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FORCED LABOR IN COMMUNIST CHINA

All Convicts And Other Prisoners Held In Chinese Communist
Penal Institutions Are Subject To Unpaid,
Forced Labor For The State Under A
System Which Is Called
"Reform Through Labor"

A Report from A. Doak Barnett

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Last November a European newspaperman who had just completed a quick tour of Communist China came across the international border to Hong Kong and reported to the world, confidently: "I feel entitled to say that neither labor camps nor concentration camps exist in China today. No one talks about them, whispers about them, or even assumes they exist."

This claim, apparently made in good faith, unfortunately had been contradicted by the Chinese Communists themselves; two months earlier they had admitted that four out of five convicts in China are now engaged in forced, unpaid labor for the state under a system called "reform through labor."

In September the Chinese Communists published their Regulations on Reform Through Labor which describe in detail the system of forced labor which has been put into effect increasingly during the past five years and which is now legally applicable to the entire Chinese penal system. On September 7, the day on which these regulations were published, the official Peking People's Daily carried an editorial which said: "During the past few years, we have achieved great results in the work of reform of criminals through labor. According to statistical returns from different areas, of the criminals in confinement throughout the country, more than 83 per cent have participated in agricultural and industrial production, or have been organized into various engineering corps for the felling of timber, construction of buildings, restoration and construction of conservancy works and the building of railways and highways."

Some of the difficulties and peculiarities of studying present-day Communist China are illustrated by this case. Observers living outside of China's borders feel gravely handicapped

by their inability to view situations on the spot; consequently they search eagerly for eyewitness reports of conditions and developments within China. But, too often, observations made by persons coming across the border prove to be of limited value, or of dubious reliability, or clearly erroneous; Many aspects of life under Communism in China are not easily observable; at best the refugees and visitors who come from China can merely provide hints or fragmentary evidence about them, and at worst they can misconstrue situations entirely. Forced labor fits into this category. During recent years quite a few refugees coming to Hong Kong have reported observing or participating in forced labor, but there has been no basis for obtaining an accurate picture of how extensive the system is throughout the country or exactly how it is organized. Now, however, the evidence has been provided by the Chinese Communists themselves, in official publications, The bureaucratized Regulations on Reform Through Labor adopted by the government in Peking last August 26, and of the official reports and newspaper editorials which heralded publication of the regulations, reveals more about forced labor in Communist China than all the fragmentary reports of refugees and visitors during recent years,

An interesting commentary on legal concepts in Communist China is provided by the fact that over a period of five years forced labor was gradually put into effect, prior to promulgation of any formal law regulating it. During this long period, the "legality" of the system rested upon a flimsy basis consisting of two brief references to "reform through labor," one in an article written by Mao Tse-tung in his capacity as Chairman of the Chinese Communist Party and the other in a general statement of government policy made by the Communist-appointed People's Political Consultative Conference when the Peking government was first established.

In On People's Democratic Dictatorship, published July 1, 1949, Mao Tse-tung wrote: "As for those belonging to reactionary classes or groups, after their political power has been overthrown; we will also give them land and work, permitting them to make a living and to reform themselves through labor into new persons--but only on condition that they do not rebel, sabotage or create disturbances. If they do not want to work, the people's state will force them to do so. Furthermore, the propaganda and educational work directed toward them will be carried out with the same care and thoroughness as the work already conducted among captured army officers. This may also be spoken of as a 'benevolent policy,' but it will be compulsorily imposed upon those originally from enemy classes." It would have been difficult to predict that this rather vague statement would be used to justify a general system of forced labor applicable to all inmates of penal institutions.

Article 7 of the Common Program, adopted on September 29, 1949, was only a little less vague. It said: "The People's Republic of China must suppress all counterrevolutionary activities, severely punish all Kuomintang counterrevolutionary war

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criminals and other obdurate arch counterrevolutionary elements who collude with imperialism, commit treason against the fatherland and oppose the cause of **People's Democracy**, Reactionary elements, feudal landlords, bureaucratic capitalists in general must, according to law, also be deprived of their political rights within a necessary period after they have been disarmed and their special political rights abolished; but they at the same time shall be given a means of living and compelled to reform themselves through labor to become new men."

