

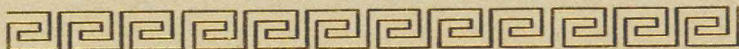
SELECTED WORKS OF MODERN CHINESE LEARNING

THE GOVERNMENT AND POLITICS OF CHINA

Ch'ien Tuan-sheng



商務印書館
The Commercial Press





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Ch'ien Tuan-sheng

(1900–1990)

Editorial Note

One hundred years ago, Zhang Zhidong tried to advocate Chinese learning by saying: "The course of a nation, be it bright or gloomy, the pool of talents, be it large or small, are about governance on the surface, and about learning at the root." At that time, the imperialist powers cast menacing eyes on our country, and the domestic situation was deteriorating. The quick infiltration of Western learning made the long-standing Chinese tradition come under heavy challenge. In those days, Chinese learning and Western learning stood side by side. Literature, history and philosophy split up, while many new branches of learning such as economics, politics and sociology were flourishing, which made many Chinese dazed. However, there appeared a vital and vigorous learning climate out of the confusing situation. It was at this critical moment that modern Chinese scholarship made the transition—by exchanging views, basing on profound contemplation and even with confrontation of idea and clash of views, the scholarship made continuous progress, bringing up a large number of persons of academic distinction and creating numerous innovative works. Changes in scholarship and in general modes of thinking made transition in all aspects of the society possible, thus laying a solid foundation for revitalizing China.

It's over a century since the journey of modern Chinese learning started, during which various schools of thought stood in great numbers, causing heated discussions. The journey sees schools of thought as well as relevant arguments rising and

falling, waxing and waning instantly, leaving complicated puzzles to followers. By studying and reviewing the selected works, one may gain new insights into that journey; and it is the editor's sincere hope that readers would ponder over the future by recalling the past. That's why we have compiled "Selected Works of Modern Chinese Learning". The effort includes masterpieces of celebrated scholars from diverse fields of study and different schools of thought. By tracing back to the source and searching for the basis of modern Chinese learning, we wish to present the dynamics between thought and time.

The series of "Selected Works of Modern Chinese Learning" includes works (both in Chinese and in foreign languages) of scholars from China—mainland, Hong Kong, Macau, and Taiwan—and from overseas. These works are mostly on humanities and cover all fields of subjects, such as literary theory, linguistics, history, philosophy, politics, economics, jurisprudence, sociology, to name a few.

It has been a long-cherished wish of the Commercial Press to compile a series of "Selected Works of Modern Chinese Learning". Since its foundation in 1897, the Commercial Press has been privileged to have published numerous pioneering works and masterpieces of modern Chinese learning under the motto of "promoting education and enlightening people". The press has participated in and witnessed the establishment and development of modern Chinese learning. The series of "Selected Works of Modern Chinese Learning" is fruit of an effort to relay the editorial legacy and the cultural propositions of our senior generations. This series, sponsored by National Publication Foundation, would not be possible if there were no careful planning of the press itself. Neither would it be possible without extensive collaboration among talents of the academic circle. It is our deeply cherished hope that titles of this series

will keep their place on the bookshelves even after a long time. Moreover, we wish that this series and “Chinese Translations of World Classics” will become double jade in Chinese publishing history as well as in the history of the Commercial Press itself. With such great aspirations in mind, fearing that it is beyond our ability to realize them, we cordially invite both scholars and readers to extend your assistance.

Editorial Department of the Commercial Press

December 2010

PREFACE

This book has several parts. Chapters II and III are brief reviews of the political ideas and institutions of ancient China. The four chapters that follow give a brief account of political and institutional development during the generation preceding the Kuomintang Government of 1928. Chapters VIII and IX describe the Kuomintang and the theory and practice of political tutelage as advocated by it. The body of the book deals with the organization and operation of the Kuomintang Government. The last chapters, Chapters XX to XXIV inclusive, are concerned more with politics. There are also an introductory and a concluding chapter.

It is regrettable that a book on the government of China cannot be attempted in the manner either of President Lowell's classic treatise, *The Government of England*, or of Esmein's equally famous *Eléments de droit constitutionnel*. Not only are their lucidity and erudition inimitable; the Chinese government as a subject is not susceptible of such treatment. President Lowell was writing about a government of great stability and could avail himself of an enormous amount of reliable and well-edited official records. The government of France was less stable, but the laws of France nevertheless were carried out with a fair degree of faithfulness, and the authority of the courts was on the whole not flouted by the government. Besides, there were a great number of constitutional and legal treatises from which Esmein could draw summaries and formulate criticisms. None of these factors operate in the case of contemporary China.

