

Volume I

March 1931

Number 1

# The People's Tribune

*A Series Edited by T'ang Leang-Li*

THE ROAD TO NATIONAL RUIN—By the Editor

CHAINS—By the Editor of the *Peking and Tientsin Times*

THE NATIONAL EMERGENCY LAW

With a Commentary by the Editor of the *Yi Shih Pao*

EDUCATIVE GOVERNMENT: National Liberation or Political Bondage?

I. *Principles of National Rehabilitation*

II. *Is Likin Abolished?*

III. *The New Reorganisation Loans: A National Menace.*

IV. *The Proposed People's Convention*

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By Wang Ching-Wei

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By T'ang Leang-Li

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By a Political Correspondent

**The Coup d'Etat at Nanking**

I. *The Inner History of Hu Han-Min's Dismissal and Detention*

By An Eye-Witness

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# The People's Tribune

*A Series Edited by T'ang Leang-Li*

Volume I

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Number 1.

## THE ROAD TO NATIONAL RUIN

It is a striking commentary on the present official interpretation of the mission of the National Revolution and the Gospel of Freedom in the Three People's Principles that no publication exists in territory under the immediate jurisdiction of the Nanking authorities, which in any way attempts to be guided directly by the spirit of the Father of the Chinese Republic and the Perpetual President of the Kuo-Min Tang. The recent abolition of the Press Censorship is followed by a Publications Law of such a nature as to put China in intellectual quarantine and reduce the honourable profession of authorship to the level of political prostitution, while the so-called Emergency Law—the most demoniacal ever devised by human fiendishness, unknown even in the most backward of colonial possessions—renders anyone who says or does something short of fulsome flattery or abject submission to those in authority, liable to capital punishment or life-imprisonment. And those organs of opinion, be they in Chinese or in foreign language, which are not within the immediate reach of Nanking, are brought to official reason either by bribery, or by the deprivation of postal facilities, or simply by the threat of "drastic measures." It is an irony of history—albeit a testimony to the British spirit of fair-play—that those who cried loudest against feudal militarism and foreign oppression have become the most tyrannical of oppressors, worse than the worst Peiyang militarist and more oppressive than the most notorious of Colonial pro-Consuls, while those who but a short time ago were, and officially still are, regarded as the bitter enemies of Chinese National freedom, are risk-

ing their very business existence in vindication of the rights of man, the liberty of conscience, in China.

Freedom—political, economic, and intellectual—cannot be obtained without a struggle. But the struggle cannot be won except by a clear understanding of the issues involved. It is for the purpose of explaining these issues, in strict accordance with the Three People's Principles and the Programme of National Reconstruction, that the *People's Tribune* makes its appearance.

The *People's Tribune* derives its inspiration directly from the spirit of the Founder of Modern China. It accepts no mediation by self-appointed priests and self-styled tutors, whatever their official status. The Tribune of the People, it stands for the immediate return, in the period of Educative Government, to the nation of its sovereign rights, in the form of a Bill of Rights and other fundamental laws, guaranteeing the rights of life, the protection of property, the freedom of thought, of expression and of association, establishing the supremacy of the law, instituting freely elected representative assemblies, and providing for the control of the national finances by the people, and the non-interference in politics by military commanders. While realising that in the Educative Period, it is in the interest of the country that one Party should rule, it insists upon the legal toleration and the protection of other political parties, in addition to the governing Party being open and all-inclusive, and democratically organised. For Party Government implies Party Democracy and the proper demarcation between Party and Governmental activities.

But political rights are useless without the rights to a proper livelihood. The *People's Tribune* thus demands the cessation of the persecution of *bona-fide* labour and peasants unions and of the use of the peasantry as cannon fodder. It calls for immediate measures in rehabilitation of the country-side and the extermination of Communist-banditry—not by wholesale execution of essentially innocent, even if misguided, peasants, but by the removal of those conditions which make banditry a necessity, by the abolition of forced levies and oppressive taxes, by the provision of pri-

sons for corrupt and greedy officials. Dr. Sun did the utmost to win the peasants and workers to the cause of the National Revolution. He emphasised the supreme importance of the Third Principle (of Livelihood) and the paramount duty of improving the economic welfare and social status of the oppressed masses. But what have those in authority done except to accentuate the plight of agriculture to depress further the worker's standard of life?

The burden of taxation borne by the impoverished population is unprecedented, but what do they get in return from those in authority? Scraps of paper legislation, empty promises, and a dictatorship compared with which the Manchu regime and the misrule of the Northern militarists are paternal benevolence or only mild abuses at their worst. Wang Ching-Wei, in attempting in 1910 he assassination of the Prince Regent, was in law liable to the cruellest form of the death penalty, and not only himself, but also his whole family. Yet he was only sent to prison and was even given the option of a pardon. Ku Hung-Ming denounced Yuan Shih-Kai in bitter language, using the most abusive of terms, and was yet able to move freely under the dictator's very nose. But now anyone who dares to declare, at Nanking, that Mr. Chiang Kai-Shih is unworthy of national confidence and thus advised to relinquish his posts in favour of the outlawed Party Opposition leaders in order that the Government may be made a truly national one and the Republic permanently consolidated, is guilty of "inciting others to disturb the public peace or to co-operate with rebels" and of "carrying on seditious propaganda by writings, pictures, or word of mouth," and "shall be punished with death or imprisonment for life." (*National Emergency Law; Article 2*).

In foreign relations, the *People's Tribune*, believes in the fundamental revision of the Sino-Foreign relationship, not the nominal, paper, acquisition of new treaties for window dressing purposes. It is silly to make the Chinese people believe in the withdrawal of the foreign garrisons from China, the retrocession of the foreign Concessions, and the

abrogation of all the existing unequal treaties, "within this year" (in the words of Mr. Chiang Kai-Shih on January 19th last), when, in objective fact, the entire armed forces under Nanking's control are unable, or unwilling, to restrain a handful of foreign marines and non-commissioned officers from creating a riot in a cinema under Chinese jurisdiction; when in spite of China's acknowledged territorial sovereignty Chinese soldiers are suffered to be disarmed in passing through the foreign Concessions—while foreign soldiers may occupy, or, in full armament, may pass through, any Chinese territory they like; when on one occasion, on April 12, 1929, the Chairman of the Nanking Government through the minister in charge of Foreign Affairs actually requested a foreign Power to continue, for the time being, the occupation of a Chinese province, and explicitly confessed inability to assume responsibility for the protection of foreign lives and property in that province. When the rendition of Weihaiwei was discussed by Dr. Wellington Koo, on behalf of the defunct Peking Government, the British Government was willing to go back on its own leases to foreign landowners. Britain actually agreed to the substitution of "leases of thirty year's duration, renewable on the same terms at option of the holders," for its own deeds of title. Nevertheless, the agreement for the rendition of the Belgian Concession, signed on August 31, 1929, and ceremoniously hailed by the principal foreign propagandist in the Nanking Government, on January 15, 1931, as "the auspicious beginning of a new era," provided for the Chinese authorities to issue perpetual leases to property holders at a nominal registration fee, thus establishing for ever a principle which the British Government was at one time willing to sacrifice—in violation of its own title deeds. In consequence, the Weihaiwei Convention of April 18, 1930, stipulates that "all documents, of title to land issued to persons other than Chinese by the British Administration in Weihaiwei in the prescribed form shall be exchanged for Chinese deeds of perpetual lease," a provision repeated in the agreements

for the rendition of the British Concessions at Chinkiang and Amoy.

\* \* \*

Belgium deserves no little credit for vindicating the rights of the foreign Powers in so positive a manner. But does the Foreign Minister of the Nanking Government the "fighting diplomat," merit any approbation for buying a little "face" at the price of mortgaging China's future? The justice of our claim to the abolition of extraterritorial rights is now generally recognised. In view of this, is there any necessity to restore, in 1928, to Belgium the extraterritorial privileges which, in 1926, Chang Tso-Lin and Lo Wen-Kan took away from her? What is the sense of granting to Belgium, and *ipso facto* to other "most-favoured-nation" Powers, the right of land-ownership, should she subsequently see fit to return the gratuitous gift to the grateful donor? What *quid pro quo* did China receive in return for this reversal of a time-honoured practice? Is the fact unknown that, in certain colonial possessions, notably in Java, no one who is not a native, even if belonging to the governing race, is allowed to own land, except in a few specific cases? Can China, the relatively poorest member of the family of nations, really afford to be the world's benefactor? To give away a vital concession as a result of defeat in war may be a diplomatic necessity and excusable, but to sell the birth-right of the people for a nice-looking document oversteps the limits of political commonsense and decency. And it is the last thing on earth calculated to win for the Chinese people the respect and lasting friendship of foreign countries.

Extraterritoriality, except in two or three Treaty Ports, has become obsolete and is at present of little practical value to the foreigner, but being derogatory to Chinese national dignity, its total abolition is imperative. But in view of the new treaties, what would formal abolition mean if not an internationally sanctioned, and thus irrevocable, permission to exploit the entire Chinese peasantry?

The problem for New China is not the substitution of extraterritoriality by a new, and worse, form of bondage, but the simple and unconditional abolition of all restrictions in the life of the Chinese masses, while providing for adequate protection to legitimate foreign interests. In the new political order, the whole of China's interior will be thrown open, as a matter of course, to foreign trade and residence, but only as a sovereign act on the part of the Chinese nation, through the machinery of national legislation, and not as an international obligation. This is the true meaning of international equality and mutual respect, and the only basis on which a harmonious co-operation and a genuine friendship between China and the foreign Powers is permanently possible.

But vital as is the problem of foreign relations in itself, it loses in immediate importance in the present state of the national emergency, when the paramount problem for the Chinese citizen is the creation of those conditions which alone can make internal peace and national unification lasting, and not merely a patched-up armistice in preparation for a new series of war operations.

## CHAINS

by

*The Editor of the Peking and Tientsin Times*

Out of the bitter ordeal of the Honan war emerged an hour of enlightenment. No man was more shaken than the head of the Nanking Government. When he returned to the capital, visibly worn by the terrific strain of that struggle, in which thousands fell, he issued manifestoes which reflected his response to bitter experience. It is the way the stubborn are taught to bend, and if they will not, then they are broken, for it is only in fugitive moments that man is master of his fate. The politicians in Nanking had not gone through what he had to endure. They were as arrogant as ever, but he imposed his will upon them—for the time being. This was revealed in many of the resolutions formulated at the 4th Plenary Session of the Party which followed. "Effective and vigorous measures" were devised for the safeguarding of the fundamental rights and liberties of the people. It was admitted that

"denial to the people of the freedom of speech and the liberty of the Press, and the right to free assembly, has prevented the formation of a strong public opinion upon which the Government may rely for support."

The resolutions called for vigorous steps for the enforcement of the new laws, providing guarantees for the rights and liberty of the people, for the suppression of tyrannical Party activities and for official injustice.

\* \* \*

The time that has elapsed is sufficient to form judgment upon the sincerity of this penitential mood. What have we seen in the meantime? We have said little of the regulations governing the projected People's Convention, but we have scrutinised them closely. The conclusion is irresistible that Nanking is determined not only to prevent this Conference being used as a sounding-board for public opinion or a vehicle for the relatively peaceful ventilation of popular discontents in this time of stress, but to exploit

it as an instrument to deny freedom of expression and to consolidate its own power. The manifesto of November 17, signed by some of the most prominent leaders in Nanking, stated that the denial of this right "had afforded an opportunity of various reactionary elements to take advantage of the popular discontents." It was to strengthen its own position, primarily, that Nanking proclaimed this new policy. And it succeeded in doing this at once. The mere statement of such policies won over a large part of public opinion. Of that there is not the slightest doubt. Nanking stole the thunder and the democratic programme of its opponents. They were left with nothing to say except to express their satisfaction that, though they had lost the war, their political aims had prevailed. We are positive that never since the anti-North Expedition set out for Peking did the Government enjoy greater support in public opinion than it enlisted as the result of the undertakings to which it was committed at the last Plenary Session. One must not suppose that because there is no independent Press there is no such thing as public opinion. It is very often the more powerful because of that. The printed word may sting and the spoken word wound, but a public opinion that has no such means of effective ventilation makes itself felt in violent events.

We believe that the interval between the Plenary Session and the meeting of the People's Convention afforded a rare opportunity for the implementing of Nanking's promises. The more that is said now the less there will be to say at the Convention. It is not possible to enjoy liberty of criticism and at the same time accuse the Government of tyranny. It is not possible to enjoy the fruits of its good faith and charge it with bad faith. Criticism of direction of policy is one thing, and an attack on its fundamental principles is another, and a far more serious, thing. The Government was charged with being oppressive, and to meet that charge it introduced the resolutions on the rights of the people. Nanking knew perfectly well that this charge was no mere invention of disgruntled opponents.

The volume of its paper reforms testified to its appreciation of the force behind both the charge and the public opinion that supported it. Yet on every hand there is evidence to show that it has again stiffened its back and hardened its heart. It would have been better never to have made these promises than to go back upon them, for that which was gained is doubly lost.

Nobody is asking for full democratic rights. The Constitutional period when sovereignty is to be restored to the people has yet to come. China's present condition is that described as the Period of Tutelage, or as it has been euphemistically translated, the Educative Period. Plenary power will not belong to the People's Convention. It will have no authority to turn the Government out and install another. It is a consultative body. Its purpose is to let the Government know what the people think. It might be conceded the authority to write a Constitution—but other bodies have done this over and over again. How may we expect freedom of expression at the People's Convention if such freedom is denied to the Press now? Nothing more than the right to utter, with dignity and due sense of proportion, what is in the mind, is necessary. And that is as necessary to the Government as it is the right of the people.

The sympathy of all fairminded persons would be on the side of the Government if that freedom were conceded and then converted by malicious critics into license. The early Parliaments strengthened Yuan Shih-Kai by their disorderly behaviour. The reading public in this country are not fools. How can the people be trained in the rights conceded them in the Three Principles if the Period of Tutelage is merely a prolongation of the period of Military Government, of suppression here, there, and everywhere? How can they be made ready for their responsibilities if they are not allowed to speak their minds or say a word displeasing to the Government? The suppression of the

local Opposition Party paper is a test case. There is hardly a criticism on public policy it has made that we have not also uttered or might not with propriety and impartiality have uttered. The charge, therefore, that its criticism is informed solely by the desire of those whose views it expressed to supplant, or supplement and strengthen, the Nanking regime, is beside the point.

The abolition of the Press Censorship was followed by a Draconic Press Law, binding the Press in servitude to Nanking. The wider promises of liberty were followed by the Emergency Law for the punishment of crimes against the State. It is a supplementary law; a special law—a very special law indeed, one of the most tyrannical ever devised. There is not a thing that may be said or done short of fulsome flattery of or silent submission to the Government, which may not bring the unfortunate party within the drastic penalties laid down. For our part, we have no interest in one faction as apart from another. But we believe the Chinese people are ready for a little freedom; we believe that no Government ruling not by consent but by oppression and suppression can endure; we believe that if there are no safety-valves there cannot but be further explosions; and we hold that the reversion to the policy of isolation of public opinion is certain to impair the security and stability of the Government, prolong the terrible struggles of the last few years, create more wars, and in the end throw this country into the ruthless embrace of extremism.

*Tientsin, February 7, 1931.*

## EMERGENCY LAW FOR THE PUNISHMENT OF PERSONS ENDANGERING THE SAFETY OF THE REPUBLIC

The National Emergency Law, promulgated by the Nanking Government on February 2, 1931, is supplementary to, and takes precedence over, the ordinary Criminal Code. Its special feature is the barbaric punishment for offences which in most civilised countries are not offences at all and are not even so regarded by the Chinese Criminal Code, promulgated on March 10, 1928, it may be, for the benefit of foreign readers. Its vague wording, its administration by local military and administrative authorities instead of by the regular Courts of Law, and the fact that by a simple confession an offender may have a life-sentence entirely remitted make it look like a complete travesty of justice.

The unusual care and thoroughness which the Nanking authorities devoted to the enactment of this politico-judicial measure, is highly illustrative of the mind of China's present political tutors. The principle of the law was first decided upon by the Central Political Council and referred to the Legislative Yuan for execution. After the drafting by the Legislative Yuan, the Bill was submitted, for final approval, to the Central Political Council which sent it directly to the National Government for promulgation—a highly unusual procedure, as the Central Political Council generally deals only with high principles of policy and not with matters of detail.—*Note by the Editor of the People's Tribune.*

### Article 1.

Whoever engages in any of the following activities, with intent to subvert the Republic, shall be punished with death:

- I. disturbing the public peace.
- II. conspiring with foreign Powers and attempting to disturb the public peace.
- III. conspiring or allying with rebels and attempting to disturb the public peace.

IV. inciting the armed forces to commit a breach of military discipline, to desert their duties, or to co-operate with rebels.

#### Article 2.

Whoever engages in any of the following activities, with intent to subvert the Republic, shall be punished with death or with imprisonment for life:

I. inciting others to disturb the public peace or to co-operate with rebels.

II. carrying on seditious propaganda by writings, pictures, or word of mouth.

#### Article 3.

Whoever engages in any of the following activities shall be punished with imprisonment for life or for a term of not less than ten years:

I. committing a breach of military discipline, deserting their duties, or co-operating with rebels, at the instigation of persons referred to in Article 1, section IV.

II. disturbing the public peace or co-operating with rebels, at the instigation of persons referred to in Article 2, section I.

III. engaging in propaganda, at the instigation of, or on behalf of, persons referred to in Article 2, section II.

Provided that whoever falls under section III of this Article but voluntarily confesses may have his punishment reduced or remitted.

