




论 军人地位

LUN JUN REN DI WEI

——社会变迁中军人地位的确立与维护

黄文涛◎著



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ABSTRACT

Since the end of 1970s', China has entered an age of all - round transition. During deep changes in all fields of economy, politics, culture, society and the army, the institutionalization and patternization system of the social status as well as their interrelations have been adjusting and changing continuously. As an important part of citizens, establishing and safeguarding status of servicemen is not only a hope of servicemen but also that of the public. To some extent, how to establish and safeguard status of servicemen is a vital factor which influences whether we can construct a modernized and regularized revolutionary army, and is even related to mightiness and renaissance of China. Safeguarding status of servicemen by laws is both an important field in study of military sociology and a sensitive topic in reform of social security system of servicemen. This book seeks to make systematic analysis on status of servicemen at all times and in all over the world. It mainly contains the followings:

The social change is an epochal transform on structure in current China. The armed forces are an important part of the society, and the servicemen are a main chain in social structure. When we focus on studying and exploring to safeguard the status of servicemen in a historical background of social change and a general trend of system civilization, we can answer and solve some important theoretical and actual problems during the course of military building. Therefore, it is

valuable for referring policy and developing theory. There have been great many writings on study about social class but comparatively less on that about status of servicemen. It indicates from another aspect the laggardness in study of legalization of servicemen's status. On the base of these cognitions, the book probes the theme of research on status of servicemen, and then introduces some basic issues such as the emphases, methods, innovations and the frameworks of the study and so on.

This dissertation marks the first attempt to analyze the servicemen's status rights and interests by applying the common social class theory and to define status of servicemen concept scientifically. Status of servicemen means a position that military men take in the social stratum structure, an ability of possessing and dominating the social resource, a degree on playing their role and fulfilling the duty. This definition elucidates, first, status of servicemen belongs to a historical category which is a course from birth, growth to dying out. Second, status of servicemen belongs to a social category whose essential behavior is their social attribute. Third, status of servicemen is a relation category which is deeply affecting on people's action and relation. Fourth, status of servicemen is a colony category rather than individual existence. Fifth, status of servicemen is a comparative category, if there is not a reference group it means nothing. Sixth, serviceman's status is a multiplex category, including multi-position variables. Meanwhile, the book makes connections clear among military status, military role, military benefit, military treatment, military right, military obligation and other definitions.

The legalization of status of servicemen is a course which defines military men's commonly status, regulates military men's basic

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rights, explains the demands of military men's role, and stipulates military men's especial obligations by a series of laws, statutes, rules and system. It is very significant to make the legalization of status of servicemen come true. At first, status of servicemen becomes a legal status. Second, more and more military elites can be attracted into army. Third, military men's treatment begins to stabilization. Fourth, the morale could be inspired. Finally, the relation between army and society also can be harmonized.

As a special social and historical phenomenon, status of servicemen has its inevitability of development. This inevitability decides the status of servicemen. China's servicemen should be considered as national civil servants as to their career, middle and high paid class as to structure of social classes, social elites as to their military crafts, class of special contribution as to missions of the army, and first maintained group as system of social security. There is always certain difference between the actual and deserved status of servicemen and the status has a kind of fluctuation, sometimes up and sometimes down. There are complicated and various reasons causing the fluctuation of the status of servicemen. Among them, policy and system is the basic factor to decide the status of servicemen, income is an important sign to reflect it, situation of national security is the outer factor to control it, cultural accomplishment is the bargaining counter of the times to change it, and guide of social opinions is the important atmosphere to influence it.

We need scientific evaluation system to have a correct understanding of the actual status of servicemen. There is not only one standard to divide social classes and evaluation of status also has many angles of view and standards. Besides, they are not invariable and

will change with social change and mobility. Evaluation of the status of servicemen should give priority to the special professional attribute of servicemen, and give full attention to their general social attribute at the same time. We should decide reasonable social reference group according to different classes of servicemen, and insist on analyzing their status from multi dimensionalities and all round point. The book tries to form an evaluating and analyzing model of status of servicemen from dimensionalities of their income, political credit, professional prestige, cultural accomplishment, family forming and class consciousness.

