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The Ideological Explorations of Chinese Communist Party and Chinese Kuomintang on Peacefully and Democratically Founding a New China

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Abstract

During the old Political Consultative Conference, Chinese Communist Party (CCP) and Chinese Kuomintang (KMT) both raised the idea of peacefully and democratically founding a new China, that is, under the condition of peace, to draw up the draft constitution, determine the principle of universal suffrage, hold a national people's conference, and eventually establish a democratic constitutional coalition government; however, on the specific procedures, the two parties had quite different founding ideologies. The old Political Consultative Conference is a judgment to the political wisdom of both sides. Therefore, the CCP delegation has conducted a fierce political contest with the KMT delegation in the outline of peacefully founding the country, government organization plan, National Conference plan, Draft Constitution and other founding ideological aspects, made the Political Consultative Conference enact the agreement in favor of the people, which brought about a profound impact to China's politics in the future.

Key words: Old political consultative conference; Peace and democracy; Procedures; Entity; Contest

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INTRODUCTION

On January 10-31, 1946 the Political Consultative Conference was held in Chongqing, CCP and KMT

launched an intense contest on the new procedures of the ideology of founding a democratic country. However, for the studies on the Political Consultative Conference, the academia usually analyzed from the view of multi-party cooperation, but seldom involved the explorations of CCP and KMT on the new procedure mode of peacefully and democratically founding a new China, and even some scholars mentioned this, they didn't give much details and specific analysis. This paper makes an analysis of CCP and KMT's explorations on the new procedures of peacefully and democratically founding a new China from the perspectives of history, politics and law.

1. CCP AND KMT'S PROPOSALS OF PEACEFULLY AND DEMOCRATICALLY FOUNDING A NEW COUNTRY

To the majority of peace-loving Chinese people, the eve of 1946 was a period with much "propitiousness". Chongqing Negotiation in 1945 went successfully. China's largest two major political parties - KMT and CCP were both committed to peace and democracy, which let people see the dawn of a peaceful solution to China's domestic political problems; meanwhile, under the international and domestic appeals of peace and democracy, China Democratic League (CDL) as a very important third force at this time, also played an important role than ever in the Chinese political arena. Under this situation, China ushered the opening of Chongqing Political Consultative Conference in 1946. As the three main forces at the conference, CCP, CDL and KMT had differences on the issue of founding a democratic country. In October 1945, CDL also constructively proposed a kind of new democratic political ideology which creatively advocated to integrate the Soviet economic and democratic idea with the Anglo-American parliamentary democratic political thought. However, this characteristic democratic

founding ideology was miles apart from the target of KMT with arbitrary power. On the one hand, KMT fully assumed presentable looks: only those small, unimportant government department posts could be supplied to democratic parties, personages with no party affiliation and CCP members; on the other hand, or the most important concept and idea, was never to give up one-party dictatorship. It's not difficult to find that the KMT "democracy" idea, in fact, was all the ornaments and embellishment to maintain its unique "decisive voice" in the Chinese political arena—"Jiang democracy" thought. This democratic idea was not consistent with the founding ideology of "peace, democracy and solidarity" proposed by CCP in August 1945, also certainly did not belong to the Soviet-style, and even was quite different from the Anglo-American countries whose democratic political ideas were quite advanced. At that time CCP advocated to establish a peaceful democratic coalition government, seeking to obtain a real powerful "voice" rather than the absolute leadership in the Chinese political arena, which had some differences with CCP's New Democratic Guideline. It can be seen that to propose this claim, CCP made the biggest tolerance and compromise, which were however impossible to realize at that time.

Though the three forces had different ideologies on founding a new China, they all attached great importance to the procedures in favor of their own to achieve their founding ideals. From the perspective of jurisprudence, procedure is an important guarantee for the entity and result. At that time CCP had a relatively weaker strength compared with KMT, in order to establish a peaceful and democratic new China, CCP firstly must have ensured a protection from the legal procedures. That is, CCP must have fought for reasonable procedures to restrain KMT's attempt from continuing the one-party dictatorship. Therefore, as the first important part of found a peaceful and democratic country political ideology, the procedures won a high attention from CCP. Thus, it was a judgment to the political wisdom of both sides to the upcoming Political Consultative Conference.

