

THE ESTABLISHMENT OF A LEGAL SYSTEM IN
ANTI-CORRUPTION CAMPAIGNS IN THE EARLY DAYS OF THE
NEW CHINA

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Abstract:

Opposite to the mainstream academic view that little attention was paid to legal system building in the anti-corruption campaigns in the early stage of the People's Republic of China ("New China"), this article focuses on not only the mass movement but also the establishment of legal system in that period. Supported by numerous historical data, this article argues that a fundamental legal system for anti-corruption has actually been built in the early years of the New China. The Party Central Committee, Government Administration Council (renamed State Council), Discipline Inspection and Supervision Departments, and political-legal departments enacted and enforced a complete set of preliminary anti-corruption regulations and provisions conforming to the national conditions. Accompanying discipline inspection and supervision system and judicial system were also built. Criminal laws, administrative rules and regulations at that time all embodied the goal to combat corruption.

Key words: the New China, Anti-corruption, Establishment of Legal System

When studying anti-corruption campaigns in the early days of the New China, some scholars ignored the establishment of the laws and regulations and considered the mass anti-corruption campaign to be legal nihilism, asserting that what Chairman Mao was constructing was “rule of the masses under the concept of rule of man,” and “the legal system was never considered as the basic policy and practice.”¹ In fact, the truth is completely contrary to what these scholars believed. Shortly after its establishment, the New China enacted and enforced a complete set of disciplines for management, politics, and finance. She also promulgated criminal regulations and established a judicial and supervisory system to suppress corruption.

I. HISTORICAL AND OBJECTIVE OBSERVATION OF ANTI-CORRUPTION SYSTEM IN THE EARLY STAGE OF THE NEW CHINA

Indeed, it is true that in the early stage of the New China, the fight against corruption relied highly on the people's power. However, the view of “rule of man” is open to dispute.

First of all, this view omits the fact that it was a period when everything of the New China had begun to restart. Despite this fact,

¹ Guo Daohui (郭道晖), *Renzhi Zouxiang Fazhi-Wushi Nian Lai Woguo Fazhi Jianshe de Quzhe Jingli* (人治走向法制——五十年来我国法制建设的曲折经历) [*Rule by Men to Rule by Law--Tortuous Development of Chinese Legal System in 50 Years*], 7 BAINIAN CHAO (百年潮) [CENTURIAL TIDE] 2 (1999).

objectively, the foundation of People Democratic Legal System has existed already.

Back in different periods of domestic revolutionary wars, the Chinese Communist Party (CPC) and the People's Government had formulated many policies and ordinances which represented the People's will and conformed to the interests of revolution. Notwithstanding their simple forms and unavoidable regional limits, these policies effectively safeguarded and promoted the development of the revolutionary cause, and these ordinances became the buds of the new Chinese People's democratic legal system. After the victory of the Liberation War, the Party united with the democratic parties and enacted the Common Program and the Organic Law of Central People's Government of the People's Republic of China. According to the Common Program, which includes replacing the old Kuomintang legal system with the new People's system, the Party and the Government led the mass to destroy the struggle of the old legal system. The central government, together with the local governments, rebuilt the legal system nationwide by promulgating the Trade Union Law, the Marriage Law, the Land Reform Law, and other laws and decrees about labor protections, regional autonomy of ethnic minorities, and business management regarding public and private companies. During the movements against the "three evils" and against the "five evils," (or Three-Anti Campaign and Five-Anti Campaign) China enacted Anti-Corruption Regulations. At that time, the Military and Administrative Commission (later renamed as the Administrative Committee) from every big administrative region legislated many bylaws. Varied as the regulations were, they did successfully help fight corruption in their respective localities. According to a rough estimate from the Central People's Government Committee of Legal Affairs, from the establishment of the New China to the end of year 1953, there were 3333 promulgated (or proclaimed) laws and decrees (resolutions included). The anti-corruption campaign was thus conducted together with the construction of the legal system. Therefore, it appears that those who believed that the anti-corruption campaign was under the "rule by masses under the concept of rule by men" were actually wrong about history.

Secondly, those scholars misunderstand that shortly after the Party gained the state power, it was historically inevitable for the Party to mobilize the masses to participate in struggles against corruption, and they also neglect the functions of mass movements to establish legal system in the early days of the New China.

In the early stage of the New China, anti-corruption laws and regulations were enacted by summarizing the experience of mass campaigns, which proves that people combatting against corruption did play a role in the establishment of legal system. Many people took part in these storm-like mass campaigns. These campaigns were very powerful,

but hard to control. They smashed the old orders and regimes and replaced them with new ones. The laws in the New China reflected the lessons learned in the mass movement and were made in response to the practical needs of mass battles. The CPC reckoned that it was necessary to have mass movement anti-corruption campaign first, and then create anti-corruption laws. If the legal construction had been enacted and enforced before mass movements, anti-corruption could only be carried out formally instead of effectively. People could not be aroused as quickly, bureaucracy could not be eliminated, and the defilement of the society could not be purged as it was. So, due to the situation at that time, it was necessary for people to combat corruption. There is no doubt that mass movement was a secret weapon, but this weapon could not be abused. Chinese anti-corruption laws and regulations were gradually perfected by the experiences of mass campaigns against corruption. After the rules had been enacted, mass campaigns should be carried out under the law.

Thirdly, these scholars ignored the fact that the legal system of the New China was a response to the urgent needs of national development, and hence it gradually developed.

In the initial stage of the New China before the anti-corruption campaigns, the legal system for the campaign was preliminary, but by no means complete. But having an incomplete system is not the same as having no system. Chinese anti-corruption law was not perfect and complete all at once. The system could only be improved gradually, using the lessons gained from combating corruption movements. At that time, some of the laws for anti-corruption were written, yet some were not. As Dong Biwu said, "Our country and the Party have proposed many policies and programs in the past which represented the interests and requests of the vast majority of people. Some of these policies, although could not become the written law due to subjective situation, they functioned as laws and regulations in effect."² Without these laws and regulations, people in the battle would become disorderly. Errors would not be able to be rectified in time. The large-scale movements would be in a mess, and the struggle against corruption would turn into a failure. Due to the Fights against Three Evils and Five Evils, mediations among the people were carried out; circuit courts were set up step by step from the county-level; a jury system was established at the trial. Many new judicial reform measures like people's reception rooms and judicial work on duty were adopted by courts at all level. All of these efforts progressively established the judicial system with Chinese characteristics. Dong Biwu once talked about building Chinese legal system, and he said that the "Chinese People's Democratic Legal System cannot be inflexible and

² Tung Piwu (董必武), *Tung Piwu Xuanji* (董必武选集) [Collected Works of Tung Piwu] 411 (1985).

subjective, but should be made according to reality and the objective requirements of political and economic development, and must gradually be developed and perfected step by step.”³

The anti-corruption legal system in the early days of the New China included Constitutional Law, Criminal Law, Non-criminal Law, administrative law and regulations, and relevant judicial interpretations regarding anti-corruption. It also included the relevant instructions, orders, decisions, regulations, notices, ordinances, and opinions enforced by State Council, its departments, and the departments of the Central Committee of the CPC (CCCPC). All these played a significant role in building the anti-corruption legal system during the early period of establishing the New China. The establishment of the anti-corruption laws should be viewed historically and objectively. One should not negate its existence simply because of the fact that the system was imperfect.

II. A THOROUGH APPREHENSION OF THE ESTABLISHMENT OF THE ANTI-CORRUPTION SYSTEM BY THE GOVERNING PARTY

Acting by law and system establishment was regarded as the main theme in the movements of anti-corruption early in the history of the New China. In the deployment of the Fights against Three and Five Evils, the CPC and the government focused on both inciting people fighting corruption on a grand scale and building an anti-corruption system.

