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The Communist Scheme of Life

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*The Communist Scheme of Life**

ONE book which should prove highly stimulating and edifying to readers in the Philippines and the rest of the non-communist world is this volume edited by Professor Jan F. Triska of the Institute of Political Studies, Stanford University, containing English translations of the constitutions and/or fundamental laws of 14 "communist party-states" or those states where, according to *Pravda*, the Communist parties are "at the helm." These states are the USSR, China, Albania, Bulgaria, Hungary, North Vietnam, East Germany, North Korea, Cuba, Mongolia, Poland, Rumania, Czechoslovakia, and Yugoslavia.

Of the countries mentioned above, Cuba alone, after almost ten years since Fidel Castro seized state power, has not yet adopted a new constitution. But Triska's distinguished colleague, Theodore Draper, has written an article explaining the *Fundamental Law of Cuba*, a document adopted on February 7, 1959, which in effect replaced the Cuban Constitution of 1940. However, even this *Fundamental Law* has since been amended so many times that, according to Draper, "actual legislation has had little relation to the *Law*, and the Cuban regime has operated on the basis of a proliferation of decrees rather than a legislative process governed by a written constitution." Draper gives the reader an added insight into the Cuban political system by introducing three significant articles which have appeared in the Spanish-language daily *Hoy* (Havana), concerning the application of constitutional principles in Cuba and the development of socialist countries.

Save that of the USSR, all the constitutions of the other communist party-states were written after the war, yet they

*CONSTITUTIONS OF THE COMMUNIST PARTY-STATES, edited by Jan F. Triska. Published by the Hoover Institution of War, Revolution and Peace, Stanford University. Hongkong: Cathay Press, 1968. v, 541 pp.

reflect the older concept of constitutions as "embodying a scheme of life which tends to bring those living under it into harmony with that scheme." In fine, this concept demands that society be "organized, induced, constructed, and constituted" in accordance with the specific goal of the state.

No wonder, then, that communist party-state constitutions, as Triska notes with great perception, do not limit their respective governments, as in Western-style democracies, but they themselves are limited by the party's decision-makers along the principle that men, rather than law, are supreme. The whole modern notion that a constitution defines the structure and powers which "the people" allow their government, has been reversed in communist states where the constitution, obeyed but not cherished, is interpreted solely from the point of view of state interest as determined by the party rulers.

The people, who are sovereign in all democracies worth the name have submitted themselves to state control in the communist party-states avowedly in the name of welfare and planning. Since welfare and planning are dynamic, not static terms, communist constitutions must perforce undergo constant rewriting to conform to "the changing rationale of societal development" as assessed periodically by the communist party elites.

Without any doubt the crown jewel in any Western-type constitution is that part under the rubric "Bill of Rights," which includes, among others, our cherished freedom of speech, press, assembly, and worship. To these fundamental rights the communists have added a few more basic rights plus the duties of socially conscious citizens, i.e., citizens who feel themselves part of a great collective, and who identify their individual interest with that of the collective. These new socially significant rights are: the right to work, that is, guaranteed employment and payment for the work done; the right to rest and leisure which is ensured by the establishment of a seven-hour day for industrial, office, and professional workers, six hours for those engaged in arduous trade, and four hours for workers with extremely difficult work or occupa-

tion; the right to annual vacations with full pay, which is made possible by the establishment of sanatoriums, holiday homes and clubs; the right to maintenance in old age at state expense; the right to free education in all schools and the right of women to have an equal footing with men in all spheres of activity.

The duties of Soviet citizens, on the other hand, include the duty to observe the laws, maintain labor discipline, honestly perform their public duties, and respect the rules of socialist society; the duty to 'safeguard and fortify' public, socialist property as the sacred and inviolable foundation of the Soviet system, as the source of wealth and might of the country, as the prosperity and culture of all the working people; the 'honorable duty' to render universal military service; and the 'sacred duty' to defend the USSR.

The Russian constitution of 1936, commonly known as the Stalin Constitution, has served as model for constitutions of communist party-states in Eastern Europe. However, some notable variation if not departure has been noted in the 1954 constitution of the People's Republic of China. The Chinese fundamental law lays particular emphasis on the fact that Communist China is a "people's democratic state led by the working class and based on the alliance of workers and peasants." Significantly it recognizes four main categories of ownership of the means of production, namely, 1) state ownership, i.e. ownership by the whole people; 2) cooperative or collective ownership by the masses of working people; 3) ownership by individual working people; and 4) capitalist ownership. While insuring the "right" of capitalists to own means of production and other capital, the Chinese state prohibits them from "engaging in unlawful activities which injure the public interest, disturb the social-economic order, or undermine the economic plan of the state." Hence, if the state's plan at a given time is to "nationalize" urban and rural land as well as "other means of production," the capitalists cannot invoke the constitution.

In all communist party-states there is a consistent adherence to the rule that "He shall not eat who does not work."

In fact, persons who live only on their income but "without doing any work" are deprived of their right of suffrage in the Soviet Union.

Doubtless the longest communist constitution is that of Yugoslavia which consists of three parts and 14 chapters, and totalling 87 pages in Triska's volume. Some of its notable features are free religious schools for the education of priests, which may even be financially assisted by the state; the guarantee that the "land belongs to those who cultivate it"; the duty of every citizen to work according to his ability, but that he "who does not contribute to the community cannot receive (anything) from it." While the Yugoslav constitution guarantees the right of inheritance, it nevertheless makes clear that "no one shall have real estate in excess of the limit determined by the constitution or law."

It has been said that in Asia "law runs ahead of social practice," whereas the opposite is true in Europe and more so in communist countries with their traditional concern for the welfare of the toiling masses. The communist party-state constitutions which Professor Triska has so faithfully reproduced in his volume should then be of great relevance to developing countries like the Philippines where, according to an Indian political scientist, the establishment of Western-type governments has not succeeded in resolving the two great deficiencies in social structure and social needs.

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