Front. Law China 2010, 5(1): 77–90
DOI 10.1007/s11463-010-0004-5

RESEARCH ARTICLE

Xiaotian Tang

Reforms in the Petition Letter and Visit System of China and Construction of a Harmonious Society

© Higher Education Press and Springer-Verlag 2010

Abstract A petitioner participates in the administration of public affairs at his own discretion. A cooperative relationship exists between the petitioner, petition letter, office visits and the related functional departments. Good governance is reflected in petition system which is to set up a balance between public interests and citizens' private rights. Institutional reform regarding the petition letter and visit system should focus on the "settlement of issues". The specific design of the petition reform must comply with the requirements of good governance, balancing the rights and serving the interests of the parties concerned. Only in this way, can we achieve cooperative and harmonious governance of the society and still allow for the involvement of various forces in the society. The petition system plays an important role in promoting the cooperation and mutual assistance of public power and private rights, executing two-way persuasions, improving error corrections and regulating the settlement of disputes.

Keywords petition letters and visits, institutional reform, harmonious, cooperation

In China, both the Regulations on Petition Letters and Visits enacted by the State Council and other regulations promulgated by local governments justify the role of petition letters and visits in the administration of social affairs. These documents recognize petitioners as an important element in social governance. For instance, Article 3 of the Regulations on Petition Letters and Visits of Shanghai provides that:

Received May 7, 2009 and accepted August 26, 2009

Xiaotian Tang (✉)
Development and Planning Department, Shanghai Institute of Political Science and Law, Shanghai 201701, China
E-mail: xiaotianlaw@126.com

> Petition letters and visits is an important channel, through which people shall exercise legitimate democratic rights, administer state affairs, manage economic and cultural undertakings, administer social affairs and safeguard their own lawful rights and interests. The petition system also helps state organs to promote socialist democracy, solicit public opinions, proposals and requirements, and accept supervision by the people.

Article 5 provides that:

> State organs at various levels shall encourage and support petitioners to put forward opinions or proposals on the work concerning the society, politics, economy and culture of their cities. Where any opinions or proposals from any petitioners are of great importance to the development of economy and society, improvement of the work of state organs and safeguarding of social public interests, the competent state organs shall grant praises and awards.

Such provisions explicitly confirm that petitioners may participate in the administration of public affairs at their own discretion. Petitioners ask for the rights and justice they deserve by means of letters or visit. The petition office as the subject of duty should be aware, that most of the problems reflected in petition letters and visits are caused by the defects in administrative decision-making or improper administration. The petitioners who question the shortcomings of governmental work through asking questions and for settlement have become an important force in social governance. The petition letters and visits system collecting reference opinions for government decision-making undoubtedly functions as an important platform in social governance. In general, we can classify all the elements involved in petition system into three groups: (1) The subjects of power, (2) the subject of rights and (3) the subject of duties, namely, petitioners, petition offices and related functional departments. It is obvious that there exists a triangular relationship between the petition offices, the related functional departments entitled to handle petition issues and petitioners. In order to develop our society into a harmonious one, these three groups should cooperate with each other through a tri-party relationship.

Thus, petitioners, petition letter and visit offices as well as the related functional departments shall work in cooperation. Little Modern Chinese Dictionary defines the term “cooperation” as “working together for the same goal or the same mission”. (Little Modern Chinese Dictionary, 1980) Both “the same goal” and “the same mission” emphasize the consistency in goal or mission, which constitutes the basis for cooperation. In other words, the parties involved in cooperative relationship in petition activities shall make concerted efforts to cooperate. If failing to make concerted efforts, they should make at least a united

effort (for the same goal or mission) rather than standing in an opposite position. It is understandable that some citizens harbor resentment when their interests are harmed due to the malfunctions of some related functional governmental offices and departments. That's why the state has set up the petition letter and visit system. This system is made up of a number of petition offices ensuring that the related functional departments handle the petition issues through legal guidance and correct any errors present in previous work. In a sense, the petition system is intended to urge and guide the related departments to correct administrative defects, help citizens safeguard their legal rights and help to recover and reconstruct the cooperative relations between administrative organs and the people.