On December 1st, 1951, the CCCPC enacted the “Decision on Better Troops and Simpler Administration, Increasing Production and Practicing Thrift, and Fighting against Corruption, Extravagance and Bureaucracy.” It stipulated that the Central People’s Government “shall enforce ordinances for suppression of corruption and extravagance,” and shall act under the law. In late January 1952, the CCCPC released drafts of anti-corruption for public comments. This was passed in the No. 130 Central People’s Government Executive Meetings on March 28, and enforced by the Central People’s Government on April 21. The central committee required that during the enforcement of the anti-corruption law, “All corruption must be exposed, and must be dealt with according to the degrees. The penalty ranges from being warned, transferred, dismissed, expelled from the Party, sentenced, and even executed by shooting.” It was specifically stipulated that “typical embezzlers must be tried in public, and must be brought to justice legally.”⁴ What should be pointed out here are the emphasis on the seriousness of the law enforcement, like the punishment by law, and the emphasis on the respect

³ *Id.* at 411.

⁴ Zhonggong Zhongyang Weiyuanhui Wenxian Yanjiushi (中共中央委员会文献研究室) [CCCPC Literature Research Office], *Jianguo Yilai Zhongyao Wenxian Xuanbian 2* (建国以来重要文献选编 2) [a Collection of Important Documents since the Founding of the People’s Republic of China 2] (1992).

for legal procedures, like the public trial before the punishment. The offenders were brought to justice legally, not by the likes and dislikes of the masses or by the emotion of the leaders.

While leading the Fights against the Three and Five Evils, Chairman Mao demanded strict law enforcement, seeking truth from facts, investigations and study; however, he strictly forbade extorting confessions by torture. He also instructed that “inspecting illegal business must be strictly controlled by municipal Party committees and municipal governments. Every organ shall not send inspectors at their own will, and shall not arrest capitalists arbitrarily for interrogation.”⁵ These instructions in essence reflected the respect for law. The Party Central Committee used law to divide private business into five categories: law-abiding firms, basic law-abiding firms, partially law-abiding firms, severe law-breaking firms, and total law-breaking firms. In the anti-corruption movements, the Party and governments represented the will of the people and made the laws and regulations. Then they would enforce them, and sanction the offenders and embezzlers. Peng Zhen, one of the persons in charge of political and legal works at that time, also emphasized the importance of sanctioning big embezzlers.⁶

Some people think the anti-corruption movements depended on mass campaigns. When the mass campaigns ended, corruption would emerge again. When corruption emerged, mass campaigns would be launched again. It is a vicious circle. In fact, they are wrong about the history. The anti-corruption movements were divided into several stages, such as people exposing wrongdoers, dealing with the exposure, and system establishment, and so on. Among the stages, the system establishment consolidated the gains of the anti-corruption movements. On May 30th, 1952, the CCCPC spoke in the “Instruction to Consolidate and Build the Party on the Basis of the Fight against Three Evils” that “in the construction phase of the Fight against Three Evils, one-time education combined with the eight standard of CPC members was a good way to raise their awareness of their shortcomings and to correct them.”⁷ Correspondingly the regulations for consolidating and building the Party were enacted. On June 15th, 1952, the CCCPC laid emphasis on system establishment in the “Instruction to Win the Fight against Three Evils,” and said during the construction phase, “The weaknesses discovered in

⁵ Zhonggong zhongyang Wenxian Yanjiushi (中共中央文献研究室) [CCCPC Party Literature Research Office], Mao Zedong Zhuzuo Zhuanti Zhaibian Shang (毛泽东著作专题摘编 上) [Extracted Works of Mao Tse-tung on Special Topics (Part 1)] 809 (2003).

⁶ As Peng Zhen said, big embezzlers “are no longer on our side, they are criminals. Without their repentance and redemption by meritorious deeds, they shall be punished by law,” “These big embezzlers are not our comrades anymore. They are thieves who have stolen treasure from our country and people, so without their repentance and redemption by meritorious deeds, they shall be separated from our people and punished by law.” See Peng Zhen (彭真), Peng Zhen Wenxuan (彭真文选) [Collected Works of Peng Zhen] 231 (1999).

⁷ See CCCPC Literature Research Office, *supra* note 4, at 197.

the Fight against Three Evils should be corrected so as to consolidate the gains of the Fight ideologically, organizationally and institutionally.” “Organization construction and system construction are necessary. The main task of organization construction is reorganization whose aim is to establish authorized strength, to downsize organizations, and to improve productivity. Moreover, the system construction includes democratic system, new financial rules, basic construction system, personnel system, system for life, study and work, and supervisory and inspection system. The main task of system construction is the democratic system. The key point of the democratic system is strengthening inter-Party democracy, and the most proper way to strengthen democracy in the Party is through congresses or meetings of Party members, which should be held regularly and taken seriously. Besides, another way to strengthen democracy in the Party is experience of democratic life in government offices. The representative assemblies and team meetings of staff in government offices and the annual democratic self-criticism system should be held regularly.”⁸

Every big administrative area, the party organization, and governments at the level of province and city happened to coincide with the CCCPC in regard to the anti-corruption system construction. Before the Fight against Three Evils, the CPC Beijing Municipal Committee proposed in the “Request for Instructions from CCCPC and North China Bureau on Corruption of Functionaries” that “[n]ecessary systems should be built without delay. Leaders’ inspection and education, as well as people’s supervision and accusation are both needed for suppression of corruption and establish and consolidate the culture of integrity.”⁹ And in the written comments by CCCPC, it was said “the request is completely right.” In view of the ideological building, organizational building, and system establishment, especially of the democratic system establishment in the “Instruction to Win the Fight against Three Evils,” Deng Xiaoping in Southwest said that “we totally agree with the instruction from CCCPC, and we shall comply with it.”¹⁰ Then on June 20th, 1952 he specifically arranged the work of system establishment after the Fight against Three Evils at the meeting of Party cadres in the Southwest governments and army.

One of the most important achievements of the system establishment after the Fight against the Three and Five Evils would be the judicial reform movements in 1952.

⁸ See CCCPC Literature Research Office, *supra* note 4, at 221, 227.

⁹ Zhongguo Beijing Shiwei Dangshi Yanjiu Shi (中共北京市委党史研究室) [CPC Beijing Municipal Committee Party Literature Research Office], Beijing Zhongyao Wenxian Xuanbian (1951) (北京重要文献选编 (1951)) [A Collection of Important Documents in Beijing (1951)] 542 (2001).

¹⁰ Deng Xiaoping Xinan Gongzuo Huizong (邓小平西南工作汇总) [The Collection of Deng Xiaoping’s Southwest Work], RENMIN RIBAO (人民日报) [PEOPLE’S DAILY], Sept. 13, 1952.

During the masses campaigns like the Fight against the Three and Five Evils, the People's judicial organs did make some achievements and creations, and yet meanwhile exposed some serious political and organizational weaknesses and bad styles of work of the staff. After the Fight, CPC and the government realized that the necessity of judicial reform, and that the old law and the old judicial system should be criticized strictly, thus drawing a line between the old and the new legal system. During the judicial reform, the necessity of the system and organization establishment was also noticed. Then Zhang You-yu, the deputy mayor of Beijing, specifically pointed out during the judicial reform that the main tasks were reorganization and remolding the ideology. These two tasks should be combined, that is to say, organizational consolidation should be based on remolding the ideology to make new work system and method.¹¹ The reform yielded impressive results. On contrary to the old method "trying a case in a court without investigation," many local governments adopted methods such as conducting investigation before making judgment, setting up circuit courts, holding "trials in countryside instead of in court rooms," and making judgments timely. In many areas, the cases were dealt with promptly and correctly. These reforms benefited the unformed Socialism Judicial System with Chinese characteristics.