#### Article 4.

Whoever knowingly harbours or assists in the concealment of rebels instead of reporting them to the authorities shall be punished with imprisonment for a term of not less than five years. Provided that whoever falls under this article but voluntarily confesses may have his punishment reduced or remitted.

#### Article 5.

Whoever engages in any of the following activities, with intent to subvert the Republic, shall be punished with death, or with imprisonment for life or for a term of not less than ten years:

I. purchasing or transporting military supplies for, and on behalf of, rebels.

II. disclosing or communicating political or military secrets to rebels.

III. destroying or disrupting means of communications.

#### Article 6.

Whoever, with intent to subvert the Republic, organises associations or meetings, or propagates doctrines incompatible with the Three People's Principles, shall be punished with imprisonment for a term of between five and fifteen years.

#### Article 7.

In districts, where martial law is in force, the highest local military organ shall be responsible for the trial of persons charged with crimes enumerated in this law. In bandit-suppression districts, the trial shall be conducted by a provisional tribunal to be composed of the District Magistrate and two judicial officials. The provisional tribunal shall be established in the office of the District Magistrate who shall be its chairman.

#### Article 8.

The decision of the highest local military organ shall, before execution, be submitted for approval to the next superior military organ concerned. The decision of the provisional tribunal shall, before execution, be submitted for approval to the Provincial High Court of Justice concerned, and shall also be reported to the Provincial Government concerned. The superior military organ or the High Court may order a re-trial and send deputies to take part in the re-trial, should any doubt regarding the correctness of the decision be entertained.

#### Article 9.

The arrest, by the military or the police, of any person suspected of crimes, enumerated in this law, shall be immediately reported to the responsible local administrative organ.

## Article 10.

Crimes not enumerated in this law shall be dealt with in accordance with the Criminal Code.

The period during which this law is effective and the date of its coming in force, shall be announced by Government mandate. The provisional law for the punishment of counter-revolutionaries shall be inoperative on the promulgation of this law.

## THE NATIONAL EMERGENCY LAW: A COMMENTARY

by

*The Editor of the Yi Shih Pao\**

A law, whether provisional or permanent, must have as its aim the reform or relief of certain things. Legislators must therefore carefully consider the social consequences of any legislative enactment, more especially those relating to the punishment and prevention of crime.

Since the inauguration of the Legislative Yuan all the laws essential to a civilised nation have been drafted or promulgated. It is a distinct achievement, and the more creditable as the laws do meet the special conditions of the country and are unimpeachable from the theoretical point of view. This, however, is not the case with the newly promulgated Emergency Law which, in our opinion, will create more evil than good, and the purpose of which even is not very clear. The nature of the law seems to be a more detailed interpretation of the offences against the internal security of the State than as given by the Criminal Code, the deficiencies of which it purports to supplement. But in the intention of the legislators the law is to cope with the special conditions of to-day, being an expedient for the suppression of those persons who are called counter-revolutionaries.

The crimes to which the Emergency Law applies fall under six headings: (i) disturbance of the public peace, association with rebels, instigation of soldiers, destruction of communications, (ii.) traitorous activities in conjunction with foreign Powers, disclosure of political and military secrets, (iii.) seditious propaganda by writings or pictures, or word of mouth (iv.) purchase or transportation of supplies for rebels, (v.) organising associations or

\*For the information of our readers we beg to state that the *Yi Shih Pao* ("World Daily News") is a non-political and non-partisan paper, its interests being mainly concerned with matters of religion.—*Editor, The People's Tribune.*

meetings endangering the Republic, and propagating doctrines incompatible with the Three People's Principles, and (vi.) harbouring rebels. And except in the last two cases, persons found guilty are punished with death or imprisonment for life.

It must be noted that the crimes under (i.) and (ii.) are activities truly endangering the safety of the State, which are already provided against by other laws. Regarding (iii.) and (iv.) the difficulty is to determine whether offenders are principals or abettors; this, however, is to be judged from the facts of the case. With (v.) the implications are so wide as easily to cause confusion, while the offences under (vi.) are already covered by other laws. In actual fact, with the exception of (v.), the crimes enumerated in the Emergency Law are already dealt with by the regulations for the punishment of bandits, which are drastically enforced in the bandit-suppression zones. These anti-Banditry regulations, it will be remembered, degenerated into an instrument with which to deprive the people of their liberties. It was Yuan Shih-Kai who invented the Provisional Regulations for the Punishment of Bandits with a view to limiting the freedom of speech and the liberty of action of the Chinese intellectuals in the political sphere.\* Nevertheless, they served some useful purpose in providing for the suppression of common banditry. Moreover, they are intended to be provisional and temporary, and have the status only of regulations, not law, Yuan Shih-Kai not daring, at the last moment, to give to his barbaric measure the dignity of the term. It is true, unfortunately, that they provided a convenient pretext to the Northern militarists for doing away with

\*These Regulations were from their very creation bitterly opposed by the Kuo-Min Tang and Dr. Sun, and one of the very first acts of the National Government at Canton in 1925 was their abolition in conformity with Dr. Sun's policy. But although nominally repealed, the Regulations were in practice enforced by the Nanking Authorities in the bandit-suppression zones.—*Editor, The People's Tribune.*

political enemies, for violating the judicial system. How many innocent people were victimised during these two decades as a result of the abuse of those regulations we cannot know.

Now the scope of the Emergency Law under consideration is far wider, and its penalties much heavier, than that of the anti-banditry regulations of Yuan-Shih Kai. As we already said, these regulations have some purpose if used against the bandits. It is true, Yuan Shih-Kai abused them for the purpose of strengthening his own position, thereby setting a bad example, the evil effects of which are felt right up to the present. But they do effectively deal with all offences against the safety of the State, as referred to in (i.), (ii.), (iii.), and (iv.), and those who disturb peace and order are severely punished under their provisions, whether they are principals or abettors. So there is hardly any necessity to create a Special law for these matters.

\* \* \*

With the Emergency Law, a new crime has been created, namely, the "propagating of doctrines incompatible with the Three People's Principles." According to the strict letter of the provision, not only are socialistic theories of a "red" colour to be proscribed, but also most of the political ideas current in the so-called capitalistic countries. No political doctrine other than the Three People's Doctrine may thus be used as material for publication, translation or speech, on pain of imprisonment for five to fifteen years. Is this not ridiculous? And even with a liberal interpretation, are not only communistic writings, but also the writings of the Nationalists (or Fascists) and the Yen Chiu Clique (i.e. the late Liang Chi-Chao's group) prohibited. In the so-called period of tutelage it may be justifiable to suppress these theories as affecting the question of party monopoly, but what is the demarcation between the strict and liberal interpretation of the law? We doubt if even the honourable gentlemen and ladies of the Legislative Yuan have made up their mind on the subject.

For even among the adherents of the Three People's Principles there is no uniformity of view and interpretation. And what do the gentlemen of the Central Party, who regard themselves as Orthodox, really consider "compatible with the Three People's Principles"? The absence of any clear definition, if such were possible, inevitably leads to the creation of abuses, and in view of the large discretionary powers of local administrative officials, a free press must remain an illusion and a dream. Any writing of a political or sociological nature may be declared "incompatible with the Three People's Principles." It is now of course out of the question to oppose the policy of the Government, but even sympathetic criticism will soon become impossible as being liable to be misunderstood or misinterpreted.

\* \* \*

All laws must have objective facts for their basis. The present Emergency Law is promulgated during the anti-Communist Expedition and may thus be taken to be directed against the Communists, the declared enemies of the Republic. Now to take drastic measures against the Communists and the bandits is justifiable and a political necessity. But the new law really deals with three entirely different things: (1) disturbances to peace and order, (2) dangers to the Party and the State, and (3) disagreement with the Government on point of policy and interpretation by adherents of the Three People's Principles who do not belong to the Government group. Now emergency measures dealing with disturbances to peace and order are merely a matter of administrative order and do not justify the creation of a special law. For in actual fact armed robbers and kidnappers are being dealt with by the district magistrates, who can arrest and execute them freely, without anybody complaining about the procedure. Instead of creating a new Emergency Law it would therefore be preferable to re-enact Yuan Shih-Kai's universally condemned Provisional Regulations for the Punishment of Bandits, which in fact it excels. Regarding the other

eases one must make a distinction whether the public peace is in fact involved or not. In the latter instance, the authorities do well to take a lenient course. It may be granted that those who are opposed to the Three People's Principles must be suppressed, but those who are merely discontented with the Government should be treated differently. The North-Eastern authorities (Manchuria) were once the bitter enemies of Nanking. The Kwangsi, Shansi, and North-western (Kuominchün) armies also at one time carried on anti-Government activities. But now they are all harmoniously co-operating with the Central Government, and under its direction. This shows the advantage of a policy of reconciliation. But if the policy of the Central Government is meant to be reconciliatory what is the purpose of creating such a repressive and ominous law. For inspite of its promulgation, high-minded and universally respected persons interested in the public affairs of the Nation, will continue to argue with, and perhaps oppose the policy of, the Government. If all these public spirited persons are regarded as rebels, are considered guilty of high-treason, then what is the difference between this legislative measure and the inhuman punishments prescribed by the First Emperor of the Ch'in Dynasty for people secretly opposed to his regime?

If the real aim of the special Emergency Law is the extermination of the Communists, then the new measure is unnecessary, for the laws against banditry can be applied to them, and the creation of a new law merely adds to the confusion. In view of its grave consequences, we sincerely hope that the Central Government will find it possible to withdraw the new Emergency Law, or at least set a time-limit to its period of enforcement with a view to its speedy abolition. And our Government being an enlightened Government, we are confident that our advice will be accepted.

*Tientsin, February 4, 1931.*

## EDUCATIVE GOVERNMENT: NATIONAL LIBERATION OR POLITICAL BONDAGE?

by

*The Editor of the Jen Min Jih Pao*

### I

#### Principles of National Rehabilitation.

The Chinese people, whatever their occupation, economic status and political opinion, have common interests and common aspirations. These form the basis of an irresistible political movement which aims at the restoration to the people of their national heritage, at the satisfaction of their common demands.

Our political institutions are based on the democratic existence of organs of popular representation. The absence of such organs means the denial of the principle of democracy and the return to monarchy and despotism. Hence it is essential to insist on the early convocation of a freely elected People's Convention and National Delegates' Congress.

If peace and order is to reign in the country it is necessary to have some kind of Constitution and other fundamental laws, to be observed not only by the common people, but also by the Government itself. This is not a matter of opinion and of political propaganda; it is a choice between order and chaos, between civilisation and barbarism.

The principle of local self-government must further be translated into a reality. It is the basis of all civilised political organisations, republican and monarchical. It is realised in Great Britain and Japan, in Soviet Russia and Fascist Italy. The only regions in which self-governing local bodies do not exist are New Guinea among the cannibals and Nationalist China. But do we deserve to be grouped among cannibals and the like?

Democracy without the control of public finance by the people cannot be but a hollow name. The struggle for freedom in the West, in England, America, concerns pri-

marily the control of the national purse. And the formula "No Taxation Without Representation" finds its application even in such autocratically governed countries as the Dutch East Indies. Are we to be more backward than a mere Colony? If the answer is in the negative we must insist on a National Budget, to be passed by a freely elected representative body, and on the publication of the financial accounts of the Government.

Furthermore, in all civilised countries the military in active service are subordinate to the civilian authorities. No military officer may interfere with politics lest the Army should become a menace instead of a support to the State. China again seems to be the only exception to the rule. It is now the most militaristic country in the world. It is the only country where the democratic forces are without any protection, are subject to arbitrary persecution. One of the first essentials is therefore the separation of military power from political authority. Our generals must choose whether to remain plain military commanders or plain Mr. So-and-so. Any general on accepting political office must relinquish his military affiliations.

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The above principles\* are embodied in the governmental organisation of every civilised country except China. Now, in our country, everybody is talking about peace and unification. The vital question, however, is not whether peace and unification are desirable objects, but by what methods and in what circumstances these are to be achieved and maintained. Under the Manchu Dynasty China was unified, during Yuan Shih-Kai's regime there was peace. But why did not these conditions endure? Why were Dr. Sun and his Party opposed to the Manchu unity and to Yuan Shih-Kai's peace? Because peace and unity without freedom—political, economic, and intellectual—are not worth having, and because they are not worth having they cannot endure. Real freedom can only be obtained after long struggle and patient effort. But without real freedom, unification is deceptive and peace very precarious.

## II

## Is Likin Abolished?

During the first days of January numerous telegrams came in from all parts of the country, rejoicing at the abolition of likin. But is there really any reason for this popular jubilation? For likin is to be succeeded by the so-called Consolidated and Special Consumption Taxes. And between the two is there, in fact, any difference? Will the abolition of likin and its substitution by the Consolidated and Special Consumption Taxes make any difference to the burden of the sorely tried populace?

In the first place, the new taxes are to be collected at the places where goods are produced or concentrated. Likin was, or still is, collected at certain places through which goods have to pass. On the surface, therefore the new taxes do not seem to be so complicated and vexatious as the old one. Likin is further a local revenue, while the larger part of the yield of the Consolidated and the whole of the Special Consumption Taxes will go to the Central Government. This will deprive the local Governments of an important source of income, but the Central Government will be correspondingly benefited. This consideration, however, is of greater concern to the officials than to the people.

In the second place, likin covers such a wide field that no goods are exempted from it; it is, therefore, one of the worst kinds of taxation in the world. Now the scope of the Special Consumption Tax is limited to (1) sugar, (2) textiles, (3) manufactured goods leaving the factories, (4) oil, (5) tea, (6) paper, (7) tin and foil, (8) sea products, (9) timber, (10) pottery, (11) live stock, (12) drugs, (13) varnish, (14) furs and hides, (15) mineral products, (16) cocoon, (17), silk (18) yellow bean and (19) cotton; the Consolidated Tax to (1) cigarettes, (2) flour, (3) matches, (4) cotton yarn and (5) cement.

Likin is a general tax; the Consolidated and Special Consumption Taxes apply only to certain specified goods.

But is there really any difference as to their scope? Is there any commodity which does not fall under one or the other of the 24 headings to which the Consolidated and Special Consumption Taxes apply? Economists are generally agreed to Consumption Taxes being confined to a few selected goods so as not to be a nuisance to the people, and, incidentally, to keep down the cost of collection. From this point of view the new taxes are, therefore, as unsound and as vexatious and obnoxious as likin.

In the *Regulations governing the Collection of the Special Consumption Tax*, it is stated in Chapter II, Article 7:

The tax offices shall be established at places where the goods are produced, manufactured or concentrated.

In the *Regulations governing the Inspection of goods subject to the Special Consumption Tax* it is stipulated in Article 2:

(1) When goods are in a centre convenient for inspection, the tax office shall send its inspectors to inspect directly the quantity in stock and sold, and to determine the amount of the necessary taxation.

(2) When goods are scattered in various places not convenient for inspection, branch offices shall be established at the main routes through which goods are transported, where the goods shall be examined according to the bills of lading.

(3) Goods transported on rivers and their tributaries, which are not convenient for direct inspection, shall be subject to inspection by inspectors on boats possessed by the tax offices.

In other words, the Special Consumption Tax will be collected at the same points where likin was (and still is) collected, causing the same inconvenience and trouble to the merchants as its predecessor likin, the same delays in releasing the goods under inspection, and creating the same opportunities for exaction and extortion. And against administrative negligence and misbehaviour, the poor

merchant has no effective remedy. It is true Article 7 of Chapter V of the *General Regulations* states that "Whenever any action on the part of the tax offices is considered illegal and whenever the amount of the necessary tax is fixed at an unreasonably high rate, the tax payer concerned may appeal to the Ministry of Finance for a decision in accordance with the law." But with legal costs and lawyers' fees so high, and the machinery of the law inefficient and undependable, who would care to settle disputes by recourse to administrative law?

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We strongly support the authorities in their attempt to abolish likin, but we cannot see our way to approve of their instituting taxes of a similar nature in its stead. The substitution of the Consolidated and Special Consumption Taxes for likin is like the replacement of the Tuchün by the Tupan. What is the difference? The new taxes are collected from practically the same source; what is now the advantage of merely a change of name? The people ought, of course, to pay legal taxation, and the loss of a part of the national income ought to be compensated for by some other income, but a bad tax must not be replaced by another equally bad of the same scope and nature, even if the new name sounds more attractive and modern. Merely to effect a useless change of name reflects no credit on the authorities concerned; it creates popular disappointment and disillusion, and the only persons benefited by the measure are a new set of tax collectors and the Chinese Telegraph Administration which gets some additional business in handling the numerous telegrams, congratulating likin on its acquisition of a better sounding name.

### III

#### The New Reorganisation Loans: A National Menace

Considerable progress is said to have been made in the preliminary negotiations concerning the proposed vast international loan of £100 millions, to be issued through the League of Nations, for currency reorganisation, on the

security of the Chinese Customs and Railways. We are told that some time ago Mr. Sokolsky had, at the request of Mr. T. V. Soong, made *pourparlers* with Mr. Lamont, of J. P. Morgan's. On Mr. Sokolsky's return to Shanghai, Mr. Soong then took the matter up with his brother-in-law, General Chiang Kai-Shih, who then had consultations with Dr. H. H. Kung and Mr. Li Shih-Tseng. Discussions took place with Dr. Rajchman, the Director of Health of the League of Nations and Adviser to the Nanking Government, as a result of which Dr. C. T. Wang telegraphed to Mr. Wu Kai-Sheng to request the Secretary-General of the League of Nations to send representatives to China. We understand that the League Directors of Finance and of Communications are already on their way to Nanking to handle the matter on this side, while Mr. Chien Hsin-Tze, the Chinese Banker-Minister to France, will take up the matter on the other side.