1 Be Open for Instructive Advice and Reform the Existing Petition Letter and Visit System as Required by Good Governance

The petition letter and visit system has developed to be an integral part of the democratic political system while still maintaining some Chinese characteristics, after going through twists and turns. With the advancement of times, defects of the existing petition letter and visit system of China have become more and more obvious, shedding light on the fact that the petition system is in itself the result of the social development. The historic mission to build our country into a socialist harmonious society calls on us to be brave and bold in reforming and updating the exiting petition system in accordance with the development of the society. Moreover, the specific plan of reforms shall be made and carried out as required by good governance.

Good governance refers to the cooperative administration of social life by the state, the society and the citizens. Here, the ruling party playing the guiding and exemplary role and public interests maximized. Good governance represents the win-win pursuit of both effectiveness and fairness, and both private interests and public interests. The value as well as the challenge in the practice of good governance lies in the shift of role of the ruling party: From the absolute ruler to the promoter and organizer of new cooperative governance. This highlights the balance between public rights and private rights, as well as the cooperation and mutual assistance between different parties. According to some researchers in this field, the progress of social governance is best reflected in the following eight elements and requirements of good governance: (Lin, 2004)

(1) Good governance attaches importance to the legitimacy of governance;

(2) Good governance requires the transparency of governance;

(3) Good governance requires the accountability of the participants of

governance;
(4) Good governance is based on the rule of law;
(5) Good governance emphasizes the feedback from the undertaker of liability;
(6) Good governance focuses on the effectiveness of governance;
(7) Good governance calls on maximum participation;
(8) Good governance requires the justice of governance.

On the part of the ruling party, the system of petition letters and visits is conducive to smoothing over conflicts, solving problems, winning people's support and strengthening the ruling foundation. In fact, the petition system itself stands for good governance in its preliminary form. Its reform also poses a test on the ruling ability of the Communist Party of China. Good governance is not only a goal we are striving for but also an undertaking that involves constant evolutions. To achieve good governance in the system of petition letters and visits we should adopt the following measures: Firstly, the channels of political communication should be improved further to ensure the rights of the people to voice their suggestions, opinions and appeals. Thus, keeping the ruling party and "the government and courts and procuratorates" under the supervision of the people. Secondly, efforts should be made to restructure the existing petition system, improve the efficiency and capability of handling petition matters, and establish a reasonable petition system balancing the public interests and citizens' legal rights. Thirdly, strengthen the awareness of CPC committees and governments at all levels, settle the issues of encroachment on the lawful rights and interests of the people in a timely, transparent and reasonable manner in accordance with laws, thus addressing both the symptoms and root causes with both independent and joint efforts of different offices and departments. Fourthly, enhance the publicity on the cooperation and mutual assistance between private rights and public interests, guide the people to express their opinions and proposals in a reasonable, legitimate and orderly manner and to consciously maintain the normal social order, so as to ensure a harmonious and stable society.

Currently, Chinese citizens' awareness of rights is still at a preliminary stage. Therefore, governmental interference and guidance is essential in helping people to exercise their rights in a reasonable manner. Professor Hao Tiechuan said: "In terms of traditional culture, Chinese people lack not only the awareness of rights but also national awareness and the awareness of public order." "Modern rule of law is actually based on right orientation, which, however, does not eliminate the rationality of duty establishment at all. Instead, the necessary national awareness and awareness of public order are just one of theoretical bases of duty establishment." (Hao, 2004a) The state's establishment of the petition letter and visit system had the effect of admitting that its ruling ability is insufficient. The purpose of this system is to listen to the people, pool the people's wisdom and make efforts to bring benefits to the people at a higher level. While emphasizing

that the ruling party should learn to become good at consultation and cooperation, we never advocate weakness. Both consultation and cooperation shall be performed in compliance with law, which balances the interests of various parties involved. Take urban demolishment for example. Undoubtedly, the legitimate private property should be protected, while it is also unbearable to take private properties as the "bargaining chip" for wild speculation. At present, the hearing system for difficult cases of petition letters and visits is on trial in many parts of China, which is worth advocating. Article 35 of the Regulations on Petition Letters and Visits provides that:

> Where a petitioner refuses to accept the review opinion, he may ask for reexamination at a higher level of administrative authority of the review organ within 30 days of receipt of the written reply. The administrative authority receiving the request for reexamination shall put forward the opinion on reexamination within 30 days of receipt of the request for reexamination. The reexamination authority may hold a hearing in accordance with the provision of the second clause of Article 31. The reexamination opinion through hearing may be announced to the public according to law, provided that the time required for hearing is not calculated in the period prescribed in the preceding clause.

