

# Ruled By Law

China and its politico-legal system need a «Chinese understanding», says Prof. Harro von Senger

Interview, Fabian Gull, Editor in Chief



*"The prevalent ideology of the Communist Party is not Confucianism, but Marxism-Leninism!"*

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**Harro von Senger, rule of law is commonly understood as “no one stands above the law”. Is this true for China?**

Actually not, this is not true today as it was not true in the past. In this respect, no fundamental change took place since 1949. As in all the years since 1949, the Communist Party of China (CPC) is above the law today. Gan Chaoying, a specialist of Chinese constitutional law and professor at the renowned Beijing University confirms this fact when he says: “Since the more than 50 years when Mao Zedong has founded the People’s Republic of China the essence of the Chinese state has not fundamentally changed”.

Since 1949, the PRC is characterized by a dual authority. There is the State authority with the state organs such as parliament, government, law courts etc., and there is the CPC authority with the CPC organs of different levels. The

CPC is above the Chinese state. According to the dual structure of the authority in China, there exists a dual structure of official norms in this state. On the one side, there are the Party norms, and on the other side, there are the State norms, i.e. “the law”, emanating from state bodies such as the National People’s Congress, the State Council and so on. The Party norms - especially the political line, the dual norms and the policies of the CPC - are above the state norms.

The law is basically used as an instrument to implement the Party norms. The CPC needs the law for transforming the Party norms which only bind some 75 million CPC members into State norms binding all 1.3 billion citizens of the country. As long as there does not exist a “Law regulating the relations between the organs of the Communist Party and the State organs” the CPC will continue to be above the law.

**Do you think the prevalent ideology of Confucianism in China does negatively affect the establishment and development of the rule of law?**

The prevalent ideology of the Communist Party of China is not Confucianism, but Marxism-Leninism! “CPC” does not mean “Confucianist Party of China”, but “Communist Party of China” (laughing).

**Then, does the Chinese concept of Marxism-Leninism which you call “Sinomarxism” affect the establishment and development of the rule of law?**

Clearly yes. It influences the establishment and development or, more precisely, the non-establishment and non-development of the liberal Western rule of law. The law is considered in a Marxist way as an instrument for the implementation of the Party norms. Therefore, the instrumental function of the law prevails. The law is a means by which the CPC



The lion - a Chinese symbol of dignity and power.

tries to attain its objectives. No wonder that the official China-made English translation of a paragraph added to Article 5 of the Chinese Constitution by the National People's Congress on March 15, 1999, goes as follows: "The People's Republic of China governs the country according to law and makes it a socialist country ruled by law". Westerners are inclined to see a commitment towards the liberal Western concept of the rule of law in this article.

However, I was told by a Beijing law professor that the Chinese translators of this paragraph intensively discussed the question whether or not the term "rule of law" should be used in the English translation of this paragraph. After a long and hot discussion, the proposal to use the term "rule of law" was rejected. When I speak about "rule by law", it is not my invention, but I take over the official formulation, because I think it reflects the legal reality in the PRC better than the term "rule of law".

***Are there indigenous traditional Chinese roots for the view of the law to be an instrument for achieving political ends?***

There are. I would like to mention the ancient School of Law (fajia) (ca. 5th to third century B.C.) which upheld more or less the same doctrine as the modern Marxists: Law is a tool in the hand of the ruler who is above the law.

***What is the connection - if any - between Confucianism and rule by law?***

I do not think that Confucianism has anything to do with this matter, except maybe

insofar as Confucianism considered the law as a tool too, not for achieving political ends but for restoring the cosmic-social order endangered or troubled by criminals.

