

# 1 Liberal Constitutionalism and Politics in Early Republican China

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“中國的自由主義者先天不足，後天失調。”<sup>1</sup>（殷海光）

## I.

Liberalism is among the few political ideologies in modern China that have been able to attract the interest of Western scholars preoccupied with the dominant ideologies of nationalism and Communism. That interest, however, was inspired more by the failure of liberalism in modern China than by its success.

Different opinions have been advanced concerning the reasons for this failure. An incompatibility between content and form of this political doctrine and the political culture of China in the 1920s and 1930s has been mentioned as one possible explanation,<sup>2</sup> while other interpretations focus on personal factors or specific traits of liberalism which make it unsuitable for the social and historical conditions prevalent in Republican China between the May Fourth Movement and the beginning of the war against Japan in 1937.<sup>3</sup>

One aspect has not attracted much attention, however: the political ideas expounded by the Chinese liberals themselves. Research on Chinese liberalism has been preoccupied with biographies and the intellectual development of its more outstanding exponents, while research on their individual political opinions as well as on the political ideas advocated by the liberal intellectuals as a group has been neglected.<sup>4</sup>

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This paper has profited from advice and from comments by the participants of the Fourth Sino-European Conference in Saarbrücken. While I am thankful for their help in closing gaps, it goes without saying that I am responsible for any gaps that may still be discovered.

<sup>1</sup> Yin Hai-kuang, "Tzu-yu chu-i te ch'ü-hsiang," in *Tzu-yu chu-i*, comp. Chou Yang-shan and Yang Su-hsien (Taipei, 1980), 19.

<sup>2</sup> Lloyd E. Eastman, "The Disintegration and Integration of Political Systems in Twentieth-Century China," *Chinese Republican Studies Newsletter* 1, no. 3 (1976): 8.

<sup>3</sup> Jerome B. Grieder, "The Question of 'Politics' in the May Fourth Era," in *Reflections on the May Fourth Movement: A Symposium*, ed. Benjamin I. Schwartz (Cambridge, Mass., 1972), 96.

<sup>4</sup> These studies comprise publications by Charlotte Furth on Ting Wen-chiang (*Ting Wen-chiang: Science and China's New Culture*, Cambridge, Mass., 1970), by Eber and Grieder on Hu Shih (Irene Eber, "Hu Shih [1891-1962]: A Sketch of His Life and His Role in the

In a previous publication this author has analyzed how incongruities in the political thinking of the Chinese liberals severely limited their appeal and the distinctiveness of their political position as well as their ability to influence political developments in the 1930s.<sup>5</sup>

This treatise argues that any discussion of why the liberals' aspirations for political change in Republican China failed should consider the inadequacies of their political thought. This work is based primarily on articles published by the liberal intellectuals during debates on the future political order of Republican China. These articles, written between 1927 and 1935, comprising suggestions, demands, or simply expressions of personal opinions on political developments, form the object of our inquiry because they reveal basic traits of the political thought of the liberal intellectuals, as well as their outlook on the more concrete aspects of politics in Republican China, the main characteristics of the future political system of the Republic, and the requirements for and the contents of a constitution.

The decade from 1927 to 1937 has been chosen because it marks the first period of relative stability after several years of bitter domestic warfare that led the Chinese nation to the brink of disintegration. The Nationalist Party, the "Chung-kuo Kuo-min-tang" (KMT), having victoriously terminated the Northern Expedition, began its rule as the new central government over a China that seemed to be fairly united.<sup>6</sup> One aim of the new government was to implement a development program, based on the teachings of Sun Yat-sen, encompassing measures in the economic, political, and social spheres. Influenced by these favorable circumstances, the Nanking decade<sup>7</sup> saw the revival of debates on the political order suitable for China.

These debates were initiated by a group of intellectuals,<sup>8</sup> whose members

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Intellectual and Political Dialogue of Modern China," Ph.D. thesis, Claremont College, 1966; Jerome B. Grieder, *Hu Shih and the Chinese Renaissance. Liberalism in the Chinese Revolution, 1917-1937*, Cambridge, Mass., 1970). Lubot gives only a very general overview of the development of liberalism in Republican China and the political beliefs of some of its more important members (Eugene Lubot, *Liberalism in an Illiberal Age. New Culture Liberals in Republican China, 1919-1937*, Westport, Conn., 1982). To my knowledge, there are only two studies explicitly dealing with aspects of liberal political thinking, written by Narramore and Halbeisen (Terry Narramore, "Luo Longji and Chinese Liberalism: 1928-33," *Papers on Far Eastern History* [Canberra], September 1985, no. 32: 165-95; Hermann Halbeisen, *Demokratie ohne Volksherrschaft. Aspekte des politischen Denkens chinesischer Liberaler in der Nanking-Zeit, 1927-1937*, Bochum, 1988).

<sup>5</sup> Halbeisen, *Demokratie ohne Volksherrschaft*.

<sup>6</sup> Actually, the unification of China proved to be rather short-lived. Soon after the establishment of the central government in Nanking, it was challenged by dissident members of the KMT and by rebellions of the so-called New Warlords. These disorders were aggravated by the continuing insurrection by the Chinese Communist Party and intensifying Japanese aggression.

<sup>7</sup> The term is taken from Lloyd E. Eastman, *The Abortive Revolution. China under Nationalist Rule, 1927-1937* (Cambridge, Mass., 1974).

<sup>8</sup> According to Lubot, the following individuals belong to this group: Hu Shih, Chiang Menglin, T. F. Tsiang (Chiang T'ing-fu), Lo Lung-chi, T'ao Tung-ho, Fu Ssu-nien, Chang Po-ling,

had only recently vowed to abstain from any further engagements in political journalism and to concentrate on scientific and educational tasks instead. The impending creation of a new political order on the basis of a political ideology with which they partly disagreed and the political conditions prevailing in China after the establishment of a new central government in Nanking motivated them to reconsider this decision.

Our discussion will proceed in several steps: a short description of the main historical and political conditions of the Nanking decade will be followed by an analysis of the basic elements of the liberal intellectuals' political beliefs, the inquiry will then turn to the demands and suggestions advanced by the liberals in the course of the debates, and, finally, their comments and criticisms of the draft constitutions will be discussed.

