

论有中国特色的 国家行政制度

张立荣 著

中国社会科学出版社

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内 容 提 要

建设有中国特色社会主义的政治，是中共“十五大”提出的党在社会主义初级阶段基本纲领的重要内容之一；而建设有中国特色的国家行政制度，则是建设有中国特色社会主义政治的一个重要方面。因此，研究有中国特色的国家行政制度问题，显然具有十分重要的政治意义和理论意义。

本文以马克思主义政治学说和邓小平建设有中国特色社会主义理论为指导，主要运用规范分析与实证分析相结合、政治分析与生态分析相合的方法，对植根于中国特定社会环境和具体国情、与社会主义现代化进程相伴随的有中国特色国家行政制度的基本架构、生成背景、主干内容、运作效能、完善方略、发展模式等问题进行了系统、深入的阐释和探究，并提出了具有一定独到性和创新性的思路、见解和观点。

全文涵括序论、六章和尾论，分三大部分：

序论为本文的第一大部分。它简要阐释了本文研究的主题和出发点，界定和论析了“有中国特色的国家行政制度”的基本涵义和研究状况，在此基础上阐明了本文研究的重要意旨、主要方法和篇章结构。

第一章至第六章为本文的第二大部分，主要从宏观与微观的结合上描述和透析有中国特色国家行政制度的基本架构及其具体内容。这部分是全文的主干。

第一章勾勒和剖析了有中国特色国家行政制度的基本架构及其成因。认为，作为有中国特色国家政治制度重要组成部分的有中国特色国家行政制度，是一种由有中国特色国体即人民民主专

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政制度及其政体即人民代表大会制度所规定和制约的行政制度，其基本架构大致由相互关联的五大模块组合而成，即单一制的国家元首制度，国务院制的中央政府制度，民主集中制基础上的行政首长负责制，多位一体、中共主导的政府决策与执行机制以及内外结合的行政监督制度；这种制度架构是多种复杂因素共同作用的产物，其中主要的因素有九种，即马列理论、实践经验、苏联模式、现实国情、历史传统、文化氛围、社会结构、经济体制和政治时局。

第二章从历时态、共时态以及比较的角度考察、讨论和揭示了国家元首制度的变化情形、类型归属和自身特点。提出，我国国家元首制度经过五个时期的变化发展，已经比较完善，比较适合我国国情。从国家元首的基本特征、职权作用、组成形式和国际社会认可来看，我国现行国家元首制度属于单一制类型。与西方国家相比，我国现行国家元首制度在元首产生方式、地位、职权等方面具有自身特点。

第三章以中国共产党领导人民探索、创建和调整社会主义政权组织形式的历程及其原则为坐标，寻绎和厘定了国务院制中央政府制度的嬗进轨迹和本质特征。认为，随着我国政治经济形势的变化，国务院制中央政府制度经历了五个发展阶段，逐渐趋向成熟，但仍需按照社会主义市场经济发展的要求进一步加以调整，使之不断完善。本文指出，根据现行宪法的规定，国务院从属于全国人民代表大会，实行民主集中制基础上的总理负责制。我国国务院制中央政府制度所具有的这两个特征，使其在制度性质、依循原则、政府与政党的关系以及目标取向方面明显相异于西方国家中央政府制度。

第四章以全球视野和宪政维度考察和论析了行政首长负责制的历史源流、深刻意蕴、鲜明特色和完善对策。指出，行政首长负责制作为一种政府责任形式，最早滥觞于资产阶级革命率先完

成的英国，后由集体负责转向个人负责。我国 1982 年宪法框架下的行政首长负责制的“负责”意蕴在于：行政首长对其行使行政职权所引起的后果负政治责任和法律责任。它生动地体现了民主集中制的组织原则和活动原则。这种制度付诸实施之后，在取得明显成效的同时也存在不少问题。鉴此，本文提出了四条对策性建议，即赋予行政首长一定的人事权，真正树立行政首长的权威；明确规定集体讨论重大问题的范围和程序，增强行政首长决策的科学性和有效性；加强立法工作，提升行政首长负责制法治化程度；采取切实措施，充分发挥国家权力机关对行政首长的监督效能。

