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Dear Mr. Rogers:

The Chinese Communists are preparing to establish a new national government in China. What sort of government will it be? There is no existing model in Communist China for the central government which the Communist-sponsored Political Consultative Conference will soon establish because, although the Communists have possessed territorial bases in Central, Northwest and North China for over twenty years, except for a short three year period in the early 1930's they have never had a central government over all the territory under their control. Since the Long March in 1934-35 Communist governments in China have been on a local basis, and central authority has been concentrated in the party.

Despite this comparative lack of precedent, however, it is possible to discover in Communist statements and writings the general principles which the Communists have asserted a government for all China should follow. These principles have not been unalterable, however, and different ones have been emphasized in different periods during the struggle for power.

During the past decade the Communists have called for a "democratic coalition" for China. This slogan has had great appeal, and many intellectuals have joined the Communist movement to work toward such a democratic coalition. Slogans of this sort are still used by the Communists, but their meaning has been subject to periodic reinterpretation.

In On Coalition Government, which Mao Tse-tung wrote in 1945, it was stated "in the present stage" China "should not attempt to realize a Socialist system of state"; on the contrary "...we should establish a united front, democratic coalition system of state with the absolute majority of the people of the whole country as its basis." "The governmental structure of New Democracy", Mao said, "should adopt the principle of democratic centralization, through people's congresses of different orders to decide on major political policies and elect the governments." He proposed another general principle also when he said, "In the problems of state and government of the New Democracy the problem of a federal union is

involved. All nationalities in China should, on the basis of the principle of free will and democracy, organize the union's Central Government." Speaking of how this sort of government should be established, Mao proposed that, "A National Assembly should be called on a broad democratic basis to establish a democratic government, coalitional in character, made up of representatives of all parties, groups and non-party people."

Liberal statements of this sort had undertones, however, which indicated that the Chinese Communists looked at government in terms of the Marxist conception of "class dictatorship", even when proposing a "democratic coalition." In New Democracy, published in 1940, Mao stated that "...the forms of government of all countries in the world fall fundamentally into three categories: (a) republics under the dictatorship of the capitalist class, (b) republics under the dictatorship of the proletariat, and (c) republics under the joint dictatorship of several revolutionary classes." In short, all governments are class dictatorships of one sort or another. Mao then said that, "...the Democratic Republic of China which we are aiming to construct now can only be a joint dictatorship of all anti-imperialist and anti-feudal people. It is a Republic of New Democracy, or a Republic of the genuine, revolutionary San Min Chu I that includes Dr. Sun's three revolutionary policies." (Sun's San Min Chu I, or Three People's Principles, are not emphasized by the Communists now. Although they haven't been repudiated, they are no longer studied in schools, having been replaced by New Democracy.) Mao went on to explain that, "This is a national policy for a certain historical period, and is therefore transitional in character, but it is a form indispensable and unalterable."

The slogans used by the Communists most frequently between the middle 1930's and the present to characterize the kind of government they proposed might be summed up as follows. The government of China should be "republican" (a title applied by Mao to all regimes), "coalitional" (on a class basis, and under Communist leadership), "federal" (referring mainly to relations between minorities and the majority Han Chinese), and organized on the principle of "democratic centralization." These are slogans which are subject to various sorts of interpretation and implementation, of course, and in themselves they don't reveal the kind of government which the Communists can be expected to establish. They do, however, reveal a good deal about the accepted political catchwords and ideological climate of opinion in China, which all political groups must take into consideration.

A new note began to be emphasized in Communist statements about the beginning of this year. In a policy speech to the Communist Central Committee in January, Mao (who makes almost all major statements of policy on political and governmental questions) reiterated his proposal made on May 1, 1948, that a New Political Consultative Conference be called to set up a national government, but he emphasized that it should be "without reactionaries." The exclusion of "reactionaries" automatically eliminated the participation of the Kuomintang, as a political group, and of all others to whom the term "reactionary" might be applied. This reflected the complete split between the Communists and the Kuomintang which has continually widened since 1946, but in addition it seemed to foreshadow a tendency to revert toward the more "extremist" Communist approach toward government characteristic of their Kiangsi days in the early 1930's. On July 1, the 28th anniversary of the Chinese Communist Party, great fanfare surrounded the publication of Mao Tse-tung's On People's Democratic Dictatorship, an important policy statement which confirmed this tendency. The tone of this statement on a "people's democratic dictatorship," which defines the current party line, is very different from that of statements emphasizing a "democratic coalition government," even though the idea of a coalition is retained. To fully understand the background of this new emphasis in Communist policy, it is helpful to have a knowledge of the Communists' Soviet period, when one of the principal slogans was "all power to the Soviets," and of general governmental trends in China in the 1920's and early 1930's.