2. THE CONTEST BETWEEN CCP AND KMT ON THE NEW PROCEDURES OF FOUNDING A PEACEFUL AND DEMOCRATIC COUNTRY IDEOLOGIES

At 10:00 on January 10, 1946, the Political Consultative Conference was held in Chongqing, and 38 representatives from the parties attended the conference. Firstly, Chiang Kai Shek made an opening statement. He firstly clarified his position in three aspects: "KMT will sincerely treat everyone and act as a democratic model to the whole society", "strive to scrupulously separate public from private interests and put the national benefit ahead of

anything", and "put down the disputes and work together for the country's future". Moreover, Chiang's government also promised "freedom to all people", "all parties are equal in front of the laws", "implement a real universal suffrage", and "release political prisoners except for the traitors and those who did have harmful behaviors to the Republic of China", etc.¹ When we analyze Chiang's opening speech, especially his "show consideration for the national interest and face up to the country's future" associated with his "four promises", we can vaguely observe KMT's procedure claims of "founding a peaceful and democratic country", that is, on the premise of taking consideration of "Republic of China's national interests and face up to the country's (under KMT party-state system) future", in order to safeguard "peaceful unification" of the country, established a "joint government" which was mainly based on KMT and included a handful of representatives from other parties; established the Constitution, conducted" universal suffrage, and implemented the "KMT one-party dominated constitutionalism" stipulated by the Constitution. For its definition of political prisoners, the stipulation of "except for those who did have harmful behaviors to the Republic of China" was also quite thought-provoking. *Xinhua Daily* editorial pointed out that there was a debate on the issue of releasing political prisoners at the Political Consultative Conference on 14th, in fact, this was not an issue for debate, but an issue for immediate implementation. In the minutes of talks between CCP and KMT, all political prisoners should have been released except for the traitors, but then the government's representation required to exclude those who did have harmful behaviors to the Republic of China. This provision was totally not necessary.²

Next was the speech of the CCP delegation Zhou Enlai, who emphasized that "the implementation of the principle of founding a peaceful country" could not be changed, at this stage it must have implemented "partisan equality legalization," "politics democratization", "army nationalization" and other propositions. In compliance with the Common Programme, set up a coalition government with joint participation and cooperation of the patriots without party affiliation and the parties as soon as possible in the transition period (Compiled by Chinese Communist Party, para.8, 1981, p.136) Only with such a foundation of peaceful solidarity and democratic unification, China could conduct a genuine people's general election, implement a democratic constitutionalism, and carry out a real agricultural reform and industrial construction. He welcomed the four

¹ Chiang Kai Shek's speech at the opening ceremony of the Political Consultative Conference. (1946, January 11, 1946). *Chongqing: Central Daily*.

² *On the Prompt Release of Political Prisoners* (1946, January 17). Chongqing: Xinhua Daily Editorial.

decisions which Chiang just announced and was willing to fight for the realization of the four rights. This statement conveyed CCP's new ideology to find a peaceful, democratic and joint government: The first condition of establishing a joint government was truce, which was before any discussion of the State affairs.

During the following parts of the Political Consultative Conference, CCP and KMT launched a full contest around their own procedure propositions of founding a peaceful and democratic country.

Firstly, on the issue of restructuring government, since it involved the problems of the people's fundamental freedom rights and local authorities, it firstly needed to give assurance on the procedure of reorganizing the government. Because the procedural justice is to protect the human rights and constrain the powers. As per 1215 British *Great Charter of Liberty*, procedural justice is the due process of legal procedure establishment and operative process which take justice as the rational core, restrict the powers and protect the human rights. Rawls also pointed out in *Theory of Justice* that, "a good procedure must be fair in both the procedure and result, just as dividing a cake, if the knife holder is required to take the last piece, in order to avoid a loss, he can only divide equally." (Rawls, 1988, p.184) Therefore, the restructuring of government was one of CCP's main appeals to pursue a new mode of peace and democracy. So in the fourth meeting of the Political Consultative Conference on January 14th, CCP representative immediately saw through the trick of *The Views on the Expansion of Government Organizations* advocated by the KMT representative Wang Shijie. The CCP representative Dong Biwu proposed *The Eight Proposals on the Restructuring of Government Organizations* to deal with the attempt of KMT. The first, the Common Program should have had the ideology of "People's right of freedom"; the second, the highest decision-making organ was "Government Committee", which could decide government officials; the third, the number of government officials from large party should have had a limitation, accounting for up to one-third of the total number, etc.. (Dong, 1946) Later, Zhou Enlai also made a supplementary statement on people's rights of freedom, asked the government to fully achieve the four promises Chiang made at the opening ceremony, and immediately released Zhang Xueliang and Yang Hucheng as well as other political prisoners (Zhou, 1946).

