

Chapter 4

The Main Principles of the *Constitution of the People's Republic of China*

- Preamble
- Chapter 1 General Principle

The structure and of the *Constitution of the PRC*

The *Constitution of the People's Republic of China* is consisted of the Preamble and four chapters. There are 143 articles.

The structure of the Constitution is as the following:

Preamble

Chapter I General Principle

Chapter II Fundamental Rights and Obligations of Citizens

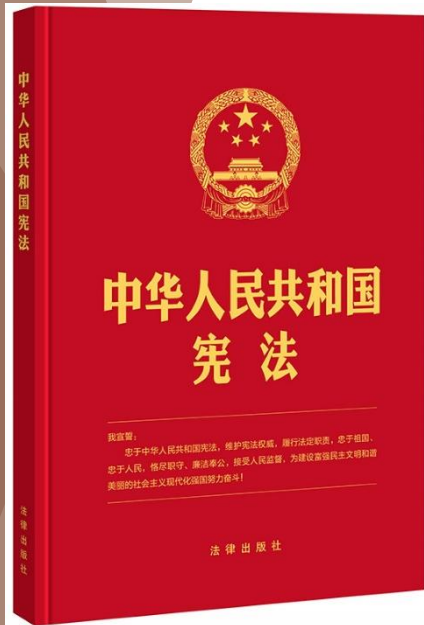
Chapter III State Institutions

Chapter IV The National Flag, National Anthem, National Emblem and the Capital

Group discussion

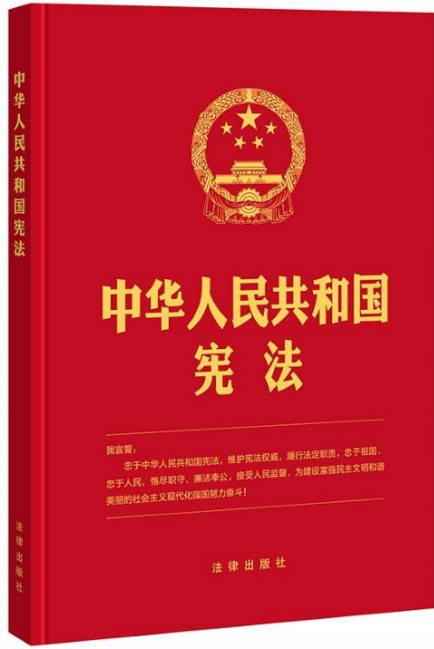
Work in a group of 4-6 people.

Read the **Preamble** of the *Constitution of the People's Republic of China*.

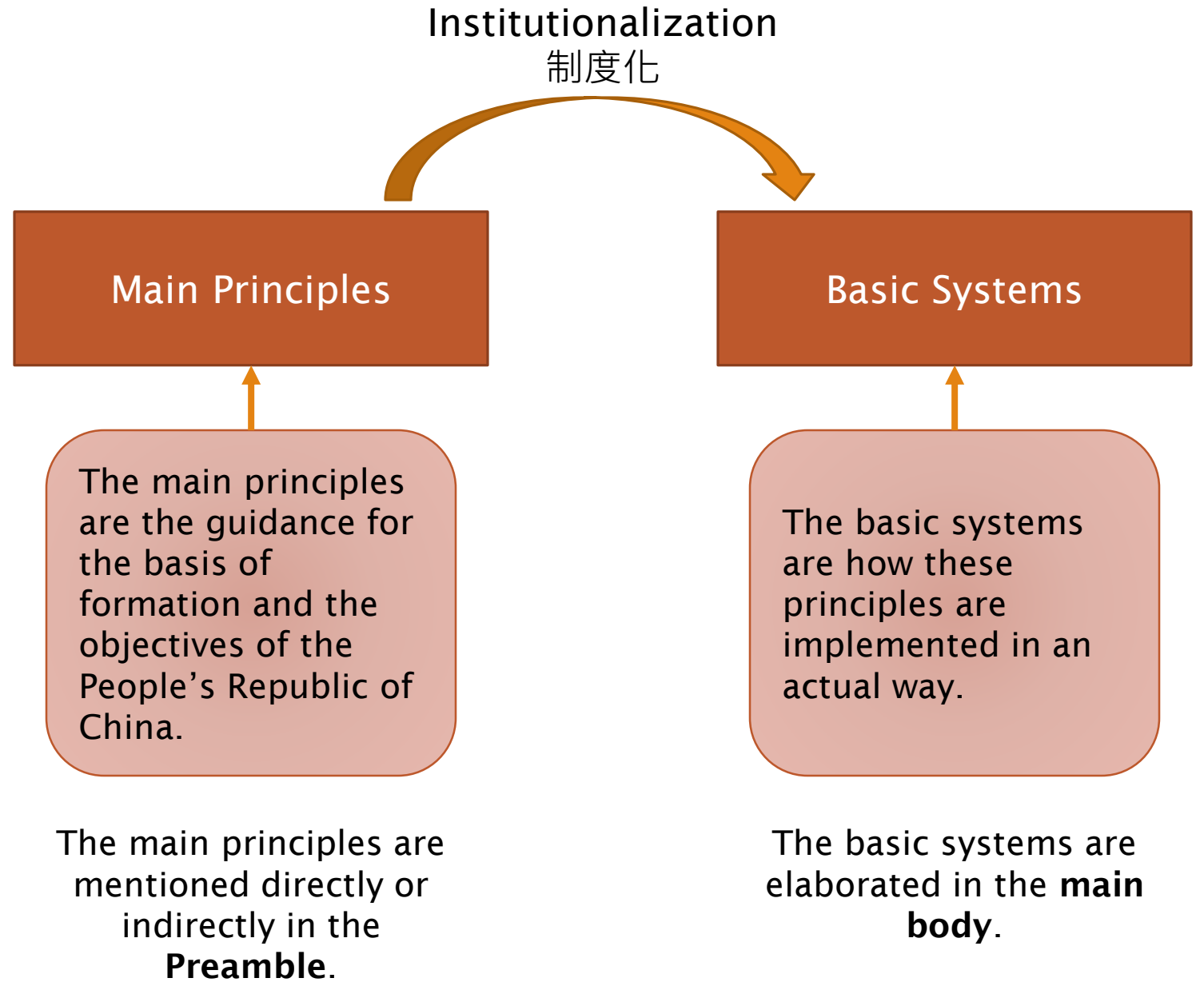


Source of picture: <https://images-na.ssl-images-amazon.com/images/I/61PEEcGYJML.jpg>

- What are some of the historical incidents mentioned in the Preamble?
- List 3-5 key words of the Preamble in your opinion.