## II.

During the roughly ten years of the Nanking decade, comprising the period between the termination of the Northern Expedition and the official declaration of war against Japan by the Chinese government, the mood of the Chinese population passed through several distinct phases. At first, there was euphoria brought about by the accomplishment of national unification after years of bitter internecine struggle and the prospect of a peaceful period of development lying ahead. This was soon replaced, however, by disenchantment over rekindling domestic warfare and the authoritarian practices of the ruling KMT. In the final years of this period, strong doubts about the viability of a China faced with mounting threats from an expansionist Japan prevailed.

Among China's intellectuals, the victory of the KMT gave rise to expectations of a peaceful future free of concerns for personal safety and political interference in their work. For the KMT, however, a new phase in the multistage process toward full constitutional rule had begun. During this new phase — the period of tutelary government — the Chinese people had to be prepared for their future role as sovereign of China, a task to be undertaken under the guidance of the KMT. For the time being, the political rights of the people were exercised by the KMT acting as a caretaker for the still politically immature people. The Fundamentals for Tutelary Government adopted by the Central Executive Committee (CEC) of the KMT on October 3, 1929, designated the National Party Convention or the CEC as the appropriate institutions for this task.

Although the immediate aims of governmental action and the direction for national development had been determined according to the party's political program, the KMT soon found itself embroiled in incessant disputes over how to

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Liang Shih-ch'iu, Ting Wen-chiang, Ch'en Heng-che, Chang Hsi-jo, and T'ao Hsi-sheng. According to the author's point of view, T'ao Hsi-sheng should not be included due to his close affiliations with the KMT, whose political opinions he loyally propagated, while the names of Chang Fo-hsüan and Ch'en Chih-mai should be included. Lubot, *Liberalism*, 3.

realize Sun Yat-sen's plans properly. Differences of opinion arose over the design of the Republic's institutions and over the question whether a constitution or a basic law for the period of tutelary government was necessary.

The tensions arising from the contending requirements for a faithful realization of Sun's doctrine and the requirements of efficient government were further complicated by rivalries among party factions. The constitutional question soon became one of the most contested issues within the KMT. Its complexity was due to the fact that according to Sun Yat-sen's program, a constitution was to be enacted only at the beginning of the period of constitutional government. On the other hand, the demand for immediate enactment was supported by a number of groups and organizations and met with widespread support among the population. Under these circumstances, the constitutional question acquired significance not only for the relations between the party and the population, but also for the power struggle within the KMT itself.<sup>9</sup>

Responding to mounting demands both from the population and from some groups within the party, Chiang Kai-shek proposed in October 1930 to pass a provisional constitution. Deliberations on the draft began in earnest in 1931. Enacted on June 1, 1931, the provisional constitution consisted of eight paragraphs defining the rights of the people, the fundamentals of education, the national economy, the relations between central and local governments, and, finally, the institutions of the national government.<sup>10</sup>

The enactment of the provisional constitution failed to placate the critics of Nationalist rule, however. Depending on their own political orientation, several groups within the KMT took exception either to deviations from Sun Yat-sen's plans or to the obvious gaps in the document. The critics outside the party were disappointed, too. The provisional constitution did little to change those conditions that led to demands for a constitution in the first place. The constitution did not provide for independent institutions that could scrutinize the legality of government actions and could call the government and its agencies to account. The power to interpret the constitution rested with the CEC. Executive acts or laws that the government was bound to implement were normally decided upon beforehand in the leadership of the party. Any violations of constitutional prescriptions by government acts could be ascertained only by the CEC itself. Thus the provisional constitution provided no means for redressing any illegal acts by the government or the bureaucracy.<sup>11</sup>

While at the beginning of the Nanking decade, government infringements on civic rights resulted in demands for a constitution and a democratic form of government, the second half of this period was characterized by increasing

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<sup>9</sup> Eastman, *Abortive Revolution*.

<sup>10</sup> Ch'ien Tuan-sheng, *The Government and Politics of China, 1912-1949* (Stanford, 1970), 138.

<sup>11</sup> *Ibid.*

doubts whether a democracy was really suited to China's needs. Several developments brought about this change in public opinion. Domestically, armed conflicts between the national government and the armies of regional warlords flared up constantly; the obstacles barring the road to complete national unification seemed to be insurmountable. Externally, the increasing menace of the Japanese empire, now openly pursuing its expansionist aims, made it most unlikely that a political system that had proven to be highly inefficient even in times of relative stability could guarantee China's survival in a full-fledged war. Finally, the change of opinion in several European countries that led to a positive evaluation of the advantages of dictatorial regimes made itself felt in China and exerted considerable influence on the debate over an adequate system of government.

### III.

Although the demands for a constitution by the liberal intellectuals were largely a reaction to the continuing violations of personal liberties by police and party institutions under the "tutelary government," they were also motivated by other reasons. Soon after the establishment of the new regime, members of the Crescent Moon Society initiated a series of discussions on national problems. The liberal intellectuals forming this group intended to analyze thoroughly the overall situation of China, to formulate goals for national development, and to identify the means by which these goals could be achieved.

Before we discuss these goals, let us first analyze the underlying political convictions that informed the deliberations and their results. This task is confronted by several methodological difficulties arising from the fact that no member of this group ever published his political views in a detailed and coherent manner. Their political views were articulated mostly in commentaries published in the daily press or magazines. Therefore their contents were strongly influenced by the topics of the day. Any attempt to describe the political opinions of these liberal intellectuals has to be eclectic.<sup>12</sup>

Among the many problems resulting from this situation, only three will be mentioned briefly. Firstly, no "magnum opus" exists incorporating the basic political beliefs shared by all liberal intellectuals. Secondly, a number of topics relevant to a more detailed analysis of the liberal intellectuals' political views were never addressed in the magazine articles, since they never became an issue in the ongoing debates. Thirdly — and of special significance for our analysis — the character of the magazines and of the groups of intellectuals who supported them, changed during the decade. The Crescent Moon Society (*Hsin Yüeh She*), which published the *Crescent* magazine (*Hsin-yüeh yüeh-k'an*), was interested in

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<sup>12</sup>The following analysis is based mainly on articles published in the magazines *Crescent* (*Hsin-yüeh yüeh-k'an*) (*HY*) and *Independent Critic* (*Tu-li p'ing-lun*) (*TLPL*).

discussing and analyzing the fundamental problems of China. Although the articles which dealt with basic social and political issues, were published by individual members, they were all discussed by the group before publication and can therefore be regarded as representative of the views shared by the group. Those articles published in the *Independent Critic* (*Tu-li p'ing-lun*) and other magazines of similar orientation only reflected the personal opinions of the authors. One task of our discussion therefore consist in identifying those views shared by all liberal intellectuals in contrast to issues where different points of view were articulated.