In the early 1920's the Nationalist Revolution in China, centered at Canton, was struggling to oust the Peking Government and achieve control of the country, and Sun Yat-sen, leader of the Kuomintang and of the revolution as a whole, was searching for allies. The tiny Communist Party, led by a handful of intellectuals, was centered in Shanghai and had already joined the Comintern. Sun for years had sought support mainly in the West, but gradually he came to the conclusion that the aid he hoped would not be forthcoming, so he looked for assistance elsewhere and found the Soviet Union interested. In 1923 Sun and Joffe, head of a Soviet mission sent to China, met in Shanghai and after a series of meetings issued a joint declaration which in effect created a Kuomintang-Communist alliance, with the backing of the Soviet Union, which was to last until 1927.

In the Sun-Joffe declaration both signers agreed that they "...considered that neither Communist organization nor the system of Soviets can be introduced into China at present because the necessary conditions for their success do not exist there....."

In actual fact, however, the Kuomintang, with the help of Soviet advisors, underwent a thorough reorganization the following year, and the new form of party organization was modelled after the Soviet pattern. The imprint of that step has been lasting. The Kuomintang did not completely accept the idea of Soviet organization, but certain principles which it borrowed became integral parts of Kuomintang theory and practice applied to both party and government, even after the 1927 split with Communism. These principles included, among others, a merging of executive and legislative functions, representation partially on an occupational basis, centralization of authority and a hierarchical organization in which each level is built on top of another with little connection with the base (the mass of party membership or the mass electorate). Although not always followed, these principles strongly influenced the Kuomintang and its government. The Chinese Communist Party did more than borrow a few organizational forms from the Soviet system; in the period immediately following 1927 it adopted the Soviet system in toto and attempted to establish a Soviet Republic of China. At least since 1924, therefore, certain Soviet principles of organization, in some cases modified and adapted to Chinese conditions, have been generally accepted and practiced by both major political parties in China.

On November 7, 1931, the Communists' First All-China Congress of Soviets (there had been earlier party congresses; this was the first meeting of representatives of Soviets) convened at Juichin in Kiangsi with 610 delegates. These delegates represented a number of Soviets which had been set up in Central and South China from late 1927 on (the first had been set up at Haifeng in Kwangtung and was prematurely called the "First Soviet Republic of China") as well as the party, army, and organized labor. A "Constitution of the Chinese Soviet Republic" was proclaimed and a government established with Mao Tse-tung as chief executive.

The government which the Chinese Communists attempted to set up at that time was thoroughly Soviet in its organization. The following are extracts from its constitution. "The Chinese Soviet Government is building up a state of the democratic dictatorship of the workers and peasants. All power shall be vested in the Soviets of Workers, peasants and Red Army men and in the entire toiling population. Under the Soviet Government the workers, peasants, Red Army men and the entire toiling population shall have the right to elect their own deputies to give effect to their power. Only capitalists, landlords, the gentry, militarists, reactionary officials, tukhao (?), monks - all exploiting and counter-revolutionary elements - shall be deprived of the right to elect deputies to participate in the

government and to enjoy political freedom." "In the Chinese Soviet Republic Supreme Power shall be vested in the All-China Congress of Soviets of Workers', Peasants' and Red Army Deputies. In the interval between Congresses the Supreme organ of power shall be the provisional All-China Central Executive Committee of the Soviets; the Central Executive Committee shall appoint a Council of People's Commissars, which shall conduct all governmental affairs, pass laws, issue orders, etc." Sixteen was established as the voting age, and discrimination on the basis of sex or race was forbidden. "...the workers shall elect their deputies in the factories; the peasants, artisans and urban poor shall elect deputies according to their several places or residence. Delegates to the Soviets shall be elected for a definite term; they shall participate in the work of one of the organizations or commissions attached to the town or village Soviets and shall periodically submit reports to their electors concerning their activities. The electors shall have the right at all times to recall their deputies and demand new elections. Since the proletariat alone can lead the broad masses to Socialism, the Chinese Soviet Government grants special advantages to the proletariat in the elections to the Soviets by allowing it a great number of deputies." The Soviets were to "discuss and decide all national and local questions", but they were given no specific legislative power such as the Council of People's Commissars which was to "conduct all governmental affairs, pass laws, issue orders, etc." The constitution guaranteed civil liberties to "workers, peasants and toilers" and stipulated that, "The workers, peasants and toiling masses alone shall enjoy the use of printing shops, meeting halls and similar establishments as a material basis for the realization of these rights and liberties. Furthermore, all propaganda and other similar activities by reactionaries shall be suppressed and all exploiters be deprived of all political liberties."

