NOTES AND COMMENT

The Constitution of Democratic Kampuchea (Cambodia): The Semantics of Revolutionary Change

This Constitution is the path cleared by the fresh blood of the Cambodian workers, farmers, Revolutionary Army and people.—Phnom Penh Radio, 6 January 1976

THE WORLD'S most recent and most radical Constitution was promulgated on 5 January 1976, in a radio broadcast by the Cambodian Minister for Information and Propaganda, Hu Nim.* The talk was monitored and translated for the U. S. Foreign Broadcast Information Service (FBIS), and has aroused comment in the Western press.[1] The text is worth discussing in a systematic way because of its intrinsic radicalism, apparently at odds with so much of Cambodia's past, and because a Khmer-language version, printed by revolutionary Cambodians in Paris,[2] poses interesting questions about the semantics of revolutionary change.

A comparison of the FBIS and Paris versions reveals that the English one is an accurate and fair translation, and that some phrases which sound wooden and doctrinaire in English are in effective, colloquial Cambodian (the words translated as "exploitative," for example, mean merely "riding and stamping on"). Other phrases that sound colloquial in English are in fact awkward neologisms in Khmer: the words rendered by FBIS as "every Cambodian" literally

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[1] For the English-language text, see U.S. Department of Commerce, Foreign Broadcast Information Service (FBIS), *Daily Report: Pacific and Far East* (hereinafter FBIS *Daily Report*), 5 January 1976. For comments, see e.g., *The Economist,* 10 January 1976; *Indo-China Chronicle,* February-March 1976; William Shawcross, "Cambodia Under its New Rulers," *New York Review of Books,* 4 March 1976; and *Time,* 26 April 1976.

[2] Published in January 1976 under the auspices of GRUNK (Gouvernment Royale Unie Nationale de Kampuchea), the government replaced in April 1976 by the one described in the Constitution

mean "the sovereign people of Democratic Kampuchea, taken on an individual basis." The word for "sovereign people" (*pracheachon*) has a long history of association with radical Cambodian politics, and was taboo under previous regimes, which preferred to use the word *prachareas,* or "subjects." Several terms in the Constitution, in fact, appear to have been chosen or avoided to counteract the values of the Khmer Republic, which was overthrown in April 1975. An example of this is the word "Khmer" itself, which appears nowhere in the text, possibly because it was so heavily emphasized by the Lon Nol regime.

The origins of the Constitution were set forth by the then-Deputy Prime Minister, Khieu Samphan, in his remarks on the draft text, recorded in December 1975 and broadcast over Radio Phnom Penh after the Constitution had been promulgated. A special National Congress was held in Phnom Penh, he said, soon after it had been liberated in April 1975: at that time a constitutional committee was empowered to draft a constitution. The participants included "all the cabinet members who [were] in Phnom Penh, 300 workers' representatives, 500 farmers representatives, and 300 representatives of the Cambodian Revolutionary Army."[3] The draft they wrote was then approved—with unspecified changes—by the Council of Ministers and the final version by the National Congress in December 1975. Khieu Samphan stressed that the text was "not the result of any research on foreign documents, nor [was] it the fruit of any research by scholars. In fact the people—workers, peasants and Revolutionary Army—wrote the Constitution with their own hands." He added that it was composed "in simple terms that are easy to understand and to remember and are in conformity with the basic sacred desires of the Cambodian people."

The independence of the Constitution from others can be verified by studying those in effect throughout the so-called Third World.[4] The assertion that "scholars" had nothing to do with it may be technically true, but at least four high-ranking officials of the regime (Hu Nim, Ieng Sary, Khieu Samphan and Son Sen) underwent some university training, and Hu Nim and Khieu Samphan hold advanced degrees. As for the last point, stressed frequently by Radio Phnom Penh, a renovation of the Cambodian language for revolutionary purposes has been going on for several years. A French journalist wrote about the process in 1972:

> . . . The training of the cadres provides precisely for the comprehension and interpretation of directives of the Front. The language of the peasants does not offer a

[3] FBIS *Daily Report,* 15 December 1976, contains a summary of the Congressional deliberations; Khieu Samphan's commentary is in FBIS *Daily Report,* 5 January, 1976.