***According to Western understanding, the social development of a society is forcefully linked to a well functioning jurisprudence based on the rule of law. In the past 30 years, China kind of proved the world the opposite with its tremendous social changes. An antagonism?***

No. The experience of China simply shows the relativity of the "Western understanding" you are referring to. China needs a «Chinese understanding», not a «Western understanding». "Chinese understanding" is first of all based on the careful studying of publications of the CPC and the PRC. One should for instance read earnestly the Statute of the CPC and the Constitution of the PRC. In China, there is a "rule of Party norms" and Westerners should get aware of this particularity. They should especially pay attention to the highest, to the top Party norm, i.e. the political line. The political line of the CPC consists of only one sentence grasping the "principal contradiction". The "principal contradiction" defined by the political line of the CPC is published in the Statute of the CPC, a document which apparently no Westerner wants to take seriously. At the present stage, the principal contradiction in Chinese society is one between the ever-growing material and cultural needs of the people and the low level of production. The solution of the principal contradiction is called "the principal task of the Chinese

people" and conceived as a long lasting process which continues during the whole period of "the initial stage of socialism" and goes on till the year 2049. The whole process is labelled "socialist modernization". In the West, "socialist modernization" is not so often mentioned. It is "reform and opening" which fascinate Westerners enormously because they think that "reform and opening" are an end in itself. However, "reform and opening" are, according to the CPC, only a means to carry through the "socialist modernization": Reform and opening up are the "path", not an aim to a stronger China!

***What is the main deficiency of a "Western understanding" of China?***

Knowing just the Chinese law is not enough! Westerners should not look at China with Western "juricentric", "mono-legal" eyes always being hypnotized by the Chinese law only. This "Western understanding" does not take notice of the "political line of the CPC", and it never mentions the "principal contradiction." But without analyzing these fundamental elements, the PRC and its law are not understandable. For the understanding of these elements, Western theories are of no help, they make people blind with respect to these elements. Why? Because for instance "principal contradiction" is not a term which appears in any Western political or juridical theory. Since Westerners do not have this term in their academic vocabulary, they just do not react to it when they encounter it in Chinese publications.

Since the political line, i.e. the definition of the principal contradiction, was

stable during the last 30 years, the development of the law which depends on the Party norms was stable too. The development of the PRC since 1978 was not interrupted by sudden shifts of the Party norms. What is most important: the political line remained untouched since 1978. This was the big stabilizing factor during the last three decades.

However, in the past 31 years, the Chinese leaders, while pursuing the solution of the principal contradiction, did focus too much on the satisfaction of the “ever growing material needs” of the Chinese people which they interpreted in a very narrow way. It was enough for them that the economy developed statistically well in order to be convinced that the solution of the principal contradiction is on a good way. The term “material needs of the people” in the official definition of the principal contradiction was not interpreted for instance in a way where the need for a healthy environment was included. There was furthermore the tendency to neglect the “cultural needs” which are put within the definition of the principal contradiction on the second place after the “material needs”.

#### **What is the implication?**

The consequence is that while the “principal contradiction” with respect to purely economic growth was effectively tackled during the last 31 years, many so-called secondary contradictions were more or less overlooked. This threatens the sustainability of the successes attained until now with respect to that part of the principal contradiction which was solved rather successfully. Only recently the leaders of the PRC began to get aware of the importance of some “secondary contradictions” such as the contradiction between the heavy damages inflicted to the environment through the economic development and the need to safeguard the environment. Therefore, they started to speak about a “harmonious society” which shows their insight into the lack of harmony in the Chinese society caused by some important but neglected “secondary contradictions”.

#### **What are the historical milestones regarding “Rule by Law” in China?**

Well, I don't consider for example the WTO accession as a big milestone - because it affects trade law only. And

neither is the recognition of private ownership, which was always the case, although in an extremely limited way under Mao Zedong. Even today, private ownership is very limited in the PRC: not even one square millimeter of land is in private property.

The historical milestone regarding the establishment of the rule by law in the last 31 years was the shift from the principal contradiction of the years 1949-1976/78 reflected by the “class struggle” of the “proletariat” against the so called “bourgeoisie” to the new principal contradiction mentioned above!

The principal contradiction during the period 1949-1976/78 to be solved by and non ending “class struggle” was managed in a violent, mostly lawless way. Law and human rights were officially condemned as obstacles of the “class struggle”.

