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# ***JPRS Report***

# **China**

***QIUSHI [SEEKING TRUTH]***

No 10, 16 May 1989

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[This series contains the tables of contents and translations of selected articles from QIUSHI [SEEKING TRUTH], a semimonthly theoretical journal published by the CPC Party School in Beijing]

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**Make Further Efforts To Carry Forward the May 4th Spirit in the New Age of Construction and Reform**

OW0305133989 Beijing QIUSHI [SEEKING TRUTH]  
in Chinese No 10, 16 May 89 pp 2-5

[Speech given by Zhao Ziyang on 3 May 89 at the Meeting of Youth in Beijing Marking the 70th Anniversary of the May 4th Movement; published in FBIS-CHI-89-084 of 3 May 89 p 16]

**Uphold Dialectic Materialism in Reform and Construction**

HK2106104089 Beijing QIUSHI [SEEKING TRUTH]  
in Chinese No 10, 16 May 89 pp 6-9

[Article by Yao Minxue 1202 2404 1331, deputy secretary of Henan Provincial CPC Committee]

[Text] In order to add to our achievements, overcome difficulties, creatively accomplish the tasks put forward by the 3d Plenary Session of the 13th CPC Central Committee, and promote the healthy development of socialist modernization, I believe that we should work hard to raise the theoretical level of cadres. This is a particularly important and pressing task as far as middle-aged and young comrades who have taken up leadership posts in recent years are concerned.

I

Comrades engaged in practical work are faced with the following question in their everyday work: If we depart from Marxism and materialist dialectics and simply rely on the power we have in our hands and the deployment of our superiors—in other words, just “do as we are told”—will we be able to do our work well? Probably not.

History has made it quite clear that whether or not we are able to uphold the correct theory and insist on combining theory with practice has a direct bearing on the cause and fate of our party. The damages done by Wang Ming's dogmatic line to the Chinese revolution are already common knowledge. The Yanan rectification, the party-wide drive to study Marxism, and the establishment of Mao Zedong Thought in the party brought about victory in the War of Resistance and the War of People's Liberation and the historical achievements in various fields of work in the early days of the People's Republic. The disastrous Cultural Revolution which took place some 20 years ago was inseparably linked to the erroneous theory of “continuing the revolution under the dictatorship of the proletariat.” A decade ago we negated the “theory of two whatevers,” reiterated the principle of practice being the criterion of truth, reestablished the Marxist ideological line of seeking truth from facts, and ushered in the new period of socialist modernization in China.

Just as correct action comes from scientific theory, erroneous action often originates from mistakes in theory. In recent years, although the party has stressed time and again that we must uphold and develop Marxism in accordance with the characteristics of the new period, and many people have in fact vigorously carried out studying and creating, in reality this important measure has not been implemented to the letter. There are still cases where people simply copy theories that are divorced from Chinese reality or play down or raise doubts about Marxism. There are popular talks about “the crisis of Marxism,” as if all our past mistakes were caused by our having upheld Marxism, not because we had departed from distorted Marxism. It seems that Marxism has become outmoded. This cannot but encourage a tendency among some of our party members and cadres to ignore materialist dialectics.

We have already instituted education denouncing the Cultural Revolution. To the best of my knowledge, the political and organizational achievements of this education are quite notable, but the ideological and theoretical achievements are far less impressive. It is perhaps quite easy to negate a political movement or some political slogans, but it is a much more protracted and arduous task effecting any real change in a method or habit of thinking. It is simply inconceivable that the idealistic and metaphysical mode of thinking which had deep social and historical roots and was rampant for a whole decade could be uprooted after dozens of documents and several discussions. Its influence is likely to assert itself in different areas and in a new form in our actual work and theoretical studies.

Upholding the policy of reform and opening up and upholding the four cardinal principles are two complementary and closely related tasks. However, some people arbitrarily cut them apart and regarded them as completely separate and mutually exclusive. Once the policy of reform and opening up was implemented, they ignored or discarded the four cardinal principles; and once the four cardinal principles were mentioned, they dared not implement the policy of reform and opening up. When ideas of “the spirit is omnipotent” and “politics takes precedence over everything” were criticized, they thought that “there is no need to talk about ideology now that contracts and rewards are handed down” and went to the extreme of weakening and abandoning ideological and political work. When the measure of separating party and government functions was introduced and efforts were made to remedy the drawbacks of the practice of allowing party committees to monopolize everything, they simply let go. This resulted in lax party leadership. When some sections of the people and the country were encouraged to get rich first, some people began to worship money and material wealth, and even refused to make proper criticism of the unfair distribution of social wealth. When it was suggested that due attention be given to personal interests, some people came out to publicize extreme individualism and acted in such a way as to harm the interests of the state, the society, and the collective.

This capricious and extremist behavior brings up an exceedingly acute task: Under the new situation of reform and opening up, our middle-aged and young cadres must take Marxist materialist dialectics as their compulsory course, for this is the only way that they will learn to look at problems from all sides. If they do not do this, they will not be able to become conscious and sober revolutionaries, and still less be able to shoulder the heavy burden of leading the masses in reform and the four modernizations.

## II

Proceeding from the actual situation in Henan and in the light of my own work there, I believe that we should pay special attention to the following areas in our efforts to uphold materialist dialectics in reform and opening up.

### A. We must look at problems objectively, not subjectively.

Henan had learned a profound lesson in the past because we the people of Henan simply let ourselves be dictated by our subjective wishes, ignored the actual situation, and failed to respect the objective laws. During the "Great Leap Forward" in 1958, we did a lot of stupid things because we believed that "The yield of the land is as high as people allow it to be," and "Don't be afraid of not being able to accomplish something, only be afraid of not being able to imagine it." It is an objective fact that economic construction can develop in only a proportional way, with specific proportions between different sectors of production, between accumulation and consumption, and between agriculture and industry. Because of our failure to study economic laws, anticipate problems that might arise in our economic development, deliberate on possible countermeasures to be taken, and analyze problems from all sides, and also because of our blind pursuit of speed, the economy became over-heated and we were forced to slow down our pace. In the various localities of our province, we can make only a small increase in our national income each year. Such increases must first be spent on satisfying the needs of the additional population and on improving the livelihood of the people; only then can the remainder be accumulated. The accumulation cannot be spent entirely on fixed asset investment. When investing in fixed assets, it is necessary to consider the needs of the current year as well as the aggregate investment of construction projects. At the same time, investment must have the guarantee of sufficient material resources, which must be supplied according to the specified varieties and standards. Thus, when formulating their own development strategies and planning the scale of their production and construction, the local authorities must take the local situation as well as the overall situation into consideration. Only when they have made a scientific analysis of the relevant factors that might affect the overall situation will they be able to make a scientific choice and thus avoid rashness in decisionmaking. If projects are recklessly launched without the necessary conditions, there will be unjustified levies and pooling of funds on various

pretexts. This will seriously weaken the vitality of enterprises. The scale of production and construction at the local level is invariably conditioned by the strength of the nation as a whole. If we vie with one another to increase the speed of development and enlarge the scale of construction over and beyond the capabilities of our national strength, with nothing but our subjective wish to back us up, we will end up scrambling for investment, materials, energy, and transport. Such scrambling will affect not only the speed but also the result of construction. It will affect the local situation as well as the overall situation. As a result, we will still lose a great deal in spite of a small, local success.

All things exist in a particular environment and have their own specific historical conditions and formation process. We have now opened our eyes and come to see that there is a world beyond our own and that we still have a lot to learn. This is a good thing. However, if the experience gained by a locality or department in a particular area of work is arbitrarily popularized as a universal truth regardless of the time, place and conditions, it may turn out to be something absurd. When implementing the principles and policies of the higher levels, we must do so in the light of the actual conditions in our locality or department in order to achieve good results. What is meant by subjective initiative is that we must understand the objective conditions as they are, grasp and consciously make use of the objective laws, and actively create conditions. It is only under this premise that we can say we are forging ahead and continuously making new innovations.

### B. We must look at problems from all sides, not one-sidedly.

We must adopt an analytic attitude in our approach to every specific task, whether it relates to the past or to the present, foreign countries or China, traditions or reality. Take Marxist theories, for instance. We should not unconditionally affirm every tenet, or every judgment or conclusion, forbidding others to probe and interpret these in a new light, or over-simplistically negate the basic Marxist tenets or even the entire teachings of Marxism. Both of these methods and fields of knowledge will prevent us from correctly upholding and developing Marxism. On this question, our starting point can be only whether or not they conform to the reality in China. Concerning the relationship between partial and overall interests, we used to stress that "when the big river is filled with water, the small rivers will also be full." This mentality dampened the enthusiasm of the localities, the departments, and the individual laborers. During the current reform, the policy of delegation of power and profit-sharing has greatly increased the vitality of the localities and enterprises, and aroused the enthusiasm of the individual laborers. However, this does not mean that we should put unwarranted stress on the idea of "when there is no water in the small rivers, the big river will also be dry," for this will result in departmentalism, decentralism, and lax discipline, and will distort the

relationship between the part and the whole from another perspective. We should see that some of the problems and difficulties that have surfaced in the course of reform are avoidable, some are difficult to avoid, and some have been resolved or are in the process of being resolved. Not seeing the forest for the trees, constantly complaining, craving for greatness and success, and glossing over our faults will do us no good. We must soberly and realistically make concrete analyses and strive to grasp every aspect of matters. Only in this way will we be able to continuously push forward the healthy development of reform on the basis of respecting objective laws.

C. We must look at problems from the mutual interrelations and mutual influence of things, not in isolation.

Take the price reform, for instance. This is something inevitable. However, this reform is not merely a project of systems engineering in the economic realm—it is also a mammoth social systems engineering project which involves political reform, the improvement of ideologico-political work and the reshaping of people's concepts. The success of this reform depends on supplementary reforms in such fields as planning, labor, commerce, supplies, foreign trade, public finance, and monetary affairs. It requires not only the support of good marketing mechanism, means of macroeconomic control and managerial mechanism, but also the backing of a good economic order, economic environment, and social environment. As things stand at present, the conditions are not quite ripe. Enterprises still find it hard to operate in accordance with the laws of market supply and demand. The reform of the labor system has not been deepened to an extent where production factors can circulate freely. There is contradiction in the supply of and demand for certain resources which cannot be resolved instantly by effecting price increases. In the meantime, our law and monitoring capabilities are lagging far behind actual needs. The fact that some people are exploiting the imperfect economic order and abusing their power in doing business has further aggravated the confusion in the realm of circulation. If the price reform is divorced from these aspects and carried out in isolation from reforms in other areas, not only will it not succeed, it will cause a lot of trouble in our economic, political, and social lives.

Confusion has emerged in our economic life. In the realm of circulation, in particular, illegal business dealings, cheating, and embezzlement of state and collective property have aroused the strong resentment and indignation of the people. Some people believe that we can solve these problems by relying on economic development. But this is not how things work. We managed all right when we were poor. Why is the situation worse than before, now that we have become better off? This shows that the reason for production problems is not only because the economy is not developed. There are also many contributing factors, such as unsound legal and

institutional systems, lax law enforcement and discipline, poor ideologico-political work, and low cultural and educational levels. These problems can only be effectively solved by a combination of economic, legal, administrative, and ideologico-political means.

D. We must look at problems from the development and changes of things, not in a static way.

Things exist as a process. Nothing is immutable. During the new period of reform and opening up, things develop rapidly and changes are frequent. We must improve our policies and methods of work in the light of these developments and changes. In this connection, the Party Central Committee has set a good example for us. For instance, the Central Committee has issued a series of five No 1 documents in regard to rural work. The first document was about linking output to each group and each laborer; the second put forward and affirmed the "contract system"; the third stressed the need to develop the commodity economy and enliven the circulation of commodities; the fourth put forward the call to readjust the rural industrial structure; and the fifth raised the question of improving cooperative economy based on the combination of centralization and decentralization and two-tier management. Each of these documents was drawn up on the basis of summing up the practical experience of the masses, and reflected the development and changes in practice. After this, the CPC Central Committee unceasingly put forward new demands in the light of new situations in the rural areas. All these have played an important role in promoting rural reform and economic development. Advancement of China's rural construction would be inconceivable if we refused to change in accordance with changes in the situation and insisted on cherishing the outmoded and staying in a rut.

Looking at problems with an eye to the course of their development also implies that even after completing a task or several tasks and achieving good results, we should not think that we have succeeded and that there is no need to go on making improvements. Things have an end only insofar as the completion of a task and the solution of a problem is concerned. When we talk about man's efforts to remold the world, however, matters know no end and will not stop at any given level. When the old process is completed, the new process will commence. New situations and new tasks will demand that we continue to press ahead under the new situation. In this sense, the end is also the beginning. This also involves the question of ideological emancipation, which is also an endless process. The constraint of a concept, a slogan, or an achievement may be manifested as a certain degree of ossification. We must have the conviction that people's interests come before everything else and always try to follow the track of the development of objective things. Only in this way can we forever guarantee a lively mind and constantly come up with new ideas.

### III

The capacity for cultural quality and theoretical thought can push a nation or a class to create miracles in

revolution and construction, to go from being backward to catching up with the advanced, and to grow from weak to strong. The level to which a leading cadre can master and apply materialist dialectics depends to a large extent on the work being done in his locality or department. Raising the theoretical level of the whole party has now become a pressing task. The middle-aged and young cadres who have taken up leadership posts in recent years are in their prime. Having been educated and tested at various periods since the founding of the People's Republic, most of them have acquired a broad knowledge or have gone through special training. However, they are still inexperienced compared with the veteran comrades and are not too familiar with the party's fine traditions and work style. What they need most is some additional lessons to systematically study and grasp materialist dialectics on the basis of practice. Social productivity is rapidly growing, the international and domestic situation is constantly changing, and our party is being charged with the unprecedentedly complicated and arduous task of building socialism with Chinese characteristics. These are factors that give our theoretical study such great practicality and urgency.