The essence of hearing is to provide the parties a platform to express their opinions in public, announce the reexamination opinion to the society after fair consultation and finally achieve the purpose that best serves the fundamental interests of the majority.

Of course, the reforms in the petition letter and visit system are only a part of the overall reforms which need to be made in the political system. The implementation of these reforms should be carried out with overall support and response. As far as the overall situation is concerned, we should improve the ruling parties' abilities, turn the manifesto of establishing the Party for the public and exercising state power for the people into practical deeds, administer according to law and justice, and smooth over conflicts at the grass-roots level. Considering the improvement of the ruling parties' ability will take time and the possibility of errors in the grass-roots work will exist for long, the existence of the petition letter and visit system is very necessary and significant. The petition offices are playing a very important role in collecting the opinions of the people, correcting the errors in the grass-roots work and safeguarding the interest of the people and the judicial authority. At present, the petition letter and visit offices have become the convergent point of various social conflicts in China. The petition letter and visit offices should not be stopped, nor can the reform deviate from the correct direction. It is not accurate to give a simple comment on the

regression and advancement of the work of petition letters and visits, or the enhancement and weakening of the function of petition letters and visits. The reforms on the petition letter and visit system shall be performed based on the basic concept of regulating two-way behaviors, prudently expanding powers while achieving the cooperation and mutual assistance between public powers and private rights. If reform of the petition letter and visit system begin to unilaterally restrain the petition activity of the people, it will cost more for the people to express their opinions. It is more likely that these people will then perform rampant behaviors out of resentment. If the reforms on the petition letter and visit system weaken the position of the petition letter and visit offices and departments and reduces their powers, it will be more difficult for voice to go from grass-roots levels to higher authorities, the corruption is sure to become increasingly intense at the grass-roots levels and the social stability will be threatened at large. If the modification of the Regulations on Petition Letters and Visits over-expands the authority of the petition letter and visit offices, for example, if petition letter and visit offices are authorized to impeach cadres at certain levels, it is impossible to improve the efficiency of the work of petition system since problems are not solved from sources given the inevitable difference in space and time. In a word, the reforms on the petition letter and visit system should, in accordance with the requirement for constructing the harmonious society, balance the powers and rights and coordinate the interests of the parties concerned, and realize the coordinated governance of the society. Under the overall arrangement of reforms on the political system nationwide, it is both reasonable and possible to begin with the reforms on the petition letter and visit system.

2 Be Pragmatic in "Settling Affairs" at Various Levels

Social governance is not an empty slogan. Instead, it can be achieved through practical efforts to solve specific problems. In fact, the petition letters and visits for settlement of problems account for the majority of petitions in China. This reflects the fact that people are longing for a more reasonable and transparent allocation of social resources, especially those rare resources, so as to provide all the social members with equal opportunities in competition. Of course, such requirements reflected in petition letters and visits are more practical than theoretical. Quite a few of petitions express sharp criticisms of the work of grass-roots government offices, enterprises and institutions. Accordingly, the reforms in the existing petition system shall emphasize the "settlement of issues". In words, "settlement of issues" is straightforward and explicit. It is usually very difficult to carry it out in practice. In line with principle of "settlement of issues", the following problems are always on the way to the settlement of specific issues:

First, who (which department) is responsible for "settlement of issues"? Second, which department shall take the lead when various departments are involved? Third, what can be done when repeated consultations are required in case that the solution put forward by the related departments can hardly meet the requirements of the petitioner? Fourth, how to settle the follow-up issues, e.g., if the party concerned can not afford a normal life, in the wake of the settlement of the issue? It is quite clear that "the settlement of issues" means that the issues shall be solved in a timely, complete and absolute manner. We can not allow any temporary "settlements", which are contrary to the requirements of good governance.