Some details concerning the actual functioning of this Soviet system were contained in a report given by Mao Tse-tung in January, 1934, to the Second All-China Soviet Congress. Elections, he said, took place at mass meetings in factories and villages, and delegates were elected on the basis of one for every fifteen workers and their families and one for every fifty peasants and poor people. City and Hsiang (village) Councils were formed as the basic organizations in the system, and the delegates to these councils were to live with the people, each delegate "leading" thirty to seventy people. The council delegates themselves were organized into groups of three to seven under a leader, and at the top of each council was a presidium. Each regional unit such as a village had one responsible head and several working committees. And finally, above the City

and Hsiang Councils were Hsien and Provincial Councils (those in the City and Hsiang elected every six months; those in the Hsien and Province elected every year). At the top was the All-China Congress and acting for it the Central Committee which chose a Council of Commissars which included Commissars for Interior, Foreign Affairs, Agriculture, Labor, Education, Finance and Defense. According to Mao, the strength of this "worker-peasant democratic dictatorship" "...is incomparable to any form of state in history."

This first attempt by the Chinese Communists to establish a unified and centralized system of government over all the territory under their control was finally crushed when Kuomintang troops entered Juichin in November, 1934. After their Long March to Shensi in 1934-35, and after the truce between the Kuomintang and Communists to form a united front against Japan in 1937, the Communists modified all of their major policies. In the field of government they renounced the Soviets. Since then they have not advocated a return to the Soviet form of organization, but many elements derived from it continued to influence their thinking and practice, in the same way in which Soviet ideas influenced the Kuomintang but to an even greater degree.

Most Chinese have forgotten the details of the Communists' Soviet period and now think of the Chinese Communists' political platform in terms of the slogans used since the middle 1930's. For models revealing what a Communist government in China might be like they have looked to the local governments established in Northwest and North China subsequent to the Long March.

The first important local government established by the Chinese Communists in Northwest China was the Shensi-Kansu-Ningsia Border Area Government which was recognized as governing in the name of the Nationalist Government during the early period of the Anti-Japanese united front. It governed an area with a population of about a million and a half. (According to claims which are probably exaggerated the territory under the Soviet Republic had included a total population of seventy to eighty million. More conservative writers have estimated that the stable core of Communist territory around Juichin had a population of roughly three million.) The Border Area was divided into fourteen main districts below which were various subdivisions. At each administrative level, People's Political Councils were elected, in theory by the whole adult population (including "exploiters" previously debarred from political rights in Soviet areas). At the top was the Border Area People's Political Council which elected a Standing Committee as well as the Border Region government, the executive body which carried out actual

administration through various bureaux. The Communists' main objective during this period was to mobilize widespread popular support for resistance against Japan, and many non-Communists of various classes and political groups were brought into the government. This united front policy was symbolized, in the field of government, by the so-called "three-thirds" system, according to which the representation in all governmental bodies was supposed to be divided up between Communists, Kuomintang members and non-partisans on a roughly equal basis. Many non-Communists did participate in government at various levels. (One wartime analysis of the class and party composition of the 9967 elected representatives in various councils in the Border Area was as follows: Class: 55.6 % poor peasants, 24.4% middle peasants, 7.0% rich peasants, 5.1% hired laborers, 3.9% workers, 1.8% landlords and gentry, 1.7% marchants, 0.5% tenant farmers; Party: 24.4% Communists, 3.7% Kuomintang, 71.7% Non-Party.) All important policy decisions continued to be made by the Communist Party Central Committee, but in the administration and elected bodies in the area Communist Party members were a minority.

From this base the Communists, during the war against Japan, fought their way across much of North China, setting up guerilla resistance as they went. At the same time Communist forces farther South were reactivated and began to expand their areas of activity and control. Everywhere they went the Communists organized local governments and set them up over so-called Liberated Areas. The local governments in all of these Liberated Areas were patterned generally after the government of the Border Area, with People's Political Councils at various levels and an executive body appointed by the highest regional council. However, these governments, which because of communications difficulties and other reasons operated pretty much on their own, varied from place to place, and generally speaking the governmental structure was minimal and flexible, as was necessary in guerilla areas.

By the end of the war there were eighteen of these Liberated Areas organized by the Communists: seven in North and Northwest China in the area of the Eighth Route Army, nine in Central China in the area of the New Fourth Army, and two in South China. In 1945 it was estimated that all these areas included eighty to ninety million people.

After V-J Day the Communists insisted that the local Liberated Area governments which they had organized should be recognized as legitimate, rather than just temporary, governments. These governments did in fact continue operating, and after Kuomintang-Communist peace negotiations broke down, the Communists established

them on a firmer, more formal basis. There were modifications made, and gradually a process of regional grouping under new and larger overall regional Liberated Areas took place, but the general pattern established during the war has continued and in many respects today still forms the basis for government in Communist territory.

