

FUNDAMENTAL LAWS
① OF THE
CHINESE SOVIET
REPUBLIC

With an Introduction by
BELA KUN

Maps and Diagrams



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FUNDAMENTAL LAWS

of the

CHINESE SOVIET

REPUBLIC . *Laws, statutes, etc.*

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Bela Kun



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PREFACE

ONE-SIXTH of China is far from one-sixth of the globe. None the less it is a vast territory. One-sixth of China is occupied by the "stable" (i.e., consolidated) Soviet districts of the Chinese Soviet Republic. The area of France is equal to only 88.6 per cent. of the territory of Soviet China. The area of Germany is equal to 65.9 per cent., of Japan (without colonies) 61 per cent., of Great Britain (without colonies) 23 per cent. of this extensive Soviet territory. The Central District of the Chinese Soviet Republic alone is twice the size of Holland and Belgium taken together. The young Chinese Republic of Soviets must be regarded as quite a sizeable state not only in the light of these comparisons with European countries, but also when compared with whole continents. The "stable" and "unstable" districts of the Soviet government constitute no less than one-fourth of China.

The Chinese Revolution which has victoriously defended the independence of the Soviet districts has become a most important international factor. Six imperialist expeditions sent by Chiang Kai-shek against the young Chinese Soviet Republic have foundered completely. The might of the Soviet districts of China is expanding and strengthening. The international importance of Soviet China has grown to gigantic dimensions. Even the imperialist powers are forced to take Soviet China into account as it disarranges the plans of the imperialists in the East.

The Commission of the League of Nations headed by Lord Lytton which investigated the Japanese invasion into China was compelled to place on record :

"Communism in China not only means, as in most countries other than the U.S.S.R., either a political doctrine held by certain members of existing parties, or the organization of a special party to compete for power with other political parties. It has become an actual rival of the National Government. It possesses its own law, army and government, and its own territorial sphere of action. For this state of affairs there is no parallel in any other country.

" . . . In the summer of 1932, important military operations, having for their object a final suppression of the Red resistance, were announced by the Government of Nanking. They were commenced and, as stated above, were to have been accompanied by a thorough social and administrative re-organization of the recaptured regions, but up to the present no important results have been announced. . . ."—*(Lytton Report, pp. 22-3.)*

The fact that "no important results have been announced" by the Nanking Government as the Lytton Commission shame-facedly expresses itself, denoted a victory for the Chinese Soviet Republic, which, after the grand successes which it has attained, has become not only a powerful support of the social and national liberation of the toiling Chinese masses, not only the vanguard of the national struggles for liberation of the colonial peoples, but the pride of the whole international revolutionary proletariat.

The relationship of class forces in China is such that the democratic dictatorship of the proletariat and the peasantry is no short episode, but has become the Soviet form of a revolutionary government, the form in which the bourgeois-democratic revolution passes over into a proletarian revolution. The *Constitution* of the Chinese Soviet Republic defines the content and character of the Soviet national revolution at its present stage in the following precise and unequivocal formulation:

" 1. It is the purpose of the Constitution of the Chinese Soviet Republic to guarantee the democratic dictatorship of the proletariat and peasantry in the Soviet districts and to secure the triumph of this dictatorship throughout the whole of China. Our goal is the establishment of this dictatorship throughout China. It is the aim of this dictatorship to destroy all feudal survivals, to annihilate the might of the war lords of China, to unite China, systematically to limit the development of capitalism, to build up the economy of the state, to develop the class consciousness and organization of the proletariat, to rally to its banner the broad masses of the village poor in order to effect the transition to the dictatorship of the proletariat.

" 2. . . . All power shall be vested in the Soviets of Workers, Peasants and Red Army men and in the entire toiling population. Under the Soviet Government the workers, peasants, Red Army men and the entire Soviet population shall have the right to elect their own deputies to give effect to their power. Only capitalists, landlords, the gentry, militarists, reactionary officials, *tukhao*,* monks—all exploiting and counter-revolutionary elements—shall be deprived of the right to elect deputies, to participate in the government and to enjoy political freedom."

The *Land Law* provides for the expropriation of the estates of all the feudal lords, big landlords, militarists, *tukhao*, the gentry, monasteries and other big private landowners. Taking into account the special position of the Chinese big peasants, the majority of whom are big landlords or usurers, the land law likewise provides for the expropriation and distribution of big peasant lands; however, after the big peasant has been deprived of his property, a parcel of less fertile land is to be allotted to him, such as he is able to till by his own labour. The Land Law rejects the proposal of the more

* *Tukhao*: Big peasants, the capitalists of the countryside.

substantial peasants to have the land divided in accordance with the quantity of farm implements possessed and prescribes that the local Soviets adopt that mode of land distribution which will be most advantageous for the local rural poor and the middle peasants, as the special circumstances of each village may require. This Land Law is applied not only in the Soviet districts already in existence, but must also be expanded immediately to any district conquered by the Soviet Government.

The *Labour Code* fixes eight hours as the maximum working-day for adults, six hours for adolescents from sixteen to eighteen years of age and four hours for children from fourteen to sixteen years of age. A regular weekly rest interval which must amount to not less than forty-two successive hours is also fixed by law. Every half year the Commissariat of Labour subjects the minimum wage rates to revision. The principal of equal pay for equal work is consistently carried out in this law. Special provisions regulate the conditions of female and child labour. Collective agreements are recognized by law and a maximum duration of one year is fixed. Labour legislation which is advanced in every respect has been passed in all Soviet China. This legislation, although it must take into consideration the more primitive industrial conditions, surpasses everything which the Social-Democratic Party and the Social-Democratic governments of the highly-developed capitalist countries extolled to the skies during the post-war boom.

The provisions of the law concerning the *economic policy of the Soviet Government* are of exceptional interest. "In order to guarantee the full independence of China," all economic key positions now in the hands of the imperialists must be nationalized (concessions, customs, banks, railways, shipping, mines, factories and mills).

"Until other provisions shall have been made by

law, foreign industrialists may however continue production when they have concluded concession contracts, on condition of compliance with all the laws of the Soviet Government including the eight-hour working day."

Industrial and handicraft enterprises of the Chinese capitalists will remain their property, and not be subject to nationalisation, but are subordinated to the control of the factory trade union committees and the trade unions. All sabotage by the capitalists, any attempt at counter-revolutionary activity, any overt act against the Soviet Government, whether committed by a native or foreign capitalist, will be punished by the immediate expropriation of the enterprise, and the transfer of its possession to an artel, handicraft co-operative or a Soviet Government body according to the concrete circumstances of the case.

In the domain of *trade*, freedom is guaranteed and the Soviet Government does not interfere with the daily transactions on the market. But the law provides that speculation, exorbitant prices and monopolist price agreements shall be energetically combated by the Soviet Government. *Consumers' co-operatives* enjoy the aid of the Soviet Government in every respect and are exempt from all taxes.

The law institutes a single progressive tax; Red Army men, workers, rural and urban poor are exempt from all taxation, so that the bourgeoisie must bear the burden of all taxation. The law likewise frees toilers and exploited strata from all indebtedness.

All laws, especially the law concerning Soviet construction and the Red Army, aim at developing the mass initiative of the toilers, their whole-hearted support of the Soviet Government, and widening its mass base by drawing all the exploited of town and country to the side of the proletariat, the hegemon of the Soviet revolution.

To what extent this policy of the Soviet Government mobilized the broad masses of the Chinese people to the support of the numerically still weak proletariat in Soviet China and of its Communist Party of China may be gathered from the major successes of the Chinese Red Army in its heroic struggle against Chiang Kai-shek and against the international imperialist intervention.

The sixth expedition of Chiang Kai-shek, the plan for which was worked out by General von Seeckt and two other German generals, and in the prosecution of which seventy officers of the German general staff and one hundred and fifty American aeroplanes manned by Americans participated, has failed disgracefully. The Red Armies of China have grown immensely. They have strengthened both in numbers and technically during the course of one year. According to bourgeois sources the number of soldiers in the regular units of the Chinese Red Army rose from 200,000 in 1932 to 350,000 persons. The irregular units of the Red Army, which are armed with rifles of the old and new model, during the same period of time grew numerically from 400,000 to 500,000 persons. The number of industrial and agricultural workers as well as of Communists in the armies is mounting continually. Three model divisions consisting of Communists and another one consisting of Y.C.L. members have been formed; the Central Council of the All-China League of Trade Unions organized two workers' divisions. The day-to-day leadership of the Red Armies exercised by the regimental commanders acting under the guidance of the C.C. of the C.P. of China discloses generalship which borders on that of geniuses.

There is nothing surprising in the fact that Soviet China in the eyes of the whole toiling population, even of Kuomintang territory, is the only force capable of achieving the national liberation of China, of ridding it

of the yoke of international imperialism—primarily Japanese imperialism. The victories of the Workers' and Peasants' Red Army of young Soviet China are explained in part by the fact that, as the editorial of one English newspaper puts it, "in some instances the refusal of the government troops to fight against the Reds is a protest against the policy of the government with reference to Japan."

This came to light, for instance, in the conduct of the Nineteenth Army of the province of Fukien at the time of the sixth expedition.

After the Chiang Kai-shek's fifth campaign had been repulsed, the creative work of the Soviet Government began to develop successfully in all domains, especially in the defence of Soviet China. The territory of the Soviet Government expanded and the economic policy as well as the cultural and educational activities of the Soviet Government acquired a high importance and attractiveness in the eyes of the whole people of China. The successful carrying out of the spring and autumn agricultural campaigns, the rapid growth of the co-operatives, the good harvest, the pursuit of a rigid tax policy and currency stabilization have raised the authority of the Chinese Soviet Government even far beyond the confines of Soviet China. The development of public education may well be characterized by citing a few figures. For instance: in the Sin-Kwei district where at the most twenty-three primary schools existed before the Soviet Government had been established and those almost exclusively for the children of the wealthy strata there are now three hundred and forty primary schools, called Leninist schools, twenty-five evening schools, four hundred and forty-nine circles to liquidate illiteracy and eighteen clubs. In all schools instruction is free of charge and the children of toilers are fed free while a charge is made for feeding the children of big peasants. The Soviet Government in China has become a genuinely popular government, loved and defended by all the

toilers. It is precisely due to this fact that the Chinese Red Armies from the very beginning of the sixth Kuomintang expedition which was supported by the imperialists conquered fifteen new districts and occupied two great industrial centres (the city of Yan Ping in the province of Fukien and Wang Hsien in the province of Szechwan). During the past year the supplies of the Red Army have considerably increased due to the capture of rich military booty in battle. During the first four months of this year alone the Chinese Red Army took from the counter-revolutionary Kuomintang troops, 140,000 rifles, 1,390 heavy and light machine-guns, 20 sets of radio apparatus, 100 heavy and light guns and 6 aeroplanes. More than 30,000 soldiers came over to the side of the Red Armies during this period. All these operations of the Red Armies were carried out successfully thanks to the support rendered the Red Armies by the population in the Kuomintang districts as well as in the Soviet areas.

In the counter-revolutionary camp vacillation was caused by the victories of the Red Armies. One Chinese bourgeois newspaper, the *Ishi Bao*, wrote the following under the impression created by the victory of the Chinese Red Armies :

“ On the question of the internal conflict in China we have always been of the opinion expressed in the old proverb : ‘ What the Chinese lose the Chinese themselves will gain.’ ”

In China, as Lenin said with reference to Soviet Hungary :

“ The bourgeoisie has shown the whole world that when a severe crisis approaches, when the nation is in danger, the bourgeoisie is unable to rule. There is only one really popular government, only one government really beloved of the people and that is the

government of the Soviets of Workers', Soldiers' and Peasants' Deputies.”

The time has passed when the bourgeoisie of the whole world could look upon the Chinese Soviet Government and the Chinese Red Armies as a gang of bandits. Alongside of Chiang Kai-shek who in his manifestoes continually upbraids the “ Red bandits,” only Trotsky continues to abide by his former conviction that Soviet China and its Red Army is a band of robbers. Even a great part of the bourgeois press is now compelled to speak of Soviet China as a *state*. *The New Republic*, a monthly magazine issued in New York, in its issue of September 27, 1933, writes in an article entitled “ Red China ” :

“ In the back-country of China, far from steamships, railroads, telegraph lines and foreign correspondents in pith helmets, the Chinese Soviets continue to struggle and, in general, to advance. The few brief reports we read of their defeats and victories come from altogether hostile sources. Even the Communists who lead hunted lives in the big Chinese seaports have no direct communication with their comrades fighting in the interior (of Soviet China—B.K.). Nevertheless, it is becoming possible to construct a rough picture of what has happened to the Red Armies during the last twelve months. . . .

“ . . . The Communists had maintained a stable government a state bank of issue, an arms factory and a school system that had made immense progress towards its goal of providing universal free education. All these fell before the Nationalist invasion, but the Red Army escaped, part of it retreating westward and another part hiding its arms and going back to work in the fields. Correspondents (foreign—B.K.) of the Chinese papers were invited to visit the area that had been held by ‘ Communist bandits.’ To

their surprise they found that in spite of the ravages of an invading army, the Soviet regions were measurably more prosperous than adjoining regions ruled by respectable war lords. The harvests were bigger, the taxes lower, the dykes along the river banks much higher. It is probable that some of these benefits to the peasants will be maintained for a time even under the Nanking Government, if only to prevent the district from revolting again and calling back the Red Army." (*New Republic*, Sept. 27, 1933, p. 170.)

A report from the Hupeh-Hunan-Anhwei Soviet District dated December 1, 1931, which describes the frustration of a counter-revolutionary plot, concludes as follows :

" At that time we already knew that the counter-revolutionaries had their central organization in our midst. Thereupon the State Political Department (G.P.U.) exposed several ' re-organizationalists ' who were members of rural Party committees. In the Red Army, in its units stationed in Western Anhwei, an important counter-revolutionary organization was uncovered.

" This conspiracy was completely exposed, as a result of which we succeeded in breaking up anti-Soviet parties in the fourth corp, in the Party and Soviet bodies of the Hua Nang-Machen District and in Western Anhwei, likewise among the local armed forces.

" We therefore made a radical change in the entire district Soviet and Red Army. Utilizing the experience of the Fukien revolt, we were able to combine the struggle against counter-revolution with political agitation.

" A purging of alien elements commenced in the Party. In the Hua Nang region, for instance, more than a hundred politically alien persons were expelled

from the Party. Several hundred persons were censured. The morale of the Red Army men improved. We greatly augmented the proportion of workers and peasants in the Red Army, especially among the higher commands. The Red Army men now say the present Red Army is the genuine workers' and peasants' Red Army.

" The leading military workers are all staunch and steeled Communists. They link up the struggle against counter-revolution with our agrarian policy and the reconstruction of the Soviet and Party apparatus. The activity of the worker and peasant masses has increased tremendously. In the Party and Soviet organizations many improvements have also been made, although of course we must still do quite a bit before we shall have attained a fully satisfactory internal political situation in our district."

Another report from the same province reads:

" In liquidating counter-revolutionary organizations another circumstance was also of great importance. The correct line of the Communist Party in its struggle on two fronts within the Party gradually strengthened the class front and the leadership of our Party on Soviet territory and raised the practical and theoretical level of our Party. Our Party works most energetically on the fulfilment of the tasks of the agrarian revolution. It carries out most vigorously and determinedly the allotment of land to the peasant poor and agricultural labourers in the Soviet districts, works intensively on the organization of the exploited masses and unites the broad masses of the agricultural proletariat and peasant poor under the banner of the Soviets. All this has contributed to the fact that the broad masses of the agricultural proletariat and peasant poor have refused to be baffled by the counter-

revolutionary moves, have not wavered and have been of assistance in rapidly disposing of the counter-revolutionary secret intrigues.

"The dangerous sallies of the counter-revolutionaries came to nought due to the revolutionary vigilance of the broad masses. This defeat of our class enemy undoubtedly dealt a heavy blow to the fourth punitive expedition of the Kuomintang against our Soviet territory. Victory is on our side."