The majority of the problems mentioned in the petition letters and visits are tough and even delayed problems that should have been solved at the grass-roots level. These problems may be handled in three ways: First, local grass-roots Party organizations and related government functional departments may calmly review their incompetence in their previous work and handle the problems in a positive and honest manner. Second, the departments concerned my kick the problems to higher authorities or their subordinate departments. Third, the departments may adopt delaying tactics and wait for the intervention of some unexpected elements to help to solve the problems. Obviously, buck-passing and delay can not help to solve the problems. Currently, a number of petitions are deadlocked due to buck-passing and delay. As an old saying goes, "Let him who tied the bell to the tiger take it off". The problems reflected in petition letters and visits shall finally be solved through the efforts of grass-roots organizations. And the responsible persons in the grass-roots organizations should get rid of the thought that "the later, the better" mentality. On the contrary, they should make all their efforts bear the responsibility for "settlement of issues" as early and quickly as possible. To such end, firstly, they should be honest and competent in performing their official duties and work, and try their best to smooth the conflicts at the grass-roots level, and reduce from source the occurrence of the petition letters and visits asking for settlement and lawsuit. Secondly, they should earnestly handle the petition letters transferred from higher authorities, give full consideration to people's sufferings, maximally coordinate the interests of all parties concerned and eliminate conflicts in "deadlock" at the grass-roots level. Thirdly, with respect to the mishandled petition matters, the grass-roots organizations shall honestly stick to the truth, correct errors and take practical actions to seek the understanding of the parties concerned.

Based on the theory of social governance, one essential element of governance is response, namely, "public administrative personnel and administrative organizations shall make timely and responsible responses to the requirements of citizens and shall not delay without reason or turn a deaf ear to it. And if necessary, they shall also regularly and proactively solicit opinions from the people, interpret policies to them and answer questions raised by the people." (Yu,

2000) As far as the problems reflected in the petition letters and visits are concerned, the solution of specific issues cannot be maneuvered by the State Bureau for Letters and Calls. The grass-roots organizations should be the organizers and executors for the settlement of specific issues. The State Bureau for Letters and Calls shall emphasize "governance by policies". In other words, the State Bureau for Letters is expected to formulate policies based on the study of regular cases and perform the correct expression of the will of the state. It shall refrain from handling or directly coordinating specific petition issues so as to avoid incurring the misunderstanding that "The State Bureau for Letters and Calls is open for any personal petition letters or visits". In case of the petitions requiring the involvement of the State Bureau for Letters and Calls, appointments shall be made in advance. The difficulty is in reality a number of deadlocked issues in petitions are related to the errors of grass-roots offices. Although grass roots activists accept oral criticisms when given by a superior authority, they are reluctant to review and correct these errors. In this way, the problems will remain unsolved and even be kicked to superior or subordinate authorities on purpose. When one of the forces of governance becomes a force of "hidden blocks", repeated visits, group visits, visits to a higher level and visits to Beijing occur one after another.

3 Building a Harmonious Society and Achieve the Cooperation between Public Power and Private Rights

The pluralistic pattern of stakeholders has taken shape as a consequence of the establishment as well as improvement of a market-driven economy in China. Traditional ideas of ruling have gradually faded away, giving way to the idea of governance. According to the idea of modern governance, the people are the owners of the state, and the power of the government is endowed by the people, so the government shall administrate according to law and the people. Here, the government is in a cooperative relationship with the people. If a governmental acts against the authorization of the people, the people have the rights to select another government that can better represent their interests. The elements for administering social public affairs are also plural: The government, non-governmental organizations or the cooperation of the two organizations. Obviously, with more diversity of elements for administration of social public affairs, the government can no longer be the one who issue orders, nor can the old mode that "You shall follow my order" survive. The government should lead by example, showing subordinates through practical deeds. As stated by Professor Hao Tiechuan: "The present idea of governance holds that governance involves all parties of the society. The governance highlights the consultation and

cooperation between the government, non-governmental organizations and citizens". (Hao, 2004) Under the circumstances where the rule of law is still not perfect, the overall economy is underdeveloped and the judicial corruption exists in some areas, the petition letter and visit system, as an institutional arrangement of remedies, is necessary and reasonable for safeguarding the people's interests and smoothing over social conflicts. The existing petition system should none than less be improved through reforms. The petition system is working as a channel and a platform for citizens to perform orderly political participation. The idea of abolishing the existing petition system makes little sense.

