

CHINA POLICY STUDY GROUP
BROADSHEET

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DEVELOPING SOCIALIST LEGALITY

1980 will be a historic year, as China begins a new regime of socialist legality. The masses have to learn to understand the new code of laws (see BROADSHEET, Oct. '79), assist the legal profession, watch over the work of the judicial organs and thus ensure their legal rights. This is an essential aspect of socialist democracy, without which they cannot participate in the gigantic task of the four modernisations.

The mere enactment of laws does not ensure effective administration of any legal system, let alone socialist legality, which has no historical precedent anywhere in the world. Just as with socialist revolution and construction, China has to find her own way, based on Marxism-Leninism-Mao Zedong Thought, by experimentation. She has to train tens of thousands of legal personnel, from the highest professional lawyers to 'paralegal' personnel. This will take years to accomplish, though the process has already started, for example in the re-establishment of university law departments.

For years to come there will be difficulties and problems in implementing these laws smoothly. China had a legal code as early as the 6th century BC, but the Chinese Cosmological Principles emphasised man's moral character; litigation and judicial procedure did not occupy an important place in settling crimes and disputes. Serious crimes were dealt with by the Emperor on the advice of his ministers, while local disputes were often settled by a scholar respected by the people (who themselves took sides) on the basis of natural justice or equity. In serious cases of exploitation and oppression people sometimes took the law into their own hands and used violent methods, as in the land reform. The change from such a tradition to a modern system of laws and courts is not a simple one.

There is also the problem of those followers of the Gang of Four who have not yet emancipated their thinking from the ideological influence of the Gang. Some of them may not respond to the persuasion and education of the new leadership and may take any opportunity to commit sabotage or instigate others, especially the young, to do so.

Millions of school-leavers who under ultra-left policies were badly neglected in the country areas are now back in the cities. They are not qualified to enter higher education, and the state cannot immediately provide employment for all, though much is being done. This is a very trying transitional period for the Chinese government and for the people at large. There is much sympathy and forbearance for those who protest and demand better treatment and opportunities.

Unfortunately some of these young people, knowing nothing of what life was like before Liberation and now plunged into the new situation of learning from advanced western science and technology, do not have the patience to wait. They tend to follow fashions, of whatever kind, not realising that in so doing they may be alienating themselves from their community and even be seduced by saboteurs to commit crimes.

The key question in the drive for socialist legality is the quality of leading cadres at all levels. They are now being re-trained in rotation, not only in law but, even more important, in Marxism-Leninism-Mao Zedong Thought.

The task is immense and will take years to accomplish. But the Chinese people have the determination and the moral strength to accomplish it.

NOTE: *Beijing Review* No. 2, January 12, '79, contains a special feature, *China's socialist legal system; prospect and retrospect*.

EMANCIPATE THE MIND!

THE Chinese have good cause to celebrate the 40th Anniversary of the May 4th Movement of 1919, the awakening of the Chinese intellectuals spearheaded by Peking University. At every stage in the Chinese Revolution since then, one of the aims and weapons has been that of 'emancipating the mind', getting rid of the fetters of old, superseded ideas. For thousands of years, the Chinese masses laboured under some of the most oppressive regimes in history, based on strict observance of orders by a hierarchy of officials, élites to whom everyone else had to defer. 'Study well to become an official' was the carrot held in front of all who could sit the examinations; but for the labouring masses there was only the stick of unquestioning obedience to authority.

During the last two centuries, moreover, new forms of exploitation appeared in the shape of foreigners whose aim was to gain the maximum profits from exploiting the Chinese people, appropriating Chinese products, and

imposing unfair trade treaties on the Chinese by force of arms. Opium was the first and certainly one of the most profitable and most pernicious examples. But along with these enforced conditions came the seeds of change: the establishment of the coastal industries, the rise of a national bourgeoisie, and of an industrial proletariat even though small in numbers and weak in organisation.

So the Chinese have had to struggle against two powerful sets of oppressors: their own overlords bolstered by the long traditions of Confucian philosophy, and the foreign imperialists with their superior strength. Not until the present century, when Dr Sun Yat-sen and others formed the KMT as a party of revolution, based on lessons from Western-style democracy, did the necessary collective wisdom begin to take shape as a new and vital urge for national liberation, based on understanding of how social forces work and how they may be controlled for the benefit of the mass of the people. The May 4th

Movement was the first great expression in practical form of this new wave.