In order that study will become a conscious demand, there must be strict institutional guarantees. A person needs considerable education in the basic tenets of Marxism before taking up any leadership position. It should also be required that he set aside some time to study these basic tenets again and that he take some additional courses to raise his understanding. By study, we do not refer to simply reading. A more important part of study is to uphold the principle of integrating theory with practice and to apply materialist dialectics in analyzing and answering questions that practice raises. This cannot be done without constantly summing up one's own working experience nor without comradely discussion and exchange of ideas. At the same time we must acquire extensive knowledge of social and natural sciences, and research and pay constant attention to the trends and latest accomplishments in various fields.

In addition to receiving their Marxist education, leading cadres must also get out of their offices in order to systematically and thoroughly familiarize themselves with the situation in the country, the province, and the county in which they live and work. They should plunge themselves into the thick of life, write periodic reports of investigation on their area of work, and put forward suggestions for improving their work.

We have made tremendous achievements, but there are also many difficulties and problems before us. We must add to our achievements and overcome difficulties. The golden key to socialist modernization lies in the historic creative activities of the people, in the links and movements of objective things. The only way to secure this golden key is for us to raise our Marxist theoretical level, grasp materialist dialectics, and persist in combining theory with practice.

**Establish Internal Power Restriction Mechanism—  
New Exploration in Establishing a System for  
Ensuring a Clean Government Made by Baoding City  
of Hebei Province**

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[Article by the Joint Investigation Group of the Central Discipline Inspection Commission and the Hebei Provincial Discipline Inspection Committee]

[Text] While opening up the administration to the public and strengthening the supervision by society in the course of establishment of a system for ensuring a clean government, Baoding City actively explored an internal power restriction mechanism, as well as set up standards for exercising power and preventing abuse of power, by improving the work administrative system for party and government organs, and among some economic departments. Therefore, it effectively checked the spread and growth of corruption, and has provided us a solution for strengthening the establishment of a clean government.

**I. "Internal Power Restriction Mechanism" Is an  
Effective Way To Check Development of Power as a  
Commodity**

Beginning last year, Baoding City has implemented its work in accordance with the requirement of CPC Central Committee, that is, "we must open the government's administrative system to the public as much as possible, so as to make the government subject to supervision by the people." It started this work in departments which were often complained about by the masses. Members of the departments made known to the public the system for handling cases and results of its action, and voluntarily subjected themselves to supervision by the masses, thereby playing a positive role in maintaining a clean government. However, this failed to get the predicted results in certain areas concerning the work of "opening to the public" and "supervision." There were many reasons contributing to this. Though part of the system was suitable to be opened to the public, it was not effectively enforced; while the other part, which was unsuitable to be opened to the public, yielded little results. In October 1988, the city tax bureau sent 4,000 letters to solicit opinions on the work. There were only 200 response letters. Furthermore, most of them praised the work and only very few of them criticized it. Last year, the city supervision bureau received 141 cases of reports filed by the masses, of which 80 percent were filed by anonymous persons, 38 percent did not provide sufficient evidence, and 20 percent were cases of bribery and corruption which were yet to be settled. At present, the masses have made strong complaints against the party and government organs for not being clean. According to responses to a questionnaire conducted among 1,030 people by the research office of the city CPC committee and the research office of the city discipline committee, the seriousness of corruption in the party and government organs reflected by people was

second only to price problems. The situation of corruption, which was hated by everyone and was "often talked about, difficult to grasp, intolerable, and difficult to control," made the Baoding City CPC committee and the city government attach great importance to it.

After analysis, Baoding City CPC committee and the city government held that this situation is closely related to reforms, opening up and the development of commodity economy. First, authorities at the upper level decentralized decisionmaking power while organs at the lower level accumulated the power, so that few people took the opportunity to take advantage of their office for personal gains. Before the consolidation, a credit officer of a bank might approve any loan whose amount was below 100,000 yuan. Second, in the wake of the development of commodity economy, the power of some departments was expanded so that some people exploited the absence of internal power restriction for personal gains. Third, it was at the time when the old system was being replaced by the new one, so that there were loopholes in the management, which provided chances for changing the nature of power. Therefore, those new characteristics of the current cases of violation of laws and discipline were: (1) Hidden means. The transaction of "one to one" and "single-line connection" in cash between two people left no traces. (2) Mutually beneficial objectives. People involved colluded with each other, made use of each other, and got their benefits. (3) Deceiving methods. Taking advantage of inconsistent policy and imperfect system, always "hitting the ball on the line," and working out countermeasures to make illegal acts "legal." These methods indicates the complexity and arduousness of the struggle against corruption.

Both Baoding City CPC committee and the city government held that the present situation of corruption among the party and government organs was related to "power." Anyone or any department who held real power most probably became corrupted. They basically exchanged power with each other, exchanged power for money, used power as a form of currency, made use of shortages and restrictions, used personal networks as vehicles, and made personal gains their goals. Therefore, we must adopt strong and effective measures to check the development of power as a commodity. The exposition made by comrade Deng Xiaoping, that a disadvantage of China's political system was the excessive centralization of power, applied to the upper level as well as the lower one. While the upper level strove to solve this problem, units at the lower one should also solve it at the same pace. Otherwise, many problems would develop if the units at the lower level accumulated too much power. On the basis of this understanding, they guided some departments to explore ways for developing a rational division of labor and for developing effective power restrictions. Furthermore, they promptly popularized their experience, which played a positive role in checking the spreading corruption.

The basic ideology of an approach of "internal power restriction mechanism" taken by some departments in

Baoding City was the division, restriction, and readjustment of power. Division avoided excessive centralization of power. Restriction provided solutions for runaway power. Readjustment changed the work environment of the cadres and eliminated the exchange of power. The starting point of this ideology was: (1) It focused on the internal establishment of power. A rationally allocated, divided, and restricted power was attained by improving the structure of power and the readjustment mechanism. (2) It focused on the establishment of a system. The establishment of this system did not fall within the scope of general ideology and ethics but was that of an operational management system. (3) It focused on self-restriction of power. After this system was put into operation, it would, to a certain extent, restrict the power by itself. Of course, the probe on internal power restriction mechanism conducted by Baoding City was a preliminary one. Some of its methods need to be further perfected and developed. However, the practice has already shown its vitality.

## II. Several Approaches to Establishing the "Internal Power Restriction Mechanism"

The establishment of "internal power restriction mechanism" carried out by Baoding City proceeded from reality and solved actual problems. Various units and departments made measures suit the local situation, and stressed actual results through different ways and means. In short, their methods can be classified into the following four types:

**A. Division of power.** The so-called division of power aimed at dealing with the situation where the power was centralized to some units, departments, and individuals without any restrictions. It appropriately divided the power over people, finances, and property, which can easily lead to corrupt behavior. It changed the power structure in which the remarks of a single person were orders, so that not a single unit, department, or individual could have full authority to exercise a certain power, or so that the process of exercising such a power would be checked and restricted by another person, thereby achieving the goal of checking or minimizing corrupted acts. There were three forms of the division of power:

*The first was to divide the centralized power held by a single person among several people, and let them jointly exercise it through mutual restriction.* For example, in the past, a credit officer of the industrial and commercial bank often committed corrupted acts because he was responsible for the "three investigations" (investigations before, in the course of, and after finalization) of loans. In the light of this disadvantage, the bank divided the power of investigation and authorized three different people to exercise it. Therefore, the number of corruption cases dropped, and the coefficient for repayment of loans was remarkably increased. In another example, the business of the traffic inspection bureau concerning investigation on evading payment of maintenance charges and fines was previously handled by a single

person. Recently, it was decided that three people were responsible for the determination, collection, and issuance of receipts for the payment of fines.

*The second form was to divide the business of a certain department among several departments, so that the departments would mutually restrict each other.* For example, the city planning committee was previously solely responsible for examination, approval, and implementation of capital construction projects. The work is now shared by the financial bureau, which is responsible for the examination of capital; the planning committee, which is responsible for preparation work at the preliminary stage; and the construction committee, which is responsible for planning and implementation. Under the circumstances where nonbudgetary capital construction projects were carried out despite repeated bans, Baoding City did not have any "project started by means of a simple note." It basically eliminated the nonbudgetary projects, and had been praised by the investigation team sent by the State Council. Following the division of power among departments and the mutual restriction, it was obvious that the departments strengthened their sense of responsibility about work. This helped plug the loopholes, eliminate mistakes, and improve efficiency and economic results of their work. In an examination of such project funds by the financial bureau, it was formerly the competent supervisory section or office which was responsible for submitting reports to the planning committee. The practice was later replaced by comprehensive examination prior to the submission of reports to the planning committee. In 1988 alone, it was found that self-raised funds worth 4,435,000 yuan, or 22 percent of approved funds utilized by capital construction projects, were not qualified. In the preparation work concerning capital construction at the preliminary stage, the planning committee changed the approach from "taking one step" at a time (examination and approval by the capital construction section) to "taking three steps" at a time: preliminary discussions by the competent section—feasibility study by relevant departments—assignment of targets by the capital construction section, thereby greatly boosting the scientific nature of the work of examination and approval of capital construction projects.

*The third form was to divide the power centralized by a certain level in a system or department among several levels, and to strengthen the mutual restrictions among these levels.* In the past, the city construction committee decentralized the power to examine and approve urban construction plans to its functionary offices. Though they had announced the procedures for planning and examination, and established their system and regulations, they could not effectively control the dislocated situation. Beginning in this year, they divided part of the power. It is now the competent section or office which is responsible for proposing suggestions. The planning director and construction committee's deputy director were jointly responsible for the study and final approval, thereby eliminating confusion in the work of planning.

Over the years, grassroot supervisors of the tax bureau held the real power to determine the subject of tax reduction and exemption, and the amount of such reduction and exemption. This easily developed problems. Hence, the bureau decided to divide the decisionmaking power concerning tax reduction and exemption. It introduced a "three-level report and approval" system, that is, on the basis of preliminary investigation conducted by grassroot supervisors, the tax collection section conducted further investigation prior to the submission of confirmation reports to the leadership of the bureau, which would be determined by the leadership at their work meeting. This process not only guarded against corrupted acts but also boosted the rationality of tax assessment.

According to a survey conducted among 23 departments and units, it was suitable for distribution of goods and materials, tax reduction and exemption, industrial and commercial management, credit control, assignment of capital construction projects, transport control, urban planning, and settlement of nonagricultural households which were formerly agricultural ones, as well as cadres taking up other employment.

**B. Overlapping management.** This means the sharing of the same work by different units, departments, and individuals with their specific management or examination functions, so as to play their roles in supervising each other. Overlapping management neither divided the decisionmaking power nor the exercising power of the competent departments and the person in charge. It only examined, supervised, and corrected acts of violation of the persons in charge. The major forms of overlapping management were:

*Overlapped functions.* This referred to mutual reaction, mutual supervision, and self-control of misconduct by two or more than two organizations of the same unit in the course of exercising their power. In the past, the taxation system carried out "a whole series" of collection, supervision, and examination work. There were often cases of collecting less taxes or evading taxes because of personal relationships. In the light of this situation, the tax bureau introduced a taxation inspection team the functions of which overlapped with those of the tax collection section. When a tax collector collected less taxes because of personal relationships, he would be subject to inspection routines. Any tax inspector who harbored a person paying less taxes or evading taxes would be held accountable by the tax collection bureau on the grounds of its obligation to fulfill the assigned tax amounts. Any contradiction arising therefrom between the two sides would be coordinated and solved by an arbitration committee.

*Overlapping supervision among personnel.* This refers to, for the same job, the mutual supervision of departments and work personnel in the dovetailing of two segments of the job. Before the introduction of "bank accounting shift system," savings deposit officers of savings offices

of the Industrial and Commercial Bank worked in two shifts with their own cash banks. There was no cash transaction between any two of them, so that these officers were more or less free to do whatever they wanted. Last year, a person responsible for a bank's finances, taking advantage of a lack of supervision, took more than 70,000 yuan cash in 44 cases for personal use, creating a very bad effect. In order to strengthen the management of the work concerning savings, the bank stipulated the establishment of a cash bank by two officers for transactions around their shift time. Prior to going off duty, an officer was required to check his cash and book transactions, and only when it was verified might he leave for that day. This thus formed a rotary supervisory and overlapped restriction relationship between the two shifts, and thus effectively pegged loopholes of financial management.

*Overlapped supervision among departments and regions.* An overlapped management among departments and regions helps to make up for absence of certain functions in different departments and regions, and checks the phenomenon of the abuse of power. Formerly, the work of tax collection in Dongbei district of the city was handled by the tax bureau alone. In the wake of development of collective and individual enterprises, there emerged two problems: On the one hand, there was too much work handled by too few people, so that it was very difficult to control the situation, and cases of tax evasion developed. Also, there were tax collectors who committed bribery and corruption with some "large households." On the other, cadres of neighborhood organizations and the masses could not take part in the work even though they knew the root cause to the problems. Last year, the district tax bureau jointly introduced the method of "joint work of taxation" with an office at Heping Lane. In this method, the responsible person of the neighborhood office, a tax supervisor, and a representative of the masses jointly studied the qualifications of a tax payer and the tax amount, which would be collected by a tax collector. This involved neighborhood offices, representatives of the masses and tax supervisors in mutual supervision. This thus effectively checked practices of arbitrarily assessing taxes and arbitrarily reducing taxes. Following its introduction in April 1988, the office assessed 87 taxpayers, readjusted the tax amount for 34 of them, and increased the amount of collected taxes by 450,000 yuan.

*Overlapped supervision between the upper and lower levels.* Through the contracted responsibility system, the initiative of the people with related interests and the government were mobilized, thereby strengthening the supervision between the upper and lower levels. In order to know more about unhealthy tendency in the distribution of agricultural means of production, Qingyuan County implemented the "three payment-linked distribution" of agricultural film, chemical fertilizer and farm chemicals down to the grassroot level. Last year, when the county carried out the purchase of wheat by contractual groups, it first implemented the purchase of agricultural means of production down to contractual groups.

