropriated. They should specify who is to receive material benefits, who is to receive political benefits and who is to receive spiritual benefits, and who is to receive a combination of these, and in what proportion. They should specify the process and standards to be employed in distributing these benefits. They should specify what the long-term interest and public interest are, and how these are to be encouraged while at the same time harming individual and short-term interests as little as possible. Such an authoritative organization and such enforceable rules are a necessary component of the existence and development of any civilized society; in normal speech, we call these "the state" and "the political system."

In a society that upholds the rule of law, participants in economic exchange, whether individuals or legal persons, sign contracts specifying certain standards of behaviour. In the course of exchange, if one party breaks the contract, the other has the option of legal redress and the possibility of compensation, while the other party may be liable to punishment. In today's world, this kind of system is accepted as absolutely normal. One should ask whether this kind of contract exists in society's political exchange. That is to say, is there an agreement recognised by both citizens and government according to which any party who breaks the agreement can be punished? According to Marxist theory, the answer is "yes." According to Marx, the political system is an agreement between civil society and the political state, or in other words, it is an agreement between citizens and government (Marx & Engels 1956). According to this logic, a country's constitution is the most authoritative expression of this agreement, a contract between citizens and government which both sides must hold to. A constitution stipulates that government must guarantee citizens' basic rights to necessary liberty, equality, benefits and so on. In return, citizens must fulfill certain obligations. A failure by government to guarantee these rights is a breach of agreement, as is a failure by citizens to fulfill their obligations. Any party which fails to honor this agreement should be punished accordingly.

There is a tendency to focus preponderantly on the importance of a country's political system for social production and growth, and from this

to judge whether a given political system is good or bad. To be sure, this is extremely valid: a good political system can simultaneously provide government with sufficient authority and citizens with ample freedom; a government with sufficient authority is the basis of maintaining social and political order, without which people cannot thrive and prosper, and without which economic development is hard to achieve and society's wealth cannot grow. A political system which accords authority to government without giving sufficient freedom to citizens will lack the conditions for material production, and scientific and technical innovation and advance, and this, sooner or later, will become a brake on socioeconomic development and will be bad for the growth of wealth. Once people lose the creativity that comes from freedom, then they risk being reduced to the level of the other animals, seeking only satisfaction of basic material needs and forgoing development of individuality and personality. Marxism describes the influence of the political system on economic development as that of the reciprocal action of the superstructure on the base. Marxism sees the political system as part of the social superstructure, and sees material relations as the economic base. The economic base determines the superstructure, and the superstructure must be adapted to the economic base. But the superstructure has a large reciprocal action on the economic base, and this action may be completely at odds with the economic base. A good political system can stimulate countries' social and economic development, while a poor system can be a hurdle to development.

As well as judging a political system on how well it manages to create wealth, there is an equally important standard according to which we should also judge it: whether it achieves a just distribution of social benefits. In fact, the action of politics on economics described above is by no means direct; rather, it is indirect action which takes place through a number of intermediate links: the political system is not directly responsible for the production or distribution of material benefits or put another way, it is not directly responsible for efficiency; this is the province of the economic system. What the political system is directly responsible for is distribution and redistribution of fundamental benefits or, in other words, social justice.