

Research on the Dilemma in the Rule-of-Law Education on Chinese College Students in the New Era and the Countermeasures*

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Abstract—As the main body of "post-95" and "post-00" generations, Chinese college students in the new era are the core force for the construction and development of socialism with Chinese characteristics, the important promoters and core practitioners of comprehensively advancing the strategy of governing the country according to law. They have definite realistic appealing for education on the outlook of rule of law. However, the current rule-of-law education on them is not optimistic due to the objective obstacles to the rule-of-law education in China and the limited conditions for the self-development of college students in the new era. This paper deeply analyzes the problems and dilemmas existing in the rule-of-law education of Chinese college students in the new era, explores the approach to breaking the dilemmas and puts forward specific operation schemes in combination with the teaching practice of rule-of-law education on college students and under the guidance of Xi Jinping's socialist thoughts with Chinese characteristics in the new era and the "three entries" under Xi Jinping's rule-of-law thoughts.

Keywords: *the new era, college students, rule-of-law education, Xi Jinping's rule-of-law thoughts, the course of Ideological and Moral Cultivation, legal foundation*

I. INTRODUCTION

On May 3, 2017 when Xi Jinping visited China University of Political Science and Law, he emphasized that "we must adhere to the path of socialist rule of law with Chinese characteristics and adhere to the guidance of Marxist legal thought and the theory of socialist rule of law with Chinese characteristics to cultivate a large number of rule-of-law talents with high quality". Since the 18th National Congress of the CPC, General Secretary Xi Jinping has made a series of important exposition on all-round country governance on the basis of the socialist rule-of-law path with Chinese characteristics, the system of rule of law, and the practice of rule of law, forming an ideological system of rule of law with concentrated themes, clear main lines, rich content and deep connotation. Xi Jinping's rule-of-law

thought is the core support of the socialist rule-of-law theory with Chinese characteristics, and also the content of socialist rule-of-law education with Chinese characteristics in the new era. Focusing on colleges and universities, it is particularly important to provide college students in the new era with rule-of-law education oriented to Xi Jinping's rule-of-law thought.

But from the current teaching status, in addition to the basic course of law major "nomology", the education contents of this major are department laws. At the level of socialist rule-of-law education on college students, facing the indifferent education approach for students throughout the school, the education is mainly carried out on the basis of the course of Ideological and Moral Cultivation and Basic Law Education (hereinafter referred to as "Basic Course"). "Basic Course" is an important curriculum carrier that organically combines the education of rule of virtue and the education of rule of law, while the basic part of law has the function of cultivating college students' socialist rule-of-law outlook. Through classroom investigations and interviews in the teaching process, this paper summarizes and analyzes the problems and dilemmas in the rule-of-law education on college students in the new era, explores the internal logic and external causes of the problems and dilemmas, and further proposes the scheme for optimizing the rule-of-law education on college students in the new era.

II. THE REALISTIC NEED OF STRENGTHENING THE RULE-OF-LAW EDUCATION ON CHINESE COLLEGE STUDENTS IN THE NEW ERA

A. *The rule-of-law education is an inherent requirement for college students' growth and cultivation in the new era*

What is the new era? German philosopher Hegel said, "Personally, everyone is a child of his time. So is philosophy. It is its age maintained in thought."¹ This means that any individual's understanding of the era cannot exceed the era in which he lives, and the theoretical grasp of the era always cannot be fully understood until this era has passed. The

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¹ [German] Hegel. (Trans.) Fan Yang, Zhang Qitai. *Philosophy of Right* [M]. Beijing: The Commercial Press, 2010. Page 12 of Preamble.

"Owl of Minerva will not take off until dusk" said by Hegel precisely expresses this meaning. Marx and Engels believed that "People are the producers of their own views, ideas, etc., but the "people" here are real people engaging in activities and are restricted by their own productivity and certain development of the associated communication. Consciousness can only be realized being at any time, and people's existence is their real life process."² Historical materialist critiques that the consciousness of rethinking the era can only lag behind the idealism of the era, and scientific consciousness has important guiding significance and promoting effect on social existence. The scientific judgment of the era is conducive to the development of the era in the right direction, while the judgment of the new era can only be found from the specific material living conditions, "we cannot judge such an era of change based on its consciousness; on the contrary, this consciousness must be explained from the contradiction of material life, from the existing conflict between social productivity and production relations".³