III. THE ESTABLISHMENT OF FUNDAMENTAL SYSTEM AGAINST CORRUPTION

Establishing a new System to eradicate corruption is the popular topic in modern Chinese theoretical circles, but from many scholars' point of view, establishing a new System does not mean changing the social fundamental system. The change shall only be limited to improving and amending the old System. According to the various influences the system had on social life, the system can be classified into a fundamental system and a derivative system. The social fundamental system is of decisive importance in the connections between people, and it is a basic standard for people's behavior. In addition, the fundamental system is the decisive key to control corruption. Different social fundamental system would affect the frequency of corruption variably. The construction of the Chinese fundamental systems, namely socialist public ownership and the People's Congress led by the CPC and the CPPCC, was the effective premise for anti-corruption.

In addition, the Common Program (the provisional constitution in 1949) and the 1954 Constitution Law clauses of anti-corruption were included, which constituted the legal basis for anti-corruption on the

¹¹ Beijing Shi Sifa Gaige Gongzuo Quanmian Zhankai (北京市司法改革工作全面展开) [Beijing Judicial Reform Work in Full Wing], RENMIN RIBAO (人民日报) [PEOPLE'S DAILY], Sept. 13, 1952.

constitutional level. It is the opinion of modern political science that democracy is an effective weapon to suppressing corruption. Mao Tse-tung once talked with Huang Yan-pei in the cave and confirmed the effectiveness of democracy in fighting against corruption in the Party. And this idea was embodied in the 1949 Common Program, which stipulated every government officials must be “supervised by the masses.” Article 15 also says “democratic centralism shall be practiced in the organs of state power at all levels,” while article 18 says “All state organs of the People’s Republic of China must enforce a revolutionary working-style, embodying honesty, simplicity and service to the people: They must severely punish corruption, forbid extravagance, and oppose the bureaucratic working-style which alienates the masses of the people.” In fact, Article 18 became an important legal basis in the Fight against Three Evils, namely corruption, extravagance, and bureaucracy. It was also acknowledged by modern political science that effective supervision of the exercise of power was beneficial to anti-corruption. Hence one of the important measures against corruption would be supervising Party and government functionaries by the masses. This point was also embodied in the Common Program. According to Article 19, “People’s supervisory organs shall be set up in the People’s Governments of county and municipal level and above, to supervise the performance of duties by the state organs of various levels and by public functionaries of all types, and to propose that disciplinary action be taken against state organs and public functionaries who violate the law or are negligent in the performance of their duties.” Besides, the Common Program gave the right of accusation to the people and people’s organizations, in which “[they] shall have the right to file charges with the people’s supervisory organs or people’s judicial organs against any state organs or any public functionaries that violate the law or are negligent in the performance of their duties.”¹²

Compared with the Common Program, the 1954 Constitution was more complete, and there were also rules about anti-corruption. For example, Article 17 stipulated “[all] state organs must rely on the masses of the people, constantly maintain close contact with them, heed their opinions and accept their supervision,” and Article 18 said, “All civil servants must be loyal to the people’s democratic system, observe the Constitution and the law and strive to serve the people.” The Common Program also affirmed the right of supervision of the people. In Article 97 of the Constitution, it is said that “The citizens of the People’s Republic of China has the right to lodge complaints against any civil servant to any state organ and has the right to compensation to any losses incurred.” This article was very important to restrict the power and suppress corruption.

¹² See CCCPC Literature Research Office, *supra* note 4, at 5-6.

Shortly after its founding, the New China had constructed a fundamental system which promotes anti-corruption. Economically, China built socialist public ownership, strengthened the country's as well as every officials' dependence on the economy, and thus placed limitations on them. On account of the establishment of the socialist economic system with public ownership as the main one, the social public interest reflected the interests of the vast majority of the people; thus individual interest corresponded with the social public interest. The economic activities of the people, including their life, their death, their housing, their medical care, and their parenting, were all governed by a set of state organizations from the top down. The Country is the support of the people, and socialism is the source of happiness of the masses. This structure of social integration had a function through which senior officials could control local officials to prevent them seeking personal gain by taking advantage of their office. Those who performed well politically could be promoted. Otherwise, they could be alienated. The reason why political status was so important was that apart from their political values, the status could bring in material interests, both political status, and economic interests. Political status could deeply affect the quality of one's life. Once any Party cadre got a bad political status like "bad element" or "being toppled" because of corruption, what he or she would experience would be more than political punishment, they could lose economic interests. So due to the high cost of corruption, generally rational officials would not dare take the risk.

Politically, China established the NPC system (National People's Congress), which protected the people's right to take part in the government of the nation and to be the master of the country, and ensured the people's right of supervision. During the construction of a unified political system across the country, China expanded the political power to local areas, forming a complete and effective state power system. Thousands and thousands of Party members and cadres complied with the democratic centralized system and the reporting system. Facing the forceful social and political reorganization, it would be very hard for any government official or even citizen to commit corruption under the law.

IV. THE ESTABLISHMENT OF THE DISCIPLINARY AND SUPERVISORY SYSTEM AND CORRUPTION TRIAL SYSTEM

After the formation of the New China, the Disciplinary and Supervisory System by the CPC and the government entered a new phase where an organizational system was established. In the November 1949, the CCCPC promulgated the "Decision on Setting up the Party's Disciplinary and Inspection Committees at all levels," and the Central Commission for Discipline Inspection was formed with Zhu De as secretary and 100 members. In 1950, the Central Commission for

Discipline Inspection instructed that the Party organizations with the Party committee should set up a commission for discipline inspection, and that the general Party branch or Party branch should have commission members for discipline inspection. By the end of 1950, most Party committees at or above the county level had set up the commissions.

Instructed by the Government Administrative Council, people's supervisors and people's accusation reception rooms played a significant role in the Fight against Three and Five Evils. To consolidate the achievements of the Fight, on August 19th, 1952, the Council promulgated the "Instruction to Ensure People's Procuratorial Reporters and People's Accusation Reception Rooms," which stipulated that there should be more reporters generally, and according to the reality more people's procuratorial reporters in people's organizations, business sectors, and government organs."¹³ Those without People's Accusation Reception Rooms should take action quickly. On December 27th, the Government Administrative Council promulgated the "General Rules of the Temporary Organization of the Government Financial Organs at or above the Province (or City) Level and of the Supervision Rooms of State-run Financial Business," which contained 15 articles. On October 13th, 1952, the Beijing People's Government enacted "Regulations to Implement the Instruction of the Government Administration Council to Expand People's Procuratorial Reporters and People's Accusation Reception Rooms," which said that "the work of the People's Accusation Reception Rooms had been in principle handled by the cadres who received the people and dealt with their letters. If there was not such a position for cadres, then the similar positions with assigned cadres should be added to the organizations."¹⁴

After the Gao Gang and Rao Shushi scandals, CPC realized the importance of supervision within the Party. On March 21st, 1955, Mao Zedong once said in the opening statement of the National Conference of the Communist Party, "Central Committee considers it necessary to set up the Central Supervisory Committee now instead of the old the Central Commission for Discipline Inspection according to the Party Constitution."¹⁵ On March 31st, 1955, the CPC NPC passed the "Decision on the Foundation of the Party's Central and Local Supervisory Committee," and decided to enforce the decision. In the Party

¹³ Zhongyang Renmin Zhengfu Fal Gongzuo Weiyuan Hui (中央人民政府法律工作委员会) [Legislative Affairs Committee of Central People's Government], *Zhongyang Renmin Zhengfu Faling Huibian (1952)* (中央人民政府法令汇编 (1952)) [A Collection of the Decrees from Central Government (1952)] 263 (1982).