In addition to defining the framework of political rule and the rights of the citizens, a constitution constitutes an act of self-explanation by a society, elucidating its basic values, its concept of man and the nature of political order. Therefore we shall now turn to those aspects of the liberal intellectuals' political thinking pertaining to these topics: their concepts of liberty and man, their understanding of Chinese society, and their concepts of politics and of China's political order.

Explaining his criteria for considering a group of Chinese intellectuals as liberals, Lubot mentions, among other things, their "attitude of optimism about the inherent rationality of mankind."<sup>13</sup> Acknowledging that man has an innate capacity to act in a rational way is one of the preconditions for establishing any form of popular rule. Lubot's unqualified positive evaluation of the liberal intellectuals' concept of man seems to be unwarranted, however. This author's more skeptical evaluation is based not only on the doubt the liberal intellectuals frequently expressed about the ability of their fellow countrymen to govern themselves due to inadequate education, but on more general statements about man's inherent capabilities. Unfortunately, there are only a few such statements available, but they nevertheless make two points sufficiently clear: some outstanding liberal intellectuals did not share the concept of equality and harbored doubts about the average man's capacity for rational and independent action.

Hu Shih was the most outspoken advocate of an optimistic concept of man among the liberal intellectuals. In his articles propagating democracy as the form of government most suited to China's needs, he never failed to stress the fact that even the average citizen was able to make appropriate decisions: "Three simple artisans surpass a Chuko Liang."<sup>14</sup> A fellow member of the Crescent Moon Society, Liang Shih-ch'iu, however, did not share this opinion. He was convinced that the masses were dependent on guidance by superior men. In all areas of life, be they literature or politics, progress could be achieved only through the exertions of men of genius. The masses had to rely on these men in two respects: they had to act as leaders of the masses, because the latter were unable to act without guidance, and secondly, they had to expound the masses'

<sup>13</sup> Lubot, *Liberalism*, 3.

<sup>14</sup> Hu Shih, "Wo-men shen-mo shih-hou ts'ai k'o yu hsien-fa," *HY* 2, no. 4 (June 10, 1929).

experiences and desires, because the masses were not able to articulate them themselves.<sup>15</sup>

Similar views were articulated by Ting Wen-chiang. In his opinion, an efficient political system could function only if it was led by an elite. Moreover, he repudiated the principle of equality since it had been disproven by scientific inquiry.<sup>16</sup>

The concept of individual freedom is one of the core concepts of Western liberalism, legitimizing the individual's desire for developing his potential to the utmost as well as pursuing his rational self-interest.<sup>17</sup> Compared with the concept of Western liberalism, the concept of liberty advocated by the Chinese liberal intellectuals differed in its normative foundation and in their understanding of its social consequences. The conception of liberty that informed the articles published in the *Crescent* was strongly influenced by utilitarian ideas. Of special importance to the liberal intellectuals were the related freedoms of speech and press that they perceived as being threatened by the government's plans for a "unification of thought" (*ssu-hsiang t'ung-i*). All articles written in defense of these two forms of freedom never failed to stress practical reasons or questions of utility, although pointing to the negative consequences these measures would have for the stability of government and the future development of the nation.<sup>18</sup>

Utilitarian ideas were also quite evident in Lo Lung-chi's definition of human rights. The right of the individual to develop his potential to the utmost was given a prominent place by Lo, but this was not conceived by him as constituting a goal in itself as an individual right. Its ultimate aim was to aid all other members of society in developing their own potential.<sup>19</sup>

The most outstanding characteristic of the liberal intellectuals' evaluation of China's society was that this society was backward. They considered this backwardness to be responsible for the numerous social grievances suffered by the Chinese people. It was believed to have its roots in cultural influences; social and political conditions were considered to be consequences of it, not causes. Therefore the liberal intellectuals did not undertake any kind of political or economic analysis of China's problems; moreover, they rejected all political interpretations offered by any other group, whether nationalist, socialist, or Communist, as completely incapable of providing any real solution for China's problems.

<sup>15</sup> Compare Liang Shih-ch'iu, "Wen-hsüeh yü ke-ming," *ibid.* 1, no. 4 (June 10, 1928).

<sup>16</sup> Ting Wen-chiang, "Wo-te hsin-yang," *TLPL*, no. 100 (May 13, 1934): 11.

<sup>17</sup> Werner Becker, *Die Freiheit, die wir meinen. Entscheidung für die liberale Demokratie* (München, 1982), 113ff.

<sup>18</sup> Liang Shih-ch'iu, "Lun ssu-hsiang t'ung-i," *HY* 2, no. 3 (May 10, 1929). A similar argument can be found in Lo Lung-chi's article, "Kao ya-p'o yen-lun tzu-yu-che," *ibid.*, nos. 6-7 (September 10, 1929).

<sup>19</sup> Lo Lung-chi, "Lun jen-ch'üan," *ibid.*, no. 5 (July 10, 1929).

