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Speeches/Documents

**Title:** Speech on the Draft Constitution of the People's Republic of China

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**Description:** According to this source, this is a speech made by Mao at the thirtieth session of the Central People's Government Council.

This Draft Constitution appears to have won the hearts of the people. From the discussion held in Beijing among more than five hundred people and the discussions of the active elements of all circles in the provinces and municipalities--that is, the widespread discussions among the more than eight thousand people representing the country as a whole--one can see that the preliminary draft of the Draft Constitution is a rather good one and that it has won the approval and support of the public. Today, many people have spoken here and they have all said the same.

Why did we organize such widespread discussions? There were several advantages in doing so. First of all, can something that has been worked out through discussion by a few people have the approval of the general public? Through [these broader] discussions, we have verified that the basic provisions and fundamental principles in the preliminary draft of the Draft Constitution are approved by everybody. All the correct things in the preliminary draft of the Draft [Constitution] have been preserved. The opinions of a small number of leaders have gained the approval of several thousand people. This indicates that [these opinions] are reasonable, appropriate, and practicable. In this way we have gained confidence. Second, in these discussions we have collected more than 5,900 opinions (not including the questions and doubts raised). These opinions can be divided into three kinds. One kind are those that are incorrect. Another kind are not really wrong but are inappropriate and are best left unadopted. If they are not going to be adopted, why bother collecting them? What's the advantage in collecting these opinions? There are some advantages; we can understand that among the ideas of these more than eight thousand people there are such points of view regarding the Constitution and we can make a comparison. The third kind [are opinions] which have been adopted. These are of course very good and quite necessary. Without these opinions, although the preliminary draft of the Draft Constitution would be basically correct, it would still be incomplete; it would have shortcomings and would not be well-thought-out. The present draft may still have shortcomings and may still be incomplete, so we must seek the opinions of the people of the entire country. Nevertheless, seen from today's perspective, this Draft [Constitution] is relatively complete, and this is the result of our having adopted reasonable opinions.

Why is it that this Draft Constitution has won the hearts of the people? As I see it, one of the reasons is that in drafting the Constitution, we adopted the method of integrating the opinions of the leadership organs with the opinions of the broad masses. This Draft Constitution integrates the opinion of the small group of leaders with those of more than eight thousand people. After it is promulgated, it will again be discussed by the people of the entire country so that the opinions of the Center can be integrated with the opinions of the people throughout the country. This is the method of integrating the leadership with the masses and, broadly, with the active elements. We adopted this method in the past; the same should be done in the future. We must adopt this method for all major legislation. This time, by adopting this method, we achieved a relatively good and complete Draft Constitution. Why is it that all of

you here and the broad masses of active elements support this Draft Constitution? Why do you feel that it is good? There are two main reasons: One is that it sums up our experiences; the other is that it integrates principle with flexibility.

First, this Draft Constitution sums up [our] historical experience, particularly the experience of revolution and of construction in the last five years. It sums up the experience of the people's revolution led by the proletariat against imperialism, feudalism, [and] bureaucratic capitalism, and the experience of social reform, economic construction, cultural construction, and government work in the last few years. This Draft Constitution also sums up the experience [the Chinese people had] with the problem of a constitution since the final years of the Qing dynasty, beginning with the "Nineteen Constitutional Articles" <sup>2</sup> in the last days of the Qing dynasty, to the "Provisional Constitution of the Republic of China" <sup>3</sup> in the first year of the Republic, to the various constitutions and draft constitutions of the Beiyang warlords' governments, <sup>4</sup> to the "Provisional Constitution of the Republic of China" during the Period of Political Tutelage" of Chiang Kai-shek's reactionary government, up to Chiang Kai-shek's sham constitution. <sup>5</sup> Of these some were positive, some were negative. For instance, the "Provisional Constitution of the Republic of China" in the first year of the Republic was, at that time, a relatively good thing. Of course it was incomplete and had shortcomings and it was bourgeois in nature. However, it [also] carried in itself a revolutionary, democratic character. That constitution was very simple. It is said that it was drafted in great haste; it was only one month from the time it was being drafted to the time it was ratified. As for the other several constitutions and draft constitutions, as a whole, they were all reactionary. This Draft Constitution of ours primarily sums up the experience of revolution and construction in our country while at the same time integrating our national experience with international experiences. Our Constitution belongs to the category of socialist constitutions. We [based it] primarily on our own experience, but we also referred to the good points in the constitutions of the Soviet Union and the various People's Democracies. <sup>6</sup> When it comes to constitutions, the bourgeoisie was the vanguard. Whether it was in Britain, France or the United States, the bourgeoisie had its revolutionary phase and it was then that they initiated constitutions. We cannot write off bourgeois democracy in one stroke and assert that their constitutions have no place in history. <sup>7</sup> Today, however, bourgeois constitutions are no good at all; they are bad. The constitutions of the imperialist countries, in particular, deceive and oppress the majority of the people. Our Constitution is of the new socialist type, which is different from the bourgeois type. Our Constitution is far more progressive when compared with the constitutions of the bourgeoisie, even those in its revolutionary periods. We are superior to them.