Source of picture: <https://images-na.ssl-images-amazon.com/images/I/61PEEcGYJML.jpg>



Four Main Principles

The Principle of Popular Sovereignty
人民主權原則

The Principle of Socialism
社會主義原則

The Principle of Fundamental Rights
基本權利原則

The Principle of Rule of Law
法治原則

The Principle of Popular Sovereignty

The People's Congress System

The Principle of Popular Sovereignty

Para. 5, Preamble

... The Chinese people thus secured power and became masters of their own country.

序言 第五自然段

.....從此，中國人民掌握了國家的權力，成為國家的主人。

Para. 1, Article 2, Chapter I General Principle

All power in the People's Republic of China belongs to the people. ...

第一章 總綱 第二條第一款

中華人民共和國的一切權力屬於人民。

The Principle of Popular Sovereignty

Article 2, Chapter I General Principle

All power in the People's Republic of China belongs to the people.

The organs through which the people exercise state power are **the National People's Congress and the local people's congresses at all levels**.

The people shall, in accordance with the provisions of law, manage state affairs, economic and cultural undertakings, and social affairs through various channels and in various ways.

第一章 總綱 第二條

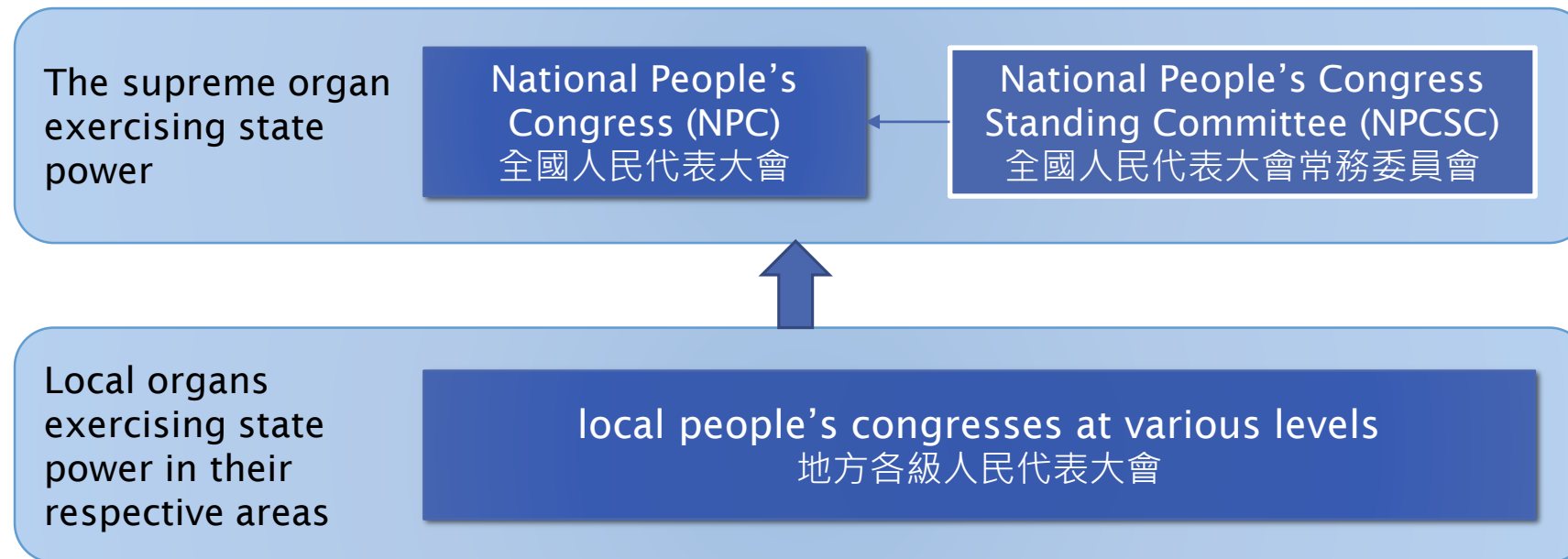
中華人民共和國的一切權力屬於人民。

人民行使國家權力的機關是**全國人民代表大會和地方各級人民代表大會**。

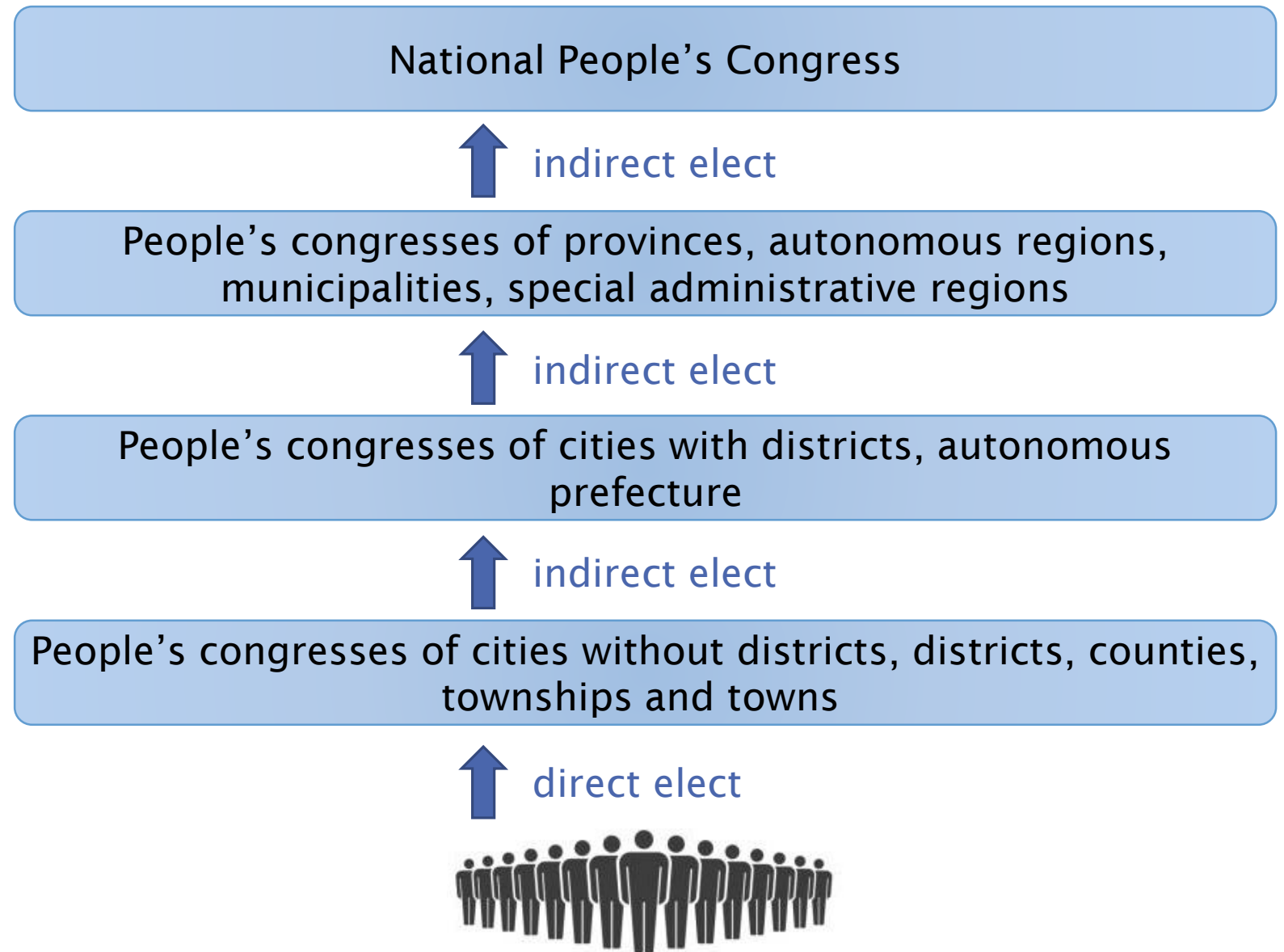
人民依照法律規定，通過各種途徑和形式，管理國家事務，管理經濟和文化事業，管理社會事務。

The People's Congress System

The National People's Congress (NPC) and the local people's congresses at various levels are the bodies through which the people exercise State power.



The Election System of the people's congresses



The Principle of Popular Sovereignty

Article 3, Chapter I General Principle

The state institutions of the People's Republic of China shall practice the principle of **democratic centralism**.

The National People's Congress and the local people's congresses at all levels **shall be created through democratic election and shall be responsible to the people and subject to their oversight**.

All administrative, supervisory, adjudicatory and procuratorial organs of the state shall be created by the people's congresses and shall be responsible to them and subject to their oversight.

The division of functions and powers between the central and local state institutions shall honor the principle of giving full play to the initiative and motivation of local authorities under the unified leadership of the central authorities.