Among the five big enemies one does not find capitalism, because we are not yet qualified to discuss it. Neither are capitalists among them, because China only has some well-to-do people, where does it have capitalists? Feudal forces are also not included, because the feudal system collapsed two thousand years ago. Imperialism is not among them because imperialism is unable to harass those countries that the five demons are unable to penetrate.<sup>20</sup>

The negative effects of backwardness and poverty were aggravated by a third influence. A programmatic commentary published by the editors in the first edition of the *Crescent* mentioned the causes the liberal intellectuals held responsible for the problems that plagued contemporary China.<sup>21</sup> A multitude of false ideas imported mostly from abroad supposedly further weakened an already ailing China. The only cure for this problem, according to the commentary, was a return to "clear and accurate thinking."<sup>22</sup>

In the imagination of the liberal intellectuals, a future China would be a modern nation-state whose social order would provide for the greatest happiness of the greatest number of people. They rejected the programs of all political parties in China, those of the KMT as well as those of the Chinese Communist Party and the Youth Party, because of their ideological nature and called instead for a comprehensive investigation of China's situation in order to obtain an objective picture of its real needs. Their own "objective inquiry" undertaken by Hu Shih led to the formulation of two goals, a negative one and a positive one.<sup>23</sup> The negative goal demanded the eradication of the most important grievances of China's society: poverty, illness, ignorance, corruption, and disorder. The positive goal, on the other hand, contained Hu's conception of a future Chinese society: "a peaceful, universally prospering, civilized, modern, and unified China."<sup>24</sup> He envisioned the future China to be a developed industrial society – to use a contemporary expression – built on the basis of a just political order.

The majority of the liberal intellectuals agreed that the goal of the future political system should be to achieve the greatest happiness for the greatest number. What constituted this happiness and how it could be realized, however, was contested. Several opinions were offered. In Lo Lung-chi's view, the basic precondition for any attempt to realize this goal was a guarantee of the personal safety of any citizen, a chance to receive an adequate education and to achieve personal development. All these had to be provided by the state.<sup>25</sup> If these

<sup>20</sup> Hu Shih, "Wo-men tsou na-t'iao lu?" quoted from Hu Shih, *Hu Shih wen-ts'un*, vol. 4 (Taipei, 1971), 430ff.

<sup>21</sup> "Hsin-yüeh te t'ai-tu," *Shih-hsüeh* (Taipei), no. 1 (October 1976): 418.

<sup>22</sup> *Ibid.*, Although published as a contribution by the editors, the commentary was written by Hsü Chih-mo without consultation with other members, according to Hu Shih.

<sup>23</sup> Hu Shih, "Wo-men tsou na-t'iao lu?" *HY* 2, no. 10 (December 10, 1929).

<sup>24</sup> *Ibid.*

<sup>25</sup> Lo Lung-chi, "Wo-men yao shen-mo-yang te cheng-chih chih-tu," *ibid.*, no. 12 (February 10, 1930).

prerequisites were fulfilled, each citizen would have the chance to realize his or her own happiness. With explicit recourse to John Stuart Mill, Lo insisted that only the citizen him- or herself was able to recognize his or her personal happiness, therefore any interference by the government was to be avoided.<sup>26</sup> This highly individualistic conception was not shared by all liberal intellectuals, however. Ting Wen-chiang, always skeptical about the intellectual capabilities of the average individual, proposed instead that a group of researchers should be entrusted with the search for an objective answer to the problem of what really constituted the greatest happiness for the greatest number.<sup>27</sup>

All liberal intellectuals shared a deep dislike of politics as a form of struggle for power. Their own conception of the political process as the most appropriate way to identify the goals and areas of government action was thoroughly technocratic. In their view, "politics would only [*sic*] encompass a narrowly defined range of purely governmental activities."<sup>28</sup> Politics were described as a kind of science that should be practiced only by qualified specialists.<sup>29</sup> The most explicit argument for this conception was offered by Lo Lung-chi. Lo claimed that establishing an efficient bureaucracy had priority over all other problems of government or the implementation of specific political programs. Administration, the most important part of politics, had developed into a science in its own right, therefore only persons who had received specialized training in this new field of knowledge were qualified to lead it. "In other words, the politics of the twentieth century is the politics of experts (*chuan-chia cheng-chih*)."<sup>30</sup> Lo's conception of politics shows surprising parallels with that of Sun Yat-sen. In explaining his own conception, Lo freely used the examples Sun had employed in his lectures on the Three Principles of the People. Lo shared Sun's understanding of the relation between the citizen and the government and even expressed his agreement with Sun's concept of the separation of sovereignty (*ch'üan*) and capability (*neng*). In a synopsis of his discussion, Lo reaches the following conclusion:

If we summarize Sun Yat-sen's ideas, politics means management of the people's affairs. The manager's qualification lies in his specialized training. His suggestion that sovereignty should be separated from capability, his theory that sovereignty belongs to the people while capability is located in the government confirms my

<sup>26</sup> Lo Lung-chi, "Wo tui Chung-kuo tu-ts'ai cheng-chih te i-chien," *Yü-chou hsün-k'an*, no. 3 (January 1935), quoted from *Min-chu yü tu-ts'ai lun-chan*, comp. Ch'iu Wei-chün (Taipei, 1981), 222.

<sup>27</sup> Ting Wen-chiang, "Chung-kuo cheng-chih te ch'u-lu," *TLPL*, no. 11 (July 31, 1932): 5.

<sup>28</sup> Grieder, "The Question of 'Politics' in the May Fourth Era," 99.

<sup>29</sup> See note 27 above.