From 1975 till 1977, I studied as officially dispatched Swiss exchange student at Beijing University, I often asked about the law. What do you think was the reaction to my questions? Just laughter! The Chinese found my law-oriented questions ridiculous. At that time, the PRC was only guided by Party norms issued mostly by Mao Zedong personally. It was a lawless, but not a normless period. There existed a political line, a definition of the main contradiction, and there existed dual norms and policies of the CPC.

The new principal contradiction in force since 1978 to be solved by “socialist modernization” requires a good order of the Chinese society, and this can only be guaranteed through law and even by a certain protection of some human rights of the Chinese citizens. No wonder, that a human rights paragraph was included into the Chinese constitution in 2004. In order to motivate the Chinese people to concentrate all energy to strive for the “socialist modernization”, the people could no longer be terrorized as it was the case during the period of the “class struggle”.

The Western “capitalists” would not dare to invest in the PRC and to transfer their intellectual property and their know-how to this country without an appropriate juridical system legalizing their business activities and guaranteeing their financial interests in the PRC. Evidently, the main milestone for the emergence of the rule by law period since 1978 was the change of definition of the principal contradiction.

#### **Among lawyers, Chinese laws have a reputation of not being written in the clearest manner.**

Basically, it is true. There are several reasons for this phenomenon: Firstly, since the PRC is a very big country, legal norms are sometimes written in an abstract way so that they can be interpreted differently in different regions. Secondly, the reality often runs ahead of the law. If the legal norms are very abstract, it is easier to interpret them with respect to new situations which at the time of the promulgation of the law were not yet given. Thirdly, there are not only laws in the strict sense of the word enacted by the National People's Congress or its Standing Committee but also legal documents of lower levels such as for instance rules issued by ministries. With the increasing grade of subalternness of the state organs elaborating legal or policy rules, their concreteness and clearness augments. If a law must be established, it uses a non refined terminology so that it is easily applicable; after a certain test period, when practical experiences with the law can be evaluated, a more precise law might be elaborated. Lastly, sometimes, legal norms seem to me to be written in an unclear way for stratagemical purposes. For instance, in Article 36 of the Chinese Constitution, it is said: “The state protects normal religious activities.” The word “normal” which is not defined in the Constitution gives to the authorities an almost limitless freedom of interpretation. Whatever their interpretation in a concrete case is, they can always argue that they act according to the constitution. Westerners who do not know the stratagemical aspect of Chinese law denounce its “arbitrariness”. That is often not really the point. I am inclined to say that the Chinese lawgiver intentionally inserted the word “normal” in order to enable the authorities “to fish in troubled waters” (stratagem no 20 in the catalogue of the 36 stratagems) and thus to be always in absolute command of every possible situation.

#### **How independent are judges?**

As it is prescribed in the Constitution of the PRC, all citizens of the PRC, also the judges, must uphold the leadership of the Communist Party of China. Furthermore, as state functionaries, they must master Sinomaxism in order to be able to analyze and solve problems from a Marxist

“proletarian” standpoint (lichang), from a Marxist “materialistic” perspective (guan-dian) and using a Marxist “dialectical” methodology (fangfa). Therefore, judges are, of course, working under the guidance of the Communist party of China and the respective Party committees.

#### **What are the most critical points regarding rule of law in China?**

As long as the PRC is under the rule of the CPC, the Chinese concept of “rule by law” is, in my eyes, not developing towards the Western liberal “rule of law”. Such a transformation is not intended by the Chinese leaders. What they want is to perfect the rule by law. When there are specific legal technics they can learn for this purpose from the Western liberal rule of law concept and its practice, they will take them over eagerly. But the concept as a whole is considered as incompatible with the PRC. The “most critical point” is thus the rule of the CPC.