On the basis of these two somewhat cryptic statements, forced labor has developed in Communist China to the point where it includes over 80 per cent of all prisoners of the state within the **country--ordinary** as well as political prisoners, and "**criminals**" awaiting trial as well as persons already convicted. Now, however, in the words of the Peking People's Daily, the recently-adopted regulations "**have** affirmed in legal form our state's policy and measures for the enforcement of compulsory labor service,"

The system of forced labor sanctioned in China by these regulations is modeled on the system in Russia— "**Soviet legal experts**" helped to draft the regulations--but there are some differences in details. As in the USSR, compulsory labor is applicable to **all** persons convicted or detained in penal institutions, at the discretion of the state; the regulations cover not only "**counterrevolutionaries**" (a broad term which is applied flexibly) but also all "**other criminals.**" A person does not have to be convicted of a crime to be included; the regulations apply to "***criminals not yet sentenced.**" In one respect, the Chinese system goes farther than its model in Russia. All prisoners in China can be put to **work** without pay under "**reform through labor,**" whereas in the USSR the system provides, on paper at least, for a sliding scale of wages based upon the seriousness of offenses.

Altogether there are 77 articles in the Chinese **Communists'** Regulations on Reform Through Labor. They deal with the general principles of "**reform through labor,**" describe the penal institutions which implement them, and outline in some detail the rules and practices which are now to be put into effect on a nationwide basis.

The fundamental policy of "**reform through labor,**" it is stated, is to "coordinate punishment and control with ideological reform, and coordinate labor production and political **education.**" There is no doubt that the system does aim at "**reform**" of prisoners --to "make them new men" in the **Communists'** sense--as well as at **exploitation** of their labor. The Communists are determined to make every prisoner "**bow his head and confess his sins**" as well as "**earn merits and expiate sins.**" This self-righteous, moralistic theme is a constant one in the Chinese Communists' approach to criminology as well as in measures of social control applied to the whole population. The Regulations on Reform Through Labor make clear, in fact, that the release of any prisoner, even after

expiration of his term, depends upon his having acquired acceptable attitudes; **anyone's** term in "reform through labor" may be extended by the authorities if he has "failed in getting reformed." Although prisoners are given political indoctrination throughout their period of imprisonment, it seems probable that their "reform" is less important to the regime than the value of their free labor. While the regulations require that "study" generally "shall not average less than one hour a day," they specify that the "period of labor for criminals shall generally be from nine to ten hours"-- and may be as high as 12 hours--per day.

Four different types of penal institutions in Communist China, all of which function as forced labor organizations, are described by the regulations: detention houses, prisons, "reform-through-labor corps," and institutes for juvenile delinquents. The latter three types are set up by governments at provincial and municipal levels as well as by the central government. Detention houses are more extensive; they are maintained by all governments down to and including the hsien (county) and in some cases the subdistricts within cities.

Detention houses are "mainly used for the custody of criminals not yet sentenced," but they are also used to hold convicts with short sentences of two years or less, who cannot "conveniently" be sent away to a reform-through-labor corps. Prisoners in these detention houses can all be "organized for appropriate labor service." They provide a very large number of penal laborers, scattered in small groups all over the country, who are used by local governments for projects such as public works.

Larger prisons are designed primarily for convicted prisoners who are "not suited to labor service in the open"-- either because they are important and must be confined for security reasons, or because health considerations are involved. Included are counterrevolutionary criminals, or persons given this label, who have been sentenced to life imprisonment or given suspended death sentences. Exemption from "labor service in the open" does not free these people from work, however. On the contrary, they are under particularly severe discipline and are made to work in prison at things such as handicraft manufacturing.

In the institutes for juvenile delinquents, special emphasis is placed upon "education in politics, in the new morai code, and in basic cultural subjects and production technique." But the inmates, whose ages range from 13 to 18, are also "made to perform light labor service."

Perhaps most important in the penal system are the "reform-through-labor corps." These are working groups, often containing many thousands of men, which are subdivided into branches. Their members are convicts who can do "labor service in the open"--that is, outside of prison but under guard--on farms, in factories, or on public works projects. It is clear that the

Chinese Communist regime considers most prisoners as falling into this category,

The whole system is organized and run by police under the Ministry of Public Security and its local organs. However, **People's** Procurators are responsible for general supervision over it; **People's** Courts are involved in numerous related judicial matters such as decisions on the release of prisoners or on extension of their terms; and relevant economic organs in the government take part in determining the use of convict labor.

The economic importance to the Chinese Communist regime of "**reform through labor**" is clearly revealed in the regulations on the system and in other **writings** about it. The production of prisoners is, in fact, integrated into the government's general economic plans. "**Reform through labor,**" say the regulations, shall "**serve** the interests of national construction, and be included in the state's over-all production and construction plans." Decisions on how convict labor will be used are made by top economic bodies in the government, with guidance from departments of agriculture, forestry, industry, finance, communications, water conservancy, and commerce. At each of the higher levels of government administration, special committees are **established**, made up of representatives of financial and economic bodies as well as of the police and courts, to manage the production of the forced laborers.

By and large, most prisoners are put to work on projects in local areas, but they can be transferred as needed to remote parts of the country. Plans for such transfers are drawn up by the Ministry of Public Security, but all moves except temporary and small-scale ones must have the approval of the central government's cabinet.