¹⁴ See CPC Beijing Municipal Committee Party Literature Research Office, *supra* note 9, at 536.

¹⁵ Zhongguo Gongchandang Zhongyang Weiyuan Hui Wenxian Yanjiu Shi (中国共产党中央委员会文献研究室) [CCPC Party Literature Research Office], *Jianguo Yilai Mao Zedong Wengao (建国以来毛泽东文稿)* [Manuscripts of Mao Zedong since the Founding of The New China] 61 (1992).

Constitution passed on the 8th Delegate Conference of the CPC in 1956, it was required that every Party member and Party organization must be supervised by the Party. The First Meeting of the Second Central Supervisory Committee Conference passed the “Specific Regulation on the Limit of Authority of Approval in order to Discipline Party Members by the Central Supervisory Committee” and the “Detail Rules of Work of the Central Supervisory Committee.” At the end of the year, the Supervision Ministry held the sixth national supervisory work conference, stated that Chinese counties and counties without districts and districts under the jurisdiction of the cities might set up supervision organs, and thus strengthened the state administrative supervision organs and their work.

In 1961, China set up supervisory committee at all levels in rural areas. The commune, production brigade, and production team were the three levels of supervisory committees, which more or less benefited suppressing corruption behavior of the rural Party and government cadres. During the rectification movement in 1957, supervision ministry handled the case about where Guang Xi people were starved to death for famines, corresponding with the movements against the subjectivism, and bureaucracy and sectarianism.

On September 29th, 1962, the Tenth Plenary Session of the Eighth Committee of the CPC passed the “Decision on Strengthening Supervisory Organs,” which increased the number of the supervision committee members and decreased the limit of authority of the committees. “The Central Supervisory Committee may send supervision teams to reside permanently in the ministries and commissions under the State Council.”¹⁶ The authority of office was expanded. “Supervisory Committee at local levels has the right to report the violation of law and discipline to the Party committee of a higher level, to the supervisory committee or to the Central Committee of the CPC.”¹⁷ In the 1960s, during the movements of the Four Clean-ups and the Fight against the Five Evils, the Party’s supervisory organs at all levels investigated and dealt with numerous case of violation of law and discipline. The work of supervision strengthened accordingly.

Some people believed that the anti-corruption movements in the early stage of the New China were carried out without complying with the laws and regulations. Actually, the CPC and the government established a strict discipline inspection and supervision system.

¹⁶ Zhongguo Gongchandang Zhongyang Weiyuan Hui Wenxian Yanjiu Shi (中国共产党中央委员会文献研究室) [CCCPC Party Literature Research Office], *Jianguo Yilai de Zhongyao Wenxian Xuanbian 5* (建国以来的重要文献选编 5) [a Collection of Important Documents since the Founding of the People's Republic of China 5] 573 (1997).

¹⁷ *Id.* at 573.

In January 1950, the detailed rules of the work of CCCPC discipline inspection commission unveiled the “Instruction concerning the Relation between the Discipline Inspection Commission at all levels and the Party,” which stipulated that the discipline inspection commission members at all levels worked under the lead of the Party committee members, and that the relation between the two members was one guiding the other.¹⁸ In November, the Central Discipline Inspection Commission enforced the Notice that punished Party members should be given the chance to argue their cases themselves. In December, it also issued a report dealing with the relation between the military discipline inspection commissions at all levels and the Party’s local discipline inspection commissions. In 1954, two significant files were enacted. One was the “Regulation on the Procedure and the Limit of Authority of Approval in order to Discipline Party Members and Organizations,” which prescribed the procedure to discipline Party members, the limit of authority of approval, and the cancellation of the punishment in detail. The place where decisions to discipline a general Party member would be given was at the general meeting of the branch, and the decision would be reported to the Party committee at two levels higher to get approved. If the disciplined members were not willing to accept the decision, he or she had the right of appeal. The second significant file would be “Several Decisions on Dealing with Charges and Appeals,” which regulated the scope of appeal, the principles, the limit of the authority, and the procedure of ending the cases. These were important specific and systematic regulations about the enforcement of discipline inspection in the Party’s history.

Those corruption cases regarding people and properties were sensitive ones on account of their nature. Hence the Central Commission for Discipline Inspection established the system of requesting instructions and submitting reports. On January 5th, 1954, the Central Commission for Discipline Inspection made the “Regulation on the System of Requesting Instructions and Submitting Reports” which stipulated that discipline inspection commission at a lower level should report to the commission at a higher level. The reports were comprehensive reports issued once a quarter; a final report issued once at the end of a year, a specific report on certain problems and interim reports. Apart from the irregular specific reports and the irregular interim reports, the comprehensive reports should also be made before the 15th of March, July, and October. The final report should be delivered to the Central Commission for Discipline Inspection before the 15th of January of the

¹⁸ Zhonggong Zhongyang Jilü Jiancha Weiyuanhui Bangongting (中共中央纪律检查委员会办公厅) [The CCCPC Discipline Inspection Commission Office], *Zhongguo Gongchandang Dangfeng Lianzheng Jianshe Wenxian Xuanbian* (中国共产党党风廉政建设文献选编) [A Collection of the Construction of CPC Party Work Style and Clean Government] 47 (2001).

next year. On September 18th, 1954, the Central Commission for Discipline Inspection publicized a notice to change this system. After the Central Supervisory Committee was founded, this system of requesting instructions and submitting reports continued.

On February 1955, the “Regulation on the Organization and the Scope of Operation of the Central Commission for Discipline Inspection” was enacted, which pointed out that the Central Commission for Discipline Inspection was in charge of inspecting and handling the Party members and organizations whose behavior violated the Party’s disciplines, and set the scope of operation of the four divisions and the office. In the same year, other regulations such as the “Notice on the Quick Equipment of Full-time Cadres of the Supervisory Committee at All Levels,” and the “Request for the Part-time Supervisors of the Central Supervisory Committee among Central State Organs and Masses Groups” were also publicized. In 1956, notices were publicized to show that it was inappropriate to set part-time supervisors in the counties or in the cities under the jurisdiction of provinces at that time, and to regulate the work of discipline inspection and supervision. These notices systematically ensured the work of the inspection and supervision.

The offenders in the Fight against Three and Five Evils were not like treated like others, who had been tied up by the masses and beaten to death; instead they were tried by the courts and punished by law.

To handle the cases relating to the execution, immunity and other judicial procedure of the illegal business or the grafters in the Fight against Three and Five Evils seriously, discreetly, and timely, on March 21st, 1952, the 129th meeting of the government administration council passed the “Regulation on the Establishment of People’s Courts in the Fight against the Five Evils.” It was later promulgated on March 24th. It regulated the principles, conditions, number of people and the limit of the authority of setting up courts and judicial committee. It was especially put forward that “People could be executed only after being examined and verified by the provincial or municipal people’s governments, and only after being approved by the people’s governments of the greater administrative areas or the central people’s government.” This reflected the seriousness and discreetness of the death penalty. In the 28th day of the month, the 130th meeting of the Government Administration Council passed the “Regulation on the Establishment of People’s Courts in the Fight against the Three Evils,” making the organization of anti-corruption formal. All organs above the level of prefectures and all troops above the level of regiment were required to establish People’s courts in which their judicial work shall be under the lead of the people’s court and the military law organs of the same level. And the right of approval of the criminal punishment was owned by organs two levels higher. All death penalty decisions must be approved by the Central People’s Government Administration Council and the People’s governments of the greater

administrative areas, or by the People's Revolutionary Military Committee and greater military region.

