

傅秉常與近代中國



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著 林 香 羅

傅秉常與近代中國

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FU PING - CH'ANG
AND
MODERN CHINA

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FU PING-CH'ANG AND MODERN CHINA

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Fu Ping-Ch'ang (Foo Ping-Sheung) and Modern China

English Summary

A review of the highlights of Fu Ping-ch'ang's career indicates that he played an important role in the history of modern China.

In 1920 (the 9th year of the Republic), the Kwangtung expedition in Fukien, on receiving Dr. Sun Yat-sen's order, returned to Kwangtung and expelled the renegade Kwangtung warlord Mo Jung-hsin (莫榮新) from the province. Mo's expulsion paved the way for Dr. Sun Yat-sen and his associates to return to Canton. In April, 1921, members of the National Assembly met in Canton and elected Dr. Sun Yat-sen Extraordinary President of China. Under Sun's direction active preparations were made to launch a Northern Expedition against the Peiyang warlords of North and Central China. Kwangtung became a base of the Nationalist Revolution. Despite Dr. Sun Yat-sen's death in March 1925, the long awaited Northern Expedition was launched the following year and achieved its objective of unifying the country by 1928.

From the start, Fu Ping-ch'ang was identified with the Nationalist cause. Before the Kwangtung Expedition in Fukien was recalled in 1920, Dr. Sun Yat-sen had stationed Fu in Hong Kong with the duty of raising funds for the armed forces and to instigate enemy units in the vicinity of Canton to revolt. Although he was only twenty-four years of age then, he rose to the occasion. The text of two telegrams he sent during 1920 testify to the importance of his mission. The first one, dated

24th September, 1920 to Wu Ting-fang, a top aide of Dr. Sun reads, "code No. Tai. When raising military funds, Ching-ts'un (競存) promised to repay two dollars for each one borrowed. Can we do the same?" The second one, dated 27th September 1920, reads, "code No. Tai. Your telegram of 25th of the month has been forwarded to T'ang, Li, and Wei. Wei has risen in arms in Hsiang-shan (香山) and has moved his troops to Yang-cheng (羊城). Li and T'ang will rise in support of him. Military funds will be raised accordingly." It may be remarked that "Ching-ts'un" is the courtesy name of Ch'en Chiung-ming (陳炯明), Commanding General of the Kwangtung Expedition in Fukien. "Wei" refers to Wei Pang-p'ing (魏邦平) Commissioner of Police in Canton. Li refers to Li Fu-lin (李福林) and "T'ang", T'ang T'ing-kuang (湯廷光), two names well known in the military annals of Kwangtung.

On February 21, 1923, after the suppression of Ch'en Chiung-ming's mutiny, Dr. Sun Yat-sen returned to Canton and resumed the office of Generalissimo. Realizing the importance of the Customs Service and the Foreign Service, he appointed Fu Ping-ch'ang to head these departments. Fu's job was to reform the Customs Service for eventual tariff autonomy. Fu was then only twenty-eight.

In the early winter of 1928, in implementing Dr. Sun's Five Power Constitution, the Nationalist Government established the Legislative Yuan, appointing Hu Han-ming (胡漢民) president of the Yuan and Fu Ping-ch'ang a member of the Legislative Council. Fu was simultaneously appointed chairman of the Foreign Affairs Committee of the Yuan. The main task of the Legislative Yuan was to lay down the fundamental law

of the country, including the promulgation of the civil code. Fu was made responsible for convening the civil code revision committee which met more than two hundred times.

When the committee was deliberating on the problem of joint husband and wife ownership of family property, Fu Ping-ch'ang spoke several times with penetrating insight. "In the making of modern laws," he said, "a proper study of social conditions should be undertaken in order that laws may answer the needs of society. For instance, in view of the fact that ancestral halls are a relic of feudal times, enshrining the unequal status between men and women, burdening clan members with undue obligations and lead to feuds between clans, they should be abolished. However, from another point of view, we may say that ancestral halls should be maintained because they are conducive to national unity, promote religious piety and serve the practical needs of society."

Fu Ping-ch'ang also contributed a great deal to the Draft Constitution of the Republic of China. In 1933, Dr. Sun Fo (孫科) became head of the Legislative Yuan. Immediately he reaffirmed Fu's appointments as member of the Legislative Council and Chairman of the Foreign Affairs Committee. The legal experts in Dr. Sun Fo's entourage set about drafting the Constitution. The first draft, completed by Wu Ching-hsiung (吳經熊) and Chang Chih-peng (張知本) was at once circulated inside and outside government circles to canvass their opinions.