Casting away blind faith

In one of his talks at the Chengdu Conference in 1958, Mao Zedong said,

Codes and conventions constitute a problem, and I would like to use this problem to discuss the question of ideological method—upholding principles while displaying the creative spirit.

One of the hardest tasks of the Chinese revolutionaries was to break the tradition of unquestioning obedience and to clear away blind faith in authority. But we must not forget that the present is the daughter of the past: what grew as a progressive force early in the movement led to the triumph of Liberation in 1949. To reject the past completely is to swing like a pendulum at the mercy of every new wind that blows. We build on the past systematically, in a principled way: we reject what tends to perpetuate the exploitation of labour and to suppress the struggle of workers to throw off exploitation; we foster what helps the development of socialism.

This itself is a struggle. The establishment of socialist relations of production in China, as elsewhere, has not yet meant the end of class struggle. As Mao frequently pointed out, when opening up new paths, we are often misled into following the wrong direction. Workers and peasants—the people directly engaged in production—have to play an essential role in correcting these errors. Government officials, Party cadres, factory directors—leaders of every type—must accept supervision by the people; the people, in their turn, must speak out boldly, criticise, play a full part in making decisions.

In a socialist country, this means taking a responsible attitude towards the organisation of society. It does not mean the same as the classic bourgeois concept of 'human rights' as the freedom to do and say whatever one pleases: the freedom of anarchy, of racists, of the National Front, of the Press barons. Supervision by the people includes the prevention of such attacks on genuine freedom; they are crimes against the people and the people have the right to stop them. Emancipating the mind requires that each member of society accepts this duty: a personal responsibility for ensuring progress towards freedom from exploitation of all kinds, physical, social and intellectual.

'Worshipping things foreign'

The Gang of Four used this slogan to whip up chauvinist prejudice while claiming that they acted in the cause of 'self-reliance': they distorted Mao's great call to the Chinese people to stand up, and suppressed his insistence that things foreign should be used to serve the Chinese revolution. As with the past, we should take from other countries what serves our own progress and reject what serves reaction. The concrete conditions of life in any country result from its own history and its future progress will reflect this. But this does not mean that one nation and one people cannot learn from others; they can, and they can learn from their mistakes as well as from their successes.

This is just as true of a socialist country as of any other. It was from their long and detailed study of historical development in many countries that Marx and Engels discovered that history unfolds according to certain patterns, through the interaction of certain forces which can be identified and analysed. They formulated the general 'laws' of dialectical and historical materialism. Like the laws of nature discovered by scientists, these laws are explanations of how events take place, how things come to be as they are. They are based on what is known at the time, and are always likely to be modified and enlarged in scope as we learn more, as our history unfolds. Lenin and Mao made creative contributions to Marxism by applying Marx's theories to the concrete conditions of Russia and China. They did not, as hostile critics try to maintain, 'disprove' Marxism. On

the contrary: they proved that Marxism is a dynamic and developing system of thought based on real practice in the real world. It has no use for static dogma, and it does not require blind faith.

New discussions in China

The Chinese are now deeply engaged in nation-wide discussions of these two facets of their revolutionary history: (1) the universal significance of the basic principles of Marxism; and (2) the specific forms through which these principles should be applied to the concrete conditions in China. Nowhere is this more clearly shown than in the Report delivered by Ye Jianying at the Meeting in Celebration of the 30th Anniversary of the Founding of the People's Republic of China last September. This shows that Mao Zedong Thought, Marxism-Leninism applied to Chinese conditions, led to victory, not because Mao was a god whose every word had to be blindly accepted as gospel truth, but precisely because Mao's genius lay in his ability to learn from revolutionary struggle and to crystallise the experience of the people, the Army, his own comrades-in-arms, into a scientific system and a guide to action. He was able to enlarge Marxism through the Chinese experience, which was different from that of other countries, including the USSR.