Secondly, on the issue of the common elementary guideline, the two sides had a considerable divergence, especially in relation to whether to continue the one-party dictatorship or practice multi-party cooperation. Because when the Constitution was not worked out, the common elementary guideline was the important criterion to bind the parties' conducts, a guiding document to develop specific elementary measures, and an important procedure to implement democratic constitutionalism.

Therefore, CCP has conducted a resolute struggle against KMT on the implementation of the founding guideline of peace and democracy. On January 15, the Public Consultative Conference held five meetings for the debate in terms of the common elementary guideline, which Wu Tiejing on behalf of KMT required to draw up with reference to *The Guideline of Fighting against the Japanese and Founding a New China*. Dong Biwu contradictorily expressed CCP's attitude of the common elementary guideline at the meeting, clearly put forward ten proposals in *The Draft Guideline of Peacefully Founding a New China* to ensure the successful realization of the basic principles of a peaceful founding. Dong Biwu said this was the basic spirit of *The Draft Guideline of Peacefully Founding a New China* which would be submitted to the Conference later. On January 16, the CPC delegation formally submitted *The Draft Guideline of Peacefully Founding a New China* to the Conference. The draft guideline is composed of ten clauses and forty-eight terms, which fully reflect CCP's proposition for peacefully building a new China (Compiled by Chinese Communist Party, para.4, 2004, p.361).

Thirdly, during the discussions of the National Conference, because the National Conference involved the issue of the representatives of National Conference, which was directly and closely related to the establishment and implementation of the Constitution, CCP and KMT had a very tense debate in the meeting on January 17. The KMT delegation directly put forward *The Opinions on National Conference* which advocated that KMT took on all old representatives, holding that it should have performed as a decade ago, which, of course was not accepted by the representatives of CCP and other parties. CCP representatives Deng Yingchao, Wu Yuzhang, etc., stressed at the Conference that all propositions must have been realistic and met the needs of most people, established a new electoral law and organizational law and generally elected the representatives. On January 18 the Political Consultative Conference held the eighth meeting to continue to discuss the issue of National Conference. Chen Lifu made a speech to defend the one-party rule of KMT, holding that China could only take the one-party system and the old representatives had been democratically elected. He said, "some people have criticized that the National Conference to designate representatives was not democratic, in fact, to get China into democracy takes quite a long time." The CCP representative Deng Yingchao immediately stood up and refuted Chen Lifu that she believed China's democratization process indeed needed a certain period of time, but even in today's China to designate the representatives was not democratic and unnecessary. Chen Lifu also plausibly said, "KMT's rule the country by a party follows the example of the Soviet Union. Today we criticize the one-party system with the

theory of multi-party, nothing can be resolved.” (Fan, 2005, p.256) Lu Dingyi said,

we believe that the feature of the Soviet Union system is to make the powerless worker, peasants and the intellectuals have the rights. If KMT learns this system and lets worker, peasants and the intellectuals have the rights, that should be grateful, but the fact is what we can see.

Chen Lifu said that the ratio of KMT representatives in National Conference was even less than the “three three system” advocated by CCP. In this regard, Lu Dingyi retorted,

The list of the old representatives of National Conference has been issued. It is said that the number of KMT representatives is more than half of the total, taking together with the certain representatives and designated representatives, if it’s said that the number of KMT representatives at National Conference is less than the number of CCP members in advocacy organizations under the “three three system”, it is difficult to believe.