Second, our Draft Constitution combines principle with flexibility. There are two basic principles: the principle of democracy and the principle of socialism. Our democracy is not bourgeois democracy but the people's democracy; it is the people's democratic dictatorship led by the proletariat and based on the alliance of the workers and peasants. The principle of people's democracy runs through our entire Constitution. The other principle is socialism. There is socialism in our country today. It is stipulated in the Constitution that we must complete the socialist transformation [of our society] and realize the socialist industrialization of the nation. This is a matter of principle. If we want to carry out the principle of socialism, does that mean that early one morning socialism will be put into practice in everything throughout the country? This, in form, would be very revolutionary, but [since] it lacks flexibility, it could not be carried out; it would meet with opposition and fail. Consequently, [we] must allow things that cannot be accomplished right away to be accomplished gradually. For instance, state capitalism must be carried out gradually. State capitalism appears not only

in the form of joint state-private enterprises, but in various other forms as well. <sup>8</sup> One word [to take into consideration] is "gradual"; another is "various." This means gradually putting various forms of state capitalism into practice in order to achieve the socialist system of ownership by the whole people. The socialist system of ownership by the whole people is the principle. <sup>9</sup> For this principle to be achieved, it must be integrated with flexibility. [In this case] the flexibility is [represented by] state capitalism, and what's more, it does not have just one single form, but "various" forms, and its materialization comes not in a day, but "gradually." This would be flexibility. We write [into the Constitution] what we can accomplish now and leave out what is not feasible [for the moment]. For instance, regarding the material guarantees of civil rights, later, when production has developed, they will definitely expand in comparison to their present [scope], but what we have written [into the Constitution] at this point is still only [that they will] "gradually expand." This, too, is flexibility. For another example, the United Front was written into the Common Program, <sup>10</sup> and now it has again been written into the preamble of the Draft Constitution. We must have a "broad people's democratic united front consisting of all democratic classes, democratic parties, and people's organizations" to reassure the various strata [in society], the national bourgeoisie and the various democratic parties, the peasants, and the urban petty bourgeoisie. Then, there is also the question of the minority nationalities; here we have elements of commonality and elements of particularity. Where there is commonality, the common provisions [in the Draft Constitution] apply; where there is particularity, the particular provisions [of the Draft Constitution] apply. Politically, economically, and culturally, the minority nationalities each have their own particular characteristics. What are the particular characteristics of the minority nationalities in terms of the economy? Article 5 [of the Draft Constitution], for example, says that, at present, there are four types of systems of ownership of the means of production in the People's Republic of China, but actually, the minority nationality areas now still have other forms of ownership systems. Do we still have the system of primitive communal ownership? I'm afraid it still exists among some minority nationalities. The slave-owner ownership system and the feudal overlord ownership system, too, still exist [in some places] in our country. From a contemporary perspective, the slave system, the feudal system, and the capitalist system are all no good, but in fact, historically, they were all at one time or another more progressive than the primitive commune system. At the beginning, these systems were progressive, but subsequently they no longer worked and so other systems came on to replace them. Article 70 of the Draft Constitution provides that the minority nationality areas "may, in accordance with the particular political, economic, and cultural characteristics of the minority nationalities in a given area, work out regulations dealing with [local] autonomy and independent implementations." <sup>11</sup> These are all integrations of principle and flexibility.

It is precisely for these two reasons that this Draft Constitution has gained the support of the public, and that everyone says that it is good: one is that it correctly and appropriately sums up [our] experience; the other is that it correctly and appropriately combines principle with flexibility. If it were not for these, I don't think the public would approve of it or say that it is a good thing.

This Draft Constitution is fully practicable and must be put into practice. Of course, today it is still nothing but a draft, but in a few months, after it has been ratified by the National People's Congress, it will become a formal constitution. Today we must be prepared to carry it out. After it has been ratified, then everybody in the country must put it into practice. In particular, the staff personnel in the state organs must take the lead in carrying it out, [but] first and

foremost you who are present should put it into practice. To fail to put it into practice will be to violate the Constitution.

After our Draft Constitution has been published, it will gain the unanimous support of the people throughout the country and will serve to promote their enthusiasm. An organization has to have a charter. A country must also have a charter. The constitution is an overall charter; it is a fundamental law. If we use such a fundamental law as the constitution to codify the principles of the people's democracy and of socialism so that the people of the whole country will have a clear track [in front of them] and so that they will feel they have a clear, precise, and correct road to follow, then we will be able to promote the enthusiasm of the people throughout the country.