[4] See for example A. P. Blaustein and G. H. Flanz (eds.), *Constitutions of the Countries of the World* (permanent edition), Dobbs Ferry, N.Y., 1971.

direct route for this because their vision of the world and of politics is scarcely adequate for the special rationality of a modern liberation struggle. Consequently the function of the schools for cadres is to give the rural people . . . a language to use, new but comprehensible . . . This new language allows them to rethink the conditions of their lives and to apply this to the larger panorama of national politics . . . In the past, they have thought as a village with everyday words. With these new ideas, they will now think as a nation.[5]

Some terms in the Constitution may now be "easy to understand and to remember," but others (such as the oft-repeated "workers, peasants, and special categories of workers," "the framework of people's organizations," and "reactionary," to cite only three) would not have come easily to most Cambodians before the revolution. Likewise, other traditional terms, such as *lok* ("sir"), *som* ("please") and *reach' ka* ("government") seem to have gone out of use, probably because they were examples of the hierarchical tendencies which suffused prerevolutionary Cambodian life.

One refugee, who remained in Cambodia as a skilled factory worker until November 1975, reported that the regime has stressed several terms that were seldom if ever in use before the revolution. These include *sosrak sosram* (lit. "flow together," in the sense of "enthusiastic, collective labor"), *chat tang* ("work as directed") and *sarup ka ngea* ("report(s) on work achieved"). The common word "lazy" (*kchil*) has been replaced in some contexts by *chi choan polikam* ("exploiting other people's labor"), and the word "intellectual" has been changed from *pannavot* ("gifted with intelligence") to *pannachon* ("intelligent person"). Words of foreign origin, largely French, are no longer allowed, and citizens are now asked to address one another as *mit* ("friend"). These reforms, apparently, are only a few of many, and further study of the process of renovation would probably be rewarding.

The most radical features of the Constitution, in terms of Cambodia's past, are the organization of society, set forth in the preamble, and the collectivization of what are termed "important means of production" (Chapter II, article 2, here cited as II/2). The preamble divides society into "workers, poor farmers, middle farmers, lower-level farmers, and other laborers in the countryside and in the cities" and adds that these comprise "more than 95 per cent of the Cambodian nation." This is a conventional Asian Marxist description, but the categories would have confused many pre-revolutionary Cam-

[5] Serge Thion, *Le Monde*, 28 April 1972, translated by Laura Summers in *Indo-China Chronicle*, 1 July 1972 (my italics). On specific linguistic reforms in this period, see also Ith Sarin, *Sronoh prolung khmaer!* (Regrets of a Khmer Soul), Phnom Penh, 1973, pp. 54-56. The most detailed account of the revolutionary process at work in Cambodia prior to 1975 is Kenneth M. Quinn, "Political Change in Wartime. the Khmer Krahom Revolution in Southern Cambodia, 1970-1974," a paper presented at the American Political Science Association Convention, San Francisco, 1975.

bodians, more likely to describe their society (which they rarely did) in terms of the links and frictions between haves (*nak mean*) and have-nots (*nak kro*), between Khmer and other ethnic groups, and perhaps between people in the government (*nak reach'ka*) and those in the countryside (*nak srae*). There were also consensual characterizations of the society, in terms of family, Buddhist religion, patronage, and a widely-held aversion to the Vietnamese. These points of view are not recognized in the preamble, which speaks of a society "without rich or poor, exploiters or exploited."[6]

As for "important means of production," not specifically defined, these became the "property (*kammasithi*) of the people's state and of the people." The word *kammasithi* is stronger than the word *reboh* (literally "thing") which is used (I/1) in giving the people "ownership" of the state, and also than the word *mechas* ("master") which describes the peasants' and workers' relationship—viewed collectively again—to the places where they work (IX/12). Although II/2 also stipulated that "things (*reboh*) in everyday use," such as tools, can remain in private hands, the chapter provides no protection for such things as houses and jewellery which are neither "everyday" nor "important means of production." The effect of II/2, then, is to abolish accumulated wealth, while "important means of production," according to Khieu Samphan, include "fields, orchards, farm-lands, factories, trains, automobiles, ships and motor boats."

The third chapter of the Constitution deals with cultural matters. Here—and in Khieu Samphan's remarks—a major influence appears to be disgust with western culture, and the habits of the Phnom Penh élite: Khieu Samphan mentioned "movies and magazines which used to spread . . . corrupt, perverted culture" and added that the houses of the rich in Phnom Penh were "full of unthinkable things." In place of this, the Constitution proposes a "national" culture that is "popular, prosperous, and clean," as opposed to what is "obscene" (*puk roluh*) and "reactionary" (*pritikiriya*) in the culture of the "exploitative classes" (*vannaq chi choan*), linked with "colonialism" and "imperialism" that is to say, in Cambodia's case, France and the United States.[7]

Chapter IV, thematically an extension of II/2, states that "Democratic Kampuchea practices the system of collective transport and labor." In discussing it, Khieu Samphan remarked merely that the

[6] See FBIS *Daily Report* 20 January 1976: "Our brothers and sisters were looked down upon, regarded as animals or as the most ignorant class in national society . . . They never had enough food, never were happy, and never had an opportunity to receive a general or technical education. Remembering all this, our brothers and sisters have a great hatred for [the Lon Nol regime]."

