

# The Evolution and Construction of the Discourse System of Democracy and Rule of Law in China under the Background of Comprehensively Governing the Country by Law

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**Abstract:** The process of China's democratic rule of law is not only the process of democratic rule of law construction from exploration to development and then to comprehensive deepening, but also the process of democratic rule of law discourse constantly evolving and gradually becoming a system. This process is closely related to the practice of socialist democratic rule of law with Chinese characteristics. To construct the discourse power system of China's democracy and rule of law in the new era from the four aspects of concept, subject, resources and prospect is bound to conform to China's practice mode and the narrative of law and intention, and provide impetus and guarantee for the well-being of the Chinese people and the rejuvenation of the Chinese nation.

## 1. Introduction

With the promotion of China's comprehensive deepening of reform and the expansion of its international influence, the construction of a discourse system of socialist democracy and the rule of law with Chinese characteristics and the search for China's political logic have become a topic of concern to more and more scholars in China. At this new historical juncture in the new era, we must stand on the strategic high point of China's rule of law practice and the development of the world's rule of law civilization, comb and review the historical development of China's discourse system of democratic rule of law, and explore the practical significance and innovative practice path of China's discourse system of democratic rule of law.

## 2. Background of the Times: a New Orientation for Building Socialist Democracy and the Rule of Law with Chinese Characteristics

The external manifestation of “discourse” is a set of topics, statements, expressions or speeches in its own system, while its core is social and historical events. Discourse, closely welded with knowledge and power, constitutes an inseparable three-dimensional whole. Since the 18th National Congress of the Communist Party of China (CPC), The international influence of Chinese discourse has been constantly enhanced, the spread of Chinese voice has been expanding, and China's path, China's concept and China's model have become more and more attractive in international comparison. In order to promote the development of socialism with Chinese characteristics, it is urgent to build a theoretical discourse system of democracy and rule of law with Chinese characteristics, Chinese style and Chinese style, and to enhance China's international influence.

In his speech at the symposium on the work of Philosophy and social Sciences, General Secretary Xi Jinping stressed that “to give play to the role of China's philosophy and social sciences, attention should be paid to strengthening the construction of the discourse system.” “We will create new concepts, new categories and new expressions that are easily understood and accepted by the international community, and guide the research and discussion of the international academic community.” Who [1] around the “rule” and “how to rule” and “how's rule” of the three fundamental problems in China's development, strengthen the existing Chinese democratic discourse system of rule of law, and improve people's perception of China's democratic discourse system of rule of law, to realize mass education in China democratic discourse system under the

rule of law, improve China's soft power. The process of systematically exploring, sorting out, sublimating and popularizing the theoretical and practical achievements of democracy and the rule of law is related to China's political security and social stability as well as the long-term stability of national governance. To seize the initiative and win the right to speak will be conducive to strengthening the explanatory power and guidance of China's theory of democratic rule of law, and to enhancing the cohesion of China's theory of democratic rule of law.

## **2.1 Evolution of Discourse Power in China's Democracy and Rule of Law**

### **2.1.1 The Enlightenment Discourse into Which Democracy Has Been Dragged**

Democracy and the rule of law is one of the most influential concepts in philosophy and social sciences in the world, and it is also the core value and system mode recognized by most people in the world today. Democracy, as a secular belief, and democracy and rule of law, as a value concept, profoundly reflect people's desire to seek happiness through their own strength, reflect the right requirements of social development, and also reflect the appeal of human subjectivity and equality.

At the beginning of the founding of new China, the legal system was established, which laid a foundation for the enlightenment of the discourse of the rule of law. The Communist Party of China led the people to create a new situation of the socialist legal system and opened the enlightenment of the discourse of democracy and rule of law in New China. Although the legal system construction in this period was not perfect and the discourse of rule of law changed in twists and turns, the ruling party led the people to explore and construct the legal system, and the top-level design and legislative practice of the democratic legal system became a good beginning to shape the discourse system of new China's democracy and rule of law. Since then, the emancipation of the mind and the reform and opening up laid the ideological and social foundation for the restoration and reconstruction of democracy and the rule of law, and provided the objective conditions for the restoration and development of the discourse of democracy and the rule of law. The discourse of democratic rule of law is gradually proved in the logical transformation of "rule of man to rule of law" and "rule of law to rule of law".