#### **What is your outlook Mr. von Senger?**

Deng Xiaoping said about the basic line of the CPC: “Adhere to the Party’s basic line for 100 years without wavering”. The 100 years he was speaking about are the

hundred years from 1949 when the PRC was founded till 2049. During the past 31 years, the CPC has already uphold this “basic line” without wavering. I think that these long past experience with the “basic line” nourishes the hope that it will be upheld for another thirty years. This “basic line” which incorporates the fundamental political commitment of the CPC seems to me to be a rather solid fundament for further Western business activities with China over a long time.

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#### **Harro von Senger**

is a leading western expert in sinology and Chinese law. Born as citizen of

Geneva in 1944, he has doctorates in both law and classical sinology, and is a professor of sinology at the University of Freiburg (Germany) and expert for Chinese law at the Swiss Institute of Comparative Law in Lausanne (Switzerland). He is also the author of several books and journal articles, among which his books on the 36 stratagems have gained attention by a broad public. These 36 stratagems are a set of powerful Chinese aphorisms embodying the essence of the ancient Chinese art of cunning.

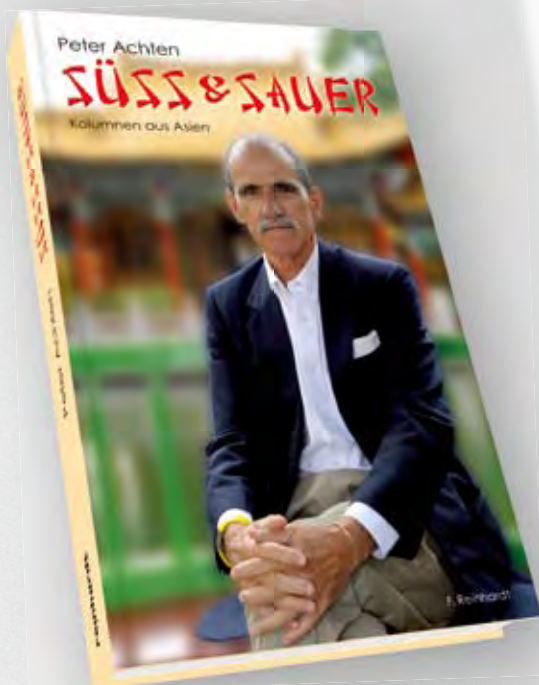
#### **Confucianism**

is a Chinese ethical and philosophical system developed from the teachings of the Chinese philosopher Confucius (lit. “Master Kung”, 551–479 BCE). Confucianism is a complex system of moral, social, political, philosophical, and quasi-religious thought that has had tremendous influence on the culture and history of East Asia. The basic teachings of Confucianism stress the importance of education for moral development of the individual so that the state can be governed by moral virtue rather than by the use of coercive laws.

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# 以法而治

## Harro von Senger教授认为中国及其政治法律体系需要一个“中国式的理解”

访谈，方必安，本刊主编



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**Harro von Senger教授，法治被普遍理解为“没有任何人凌驾于法律之上”。在中国也是如此吗？**

不是。无论是以前还是现在这句话在中国都不是实际情况。在这方面，自1949年以来没有发生根本的改变。如同1949后的这些年一样，今天中国共产党仍然凌驾于法律之上。中国宪法专家及著名的北京大学教授甘超英先生的话：“自毛泽东建立中华人民共和国50多年来，中国国家的本质没有根本的改变”肯定了这一事实。

自1949年以来，中华人民共和国以双重权威为特点。拥有包括国务院、政府及法院等国家机关的国家权威，也拥有包括不同级别共产党机构的中国共产党权威。中国共产党凌驾于中国国家之上。由于在中国存在双重权威结构，也就有双重官方准则结构。一方面是党的准则，另一方面是国家准则，如“法律”，它源自于如全国人民代表大会和国务院等。党的准则——尤其是政治路线，双重准则以及中国共产党的政策——凌驾于国家准则之上。