Therefore, the 19th National Congress of CPC made significant and scientific political judgment on the historical changes happened in the main contradictions in Chinese society that the main contradictions in Chinese society had been transformed into the contradiction between the people's increasing needs for good life and the unbalanced and insufficient development, and profoundly revealed that socialism with Chinese characteristics had entered a new era. The new era is not simply a mark of the political, economic, and cultural development stage, but also has its unique connotations and requirements. Focusing on the field of higher education, the new era also has different requirements for college students in this period from that in previous era. The report of the 19th National Congress of the Communist Party of China "clearly defines that the general goal of comprehensive promoting law-based governance of the country is to construct a socialist rule-of-law system with Chinese characteristics and build a socialist country ruled by law". It also clearly proposes to "enlarge the effort made on popularizing the law among all people" and "improve the rule-of-law quality and moral quality of all ethnic groups". As the saying goes, "thriving youths leads to a thriving nation; strong youths lead to a strong country", in the new era, college students as the backbone of the national youth group cannot grow up well without a good environment and education, while the construction of socialist rule-of-law theory, path and system with Chinese characteristics in the new era, the shaping of socialist rule-of-law culture with Chinese characteristics in the new era and the internalization of socialist rule-of-law concept with Chinese characteristics in the new era and the like tasks are all inseparable from the education and shaping of college students' rule-of-law views and values in the new era.

² Marx Engels Selected Works (Vol.1) [M]. Beijing: People's Publishing House, 2012: 152.

³ Marx Engels Selected Works (Vol.2) [M]. Beijing: People's Publishing House, 2012: 3.

B. The rule-of-law education is an inevitable requirement for the "three entries" of socialist core values

Socialist core values are the concentrated reflection of contemporary Chinese spirit, and the ideological and moral foundation for condensing Chinese powers. General Secretary Xi Jinping emphasized that "young people are in the period of forming and establishing views and values. It is very important to take the chance to cultivate their views and values".⁴ For young college students, their value orientation determines the value orientation of the entire society in the future. Carrying out effective "three entries" of socialist core values on them is an important task of ideological and political education and teaching in colleges and universities. And the education of rule-of-law value is an indispensable content in the education of socialist core values. Naturally, college students as the elites of the era cannot avoid this kind of education.

With "three initiatives" as the basic content, socialist core values are in line with the development requirements of socialism with Chinese characteristics and the outstanding traditional culture of China and the outstanding achievements of human civilization. They are the important judgment made under the collective value consensus of all parties and the whole society as condensed by CPC. For college students in the new era, "the targeted core values are the outlooks of the rule of law, morality, and patriotism. The outlook of rule of law implies democracy, rule of law, freedom, equality, and justice; the outlook of patriotism implies wealth, strength, civilization, and harmony; the outlook of morality implicitly reflects integrity, dedication, and friendliness".⁵ The outlooks are integrated and form into the basic content of socialist core values; they are mutual influential and dialectically unified. If the outlook of patriotism is the bed stone of socialist core values, the outlook of rule of law is the guarantee for putting into practice the socialist core values and the outlook of morality is the value requirement of socialist core values.

As an important part of socialist core values, the outlook of rule of law "is a reflection of objective practice of the rule of law in people's minds. It is a general term of people's legal knowledge, legal consciousness, the outlook of rule of law, and the psychology rule of law."⁶ It is an ideology of people to emphasize, abide by and strictly implement the legal system and put into practice the rule of law and a dynamic reflection and inherent consciousness of people's practice of the rule of law. It expresses people's requirements for understanding, grasping and evaluating the rule of law. The socialist outlook of the rule of law should take the cultivation of citizens' belief in the rule of law as the ultimate value goal.

⁴ Xi Jinping: The Governance of China [M]. Beijing: Foreign Languages Press, 2014: 172.

⁵ Liu Xuguang. A Review of Studies on Socialist Core Values and the Value of the Rule of Law [A]. Editor-in-Chief Yang Junyi. A Collection of Research Papers on "Three Entries" of Socialist Core Values [C]. Shanghai: Shanghai University Press, 2015: 162.

⁶ Liu Xuguang. Analysis of the "three entries" strategy and mechanism of value of the rule of law as one of the socialist core values [J]. Journal of the Chengdu Municipal Party College of C.P.C, 2015 (04).

For college students in the new era, the shaping of their outlook of rule of law indicates that the essence of rule of law has penetrated into the bottom of its psychological structure, precipitated as a good psychological quality of rule of law, expressed in a stable way of rule-of-law thinking, and affected their choice of social behavior. And this is precisely in line with the essential requirements for constructing a rule-of-law China. Therefore, the rule-of-law outlook education on college students in the new era is an inevitable requirement for the "three entries" of socialist core values.