<sup>30</sup> Hu Shih, "Chih nan, hsing i pu i," *HY* 2, no. 4 (June 10, 1929); Lo Lung-chi, "Chuan-chia cheng-chih," *ibid.*, no. 2 (April 10, 1929).

opinion that the members of the government have to possess specialized knowledge.<sup>31</sup>

Finding people who could meet these standards proved to be difficult. Obviously, persons belonging to interest groups seemed to be as unqualified as members of political parties, since both represented special interests and thus were unable to work for the welfare of the whole nation.<sup>32</sup> It seemed that individuals who had received a modern education, or members of professional organizations, lawyers, engineers, university professors were more suited to the demands of modern politics. Among those occupations never mentioned in the debates were those of the peasants — representing a traditional occupation — and workers. Thus two of the largest population groups in China were deemed unfit for political participation.<sup>33</sup>

Several liberal intellectuals were still influenced by the Confucian idea that the personal virtue of a ruler had a decisive influence on the success of his government. An idea that had already been popular among liberal intellectuals in the early 1930s was reintroduced by Weng Wen-hao. His demand for a “government by good people” (*hao-jen cheng-fu*) was echoed in a number of articles.<sup>34</sup>

The main duties of the future political system comprised the protection of the individual, the establishment of an education system, and national development:

Guaranteeing the physical security of its citizens, freedom of thought, and economic independence are among the foremost duties of the state. The improvement of man, the provision of health care and improvement of the subsistence of peasants and workers, providing for the elderly and educating children are duties of secondary importance; comprehensive education and general improvement belong to the tertiary duties.<sup>35</sup>

While many of the goals of a future political order never became topics of discussion (for example, the basic idea of a just economic system mentioned by Hu Shih was never clarified), the means by which these goals were to be achieved received considerable attention. In an influential article, Hu expressed himself in favor of evolutionary change and against all sorts of revolutionary measures that were judged unsuited to China's needs despite their ostensible speed and effectiveness. China needed reforms that were guided, methodical, and piecemeal:

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<sup>31</sup> Lo, “Chuan-chia cheng-chih.”

<sup>32</sup> *Ibid.*

<sup>33</sup> Hu Shih, “Chien-she yü wu-wei,” *TLPL*, no. 94 (April 1, 1934): 2-5; “Ts'ung i-tang cheng-chih tao wu-tang cheng-chih,” *ibid.*, no. 171 (October 6, 1935): 10-12.

<sup>34</sup> *Ibid.*

<sup>35</sup> Weng Wen-hao, “Wo-te i-chien pu-kuo ju-tz'u,” *ibid.*, no. 15 (August 28, 1932): 3. Similar predilections were stated by Ch'en Heng-chih, “Jen-ts'ai yü cheng-chih,” *ibid.*, no. 29 (December 4, 1932): 8.

The real revolution able to destroy the five enemies can be achieved only in one way: clearly recognize who our enemies are and where our problems lie, combine the intellectual capabilities of the whole nation, use modern science and methods exhaustively to achieve a conscious step-by-step reform.<sup>36</sup>

In the early years of the Nanking decade, the liberal intellectuals shared a basic understanding that a democracy was the form of government most suited to China. Under the combined impact of mounting external threats and continuing domestic crisis, this consensus began to crumble in the early 1930s. Transcending the immediate problem of how to increase government efficiency, the suitability of democracy was questioned. A detailed discussion of the arguments used against democracy is out of place here. The reactions of the liberal intellectuals to this challenge are of considerable interest, however. Only very few of them came out in unqualified support of democracy, the most prominent among them being Hu Shih. The number of those completely in favor of a dictatorship was equally limited, but this group included two of the most articulate critics of democracy, Chiang T'ing-fu and Ting Wen-chiang. The majority of the liberal intellectuals remained indifferent to this problem, sharing the opinion that the form of the future government was only of secondary importance.<sup>37</sup>

It is worthwhile to note that the liberal intellectuals as a group had only very hazy ideas concerning the workings and the structures of different forms of government. Although they were in favor of democracy, very little attention was given to explaining its characteristics and procedures. Instead, some rather exalted arguments were advanced. In one of his many articles on the constitutional problem, Hu Shih tried to dissipate lingering fears among members of the KMT over the possible negative consequences of popular political participation. The intricacies of a democratic system were reduced to the act of voting, an act that was presented by Hu as being more of a process of adult education than a decision over the composition of the national government. "The system of popular rule is basically a sort of education. When the people just begin to participate in government, mistakes cannot be avoided."<sup>38</sup>

#### IV.

Having discussed the fundamental aspects of their political thinking, let us now examine in more detail the liberal intellectuals' criticism of KMT rule, their demands for reforms, and some of the solutions advocated by them. They all revolve around the interrelated themes of the protection of civil liberties, the establishment of a government more responsive to popular demands and strong

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<sup>36</sup> See note 23 above.

<sup>37</sup> Ibid.

<sup>38</sup> See note 14 above.

enough to lead China out of its present difficulties, and the achievement of national unity.

In the late 1920s, the enactment of a constitution or a basic law for the period of tutelary government was perceived as the most important task by the liberal intellectuals, since this appeared to be the only way to forestall arbitrary actions by the government and safeguard individual liberties. Hu Shih expressed this conviction in the *Crescent*: "If we really want to safeguard human rights and establish a firm foundation for a rule of law, then priority must be given to the enactment of a constitution or at least to the proclamation of a so-called basic law for the period of tutelary government."<sup>39</sup>

Especially in need of regulation by a constitution were the extent and the details of the rights enjoyed by the people and — of even greater importance in the eyes of the liberals — the limits on the actions of government agencies. In view of the prevailing conditions in Republican China, the delimitation of the legitimate scope of government action was of utmost importance:

The enactment of a constitution will force the government to refrain from transgressing the legally defined limits of its power and from restricting the rights of the people. . . . The people need the experience of civil life under a constitution, the gentlemen of the party and the government are in need of the experience of rule of law under the constitution.<sup>40</sup>

The liberal intellectuals shared the conviction that the enactment of a constitution would have strong repercussions on the ongoing domestic strife. In the view of Lo Lung-chi, the numerous conflicts between the government in Nanking and the regional forces could have been avoided if only the KMT had been willing to enact a constitution and establish a national assembly immediately after its accession to power. Lo also formulated a number of criteria which the constitution of a modern democratic state had to meet:

In the twentieth century, a really democratic government must under any circumstances satisfy two conditions: 1) it must be empowered by the people with the right to rule, and 2) its executive bodies must be under the guidance of experts. . . . In other words, we want 1) a legislative body representing the popular will, and 2) an administrative system informed by specialist knowledge.<sup>41</sup>

In Lo's view, the essence of democratic government consisted in direct or indirect participation by the whole population in the lawmaking process.

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<sup>39</sup> Hu Shih, "Jen-ch'üan yü yüeh-fa," *HY* 2, no. 2 (April 10, 1929).

<sup>40</sup> See note 14 above.