[7] FBIS *Daily Report,* 28 January 1976, refers to such "non-revolutionary concepts" as "private property, personality, and vanity."

system had operated well in the revolution, and added that "the reason we selected this system is that it helps us avoid making mistakes."

The machinery of government, according to Chapters V-VIII, rests in the hands of a People's Representative Assembly (PRA), a 250-member deliberative body elected on a "national, prompt and secret basis" every five years; the first of these elections took place in March 1976.[8] One hundred fifty members of the PRA are drawn from the peasantry, fifty from the workers, and fifty from the Revolutionary Army (V/5). In mid-1976, at the beginning of the constitutional era, the PRA, on paper at least, enjoys enormous power. Thus, its members select the administration which is responsible for "executing the laws and the political lines laid down" by the PRA (VI/8); they also choose the nation's judges (VII/9) and elect—presumably from their own number—a three-member national presidium, made up of a president, a first vice-president, and a second vice-president (VIII/11)—a "collective leadership", in Khieu Samphan's words, that is "less prone to make mistakes." "People's organizations"—not otherwise specified, but clearly already in existence, and probably encadred by members of the Revolutionary Army—are also sanctioned (VII/10) with the duty of imposing "constructive education" on those found guilty of non-treasonous behavior. The people's tribunal (VII/10) is obliged to defend the "freedoms and rights" of the people, which are not spelled out, and to prosecute people who exhibit "dangerous, systematic opposition to the people's state." The word "freedoms" (*sereipheap*) occurs only at this point in the Constitution, and people's rights *vis-à-vis* the courts are not discussed.

The language of Chapter IX, ("The Rights and Duties of the Cambodian People") is worth examining in detail. The first article, in my translation, reads:

> Every Cambodian has full rights to the material, spiritual, and cultural aspects of life. These have already been changed, and they will continue to expand and improve forever. Every Cambodian is guaranteed a livelihood (*chivapheap*) in every sense. Every worker is master of the factory; every peasant is master of the fields. Other categories of laborers have the right to work. The state of not having work to do is absolutely nonexistent in Democratic Kampuchea.

Several things in this passage represent changes of direction in Cambodian thought. These include the future-oriented stress on renovation; the juxtaposition of the words "peasant" and "master;" and

[8] On these elections, see *N.Y. Times*, 24 March, 1976. Contrary to the impression conveyed by, e.g., *The Economist*, 10 April 1976, Sihanouk's replacement by Khieu Samphan—at the same point in the hierarchy, with a different title—was more constitutional, in terms of the document in force at the time, than Sihanouk's call for a "legitimate" government-in-exile in 1970.

the sanctification of work, almost as an end in itself. The "mastery" of peasants and workers in this passage is not the same as ownership, defined in II/2, but suggests the absence, or abolition, of other kinds of masters—patrons, landlords, money-lenders, merchants, and white-collar workers. The text mentions neither stages nor goals for the revolutionary process, but an over-riding purposiveness in Cambodian life is evident in the choice of the word *chivapheap* ("livelihood") instead of the more common word *chivit* ("life"). The whole chapter has been singled out frequently by Radio Phnom Penh for praise, because it makes the people, in the words of one broadcast, "the owners of state power, the revolution, and the country."[9] Khieu Samphan also praised the passage, remarking that "This right to ownership is the most profound, the most fundamental democratic right. Enjoying the rights to vote, to write newspaper articles, and speak out is only [word indistinct]. If one is unemployed, and if one's livelihood is not secure, one cannot exercise the right to vote, write, and speak out." It is suggestive of the priorities in Democratic Kampuchea that the other "rights" mentioned by Khieu Samphan are not mentioned in the Constitution.

Article IX/13 states, in my translation:

> There must be complete equality among all the people of Kampuchea, in a society that has equality, justice, democracy, harmoniousness and happiness, possessing as a whole great national solidarity, so that they may defend the country, and build the country together. Men and women are completely equal in every respect. No one at all is allowed to have many wives, or many husbands.