第一章 總綱 第三條

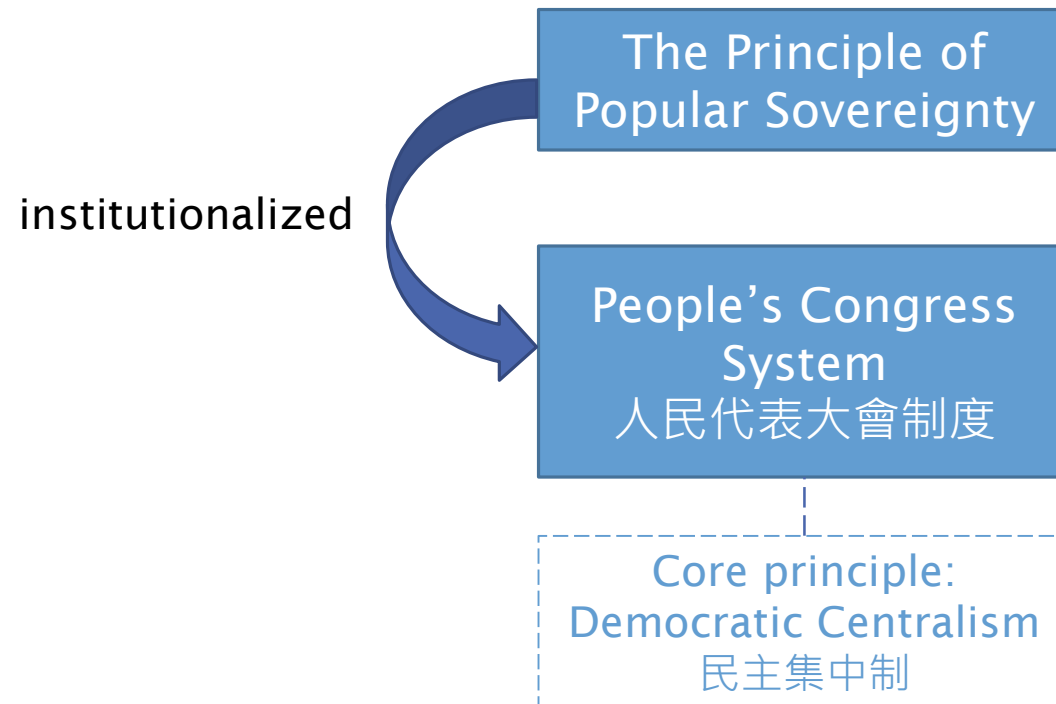
中華人民共和國的國家機構實行**民主集中制**的原則。

全國人民代表大會和地方各級人民代表大會都**由民主選舉產生，對人民負責，受人民監督**。

國家行政機關、監察機關、審判機關、檢察機關都由人民代表大會產生，對它負責，受它監督。

中央和地方的國家機構職權的劃分，遵循在中央的統一領導下，充分發揮地方的主動性、積極性的原則。

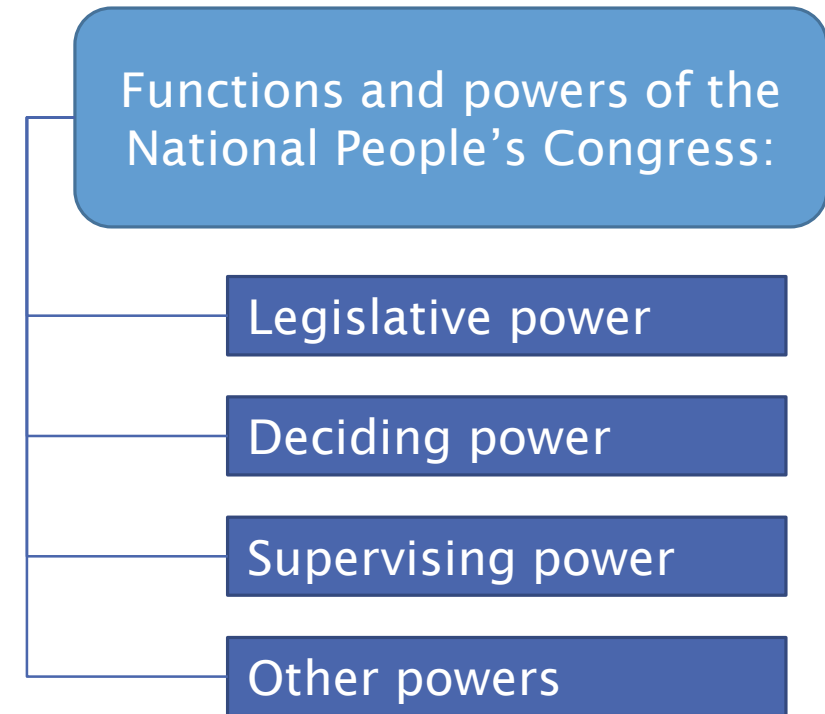
The Principle of Popular Sovereignty



Source of picture:
<http://www.npc.gov.cn/npc/c30834/202005/4f82d46272c24583a8b77a57d780505e/images/99e17660fabe45aaadc511bc2e14046b.jpg>

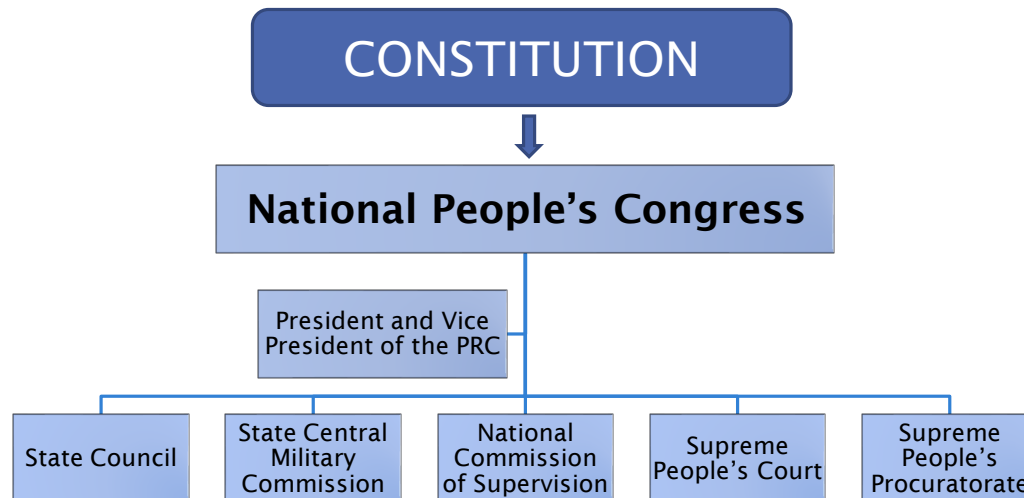
The People's Congress System

The people's congresses at all levels are constituted through democratic elections, and are responsible to the people and subject to their supervision. All administrative, supervisory, judicial and procuratorial organs of the State are created by the people's congresses to which they are responsible and by which they are supervised.

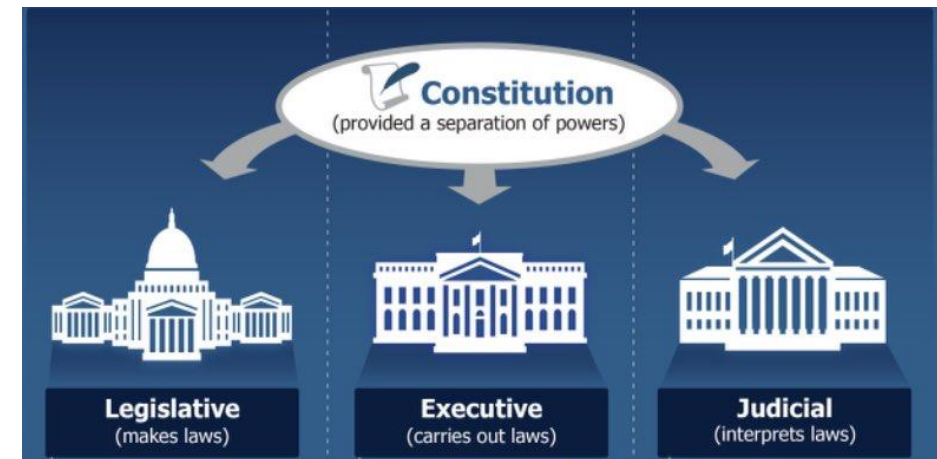


The People's Congress System vs. Separation of Powers

The People's Congress System in China



Separation of powers in western countries



The Principle of Socialism

The Fundamental Political System and the Leadership by the Communist Party of China

The Economic System of Socialism with Chinese characteristics

The Legal System of Socialism with Chinese characteristics

The Social System of Socialism with Chinese characteristics

The Principle of Socialism

Article 1, Chapter I General Principle

The People's Republic of China is a **socialist state** governed by a people's democratic dictatorship that is led by the working class and based on an alliance of workers and peasants.

The socialist system is the fundamental system of the People's Republic of China. **Leadership by the Communist Party of China is the defining feature of socialism with Chinese characteristics.** It is prohibited for any organization or individual to damage the socialist system.

