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On value demands for rule-of-law culture from the angle of social governance

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ABSTRACT

Rule-of-law culture is a part of the developing overall human culture and its development is also a natural historical process. People's exploration and practice of rule-of-law culture each time indicates their particular value demands. Value demands for rule-of-law culture are not only the fruits of people's understanding of rule-of-law phenomenon, but also an important part of the civilization development of human society. This paper will illustrate the internal mechanism and logical development of value demands for rule-of-law culture from the angle of social governance, beginning with the starting point of value demands for rule-of-law culture and ending with the final goal of value demands for rule-of-law culture.

KEYWORDS

Social governance; Rule-of-law culture; Value demands.



In the process that the law of mankind has been gradually shifted from identity-based law to contract-based law, from obligation-centered law to right-centered law, from savage law to civilized law and from rule of man to rule of law, rule-of-law culture also experienced a process from simplicity to complexity, from spontaneity to consciousness and from culture to civilization. People's exploration and practice of rule-of-law culture each time indicates their particular value demands. Any lack of value demands in any link of the practice and development of rule-of-law culture will lead to stagnancy or even reverse of legal development of mankind. Value demands for rule-of-law culture are not only the fruits of people's understanding of rule-of-law phenomenon, but also an important part of the civilization development of human society. In this sense, the value demands for rule-of-law culture are the internal impetus pushing the development of rule-of-law culture and influence the changes and development of rule-of-law culture.

DEFINITION OF RULE-OF-LAW CULTURE

In the long history of mankind, rule of law and its culture did not emerge at the beginning. Owing to their different locations, languages, lifestyles and ways of thinking, different human communities formed different countries and societies. In order to maintain national and social existence and development, there must be certain rules. The rules aiming at maintaining national and social existence and development fall in the category of "rule of law." The in-depth value concept in the process of ruling a country through legal ways and the practice consciousness form the rule-of-law culture. Though currently, there is no unified definition for rule-of-law culture in the academic circle, they have reached a basic consensus on the materialization form of rule-of-law culture. That is, rule-of-law culture exists in social production and life practices and can be seen in several basic layers of people's social activities, namely, in the conscious or unconscious social awareness layer, rigid and specific social system layer, and vivid and living behavior habit layer. Only by enforcing the rule-of-law culture in rigid system layer into the vivid and living behaviors and practices and consciously developing the ideology and the way of thinking centered with rule-of-law culture can people turn rule-of-law culture into reality in real sense.

THE STARTING POINT OF VALUE DEMANDS FOR RULE-OF-LAW CULTURE FROM THE ANGLE OF SOCIAL GOVERNANCE

Human being's natural attribute is the source of value demands for rule-of-law culture

As the substance living organism with particular and adjustable biological demands, human beings cannot make pure biological or pure cultural expression in a pure condition. On the contrary, the common biological structure of human beings grants people with specific essence. People's specific essence is not just the natural unification as the biological species; more importantly, it can enable human beings to freely and consciously get involved in innovative activities, thus constituting human beings' characters. Such characters are known as human beings' natural attribute. Human being's such characters are a part of their analogic culture. Just like Raymond Williams who defined the culture as the all the life styles of a social group, we can also try to interpret rule-of-law culture as all the life styles of human beings in a law-based society. The process of people choosing different life style is also the process meeting the demands of their own instinct, as well as the process of realizing their own values. People with different life styles have different value demands in social practices. To certain extent, the emerge of law and rule of law meets people's demands for law and realize such demands of people into subjective content through legalized manner. Thus, people's subjective demands are the important connotation of all their life styles and hence, directly influence the generation of value demands for rule-of-law culture.