Later, it assigned contracted quota down to villages. Both peasants and contractual groups gained benefits when the production of wheat was increased. Otherwise, both of them suffered losses. If those distributed goods and materials by the means of production company were not done according to the schedule, such distribution would be boycotted by the peasants and contractual groups, so that the county and villages leadership, as well as special departments in charge of agricultural means of production, were subject to bi-directional restriction by the upper and lower levels.

*C. Change of positions among cadres.* The thinking that significance of personal relations was greater than that of policies was one of the causes for development of corruption. When a cadre stayed on a post long enough, he would have established more social relationship. The continuation and radiation of all abnormal social relationship provided soil for the spread of corruption. The saying that "a native land is better than three office seals" was a manifestation of this situation. Baoding City earnestly implemented policies toward exchange of cadres, established various kinds of post exchange systems, and, through the exchange of working areas, eliminated the development of certain corruption conditions.

*Withdrawal and change of positions.* Some cadres, particularly leading cadres working in their native places, found it very difficult to eliminate interferences caused by their complicated blood and local relationships, which often helped the spread of unhealthy tendency. Baoding City adopted a system of withdrawal and change of positions for leading cadres at county and village levels. In this system, leading cadres working in their native places were transferred to positions in other counties and villages, so that they were free from interferences caused by their blood and local relationships. As at this moment, 159 leading cadres working in counties and villages of the city have been transferred to other areas.

*Exchange of positions.* In order to avoid having a cadre working at a place too long a time, which would gradually form a network of power and money transactions and relationship, they introduced three ways to exchange positions. First, they exchanged positions sharing the same system and nature with others of different systems and nature. For example, the tax department, industrial and commercial bureau and so on stipulated the term of office for tax collectors and market supervisors of a particular jurisdiction. Second, cadres working in organs of different levels exchanged their positions. The city had transferred 990 cadres to work either at the upper level or at the lower one. Third, leading cadres working at the same level exchanged positions with each other. At present, over 1,600 cadres working in the city's important systems such as the political, legal, tax, industrial and commercial systems have had the positions exchanged, of which 31 were cadres at county and bureau levels.

**D. Power restrictions by responsibility.** The so-called power restrictions by responsibility was to restrict the abuse of power through a rigid responsibility system, so that the power would be operated on the right track within a normal scope. It also solved the issue that power was "hard" and responsibility was "soft" through management, supervision and control of the power.

*1. It strengthened responsibility in accordance with the concentric circles principle.* In its construction of a clean government, Baoding City understood that power meant responsibility, and that legal power indicated legal responsibility. The more the power, the more the responsibility; and the two should like two concentric circles of the same radius. Therefore, through a rigid responsibility system, they divided 59 task goals of the city into 2,300 small tasks and assigned them to 83 units. Following the division of work level by level among the units, the assignment of work down to every person, and the adoption of quantity management, the responsibility of work was clear and was rewarded with either awards or punishment. Moreover, it was further absorbed into the general responsibility system, thereby clarifying the scope for exercising the power. Nobody could go beyond this scope and abuse power or would lose his power in order to cope with the phenomenon of corruption.

*2. Responsibility was checked by integrating the upper level with the lower one.* Its major contents were to assess and examine whether a party or government organ and its working personnel fulfill his responsibility, or abused his power or committed malfeasance. The approaches of examination were: first, to examine each level from top to bottom; and second, to assess the work at each level from bottom to top. In the fourth quarter of last year, the city CPC committee, and the city government a city-wide campaign of "assessment from the lower level," in which subjects of municipal services gave comments on the administrative skills of cadres working in organs directly under the city government. More than 600 items of comments were received by the grassroots. At the same time, the city introduced a percentage assessment approach, in which the performance of all party and government departments, as well as their cadres, were periodically assessed, and were given overall grades of excellent, good, fair or poor at the end of each year. Units and individuals given the excellent grade would be awarded by citation of merits and so on. Those given the fair and poor grades would be criticized and educated. Anyone who abused his power would be dealt with or subject to readjustment of his power. Mancheng County introduced an assessment system for retiring cadres, under which the organization, personnel, and discipline enforcement and other departments inspected his discipline and honesty during his term of office. For example, a leading cadre in Xiyuan Village discovered a hidden problem in his examination of retiring cadres of this village. Later, he found that 10 cadres of this village took advantage of their office for personal gains. But he promptly handled his case.

*3. The principle of strictly enforcing discipline was upheld, and responsibility was affixed.* The key point was to resolutely deal with and handle cases in which the power was abused and which gave a bad influence on others. This was manifested by some radical and significant measures in the responsibility-power mechanism. First, anyone who went beyond his limits of power would be held responsible. That is, anyone who intentionally violated laws, committed blackmailing, embezzled public funds, committed bribery and corruption, failed to enforce orders or prohibitions, took counter-measures to offset policies adopted by the upper level, and indulged in expensive living should be seriously dealt with. Second, anyone who committed malfeasance must be held responsible. That is, anyone who indulged in bureaucratic red tape, inversed the relations between master and servant; who shirked responsibility; was divorced from reality and took blind acts; or committed malfeasance should also be seriously dealt with. Over the past two years, they handled 26 major cases involving bureaucratism, in which 59 people were punished by the party discipline and six were affixed their legal responsibilities.

While punishing those people who took advantage of their office for personal gains, and who committed malfeasance, Baoding City introduced a corresponding system of competition among cadres. That is, leading cadres who indulged in malpractices were transferred to other positions which gave them no power to abuse. In the past two years, 31 people were eliminated by the competition in a functional bureau alone. This promoted the overall construction of a clean government.

### III. Some Thoughts About the "Internal Power Restriction Mechanism"

**A. "Internal power restriction mechanism" has dual functions, checking the abuse of power while promoting and encouraging the correct use of power.**

"Internal power restriction mechanism" is a means to standardize acts of power. Its nature and characteristics are to restrict and control the exercise of power. However, the subject of this restriction and control is only the abuse of power, rather than the imposition of shackles on cadres, thereby ensuring the correct exercise of power. It plays a positive role, boosting the positive effects, as well as checking the negative role, minimizing the negative ones.

A strengthened responsibility may boost the sense of responsibility, as well as the thinking of being a public servant, among cadres, so that they will often bear in their mind their purposes. An appropriate division of power, as well as an overlapped management, may make cadres accept the thinking of being subject to supervision, and the thinking of democracy. It is also an effective way of democratic decision-making and democratic management. The change of positions among cadres not only limited the chances that they take advantage of their office for personal use. Moreover, it helped cadres who had been working in a place for too

long a time get rid of hindrance brought by their blood and local relationships, and created good conditions for them to perform their duties and exercise their power. Among the first batch of 29 leading cadres at township level in Qingyuan County, 11 achieved remarkable results within a short time. Furthermore, there was great changes in the work of some towns headed by other four comrades.

**B. Establishment of the "internal power restriction mechanism" is an effective criterion concerning power, as well as an inherent requirement for in-depth reforms.**

Reforms were carried out because of the need of invigoration. However, it simple will not work without readjustment and control. In the current social life, particularly, in the economic life, all kinds of problems are related, in varying degrees, to the dislocation of control at macroscopic level. The cause for this is not only because we did not adopt sufficient macroscopic measures for the control, but also our control did not work at the intermediate level, so that our macroscopic policies were ineffective. Under the practice of working out "counter-measures at the lower level to offset policies adopted by the upper level," this problem was manifested by changes in the way in which policies were implemented. Therefore, to strengthen the establishment of "internal power restriction mechanism," standardize the acts of power, and effectively implement the macroscopic readjustment and control are required in the current work of consolidation, and are an inherent requirement for an in-depth development of reforms.

At the same time, the establishment of "internal power restriction mechanism" is a component part of reforms, which must build a totally new political system and economic system. These systems are open ones under control, remove rigid acts and chaotic situation, and invigorate the economy in an orderly manner. Therefore, the "internal power restriction mechanism" should occupy a position in our reforms. Judging from the experience of Baoding City, the establishment of "internal power restriction mechanism" involved reform of the economic structure as well as that of the political structure. Some of those measures manifested reform of the economic structure, as well as reform of the political one. The development of those policies was just an inevitable manifestation of the need of corresponding development at a certain stage of reform.

**C. The "internal power restriction mechanism" has its unique function and brings about overall effects with other corresponding measures.**

Unlike any other measures for building a clean government, the "internal power restriction mechanism" has its unique functions. It can be divided into "software" and "hardware" parts when compared to education. The first one is to impose restrictions by means of thinking, and the second one is to control the situation through a system. Compared to the practice of examination and handling, these two are different in terms of preference.

While the second one mainly stresses on work to deal with the situation after occurrence of an incident, the first one mainly carries out prevention work. Compared to the supervision by the masses, these two are different in the way that one is subject to "external supervision" while the other is subject to "internal restrictions."

Each of these systems is marked by their appropriate domain and special styles. For example, the practice of "opening up to the people in two aspects and one supervision" is suitable for departments that have frequent contacts with a wide spectrum of people. It plays in a better way the role of supervision and restriction in corruption cases where the interests of the masses are directly undermined. The practice of "internal power restriction mechanism" is suitable for departments which are inappropriate to be open to the public, are subject to supervision by the masses, or are strongly marked by reciprocal benefits. It also help solve problems concerning the interests of the state and collectives when they are undermined. Each of these systems has its merits as well as demerits. We must adopt various measures to consolidate them in a comprehensive way, so as to make them augment and perfect each other, and to minimize the scope of corruption.

**D. We must proceed from reality when establishing the "internal power restriction mechanism," give play to its positive role, and avoid those possible negative effects.**

"Internal power restriction mechanism" is a product of a clean government. It provides us a new example for other localities to build a clean governmental system. However, these mechanisms are also marked by their dual nature, and not all departments have that common feature. Therefore, we must also proceed from reality and stress on actual results when popularizing this practice. First, we must pay attention to its adaptability in order to avoid having negative results. For example, the division of power must be appropriate. When the power is excessively centralized, it will tend to develop abuse of power. If the power is divided in a hair splitting manner, this will develop bureaucratic red tape at the expense of efficiency. Different departments and units must gradually probe in their practical work their ideal pattern of division of power, and change in the wake of development of their work. Second, we must pay attention to its suitability, so as to make decisions on the basis of practical work. For example, the change of positions among cadres was indeed a good method to check corruption. But its suitability was limited. We must act cautiously when dealing with positions that involve much technology and professional skills. Some positions are not suitable to be changed. Otherwise, our work will be adversely affected, and the benefits derived therefrom cannot make up for the losses we shall suffer.

### **Practice and Understanding of Reform of the Tax System**

*Beijing QIUSHI [SEEKING TRUTH] in Chinese No 10, 16 May 89 pp 15-19*

[Article by Wang Pingwu, Chen Deyan, Zheng Qi; not translated]

### **Reconstruct the Theory of Law Taking Rights and Duties as the Basic Category**

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[Article by Zhang Guangbo 1728 0342 0590 and Zhang Wenxian 1728 2429 7359 of Law Faculty, Jilin University]

[Text] At present, the consensus of academic circles on the current state of law in China is that "law is at an infant stage." How then are we to bring law to maturity? We believe that what we should do is to gradually make law more scientific, modernized, and practical. In this connection, the reconstruction of the theory of law taking rights and duties as the basic categories is without doubt the most fundamental and important task.

#### **I**

For a long time, a one-sided interpretation of "class nature" has been taken as the basic category of law in China because people read individual Marxist remarks on the nature of law in a dogmatic way. As a result, law has become an adjunct of "class study" and "the philosophy of struggle" and its status as an independent science is lost. After the 3d Plenary Session of the 11th CPC Central Committee, the theory of "taking class struggle as the key link" was negated and the established way of thinking based on the "whatever theory" was toppled. In the realm of law, "regulations" (or "norms") began to be taken as the core and basic category of law, and the basic theory of law was reconstructed with regulations as the axle. This theory based on regulations tends to oversimplify the complicated phenomena of law (in fact, apart from regulations, law also has principles, concepts, methods, and so on as its major components) and also to overlook two factors, namely the value of law and the positivist aspect of law. By the value of law, what we mean is that law is there for the survival, happiness, and development of the people of a given society. By the positivist aspect of law, what we mean is that law is manipulated by people and that in the manipulation process, regulations may be modified or even twisted. Others have set their eyes on "regulations" and are beginning to reconstruct the theory of law taking regulations as the core, but we believe that "rights and duties are the core of law" and have made an initial attempt to reconstruct the theory of law taking rights and duties as the basic categories.