Trotskyists also take an active part, alongside the adherents of the Kuomintang—the "re-organizationalists"—in the organization of the counter-revolution. The report of the Party Committee of Western Fukien for the month of July, 1931, contained the following characteristic remarks on the counter-revolutionary Trotskyists:

"Lately we likewise discovered an organization of Trotskyists. From their depositions we learned that the Trotskyists united with the Social-Democratic Party on the following conditions:

"(a) The Social-Democratic Party shall render material support to the Trotskyists, however the Trotskyists may retain their independent organization in the Social-Democratic Party;

"(b) The Trotskyists may abide by their political convictions.

"The Social-Democratic Party and the Trotskyists acted in the following manner to counteract our Party's fight against counter-revolutionaries: the Social-Democratic upper ranks gave away the lower organizations of the Socialist-Democratic Party in order to gain the reputation of determined fighters against counter-revolution. On the other hand the Trotskyists, who fought with the Social-Democratic

Party for the control of this gang, gave away even the highest bodies of the Social-Democratic Party. When we began to detect the organizations of the Social-Democratic Party, we likewise called attention to other reactionary political groups (the "AB" group, the Trotskyists and so forth). Of late one Trotskyist organization after another has begun to break up and at the present time it can be said that the collapse of the Trotskyists has already begun."

The counter-revolutionary Trotskyist band are evidently worthy of their "leader."

The correct policy of the Central Committee of the Communist Party of China, especially in the domain of agriculture, the great mass work of the Communist Party and the Young Communist League, which unshackles and organizes the initiative of the toilers, of course taking into account the special features of the cultural and historical development of the population, and the raising of the standard of living of the formerly starving and pauperized masses—all these factors guard the Soviet Government against any internal counter-revolution. Soviet China has become a powerful factor in all of China during the last three years, a force which no encroachments, no intertwined attacks of domestic and foreign counter-revolution could check.

This circumstance led to the point where Soviet China—true enough, in a special way—was "recognized" even by the imperialist powers. For the time being this "recognition" has found expression in the increased support they gave to the unsuccessful sixth campaign of Chiang Kai-shek. Our late Comrade Katayama, a great fighter for the liberation of the oppressed nations of the Far East, shortly before his death in a letter to Henri Barbusse summarized the participation of the leading imperialist powers in the sixth counter-revolutionary expedition against Soviet China as follows:

"(1) Piratical Japanese imperialism, the inveterate foe of the Chinese workers and peasants, has concluded a sham armistice with Chiang Kai-shek. . . . But this armistice enabled Chiang Kai-shek to undertake the sixth expedition against the Reds, this time better prepared, with the assistance of American and British imperialism. . . .

"(2) The U.S.A. . . . granted Nanking the so-called wheat loan in the amount of fifty million dollars and credits for the purchase of American aeroplanes to the value of forty million dollars. A great many of Chiang Kai-shek's flyers are Americans. Not so long ago the U.S.A. supplied China with a hundred and fifty bombing-planes specially for the sixth punitive expedition against the Reds. A short time past Nanking received from the U.S.A. a great number of bombs charged with poison gas.

"(3) England also did not sit idly by, arms folded. Calculating upon receiving the part of China adjoining India and North Tibet as well as Sinkian, British imperialism granted a loan of twenty million dollars to Lu Hsien, a Szechwan war lord, to fight against the Reds. The Chinese Revolution has gained a firm foothold in the province of Szechwan, while British imperialism is interested in having the revolution go to pieces and in extending its power to part of China. . . .

"(4) French imperialism has occupied some of the Caroline Coral Islands, and is preparing to seize parts of the provinces of Kwangsi and Yunann.

"(5) German imperialism supplies Chiang Kai-shek with military advisers. At the present time seventy German military experts help Chiang Kai-shek organize the sixth punitive expedition.

"(6) The League of Nations with its so-called plan of technical collaboration with China as a matter of fact helps the Nanking Government fight against the Chinese Soviets and the Red Army."

The actuating motives for the interventionist activity of the various imperialist countries are diversified, but they all can be reduced to the fact that Soviet China is not only a barrier, an obstacle to the partition of China and its further colonial exploitation, but represents a stronghold in the war of liberation of all colonial and semi-colonial peoples of the Far East. American imperialism fears the further shrinking of its Chinese markets as a result of the further development of the Soviet revolution. French imperialism, frightened by the prospect of having its South Chinese "sphere of influence" involved in the revolution, is apprehensive of the fate of its Indo-Chinese colonies. British imperialism shudders at the thought that the union of China under the standard of the Soviets will tremendously accelerate the development of revolution in India. The Japanese militarist-fascist clique is directly interested in completing its negotiations with Chiang Kai-shek concerning their further joint moves against Soviet China.

In the event of their prosecuting a counter-revolutionary war against the Soviet Union, a Soviet China in the rear of the Japanese armies would multiply the already great risk, and this circumstance figures very prominently in all these motives. These considerations likewise explain the increased interest of the leading imperialist powers in the young Soviet state in China.

But the imperialist powers are not the only ones who are interested in Soviet China: the eyes of the international proletariat are turned with heart-felt sympathy upon Soviet China. The appeal of the Central Executive Committee of the Chinese Soviet Republic to the toilers of the world against shipping arms to the interventionists, against supplying aeroplanes, pilots, war chemicals to the counter-revolutionary Kuomintang armies, meets with increasingly wide response among the toiling masses of the capitalist countries. Even the bourgeois press can no longer deny that the Chinese Soviet

Government, which relies upon the broadest democracy for the workers, peasants and urban petty bourgeoisie fight for the new, free life which is already being realized, for the culture which is already being created, for the national liberation of a people almost half a billion strong. Soviet China is moving more and more into the centre of public interest and is gaining more and more the sympathies of the toilers of the world.

1934

BELA KUN

CHAPTER I

CONSTITUTION OF THE CHINESE SOVIET REPUBLIC

THE first All-China Soviet Congress hereby proclaims before the toiling masses of China and of the whole world this Constitution of the Chinese Soviet Republic which recites the principal purposes to be accomplished throughout all China.

The accomplishment of these purposes has already begun in the existing Soviet districts. But the First All-China Soviet Congress recognizes that this Constitution can be given full virtue and effect only after the rule of imperialism and the Kuomintang shall have been finally overthrown and the Soviet Republic shall have established its power throughout all China. Then alone will the Constitution as hereby drawn up find more concrete application and become in all its detailed provisions the Constitution of the Chinese Soviet Republic.

The First All-China Soviet Congress calls upon all Chinese workers, peasants and toilers to proceed to put this Constitution into operation throughout all China, under the guidance of the provisional government of the Soviet Republic, and to fight for the realization of the following principal aims :

1. It is the purpose of the Constitution of the Chinese Soviet Republic to guarantee the democratic dictatorship of the proletariat and peasantry in the Soviet districts and to secure the triumph of the dictatorship throughout the whole of China. Our goal is the establishment of this dictatorship throughout China. It is

the aim of this dictatorship to destroy all feudal survivals, to annihilate the might of the war lords of China, to unite China, systematically to limit the development of capitalism, to build up the economy of the state, to develop the class-consciousness and organization of the proletariat, to rally to its banner the broad masses of the village poor in order to effect the transition to the dictatorship of the proletariat.

2. The Chinese Soviet Government is building up a state of the democratic dictatorship of the workers and peasants. All power shall be vested in the Soviets of Workers, Peasants and Red Army men and in the entire toiling population. Under the Soviet Government the workers, peasants, Red Army men and the entire toiling population shall have the right to elect their own deputies to give effect to their power. Only capitalists, landlords, the gentry, militarists, reactionary officials, *tukhao*, monks—all exploiting and counter-revolutionary elements—shall be deprived of the right to elect deputies to participate in the government and to enjoy political freedom.

3. In the Chinese Soviet Republic Supreme Power shall be vested in the All-China Congress of Soviets of Workers', Peasants', and Red Army Deputies. In the interval between Congresses the supreme organ of power shall be the provisional All-China Central Executive Committee of the Soviets; the Central Executive Committee shall appoint a Council of People's Commissars, which shall conduct all governmental affairs, pass laws, issue orders, etc.

4. All workers, peasants, Red Army men and all toilers and their families, without distinction of sex, religion or nationality (Chinese, Manchurians, Mongolians, Mahometans, Tibetans, Mao, Li as well as all Koreans, Formosians, Annamites, etc. living in China) shall while on Soviet territory, be equal before the law and shall be citizens of the Soviet Republic. In order that the workers, peasants, soldiers and toiling masses

may actually hold the reins of power, the following regulations concerning Soviet elections shall be established:

All the above-mentioned Soviet citizens who shall have attained to the age of sixteen shall be entitled to vote and to be voted for in the elections to the Soviets. They shall elect deputies to all congresses of Workers' Peasants' and Red Army Deputies (Soviets); they shall discuss and decide all national and local questions. The workers shall elect their deputies in the factories; the peasants, artisans and urban poor shall elect deputies according to their several places of residence. Delegates to the soviets shall be elected for a definite term; they shall participate in the work of one of the organizations or commissions attached to the town or village Soviets and shall periodically submit reports to their electors concerning their activities. The electors shall have the right at all times to recall their deputies and demand new elections. Since the proletariat alone can lead the broad masses to Socialism, the Chinese Soviet Government grants special advantages to the proletariat in the elections to the Soviets by allowing it a greater number of deputies.

5. It shall be the purpose of the Soviet Government radically to improve the standard of living of the working class, to pass labour legislation, to introduce the eight-hour working day, to fix a minimum wage and to institute social insurance and state assistance to the unemployed as well as to grant the workers the right to control industry.

6. In setting itself the task of abolishing feudalism and radically improving the standard of living of the peasants the Soviet Government in China shall pass a land law, shall order the confiscation of the land of the landlords and its distribution among the poor and middle peasants, with a view towards the ultimate nationalization of the land.

7. It shall be the purpose of the Soviet Government

in China to defend the interests of the workers and peasants and restrict the development of capitalism, with a view to liberating the toiling masses from capitalist exploitation and leading them to the socialist order of society. The Soviet Government in China shall free the toiling masses from all burdensome taxation and contributions introduced by previous counter-revolutionary governments and shall put into effect a single progressive tax. It shall adopt every conceivable measure to suppress all attempts at wrecking and sabotage on the part of either native or foreign capitalists; it shall pursue an economic policy which shall be directed towards defending the interests of the worker and peasant masses, which shall be understood by these masses and which shall lead to socialism.

8. The Soviet Government in China shall set itself the goal of freeing China from the yoke of imperialism. It shall declare the complete independence of the Chinese people, shall refuse to recognize any political or economic privileges for the imperialists in China and shall abolish all unequal agreements and foreign loans made by the counter-revolutionary Chinese governments. No foreign imperialist troops, whether land, sea or air, shall be stationed on any territory of the Chinese Soviets. All concessions or territories leased by the imperialists in China shall be unconditionally returned to China. All customs houses, railways, steamship companies, mining enterprises, factories, workshops, etc., in the hands of the imperialists shall be confiscated and nationalised. It shall be lawful for foreign capitalists to renew their leases for their various enterprises and to continue the operation of the same, provided these capitalists shall fully comply with the laws of the Soviet Government.

9. The Soviet Government in China does its utmost to bring about the culmination of the workers' and peasants' revolution in its final victory throughout the whole of China. It declares that it is incumbent upon

every toiler to participate in the revolutionary class struggle. The gradual introduction of universal military service and the change from voluntary to compulsory military service shall be worked out specially. The right to bear arms in defence of the revolution shall be granted only to workers, peasants and the toiling masses; all counter-revolutionary and exploiting elements must be completely disarmed.

10. The Soviet Government in China guarantees to the workers, peasants and toilers freedom of speech and the press as well as the right to assembly; it is to be opposed to bourgeois and landlord democracy, but is in favour of the democracy of the workers and peasant masses. It annihilates the economic and political might of the bourgeoisie and the landlords, in order to remove all obstacles on the road to freedom for the workers and peasants. The workers, peasants and toiling masses alone shall enjoy the use of printing shops, meeting halls and similar establishments as a material basis for the realization of these rights and liberties. Furthermore, all propaganda and other similar activities by reactionaries shall be suppressed and all exploiters be deprived of all political liberties.

11. It is the purpose of the Soviet Government in China to guarantee the emancipation of women; it recognizes the freedom of marriage and puts into operation various measures in the defence of women to enable women gradually to attain to the material basis required for their emancipation from the slavery of domestic work, and to give them the possibility of participating in the social, economic, political and cultural life of the country.

12. The Soviet Government in China shall guarantee to all workers, peasants and the toiling masses the right to education. The Soviet Government will, as far as possible, begin at once to introduce free universal education. The Soviet Government defends the interests of youth and gives youth every opportunity

of participating in the political and cultural life of the country with a view to developing new social forces.

13. The Soviet Government in China guarantees true religious freedom to the workers, peasants and the toiling population. Adhering to the principle of the complete separation of church and state, the Soviet Government neither favours nor grants any financial assistance to any religion whatsoever. All Soviet citizens shall enjoy the right to engage in anti-religious propaganda. No religious institution of the imperialists shall be allowed to exist unless it shall comply with Soviet law.

14. The Soviet Government in China recognizes the right of self-determination of the national minorities in China, their right to complete separation from China and to the formation of an independent state for each national minority. All Mongolians, Tibetans, Miao, Yao, Koreans and others living on the territory of China, shall enjoy the full right to self-determination, i.e., they may either join the Chinese Soviet state or secede from it and form their own state as they may prefer. The Soviet Government in China will do its utmost to assist the national minorities in liberating themselves from the yoke of the imperialists, the Kuomintang militarists, the princes, lamas and others, and in achieving complete freedom and autonomy. The Soviet Government must encourage the development of national culture and of the respective national languages of these peoples.

15. The Chinese Soviet Government offers asylum to Chinese and foreign revolutionaries persecuted for their revolutionary activities; it guides and assists them in restoring their vigour so that they may fight with increased strength for the victory of the revolution.

16. All foreign toilers living in districts under the jurisdiction of the Soviet Government shall be ensured an equal enjoyment of all rights granted to toilers under the Soviet law.

17. The Soviet Government in China declares its readiness to form a revolutionary united front with the world proletariat and all oppressed nations, and proclaims the Soviet Union, the land of proletarian dictatorship to be its loyal ally.

CHAPTER II

AGRARIAN LEGISLATION

LAND LAW

THE peasant struggle launched under the leadership of the proletariat continues to develop and each day rises to new heights. Despite the violent resistance of the imperialists and militarists, the Soviet movement grows and expands. In one area after another the Chinese peasantry, armed and organized in the ranks of the Red Army, casts off the century-old yoke of the feudal barons and landlords, the *tukhao* and the gentry; it confiscates and redistributes the land of these exploiters; it demolishes the feudal order of society, destroys the power of the Kuomintang and builds up the workers' and peasants' Soviet Government—a government which will consistently and finally solve the problems of the anti-imperialist and agrarian revolution.

The First Congress of Soviets of Workers' Peasants' and Red Army Deputies of China ratifies the confiscation of the lands of the landlords and of other big landowners. In order to establish uniform regulations for the confiscation and distribution of land the First Congress, in defence of the interests of the basic peasant masses and in order to safeguard the further development of the revolution, has passed the following agrarian law which will best secure the solution of the agrarian question.

Article 1: All the lands of the feudal lords and the landlords, the militarists and the *tukhao*, gentry and other big private landowners, shall be subject to confiscation without any compensation whatever, irrespective of whether they themselves work their lands or rent them out on lease. The soviets must distribute the confiscated lands among the poor and middle peasants. The former owners of confiscated lands shall not be entitled to receive any land allotment. Agricultural labourers, coolies and toiling peasants shall enjoy equal rights to land allotments, irrespective of sex. Independent workers who are living in the villages and who have lost their previous work shall likewise be entitled to a share of the land, subject to the consent of the peasant masses. Aged persons, orphans and widows, who are themselves unable to work and who have no relatives on whom to be dependent, must be given social relief by the Soviet Government, or alternatively, provision shall be made to ensure the cultivation on their behalf of the allocation of land to which they are entitled.