On the other hand, Mr. Hu Han-Min is reported to be in favour of the proposed American loan of 1000 million ounces of silver, for industrial reorganisation, at an interest of 2 per cent., and without any specific security whatsoever, except perhaps a guarantee of repayment, in silver, within fifty years.

Now to talk of a loan of 1000 million ounces of silver to China for the purpose of permanently restoring the purchasing power of silver in terms of gold, and, therefore, the purchasing power of China in the world markets, and developing her industries, is of course childish (as is pointed out by the Shanghai American Chamber of Commerce), and would never have been taken seriously but for the prominence of its sponsors. The reason why China's industrial economy is in such a deplorable state is not that there is no capital in China (there is some 200 million ounces of silver lying idle in the vaults of the Shanghai banks), but that the Nanking Government has used every available cent in the Government Treasury for the purchase of arms and the recruitment of new troops. Another reason

is that it has been unable to cope with the bandit-communists in the interior, with the result that individual fortunes are not devoted to the development of industry, but to the purchase of Government bonds, and other unhealthy speculative activities.

If the Government were really serious with the reconstruction of the country, and had appropriated for this purpose one-tenth of its annual revenues and the some 500 million dollars which it had borrowed since its establishment—ostensibly for productive ends—instead of spending everything on the establishment of a military dictatorship, China's industries would already have been within proper shape. China has enough capital within her own boundaries for industrial reconstruction, at least for several years to come; the only thing necessary is confidence in the Government's sincerity of purpose and in its ability to carry out its bandit suppression intentions. And any resort, at this juncture, to foreign loans, whether in gold or in silver, can only do mischief and irreparable damage to the country.

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A gold loan, with proper safeguards, would, by virtue of its tremendous amount—rare in international finance—merely establish a complete financial bondage on China, would create a new Dawes Plan for China. That is to say if foreign financial supervision could be made effective. More likely, however, the proceeds of the proposed loan would go the same way as the Reorganisation Loan of 1913, part of which went to financing a civil war, and another part disappeared as bribes and squeeze.

The effects of a silver loan, without any safeguards, on the national welfare would of course be worse, apart from its repercussions on the price of silver. Practically every foreign loan, concluded since the establishment of the Republic, has been used, whatever its ostensible purpose, for financing internal warfare. The greatest service the foreigner who means well with the Chinese people, could

render is therefore to persuade the financiers and statesmen of his country not to lend a cent to the Chinese Government until the rights of the people are adequately safeguarded by a Bill of Rights and freely elected representative institutions are properly functioning in China.

For until the political opposition in China is legally tolerated and protected, and the Government established on a legal, constitutional basis, the present military inactivity in China can only be regarded as an armistice, the usual prelude to another series of war operations. An Amnesty Bill has been passed by Nanking, but General Li Chi-Tsen and Mr. Chu Chen are still under detention, and publishers and authors are liable to arrest without any charge being preferred. In all modern democracies, fiscal affairs are within the exclusive province of a popular Assembly. The Nanking Provisional Constitution of 1912, for instance, embodied this principle in Article 19, and it was the violation of this constitutional provision by Yuan Shih-Kai, in connection with the Reorganisation Loan, which led directly to the so-called Second Revolution. Why do the people in power at Nanking have such short memories?

#### IV

#### The Proposed People's Convention

On January 1st last, the Nanking authorities promulgated the regulations governing the election of delegates to the proposed People's Convention. This Convention, to take place on May 5th next, is to be of a different character from an ordinary political or technical Conference, such as the Plenary Sessions of the Party Executive, the National Conferences on Education, on Military Reorganisation and Disbandment, being advertised as a political innovation to enable the people to exercise their political sovereignty. The convention is to inaugurate a new era in Modern China, the crowning glory of half a century of national-revolutionary struggle. On its success, therefore, depends the establishment of permanent peace in China

and the consolidation of the foundations of the Chinese Republic. And its failure will involve the failure of the National Revolution itself, the complete destruction of the confidence of the people, the renewal of civil strife, and perhaps the break-up of the Chinese body politic.

On examining the published regulations, however, it is impossible to resist the conclusion that the Convention, like so many other measures taken by the Nanking authorities, will be found wanting, will fail to satisfy the revolutionary demands of democratic China. For the following reasons:—

*Article 5*, for instance, enumerates the local electing bodies, but adds to it the important qualification to the effect that the organisations mentioned "must be those established in conformity with the law." Superficially, considered, the qualification is only right and proper. But what does it amount to in actual fact?

The organisations "established in conformity with the law" cannot be other than those established by the Nanking authorities themselves. For the *bona-fide* popular bodies have all been dissolved or declared illegal. In Shanghai for instance, the Chamber of Commerce was dissolved on the ground that its chairman had relations with the Kwangsi leaders, the General Association of the Trade Unions on the pretext of its being Communistic, the General Federation of students because of its supposedly reactionary activities. What remains in Shanghai, and in other places, are only officially established Committees for the reorganisation of Trade Unions and of Chambers of Commerce.

Unless, therefore, organisations spontaneously organised by the people are regarded as "established in conformity with the law," and only *bona-fide* popular bodies given the right of election, proportionate to their numerical strength in any one locality, the Conference called for May 5th may be given any name but that of "People's Convention." The only disfranchisement we consider justifi-

able is that of the definitely established Communist organisations.

*Article 8* declares that "persons who, having once been members of the Kuo-Min Tang of China, have either been expelled or suspended from Party membership," shall not be eligible as delegates to the Convention. Now, why should people expelled from a political party be deprived of the right to be elected? The proposed gathering is to be a People's Convention, not a National Congress of a political party; the fact of one having lost the membership of that political party should therefore not make the slightest difference. Or is losing Kuo-Min Tang membership equivalent to losing one's citizenship?

*Article 13* prescribes that successful candidates must not have changed their occupation, immediately preceding the election, during a period varying from five years (for i. those engaged in trade or industry, ii. in educational enterprises, iii. in various liberal professions) to ten years (for those engaged in agriculture). According to this provision, a banker who, during a period of eight years, has been engaged as a professor of banking for two years, as a lawyer for two years, and as the President of a bank for four years, is disqualified to represent his banking fraternity, even if by education, training, experience, and social position, he were the most outstanding personality of either his present or past profession. On the other hand, a junior clerk in the Chinese Maritime Customs Service, who does not know anything about political affairs, and perhaps has never been outside his district, is eligible provided he entered the Service during the Presidency of Yuan Shih-Kai or Tsao Kun. Is it not absurd?

In no country can one find such qualifications and disqualifications for election to representative assemblies. The Nanking authorities will do well to revise drastically the regulations governing the proposed People's Convention if the Convention is to serve any useful purpose and not merely create universal discontent and provoke a new civil

strife, making China the laughing stock of the civilised world.

## V

## Why We Are Suppressed

Some ten days ago we were informed by the Tientsin postal authorities that since January 15th last, copies of the *Jen Min Jih Pao* had been detained at the post offices at Nanking and Hankow. At the same time we received word to the effect that the Chinese police at Tientsin had, for several days, been confiscating whatever copies of our paper they could get hold of. These measures, of course, greatly handicapped our business, nevertheless we kept on publishing. Now we are told that Mr. Wu Tieh-Cheng, a member of the Nanking Central Party organisation, has repeatedly instructed the Tientsin Bureau of Public Safety to bring pressure to bear on the Japanese Concession authorities with a view to closing the paper and confiscating the printing plant, while General Chiang Kai-Shih has been bombarding General Chang Hsueh-Liang with a series of telegrams, requesting the latter to issue orders for the arrest of those connected, directly or indirectly, with our paper. We first intended to ignore all this, when a day or two ago we were given to understand that the lives of several prominent political leaders interested in our paper might be endangered, should we continue publication. With the example of Wang Loh-Ping (and the more recent case of Lenox Simpson) before us, we have now no other alternative than to suspend publication.

We wish to emphasise that we have never received a due notice or warning from the competent authorities. Neither have we been judicially prosecuted, nor condemned by a Court of law. We were forced to take the step because of the machinations on the part of a politician and because of the interference with the judicial and administrative machinery by the Chairman of the Nanking Government. In a civilised, properly governed country, a newspaper can be closed only after proper investigation and judgment by a

Court of Law, and persons put in prison, or executed, only after due process of the Law. The head of a Government has no business to interfere with the daily administration of justice and directly issue orders of arrest, still less has a member of a political party the power to order the closing and confiscation of an organ of public opinion.

Strange as it may seem, such things actually happen in this country during the so-called period of political tutelage.

On October 13th of last year, in a manifesto on Peace and Unification, General Chiang Kai-Shih declared: "Our fellow-countrymen should know that they are closely connected with the administration of our country and should, therefore, not for a moment shirk their responsibilities. Hereafter, any suggestion or criticism regarding the policy of the Government which is in accord with Dr. Sun's teachings, will be duly considered, and, if practicable, adopted by the Government."

Speaking on the same day at the usual Sun Yat-Sen Memorial Service, General Chiang proclaimed, "Hereafter, absolute freedom of publication will be given to the Press, provided expressions of opinion are not contrary to the Three People's Principles and the Programme of National Reconstruction."

Since the establishment of the Nanking Government the Nanking leaders seem at last to have awakened to the importance of a free Press, the only, and reasonable, condition being acceptance of the three People's Principles. But what has the *Jen Min Jih Pao* published which by any stretch of the imagination may be considered contrary to Dr. Sun's Teachings. Has its editorial policy violated the condition laid down by General Chiang so as to justify the order for the arrest (or possible execution) of those who are even only indirectly connected with the paper? Allow us to make a general review of what we have written during the odd month of the existence of the paper.

On the first day of its appearance, we declared our intention to call for (1) the immediate establishment of representative popular Assemblies, (2) the promulgation

of fundamental laws governing the relationship between the people and the Government and binding on both, (3) the speedy realisation of local self-government, (4) the control of the national finances by the people, and (5) the non-interference in politics by the military commanders. For only by the realisation of these five points can the nation enjoy permanent peace.

With regard to the regulations governing the election of the delegates to the proposed People's Convention, we expressed the opinion that the provision that "those members of the Kuo-Min Tang who have been expelled (by the Nanking group) shall not be eligible" attempts to make subservience to a small political clique the *sine qua non* of participation in national politics, confusing as it does membership of a clique with citizenship of the country, while the requirement of candidates to have served in their particular profession for five to ten consecutive years is intended to exclude all those interested in public affairs, so as to leave the field open to mediocrities and appointees of Nanking.

As to the much talked of improvement in the educational system and the *morale* of the students, in consequence of General Chiang's excursions into the Ministry of Education, we are of opinion that only a thorough investigation of the qualifications of the teachers and administrative officers and a proper provision of educational funds can effect any good in China's educational system, not the mere oppression of the students.

With reference to the so-called abolition of the *likin* we stated that the suppression of the term "*likin*" in China's fiscal terminology is not only like the substitution of *Tuchün* by *Tupan*, but a shameless hypocrisy as well. For the *Tariff* has been increased, while new taxes, the 5 Consolidated Taxes and 19 Special Consumption Duties, similar in scope and nature to the *likin*, as well as a new Business Tax, have been instituted. All this without making proper provisions for the reorganisation of the local revenue

system, which will make a healthy local development practically impossible.

There is further the amnesty order, which, even superficially examined, cannot be but dismissed as cheap political propaganda. Who has heard of the actual release of political offenders? Who has seen Mr. Chu Chen, General Li Chi-Tsen, General Fang Chen-Wu, except in their places of confinement? And who has not heard of the recent arrest of the novelist Lu Hsün, the raids on Shanghai book-sellers. Have they perhaps been charged with the embezzlement of public funds and the secret sale of public offices?

We raised our voice against the proposed loans to the Nanking Government, the loan of 1000 million ounces of silver and the gold loan of £100 million. For judging from the history of the last twenty years there are solid reasons for believing that the greater portion of the loan will be used for the purchase of arms and munitions and the remainder disappear into the private pockets of Government officials, thus repeating the chaos of 1916-1926. Instead, we proposed a reasonable loan, in actual material, to be utilised for the execution of certain nationally approved industrial schemes. We advocated the borrowing of material for reconstructive purposes, similar to the scheme proposed subsequently by Dr. Paul Monroe.

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Every patriot realises the futility and the waste involved in civil strife, both as regards the loss of lives and the destruction of national wealth. How great the actual damage has been in the trampling of the farms and in the ruin of commerce we cannot know. We only know that the longer the duration of the civil strife, the greater the number will be of bankrupts and unemployed, and of those dependent for their living on parasitic militarists and bandit leaders, and the more difficult it will be to effect the political and military rehabilitation of the country. Hence what we are demanding is the immediate introduction of a democratic system of government. And in an atmosphere free from oppression and corruption it matters little

who is to be the Government Chairman or the Head of the Ministry. We once recognised Yuan Shih-Kai as our President. And more recently, we thought a great deal of General Chiang, hoping that he would at last turn out a model civil servant. When however, our mistake became apparent, there was no way to rectify it, because of the defects in the governmental system. Hence our insistence upon popular representation, supremacy of the law, and Constitutional government. For if the Government can be changed in compliance with the majority will of the people, the period of calamitous civil wars will *ipso facto* be relegated into history. And this is not only our policy but the fundamental thesis of the Three People's Principles and the Programme of National Reconstruction. In this connection the Enlarged Plenary Session issued a Manifesto, on November 12, 1930, to which we invite the attention of the Nanking leaders.

Soon after the conclusion of the Anti-Nanking campaign, General Chiang Kai-Shih, on October 3, 1930, issued a circular telegram declaring his willingness to abide by the will of the people. Unfortunately, however, he soon lost control of himself again and has resumed his arrogant, mandarin-like manners. And his advisers and colleagues at Nanking just followed suit. With only their private interests in their mind, the people's welfare is irrelevant to them. They have now gone as far as to ridiculously suggest that Dr. Sun's works may be used as a substitute for the Bill of Rights. And while losing no time in talking about the protection of the rights of private individuals and the freedom of political activities, the only thing they have done is only further to deprive the people of their rights and to intensify their oppressive regime.

In proposing the People's Convention, Dr. Sun merely voiced the demand of his fellow-citizens who saw in it the only effective beginning of a new era in national politics. A great deal was expected from the proposed People's Convention. But what do we see? The Nanking group, in furtherance of their own interests, drafted a set of re-

gulations which in essence is the same as those governing the Tze Cheng Yuan (Political Advisory Council) of the Manchu Dynasty, the Tsan Cheng Yuan (Council of Political Participation) of the Yuan period, the Anfu Club Parliament, the Rehabilitation Conference of Tuan Chi-Jui, and the packed Party Congress of March 1929. Are the Nanking leaders really suffering under the delusion that peace and unification can be achieved by such methods? Cannot they see that they are only laying the seeds of a new civil strife and that they themselves are the most persistent enemies of permanent peace and national unification?

We need hardly point out here that Nanking's proposed Convention is hardly the People's Convention which Dr. Sun suggested. But if the Convention is not representative of the people, true democracy cannot be realised, and the lives of the hundreds of thousands of people who died for the revolutionary cause will be sacrificed in vain. And politics in China will remain a matter for the soldiers, and peace and unification pure moonshine.

*Tientsin, February 1, 1931.*

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Educative Government: National Liberation or Political Bondage?

- I. Principles of National Rehabilitation
- II. Is Likin Abolished?
- III. The New Reorganisation Loans: A National Menace.
- IV. The Proposed People's Convention.
- V. Why We Are Suppressed.

By the Editor of the *Jen Min Jih Pao*

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Number 2.

## POLITICAL PARTIES IN THE EDUCATIVE PERIOD

by

Wang Ching-Wei

On November 11, 1924, on his departure from Canton to the North, Dr. Sun issued a Manifesto advocating the convocation of a People's Convention as a method of bringing about national unification and permanent peace, as a means of disposing, once and for all, of the problem of native militarism and foreign domination. Among the public bodies to be represented at the People's Convention Dr. Sun mentioned the political parties with a definite programme. And in an address delivered before the Chinese Students Association at Nagasaki he again referred to "all political parties" as constituent members of the Convention. This leads us to the question whether in the period of Party Government political parties other than the Kuo-Min Tang should be allowed to exist. The suppression of political parties other than the governing Party would be contrary to the letter and the spirit of Dr. Sun's Manifesto. But would toleration and legal recognition not mean an obstacle to Party Government? Before answering this question, however, we must first consider the meaning of Government by the Party.

In practically all the civilised countries of the world there is some kind of Party Government. Political activities are necessarily group activities. The political opinions of an individual cannot be translated into political acts without the action on the part of an organised group. Hence, under the proportional representation system electors must vote for one of the lists of candidates submitted to them by the political parties. This is not intended to restrict the freedom of choice of the electors, but an electoral necessity. In order to engage in political activities one must therefore belong to some political party, or at least accept its guidance.

As a rule, two or more parties exist at the same time, and hold political power alternately. This is the case in England, U.S.A., Germany and France. Here the possession of political power means only the authority to form a Government. One single Party may form the Government, or several Parties may coalesce for the purpose. The other Party or Parties, while refraining from participation in the Government, continue their political activities in Parliament and other representative bodies as usual. The single-Party Government generally holds office as long as it commands a working majority in the national representative assembly; when as the result of a General Election it is reduced to a minority position, it must make place for the Opposition Party. With a Coalition, the Government usually collapses with a change in the composition of the Coalition, not necessarily as the result of a General Election.