In the present book, my intention has been both to analyze the legal structure of the Kuomintang Government, which is in substance still maintained as this is written, and to describe the practical operation of that government. But neither of these two aims has been satisfactorily achieved. I can only hope that this book will fill a part of the vacuum which exists on the whole subject.

There is another obvious shortcoming. The next few years will witness the most fundamental and truly great transformation in a long period of change, begun about a century ago. But the Kuomintang Government is still

in control of the greater portion of China. I cannot treat in any detail the way in which other parts of China are governed nor can I elaborate on what is in store for the future. This can be done only at a more opportune moment.

This book was inaugurated and has been completed in large part through the assistance of the International Secretariat of the Institute of Pacific Relations. In completing it, I have become deeply indebted to many friends. Professor Arthur N. Holcombe, to whom I owe my early training in political science, and Professor John M. Gaus, both of Harvard University, Professor Nathaniel Pfeffer of Columbia University, and Mr. William L. Holland, Secretary-General of the Institute of Pacific Relations, and his staff, especially Dr. Lawrence K. Rosinger, all read the manuscript and made invaluable suggestions and comments. Dr. Chen Han-seng of Johns Hopkins University and Professor Yang Lien-sheng and Dr. Robert A. Scalapino of Harvard University read parts of the manuscript. They all saved me from committing many errors of fact and deficiencies in exposition. Through the drafting and preparation of this manuscript for publication I have also been fortunate in having the constant advice and encouragement of Professor John K. Fairbank and Mrs. Wilma Fairbank, who, in addition to reading and improving the text at the several stages of writing, have always generously contributed the kind of help which can come only from competent and critical friends. To Miss Anne D'E. Pratt, my secretary throughout, I am grateful for loyal and painstaking collaboration.

The point of view is naturally mine and mine alone. None of the persons who have aided me are to be held responsible for it.

CH'YEN TUAN-SHENG

September 1, 1948
Harvard University
Cambridge, Massachusetts

INTRODUCTION

Dr. Ch'ien brings to his task a rare competence. For a quarter of a century, during which the revolution in China has brought great changes in the government of the country and profoundly affected its whole system of politics, he has been a teacher of political science and public law in the leading national universities at Nanking, Kunming, and Peking. During the war with Japan he was a member of the People's Political Council at Hankow and Chungking. He also served on special missions to the United States. Throughout the quarter-century he possessed excellent opportunities to observe the operation of the Chinese political system.

Dr. Ch'ien understands the American as well as the Chinese point of view in the study of political structures and processes. He obtained his bachelor's degree at the University of North Dakota and his doctor's degree in political science at Harvard. In 1948 he lectured at Harvard on the government and politics of China. He wrote the present volume at that time, mindful of the interests and needs of American students of Far Eastern affairs. He has also written extensively in his own language on modern government and politics. Having recognized years ago the need for a modern government in China, he writes about the Nationalist regime with realistic understanding. Recognizing also the need for practical efficiency and popular support, if a modern government is to endure long, his writing is critical as well as expository.

A satisfactory introduction to the study of the government and politics of a foreign country must include more than a description of its actual government and an account of its principal political parties. There must be a general view of the whole political scene and some explanation of the way in which political conditions have come to be what they are. This calls for an interpretation of the political ideas which influence the behavior of the people and their rulers, for a state is an organized body of people joined together for certain purposes and engaged in the pursuit of those purposes by acceptable means and methods. The activities of politicians and statesmen are limited by the opinion of the people as well as by the form of the government. Theorists may speculate concerning the priority of political ideas and institutions, but writers on actual government and contemporary politics must be more concerned with the relationships between ideas and institutions which come under their own observation. The author of the present volume falls in the latter category.

The designation of the Chinese Republic in the Charter of the United Nations as one of the five major powers in the postwar world opened a new era in Chinese political history. The traditional view had been that China formed the center of an independent world of its own in which its people sustained a political order without need of relations with, to say nothing of improvement by, the outer barbarians. The nineteenth century brought new contacts with other parts of the civilized world and taught the necessity of readjusting traditional political ideas to the strenuous conditions of modern times. The Manchu Dynasty failed to make the needed readjustment. This failure, added to other deficiencies, brought about its downfall. The first problem of the Chinese Revolutionists was to raise their country to a position of independence and equality among the nations. How well they succeeded in this undertaking is attested by the decision of the United Nations at the San Francisco Conference on International Organization to recognize Chinese equality with the principal powers of the West.