Article 2: The Red Army fights in the front rank in defence of the Soviet Government and for the overthrow of the rule of imperialism. Therefore each Red Army man must be given a plot of land, and the Soviet Government must see to it that his land is tilled, whether his home shall be in a district where the Soviet Government shall be in power or whether a counter-revolutionary government still exists there.

Article 3: It is a peculiar feature of the Chinese *tukhao* that he is at one and the same time a landowner and a usurer; therefore his land shall be also subject to confiscation. If any *tukhao* after his land has been confiscated, does not participate in any counter-revolutionary action and shall agree to work his land by the use of his own labour power, he may be assigned land, but not of the best quality, and its quantity shall depend upon the amount of labour of which he is capable.

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Article 4: All the property and lands of all counter-revolutionary organizations and of the military organizations of the white army, as well as of the active participants in counter-revolution, shall be confiscated. However, exceptions to this rule shall be permissible in the case of poor and middle peasants who shall have been drawn into the struggle against the Soviets because of their ignorance and concerning whom this fact shall have been recognized by the local Soviet. But their leaders shall without fail be dealt with according to the provision of the present law.

Article 5: The First Congress recognizes the principle that an equitable distribution of all land is the most consistent method of destroying all feudal agrarian relations and the shackles of the private ownership of land by the landlords. However, the local Soviet Governments shall on no account carry out this measure by force, as an order issued by higher authorities, but shall explain its principle to the peasantry from every angle. This measure may be put into operation only with the direct support and at the desire of the basic masses of the peasantry. Thus, if the majority of the middle peasants so desire, they may be excluded from the operation of the principle of equalitarian distribution.

Article 6: All lands belonging to religious institutions, such as temples and all other public lands shall without fail be delivered into the possession of the peasants by the Soviet Government. However, in disposing of these lands, it shall be essential to obtain the voluntary support of the peasants, so that their religious feelings may not be offended.

Article 7: The well-to-do peasantry seek to have the land distributed according to the means of tillage possessed. The First Congress regards this as a counter-revolutionary effort on the part of the *tukhao* to hinder the development of the agrarian revolution and to

further their own ends; determined resistance must be offered to all such attempted extortions. The local Soviets, in conformity with the local conditions of every village, shall choose the method of land division most advantageous to the poor and middle peasants: according to a standard of labour or consumption,* i.e., division on a mixed principle; or division of the land among the middle and poor peasants as well as agricultural labourers in equal portions according to the number of consumers, and among the *tukhao* according to the labour power supplied. That is in localities where equalitarian distribution shall take place according to the number of consumers, every *tukhao* capable of working shall receive as much land as shall be allotted to one consumer. In dividing up the land, not only the area of the land assigned but also the quality of its soil, especially its productivity shall also be taken into consideration. Furthermore, in dividing up the land it shall be essential to introduce all possible land reforms in order to create the necessary conditions for destroying feudal survivals like scattered land holdings or highways running across fields.

LAW OF THE PROVINCIAL EXECUTIVE COMMITTEE OF THE SOVIETS OF NORTH-EAST KIANGSI CONCERNING THE DISTRIBUTION OF LAND

Passed by the Provincial Executive Committee of the Second Convocation

With a view to a consistent solution of the agrarian question, the equalitarian division of all land, the intensification of the agrarian revolution and the actual transfer of all the advantages gained in the agrarian

* I.e., shall allot such plot as a man is capable of working with his own hands, or as is required to feed himself and his family.—Ed.

revolution to the agricultural labourers and the poor and middle peasantry; basing itself upon the principles of the agrarian law passed by the First All-China Congress of Soviets and bearing in mind the local conditions in North-east Kiangsi, the Government of the Soviet District of North-east Kiangsi, has approved the following law concerning the distribution of land.

1. Confiscation of Land

1. All the lands of the feudal landlords, the militarists, the *tukhao*, the gentry and of the temples, as well as of all other big private landowners, irrespective of whether these lands are being used by the owners themselves or leased to others, shall immediately be confiscated without compensation.

2. It is a peculiar feature of the Chinese *tukhao* that he is at one and the same time a feudal landlord and a usurer. His lands shall therefore likewise be confiscated.

3. The lands and property of all counter-revolutionary organizations, of white army detachments and of their active supporters shall be confiscated. However, with the permission of the local Soviets and with the consent of the superior soviet body exceptions may be made in the case of poor and middle peasants who are not white guardists but who were deceived into acting against the Soviets.

2. Distribution of the Land

1. All confiscated lands, as well as other lands, shall be subject to equalitarian distribution under the supervision of the soviets. The equalitarian distribution of all lands is actually the most consistent method of destroying all feudal land relationships and the abolition of all the fetters of landlord ownership. However, this

measure must on no account be carried out by decrees issued by the soviets from above, but must be brought about only with the consent and direct support of the basic peasant masses—the agricultural labourers, the poor and middle peasants. If the middle peasant does not wish his lands to be added to the common fund for equalitarian distribution, his lands shall be left untouched.

2. The equalitarian distribution of land shall take place on a mixed principle—according to labour power and the number of consumers; this is in opposition to the attempts of the *tukhao* to divide the land according to the number of agricultural implements possessed. The distribution shall proceed according to the following detailed regulations:

(a) Land shall be distributed within the confines of each village. The land farmed by the peasant masses of a given village at the beginning of the uprising shall belong to the whole mass of the population of that village.

(b) Every able-bodied man and woman in the village shall be counted as two or three consumers; every infirm or aged person every child or invalid shall be counted as one consumer. All the arable land in the village shall be divided in proportion to the number of consumers. However, in mountainous and hilly localities, and where there are many people and very little arable land, the distribution shall take place according to the special exigencies of the case, bearing in mind that everyone ought to receive sufficient land for his own subsistence.

(c) All the best and average lands (in a classification according to the ascertained productivity of the soil) shall be distributed exclusively among the Red Army soldiers, the agricultural labourers, the poor and middle peasants. The *tukhao* shall be provided with

only the worst lands, which they shall be obliged to till themselves.

As a general rule, industrial workers shall not be given a share of the land. Workers who have employment, like tailors, weaving-mill operators, metal workers or barbers, shall not be entitled to land. Persons whom the revolution shall not have deprived entirely of work, like woodworkers, stonemasons, etc., shall share in the land according to the consumers' scale. The families of workers which live in the village shall share in the land. Workers in offices shall also share in the land in case they are in need of the same. Professional traders shall receive no share. The former owners of confiscated lands shall have no right to receive any land whatsoever.

(d) Women shall share in the land according to their *labour* standard, but only if they participate in the revolutionary struggle, actually take part in farming the fields and gardens, or in other kinds of productive work. Women who take no part in the revolutionary struggle, who have no desire to work or to take part in productive work, shall be given a share of the land according to the consumers' scale.

(e) All gardens and tea plantations shall be subject to equalitarian distribution according to clauses "b" and "c."

(f) The distribution of plots of land in the mountains shall take place on the principle that those living in the mountains shall be given a share in the surrounding land. All those who seek a livelihood by tilling the mountain-sides shall have a share in the mountain plots of land; and in the small number of fields. The mountain-side or part of it, shall be divided equally among all the families or given to several families for joint exploitation dependent upon the fertility of the soil of the mountain plots and the amount of labour power of each family. However, the best plots of mountain land

shall be given to the agricultural labourers, to the poor and middle peasants, while the *tukhao* shall receive only the worst plots.

(g) Land confiscation on the above-mentioned lines shall take place immediately in all districts taken by the Red Army and in the newly-formed Soviet districts. All confiscated lands shall be subject to equalitarian distribution among the agricultural labourers, and the poor and middle peasants. On no account whatsoever (census of land, etc.) shall any delay in dividing the land be permitted nor shall any obstacle be placed in the way of such distribution.

(h) In some villages there are many inhabitants, while in others only few. Therefore in villages where there is thus a surplus of land, the excess may be transferred to a village where there is a shortage; it shall also be lawful to transfer part of the population from villages where there is a shortage of land to villages where there is a surplus.

(i) Fishing-ponds and basins may, according to local conditions, be given into the possession of persons who have received a share in the land, or may be handed over to the common use of the entire population of the village.

3. *Alienation and Acquisition of Land*

1. At the present stage the Soviet Government does not yet prohibit the leasing, buying or selling of lands, but must take measures against the attempts of the landlords and *tukhao* to recover possession of their former holdings.

2. After the land shall have been distributed, there shall be no second distribution without special need. In the event of births or deaths, the Soviet Government may transfer the land of deceased persons to the newly-born, as circumstances may require.

3. Peasants who have received lands or mountain plots, etc., shall do their utmost to till these lands and not to abandon them. If as a result of sabotage the fields or mountain plots shall begin to become waste lands, the land commission of the Soviet Government may confiscate all or part of these lands and transfer the same to other persons for tillage. The former owners shall moreover be liable to criminal prosecution under Soviet law.

CHAPTER III

RED ARMY

RESOLUTION OF THE ALL-CHINA CONGRESS OF SOVIETS CONCERNING THE RED ARMY

IN the heat of the revolutionary struggle through which the country is passing, in the midst of the violent class struggle of the masses of toiling workers and peasants against the feudal lords, landlords, *tukhao*, and gentry, the bourgeoisie and foreign imperialists, the partisan detachments of workers and peasants scattered throughout the various parts of China, have already formed themselves into the Chinese Workers' and Peasants' Red Army, under the leadership of the Chinese Communist Party.

In the course of three years' heroic struggle, the Red Army has revealed itself as the most decisive weapon in the struggle for the agrarian revolution and against imperialism; despite certain temporary and partial defeats, it still continues to wage a determined struggle in defence of Soviet China and against all the forces of counter-revolution.

The Chinese Red Army has gained the implacable hatred, has roused the venomous malice of all the enemies of the revolution (imperialism, the Kuomintang, the bourgeoisie, the landlords, the slave owners, the bureaucrats, the police, the executioners, the missionary spies and the Russian white guards). All these have mobilized every counter-revolutionary force, every militarist cohort, for an intensified attack against the

Red Army. At the present moment, despite the fact that the enemy is in possession of an enormous army and the finest military and technical equipment, despite the fact that he receives the full support of the imperialists, he is not in a position to defeat the Chinese Red Army, which is inexperienced and technically much inferior.

To-day, the toiling masses of workers and peasants, both in China and throughout the whole world, take boundless pride in and feel unending sympathy with the Chinese Workers' and Peasants' Red Army.

All this is irrefutable proof of the fact that the Chinese Workers' and Peasants' Red Army is the armed force of the agrarian revolution and of the revolutionary struggle against imperialism; it moreover proves that the mass of Chinese workers and peasants have already begun and are victoriously impelling forward the struggle for emancipation from age-long slavery and the yoke of the imperialists, landlords, *tukhao* and gentry—emancipation from cruel militarist oppression and from blood-stained feudal-bourgeois exploitation; it proves that the Chinese revolution has already reached the stage of the struggle for a Soviet Government.

A determined class struggle has begun and continues to develop. However, before the final victory of the revolution throughout the whole country, the Chinese working class and the revolutionary peasantry have yet a difficult road of struggle before them, for the Chinese counter-revolution and the imperialists are mustering all their forces for an attack against the revolutionary Workers' and Peasants' Red Army. The issue of this historic class struggle which has already begun will be decided by armed force.

In order to defend the Soviet Government, to extend the Soviet districts and to consolidate the victories of the revolution; in order to enhance this most difficult struggle against the forces of Chinese counter-revolution and against the imperialists, the masses of Chinese

workers and peasants must exert every effort to reinforce the Red Army both qualitatively and numerically.

The Red Army is the chief sentinel of the Soviet Government; it is a class-conscious army and differs from the armies of the Kuomintang militarists and of the imperialists both in spirit and in the tasks it has to perform.

The armies of the militarists and imperialists are divorced from the masses; they are a weapon of oppression of the workers and peasants, and of enslavement of the colonial peoples; they are waging wars of aggression and militarist internecine warfare, while the Red Army is the workers' and peasants' own army, the army of the masses; it is the armed force which will free the workers and peasants from slavery. Huge international tasks are thus imposed on the Red Army. The armed forces of the Red Army hasten the collapse of the domination of the counter-revolutionary ruling classes throughout the world, and the annihilation of bourgeois and imperialist armies.

The Red Army is a political army, trained and operating in the spirit imbued by the international tasks of the toiling masses; for the first time in the history of China, it consists of class-conscious revolutionary warriors; everyone who fights in the Red Army knows that he fights in the interests of his own class, that he serves the entire toiling masses, that he no-wise serves the capitalists and exploiters in their oppression of the toilers.

The political workers and political departments of the Red Army are the direct representatives of the Communist Party and of the Soviet Government; the organizations of the Communist Party and the Young Communist League are inalienable, integral parts of the Red Army.

All toiling workers, agricultural labourers, peasants—both poor and middle peasants—and the urban poor shall have the right to bear arms in defence of the Soviet Government; no person who belongs to a ruling or

exploiting class (the militarists, landlords, gentry, bureaucrats, capitalists, *tukhao* and members of their families) shall have the right to join the Red Army.

In the interests of the revolution the strictest and most conscious revolutionary discipline must prevail in the Red Army; all bodies whose several functions it shall be to command, administer or maintain the Red Army shall be strictly centralized. Every possible effort shall be made constantly to reinforce the Red Army and raise its fighting capacity; likewise the prestige of the Soviet Government in the Red Army shall be promoted to the utmost.

The First Congress of Soviets in China charges the presidium of the Central Executive Committee to put into operation all essential practical measures for the organization and reinforcement of the fighting capacity of the Red Army. The specific instructions of the Congress are as follows:

(a) To appoint as the supreme military body the Revolutionary Military Council and the Chief Staff of the Chinese Red Army to guide the organization, provide for the supply and military training of the Red Army, and lead its military operations. Only strictly centralized leadership (embracing the whole of the Red Army) the execution of the plans of the supreme leading bodies and the centralization of the activities of the Red Army will enable it to conquer the armies of the war lords and imperialists, will enable it to extend the territorial base of the Soviet regions. Consequently all orders and instructions of the Revolutionary Military Council or any of its bodies shall be immediately and implicitly carried out by the Red Army.

(b) Measures shall immediately be taken to increase the percentage of workers and agricultural labourers in the Red Army, to increase the efforts to bring workers and agricultural labourers into the Red Army, at the same time the Congress calls upon all working-class

organizations in the non-Soviet districts constantly to despatch revolutionary workers for enlistment in the Red Army. Proletarian leadership in the Red Army can be guaranteed only on condition that the percentage of industrial workers and agricultural labourers be increased that the activity of the political workers and political departments be enhanced and that the organizations of the Communist Party and the Young Communist League in the Red Army be strengthened.

(c) The Congress specially points out that political workers, political departments, the Party and the Young Communist League in the Red Army by giving political education to the fighters in the Red Army and reinforcing the fighting capacity of the Red Army fulfil class duties and therefore performs an enormous role. The government and the Revolutionary Military Council shall draw up regulations concerning the rights and duties of the political workers, the political departments and the various kinds of political organizations in the Red Army, and shall take care that every Red Army man clearly knows and understands the contents of these regulations.

(d) While constantly devoting attention to improving the qualifications of the leading cadres in the Red Army, it is essential, in the first place to promote to leading military and political positions industrial workers, agricultural labourers, poor peasants and the revolutionary fighters who in past revolutionary struggles have proved their loyalty and experience.

(e) Every possible method shall be used to improve the Red Army quantitatively (the formation of new regiments, divisions, corps) and qualitatively (the creation of fighting units guided by the rules of modern warfare, the establishment of military schools, the publication of documents and literature on military questions), in order to raise the fighting capacity of the

Red Army and secure the victory over the enemies of the revolution.

(f) In order to guarantee the Red Army's supply of all requisite weapons and munitions, the necessary enterprises for the manufacture of munitions as well as arsenals and centralized supply departments shall be created.

