

Yixuan Huang

Professor Alex Wolf-Root

Philo 3410

9 March 2023

Beyond the Text Assignment

In this short paper, I would like to discuss the topic that children of criminals cannot participate in government work or join the army in China and the views given by the famous Chinese law professor Luo Xiang on this topic.

Although there is no explicit provision in the Criminal Law of the People's Republic of China, in practice, the government will review the applicant's family background and political status during the admission review stage and decide whether to admit the applicant. Often, applicants whose immediate family members have a criminal record are rejected; military admissions have the same situation.

In my opinion, this behavior is what Christiano calls the substantive or outcome dimension of assessment of democratic procedures (Christiano 1). When the government is in the process of reviewing and finally rejecting the applicant, government concern itself with whether the outcome, rejecting the applicant, is just or whether it is efficient or protect liberty and promote the common good by rejecting the applicant. However, the government has neglected to examine whether the act itself is just or not. It means government is not judging democratic decisions from the point of view of how it is made (Christiano 1). Besides, the outcome made by decision from the government does not lead to a good result. Based on Christiano, he supposes that the results need not be the best, but they

must not treat others as unequal (Carmen 2). It is obvious that this decision treat the children of criminal's unequal.

Luo gives his idea and explanation for this topic. He believes that we should not let the children suffer through the faults of their parents, and we should treat children of criminals equally. He thinks that the rule that the children of criminals cannot take the public examination to become civil servants or join the army is a kind of collective punishment in modern society. I do not want to comment on the content of his point of view here, but there is a problem with his point of view itself. Luo is exactly the opposite of the government; he judge democratic decisions from the point of view of the quality of the procedure, but not from the point of view of the quality of the outcomes (Christano 1). More specifically, he only focuses on examining whether reviewing the applicant's family background and political status is not just, so we should not take this behavior anymore, but ignores whether this behavior can bring about a fair result.

Both the government and Luo focus on only one aspect of the procedural and substantive justice, which conflicts with Christano's point of view, and cause unjust results. Though the discussion of the topic and Luo's view, we can find why it is important for us to keep both procedural and substantive justice according to Christano. Again, I would like to emphasize that the topic I am discussing is not required by law, which means theoretically, children of criminals can become civil servants.

Reference

Carmen, The Authority of Democracy.

Christiano, Thomas. "The authority of democracy." *Journal of political philosophy* 12.3 (2004): 266-290.

Luo, Xiang. "When we talk about guilt, what are we focusing on?" BiliBili, 2 Mar. 2023,

www.bilibili.com/video/BV1ns4y1o7bD/?vd_source=3a19966e84cb0965fc2551d0d65c1639