第一章 總綱 第一條

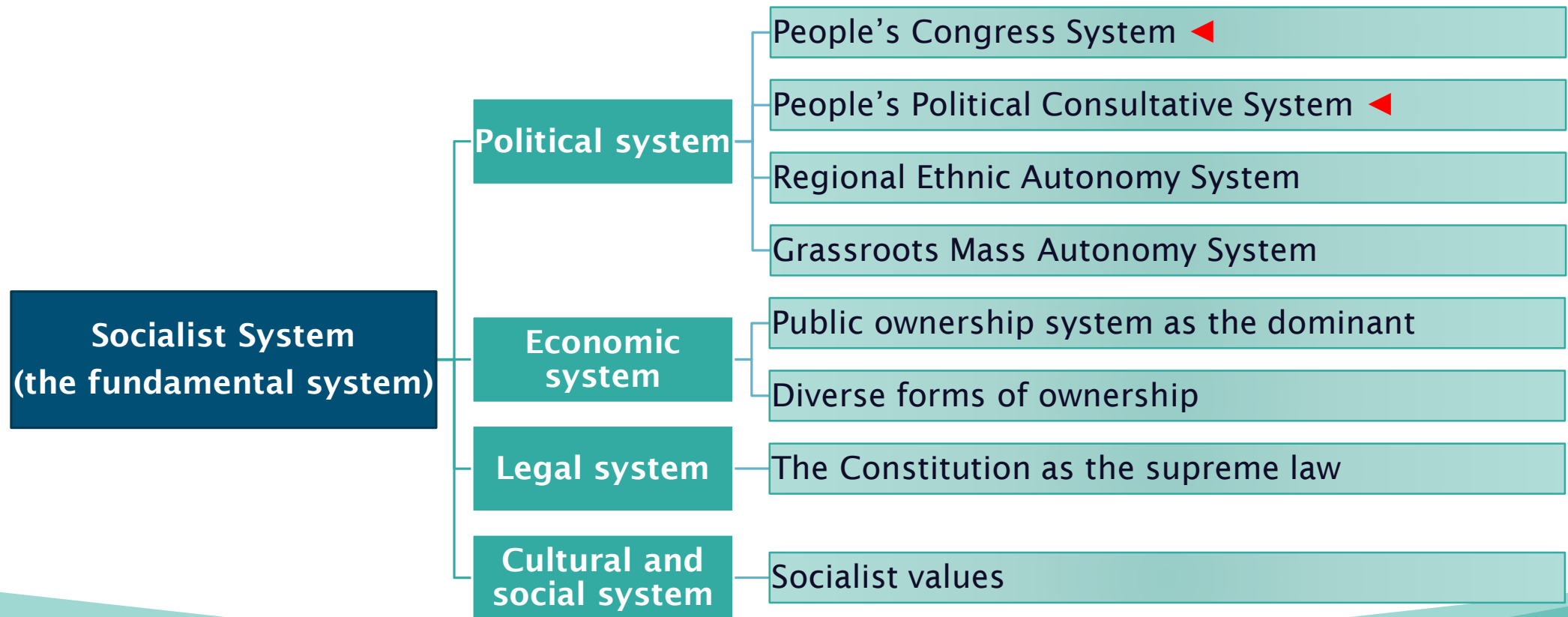
中華人民共和國是工人階級領導的、以工農聯盟為基礎的人民民主專政的**社會主義國家**。

社會主義制度是中華人民共和國的根本制度。**中國共產黨領導是中國特色社會主義最本質的特徵**。禁止任何組織或者個人破壞社會主義制。

The Principle of Socialism

- The **Socialist system** is the fundamental system of the People's Republic of China (PRC). The leadership by the **Communist Party of China** (CPC) is the essential feature of the Socialist system.
- The People's Congress system, the People's Political Consultative, the Regional Ethnic Autonomy system and the Grassroots Mass Autonomy system are the **basic political systems** of the PRC.
- The public ownership as the dominant with diverse forms of ownership developing side by side is the **basic economic system** of the PRC.
- The Constitution is the core of the **legal system** of the PRC.
- The core Socialist values are the contents of the **cultural and social system** of the PRC.

The Principle of Socialism



Political System: The People's Political Consultative System

Para. 10, Preamble

... The **Chinese People's Political Consultative Conference** is a broadly representative organization of the united front, and has played a significant historical role. In the future, it will play an even more important role in the country's political and social life and its friendly foreign activities, in socialist modernization and in safeguarding the unity and solidarity of the country. **The system of multiparty cooperation and political consultation under the leadership of the Communist Party of China** will continue and develop long into the future.

序言 第十自然段

..... **中國人民政治協商會議**是有廣泛代表性的統一戰線組織，過去發揮了重要的歷史作用，今後在國家政治生活、社會生活和對外友好活動中，在進行社會主義現代化建設、維護國家的統一和團結的鬥爭中，將進一步發揮它的重要作用。**中國共產黨領導的多黨合作和政治協商制度**將長期存在和發展。

Political System: The People's Political Consultative System



Source of picture:
https://upload.wikimedia.org/wikipedia/commons/thumb/c/c5/Charter_of_the_Chinese_People%27s_Political_Consultative_Conference_%28CPPCC%29_logo.svg/1200px-Charter_of_the_Chinese_People%27s_Political_Consultative_Conference_%28CPPCC%29_logo.svg.png