We believe that rights and duties are the basic categories of law and that all legal issues can be boiled down to questions of rights and duties. To begin with, rights and

duties form the link of the logical ties between legal norms, legal relations, and legal responsibilities. Rights and duties are the core of legal norms. A standard is called a legal norm because it gives people certain rights and tells them which words and deeds will be considered appropriate and legitimate and will be supported and protected by the state, or imposes certain duties on people and tells them what they should and must do and what they should not do, and informs them what actions will be enforced or banned by the state under given circumstances. Rights and duties are also the essential elements of legal relations. A particular social relation is a legal relation because it is forged in accordance with law and is based on the interrelations and mutual conditioning of rights and duties. Legal responsibilities are compulsory duties arising from the infringement of legal rights or the violation of legal duties, duties which have been established by special state organs and are attributed to responsible subjects in a legal relationship. In other words, they are secondary duties resulting from the violation of primary legal duties. Rights and duties also permeate the entire process of the operation and functioning of law. The operation and functioning of law has legislation as its starting point, and law enforcement, compliance to the law, and the administration of justice as its major links. Legislation is a process whereby the state, through its legislative organs, determines (delineates), standardizes, and institutionalizes rights and duties. Law enforcement is a process whereby various administrative organs or quasi-administrative organs of the state exercise the authority vested in them by the state to ensure the fulfillment of legal rights and duties in their daily activities of administering the country. Law compliance refers to the correct exercise of rights and the honest discharge of legal duties by citizens, legal persons, and other social organizations. The administration of law refers to special activities whereby special state organs reestablish the obscured rights and duties of the parties concerned through legal supervision and trial, or restore suspended or damaged relations of rights or duties through actions against the law-breakers. Lastly, rights and duties also run through all departments. For example, China's political, economic, cultural, educational, and legal systems as spelled out in the Constitution in fact set down the rights and duties of basic social forces such as classes (strata), parties, nationalities, etc., in the activities of the state. On this basis, the basic rights and duties of citizens are laid down and the functions and powers of state organs (that is, the rights and duties of state organs) are defined. Other areas of law, such as the civil law, economic law, marriage law, labor law, and military law, all have regulations regarding the rights and duties of a certain aspect of social life or of people in a certain social realm. The criminal law defines which actions are in violation of social rights and duties, that is, actions in violation of the rights of the individual, the collective, or the state, which have gone to such excesses that they can no longer be tolerated, and spells out the punitive measures to be taken against such actions. It is a means by which the government urges or compels its people to discharge their legal duties and protects the

legal rights of its people. The law of criminal proceedings defines the rights and duties of the litigant and his/her attorney in a lawsuit. In short, the issue of law invariably revolves around the question of rights and duties whether we look at it from the logical or practical perspective, or observe legal phenomena in their dynamic and static forms. Thus, we must focus our attention on state-defined rights and duties and the process of their implementation before we can bring to light the characteristics of law that distinguish it from other social phenomena (the particularity of contradiction), clarify the contents, structure, and functions of law, and reconstruct and update the study of law.

Categories in various branches of study are the summary of man's understanding of objective things on the basis of protracted practice. Likewise, rights and duties as categories are also the condensation of man's rich knowledge and understanding of law over the past generations. As early as during the Spring and Autumn and Warring States periods in the history of China, the noted politician and thinker Guan Zhong [4619 0112] had made it quite clear that society needs law to "check and settle disputes." His idea of "checking and settling disputes" was to regulate the conflict of interests by delimiting people's rights and duties. In ancient Greece and Rome, thinkers had also conducted extensive and thorough probes into such questions as what is there in people's mutual conflicts and overlapping views that is appropriate, as well as how to rally the strong backing of politics and society to support everything "appropriate." This led people to the concept of rights and the corresponding concept of duties. Toward the end of the medieval age, the concept of rights and duties gradually became part of the general common social consciousness as interests became more and more individualized and independent following the development of the capitalist commodity economy. In the meantime, "rights" and "duties" were singled out as the basic concepts of law and were utilized extensively in the West. Toward the end of the 19th century, the concepts of "rights" and "duties" found their way into China along with the import of Western bourgeois jurisprudence. However, because the traditional legal culture with "crime and punishment" at its core had already struck deep roots in China, particularly because social conditions for the development of the concepts of "rights" and "duties" were lacking, Chinese jurisprudence still did not contain rights and duties as its core, nor research into the basic categories of law. After the arrival of the socialist society, law was distorted and regarded as a tool for rule by man and as the study of class struggle. This was the case because the commodity economy was criticized at great length as capitalist and because rule by man rather than rule by law was practiced in the political arena. As it was both unnecessary and impossible to study and publicize rights and duties, the study of law naturally remained in an unscientific state. Today, we must inherit and carry forward the scientific understanding of our predecessors about rights and duties, assimilate the fruits of research in the West, conduct thorough research on rights and duties in the light of the actual state and needs of the development of the legal system in our

country, and establish the study of law on the basis of the scientific theories of rights and duties.

## II

For law to be modernized, it is necessary to establish the study of law on the basis of modern economy, politics, and the legal system. Rights and duties may be called the outer shell of modern economy, the basic content of modern government, and the structure of the modern legal system; they are also their functioning mechanism.

Modern economy is characterized by a highly developed commodity economy. The commodity economy is an exchange economy closely related to the division of labor in society. The prerequisite of any exchange of commodities is that parties involved in the exchange must be independent, autonomous, and able to transfer and purchase commodities in their own name. Another precondition is that they must have clear-cut, special, and exclusive ownership rights over the commodity being exchanged. This makes it necessary to clearly affirm the rights entitlement and property rights of the commodity exchangers. Commodity exchange is essentially the exchange of equal value, with the value of commodities as its yardstick. The relationship between various commodity producers and dealers, which is determined by the law of value and the principle of exchange of equal value, invariably reflects the reciprocal relations between rights and duties. In a capitalist society, even the workers who are living in dire poverty can be owners of their own labor commodity. Hence, rights and duties exist in the whole society and become a kernel mechanism of the economy as well as the universal form of interpersonal relations.

The self-sufficient natural economy has all along played a dominant part in the history of China. "The society was dominated by administrative power" because the commodity economy was not developed. People were driven by the concept of power which works from top to bottom and by the concept of subservience which works from bottom to top. The lateral concept of rights and duties was practically nonexistent. Although the commodity economy saw considerable development in modern China, and business and trade flourished in the coastal cities, the commodity economy never did become a dominant economic mode as far as the whole country was concerned. Since the establishment of the People's Republic of China, by putting into practice a highly centralized product commodity economy and integrating economics and politics, the concept of rights and duties among the masses has been further weakened. We suffered a great deal because of this. Since the drive to develop the commodity economy, the old legal system, structure, and concept, with crime and punishment at its core, has been dealt a crushing blow by economic legislation, particularly by the formulation of the civil codes. A legal system, structure, and concept, with rights and duties, is being developed. Legal rights and duties

have become the outer shell of China's socialist commodity economy as well as the mechanism that ensures the orderly development of the commodity economy.

Modern politics has democratic politics as its hallmark. The basic feature of democratic politics is that political power takes the concrete form of basic rights and duties of citizens and is divided among all citizens. "In form, it recognizes that all citizens are equal and that they all enjoy equal rights in deciding the state system and running the country."<sup>1</sup> This feature of democratic politics is compatible with the commodity economy, which makes rights and duties something universal. As repeatedly noted by Marx, "commodities are natural advocates of equality."<sup>2</sup> Equality between the commodity producers is the basis of equal rights for citizens in any state where the rule of law prevails. The political structure established on such a basis will definitely be a democratic system with universal rights and duties.

The superiority of democratic politics also lies in the fact that political power is expressed in the form of rights and duties. Democracy and autocracy are exact opposites. Autocracy turns political power into the privileges of a handful of people, with the monarch at the top and in overall control. This political system on the one hand smothers the inherent initiative and creativity of mankind and causes social development to slow down and mark time, even recede; on the other hand, it precipitates lust and ambition for power among a handful of people, causing them to take reckless actions in order to seize power, while the majority of people develop a hostile attitude toward state power and even rise in insurrection to overthrow the government. This will result in an endless round of political turmoil and social disaster. The democratic system, by breaking down political power into citizens' basic rights and duties, turns politics into something that involves the majority of the people, thus overcoming the drawbacks of monarchy. Under the system of democratic politics, citizens enjoy political rights stipulated by law and are charged with relevant political duties. The peaceful transfer of state power and the rebuilding of the organs of state power are the results of the exercise of given legal provisions by citizens. State power operates and functions in accordance with law under public supervision—that is, the participation of citizens in politics and checks and balances. Citizens subordinate themselves to state power of their own free will in exchange for protection by the state. With politics and society being one and the same thing, citizens will take the initiative to show their support for the existing political system and political order by participating in politics. This is a much better system than monarchy, in that it can greatly reduce political resistance and increase the initiative and vitality of politics. At the same time, the establishment of society's own two-way control system will inject a balancing agent into politics. It will further stabilize political order and create favorable political conditions for economic and cultural development and for social progress.

In keeping with the commodity economy and democratic politics, the modern legal system is made up of particles of rights and duties. It establishes mutually dependent and interacting relations of rights and duties between classes, nationalities, parties, citizens, and juridical persons, and regulates the relations between them. It promotes economic growth, public order, and social progress by offering convenience and protection to dominant social entities. This is the major difference between the modern legal system and the ancient legal system. The ancient system had crime and punishment as its mechanism for regulating the relations within the ruling class and between the ruling class and the ruled. China had for the past thousands of years been ruled by a combination of various laws, with the criminal code as the mainstay. The feudal ruling order was established on the basis of one side holding absolute ruling power and the other side submitting unconditionally to this rule. At that time, this old legal system in fact simply meant conviction and sentencing by judicial organs. As far as the masses were concerned, what they should do was to stay away from crime and punishment for their own good. With the development of the commodity economy and democratic politics, "rights" and "duties" have taken over the position of "crime" and "punishment" as the basic constituent and core mechanism of the legal system. The legal system has thus become modernized.

As the Chinese society enters the age of the commodity economy, democratic politics, and rule by law, the basic relations in society are increasingly manifested as relations of rights and duties. On the basis of a legal system which has rights and duties as its content, commodity economic order and democratic political order are taking shape. This is the characteristic of our age as well as the general trend of historical development. Our study of law can no longer be confined to the economic structure of the natural or seminatural economy or the product economy, or to an undemocratic political structure, with crime and punishment as units of analysis. Rather, it must develop in step with the commodity economy, democratic politics, and the legal system, with rights and duties as units of analysis. Only in this way can the study of law be modernized.

### III

At present, what makes legal theoreticians feel most helpless is that the theory of law is divorced from reality and is lagging behind practice. This is also a problem most often criticized by legal practitioners. How should we upgrade the study of law from the current state to something practical, that is, a practical science (the study of law is essentially a practical or applied science) in name and in fact? In our opinion, rights and duties are still our answer.

The link between law and social practice lies in rights and duties. Social practice is manifested in law through rights and duties, while law operates in social practice through rights and duties. If we want our study of law to

truly come from practice and return to practice, we must grasp this link of rights and duties. The study of any of the following questions relating to rights and duties will bring the study of law a step closer to a practical science.

A. The social value of rights and duties. The rights and duties of law have enormous social value in more ways than one. First, rights and duties can guarantee the steady development of the productive forces. The productive forces comprise two basic elements, namely, labor (man) and production tool (property). Only when these two elements are protected and can be combined freely will the productive forces be able to develop steadily. In modern society, these two elements are protected by means of legal "human rights" and "property rights." In a capitalist society, human rights and property rights are separated as far as the laborers are concerned. Nonetheless, human rights do protect the personal freedom of laborers and their rights to sell their labor. This provides production with a source of free labor. The combination of their human rights with the property rights of capitalists will enable the laborers to take possession of, utilize, or transfer property according to their own judgment of value and as the opportunity arises, and this in turn will bring about the steady development of production and increase wealth. In a socialist society, the direct combination of human and property rights will effectively protect and arouse the initiative and creativity of the masses, promote the development of the productive forces, and increase social wealth. Second, rights and duties are the external guarantee of and necessary condition for the operation of the commodity economy. The value and use value of commodities cannot be realized without exchange, and large-scale and regular commodity exchange can be realized in the market only through a form of exchange based on rights and duties. This is the only way to avoid blindness and arbitrary action, increase certainty and stability, reduce transaction costs, and increase the benefits of exchange. Third, rights and duties are the means through which democratic politics can be realized. Democracy means letting the people run the country, and this can be done only through the exercise of rights and the discharge of duties by citizens. Fourth, rights and duties are the soil for cultivating the concept of the self, the concept of competition, the spirit of contract, and the concepts of equality, efficiency, social responsibility, and the legal system. The study and propagation of these social values, which stem from rights and duties, will enable people to see more clearly the function and significance of law in society and to strictly enforce the legal system (rule by law) in a more conscious and sustained way. In this way, the practical value of the theory of law will manifest itself.

B. The division between rights and duties. There is a clear-cut division between rights and duties. To begin with, the interests embodied in rights and duties and the mode and scope of action taken to secure such interests are confined to generalized social interests and conditioned by the economic structure of a society and its level

of cultural development. In other words, they are limited by the social bearing capacity represented by a given class. Secondly, rights and duties are mutually restrictive. Rights have as their limits the legal scope of duties and the ability of the duty bearer to fulfill the duties. It is illegal for the rights bearer to go beyond the legal scope of duties and require the duty bearer to perform "duties that transgress law" or "duties not permitted by law"; and it is pure fantasy for him to go after his own interests without any regard for the actual ability of the duty bearer to discharge such duties. The duty bearer must, on the one hand, act or refrain from acting in response to the assertion of rights by the rights bearer within legal limits; on the other hand, he has the right to refuse assertions of "rights" that are outside the legal limits. If the division between rights and duties is drawn in such a way that it is within the possibility of social and material conditions, there will be social stability and development. Otherwise there will be political turmoil and stagnation, even the disruption of social development. The basic task of legislators is to rationally divide rights and duties and correctly delineate rights and duties by using the political optimization approach. If legal workers can sum up the experience and lessons of history, plunge into the thick of life and, on the basis of investigation and research, put forward an optimal program for the division of rights and duties for various stages, periods, and social realms of the socialist society, they will be able to provide theoretical guidance to the establishment of the legal system and the development of society.

C. The relations between rights and duties. Rights and duties are interrelated. There are no rights without duties and there are no duties without rights. However, which of the two comprises the standard changes with history. In the ancient society, which was economically characterized by supraeconomic exploitation and closed operations, politically characterized by autocratic monarchy, and culturally characterized by the emphasis on ethics at the expense of legal principles, law was the standard of duties. In law, duties came before rights, and more prohibitions than permissions were granted. It was only through duties—that is, the son should submit to the father, the wife to the husband, the slave to the master, the people to the officials, the ministers to the emperor—that members of society could enjoy a vague taste of their inviolable rights. In a modern society where the commodity economy and democratic politics are well developed, law has rights as its standard. From the constitution and civil law to other laws and provisions on rights, all occupy a dominant position; rights come before duties. Even in criminal law, the logical premise is still the rights of the citizens, society, or state. Under the impact of structural reform and cultural changes, the existing legal structure and value judgment, which is based on the principle of taking class struggle as the key link and has duties as its standard and punishment as its purpose, is disintegrating and changing. It will be replaced by a new structure which has modernization as its key link, the protection of all appropriate interests as

its purpose, and rights as its standard. Our law will have tremendous practical significance if it can adapt to and promote this historical change.