Finally, on the issue of the draft Constitution, the two sides also had a fierce struggle. From the perspective of jurisprudence, the Constitution is the fundamental law of a country and is the “mother law” to develop all other laws. It provides for the form of state system and government system of a country, and is the ultimate goal for the new procedures of peace and democracy – the implementation of constitutionalism. From KMT and CCP’s speeches at the Conference, it’s no doubt that they both advocated to implement constitutionalism in China, but they had different requirements of procedures and specific contents. On January 19, the issue of draft Constitution was raised at the ninth meeting. The KMT representative Sun Ke explained the *Five Five Constitution Draft*, which was drawn up in accordance with the principles of “spirit of the five-power Constitution” and “people should have rights and government should have competence”. Because the feature of the *Five Five Constitution Draft* is to implement party-state regime and president authoritarianism based on KMT’s legal concept of “State and society standard”. This legal concept of “State and society stand” restricts and deprives people’s right of freedom, whose essence is that people, local government and parliament have no right, and the president has the centralized power (Zeng, 2001, p.312). Wu Yuzhang spoke on behalf of CCP at the Conference that, in fact “decentralization to five institutes means none of them has the rights. Power falls into the president alone, which will easily lead to the disadvantage of personal despotism”, thus the draft should have been abolished. Wu Yuzhang also put forward four principles to counter the *Five Five Constitution Draft*, holding that firstly “the Constitution ought to protect the people’s rights rather than restrict their rights”; secondly, “the central and local governments should be distributed with equal rights, the power of the president should be constrained and not to be excessive”; further more, “as an

autonomous unit, a province should elect its governor and establish a provincial constitution;” finally, “democratic policies in the aspects of military, culture, economy” should have been clearly stipulated (*Wu Yuzhang’s Opinion on the Issue*, para.2, 1989, pp.421-422).

3. CCP AND KMT HAVE ACHIEVED AN AGREEMENT ON THE NEW PROCEDURES OF THE FOUNDING IDEOLOGY OF PEACE AND DEMOCRACY

Though 22 days of consultations and negotiations in the Political Consultative Conference were long and arduous, it has eventually achieved some results. “The government organization plan, National Conference plan, guideline of peacefully founding a new China, military issue plan, draft Constitution” and other agreements have been passed: the parties have made equal consultations under the guidance of the founding ideology of peace and democracy, established a new government by the reorganization of the old government, established the common implementary guideline of peacefully and democratically founding a new China, drew up a Constitution draft of peacefully and democratically founding a new China, and determined the representative election method of the National Conference. For the new procedures of the founding ideology of peace and democracy, it has been agreed that the National Conference would be held and the formal Constitution would be established; finally, in accordance with the Constitution, a democratic constitutional coalition government would be established by election.

Firstly, *The Guideline of Peacefully Founding a New China* which has been issued by the Conference provided for the procedures of the peaceful and democratic founding in the form of government administrative program: the government after reorganization should have transformed from the completion of KMT’s “political tutelage” to a government which implemented constitutionalism in the transition period. “Security of people’s basic democratic rights and recognition of the coalition government” and other unimaginable things could be firstly fulfilled under the principles of “parties are equal and legitimate” and “political disputes to be resolved by political means”. (Compiled by Chongqing Political Cultural, para.4, 989, p.6) With the joint efforts of CCP, democratic parties and personages without party affiliation, the Political Consultative Conference also has passed the National Conference Plan in favor of the people, which stipulated that the total number of the National Conference representatives was 2050, and “increases 700 other party members and community leaders”. (Yan, 1991, p.623)

Secondly, the issued Draft Constitution stipulated that: The legislature worked as the State highest

legislative organ as that of parliamentary countries, which should have been directly elected by the voters. The relationship between the legislature and executive house was: the executive house was responsible to the legislature which was the highest executive organ. When the legislature had no confidence in all members of the executive house, executive house should have resigned or it should have requested the president to dismiss the legislature. Meanwhile, it stipulated that the Constitution enacted by the National Conference could not come into force without the approval from three quarters of the attendants. From the perspective of jurisprudence, such a system, though still cannot change the class nature of the national government, it is a step forward towards political democratization. Although it is not the new democracy program advocated by CCP, it is essentially a negation to KMT's one-party dictatorship and personal authoritarianism. Meanwhile, the Draft Constitution stipulated the principle of separation of powers between central and local governments, and stipulated that a province was the highest organ of local autonomy, its governor should have been elected by people, and a province should have established its provincial constitution, etc.. This kind of relationship between central and local governments actually borrows the structure of American federal government, namely, the Constitution gives powers to the federal government and federal members (Shen, 2003, p.120). "The liberated areas can keep the nature of new democracy according to local autonomy, which in fact, makes KMT admit CCP's political legitimacy and equal status in military." (Yan, 1991, p.625)