The legal system of the world has once been divided into private law and public law. Currently, there appears a trend of "the evolution of public law towards private law" and "the evolution of private law towards private law". The incorporation of the petition letter and visit system into the state law system is never to advocate the expansion of public powers or private rights. Instead, it aims to set up a mechanism highlighting the equal consultation, cooperation and mutual assistance between public power and private rights. If we agree with the idea of constructing "small government, big society", we shall accept the idea that the public's desires should be completed through private law. The smooth completion of public tasks through private law "can only be achieved with a combination of a mature private law system and an administrative mode of cooperation between the state and the society. Private law is essentially a system regulating the legal relations between equal subjects. To complete public tasks through private law, public administration should cooperate with various subjects in the society. This is the only way that this system can operate smoothly. This means the traditional public administration mode with the state power dominating should be reformed. Public administrative carriers, equal and independent, in the form of private law should be consciously constructed in specific administrative area for public tasks." In accordance with the specific circumstances of China, the petition letter and visit department is just one of the "public administrative carriers, equal and independent, in the form of private law for public tasks". (Wang, 2003)

The author holds that from overall investigation, the existing petition letter and visit offices in China should be considered as administrative organs. The cases of rejection to judgments in litigation shall not be deemed as petition issues. The remedies for litigation rights shall be carried out in statutory proceedings. Taking petition letters and visits as a remedy of rights outside statutory proceedings does contradict the maintenance of judicial authority. However, the remedies of rights currently available to Chinese citizens are very limited. Litigation as the last remedy for citizens' rights should not be cancelled, and the remedies of rights currently held by the petition letters and visits departments shall be returned to judicial departments. The designing of the petition system shall strictly follow

the basic requirements for the rule of law. This should not contradict or undermine the principle of governing the country in the form of decentralization and the mutual check and balance between administrative, legislative and judiciary powers. In other words, the petition letters and visits offices should not be used as a "big cleaning cloth". The reform in the petition system should be performed with both care and courage, since it is something similar to the case that "if you pull one hair the whole body will be moved". The reform in the petition system is confronted with numerous difficulties, thus we should remain focused and steady, proceeding in step-by-step manner. Firstly, the Party committee will no longer receive petition letters and visits except those for discipline inspection. The materials concerning complaints collected through petition letters and visits shall be forwarded to the organization departments or discipline inspection departments of the Party committee. Secondly, petition letters and visits involving litigation shall go to the Standing Committee of the NPC. The NPC shall be responsible to handle them according to statutory proceedings. Thirdly, the governmental offices in charge of petition letters and visits will no longer accept the petitions involving litigation. They shall handle the criticisms and suggestions from the people. The offices should help the shift of governmental function and the improvement of the governmental working efficiency. Petitions asking for settlement of issues should be delegated by the superior departments to their subordinates. In case of tough petitions, the superior petition departments have the right to hold public hearing and make a decision through public hearing. The power of petition departments should be expanded cautiously to achieving the long term goal of rule of law. If the petition departments are endowed with too much authority, the more issues they handle, the more expectation the people will place on them. As a result, they will suffer from the unbearable heavy workload and end up incompetent to handle petitions well. According to a cadre working in the petition office at grass-roots level, "what does ability mean indeed? The ability means being able to seek a balance among different parties." As a strategy to optimize the governmental decision-making system, the institutional reform will improve the existing petition system through smoother political communication. The restructured petition system also aims to settle the difficulties more effectively in the interest of the people at the grass-roots level. When discussing the relationship between private and public rights it is important to note that private rights should be limited and give way to the public interest when the two conflict. According to the provision of Article 5 of the UN International Covenant on Economic, Social and Cultural Rights: "There shall be no restriction upon or derogation from any of the fundamental human rights recognized or existing in any State Party to the present Covenant pursuant to law, conventions, regulations or custom on the pretext that the present Covenant does not recognize such rights or that it