In some countries, like in Soviet Russia and Fascist Italy, political power is permanently held by a single Party. Here, there is in effect a Party Dictatorship. But formally and legally, there is no constitutional provision to the effect that there is "no Party outside the Party". In Soviet Russia, the Constitution provides that only the workers, peasants, and soldiers enjoy the right to vote. All non-proletarians are disfranchised. Thus the capitalist and leisured classes, deprived of the right to elect and to be elected, cannot organise any political party. But as to the members of the proletariat, there is no provision in the Constitution prohibiting them from joining any political party other than the Communist Party. Hence in Russia besides the Communist Party, there are the Social Revolutionary Party, the Unified Social Democratic Party, the Anarchists, etc. All these have the legal right to participate in the elections to the Soviets. So, formally and legally, all you can say of Russia is that there is a Class Dictatorship of the proletariat, but not a Party Dictatorship of the Communist Party. Of course, in actual practice, not only are the non-Communist parties suppressed, but even within the Communist Party members, unless they belong to the clique in power, have no liberty of opinion, far less of action. "There is no party outside the Party, and no group inside the Party".

The system of Party Dictatorship in Fascist Italy was modeled on that of Soviet Russia. The only practical difference between the two is that the Russian Communist Party is avowedly a proletarian party, whereas the Italian

Fascist Party claims to be above all classes. This is of course impossible, for the backbone of Fascism is the industrial bourgeoisie. Of late, the Italian Fascists improved on their system, and regularised it by the law which provided for the Grand Council of the Fascist Party to assume formally supreme authority in the Italian Kingdom, subordinating to it the King of Italy, the Government, the representative bodies, the judicial organs. And in this situation, other political parties, even if allowed to exist, are completely at the mercy of the Fascist Party and should be regarded merely as ornaments.

In Italy and Russia, therefore, the regime partakes of the nature of a Party Dictatorship, under which political parties other than the ruling Parties cannot engage in political activities, far less aim at the exercise of political authority. What is now the nature of the political system of Revolutionary China?

Dr. Sun, in this connection, made the following statement, on January 20, 1924, in his inaugural address at the First National Congress of the Kuo-Min Tang. "At the present time, China is in a state of chaos. The people are ignorant; society is backward; political ideas are but half-understood and ill-digested. To talk of the introduction of a democratic regime on the British or American plan is therefore premature. The Republic is not yet consolidated and the present mission of the Revolutionary Party is not so much the governance of the country as its reconstruction on a revolutionary basis—the creation of a new State." In explaining his Project for the Organisation of the National Government, he again said, "At the present moment, we have no properly organised State yet. But what we can do is to create a new State by means of the Party. When the state is well-established, we may proceed to govern it."

From the above two quotations we see that Dr. Sun divided the period of Party Government into two stages. The first stage covers the period of national consolidation by the Party; the second that of Party Government proper. A careful study of the Programme of National Reconstruction leads us to the same conclusion. During the Military and Educative Periods the Party is to be responsible for the consolidation and reconstruction of the country, while during the Constitutional Period, with the foundations of the State secure, a proper democratic regime will be introduced. Article 25 of the Programme of National Reconstruction thus

prescribes: "The promulgation of the Constitution inaugurates the period of Constitutional Government for the nation. This will be marked by a general election for the whole country. Three months after the completion of the general election, the National Government shall hand over its governing authority to the Government elected by the people. The work of National Reconstruction is thereby completed." And here we must note the phrase "Government elected by the people" which cannot but mean a "freely" elected Government. It therefore follows that if the Kuo-Min Tang has the confidence of the people, it will continue to exercise government authority. Failing this, the Kuo-Min Tang would be replaced by some other political party. There can be no doubt about it.

While the principle of popular election is to govern the period of Constitutional Government, what principle is to hold good during the period of revolutionary reconstruction by the Party?

To answer this, we must first know what it means to reconstruct the country by the Party. The correct interpretation of the phrase is to be found in Article 1 of the Programme of National Reconstruction: "The National Government shall reconstruct the Republic of China on the revolutionary basis of the Three People's Principles and the Five-Power Constitution." The Kuo-Min Tang, aiming at the accomplishment of its revolutionary mission of reconstructing the nation, therefore claims supreme political authority during the Military and Educative Periods. This is a momentous departure from political practice, resorted to by Dr. Sun after a bitter experience of thirteen years. As he described it in his inaugural address at the First Kuo-Min Tang Congress, "With the creation of the Tung-Meng Hui we became a tremendous force, succeeding in overthrowing the Manchu Dynasty. We failed, however, in cleaning up the abuses of the past, in purifying the Chinese mandarinat. We accomplished the work of destruction, but circumstances prevented us from undertaking the work of reconstruction. And after thirteen years of the Republic China is once again plunged into a social and political darkness. Official corruption is worse than during the Manchu regime. Everywhere we see desperation and disintegration. . . . All this, because we had no chance of carrying out our constructive programme after our destructive work was completed. The Nanking Government which we centrolled lasted only three months, and ever since the establishment

of the Peking Government effective power had been in the hands of the anti-revolutionaries. And not only was the Revolutionary Party deprived of the opportunity of political and social reconstruction, but, being proscribed, it could not even remain on native soil."

At the time of the national revolution, the nation is obviously divided into two camps: those who stand to benefit by the success of the Revolution and those who have an interest in the maintenance of the existing order. The majority of the people have nothing to lose, but every thing to gain, from the overthrow of those in power: their interests are linked up with those of the conscious revolutionaries. Only a small minority will suffer from the accomplishment of the Revolution: the minority of oppressors and their handmaids, the overthrow of whom is the object of the Revolution. Being the object of the revolution, they must be deprived of their political rights and have their liberties restricted during the transfer of power. It is suicidal to seize political power from the minority oppressors, and relinquish it before the task of revolutionary reconstruction is accomplished. This would be tantamount to inviting to counter-revolution to destroy whatever the Revolution has achieved. A bitter experience of thirteen years of struggle taught us this lesson, and the determination of the Kuo-Min Tang to exercise supreme authority during the Military and Educative Periods with a view to accomplishing its revolutionary mission, is only in the logic of revolutionary statesmanship.

But should the task and the responsibility of reconstructing the Republic be undertaken solely by members of the Kuo-Men Tang, to the exclusion of everybody else? The answer to this is decisively, No. The members of the Revolutionary Party are only the most conscious elements, the vanguard, of the revolutionary army, the rearguard being the majority of the oppressed masses. Without the support and co-operation of the masses the Revolutionary Party would lose its significance and the National Revolution its meaning, while the masses without the leadership of the Revolutionary Party would drift along in the wilderness, purposeless and an easy prey for the rapacious mandarins and militarists, and unscrupulous landlords and capitalists.

In Article 8 of the Programme of National Reconstruction the phrase "pledged to the the carrying out of the principles of the Revolution" occurs. This is interpreted by many people as meaning "members of the Kuo-Min

Tang." According to this interpretation, only members of the Kuo-Min Tang are to have political rights, are full citizens of the country. This is, needless to say, a mischievous misinterpretation of the meaning of Party Government and of Educative Government, actuated by the desire to make democracy impossible in China and, instead, establish a personal dictatorship. For the success of Educative Government depends on whether the Kuo-Min Tang is able to lead the masses in the carrying out of the principles of the Revolution. And should the Kuo-Min Tang be unable or unwilling to enlist the support and co-operation of the great masses, it would be pure insolence for their leaders to talk of Party Government and political education.

There now arises the question whether in the Military and Educative Periods political parties other than the Kuo-Min Tang should be allowed to exist. This question is answered by the Manifesto of the First National Congress of the Kuo-Min Tang. "The principle of Democracy of the Kuo-Min Tang is viewed not from the Utopian standpoint of the natural rights of man, but as a principle compatible with the revolutionary demands of the Chinese people. The privileges of citizenship are therefore not to be enjoyed by those who are opposed to the Revolutionary State, lest they should be abused and the safety of the Republic be endangered. Only those who are loyal to the Revolution, and opposed to militarism and foreign domination will enjoy the benefits of the Revolution. The enemies of the people and the traitors to the country will be debarred from the exercise of the privileges of citizenship."

This is an unequivocal declaration to the effect that in the Military and Educative Periods the people—as distinct from the counter-revolutionaries, i.e. those opposed to the principles and fundamental policies of the Kuo-Min Tang—shall have the right of assembly and of association, the freedom of speech and of publication, and other fundamental rights. Dr. Sun's Manifesto advocating the convocation of a People's Convention further mentioned "political parties" among the public bodies to be represented. The Manifesto of the First National Congress was issued in January 1924, that on the People's Convention on November 11th of the same year. There can therefore be no doubt of Dr. Sun's intentions regarding the toleration and legal protection of minority parties within the revolutionary frame work.

But a certain group of politicians are afraid that to allow other political parties to exist would make Party Government impossible. This opinion, however, completely ignores the lessons of revolutionary history. Let us take the events during the Second Year of the Republic (1913). We see here that the failure of the Kuo-Min Tang at that time was due to the activities of the Chin-Pu Tang (Progressive Party) and Tung-I Tang (Union Party), the instruments through which Yuan Shih-Kai attacked the Kuo-Min Tang. But this merely is the external aspect of the case. The attacks from outside could not have inflicted a fatal wound on the Kuo-Min Tang. What really caused the defeat of the Kuo-Min Tang was the fact that the spirit and revolutionary ardour which once moved the Tung-Meng Hui, had departed. Many careerists and opportunists had surreptitiously entered the Tung-Meng Hui, and subsequently the Kuo-Min Tang, in such large numbers as to outvote and put in the shadow the genuine revolutionaries. The contact between the Party and the masses of the people was broken, as a result of which the Kuo-Min Tang ceased to be the living embodiment of the revolutionary spirit and became a machine dispossessed of its soul. This is the essential cause of the failure of 1913. As Dr. Sun himself relates, "Before the Revolutionary Party achieved its object, the members were full of zeal and enthusiasm, struggling against overwhelming odds, ready to sacrifice their all on the altar of the Revolution. Wuchang sounded the call and the whole country responded. The Republic was established. But then came the tragedy. The anti-revolutionaries, the mandarins and careerists, turned revolutionaries over-night, and acquired a controlling interest in the Revolutionary Party. They were far more numerous than the genuine revolutionaries who were driven to inaction and had no longer a place within the Party. In joining the Revolutionary Party they thus swallowed up the Party and as a consequence the Revolution turned into a counter-revolution." And since Dr. Sun wrote these lines in the Seventh Year of the Republic (1918), the Kuo-Min Tang has gone the same way again. Can the repetition of history be more disheartening?

In this background, Nanking's exclusion of all political parties other than the Kuo-Min Tang from the proposed People's Convention cannot be but contrary to the letter and the spirit of Dr. Sun's teachings and declarations, and cannot be explained on any other ground than by its desire

to manipulate the Convention under the pretext of maintaining the system of Party Government. But Party Government at Nanking is in reality a *clique* Government. For the Nanking Party is only a party in name; it is more properly a closed *clique*, prostituting a party-organisation for the purpose of establishing a personal dictatorship.

## A PREFACE TO INTERNATIONAL LAW

by

*T'ang Leang-Li*

For some thousand years China was the Kingdom of the Middle, the world itself. Other countries did not in theory exist. There were territories and there were vassal States, but the Celestial Empire recognised no other and the Son of Heaven received no Ambassador except in acceptance of tribute in return for Imperial favour and protection.

But whether in theory other countries existed or not, in actual fact they did. There was the Holy Roman Empire during the Middle Ages, which in time developed into the Family of Nations. China, however, was ignorant of the fact, and treated sovereign nations as if they were tributary States. Defeat in war did not make her much wiser, and once the accredited representative of Austria-Hungary, Dr. A. von Rosthorn, had to wait in the Hall of Tributary States before being received in Imperial audience by the Empress Dowager. It was not until the humiliation of 1900 that China acknowledged the theoretical equality of the nations of the West. But by this time she had not only abdicated her proud position as the Universal State, but she had in effect accepted the inferior status of an associate member of the community of nations, supplicating for admittance as a full member. And while just over a hundred years ago foreign Envoys performed the ceremony of the *kowtow* before the Chinese Emperor, as a sign of complete submission, China has now become a tributary State herself, an international dependency. The foreigner not only imposed on her his system of law and controlled her finances, he also produced in her a slave psychology and a servile outlook on international relations of which she is as yet hardly even aware.

Chinese foreign ministers and diplomats sit at the feet of the great Western lawyers, gracefully accepting the Imperialist assumption of China's international inferiority, passing without challenge any foreign diplomatic pronouncement which in effect put China on the level of backward, undeveloped territories, inhabited by primitive semi-civilised tribes. China does not participate in the interpretation of the treaties but accepts as divine whatever foreign authorities consider just and mutually advantageous. International law has one meaning in the West, it has another in China

where the main body of principles of law and equity is not applicable, but only a kind of appendix designed for countries outside "the pale of civilisation," i.e. outside Christendom. "An instrument of the Great Powers for making secure the privileges obtained by blackmail and bully from the weak nations; a wolf-and-lamb justice," as Wang Ching-Wei, not inaccurately, defined it in 1925.

For until only a few years ago, Chinese citizens could be killed on Chinese soil by foreign guns practically with impunity. Foreign armies and navies quarter and loaf in and about China with only the shadowest of justifications, of treaties extorted under duress. An open and undefended Chinese town was, without any warning being given to the civilian population, bombarded, in settlement of a dispute at issue, by the naval forces of a Power with which China was in a nominal state of peace. The principle that when strangers enter a State, they must be prepared for the risk of intestine warfare and thus cannot demand compensation for losses and injuries received, and that no foreign State can lawfully interfere with the exercise of another State's sovereign right of altering or abolishing its own municipal constitution of government, unless such an interference is authorised by some specific compact, or by such a clear case of necessity as immediately affects its own independence, freedom and security, which apply elsewhere, are disregarded in China. In the eyes of the West, China was a "state of nature" in the dealings with which not law, whether national or international, but force and violence was the accepted formula. For the West, caring little about equity and unable to understand Chinese institutions, saw in China's past attitude conclusive evidence and substantiation of its theory that the Chinese could respect no argument but that of force, which thus absolved it from the corresponding obligation to act according to the dictates of international law and, sometimes, of humanity.

One cannot in fairness blame the Imperialist Powers for their aggressive attitude towards China. They were merely following their natural urge towards industrial progress and commercial expansion: economic necessity—the result of an ill-adjusted industrial system—drove them to demand, and get, more and more from a China utterly sick in body and mind. The real tragedy is not China's inability to resist Western aggression so much as the slave psychology which Western military and economic grandeur

had been able to inculcate on those responsible for the conduct of China's international relations. Certain Chinese statesmen and diplomats, it is true, were recipients of the highest praise from their colleagues, native and foreign, and from contemporary writers in general. But should the same statesmen and diplomats have been of any other country than China, they would all, sooner or later, on their official record, have been arraigned before the competent authorities for negligence and incompetence, if not for high treason. For with but a few exceptions, no Chinese official responsible for the conduct of foreign relations—whether native or foreign educated, whether before or after the establishment of the Republic—has, in objective fact, been able to put a stop to the gradual despoilation of China's national sovereignty, far less contributed anything of substance towards the recovery of China's national independence. For decades the Chinese Government had consented to have official dealings with foreign bodies and individuals without any legal status whatsoever, such as the Diplomatic Body, the Senior Minister of the interested Powers represented at Peking, the various foreign Municipal Councils, and the like. Chinese diplomacy has, in fact, always been conducted by foreign diplomats, officials, and legal interpreters, speaking through native mouth-pieces.

When, for instance, at the Washington Conference Mr. Alfred Sze—on behalf of the Chinese Delegation—demanded the evacuation of the foreign troops stationed at different points in China outside the provisions of the Boxer Protocol, he began by admitting the right of armed intervention in China on the part of foreign Powers during a time of emergency. But since the emergency which occasioned the despatch of troops was past, the Powers concerned should also withdraw their garrisons. In justifying the despatch and presence of foreign troops in Chinese territory, instead of regarding it as a warlike action occasioning a state of war, the Chinese delegates were no doubt faithful to their text books on international law, even if by so doing they tacitly accepted the foreign assumption of China being an international dependency. Belgium was faced with a similar problem in July 1914, but one could only imagine what would have been the fate of the Belgian Dynasty and Government at the end of the Great War, had they taken up a similar attitude vis-à-vis the German claim of "necessity knows no law."

According to the "Organic Law of the National Government of the Republic of China", "the National Government

shall have the power to declare war, to negotiate peace, and to conclude treaties" (*Chapter I, Article 3*), while "the President of the National Government shall represent the National Government in receiving foreign diplomatic representatives and in officiating or participating in State functions" (*Chapter I, Article 8*). But in the Tariff Autonomy Treaty of December 20, 1928, between China and Great Britain we read:—

"His Excellency the President of the National Government of the Republic of China, and

His Majesty the King of Great Britain, Ireland and British Dominions beyond the Seas, Emperor of India,

Desiring to strengthen the good relations which happily exist between *them* and to facilitate and extend trade and commerce between *their* respective countries,

Have resolved to conclude a treaty for this purpose and . . . . ."

In this connection, it should be realised that in the Sino-American Tariff Treaty the High Contracting Parties are referred to as "The Republic of China and the United States of America," in the Sino-Norwegian Treaty as "The Republic of China and the Kingdom of Norway," in the Sino-Dutch Treaty as "The National Government of the Republic of China and Her Majesty the Queen of the Netherlands," in the Sino-Belgian Treaty as "The National Government of the Republic of China and His Majesty the King of the Belgians".