第五章运用规范分析与经验分析相结合的方法，根据宪法和党章规定以及实地考察和访谈调查所获得的信息和资料，解读和描述了多位一体、中共主导的政府决策与执行机制。提出，当代中国政府决策与执行的结构有两大系统，即由宪法所规定的宪政结构系统和由中共党章所规定的党政结构系统。这两大结构系统既有静态结构、运行周期和工作原则方面的相同点或相似点，又有领导体制、运行时间和组织基础方面的不同点。它们在实际运作的过程中有机地联结在一起，并以党政结构系统为主导，即表现为中共组织、行政机关、人大、政协等机构多位一体，以中共组织为主导的中国政府决策与执行机制。这是一种具有鲜明中国特色的、不同于外国尤其是西方国家的政府决策与执行机制。

第六章从理论与实践的结合上全面阐释了行政监督制度的理论基础、演进历程、体系结构、运作状况以及改进方略。认为，马克思、恩格斯、列宁、毛泽东、邓小平等在社会主义革命和建设不同历史时期所论述的马克思主义民主政府观、“廉价”政府观、责任政府观和法治政府观，共同构成我国行政监督的直接理论基础。经过 50 余年的建设和发展，已经形成内部监督与外部监督相结合的较为完整的行政监督体系。在实际运行的过程

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中,这种监督体系既取得了一定效能,又存在不少缺陷。为此,本文提出了“明确一条要求”、“遵循三项原则”、“实现五个转变”的改进方略。

尾论为本文的第三大部分。它根据我国现代化建设中长期发展战略的要求,运用政治生态学的观点,探讨了有中国特色国家行政制度在21世纪发展的动力、目标、模式和途径。提出,有中国特色国家行政制度在新世纪发展的动力因素表现为现代化进程中经济、政治、文化发展的客观诉求,广大人民群众利益的实现需要,具有革新意识的政治领导者和行政工作者的直接推动以及国际环境的严峻挑战;发展的目标取向是实现政府高效化、公正化、民主化、科学化、廉洁化和法治化;发展的基本模式为整体协调——分阶段演进;发展的根本途径在于行政改革。

本文以“五大模块”构建有中国特色国家行政制度研究的理论框架,具有一定的创新性和开拓意义。在现行国家元首制度的类型归属及特点、国务院制中央政府制度与西方国家中央政府制度的分野、行政首长负责制的宪政意蕴和特点、政府决策与执行的宪政结构及党政结构、行政监督制度的理论基础、行政制度发展的基本模式等方面,文中提出并阐发了较为独到的见解和观点。论文所提出的完善行政首长负责制、建设行政监督制度、推进行政改革的思路、策略和举措,具有较强的新颖性、针对性和可操作性。此外,本文以政治生态学的理念,运用规范分析与经验分析相结合的方法,缕析和思考社会主义现代化进程中有中国特色国家行政制度的形成、运作和发展问题,也具有一定的政治学研究方法探索价值。

关键词: 国家; 行政制度; 政治制度; 中国特色

Abstract

Building socialism with Chinese characteristics is an important part of the Party's basic programme at primary stage of socialism proposed on the 15th National Party Congress. And building state administrative system with Chinese characteristics is an important part of socialist politics with Chinese characteristics. As a result, researching issues of state administrative system with Chinese characteristics is of great political importance obviously.

Guided by political theory of Marxism and Deng Xiaoping's doctrine of building socialism with Chinese characteristics, this paper mainly uses method of combining model analysis and positive analysis, political analysis and ecological analysis. It systematically and profoundly explains and probes the basic frame, background, main content, running efficiency, perfecting method, developing model of state administrative system with Chinese characteristics which is rooted in Chinese specific social circumstance and actual conditions companied by socialist modernization process. This paper also puts forward some arguments of originality and creativeness to some degree.

The whole paper contains three parts. They are prologue, main body and epilogue. The prologue is the first part of this paper. It briefly explains this study's theme and starting point. It delimits and argues on basic meanings and current researching fact of state administrative system with Chinese characteristics. On this base, it clarifies the aim, method and structure of the study.