C. The rule-of-law education is an important weapon for breaking the "westernization" of college students' thinking on the rule of law

In China's theoretical circle, the researches on the theory of rule of law mainly start from the practice and theory of rule of law from ancient Greece to the Middle Ages and the western modern times. If it is said that the reform and opening up since the Third Plenary Session of the 11th Central Committee of the Chinese Communist Party made Chinese truly realize the developed economy and rule-of-law civilization of the western world, the practice of learning and drawing from western rule of law prevails in actual operation process with respect to the dispute between the legal transplant theory and nativeness theory brought by the reform and opening up. On the other hand, there is also a "nationalist" tendency that adheres to the Chinese legal tradition. Focusing on the education level of the outlook of rule of law of college students, it appears that the carrier of rule-of-law outlook education is lacked and the content of such education is chaotic, which mainly manifests as a tendency of "westernization", namely the western outlook of rule of law is regarded as a guide in China's rule-of-law outlook education. Focusing on the field of law teachers and ideological and political course teachers in colleges and universities, the westernization of the outlook of rule of law will directly affect the cultivation of the college students' outlook of rule of law, leading to the phenomenon of "westernization" of the rule-of-law thinking of college students in the new era.

According to field investigation of a class in the front-line teaching, it is found that the "westernization" of college students' outlook of the rule of law has led to their disagreement with the socialist rule-of-law theories, roads, and systems with Chinese characteristics. In detail, they ignore the realistic logic of socialist democratic politics with Chinese characteristics, and one-sidedly ask the answer to the false proposition "between law and the party, which one prevails?" Even some students believe that "there is an irreconcilable internal contradiction between the rule of law and adherence to the party's leadership". Specifically, they ignore the basic spirit of China's constitution and the basic logic of China's polity, and one-sidedly take western rule of law as the template, sympathize with and support the "constitutional" rule of law characterized by the separation of three powers and the independence of the judiciary, ignore the rule-of-law concept deposited in the practice of socialist rule of law with Chinese characteristics, and completely take western concept, take western rule-of-law culture as the

guide for construction of China's rule-of-law culture, and one-sidedly take western the "legal belief" featured by western religious beliefs as the value pursuit in constructing China's rule-of-law culture.

For college students in the new era, the so-called "ideal vision of the rule of law" maintained by them has typical westernization characteristic. According to investigation and analysis, the main reasons are as follows: first, it is purely intuitive sentimental judgment, namely they do not have mature concept of the rule of law and but choose purely based on their preferences. More often, it is an expression of the so-called individuality, namely they turn to identify with the so-called Western civilization with a highly developed rule of law due to the current setbacks or problems encountered in the process of building the rule of law in China. Second, it is simple rational logical thinking and lack of judgment without deeply rational comparative reflection. The reason why modern western developed countries, especially the United States, can achieve such status is because they have highly developed rule-of-law civilization. This case implies such a simple logic that "Because they are good, so should we do like them." In short, given the historical and epochal constraints of the socialist rule-of-law path with Chinese characteristics, college students in the new era have apparent feature of this "westernization" thinking and are eager to receive scientific rule-of-law outlook education. A scientific and effective rule-of-law education is a powerful weapon to deal with and break the westernization problem of college students' western rule-of-law thinking.

III. DERIVATIVE FACTORS OF THE DILEMMA IN THE RULE-OF-LAW EDUCATION ON CHINESE COLLEGE STUDENTS IN THE NEW ERA

A. College students in the new era have weak positivity and initiative in receiving the rule-of-law education

According to survey, a considerable number of college students believe that the construction of a rule-of-law country has little to do with them and the comprehensive promotion of the strategy for governing the country according to law and the construction of rule-of-law China and so on are all the undertaking of the party and government. Even some students believe that those things are to be done by leaders. This view is essentially a manifestation of their weak awareness of the rule of law and indifference to democratic politics. In addition, in the era of new media network, college students are often exposed to the fragmentation and entertainment of information, especially various irresponsible "reverse" reports about law-related incidents. This often leads to their negative and conflicting evaluation on the rule of law in China.