### **2.1.2 Discourse of Rights under the Market Economy**

In the early stage of reform and opening up, the discourse of democracy and the rule of law was based on the transformation of national governance and the practice of the rule of law. The emergence of the discourse of rights and the construction of socialist market economy provided the internal impetus for the confirmation of the discourse of democracy and the rule of law. Marx believed that "everything that men strive for has to do with their interests." [2] In essence, law and rights in the meaning of the rule of law are synonymous, and the core of the rule of law is the realization of citizens' rights. With the gradual improvement of the socialist market economy and the in-depth advancement of socialist democracy, the autonomy and creativity of the people have been stimulated and established. "Characteristics reflected in this era to the rule of law in the process of development, the proportion of performance as the main body in the social factors in the development of the rule of law, growing social main body increasingly become the important force to promote the development of the rule of law changes and, thus the development of the rule of law society endogenous power systems to strengthen gradually, the construction of rule of law society increasingly releases powerful potential." [3] When the talents and talents of the members of society have broad space to be used, the social productive forces develop rapidly, personal wealth also increases gradually, and the rights enjoyed by Chinese citizens become more and more extensive and the types of rights become more and more abundant. The socialist market economy is based on rights. Consistent with this, the consciousness of rights of the whole society is constantly improving and enriching.

### **2.1.3 Institutional Discourse under the Rule of Law**

The basic strategy of the rule of law has established the rule of law as the most authoritative standard. The 15th National Congress of the CPC defined the meaning of the rule of law and

formed the basic institutional model of the rule of law in the national governance system with value certification and discourse establishment as the signs. At the beginning of the 21st century, the rapid economic transformation and social contradictions are intertwined, and the rule of law construction is constantly expanding to the society. Therefore, the discourse of democratic rule of law takes the social transformation as the background, and “scientific development” and “harmonious society” are respectively taken as the development paths and goals to enter the top-level design. With the introduction of the socialist rule of law concept and the formation of the socialist legal system, the discourse of democratic rule of law has realized the double shaping of spirit and norms. Stepping into the new era, China's comprehensive deepening of reform has entered a critical area, and the logical interaction between the discourse of rule of law and the discourse of reform has become more frequent and profound. While “modernization of national governance” and “transformation of principal social contradictions” put forward new appeals to the construction of democracy and the rule of law, they also provide new driving forces for the expansion of the discourse of democracy and the rule of law. The propositions of “China under the rule of law”, “country under the rule of law” and “government under the rule of law” further promote the realization of the institutionalization of the discourse of the rule of law.

## **2.2 The Construction of the Discourse Power of Democracy and Rule of Law in China in the New Era**

### **2.2.1 Concept: to Enhance the International Discourse Power of Sinicization of Marxism**

With the acceleration of the process of the rule of law in Our country, in the face of social transformation and social development of the contradictions and problems, it is urgent to meet the needs of China's actual concept of the rule of law and legal thinking. It is an urgent and realistic task to construct the discourse system of modern democracy and rule of law based on the Sinicization of Marxism by applying the basic principles of Marxism. And discourse system innovation under the rule of law, democracy socialism with Chinese characteristics must be guided by the marxist theory, adhere to the basic principles of scientific socialism and the basic position, pay attention to the top design and strategic thinking of the construction of the rule of law, emphasize the rule of law, administration, administration according to law to promote, in accordance with the country under the rule of law and the rule of law government, rule of law society construction. In order to establish and enhance the image of China as a responsible major country, integrate and publicize China's institutional advantages on the international stage, contribute Chinese wisdom and Chinese solutions to solve human problems, so as to enhance China's international discourse power and revive the status and influence of the socialist legal system.

### **2.2.2 Subject: Highlight the Source of Strength of “Putting the People First”**

In contemporary China, with the extensive development of socialist democracy and socialist market economy, the status of individuals in social life has significantly improved. “People-centered” is not only the fundamental value of the theory of socialist rule of law with Chinese characteristics, but also the fundamental pursuit of the discourse system of socialist democracy and rule of law with Chinese characteristics. In Chinese history, there is the thought of “people first” : “People are the foundation of a country; when the foundation is solid the country is in peace”. Marxism takes the freedom and liberation of all mankind as its purpose; In the new era, General Secretary Xi Jinping has stressed that “the people are the greatest source of confidence for our Party to govern, the solid foundation for our Republic, and the foundation for strengthening the Party and rejuvenating the country.”[4] The process of socialist democracy and the rule of law cannot be separated from the practice of the people's construction. “The people are the main body and source of strength for the rule of law”.[5] Unlike liberal democracy, people's democracy always takes the realization of the public interest and the majority interest as its goal because it adheres to the ultimate value of popular sovereignty. Therefore, we should stick to the people-centered principle and take the people's most common and realistic interests as the focus of the rule of law. On the one hand, the rule of law, which uses the legal system to construct the society, needs to be realized through the