(g) The Red Army cannot be victorious without the utmost support of the Soviet Government. The Soviet Government shall therefore pass the laws required to define the rights and obligations of the Soviet agencies towards the Red Army, in order to strengthen the Red Army and help it when in action.

(h) The oath of allegiance of the Red Army men shall be drawn up and made public.

In order to reinforce the Red Army, increase its size and strengthen its fighting capacity, the Congress has drawn up special regulations concerning privileges to be granted to Red Army men.

The Congress of Soviets appeals to all Soviets, the Communist Party, the Young Communist League, the trade unions and all other revolutionary organizations as well as to the broad masses of worker and peasant toilers to render every assistance to the Red Army. Whoever fails to come to the aid of the Red Army, whoever fails to strengthen the forces of the Red Army, whoever fails to support the discipline of the Red Army, is in actual fact against the revolution, against the Red Army.

The Congress feels certain that with the support of the toiling masses and under the guidance of the Communist Party and of the Soviet Government, the victorious Red Army will accomplish the tasks mentioned above and will in future undoubtedly be able to destroy all the armed forces of counter-revolution throughout the whole country and thus fulfil its historical mission.

RESOLUTION OF THE FIRST ALL-CHINA CONGRESS OF SOVIETS

Regulations Concerning the Privileges Extended to the Chinese Workers' and Peasants' Red Army

For a period of four years (beginning with 1927 and the temporary defeat of the Chinese Revolution) the Chinese Workers' and Peasants' Red Army by dint of stubborn fighting under the correct guidance of the Chinese Communist Party and in conjunction with the broad masses of workers and peasants has been carrying out the agrarian revolution, has been fighting against the Kuomintang militarists and against the imperialists, has seized the lands of the landlords, *tukhao* and gentry, has set up a Soviet Government—a workers' peasants' and soldiers' government—and has itself become forged into a mighty weapon, capable of repelling three big campaigns of the Kuomintang militarists, the hirelings of the imperialists. The heroism and self-sacrifice exhibited by the Red Army in the struggle they wage on behalf of the workers and peasants, in the battle for the Soviet Government, deserves the greatest respect and admiration.

The Chinese Revolution at its present—the Soviet—stage demands that the Red Army be further increased and reinforced, for it is confronted with the mighty historical tasks of gaining a victory first in one or a few provinces (which requires difficult and stubborn fighting) and then of building up a new Soviet China. Consequently the Soviet Government ought to extend certain privileges to Red Army men and their families.

Therefore the Congress of Soviets has enacted and hereby proclaims the following regulations concerning the privileges extended to Red Army men and their families :

1. All Red Army men stationed on the territory of any Soviet district as well as of their families shall, upon the distribution of the land, receive assignment of land, housing, foresting and fishing rights, etc., the same as the village poor.

2. All Red Army men whose families shall be resident in white districts or who shall recently have come from white districts shall be given a land allotment in the Soviet districts from the public land fund, while the local Soviet Government shall provide the man-power for working the land.

3. Any Red Army man who shall be unable to continue his service in the Red Army and who in consequence shall leave the same, shall be given a land allotment from the Red Army public land fund. If his family lives in a Soviet district, it shall continue to receive land as heretofore.

4. If any Red Army man in service in the Red Army shall lack the labour power necessary to farm the land given to his family, or assigned from the public land fund, the Soviet Government shall provide the labour power to help to till the land, attend to irrigation and collect the harvest, nor shall the total number of days so worked on behalf of any such Red Army man be less than fifty in any year. The rural Soviets shall plan this work, and the village Soviets shall carry out these plans locally. In case the labour power in the families of the Red Army men is insufficient, aid shall be rendered to them.

5. For the purpose of putting the above-mentioned regulations into operation a "Red Army man day of work" shall be instituted upon which day all able-bodied persons not in the Red Army shall render gratuitous assistance to the families of Red Army soldiers; two days shall be set aside for this work each month. Moreover, the exact time when such work shall be performed and the nature of the work to be performed shall be specified on each occasion by the local authorities

according to the requirements of the families of the Red Army men concerned.

6. Every Red Army man and his family shall be exempt from all taxes levied in the Chinese Soviet Republic during the term he shall be in the service of the Red Army.

7. The family of a Red Army man which may be living in a dwelling belonging to the state, shall be exempt from the payment of rent during the term he shall be in the service of the Red Army.

8. Every Red Army man and his family shall during the term he shall be in the service of the Red Army have the right to purchase food products and manufactured goods in state shops at a reduction of 5 per cent. in prices; products of which there shall be a scarcity shall be supplied to them in preference to other purchasers.

9. All travelling expenses by boat or railway incurred by Red Army men shall be paid out of public funds.

10. All theatres and other places of public entertainment shall regularly (once a month) give a performance which shall be free of charge to all Red Army men; Red Army soldiers shall receive a 50 per cent. reduction in the price of tickets of admission to all other performances.

11. The children and young relatives of Red Army men in Red Army service shall be educated free of charge.

12. Any Red Army soldiers in Red Army service who shall require special rest in consequence of having been wounded or fallen ill, shall be sent to an appropriate sanatorium or rest home, and all expenses incurred in connection with his rest and cure shall be borne by the state.

13. Any Red Army man aged forty-five years or more who shall have served in the Red Army for more than five years, may be honourably discharged and be granted a definite life pension by the state. If such

Red Army men shall not wish to leave the Red Army but shall prefer to remain in service, he shall be granted special privileges.

14. The state shall found a home for invalids, which shall be open to all Red Army invalids wounded in battle while in the service of the Red Army. Their maintenance shall be paid by the state. Red Army invalids not desirous of entering invalid homes shall receive a definite pension, the amount of which shall be ascertained by the district Soviet on the basis of the minimum cost of living in the given locality; but the amount so paid shall not exceed fifty silver dollars annually.

15. All correspondence mailed by Red Army men to their families shall bear the stamp of the corresponding army units and shall not require any postage stamps to be forwarded and delivered. Correspondence from the members of the families of the Red Army men, addressed to the latter shall bear the stamp of the local Soviet authorities and shall not require the payment of postage stamps to be forwarded and delivered to the army. All Soviet authorities and corresponding bodies of the Red Army shall be responsible for this.

16. The following regulations shall be adopted with regard to Red Army men, who fall in battle or die from any wound or sickness while in the Red Army service:

(a) The competent Red Army or local Soviet authorities shall collect and publish all information concerning the time and place of the death of all such Red Army men as well as the record of their military services;

(b) All articles of historical value left by deceased Red Army soldiers shall be delivered to the Revolutionary Museum by the competent Red Army or Soviet authorities;

(c) The local Soviets shall assist the competent Red Army authorities in the burial of the deceased Red Army men and in placing memorials over their graves.

17. The following regulations shall be adopted with regard to the families of deceased Red Army men or of Red Army men wounded in battle:

(a) All children and young relatives of the deceased or wounded Red Army men shall be placed by the state in special schools named after the Revolution, in which schools they shall be educated. Their full maintenance and tuition shall be paid by the state. On attaining the age of eighteen, the state shall find suitable work for them;

(b) The parents and wives of deceased or wounded Red Army men shall be granted state pensions;

(c) The families of deceased or wounded Red Army men shall enjoy all the privileges granted in Articles 3, 4, 5, 6, 7, and 8 of the present regulations.

18. The wife of a Red Army man in Red Army service may obtain a divorce only with the consent of her husband; if the latter shall refuse to give his consent, the Soviet Government shall refuse to permit the dissolution of the marriage.

DECREE NO. 9 OF THE CENTRAL EXECUTIVE COMMITTEE OF THE CHINESE SOVIET REPUBLIC

*Relating the measures to be adopted to carry out the
Provisions of the Regulations concerning the privileges
extended to Red Army men*

The First All-China Congress of Soviets of Workers', Peasants', and Soldiers' Deputies has adopted regulations which grant special privileges to the Red Army men. Why is it necessary to establish these regulations concerning privileges? Because the Red Army during the course of several years of struggle has proved itself

the chief force in carrying out the agrarian revolution, the determined fight against imperialism and the Kuomintang militarists, has proved itself the mighty defender of the Soviet Government. It has accomplished brilliant feats in the heroic combat which fills the pages of the glorious history of the revolutionary struggle in China.

Since the present Chinese revolution takes place in a setting replete with fierce revolutionary warfare, and constitutes a great and hard-fought war against the imperialists and Kuomintang militarists, a numerically strong Red Army is absolutely essential; for only with such an Army is it possible to win the initial victory in one or a few provinces which by continued struggle can be developed into the final and complete victory of the Soviets throughout China.

The Red Army is waging war for the emancipation of the workers, the peasants and all oppressed peoples. The Red Army men are warriors fighting for the Soviet Government. They bring immense sacrifices in the magnificent struggle being waged in the interest and for the emancipation of the workers, peasants and all toiling masses. Therefore the Soviet Government and the worker and peasant masses ought to feel it their duty to grant these special privileges to Red Army men to make certain that their minds will be free from worry about their families, in order that they may give themselves up wholeheartedly to their heroic struggle. Hence the special privileges which the first All-China Congress of Soviets has instituted for Red Army soldiers.

Some time ago, the local Soviet Governments drew up their various regulations concerning privileges to be extended to Red Army soldiers and their families, but insufficient attention was devoted to their practical realization. In certain regions they were simply ignored and never put into operation. Elsewhere the attitude towards the families of Red Army soldiers was such that it simply undermined the morale of the Red Army. This

greatly impeded the growth and the fighting capacity of the latter and was therefore a very great mistake.

In future it shall be incumbent upon all Soviet bodies to correct these mistakes of the past and strictly to enforce all regulations concerning privileges to Red Army men which have been passed by the Chinese Congress of Soviets. If, in the future, any negligence or act of sabotage shall be discovered in the execution of any regulations granting privileges to Red Army men such negligence or sabotage shall be punishable in the same manner as counter-revolutionary crimes are now punished.

The following specific measures relating to the carrying out of the regulations concerning privileges to Red Army soldiers are hereby adopted:

1. A census shall immediately be taken in every locality to record all persons who have by then entered the service of the Red Army from the given locality, the number of dependents in the family of the said Red Army men, the amount of land they hold, the number of persons able to work, the number of persons not fully able to work and those wholly unable. This record shall be drawn up in duplicate; one copy of the same shall be kept on file in the given locality and one copy shall be forwarded to the District Soviet. This census shall be completed not later than March 1.

2. All Red Army corps, divisions and local armed forces, shall conduct a detailed registration of all commanders, combatants and other army workers, recording the name, surname, age, home town or district and marital status of those registered. The political department and political committees shall be responsible for the execution of this work. Lists containing this information must be presented to the Revolutionary Military Council or to the local Soviet Government not later than March 1.

3. All Red Army men who are killed in battle must be registered, as far as possible, by the local government

authorities and the political departments of the Red Army, or by the competent military commanders. These lists shall be submitted to the Revolutionary Military Council or the local government, in order to facilitate the work of the district Soviets.

4. Any persons who shall have participated at any time in any counter-revolutionary organization and who shall have remained in the Red Army or in a local armed body must be registered irrespective of whether he shall have been sentenced or shall have repented; the register shall indicate the social position of such persons, the situation they held in any counter-revolutionary organization and the name of the particular organization. This registration shall be made by responsible persons in the Red Army Corps or the local armed detachments as the case may be. The said information must be presented to the higher authorities to aid them in deciding the question whether the land of such persons shall be confiscated. The decision arrived at shall be certified to the local Soviet Government to be carried out by it.

5. All the lists of the corps, with the exception of the list of the Red Army men from the non-Soviet districts shall be certified by the Central Government to the rural Soviets, after which the latter shall send reports to the superior governmental bodies in conformity with the army lists drawn up by the local Soviets. If there shall be any discrepancy between two corresponding lists, a careful investigation shall be made. The result of this investigation shall be submitted to the superior governmental bodies, in order to prevent any omission or mistake.

6. A very important feature in the work of carrying out the regulations concerning the privileges of the Red Army men at the present time, consists in the mobilization of the masses for helping the families of Red Army men in their work in the fields as well as in farming the public fields of the Red Army men.

The local Soviets shall ascertain from the information

supplied by the census what members of the families of Red Army men in their respective localities there are incapable of working, as well as what families there are without sufficient labour power. They shall then calculate the total amount of labour required for the said social work, and shall finally calculate the number of persons who can provide labour power in the total number of villages in their locality. They shall thereupon allocate the worker and peasant population of the given locality in order to give aid on their land to the families of local Red Army men and to till the Red Army men's public fields. The rural Soviets shall be responsible for seeing that this work is carried out.

7. On receipt of instructions from the rural Soviet, every village Soviet shall immediately call a meeting of the village Soviet to draw up measures for carrying out these instructions. After this a meeting of the families of the Red Army soldiers shall be called, as well as a meeting of the total population of the given village, to discuss and fix the responsibility of every one to help the families of the Red Army men in their work on the fields and in tilling the public fields of the Red Army men. An estimate shall also be made of the amount of labour power which the given village must provide.

After confirmation by the mass meeting, there shall be a definite, concrete distribution of labour power according to a schedule specifying working days and terms of work.

At the same time the village Soviets must make use of every opportunity of calling together groups of poor peasants and of leading workers in the agricultural labourers' trade unions, to enlist their support in the work of mobilizing the masses to help the Red Army men and their families work their fields. During the sowing and harvesting seasons, the village Soviets shall attend to this work, but at the same time all compulsion or mandatory decrees shall be avoided (except in the case of *tukhao*).

8. During the period preceding the tilling of the land and the gathering of the harvest, the village Soviets shall carry on preliminary agitation and propaganda to mobilize the broad masses for taking upon themselves labour obligations to assist the Red Army men and their families to farm their lands and gather in their harvest, with a view to making certain that in the case of Red Army men their lands will be tilled and their harvest collected somewhat earlier than in the case of other persons.

9. As for providing public fields for Red Army men from non-Soviet districts, the amount of land put aside for public fields must be regulated according to the size of the land allotments of the peasants in the given locality: where the land allotments are small, the land put aside for public fields shall be less, where the land allotments are larger, the public fields shall likewise be more extensive. In Kiangsi, each village, where the land allotments per person is five dan, provides a public field for three to five persons. Where the land allotment is over five dan, more land is allotted for the public fields: where the allotment is less than five dan, a public field must be set aside to provide for at least two persons.

Other Soviet districts may proceed in the same manner as Kiangsi. The old Soviet districts must find ways of allotting public fields after the land has already been distributed, while the newly-formed Soviet districts must pay special attention to setting aside public fields at the time when the land is in the course of being distributed.

10. All public fields shall be registered in the rural Soviets and their total number shall be submitted to the district Soviet Government which, in turn, shall systematize all the information and submit it to the Provincial Government; information concerning the number of public fields, listed according to provinces, shall be submitted to the Central Government for its information.

The Political Administration of the Red Army shall distribute the public fields according to the number of Red Army men from non-Soviet districts and according to the number of public fields in each district. Information concerning this distribution shall be submitted to the Central Government for transmission to the local governments which shall make a corresponding report to the population; at the same time the Political Administration shall inform the combatants in all Red Army corps of the number of public fields being distributed, and of their location, in order that the Red Army men may elect representatives from each corps to be sent to inspect the public fields in question.

11. A special sign shall be posted by the local Soviet Government on every public field. It shall state in effect that the field in question has been set aside for such and such a Red Army man. Seed and fertilizers shall also be collected chiefly by mobilizing the masses; wherever possible the government shall contribute a share.

12. Each year after the harvest shall have been collected, the local Soviet Government shall sell the harvest, and send the proceeds to the District Soviet Government, which shall transmit the same to the Provincial Government. The latter shall remit the same to the Red Army, which shall make final distribution of these sums among such Red Army men as have received public fields.

13. The name, surname, place of origin and marital status of any Red Army man who is killed in battle, and who is domiciled in a non-Soviet region shall be registered; when thereafter the revolution shall reach the said locality, the local Soviet Government, by order of the Central Government shall institute an investigation in the locality in order to ensure to the family of such Red Army man all the privileges provided by the present regulations.

