

word in connection with the United Nations. I said "quarrel gently" because the second definition as listed in the dictionary is: "any strong support, defense or safeguard."

But regardless how closely one may define a word or may attempt to define the United Nations, there is everlastingly the truth that these defensive walls,

these ramparts, these safeguards must have their foundation in the human soul. The best law ever conceived in the mind of man is hopeless without human willingness to cooperate. The best international organization under the best possible Charter will last only so long as governments will support it and live up to it.

# The Constitution of the People's Republic of China

This autumn, the People's Republic of China (CPR)—commemorates the sixth anniversary of its establishment (October 1, 1949) and the first anniversary of the adoption of its Constitution (September 20, 1954). Between 1949 and 1954, the CPR was governed under three organic laws adopted by the "Chinese People's Political Consultative Conference" in September, 1949. The prevailing doctrine of those five years was summed up in Mao Tse-tung's famous expression: "people's democratic dictatorship"; and the dominant theme of the period was the suppression and liquidation of the "enemies of the people"—i.e., "imperialists," "feudalists," "landlords," "Kuomintang lackeys," "bureaucratic capitalists," etc. Not until the initial turmoil had abated was it deemed appropriate to formalize the policy and practice of government on the basis of a "constitution."

The adoption of the Constitution on September 20, 1954, therefore marked the end of one large phase of Communist experience in China and the beginning of another. From one point of view, the achievements of the first phase (1949-1954) were negative in character: (1) foreigners unfriendly to the regime were driven from the country (or imprisoned) and their properties and investments were confiscated (thus relieving the Chinese people of "imperialist exploitation"); (2) the landlords were expropriated and liquidated (thus ending "feudalism," and destroying the social class asserted to be the principal support of Chiang Kai-shek and the Kuomintang—the "feudalist lackeys of American imperialism"); (3) the properties of the "bureaucratic capitalists" were confiscated (thus establishing a foundation for the state-owned sphere of the national economy); and (4) "remnant" capitalist and petty-bourgeois

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elements were "brought under control" (thus inhibiting the possibilities for counter-revolution).

Such negative objectives as these were successively attained, over a period of time, by various methods reflecting varying degrees of violence and intimidation. But however achieved, the effects tended to be lasting. Once a landlord had been liquidated and his family dispersed, he could no longer "intimidate" the peasants or give aid and comfort to counter-revolutionary elements. Once the state gained access to the books and trade secrets of the private industrialist or merchant (during the "5-Anti" Campaign), he could no longer retain any important measure of economic or political freedom, or escape the subsequent imposition of even more rigorous controls. The liquidation of the landlord was also accompanied by the redistribution of his lands to the peasants, to pay for their political support or to enlist their loyalty, and by the creation of peasant organizations which in due course would be converted into instruments for collectivization. The suppression of the independent entrepreneur was attended by new procedures for "joint state-private" industrial or commercial operation, and by developing Party-controlled labor organizations which in due course would serve the interests of the State economy. Thus the achievements which could be regarded as "negative" from one point of view (the elimination of "enemies of the people"), might also be considered "positive" from

a different point of view (the "transition to the Socialist society").

The new Constitution was designed to register these negative and positive attainments, and to substitute for the violent measures needed to establish the authority of the regime the somewhat more orderly procedures needed for the planned "transition to Socialism." The Preamble declares that "the necessary conditions . . . for planned economic construction and gradual transition to Socialism" were created during the different "large-scale struggles" of 1949-1954; correspondingly, the Constitution is declared to reflect "the basic needs of the State in the period of transition, as well as the general desire of the people as a whole to build a Socialist society."

Thus, the Constitution is actually a manifesto which outlines the objectives of the Socialist revolution in the immediate future and plots the principal paths toward those ends. Its real significance lies in its theoretical and doctrinal content, rather than in the provisions bearing upon the form of government. The Constitution was drafted by the Central Committee of the Chinese Communist Party, and expresses the line of Party policy. Consequently, there can be no "separation of powers" or "check and balance system"; nor, under the principle of "democratic centralism, can there be any protection of the rights of local or provincial governments against the all-inclusive range of central government power. Similarly, while the Constitution includes an elaborate statement of "Fundamental Rights and Duties of Citizens," none of the "rights" contains a guarantee for the individual against the authority of the government.

A high degree of concentration of power in the bureaucratic apparatus is an indispensable requirement for the state-planned attainment of a Socialist society (1) in which the State is to own the means of production, and (2) in which all social classes other than the "working class" are to disappear or be liquidated. The supreme political authority in the CPR is still the Chinese Communist Party, whose role as "leader" of the "Chinese people's revolution" and of the "people's democratic united front" is expressed in the Constitution. Quite naturally, then, the highest responsibilities in the government apparatus are exercised by the leaders of the Party, of whom four enjoy unusual pre-eminence:

(1) Mao Tse-tung, who had been Chairman of the "Central People's Government" (1949-1954), is now Chairman of the "People's Republic"—for which no counterpart is found in the Soviet system; and "Maoism" ("The Thought of Mao Tse-tung") is the doctrine of the State. Mao continues to hold

his Party offices as Chairman of the Politburo and Central Committee without apparent challenge.

(2) Chu Teh, Mao's military partner in the leadership of the revolution, is the Vice-Chairman of the CPR—a post which ensures a constitutional line of succession within the governmental system, even though it may not have the same connotation for Party purposes, and which again distinguishes Chinese from Soviet governmental practice.

