

Citizen Participation and Legal Efficacy: Social Movements and Legal Transformations in Democratic Societies

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Abstract. In our contemporary society, concepts like social relations, democracy, and the rule of law are integral to our lives. Yet, the intricate interplay between these elements prompts us to ponder: What is the relationship between social relations, democracy and the rule of law? How do they intersect and influence each other? As the 21st century passes through 23 years, democratic society has also accompanied human society for several hundred years. This prompts us to question: Does democracy still have room to evolve, and is the rule of law robust in today's democratic landscape? Moreover, how can ordinary citizens contribute to the advancement of democracy and the fortification of the rule of law? These are the questions we should think about. This article draws upon insights from eminent experts and scholars and showcases recent instances of democratic progression and the strengthening of the rule of law achieved by ordinary citizens in various nations. The aim is to inspire deeper reflection on these issues and encourage greater engagement with the ongoing evolution of democracy and the rule of law.

Keywords: Social movements, legal transformation, democratic.

1. Introduction

Democracy and the rule of law are two pillars that underpin modern societies. They are the cornerstones upon which nations build their governance structures, ensuring that power is not concentrated in the hands of a few but is exercised for the benefit of the many. These principles are not static; rather, they evolve and adapt to the changing needs and aspirations of societies.

In the 21st century, as our world becomes increasingly interconnected, the concepts of democracy and the rule of law take on even greater significance. The global community is witness to diverse political systems, each with its own interpretation of these principles. As a result, understanding the intricate relationship between citizen participation, social movements, and the legal framework becomes crucial.

This paper seeks to explore its most fundamental expressions within various countries and regions. These expressions manifest as citizen participation and the dynamics of social movements. Through this exploration, we aim to uncover the common threads that unite diverse democratic expressions. This journey not only seeks common ground while respecting differences but also contemplates practical pathways for the future.

The structure of this paper is designed to facilitate a thorough examination of the topics at hand. Following this introduction, the paper is organized into four core sections. The first section explores the multifaceted aspects of citizen participation in democratic societies, ranging from voting in elections to engaging in public demonstrations. The second section investigates the influence of citizen engagement on the formulation and enforcement of laws, recognizing that the rule of law is subject to evolution driven by societal needs. The third section probes the legal safeguards and constraints that govern citizen participation, recognizing that while it is vital to empower citizens, it is equally essential to uphold the rule of law. Finally, the fourth section peers into the future, contemplating the path towards harmonizing democratic pluralism globally and fostering a world where democracy and the rule of law thrive.

2. Relationship between Citizen Participation and Legal Efficacy

2.1. Citizen Participation and Social Movements in Democratic Society

2.1.1 Diverse forms of citizen participation

To grasp the concept of citizen participation is, it's essential to recognize its various dimensions. Scholars hold differing perspectives on this topic. Su Xianrui from People's Public Security University of China defined it as "citizens' efforts to influence public policies related to their demands," forming a cornerstone of modern democracies [1]. Similarly, Liu Liu of Zhaoqing College emphasized citizen as "the plurality of governance subjects and the multiple interactions and cooperation between the subjects to seek consensus and establish authority on this basis" [2]. These definitions collectively imply the multifaceted nature of citizen engagement, encompassing activities like voting, demonstrations, public discussion, decision-making, volunteer services and the use of online expression.

2.1.2 Emergence and drivers of social movements

The emergence and evolution of social movements often mirror the society's aspirations, concerns, and grievances. Scholars Liu Yanjun of Peking University and Guo Fenglin of Beijing Foreign Languages Institute aptly define a social movement as a collective endeavor with clear objectives that spans a continuous duration [3]. This amalgamation of collective intent and sustained activity is vividly illustrated by historical examples.

In the twilight of the Qing Dynasty, the Boxer Rebellion emerged as a spontaneous patriotic response to China's perceived humiliation at the hands of foreign powers. Rooted in the desire to protect the nation and resist invasions, this movement exemplifies the essence of a social movement. Similarly, the May Fourth Movement emerged as an outcry against the Beiyang government's perceived acquiescence to Japan territorial sovereignty over Shandong Province. As a result, students and workers took to the streets on May 4, 1919, to protest against the Beiyang government's loss of power and humiliation of the country. Both episodes resonate with the defining elements of social movements outlined by scholars, reinforcing the idea that they are rooted in collective goals and sustained action.

2.2. Impact of Citizen Participation on Lawmaking and Enforcement

2.2.1 Mechanisms influencing legal formation

Globally, countries institute provisions for citizens to partake in law formulation. For instance, Portugal's Administrative Procedure Code stipulates that "interested parties may petition the competent authorities to formulate, amend and repeal regulations" [4]. Mainland China's Constitution, in Article 2, enshrines citizens' administration of state, economic and cultural, and social affairs through various means and forms" [5].