From the juridical and constitutional point of view, therefore, the Sino-British Tariff Treaty is a unique, if astonishing, document. In the first place, the Treaty is between two High Contracting Parties one of which is juridically non-existent and constitutionally incompetent. The so-called President of the National Government of the Republic of China is competent to "represent the National Government in receiving foreign diplomatic representatives and in officiating or participating in State functions", but he is not competent "to declare war, to negotiate peace, and to conclude treaties" which power belongs exclusively to the National Government. He is not the Head of State and cannot therefore legally be a High Contracting Party. In the treaty under consideration he is mentioned as a High Contracting Party, but his authority to act in such a capacity is not based on Chinese Constitutional law, but in solely by the grace and convenience of His Britannic Majesty's Government.

The elevation of Mr. Chiang Kai-Shih, the Chairman of the Nanking Government, to the dignity of Head of the Chinese State, on the same level as His Majesty the King of Great Britain, and his investiture with treaty-making authority, by the British Government, is no doubt pleasing to the persons concerned. But they are fortunate in not belonging to some other country where provisions against high treason are strictly and impartially enforced—of Japan, for instance, where just the mention of "their respective peoples" in the original preamble of the Kellogg Pact nearly caused the downfall of the responsible Japanese Cabinet.

The persons in charge of the negotiations have no doubt an interest in the promotion of their immediate superior to a position co-equal with that of His Britannic Majesty, but what is beyond comprehension is the subsequent ratification of the treaty by the supreme political authority in Nanking. For in ratifying it the Central Political Council must either have been as innocent of international law and constitutional principles as the cannibal headmen of New Guinea or have been persuaded into admitting the right of a foreign Power to interfere in China's constitutional arrangements, thus formally placing the Chinese Republic under its suzerainty.

It is admitted that all this is but a matter of principle and theory and may not have any serious practical consequences. It may also be true that the British *quasi-suzerainty* over China is as ineffective and unreal as the British overlordship of France during the Middle Ages and as the Chinese sovereignty over Japan during the Ming and Ching Dynasties. But France and Japan had never accepted the foreign overlordships with good grace and were at that time in ignorance of modern constitutional and juridical principles. And above all, it must be realised that national independence is essentially a matter of the spirit. No nation can be free whose mind is in bondage. And no nation be permanently subdued which resists with heart and soul any compromise with the territorial sovereign. China is still occupied by foreign troops, but whereas in any other civilised country in a similar position officers belonging to the forces of occupation—as distinct from the diplomatic and consular representatives—are put officially under a strict social ban by those in public position, the commanders of the foreign garrisons in China invariably occupy a place of honour in Chinese official functions.

As long as therefore the slave psychology of those in authority in China persists, as long as the Imperialist interpretation of the principles of international law is accepted without challenge and not uncompromisingly rejected by the Chinese foreign experts, and as long as China is unable to evolve a philosophy of international relations of her own, genuine Chinese national liberation cannot be but a dream and an illusion. One may as well imagine Lenin and his associates trying to create a communist State on the basis of the teachings of Adam Smith, Ricardo and John Stuart Mill, instead of those of Marx and Engels. Dr. Sun taught us the Three People's Principles of Nationality, Democracy and Socialism, and Wang Ching-Wei elaborated the anti-imperialist gospel of national independence into a definite programme, but the individuals at Nanking in charge of China's Foreign Affairs continue to be guided by what they had learnt in their youth from imperialist professors and by what foreign diplomats think is good for them.

In these circumstances, what has been achieved by the Chinese masses at the cost of great suffering and sacrifice is given away gratuitously by the Chinese diplomats who care more for paper victories than for material achievements. They constantly talk about the abolition of the "Unequal Treaties", forgetting that in essence the "Unequal Treaties" are merely scraps of paper observed by the foreign Powers in so far as it suited their purpose, that the "Unequal Treaties" are unequal not so much because of its observance by China, because of its provisions, as because of its non-observance and abuse by the foreign Powers in the past and perpetuated into the present. Some times they talk with moderation and dignity; on other occasions they issue diatribes against the foreigners and indict whole nations, caring less for sportsmanship, dignity, and the realities of the situation, as for applause from the gallery. From time to time they flatter, but occasionally, by their threats, they frighten nervous foreign ladies and unsuccessful businessmen. And they promise Heaven and Earth, peace and security, and even the Garden of Eden, provided only the foreigner would give their formal consent to the abolition of the old Treaties. The right to landownership, recognition of valueless loans, the execution of huge contracts, everything is for the asking. But they all fail to realise, or perhaps pretend to be ignorant of, the essential nature of the foreign domination of China.

Extraterritoriality, as we know it, has two definite and entirely separated aspects, the *anomaly of the law*, and the

*abuse of the system*. The first is a matter of form, the other of substance. Change the substance, and the form will automatically be modified. Altering the form alone would leave essentials untouched and result in nothing. And it is this what the Nanking authorities have been doing during the last three years.

For what does the system of extraterritoriality in law amount to? The Treaty of Nanking which is the legal basis of the system, merely states:—

"Any British subject shall be tried by the tribunal which may be established by the superintendent or Consul-General for such a purpose, and his punishment, if he be found guilty, shall be left to the British Government."

Regarding the foreign Concessions and Settlements, the Treaty of Nanking merely stipulates that foreigners "with their families and establishments, shall be allowed to reside, for the purpose of carrying on their mercantile pursuits, without molestation or restraint" in the ports open to foreign trade. The Supplementary Treaty of 1843 provides "that grounds and houses, the rent and price of which is to be fairly and equitably arranged for. . . shall be set apart by the local authorities in communication with the Consul." But there is no treaty-provision concerning the compulsory alienation of the necessary territory which had to be set aside for the residence of the foreigners, and the use to which the land is to be devoted is strictly circumscribed by Article 12 of the Treaty of Tientsin, which mentions only "houses, warehouses, churches, hospitals, or burial grounds," but not, for instance, lodging houses, public parks and amusement resorts.

The above provisions relating to extraterritorial jurisdiction and the foreign Concessions and Settlements cannot be properly speaking regarded as derogatory to Chinese national honour. They were a great convenience to the Chinese authorities of the time who became freed from the trouble of looking after turbulent guests, whose language and customs they did not, nor care to, understand. It was a provision similar to that which prevailed among Chinese colonists abroad, the Jews in Europe in the Middle Ages, or among the semi-civilised tribes of Africa who were only indirectly under the jurisdiction of the Paramount Power. And if derogatory at all, it was rather to those whom the special arrangement were made for, than to the Power from whom the authority to make such arrangements was derived. Extraterritoriality was intended by

the Imperial Government to be a stigma of inferiority rather than a mark of superiority. Who should therefore object against the arrangement, should not be the Chinese, but the foreign residents, just as the Chinese colonists in the Dutch East Indies have for the last quarter of a century been agitating to come under the direct jurisdiction of the Dutch authorities, and not through the Chinese Headmen, and to be treated in the same way as Dutchmen are treated.

It is not the *anomaly of the law*, of the treaty-provisions, which is objectionable from the Chinese national point of view, which constitutes the inequality of the Sino-Foreign treaties. It is the *abuse of the system*, the persistent violation of the treaties by the foreign Powers in the past and perpetuated into the present.

By Treaty, China is the territorial sovereign over the foreign Settlements and Concessions, but Chinese troops may not pass through them. Foreign laws may not be applied to Chinese nationals, yet until very recently, and in some Concessions still, Chinese are tried and punished by foreign authorities. Foreigners in China and Chinese residents in the foreign Concessions have no legal, no treaty-, immunity from Chinese taxes and imposts, but no Chinese Government has ever succeeded in collecting a cent from them without the explicit consent of the foreign Consuls.

There is no treaty between China and the foreign Powers which empowers foreign residents to set up municipalities in China, and juridically speaking the municipal Councils in the different foreign Settlements are therefore a direct violation of the treaties on the part of the foreigners. And it is significant that, before attaining general recognition in 1898 of all the Powers in treaty-relationship with China, the authority of the Shanghai Municipal Council had to undergo several legal tests in the foreign law courts. These courts upheld the authority of the Municipal Council, not, however, on the ground of treaty-stipulations, nor because of the explicit Consent of the Chinese Government, but solely on the ground of necessity.

The essential task of a revolutionary Chinese Government, faithful to Dr. Sun's teachings, in the restoration of China's national independence is therefore the abolition of all the abuses which have developed in the Sino-Foreign relationship during the last century—as an exercise of China's sovereign right, not as a mark of favour on the part

of the foreign Powers. And above all it must be kept in mind that in international intercourse *force* is the determining factor, not necessarily military force, but moral strength which is derived from good government, honest administration and the championship of the rights and liberties of the people.

## CHINA'S TRANQUILLITY AND THE SILVER LOAN

by

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In the conditions that now obtain the British Government no doubt is vigilant in its search for "encouragement." But because optimistic signs are not plentiful at the moment, it does not necessarily follow that it is good policy to go about hunting for them. In the House of Commons on February 25th last a Liberal M.P. asked whether the Foreign Secretary had been in consultation with the Powers concerned with a view to supporting, by economic or other financial means, the Nationalist Government of China in connection with the restoration of its internal and external trade. The Under-Secretary for Foreign Affairs replied in the negative. But he added that the Government had been "encouraged by the evidence of the increased state of tranquillity and the increased control by the Nationalist Government over large areas of the country."

China is never more disturbing to the peace of the thoughtful observer who knows her history than when she becomes in such a state that the blessed word "tranquil" can seemingly be applied to it. It is a condition known in this country as the calm before a storm. For our part we do not trust this alleged tranquillity. It is true that reaction has proceeded to prodigious lengths, and that military opposition has been battered down, while political opposition is reduced to helplessness by draconic legislation and other measures, common enough at the time when Yuan Shih-Kai was consolidating his power. But silence does not mean consent; inability to criticise does not imply lack of desire to do so; and obedience to orders by military forces which is bought and paid for on a sort of instalment system does not constitute a dependable form of loyalty. Moreover, for months the Government has been talking about suppressing the "Red" rebels in the South, and is still talking about it with most of the real work still to be accomplished. There must be real tranquillity, and the stability that can come only from government by consent, before anything can be done materially to restore China's internal and external trade.

We do not doubt that a loan, whether in silver or gold, would help the Government to strengthen its power for the time being. The Reorganization Loan helped Yuan Shih-Kai so much that he launched out boldly on his audacious Im-

perial plans, and almost won out. But a match applied in far-off Yunnan discovered much inflammable material and in two or three years "tranquillity" was shattered to pieces. Mistakes have been made often enough in the past. It is time that we had learned from them not to trust superficial appearances. Among the causes of the widespread discontent which exists so close to the surface of China's tranquillity that a mere scratch would reveal it, is bitter economic distress. But there is also real political discontent. This cannot be passed over with a shrug of the shoulders, for as it was said in a recent study of discontent during the Age of the Chartists in England,

"it is not what a man outwardly has or wants that constitutes the happiness or misery of him. Nakedness, hunger, distress of all kinds, death itself have been cheerfully suffered when the right was right. It is the feeling of *injustice* that is insupportable to all men. Discontent comes from the imagination. . . . If men and women are to be attached to a society they must look on it as something in which they have a part; a world in which what we may call the common mind finds in some degree, or by some means, scope, peace, comfort, and self-respect; in which distinctions of class and fortune, however hardly and strongly drawn, do not forbid all ties of sympathy, all unity of sentiment."

It was not an empty belly that made Tsai Ao rebel against Yuan and start the movement which dragged him down—it was a hurt in his mind. Give a Chinese division of troops \$100,000 when their arrears are five times as much and they will keep quiet. But give another division \$200,000 in the same conditions and the sequel is certain.

We all seek peace and long for tranquillity in China; desire that China should be helped on a large scale and that she should have the common-sense to invite that aid and accept the safeguards thereby necessitated; and would be overjoyed if a term were put to the exhausting struggle of the past 20 years. But we have been taught by bitter examples not to look at a lull and call it a peace. If the Government, while pursuing this loan project, simultaneously endeavoured to make its peace with its political adversaries, the viewpoint would have to be modified. But it is futile to pile gifts on an inverted pyramid, which politically is the state of Nanking to-day, with a small oligarchy at the pointed base. The added weight would merely precipitate the inevitable crash, as we have seen before.

What is the real purpose of this angling for a huge silver loan, and of the extraordinary methods adopted? A Rengo message from Nanking, dated February 22nd, says quite bluntly that though the proceeds are ostensibly to be used for the "reconstruction" of China, high officials of the Government intend to use it for the suppression of the extremist rebels in Kiangsi, as it is impossible for the Government to take up any undertaking while the country is overrun by bandits. It is, then, to go the same old way, not for reproductive purposes, but for the preservation of the power now claimed by the men in office. Enough money has already been thrown away for this purpose—Chinese as well as foreign money. For 20 years China has been squandering her resources to purchase peace and order. But silver bullets are no more effective in the end than machine-gun bullets. He that is convinced against his will is of the same opinion still. Opinion is almost unanimous that a silver loan would be an economic blunder of the first magnitude. But its use for this purpose would make it doubly disastrous.

The manoeuvres which accompany this project are remarkable. Foreign intermediaries are used, the father in America and the son in China. This Minister is quoted as cabling his approval; that Minister is similarly cited. The intermediary on the spot quotes conversations with high officials of State. There is a host of individual expressions, but an absolute lack of official statement from the Government as a whole. It is stated that Mr. Hu Han-Min had wired direct to the representative at Washington requesting him to open negotiations. It is, of course, an impossible procedure and naturally Mr. Hu Han-Min flatly denies it and points out that he is in no position to sanction negotiations, which is the collective responsibility of the Government. The truth is that Nanking does not want to commit itself to an official request for a loan and take the risk of a rebuff. That is the chief explanation of these obscure manoeuvres. Mr. T. V. Soong has piped down a lot since he bluntly stated at an interview to the Press in Tientsin that he was hostile to a silver loan. Though he is notoriously in favour of positive efforts to establish a gold standard, he has so greatly weakened in his stand that he now denies he has ever passed an unfavourable comment on the silver loan plan. His colleagues are more concerned with political consolidation than with economic reconstruction and sound, farsighted schemes to put China's finances on a sure foundation.

No doubt pressure is great, especially if, as is almost certain, Chiang Kai-Shih himself is eager for the loan. Mr. Soong is said to have confessed that, in spite of the recent statement of positive efforts towards the gold standard scheme, its practicability is dubious. Probably his hope is that if the negotiations really become serious instead of mere propaganda, complementary efforts will be made to assist in the stabilisation of silver. This would, in turn, forward his own plans regarding the gold standard. But stabilisation is the first essential to prevent subsequent disaster, and that is an exceedingly difficult problem. In any event, however, it is hardly likely that the American Government, even at the behest of the desperate silver interests, will accede to conditions which simply mean throwing a vast amount of silver into the lap of China, which is unable to make use of the large stocks already existing in this country. Unrest and rebellion have driven these stocks into shelter. New supplies surely cannot reverse the process.

*Tientsin, February 28, 1931.*

## THE DICTATORSHIP & THE RIGHTS OF THE PEOPLE

by

A Political Correspondent

### I

#### Peace Reports as Propaganda

According to a prominent member of the Kwangsi group, who is in constant communication with General Li Tsung-Jen, there is no truth whatsoever in the reports to the effect that a compromise is arrived at regarding the situation in Kwangsi. All the talk about peace with Kwangsi emanates from Nanking, to facilitate the negotiations concerning the international loan in contemplation. None of the Nanking proposals are acceptable to the Kwangsi group, who insist on peace with honour and on the sincere recognition by the Nanking clique of the Rights of the people and all that it implies.

Not only are Generals Li Tsung-Jen, Pai Chung-Hsi and Chang Fa-Kuei categorical in refusing to go abroad, but conditions in Kwangsi are now such that Generals Huang Shao-Hsiung and Wu Ting-Yang, Nanking's Rehabilitation Commissioners for Kwangsi, are unable to do anything without the consent or co-operation of Li Tsung-Jen,\* while the dismissal and detention of President Hu Han-Min by President Chiang Kai-Shih will have an important bearing on the attitude towards Kwangsi of the Kwangtung General Chen Chi-Tang, the protégé of President Hu.

In a telegram just received from General Li Tsung-Jen, it is stated:—

"Ever since we repulsed the invasion from Yunnan, our Kwangtung enemies were frightened and dared not come anywhere near us. I am determined to lead our military comrades in the salvation of the country and the Party, and fight singlemindedly against any attempted dictatorship, until final victory is obtained. We are opposing Chiang Kai-Shih to the end and have not the slightest intention to compromise. We revolutionaries have only the choice between success or failure. We cannot retire

\* General Wu Ting-Yang, the principal liaison officer between Nanking and General Huang Shao-Hsiung, has since realised the impossibility of his position, and thus resigned.

and run away from our difficulties. We cannot abandon our political convictions, for we are faithful members of the Kuo-Min Tang, not opportunists. The negotiations at Nanking were conducted without our sanction and all the reports about a compromise are pure propaganda, circulated by our enemies for the purpose of facilitating their financial operations.

"Please do not worry about the situation here. Our friend Huang Shao-Hsiung is tired of the military campaign since the battle of Pei-lao. He is pessimistic and asks for leave to withdraw. But the action of a single individual does not effect the group as a whole. The comrades in Kwangsi are determined to fight to the end and are making the necessary preparations. All the public bodies are supporting us in our stand against the unscrupulous manipulating of the proposed People's Convention and the replenishing of Nanking's war-chest by means of an international loan. We want peace, but only peace with honour, and a guarantee that the rights of the people will be respected.

Nanning, March 3, Li Tsung-Jen."

### II

#### The Stumbling Block to Democracy

Frequent reports have recently appeared in the Chinese and foreign Press to the effect that Mr. Eugene Chen's return to the Nanking fold is but a forerunner of a general reconciliation between the Leftist group under Mr. Wang Ching-Wei and those at present in authority at Nanking, a belief which is strengthened by Mr. Hu Han-Min's recent dismissal and detention. For Mr. Hu was generally regarded as a serious stumbling block to the liberalisation and democratisation of the Nanking regime and to the sincere execution of Mr. Wang Ching-Wei's programme which, it is generally admitted, General Chiang Kai-Shih has accepted *pro forma*.