从根本上来说，法律是用来执行党的准则的工具。中国共产党需要用法律将规范750万党员的党的准则转变成规范13亿中国人民的国家准则。只要没有“规范共产党机构与国家机构间关系的法律”存在，中国共产党将继续凌驾于法律之上。

**您认为中国儒家思想的盛行是否对法治的建立与发展有消极的影响呢？**

中国共产党盛行的思想不是儒家思想，而是马克思-列宁主义！中国的党不是“中国儒家党”而是“中国共产党”（笑）。

**那么，被您称为“中国的马克思主义”的马克思-列宁主义是否会影响到中国法治的建立与发展呢？**

很显然是这样的。它影响着法治的建立与发展，或者更确切地说是使西方自由的法治不能建立与发展。马克思主义认为法律是执行党的准则的工具。因此，法律作为工具的功能才会被普遍使用。法律是中国共产党实现其目标的工具，理所当然的，在1999年3月15日由全国人民代表大会增加在中国宪法第五条中一段条文的官方英文翻译表述为：“The People's Republic of China governs the country according to law and makes it a socialist country ruled by law”。而西方人士希望在本章中看到的是一种代表西方自由观念的法制的发展。

然而，北京的一位法律教授曾告诉我，中国的翻译家们在翻译这一段时还专门讨论了“rule of law”这个词语是否应该用在这段的英文翻译里。经过长时间激烈的讨论，使用“rule

of law”的提议被驳回了。当我提到“rule by law”时，这并不是我的发明，而是我从官方的表达中拿过来的，我认为跟“rule of law”相比，它更好的反映了中国的法律现状。

**这种使用法律工具达到政治目的的观念是否有某些中国固有的传统根源呢？**

是有这样的根源。我想说的是中国早期的法家（公元前5世纪至公元前3世纪）持有与现代马克思主义差不多相同的学说：法律是凌驾于法律之上的统治者手中的工具。

**儒家思想与以法而治之间是怎样的联系呢，如果有的话？**

我并不认为儒家思想与它有关系，除非儒家思想也将法律当成一种工具，不是为了达到政治目的而是为了维护受罪犯威胁或扰乱的宇宙社会的秩序。

**按照西方的理解，社会的发展必然是与一个良好的、基于法治的法律体系强有力地联系在一起。可是在过去的30年里，中国似乎通过其巨大的社会变革向世界证明了相反的理解。这是对于西方理解的挑战吗？**

不是。中国的经验与你所提到了“西方的理解”具有相对性。中国需要一个“中国式的理解”，而非“西方的理解”。“中国式的理解”首先是基于对于中国共产党和中华人民共和国出版物的仔细研读的基础上的。比如说认真研读中国共产党的党章以及中国的宪法。在中国有一个西方人需要了解的特殊性，就是“党的准则统治”。西方人需要尤其注意党的最高准则、首要准则，如政治路线。中国共产党的政治路线由一句话组成，这句话紧抓“主要矛盾”。中国共产党的政治路线中所定义的“主要矛盾”发表在中国共产党的党章里面，很显然没有西方人愿意认真对待这个党章。而中国社会目前的主要矛盾是人们不断增长的物质文化需要与落后的社会生产力之间的矛盾。“中国人民的根本任务”是主要矛盾的解决办法，中国认为主要矛盾将持续一个长期的过程，贯穿于整个“社会主义的初级阶段”直至2049年。这个过程被称为“社会主义现代化”。而在西方并不会经常提到“社会主义现代化”，对西方人有巨大吸引力的是“改革开放”，因为他们认为“改革开放”就是目标本身。然而，“改革开放”对于中国共产党来

说只是实现“社会主义现代化”的一种途径；“改革开放”只是“途径”，不是更强大的中国的目标！

### 对于中国的“西方的理解”的主要不足之处是什么呢？

仅仅了解中国的法律是不够的！西方人不应该用西方的“以司法为中心”、“以法律为统一”的眼光，仅仅沉迷于中国的法律。这种“西方的理解”没有注意到“中国共产党的政治路线”，也从来没有提及过“主要矛盾”。但是如果不对这些基本要素进行分析，中国及其法律都是不可理解的。西方的理论在理解这些要素上没有一点帮助，只会使人们无视这些要素。为什么呢？因为像“主要矛盾”这样的词语不会出现在任何西方的政治或法律理论中。由于在西方人的学术词典中没有这个词，当他们在中国的出版物中碰到它时也就不会有任何反应。