In the judicial interpretations, the specific procedure of the courts trying cases was stipulated in detail. The interpretations, titled "Judicial Process of the People's Court for a Trial Implementation," were promulgated by the Supreme People's Court on March 15th, 1952. One letter from the Supreme People's Court and the Ministry of Justice on May 19th stipulated that the courts' preliminary rulings of the cases of corruption and illegal business before the Fight of Three Evils could be upheld after the Fight. One letter of the request of the enforcement of seeing how the offenders with jail sentences behave in jail from the Supreme People's Court on May 22nd, the reply to last one letter on October 15th, and another reply to the question about the recovery of the stolen things in the Fight against the Three Evils the on November 17th.

V. ANTI-CORRUPTION REGULATIONS OF CCCPC AND RELATED DEPARTMENTS

In the early days of the New China, the Party Central Committee and its leaders clearly realized that it was tough to seize power and even tougher to hold on to power. Keeping the regime required fighting corruption resolutely. The CCCPC and related departments, especially the Central Commission for Discipline Inspection or the Central Vigilance Committee, made and publicized a number of anti-corruption regulations. Studying the anti-corruption history of PRC, a conclusion can be drawn that although the CCP mobilized people to combat corruption, it never loosened its grip on the whole anti-corruption movement. The CCP frequently published regulations defining anti-corruption movement.

In the movements against the "three evils" and the "five evils" in 1952, the issues regarding how to deal with members of the CPC who had different degrees of corruption had strong policy and high social attention. The CCCPC published specific regulations, directions, orders and advices frequently. There were some typical ones. For example, "Decisions of Expelling from the Party because of Serious Corruption" passed on January 29, 1952. Its core content is all the members of the Party who were seriously corrupt and must be arrested should expulsion firstly without exception. On February 9th, "Supplemental Direction of Less Serious Corrupt Officials' Sanction" pointed out: "On account of the less serious corrupt officials who embezzled less than ten million took 95% to 97% of the whole corrupt group, being a common phenomenon, the CCCPC has stipulated that only severe violators should be imposed criminal punishment, the others should face administrative punishment by their departments according to their personal circumstances, instead of criminal punishment. Less serious corrupted officials, who had good performance during working time, can be exempted from administrative

punishment. Besides, some officials' behavior approximates corruption but not exactly the same, which should not be considered as corruption. Following these rules, there were more than 85% people could get rid of criminal punishment (which means no trials or prison sentences), and only were imposed of administrative sanction. It was helpful to unite and educate these people. It was also beneficial to carry out the work of 'three evils.'¹⁹ On December 12th, the CCCPC put forward the "Advices about Dealing with Problems in the Movement against 'Three Evils.'" This document contained the following content: "A part of people, among people who embezzled less than ten million taking above 90% of the whole corrupt group, are considered to release as non-corrupt people. The standard of amount of money can be settled under 500 thousand RMB."²⁰ Departments under county level or regiment level had no right to approve arrest. The rights to approve death penalty, life imprisonment, and exemption from punishment adopted skip-two-level approval system. "Arresting and sentencing the embezzlers involving responsible persons of democratic parties should have the permission of Central People's Government or greater province-area-level departments."²¹ On March 6th, "Regulations on Dealing with Corruption and Waste" was published. On March 8th, "Regulations on Dealing with Corruption, Waste, and Overcoming Bureaucracy," made by Central Commission for Thrift Inspection, was passed. Policy of disposing embezzlers in this document was: lenient punishments for majority who had less serious offence and offset guilty by merit; tougher punishments for minority who had serious offence and refused to be honest. In order to educate cadres and unite ordinary people, it also needed to distinguish different cases to deal with problems of waste and bureaucracy. The duration of corruption should be counted from October 1st, 1949. Cases began before establishment of the New China, can be managed as exemplary cases if these cases were significant or provoked strong outrage. On March 20th, "Regulations on Dealing with the Party Members, Corrupt, Waste, and Bureaucratic in the movement against 'three evils,' by Party Disciplinary Measures" was passed; April 12th, "Directions for sentencing embezzlers in the movement against 'three evils'" was published; June, "Directions for dealing with the Party discipline problems in the movement against 'three evils' and Party Reorganized Movement" was published; August, "Directions for the Party discipline problems in the task of retrial and dealing continually with the movement against 'three evils' "was published. All of these documents directed and regulated the movement against "three evils" effectively.

¹⁹ Liang Guoqing (梁国庆), *Zhongwai Fanfubai Shiyong Quanshu* (中外反腐败实用全书) [A Complete Collection of Domestic and Foreign Anti-corruption Practice] 714 (1994).

²⁰ The CCCPC Discipline Inspection Commission Office, *supra* note 18, at 18.

²¹ The CCCPC Discipline Inspection Commission Office, *supra* note 18, at 20.

The movement against “three evils” began in 1952. The “three evils” meant bureaucracy, authoritarianism, and violations of the law and discipline. The task of anti-corruption was successful in 1952. However, there was a rare task involving bureaucracy. Loose management of cadres under county level led to the development of bureaucracy, authoritarianism, and violations of the law and discipline. Therefore, on January 5th, 1953, the CCCPC published “Directions for against bureaucracy, authoritarianism, and violations of the law and discipline.” On February 26th, the CCCPC approved “Regulations on dealing with the Party members’ and cadres’ corruption, waste, and authoritarianism in rural areas,” which was made by North China Bureau. In this document, it stipulated problems of corruption as this: “the corrupt behavior means: any people or collective embezzle national property or public property illegally to enrich oneself. The boundary between corruption, waste, gaining extra advantage from the public, and damaging the organization to benefit oneself must be distinguished clearly.”²² Village cadres got a little more relief food or a little more travelling expenses than other people cannot be considered as corrupt practice. On March 4th, the CCCPC published “Directions for points for attention in the fight against bureaucracy, authoritarianism, and violations of the law and discipline.” This document cautiously stipulated the points for attention during the movement against “new three evils” in the situation involving minority nationality cadres and non-Party people in the departments of democratic parties, religious organizations, and industry and commerce associations and so on.

In 1960 a new movement against “three evils” started in the rural area. This movement was mainly against corruption, waste, and bureaucracy. On March 23rd, in the “Directions for six-level cadres’ conference in Shandong,” the CCCPC put forward that the conditions of corruption, waste, and bureaucracy in rural areas were serious, “needed dealing with immediately.”²³ On March 30th, according to the materials from the six-level cadres’ conference in Shandong, in behalf of the CCCPC, Chairman Mao drafted the directions for “anti-bureaucracy” to direct the movement against “three evils” in the rural areas. On May 15th, the CCCPC published “Directions for the movement against ‘three evils’ in the rural areas”. On August 10th, the CCCPC approved the “Advices about some specific policy questions of the movement against ‘three evils’ in the rural areas” made by the Central Vigilance Committee.

In the 1960’s, because of national economic difficulty, the CCCPC published documents about anti-corruption continually. Only in the

²² Liang, *supra* note 19, at 714 (1994).

²³ Zhonggong Zhongyang Wenxian Yanjiu Shi (中共中央文献研究室) [CCCPC Party Literature Research Office], Mao Zedong Nianpu (1949-1976) (毛泽东年谱 (1949-1976)) [A chronicle of Mao Zedong’s Life (1949-1976)] 357 (2013).

second half of 1960, there were many documents involving this field: On July 4th, “Directions for strengthening the financial work in rural people’s commune”; on August 5th, “Directions for tightening purchasing power of social group”; on October 12th, “Directions for reorganizing special needed commodity supplement, prohibiting secure advantages through influence”; on November 3rd, “Emergent instructional letter about present policy problems of rural people’s commune,” “Directions for enforcing the ‘emergent instructional letter,’” and “Notice of no dinner parties or gifts and stopping constructing new hostels”; on 15th November, “Directions for rectifying five malpractices thoroughly” of the CCCPC, and so on.