Chapter one to six makes the second part of this paper. They describe and analyze the basic structure and concrete content of state administrative system with Chinese characteristics from macroscopic and microscopic angle. This part is the main body of the paper.

Chapter one outlines and analyzes the basic structure and contributing factors of state administrative system with Chinese characteristics. It points out that, as an important part of state political system with Chinese characteristics, this system is an administrative system stipulated and restricted by China's state system as well as the form of government. We all know that China's state system is people's democratic dictatorship and China's form of government is the system of people's congress. It's basic structure is made up of five modules which relate to each other. They are single system of state head, central government system of State Council, administrative official - in - chief's responsibility on the base of democratic centralism, decision and executive mechanism under the lead of CCP, and administrative supervising system from inside and outside. These system structures mentioned above are the outcome of all kinds of complex factors, which can be set into nine aspects. They are the theory of Marxism and Leninism, experience gained in practice, formula of the Soviet Union, actual country conditions, cultural circumstance, social structure, economical system and current political situation.

From comparative angles of chronic and synchronic, chapter two observes, studies and reveals the changing situation, types of state leader system and characteristics. It advances that China's state leader system is quite perfect after experiencing five changing stages and conforms to the reality in China. Taking regard of state leader's basic characteristics, functions and powers, constitution formula and international acceptance, China's present state leader system is a kind of single system. Compared

with western countries, China's state leader system has its own characteristics in state leader's creation, position and power, etc.

Making the process and principles of research, foundation and modulation of socialist political power's form by the people under CCP's lead, chapter three delimits State Council system's development and essential characteristics. It holds the view that, with the changing of China's political and economical situation, State Council system has experienced five developing stages. The relation between party and government is heading toward maturity, but it still needs to be further regulated according to the development of socialist market economy to make it perfect. This paper points out that, according to present constitution, State Council is subordinated to the National People's Congress. It practices a system of Premier's responsibility on the base of democratic centralism. These two characteristics make China's central government system obviously different from that of the western countries in system nature, abiding principles and aim - orientation.

In chapter four, this paper reviews and analyzes the historic headstream, profound meanings, bright features and perfect countermeasures of the system of administrative official - in - chief's responsibility from the angle of the whole globe and constitutional government. It points out that as a kind of responsibility form of government, the system of administrative official - in - chief's responsibility originated from Britain, which took the lead in finishing the bourgeois revolution. Then it was transferred to individual responsibility. In China the meaning of "responsibility" of the system of administrative official - in - chief's responsibility in the framework of 1982's Constitution lies in that the administrative official - in - chief should take political and legal responsibility resulted from the administrative authority he has practiced. It incarnates vividly the organiz-

ing principle and running principle of democratic centralism. While great achievement was obtained by implementing this kind of system, there were still some problems. Whereas this paper has brought forward four suggestions: building up the authority of administrative official – in – chief by enduing him a certain control over personnel affairs; stipulating brightly the field and procedure of important problem to be discussed by collectivity and strengthening the scientificity and validity of decision made by administrative official – in – chief; strengthening the work of legislation and enhancing the extent of ruling by law of responsibility system of administrative official – in – chief; taking real measures and fully exerting the supervising efficiency to administrative official – in – chief from state power organs.

In chapter five, by combining canonical analysis with experience analysis and by summarizing the provision in constitution and Party Constitution as well as information and material obtained by investigating on the spot and interviewing, the paper explains and describes governmental decision – making and executing mechanism leaded by CCP. It points out that there are two systems of frame of governmental decision – making and executing mechanism in contemporary China—the constitutional frame stipulated by the constitution and the party frame stipulated by the Party Constitution. These two systems have sameness and similarities in view of their static state structure, functioning period and working principle. They also have differences in view of leading system, functioning time and organizing foundation. They have been connected organically in the course of functioning and hold the system of party and administration as the lead, which manifests as the decision – making and executing mechanism leaded by China's government and a multi – unity of CCP's organization, administrative organization, People's Congress and Chinese People's Con-

sultative Conference. This kind of mechanism has bright Chinese characteristics and is different from foreign countries, especially western countries.