recognizes them to a lesser extent." Obviously, fundamental human rights (such as the rights of life, personal freedom, the right of personal security and the right of survival) shall not be lessened by any country while property rights, privacy, right of light and other non-fundamental human rights may. When contradicting public interest or public order, concede through consultation. Of course, such concession shall be conditional, and the counterpart shall be obliged to make compensation. The Constitution of China prescribes: "The lawful private property of citizens is inviolable." "The State may, in the public interests and in accordance with law, expropriate or requisition private property for use and shall make compensation for the private property expropriated or requisitioned." Take an example of controversial urban housing demotion and relocation, private property being inviolable does not necessarily contradict the policy that the private property of citizens shall be expropriated or requisitioned according to law with corresponding compensation. Petition letter and visit offices shall work as an intermediary rather than a judge in the consultation of both parties. If there is any indication of infringing activities by the government, the case should be forwarded to the administrative supervision department for examination. In case of the disputes requiring legal judgment, the petition offices shall guide the parties concerned to initiate judicial procedures for maintaining their own lawful rights.

4 Social Stability Should Not Be Sacrificed for Citizens to Maintain Their Rights

Attention paid by the Party and the government to the work of petition letters and visits indicates the respect for the forces participating in social governance. It should be admitted the differences in social systems, dominant ideologies, levels of economic development and legal system among different counties will certainly affect its democratic development. China has to remain to be progressive and stable in its democracy development given the existence of numerous specific factors and by sticking to the rule of law. We strictly follow the rule of law, for the essence of the rule of law is to "rule officials" or to regulate public power rather than "rule the people". In promoting democracy, we shall remain progressive and stable to avoid possible social disorder. We shall be fully aware that democracy China promotes a controllable democracy. Citizens shall not maintain their lawful rights at the cost of social stability, and the fact that we respect petitioners does not necessarily mean that we will echo whatever issues they raise. The theory of social governance supports orderly participation rather than "do whatever I want". The enthusiasm of the people for participating in social governance shall be guided and regulated through communication and consultation according to law. As for some problems that remain unsolvable for

the time being, the petitioners shall understand the difficulty of the government and related departments in achieving a balance in mutual understanding and concession. For the complaints that have gone through acceptance, handling, review and re-examination, the petition letter and visit offices shall persuade and guide the parties concerned to accept the final settlement. Regulations on Petition Letters and Visits of the State Council has made reasonable and well-grounded provisions concerning this: "Where the petitioners refuse to accept the review opinion and still use the same fact and reason to lodge complaints, the petition letter and visit offices of the governments at all levels and other administrations shall not accept them any longer" (Article 35 of the Regulations on Petition Letters and Visits of the State Council).

Pursuit of democracy is a common and wonderful goal for all human beings. However, if democracy is out of control, it will not be wonderful at all. Uncontrollable and blind pursuit of democracy is likely to trigger democracy beyond control. Under the specific circumstances in China, democracy shall be achieved progressively in terms of time and space under the guidance of overall planning. The illegal behaviors on the part of the government offices in handling petition shall be punished, including dereliction of duty and malpractice. The illegal individual behavior of the petitioners should also be punished according to law. Hence, the State Council specifically provides for six circumstances where the acts of petition letters and visits shall be prohibited in Article 20 of the Regulations on Petition Letters and Visits revised in 2005. On September 15, 2006, the Standing Committee of the People's Congress of Beijing Municipality discussed and passed the Regulations on Petition Letters and Visits of Beijing Municipality. These further specified such circumstances and provided for ten circumstances where the acts of petition letters and visits are prohibited. These instances include illegal gathering and affray in the office premises of state organs and their surroundings or public places, blockading and attack of any state organ, interception of any vehicle on official duties, blocking and interrupting traffic, threatening others by means of suicide, self-inflicted wound or self-mutilation, insulting, beating or threatening personnel of state organs and unlawfully restricting the personal freedom of others. It should be acknowledged in the era of a planned economy, Chinese citizens' awareness of rights is still very weak. The Chinese citizens' awareness of rights has just been awakened, and it is imperative to guide citizens to maintain their lawful rights and interests. The government shall bear the responsibility to guide citizens to maintain rights by law. Even in the case involving the petitioner who calls himself "unruly people", the petition offices shall also recognize the essential attribute of "people" by guiding him to express his opinions in an orderly and reasonable manner. The petitioners should not express themselves in an unreasonable or illegal manner. The government shall never encourage people to learn to be