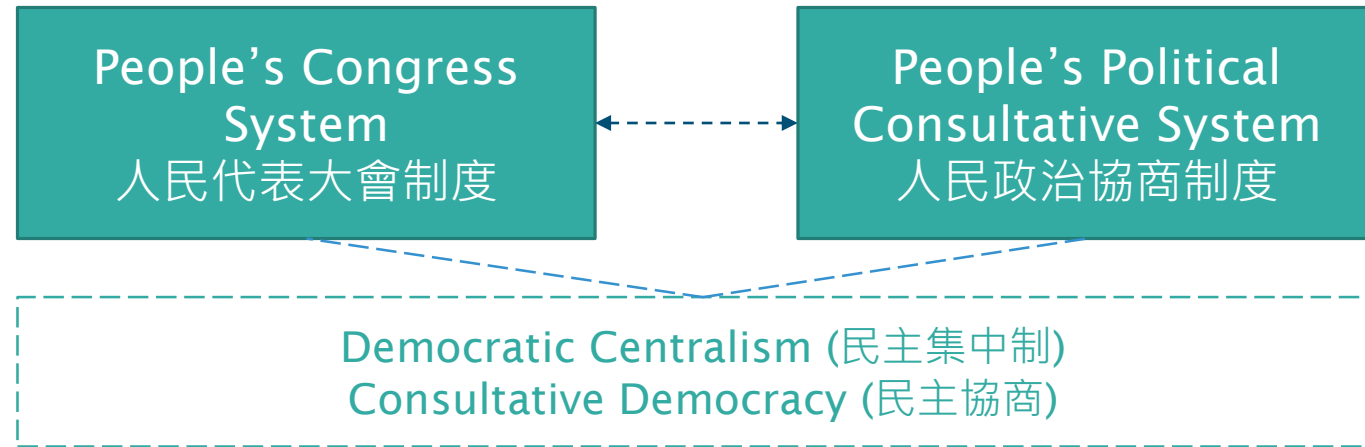
- Developed from the old political consultative conference held in Chongqing in 1946.
- First CPPCC approved the *Common Program of the Chinese People's Political Consultative Conference* (《中國人民政治協商會議共同綱領》) in 1949
- After the adoption of the *1954 Constitution*, the second CPPCC approved the *Charter of the Chinese People's Political Consultative Conference* (《中國人民政治協商會議章程》) and became the institution for the People's Political Consultative System of the PRC

Political System: The People's Political Consultative System

- Led by the CPC, participated and supported by other political parties and members of the society
- CPPCC National Committee (全國政協) and local committees (地方政協)
- The main functions: political consultation, democratic oversight, and participation in and deliberation of state affairs
- A system of consultative democracy – a unique form of Chinese socialist democracy, an important element in the governing system of the PRC



Source of picture: <http://lianghui.people.com.cn/2021/cppcc/BIG5/n1/2021/0310/c437066-32048078.html>



Democratic Centralism

Members have the freedom to discuss and debate matters of policy and direction, but must support the final decision once it is reached through a majority vote. Individuals must obey the organization, the minority must obey the majority, the lower levels of organizations must obey the ones at the upper level.

Consultative Democracy

It is a form of democracy to reach mutual learning and inclusiveness, and to seek common ground while putting aside differences. It guarantees widespread and effective participation in politics through consultations carried out by political parties, peoples congresses, government departments, CPPCC committees, peoples organizations, communities, and social organizations.

Political System: Regional Ethnic Autonomy System

Para. 3, Article 4, Chapter I

All areas inhabited by ethnic minorities shall practice regional autonomy, establish autonomous organs, and exercise the power to self-govern. All ethnic autonomous areas are inseparable parts of the People's Republic of China.

第一章 總綱 第四條第三款

各少數民族聚居的地方實行區域自治，設立自治機關，行使自治權。各民族自治地方都是中華人民共和國不可分離的部分。



Source of picture:
https://upload.wikimedia.org/wikipedia/commons/thumb/c/cf/China_autonomous_regions_numbered.svg/1200px-China_autonomous_regions_numbered.svg.png

Political System: Grassroots Mass Autonomy System



Source of picture: <https://slidesplayer.com/slide/11481160/>



Source of picture: <http://m.coozhi.com/shenghuojiaju/shenghuochangshi/147296.html>

The system of setting up grassroots mass autonomous organizations for self-management, self-education and self services.

Examples for such organizations include villagers' committee (村委会), residents' committee (居委会), etc.

Socialist Economic System

It is not a usual practice to state the economic system of a country in its constitution. However, China is a socialist state. According to the Marxist theory, the superstructure is determined by the economic bases (經濟基礎決定上層建築). Therefore, the economic system is considered to an important part of the basis of the country, thus, is stated in the *Constitution*.

There are 13 articles in Chapter 1 General Principle of the *Constitution* (Article 6 to Article 18) stating the economic system of the PRC.

Due to the rapid development of the economy, articles concerning the economic system are amended most frequently.

Socialist Economic System

Three important contents of the Socialist Economic System:

1. Socialist public ownership of the means of production is the foundation (生產資料的社會主義公有制). (Article 6)
2. Non-public economic sectors are an important component of the socialist market economy (非公有制經濟是社會主義市場經濟的重要組成部分). (Article 11)
3. Socialist public property is sacred and inviolable (社會主義的公共財產神聖不可侵犯). (Article 12)
4. Citizens' lawful private property is inviolable (公民的合法的私有財產不受侵犯). (Article 13)