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Then Fu Ping-ch'ang and others put the draft constitution together with the comments thus solicited into one volume entitled "The Draft Constitution with Collected Comments". This was adopted by the Legislative Yuan after it had met eight

times and had the entire text read three times. It then became known as the First Draft Constitution of the Legislative Yuan. It was then submitted to the National Government which forwarded it to the Central Committee of the Kuomintang for further study. The Central Committee laid down some general principles and directed Fu Ping-ch'ang, Wu Ching-hsiung and others to review the text of the draft constitution in the light of these principles. After further revisions, the final version was adopted by the Legislative Yuan. It consisted of one hundred and forty eight articles, divided into eight chapters. The National Government had it promulgated on 5th May 1936 and it came to be known as the May Fifth Draft Constitution.

In 1946, the National Government again convened a constituent assembly in Nanking. The Constitution which ensued was in the main based on the May Fifth Constitution.

II

During the war of resistance against Japan, Generalissimo Chiang Kai-shek was for a while concurrently Minister of Foreign Affairs. Knowing that diplomacy was Ping-ch'ang's forte, he appointed him vice-minister with the duty of administering the ministry. In the autumn of 1942, Fu Ping-ch'ang was appointed ambassador to Moscow. He took up his assignment just in time to permit him to play a major role in international diplomacy.

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In October 1943, the foreign ministers of Great Britain, the United States and Soviet Union met in Moscow to discuss problems of peace and order that might arise after the end of the war. The three foreign ministers were ready to issue a declaration. At this point Fu was poised for action. He insisted that China had a right to participate in the so-called

summit meetings on account of her valuable contribution to the Allied cause in combatting the Axis Powers. Among the leaders of the Allied powers, Stalin was hostile to China, Winston Churchill was cynical. The only one who could help China's aspiration to great power status was the American secretary of State, Cordell Hull. Fu Ping-ch'ang maintained a close contact with Hull and as time went by a close friendship developed. In the days before the three ministers were to issue the declaration, Fu held talks with Hull. With the latter's assistance, Fu overcame the reluctance of England and Russia and China was permitted to take part in the foreign ministers declaration. This paved the way for China's participation at the Cairo Conference which deliberated the shape of the post-war peace. Fu Ping-ch'ang may thus claim no small share of the credit in China's big power status after the war, and in China's entrenched position in the Security Council of the United Nations.

III

Although Fu Ping-ch'ang did not publish anything of academic significance, we may not underrate his potential for scholastic achievement. He graduated from the University of Hong Kong with first class honours in civil engineering. He was therefore firmly grounded in the principles of natural and applied sciences. Before entering the University of Hong Kong, he studied Chinese Classics under Fu Chia-chih (傅家治) and Lu Hsiang-fu (盧湘父), two competent Kwangtung Scholars. In later life, whenever he had time, he studied law and diplomacy under Dr. Wu Ting-fan, a well-known scholar and diplomat.

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His well-rounded education enabled him to tackle problems with a sharp analytical mind. In his case, however,

intellectual rigor was tampered with humaneness. For instance, in the preface to the Civil Code, he wrote:

“This work, based on the spirit of law, is the legal basis for dealing with litigation in civil cases. In areas not specifically covered by legal enactments, recourse may be had to custom, provided public order and desirable popular usages are not subverted. With this limitation on the force of custom, the rule of law will unfold and the people will gradually come under its sway.”

The hobby of photography which he cultivated fervidly provided a clue to his mental alertness and intellectual curiosity. A large number of the photographs in his album are accompanied with notes of varying lengths written in his fine calligraphy. These notes reveal, for instance, that he was fond of reading Shakespeare and in April 23 1938, enroute to Moscow, he arrived in London in time for the annual commemorative service for the famed playwright. He went to Stratford, participated in the ceremony and on the margin of the photographs he took on this occasion, he wrote:

“Stratford was Shakespeare’s native town. Most people have read his plays but few seem to know anything about his life. He was probably born on 23rd April 1564. His father, a woolen cloth merchant, was sheriff of the country. His mother also came from a respectable family.”

“He attended local schools but was not known to be particularly diligent. In his youth, he fell in love with Ann Hathaway who was eight years older than he. After marriage, they went to live in London. At first he worked as an actor, then began to write plays and eventually became a world-renowned playwright. Returning to Stratford, he

bought a new house and died on 23rd April 1616. What a coincidence that he was born and died on the same date. Literary men set this day aside for commemorating him. On this day, in the main street of Stratford, the diplomatic corps and representatives of many nations assemble to participate in the flag-hoisting ceremony."

Lo Hsiang-lin

March 15, 1973

傅秉常與近代中國

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