14. If a deceased Red Army man shall leave a family,

which shall not be resident in the country and which shall have insufficient means of subsistence, or which shall be entirely without any means of subsistence, the Soviet Government must grant some kind of assistance to the said family which shall be based on the cost of living in the given locality. It shall enable the family to educate its children until they shall have attained the age at which they shall be able to support the father, mother and wife of the deceased Red Army man for the rest of their lives.

15. The children of Red Army men shall be entitled to free education in all schools wherever located. It shall be the duty of the rural and local Soviets to see that this regulation shall be carried out.

16. Red Army men as well as their families shall enjoy special privileges as regards postal correspondence, in accordance with Circular No. 1 of the Council of People's Commissars.

17. The Red Army men's Relief Committee and the Invalid Department of the Revolutionary Military Council shall take care of all Red Army men who have become invalids, in accordance with the regulations concerning privileges to Red Army men.

18. For the purpose of carrying out these regulations concerning privileges and all other measures above-mentioned, Red Army men's Privilege Committee shall be organized in all the district governments, and in all war departments. It shall be the duty of these committees to see that these privileges are enforced. Provincial Red Army Men's Privilege Committees shall be attached to the provincial Soviet Governments. It shall be the duty of these committees to guide the district privilege commissions.

19. For the purpose of compelling the various governmental organs really and practically to carry out the regulations concerning privileges extended to Red Army men, the bodies of the workers' and peasants' inspection attached to all governmental bodies shall from time to

time send their representatives to inquire into the state of affairs, and where any non-compliance with these regulations by any governmental body shall have been established, or where complaints shall have been filed by Red Army men or their families, the bodies of the workers' and peasants' inspection shall speedily investigate the facts and shall put an end to any violation of the law. They shall further be empowered to institute criminal proceedings against all guilty persons.

At present spring is approaching and the time has come to work in the fields. Therefore all governmental bodies and the entire political apparatus of the Red Army shall immediately discuss the situation and proceed to devise concrete measures to give practical effect to the regulations concerning the privileges extended to the Red Army men as well as all other measures mentioned above. Reports stating how this work is carried out shall be sent periodically to the higher bodies including the Central Government for purposes of verification and to prevent sabotage.

MAO TSE-DUN

President of the Central Executive
Committee of the Chinese Soviet Republic.

SAN-IN

CHANG GO-TAO

Vice-Presidents.

February 1, 1932.

CHAPTER IV

LABOUR

LABOUR CODE

(Adopted by the First All-China Congress of Soviets)

1. General Regulations

Article 1. This Labour Code shall apply to all persons working for wages in industrial enterprises, workshops, or in any other productive undertaking, or in any institution (including government, co-operative and private institutions).

Article 2. This Labour Code shall not apply to the enlisted men or the commanders serving in the land, sea or air forces of the Chinese Soviet Republic.

Article 3. Every collective agreement, agreement of hire or other labour contract, already in operation or to go into operation in the future, shall be declared invalid if it shall include any conditions of labour less advantageous to the workers than those fixed by the present Labour Code.

Article 4. Besides the general decrees embodied in this Labour Code, special decrees shall be issued by the Central Executive Committee, the Council of People's Commissars and the Central Commissariat of Labour concerning the conditions of labour of the agricultural labourers, forestry workers, seasonal workers, workers employed on communications, coolies, domestic workers, cooks and other persons working under special labour conditions.

Article 5. The Central Commissariat of Labour shall in addition prescribe definite limits to the weights which may be carried by coolies (including transport workers, porters, boatmen, wheelbarrow-men, palanquin-bearers and dock workers). The Central Commissariat of Labour shall also publish detailed regulations concerning the right of independent toilers, when working for wages, to enjoy the provisions of the present Labour Code.

2. Regulations Governing the Hiring of Workers

Article 6. Workers shall be hired in accordance with the terms of collective agreements and through the medium of the trade unions and labour exchanges. It shall be strictly prohibited for workers to be hired through the medium of contractors, employment agents, compradores or any form of private employment office for the hiring of workers, foremen, etc.

Article 7. All labour exchanges shall be organized and controlled by the Commissariat of Labour. All private labour exchanges and offices acting as agencies for the hiring of labour shall be strictly prohibited.

Article 8. It shall be unlawful to exact any payment from any worker, or to deduct any amount from his wage, in lieu of commission for having procured work for him, and any violation of this prohibition shall be severely punished.

Article 9. Any person seeking work shall register at one of the labour exchanges to be organized by the Central Commissariat of Labour or by a local labour branch, and shall be entered on the list of the labour exchange.

3. Collective Agreements and Labour Contracts

Article 10. A collective agreement is a contract entered into collectively between a trade union, as the representative of all the industrial workers and office employees

of a given enterprise, on the one hand, and the employer on the other hand. The collective agreement shall determine the conditions of labour of those working for wages in any enterprise or institution, in the family, or in private employ; the agreement shall also state the terms on which the employer will contract to employ any person hereafter.

Article 11. The conditions of the collective agreement shall be valid as regards all persons working in the given enterprise whether such persons shall be trade union members or not.

Article 12. Collective agreements registered in the Commissariat of Labour shall become effective on the day on which they shall be signed, or on the day stipulated in the agreement.

Article 13. A labour contract (or agreement) is an agreement between one or several workers and their employer; any condition in a labour agreement which shall be worse than the corresponding provision contained in the Labour Code or in any labour decision in effect or in the collective agreement shall be invalid. No collective or labour agreement shall be concluded for any period of time exceeding one year. The trade union shall have the right to demand the annulment of the agreement before the term fixed in the agreement for its expiration.

4. Working Hours

Article 14. According to the present Labour Code the normal working day of any person working for wages shall not exceed eight hours.

Article 15. The working day of adolescents between sixteen and eighteen years of age shall not exceed six hours, and for children between the ages of fourteen and sixteen years it shall not exceed four hours.

Article 16. In branches of industry where work is dangerous or injurious to health (for example in

underground mining, in working with lead, zinc or other harmful substances) the working day for industrial workers shall be reduced to six hours or less. A list of industries injurious to health stating the corresponding reduction in the working day for the respective industries, shall be drawn up and published by the Central Commissariat of Labour.

Article 17. Workers engaged on night work shall be entitled to have their working time reduced by one hour as compared with the corresponding normal working day of the day workers: (thus, where the normal working day is eight hours, it shall be reduced to seven; where the normal working day is six hours, it shall be reduced to five, etc.).

Note. Any work between 9 o'clock in the evening and 6 o'clock the following morning shall be considered night work.

Article 18. No overtime work in excess of the working hours fixed by the Labour Code shall be allowed in any branch of industry or in any seasonal work except in special cases, when special permission shall first be obtained from the labour inspection bodies and trade unions in question.

5. Rest Time

Article 19. Every worker shall be given a regular, unbroken, weekly rest for a period of not less than 42 hours.

Article 20. Any person who shall have worked for a period of more than six months at any one enterprise shall be entitled to an annual vacation of at least two weeks, with full pay. Workers engaged in injurious industries shall be entitled to an annual vacation of four weeks with full pay.

Article 21. It is unlawful to work on any of the following anniversaries or holidays: January 1—New Year's Day, January 21—Lenin Memorial Day, the anniversary of

the death of the leader of the world revolution; February 7—anniversary of the shooting of the Peking-Hankow railway workers by the militarists; March 18—Anniversary of the Paris Commune; May 1—International Labour Day; May 30—Anniversary of the Shanghai events in 1925; November 7—Anniversary of the proletarian revolution in the Soviet Union and the formation of the Chinese Soviet Republic; December 11—Anniversary of the Canton uprising.

Note.—Local labour organizations in agreement with the local trade union councils may establish special holidays or rest days to meet the special conditions which prevail in any locality. Wages must be paid for all holidays and rest days.

Article 22. On days immediately preceding rest days or holidays, the working day shall not exceed six hours.

Article 23. The working day established by the present Labour Code shall include an interval of half an hour or an hour for meals, with no deduction in wages for this interval.

Article 24. Leaves of absence given to industrial workers and office employees because of illness or pregnancy shall not affect the length of the annual vacation stipulated in Article 20.

6. Wages

Article 25. No worker shall receive a lower wage than the absolute minimum wage fixed by the Commissariat of Labour. The minimum wage for the workers of various branches of industry shall be re-examined by the Commissariat of Labour not less than once every three months.

Article 26. In actual practice the rates of wages at all enterprises (state, co-operative and private) shall be fixed by the workers (trade union representatives) and the respective owners or managers in their collective agreements.

Article 27. For all overtime work permitted by the bodies of the workers' inspection and the trade unions, double the normal wage rates shall be paid.

Article 28. For all work performed on rest days or holidays and permitted by the bodies of the workers' inspection and the trade unions, double the normal wage rates shall be paid.

Article 29. Working women and adolescents, producing the same amount of work as adult working-men similarly employed shall receive the same wage rates as the latter. Children and adolescents shall enjoy reduced working hours but they shall be paid a full day's wages according to the wage rate in effect in the given branch of industry.

Article 30. Night work shall be paid at rates higher than the normal rates, *viz.*, as follows: a person doing eight hours' night work shall be paid at a rate one-seventh higher than the normal rate, and persons doing six hours' night work (on dangerous work) shall be paid at a rate one-fifth higher than the normal rate. Any person doing piecework at night time shall be paid an additional one-seventh of his average wage if he shall have an eight-hour working day, and an additional one-fifth of his average wage if he shall have a six-hour working day.

Article 31. All wages to which a worker may be entitled shall be paid in cash (not in kind) regularly each week or twice a month (never less than two a month). Moreover, any failure to pay wages promptly shall be strictly prohibited. All wages must be paid direct to each worker personally.

Article 32. Wages for the regular annual vacation shall be paid to the industrial workers and office employees in advance, before the commencement of their vacations.

Article 33. Piecework rates shall be fixed by collective agreements between the workers (acting through their trade union representatives) and their employer. Piecework rates must be based on the average work performed

per day and the average daily wage (calculated according to the time required in the given branch of industry to produce the given article).

7. *Woman Labour, Adolescent Labour and Child Labour*

Article 34. In addition to the general rights granted to women, adolescents and children by the provisions of the Labour Code which specifically safeguard the labour of women, adolescents and children, the following special regulations shall be established:

Article 35. No women, adolescents or children shall be allowed to work in branches of industry where the work is especially heavy or injurious to health. A list of the industries in which women, adolescents and children shall be prohibited from working shall be drawn up and published by the Central Commissariat of Labour. (This list shall include underground work in mines, work in rubber, lead, copper, mercury and pewter plants or in foundries, etc.; forest work at great altitudes, or in marshy places, etc.)

Article 36. Women shall be prohibited from doing work which requires the carrying of weights exceeding forty pounds; if the carrying of heavy weights shall constitute a necessary part of the work in any particular industry, the working day for women shall not exceed two-thirds of the normal day.

Article 37. All night work shall be strictly prohibited for male or female workers under the age of eighteen, for pregnant women, and for nursing mothers.

Article 38. All women engaged in physical labour shall be granted leaves of absence before and after childbirth to the extent of eight weeks in all, during which time they shall be paid the wages in full. Women employed in offices, or engaged in mental work in institutions (for example: women managers, secretaries, etc.) shall be given a total of six weeks' leave of absence before and after childbirth, during which time their

wages shall be paid in full. After an abortion or miscarriage, working women shall be granted two weeks' leave of absence with full pay.

Note.—The wages due for the period of such leaves of absence before and after childbirth and in cases of abortion shall be paid by the enterprise. Where social insurance is in force, it shall be paid by the insurance office.

Article 39. No woman worker may be dismissed from work during the five months preceding childbirth and the nine months following thereafter. Nor may such women workers be assigned work in a different enterprise without their consent.

Article 40. Working women who are nursing their children shall be granted a half-hour interval every three hours to feed their children, which intervals shall be over and above the interval established in Article 23, and for which no deduction in wages shall be made. Moreover, a room shall be set aside at each enterprise for feeding the children and a children's room shall be provided with attendants specially secured on the responsibility of the enterprise.

Article 41. It shall be strictly prohibited to employ children under the age of 14. Children between the ages of 14 and 16 may be employed only after the competent labour inspection bodies have granted permission.

Article 42. Each undertaking shall keep a complete and detailed list of all adolescents employed therein, indicating their respective ages, working hours and wages.

Article 43. Special courses enabling adolescents and young workers between the ages of 14 and 18 to raise their qualification, and also for general educational purposes, must be organized in all factories and shops; the cost of such courses shall be borne by the enterprise.

The old system of apprenticeship and of "training workers" shall be strictly prohibited. All forms of

contracts concluded with apprentices which establish worse conditions for them than those provided for in the decrees comprising the present Labour Code concerning working hours, wages, treatment of workers, etc., shall be declared null and void.

8. *Labour Protection*

Article 44. No enterprise or institution may start work or change its location unless a proper labour inspection body shall first have inspected the working premises and have granted permission for work to be done there.

Article 45. All machinery must be supplied with the necessary safety-guards; new machines may not be put into operation unless they shall first have been examined by the proper labour inspection body and the necessary safety-guards been set up.

Article 46. Special workers' outfits must be supplied to the workers at all enterprises. The type of outfit and the length of time for which it shall be worn before new outfit shall be issued shall be specially regulated by the Central Commissariat of Labour.

Article 47. In enterprises where the conditions of work and the labour process itself are particularly injurious to the health of the workers or such as to endanger their lives (abnormal temperatures, poisonous gases, etc.), the administration must provide special safety apparel and other preventative appliances such as eye-glasses, masks, respirators, soap, special foodstuffs; butter, milk, etc., and in enterprises where workers come into contact with poisons, the corresponding antitoxins must be on hand. It shall not be the duty of the workers themselves to attend to these measures. Moreover, it shall be obligatory for all workers to undergo periodically a medical examination.

Article 48. It shall be strictly prohibited to deduct fines or other penalties from wages. Similarly, deductions for breakages or bad work shall likewise be pro-

hibited. It shall further be strictly prohibited to require cash deposits or cash guarantees of any kind from any worker after he shall have been taken on to work, irrespective of the length of time for which they are to be detained.

Article 49. All deductions from workers' wages for stoppages at work for which the owner shall be responsible (breakage of machinery, lack of raw materials, refusal of the owner to carry out the regulations of the Soviet Government, etc.) shall be prohibited.

Article 50. All deductions from the wages of workers who shall have been absent from work in order to participate in elections to Soviets, or to attend Soviet congresses, or trade union congresses or conferences, who shall have been absent by reason of work done in factory committees, or by reason of a summons to attend court as witnesses, experts or lay judges shall be prohibited, regardless of the period of time during which they shall have been so absent.

Article 51. Any worker or office employee, who may be called to military service in the Red Army and who in consequence shall lose his employment, shall be paid three months' average wages in advance.

Article 52. The employer shall be obliged to supply the worker with the instruments of labour, and no deduction in wages shall be made for the use of these instruments. Where a worker shall use his own instruments, the owner shall compensate the worker to the extent of their original cost. This shall be provided in detail in the collective agreements.

Article 53. Communal dwelling-houses shall be built for the workers at the expense of the enterprise and shall be put at the disposal of the workers and their families free of charge. Enterprises which shall not have built communal dwelling-houses shall pay the workers a sum of money monthly as rent allowance.

Article 54. In the event of an employer proposing to rescind the labour agreement, without authority to do so,

he shall pay two weeks' average wages as relief while new work is being sought.*

Article 55. In case an industrial worker or office employee shall be temporarily disabled, the employer shall be obliged to keep his position open for him and shall pay him his previous average wage.

Article 56. Labour inspectors shall have the power to close any enterprise in which it shall appear, upon verifying the extent to which the provisions of the labour laws have been complied with, that the health and lives of the workers are in direct danger. The functions and tasks of the labour inspectors shall be published by the Commissariat of Labour as a supplement.