The stress on collective equality, collective activity, collective happiness and future rewards runs through the Constitution, and the phrase "defending and building the country" occurs four times [Preamble, IX/13, IX/16, XIV/19]. The prohibition of "many husbands" (not included in the FBIS translation) is probably a veiled reference to prostitution, which Khieu Samphan claimed had become non-existent. The chapter closes by re-emphasizing everyone's duty to build and defend the country, "according to one's ability and strength."

Chapters X-XIII, which set forth the site of the capital, the national flag, coat of arms, and anthem, are conventional ingredients of a Constitution, and of interest here because of the contrast they present (except for X/15, which retains the capital at Phnom Penh) with their counterparts under Sihanouk and the Khmer Republic.

The flag of Democratic Kampuchea (XIII/16) is red, with a yellow "three-towered temple" (*prasad*) in the center. This is described as "a symbol of the national traditions (*prapeni cheat*) of the people of

[9] FBIS *Daily Report*, 2 January 1976.

Kampuchea," and forms a link with more recognizable representations of Angkor Wat that were included in Lon Nol's and Sihanouk's red, white and blue flags. More important, the new flag closely resembles one used by the anti-French Cambodian communist movement (the so-called "Khmer Viet Minh") in the early 1950s.[10] The absence of a five-pointed star (and perhaps the absence of the words "party," "socialism" and "communism," among others, from the Constitution as a whole) may be intended to create some ideological distance between Cambodia and its more conventional revolutionary neighbors. Interestingly, the reference to "national traditions" is the only one in the Constitution to Cambodia's pre-revolutionary past, although the national anthem discussed below refers to the events of 1975 as "more glorious . . . than the Angkorean era," and the theme of "rebuilding Angkor" has been cited as government policy by some Cambodian refugees.[11] These traditions, in turn, are not seen (by Radio Phnom Penh at least) in the context of kingship, consensus, or "loosely structured social systems," but in terms of the mobilization of labor in classical times to build irrigation works and water storage facilities.

The same traditions, moreover, are enshrined in the coat of arms (XIII/17) which depicts a "network of field embankments and irrigation canals" as well as factories ("the symbol of progressive industry"), enclosed in an oval garland of rice sheaves, with a pair of buffalo horns in the background. The coat of arms contrasts sharply with its predecessors, which had emphasized traditional Buddhist motifs.[12] Similarly, the new national anthem, (XIII/18), "The Great Victory of April 17 (1975)," included in the Cambodian text, is a hymn specifically to the Revolutionary Army, rather than to Cambodia's past, or to the people as a whole.

The National Anthem, included with the Paris version of the Cambodian text, is entitled "The Great Victory of 17 March [1975]." It recalls the sacrifices of the Revolutionary Army, praises the self-sufficiency of the Cambodian people, and draws attention to the nation's "red revolutionary flag." The text contrasts sharply with the conservative anthems endorsed by previous regimes.

Chapter XIV concerns the Revolutionary Army, which is given the

[10] V. M. Reddi, *A History of the Cambodian Independence Movement, 1863-1955* (Tirupati, 1972), p. 178—a clandestine continuity which the Constitution does not stress.

[11] Ben Kiernan, personal communication. On pre-1970 Cambodian radicalism, see Ben Kiernan, *The Samlaut Rebellion and its Aftermath, 1967-1970: the Origins of Cambodia's Liberation Movement* (Monash University, Centre of Southeast Asian Studies, Working Papers 4 and 5, 1975).

[12] See *Rotathomanunh satirnaqrot khmaer* (Constitution of the Khmer Republic), Phnom Penh, 1972, Annex 3. A careful study of this somewhat ramshackle text (which covers 33 printed pages in Cambodian) reveals the radicalism, and the simplicity of style, of its successor.

role of defending the "state power" (*rot omnach*) of the Cambodian people and of "progressively improving and developing the people's livelihood (*chivapheap*)." This passage suggests that the army plays a supervisory role, and that cadres are drawn from its ranks rather than from a political party. Its three components (translated by FBIS as "regular, regional and guerilla") literally mean "cutting edge," "region," and "scout"—terms that probably acquired their connotations and prestige in the revolution.

Chapter XV ("Rights of Belief and Religion") states:

> Every Cambodian has the right to hold a belief (*chuo chomnuo*) or to believe in a religion (*chuo sasna*), and also has the right to have no beliefs, or not to believe a particular religion. Reactionary religion (*sasna prtikiriya*) destructive of Democratic Kampuchea and the Cambodian people is absolutely forbidden.