The prisoners can be made to do virtually any type of work, including farming, lumbering, manufacturing, construction, road work, and so on. The economic value to the state of this controlled, unpaid labor force was given great emphasis in a general report on "reform through labor" made in August by the Minister of Public Security, Lo **Jui-ching**. After reporting that criminals in China have been organized to "**carry** out production on a considerably large scale," Lo said: "**During** the past four years we have established many farms for reform through labor, and among them are many larger farms of over 10,000 mow (over 1,600 acres) of land each. We have also established **considerable** numbers of industrial production units, and many engineering corps for **the** repair of conservancy works, building of railways, felling of timber, and construction of buildings for the state. These production enterprises have not only benefited the development of the **state's** various construction enterprises, but also produced **a** considerable savings in the expenditure of the state, and created wealth to a definite **amount.**"

Just how much the thousands of forced laborers in

Communist China have contributed to the national economy to date was placed in doubt, however, by another statement made by the Minister of Security in his report. He said that after deducting the living costs of the convicts and other "necessary expenses," "the income from production of reform through labor...has been accumulated, in the form of fixed capital and fluid capital, to an amount approximately equal to the expenses appropriated by the state for reform through labor." It is difficult to know exactly what he meant by this, but if he meant that the net value of the production of forced labor just balances the over-all costs of maintaining the system, it suggests that the labor is relatively unproductive or the costs of administering the system are remarkably high. It is startling that huge net profits are not shown from a system providing free labor in tremendous quantities.

No statistics have ever been published revealing the total number of prisoners in penal institutions in Communist China, but the total is certainly in the hundreds of thousands and is probably in the millions. Each of the major "campaigns" in Communist China--land reform, the campaign against counterrevolutionaries, the "five anti" campaign--has sent thousands of victims into places of detention, and China's convict population undoubtedly includes more political and class enemies of the regime than ordinary criminals. When one adds persons classified as counter-revolutionaries, reactionaries, bureaucratic capitalists, bandits, local despots, unreformed landlords, secret agents, members of antagonistic classes, and deviationists to the more standard criminal categories of gangsters, robbers, swindlers, arsonists, rapists, and murderers, as well as "other undesirable characters left over from the old society," it seems probable that the total in Communist China is in the millions. And at present 83 out of every 100 are engaged in forced labor.

There is no doubt that the leaders of Communist China hope that penal labor which is "forced, unpaid, and subject to strict control" will in time make a large contribution to "national construction." The few criminal laws which they have drafted so far guarantee, in fact, that the supply of forced labor can be almost limitless--or rather, limited merely by practical rather than legal considerations. The vagueness of the Regulations on Punishment of Counterrevolutionaries, and of the whole approach to law, makes it possible for the state to arrest, in effect, anyone whom it chooses; and all prisoners are subject to forced labor. Furthermore, the Regulations on Reform Through Labor provide that any prisoner's sentence may be indefinitely extended, while those who are released can still be kept under state control. These last features are undoubtedly the worst ones in the regulations from the prisoners' point of view, because they raise the prospect of perpetual detention. If it is alleged that a prisoner "fails to engage actively in labor service, frequently violates prison regulations, and is factually proved to have failed in getting reformed," his sentence can be extended. Even if a prisoner is "released," he still "may be accommodated by an organ enforcing reform through labor and be placed in employment" if he "desires

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to remainⁿ in a labor corps, or has no home or job to which to return, or is, "in a place extensive in area and sparse in population" where "there is need for him to participate in local resettlement measures." In the latter case, a prisoner shall "go through the procedure of being released," and thereafter receives wages for his work, but he is still under the strict control of the state. In short, the state can decide to retain the services of any convict in China, even after he has served his sentence.

These, in brief, are a few of the most important features of the system of forced labor now operating in Communist China, as described in official documents and publications.

But these few facts are cold and barren; the human element is entirely lacking in the regulations, reports, and newspaper articles from which they are gleaned. What actually happens to the hundreds of thousands, or millions, of unpaid prisoners who now spend their **days** working in labor gangs all over Communist China? What sort of places do they live in? What do they eat? What sort of people are they? **What** sort of people are the policemen who keep them under constant guard? **How** are the convicts really treated? What is their attitude **toward "reform"**? **What** is their attitude toward work? What do they think? What is the effect of "reform through labor" on them? These and a thousand other questions cannot be **answered.**

It is in the hope of learning something of the human element of situations and developments in Communist China that observers in Hong Kong continue eagerly to search out travelers from the mainland and question them on what they have heard and seen. But **the** search is usually a discouraging one. Many aspects of life in Communist China can be studied only by struggling with the dry, bureaucratic, and lifeless prose of Chinese Communist publications which come across the border.

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