To sum up, in each anti-corruption campaign during 50’s and 60’s of the last century, the CCCPC always published normative documents in time, effective instruction, and right direction, ensuring the movement of anti-corruption together with the dynamic mass movement.

VI. STIPULATIONS IN CRIMINAL LAW AND ADMINISTRATIVE RULES

It is the legal rules that are the definite basis to dispose of the corrupt officials. On April 8th, 1952, “The Regulation for Suppression of Corruption of the People’s Republic of China” was passed by the Central People’s Government Committee. This Regulation consisted of 18 clauses, which gave specific rules to punish the offenders in corruption. It was the first law for suppression of corruption issued by the Central People’s Government, but not the first one issued by the people’s regime. As far back as the time of the central soviet area, the Soviet Central Executive Committee had enacted “An Instruction about Punishing Corruption and Waste”, and on August 15th, 1938, “A Interim Regulation to Punish Corruption by the Shaanxi-Gansu-Ningxia Border Region Government” was published. At the same time, “The Regulation for Suppression of Corruption in the People’s Republic of China” was not the first law to punish corruption published in the New China, either. As early as one month ago when it was promulgated by the Central People’s Government, the Central Committee of the Party had already issued “A Certain Number of Rules about Handling Corruption and Waste.” In addition to this, in November, 1950, the Central and Southern Military and Political Committee also published “A Interim Regulation to Punish Corruption.” In the meantime, many local governments established similar regulations or provisions, too.

However, it was definitely a very important law. It was passed by the Government Administration Council on March 28th, 1952, and was approved and published by the Central People’s Government on April 4th and 21st, respectively. All in all, it could be called the first law to punish corruption issued by the Central People’s Government in the New China.

This regulation was composed of 18 clauses, which gave detailed and specific legal rules to illustrate the conception of corruption, the measures of penalty, and the basic principles of punishment, and so on.

Regarding the conception of corruption, the second clause stipulated, “For all the staff working in state agencies, enterprises, schools and their subsidiary organizations, no matter who appropriates, steals, swindles, arbitrages state property, extracts other people’s property, accepts bribes, or does other jobbery to get illegal interests, will be qualified as the crime of embezzlement.”²⁴ This indicated that the subject of the crime of embezzlement was national officials. The fifteenth clause and sixteenth clause stipulated, however, “That the staff working in social organizations commits the crime of embezzlement also applies to this regulation; that the revolutionary soldiers on active service commit the crime of embezzlement applies to this regulation, too.” Besides, the eighth clause and the ninth clause stipulated that non-national officials and the people who purchased or stole national economic information to seek personal interests would be punished according to the standards for national officials.

About the measures of penalty, the third clause stipulated different penalties for people guilty of corruption who respectively embezzled more than 100 million yuan, more than 50 million yuan but less than 100 million yuan, more than 10 million yuan but less than 50 million yuan, and less than 10 million yuan. The fifth clause stipulated the conditions to do lighter or reduced punishment, probation, exemption from punishment and administrative sanction.

About the basic principles of punishment, Peng Zhen, the secondary general of the National People’s Congress, said, “The principles put forward by Chairman Mao must be implemented in fact, and these principles include leniency for the past and severity for the future, leniency for the majority and severity for the minority, leniency for those who confess and severity for those who resist, and leniency for the national officials and severity for the non-national officials except for a fraction of miscreants.”²⁵ These principles were summarized through the movements against the “three evils” and against the “five evils” by the Central Committee of the Party.

Even though it was not that perfect, this regulation made important contribution to cracking down on corruption. As the legal basis to punish the crime of embezzlement, it had been valid for 28 years, until the Criminal Law of the People’s Republic of China came into effect.

Except criminal laws, some administrative laws also contained a part of clauses to fight against corruption. For instance, the seventh clause of

²⁴ The Committee of Legislative Affairs of the Central People’s Government, *supra*, note 13, at 29.

²⁵ Peng Zhen (彭真), Pengzhen Wenxuan (彭真文选) [Collected Works of Peng Zhen] 233 (1991).

“Interim Principles to Organize the People’s Mediation Committee,” promulgated by the Government Administration Council on March 22nd, 1954, stipulated, “Prohibit from embezzling money and accepting bribes. Prohibit from engaging malpractices for personal gain.”²⁶ For another example, “A Interim Regulation to Reward and Punish Administrative Officials by the State Council” put into force on October 26th, 1957, stipulated that whoever does the following behaviors of violation of law and dereliction of duty—violating policies, laws, and decrees of the state and resolutions, commands, regulations and institutions of the government; dereliction of duty and misleading work; violating democratic centralism, disobeying resolutions and commands from the superior, and suppressing critical views and retaliating against critics; deceiving the organization with falsification; undermining unity with gossips; losing political position with harboring evildoers; embezzling and stealing state property; wasting state assets and damaging common belongings; abusing the power to infringe the interests of the masses and damage the relationship between state agencies and the people; disclosing national secrets; falling into corruption and damaging the authority of the state, but not constituting a crime—should be given disciplinary sanctions.²⁷

In some administrative regulations, there were also provisions to struggle against corruption. For example, the ninth clause of “Interim Measures to Relieve Unemployed Workers,” approved by the Government Administration Council and published by the Ministry of Labor on June 17th, 1950, stipulated, “Someone who engages in embezzlement while conducting relief work should be delivered to the judicial office to be punished by the Committee to Relieve Unemployed Workers.”²⁸ For another instance, the thirteenth clause of “A Interim Regulation for Commodity Inspection,” published by the Financial and Economic Committee of the Government Administration Council on November 22nd, 1951, stipulated, “If the members of the staff of the Bureau of Commodity Inspection take bribes or do other illegal behaviors, after being impeached, they will be investigated and punished by the bureau. In the situation that the violation is considered gross, they will be delivered to the people’s court to be judged.” The fourteenth clause of this regulation stipulated, “Whoever does the following sorts of criminal behaviors—offering bribes, tampering with or buying or selling certificates; making unauthorized unsealing to change commodities with other ones of different quality and quantity after inspecting and sealing;

²⁶ Zhonghua Renmin Gongheguo Fan Tanwu Huilu Zhengce Falü Wanzheng Huibian (中华人民共和国反贪污贿赂政策法律完整汇编) [A Complete Collection of the Policies and Laws Against Embezzlement and Bribery of the People’s Republic of China] 574 (1997).

²⁷ *Id.* at 575.

²⁸ *Id.* at 621.

eliminating and changing the seals or signs on the packages stamped by the Bureau of Commodity Inspection intentionally—should be imposed a fine which is equal to the 20 percent of the total price of his commodity.”²⁹ In addition, “A Instruction of the Ministry of Posts and Telecommunications about Increasing Income, Practicing Strict Economy, Retrenching Expenditure and Overfilling the Quota of the National Planning”, issued on October 10th, 1953, indicated, “Fight against behaviors of embezzlement resolutely and eliminate incidents of corruption gradually to reduce the losses of the state and the people. During the struggle of anti-corruption, we should pay attention to relying on the leadership of the party and the government, deepening investigation and launching exposure of crimes from the people, and in the meantime, we should make the supervising work be useful.”³⁰ A large quantity of similar clauses of anti-corruption existed in many administrative regulations, constituting the institutional system of anti-corruption together.

VII. STIPULATIONS IN SPECIAL SYSTEMS — FINANCIAL AND ECONOMIC SYSTEM AND CADRE MANAGEMENT SYSTEM

During that period, the Central Committee of the Party drew up a number of systems, such as the financial and economic system and the cadre management system.