D. The realization of rights and duties. The realization of rights and duties is the transformation of legal rights and duties into actual rights and duties. Legal rights and duties refer to conceptual rights and duties that are specified in the legal provisions. Actual rights and duties refer to the rights actually enjoyed and exercised and the duties actually borne and discharged by the subjects of legal relations. The relationship between legal rights and duties and actual rights and duties is as follows: On the one hand, the latter is preconditioned by the former; on the other hand, the former can become an actual fact and have actual value only when it is transformed into the latter. The transformation of legal rights and duties into actual rights and duties is a decisive one. Only when this transformation has been realized will rights and duties be complete, genuine, and meaningful. The study and comparative analysis of the meaning, way, and extent of this transformation will no doubt help direct people's attention from "law in books" to "law in action," from the nominal effect of law to the actual effect of law, and from the anticipated objectives of law to the results of law.

E. Structural reform and the readjustment of the structure of rights and duties. Structural reform is the greatest practice of contemporary China. The essence of structural reform lies in the readjustment of the structure of rights and duties between various economic and political entities and the reallocation of legal rights and duties by optimizing the limits of the rights and duties between these entities. This will enable China's economic structure to meet the needs of the development of the socialist commodity economy, protect and promote the development of productivity, and make China's political system function more efficiently and with greater vitality on the basis of democracy and the legal system. Legal experts must, through analyzing the drawbacks of the structure of rights and duties under the present system, put forward a program for the allocation of rights and duties between the laborers and the enterprises, between different enterprises—between the enterprises and the government, and between the central government and the local government—in economic life, as well as a program for the allocation of rights and duties—between citizens and the state, between political parties and state power, between the central authorities and the local authorities, and between different state organs—in political life. By involving themselves in the great practice of reform, they will be able to turn law into a science that can reflect and direct practice and win the attention and trust of the party, the state, and the society as a whole.

F. The socialization of rights and duties. Socialization is a process by which an individual who has acquired knowledge and skills evolves from a "biological being" into a "social being" in an effort to adapt himself or herself to social life and social changes. As China moves toward modernization, rights and duties will play an increasingly greater role in

interpersonal relations. Everyone will have to cultivate the ability to understand and apply legal rights and duties, just as they have to learn working skills, living experience, and moral codes. In China, the concept of rights and duties is quite weak. Many people have little or no idea of what rights and duties are and what rights and duties they have. They do not know how to exercise their rights and discharge their duties. If our legal experts can explain to the masses the profound meaning of rights and duties in simple terms, help the masses cultivate the concept of rights and duties, understand the rights and duties that go with their role in society, and increase their ability to make use of their rights and duties, the significance of law will be recognized by society and law will have become a tremendous practical force.

#### Footnotes

1. *Selected Works of Lenin*, Vol 3, p 257.
2. *Collected Works of Marx and Engels*, Vol 23, p 103.

**My Views on the 'Minority Principle'**  
HK1906043789 Beijing QIUSHI [SEEKING TRUTH]  
in Chinese No 10, 16 May 89 pp 25-26

[Article by Sun Liping 1327 4539 1627 of the Sociology Department of Beijing University]

[Text] Recently, some comrades, in discussing the building of democracy in our country, have again put forward the issue of the "minority principle." As far as I am aware, the first article to raise this was "Socialist Democracy Should Also Include the 'Minority Principle'" by Comrade Qin Xiaoying [4440 2556 7751], carried in QIUSHI No 8, 1988. Following this, QIUSHI No 3, 1989, carried an article by Comrade Li Jianchang [2621 1696 2052], which discussed the ideas put forward in the first article.

The article by Qin held that the so-called "minority principle" means that "under the precondition of guaranteeing that the majority can exercise their rights, the minority are allowed the right to put forward, reserve, and maintain their own views and thoughts."

The article by Li held that the term "minority principle" could easily be misunderstood to mean that "a minority makes the decisions" and felt that a better term would be the "freedom principle." In essence, he considered that this means every person has "the right to develop his own individuality, to maintain his own ideas, and to make known his own opinions."

The ideas put forward in the two articles are actually the same. The "minority principle" (although the article by Li does not agree with this expression) refers to the right of a minority, in the face of opposition by the majority, to maintain, reserve, and make known their own ideas. In a situation where for many years past, there has been

the practice of suppressing different opinions, the putting forward of a view which safeguards the right of minorities to maintain their own viewpoints undoubtedly has positive significance. However, actually this is not the same as the "minority principle" in modern political life.

What is politics? It is a social activity by which common measures are used to express and protect the interests of the group. In modern political life, the reason the "minority principle" has been put forward is that modern society is a society with highly dispersed and multipolar interests. Of the interest groups, some form a majority in society and, conversely, others are minorities in the society. This thus produces a danger, whereby in a modern democratic society which is characterized by decisions through voting, it is very possible that in the process by which decisions are determined by voting, the interests of minority groups whose members form a minority of "voters" will be overlooked. The putting forward of the "minority principle" was aimed at minimizing the possibility of such a situation occurring. Thus, the real significance of the "minority principle" lies not in allowing a minority of people to reserve or maintain their own ideas when "the majority decide" (actually, in democratic societies this long ago ceased to be a problem). Rather, it is the affirmation that a group which constitutes a minority has a legitimate right to engage in a struggle for their own interests. That is to say, although their number might be small, this right cannot be expropriated. Let us take the question of blacks in the United States as an example. Blacks in the United States are, without doubt, situated in a minority position in U.S. political life. In this situation, the "minority principle" certainly does not mean that, after the white population makes a "majority decision," the black population is allowed to maintain its own views. Rather, it means that the blacks can, through all legitimate means, struggle for their own interests, and thereby ensure that their own interests are manifested to varying degrees in all political "decisionmaking." In brief, what the "minority principle" seeks to avoid is not the simple negation by the majority of a truth held by the minority, when the "truth is in the hands of the minority." Rather, what it seeks to avoid is: The majority group unfairly denying the legitimate interests of minority groups.

Seen in this way, the essence of the "minority principle" is not freedom, but tolerance, concession, compromise, and discussion. In various senses, democratic politics is the politics of compromise. The process of democratic politics is not a simple process of "the majority deciding," but a process of debate and negotiation. The final result is not simply the "will of the majority," but often takes in the demands and proposals from many sides, thus making it a product of compromise. Of course, the demands of majority groups are more fully manifested in the final result and the demands of the minorities are manifested to a lesser degree. This is normal. However, regardless of what is said, democratic politics is certainly not an absolute process of "the minority submitting to

the majority." It should be noted that in democratic politics, the final decision by voting is but one link in the process. Before it, there are many other links, and after it, there are various types of measures for "making up deficiencies." In this process, tolerance, concession, and compromise within the scope of political activities are indispensable. In a situation where interests clash and demands stand in opposition, tolerance and concessions by the majority groups, and concessions and compromise by the minority groups, are both preconditions for reaching a democratic political agreement.

Here, I would like to say a little about tolerance, concession, and compromise. This is because I believe that if we are to establish socialist democratic politics in our country, then we need to form a political culture which stresses tolerance, understands concession, and is good at compromise. It is precisely this type of political culture which we lack. In a society where political life lacks tolerance, concession, and compromise, it often occurs that clashes of interests are exacerbated and political activities become extreme. A further result is that there is political unrest and instability. In the past, we experienced much of such bitter results. As in the past, insofar as the degree of dispersal of interests was small and the power of the "dictatorship" was great, we felt little of this threat. However, today, as interests become continually more dispersed, and the democratization process proceeds forward, if we do not learn, in political life, how to be tolerant, to make concessions, and to compromise, then social turbulence will be unavoidable and the efforts made in democratization will come to nothing.

Of course, some people might ask whether, if we take tolerance, concession, and compromise as the basic spirit of democratic politics, we can still uphold principles and stress the difference between right and wrong. To these comrades, we have only one thing to say and that is that the political process does not vote on truth, but is the manifestation of interests.

**Modernization—Trends of Development of Contemporary Historical Studies Abroad**  
*Beijing QIUSHI [SEEKING TRUTH] in Chinese*  
*No 10, 16 May 89 pp 27-33*

[Article by Dong Jinquan; not translated]

**Make Use of Tradition and Do Not Be Hampered by Tradition—Thoughts Concerning the Building of Rural Organizations at the Village Level**  
*HK2106060189 Beijing QIUSHI [SEEKING TRUTH]*  
*in Chinese No 10, 16 May 89 pp 34-38*

[Article by Ran Wanxiang 0373 8001 4382]

[Text] China began restructuring the economy in rural areas by introducing the system of fixing farm output quotas on a household basis, and the economic restructuring brought about a radical change in organizations at

the basic level and in the relevant personnel system. Of various primary rural organizations, the village as a level is of great importance. It is the link between higher and lower levels, and the basic unit through which the township government exercises the management of rural social affairs. Therefore it is all the more imperative to improve the organizations at the village level at a time when the old system is being replaced by the new.

### I. The Crisis and Its Essence

The village was set up as a basic unit after the disintegration of the people's commune based on the "three-level system of ownership by the means of production—ownership by the commune, by the production brigade, and by the production team, with the last as the basic accounting unit." Under the system of fixing farm output quotas on the household basis, the main body engaged in agricultural production and management was the peasant household rather than the production team. As most of the erstwhile collectively managed economic units in the rural areas were very weak, the change in the main body for production immediately left the people's commune, the production brigade, and the production team as a mere skeleton. Judged from the superficial phenomenon, it seemed that the traditional order had staged a comeback, that is, that the countryside was once again composed of villages. "Since farm output quotas were contracted out to peasant households, there has been a cadre in every household." Orders to start farm work were no longer followed, and the authority of cadres at the basic level was greatly weakened or was totally ignored. The peasants returned to a community of interests—namely, the village—in which order is maintained by means of blood and geographical relationships, and in which the members share basic facilities such as irrigation works. Under these circumstances, the administrative functions and powers originally exercised by the production team were gradually handed over to the brigade (that is, the village), and accordingly the right of ownership of land was turned over to the village. As a result, the village as a level was established as the basic unit in the countryside.

However, the setting up of the village as the basic unit did not basically improve the management of rural social affairs. A number of basic social affairs, such as social security, public construction, social welfare, and the management of land and water conservancy, were once "left to the care of no one," and the situation still persists; malpractices such as feudal blind worship, gambling, and taking concubines have come to life again; and, more seriously, many rural cadres, those in underdeveloped areas in particular, are thinking of giving up their posts because their wages are not guaranteed, while those who choose to stay do nothing but "exact money, grain, and lives (referring to birth control)," as described by the masses. The relations between cadres and the masses have become strained, damaging the party's prestige and influence. For a country with a peasant

population of 800 million, this is undoubtedly a serious problem, indicating a profound crisis facing the organizational structure at the basic level in rural areas.

What is the nature of the crisis? Has the responsibility system gone wrong? Or does the system of primary organizations in rural areas call for a radical change?

The system of fixing farm output quotas on the household basis, as simple as it is, has brought about an unprecedented change in China's rural areas. The rapid expansion of the commodity-money relationship and the sudden emergence of nonagricultural industry as a new force have not only enabled 800 million peasants to have sufficient food and adequate clothing and to get rich, but have also brought about a tremendous change in the social structure in rural areas.

A. Peasants have enjoyed property rights and the freedom to change their status. The people's commune was a system embracing industrial, agricultural, military, educational, and trade circles, and, with its functions and powers highly centralized, and also a system richly tinged with the natural economy. It deprived the peasants of their property rights except for that of their means of livelihood, resulting in property rights being subordinated to administrative power. At the same time, it strictly restrained the peasants from choosing their occupations, moving elsewhere, or changing their social status, with the result that the peasants had no enthusiasm for production, social relations became rigid, and society stagnated. Since it was introduced, the system of fixing farm output quotas on the household basis has made it a necessary prerequisite for contracting out the operation of collective property to individual households. This resulted in offering the peasants the right to continually create their own property through expanded reproduction. In actuality, it recognized the peasants' proprietary rights to things apart from means of consumption. At the same time, the peasants have accordingly enjoyed greater authority over production and management, and have been left free to change their social status.

B. The main property bodies within the countryside have become diversified, and the connotation of "peasant" has become complicated. Long before the system of fixing farm output quotas on the household basis was introduced, the system relating to class status had been abolished, laying a social foundation for all being equal before the law. Since they were free to change their status, the peasants displayed great vitality, and a number of new property bodies, such as economically integrated organizations, private enterprises, cooperative enterprises, and so on, were formed after some peasants had created their own property. The broad masses of peasants were involved in all fields of the national economy, bringing about a tremendous change in their livelihoods, modes of production, and modes of social contacts. The peasants, to a great extent, were no longer

peasants as traditionally interpreted, and neither was the village the village in its traditional sense, that is, characterized by a less varied, uniform, self-sufficient, and small-scale economy.

C. Accordingly, the traditional and closed village has been changed, and the connection between the countryside and the city strengthened in depth and in range, improving social mobility. Following the emergence of nonagricultural industry, contact between the countryside and the outside world has become more and more frequent.

The change in the social structure mentioned above varied in depth and in range from place to place, subject to different conditions. Whatever the case, the system of centralization of power and of management, mainly through a particular leader's authority, are doomed to failure in the countryside today. Gone are the days when the peasants were bound tightly together. In light of the basic principles of social change, with the overall expansion of the commodity-money relationship, all resources, including labor, land, technology, and money are to be liberated from the traditional yoke, and a complete system relating to property rights and a legal system based on the contract are to be formed. Accordingly, the people must be really allowed to exercise civil rights, and it is necessary to set up an organ of power, which no individual can manipulate, to maintain the society's contract system and supervise the development of economic relations. That is to say, society must be set on a course of democracy and rule by law. Otherwise the social economy will be thrown into confusion if different parties continually infringe upon each other's rights, and anarchical behavior and all kinds of corruption are not held in check. In fact, in the grassroots units in the countryside, one can easily find that social affairs are poorly managed, the economy is at the mercy of administrative power, and cadres abuse their power for personal gain, a strange phenomenon indeed.

