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What Do We Still Ignore About Chinese Constitutionalism?

**The United Front and the Chinese People's Political Consultative
Conference**

Part 1

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The beauty of language lies in the subtle interplay between connotation and denotation, an ambiguity absent which this author would not have thought twice about her choice to use the word ‘*ignore*’, in the title to this post. As it is evident from its Latin etymology, ‘*ignore*’ purely implies a lack of knowledge of an object – in this case the Chinese People’s Political Consultative Conference.

But, where does our lack of knowledge about the CPPCC come from? The easiest question to this answer is perhaps illustrated by the informal exchanges occurred during the [China-related events held at Penn State between March 12 and March 15, 2018](#). Quoting myself more or less literally, on at least two different occasions I said that:

“Western students in Chinese politics do not learn about the Chinese People’s Political Consultative Conference, and Western researchers in Chinese politics do not normally study this organ. Textbooks on the politics of contemporary China do not devote much space to the CPPCC, which is only mentioned in passing during classes.”

These facts, I suspect, must have to do more with Western mainstream perceptions of Chinese constitutionalism, than with anything else. Western mainstream perceptions of Chinese constitutionalism have been thoroughly discussed elsewhere on this blog, and regurgitating them here would not add much to the discussion.

One or two points are worth mentioning, though:

- our knowledge of Chinese politics in general, and Chinese constitutionalism in particular, comes first and foremost through our reading of standard works in these sub-fields. Aside from factual knowledge about what there exists in the constitutional system of China, standard works convey specific *epistemic* approaches. In simpler words: they subtly teach to us what counts as knowledge of China, and what information about China is accurate and truthful;
- mainstream Western scholarship on Chinese constitutionalism identifies the birthpoint of the Constitution of China with *the promulgation of the administrative constitution of the state, in 1954*. The two other political documents that predate and coexist with the administrative constitution of the PRC are either ignored or qualified as transitional documents. So if the Constitution of the CCP is normally overlooked, the Constitution of the Chinese People’s Political Consultative Conference is either ignored, or dismissed as a “temporary document”. To convey the concept bluntly – neither the Political Consultative Conference nor its Constitution (or Charter, or Statute) are worth knowing anything about.

Yet, from time to time, press reports appear that seem to stray from the pedagogical orthodoxy about China. In an article published on the February 18 issue of *The Diplomat*, *Trans-Pacific View* author Mercy A. Guo interviewed Dr. Gerald Groot, a senior lecturer in Chinese Studies at the University of Adelaide. Titled, [“China’s United Front Work: Propaganda as Policy”](#), the interview discusses the role of the United Front Work in the Communist Party of China. So, from

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time to time, knowledge about all those topics and institutions that are not in standard textbooks becomes relevant.

But, at this point, my readers may ask themselves what the United Front has got to do with Chinese constitutionalism, and the Political Consultative Conference.

In China, two *organs of the united front* exist. One of them is the Chinese People's Political Consultative Conference. The other one is the United Front Department of the Communist Party of China. Academics may have written a few works about the United Front in the 1960s or in the 1970s. Examples are the excellent works of [Tetsuya Kataoka](#), and [James David Armstrong](#). But then, this genre quickly fell out of fashion, and research projects on China took a different orientation. The United Front is something distinct from both the department of the CCP, and the Consultative Conference, but I will leave this topic for a future post.

For those who want to go deeper in their understanding of the structures of Chinese constitutionalism, it may be worthwhile setting aside all questions about the United Front, at least for the moment, and instead look at what the Western mainstream says about Chinese constitutionalism. Here, the most fundamental question is

whether the Constitution of the Chinese People's Political Consultative Conference really is – as the mainstream says – a “temporary” or a “provisional” constitution.

The answer to this question has to be looked for in the history of the Constitution of the Chinese People's Political Consultative Conference. In this post, I am whipping out three or four fundamental documents from our databases, and let the documents speak for themselves, without attempting to add my own layer of interpretation to their plain meaning, or to constrain them within the limits of what may or may not be my own ideological views.

To simplify a complex history I will more closely explore in my next posts, let's begin by saying that on September 29, 1949 – 48 hours before Mao Zedong proclaimed the birth of the People's Republic of China – a meeting took place in Beijing. This meeting was the First Plenary Session of the Chinese People's Political-Consultative Conference. The meeting adopted the Common Program of the CPPCC, and a few other documents.