In chapter six, by fully explaining the theoretic foundation, evolution history, system structure, functioning situation and improving strategy of the system of administrative supervision theoretically and practically, the paper thinks that the idea of democratic government, idea of "cheap" government, idea of responsible government and idea of government ruling by law discussed by Marx, Engels, Lenin, Mao Zedong and Deng Xiaoping in different historic time of socialist revolution and construction has become direct theoretic foundation of administrative supervision in China. After 50 years of construction and development, a relatively perfect administrative supervision system combining inner supervision with outer supervision comes into being. During the course of functioning, this kind of system has obtained some achievements, but there are still some defects. Therefore, the paper brings forward the innovating strategy of "clearing one requirement, abiding by three principles, realizing five changes".

The end of the paper is the third part. According to the long-term and middle-term developing strategic requirements for China's construction of modernization, by using the idea of political ecology, it discusses the impetus, aim, model and way for developing the state administrative system with Chinese characteristics in 21st century. It also brings out that the impetus factor for developing the state administrative system with Chinese characteristics in the new century is the objective requirement in course of modernization, the need to realize benefit of the mass, the direct force of political leader and administrative personnel with innovating idea as well as the austere challenge from international environment; the aim-orienting for development is to realize government's high efficiency,

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impartiality, democracy, scientificness, incorruptness and ruling by law; the basic model for development is coordinating as a whole and evolving in phrase; the essential way for development lies in administrative reforming.

This paper makes use of "five components" to form a theoretical frame of state administrative system with Chinese characteristics. It is of a certain creativeness and pioneering significance. This paper raises up some unique viewpoints in present state leader system's types and characteristics, the differences between State Council system and western central government system, constitutionalism's meaning and characteristics of the system of administrative official - in - chief's responsibility's, governmental decision and execution's constitutional government structure and party structure, administrative supervision system's theoretical foundation, administrative system's developing pattern, etc. This paper's countermeasures in perfecting the system of administrative official - in - chief's responsibility, building the system of administrative supervision, pushing forward administrative reform are of great originality, aim and practicableness. In addition, by using political ecology's theory and the method of combing model analysis with experience analysis, this paper probes and analyzes the formation, practice and development of state administrative system with Chinese characteristics during the process of socialist modernization. It is of a certain value in the researching of Politics' study method.

Key words: state; administrative system; political system; Chinese characteristics

博士学位论文专家评语

(以评语签署时间的先后为序)

杨海蛟 (中国社会科学院政治学研究所研究员):

《论有中国特色的国家行政制度》，对植根于中国特定社会环境和具体国情，与社会主义现代化进程相伴随的有中国特色国家行政制度的基本架构、生成背景、主要内容、运行机制、实际效能以及发展模式等问题进行了系统、深入的论述，并提出了一些进行调整和改革的独到见解和基本思路。全文有如下特点：

首先，选题意义重大。有中国特色的国家行政制度作为有中国特色国家政治制度的重要组成部分，对其进行政治学的分析和研究是十分必要的。然而多年来学术界对它的研究很不系统，偶尔个别论著有所涉及，也未做专门的深入探讨。因而论文以此为主题展开研究，其成果有助于人们提高对中国特色国家行政制度的理性认识，增强坚持和完善这一制度的自觉性和坚定性。同时，有助于构筑有中国特色国家行政制度研究的理论范式，拓展和丰富有中国特色社会主义政治学的研究领域和内容，促进中国政治学的进一步发展和繁荣，因而具有重大的理论价值和实践意义。

其次，内容丰富、深刻。论文从宏观和微观的结合上描述和透析了有中国特色国家行政制度的基本架构，剖析了形成原因，从历史和现实的结合上和比较的角度考察、分析了这一制度的变

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化情形、演变轨迹，对不同于国外的地方作了具体阐述，与此同时，还探讨了有中国特色国家行政制度发展的动力、目标、模式和途径。全文论及内容全面，几大部分结构合理，论述精当，且具有一定的理论深度。

再次，富有学术创见。论文在诸多方面具有一定的创新性和开拓意义。在现行国家元首制度的类型及特点、行政首长负责制的宪法意蕴和特点、政府决策与执行的宪政结构及党政结构等方面，均提出并阐发了较为独到的见解。