It is not difficult to realize that the system relating to rural organizations at the grassroots level calls for a radical change. For the village level, it is necessary, with the expansion of the commodity-money relationship, to establish principles for autonomy on the basis of democracy and rule by law so that a new and harmonious order will be provided for the development of the social economy, and a reliable basis offered on which the township government will effectively manage social affairs in the countryside.

## II. Traditional Fetters and Practical Difficulties

In reality, the need for a change in the social structure objectively outlined long ago a new pattern for the system relating to rural organizations at the basic level. During the past few years, following the thinking of separating the functions of the party from those of the government and of separating the functions of government administration from commune management, the

structure of organizations at the basic level has been reshuffled, and the system of township governments and villagers committees has been established—the constitution stipulating that the villagers' committee is a mass autonomous body at the village level. The system relating to cadres has also been reformed. It was made clear that village cadres were not state administrative personnel, and they were elected. Public opinion polls were also conducted. At the same time, the villagers' committee and the party organization stood side by side to show that the functions of the party were separated from those of the government. In addition, village cooperative economic organizations were set up in light of the principle of "two-tier operation," and they and the villagers' committees were combined as one. In some places there was no difference in designation between the two bodies. These reform measures, however, failed to get the expected results. Strictly speaking, the measures were not really carried out over a wide area. The rural organizations at the village level had many difficulties in revitalizing themselves.

First of all the organizational reform was greatly restricted by the traditional system and culture. This mainly found expression in:

A. The system of centralization of power still doggedly played its role at the grassroots level in the countryside. While nobody took care of many things at the village level, the tendency of the party substituting for the government and for the administration of the enterprise was very serious in the countryside. In some places, the township government became the working department under the township party committee, and everything, big and small, was basically decided by the party committee. As there were no clear and definite procedures and regulations governing the party committee's work, power was in the end mainly centralized in the hands of the party secretary. The tendency of subjecting rural social relations to administrative control was on the increase rather than the reverse. In many places, the township party committee had the final say in the appointment and dismissal of village cadres. In some places, even though votes were cast, they were regarded only as the results of public opinion polls. Nobody could guarantee that the cadres appointed in this way would not practise cronyism. Again, as the cadres were only accountable to the higher level, village autonomy became a mere formality.

B. Constituting the biggest obstacle were the remnants of the traditional patriarchal ideas and system. Historically, the state's administrative organs of power never extended to the village level, and country gentlemen headed neighborhoods of 25 families, or tithings, forming autonomous systems. But the village has never been an autonomous body subject to a legal system based on the contract. Blood and patriarchal relationships and the magnified hierarchy and patriarchy derived from these relationships were the core of social order in the countryside. The patriarch, the head of the clan, and the administrative official stood for law in their respective

spheres of influence, and the "gentry in the countryside" naturally became "local tyrants." The founding of the new China put an end to China's state of disunity, and state power was extended to the countryside, ending the hierarchy based on the old economy and considerably restraining clan and blood relationships, so that large-scale economic construction could be carried out by mobilizing the resources available at the basic level. The highly centralized administrative system, however, led to the overconcentration of power, and not only greatly fettered the initiative and vitality of the grassroots organizations, but also abetted the kind of malpractice in which the will of the officials, or "what they say stands for law" became the order of the day in the countryside. Since the countryside was in a closed state, the above tradition, which had died hard, revived and spread, along with the disintegration of the original organizations after the system of fixing farm output quotas on the household basis was introduced. This greatly hampered the practice of democracy and rule by law in the countryside. On the one hand, at a time when the contract economy became the primary component of property rights in the countryside, property relations were ambiguous, there were no clear and definite regulations about the rights and duties of peasant households and collectives, policies were arbitrarily interpreted, "personal relations" prevailed, and "what the leadership says counts" remained the most popular readjustment principle, resulting in various kinds of malpractices by which rights were infringed upon, public property was turned into private property, and power was abused for personal gain. On the other hand, many rural cadres taking care of financial affairs lacked the "contract" consciousness, and "human relationships" stood for all kinds of norms. In addition, some local patriarchal forces staged a comeback, rode roughshod across the countryside, "defied laws human and divine," bullied others of the same trade, and monopolized the market, bullied others on the strength of their powerful connections, and engaged in other anarchic activities, poisoning the general mood of society.

C. The age-old tradition of feudal autocracy kept the peasants out of public political life for a long time, so that they adopted an indifferent and passive attitude toward politics. In addition, the peasants' cultural quality was low. All this slowed down the process of democratic autonomy.

Furthermore, the policymaking process at the village level was interfered in by the government to a comparatively great extent. The necessity for the government to purchase some agricultural and sideline products at a price lower than the market price made it especially difficult for autonomy to materialize at the village level. The principle of autonomy, in its modern sense, is based on the integration of money—that is, the medium of exchange—and the market. Without this, the mandatory interference of administrative power in economic life is inevitable. In reality, when a lot of instructions and tasks of a compulsory nature are relayed to cadres at the

village level from the township level, it is the village party branch secretaries who bear the whole burden, so that the cadres at the village level change their role without their knowing, becoming de facto state administrative cadres. Another problem in this connection is that at present village cadres are mainly responsible for relaying and carrying out tasks for the state, but they are paid by the peasants. As a result, the peasants do not acknowledge and are not satisfied with their work, so that the incomes of cadres are not guaranteed. No wonder the village cadres complain: It is difficult to govern the peasants; they also have contract fields to till; their incomes are unstable; and it is difficult to carry out work. The peasants for their part also complain: The cadres do not do anything but take money; they only claim "money, grain, and lives."

In short, in the countryside of a country which has a history of feudal rule of several thousand years, it must be very difficult to effect change and make constant innovations in the social structure.

### **III. Making Use of the Outer Shell of the Traditional System To Build the Inner Nucleus of Democracy and Rule by Law**

China's countryside is burdened with a history which extends from the remote past. Against this historical background, in our attempt to reform China's traditional rural society, it is impossible for us to ignore traditional influence and build organizations which are too ideal. In addition, as China covers a vast expanse of land, and there are great differences in the state of the rural population, physical geography, communications, and level of economic development between various areas, it is not necessary to work out detailed and unified regulations with respect to the functions and structure of rural organizations at the village level, and they should be mapped out in the light of local actual conditions.

Historically, administration in China's countryside assumed the form of autonomy, but the countryside was also under the firm rule of state power, so that the countryside "resembled an institution." The actual cause of the above, apart from the powerful ideological support provided by the traditional culture, which had patriarchal ideas as its nucleus, might have been the organizational form the countryside assumed. Judged from the organizational form, the heads of neighborhoods and tithings, who were also local gentlemen, formed a special stratum. First, they were generally of the landlord class belonging to the ruling stratum; second, they enjoyed some privileges, for example, they were exempted from exorbitant taxes and levies. If we overlook this tradition—that is, that the countryside was like an institution—it will be difficult for us to understand why the organizational activities and business operations by administrative organizations, rural groups, and even economic organizations and institutions, such as supply and marketing cooperatives and women's federations, are still carried out with the village

as the basic unit nowadays. Again, at the village level, the important characteristic of the traditional system is that it offers a profound foundation on which the party organization is easily turned into an organ of power or an administrative body. Under the circumstances, it is not easy to immaturely separate the functions of the party from those of the administrative body.

In view of the above-mentioned facts, we believe it is necessary to make use of the outer shell of the traditional system, that is, to retain the organizational form of the village as "an institution"; to rebuild the rural organizations at the village level, in consideration of the requirements that the rural organizations at the village level should practise the principle of autonomy; and to guarantee to fulfill the tasks assigned by the state. Therefore, first, it is necessary to abolish the pattern by which the villagers' committee and the village party organization stand side by side, on the condition that the pattern by which village autonomy is integrated with village cooperation is preserved, and to build up organizations similar to enterprises or institutions, and a system under which the village head assumes full responsibility; but the regulation that a party cadre is not allowed to hold a concurrent administrative post should be revoked. For instance, if a party branch secretary is elected village head, he should be allowed to hold that concurrent post. Second, cadres at the village level should be allowed to enjoy some privileges. In principle, village cadres draw their wages directly from the villagers, but the township treasury should also pay them a certain amount, or alternately allow them to enjoy some privileges, such as exempting them from agricultural tax, taking into account the fact that the state and some organizations assign many tasks and that the village cadres have to take care of everything, especially in underdeveloped areas. This will not only help fulfill the tasks assigned by the higher level, but will also arouse the enthusiasm of village cadres and encourage more villagers to run for village cadre (to achieve these goals it is necessary to revise the "Organic Law on the Villagers' Committee"). Third, it is necessary to improve the work of training village cadres and to provide powerful political guidance for them, giving play to the readjustment role of ideology.

It is necessary to make clear, however, that the modernization of any backward country is not decided by automatic evolution within the society. As far as the building of democracy and rule by law, which is indispensable in the process of modernization, is concerned, we are duty-bound to shake off the yoke of tradition, and to rebuild the old social relations in the countryside into new social relations.

First, while acknowledging that the village "resembles an institution," it is necessary to resolutely put an end to the tendency of subjecting social relations in the countryside to administrative control. The election, appointment, and removal of village cadres should be carried out strictly according to legal procedures. Candidates for village head should be appointed through direct election by villagers' groups, and then the village head should be

chosen from among the candidates by an election in which all villagers take part. Only in this way can new figures who have both ability and political integrity, and who are able to represent the interests of villagers, be elected to leading posts. At the same time, as administrative affairs and collective property are presently left to the care of the village economic cooperative organizations, which are de facto villagers' committees, it is necessary to improve the system of the cooperative members conference, increasing the transparency of the management. Any major issues involving the interests of all villagers, such as social welfare, the building of rural governments, the management of water conservancy, and incidental fund raising, must be discussed and decided upon by the conference, and carried out by the village chief.

Second, it is necessary to establish laws and regulations in respect of rural property and contracts. This will provide a foundation for separating the economy from administrative power, and for practising autonomy. It is also a universal principle applicable to modern societies. With social contacts becoming increasingly frequent and economic relations in society becoming increasingly complicated, if we rely on policies and administrative means, rather than specific and complete norms, to adjust social relations, we will find not only that the policies and administrative means are subject to arbitrary changes, but that the functions of the organizations that implement the policies fall short of what is demanded, no matter how wonderful the organizations are. Therefore, it is a pressing matter of the moment to build up a system governing property rights in the countryside, though the system, it seems, has nothing to do with the building of rural organizations at the village level. It is necessary to build up all kinds of systems relating to property rights, with land rights as the nucleus, to define all property relations, to stipulate the rights and duties of all quarters, and to work hard to establish the habit of acting in accordance with the contract principle on the part of the personnel taking care of economic affairs in the countryside.

Third, for the management of social customs, marriages, and families, aside from strengthening the supervisory and restraining role of township political power, it is necessary to place emphasis on strengthening the self-reform mechanism within society. In recent years, a number of autonomous organizations, such as "weddings and funerals councils," "councils on banning gambling," "social morals arbitration boards," and "councils on respecting the aged and the virtuous," have been set up by villagers in various places. These are good organizational forms through which the peasants can conduct self-education, opening up a practical and feasible path for practising democracy at the grassroots level. They also provide enlightenment as to how political and ideological work can be carried out in the countryside under the present situation. As these organizations are able to control public opinion in the countryside and readjust social activities in the light of

established regulations and their own charters, we can leave the education of the peasants to these organizations, making education the voluntary action of the masses. Therefore, the township party committee and government should respect the creative initiative of the masses, enthusiastically provide guidance and support for these organizations, and train their members so that the organizations will grow. It is also necessary to revise established regulations in time so that they will become a system of controlling social customs. Communist party members in the countryside should join these organizations as ordinary people and initiate new social customs by their exemplary deeds.

The change in the rural social structure has provided a historical opportunity for introducing democracy and rule by law in the countryside. Only if we seize this opportunity, base ourselves on reality, make use of tradition, and are not hampered by tradition, can we lay a solid foundation for the process of China's modernization.

**A Thoroughgoing Reform That Seeks and Retains Truth—Comments on Editing Two Volumes of Collected Works by Mao Zedong**

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[Article by Gao Jucun 7559 5468 2625 and Liu Jianguo 0491 1696 0948]

[Text] With the full cooperation of the Party Literature Research Center and the two-book editorial group of the Hunan Provincial CPC Committee, which has lasted 3 years, the *Collected Works of Mao Zedong's Earlier Period* and the *Collected Works of Mao Zedong During the Party-Building and Great Revolutionary Periods* are being printed and will soon be put on sale in public.

**The Comprehensiveness and Accuracy of Collected Works**

The two books include all the available Mao Zedong's works, 283 pieces in all, before July 1927. The first volume includes 150 articles written between June 1912 and November 1920, and the second volume includes 133 articles written between December 1920 and July 1927. Of these, 89 articles have never been published in public, 161 were published at that time, and 50 others were published in public for the first time or published again after the founding of New China.

To edit the two volumes of selected works in an all-round and comprehensive way without leaving anything out, these editors, when defining the scope of articles to be included, have invariably included all articles, irrespective of their length, style, or ideological contents, on condition that they were really written by Mao Zedong. Some of the articles reflected the influence of various social trends of thought and schools of philosophy that reflect Mao Zedong before he embraced Marxism, as well as some immature elements in his ideology after he became a Marxist. The

two volumes contain 100 more articles than *Mao Zedong's Collected Works* (20 volumes have been published), which are edited by Japan's Makoto Takeuchi and which include Mao Zedong's works of the same period. It can be said that the two volumes are the most comprehensive collected works of Mao Zedong of that period that have been published so far.