Human beings' social attributes determines the basic features of value demands for rule-of-law culture

In social governance system, the person is both a kind of analogic existence and also a kind of social existence. As a kind of analogic existence, people's natural attribute leads to the value orientation of rule-of-law culture. As a kind of social existence, the process of human beings developing their own characters in the social relations determines the basic features of value demands for rule-of-law culture. Human's existence is the result of living organism experiencing the previous process. Only in a certain phase of the process can humans be humans.^[1] But once humans existed, they became the constant preconditions of human history, as well as the constant outcome and result of human history. Only through being the outcome and result of themselves can humans be the preconditions. In class society, the culture of a group or a class is the particular life styles of the group or class, the utilization of various legal system, social system, people-to-people relations and behaviors and habits, and the implied concepts, values and significance. On the one hand, human beings' social attribute determines the materiality of the value demands for rule-of-law culture. As the external expression of human beings' social relations, value demands for rule-of-law culture can be used as a way to understand and interpret people's realistic and conceptual relations only when it is objectified among various modes of social relations. On the other hand, human beings' social attribute determines subjective options of value demands of rule-of-law culture. People's influences upon rule-of-law culture are not endless or helpless, but active and limited. The mutual restraints among people and between people and the rule-of-law society they live in determine that when people do something related to rule of law, they usually give priority to some certain value demands while neglect or even snub other value demands. Thus, people in certain rule-of-law culture always choose the value demands that can be understood and practices. In the process, they also constantly reproduce and reform their value demands.

People's personality manifests diversity of value demands for rule-of-law culture

The establishment of a civilized and democratic law-based society depends on the self-development extent of individuals in the society. Only the individuals in the reality, the abstract citizens, as individual people, become analogic existence in their experience life, their own labors and their individual relations, only when people realize their "original force," organize the force as the social force and thus refuse to separate themselves from the social force as political force, and when that time comes can people liberate themselves.^[2] We can see that only by implementing people's natural attribute and social attribute into their personality can people realistically, universally and thoroughly express their value demands through self-consciousness and influence the development orientation of rule-of-law culture, thereby affecting the effectiveness of social governance. Rule of law ensures free development of people's personality, while expression of people's personality enables value demands for rule-of-law culture to show its diversity. Viewing from the development and evolution of people's basic attribute, we can see that people have grown from the original people in the biological sense to the people with social attribute, and on to the people with complete recognition capacity and moral self-evolution, creating a vast space for individuals to realize different values related to law-based society so that people could fully express their own individuality in different value demands for rule-of-law culture. When individual values conflict group values, individuals are thrown into the self-examination attitude to test whether or not their orientation of rule-of-law culture should be rectified, thus forming the diversified value demands for rule-of-law culture on the basis of self-understanding, self-regard and self-respect.

INTERNAL MECHANISM OF VALUE DEMANDS FOR RULE-OF-LAW CULTURE FROM THE ANGLE OF SOCIAL GOVERNANCE

Subjective consciousness of value demands for rule-of-law culture

People's subjective demands and pursuance for rule of law are also deepened, breaking through the limitation of people's demand for self-conservation and ascending to the content for the need of self-development and self-realization. In this sense, if reasonable individuals, who were in the primitive position, wanted to choose a kind of public orders to promote realization of their supreme values, they would probably choose rule of law owing to the affirmation and foreseeability of the aftermath of social activities. Thus, in preliminary sense, rule of law and its culture were created by human beings. In the sense of people's choice after they were created, such value demands for rule-of-law culture were independently made by human beings. In social governance system, People are the creator of rule-of-law culture, as well as its bearer. The internal contradiction and dual attribute of rule of law determine that people should maintain high independency and autonomy in choosing value demands for rule-of-law culture. "Rule of law is only the concepts and technologies of restraining people's various social activities through clear and open laws."^[3] Different countries and nations should eventually form the rule-of-law culture oriented by their own value demands according to their own situations, using their own languages, in line with their own ways and through their own creation.

Social Adaptability of value demands for rule-of-law culture

The first principle of rule of law is establishing and maintaining certain social orders with laws; social order is the social production means and lifestyle that get rid of contingency and randomness, as well as the fixed form of social relations within such production means and lifestyle.^[4] In other words, rule of law is the reasonable recognition of the inevitability of social development and realistic choice of contingency of social development. The requirements of social development toward rule of law, as well as the reflection of social development in rule-of-law culture, could be embodied by the changes and adjustment of value demands for rule-of-law culture.