最后，写作规范，方法科学。论文标注清楚，注重学术规范，综合运用了规范研究和实证研究，矛盾分析与历史分析，政治分析与生态分析相结合的方法，具有创新的意义。

2002年5月20日

刘 瀚（中国社会科学院法学研究所研究员）：

一、选题具有重大理论与实践意义。行政机关担负着实现国家职能的量最大、面最广的任务。从行政制度入手研究我国行政机关的产生、发展、机构设置、权力配置、运作情况以及监督机制等，并参酌自己的和别人的经验教训，以实现行政的高效化、公正化、民主化、科学化、廉洁化与法治化，是我国改革开放和现代化建设中最重大的课题之一。从选题看，作者关注现实，力图在理论与实践的结合上下一番功夫，且收到了预期效果，应予充分肯定。

二、观点正确，富于创新。该文坚持以马列主义、毛泽东思想、邓小平理论为指导，立足点、出发点、归宿点都贯穿了实事求是的原则，且有创新。如第4页在论列各家对“国家行政”概

念的界定后，作出了自己的界定，并加以论证，有说服力。又如第 59 页，在论述财政监督时，提出应把目前隶属于行政系统的国家审计机关调至国家权力系统。从其论述和论证过程看，这是作者自然提出的一个制度创新建议。这虽不能断言是作者第一个提出此观点的，但应肯定，这是作者在研究的基础上，理顺某些权力配置的必然结论，因此，是很有价值的。

三、结构完整，逻辑严谨，行文流畅。就我国行政制度来说，该文既抓住重点，又顾及到了全面，把所有应论列的问题都涉及到了，说明作者对此主题是研究有素，很有功底的；该文三大部分的结构，显示了作者对重大、复杂课题的把握和统摄能力；行文符合现代汉语规范，也符合学术规范。在语言表述上，没有有的论文翻译文体痕迹充斥的缺点，从头至尾，有作者自己简法、明快表述的特点。

2002 年 5 月 22 日

程又中（华中师范大学科学社会主义研究所教授）：

历史和具体地把握新中国行政制度的特色，并科学地探讨有中国特色行政制度走向完善的目标和途径，是中国政治学界责无旁贷的重要任务。作者的论文选题因此具有显著的理论和实践意义。

作者以马克思主义政治学说和邓小平理论为指导，坚持唯物辩证法的基本方法论，运用规范分析和实证分析相结合、政治分析与生态分析相结合、历史分析与矛盾分析相结合、系统分析与比较分析相结合等具体方法，全面考察了有中国特色行政制度的基本框架、形成原因和单一国家元首制、中央政府制度、行政首

4 论有中国特色的国家行政制度

长负责制、中共主导的政府决策与执行制、内外结合的行政监督制等主要构成部分，多角度地展示了有中国特色行政制度的鲜明特色，在此基础上探讨了完善和发展我国行政制度的动力、目标、模式和途径。全文结构严谨，分析透彻，表达准确，观点鲜明。

作者在文中提出的 21 世纪应以更新行政观念为先导、以转变行政职能为基础、以重构行政组织为重点、以调适行政关系为核心、以优化行政人员为关键、以加强行政法治为保障、以提升行政能力为主题，继续将行政制度的改革向更加广泛的范围和更加深入的层面推进的观点，具有理论上的创新性和实践上的可操作性。

该论文是一篇优秀的博士论文。

2002 年 5 月 22 日

项继权（华中师范大学科学社会主义研究所教授）：

国家行政制度是关于国家行政的基本规范，它涉及国家行政机构的组成、职权及其活动方式等不同方面，也是实现国家意志、实行公共管理的基本途径。从目前来看，我国国家行政制度正处于深刻的变革之中。特别是随着我国市场经济体制的建设、现代科学技术的发展及中国加入 WTO，我国的行政制度面临前所未有的挑战，如何建立适应现代市场经济体制的行政管理体制，建设廉洁、勤政、务实和高效的政府，成为当前亟待研究的问题。张立荣的博士学位论文“论有中国特色的国家行政制度”对当代中国的国家行政制度进行专门研究和系统分析，对建设有中国特色的国家行政制度提出一些建议，选题不仅具有重要的现实意义，也有重要