

不倦的求索

思源文选

北京思源咨询事务所编
经济日报出版社

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09508720

经济日报出版社

(京)新登字 102 号

图书在版编目 (CIP) 数据

思源文选:不倦的求索/北京思源咨询事务所编. -北京:经济日报出版社, 1995. 7

ISBN 7-80127-015-0

I. 思… II. 北… III. 经济体制改革-中国-研究-文集
IV. F121

中国版本图书馆 CIP 数据核字 (95) 第 10516 号

不倦的求索
思源文选
北京思源咨询事务所 编

经济日报出版社出版发行
(北京市崇文区体育馆路龙潭西里 54 号)

全国新华书店经销
北京星月印刷厂印刷

850×1168 毫米 1/32 16.125 印张 400 千字
1995 年 8 月第 1 版 1995 年 8 月第 1 次印刷
印数 1—3000 册

ISBN 7-80127-015-0/F·4

定价: 36.00 元

自序

我做梦也没有想到，在四五十岁之际会成为“曹破产”。

儿时曾经梦想当飞天大侠，专为人打抱不平，像济公和尚唱的那样：“哪有不平哪有我。”后来想当作家写尽人间悲欢离合，便大量阅读，不知不觉竟迷上了中共党史，还真想当个红色接班人哩！60年代初在中学里有那么一段日子，每天饭后洗碗时，肚子还饿得咕咕作响。不仅饿瘦了身体，也对当时大吹大擂的总路线、大跃进和人民公社三面红旗的伟大性产生了些许怀疑。到了后来那场人斗人的文化大革命中，更是百思不得其解，却又偏偏要去求其解。

我当然没有把解剖刀停留在江青等几个臭名昭著的人物身上，而是着力解剖毛泽东同志晚年错误的成因。凡人皆免不了犯错误，政治家犯错误也并不奇怪。奇怪的是，毛泽东的错误为什么能延续10年、20年之久，直至其逝世，始终未能在国家政治运行机制内得到彻底纠正？

一个不能及时纠正政治家所犯错误的政治体制，本身显然有弊病。而政治体制弊病的根源，恐怕还要到经济体制中寻找、去诊治。

自称消灭了经济危机的计划经济，屡屡陷入危机；缺乏破产观念的经济体制，终于濒临破产。我想，要将我国经济由计划导向转为市场导向，除了调整所有制结构以外，关键就是建立破产淘汰机制，把企业推上一个欲罢不能的、程序化的竞争轨道。为

此，我自1980年开始投石问路，1984年集中写了8篇有关破产法的文章。没料到一位朋友见面劈头就问：“曹兄，你贫不贫？干吗老讲破产法？是不是别的文章写不出来了？破产法嘛，无论怎么重要，有两三篇文章就足够了，写得太多让人讨厌！”

然而，我意不在写文章，而在挖井。这口井就是企业破产制度。只要井里没出水——破产法没出台，我就要继续挖下去。恰好“挖”到第96篇破产法文章之后，1986年12月2日，中国颁布了第一部企业破产法。与此同时，不知何人，居然给我扣上了一顶“曹破产”的帽子。

“曹破产”的帽子刚戴上，我就想把它摘下来。因为破产之井既已出水，我的兴奋点便重新转入政治体制改革之井了。1987年初提出通过电视，让亿万公民旁听人大会议，并再度进行院外活动，请人大代表提交立法议案，最终使人大旁听制载入法律《人大议事规则》之中了；1988年初提出供人大代表参考的修改宪法十点建议，第二年发起和主持首次修改宪法理论研讨会，并邀请全国人大代表、政协委员与会发言……。不知不觉地，我头上又多了三顶帽子：“曹旁听”、“曹修宪”、“曹议会”。但是，这三顶帽子却没有戴热，形势迫使我重新回到破产这口井旁。

90年代初，问世不久的破产法被当作资本主义的改革项目受到批判而进入冷冻期。社会上流传一句笑话“破产法要破产了”。这当然不行！幸好那时立法工作已经完成，作为一部有效的现行法，破产法能够成为一些债权人、债务人用以捍卫自身合法权益的法律武器，因而每每被他们从束之高阁的状态中请下来。我和我下海后创办的北京思源兼并与破产咨询事务所同仁们则奔走各地，为有关企业及其主管部门和受理法院作破产咨询，同时也为破产法由冷转热，做一些添柴吹火的工作。近三年来又陆续发表文章（包括对记者的谈话）80多篇、讲演60多场，报刊、电台、电视台相关报道140多次，话题自然是以破产居多。不知不觉之

间，“曹破产”的帽子便戴得更紧了。这实在不符本人意愿。

此生最大的心愿是将“曹破产”的帽子摘下来，我将为此而继续奋斗。如果由于这本《思源文选》，得到更多读者朋友的理解和帮助，使鄙人能于 60 岁以前了此夙愿，我将三呼：“吾人幸甚！”

趁着文选出版之机，跟读者谈点心里话，披露一个摘帽之愿，聊以为序。谢谢！

一九九五年三月二十六日

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