The Common Program set forth the general guidelines on:

- what the People's Republic of China was;
- what organs of the state power existed;
- the military system of the PRC;
- China's economic policy, its cultural and educational policy, policies towards ethnic minorities (the 'nationalities'), and finally its foreign policy.

To understand what the Common Program was and what it did, though, one should look at its Preamble. The Preamble of the 1949 Common Program is a short text in three paragraphs:

The great victories of the Chinese People's war of liberation and of the people's revolution have put an end to the era of the rule of imperialism, feudalism and

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bureaucratic capitalism in china. From the status of the oppressed, the Chinese people has attained that of the master in a new society and a new state, and has replaced the Kuomintang's reactionary rule of feudal, comprador, fascist dictatorship with the Republic of the People's Democratic dictatorship.

The Chinese People's Democratic Dictatorship is the state power of the people's democratic united front composed of the Chinese working class, peasantry, petty bourgeoisie, national bourgeoisie and other patriotic democratic elements, based on the alliance of workers and peasants and led by the working class. The Chinese People's Political Consultative Conference, composed of the representatives of the Communist Party of China, of all democratic parties and groups and people's organizations, of all regions, of the People's Liberation Army, of all national minorities, overseas Chinese and other patriotic democratic elements, is the organizational form of the Chinese people's democratic united front.

The Chinese People's Political Consultative Conference, representing the will of the people of the whole country, proclaims the establishment of the People's Republic of China and is organizing the people's own central government. The Chinese People's Political Consultative Conference unanimously agrees that New Democracy, or the People's Democracy, shall be the political foundation for the national construction of the People's Republic of China. It has also adopted the following Common Program which should be jointly observed by all units participating in the Conference, by the people's government of all levels, and by the people of the whole country.

According to the Common Program, the PRC was a People's Democratic Dictatorship. The PRC was *a manifestation* – through the state apparatus – of the united front. The United Front didn't just have an administrative manifestation in the state apparatus. An institution existed, *which embodied the United Front in society*. This institution was the the Political-Consultative Conference. In 1949 this organization was composed by representatives of the Communist Party, democratic parties, ethnic minorities, Chinese persons living abroad, and other persons who loved the country ('patriotic' 爱国) and held democratic (民主) views.

The Political-Consultative Conference effectively served as a constitutional assembly until 1954, the year when the Constitution of the People's Republic of China was adopted.

It is precisely at this juncture in the history of the Constitutional system of the PRC that the difficulties for mainstream Western scholarship begin.

In European systems at least, a constituent assembly is a temporary organ, a sort of "pre-parliament" holding political power in the "inter-regnum" between war, and the creation of a new governmental entity. Once the new governmental entity is born, the constituent assembly ceases to exist. **In European systems**, constituent assemblies play the only function of paving the way to the creation of a new state. Sometimes those who take it to the hills, join the partisan movement and win the war may end up writing the Constitution of the state. After which they may be elected to the national parliament. And then become President of the Republic – ([as in this example](#)). But to my knowledge, *all of this happens in the absence of written rules determining how the state should be governed, and who should govern it, and why.*

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In China, the Consultative Conference was not just a constituent assembly. The First Session of the Conference adopted a document of constitutional nature (宪法性质) in the form of the Common Program. **The Consultative Conference also existed to represent the United Front in Chinese society.** Once the Constitution of the PRC was adopted, the Common Program no longer had a reason to exist. But, differently from European constituent assemblies, Chinese society still needed an organization to represent all those parties and persons who shared a common interest with the Communist Party.

Therefore the Consultative Conference was not dissolved. The founding document of the Consultative Conference was amended, to reflect the **partial change** in the functions of the this organ. The content of the 1949 ‘Organic Law of the Political Consultative Conference’ was prefaced with a Preamble, and the title of ‘Organic Law’ was changed to ‘Constitution’. This choice rested on the consideration that the Political Consultative Conference was an organization of the united front, closer in nature to political parties and people’s organizations, than to an organ of the state. Yet, it was neither a state organ, nor a people’s organization, but **a united front organization of people’s democracy having the nature of a political party (*dangpaixing*) , and existing under the leadership of the Communist Party of China.** Therefore, the Political Consultative Conference needed not adopt its documents through the same law-making processes as state organs. It could create its governing rules autonomously.