由于在过去30年里，政治路线中如主要矛盾的定义没有改变，依赖于党的准则的法律发展也很稳定。自1978年以来中国的发展没有受到党的准则突然变化的影响，最重要的是：自1978年以来政治路线没有改变。这是中国在过去30年发展里一个重要的稳定因素。

然而，在过去的31年里，中国领导人在寻求主要矛盾的解决方法时，对于需求理解过于狭窄，过多的关注于满足中国人民“不断增长的物质需求”上，并用统计上的经济增长数据证明其解决主要矛盾的方法正确，认为这样就足够了。在主要矛盾的官方解释里，“人们的物质需求”这一表达并不包括如健康的环境在内的需求。因此，位于主要矛盾定义中的“物质需求”之后的“文化需求”也就被忽略了。

### 这意味着什么呢？

这样做的结果就是在过去的31年里，当“主要矛盾”中单纯涉及经济增长的矛盾得以有效解决时，被置于第二位的矛盾或多或少的被忽略了。它威胁了迄今为止为解决主要矛盾的一部分所取得成果的可持续性。直到最近，中国的领导人才开始意识到“次要矛盾”的重要性，如经济发展带来的对环境的严重破坏与保护环境之间的矛盾。因此，他们开始倡导“和谐社会”，这表明他们已洞悉忽略掉某些重要的“次要矛盾”使社会缺乏和谐。

### 中国“以法而治”发展的历史性里程碑是什么？

我认为加入WTO不能作为一个里程碑—因为它仅仅影响了中国的贸易法。当然也不是允许私有制存在，尽管它总是存在，并在毛泽东时期受到了极端的限制。直到今天，私有制在中国还是很有限的：没有一平方毫米的土地是私有的。

在过去31年里可以作为以法而治建设历史性里程碑的，是从1949-1976/78年以“无产阶级”与“资产阶级”间的“阶级斗争”为主要矛盾转变为前面所提到的新的主要矛盾。

1949-1976/78年期间的主要矛盾要通过毫无止境的“阶级斗争”解决，并以极端的、

基本上无法的方式解决。法律与人权被谴责为“阶级斗争”的绊脚石。

从1975年到1977年，我以瑞士官方派遣交换生的身份就读于北京大学，并对法律有很多疑问。你猜当时人们对我的问题的反应是什么？只是嘲笑而已！中国人认为我的法律主导的问题是可笑的，而当时的中国是在大部分由毛泽东个人颁布的党的准则的引导之下的。那是一个无法但并非无准则的时期，有政治路线，有主要矛盾的定义，双重准则以及中国共产党的政策。

自1978年开始的新的主要矛盾要通过“社会主义现代化”解决，它要求一个具有良好秩序的中国社会，这就只能通过法律甚至是在某种程度上保护中国公民的人权来实现。因此，当一段关于人权的表述写入中国宪法2004年修正案时也就不足为奇了。为了激励中国人民集中力量实现“社会主义现代化”，中国人民再不可能经历像在“阶级斗争”时期般的遭遇了。

在国际舞台上，“社会主义现代化”要求与全球建立“联合阵线”—如果可能的话—与世界所有的“资本家”，尤其是拥有先进技术的西方世界建立“联合阵线”。中国鼓励他们帮助中国实现“社会主义现代化”，但西方的“资本家”不敢在中国投资，不敢将知识产权和技术转移给这个没有适当的司法系统保障他们的业务合法化并保障他们经济利益的国家。很显然，自1978年出现的以法而治时期的重要里程碑就是主要矛盾定义的改变。

