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Title

The Role of the Rule of Law in Reshaping the General Pattern of State-society Relation in Contemporary China: Objectives, Effectiveness and Limitations

Abstract

In discussion of the contemporary state-society relation in China, the rule of law is an important dimension that cannot be ignored, especially since China now has entered a new era in which the rule of law is promoted at full blast. There have been profound changes in institutional environment for the construction of the third sector in China along with the deepened reform as well as continuation of the rule of law being carried out. On the one hand, much legislation has been published in relation to the third sector in order to provide increasingly improved normative guidance for social organizations in China, and in spite of the lack of radical change caused to the state-society relation, the legislation is incrementally modifying it. Scholars have shown deep interest in the current legislation for social organizations in China. In their work, they have combed through the laws and regulations in relation to Chinese civil society and paid especially high attention to the procedural reform in the registration/documentation of social organizations. Based on their work, this research project shall make an important advance – we believe that besides procedural laws, substantive laws are more beneficial for us to further understand the systematic institutional environment that the social organizations are facing in China at present. Therefore, it is necessary to study it from the “across departments” view and discuss the internal relevance and logic along these substantive laws and regulations as well as what value orientation they have adopted and what actual effect they have upon Chinese civil society. On the other hand, the reason that the rule of law is a pivotal aspect that cannot be ignored lies not only in that legal environment and systematic framework are important for us to understand the contemporary third sector of China, but also in that the rule of law itself is an essential factor in reshaping the general pattern of the state-society relation in contemporary China. Without analysis of this factor, it is difficult
to have a complete view of the contemporary third sector of China. We shall endeavor to discuss whether the “rule of law with Chinese characteristics” has been playing a part in the development of Chinese civil society and if yes, what kind of part it has been playing. For the empirical part, Shanghai, as a region with higher level of the rule of law in China, has been selected as the research sample for our field study, objects of which include local communist party committees, local unified front work departments, leaders of grassroots organizations and members of new social strata. In sum, the reshaping effect of the rule of law on the current state-society relation in China will be evaluated. Both the significance of the rule of law and its possible limitations will also be listed. We also try to predict the contribution that the rule of law can probably make to the growth and prosperity of Chinese civil society in the near future.

Keyword