Laws, inherently lagging behind societal shifts, necessitate continual reflection. The case of the film "I am not the God of Medicine" in mainland China in 2018 is emblematic of this interaction. The film catalyzed public discourse on medicine-related issues, prompting the government to engage and revise the Drug Administration Law in 2019. The amendment, addressing concerns over counterfeit and substandard drugs, exemplifies how citizens' engagement can foster meaningful legal changes [6].

2.2.2 Citizen participation driving legal enforcement

There are many ways in which citizen engagement can contribute to the implementation of laws and policies. Taking the new media as an example, there are many platforms where citizens can monitor the implementation of laws by the relevant authorities. For example, in response to a hot issue, citizens can express their views and opinions under relevant videos on the Internet. Some netizens can also make their own videos or publish articles to monitor. Such a kind of supervision belongs to public opinion supervision. The engagement of citizens through new media, however,

introduces an element of subjectivity that may compromise the impartiality of the judicial system. Balancing this participatory vigilance with the necessity for objective legal enforcement poses a challenge. To mitigate this, a comprehensive legal education campaign is imperative to enhance citizens' understanding of legal principles and processes.

2.3. Legal Safeguards and Constraints on Citizen Participation

2.3.1 Legal safeguards for civil rights

Central to a democratic society is the assurance of civil rights, guaranteed by constitutional provisions. In China, the Constitution's Article 2 guarantees the right of citizens to participate, while Article 35 safeguards the freedom of speech, of the press, of assembly, of association, of procession and of demonstration [7]. After the War of Independence in the United States, the political leaders of the country realized Montesquieu's idea of separation of powers in the Constitution, and at the same time, they also affirmed the individual value of citizens' civic political participation [8]. Constitutional guarantees lay the foundation for meaningful civic participation, reinforcing the premise that any participatory endeavor must find its roots in a constitutionally safeguarded framework.

2.3.2 Legal Safeguards on Citizen Participation

As the participatory landscape evolves, the challenge lies in striking a balance between fostering citizen engagement and preventing potential excesses that can undermine justice and fairness. The reality to be considered is that citizens do not have the same level of understanding of the law. Therefore, in any democratic country, while strengthening the participation of civil society, it is also necessary to prevent the proliferation of populism at the same time, which may result in unfairness in the administration of justice. Upholding the rule of law becomes especially important, as Dr. Liu Xiaomeng of Zhengzhou University said, "When a law has substantive flaws or procedural loopholes, citizens should take a reasonable and legal path to amend it. Citizen participation has the value function of safeguarding both individual interests and public interests, and at the same time should be legal and orderly." This underscores the need for a judicious imposition of legal restrictions that ensure a responsible and impactful participatory process.

3. Interaction between Social Movements and Legal Transformations

3.1. Role and Influence of Social Movements in Legal Transformations

Social movements have historically played a pivotal role in catalyzing legal change, often leading to significant alterations in the legal landscape. Throughout the course of civilization, instances abound where the emergence of new laws closely aligns with the rise of influential social movements within a country or region. These social movements, in turn, have frequently acted as catalysts for the development and reform of legal systems.

3.1.1 Instances of social movements triggering legal changes

The historical interplay between social movements and legal transformations is profoundly exemplified by several cases. The first is Roman law and the spread of Christianity. In its early days, Christianity was considered an illegal religion within the Roman Empire. However, through the legal struggles and defenses, Christianity eventually gained legal recognition. Notably, Emperor Constantine the Great issued the Edict of Milan in 313 A.D., which marked a pivotal moment in establishing the legal status of Christianity [9]. The Xinhai Revolution of October 10, 1911, as the second instance, represented a critical turning point in China's history. It epitomized the clash between democratic republican system and authoritarian centralized system. In the end, democracy and republicanism prevailed, leading to the enactment of laws by the Provisional Government of the Republic of China that firmly entrenched these principles in the nation's governance. This period gave rise to the widely embraced belief that "sovereignty rests with the people," reshaping the legal framework in China.

3.1.2 Impact of social movements on legal transformations

As previously discussed, social movements exert a significant influence on the formulation of laws. Take the case of *Baker v. Nelson* in the United States as an example, when Jack Baker and Michael McConnell applied for marriage in 1970, the government at that time allowed their application but refused to grant them a marriage license. This case indirectly triggered the fight for the legalization of same-sex marriage in the United States. Eventually, after a series of struggles, same-sex marriage was legalized in Minnesota on May 13, 2014. Subsequently, on June 26, 2015, the U.S. Supreme Court's historic ruling nationwide legalized same-sex marriage. This example underscores how legal conflicts and societal resistance can instigate judicial reforms in a country, region, or area [10].