Thirdly, from the perspective of politics, the old Political Consultative Conference was a major political reform rather than a small political improvement. Compared to political improvement, political reform is usually translated to be a more substantial change in the political system, which is not only a simple quantitative change, more importantly, is the partial qualitative change in the total process of quantitative change. It is also a "revolution". (Wang, 1999, p.267) For the Political Consultative Conference resolution, its changing intensity to the political system of national government was enormous. Although it did not change the state system of Republic of China, it brought about a substantial change in terms of the form of government, which planned a national system with the legislature to serve as the parliament and the executive house as the cabinet. This was actually based on European and American parliamentary democracy and representative government, completely abandoned KMT's government design of separation of power, and effectively prevented KMT's intended "Party leader constitutionalism". The president's position has also changed. In the Draft Constitution of Political Consultative Conference, the president had

only a symbol status of state head without the real power of an executive head. The state administrative power was kept in the hands of the executive house. The president's order was subject to the resolution of executive house, and appointment of officials was subject to the approval of the legislature or supervisory house (Compiled by Chongqing Political Cultural, para.4,989, p.484). These were beneficial to the people in a large part, which were meanwhile, also beneficial to the accumulation of revolutionary forces of the ruled class so as to create conditions for the complete transformation of society and politics (Wang, 1999, p.50). As Zhou Enlai said, to enrich the content of new democracy by the use of the old democratic form, and by the means of struggles, "to promote a variety of favorable conditions to be fully mature for the future of the new democratic victory." (Compiled by Chinese Communist Party, para.5, 1989, p.604)

Fourthly, the Political Consultative Conference's resolution has also become the "spell" to constrain KMT's one-party dictatorship. As mentioned earlier, January 1946 was a period which made people feels happy about the political situation as if China's peace and democracy was coming soon, so people were joyful. In fact, from a certain sense, the biggest winner of the Political Consultative Conference was neither CCP nor the "rightists" of KMT, but the "middle forces" of China Democratic League and the advocators of Anglo-American style democracy in KMT. However, under the condition at that time, a political consultative resolution of the new procedure mode of peace and democracy was in line with the peaceful and democratic expectation of people and welcomed by them. Therefore, CCP held a positive attitude to the resolution of Political Consultative Conference. When the Political Consultative Conference was closed, Comrade Zhou Enlai emphasized that CCP would like to "work together and long-term cooperate" with all parties and community leaders, and would make efforts to rectify and stop all speeches and behaviors which might result in obstacles and destruction so as to promote an earlier realization of the five agreements of the Political Consultative Conference.³ This expressed CCP and CDL's sincerity and willingness that CCP would work together with CDL and other forces to urge KMT to follow the peacefully and democratically founding mode achieved at the Political Consultative Conference – a coalition government, implementation of democratic constitutionalism, and establishment of bourgeois democratic republic system. But the KMT die-hard force headed by Chiang Kai Shek refused to give "peace", and continued to provoke people's expectation for peace and democracy. Firstly in March 1946, KMT held the Second Plenary Session of the Sixth Central Committee and passed the so-called *Resolution on the Political*

³ *The Long-Term Cooperation of the Parties*. (1946, February 7). Chongqing: Xinhua Daily Editorial.

Consultative Conference Report, which in fact overthrew the resolution which had been agreed by KMT and poured cold water on all peace and democracy-loving people. Later on June 26 KMT launched a full-scale attack against the liberated area, completely destroyed the foundation for the new procedure of peace and democracy. Finally, on November 15, 1946, KMT breached the resolution of Political Consultative Conference, held a national conference without the participation of CCP and CDL, established Constitution of the Republic of China, and implemented presidential dictatorship and centralized system, which was completely contrary to the coalition government responsibility cabinet system and local autonomy under the resolution of Political Consultative Conference. Many peace-loving intellectuals and middle forces felt extremely disappointed with greatly happy, gradually stood apart from KMT and changed to be “the leftists”. But Chiang Kai Shek refused to give “peace”, continued to provoke people’s expectation for peace and democracy, which made many peace-loving intellectuals and middle forces feel extremely disappointed with greatly happy. They gradually stood apart from KMT and changed to be “the leftists”.

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