The legal system of status of servicemen began to build since army occurred. The dominant culture, developing successively, not only determined the tropism to build military legal system, also incarnated the different conditions of military status in finally. For one thing, the book reviews the conditions that our nation built the legal system of status of servicemen in a changing escuage system. It introduces the system of military men's identity, burden, income, and education in the Minjun system, a system of escuage before Qin dynasty, then points it is origin, ancestry and kin that military status is determined under the social structure which civil and military are syncretic. Starting with showing lawmaking conception, registered permanent residence system and the system of awarding rank by military exploit, the paper explains that military exploit class belongs to a higher caste and leads the warrior ethos in recruiting system. In the Shibing system, a system of escuage for generations, the paper summarizes some mechanisms for status of servicemen coming true, which include the system of military apart from civil, keeping soldiers doggeries, hereditary identity, occupancy by orders, marry servicemen only and family hos-

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tage system, etc. these systems indicate that the trend of status of servicemen is more humble. In the Garrison militia system, a system of house military, through the analysis of servicemen's identity, deal, selection principle and political honor, we can conclude that the legal system about status of servicemen is directly correlated with them, and obviously has a hierarchical brand of distinguishing the noble and humble. In the conscription system, the book shows the military compensation system, specialization, selection and examination system. We can know that servicemen are all lifers and lansquenets, whose status, treatment and general diathesis are high.

Although in traditional society the legal system of servicemen's status is different because of age changing, the general trend is obviously same. From the angle of the leitmotiv military legal system building, the author thinks that the most important purpose does not exist in safeguarding status of servicemen but to control and use servicemen as a servant. As the content of military legal system restricting is considered, the laws do not limit to the aspects of sources of soldiers, taxes and labors, also impose restrictions on servicemen's parentage, treatment and other rights totally. From the angle of the principle of military legal system executing, the essential demand of legislation is not equity, justice and universal applicability. It changes also as the dynasties alternate and military affairs transform. All of above give us valuable illuminations. Firstly, we must endow servicemen an important station as the national mainstay according to law. Secondly, servicemen's significant character as a soul of national people must be restricted by law. Thirdly, it is a commonly figure that servicemen must be identified with social elites by implementing correlative laws.

It is the west developed countries that began to build the modernizing legal system of status of servicemen. We can see from the analysis of the legalization of foreign servicemen's status, that although the social systems between countries are different, the legal systems of their servicemen's status share the same features. First, think much of ensuring the human rights, which guarantee servicemen to take the basic rights and interests as civics according to legal system. Second, attach importance to the legislation of military salary and reward. That could safeguard servicemen taking the count for compensation. Third, the west developed countries widely regard to building the welfare system, which could ensure servicemen to obtain the special treatments. Fourth, from thinking much of putting the responsibility into effect, the legal systems of servicemen's status are carried out efficiency in the west developed countries. Through the analysis of these traits, we can gain some successful experiences, which the west developed countries build the legal system of servicemen's status. For example, based on the characters of common production of military labor, it is the state that acts as the main body of the legal system of servicemen's status. According to the demand of collocating manpower by market, some legal systems should be established, which could ensure military treatments keeping stronger attraction. Having the specialties of military occupation in mind, military social security system must be founded by laws, which could equalize servicemen's costs for joining the army. From these we can draw lessons to our establishment of military status legal system with Chinese characteristics. What inspires us from the practices of building the legal system of foreign servicemen's status is that we must pay fully attention to establishing the legal systems of servicemen's status in the course of military building to establish

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and safeguard servicemen's status must be brought into the orbit of national legal systems. Establishing the legal systems of servicemen's status must supplement national laws. We must make the military status law accord with the guarantee systems of military treatment each other.