The dynamic characters of social development determine the diversity of the value demands for rule-of-law culture

Social development is the dynamic governance process where the human beings' essential forces play roles as the subjective capacity and are realized. It is also the active and initiative way of existence and life of human beings as the historical subject, as well as the dynamic process where human beings' knowledge, intelligence, skill and force combine each other alternately into the "analogic" and "historical" force for existence and development. In the dynamic social governance process, as the outcome of human society entering a certain historical period, rule-of-law culture agglomerates the information related to social development and history evolution in the form of solidification, and reflects the contents of social development in a concentrated manner. The dynamic characters of social development determine the diversity of value demands for rule-of-law culture. Dynamic social development plays a decisive and restraining role for the change of value demands for rule-of-law culture. "No one can go beyond the social environment where he or she lives. His or her outlooks on values are usually determined by various elements of the social environment."^[5]

The static characters of social development determine the unification of value demands for rule-of-law culture

The relative static social development determines the unification of value demands for rule-of-law culture. The subject of rule-of-law culture is human being. As the subject, people are influenced by different historical traditions and ethnic cultures and thus establish unique ways of existence and quality. However, owing to the necessary limitation of people's intelligence and the natural logic of personality, people, as the subject, cannot go beyond the general stipulation as human beings, and have to be subject to the common cultural psychological structure reached after long-term of practices.

Hence, people maintain the internal trend of integration and historical unification in value demands for rule-of-law culture. Lenin pointed out that the world history was a whole while various ethnic groups are its organs.^[6] Culture is developed by human beings, pooling the life experience and common spirits of the people within certain ethnic groups. As the outcome and result of human historical development to certain stage, rule-of-law culture focuses on the contradictions and conflicts in communications of human society, as well as harmony and stability of social order. Though different eras and different countries adopt different legal policies and different rule-of-law culture, viewing from the development process of human civilization, we can see that they are moving constantly toward the common goal. In terms of value orientation, they show the historical trend of unification.

Subrogation of social formation influencing the changes of value demands for rule-of-law culture

Owing to the class division and class confrontation brought by privatization, people's ideologies diverged and people from different classes have different value demands for rule-of-law culture. There were even serious confrontation and conflict among them. At that time, the evolution and integration of rule-of-law culture were in unconsciousness state for a long time. Along with the subrogation of social formation, their value orientation also changed, leading to the situation where people's needs for value demands for rule-of-law culture did not match the social development process. The countries or nations with background development might have the bud of advanced value demands for rule-of-law culture. However, viewing from the overall trend of social development, we can see that it is the outdated and conservative value demands for rule-of-law culture that accompanies backward social formation, while new and higher social formation leads to advanced and vigorous value demands for rule-of-law culture. The essence of human civilization development is the process where the civilizations with different natures attract, integrate and convert each other. Rule-of-law culture, as the concrete development orientation of human civilization development, also shows corresponding logic rules. In this sense, the changes of value demands for rule-of-law culture are integrated with the concrete historical process of human civilization development.

DESTINY OF VALUE DEMANDS FOR RULE-OF-LAW CULTURE FROM THE ANGLE OF SOCIAL GOVERNANCE

Realization of the value goal of rule-of-law culture

In social governance system, the value demands for rule-of-law culture is oriented by certain value goals, which, in turn, are the core of value demands for rule-of-law culture. Viewing from the realistic angle of value, we can see that the value goals of rule-of-law culture are mainly in implement level, awareness level and society level. The value goals of rule-of-law culture in implement level are mainly the morality of legal system. Rule of law is the morality of the legal system.^[7] The effectiveness of rule of law depends on the universal recognition and abidance of the social public, while the key of rule of law being recognized and abided is the intellectuality and feasibility of the legal system. Thus, to realize the value demands for rule-of-law culture, the value goals should be made public, foreseeable, can be followed and stable. They should be presented to the social public in the forms of intellectuality and feasibility of legal system. Compared with the visualized sense of value goals in implement level, the realization of the value goals in awareness level has profound and long-lasting significance. John Rawls gave an initiative definition: Legal system means the compulsory order of public rules issued to reasonable individuals to adjust their behaviors and provide the framework of social cooperation.² So, the realization of value goals of rule-of-law culture depends on the intellectuality and feasibility of legal system. More importantly, social members should foster correct the way of thinking and rule-of-law methods so as to turn rule of law into regular way of thinking and action. Plato pointed out that human beings should have and must abide by laws, or they were of no difference from the brutal animals.^[8] This shows the third level of value goals of rule-of-law culture, namely, the society level. Legal system is the basis of rule of law and the legal awareness and legal thinking are the conscious and initiative elements of rule of law. People abiding by legal stipulations make human world different from the natural world, and promote inheritance and development of human civilization.^[9] This grants the value goals of rule-of-law culture with social stipulation. It is also the necessary choice of the development history of rule-of-law society.