According to paragraph 3 of the Preamble to the 1954 Constitution of the Consultative Conference:

Now, the First Plenary Session of the First National People’s Congress of the PRC has already taken place. The Constitution of the PRC has already been promulgated. The basic meaning of the Common Program of the Chinese People’s Political Consultative Conference has already been included in the Constitution, and the General Program has been replaced by the Constitution. **The duty of the plenary session of the Chinese People’s Political Consultative Conference to act on behalf of the National People’s Congress is over. But, the Chinese People’s Political Consultative Conference still needs to exist as an organization of the united front, uniting all ethnic minorities, all democratic classes, all democratic parties, all people’s organizations, overseas Chinese, and other patriotic and democratic public figures. As it is said in the Preamble to the Constitution “In the future, in mobilizing and uniting the people of the country to complete the general tasks of the country’s transitional period and fight against internal and external enemies, China’s people’s democratic united front will continue to play its role.”**

Paragraph 4 of the Preamble, an addition made in 1954 – outlined the developmental and governance goals of the Political Consultative Conference. The Political Consultative Conference existed to struggle against enemies in China and in other countries, consolidate the people’s democratic system, and build a socialist society. In order to achieve this goal, it was necessary to harness the power of the people, and allow it to find its expression within an institutional forum, under the leadership of the Chinese Communist Party. This forum was the Consultative Conference:

The Chinese People's Political Consultative Conference held its first plenary session of the Second National Committee in December 1954, unanimously believing that the

people's democratic system led by the working class and based on the alliance of workers and peasants has opened up a broad road to the development of socialism in our country. In order to strengthen the struggle against enemies at home and abroad, consolidate the people's democratic system, and successfully accomplish the country's overall mission during the transitional period so that China can gradually eliminate the exploitation system through peaceful means and build a socialist society, it is even more necessary to unify and centralize the power of the people. Therefore, the Chinese people's democratic united front must be further consolidated and developed, and the leadership of the Chinese Communist Party must be further strengthened. Under the leadership of the Chinese Communist Party, the Chinese People's Political Consultative Conference will continue to unite the people of all ethnic groups in the country through the solidarity of various democratic parties and people's organizations, work together to overcome difficulties, and strive to build a great socialist country.

Political participation through the Consultative Conference was to take place according to a set of seven guidelines defined by the Second National Committee. These guidelines were listed in paragraph 5 of the Constitution of the Consultative Conference:

The first plenary session of the Second National Committee of the Chinese People's Political Consultative Conference formulated this charter and decided that the following are the criteria to be observed by all units and individuals participating in the Chinese People's Political Consultative Conference:

First, support the Constitution of the People's Republic of China and fully implement the Constitution.

Second, consolidate the people's democratic system led by the working class and based on the alliance of workers and peasants; Strengthen the leading position of the socialist economic forces in the national economy.

Third, assist state agencies, promote social forces, and implement national plans for socialist industrialization and socialist transformation.

Fourth, keep close contact with the masses, reflect the opinions of the masses to relevant state agencies and make suggestions.

Fifth, strengthen unity among people of all nationalities throughout the country, promote the spirit of patriotism, increase the vigilance of the revolution, defend the country's construction, and persist in the struggle against enemies at home and abroad.

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Sixth, continue to consolidate and develop the unshakable friendship between China and the Union of Soviet Socialist Republics and the people's democratic countries, increase the friendship between China's peace-loving countries, strengthen the friendship between the Chinese people and peace-loving peoples all over the world, and oppose aggression and war, defend world peace and safeguard the just cause of humanity.

Seventh, study Marxist-Leninist theory on a voluntary basis, actively study the country's policies, raise the political level, carry out criticism and self-criticism, and strive to reform ideas.

A third amendment to the Constitution of the Political Consultative Conference took place in 1978. The six paragraphs of the Preamble described what the Political Consultative Conference was, outlined its tasks, clarified the relationship between the Constitution of the Political Consultative Conference and the administrative constitution of the state, the relationship between the Communist Party of China and the Political Consultative Conference, and the guidelines to be followed by the latter.