(3) Liu Shao-ch'i, the principal "theoretical tactician" of the Party, emerges under the new Constitution as the Chairman of the Standing Committee of the National People's Congress; he remains as Vice-Chairman of the Party's Politburo, and is presumably Mao's successor-designate within the Party hierarchy.

(4) Chou En-lai, the Party Politburo member with the longest uninterrupted service, serves as Premier of the State Council—highest administrative position in the State—and concurrently, as he has done since 1949, as Minister for Foreign Affairs. His spectacular diplomatic successes in 1954-1955 do not appear to have changed his relative standing in the Party hierarchy.

This quadrumvirate of Party leaders is linked with the system of government through a new institution known as the Supreme State Conference, which appears to be an "inner cabinet" under the chairmanship of Mao Tse-tung.

The principal doctrinal content of the Constitution lies in the provisions relating to the "transition to Socialism." For this purpose, the Constitution defines four principal forms of economy and lays down the basic policy line to be followed with respect to each:

(1) *Socialist economy* is either (a) "state-owned economy . . . owned by the whole people," or (b) "cooperative economy . . . collectively owned by the working masses." The state-owned economy is described as "the leading force in the national economy and the material basis on which the State carries out Socialist transformation." Its development takes priority over all other forms.

(2) *Semi-Socialist economy* is "cooperative economy . . . in part collectively owned by the working masses." As such, it is considered "a transitional form by means of which individual peasants, individual handicraftsmen and other individual working people organize themselves in their advance toward collective ownership by the working masses"—i.e., toward the wholly Socialist true collective. The State gives the cooperative movement its blessing and, while adhering to "voluntary" methods for the present, regards the promotion of producers' cooperatives "as

the chief means for the transformation of individual farming and individual handicrafts.”

(3) *Private economy* of peasants, handicraftsmen and “other non-agricultural individual working people” is distinguished from capitalist economy (see below), and receives some limited protection from the State during the period of transition. The official policy for private agricultural operators is (a) to guide individual “middle” and “poor” peasants in the formation of semi-Socialist cooperatives which, in time, are to become Socialist collectives; and (b) to put an end to “rich peasant economy” by liquidating the rich peasants. (The landlord ceased to be a problem by the time “land reform” had been completed in 1952.) The official policy for private handicraftsmen parallels the cooperative policy developed for ordinary peasants.

(4) *Capitalist economy* in industry and commerce is still tolerated insofar as it is adjudged “beneficial to national welfare and the people’s livelihood,” but the expressed policy of the State is to transform capitalist economy into “various forms of [joint] state-capitalist economy, gradually replacing capitalist ownership with ownership by the whole people.” Meanwhile, the capitalist sector is to be: (a) *controlled* by the administrative organs of the State; (b) *led* by the state-owned economy; and (c) *supervised* by the workers. The State forbids “any kind of illegal activity by capitalists which endangers the public interest, disturbs the social-economic order, or undermines the economic plan of the State.” During the period of transition, capitalist economy will enjoy a highly precarious existence, but its days are numbered.

In sum, the “transition to Socialism” is to be effected by a reconstitution of the different forms of economy so that, in the different ways appropriate to each, all will eventually be transformed into one of the two approved forms of socialist economy. When the transformation is complete, presumably, all existing social classes based on different forms of economic organization will have disappeared and the present “constitution for the period of transition to Socialism” will become outmoded by the passage of events.

The present Chinese Communist leadership refuses to accept the difficulties of the task as reason for abandoning it. Instead, it has been stepping up the general tempo of activity with every evident intention of achieving in the realm of reality the policy objectives defined in the Constitution. The following are a few of the implementing measures:

(1) Increasing pressure is exerted to increase the number of agricultural cooperatives, Chou En-lai

having announced the objective of placing by the end of 1957 over half of the agrarian households of China under cooperative forms;

(2) Established cooperatives are being “advanced” into collective farms, with the objective of at least one model collective farm in every *hsien* (county);

(3) The State is the exclusive market for all grain, cotton and other important agricultural commodities, and private commerce in agricultural products is daily becoming more restricted;

(4) The First 5-Year Plan, begun in 1953, and approved in detail by the National Party Conference held last Spring (March 21-31, 1955), is the principal operational complex for the attainment of the various economic objectives;

(5) “Capital construction” of facilities for heavy industry (toward which the Soviet Union is contributing assistance in 156 reported installations) receives high priority, in combination with the training of technical personnel;

(6) Increasing pressure is being exerted on private industrialists and merchants; and,

(7) A vast propaganda effort continues to capitalize on anti-Americanism and to exploit the necessity for a gigantic national effort by way of making effective the contemplated assault on Formosa.

Fundamentally, however, the problems confronting the regime have nothing to do with formal constitutional structures or principles. As of June 30, 1953, there were 582,603,417 “mouths” on the Chinese mainland (accepting the regime’s official census figures)—an astonishing increase since the prewar days when estimates of population generally fell in the range of 450-475,000,000. Communism has not put an end to the devastating natural cycle of drought and flood, nor has it notably increased the acreage of new land brought under cultivation; and the present foreign commitments of the regime, which require external deliveries of foodstuffs and agricultural raw materials, have placed the impoverished economy of mainland China under still heavier pressure. The Chinese peasant, as land-greedy and property-conscious as ever, still holds the key to China’s economic and political problems. He has yet to be convinced that collectivization is in his interest, and the regime devotes much of its time to the effort to convince him that he should sell his produce to the new state commercial monopolies. One need not be a prophet to appreciate that the future industrialization of China goes hand-in-hand with the future of Chinese peasant economy.