

■ 时评

Why Is Great American Democracy in Capitalistic Society Falling Apart?



By Yu-Long Ling

American elections have always been exciting, colorful, and expensive. During the recent campaigns for the primaries, there has been a lot of “mudslinging,” personal attacks and name calling (liar, con artist, small hands means small...), especially on Republican side. This negative campaigning has reached to lowest level in history, which, unfortunately, portrays our society as divided and disordered.

Once the election is over and the results have been tabulated, the winner usually celebrates by giving an acceptance speech and the losing candidate gives a concession speech offering support and cooperation to the winner. The whole elections process moves from chaos to order. The peaceful transition of power is anything short of a miracle compared to many regions of the world. However, this is not the case in this election. The current presidential primaries have created lots of unprecedented events which we have never seen before. The political storm may be soon to come.

On the Democratic side, Bernie Sanders

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Professor Yu-Long Ling, a Franklin resident, an expert in foreign policy

calls his campaign a revolution. His campaign is based on his theory that 1% of super rich controls the majority of wealth, so they are the source of all troubles. On the Republican side, front running Donald Trump's campaign focuses on blaming scapegoats for the downfall of America. The only way to make America great again is to get rid of them. Donald Trump recently warned the country that riots will occur if he is not nominated. Revolution and riots are acts of violence which fundamentally contrary to the supposed peaceful democratic process. How is this happening with the most advanced democracy in the world? Many Americans have started to realize that something is terribly wrong and that our democratic process has moved down the wrong path. The problem is we don't know why. In this column, I will try to explain my perspective on why we are where we are in the political process.

Allow me to use Taiwan as an example to illustrate my point. In the 1950s, the most popular slogan during the election campaign was: “I am the representative of the poor.” Because 95 % of the people in Taiwan were living under poverty level, the simple and direct slogan was effective. Because of Taiwan's current financial success, any serious politician running for election today would never use this slogan if she/he wants to be elected. It has no real meaning, as only less than 5 % are classified as living under the poverty level. The largest percent of the population is considered as middle class. Taiwan has learned a valuable lesson from American democracy. As long as the size of middle class is larger than the upper and lower class combined, democracy will be sustained and stable. This theory was the work of the great philosopher, Aristotle.

According to Aristotle, the middle class serves as the buffer between the rich and poor. Without a large middle class, the rich will suppress the poor or poor will revolt against rich. In democracy, political power comes from the election. It is a

numbers game. The middle class will likely vote for the middle of the road and not either extreme. In this setting, the middle of the road decision-maker will understand the aspirations of rich and the frustrations of the poor. This is the main reason why democracy has worked so well in this country - our conditions fit well with Aristotle's theory.

The middle class in America is shrinking. In 1971, the middle class represented up to 61 % of American population. According to a new Pew Research Center analysis of government data, in 2015, the middle class represented 50% of the population. This is a very significant decrease in the middle class numbers and clearly shows that the middle class is losing ground in our society. When this happens, Aristotle's theory becomes more relevant.

The reality is that we live in a capitalistic, democratic country. Democracy and capitalism are complementary. If things work accordingly to theory, we produce a large middle class. However, in recent years, while the rich have gotten richer and poor have gotten poorer, the middle class has also gotten poorer. Many factors have caused this shift including cheap labor overseas, rising health expenses, high wages, etc. The unfortunate result is that many middle class families move to the lower class.

To make matters worse, in order for the super rich (1%) to continue its advantage, they will use their resources to control their targeted politicians through contributions and other means. As a result, democracy gradually changes to oligarchy. This is what is happening today. Further, the lower class gets more frustrated and angrier with the establishment, but is generally powerless because of a lack of resources and organization. Most notably, Donald Trump has used this to his advantage by inciting the public. He is pouring gas on the fire. We may not all take Donald Trump seriously, but we should heed his warning. The last thing we want is rioting.

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讀者提問：

我們公司最近收到一封律師信，要求我們立即支付數千元的法院訴訟判決。我們很納悶，因為我們根本不知道有這次的訴訟。委託律師調查後才發現，一位曾經與我們公司有業務往來的人士，在他居住地的法院對我們提起了訴訟。訴訟开庭傳票寄去了本公司一位領導多年前住過的公寓房。該公寓的現住戶不明就里，糊里糊塗簽收了傳票的掛號信。法院也沒有細查，覺得既然有人簽收了法院傳票，表示被告已經收到合法的訴訟通告。

訴訟當日，我們在沒有收到法院开庭通知的前提下，自然沒有出庭应诉。法官就當庭做出了缺席判決，判定我們敗訴，不但責令我們賠償原告要求的所有金額，還必須負擔原告的律師費。對方催債催的很緊，還警告我們如果不盡快還錢，將會向法院報告，要求起訴我們藐視法庭的罪狀。我們實在很冤枉，請問下一步應該怎麼辦？

黃亦川律師回答：

從讀者敘述的經過，我覺得這這應該是一件在地方小型法庭所提出的訴訟。因為正式的市或州法院是不會因為被告第一次开庭沒有出席，就直接做出缺席判決的。小型法庭一般是一庭就決定勝負，所以第一次出庭缺席了，被判決敗訴的可能性還是很大的。當然也有比較有耐心的法官，可能會多考慮一些問題，再給缺席方一次機會。