Liberalization of the value subject of rule-of-law culture

Famous Chinese literature master Qian Mu pointed out that culture is the complex of life.^[10] As the detailed formation of culture in broad sense in a law-based society, rule-of-law culture is the comprehensive reflection of material world, human world and mind world experienced by human beings in the law-based society. The fundamental value issue of rule of law is people's dignity and freedom. If we say people's dignity is the basis of maintaining the law-based society, the realization of people's freedom is the indicator of the development of the law-based society. The process of people in a law-based society pursuing freedom is the process of realizing value demands for rule-of-law culture. In other words, the realization of value demands for rule-of-law culture is measured by liberalization of the value subject of rule-of-law culture. In different social environments of different eras, people pursue different contents and scopes of value demands for rule-of-law culture. However, only after people's needs and their freedom are met can the value goals of rule-of-law culture be really realized. "Only by joining in the long-term activities of cultural groups in history can people get freedom. Otherwise, there is no freedom at all."^[11] In the process of realizing the value demands for rule-of-law culture, the liberalization of value subjects of rule-of-law culture does not mean the absolute and isolated freedom of individuals, but the comparative freedom of people groups. The freedom can be seen as the cultural consciousness and cultural self-confidence of value subjects of rule-of-law

culture. For a long term, the cultural consciousness and cultural self-confidence are usually diluted, shadowed and even forgotten by the arguments of legal system and political reform plans, making legal construction very difficult. Based on this, we believe that we must make efforts to enhance the cultural consciousness and cultural self-confidence of value subjects of rule-of-law culture in order to realize a law-based country and realize the value demands for rule-of-law culture, so as to give full play to and exhibit the freedom of value subject of rule-of-law culture.

People's comprehensive development is the ultimate goal of value demands for rule-of-law culture

A person, as the social subject, is an open and dynamic system, as well as a three-dimensional and diversified structure. The objectivity of people as a subject determines the objectivity of the content of value demands for rule-of-law culture. The multi-dimensionality of people as a subject determines the historical relativity of the value demands for rule-of-law culture. For Marx, the whole human history is just the changes of people's nature. A development history of rule-of-law culture is the history of people's comprehensive development. Rule-of-law culture reflects a kind of irresistible intention and trend with its unique way, namely, people work hard to create the best conditions for their existence and development and make efforts to pursue their own comprehensive development. Though rule-of-law culture in class society can meet people's low-level need of self-conservation, it also makes people lose their right of self-development. Thus, it is relatively and temporarily uncondusive to people's comprehensive development. In the Socialism society, people's demands have not only conquered the purity and nature of physical needs, but also shaken off externality and passivity of egoism. It is in line with the comprehensive development people's nature. In accordance, rule-of-law culture will also get rid of its own variation. Its value demands will not confront people's needs in the form of opponents, but will appeal to the height of people's comprehensive development. Rule-of-law culture and its value demands will be integrated into the vast area of people's social production and life practices, forming the objective external force in the process of people's comprehensive development. Thus, people's comprehensive development is not only the need of people's essential development, but also the ultimate goal of value demands for rule-of-law culture.

In general, from the perspective of social governance, when we investigate rule-of-law culture in the historical process of human civilization, we can see that for rule-of-law culture, no matter in which era, the generation and existence of its value demands are reasonable within the limitation of necessity. Thus, rule-of-law culture is concentrated with human wisdom and creation and its value demands surely include the philosophic implication of the human race.

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