As I mentioned previously, however, the present trend in Communist thinking on governmental questions, as revealed in On People's Democratic Dictatorship, seems to revert to the pre-1935 period in many respects. There is no indication that the Communists are returning to "extreme Sovietism," and the concept of a "New Democratic" transitional period is still accepted, but the latest definition of policy emphasizes "class dictatorship" and the restriction of political rights on a class basis more than any policy declarations during the past decade.

In his discussion of a "people's democratic dictatorship" Mao makes an accusation and answers it. "'You are dictatorial'. Yes, dear gentlemen, you are right, and we are really that way. The experiences of several decades amassed by the Chinese people tell us to carry out a people's democratic dictatorship. That is, the right of reactionaries to voice their opinion must be deprived, and only the people are allowed to have the right of voicing their opinion. 'Who are the people?' At the present stage in China, they are the working class, the peasant class, the petty bourgeoisie and the national bourgeoisie. Under the leadership of the Communist Party and the working class, these classes unite together to form their own state and elect their own government to enact dictatorship over the lackeys of imperialism - the landlord class, the bureaucratic-capitalist class, and the Kuomintang reactionaries and their henchmen representing these classes - to oppress them, and only allow them to behave properly and not allow them to talk and act wildly. If they talk and act wildly, they will be prohibited and punished immediately. The democratic system is to be carried out among the people, giving them freedom of speech, assembly and association. The right to vote is only given to the people and not to the reactionaries. These two aspects, democracy among the people and dictatorship over the reactionaries, combine to form the people's democratic dictatorship." Mao then goes on as follows. "'Don't you want to eliminate state authority?' Yes, but not at present. We cannot eliminate state authority now. Why? Because imperialism still exists and classes in the country still exist. Our present task is to strengthen the people's state apparatus, which refers mainly to the people's

army, people's police and people's court, for national defense and protection of the people's interests, and with this as a basis to enable China to advance steadily, under the leadership of the working class and the Communist Party, from an agricultural to an industrial country, and from a New Democratic to a Socialist and Communist society, to eliminate classes and realize world Communism. The army, police and court of a state are instruments for classes to oppress classes. To the hostile classes, the state apparatus is the instrument of oppression. It is violent and not 'benevolent'. 'You are not benevolent'. Just so. We decidedly do not adopt a benevolent rule toward the reactionary acts of the reactionaries and reactionary classes. We adopt only a benevolent administration among the people and not toward the reactionary acts of the reactionaries and reactionary classes." Finally, Mao says, "Our experiences may be summarized and boiled down to the following single point - the people's democratic dictatorship based on the workers' and peasants' alliance led by the working class (through the Communist Party). This dictatorship must unite in concert with international revolutionary forces. This is our formula, our main experience, our main program."

Further light is thrown upon the question of future government in Communist China by the Communists' approach to law, because law and government are closely related.

Among the eight points proposed by Mao Tse-tung early this year as a basis for peace negotiations with the Nationalist Government was the abolition of the "bogus" constitution, government and legal lineage. Commenting on this, an editorial in the official People's Daily in Peiping on February 16 stated, "That is to say, all laws, codes, the political system, political organizations and political powers stipulated and inaugurated under the regime of the Kuomintang reactionary government should be ineffective. The people certainly cannot recognize any of them." This means that in theory the Communists have wiped the legal slate clean and consider themselves free from the restraints of precedent. In reality no such complete divorce with the past is possible, and many long-accepted practices will undoubtedly continue, but this approach gives the Communists a free hand to make whatever changes they decide upon.

Initial steps have already been taken to study the establishment of new law codes. According to press reports of meetings held on June 4th and 10th by representatives of the Law Committee of the Central Committee of the Communist Party and the North China People's Government Ministry of Justice, the basic approach to drawing up new law codes is the belief that "...the thought of Mao Tse-tung, which is the most complete and concentrated reflection of actualities in China and the most correct guidance for the Chinese

Revolution, should be the guiding principles for the work of establishing law....First, the character of the Chinese Democratic Revolution and New Democratic Nation must be clearly recognized, that is it must be recognized that this revolution's opponents are imperialism, feudalism and bureaucratic capitalism; the nation constructed out of the victory of this revolution is a nation with a people's democratic dictatorship based on the leadership of the proletariat and the alliance between workers and farmers; if this is clearly recognized then it is possible in the work of establishing law to reflect accurately the class character and social composition of this revolution and this nation." The most striking aspects of this statement are its clear acceptance of law as an instrument of political policy rather than an abstraction theoretically above politics, and its emphasis upon the class basis for law.

These trends in Communist governmental and legal thinking indicate that Marxist elements will probably play an important role in the governmental set-up of Communist China even in the present transitional period of New Democracy when the government, once established, will be labelled a "democratic coalition" as well as a "people's democratic dictatorship."

Sincerely yours,

A. Doak Barnett

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