Article 57. Any ailment acquired by any worker during the process of work shall by virtue of the present Labour Code be deemed an industrial accident and full compensation shall be paid therefore.

9. *The All-China Federation of Labour and Its Local Organizations*

Article 58. The All-China Federation of Labour shall unite the industrial workers and office employees of all enterprises and institutions throughout the country. All trade unions, including their local organizations shall be organized according to the Rules passed by the All-China Congress of the Chinese Federation of Labour. No body of workers organized in any other way than on the basis of these Rules shall receive the status of a trade union, or enjoy the rights granted by law to trade unions.

Article 59. The Soviets guarantee freedom of action to the trade unions. The unions shall have the right to

* With the aim of undermining the economic position in Soviet districts, owners used to close down their enterprises and thus compel industrial workers and office employees to quit work "of their own accord." In order to combat this practice the present article of the Law was added.—Ed.

declare strikes and to lead them; they shall also have the right to negotiate and conclude collective agreements on behalf of the workers. Provincial and industrial trade union councils shall have the right to conclude collective agreements on behalf of all workers in a given branch of industry or all workers of a given locality.

Article 60. All collective and labour agreements shall be executed under the control of the factory or shop committees which shall be the basic organs of the trade unions in the enterprises. The latter shall also see that the Labour Code and all decisions on labour questions are complied with.

Article 61. The main functions of the trade union shall be to represent the workers individually and collectively, to defend the interests of all persons working for wages, to strive to raise the economic and cultural level of the workers and to give every possible active encouragement to the consolidation, development and defence of the Soviet movement and the Soviet Government.

Article 62. The trade union shall directly participate in the management of all state and co-operative enterprises; in private enterprises the trade unions shall set up special bodies to control industry.

Article 63. The Soviet Government shall render material assistance to the trade unions and shall grant them reduced rates for postal, telegraphic and telephone service, electric lighting, water supply and other communal services; also for the use of railways or steamships.

Article 64. The employer shall pay 2 per cent. of the total amount paid out in wages to defray the maintenance expenses of the trade union; he shall also pay 1 per cent. which shall be applied to the cultural requirements of the workers.

Article 65. When an employer shall desire to discharge a worker, he shall be obliged to secure the consent of the trade union. The trade union, factory, or shop committees, as the case may be, shall by virtue of being

the workers' representatives, be members of the conflicts commissions to be established for settling conflicts which may arise between the workers and the capitalists.

Article 66. At each enterprise the factory committee shall institute a labour protection commission to consist of from three to seven of the most active workers. The functions of these commissions shall be as follows :

(a) To see that the articles concerning labour protection contained in the Labour Code as well as all provisions of the collective agreement shall be carried out ;

(b) to see that the orders and directions of the labour inspectors are carried out.

Article 67. The trade unions shall have the power to propose decisions concerning labour to the Soviet Government and to recommend and elect labour inspectors. The members of the factory committee shall have the right, on presenting their factory committee certificates, to enter and leave without let or hindrance any part of the factory premises and to inspect the same.

10. Social Insurance

Article 68. Social insurance shall extend to all wage workers, irrespective of whether they shall be employed in state, co-operative or private enterprises and regardless of the length of the working day or the form of additional payment.

Article 69. Employers shall be obliged to pay in addition to the workers' wages, a sum amounting to from 10 to 15 per cent. of the total wages, which shall constitute the social insurance fund.

Note.—On no account may the social insurance fund be appropriated for purposes having no relation to social insurance.

Article 70. Social insurance benefits shall be given in the following form :

(a) *Free Medical Aid.*—The expenses incurred in all cases of sickness shall be paid by Social Insurance. All ailments of a general nature, all diseases contracted while at work, and injuries received through accident and all occupational diseases shall be included herein. The members of the families of those working shall also be entitled to free medical aid.

(b) *Relief* granted in connection with *temporary disablement* ; this shall include wages paid during sickness, injury, pregnancy, childbirth and the care of sick members of the family. *Sick benefits* shall be paid from the first day of sickness in an amount equal to the total wages of the patient but not exceeding a definitely stipulated maximum ; disablement benefits may also be paid to invalids who have become disabled in consequence of an occupational disease, in such amount as shall be fixed for invalidity.

(c) Unemployment Relief

1. Trade union members shall be entitled to unemployment relief after one year's work ; and after two years' work for persons who are not trade union members ;

2. Unemployed persons shall be entitled to unemployment relief only if they shall be registered at a labour exchange, or local branch of their trade union, or if they shall produce documents proving that they were wage workers and attesting their trade union membership where the same is claimed ;

3. The length of the term during which unemployment relief shall be paid may be limited according to local conditions and the state of the social insurance fund.

Note.—Unemployment benefits shall likewise be paid to adolescents, regardless of the nature of their work and the length of time for which they may have worked.

(d) *Disablement and Old Age Benefits.* Any worker who, in consequence of general causes, accident or occupational disease, shall have become partially or completely disabled, or who shall be incapable of working in consequence of old age, shall receive cash benefits as soon as his application shall be approved by the special commission appointed to investigate the same and ascertain the degree of his disablement as well as the size of his family.

(e) *Childbirth Relief.* Any working woman shall for a period of ten months be entitled to additional relief for the purchase of articles required for her child. This additional relief shall not exceed a total of two months' wages.

(f) *Funeral Relief.* In the event of the death of a worker, or of a member of his family, the insurance office shall grant him a relief payment to cover funeral expenses ;

(g) *Poor Relief.* The family of a worker who before his death was the sole support of the said family, shall, after his death be entitled to special relief, the amount and duration of which payment shall be ascertained by a special commission, dependent upon the number of persons in the family. This relief shall be granted to all persons who have been wage workers for over six months.

Note.—Until the insurance funds shall be organized, all the relief granted under the present article must be paid by the employer.

Article 71. The employer shall have no right to interfere in the management of the insurance office of the expenditure of the social insurance fund. While it shall be the duty of the employer to pay his social insurance contribution, the social insurance commission, which shall be appointed by representatives of the trade unions, confirmed by the government and controlled by the Commissariat of Labour shall be in charge of receiving

all monies of the insurance fund, and of the application of the same.

11. *Bodies for the Adjustment of Labour Conflicts and the Determination of Labour Code Violations*

Article 72. The violation of any of the provisions of the Labour Code and all disputes between workers and capitalists shall be heard and either adjudicated by mandatory order of the labour session of the People's Court, or shall be adjusted by amicable decision of the conflicts commission consisting of representatives of the workers and capitalists ; and the arbitration commission of the Commissariat of Labour. Detailed rules to govern conflict commissions, and arbitration commissions will be published subsequently by the People's Commissariat of Labour.

Article 73. All cases of violations of the Labour Code, of decisions on labour questions and of collective agreements shall be heard by the Labour Session of the Court irrespective of any penalty that may have been incurred under the criminal law.

12. *Amendments*

Article 74. Doubtful and disputed points in the interpretation of the present Labour Code shall be adjudicated by the Central Commissariat of Labour ; and in those Soviet districts which shall not be contiguous to the Central Soviet region, such points shall be adjudicated by the labour departments of the corresponding provincial Soviets.

Article 75. In any Soviet district which shall not be contiguous to the Central Soviet Region, the supreme governmental authorities shall be empowered to establish rules and regulations otherwise in the exclusive jurisdiction of the Central Commissariat of Labour with the same force and effect as if they had been established by the Central Commissariat of Labour.

DECISION OF THE CENTRAL EXECUTIVE COMMITTEE OF
THE CHINESE SOVIET REPUBLIC CONCERNING THE CARRY-
ING OUT OF THE CODE OF LABOUR

The Central Executive Committee has passed the following decision concerning the carrying out of the code of labour :

1. The Code of Labour passed by the First All-China Congress of Soviets of Workers', Peasants' and Soldiers' Deputies shall be put into operation.

2. The Code of Labour shall go into effect on January 1, 1932.

3. From the moment the Code of Labour shall go into effect, all labour legislation and all decisions on labour questions previously passed or handed down by governmental bodies shall be null and void.

4. On the basis of the Code of Labour the Council of People's Commissars and the Central Commissariat of Labour shall be entitled to publish special regulations and orders developing the Code of Labour.

5. Changes and amendments to the Code of Labour shall be published as Decrees of the Central Executive Committee.

6. The Labour Code shall be valid throughout the whole territory of the Chinese Soviet Republic.

7. The violation of any decision of the Labour Code or of any regulation on labour which may be published in the future shall be punishable as a criminal offence.

MAO TSE-DUN,

President of the Central Executive
Committee.

SAN-IN,

CHANG GO-TAO,

Vice-Presidents.

December 20, 1931.

CHAPTER V

ECONOMICS

RESOLUTION OF THE FIRST ALL-CHINA CONGRESS OF
SOVIETS CONCERNING THE ECONOMIC POLICY

FOR the purpose of developing the anti-Imperialist and agrarian revolution and consolidating the revolutionary alliance of the workers and peasants, the First All-China Congress of Soviets declares that the following decisions shall serve as the basis of the present economic policy of the Soviet Government.

1. *In the Sphere of Industry*

1. For the purpose of securing the complete independence of China, the Soviet Government shall nationalize all the key positions at present in the hands of the imperialists (concessions, customs, banks, railways, shipping, mines, factories and workshops). Until other provision shall be made by law, foreign industrialists may however continue production if they shall have concluded concession contracts, provided they shall comply with all the laws of the Soviet Government including the eight-hour working day. If any such industrialist shall violate any one of these laws or decisions, or shall commit sabotage, or close his enterprise or interfere in the domestic policy of the Soviet Government and support the counter-revolution, his enterprise shall be subject to immediate confiscation and nationalization.

2. Industrial enterprises, handicraft and home industries of the Chinese capitalists shall not yet be nationalized but be left by the Soviet Government in the possession of their former owners but workers' control of industry shall be carried out there through the factory committees or the trade union. If any such owner shall commit sabotage or violate any Soviet law, or participate in counter-revolutionary activities, by wilfully closing or deranging production, his enterprise shall be immediately confiscated and possession thereof shall be delivered to a workers' artel, co-operative society, or to the Soviet Government, as the special circumstances of the case may require.

3. While encouraging the development of industry to the utmost, the Soviets shall pay special attention to the development of all those enterprises which ensure the regular supplies of the Red Army (workshops, mills, handicrafts and home industries).

2. *In the Sphere of Trade*

1. The Soviet Government shall guarantee freedom of trade and shall not interfere in the every-day market relations. However, the Soviets shall combat speculation by traders and price inflation; they shall abolish the chambers of commerce and refuse to allow big merchants to fix monopoly prices under cover of the chambers of commerce. In the event of sabotage on the part of traders, or of an economic boycott constituting a menace to the regular supply of articles of prime necessity to the masses, or the needs of the Red Army, the Soviet Government shall fix maximum prices for articles of necessity. This measure, however, shall be resorted to only in cases of emergency, and freedom of trade shall be restored as soon as this shall be possible.

2. In the sphere of trade with non-Soviet regions, it is not yet possible to establish "a foreign trade monopoly"; at the same time for the purpose of ensuring

the supply of essential articles to the Soviet regions, the Soviet Government shall control this trade. Silver currency may be exported only by permission of the Soviet Government.

3. For the purpose of regulating trade in the Soviet regions to meet the interests of the toiling population, and of improving the supply of articles of prime necessity to the toiling masses, the Soviet Government must encourage to the utmost the organization and development of consumers' co-operatives. Co-operatives shall receive financial assistance from the Soviet Government and be exempt from taxation; possession of part of the confiscated houses and shops shall be transferred to the co-operatives for their use. Moreover, for the purpose of ensuring the supply of commodities to the toiling masses, the Soviets shall erect public warehouses where the grain supplies shall be collected to be offered for sale at reduced prices or to be used in rendering assistance.

3. *In the Sphere of Finance and Taxation*

1. The Soviets shall abolish the entire system of taxation and all the arbitrary measures of the Kuomintang militarists, and shall introduce a single progressive tax which shall mainly be levied upon the bourgeoisie. The Soviet Government fully exempts the families of Red Army men, workers and urban or rural poor from all taxation. In cases of natural disasters, the taxpayers adversely affected shall either pay correspondingly reduced taxes or may be entirely exempt from taxes for the duration of the natural disaster.

2. All old feudal or usurious agreements whether verbal or written are invalid; all loans obtained from usurers by the peasants and urban poor shall be null and void; debt slavery is strictly prohibited; any attempt to restore any form of enslaving or usurious relations is punishable with the full severity of revolu-

tionary law. All articles which shall have been pawned by the urban or rural poor shall be restored to their owners unconditionally and without the payment of any compensation. All pawnshops shall become Soviet property.

3. The old currency shall remain in circulation in the Soviet districts and it shall be exchangeable for Soviet currency at face value ; but to ensure Soviet control of this currency, the Soviets shall register the same and affix their seal. The Soviets shall issue Soviet currency. The currency from other districts shall be exchanged for Soviet currency.

4. For the purpose of unifying the monetary system and of assisting the toiling masses, the Soviet Government shall establish a workers' and peasants' bank and set up branches in all Soviet districts. This bank shall have the right of emission. It shall be empowered to grant credits to the peasants, to persons engaged in home industries, to co-operatives and to small traders for the purpose of developing Soviet economy. The bank shall also engage in the exchange of foreign currencies and its branches shall collect taxes.

5. The Soviet Government shall send its own representatives to all native banks and financial institutions privately owned for the purpose of controlling their activities. It shall be unlawful for these banks to issue any banknotes whatsoever. All Soviet agencies shall take resolute steps to put an end to any attempt to use the local banks for counter-revolutionary purposes.

4. *In the Sphere of Municipal Policy*

1. The Soviet Government shall carry out appropriate measures to lower house rents for the urban poor ; it shall confiscate the houses and property of the landlords, gentry, militarists, government officials and reactionary politicians. These houses shall provide rooms for workers, coolies and students, and the confiscated

property shall be distributed among the urban poor or delivered to the Soviets for the purpose of establishing public enterprises. The town Soviets must take all measures to improve the housing conditions of the poor members of the population.

ORDER OF THE PROVISIONAL GOVERNMENT OF THE CHINESE SOVIET REPUBLIC

Provisional Regulations regarding the Investment of Capital in Trade and Industrial Enterprises

With a view to developing the economics and strengthening the economic situation of the Soviet territory and of safeguarding the interests of the toiling masses, the Provisional Central Government, on the basis of the principles of economic policy approved by the All-China Congress of Soviets publishes these special regulations concerning the investment of capital in industry and trade, so as to encourage private capitalist enterprises, which regulations shall go into effect in January 1932.

Article 1. All persons shall be entitled to invest their own private capital in trade and industry within the confines of the Chinese Soviet Republic, and to engage freely in trading and industrial activities, provided they observe the laws of the Soviet Government, carry out the regulations concerning labour and pay the taxes fixed by law.

Article 2. Each *entrepreneur* must as a preliminary register with the local Soviet Government stating the amount of his capital, the rules of his organizations, the name of his firm, the nature of its business, the name and surname of the manager and other detailed information; the *entrepreneur* shall then be given an industrial certificate after which he may commence to do business in the branch specified. If, subsequently, he shall change the nature of his business, it shall be his duty to register this information with the government body concerned.

Article 3. It shall be permissible for any person to open or rent enterprises and to invest his capital in State enterprises (mines, timbering, forestry) and in private undertakings; however, where the business shall be rented, a lease shall be drawn up between the parties and submitted to the local Soviet for registration. If the Soviet Government shall be of the opinion that the lease in question contravenes any order or condition stipulated by the Soviet Government, it shall be empowered to modify the lease or declare it null and void.

Article 4. All private persons opening trading and industrial enterprises and observing Articles, 1 2 and 3 of the present regulations shall be granted freedom of action under the law of the Soviet Government.

Article 5. Any person who shall violate any Soviet law or who shall conspire with the intention of undermining the economics of the Soviet Government shall be prosecuted under the laws of the Soviet Government.

Article 6. The present regulations shall go into effect on the day that they shall be made public.