Two examples make this clear. After the setbacks of the 1930s, Mao developed the theory of encirclement of the cities by consolidating the revolution among the peasants, instead of taking power by direct proletarian action in the cities and then outwards into the countryside. After liberation, the transformation of capitalist enterprises was achieved step by step by the means of 'redemption', that is, joint activity by State and private enterprise under State control and direction. 'Thus', says Ye, 'the historical task of peacefully transforming the capitalist economy was accomplished with very little social unrest'. The Chinese Revolution succeeded, even though—in fact because—it has taken a form different from the Russian Revolution which originally inspired the May 4th Movement and the foundation of the CPC.

Concrete analysis of concrete conditions

The people of each country must make their own analysis of how its present situation has arisen and is developing. They must discover what forces act for progress in ending exploitation and for the defeat of the bourgeoisie as the ruling class. Any country can learn from the practice of others, but it will be foolish to copy it uncritically. Conversely, no country has the right to claim that it alone knows the road to success or that the solutions to its own problems are valid for everyone else. Lenin's refusal to compromise with the Kerensky government was correct in 1917, in that the Bolshevik revolution succeeded with the slogan 'All power to the Soviets'; Mao's readiness to co-operate with the Kuomintang during the Anti-Japanese War was correct in that the alliance helped to defeat the Japanese and strengthen the CPC and the PLA. After Lenin, the CPSU pushed some wrong policies which have had tragic results. The Soviet way with heavy and light industry, as Mao pointed out in the *Ten Major Relationships*, led to bad mistakes and much hardship; it should not be followed in China, but a balance sought between heavy and light industry. The wrong path taken by the CPSU leadership has resulted in State capitalism directed by a class of bureaucrats which exercises total control over the means of production, amounting to ownership in practice. So far from acting as the historic beacon of progress for the workers of the world, it has turned into a propaganda weapon for the so-called 'free world' to use against the cause of socialism. The advocates of nationalisation, in Britain as elsewhere, follow a similar path in the name of socialism, but they are pursuing a will-o'-the-wisp because they believe that the mere replacement of private ownership by State ownership is the simple, peaceful road to socialism.

If this were true, as Engels remarked, Bismarck would have been the greatest nineteenth century socialist!

In China, social attitudes left over from history persist: the feudal tradition of deference to authority, the acceptance of powerful élites, the subjection of women. These will take more than a few years to eradicate completely. A new kind of social discipline is required: it is self-discipline. Not blind faith, and certainly not anarchy, but readiness to take the responsibility of participating in decision-making, and to carry out decisions once agreed. The leadership of the Chinese Communist Party continues to be tested as more and more people learn

to understand how society develops and how they should all play a direct role in the machinery of government. The 100 flowers and 100 schools of thought contending will lead down many paths, and not all will prove correct. Mistakes will be made, and the struggle to find the right path will continue. All the time, practical experience will help to improve judgement and so lessen the chance of error. But knowledge is always incomplete, and theory is always subject to improvement as practical experience grows. Change need not be feared; it is inevitable and necessary, because the alternative is stagnation and reaction.

MODERNIZING THE CADRES

The author of this article, Shirley Wood, has often contributed to our pages. She has lived in China for over 30 years, is married to a Chinese and has children and grandchildren in China. There can be few Westerners who have more experience of Chinese provincial life. She now lives in Kaifeng, Henan Province, and is a member of the Provincial Chinese People's Political Consultative Congress. Since 1957 she has taught at the Henan Teachers' University.

She will shortly be returning to the USA, for the first time in 33 years, and hopes to visit Britain too.

ONE of the difficulties facing China is the transfer of power from the generation which made the revolution to that which will carry it through. This seems, at a certain stage of development, to disturb any developing country.

In 1949 Chairman Mao said, 'The 53,000 cadres now ready to leave with the army for the south are very inadequate for the vast new areas we shall soon hold, and we must prepare to turn all the field armies, 2,100,000 strong, into a working force (Report to 2nd Session of 7th Central Committee, Vol. IV).

Anyone who had completed primary school education could expect to work at county level or above. The majority of cadres were little more than literate when they entered training classes. Most soldiers were wiping out illiteracy in the army. They had a common training in principles and aims of building a new society, a guideline and unifying factor which movements centred only on national independence might lack. It gave them an edge in handling the unfamiliar problems before them. Twenty years later it helped hold a stormy era on course.