The overthrow of the Manchu Dynasty and the raising of the Chinese Republic to an equal position in the family of nations were only the beginning of the revolution which had been planned by Dr. Sun Yat-sen and his followers. Other objectives were to make a place for the people of China in the government of their country, not inferior to that of the people in the governments of the most advanced countries in the West, and to improve their means of living by introducing the benefits of Western science and technology. The instrument for the accomplishment of these purposes was to be the organized revolutionary party. Dr. Sun planned to use enough military force to put his revolutionary party, the Kuomintang, in power. But his main reliance for the eventual establishment of a democratic republic under a modern constitution, dedicated to the improvement of the people's livelihood, was not a military but a party dictatorship. The Kuomintang, he believed, could justify its monopoly of power by its services to the people during a period of tutelage, when they would be learning what would be required of them in order to operate a political system fit to be described as a veritable government of the people, by the people, and for the people.

The dictatorship of the Kuomintang was formally established in 1928 after the defeat of the Northern Militarists and the occupation of Peking by the Nationalist forces. The party leaders organized a Nationalist Government, which they called the National Government of China, and entered upon the period of party tutelage. The political structures which they designed and the political processes which they instituted were presented to the people of China as the necessary foundation of a new system of law and order. The dictatorship itself would be only temporary, the party leaders insisted, but the system of political education, which was to be a principal function of the dictatorship, would lead eventually to the promised land of constitutional

government, dedicated to the improvement of the people's livelihood. Eighteen years later the Kuomintang offered the people of China a written constitution, but the new constitution, which was declared in effect at the end of the year 1947, could not be made to work. Hope of improvement in the people's livelihood under the tutelage of the Kuomintang vanished, and the Nationalist Government fell.

The choice of the Chinese Republic as one of the permanent members of the United Nations Security Council marked the formal achievement of the first of the three principal objectives of the Chinese Revolution. The other two objectives were not achieved under the dictatorship of the Kuomintang. The party leaders never succeeded in presenting a united front to the people of China. The party, divided against itself, was rejected by substantial numbers of revolutionists. It not only failed to prepare the people for a constitutional government, it could not even create a powerful monolithic state after the fashion of party dictatorships in the West. While the formal government of the country remained a monopoly of the Kuomintang, revolutionists who put their faith in other parties could not be altogether excluded from Chinese politics. The study of Chinese politics under the Nationalist dictatorship, therefore, is more than a study of the organization and activities of the provisional government which the Nationalists instituted. It is also a study of the relations between the Nationalists and the other political parties, which competed for the support of the people of China, and of the political ideas which gave these other parties vitality and strength.

Dr. Ch'ien's book deals with the government of China under the dictatorship of the Kuomintang. It was a period when the organization and management of the governing party were originally more important than the formal structure and processes of the National Government itself. Though toward the end of the Kuomintang regime the provisional constitution was ostensibly replaced by a definitive constitution, this operation came too late to change the essential nature of the regime. The character of the party, the purposes of its principal members, and the policies of the official leader determined the character of the political system. In theory the differences between the tutelage of the Kuomintang and an ordinary party dictatorship were important, but in fact they were obscure. Chinese politics under the Kuomintang meant something more than merely government by a dominant political party, but precisely how much more it was difficult for foreign observers to perceive. It is one of the services of Dr. Ch'ien's penetrating analysis of Chinese politics that he makes these differences intelligible and vital. He rightly distinguishes in his treatment of his subject between the government and the politics of China.

The importance of this distinction is well illustrated by the role of the Communists in Chinese politics under the government of the Kuomintang.

Communist emissaries from the Soviet Union gave invaluable aid when Dr. Sun's revolutionary party was reorganized at Canton in 1923-24. The structure and processes of the new Kuomintang were copied from those of the Russian Communist Party and the conduct of party affairs was a joint enterprise of Nationalists and Communists until internal dissensions split them apart in 1927. Thereafter the Communists were purged from the Nationalist Party and excluded from the government which the party established at Nanking. But they remained an ever-present alternative to the Kuomintang in the leadership of the revolution and an irrepressible threat to its monopoly of power. Eventually a Communist regime became the only possible alternative to the dictatorship of the Kuomintang.

Dr. Ch'ien's analysis of the Kuomintang political system makes clearer to Americans why the people of China at last accepted the alternative of Communist rule. He does not seek to justify the program of any political party, nor does he plead a particular cause. He is content to explain how the Kuomintang Government operated, to point out wherein it failed to give satisfaction, and to expose the nature of the political problem awaiting solution. The skill which he has brought to his task and the wealth of evidence with which he illustrates his points make his book a major contribution to an understanding of Chinese politics.

It might be supposed that the destruction of the power of the Kuomintang by the Communists would deprive a work on Chinese government under the Kuomintang of much of its usefulness to students of contemporary Chinese politics. The value of this excellent study to the future historian of the Chinese revolution may be readily conceded, but what, a hurried reader may ask, can be the use of such a study to the observer of current events, eager for a better understanding of the political ideas and institutions of the Communists now in power? The Kuomintang will presumably have no part in the prospective government of China. It will presumably be excluded from any share of power by the triumphant Communists even more completely than the Communists were formerly shut out from the government by the Kuomintang. The concept of a loyal opposition, coöperating openly and actively in the processes of government, has no place in the political theory of party dictatorship.