"unruly petitioners". Petitioners that believe "punishment will not be imposed on everybody" advocate "the more trouble you make, the more likely your problem will be solved". These petitioners believe that making trouble visits, unreasonable visits and even "lodging a complaint concerning foreign affairs" at the cost of state, social and collective interests and other citizens' lawful rights, which not only consumes plenty of public resources, but more seriously, destroys the social order and social stability. Accordingly, necessary sanctions shall be given based on the evidence. The title "citizen" indicates not only the nationality of an individual, but more importantly, the rights and duties he or she should shoulder. In this sense, the maintenance of each citizen's personal rights is consistent with the political and social stability of his/her country. The unity of maintaining citizens' rights and social stability requires that citizens shall handle the matters in the category of domestic affairs, rather than "internationalizing" them. Citizens do have the freedom of speech. The state maintains the power of preventing foreign governments or foreign forces from intervening in its domestic affairs. Therefore, we can not overlook the "complaints concerning foreign affairs".

In summary, the system of petition letters and visits plays an important role in promoting cooperation and mutual assistance of public power and private rights, executing two-way persuasions, improving error corrections and regulating the settlement of disputes. Hu Jian, from the Working Committee on Law of the National People's Congress, said: "Petition letters and visits should be conducted in the framework of the rule of law. Petitioners should express their opinions and safeguard their own rights in a reasonable manner without damaging the rights of others or social public interests. The government offices and departments should respect the lawful rights of petitioners under the principle of 'receive reasonable petitioners warmly, persuade unreasonable petitioners honestly and handle illegal petitioners according to law'. On the one hand, the government should not prevent or suppress the petitioners from making reasonable petitions, but neither should they indulge unreasonable or illegal petitioners. They shall refrain themselves from neglecting administration, being afraid of administration and even giving up administration. Otherwise the public interests and the lawful interests of other citizens will be harmed." (Hu, 2006)

Acknowledgement Special thanks to Mr. Chuan Hu from Shanghai Institute of Political Science and Law, who proofread and revised this article; and many thanks to Isabel Del Vecchio, J.D. candidate from the University of Connecticut School of Law, Hartford, CT, USA, who further revised this article in detail.

References

Hao Tiechuan (2004a). 国人不仅仅缺乏权利意识 (Chinese People not only Lack the

Awareness of Rights). In: Teahouse for Jurists. Jinan: Shandong People's Press, (6): 4–6
Hao Tiechuan (2004b). 寻找权利与权力的合作互助 (Seek the Cooperation and Mutual Assistance between Rights and Powers). Legal Daily, 2004-12-23, 8
Hu Jian (2006). 信访必须也只能在法治框架内进行 (Petition Letters and Visits Shall and Can Only Be Conducted in the Framework of the Rule of Law), www.npc.gov.cn, 2006-9-20
Jin Guohua, Tang Xiaotian (2007). 信访制度改革研究 (Research on the Reforms in the Petition Letter and Visit System). Beijing: Law Press, Law Press China, 2007-8
Li Jingpeng (2008). 权力政治学 (Political Science of Power). Beijing: Peking University Press, 2008-3
Lin Shangli, ed. (2004). 上海政治文明发展战略研究 (Research on the Political Civilization Development Strategy of Shanghai). Shanghai: Shanghai People's Press, 277–280
Ma Jianzhong (2003). 政治稳定论 (Theory of Political Stability). Beijing: China Social Sciences Press, 2003-8
Wang Weida, ed. (2003). 以私法完成公共任务 (Fulfill Public Duties by Private Law). Shanghai: Baijia Publishing House, 15
Yu Keping, ed. (2000). 治理与善治 (Governance and Good-Governance). Beijing: Social Sciences Academic Press, 23
Zhuo Zeyuan (2005). 法政治学 (Legal Political Science). Beijing: Law Press, 2005-3
现代汉语小词典 (Little Modern Chinese Dictionary, 1980). Beijing: The Commercial Press, 1st edition, 211

Author

Mr. Xiaotian Tang, master of law, is a professor whose research focuses on the trend of cutting-edge jurisprudence theory. He has over 110 articles published on influential newspapers and journals He has nine books published, including 信访制度改革研究 (Study on the Reform in Petition System), 刑事诉讼研究的新视角 (New Perspective into the Research on Criminal Procedure), etc.