According to its own Constitution, the Political Consultative Conference in 1978 was an organization of the United Front existing under the leadership of the Chinese Communist Party. The Political Consultative Conference existed in order to allow patriotic and democratic parties to exist together with the Communist Party of China, to promote acceptance of economic reform policies by those whom today would be called domestic and global enterprises, and to allow for the continuing existence of the United Front:

The Chinese People's Political Consultative Conference is the organization of the revolutionary united front under the leadership of the Communist Party of China and was created by the great leader and mentor Chairman Mao Zedong himself. Since the founding of the People's Republic of China, the Chinese People's Political Consultative Conference, under the personal leadership and chairmanship of Chairman Mao and his close friend Zhou Enlai, has united the people of all ethnic groups in the country, united the broad masses of intellectuals, and united all patriotic forces to promote acceptance of the socialist transformation of society among the national bourgeoisie, implement the principle of long-term coexistence and mutual supervision between the Communist Party of China and patriotic and democratic parties, implement policies on ethnic minorities, on overseas Chinese, and on religion, consolidate and develop the revolutionary united front, and mobilize all positive factors to serve the cause of socialism. It has also played an important role in the revolutionary struggle to persist in opposing social imperialism and imperialism and to support the peoples of the world.

The year 1978 marked a significant turning point in the developmental trajectory of China, and it is generally referred to by all official sources as a "new period" (新时期) characterized by the adoption of the Reform and Opening Up policy, and by a vigorous pursuit of Deng Xiaoping's Four Modernizations. The 1978 Constitution of the Political

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Consultative Conference defines the tasks of this organ during the “new period” (新时期) in paragraph 3 of the Preamble. They include the general objective of constructing a strong and modern socialist country by the end of the 20th century. Paragraph 3 also specifies the steps the Political Consultative Conference had to take to work towards the realization of this objective.

The overall mission of our people in the new period is to resolutely implement the line of the 11th National Congress of the Communist Party of China, adhere to the continuing revolution under the dictatorship of the proletariat, and carry out in depth the three major revolutionary movements of class struggle, production struggle, and scientific experimentation to build a great socialist country of the modernization of agriculture, industry, national defense, and science and technology by the end of this century. According to this general task, the Chinese People's Political Consultative Conference must strengthen the great solidarity of the people of all ethnic groups in the country, develop the leadership of the working class, and based on the alliance of workers and peasants, unite the masses of intellectuals and other working people, unite patriotic democratic parties, patriots, and the revolutionary united front of Taiwan compatriots, Hong Kong, and Macao compatriots, and overseas compatriots united all the forces that can be united, mobilized all positive factors, and turned negative factors into positive factors as much as possible, oppose domestic and foreign enemies, and further consolidate the production process, and struggle to build our country into a socialist modernized nation in this century. In the international struggle, in accordance with Chairman Mao's great theory of the three worlds, contributed to the resolute implementation of Chairman Mao's revolutionary diplomatic line and his opposition to the superpower's hegemonism and war policy. All participating units and individuals of the Chinese People's Political Consultative Conference must closely unite around the Central Committee of the Communist Party of China headed by President Hua, hold high the great banner of Chairman Mao, work together, unite in battle, and take on the glorious tasks entrusted to us by history.

The fact an organization grouping the ‘8 Democratic Parties’ - but not just them – existed posed the problem of its relationship with the state apparatus, and with the Communist Party of China. The relationship between the Political Consultative Conference and the state apparatus was regulated by the respective constitutions of the United Front organization, and the state apparatus. *Limited to the Political Consultative Conference, its members agreed to abide by the Constitution of the State, and adopt its principles as the political foundation for the long-term coexistence between the Communist Party and the democratic parties.* Paragraph 4 of the Preamble reads:

The constitution of the People's Republic of China is a fundamental law that all ethnic groups in China must abide by. It is a common program that all participating units and individuals of the Chinese People's Political Consultative Conference must abide by. The six political standards put forward by Chairman Mao in accordance with the principles of the Constitution of our country are the criteria for judging opinions and actions in the political life of the people of our country. They are the political foundation for the long-term coexistence and mutual supervision between the Communist Party and

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the democratic parties, and also the political basis of the revolutionary united front at the present stage in our country.

The relationship between the Political Consultative Conference and the Communist Party, likewise, is ruled through their respective Constitutions. *Limited to the Constitution of the Political Consultative Conference (paragraph 5)*, this relationship is one where the Political Consultative Conference is led by the Communist Party of China, and acts as the heir of the Party's tradition of political consultation, ensuring a balance between centralism and democracy, discipline and freedom, unity of thought and the existence of a variety of views on the most diverse matters.