The answer to this question is conclusive. A knowledge of Chinese government under the Kuomintang not only facilitates an understanding of the regime in process of establishment by the Communists, but some acquaintance with the record of the Kuomintang rulers of China is indispensable for any intelligent comprehension of Chinese politics in the next stage of the revolution. That the nature of the Communist regime can be more easily understood by those who are familiar with that of the Kuomintang is obvious, since the origins of both regimes were intimately related. The Communists

who helped to reorganize the Kuomintang at Canton fashioned it closely in the image of their own party. The purposes of the two organizations were by no means identical, but their forms and procedures possessed much in common.

Moreover, it is evident that the Nationalists' failings define the tasks of those in power in the next stage of the revolution. The Nationalists attained one of their principal objectives, to secure world-wide recognition of the rightful equality of China among the powers. But they accomplished little by their efforts to introduce the common people into the government of China and to improve the common people's livelihood. It may be claimed that their efforts were frustrated largely by causes beyond their control. They could not prevent the Japanese from destroying their authority in large parts of their country by force and violence. Not even the measures employed by the United States and other parties to the Nine Power Pacific Treaty were equal to that responsibility. Nor could the Chinese Nationalists escape the pernicious consequences of the World War. They suffered with the rest of the world from the belligerency of powers greater than themselves. But history is not interested in the excuses of a nation's rulers. Not good or bad intentions but actions and events supply the evidence on which it passes judgment. It is now the Communists who will be held responsible by the people of China for introducing the common people into the government of their country, and for improving their livelihood.

The character of the government of China, since the Chinese Republic has become one of the permanent members of the United Nations Security Council, is a matter of great importance to the rest of the world. The purposes of statesmen with a veto in the Security Council must be taken into account by the governments of the other powers, particularly by those also possessing permanent membership in the Security Council. The practical capacity of the Chinese Government to take intelligent action in the interest of China is one of the conditions of good order in the rest of the world. The actual working of the new system of collective security, from which so much has been hoped, must depend in part on the working of Chinese political institutions. The time has passed when Americans can be indifferent to the government and politics of China.

The recognition of China's equal position among the powers was evidence of a belief on the part of important Western statesmen that China was capable of making extraordinary contributions to the maintenance of international peace and security. It was clear, of course, in 1945 that China could not immediately make a great contribution to the purposes of the United Nations. Its government was not yet strong enough to maintain good order within its own boundaries and could not be expected at that time to contribute anything more substantial than good advice to the pacification of the

rest of the world. But there seemed to be a solid basis for great expectations of future political strength. The record of the Nationalist Government, despite the discouraging obstacles raised by economic depression and foreign war, seemed to many Western observers to disclose enormous vitality in the revolutionary movement. With the restoration of peace in the world at large the eventual establishment of constitutional government according to Dr. Sun's plan, it may well have been supposed, would be no impossible task. China's new age seemed indeed to be just around the corner.

The consequences of the recent change from a Nationalist to a Communist dictatorship lie outside the range of this book. Strictly speaking, the new regime, which moved into the void left by the collapse of the Kuomintang in Continental China, was not a single party dictatorship, but a government by a coalition, in which the leading party could exert a commanding influence without an actual monopoly of power. Again, as at the time of the original Nationalist-Communist coalition, a period of violent struggle and military government was to be succeeded by a further period of domestic tranquillity under a provisional dictatorship, during which the Chinese people would be prepared for a final period of self-government under a permanent constitution, to be constructed with the aid of the best modern political science. Doubtless different opinions would prevail concerning the nature of the best modern political science, but the structure and processes of the temporary regime could not be greatly different from what had been originally designed at Canton in the time of the collaboration between Dr. Sun Yat-sen and the agents of the Comintern. The politics of China entered a new phase, but the new government of China should seem no strange innovation to those who understand the nature of the regime established by the Kuomintang.

Prudent men in power will develop their plans in the light of their predecessors' experience as well as under the impulse of their own visions. What lessons the leaders of the "New Democracy" can learn from Chinese political experience during the preceding stages of the revolution is ultimately the subject of Dr. Ch'ien's book. His distinction between the government and the politics of China under the Kuomintang is important in interpreting the meaning of this experience. It has importance for people everywhere who may be concerned with the influence of the new Chinese government in the modern world. Despite the collapse of the Kuomintang the politics of party dictatorship in China will remain a subject of major interest to students of the contemporary political order.

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February 1950

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