Cadre training received special attention after liberation. Special schools gave courses of several months in Marxist theory together with accounting or other specialities. New cadres were educated from among the active youth of the two classes the government would chiefly represent. Hao Jianxiu, a scatterbrained mill girl of 19, about 1953 surprised her workmates by developing a more efficient method of loom management. She was encouraged, later sent to technical college, and is now Vice-Minister of Textiles.

Many cadres squeezed study time and energy from busy schedules. Jiao Yulu, a barely literate guerilla fighter at liberation, a County Vice-Secretary ten years later (the level of Hua Guofeng at the time), learned draughtsmanship after transfer to managing a big factory workshop. He later used it to draw reconstruction plans for disaster-stricken Lankao County, where he died in 1964. Every province has cadres of this calibre, a number of whom were brought to Beijing by Mao Zedong and Zhou Enlai during the cultural revolution to strengthen the national government.

Before the cultural revolution some cadres felt weigh-

ed down by their work and limited education and so concentrated on the familiar aspects of their jobs. The continuing ideological work which turned the Chinese people from a 'tray of sand' into a unified force, proliferated offices and bureaus. A massive low-rank cadre force was drawn from among young workers and students. When any conflict arose between the current 'movement' and professional requirements, those who spoke up for the latter were liable to be criticised by ultra-leftists as 'bourgeois'.

Before liberation, although many professional workers were very hard up, there had been a social chasm between them and the workers and peasants. Most of them accepted that they had absorbed negative traditions from the old society. By the late fifties the composition of China's professional and skilled staff was changing. An increasing number of worker and peasant youth was finishing secondary school and even technical college or university. Factories were demanding six to eight years education in new workers, and job-training was replacing literacy classes of five years earlier. In another five years, people from worker or peasant families, brought up under the red flag, made up more than half the professional and skilled staff.

Earlier attitudes toward such people were becoming outdated. Indoctrination with socialist precepts and remoulding of class attitudes shared importance with development toward modern technology, for which the Big Leap had laid the economic foundation. The huge number of cadres now sometimes resulted in friction between professional and non-productive sectors. The government had for years been trying to cut back non-productive personnel, and now began re-training the better-educated young cadres.

This was still in its early stages when the cultural revolution broke out. Following the death of Lin Biao in 1971, the national economy got back on course for a relatively prolonged period, and further training was resumed for re-assignment of a group including those who, because of the cultural revolution, had not completed normal studies and practice. This programme was disrupted in late 1973, when the gang of four encouraged by example and precept the worst of the old working methods, adding to the already redundant bureaucracy.

With accusations passing back and forth for ten years, the knot was past untangling by 1976 when the gang was smashed. It could be cut through only by going back fifteen or even more years and making a new evaluation.

People 'set aside' during the political movements of the late fifties and early sixties, which are now recognised as having been overdone, have been vindicated. Even assuming some verdicts were justifiable, they had been intended for early review. Post-liberation social categories of capitalist and landlord have now, nearly thirty years later, been abolished as meaningless. No one is now automatically categorised as coming from an inferior (or superior) class background. These two developments are

significant in removing stigma affecting whole families even down to grandchildren.

A growing number of people, including cadres who have already resumed their professional work, feel that for the next stage of China's economic development more experts should occupy administrative positions. Reinstatement of cadres—the only way now to sort them out—faces a triple test.

Some, as in the Zhumadian scandal which was aired as a public example a year after the fall of the gang of four, swallow the sugar bullet, indulging in corruption, nepotism and suppression of opinion. Such cases may take time to uncover, but are then readily substantiated.

More difficult to establish is the case of the person who puts consolidation of his own political base before the work of his department, removing competent people because they are friendly with those who have disagreed with him and putting his own cronies into position regardless of their ability. The factional distrust generated during the cultural revolution cannot be rapidly wiped out, and cadres may be under heavy pressure to favour their old comrades-in-arms and protégés at a time when they do not have the confidence of others.

A third test is competence. Over a long period of service, cadres move up. But a qualitative change in economic development may render their abilities insufficient. Many who played a valuable part in the resistance or liberation wars are still in the prime of life. A lot of 'cadre' jobs have to be streamlined out, but professional retraining becomes harder as one grows older, and furthermore is not likely to guarantee even the younger ones the middle-ranking administrative positions for which they were once groomed. On the contrary they may have to take some hard, back-seat job, where their resentment could easily consolidate factionalism, which it is urgently necessary to dispel.