College students in the new era are talent reserve for future construction and development of China. Their rule-of-law education is related to the future of rule-of-law construction in China. The first training objective of colleges and universities is to train the builders and successors of the cause of socialism with Chinese characteristics. In the era when higher education has developed to this day, the elites of society and national cadres are almost or necessarily

cultivated in colleges and universities. Therefore, some scholars pointed out that "although today we emphasize that leading cadres must have rule-of-law thinking, today's students may become leading cadres in the future."⁷ Universities are no longer just the places to receive knowledge or create knowledge points. Just as professor Su Li from the School of Law of Peking University said, "In fact, today's university has had to quietly assume another important social function: it has become the last training camp for young people before they enter modern social life."⁸

B. College students in the new era have unsmooth approach to effectively receiving the rule-of-law education

Actually in 2009, the Central Organization Department, the Central Propaganda Department, the Central Political and Legal Committee, and the Ministry of Education had jointly issued a document that explicitly proposed to "actively promote incorporating the education of socialist rule-of-law concept into the textbooks of ideology and morality and law education in various levels and types of colleges and universities, and clarify the teaching requirements at different levels, to cultivate a large number of teachers having both deep research accomplishments and rich teaching experience and truly penetrate the socialist concept of the rule of law 'in textbooks, in classroom, and in students' minds"⁹. This document also put forward a specific plan on how to carry out the education of socialist rule-of-law concept in colleges and universities, namely "all kinds of universities should incorporate the essential connotation and basic requirements of the socialist rule-of-law concept into the textbook of the Basic Course; political science and law schools should open required courses on the socialist rule-of-law concept; other schools should open elective courses on the socialist rule-of-law concept."¹⁰

However, judging from the teaching of socialist rule-of-law education in Chinese universities, the situation is not optimistic. Taking Shanghai University of Political Science and Law as an example, law school and department have not provided any required or elective courses related to the education of socialist rule-of-law concept with Chinese characteristics, and the course about such education is rarely seen in the curriculum setting of other majors. Only the ideological and political education specialty (direction of judicial political work) of the Marxist College is provided with a required course "Introduction to the Concept of the Socialist Rule of Law". In fact, the relevant teaching

materials are also scarce. In short, the problems such as the lack of relevant educational materials, the lack of related course setting, and the lack of related practical activities are the main causes of college students' poor access to the rule-of-law education in the new era.

C. The mode of rule-of-law education on college students in the new era is still needed to be improved

If the weakness in targeted course and teaching materials for college students' rule-of-law education is an objective dilemma that cannot be resolved in a short time, it is not optimistic for "Basic Course" as the course of general education for the rule of law. As is known to all, the "Basic Course" aims at guiding the cultivation of college students' ideological and moral qualities and is an important carrier of the "three entries" of Xi Jinping's rule-of-law thought and the core course for effective rule-of-law education on students in the new era. However, there are still many problems in the rule-of-law education for college students in this course.

First of all, there is bias on the cognition of teaching in the law teaching part of the "Basic Course". It is mainly manifested in the cognitive misunderstanding of the relationship between "ideological and moral cultivation" and "legal foundation" in this course; both the content amount of the legal part of the textbook and the phenomenon of weakening in the current specific teaching design have led to an imbalanced pattern in the teaching of the course, namely "ideological and moral cultivation prevails and legal foundation next". In the limited teaching time, the part about rule-of-law education often does not receive due attention, affected the actual effect of teaching. In addition, the professional teachers have relative weak legal knowledge reserves so that teaching of legal part is not paid enough attention to.

Secondly, the teaching methods of rule-of-law education in the "legal foundation" are backward. The teaching purpose and goal of the "legal foundation" part is not to allow students to learn many specific legal provisions, but let them know about, understand, and accept the fundamental essence of the socialist rule-of-law theory with Chinese characteristics. However in fact, some teachers feel that a lot of legal expertise cannot be imparted to students systematically and comprehensively within the prescribed class hours. Students also generally think that many core concepts are plausible so that they cannot get the essence; they feel that there is a big gap between the actual study of law and the original imagination of law, and some students are even afraid of the mountains of concepts in the textbooks, and even feel tired of learning. Due to the ambiguity of the teaching model of the rule of law for college students, the teaching teachers often focus on transfer of abstract principles based knowledge. In a relatively limited class hours, they insist on systematically and comprehensively teach and instill the abstract concepts listed in the teaching materials to students, lacking effective teacher-student interaction, so that students cannot get the essence and truly keep the knowledge in mind. Consequently, the actual effect of rule-of-law education is affected.

⁷ Chen Dawen, Kong Penghao. On the Cultivation of Legal Thinking of College Students [J]. *Leadin Journal of Ideological Theoretical Education*, 2015 (01).