It has not been easy to collect and edit Mao Zedong's works of that period in an all-round and comprehensive way and to edit the collected works accurately. It is necessary to do a lot of differentiation and textual research. The 30-plus articles, including "What a Remark" carried in XIANGJIANG PINGLUN [XIANGJIANG COMMENTARY] in 1919 and the "Statement of the Hunan People's Self-Determination Association" written in 1920, have mostly been included in the Japanese edition of *Mao Zedong's Collected Works* or have always been regarded in the nation's academic circles as "Mao's works." But some of these articles were either unsigned or did not bear a pen name; some were signed under the name of Runzi but, in spite of repeated examinations, were not written by Mao Zedong; and, although Mao Zedong joined in discussing and deliberating in some others, he did not take part in drafting work. It is a bit too biased to regard these articles as Mao Zedong's works. To ensure the accuracy of the collected works, these editors have invariably excluded them. From the relevant works (including translated works) published since the founding of New China, these editors have discovered some articles by Mao Zedong. For example, the "Investigation Form on the Lifelong Career of the Member of Young China Society," which was filled in by Mao Zedong and included in the *Social Organizations During the May 4th Period*, and the work report of the Central Land Commission of the Chinese Kuomintang, which was written by Mao Zedong and Tan Pingshan, and included in the *Notes on Experience Gained in Wuhan During the Great Chinese Revolution* written by (?A.B. Bakulin) of the Soviet Union, should definitely be included in the collected works. However, although we have inquired by various means, we have failed to find the original articles which can be used as a basis for collation. If they were included in the collected works, it would not be quite accurate in terms of wording and contents. Therefore, instead of listing them as separate articles, these editors have only recounted their important contents in the relevant notes or "Postscript" in order to ensure comprehensiveness and accuracy.

These editors have been very serious and conscientious in determining the table of contents of the collected works. After excluding those specious articles or articles which were written by Mao but on which we do not have a basis for collation, we have divided all articles into two parts, certified articles, and supplementary articles. All Mao Zedong's manuscripts (not including "Classroom Notes") and signed articles, as well as those articles which we have ample reason to believe to be Mao Zedong's works despite the fact that they were unsigned,

are included as certified articles; those articles which Mao Zedong jointly signed with other people or which, in spite of considerable grounds, cannot be fully determined as written by Mao Zedong, as well as other people's records, diaries, and reports on Mao Zedong's conversations, statements, and speeches, are treated as supplementary articles. The two volumes consist of 223 certified articles and 60 supplementary articles. Textual research on the relevant articles is mostly explained in the notes to the titles.

### The Originality and Authenticity of Articles

The collected works include 50 articles which were edited and examined by authoritative persons and published or reprinted in various forms by authoritative publishing houses since the founding of New China, especially over the last few years. These editions are very authoritative. It was first decided by the editors of the collected works that all these articles should be printed according to the new editions. For example, the article, "The Study of Physical Culture," was respectively reprinted by the XINTIYU [NEW PHYSICAL CULTURE] office and the People's Physical Culture Publishing House in 1979. In the collected works, these editors had wanted to print this article according to the separate edition of the People's Physical Culture Publishing House. Later, it was discovered that in the two editions the original text had been changed in many places. Some of them were made correctly, some can be left unchanged, and some were obviously made incorrectly, such as changing "xue zhi shi ju" [0465 6400 6624 1464, meaning "cutting the feet to fit shoes made of coarse flax"] into "xue zhi shi lu" [0465 6400 6624 1462, meaning "cutting the feet to fit the shoes"], changing "jing zuo" [7234 0976, meaning "sitting quietly"] into "jing zuo" [7234 1654, meaning "quiet seat"], and "xin zai ming gu" [1800 0961 7686 7711] into "xin zai hong gu" [1800 0961 7703 7711, meaning "aiming too high"]. To avoid relaying an erroneous message incorrectly, these editors decided to print the articles according to the edition carried in XINQINGNIAN [NEW YOUTH], Vol 3, No 2, published on 1 April 1917. In selecting articles, these editors took as a criterion the author's manuscripts or the earliest versions or editions. If there are no manuscripts, but the articles were carried in two or more newspapers or periodicals at that time, and if there are many versions or editions, the earliest and the best ones are taken as the criteria, principally the earliest one.

After the printing basis was defined, the most difficult task was strict collation work. The work of repeated collation according to the original text ran through almost the entire process of editing. In collation work, the editors paid attention to being loyal to the original text and preserving the original feature. With regard to each article, from the title of the original article to paragraph structure and from writing and contents to punctuation, there should be absolutely no alterations that would damage the meaning of the original article. Except for the variant forms of Chinese characters and

the original complex forms of simplified Chinese characters, which should be standardized and simplified according to provisions recently issued by the State Council's Committee for Reforming Written Chinese Language, no other textual changes were made. Some obviously wrong, missing, or redundant characters have been corrected, supplemented, or deleted by placing them in brackets. Where it is grammatically incorrect or semantically unclear, or it is difficult to make out or distinguish the characters, no alterations have been made but in some cases necessary explanations have been given. If there are punctuation marks in the original texts, the articles are printed following the original. Necessary alterations of some punctuation marks have been made only when there are obvious errors and when it will not contribute to a correct understanding of the original meaning if no corrections are made; if the original text does not have any punctuation marks or if the sentences are separated only by dots or small circles, the articles are punctuated according to the existing rules on punctuation. If the original text is not paragraphed, the editors do not separate the text into paragraphs. If the original text is arranged vertically, remarks like "as in the left" and "as in the right" are not changed into "as mentioned above" or "as follows" just because it is now arranged horizontally.

There are numerous articles carried in publications at that time and used as the basis for collation. It is hardly possible for the author to avoid a slip of the pen, and printing mistakes in newspapers and periodicals are common occurrences. In a vigorous attempt to implement the principle of preserving the original feature, these editors have invariably corrected those errors within brackets, no matter how many errors there are and no matter how big the errors are. Thus, with regard to characters "wei" [2607], "yin" [0936], "yi" [1569], "e luo si" [0192 5012 2448, meaning "Russia"], "Duan Qirui" [3008 4399 3843, a warlord early in this century], "Puyi" [3302 0308, the last emperor of the qin dynasty], and so on, which were rendered as "mo" [2608], "tong" [0681], "ji" [1569], or "si" [1570], "wo luo si" [2053 5012 2448], "Duan Qiduan" [3008 4399 4551] or "Jia Qirui" [0250 4399 3843], and "Fuyi" [0265 0308], these editors did not make any direct corrections. Characters like "wei" [1919] and "wei" [0787], "hen" [3703] and "hen" [1771], "zhi" [2535] and "zhi" [4249], were simultaneously used as synonyms at that time and phrases like "yao xu" [6008 7194] and "zheng dou" [3630 2435], "ji chi" [3423 0459], which have the same meaning when the order of the characters is reversed, were commonly used at that time. Although these seem very uncommon today, these editors have left them unchanged. Even where the skipping of a line or the misplacing of crucial characters in some phrases or sentences at the time of printing may lead to chaotic political terminology, or where the text is difficult for these editors to understand, giving rise to suspicion of missing or erroneous use of characters; instead of directly correcting them, the editors have made only brief explanations in the form of notes. The editors have

tried by every means possible to ensure the original outlook and authenticity of the contents of the articles.

### Reveal History in Its True Colors

In the entire course of compilation, the consistent principle of the editor is to seek all-round accuracy and retain truth, and the aim is to conduct a thoroughgoing reform and reveal history in its true colors, namely, by dedicating this set of comprehensive, accurate, and genuine collected works of Mao Zedong to the vast numbers of readers in order to rectify in society (both at home and abroad) the erroneous use, quotation, and spread of Mao Zedong's works of this period.

Erroneous quotation of Mao Zedong's works can frequently be detected in relevant papers and treatises. Some are due to the standards of the persons quoting, whose alterations of the original works have led to a misunderstanding of the original meaning of the authors; some have been restricted by the conditions and the unavailability of original manuscripts. For example, in many articles and even in the relevant treatises of Li Rui and Wang Shubai, the passage "Those who suppress individuals and violate individual character are guilty of enormous crimes. Therefore, the three cardinal guides [ruler guides subject, father guides son, and husband guides wife] in our country must be eliminated and the church, capitalists, monarchs, and state are demons in the world," which comes from the "Criticisms and Annotations of the 'Principle of Logic,'" has been misquoted as "...Therefore, the three cardinal guides in our country must be eliminated because they, along with the church, capitalists, and monarchical state, are demons in the world." Here, the fact that "monarch" and "state" have been mentioned in the same breath shows that Mao Zedong was affected by anarchist idea at that time and, therefore, we should not combine them into one. The compilation and publication of the collected works will play the role of ensuring a correct understanding of the truth and revealing history in its true colors.

Because of Mao Zedong's unique position, his works have circulated far and wide in various forms since the founding of New China. Before their publication, the proofs of some articles were personally read by the author, who made some changes in wording and, in a few articles, replenished and revised the contents. As we know, Mao Zedong consistently adopted a rigorous attitude toward his articles. With the development of practice and the deepening of understanding, once he discovered something inappropriate or imperfect in his articles, he would use every opportunity to make revisions and supplements, and strive to offer the articles to readers in the most perfect form. Such was the case with the two articles in the *Selected Works of Mao Zedong*, i.e., "Analysis of the Classes in Chinese Society" and "Report on an Investigation of the Peasant Movement." According to the requirements at that time, the compilation of *Selected Works of Mao Zedong* was chiefly aimed at providing basic reading material for the vast

numbers of cadres and people to study Mao Zedong Thought, and to learn the stand, viewpoint, and method of using the basic tenets of Marxism-Leninism to resolve practical problems. Therefore, it was quite necessary for the author to make supplements and revisions, and this should give no cause for much criticism. However, as far as scientific workers studying Mao Zedong's life and thought are concerned, it is obviously insufficient to rely merely on such editions. Moreover, there have been various conjectures on the extent of revisions made by the author and editors. Some people at home and abroad even erroneously hold that the author wanted to make himself up as "consistently correct" in order to deceive public opinion and hoodwink the world. In terms of technical handling, there were indeed some shortcomings in the editing work at that time. The social effect caused by the articles meticulously revised by Mao Zedong is also a fairly complicated issue, which should be specifically analyzed.

When editing these two articles, the editors of the collected works have simultaneously printed the two editions at different times, namely, the earliest edition and the edition in the *Selected Works of Mao Zedong*. The earliest edition in the winter of 1925 and the spring of 1927 was placed first and the edition of the *Selected Works of Mao Zedong* published in 1951 second. Moreover, with regard to the erroneous, missing, derivative words in the earliest edition of both articles, the editors neither directly corrected them nor made corrections within brackets. The "Analysis of the Classes in Chinese Society" has been published on numerous occasions, chiefly on four occasions, namely, in GEMING [REVOLUTION] No 4, 1 December 1925; ZHONGGUO NONGMIN [CHINESE PEASANTS] No 2, 1 February 1926; ZHONGGUO QINGNIAN [CHINESE YOUTH] No 116, 13 March 1926; and the *Selected Works of Mao Zedong*, Vol 1, 1951. Each time the author made revisions and, on the basis of publishing it for the third time, made considerable revisions for the fourth time. In the note to the title, the editors of the collected works briefed the readers on each change by the author. In fact, some of the differences in several editions are made public for the first time. By making this special treatment, these editors have not only showed their respect to the edition of the *Selected Works of Mao Zedong*, which was finally examined and approved by the author, but it will also enable the readers to truthfully understand the original feature of the earlier editions and the similarities and differences between various editions, thus making it convenient for academics at home and abroad to study the history of Mao Zedong's ideological development. Moreover, by letting fact speak for itself, these editors want to clarify false rumors on the revision of the two articles by the author.

The two volumes of collected works are chiefly devoted to Mao Zedong's articles. To make things easy for the readers, these editors have also added a publication note at the beginning of the book and a brief list of major events in Mao Zedong's life, an index, and a postscript at

the end of the book. At the end of each article there are a substantial number of notes. These contents also embody the spirit of comprehensiveness and accuracy and of seeking and retaining truth. The two volumes of collected works have amply reflected the process of young Mao Zedong who, with the aim of saving the country and the people, assiduously studied, sought truth, constantly developed what was useful or healthy and discard what was not in various non-Marxist trends of thought at that time, and who gradually grew into a Marxist, as well as his practical activities and ideological and theoretical achievements in joining in the founding of the CPC, leading the youth movement, the workers movement, and the peasants movement, promoting Kuomintang-CPC cooperation, developing united front, and exploring China's revolutionary path. The compilation and publication of these collected works represents not only a successful attempt of the Party Literature Research Center to edit the works of leaders for the first time in cooperation with the localities but also an important scientific research achievement of the joint efforts of social science circles under the guidance of the party's ideological line of seeking truth from facts. It will provide more comprehensive, accurate, and reliable documents and materials for the study of Mao Zedong's life and thought and the study of China's political and ideological history in recent and modern times and will certainly arouse the strong interest of the vast numbers of readers at home and abroad.

### **Different Views on Democracy**

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[Article by Ren Yanli 0117 6056 3810 of the Research Department of the Office of the NPC Standing Committee]

[Text] In the last few years, the theoretical circles have centered on the reform of the economic structure and the reform of the political structure, and have engaged in deep-going and wide-ranging study and discussion on the issue of democracy. Some of the major ideas which have been put forward are detailed below:

#### **I. On the Meaning of Democracy**

A. The state system idea. This holds that democracy refers to a state system. Socialist democracy is the basic political system of a socialist state. It is a system whereby the proletariat and the laboring people, on the basis of commonly enjoying ownership and the power of control over the means of production, enjoy the highest power to manage the state.