<sup>41</sup> See note 26 above.

How this could be institutionalized under the conditions prevalent in the Republican China of the Nanking decade was not discussed by him, however. Lo's imagination was completely occupied by the task of outlining the requirements of an up-to-date administrative system. Expressing a conviction shared by many of his fellow intellectuals that the opportunity of political participation *per se* would eliminate all tensions in the relation between people and government, Lo described these relations as being similar to those existing between the board of trustees and the board of directors in a business firm, that is, they shared a basic identity of interest in the success of the enterprise: "If the legislative organ is entrusted with the right to govern and the executive organ is equipped with specialists, then the problems of a state's political system are largely solved. Its future development is not threatened by any problems."<sup>42</sup>

In the 1930s, however, the search for ways to lead China out of its crisis had gained equal importance. The symptoms of crisis were easily recognizable throughout Chinese society. The liberal intellectuals were very much aware of the dangers of an imminent collapse of Chinese culture and a fragmentation of society at a time when China was confronted with its gravest external threat since 1914. They pointed to severe shortcomings in the fields of government and administration, the national economy, and in the level of China's technological development. According to Fu Ssu-nien, China lacked a stable and powerful political center, its national economy had fallen into decay, and the technical capabilities of the Chinese people trailed behind those of other nations by several centuries.<sup>43</sup> In order to cope with the national crisis successfully, the fragmentation of political power had to be overcome and a powerful central government had to be established. Improvements in the other fields were contingent on changes in the political field.

In this article, Fu articulated a conviction widely shared by the liberal intellectuals of the *Independent Critic*: the need for a powerful government.

Among the liberals, the most articulate advocate of the speedy establishment of a national assembly was Hu Shih. He defended its merits against its numerous detractors in all political camps. Given the prevalent conditions of domestic strife and the division of the nation into several power centers, the centripetal effects that Hu attributed to a parliament were of utmost importance. Unperturbed by adverse developments, Hu persisted in his belief that a peaceful unification of China by political means was possible. The basic precondition for attaining this goal was the establishment of a political system that would favor the formation of a political center and thus create the conditions

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<sup>42</sup> Ibid.

<sup>43</sup> Fu Ssu-nien, "Chung-kuo hsien-tsai yao yu cheng-fu," *TLPL*, no. 5 (June 19, 1932): 6-9, quoted from Fu Ssu-nien, *Fu Ssu-nien hsüan-chi. Cheng-tun* (Taipei, 1971), 127.

necessary for developing a feeling of loyalty toward the nation and its institutions among the people of China:

In a nutshell, the method of unification which I have designed consists in the careful rearing of centripetal forces all over the nation through the use of the political system. In this way the existing "private loyalty" will slowly be substituted by a "public loyalty" toward the nation as a whole.<sup>44</sup>

The institution most suited to serve as the crystallization point for public loyalties was the national assembly, since it offered the opportunity to link regional and national interests:

We believe that numerous political methods exist by which the present situation of inner strife can be overcome. . . . The functions of a national assembly consist in creating a central point that serves as intermediary between the national government and the provinces. It is the shining symbol of a united nation from which the centripetal forces of the whole nation emanate.<sup>45</sup>

Unfortunately, Hu Shih was unable to explain how a national assembly would achieve these results. The examples cited by him all assumed the existence of a parliament whose legitimacy was uncontested. Under the conditions existing in Republican China, the creation of a parliament that could exert the influences described by him was inconceivable without the consent and cooperation of the regional warlords. The future parliament would by necessity have to serve as a forum where all political powers, the political parties, warlords, and other influential groups would have a chance to exert influence. This kind of parliament was not desired by Hu, however. His provisions for only a limited number of highly qualified members as well as the procedures devised for their selection all envisaged an institution comprising the intellectual cream of the nation, not representatives of political power or economic interests.<sup>46</sup>

Challenged by the advocates of a dictatorial form of government, several liberal intellectuals tried to defend the value of democracy and the parliamentary system. The articles written in their defense quite often were simply reiterations of convictions expressed earlier and displayed, according to Eastman, "a remarkably unsophisticated understanding of the true character of liberal democracy."<sup>47</sup>

Hu Shih once again propagated his pet idea that democracy was a form of "kindergarten politics." Thus, it was more suited to China's needs than any form of dictatorship that, according to Hu, was a form of government totally

<sup>44</sup>Hu Shih, "Hsien-cheng wen-t'i," *TLPL*, no. 1 (May 22, 1932): 7.

<sup>45</sup>Compare Hu Shih, "Cheng-chih t'ung-i te t'u-ching," *ibid.*, no. 86 (January 21, 1934): 2-7.

<sup>46</sup>*Ibid.*

<sup>47</sup>Eastman, *Abortive Revolution*, 152.

dependent on experts. In a rather tortuous discourse, he tried to demonstrate that democracy as a political system could succeed with a minimum of talented people in its governing bodies. According to Hu, in democratic nations neither the government nor the legislative bodies were composed of the nation's elite. This was proof enough that a democracy was especially qualified for using the talents of the average man.

Even though the term "kindergarten politics" seemed most apt, it failed to elucidate many of the more important details of a democratic form of government. In its vagueness, it was quite representative of the general level of knowledge among the liberal intellectuals as far as government systems were concerned.