Will there be international repercussions when this Draft Constitution is published? There will be repercussions in the democratic camp as well as among the capitalist countries. [People] within the democratic camp will be happy when they see that we have a clear, precise, and correct road to follow. [If] the Chinese are happy, they too will be happy. If the oppressed and exploited people in the capitalist countries see it, they too will be happy. Naturally there are some people who will be unhappy. The imperialists and Chiang Kai-shek will all be unhappy. Do you think that Chiang Kai-shek will be happy? I think that even without asking his opinion we can safely say that he will be unhappy. We are very familiar with Chiang Kai-shek, and [we know that] he absolutely will not approve of [our constitution]. President Eisenhower will not be happy either, and he'll say that it is no good. They will say that this Constitution of ours charts a clear and precise, but a very bad road, a wrong road, [and they'll say that] socialism and the people's democracy are wrong. They also disapprove of flexibility. They'd like most for us [to try] to put socialism into practice overnight and make a mess of everything; then they'd be happy. They do not approve of **China** promoting a united front either; they hope that we'll promote things all of "one color." <sup>12</sup> Our Constitution has a national character, but it also has a type of international character; it is a national phenomenon, but it is also a sort of international phenomenon. There are many countries that, like us, have suffered the oppression of imperialism and feudalism, and [the people of these countries] constitute a majority of the world's population. It would be helpful to the people in these countries for us to have a revolutionary constitution, a people's democratic constitution, and a clear, precise, and correct road to follow.

Our general objective is to strive to build a great socialist country. We are a big country with six hundred million people. In the end, how much time will be needed for us to realize socialist industrialization, realize the socialist transformation and mechanization of agriculture, and build a great socialist country? Let's not be absolutely definite now. Generally speaking, we can establish a foundation in about three five-year plans' time, that is, in about fifteen years. Will we have become very great by then? Not necessarily. As I see it, if we are able to build a great socialist country, it will take about fifty years, which means ten five-year plans. That will be about enough. Then we'll be something, and things will be quite different from what they are now. What can we make now? We can make tables, chairs, tea bowls, and teapots; we can grow grain [and even] grind it into flour, [and] we can also make paper. But we still cannot make an automobile, an airplane, a tank, or a tractor. Let's not blow our own horn too loudly or begin to get cocky. Naturally, I am not saying that we can cock our tails a bit higher if we can make one [tractor], or that we can cock it even higher if we can make ten [tractors], or that the more [tractors] we can make the higher we can cock our tails. <sup>13</sup> That won't do. Even when we're in good shape in fifty years we'll still have to be as modest as we

are now. It won't be good if, at that time, we become arrogant and look down on everyone. We mustn't be arrogant, not even in a hundred years. We must never cock our tails.

This Constitution of ours is a constitution of a socialist type, but it still isn't a fully socialist constitution. It is a constitution for a transitional period. At present we must unite all the people in the country and unite with all forces with which we can be and ought to be united to strive for the construction of a great socialist country. The Constitution has been written for precisely this purpose.

Lastly, let me explain a problem. Some people say that certain individual provisions have been deleted from the Draft Constitution because some people were particularly modest. The matter can't be explained this way. It is not a matter of modesty but rather that, in those places, what had been written was neither proper, reasonable, nor scientific. In a People's Democracy like ours, we ought not to write such improper provisions [into the Constitution]. It is not the case that [provisions] that ought to have been written [into the Constitution] were not written in as a matter of modesty. In science there is no question of modesty or immodesty. Making a constitution is a scientific endeavor. We must not believe anything that is not scientific, that is to say, we must not be superstitious. Whether it relates to Chinese or foreigners, the dead or the living, what's right is right [and] what's wrong is wrong. To believe otherwise is to be superstitious. We must destroy superstition.<sup>14</sup> Whether it be something ancient or modern, we must believe what is correct and not believe anything that is incorrect. Not only will we not believe it, but we must also criticize it. This alone is a scientific attitude.

## Notes

1 In the early years of the PRC, the "Common Program" served as the organic law of the state and a surrogate constitution. (See text Sept. 21, 1949, note 3.) The work of drafting and ratifying a more permanent constitution began in 1953. On January 13 of that year a resolution of the delegates of all local levels to the National People's Congress called for the establishment of a committee to produce a preliminary draft of the Draft Constitution. In March 1954, this preliminary draft was completed and was subjected to discussion (as Mao explains in this speech) in a large number of major cities from March 22 to June 11. On June 14, following Mao's speech here, the draft was adopted by the Central People's Government Council and was then subjected to two more months of nationwide discussion. On September 9, 1954, the Central People's Government Council adopted the final draft, which was submitted on September 15 to the First Session of the NPC. The Constitution was ratified unanimously by the Congress on September 20, 1954, and remained in effect, in essence, until 1975, when it was replaced by a new, revised constitution. For an English text of this constitution as finally adopted in September 1954 (but not the draft), see T. Chen, (1967), pp. 75-92.