Legal System: the Constitution as the supreme law

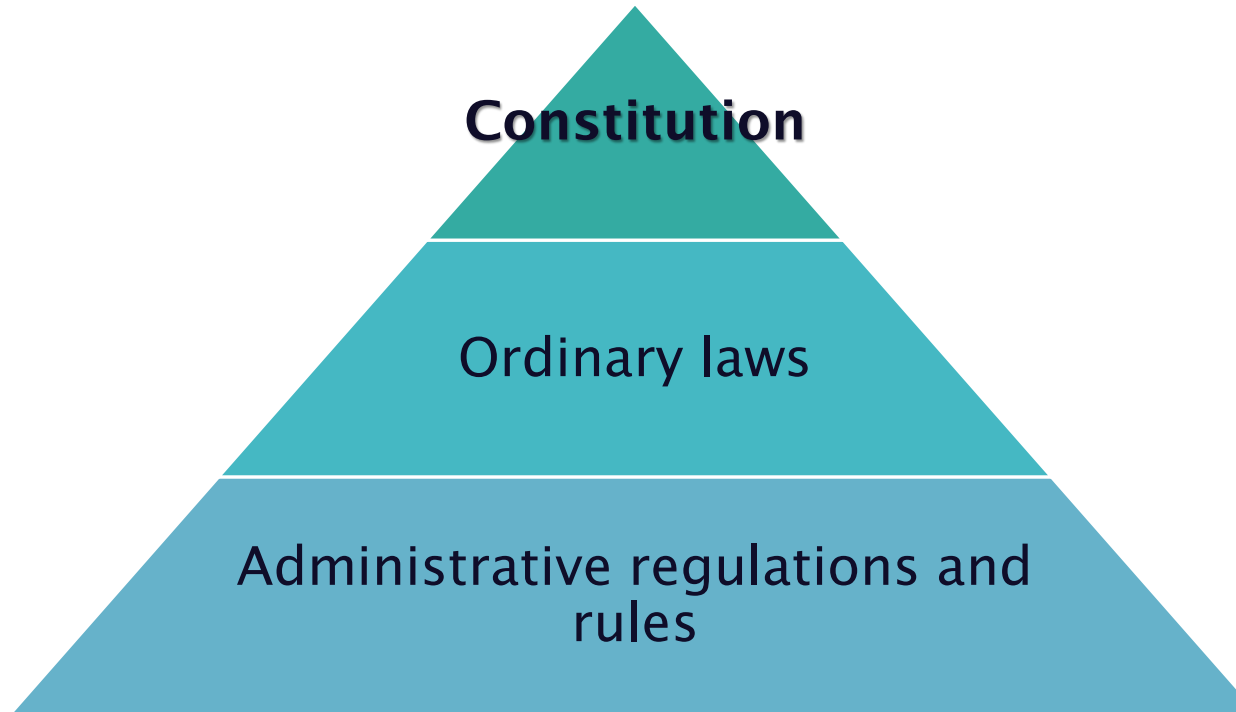
Para 13, Preamble

This **Constitution** affirms, in legal form, the achievements of the struggles of the Chinese people of all ethnic groups and stipulates the fundamental system and task of the state. **It is the fundamental law of the state and has supreme legal force.** The people of all ethnic groups, all state organs and armed forces, all political parties and social organizations, and all enterprises and public institutions in the country must treat the Constitution as the fundamental standard of conduct; they have a duty to uphold the sanctity of the Constitution and ensure its compliance.

序言 第十三自然段

本**憲法**以法律的形式確認了中國各族人民奮鬥的成果，規定了國家的根本制度和根本任務，是**國家的根本法，具有最高的法律效力**。全國各族人民、一切國家機關和武裝力量、各政黨和各社會團體、各企業事業組織，都必須以憲法為根本的活動準則，並且負有維護憲法尊嚴、保證憲法實施的職責。

Legal System: the Constitution as the supreme law



Cultural and Social System

Para 7, Preamble

... The fundamental task for our country is to concentrate on achieving socialist modernization along the road of socialism with Chinese characteristics. ... promote **coordinated material, political, cultural-ethical, social and ecological advancement**, in order to build China into a great modern socialist country that is prosperous, strong, democratic, culturally advanced, harmonious and beautiful, and realize the great rejuvenation of the Chinese nation.

序言 第七自然段

.....國家的根本任務是，沿著中國特色社會主義道路，集中力量進行社會主義現代化建設。推動**物質文明、政治文明、精神文明、社會文明、生態文明**協調發展，把我國建設成為富強民主文明和諧美麗的社會主義現代化強國，實現中華民族偉大復興。

Cultural and Social System

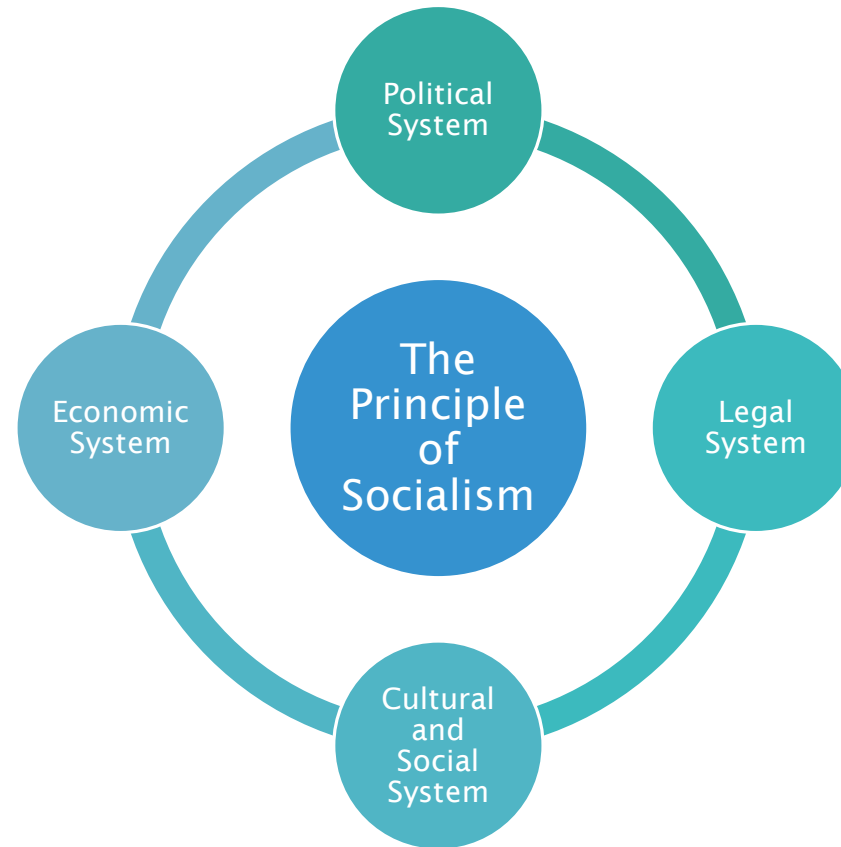
Para. 2, Article 24, Chapter I General Principle

The state shall champion **core socialist values**; advocate the civic virtues of love for the motherland, for the people, for work, for science and for socialism; educate the people in patriotism and collectivism, in internationalism and communism, and in dialectical and historical materialism; and combat capitalist, feudal and other forms of decadent thought.

第一章 總綱 第二十四條第二款

國家倡導**社會主義核心價值觀**，提倡愛祖國、愛人民、愛勞動、愛科學、愛社會主義的公德，在人民中進行愛國主義、集體主義和國際主義、共產主義的教育，進行辯證唯物主義和歷史唯物主義的教育，反對資本主義的、封建主義的和其他的腐朽思想。

The Principle of Socialism



The Principle of Fundamental Rights

Respect and Protection of Fundamental Rights

The Unity of Fundamental Rights and Obligations

The Principle of Fundamental Rights

Para. 3, Article 33, Chapter II Fundamental Rights and Obligations of Citizens

The state shall respect and protect human rights.