Legalization is the basic experience learned from practices of maintaining the status of servicemen at all times and in all over the world. We should deeply study and analyze current subjective and objective conditions in legalization of status of servicemen, actively make use of and draw on beneficial experiences on legalization inside and outside China and the army to lay down laws of status of servicemen suitable to situations of the country, the army and the people. In the new century and new stage, strengthening legalization of status of servicemen must adapt to the historical background of social change, systematical background of market economy, systematical background of law - ruled country, stage background of harmonious society and background of the times of military change. Legalization of status of servicemen must insist on the principle of taking scientific development view as guide, the principle of taking promoting preparation for military fight and serving future fighting as tenet, the principle of taking establishing and maintaining status of servicemen as hardcore tropism of values, the principle of using active laws as criterion to construct contents of law of status of servicemen, the principle of constructing law and system synchronously to guarantee the enforcement of law of status of servicemen, and the principle of basing on situations of the country and the army to promote the construction actively and steadily. Basic train of thoughts on lawmaking of status of servicemen is to concentrate great efforts on strengthening coordination of the army

and the local government, on perfecting legal system of status of servicemen, and on improving administrative level and cover of the law. Contents of legalization of status of servicemen that should be standardized are mainly: legal status and regulated roles of servicemen, their basic rights, obligations and duties, legal obligation of status of servicemen. In order to strengthen construction of legal system of status of servicemen, we should also perfect functioning mechanisms of evaluation, guarantee and maintenance of status of servicemen. All in all, we should actively promote the construction of legalization of status of servicemen with Chinese characteristics through the lawmaking of status of servicemen.

Keywords: Status of servicemen; Social changes; Legalization

自序

著书立说是一个很高的境界。每每读及前辈学术大师的传世之作,余在思想和心灵受到洗礼的同时,总是有种想写点东西的冲动。这一梦想,从我读研究生那一天起梦萦魂牵近10载,直到2004年秋我师从南京政治学院许祥文教授攻读博士学位,才有机会在一门“朝阳学科”——军事社会学的知识海洋里徜徉,并开始梳理零乱的心得,积累自己的思考。

军事社会学乃社会学属下的二级学科,产生于二战后期的美国。60多年来,这门学科在西方国家得到了迅速蓬勃的发展,为西方主要国家在制定调整国防政策和军事发展战略、确立和维护军人待遇、保持军心士气稳定等问题上,提供了独具特色的分析视角和咨询建议。军事社会学在我国的发展起步较晚,尽管我国古代军事思想中蕴涵丰富的军事社会学思想,但真正的学科研究改革开放以后才逐步兴起。在这方面,我的博士生导师许祥文教授可谓是“第一人”,他1984年率先在《解放军报》上发表文章,把社会学理论引入军事领域,倡议创立具有中国特色的军事社会学,之后又连续发表论文,为这门学科在中国的建立发展起到了奠基的作用。1986年北京大学国防学会编译了查尔斯·H.科茨、罗兰·J.佩里格林合著的《军事社会学》。这是我国有关军事社会学的第一部译著,使国人开阔了眼界,增强了创立发展中国军事社会学的热情。之后,杨亚平、祁永信主编的《军事社会学概论》增补了

我国军事社会学研究领域的空白,季世庆、许祥文、张明庆等也纷纷著书立说,推动军事社会学蓬勃发展。值得注意的是,与其他新学科相比,军事社会学研究仍存在一些不足。比如,理论上缺少有影响的建树和突破,指导实践的军事社会学理论尚待深化;对国防和军队建设科学发展面临重大现实问题的军事社会学研究还不够系统深入,高质量的实际对策和政策建议还太少;研究队伍不够稳定,军地相互交流、联合攻关比较少,等等。军事社会学之所以一直困难不断,其中既有经费投入不足的困扰,也有各种非议形成的不良学术环境的影响,还有研究力量薄弱特别是后继乏人的隐忧。环顾周边一些这方面研究同样起步较晚的印度、台湾等国家和地区,有关军事社会学问题研究均已成规模,而我们还时不时会产生要不要发展这门学科的怀疑和争论。面对此情此景,导师鼓励我不争论,先把研究搞好。在这种求真务实态度影响下,我下定决心为这门学科发展做点什么。

军事社会学是军事学与社会学的交叉学科,是运用社会学基本原理研究解答军队与地方关系以及军队内部社会关系、社会问题的学问。遍览古今中外,任何一门学科的发展完善都需要三个方面的奠基,或者说是从三个方面持续不断地进行学术积淀。一个是,要建立属于自己的学术原理;再一个是,要形成自己的学科发展史;还有一个是,要构建精细化学科专业。按照这论、史、专的要求,军事社会学发展依然任重道远。因为这门学科还很年轻,从探索争鸣、形成发展到实践运用不过短短二十多年,划分发展阶段,开展学科史研究为时尚早。但也应该看到,经过众多前辈的努力,军事社会学的基本范畴、基本概念、基本研究领域、基本理论观点已经比较完备,进一步深入研究、精细化研究已经具备基本条件。问题隐含了时代的脉动。当前,国防和军队建设发展中遇到许多新情况新问题,如军地协调发展在构建社会主义和谐社会中的作用,非战争军事行动中的社会学问题,科学发展中的军民融合式发