⁸ Su Li. *The Landscape That Cannot Get out of: Speeches and Rhetoric in University* [M]. Beijing: Peking University Press, 2001.

⁹ Committee of Political and Legislative Affairs. *Textbook of the concept of socialist rule of law* [M]. Beijing: China Changan Publishing House, 2009: 3.

¹⁰ Committee of Political and Legislative Affairs. *Textbook of the concept of socialist rule of law* [M]. Beijing: China Changan Publishing House, 2009: 3.

IV. SCHEME FOR OPTIMIZING THE RULE-OF-LAW EDUCATION ON CHINESE COLLEGE STUDENTS IN THE NEW ERA

A. *Expanding the content system of the education*

It is needed to sort out the core content of the socialist rule-of-law education. The theoretical source, ideological connotation, main characteristics and significance and so on of Xi Jinping's rule-of-law thoughts can be taken as the mainline to sort out and compare the laws, the rule of law and the like core concepts in China and western countries, and make clear the specific expression of those core concepts in Xi Jinping's rule-of-law thoughts. The fundamental content of rule-of-law education for college students in the new era can be expanded on the basis of socialist rule-of-law theory, path and system with Chinese characteristics and relevant contents. If conditioned, colleges and universities can open required or elective course "Socialist Rule-of-Law Theory with Chinese Characteristics", cultivate or train teachers with a firm socialist rule-of-law concept, compile and use reasonable and scientific teaching materials or aids. In addition, the content of Xi Jinping's rule-of-law thoughts can be incorporated into the whole teaching process of "legal foundation" part of the "Basic Course" based on the current teaching materials.

B. *Optimizing the manner and method for the education*

In order to optimize and play the main channel role of first class teaching system, it is needed to strengthen the improvement of related teachers' legal quality and legal knowledge and skills, improve the teaching methods of rule-of-law education, and further improve the quality and effectiveness of the education. Oriented to teacher's teaching, reverse classroom can be carried out and the design of teaching interaction can be enhanced. When teaching in classroom, college teacher should combine classroom teaching with the social practice, timely listen to college students' views on hot news or policies relevant to law, give them in-time guidance, as well as explain the concept of "the construction of rule-of-law China needs everyone's participation" to students in the classroom. At the same time, frontline workers from state organs such as the public security organ, procuratorial organ and the court can be invited to give lectures in colleges and universities in their true identities and true cases to let students get a more intuitive understanding of the socialist rule-of-law theory with Chinese characteristics. In addition, it is necessary to make full use of online platforms to establish public accounts on new media such as rule-of-law education Weibo and WeChat and issue information related to rule-of-law education in response to hot rule-of-law events and issues to realize the connection between classroom and the society.

C. *Constructing a "cognition-belief-practice" integrated teaching system*

Xi Jinping's rule-of-law thought is the latest achievement of the Sinicization of Marxism in the field of law, and also the spiritual guide to the teaching of "legal foundation" part in the "Basic Course". It is needed to construct a "legal belief" centered "cognition-belief-practice" integrated

teaching model, namely to construct an organically unified framework centered on trust and belief of legal spirit and rule-of-law concept on the premise of understanding and rational cognition of law (rule-of-law) knowledge, with the purpose of practicing legal rights and fulfilling legal obligations. This teaching mode is in line with the basic law of rule-of-law education on college students in the new era. In teaching practice, it can help better enhance the interest of college students to learn "basic lessons" and can also achieve better teaching results. In addition, it is needed to make teaching plan and courseware based on the teaching content of the current "legal foundation" part and rationally arrange the class hours, take "micro-lecture" teaching model based on micro-video shooting materials and reshape the core goal and teaching system of the "legal foundation".

V. CONCLUSION

To sum up, In the new era, Chinese college students are the core force for the construction and development of socialism with Chinese characteristics, and are important promoters and core practitioners of comprehensively advancing the strategy of governing the country according to law. It has a clear realistic demand for the education of the concept of the rule of law, which is mainly manifested in the fact that the education of the rule of law is an inherent requirement of university growth and success in the new era. It is the inevitable demand of socialist core values "three forward". It is an important weapon to crack the "westernization" of university students' legal thinking. This paper analyzes that the derivative factors of the dilemma of Chinese university students' legal education in the new era are as follows: weak initiative to accept legal education. The effective access to legal education is not smooth. And the rule of law education model needs to be improved. The author thinks that it can be optimized and improved from the three dimensions of expanding the content system of the education, optimizing the manner and method for the education, and constructing a "cognition-belief-practice" integrated teaching system.

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