Hu's argument that China already possessed all the requirements needed for establishing a democracy was opposed by Wu Ching-ch'ao. Although Wu was generally in favor of democracy, he doubted whether it could be established in China immediately since some fundamental preconditions were lacking: the existence of divers political parties, freedom of opinion — which, according to Wu, comprised not only the granting of this freedom by the authorities but also the courage of the people to use it — the right to vote, government by the majority party, and, finally, general elections held at regular intervals.<sup>48</sup>

A further problem encountered by the liberal intellectuals was the question whether their desire for a powerful government could be met by a democratic form of government. In other words: could the prerequisites for a democratic government and for an efficient administration be fulfilled by one form of government? Several liberals gave affirmative answers. Contradicting earlier statements by Hu Shih that the concept of countervailing powers constituted a central concept of democracy, Chang Fo-hsüan declared that neither this concept nor the idea of a division of powers could be considered the most important element of modern democracy. According to Chang, the executive played the most important role in modern democracies while the legislature was only secondary, consenting to or limiting government actions: "I believe that the mystery of democracy cannot be found in the separation of powers, but in the concentration of power while simultaneously establishing a system of ultimate control, thereby preventing any abuse of power."<sup>49</sup>

One of the few liberals possessing a clear understanding of the political developments in Western democracies and the consequences they entailed for democratic government was Lo Lung-chi. He denied that the measures designed to strengthen the position of the executive organs of government vis-à-vis the legislative bodies in the United States and Great Britain represented the first step toward the establishment of a dictatorship. According to his judgment,

<sup>48</sup> Wu Ching-ch'ao, "Chung-kuo te cheng-chih wen-t'i," *TLPL*, no. 134 (January 6, 1935): 19.

<sup>49</sup> Chang Fo-hsüan, "Chien-kuo yü cheng-chih wen-t'i," *Kuo-wen chou-pao* 11, no. 26 (July 1934), quoted from Ch'iu, *Min-chu yü tu-ts'ai lun-chan*, 138.

these measures had the effect of strengthening democracy. Giving more power to the government was not undemocratic in itself. It did not place the government beyond the control of the legislative bodies. Most important, however, was the fact that the increased powers of the government did not infringe upon the political freedoms of citizens. Neither freedom of opinion nor the right to found political parties had been abolished.<sup>50</sup>

Very little common understanding could be found among the liberal intellectuals concerning the role and importance of political parties. Most intellectuals were barely willing to concede that parties might have some useful functions. They hoped to find ways to establish a political process free of any interference by them. Only Chang Fo-hsüan and Wu Ching-ch'ao expressed unqualified support for parties and considered their existence to be a prerequisite for a functioning democracy.<sup>51</sup>

Given the ambivalent attitude toward the fundamental concepts of democracy already mentioned and the priority that was accorded by most liberal intellectuals to strengthening the nation, it was quite natural that some intellectuals started to doubt whether a democracy really was an adequate system of government for China. Among the contributors to the *Independent Critic*, Chiang T'ing-fu and Ting Wen-chiang were the most outspoken critics of democracy.

According to Chiang, China had not yet finished the phase of national unification and therefore could not be considered as being a modern nation-state. As long as this was the case, the real problem facing China was not the choice of a form of government but national survival. "Our present problem is whether the nation will survive or not, not the question which kind of nation we want."<sup>52</sup>

Chiang's opinion was based on an analysis of the historical development of European nations and was supported by Wu Ching-ch'ao. He contributed an additional observation derived from his research into Chinese history. Wu had discovered that in the past unification of China had been achieved only by use of force. A second decisive factor in any attempt at national unification had been the disposition of the leader. Convinced that these two factors were still valid for China in the twentieth century, Wu formulated several conditions that a potential unifier of modern China had to meet: he must have a well-considered scheme for national development, leadership capabilities so that the elite of the nation would be ready to cooperate with him, and he must have charisma so that his followers would be ready to risk their lives for his cause:

If we had such a leader today, the second phase of revolution [that is, national unification] could be finished soon; if we do not

<sup>50</sup>Lo, "Wo tui Chung-kuo tu-ts'ai cheng-chih te i-chien," quoted from Ch'iu, *Min-chu yü tu-ts'ai lun-chan*, 226-27.

<sup>51</sup>Chang, "Chien-kuo yü cheng-chih wen-t'i," 137.

<sup>52</sup>Chiang T'ing-fu, "Ke-ming yü chuan-chih," *TLPL*, no. 80 (December 10, 1933): 5.

find one quickly, then no one can be certain how long this phase will continue. We should not be pessimistic about the chances for national unification, however. According to the principle that circumstances create heroes, this leader will appear sooner or later.<sup>53</sup>

Wu thus gave a new perspective to China's political problem: the search for a qualified leader. This theme was taken up with verve by many intellectuals who debated the prerequisites of leadership and how to identify a leader. As had been the case in the debates on the nature of democracy several years earlier, the participants in the debate were hard pressed to reach some common understanding of the fundamental characteristics of the dictatorship they wanted to establish. The problem of how to differentiate between the old kind of dictatorship — one established for personal gain — and the new kind of dictatorship represented by the Communist and fascist regimes of the day, turned out to be insurmountable.

The dictatorship needed by China was a so-called enlightened dictatorship. Opinion varied considerably concerning the ways by which it could be established; a similar lack of consensus appeared in the debates on how to prevent degeneration of this form of dictatorship once it was established.

Few participants in the debate had any concrete idea of how the institutions of an "enlightened dictatorship" should be structured. Likewise, few answered the important question of how the personal powers of the dictator could be circumscribed.

The reasoning of those liberals who favored a dictatorship was marred by similar weaknesses. Chiang T'ing-fu envisioned a dictatorship with very limited responsibilities: restoration of peace through the establishment of a central government and defeat of the warlords. This having been achieved, Chiang's form of dictatorship would assume a role quite similar to the passive state of classical liberalism: protection of law and order so that the forces of society could develop undisturbed by any interference and work for the modernization of China. "I believe that if such a government existed, society would become modern by its own efforts."<sup>54</sup>

Chiang did not share the concern that his form of dictatorship might degenerate into despotism. According to him, science and technology would soften any attempts to establish such a regime. "If the government remains completely passive and only tries to maintain the peace, these two forces [science and technology] will change China and give it a new breath of life."<sup>55</sup> Thus the problem of a dictatorship was seen as being primarily one of persons and not of institutions. Therefore the personal qualifications of the future dictator

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<sup>53</sup> Wu Ching-ch'ao, "Ke-ming yü chien-kuo," *ibid.*, no. 84 (January 7, 1934): 4.

<sup>54</sup> Chiang T'ing-fu, "Lun chuan-chih ping ta Hu Shih-chih hsien-sheng," *ibid.*, no. 83 (December 31, 1933): 4.