These reports are categorically repudiated by a responsible political leader in close touch with Mr. Wang Ching-Wei.

"In the first place, Mr. Eugene Chen is not a member of the Left. Ever since his refusal, in the Wuhan days, to endorse Mr. Wang Ching-Wei's policy of expelling the Communists from the Kuo-Min Tang, and his visit to Moscow and subsequent employment as adviser to the Russian Foreign Office, Mr. Chen has been closely identified with the so-called Third Party, and cannot therefore have any relations with us. So far as we are concerned, his recent visit to Nanking has no political significance whatsoever.

"The real stumbling block to the establishment of true democracy in China, of government by consent, which alone can bring about permanent peace and national unification, is the Generalissimo himself. For whatever his verbal and paper professions, General Chiang has persistently and consistently pursued a policy of force, of oppression and repression. What is one instance to think of a People's Consention from which, in fact, the people are debarred? And of a Bill of Rights the champion of which began his career as the People's Tribune by arbitrarily denying the most elementary human rights to any colleague who dares to be at variance with him, summarily dismissing and unlawfully detaining them.

"It may perhaps not be amiss to state here that the real cause of the series of calamitous civil wars during the last two years was General Chiang's attempt to dictate to the Disbandment Conference of February 1929, which all the leading military commanders had attended in good faith. It may be remembered that they were all willing to disband, had not General Chiang demanded the creation of 12 fresh divisions under his control, nominally, for the purpose of National Defence, a demand which called forth from General Feng Yu-Hsiang the following historic declaration:—

"This Disbandment Conference is not a conference at all. It was quite unnecessary for us to come from afar to attend it. The programme was made in advance and our presence was only required for decorative purposes. We had no opportunity of offering any opinion or suggestion. But at this closing hour I cannot refrain from observing the fact that while the revolutionary armies which fought their way from Canton to Shanghaikwan are to be drastically reduced, the enemy forces which fought against us until the very last are to be reorganised into new military

units and more regularly paid than the old revolutionary comrades-in-arms.\*

"General Chiang's record during the last three years shows conclusively that he stands for a personal dictatorship. And between a military dictator and the champion of popular rights there can be no compromise, far less co-operation."

\* Between June and the Autumn of 1928 where the Northern enemies were finally rounded up along the Peking-Mukden Railway, Pai Chung-Hsi made a considerable number of war-prisoners who, at Chiang Kai-Shih's request, were sent to Nanking to be disbanded, but who were in fact reorganised into new units and incorporated into the First Army Group under General Chiang. Several anti-revolutionary units, such as those of Hsu Yuan-Chuan, formerly under Sun Chuan-Fang, were maintained intact and subsequently considerably enlarged.—*Editor, The People's Tribune.*

## THE COUP D'ETAT AT NANKING

### I

#### The Inner History of Hu Han-Min's Dismissal and Detention

by

*An Eye-Witness*

On March 1, 1931, the political world in China was startled by the announcement that on the evening of the previous day President Hu Han-Min, of the Legislative Yuan, had resigned from his substantive and concurrent posts. A *Reuter* message, dated Nanking, March 2, relates the following:—

At a dinner at General Chiang Kai-Shih's residence on Saturday evening, at which many of the political leaders were present, the question was discussed as to whether a Bill of Rights should be adopted during the political tutelage period, pending the promulgation of a permanent constitution for the constitutional period.

It is understood that considerable differences of opinion were shown. General Chiang Kai-Shih's was strongly in favour of the suggestion, believing that it was the only course to be followed for the well-being of the country.

Mr. Hu Han-Min, the well-known State Councillor and President of the Legislative Yuan bitterly opposed it, declaring that he would prefer to resign rather than have anything to do with it.

The meeting broke up at two o'clock on Sunday morning, Mr. Hu Han-Min accepting General Chiang Kai-Shih's invitation to spend the night at the Generalissimo's residence and to visit his country house at Tangshan Hot Springs during the week-end.

Those who were in close touch with the Generalissimo, however, knew even a few days before the event that the days of President Hu's political activities at Nanking were numbered. And it also turned out that President Hu's resignation was not a resignation, but a dismissal, and that his spending the night and extraordinary long "weekend" under the Generalissimo's protection was not a matter of accepting an invitation, but an extra-legal detention.

The arrest of President Hu Han-Min took place in the evening of February 28th, for which day General Chiang Kai-Shih had issued invitations to his colleagues of the Central Executive and Supervisory Committees of the Kuo-Min Tang for dinner at his private residence. At six o'clock General Chiang's guests, with the exception of President

Hu, had arrived, waiting only for dinner to be served. They waited for a long time in the drawing room, but nothing in the form of food appeared.

Meanwhile, the presence of General Chiang's heavily armed bodyguards in the courtyard was making itself felt. The so-called Elder Statesmen, Wu Chih-Hui, Li Shih-Tseng, Tsai Yuan-Pei and Chang Ching-Chiang, and a few others, were closeted in a small private room, talking in a subdued tone. A strange feeling came over those invited; there was a general presentiment of something extraordinary going to happen. Liu Lu-Yin and Ma Chao-Chün, two of President Hu's protégés and both members of the C. E. C., even went so far as to go into the courtyard presumably for the purpose of intercepting him and warning him against untoward events.

But when President Hu at last arrived at nine o'clock after attending a meeting, he was immediately met by General Wu Shih-Yü, the Chief of the Metropolitan Police, and one of General Chiang's secretaries, who were also specially waiting for him. President Hu was in an excellent humour and apologised profusely for being late and keeping them all hungry. They conducted him to a small private room. Meanwhile, his bodyguards were disarmed by General Chiang's soldiers.

When President Hu had sat down, General Wu drew from his pocket a letter written by General Chiang and handed it over to him. The letter was a lengthy document of 19 pages, in which General Chiang enumerated and criticised all President Hu's activities which he considered unfavourable to himself, and ended up as follows:—

*"Since there can be no room in this country for two such leaders as I and you, one of us has to retire. But at present I am engaged in the suppression of the Communists, and therefore indispensable to the country. And as I am indispensable, you must resign. When the Anti-Communist campaign is successfully concluded, I shall retire and invite you to take up the Chairmanships of the National Government and of the Executive Yuan."*

After President Hu had read the letter, he laughed an ironical laugh. Whereupon General Wu took the letter back and went out to return it to General Chiang, leaving President Hu to himself speculating upon his fate. But General Chiang soon appeared himself to make it clear. President Hu stoutly defended himself against General Chiang's allega-

tions and accusations, which he said were all at variance with the facts. But General Chiang was in no mood to argue and summarily closed the interview by shouting out: "Your arguments are false. Do You dare argue against reason!"

So General Chiang left the room and went into the drawing room and read his letter to President Hu aloud before the assembled guests, remarking at the end: "Hu always accuses our government of shielding corrupt officials. But in order to do away with corruption, I must insist on a Bill of Rights." In so speaking General Chiang expected a spontaneous approval from his audience. But there was a dead silence lasting several minutes.

Then General Chiang broke the ice by calling upon the different individual guests to express their views. He first turned to Wu Chih-Hui, the noted anarchist, who had vigorously upheld President Hu's views, and asked: "Mr. Wu, what is your opinion regarding Hu's dismissal and the promulgation of the Bill of Rights?" The anarchist philosopher mumbled his approval in a general way, and said: "Of course we must have a Bill of Rights of some kind. The question is how to produce it and what it should contain." General Chiang then approached Li Shih-Tseng, Chang Ching-Chiang, Tsai Yuan-Pei, and President Wang Chung-Hui in turn, and received a similar answer—except from the last-mentioned, who retained his golden silence, characteristic of him on such occasions.

After the interrogation of the Elder Statesmen, General Chiang went into another room and summoned, in turn, President Tai Chi-Tao, Vice-President Sun Fo, General Chu Pei-Teh, and Shao Yuan-Chung, the last-named being President Hu's old protégé.

By this time all the guests knew what had happened, and there being no sign of food, went away hungry and awe-stricken. Only President Hu remained in the Generalissimo's residence, at the latter's special "request," in the same room which he first entered, without food, bedding or company.

At seven o'clock in the morning of the following day General Chiang sent for Shao Yuan-Chung and ordered him to accompany President Hu to Tangshan, guarded by over twenty motor-cars loaded with soldiers. And on March 2nd President Chiang produced a joint motion with Wu Chih-Hui, President Tai Chi-Tao, President Wang Chung-Hui, etc. as his co-signatories at the Standing Committee

of the Central Executive Committee calling for the promulgation of a Bill of Rights for the period of Nanking's tutelage in China. The motion was passed unanimously by the meeting which also accepted President Hu's resignation without asking the latter to go into the trouble of sending it in himself.

Before President Hu's dismissal and removal to Tangshan was publicly known, several of his protégés called at General Chiang's house to learn about their patron's fate. Being refused admittance they thus called on President Tai Chi-Tao and Vice-President Sun Fo who told them about it, weeping bitterly and perhaps sincerely over President Hu's treatment.

They received a different reception from Wu Chih-Hui, however, who thus admonished them: "You nervous people must please remain calm and attend to your duties as usual, so as not to aggravate the situation. I shall ask Mr. Chiang to modify and mitigate the version of his address at the Memorial Service concerning this incident in order to avoid possible 'misunderstandings' among the public and party-members."

## II

### A Discarded Instrument

by

*The Editor*

It is the irony of fate that the draftsman of the Special Emergency Law was the first person to whom it was found necessary, even a few hours before the law came officially into force, to apply measures of emergency, although, it must be admitted, the measures taken were not altogether in accordance with what little there remains of a rule of law in Nanking.

The Chairman of the Legislative Yuan came to grief, nominally, on the question of the recognition, in principle, of the rights of the people, on the *pro forma* acceptance of the programme of the political Opposition. And his fall was so sudden and spectacular as to come like a veritable bombshell. To the careful student of Chinese revolutionary history, however, Mr. Hu Han-Min's ejection from his substantive and concurrent posts was but natural and expected, being the logical outcome of events since the infamous packed Party Congress of March 1929.

It may be remembered that this Congress was in the nature of a private business concern, established for the purpose of exploiting the people and the State, of which Mr. Chiang Kai-Shih was the Chairman of the Board of Directors and controlling shareholder and Mr. Hu Han-Min the Manager and General Secretary. These two were, by a previous gentleman's agreement, to share Party and Governmental power at Nanking.

In consenting to be Mr. Chiang's junior partner in the packed Party Congress, however, Mr. Hu made the fundamental mistake of not realising that he had thereby made himself the instrument of a private individual and so, *ipso facto*, forfeited his prestige and moral influence as a veteran Party leader. And by a single stroke the spirit and soul of the Kuo-Min Tang at Nanking as a revolutionary party had gone, only a lifeless body remaining, the private chancery of a would-be dictator with himself as a dignified clerk. The Party which was supposed to be supreme, became in fact a subordinate political factor, a mere signboard. For its betrayal and prostitution by the Nanking politicians and neo-militarists had caused all loyal Party-members to rally around the person, and under the banner, of Wang Ching-Wei who, in uniting the Reorganisationists, the Western Hills members, the Kwangsi group, and the armed comrades of the Northwestern and Shansi provinces under his leadership and inspiration, and enjoying the support and respect of enlightened and progressive China, had become the sole legitimate guardian of Dr. Sun's revolutionary heritage.

But naïvely Mr. Hu thought that by clever manoeuvres he would be able to extend his personal influence in the Nanking Party and make it his weapon in the duel with Mr. Chiang for political ascendancy. It was a useless weapon however, not only for an offensive; but also for the defensive.

He laboured hard at Nanking, doing useful work in drafting practically all the legislative measures necessary for a civilised modern State. And while one may be opposed to many of his measures or detest his reactionary views and die-hardism, it is impossible to deny that the Legislative Yuan under his direction did its work effectively and not merely provided sinecures for relatives and retainers. But he proceeded cautiously, afraid prematurely to antagonise the master whose place he desired to occupy, winking at the latter's indiscretions and illegalities. Until during the

Honan campaign last summer, with Mr. Chiang at the war front and Mr. Tan Yen-Kai dead, he became the main political pillar of the Nanking régime. Emboldened he came out in the open, and denounced his rival in unequivocal terms. "Ever since I assumed office. I have never once left Nanking to spend the week-end pleasure-seeking at Shanghai." Or, "I have never squeezed a cent to invest it in the foreign settlements of Shanghai."

But as the proverb says, "When the rabbits are all captured, the hound is killed." For Mr. Chiang's custom of treating colleagues and comrades who have deserved well of the Party and Country, or of himself, is strikingly similar to that of Han Kao-Tsu, the founder of the Han Dynasty, who took a delight in putting to death all his meritorious ministers, one after the other.

### III

#### HU HAN-MIN RIDES TO THE HOT SPRINGS

by

*The Editor of the Peking and Tientsin Times*

Sooner or later the Man of Action and the Pedant were bound to fall foul of each other. There are many more reasons than one why the Generalissimo has found it necessary at long last to get rid of his redoubtable colleague. Hu Han-Min stands in the way of any form of reconciliation with General Chiang's opponents among the progressive elements of the Party. It is common knowledge in political circles that the Generalissimo has been sending out feelers to the proscribed leaders in recent months. Even Feng Yu-Hsiang has been having visitors, not all of whom came merely to enquire about the state of his health, to take down his latest aphorisms, to measure the size of his beard, or to portray the delights of ocean travel. The invisible tribunal of public opinion in this country has never wholly ceased to function. Its silent processes have become sharper of late. When Chiang Kai-Shih returned to Nanking after the soul-searching ordeal of the Honan slaughter, he accepted the platform of the enemies he had scattered. The politicians in the capital had kept their skirts clear of the bloodshed. Their chief preoccupation, perhaps, was to speculate on how much the masterful vitality of their head would be lowered by the war-battering he was getting. They did not want to lose the war, of

course. That would be the end of all things for them. But it would be a bit easier for them, and level power down somewhat, if Chiang Kai-Shih—a mere upstart to some of them—got the stuffing knocked out of him!

The Generalissimo came back worn in body and chastened in spirit. But to the horror of the "Old Guard," who had escaped the purgatory he had passed through, Chiang Kai-Shih instead of nervelessly enjoying the comparative repose the capital offered, issued a series of Manifestoes which virtually admitted that the political aims of the opponents were right if their methods were wrong. His "weakness" did not show itself, as the politicians had hoped, in an attitude of greater complacency towards their own ambitions and ideas, but in an extraordinarily frank recognition that something had to be done to democratize and liberalize the oligarchy. The "Old Guard" were most indignantly surprised. They talked of the Government humiliating itself by accepting its opponents' programme, and lobbied against the proposal to convene the People's Convention. When they found this would not work, they concentrated on the proposal that this Conference should draft a Provisional Constitution, and while the preparations for the Conference have been proceeding they have advertised incessantly against this proposal.

Who wants a Constitution, fumed the famous philosopher Wu Chih-Hui, one of the oldest and most remarkable leaders of the Party? Only the reactionaries, disloyal Party members, and the guileless but ignorant masses, he replied. "The object the reactionaries had in view was to embarrass and undermine the party and the Government under the camouflage of demanding a Provisional Constitution. The disloyal Party members clamoured for the Provisional Constitution because they hoped that by this means they might mislead and win over the support of the people." What more could the "general masses" want than the bequeathed teachings of the late Party Leader, which "formed already a satisfactory Constitution?" However, he muttered grudgingly, if the People's Convention considered it desirable that some of the more important provisions scattered in the various works of Sun Yat-sen should be systematically collected together and embodied in a single instrument, "unnecessary and superfluous as such a step would be," it would not be considered inconsistent with the Party principles!

Thus, swearing they would ne'er consent, did the

diehards respond to the Generalissimo's spur. But as the time came nearer to the appointed date for the Conference, the "Old Guard" took courage from their panic. Hu Han-Min did not relish the idea of the Conference from the beginning. But he was shrewd enough to let others take up the ungracious job or protest until he, too, saw the writing on the wall. Then he came out defiantly into the camp of the diehards and in a Press interview three or four days before the rupture of relations and his enforced detention at the famous Tangshan Hot Springs, played hopelessly into the hands of the Generalissimo.

In that speech he made it quite clear that, so far as he was concerned, nobody but the governing faction of the Party would be permitted to show their faces at the Convention. "Strictly speaking," he said, "the Conference should include the representatives of all political parties, but since there is no organized Party in China except the Kuomintang, it cannot be avoided that our Party is the only one to be represented." And by "our Party" he did not mean his former comrades who have had differences of opinion with him and the ruling clique. Finally, he came out flat-footedly against the Bill of Rights, because, forsooth, "during the many years of my association with our late Leader, I never heard him mention this point."

It did not occur to him, perhaps, that he was hardly the most suitable recipient of the more generous confidences of Sun Yat-Sen. Hu Han-Min sat on one hand and Wang Ching-Wei on the other. Only a man of Dr. Sun's personal magnetism could have kept two such utterly contrasting personalities in one camp. But while the integrity and intellectual capacity of Hu Han-Min account for his great position among Sun Yat-Sen's following, the best-beloved of the disciples was Wang Ching-Wei, the poet-politician with the open countenance and warm heart. The one never had and could never win any popular following. He was not that type. The other was the idol of the rank and file, and in many ways the logical inheritor of the mantle of the late Leader.