### 律师们普遍认为中国的法律条文规范并不十分清晰。

基本上是这样的。出现这种现象的主要有几个原因：首先，中国是一个很大的国家，为了在不同的地区可以对法律有不同的解读，法律准则总是撰写得很抽象。其次，事实总是先于法律发生。法律准则很抽象的话，当出现尚未有相关法律规范的新情况时，即可按照现有法律相应解读。第三，在中国不仅有全国人民代表大会及其常委会公布的严格意义上的法律，也有下级部门如各部委公布的法律文件。随着国家机构中下级部门在阐述法律或政策规范方面不断提高，他们的精确度与清晰度也就不断增大。根据中国马克思主义的唯物主义观点，知识来源于社会实践；在需要法律规范的相关内容中，实践亦即知识是缺乏的。当无论如何需要有新的法律出台时，为了增强其适用性，它往往使用一个非精炼的术语。经过一段时期的测试，该法律的实践经过评估，此时就可能用更精准的语言来阐述法律。最后，有时我认为用模糊的语言撰写法律规范是种谋略。比如，中国宪法第36条指出：“国家保护正常的宗教活动。”而在宪法中并没有对“正常”一词进行定义，这就给了当局几乎没有限制的自由来解读它。无论他们在某个具体的案例中如何解读它，他们总是可以用依照宪法办事来辩解。不懂得中国法律谋略的西方人常常指责其“专断”。而事实并非如此。我认为中国的法律制定者故意将“正常”一词写入其中，以使当局可以“浑水摸鱼”（36计中的第20计），

因而总是可以对任何可能出现的局面有完全的掌控。

### 法官的独立性有多大呢？

正如在中国宪法中规定的，所有的中国国民，包括法官，都要拥护中国共产党的领导。此外，作为国家的职能部门，他们必须掌握中国的马克思主义，在分析与解决问题的时候以马克思主义“无产阶级”为立场，以马克思主义“唯物主义”为观点，使用马克思主义“辩证”法。因此，法官也就理所当然的在中国共产党以及各党委会的指导下工作。

### 中国实现法治的最关键点是什么？

我认为在中国共产党的领导下，中国观念中的“以法而治”不会朝着西方自由主义的“法治”转变。这样的转变并不是中国领导人想要的。他们所要的是完善以法而治。当西方自由主义的法治观念及实践中有可以实现这一目的的具体法律技术时，他们就会很认真地拿来学习。但是西方的观念作为一个整体对于中国而言是不兼容的。“最关键点”也就是中国共产党的统治。

### von Senger先生，对于未来您有怎样的展望呢？

邓小平在讲到中国共产党的基本路线时说：“党的基本路线100年不动摇。”他所讲的100年是指从中华人民共和国成立到2049年的一百年。在过去的31年里，中国共产党坚持“基本路线”“不动摇”。我想之前的经验也使人们怀有继续坚持“基本路线”的希望。我认为这一包含中国共产党根本政治承诺的“基本路线”为西方商业活动在中国的长期发展打下了坚实的基础。

## Harro von Senger

是一位在中国问题研究和法律方面具有领导地位的西方专家。他1944年出生于日内瓦，拥有法学和古典中国学双料博士学位，现任德国弗莱堡大学中国问题研究教授，是位于瑞士洛桑的瑞士比较法研究所的中国法研究专家。他拥有多本著作并发表多篇文章，其中关于中国的36计的著作引起了大众的广泛关注。这36条计谋是一套收录了中国古代计谋文化、具有相当影响力的警句格言。

## 儒家思想

是由中国古代哲学家孔子（公元前551年至公元前479年）的施教发展而来的一种中国道德与哲学体系，它主要针对人的道德与行为规范。儒家思想是融合了道德、社会、政治、哲学、类宗教思想在一起的一种复杂的体系，它对于整个东亚的文化和历史有着深远的影响。儒家思想的主要思想强调对个人道德发展的教育，以实现用道德感化而非武力统治国家。