第二章 公民的基本權利和義務 第三十三條第三款

國家尊重和保障人權。

A sentence written into the
Constitution in the 2004
Amendment.

The Principle of Fundamental Rights

The current Constitution (1982 Constitution) puts the fundamental rights and duties (obligation) of citizens (Chapter II) before the structure of the states, which shows the modern rule of law concept of popular sovereignty and protection of people's fundamental rights.



Source of picture: <https://blog.iplayers.in/wp-content/uploads/2019/04/rights-and-duties-while-buying-life-insurance-policy.jpg>

Qi Yuling Case



Source of picture: <https://newskkks.com/game/170878.html>



Qi Yuling was a high school graduate in 1990. With a good result in the admission exams, she was admitted by a university. However, her classmate and friend named Chen Xiaoqi, through the influence and manipulation of her father, took her admission letter and her identity, and got admitted by the university in the name of Qi.

Qi Yuling found out what had happened and sued Chen Xiaoqi, her father Chen Kezheng, the university, her high school and the local education committee.

She won the case at last as the judge stated that right of having education is a fundamental rights protected by the *Constitution of the People's Republic of China*.

Qi Yuling Case

Para. 1, Article 46, Chapter II Fundamental Rights and Obligations of Citizens

Citizens of the People's Republic of China shall have the right and the obligation to receive education.

第二章 公民的基本權利和義務 第四十六條第一款

中華人民共和國公民有受教育的權利和義務。

Article 9, *Education Law of the People's Republic of China*

Citizens of the People's Republic of China shall have the right and the duty to receive education.

《中華人民共和國教育法》第九條

中華人民共和國公民有受教育的權利和義務。

The Principle of Rule of Law

Ruling the Country by Law

The Unity of Legal System

The Supreme Status of the Constitution

The Principle of Rule of Law

Article 5, Chapter I General Principle

The People's Republic of China shall practice law-based governance and build a socialist state under **the rule of law**.

The state shall safeguard the unity and sanctity of the socialist legal system.

No law, administrative regulation or local regulation shall be in conflict with the Constitution.

All state organs and armed forces, all political parties and social organizations, and all enterprises and public institutions must abide by the Constitution and the law. Accountability must be enforced for all acts that violate the Constitution or laws.

No organization or individual shall have any privilege beyond the Constitution or the law.

第一章 總綱 第五條

中華人民共和國實行**依法治國**，建設社會主義法治國家。

國家維護社會主義法制的統一和尊嚴。

一切法律、行政法規和地方性法規都不得同憲法相抵觸。

一切國家機關和武裝力量、各政黨和各社會團體、各企業事業組織都必須遵守憲法和法律。一切違反憲法和法律的行為，必須予以追究。

任何組織或者個人都不得有超越憲法和法律的特權。

The Principle of Rule of Law

Ruling the Country by Law

- Stated in the Constitution
- the Socialist legal system with Chinese Characteristics

The Unity of Legal System

- *Legislation Law of the People's Republic of China*
(《中華人民共和國立法法》)

The Supreme Status of the Constitution

- The Constitution as the fundamental law of the state and has supreme legal force

Other important points in the Preamble and Chapter I General Principles

Foreign Policy

Special Administrative Region System

Foreign Policy: One China Policy

Para. 9, Preamble

Taiwan is part of the sacred territory of the People's Republic of China. It is the sacred duty of all the Chinese people, including our fellow Chinese in Taiwan, to achieve the great reunification of the motherland.

序言 第九自然段

台灣是中華人民共和國的神聖領土的一部分。完成統一祖國的大業是包括台灣同胞在內的全中國人民的神聖職責。



Source of picture:
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Source of picture:
https://ichef.bbci.co.uk/news/640/cpsprodpb/D5D2/production/_126183745_gettyimages-1412590000.jpg

Foreign Policy: One China Policy

Para. 9, Preamble

The achievements of China's revolution, development and reform would have been impossible without the support of the world's people. The future of China is closely bound up with the future of the world. China pursues an independent foreign policy, **observes the five principles of mutual respect for sovereignty and territorial integrity, mutual nonaggression, mutual noninterference in internal affairs, equality and mutual benefit, and peaceful coexistence**, keeps to a path of peaceful development, follows a mutually beneficial strategy of opening up, works to develop diplomatic relations and economic and cultural exchanges with other countries, and promotes the building of a human community with a shared future. China consistently opposes imperialism, hegemonism and colonialism, works to strengthen its solidarity with the people of all other countries, supports oppressed peoples and other developing countries in their just struggles to win and safeguard their independence and develop their economies, and strives to safeguard world peace and promote the cause of human progress.

序言 第十二自然段

中國革命、建設、改革的成就是同世界人民的支持分不開的。中國的前途是同世界的前途緊密地聯系在一起的。中國堅持獨立自主的對外政策，**堅持互相尊重主權和領土完整、互不侵犯、互不干涉內政、平等互利、和平共處的五項原則**，堅持和平發展道路，堅持互利共贏開放戰略，發展同各國的外交關係和經濟、文化交流，推動構建人類命運共同體，堅持反對帝國主義、霸權主義、殖民主義，加強同世界各國人民的團結，支持被壓迫民族和發展中國家爭取和維護民族獨立、發展民族經濟的正義鬥爭，為維護世界和平和促進人類進步事業而努力。

Special Administrative Region System

Article 31, Chapter I General Principle

The state may establish special administrative regions when necessary. The systems instituted in special administrative regions shall, in light of specific circumstances, be prescribed by laws enacted by the National People's Congress.

第一章 總綱 第三十一條

國家在必要時得設立特別行政區。在特別行政區內實行的制度按照具體情況由全國人民代表大會以法律規定。



Source of picture:
https://upload.wikimedia.org/wikipedia/commons/thumb/a/aa/Hong_Kong_and_Macau_Emblem.svg/2560px-Hong_Kong_and_Macau_Emblem.svg.png

Important knowledge points:

1. Four main principles of the *Constitution of the PRC*
2. The Principle of Popular Sovereignty: **The People's Congress System**
3. The Socialist Political System: **the Leadership by the CPC**
 - Democratic centralism
 - Consultative democracy
4. The Socialist Economic System
5. The Principle of Fundamental Rights
6. The Principle of Rule of Law