3.2. Responses and Adjustments of Legal Frameworks to Legal Transformations

The intricate relationship between social movements and legal transformations necessitates a closer examination of how legal systems respond and adapt to the dynamics of societal change.

3.2.1 Legal responses to social movements

Changes in legislation often result from social movements that arise in response to the emergence of new ideas. This phenomenon is notably illustrated by the evolution of social movements in tandem with legal adjustments. For instance, the fight for same-sex marriage rights in the United States saw legal reforms following initial denials, illustrating the dynamic relationship between social movements and legal adjustments. In China, a variety of unreasonable unpaid overtime and forced overtime in private enterprises have led to large-scale protests by Chinese laborers. These actions were noticed by the Chinese government and the Chinese state media CCTV, which led the authorities to re-emphasize and monitor the implementation of Article 41 of the Labor Law of the People's Republic of China [11]. In this way, we can see that social movements can prompt legal changes and compel those in power or with vested interests to address issues within existing legal frameworks.

3.2.2 Evolution and adaptation of social movement strategies

Successful social movements often undergo strategic shifts as they pursue their objectives. Take the American civil rights movement as an example, which began with the landmark *Brown v. Board of Education* case [12]. This case triggered the attention of all sectors of American society, leading to the 1954 Supreme Court ruling that segregation in public schools was unconstitutional. And Martin Luther King, Jr. as one of the leaders of the civil rights movement, initially adopted a strategy of violent resistance and disobedience, famously known as the Montgomery Bus Boycott. However, as this method did not garner federal government attention, the movement evolved [13]. After the movement lasted a few years, in 1963, Martin Luther King, Jr. delivered his famous speech "I Have a Dream", igniting nationwide support for equal rights. The culmination of this transformation was the passage of in front of the Lincoln Memorial. sparked a focus on equal rights across the United States, culminating in the passage of the Civil Rights Act in 1964, which outlawed racial discrimination in public places, employment and schooling. This evolution underscores the adaptability of social movements in achieving their goals, shifting from violent approaches to peaceful protests that ultimately yielded success.

3.3. Balance between Rule of Law, Citizen Participation, and Social Movements

The intricate interplay between the rule of law, citizen participation, and social movements underscores the need to strike a delicate balance in the pursuit of democratic ideals and social progress.

3.3.1 Importance of upholding rule of law

Central to this equilibrium is the paramount importance of upholding the rule of law, which serves as a bedrock for safeguarding the rights and liberties of individuals within a society. The law not only enshrines these fundamental rights but also delineates the responsibilities that citizens must adhere to. Moreover, the law plays a pivotal role in maintaining social order, underscoring the necessity for citizen participation and social movements to operate within defined boundaries. For example,

according to the provisions of many national laws, we can take the form of demonstrations, political petitions, Internet complaints, and so on. However, it is imperative that these activities remain within the bounds of legality. Demonstrations should not degenerate into violent conflicts, and Internet complaints should not degenerate into cyber-violence, as exceeding these legal limits can undermine the very principles these movements seek to uphold.

3.3.2 Appropriate scope for citizen participation and social movements

Furthermore, the scope of citizen participation and social movements must be carefully calibrated to ensure that their objectives remain achievable within reasonable boundaries. A compelling exemplar of such measured activism is Taiwan's successful journey toward legalizing same-sex marriage. Over several years, citizens pursued this cause through peaceful and lawful means, serving as a model of nonviolent participation in social movements. Conversely, the violent clashes that unfolded in France during recent protests over pension reforms serve as a stark reminder of the perils of exceeding reasonable limits. In such cases, the pursuit of rights should not come at the expense of lives and property, and peaceful, legal avenues must always be prioritized.

4. Prospects for Future Legal Reforms in Democratic Environments

4.1. Coordination and Development of Legal Reforms through Citizen Participation

4.1.1 Further expansion of citizen participation in democratic societies

Compared with the authoritarian societies of ancient times, in modern democratic societies, every citizen has the right to political participation. In the course of such participation, we should also consider how to further expand our rights. At the present stage, all countries have an electoral system, and everyone has the opportunity to elect his or her own representative, whether at the national or local level. To empower citizens and perfect their right to information, governments should consider live broadcasting parliamentary proceedings featuring elected representatives. Additionally, as the internet continues to evolve, online platforms for discussions can facilitate the resolution of issues that require deliberation beyond the constraints of time. This approach not only minimizes unnecessary costs but also indirectly reduces the need for large-scale public demonstrations, contributing to societal stability.