展道路,军队在维护世界和平中的作用,战争的社会控制等,都有待于军事社会学进行研究和解答。实际上现在缺乏的也正是这些不同方面的精细化研究,即问题研究。愚以为,从学科建设的角度看,进行军事社会学问题研究,是目前拓展军事社会学领域的重要着眼点,也是推动军事社会学走向繁荣发展的正确选择。

军事社会学研究视野很宽,国内有学者概括为十大领域^①,涉及战争与社会的关系、军事制度变迁、军队的社会职能、军地关系协调、军人角色、军人分层、军人家庭等诸多事关国防和军队建设的重大问题。本书之所以选择军人地位问题作为研究主题,主要是基于三个方面考虑:其一,社会地位问题是社会学基础理论研究特别是关于社会变迁、社会分层、社会流动、社会公正和社会保障等方面研究的重要领域,而军人地位问题无论在理论研究中还是在现实生活中都是一个比较敏感的话题,学术界对此研究明显偏少或滞后。笔者认为,这是造成有关军队建设的一些重要政策制度滞后于社会利益关系调整变化和国家政策制度创新发展,滞后于军队现代化建设的发展的其中一个原因。军人地位问题并不是学术研究的禁区,本书以此为研究主题也不是在为军人这一特殊社会群体争地位高下,实是因为军人地位问题在理论研究和实际工作中我们都无法回避、置之不理。其二,军队是政治上层建筑的重要组成部分,是维护国家安全和社会稳定的重要基石,在一定历史条件下也是促进社会变迁特别是社会制度急剧变革的重要力量。无论古今中外、历朝历代,军人都肩负着特殊的职能使命,军人地位变迁对政党、国家、社会和军队都会产生一定程度的影响。在当代中国社会分化日益多样、人们社会地位不断变迁的时代背景下,军人地位受到了什么样的影响,如何积极有效地维护军人地位,社会

^① 参见许祥文:《军事社会学》,解放军出版社2001年版,第一章第一节。

分层与军人分层有什么样的互动关系等问题,并不是一般性的小问题,实际上也是关系政党兴衰、国家繁荣和社会和谐安定的大问题,可以折射出官兵是否安心服役、甘于奉献,军队能否保持持续旺盛的士气和高度安全稳定,并最终反映出一支军队的凝聚力战斗力。也就是说,军人地位问题是政治问题、社会问题、军事问题和个人问题的高度“统一体”,国家、社会和军队哪一方都不应该忽视或轻视。其三,人是社会发展的主体,人的因素是一切事情的核心。人的问题解决了,一切问题都会迎刃而解。不管是前些年一些部队遇到的征兵难、吸引保留人才难、转业退伍安置难、伤病残人员移交地方难和一些基层干部生活困难等问题,还是军队工资制度调整改革后曾经出现的选取士官热、报考军校和国防生热、大学生参军热等现象,都与社会变迁特别是军人地位变迁有直接的联系,都可以从军人对自身地位的评价和与其他社会群体的地位比较中找到原因,探寻出对策。从理论和实践的结合上对军人地位的变化及维护进行解读,对个人和组织都大有裨益。

学科发展是一种薪火相传的事业。对军人地位问题的研究,许多前辈和同仁作了不懈探索,给我以有益启示。我考取博士以后,在导师的鼓励、帮助和有力指导下,很快就把军人地位研究作为自己的学术兴趣点,持续开展相关研究。两年前,我以《军人地位法制化研究——社会变迁中军人地位的确立与维护》的论文,通过了博士答辩并取得了博士学位。这部书稿便是在此基础上修改完成的。我不敢奢望本书启人心智,但求以此拙著抛砖引玉,让更多同仁关心军事社会学、发展军事社会学。

相信军事社会学的明天一定会更繁荣!

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