DECISION OF THE CENTRAL SOVIET GOVERNMENT OF CHINA

Provisional Regulations Concerning the Organization of Co-operatives

Article 1. In accordance with the economic policy of the Soviets, the co-operatives are hereby officially declared one of the chief forms of development of Soviet economy, and a mighty weapon in the struggle against the exploitation and sabotage of the capitalists and in safeguarding the interests of the toiling masses of workers and peasants. The Soviet Government shall afford every form of aid to the development of the co-operatives (for instance, exempting them from taxes, granting them transport privileges, premises, economic assistance, etc.).

Article 2. The co-operatives must be organized with funds collected by the toiling masses of workers and peasants; *tukhao*, capitalists and exploiters shall be deprived of the right to organize co-operatives or to take part in them.

Co-operatives shall be divided into the following three categories:

(1) Consumers' co-operatives—for the sale of articles of general consumption at low prices and in the interests of the workers and peasants, thus combating the speculation of private traders;

(2) Industrial co-operatives—for the production of industrial commodities of general consumption, with a view to fighting against the sabotage of the capitalists;

(3) Credit co-operatives—for the extension of loans with a view to facilitating the conduct of the husbandry or work of the masses of workers and peasants and with a view to fighting exploitation by private persons—by usurers.

Article 3. The members of consumers' industrial and credit co-operatives are not only their shareholders, but also their consumers and active workers. Any co-operative which does not conform to this principle cannot be considered a real co-operative.

Article 4. Consumers and persons taking out loans in the consumers' and credit co-operatives shall in the main be members of the co-operative. Besides receiving the profits, co-operative members shall enjoy the special right to receive loans at a low rate of interest and for the purpose of purchasing articles at reduced prices. The prices and rates of interests applicable to non-members of co-operatives must not be higher than the generally fixed standards.

Article 5. No co-operative member shall own more than ten shares, nor shall any of these shares be worth more than five dollars; this is to preclude the possibility of the co-operatives falling into the hands of individual groups of persons.

Article 6. Each co-operative organized by the workers and peasants shall first of all submit its rules and information concerning its fixed capital, the number of members enrolled and the nature of its business for verification and registration to the Soviet Government of the given locality; thereupon it shall be given a certificate stating that it is really a co-operative and can begin to do business.

Article 7. All co-operatives organized before the publication of the present regulations must be registered and receive certificates as prescribed in Article 6.

Article 8. Any co-operative organized in a manner not in conformity with the present regulations may be prohibited by the Soviet Government. Likewise if any co-operative shall be found to violate the present regulations, the Soviet Government shall have the right to institute an inquiry and to terminate its existence.

Article 9. The present regulations shall take effect on the day of their publication.

THE CENTRAL EXECUTIVE COMMITTEE.

DECISION OF THE PROVISIONAL CENTRAL GOVERNMENT OF THE CHINESE SOVIET REPUBLIC

Provisional Regulations Concerning Loans

With a view to defending the interests of the toiling masses of workers and peasants, the Soviet Government shall not, except so far as is necessary for the complete abolition of all feudal exploitation, and the extinction and prohibition of every kind of usury, interfere with the granting of loans intended to develop any form of industry and to facilitate the economic turnover of the masses of workers and peasants. This fact is specially announced in the regulations concerning loans. These regulations shall go into force on February 1, 1932.

Article 1. In accordance with the programme of the Soviet Government, all loans of a usurious character shall be abolished and declared invalid. All usurious agreements previously concluded shall be entirely annulled and declared invalid. At the same time all forms of usury shall henceforward be strictly prohibited.

Article 2. The Soviet Government does not interfere in any kind of loan issued by any state bank, credit co-operative or private person if such loan is not usurious in character and encourages some form of industry, provided it does not otherwise violate the present regulations.

Article 3. The interest on loans in the Soviet districts shall not exceed 1.2 per cent. a month on short-term loans, and 1 per cent. on long-term loans. Interest on short-term loans shall be payable on payment of the loan at maturity; in the case of long-term loans, the interest shall be payable once annually or shall be payable in seasonal instalments. No compound interest shall be charged.

Article 4. All loans agreements shall be concluded according to the principles mentioned above and with the consent of each party; such agreements shall state the amount of the loan, the interest, the purpose of the loan and the day of maturity. If the agreement is concluded by an organization it must be registered at some government office.

Article 5. If the government shall discover, or ascertain on public information, any violation of the above-mentioned regulations, or any use of financial resources for usurious exploitation or for the support of counter-revolutionary activities, such capital shall be confiscated, and the persons guilty be prosecuted.

Article 6. The present regulations shall go into effect on the day of their publication.

CHAPTER VI

MISCELLANEOUS

RESOLUTION OF THE FIRST ALL-CHINA CONGRESS OF SOVIETS ON THE QUESTION OF NATIONAL MINORITIES IN CHINA

1. THERE are many national minorities living on Chinese territory, as, for example, Mongolians, Tibetans, Mahometans, Koreans, Annamites, Miao, Yao, and others in the Sinkian, Hunan, and Kwangsi provinces, and the Moslems in Kiangsu, Szechwan and other provinces. For a very great number of years Chinese emperors, landlords, government officials and merchants' and usurers' capital have oppressed them and domineered over them. After the formation of the Chinese Republic, these national minorities were not only left without national emancipation, but on the contrary the yoke of exploitation of the Chinese militarists, landlords, government officials and merchants' and usurers' capital became greater still. Unprecedented famine and ruin devastated the areas populated by the national minorities (for example Kiangsu and Sinkian). Every form of resistance, every protest movement on the part of these national minorities was put down with unheard-of cruelty (for example, the punitive tactics of Feng Yui-Hsiang against the Moslems).

The Kuomintang, which represents the Chinese landlords among the bourgeoisie, still further increased the oppression, exploitation and persecution of the national minorities. All the talk about so-called "equality of nations" and a "Five Nations' Republic"

is just so much deception on the part of the Kuomintang Government.

The First All-China Congress of Soviets of Workers', Peasants' and Soldiers' Deputies, calls upon the Chinese workers and peasants as well as all the toiling masses of the national minorities living on the territory of China to fight resolutely against Sun Yat-sen's so-called "nationalism" since it fully satisfies the interests of the landlords and the bourgeoisie, but cannot in any way or by any means be acceptable to the Chinese Soviet Republic.

2. The Chinese workers, peasants, soldiers, and all the toiling masses shall fight determinedly against the oppression of national minorities, and strive for their complete emancipation. In view of this, the First All-China Congress of Soviets of Workers', Peasants', and Soldiers' Deputies declares that the Chinese Soviet Republic categorically and unconditionally recognizes the right of national minorities to self-determination. This means that in districts like Mongolia, Tibet, Sinkian, Yunnan, Kweichow and others, where the majority of the population belongs to non-Chinese nationalities, the toiling masses of these nationalities shall have the right to determine for themselves whether they wish to leave the Chinese Soviet Republic and create their own independent state, or whether they wish to join the Union of Soviet Republics, or form an autonomous area inside the Chinese Soviet Republic. The Chinese Soviet Republic shall do its utmost to assist and encourage all the struggles of the national minorities against imperialism, against the Chinese militarists, landlords, government officials and merchants' and usurers' capital. The Chinese Soviet Republic shall also support the national-revolutionary movement and the struggle waged against the attacks and threats of the imperialists and the Kuomintang militarists by these national minorities which have already won their independence as, for example the Outer Mongolian National Republic.

3. At the same time the First All-China Congress of Soviets of Workers', Peasants' and Soldiers' Deputies deems it necessary to point out that it is not only the toiling masses of the national minorities, but also the masses of the Chinese workers and peasants themselves who suffer oppression, exploitation and persecution at the hands of the imperialists and Chinese militarists, landlords and bourgeois. At the same time the toiling masses of the national minorities are oppressed and exploited not only by the imperialists and Chinese militarists, landlords and the bourgeoisie, but also by their own ruling classes: in Mongolia, by the princes and "Living Buddhas"; in Tibet, by the lamas; in Korea, by the gentry while the Miao, the Yao and other nationalities are exploited by their own *tu-hsi* and so on. These ruling classes are the tools of the imperialists, the landlords and the bourgeoisie, for they assist the latter in oppressing and exploiting the toiling masses of the national minorities.

Consequently the First All-China Congress of Soviets of Workers', Peasants', and Soldiers' Deputies calls upon the toiling masses of the national minorities to unite with the Chinese masses of workers and peasants in a joint struggle against their common oppressors and exploiters, against imperialism and the rule of the native landlords and bourgeoisie, and for the creation of a Workers' and Peasants' Soviet Government. At the same time the First All-China Congress of Soviets of Workers', Peasants' and Soldiers' Deputies calls upon the toiling masses of the national minorities to fight against their own oppressors, against their own ruling classes, which, behind a smoke screen of nationalist slogans, savagely denounce the Soviet Union and the Chinese Soviet Republic, for the sole reason that both these states belong to the workers and peasants, and engage in irreconcilable battle against the imperialists and exploiters.

4. The First All-China Congress of Soviets of

Workers', Peasants' and Soldiers' Deputies openly declares before the toiling masses of all nationalities in China that it is the purpose of the Chinese Soviet Republic to create a single state for them, without national barriers, and to uproot all national enmity and national prejudices. In order to achieve this object, the Chinese Soviet Republic shall extend the operation of all its laws—agrarian, labour, suffrage, etc.—unconditionally to all the toiling masses living on the territory of the Chinese Soviet Republic, irrespective of the nationality to which they may belong.

The Chinese Soviet Republic must also pay special attention to the development of the productive forces and to raising the level of culture in the backward national autonomous areas of the Chinese Soviet Republic. Schools must be opened in which the instruction shall be in the native languages of the national minorities; publishing houses must be founded, and the use of native languages, both written and oral, must be permitted in all governmental departments; the local workers and peasants from the small nationalities must form cadres for the work of state administration, and Chinese big-power chauvinism must be resolutely combated.

5. The First All-China Congress of Soviets of Workers', Peasants', and Soldiers' Deputies is of the opinion that to-day there is only one country in the whole world—the Soviet Union which has actually overthrown the power of its landlords and bourgeoisie once and for all, and where the worker and peasant masses have achieved complete emancipation. The Soviet Union is the greatest force in the struggle against world imperialism, is the friend of all oppressed nationalities. The Soviet Union is the only country in which there is no persecution of one nation by another, where there are no national animosities, where the national question has indeed been solved.

The First All-China Congress of Soviets of Workers',

Peasants' and Soldiers' Deputies holds that the yoke of international imperialism can be thrown off and oppression and exploitation be abolished only in alliance with the worker and peasant masses of the whole world, only in alliance with all oppressed nations and under the guidance of the Soviet Union.

Therefore, the First All-China Congress of Soviets of Workers', Peasants', and Soldiers' Deputies resolves:

(a) In the Fundamental Law (Constitution) of the Chinese Soviet Republic, it shall be clearly stated that all national minorities within the confines of China shall have the right to national self-determination, including secession from China and the formation of independent states, and that the Chinese Soviet Republic fully and unconditionally recognizes the independence of the Outer Mongolian People's Republic.

(b) The toiling masses of all national minorities on the territory of the Chinese Soviet Republic, especially in those areas where the majority of the population is Chinese shall enjoy absolute equality with the latter, nor shall any of their legal rights or obligations be denied or abridged on account of nationality.

(c) The Provisional Soviet Government is hereby instructed to devote special attention to the development of the productive forces in the national republics and autonomous areas that may be attached to the Chinese Soviet Republic. It shall raise their cultural level, shall train and promote local cadres so as completely to abolish all national animosities and national prejudices and create a single workers' and peasants' state without any national barriers whatsoever.

(d) The Provisional Soviet Government is hereby further instructed to take all steps necessary to render active and concrete aid and support to the national emancipation struggle of the minor nationalities against the Kuomintang militarists, against all Chinese and non-Chinese landlords and capitalists.

(e) Finally, the Provisional Soviet Government is hereby instructed immediately to establish the closest political, economical and cultural ties with the Soviet Union.

REGULATIONS CONCERNING MARRIAGE IN THE CHINESE SOVIET REPUBLIC

Decree of the First Session of the Central Executive Committee of the Chinese Soviet Republic entitled "Provisional Marriage Regulations."

Under feudal domination, marriage is a barbaric and inhuman institution. The oppression and suffering borne by woman is far greater than that of man. Only the victory of the workers' and peasants' revolution, with the first step towards the economic emancipation of men and women brings with it a change in the marriage relationship and makes it free.

At the present time, marriages are contracted in the Soviet districts on an absolutely free basis. Freedom must be the basic principle of every marriage. The power of parents to conclude marriages for their children, to exercise compulsion and all purchase and sale in marriage contract shall henceforth be abolished.

Although women have obtained freedom from the yoke of the feudal lords, they are still labouring under tremendous physical handicaps (for example, the binding of the feet), nor have they obtained complete economic independence. Therefore on questions concerning divorce, it becomes necessary to deviate in the direction of protecting the women, and placing the greater part of the obligations and responsibilities entailed by divorce upon men.

Children are the masters of the new society. Under the old system it was customary to pay little attention to the children. Consequently special regulations have been established concerning the education of children.

These present regulations are hereby made public and shall enter into force as of December 1, 1931.

MAO TSE-DUN,
President of the Central Executive
Committee.

SAN-IN,
CHANG GO-TAO,
Vice-Presidents.

January 28, 1931.

REGULATIONS CONCERNING MARRIAGE

1. General Regulations

Article 1. The basis for the conclusion of any marriage shall be the principle of freedom. All feudal customs to conclude marriages by the sole authority of the parents, by exercising compulsion and all purchase and sale in marriage is henceforth abolished. It shall be unlawful to bring up young girls in any family as the prospective wives of the sons of the said family.

Article 2. Monogamy shall hereby be established and polygamy prohibited.

2. Conclusion of Marriages

Article 3. The age at which persons may marry shall be fixed at fully 20 years for men and at fully 18 years for women.

Article 4. The conclusion of a marriage shall be permitted only with the mutual consent of both sides. No form of compulsion by one of the parties or by a third party shall be permitted.

Article 5. All marriages between blood relations to the fifth degree shall be prohibited.

Article 6. No person suffering from syphilis, leprosy,

tuberculosis or any other dangerous contagious disease shall be allowed to marry unless permission to marry shall have been granted by a physician to persons so afflicted.

Article 7. No mentally deranged person and no lunatic shall be allowed to marry.

Article 8. In order to conclude a marriage, the man and woman concerned shall jointly appear at the rural or town Soviet in order to register the marriage and receive the certificate of marriage. The payment of fees and the presentation of presents or dowries in connection with any marriage shall be abolished.

3. Divorce.

Article 9. There shall be freedom of divorce. A divorce may be granted with the mutual consent and at the mutual request of both husband and wife; likewise if a peremptory demand for a divorce shall be made by either one of the parties.

Article 10. Divorces must be registered in the rural or town Soviet.

4. The Maintenance of Children after Divorce

Article 11. The maintenance of children born before the divorce shall be the duty of the husband, and in case both husband and wife shall desire to take upon themselves the duty of bringing up the children, this duty shall be imposed upon the wife.

Article 12. During the period that a child is breast-fed, the duty of maintaining and caring for the child shall be imposed upon the wife.

Article 13. The plot of land set aside for the child shall remain its possession.

Article 14. Any child left to the care of its mother must up to the age of 16 years also be supported by its father to the extent of two-thirds of the monies required for its

maintenance. This duty shall be discharged either in the form of monetary payments or by farming the plot of land set aside for the child.

Article 15. If in the case of a second marriage, the second husband shall wish to take upon himself the bringing up of the child, the father of the child shall be freed from the duty of maintaining the child.

Article 16. The second husband who shall wish to take upon himself the maintenance of such child shall place this fact on record at the rural or town Soviet, whereafter he shall bear the responsibility for the maintenance of the child until the latter shall be of age. He shall not be able to rescind this arrangement before the term shall have expired, nor may he maltreat such child.