Although this problem was appearing before the cultural revolution, it was covered over by the personal power struggles then raging. China's economic progress was slowed but by no means halted during the cultural revolution, which makes solution both more necessary and more difficult. That China is openly speaking of such problems and reporting on their handling is a good step.

SHIRLEY WOOD

CORRESPONDENCE

WHY HUA'S VISIT WAS A GOOD THING

To greet, entertain and negotiate with Premier Hua we in Britain put forward reactionary bourgeois authorities whom we allow to get away with domestic policies and actions which are extremely anti-people and anti-working class intention and results. He, like most other Chinese, must have regretted that fact. However, while as a leader of the revolutionary proletariat his task was to carry out the *international* strategy of the proletariat, he was not entitled to assume revolutionary leadership of the *British* proletariat. Nor was he visiting Britain as CPC Chairman. By its example in practising Marxism-Leninism-Mao Zedong Thought the Chinese working class has done much, so far without success, to show the proletariat in Western Europe the way to carry out its historic responsibility to lead the people here to the bright future that socialist revolution undoubtedly offers. That such a great example of the practice of Marxism and such a valuable theoretical contribution have not been allowed to influence the working class as a whole in, say, Britain, is due to what Lenin called the 'opportunism' of leading and influential sections of the working class movement here—those who have time and again betrayed the working class, offering them phoney anti-Marxist theories to cover up their treachery with fine words and phrases.

The Chinese working class and its political party is not in a mood at present to indulge in high-sounding talk. Hua would be removed from his responsibilities as both Party Chairman and head of the people's government if he was the mere talker and agitator and blusterer that some 'leaders' undoubtedly are in the West. As expected, he did not engage in useless and provocative leftist rhetoric when having on his official visit to deal with the

reactionaries whom the working class still seems content to leave in the seats of economic and political power in this 'advanced' country. That in seeking some much-needed equipment made by the workers for the accelerating socialist revolution in China, or talking of matters of international concern, he could not deal directly with the working class but with the bourgeoisie in control, was *our* fault. Since the Chinese, unlike the imperialists, were not going to seize these things, they had to negotiate to pay what was demanded, on terms which the working class (the people of Britain) still accept as legal and proper. If the people here want the leaders of socialist China to deal next time with state leaders who are cadres of the working class, they should rely less on capitalist leaders and capitalist solutions to social problems, and take as much practical interest in state matters as the Chinese people have been doing.

C.R.H.

COMMENT ON LETTER FROM CHINA

I was very interested in the letter (last month) from a Fujian student, commenting on some recent articles in BROADSHEET. Such letters are, I am sure, helpful to the editors. May I make a few comments?

What was said about Khrushchev, in the April issue, was perhaps not well expressed. It is because of his false adulation, and later betrayal, of Stalin that he resembles Lin Biao and the Gang of Four rather than Liu Shaoqi. Certainly it is necessary to look again at the lessons of the post-Lenin period, but I would be surprised if the assessment of Khrushchev were basically changed. I would not look on him as a reformer of the Soviet economy, but rather as one who, setting the Soviet Union firmly on the revisionist road, began to undermine the economy. It is interesting to remember that Soviet revisionists attempted to justify their policies by the slogan of 'creatively adapting to new conditions'. This 'adaptation' involved throwing out Marxism-Leninism.

About 'the victory of the cultural revolution': I know many Chinese believe the cultural revolution had few if any beneficial results. Nevertheless, while the phrase quoted may have been too bald, the movement did have positive aspects. The bringing into political action of such a large number of people, the attack on bureaucracy, the great expansion of medical services and the growth of industry in the countryside—these were real gains. It is true that these trends were visible before the cultural revolution, but they had made very slow progress and had met much obstruction. As a result of the cultural revolution, I believe, many Chinese are now casting off the mental bonds of feudalism and showing themselves ready to think independently and consider old ideas afresh.

The Chinese revolution seems to proceed in a series of zig-zags, with very wide swings from side to side—often, perhaps, *too* wide. Just as the cultural revolution went too far in casting down cadres, overturning the educational system, allowing anarchy and distrusting all foreign experience, so now the movement to repudiate its bad features may be going too far. I put forward these views with hesitation, being firmly of the opinion that only the Chinese themselves can decide the truth of such matters.

A.B.

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