While acting in the bases and liberated areas, our party had already established a set of systems about finance, economy and cadre management. When the People’s Republic of China was founded, according to the actual situations of the financial and economic authorities, the departments of national financial and economic enterprises and their staff, many financial and economic systems were issued. In April 1950, “Rules about the Management of Cash by the State” was proclaimed by the Government Administration Council. Then in November of the same year, “Measures about the Structure of Financial Examination Set by the Ministry of Finance” was promulgated. These two regulations stipulated the measures of the national management of cash and bills. In August 1952, “A Decision about Increasing Deputies to Specialize in Political Work in Financial and

²⁹ Zhongguo Shehui Kexueyuan Zhongyang Dang’anguan (中国社会科学院中央档案馆) [The Central Archive of the Chinese Academy of Social Sciences], *Zhonghua Renmin Gongheguo Jingji Dang’an Ziliao Xuanbian Duiwai Maoyi Juan* (中华人民共和国经济档案资料选编 对外贸易卷) [Collected Works of Economic Files and Data of the People’s Republic of China from 1949 to 1952 (The Volume of Foreign Trade)] 858 (1994).

³⁰ Zhongyang Renmin Zhengfu Fazhi Gongzuo Weiyuanhui (中央人民政府法制工作委员会) [The Committee of Legislative Affairs of the Central People’s Government], *Zhongyang Renmin Zhengfu Faling Huibian 1953* (中央人民政府法令汇编1953) [A Collection of the Decrees of the Central People’s Government (1953)] 261 (1982).

Economic Sections” was issued by the Central Committee of the Party. The establishment and preliminary improvement of various financial and economic supervisory systems set all the staff working in the departments of finance and economy and affiliated organizations in strict and frequent supervision, which made corrupt phenomena like slacking during work, embezzling, bribing, and having bureaucratism reduced and prevented greatly. On June 15th, 1961, “The Regulation about the Work in Rural People’s Communes (Amended Draft)”, enacted by the Central Committee of the Communist Party of China, proposed to put management systems on production, distribution and finance into effect.³¹ On March 14th, 1962, “An Emergent Regulation about Enforcing Saving Strictly” was enacted by the Central Committee of the Communist Party of China and the State Council. It stipulated detailed rules about how to enforce saving rigorously for units and cadres at all levels. During the process to oppose cadres’ privileges, necessary regulations and systems were also paid much attention to.

On cadre management, there were also some systems. With the Communist Party of China becoming the ruling party, it was very easy for the members and cadres of it to use the power in hand to seek personal interests, indulge themselves in the kind of life full of pleasure and comfort, live on extravagance and waste, and isolate themselves from the masses. In order to enhance the management to cadres, the party and government enacted a lot of regulations and systems. In the past, the revolutionary war had been enduringly waged in the decentralized countryside. For the sake of the needs of organizations’ consumption, organizations had to do a part of production by themselves. With the victory of the war throughout the whole country, the necessity of organizations to produce was weakened gradually. Simultaneously, on account of indulging themselves in organizations’ production, many national officials started to pursue profits and wallow in the kind of life full of pleasure and comfort, which caused serious phenomena of embezzlement and waste. As a result, the organizations’ production had become the most popular problem which must be solved during the struggle against corruption, waste and bureaucratism in the period of postliberation. In April 1950, “A Written Instruction about Forbidding Organizations and Armies to Run Business” was published by the Financial and Economic Committee of the Government Administration

³¹ The regulation stipulated, “The production brigade must carry out financial plans and obey financial systems strictly”; “All the expenses must abide by approval procedures”; “All the income and expenses must be checked every day and all the accounts must be closed every month.” It also stipulated, “The production brigade must establish and consummate financial management systems,” and set up supervisory committees or inspectors. See Zhonggong Zhongyang Weiyuanhui Wenxian Yanjiushi (中共中央委员会文献研究室) [CCCPC Literature Research Office], *Jianguo Yilai Zhongyao Wenxian Xuanbian Dishisijuan* (建国以来重要文献选编 第十四卷) [A Collection of Important Documents since the Founding of the People’s Republic of China (The 14th Volume)] 396, 401 (1997).

Council. It claimed that the violators would be punished with requisition by purchase or confiscation according to the circumstances and that for the serious ones we could freeze their materials and funds at first and then report to the higher authorities.³² Finally, in 1952, “A Decision to Manage Organizations’ Production Uniformly” was issued by the Government Administration Council. It decided to finish organizations’ production and stipulated how to deal with it. In accordance with the decision, in the following three years, all levels of governments, parties, organizations, armies, enterprises and institutions were going to be prohibited from buying furniture and other unproductive equipment; all the advanced goods reserved in different levels of guest houses in the whole country were about to be frozen and then to be invoked based on the market demand domestically and overseas; all of the units were not allowed to invite guests and give them presents by public funds; all the offices and dormitories were not permitted to be extended, rebuilt, whitewashed or painted over with wood oil, and so on.

On restricting cadres to seek privileges and preventing them from isolating themselves from the masses, the party and government enacted a large number of rules. One of the most representative rules, “Stipulations for Persons in Charge of the Party, Government, Army and Mass Organizations Not to Be Met or Seen Off, Entertained or Presented Gifts by Local Leaders during Their Inspection, Visit, Recuperation and Tour” was issued by the Government Administration Council of the Central People’s Government on October 15th, 1953. In order to practice strict economy and develop the glorious tradition and exemplary style of working hard and perseveringly, it required the following aspects — all the persons in charge of all systems of governments, armies, parties and mass organizations at all levels were not allowed to be ferried around or banqueted, entertained or presented gifts by local leaders during their inspection, visit, recuperation and tour in all regions of the country; when they stayed in some places, only if work needed could relative officials accompany them; for ordinary visits, they should only be received by receptionists but not local leaders; all the persons in charge of all systems could not ask for the company which did not relate to work, either. In 1959, the central government enacted and published interim measures to charge the staff working in central government offices when they lived in public dormitories and used public furniture, water and electricity. On February 7th, 1959, the Central Committee of the Communist Party of China proclaimed “A Decision to Lower the Wage Standards of the Leading Cadres above the Third Level of Government Offices” which

³² Zhonggong Zhongyang Weiyuanhui Wenxian Yanjiushi (中共中央委员会文献研究室) [CCCPC Literature Research Office], *Jianguo Yilai Zhongyao Wenxian Xuanbian 1* (建国以来重要文献选编 1) [A Collection of Important Documents since the Founding of the People’s Republic of China 1] 201-02 (1992).

only applied to the members of the party.³³ On November 3rd, 1960, the Central Committee of the Communist Party of China gave “A Notice about Forbidding to Invite Guests and Give Them Presents and Stopping to Build New Guest Houses.” Actually, Zhou Enlai had reported and sent it to Mao Zedong on October 23rd, 1960. While going it over on November 3rd, Mao Zedong changed the date of publication to November 3rd, 1960, which meant that the date of check and approval and the date of publication was the same one. All these systems and laws were of great importance for anti-corruption.

All in all, during the initial stage of The New China, the party and government had already started to set up regulations and systems to fight against corruption. Although they might not be that perfect, the fact that they had been used as the weapon to struggle against corruption could not be denied.

³³ Li Xueqin (李雪勤), *Xin Zhongguo Fan Fubai Dashi Jiyao* (新中国反腐败大事纪要) [Summary of Events of Controlling Corruption in the New China] 57 (1999).