social subject. We should give full play to the active initiative and creativity of the people and ensure that they, under the leadership of the Party, manage State affairs, economic and cultural undertakings and social affairs through various channels and means. On the other hand, we should adhere to the principle of building the rule of law in order to serve, protect and benefit the people, and ensure that the people as the subject enjoy extensive freedom and rights in accordance with the law through institutional innovation and institutional building in the legislative, administrative, judicial and law-abiding sectors, so as to promote the progress of socialist democracy and the rule of law.

### **2.2.3 Resources: Building a Dynamic and Coordinated System of Socialist Rule of Law**

After the 18th National Congress of the CPC, the discourse of building “legal system” changed to that of building “rule of law”, and the “rule of law” was promoted to comprehensively build “China under the rule of law”. The practice and concept of the construction of the rule of law were comprehensively reshaped, and the discourse system of democratic rule of law also realized three-dimensional and institutionalized sublimation. As one of the key tasks of constructing the map of the socialist system with Chinese characteristics, this further highlights the important role of democracy and the rule of law. “The rule of law system is a concept that describes the orderization of a country’s rule of law operation and operation norms, and represents each link of the operation and operation of the rule of law.” [6] The rule of law system covers the rule of law, the implementation of the rule of law, the supervision of the rule of law, the guarantee of the rule of law, and the system of inner-party laws and regulations. It is an organic system with its own internal structure and external value standards. The socialist rule of law system was formally put forward as a new expression. In particular, the 19th National Congress of the CPC redefined the concept of rule of law, which effectively promoted the transformation and upgrading of China’s democratic rule of law.

### **2.2.4 Prospect: Realize the Democratic Governance of “Rule of Law in China”**

The construction of the discourse system of Democracy and rule of law in China inevitably contains a very strong tension structure, among which the discourse of “diversity” and “unity”, “globalization” and “localization”, “tradition” and “modernity” influence each other and complement each other. The strategic layout of “China under the rule of law” needs to be guided by the continuous innovation of socialist democratic rule of law discourse with Chinese characteristics and the condensed theory of socialist rule of law with Chinese characteristics. It focuses on the common interests of the people and emphasizes the realization of the people’s position as masters of the country and the interests of the majority. Therefore, the construction of the discourse system of Democracy and rule of law in China is based on the experience of the practice of socialist rule of law with Chinese characteristics. Combining the “governing the country according to law and managing state affairs by ethics”, “the leadership of the party, the rule of law and the people are masters of the country’s unity”, “democracy institutionalization and legalization”, “rule of law is the basic way of governance” of expression, and so on, has a profound history of the Chinese nation excellent culture accumulation and narrative expression of China and Italy.

Constructing and forming a scientific, reasonable, logical, coordinated and unified discourse system of Chinese democracy and rule of law is an important subject that should not be avoided in the realization of the democratic governance prospect of “Rule of law China”. This requires practice must proceed from China’s national conditions of our rule of law, democracy rule of law rooted in the reality soil and field practice, pay attention to the democratic rule of law, a response to social needs, and to take a hard look at what words and draw lessons from the western tradition of the rule of law and the rule of law, a systemic and systematic to create their own for a basic understanding of law, to guide the practice of rule of law, “rule of China” good vision can be realized at an early time.

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## References

- [1] Xi Jinping on the Governance of China (Volume II)[M].Beijing: Foreign Languages Press,2017,p.346.
- [2] The Complete Works of Marx and Engels (Volume 1) [M].Beijing: People's Publishing House, 1972,p.82.
- [3] Gong PI Xiang comprehensively governed the country by law [M].Nanjing: Jiangsu People's Publishing House, 2015,p.48.
- [4] Xi Jinping on the Governance of China (Volume III) [M].Beijing: Foreign Languages Press,2020,p.137.
- [5] Decision of the CPC Central Committee on Some Major Issues concerning comprehensively Advancing the Rule of Law [M].Beijing: People's Publishing House,2014, p.6.
- [6] Zhang Wenxian, Building a Socialist Rule of Law System with Chinese Characteristics [J].Legal System and Social Development, 2014 (6).