In his remarks, Khieu Samphan cited the "right not to practice any religion at all" as a "new freedom," but the Cambodian text of the Constitution refers to beliefs, rather than to practice (normally rendered by *kan*), and an attack on Buddhism, nowhere mentioned in the text, is probably meant.[13]

The next chapter (XVI/21) deals with foreign policy, and is the longest in the Constitution, covering twenty lines in the FBIS version, although Khieu Samphan's analysis of it is surprisingly brief. It repeats the theme of national self-reliance, struggling against "all forms of outside interference in internal affairs," listing these as "military, political, cultural, economic, social, diplomatic and so-called humanitarian." The Constitution closes by proclaiming an informal alliance between Democratic Kampuchea and the "great family of non-aligned nations."

In generalizing about the Constitution, it is important to notice what is omitted from it, and to speculate about the audience for which it was intended.

In the first place, the document is a manifesto. It leaves out what most other Constitutions (including several Communist ones), concentrate on, namely, the specific rights of citizens, and the obligations and institutions of the government. The only rights singled out for citizens are the right to work (shading into an obligation) and the right to believe, or disbelieve, in a religion. There is no mention, for example, of home, family, inheritance, health, education, or rights before the law. The obligations of the government are merely to "execute the laws and the political lines" of the PRA, which, along with the People's Tribunal, is the only institution to be named. The obligations of the people, primarily, are to "defend and build" the

[13] For evidence of anti-Buddhist activity, see Quinn, "Political Change in Wartime," *op. cit.*, pp. 35-37 and F. Pouchard, "Une nouvelle type d'homme," *Le Monde*, 18 February, 1976.

country. Another word lacking in the Constitution is "socialism," and the names of friendly socialist states—or any foreign states—do not appear. In the Constitution, the Revolution is seen as *sui generis*. The lack of references to Buddhism, individual freedoms and the past has already been noted.

As a manifesto, the text is aimed at those who believe in it already, at those whom these people are educating, and also at Cambodia's enemies—particularly the United States, and perhaps incidentally at France and Vietnam. Much of it lends itself to memorization and, probably, to chapter-by-chapter analysis by cadres, in oral form, in the manner reported by Thion in 1972.

The Constitution turns its back on Cambodia's past, and on the frictions and consensus that characterized pre-revolutionary Cambodian society. These arose in large part from the hierarchical social arrangements that have characterized the country at least since the onset of Indian influence, perhaps two thousand years ago, and were buttressed and legitimized, in turn, by the blended institutions of kingship, Buddhism and folk belief, even though consensus occasionally broke down in messianic rebellions, and collapsed under the destructive pressures of modern war. By stressing the value of labor, and the role of class origins and the Revolutionary Army (the word "role" itself, *tuo neati,* was not used in a social context before the revolution) the Constitution mobilizes the people in a new way, unheralded—except for short periods—since the reign of Jayavarman VII in the 12th and 13th centuries AD. By "cancelling" the past, the Constitution also undermines the fatalistic connections many people had seen between merit and power. In concrete terms, this means abolishing the widespread corruption in high places, and the tolerance for it, as well as the respect shown to monks, senior officials, and old people that characterized the Sihanouk and Lon Nol regimes. What had set the *nak mean* off from the *nak kro* in these times, their successors argue, were such things as money, education, freedoms, leisure, and foreign culture; what brought them together are left out of the Constitution: the practice of Buddhism, a shared historical experience, a fondness for leisure, and the acceptance of hierarchical arrangements. The freedoms enjoyed by this élite, or recognized by them even when repressed under Sihanouk and Lon Nol, are viewed in the new Constitution as luxuries that set them apart from the people, themselves deprived of the only meaningful freedom—the freedom to control the places where they work.

The charter of the Constitution is a radical departure from the past, and perhaps even an assault against it. It is too early to say if new forms of exploitation, or new coercive groups—such as the Revolutionary Army—will replace the old ones, and make even greater

demands. It is also uncertain if the regime will maintain, accelerate or dilute its efforts at mobilizing roughly eight million people, working without wages or leisure, to "build and defend" the country they are the "masters" of according to the Constitution. The Constitution certainly gives no hints of the forms that flexibility might take, and the price of inflexibility, in human lives, as so often in Cambodian history, will certainly be high. This is partly because it may prove difficult to channel such widely targeted forms of hatred as the Constitution contains, and because the Constitution itself provides no mechanisms to protect the Cambodian people from themselves, now that they have been liberated from outsiders.

Monash University, May 1976 DAVID P. CHANDLER