Moreover, this is no time for such stupendous pedantry as Hu Han-Min shows. China knows the spirit that lay behind Sun Yat-Sen's programme. It still consents to be ruled from the Mausoleum on Purple Hill, but only in the spirit of the Leader's teachings. Already the Yuans have come before the Constitution; already the precise exactitude of the programme of reconstruction has been widely varied in practice. The truth is undeniable that if Sun

Yat-Sen were still living to-day China would have had a Constitution and her people a Bill of Rights two years ago.

It is passing strange that Hu Han-Min should die harder than anybody else in Nanking on this issue. In the great struggle on the same issue a year ago, when a Bill of Rights was passed by the Central Political Council but was smashed by the Central Executive Committee, Hu Han-Min was understood to be one of the most powerful backers of the Bill. Has he changed his mind because it is now definitely associated with an attempt to introduce the people to their hitherto remote Government? Chiang Kai-Shih himself crushingly alleges that Hu Han-Min's hostility was due to the fact that a Provisional Constitution would deprive the Legislative Yuan of its autocratic and irresponsible power to make and unmake laws and render both the Yuan and its Head subservient to the wishes of popular representatives. Much may be said of this development which will have to be left till another time.

Hu Han-Min has set a great example in diligence, industry, personal integrity, and the more solid virtues. He has remained at Nanking throughout the two and a half years of his tenure of office while others re-kindled their ardour and tired feelings by hectic week-ends in Shanghai. Under his inspiration the Legislative Yuan has almost completed its tremendous task of law-making. He has done his job. He lagged superfluous and obstructive on the stage. Now he has been removed. It is however most unfortunate and entirely unnecessary that he should be placed under detention. What Nanking needs now is not the wearisome stimulus of a grim, acidulous, and exacting pedant, binding them to their trivial tasks at the desk, but the inspiring force of an ardent, zealous and generous personality, capable of replacing the dull drive personified by Hu Han-Min with a renewed exaltation of spirit which no leader is more calculated to instill than the man who sat on the right hand of the Tsungli.

Volume I

May 1931

Number 3

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# The People's Tribune

A Series Edited by T'ang Leang-Li

Volume I

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## THE ENEMIES OF THE PEOPLE

By

Sun Yat-Sen

Little did the Perpetual President of the Kuo-Min Tang and the Founder of the Chinese Republic realise that when in 1904 he proclaimed the "True Solution of the Chinese Question" he was in fact denouncing the regime which, founded at Nanking two years after his death and habitually paying lip-service to his revolutionary ideals, cannot in any way be distinguished from the Peking regimes to which it succeeded except by the more thorough-going way in which it oppresses, and sucks the life-blood of, the people.

The following article is an extract from the late Leader's "True Solution of the Chinese Question". Except for some minor verbal alternations, the article has been left completely unchanged. The words in brackets have been inserted by the Editor for the purpose of explanation and bringing the article up-to-date.—*Editor, The People's Tribune.*

Since the Boxer War (Honan-Kwangtung Campaign of last year) many have been led to believe that the Tartar (Nanking) Government is beginning to see the signs of the times and to reform itself for the betterment of the country, basing their opinion on the occasional imperial edicts for reform (numerous manifestoes and proposals of reform), not knowing that they are merely dead letters made for the express purpose of pacifying popular agitation. It is absolutely impossible for the Manchus (Soong Dynasty) (\*)

\* Soong Dynasty is the generic term for the various ruling cliques which compose the Nanking Government and of which the House of Soong is the dominant group. The *de facto* Head of the

to reform the country, because reformation means detriment to them. By reformation they would be absorbed by the Chinese people and would lose the special rights and privileges they are enjoying. The still darker side of the Government can be seen when the ignorance and corruptness of the official class are brought to light. These fossilised, good-for-nothing officials know only how to flatter and bribe the Manchus (their chiefs) whereby their position may be made secure.

Where is the hope for reform by the Government and its officials? During the twohundred and sixty years of Tartar rule (four years of Nanking rule) we have suffered innumerable wrongs, chief of which are the following:

(1) The Tartars (Nanking rulers) run the government for their own benefit and not for the benefit of the governed.

[They prostitute the system of Party Government and so misinterpret the meaning of Educative Government that the Nanking Kuo-Min Tang has come to be regarded as an anathema by the populace at large and only a thorough reorganisation of the Party can restore it in popular respect and confidence].

(2) They check our intellectual and material development.

[They have by a policy of unprecedented terrorism put the Chinese people in intellectual quarantine and reduced the most honourable profession of authorship to the level of political prostitution. They have not hesitated to bribe the foreign Powers into concluding new treaties with the right of landownership in China's interior, thus selling the people's birthright for a mess of potage].

(3) They treat us as a subjected race and deny us equal rights and privileges.

[The people of China are regarded by the Nanking rulers as even more politically backward than the natives of India, of the Philippine Islands, of the Dutch East Indies, by their alien rulers. Everywhere in the world, except in New Guinea among the cannibals

Soong Dynasty is not a Soong himself, but is by (a fourth) marriage related to the House of Soong.

Apart from the House of Soong, there are some other minor Houses—the House of Cheng, headed by a lady-barrister who has such an influence in judicial circles that she has never yet lost a case in Court; the House of Secretaries which is an offshoot of the House of Soong; the Opium Ring, consisting of gang-leaders, ministers and high military and naval officers; and so on.—  
Editor, *The People's Tribune*.

and in China under the Soong Dynasty, are there local self-governing institutions and other popularly elected representative assemblies. We are demanding the retrocession of the foreign settlements and concessions, but it is only in these territories under foreign jurisdiction that the Chinese people have some measure of franchise and control over the public administration and finances. Is this not a national disgrace and humiliation?)

(4) They violate our inalienable rights of life, liberty and property.

(Executions, imprisonments and confiscations of property are ordered at will and often for no other reason than to please a foreign potentate. As we read in the "*China Critic*" of March 20, 1930:

"On March 13, the Crown Prince Frederick of Denmark was to pay a visit to our Capital... Ever mindful of the national honour, Mayor Liu Chi-Wen of Nanking thought the hundreds of dirty huts along the Chung-shan highway with thousands of dirtily clad peasants, women and children, quite a disgusting sight, and unworthy of our royal visitor... So on March 8, 9, and 10, the City Public Works Department, accompanied by armed forces, descended on the disreputable-looking citizens and forcibly drove them out of their homes. Hundreds of peasants' homes were torn down, and their occupants driven out into the rainy night...")

(5) They practice, or connive at, official corruption and bribery.

(They participate in opium-smuggling and other illicit ventures; they abuse official secrets for purposes of private speculation. When they started their official career, they were practically penniless. They are now the richest men in the country, surpassing in wealth and affluence even the most unscrupulous officials of the old regime. In a public utterance, for instance, their Head once boasted of his foresight in accumulating sufficient funds to finance a private civil war for the period of three years.)

(6) They suppress the liberty of speech.

(Anyone who says, or writes something short of fulsome flattery or abject submission to those in authority is liable to capital punishment or life-imprisonment by the terms of the recently introduced Special Emergency Law—the most demoniacal ever devised by human fiendishness, unknown even in the most backward of colonial possessions.)

(7) They suppress the liberty of association.

(All political and vocational organisations which are not under their direct control are placed outside the law.)

(8) They impose heavy and irregular taxes on us without our consent.

(During their four years of office they have collected some 3500 million dollars from taxes and loans. But where all this money has gone to, is a puzzle to those who paid it. "To squeeze is the aim, and to oppress the method", declared the National Chamber of Commerce at Shanghai in a manifesto in March 1929.)

(9) They practice the most barbarous tortures in the trial of an alleged offender for the purpose of compelling him to give evidence to incriminate himself (and others.)

(On January 17, 1931, for instance, twenty-four alleged conspirators against the internal security of the State—among whom was a pregnant woman—were arrested at Shanghai and turned over to the Shanghai-Woosing Garrison Commander's Headquarters. They were first half tortured to death in an effort to make them betray their friends. Refusing, they were taken at midnight on February 7 to the Lunghua execution grounds, and were forced to dig their own graves. The soldiers were then ordered to bury them alive. Five were killed in this way. But the process was too gruesome even for the soldiers, and the remaining nineteen victims were shot down in the ordinary way.

Offenders against the internal security of the State may justifiably be sentenced to death by a competent judicial tribunal, but not even under the Manchus and Yuan Shih-Kai were people systematically put to death on account of their political opinions, unaccompanied by action.)

(10) They deprive us of our rights without due process of law.

(The Law Courts are notoriously interfered with by the militarists and the politicians. And the administration of the Special Emergency Law is significantly entrusted to the local administrative and military authorities instead of to the regular judicial authorities.)

(11) They fail in their duty to protect the lives and property of all persons residing within their jurisdiction.

(Instead of devoting their attention during all the time they have been in office to the suppression of Communist-banditry, their main occupation has been the establishment of a military dictatorship with the Kuo-Min Tang as a mere sign-board, and to the accumulation of private fortunes, with the result that after three years of "bandit-suppression" the Communists are as strong as ever, controlling resources which they could never have dreamt of when they first embarked on their fiendish career of plundering, burning and massacring of innocent citizens.

Guilty Communists when caught are summarily, or after torture, executed, and many thousands of innocent others also, but the fact remains that there is a certain division of labour and co-operation between the Nanking and Communist terrorists.)

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Notwithstanding all these grievances we have tried every possible means to reconcile them, but to no purpose. In view of this fact we, the Chinese people, in order to redress our wrongs, and to establish peace in the Far East and in the world generally, have therefore determined to adopt adequate means for the attainment of these objects, "peaceably if we may, forcibly if we must".

## SOME REVOLUTIONARY SUPERSTITIONS

by

*Professor Kung-shen Yu-Tze*

I

*"I am myself, not the mere reflection of my material environment."*

The political situation in China has entered into a new phase of development in which any hope of revolutionary success lies in the gaining of a new faith among the revolutionary comrades and masses, in the conscious recognition of the lessons which the experiences during the past several years have taught us. Only in this way will the revolutionary comrades be able to cope with the new demands of a changed situation.

There are two mistakes especially, which I hope the comrades will not commit again. The first is to place an exaggerated confidence in the power of the masses, notably in their destructive power, considering the more disturbed the social, political and economic order, the sooner the Revolution will be accomplished. Chaos is not a panacea for social evils. On the contrary, it merely leads to reaction and gives the militarists and mandarins their chance of dominating and disorganising the democratic forces. The other mistake is the over-reliance on military force. Many comrades seem to think that the possession of a large number of troops, the winning of several battles, together with the establishment of Party offices, the institution of chairmanships of provinces, are all that is necessary for gaining and holding political power and realising the Party principles. Events during the past several years have proved how dangerous these conceptions are. The one leads to an irresponsible kind of Bolshevism, the other to a mischievous despotism. Neither of these conceptions will, I hope, dominate the minds of the revolutionaries during the new period.

But the question is not so simple. At the back of it, there is the denial of personality arising out of the misinterpretation of historical materialism. "I am but the reflection of my material environment prompting me to do certain things in a certain pre-determined way." This ridiculous kind of mechanistic view, denying personality to humanity, has become a kind of fetishism, dominating the habit of thought of many people. Far from it being the meaning of materialism, it is a pure superstition which

must be eradicated before one can be one-self. For will is a force, especially will guided by intelligence. And belief in one's own personality, confidence in one-self, must in final analysis be the basis of all views concerning society, in trying to rectify and analyse which it is essential to start with trying to rectify and analyse one-self.

II

*"Theories are alright, but the truth is preferable. Intelligence is to guide us in our acceptance or non-acceptance of the dogmas of the past."*

What is Theory? Some revolutionary theorists believe that Theory is identical with Marxism, and with some it is more specifically Moscow Marxism. Many unnecessary controversies have as a result arisen. The Moscow Marxist refuses to consider the validity of any theory other than Marxism, just as the Catholic does not recognise any theological doctrine other than Catholicism. He moves in a limited world of thought, occupying himself with absurdly rigid formulae. Believing blindly in dogma, he regards Marx's works as divinely inspired and every word of his as sacrosanct.

In this lies the fundamental difference between the Marxist and us. We are of opinion that theory must be based on the facts of reality, regarding it purely as a convenience to facilitate the process of thinking. A theory is primarily a hypothesis, an approximation, and although it may point out to us the general tendency of social and political development, it only deals with abstract principles, at best suggesting to us certain methods of dealing with the facts of reality.

The Marxist, on the other hand, starts with his dogma, and on the basis of what are merely conjectures he attempts to direct politics, with the result that not only does he find himself at odds with reality, but also gets innocent people into trouble. Politics is and art, and art is incompatible with rigid formulae. All dogma, philosophical, religious, or political, is taboo in contemporary politics. For history never repeats itself: any social theory is valid only at a certain historical period and only under certain circumstances; it cannot be applied blindly and indiscriminately to all historical periods under all circumstances. This would be misreading the lessons of history. We do realise that social and political theories, including Marxism, do offer us some guidance in dealing with current problems.

They are useful instruments in the training of our political mind, but we reject the contention that some theory is in a position to predict all social and political events, and effectively be a substitute for our intuitive, unlimited intelligence. We are especially opposed to the political dogma's of the mediaeval, religious type. We prefer to use our own eyes and ears rather than abandon ourselves to the worship of our ancestors, however worthy and venerable.

### III

*Organisation aims at enabling men of homogeneous ideas to realise certain principles and to effect a division of labour so as to bring out, and utilise to the best advantage, the abilities of the component members. It facilitates concerted action, but it is not a method of establishing monopolistic cliques or personal dictatorships.*

The revolutionary must, in the matter of social and political theory, aim at independence of thought; in the sphere of action, he must attempt to rectify the mistakes of the past. Political action must necessarily be conditioned by organisation, but organisation itself has now become a problem which can find a solution only through a thorough realisation and understanding of its nature in the light of the experiences of the past and the new demands of the times.

First of all, it is essential to get rid of all superstitions regarding the character and function of organisation. The aim of organisation is properly the realisation of certain principles; it enables men of homogeneous ideas to divide work among themselves; it facilitates concerted action. Organisation is not a mysterious thing capable of performing wonders. Those who see in organisation a method of obtaining a monopoly of political powers, are living in a Dream-world; no organisation formed with such an object can be maintained for any length of time. The so-called Tangpu (local Party Headquarters) in the Nanking System, for instance, were abused with a view to attempting the establishment of a monopolistic clique based on a personal dictatorship; as a consequence, they have degenerated into echoing instruments and espionage centres. A political party, and especially a revolutionary party, is fundamentally an association aiming at the realisation of certain principles or doctrines, where the advocacy of such slogans as "Struggle for your own interests" can only derive from a misunderstanding of the meaning of historical materialism.

Has not the same slogans become the guiding principle of conduct of the counter-revolutionaries, to the surprise and indignation of those who made use of them first?

The attempt to establish a hereditary dictatorial regime by way of organisation has already poisoned the minds of the people. Those within the organisation are dreaming of the splendours of the new regime; those without see in it merely an instrument of domination and subjugation. And fear, jealousy and egoism are destroying the powers of the organisation which itself degenerates more and more because of the error in its fundamental conception.

Thus whether the problem of organisation can be satisfactorily solved depends on whether the various superstitions and erroneous conceptions concerning the nature and function of organisation can be destroyed. Two things especially have to be borne in mind. Organisations based on the quasi-dynastic idea are naturally incompatible with the democratic ideal, are the enemies of the democratic forces, leading as a matter of course to despotism and tyranny. The other is the fact that over-confidence in the power of organisation is harmful to the revolutionary cause. Organisation is not a mysterious institution, being only a device to facilitate division of labour. It confers no magical powers and produces no miraculous results. For one thing, organisational technique and methods can only be perfected in the light of the accumulated knowledge and experience of the persons composing the organisation. In the last resort, organisation is conditioned by personality; no organisation can be healthy which is not composed of healthy-minded persons.

It cannot be sufficiently emphasised that the essential purpose of organisation is, on the one hand, to enable the component members to contribute, to the best of their abilities, to a common purpose, and, on the other hand, to fulfil its own function in society. Organisation does not purely aim at a combination of forces; it also aims at the performance of service.

The strengthening and consolidation of the democratic forces depends on the effectiveness of organisation; this in turn depends on our right conception of its nature and function. Summarising, we must see clearly that organisation is appropriately concerned with doctrines and principles, not with interests. Quasi-dynastic ideas must therefore be banned. The importance of personality must be

duly recognised: without healthy persons there can be no healthy organisations, while the capacity of organisations is always conditioned by the sum total of the capacities of the constituent members. We must finally insist on the service aspect of organisation, and in this light the division of labour among the various elements and problems of internal constitution must be decided.

It is only by paying proper attention to the above considerations that we can consolidate the democratic forces outside the existing *quasi*-dynastic military and bureaucratic cliques and put an end to the cyclical scramble for political power. And the newly developed democratic forces are well-advised not to cherish excessive hopes and precipitate impracticable demands, but to concentrate on the immediate task of securing for themselves their proper places in the Chinese political arena.