現在既然判決確定，你們身為敗訴的被告，有兩種選擇。第一是趕快聘請律師，在規定的時限內向上級法院提出上訴。這個選擇的缺點是上訴的勝敗完全沒有保障，律師費也是非常可觀。還有一個辦法是，直接向做出缺席判決的小型法庭，提出取消判決的申請。理由是因為法院傳票寄錯了地址，被告沒有及時收到訴訟與出庭的通知，才錯過了开庭的日期。

法官既然已經做出了缺席判決，自然不會隨便便取消自己的決定。所以你們提出取消判決的理由，必須是非常專業、真實而且充分的。法官在審核你們的申請理由後，有可能会撤銷他原始的判決。要注意的是，法院的種種程序都有它嚴格的時限規定，一定要在規定的期限內提出各種申請，錯過了一分鐘都不會通融的。請讀者務必儘快與自己的律師商量最有利的處理方式。

附注：本法律信箱內容版權屬於黃亦川律師，沒有黃亦川律師本人的書面同意，不得轉載或翻印。本法律移民專欄信箱中提供的只是一般性信息，不同於律師針對特定客戶的具體案件諮詢所提供的詳細法律意見。讀者如有特定法律案件需要處理，請切記個別諮詢專業律師。本專欄作者與讀者之間並不存在律師與客戶的關係。

中国女婿的野心和冒险

据《纽约时报》报导，从媒体曝光的角度来说，马克·扎克伯格（Mark Zuckerberg）在中国度过了一个愉快的周末。

Facebook创始人扎克伯格再度到访北京成了当地的大新闻，并在中国网络上引起了热议。他发的在天安门前跑步的帖子广泛流传。他与中国最知名的企业家、阿里巴巴创始人马云的对话受到广泛报导。3月19日，他还受到了刘云山的接见。刘云山是中国最有权势的人之一，负责宣传事务。

这一次沿袭了他之前几次来华的風格。之前来华时，他作为初学者的中文水平给中国民众留下了深刻印象。他还谈到了自己对这个国家的喜爱。即便不来中国，他也能见到中国国家主席习近平。他还告诉一名中国官员，自己正在看习近平的一本著作，并且给自己刚出生的女儿麦克斯（Max）起了个中文名字（陈明宇）。

多次来华巩固了他作为在中国最知名的外国企业高管之一的地位。但尚不清楚扎克伯格的魅力攻势能否实现他的终极目标：说服中国政府解除对Facebook这个社交媒体服务平台的禁令，向中国近7亿互联网用户开放。

对一名外国高管来说，如此公开地讨好中国领导人是一项不同寻常的策略。随着明星效应一同到来的还有影响力，而任何不直接接受中国共产党控制的力量，都可能会被认为是危险的。中国本月的做法就表明了这一点。在对习近平要求中国媒体始终保持忠诚

提出批评后，一位知名房地产大亨阅读量广泛的社交媒体账号消失了。

最近几年进入中国的少数几家美国科技企业都没有极力宣扬自己的行动。尽管优步（Uber）创始人特拉维斯·卡兰尼克（Travis Kalanick）频繁访华，但有关他的新闻甚少在中国的网上传播。领英（LinkedIn）只用博客文章的形式，宣布与两家关系紧密的中国风投公司签署协议进入中国，事前几乎没什么大张旗鼓的宣传。

如果扎克伯格成功了，则可能会向其他在华被禁的外国公司表明，它们可能有一条进入增长迅猛、规模巨大的中国市场的路径——而这要求它们接受中国对言论的严格控制，并忍住不捣乱。如果扎克伯格失败了，则会突显中国对外国科技企业的的不信任，同时证明低调行事才是获准进入中国市场的唯一途径。

对一名美国企业高管来说，与刘云山会面实属罕见，这突显了其中的深意。刘云山是中共中央政治局常委，位居中国的顶级权力机构。两人的会面符合中国的宣传目标，让其能够向外界表明，美国新型科技经济的巨头之一，乐于向中国领导人及其治理互联网的方式致敬。

如果说Facebook必须要赢得某个人的支持，这个人便是刘云山。多年来，刘云山一直掌控着受到严密审查和幕后操纵的中国媒体。

据一家官方媒体报导，会面期间，刘云山称赞了Facebook的科技实力，但也强调了“具有中国特色”的互联网治理的重要性，这是暗



指中国的审查和监控行为。

新华社报导称，扎克伯格赞赏了中国在建设先进互联网方面取得的成就，并承诺要与中国一道“通过互联网创造更加美好的世界”。

Facebook没有答覆记者的置评请求。

3月18日当天，扎克伯格发了一张自己微笑着在天安门广场上跑步经过毛泽东画像的照片（上图）。他没有提到1989年那里的和平示威遭到残暴镇压一事，也没有提到那天上午已达到危险级别的空气污染。

对话阿里巴巴创始人马云期间，扎克伯格总体上也避开了敏感的话题，转而讨论人工智能和应该如何激发企业家的动力。他还称赞了中国对工科的重视，称他认为这有助于解决未来与高科技岗位有关的劳动力短缺的问题。

中央电视台在社交媒体上发布了一则消息，并附上了一张扎克伯格和妻子、华裔美国人普莉希拉·陈（Priscilla Chan）在一起的照片，照片旁边还用卡通字型写着：“中国女婿！”

（文章来源：《中国日报》）

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