B. The idea that state forms and nonstate forms constitute a unity. This holds that it is not appropriate to equate socialist democracy with a socialist state system. Socialist democracy actually includes two parts, constituted by state-form and nonstate-form democracy. The management of the state by the masses comes under

state-form democracy, while the management of the economy, culture and social affairs by the masses comes under nonstate-form democracy.

C. The idea of rule by the majority. This holds that the basic meaning of democracy is that the people (or the great majority of people) exercise state power. First, the people exercise decisionmaking power over major state matters. Second, the people exercise the power to elect and remove state officials as well as the power to exercise control over them. Third, the people exercise the right to manage state and social affairs. Rule by a majority of people means that a minority of people hold power with the real approval and trust of the the majority, and are subject to the supervision and restriction of the majority.

D. The idea of a unity between submitting to the majority and protecting the minority. This holds that combining the implementation of the will of the majority and the protection of the rights of every person is, to some degree, the essence of democracy. This requires that, under the precondition of guaranteeing that the majority can exercise their rights, the minority have the right to express, to reserve, and to maintain their own ideas and thoughts. The existence or otherwise of the minority principle is the difference between ancient democracy and modern democracy.

E. The idea of equality and freedom. The rights and position of the people as masters of their own affairs must be manifested in every individual among the people. As every person is a master, there should be equality between all people. Freedom is the highest principle of socialist democracy. This "freedom principle" is something which cannot be summarized in the "minority principle." It is a principle which is even higher than the majority principle. The first step in establishing the politics of socialist democracy is not the implementation of the majority principle, but the realization of the freedom principle. This is because regardless of whether one looks in historical terms or in logical terms, freedom is the starting point of democracy.

F. The idea of the three major elements of system, rights, and style. This holds that socialist democracy is constituted by the three basic elements of democratic system, democratic rights, and democratic style. The unity of these three is a reflection of the essence of socialist democracy. A democratic system determines democratic rights and a democratic style. Democratic rights are an extension and manifestation of a democratic system and play a conditioning role on the democratic style. A democratic style is also a manifestation and a demand of a democratic system, and it directly influences the realization of a democratic system and democratic rights.

G. The idea of a social management system. This idea differs from the view that democracy is a state system and comes under the categories of class and politics. Rather, it holds that democracy is a system by which the

majority of the people, who are in the position of masters, exercise management over the society on the basis of the principle of equality.

H. The idea of a system by which the people restrict the government. This holds that democracy is actually a process of power movement. It manifests itself as the power of the majority of people, who are in the position of being managed, to restrict the power of the minority, who are engaged in the management. As the government is in the managing position, and the people are, by and large, in the position of those being managed, it can be said, in a simple expression, that democracy is a system by which the people restrict the government.

I. The idea of elite democracy. This holds that the claim that democracy can be understood as the people as masters is an irrelevant formula. It considers that every country has the elite as masters and that the vast majority of people have no way to be masters. It considers that China has formed an extremely specific concept of democracy, with the outstanding characteristic being the deified masses (that is, the people). This democracy seeks absolute and complete rule by the masses and this has frequently led to the strangling and suppression of means by which the elite levels of society, especially the intellectuals, can participate in politics. This view sees such democracy as an antirationalist, anti-intellectual, elite-strangling, antidemocratic theory.

## II. On the Relationship Between the Content of Democracy and the Forms of Democracy

A. It is felt that lack of attention paid to the dynamic role of democratic forms is an important factor obstructing the building of our country's socialist democracy. In the past, we stressed only the content of democracy and ignored the counterreaction of the forms of democracy, which led to where our democratic system, democratic order, and other specific organizational forms were very incomplete. This in turn led to a situation where the people's democratic rights could not be exercised and guaranteed properly, fully, and effectively.

B. It is felt that at this stage the lack of accord between the democratic political system and the state system in our country are more acute and prominent than at any time in the past. The task of building democracy in the primary stage of socialism is mainly to greatly strengthen the building of a democratic system of government and to establish a complete and concrete democratic system. By this means it will be possible to gradually resolve the contradiction whereby the political system and the state system are not in accord.

C. It is held that, under the condition where the state system has already been established, the situation of the political system often determines whether democracy rises or falls, lives or dies. The political system is not only the formal guarantee by which democracy is realized, but also the real carrier of the contents of democracy. Before,

we were used to explaining democracy in terms of its essence and from the economic angle, and explained political structural democracy as a form which did not determine the essential contents. The result of this was often that democracy which had real content was changed into an abstract concept.

D. It is held that we still need to arrange well the relationship between the structures and the state system. The most important aspect which needs to be put in order is the relationship between party and state leading structures—which have such a direct influence on the democratic system—and the state system. The leading structures basically must accord with the demands of the state system, as otherwise it will affect the nature of our state and damage the image and reputation of the people's democratic dictatorship in our country.

## III. On the Question of Whether Socialist Democracy is the Means or the Goal

One idea is that socialist democracy is a means, not the goal. Engels pointed out: Democracy, "like all other political forms, is only a means." Comrade Mao Zedong also said: "This thing called democracy at times seems like the goal, but in fact is only a means." Democracy is a superstructure and of course is only a means. Socialist democracy is no exception to this.

Another idea is that democracy is a unity of goal and means. This is mainly reflected in the following five aspects: 1. In the final analysis, democracy, as a superstructure serving the economic base, is a means. However, as a target the realization of which is sought in a certain time and under certain conditions, democracy is also a goal. 2. Democracy, as a demand in obtaining real liberation, is a goal, but it is also a means by which to better seek benefits for the majority of people. 3. In terms of the mutual reliance and mutual influence of politics, economics, and culture, democracy and economics are mutual goals and mutual means. 4. Democracy and dictatorship are mutual means and mutual goals. The view in the past, where it was held that the dictatorship of the proletariat was the goal and that democracy was a means by which to strengthen and consolidate this dictatorship, is mistaken. 5. Democracy and the collective are mutual means and mutual goals, or have the same means and same goal.

Among those who hold the view that democracy is both a goal and a means, there are differences of understanding as to which of these aspects is most important. Some comrades look at the question in terms of the relationship between the state system and the political system, and hold that democracy is primarily a goal. However, some comrades see the question in terms of the relationship between the economic base and the superstructure, and hold that democracy is primarily a means.

#### **IV. On Socialist Democracy Using Bourgeois Democracy as Reference**

A. Work organs which accord with the development of the commodity economy. The state organs in capitalist countries are rational, their staffs are capable, job responsibilities are clear, and work is highly efficient. Further, there is administrative legislation and the implementation of measures is guaranteed by law. We should absorb these beneficial aspects so that a change in organs and functions can be effected and they can better accord with modernization.

B. The balance and control principle. In bourgeois democracy there is a very important principle of balance and control, by which there are mutual checks and mutual supervision which reduce the occurrence of mistakes. In the reform of our political structure, we should make proper reference to this principle.

C. Abolishing life tenure for cadres and implementing a system of election. This is also an important issue in the building of bourgeois democracy, and its key lies in competition. For example, a presidential election is a large competition, a competition held every few years. As there are several candidates running for president, there inevitably has to be a choice for the candidate considered to be the best. We should put the form of competition to use in socialist democracy.

D. On the principle that "before the law, all persons are equal." The aim of this principle lies in opposing classes and opposing privilege. The proletariat very much needs to use this principle for reference. Further, the principles of an independent judiciary and submitting only to the law are also worthy of reference.

E. On the various forms of bourgeois democracy. The system of universal suffrage, representative institutions, the Constitution, tabling motions, seeking explanations, impeachment, public opinion polls, and so on, as well as the various democratic rights stipulated in the laws of bourgeois countries, and the bourgeois systems and methods of management of public facilities, should all be inherited and developed.

F. On making politics more open and decisionmaking more democratic and scientific. Parliament is the highest political forum and, through this forum, the various political parties, groups, and strata forward their own wishes, ideas, and demands. The nonsecret records and materials of the various government departments are open to the public and public servants have an obligation to provide answers to the people. When the government decides on a domestic or foreign policy, it listens widely to opinions and allows open debate. All these practices are worthy of reference.

G. The calls for "freedom, equality, and fraternity." Although these calls were put forward by the bourgeoisie, the right to use them is not restricted to the bourgeoisie. They should be critically inherited.

#### **V. On the Relationship Between Democracy and Economic Modernization**

One idea is that democracy is not an essential condition for economic modernization. A neoauthoritarianism which develops a free economy through centralized political power is the road China must travel in its modernization. China should not at present completely institute political democratization, but rather should implement necessary centralization of political power and rely on elite democracy to promote modernization. The major reasons given for this are: 1. The commodity economy is the basis of democratic politics and a high degree of economic development is a basic condition for implementing democratic politics. The degree of political democratization is, in the final analysis, subject to the restriction of the degree of development of the commodity economy. 2. Regardless of whether we speak of modernization in the East or in the West, it is realized with a semiautocracy, under which the laboring people who constitute the vast majority of the population have no democracy to speak of. The process of democratization in its true modern sense can only truly begin when economic modernization is nearing completion. Democracy is the result of modernization, rather than a motive force for modernization. 3. The precondition for economic modernization is freedom but not democracy. A modern economy has the free flow of personnel, finances, and materials as a necessary precondition. Democracy and modernization do not have a direct relationship and democracy is not an indispensable precondition for realizing modernization. Social development involves the stage of traditional autocratic authority, the stage of development of individual freedom under the protection of neoauthoritarianism, and the stage where freedom and democracy are combined. It is not possible to proceed in one step from the stage of traditional authority to the stage of freedom and democracy. There is a need to rely on neoauthority to get rid of the the social structure created by the old authority. If neoauthoritarianism is not instituted, measures for developing democracy and freedom may become measures which exacerbate dispersion. The reason China's reforms have encountered huge difficulties is that there is incomplete freedom and it is not possible to rely on democracy to resolve the problems. 4. Democracy is not necessarily beneficial to maintaining the political stability suited to economic development. Democracy and autocracy are not absolutel opposites. Democracy contains potential danger and can very easily, because of fanaticism or ignorance, slide in a direction opposite to democracy. Under specific historical conditions democracy has even had a direct relationship with autocracy. 5. China is modernizing after others and we cannot allow conflicts of interests or waste of resources. Thus, there is a need to centralize the most outstanding skilled persons,

so as to guarantee a high degree of mobilization capacity and highly effective administrative systems, and have elite democracy to promote modernization.

Another idea is that there is clearly a cause-and-effect relationship between democracy and modernization, and that democracy is a precondition for economic modernization. At present, China does not have the conditions to implement neoauthoritarianism. Blindly strengthening the centralization of state power can only lead to political decay and the withering of the economy. Strengthening elite politics will inevitably destroy the achievements of the rule of law, and produce a basic crisis for the revolution. The major reasons for this are: 1. Although the process of political democratization is, in the end, subject to the restriction of the development of the commodity economy, the demands of democratic politics on the level of economic development are very elastic. The development of democratic politics cannot be simply summed up as economic development, and thus we should not, on the excuse of social, economic, and cultural conditions not being sufficient, put off the building of democracy until some time in the distant future. 2. The West and the "four small dragons of East Asia" did not wait until they had modernized before they instituted democracy. The development process of England, the United States, France, and other typical modern countries shows that if there were no antifeudal democratic revolution, there would have been no industrial revolution, and that without the democratization of politics, there would have been no economic modernization and no scientific or technical modernization. The economic take-off of the "four small dragons of East Asia" was achieved on the basis of a free market economy, a parliamentary system, a legal system, and with pressure and intervention from Western democratic politics. They had a somewhat democratic political environment and quite democratic economic environment. 3. Democracy plays a very major role in modernization. The full development of the commodity economy cannot be divorced from the building of democratic politics. Democratization is the most major condition and guarantee for the development of the commodity economy. First, democracy means the liberation of people and involves a respect for the rights and value of ordinary people. Also, democracy leads to true fair competition and widespread, effective stimulation. Further, making decisionmaking more democratic and scientific is an important condition for the development of the commodity economy. 4. A democratic political system is the only form which can guarantee the stability of the political situation in society.

Developing democracy and expanding political participation will ensure that the contradictions in social life are resolved in a timely way, and do not lead to deep and long-lasting disorder. This will be beneficial to reducing the adverse effects which political instability has on modernization. Authority should be built on the basis of democracy and the legal system. Seeing democracy as being disordered and without authority is an old attitude. When seeking economic modernization, we need even more political stability and thus need even more political democracy. 5. Neoauthoritarianism and elite democracy will not work in China. This is because: (1) The Chinese economy is subject to tight political control. Strengthening the centralization of political power cannot guarantee economic freedom, and can only strengthen political interference in the economy. (2) The people's democratic consciousness has been further raised and the calls for democracy have become increasingly intense. (3) Whether or not neoauthoritarianism is beneficial in promoting modernization will be determined by whether the "political strongman" or "elite" have modern qualities. There is no guarantee that they will. If they do not, it will deepen the estrangement between the masses and reform, and result in reform being completely reversed. (4) The implementation of neoauthoritarianism or elite democracy is not in accord with the tide of democracy throughout the world, and will affect the degree and depth of opening to the outside.

**Behind 'Factual Reports' Which Are Inconsistent With Facts**

*Beijing QIUSHI [SEEKING TRUTH] in Chinese  
No 10, 16 May 89 p 44*

[Article by Mu Hui; not translated]

**Beauty in a Combination of New and Old**

*Beijing QIUSHI [SEEKING TRUTH] in Chinese  
No 10, 16 May 89 pp 45-46*

[Article by Tu Tu; not translated]

**Cocks Crowing in Three Provinces**

*Beijing QIUSHI [SEEKING TRUTH] in Chinese  
No 10, 16 May 89 pp 46-47*

[Article by Huang Chao; not translated]

**A Poem on Flame**

*Beijing QIUSHI [SEEKING TRUTH] in Chinese  
No 10, 16 May 89 pp 47-48*

[Article by Zhou Hongcheng; not translated]