2. In November 1911, after the eruption of revolutionary activities in the central and southern provinces, the Qing court promulgated, with a view to stemming the insurrectionary tide, the "Xianfa zhongda xintiao shijiutiao" (Nineteen Major Articles of Good Faith on the Constitution) which in effect reaffirmed the constitutionality of the monarchy while making concessions in the areas of enlarging the powers of the national assembly and establishing a constitutional cabinet. This maneuver, however, did not succeed in forestalling the fall of the Qing or the abdication of the Xuantong Emperor in February of the following year.

3. This refers to the "Provisional Constitution" adopted by the Republic of China upon Sun Yat-sen's assumption of the position of provisional president of the Republic on March 11, 1912.

4. These refer, mainly, to four things: (1) The so-called "Tiantan xianfa caoan" (Heavenly Temple Draft Constitution) promulgated by the Yuan Shikai government in 1913. (2) The Constitution of the Republic of China, also known as the New Constitution (*Xin yaofa*) promulgated by the Yuan government in 1914. In October 1913, Yuan assumed the position of President of the Republic and proceeded to strengthen his own political advantage. This "New Constitution," therefore, reflected the ascendancy and almost complete dominance of Yuan over the much weakened national constituent assembly. (3) The "constitution" promulgated by the Cao Kun government in 1923. (4) The Constitution of the Republic of China drafted by a committee in a national assembly dominated by the militarist interests of the warlord Duan Qirui in 1925. Both of the constitutions promulgated under Cao Kun and Duan Qirui included strong confederate tendencies reflecting the disintegration of the national polity under the ravaging of the warlords at the time.

5. In June 1931, the Nationalist government under Chiang Kai-shek promulgated a "constitution" (*yaofa*) to be effective for the "period of tutelage" as designated by Sun Yat-sen in his treatise *Jianguo dagang* (Outline of the Construction of the State). The fundamental principles of this "constitution" were the "Three People's Principles" (*Sanmin zhuyi*) and the recognition of the separation of the five powers of government (*wuquanfen li*). The "sham constitution" refers to the Constitution of the Republic of China ratified by a Kuomintang-dominated national assembly on November 15, 1946. This was basically an official ratification of the 1935 Draft Constitution (also known as the May 5 Draft Constitution), which was itself a derivative of the 1931 version. (For further reference, see Mao, *SW*, I, pp. 259-260.)

6. See text Sept. 21, 1949, note 4.

7. See text June 15, 1953, note 2.

8. See text July 9, 1953.

9. While Mao had spoken of various stages in the transformations of the ownership system in society (see text June 15, 1953, and text Oct 15, 1953), the system of ownership by the whole people (*quanmin suoyou zhi*), which is possible at an advanced stage of socialism, is something he did not discuss at length until quite a few years later. See text Mar. 5, 1956, note 11, and text Nov. 1958(1), note 2.

10. See text Sept. 21, 1949, note 3. Mao is here referring to the term "people's democratic united front" written into the preamble and Article 13 of the Common Program. This is distinct from the earlier "united fronts" strategically formed between political parties, notably the two CPC-Kuomintang United Fronts, once during the First Revolutionary Civil War period and the second in the War of Resistance against Japan period. See text Feb. 18, 1951, note 13.

11. This corresponds to Article 70 of the Constitution as adopted and ratified in September 1954. See T. Chen (1967), p. 88.

12. Mao's metaphor here derives from the game of *majong* in which a very high scoring value is assigned to a hand consisting of tiles of only one type, or "suit."

13. This term, *qiao weiba* in Chinese, is a common imagery frequently used by Mao to describe people's behavior when they are arrogant or cocky. In other places it has sometimes been translated as "strutting."

14. The Chinese term here is *po xu mixin*, which is sometimes translated as "dispelling blind faith." In Mao's usage *mixin* is a subjective characteristic with both a "positive" outcome and a negative outcome: one may, as a result of *mixin*, unquestioningly place one's trust in past traditions and dogmas (i.e., superstitions) or in the experience of other people and societies (e.g., that of the Soviet Union) without regard to the realism of one's own environment. This can lead one to overestimate one's capacities. On the other hand, *mixin* can also result in one's underestimating one's own abilities, believing instead, for instance, that if other people in the

past have said that a certain thing cannot be done, it cannot be done. While in the present context Mao was issuing a warning against the former type of mix-in (and this is one of the first instances after 1949 when he did so), in subsequent years of his leadership of the PRC, Mao would combat both types of "blind faith" equally, swinging from one variation at times to the other at other times.-