<sup>55</sup> *Ibid.*, 6.

attracted considerable interest. Some of the liberal intellectuals compiled catalogues of criteria; one of the most revealing was published by Ting Wen-chiang who looked for a charismatic leader with a good knowledge of sociology:

When can a dictatorship be considered to be of a new kind? According to my opinion, when it satisfies the following four conditions: 1) the dictator must completely identify the benefit and detriment of the nation with his own benefit or detriment; 2) he must be deeply aware of the peculiar nature of modern societies; 3) he must be able to use the specialist knowledge of the whole nation; and 4) he must use the present national crisis to inspire all those who are qualified for political participation to flock to his banner.<sup>56</sup>

Though Ting had a clear conception of the qualities needed, he was unable to conceive of any procedure by which the most suitable candidate could be found.

## V.

Taking into consideration the inconsistencies of the liberal intellectuals' political beliefs and their disposition to discuss and comment on political issues without engaging themselves in any concrete political activity, one is not surprised to discover that during all these years of constitutional debates the liberal intellectuals never presented a draft constitution of their own. Instead, they accompanied the debate with commentaries and suggestions which will be discussed in this final stage of our inquiry. In view of the special importance accorded by many liberals to a constitution as the guideline for political development, it is remarkable that the liberal intellectuals never agreed upon a set of principles that should be incorporated into the new constitution and could serve as a standard to evaluate the drafts put forward by the government. In the early 1930s, those still in favor of constitutional government seemed to be more concerned with getting any constitution at all. A consensus was reached, however, that the constitution should provide for a strong government and should not degenerate into a collection of noble principles that could not be realized under the existing circumstances.

The majority of the articles discussing the merits and demerits of the various draft constitutions focused on the design of the political institutions. Special attention was given to those paragraphs defining the relations between the five *yuan* and the president of the Republic and the head of the Executive Yuan. Many of the objections raised dealt with formalities and those passages that could not be realized in the foreseeable future — the establishment of a comprehensive system of education, for instance.

Some articles criticized a tendency to regulate too many problems to the last detail and demanded the formulation of principles to structure the whole

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<sup>56</sup>Ting Wen-chiang, "Min-chu cheng-chih yü tu-ts'ai," *ibid.*, no. 133 (December 30, 1934): 7.

constitution. Hu Shih's complaint was representative of this attitude: "We cannot avoid the impression that the system of the constitution resembles a book pieced together from different parts. It lacks a coherent political guideline, not to speak of a coherent political philosophy."<sup>57</sup> None of the critics, however, ever formulated a coherent alternative draft; they contented themselves with diagnosing shortcomings.

Gaps and unclear expressions in those parts of the draft constitutions dealing with jurisdiction and relations between the different *yuan* and the presidency were discussed in great detail. The extreme precision shown by several authors was motivated by the belief that the contemporary muddle of competences entangling government agencies and branches of the ruling KMT must be cleared up by the constitution. The precise definition of the competences assigned to the individual government organs was, on the other hand, considered to be one way of establishing a powerful government.

Sun Yat-sen's concept of the five powers of government (the five *yuan*) and the four rights of the people established a highly complex network of relations between the various powers, the president of the Republic, and the national assembly. Since most of the liberal intellectuals considered the head of the Executive Yuan to be the most important political office in the government and thus the focal point for all efforts to establish a powerful executive, they paid special attention to the paragraphs defining his competence and relations to other government organs. The main obstacle impeding the creation of the desired strong government was easily identified. The majority of the draft constitutions called for a system in which the head of the Executive Yuan was accountable to several other powers, all empowered to remove him from office, while he lacked the power to dissolve them. Depending on the draft, the critics were more concerned about the possibility of a stalemate developing between different *yuan*, or the supremacy of the legislative organs and control over the executive.

The idea that the position of the president of the Republic should be strengthened vis-à-vis the executive was also repudiated as being detrimental to effective government. The suggestion that the president should concurrently serve as the commander-in-chief of the armed forces was rejected, too. It raised fears that he might become too powerful and remain beyond the effective control of other government organs.

## VI.

The thesis formulated at the beginning that any discussion of the reasons for the failure of liberalism in China should take into consideration the inconsistencies of the political doctrines of its main advocates, the liberal intellec-

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<sup>57</sup>Hu Shih, "Lun hsien-fa ch'u-kao," *ibid.*, no. 96 (April 15, 1934): 4.

tuals, has been supported by our inquiry.

The outstanding position that many of the liberal intellectuals had achieved among the intellectual elite of Republican China ensured that their political views were widely disseminated, allowing them to exert a certain influence on public opinion. The range of opinions shared by all liberal intellectuals was rather limited, however: it more or less comprised the notion that China was a backward country in dire need of cultural reform and of strengthening its material and intellectual capacities, and secondly, that a government able to guarantee the rule of law and domestic peace would be most suited to this task. This would give the liberal intellectuals an opportunity for undisturbed research into the goals of national reconstruction and the ways to realize them.

This consensus over secondary aspects of political rule did not extend to the fundamentals, however. Being divided in their perception of basic ideas such as the concept of man, it was only natural that they held differing opinions concerning the forms of government most suited to China.

Thus, the chances of the liberal intellectuals having more than passing influence on the ongoing debates over the self-concept and political order of Republican China, on the one hand, and on the plans of the KMT and the national government on the other, were fairly limited. They did not exert much influence on the design of the more practical aspects of the system of government, either. Their knowledge of the political systems of those countries where they had received their advanced education, often alluded to in their remarks, was insufficient. Their scientific conception of politics made it impossible for them to pursue particularistic political interests or to mobilize public opinion for their cause. Therefore, they had to content themselves with formulating conditions to evaluate measures initiated by the government.

Unable to formulate a coherent political philosophy of their own, the liberal intellectuals' understanding of China's political problems was dominated by a line of thought that gave priority to strengthening the nation, and which conceived of individual rights, political participation and constitutional government primarily as a means of realizing this goal.<sup>58</sup>

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<sup>58</sup>For an analysis of the pervasiveness of this theme in modern Chinese political thought, see Andrew Nathan, *Chinese Democracy* (London, 1986), chap. 3.

# Ideology and Politics in Twentieth Century China



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