APPENDIX I:

*“Three Anti”, “Five Anti” Campaign in the Relevant Documents,
Provisions List*

Time, the Approved Publication Department	Name	The main content	Remark
Published on January 8, 1952 by the People’s State Council Commission	“Indications on the struggle of anti-corruption and anti-wasting, anti-bureaucracy “	Requiring monitoring committees at all levels with the “Three Anti” censure suppress democratic institutions and staff to assist the investigation, to ascertain right from wrong, and timely treatment	
Indications in February 1952 by the CPC Central Committee	“Decisions for the self-critical movement of the county party secretary, county cadres at end of each year and in the” Three Antis”	Against Abnormal Democratic Party life and complacency of responsible cadres, provisions for self-critical of county clerk, county cadres in the “three evils” campaign and at end of each year	
Approved on February 29, 1952 the 126th meeting by the State Council, published on March 12, 1952	“Decision on the unified deal with authority’s production “	End production of all Agencies, by the end of April 30 1952	

<p>Forwards on March 5, 1952 by CCCPC</p>	<p>“The classification criteria and methods about the” five evils “campaign of industrial and commercial households “</p>	<p>Approval of Beijing Municipal Committee recommended “standards and methods concerning the movement of industrial and commercial households classification “ in the” five evils of attack is not too large, nor too narrow approach to regulations; county do not participate in the “three against” the “five evils “campaign.</p>	<p>Published on March 12, 1952 by CCCPC “About” five evils “classification criteria supplementary notice”</p>
<p>Approved on March 8, 1952 by the 127th meeting of the State Council, Announced on March 11</p>	<p>Several rules on handling corruption, waste and overcome bureaucracy errors by the Central Savings and Inspection Commission</p>	<p>Guidelines, Procedures, Approval Authority of the Policy provisions on deal with Corruption, Waste and Bureaucracy</p>	<p>On April 2, 1952 the Central Bureau of the CPC Central Committee and the central office, branch office forwarded to “a number of provisions on the handling of corruption, waste and overcome bureaucratic errors” in the explanation of certain provisions</p>

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<p>Published on March 20, 1952 by CCCPC</p>	<p>Policy provisions by the CCCPC on deal with CCP of corruption, waste and bureaucracy errors in the “three evils”</p>	<p>All levels of the organization using the “three evils” campaign of the achievements of the party were party members once rectify and pure, and punish corruption and bureaucracy that occurred party members, who have committed corruption, waste and bureaucracy wrong to give the party prescribed punishment</p>	
<p>Approved on March 21, 1952 in the 129th meeting by the State Council, Promulgated on March 24 by the State Council</p>	<p>“About the provisions of setting up people’s courts in “five evils campaign”</p>	<p>Provides specific conditions for the establishment of the people’s court and Chambers, provides the presiding judge and deputy presiding judge, judge candidates standards, provides for criminal sanctions the right of approval, judgments, procedures, and so on.</p>	

<p>Approved on March 28, 1952 in the 130th meeting of the State Council, and published on March 30, 1952 by the State Council</p>	<p>“The provisions about setting up people’s courts in the Three-Antis movement.”</p>	<p>The provisions of setting up the court the above organs zone, above the regiment troops, the county set up people’s courts, the provisions of the presiding judge and deputy presiding judge, judge candidates standards, provides for criminal sanctions the right of approval, judgments, procedures, etc.</p>	
<p>Approved on March 28, 1952 in the 130th meeting by the State Council, published and implemented on March 31, 1952 by the State Council</p>	<p>Provisions on the recovery of the corruption money by the Central Inspection Commission</p>	<p>Provisions about the recovery of corruption money, and items in Institutions’ military units, schools, and enterprises</p>	
<p>Published on April 4, 1952 by CCCPC</p>	<p>“Indications in sentencing for the corruption in the” three evils “campaigns “</p>	<p>According to the punishment corruption Regulations of People’s Republic of China, Combined with several provisions on corruption by the CCCPC, sentencing for the corruption in the “three evils” campaign</p>	

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Published on August 19, 1952 by Administration Council	“Indications on strengthening of the People surveillance Correspondent and the people of the monitoring report reception”	Calls for the universal development of the people monitoring the correspondent, the establishment of the People report reception, provisions of the People’s mandate to monitor the correspondent	
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Source:

Zhonggong Zhongyang Weiyuanhui Wenxian Yanjiushi (中共中央委员会文献研究室) [CCCPC Literature Research Office], *Jianguo Yilai Zhongyao Wenxian Xuanbian* (建国以来重要文献选编) [A Selection of Important Documents since the Founding of the People's Republic of China] (1992).

Sun Tonghui (孙彤辉), *Zhongyang Jiwei Zhongyang Jianwei Gongzuo Jishi* (中央纪委中央监委工作纪实) [Documentary Work of CDIC Central JISC] (1995).

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APPENDIX II

Some Policies of Fiscal and Cadre Regulation in 50s and 60s of the 20th Century

Title	Issued time; Department	Abstract
“Policy of cadre’s medical care in Beijing”	June 1950, Organization Department, CCCPC and the General Political Department of the Central Military Commission,	Any cadre who need to take medical care in Beijing must not bring families or relatives, and must bring the least accompanies. After the treatment, any retention is forbidden. If the cadre is arranged for other purposes in Beijing, the cost of which should be afforded by them.
“Instruction of the forbidding the government and military agencies from taking any commercial managements”	1950, April, Fiscal and Economic Commission of State Council	Forbidding the government and military agencies from taking any commercial managements
“The regulation for the reward and punishment of staff of state agencies”	Oct, 2nd, 1957 State Council	In certain conditions, how to reward the hard-working and upright cadres, on the other hands, there are 12 behaviors that will be punished.
“The regulation that the local governments must not accommodate and give any gift to the directors of Party and military agencies during their investigation or traveling at local places”	Dec 15 th 1953, State Council	The local governments must not accommodate and give any gift to the directors of Party and military agencies during their investigation or traveling at local places

<p>“Interim Measures for public rental dormitory of State Organs staff”, “Interim Measures for public rental furniture of State Organ staff”, “Interim Measures for public rental dormitory’s water and electronic fees of State Organ staff”</p>	<p>1955 , State Council</p>	<p>Interim Measures for charging State Organs staff for public rental dormitory.</p>
<p>“Carrying out the regulation of the currency of State Organ”</p>	<p>1950, April, State Council</p>	<p>Relevant government or public institutions should deposit the rest of money and bills that beyond certain amount to People’s Bank of China or its trustees.</p>
<p>“Measures for Ministry of Finance to establish censoring institutions”</p>	<p>1950, Nov, State Council</p>	<p>It requires that the Ministry of Finance, Finance Department of the major Military Regions, and all the other fiscal department of governments at all level to set up fiscal inspectors and form a fiscal inspecting system whereby we can find violation of fiscal policy and law timely, put forward the suggestions and transfer the certain cases to the supervisory organs</p>
<p>“The Decision for setting up deputy positions in fiscal institutions to carry out political</p>	<p>1952, August , Central Committee of the Communist Party of China (CCCPC)</p>	<p>The deputy positions in fiscal institutions are to carry out the work of political education and human resources</p>

work”		
“Interim organization rules for the inspecting office of the People’s Government (above County level) and state enterprises”	1952, August , State Council	It requires People’s Government (above County level) and state enterprises to set up inspecting offices to supervise the relevant institutions or agencies.
“Decision to lower the salaries of the third level and above”	Feb 7 th 1959 , CCCPC	Salary of the first level, the second level and the third level will be combined as a same level and lowered to 400 RMB
“Notice for forbidding cadres from treating and giving gifts among each other, forbidding to build any new hotels of government”	Nov 13 th 1962 , CCCPC	It forbids cadres from treating and giving gifts among each other, and forbid to build any new hotels of government
“The urgent notice for practicing the austerity”	March 14 th 1962, State Council	It states the policies and requirements of austerity.

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