4.1.2 Harmonizing citizen participation and legal reforms

In modern democracies, civic engagement and law reform are inextricably linked. Of course, this is understood differently in different countries. In China, for example, it is the people who have the power to propose the enactment or amendment of laws who propose the enactment or amendment of laws and then submit them to the state organs for deliberation. In the process of deliberation, representatives communicate closely with their constituents, and finally summarize them for deliberation on the floor. Ultimately, the objective of this system is to fully express public sentiment and generate a broad consensus. It aspires to capture the essence of the largest common denominator of public opinion, facilitating the enactment of laws that genuinely resonate with the populace. By involving citizens at various stages of the legislative process and nurturing a sense of shared ownership over legal reforms, China seeks to ensure that its laws remain closely aligned with the evolving dynamics of its society.

4.2. Continual Role and Evolution of Social Movements in Legal Reforms

4.2.1 Social movements as engines of legal reforms

Laws have a lagging effect, which means that when a new thing or idea appears, there is no way to harmonize it when the law is enacted, and therefore social movements are needed to promote it. A case in point is the legislative history of same-sex marriage in Taiwan. Initially, there was no relevant law to protect same-sex marriage in Taiwan. And with the protests of pro-marriage affirmative action groups led by Democratic Progressive Party Legislator You Meiniv, the Legislative Yuan in Taiwan

had to make changes to support the legalization of same-sex marriage [14]. This exemplifies that every citizen plays a crucial role in law reform, emphasizing the indispensable role of social movements as engines for legal reforms.

4.2.2 Evolution and collaboration of social movement strategies

The success of social movements is often closely linked to the size of their support base, as empirically demonstrated by sociologist Debra C. Minkoff [15]. The Indian Independence Movement, for instance, encompassed not only Indian social activists and political leaders but also the broader populace. The Indian Independence Movement involved not only social activists and politicians in India, but also the people of India. The most famous of these was the non-violent non-cooperation movement led by India's Mahatma Gandhi, which fought for national independence for the people of India through peaceful protests and other means. Eventually, in 1947, India broke away from the British colonial rule and went on the road of independent development. This historical case underscores the intricate relationship between the size and social diversity of a movement and its ultimate success. It highlights that a movement's resonance with the broader population, rather than being confined to a select few, often propels it toward achieving its objectives.

4.3. Constructive Dialogue and Harmonization of Democratic Values

4.3.1 Fostering constructive dialogue and collaboration

To foster productive dialogue and collaboration, governments must attentively heed the voices of their citizens. By respecting the different views of the people, it can reduce the conflict between the government and the people and stabilize the society. Secondly, after listening to the different opinions of the people, the government should have face-to-face communication and exchanges with different representatives of the people in order to get the most common denominator. This will help the government to improve its own authority. Finally, the essence of this process lies in problem-solving. After rigorous discussions and debates between government officials and representatives of public opinion, a consensus, representing the most widely accepted views, should emerge. The government can then collaborate with these representatives to enact reforms that reflect the collective will.

4.3.2 Maintaining consistency of democratic values

As envisioned by Thomas Jefferson, one of the United States' founding fathers, the media should serve as a fourth-power watchdog. This watchdog role empowers the media to scrutinize government actions, intervene when necessary, and provide a mechanism for transparency and accountability. Diverse perspectives within the media landscape enable thorough monitoring of government activities and expose potential corruption and misconduct among public officials. In addition, fostering regular debates and in-depth discussions among different political parties, factions, and social groups is crucial. These dialogues are essential for maintaining an ongoing exchange of ideas and perspectives, ultimately contributing to the best possible consensus on governance and policy matters. Lastly, the fundamental protection of human rights remains paramount. The guarantee of these rights forms the cornerstone of civil liberties and paves the way for the continuous democratization of both the state and society. By respecting and safeguarding human rights, democratic values can thrive and evolve.

5. Conclusion

In conclusion, this paper has explored the intricate relationship between social relations, democracy, and the rule of law. Through a comprehensive analysis of historical contexts and contemporary examples, we have gained valuable insights into how these elements interact and influence each other.

Our investigation has revealed that social relations are not isolated from the spheres of democracy and the rule of law. Instead, they are deeply intertwined, with each element shaping and being shaped by the others. We have seen how the quality of social relations within a society can impact the effectiveness and fairness of its legal system and the vitality of its democratic institutions. Moreover,

our examination has prompted us to consider the crucial role of citizen participation and social movements in promoting legal reforms and advancing democracy. It is clear that active engagement by the public is a driving force behind positive change in both legal frameworks and democratic processes.

As we move forward in the 21st century, the challenges and opportunities presented by evolving social relations, democratic ideals, and legal systems are ever-present. To ensure progress, it is imperative that we, as citizens of diverse democracies, actively contribute to the advancement of democracy and the strengthening of the rule of law in our respective nations. This contribution involves learning from the rational approaches discussed in this paper and avoiding unnecessary social conflicts to maintain social stability while advocating for change. By collectively working towards these goals, we can continue to enhance the rule of law and foster the development of democracy in our countries. This collective effort will contribute to more just, inclusive, and democratic societies, ensuring a brighter future for generations to come.

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