5. *Concerning the Property of Husband and Wife after Divorce*

Article 17. If a man and a woman have each separately received a land allotment, acquired other property, and contracted loans each of them shall have the right of disposition. If, during the course of a whole year after the marriage, as a result of the joint labour of husband and wife, the property shall have been added to, it shall, in the event of a divorce, be equally divided between them or, if there be children, according to the number of persons in the family.

Article 18. Debts which have been incurred jointly by husband and wife shall after a divorce be payable by the husband.

Article 19. If, after the divorce, neither the husband nor the wife shall desire to leave the habitation, the man shall set apart living space for the woman.

Article 20. After the divorce, if the divorced wife shall not remarry, the man shall support her and farm her land for her, until such time as she may enter into a second marriage.

6. *Education of Children Born out of Registered Wedlock*

Article 21. The man shall pay two-thirds of the funds required to maintain a child born out of registered wedlock, after his paternity shall have been established, under Articles 11-15, Chapter IV, of the present regulations.

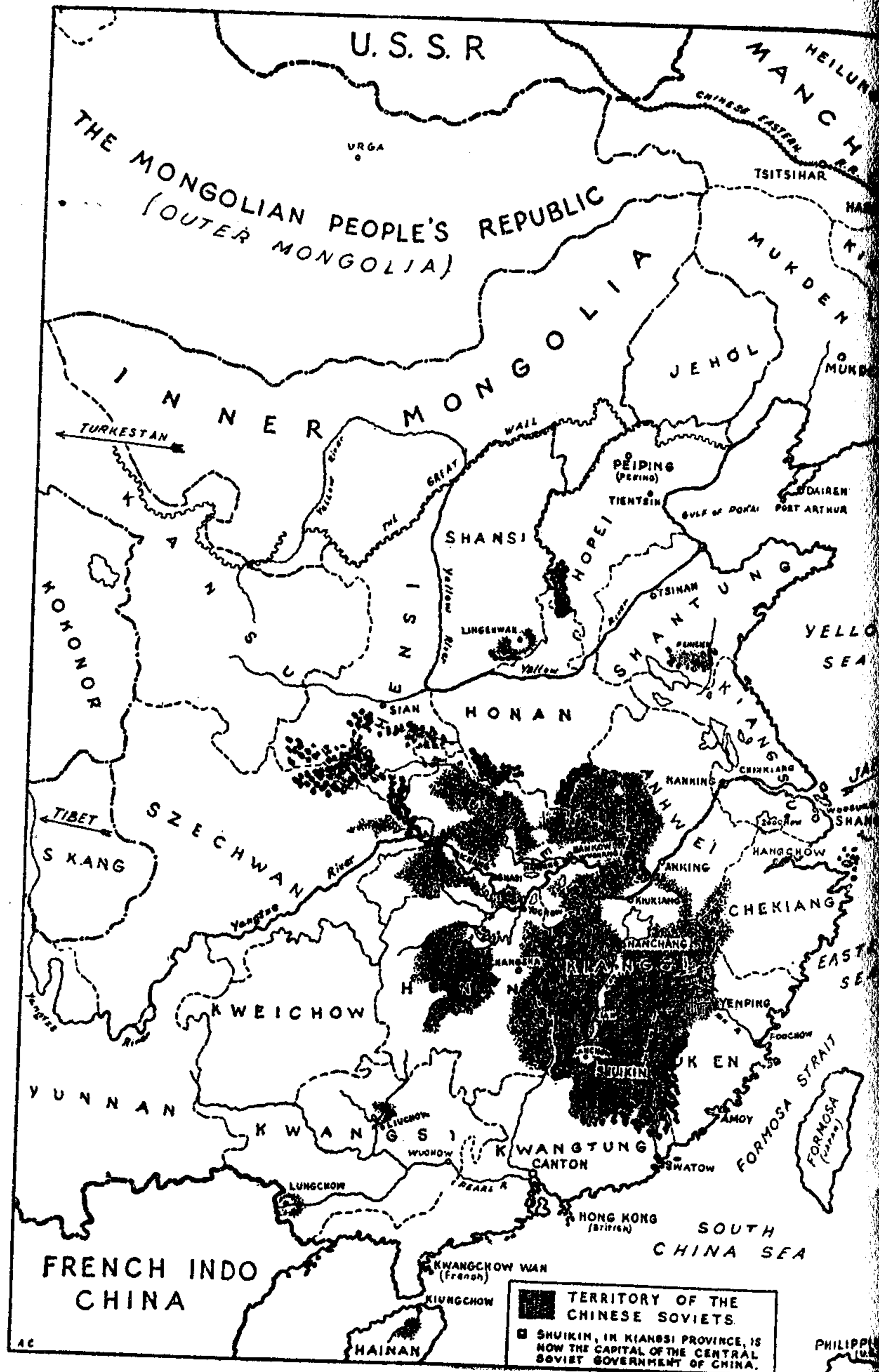
7. *Addendum*

Article 22. Anyone violating these regulations shall be guilty of a criminal offence.

Article 23. The present regulations shall enter into force on the day of their publication.

MAO TSE-DUN,
President of the Central Executive
Committee of the Chinese Soviet
Republic.

SAN-IN,
CHANG GO-TAO,
Vice-Presidents.



ELECTION for FORMING SOVIET POWER

NATIONAL CONGRESS

PROVINCIAL CONFERENCES of DELEGATES
of WORKERS, PEASANTS & SOLDIERS SOVIETS

DISTRICT CONFERENCES

TOWN SOVIETS

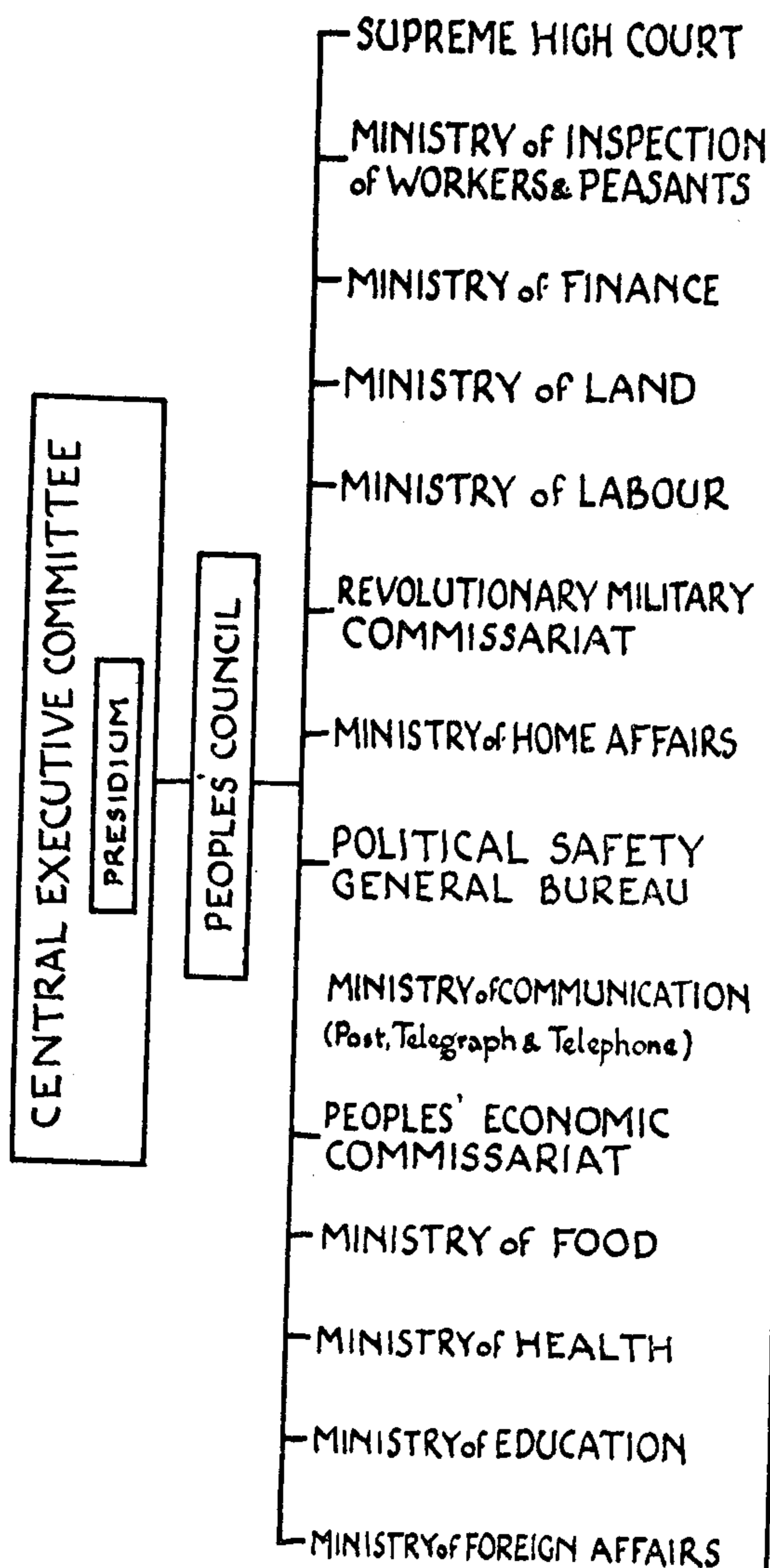
CITY SOVIETS

DIVISIONAL
CONFERENCES

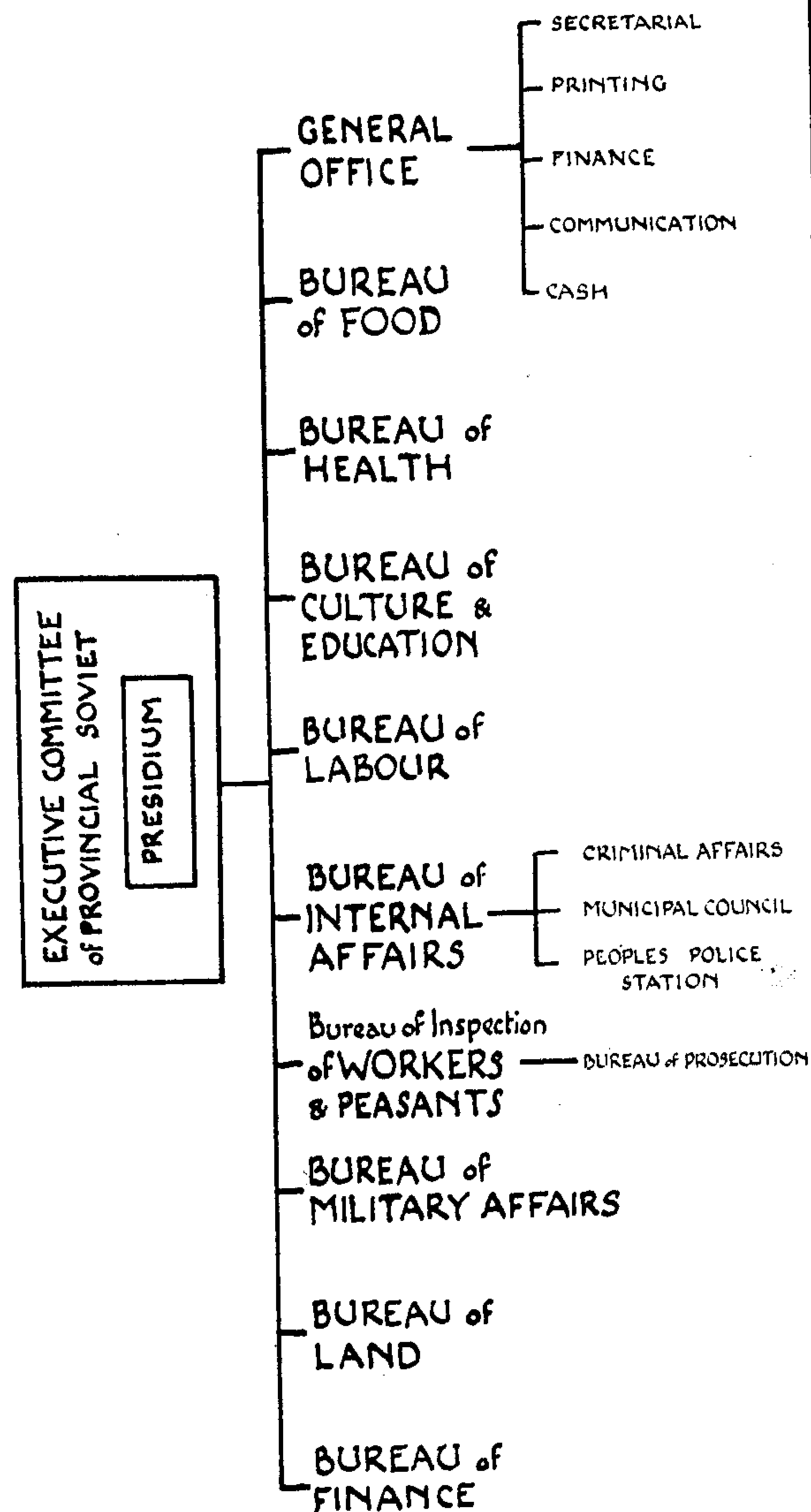
MUNICIPAL DISTRICT
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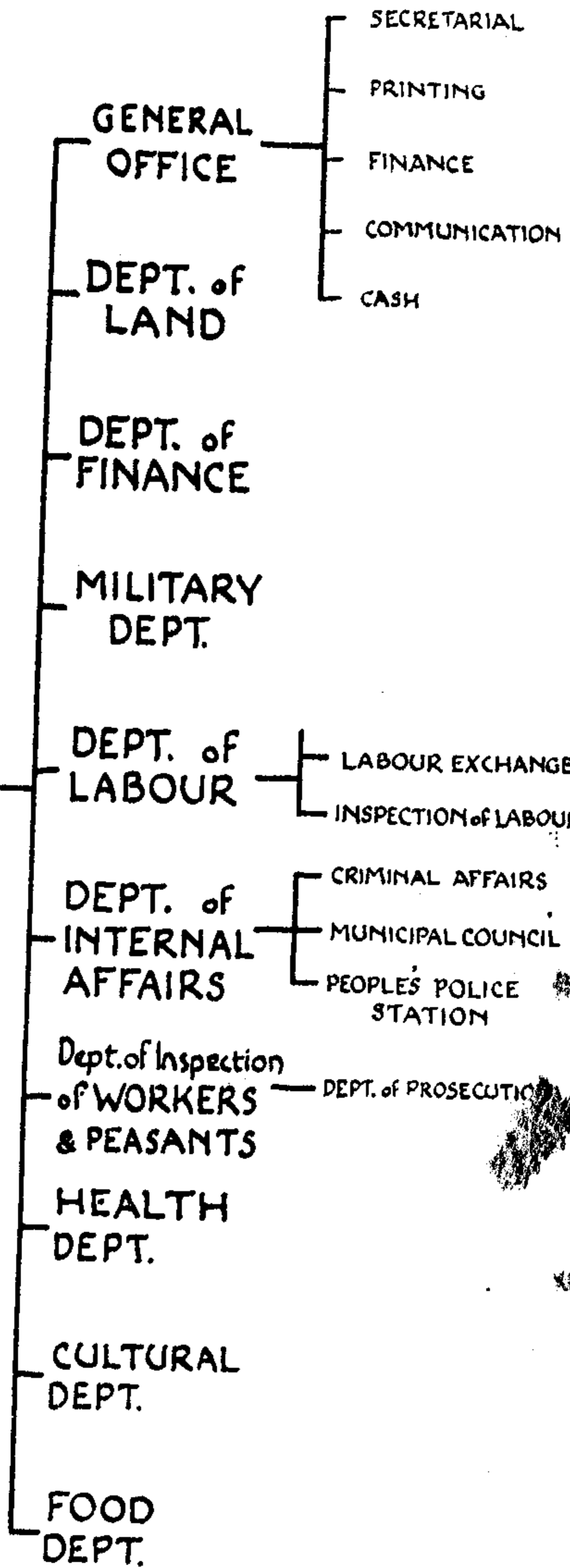
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