The Chinese People's Political Consultative Conference, under the leadership of the Communist Party of China, should carry forward the fine traditions of democratic consultation established by Chairman Mao Zedong and Premier Zhou Chou for us. We must conscientiously make every effort to say all we know and say it without reserve, correct mistakes if we have committed them, and guard against them if we have not work hard to create a lively political situation where there is concentration and democracy, discipline and freedom, unity of thought and ease of mind.

The rules expressed in paragraphs 1 through 5 of the Preamble are summarized in paragraph 6. The 1978 Constitution of the Political Consultative Conference poses also new guidelines for its members:

First, uphold the socialist system under the leadership of the Chinese Communist Party and the dictatorship of the proletariat in China, support the Constitution of the People's Republic of China and fully implements the Constitution.

Second, hold high the great banner of Chairman Mao, adhere to the basic line of the Communist Party of China at the historical stage of socialism as a whole, persist in continuing the revolution under the dictatorship of the proletariat, and persist in the general line of building up socialism with enthusiasm, faster, better, and using fewer resources, going all around and aiming high. Avoid the restoration of capitalism, and consolidate the dictatorship of the proletariat.

Third, adhere to and publicize the principles and policies of the Communist Party of China and the state, maintain close ties with the people, assist state agencies, promote social forces, and actively participate in the socialist revolution and socialist construction.

Fourth, Taiwan Province has been the sacred territory of China since ancient times. Taiwan compatriots are our flesh brothers. We must liberate Taiwan and work together to complete the great cause of reunifying the motherland.

Fifth, promote patriotism, increase vigilance over the revolution, and strengthen the strategy for preparing for warfare. We must actively contribute our strength in order to oppose the subversion and aggression of social imperialism and imperialism and defend the motherland.

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Sixth, implement our country's revolutionary diplomatic line and policy, adhere to proletarian internationalism, strengthen friendly relations with peoples of all countries, promote the development of the international united front against hegemonism, and unrelentingly struggle against hegemonism and the war policy of superpowers.

Seventh, on a voluntary basis, we must study Marxism, Leninism, and Mao Zedong Thought, and combine the practice of the three major revolutionary movements of class struggle, production struggle, and scientific experimentation to gradually transform the world's outlook.

Eighth, the unity of the country, the unity of the people, and the unity of the various nationalities in the country are the basic guarantees for the victory of our cause. We must be open and guided by Chairman Mao's revolutionary path, we must be upright, selfless, and open-minded, conduct criticism and self-criticism, adhere to the truth, correct mistakes, and constantly strengthen unity within the revolutionary united front.

At this point, the nature of the Political Consultative Conference should be clear. If we attempt to understand what the Political Consultative Conference is, by listening to what this organization has to say about itself, then the Political Consultative Conference:

- is an organization of the United Front, distinct from both the Communist Party of China, and from the state apparatus;
- it operates under the leadership of the Communist Party of China and it respects the state constitution, with the goal to ensure political consultation involving members of the 8 democratic parties, but also persons not affiliated to any political party;
- it is ruled by an autonomous Constitution, setting rules about its relationship with the Party and with the state apparatus, and guidelines for its members.

The history of the Constitution of the Political Consultative Conference is not over, yet. This document was amended again in 1982, in 1994, in 2000, in 2004, and in 2018. I will discuss each one of these amendments in another post.

For the moment, I will attempt a tentative answer to the question I asked at the start of this post. The question was:

“whether the Constitution of the Chinese People's Political Consultative Conference really is – as the mainstream says – a “temporary” or a “provisional” constitution”

The answer to this question should be in the negative. The Constitution of the People's Consultative Conference is not a “temporary” Constitution. While the Common Program no doubt played the role of a temporary constitutional document between 1949 and 1954, from 1954 until today the Constitution of the People's Consultative Conference has been a document that:

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- defines what the Political Consultative Conference is;
- specifies how the Political Consultative Conference relates to the Communist Party, and to the People's Republic of China;
- sets rules about the goals of the patriotic united front of the Chinese people, multiparty-cooperation and political consultation led by the CCP;
- sets rules about the Political Consultative Conference's work, organization, membership, its national congress, and local congresses.

(to be continued)