## GOVERNMENT BY OPIUM

Dr. Wu Lien-Teh, the Chief of the National Quarantine Service and self-made scholar of repute, has recently donated Tls. 20,000 towards the cost of a new building of the Royal Asiatic Society, for the purpose of "engendering a feeling of friendship and mutual respect between Chinese and foreigners." Dr. Wu's public spirit and generosity, however, does not end there. He is also proposing to enrich the Nanking Government with an income "amounting to at least fifty to one hundred million taels annually" "from the extensive trade in opium, which under the protection of military chiefs has developed into one of the biggest scandals of the country", but which revenue received "has been dissipated by selfish individuals with no benefit to the nation at all." His plan—as published on January 28, 1931, in the *Chinese Nation*, a weekly issued by the Publicity Department of the Nanking Kuo-Min Tang—provides for a virtual Government opium monopoly of fifteen years ("an interregnum...for bringing the whole traffic to an end"), during which period "strict control of its production throughout the Republic by the Central Government should be established", and an invitation extended to "the experienced staff of the Maritime Customs to collect the necessary revenue, say at the rate of Tls, 2000 per picul, which should be entered as a separate opium excise account"... "Out of the gross revenue thus collected, at least ten percent, should be earmarked for the establishment and maintenance of opium refuges and general hospitals in various centres, where the addicts could be treated and whence anti-opium and health propaganda could be disseminated". The quantity now grown throughout the country Dr. Wu estimates, to be no less than 200,000 piculs consumed by some 20 million addicts so that his total gift to the Nanking treasury—if accepted—would amount to no less than 400 million taels annually.

In considering whether the Chinese people should accept Dr. Wu's proposed gift it may perhaps not be amiss to remind the reader that in 1840 the Chinese Imperial Government went into war with Great Britain, among other things, on the very issue of the opium trade. Defeated in war, and compelled to pay an indemnity of six million dollars for the odd twenty thousand cases of Indian opium, seized and destroyed in 1839 by the Imperial authorities, the effete

and corrupt Manchu rulers nevertheless refused to sanction the poisoning of the Chinese people by legalising the trade. A second Opium War (1856-60) was needed for the latter. But the matter did not rest there. Following the Sino-British Agreement of 1907 the Imperial Manchu Government inaugurated a policy that eradicated the opium poppy from Chinese soil within three years, freeing China from the curse that had afflicted her for a century. And China at that time was producing some 400,000 piculs (about 53 million lbs.) of opium or twice the amount she is producing to day.

Following the Revolution of 1911 political confusion unfortunately brought back the opium traffic, and during the past four years during which the Nanking Government has been in power, opium has spread like wild fire, officials and military officers actually forcing the peasants in many provinces to grow the opium poppy because of the huge profits it brings. In Hankow, for instance, the Nanking Government opened an Opium Tax Bureau which, according to the official Hankow Monthly Gazette brought in nearly \$2,000,000 in the eleven months ending October 1930.

Now under the pressure of the non-official "National Anti-Opium Association" at Shanghai, a popular organisation supported by some 60 Chinese organisations, the Nanking Government was forced in 1928 to establish the so called "National Opium Suppression Committee", with bureaus in various centres. These bureaus, however, have been nothing but opium trafficking concerns, reaping vast fortunes for the individuals concerned. A correspondent assisting Mr. H. G. W. Woodhead in his survey on the opium situation in China, published in the *Shanghai Evening Post and Mercury* during March 1931, writes to the following effect:—

"The Opium Suppression Bureau, a government affair, has been functioning in a manner peculiarly its own for the past two years. At times a guard of soldiers and men bearing what are said to be the credentials of the O.S.B. approach opium runners on ships and receive consignments of opium for which they pay 'transportation charges'. At other times a great show of a seizure is made but those 'in the know' usually hear afterwards that the consignment was the property of some small man not in the Ring and that the drug was returned to him on payment of 'squeeze'. The many ramifications of the Bureau would require much patient tracing, but it is abundantly clear that suppression

of the opium-phantom often consists in the direct or indirect gathering of revenue for the suppressors. The official status of opium suppression men means that they travel frequently without payment under pain of 'Consequences' if any objection is raised."

The potential revenue involved in the legalisation of the opium traffic under what will amount to a government monopoly is of such a magnitude—Mr. Woodhead suggests "that the actual figure must be nearer one thousand than one hundred million taels, if one includes all the levies on the cultivation, transportation, and retail sale and smoking of opium"—as naturally to make the moths of the people at Nanking water. The advantages of an open reversal of the declared anti-opium policy of the nation and of the Kuo-Min Tang are too obviously tempting for the get-rich-quickly Government to be ignored, especially in view of the fact that the ordinary sources of revenue are drying up. Thus for months high officials of the Ministry of Finance have been holding conferences at which the legalisation and taxation of opium are discussed, and have been consulting the various directors of the International Opium Ring—of which leading Nanking officials are secretly members—whose consent is essential if the scheme is to go through. Representatives—one of them the Chief of the Hankow Opium Tax Bureau—were sent to Formosa to study the Japanese State Monopoly system with a view to introducing the same in China. On their return these officials declared, according to the *Ta-Kung Pao* of February 24, that should Nanking adopt the monopoly system used in Formosa, Hong Kong and Indo-China, a new source of national revenue would become available, amounting to 400 million dollars per annum, or over a period of 15 to 20 years, 8000 million dollars, which would be available for all kinds of reconstructive purposes. Tentative regulations for a Government monopoly of the opium traffic have already been drafted, according to a statement of the National Anti-Opium Association, which also attaches the greatest significance to a recent appointment of two new members of the National Opium Suppression Committee, who have openly advocated the monopoly scheme.

An international character is now given to the opium monopoly project by the arrival in China, in January, of several League of Nations experts to study the question of loan possibilities. The League of Nations had previously,

in 1929, already sent an Advisory Committee of Investigation to the Far East, to devise—according to Ellen Lamotte, the veteran American fighter against the Opium Traffic—moral excuses for the perpetuation of the opium monopolies of the great Powers in their Asiatic colonies. These excuses are published in the report of January 28 of the League of Nations Advisory Committee to the League Council, driving the last nail in the coffin within which the Hague Opium Convention of 1912 has been buried. But simultaneously with the visit of the League of Nations Advisory Committee to the Far East the United States Government, an opponent of the opium monopoly system, sent a secret representative, Mrs. Hamilton Wright, to follow in their footsteps.

Mrs. Hamilton Wright has been for five years connected with the League of Nations Opium Commission and is obviously in full possession of the facts. On the basis of these facts she thus charged, in a private press interview given before her departure for America on March 12 last, the European Powers possessing Asiatic colonies with using the League of Nations as a blind for perpetuating the opium traffic by supporting the Nanking Government in the legalisation of opium in China. She further stated that the League of Nations advisers who had come to China to advise on the loan question had advised that an opium monopoly would eminently serve as a security for a League loan of £100 millions to China, mentioning specifically Dr. J. Rajchman, the Director of the Health Section of the League and a close collaborator of Dr. Wu Lien-Teh, as having been instrumental in swinging Nanking into the line of the legalisation of opium.

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But the past is past and is best forgotten. For National industries are to be built—on opium; communist banditry is to be suppressed—on opium; a League of Nations loan is to be secured—on opium; hospitals are to be built, and health centres erected for the curing of opium addicts—on opium. The Soong Dynasty which has sucked up all other sources of money in China, is to consolidate its fundamentals and build up a modern China—on opium. In other words, the International Opium interests are achieving through the Nanking Government what the British could not achieve by even two opium wars through

the corrupt and degenerate Manchu Dynasty and all the corrupt and despotic governments that came after it: the legalisation of the opium traffic by the establishment of a Government monopoly and, as a consequence, the open acceptance of a colonial position by those in authority in China.

## ON THE SO-CALLED PEOPLE'S CONVENTION

### I

#### Issues Before The People's Convention.

by

General Hu Tsung-To

(Formerly Garrison-Commander of Wuhan)

Tientsin, April 30.

The so-called People's Convention is to meet within a few days, and if a considerable number of electoral bodies and individual voters have refused to accept the officially designated candidates and some provinces and overseas districts even refused participation altogether, we have Mr. Tai Chi-Tao's assurance, no doubt on behalf of Mr. Chiang Kai-Shih, that at the opening of the conference, *"all the delegates will be produced."*

The People's Convention is to inaugurate a new era in Modern China, the crowning glory of half a century of national-revolutionary struggle. On its success, therefore, depends the establishment of permanent peace in China and the consolidation of the foundations of the Chinese Republic. And its failure will involve the failure of the National Revolution itself, the renewal of civil strife, and perhaps the break-up of the Chinese body politic. It is in this light that we have to consider the political conference which is convened for May 5th next at Nanking under the name of People's Convention.

It is significant, however, that the proposed conference, far from evoking any enthusiasm among the populace, has only added to the prevailing depression and pessimism in revolutionary and liberal circles, or, worse still, is being treated just as a joke. A People's Convention, from which the people, the bona-fide mass-organisations are in fact excluded, with delegates representing localities and organisations which they probably have never heard of, can anything be more amusing? Never in the history of the Chinese Republic has a National Conference been treated with such a popular contempt, never has there been such a conspiracy of silence in politically enlightened circles; never has the People of China been so insulted by those in authority.

Judging from the private utterances of the Nanking politicians, the only topics to be taken up by the conference is a document which faithful delegates may have the privilege to read through before it is imposed as a Provisional Constitution upon the people, and probably perhaps the question of the Presidency of the Republic, which post will be graciously offered, or forced upon, the reluctant Mr. Chiang Kai-Shih, the present Chairman of the Nanking Administration. No other issues, except very minor ones, such as the paper abolition of the so-called Unequal Treaties, will be allowed to divert the minds, and corrupt the hearts, of the loyal and obedient delegates.

But common sense tells us that if the Nanking Conference has no time to deal with issues that really matter it might as well openly and officially christen itself *Chou-An Hui* (Peace Preservation League) and begin its meetings with thanks-offerings to the departed soul of the late President-Emperor Yuan Shih-Kai instead of senselessly reciting Dr. Sun's will and paying lip-service to his revolutionary ideals. If, on the other hand, the Conference is sincere on rehabilitating the state of affairs in China, it should attempt to bring to a settlement at least the following three questions:—

1. *The Public Control of the National Finances.* Four years have elapsed since the establishment of the Nanking Government. During these four years the Nanking Government has raised, from taxes, some 3000 million dollars and from loans another 500 million Dollars. But where these 3,500 million dollars have gone is a puzzle to everybody. "Political minors" probably have no business to be inquisitive about the disbursement and distribution of public funds. Nevertheless it is the duty of a public body assuming the name of People's Convention to call upon the Government to give an account of its financial stewardship, and insist upon an independent audit of the accounts of national income and expenditure and upon a proper annual budget in the years to come. And the Nanking Government itself should be glad to avail itself of the opportunity to prove its honour and integrity which has lately been seriously questioned by the populace at large. Indeed, the Nanking authorities should on their own initiative press for a public examination of their financial accounts and dispel all suspicions abroad of financial maladministration. And it would also redound to the credit of the Nanking Government if it were to initiate

a proposal to enquire into the sudden rise to fortune and opulence of certain Government officials during their tenure of office. But I warn all those concerned that the general public will consider it a shame to, and a crime against, the Nation if the Government were only to present a summary and misleading financial report, and the Conference to accept it without any question and discussion.

2. *Military Rehabilitation and Disbandment.* I often hear people talking about the difficulties connected with the disbandment of superfluous soldiers, warning against a possible revolt of the disbanded men, etc. My own experience during the fifteen years of service in the Chinese army, however, tells me that all this talk about the unwillingness of the soldier to return to civilian life is pure nonsense. I have never known of any ordinary soldier who is not desirous, after the conclusion of a campaign, to quit the Army. Give him a two or three months' pay (i.e. about twenty dollars) on disbandment, and he will be as happy and contented as anything. And even without any pay they will all be only too glad to leave the army if given the opportunity to do so. The number of deserters in the Chinese armies on the whole is very large indeed. According to my observation, any Chinese Army division if left to itself for two years without any new recruits to fill the places of the deserters, would, at the end of the period, have vanished like vapour in the air. No further disbandment is needed.

These are facts which nobody who has ever served in the Chinese Army can deny. For the Chinese soldier's life is scarcely a human life, and the Army units are maintained at full strength only because of the drastic penalties for desertion. According to Army Discipline new recruits must at the time of their enlistment give all possible particulars about themselves and their families, and in case of desertion not only are they liable to be punished with death, but their families also may get into serious trouble. Nevertheless, in spite of these severe punishments, a considerable number of desertion takes place, day in and day out. To dwell upon the impossibility of Disbandment is therefore pure nonsense, and is merely calculated to mislead those who have no experience of army life. All privates would welcome disbandment; only the higher officers are opposed to it, and the higher their rank, the more strenuous their opposition. For obvious reasons which it would be superfluous to discuss here.

A People's Convention will therefore not only confer a blessing on the populace by reducing their financial burdens, but also satisfy the innermost wishes and desires of the common soldiers themselves if it could decide upon a definite scheme of military rehabilitation and disbandment and take the necessary measures for its enforcement.

But Disbandment must be carried out honestly and sincerely and not merely be used as a pretext for compelling other generals to disband while strengthening one's own military resources. In this connection I would like to remind the public of certain events of the recent past, not that I take a delight in reviving certain controversies, but because remembering of the past may serve to prevent us from committing similar errors in the future.

At the beginning of 1929 a certain Nanking General of Ningpo-ese origin carried on an intense propaganda in favour of disbandment and of reducing the various armies to divisions. Thus in order to convince the public of his sincerity, he engaged three hundred soldiers and distributed them among several steamers navigating between Shanghai and Wuhan. They were ordered to go up and down the river and to pretend to be disbanded soldiers, to drink and gamble and do all kinds of disorderly things with a view to attracting the attention of the public and creating the impression as if Nanking had actually disbanded a large number of troops. This large number of troops were in reality only those three hundred soldiers paid specially for the occasion. This is no doubt a very clever trick, but it is hardly a worthy procedure.

Just before the opening of the First Disbandment Conference in the same year Generals Chiang Kai-Shih, Feng Yu-Hsiang, Yen Hsi-Shan and Li Tsung-Jen had agreed to divide the country into four "Disbandment Districts," the First, Second, Third and Fourth Army Groups under Generals Chiang, Feng, Yen, and Li to constitute the First, Second, Third and Fourth Districts respectively. At the Disbandment Conference itself however, General Chiang all of a sudden proposed the establishment of a fifth district to be called the Central Disbandment District which was to be placed directly under the Central Government, i.e. of himself. For what purpose, if not to increase the number of soldiers under his command.

Again, at the end of the Northern Expedition, Generals Sun Chuan-Fang and Chang Tsung-Chang left behind at Lanchow a considerable number of war prisoners w

could have been very easily disbanded by a cash payment to each soldier of four or five dollars, or by giving them a railway ticket home. But Mr. Chiang dispatched an urgent telegram from Nanking ordering the captives to be transported to Hsuehchow "to be disposed of", i.e. to be incorporated into the First Army Group.

In 1929 before the Disbandment Conferences the total strength of the National Army amounted to 56 divisions. At the present moment, after three years' of disbandment propaganda by Mr. Chiang, and with the Second, Third and Fourth Army Groups considerably reduced, however, we are confronted not with 56 divisions but with 101 divisions (the 101st Division being under General Chang Chung of Yunnan), apart from the newly organised and special divisions.

"Disbandment" to be of any use must therefore be carried out honestly and sincerely—it must really mean disbandment, not new recruitment and mobilisation.

3. *Communist Banditry.* Finally I sincerely hope that the delegates at Nanking will devise adequate ways and means to deliver the long suffering Chinese people from the national calamity caused by the deprivations of the Communist bandits. There is one important point in this connection which I would like to put before the delegates. This is that the Communists are able to hold out, and extend their terrorism, not because of their intrinsic strength, militarily or morally, but solely because of the unwillingness of the regular Nanking troops to enter the field against them, partly because they are demoralised, but mainly for other reasons.

Take the situation in Kiangsi for instance. The bandits there are outnumbered about ten to one by the troops nominally under Nanking. They are ill-trained and ill-equipped, and without any reserve troops. Neither in quantity, nor in quality are they therefore comparable to the official troops, and from the military point of view they could be exterminated without much difficulty in a few weeks. The fact, however, is that after three years of bandit-suppression they have not only been able to maintain themselves but have added considerably to their strength and influence. What is the secret of their success? Surely not the material conditions in which they are fighting, nor their generalship. The secret is to be found in the psychology of the official troops. For in fighting the Communists they are continuously haunted by the fear that

should they be successful in the anti-Communist Campaign, no reward of any kind, but what would amount to their own destruction would await them. While by just making a show, by pretending to fight, they are assured of their continued existence. The very existence of the Communist menace makes them "indispensable" to Nanking. Have they not the example of the Second, Third and Fourth Army Groups before them? Where are these former "heroes and revolutionary comrades" now? Are they all not in a condition of semi-slavery? They did the dirty work during the Northern Expedition, but are they also enjoying the fruits of their success? And does not the Generalissimo regard the Fourth and Seventh Armies, the backbone of the National-Revolutionary Army and responsible for the most phenomenal victories of the Revolution, as his most dangerous enemies? Were these Armies even mentioned at the Memorial Service held last March in honour of the fallen heroes of the Revolution. Who won the famous battles of Teh-an, Chung-chow and Lung-tan?

Unless therefore the troops owe personal allegiance to Mr. Chiang, they must feel their position very insecure. They cannot help thinking that the more they exert themselves against the Communists, the heavier their losses will be, and the easier they will be "disposed of" in the future by Mr. Chiang. Is it therefore not to be expected that they will deliberately refrain from entering into major engagements with the Communists, and some units even make common cause with the latter?

China is in the most critical period of her modern existence. But will those officially responsible for the welfare of the Chinese people be able to see the writing on the wall? I can only hope.

## II

## A Survey Of The Elections

by

*The Editor of the Peking and Tientsin Times*

While other events which may turn out to be of capital importance are developing, a review of the elections for the People's Convention in the North is demanded. So far as Tientsin is concerned they aroused more amusement than excitement. The mere mention of the elections to Chinese residents here evoked an immediate "old-roguish" grin. More than enough material has come into our possession to enable us to appreciate the reasons for this cynicism, though it would have been a good deal more satisfactory had a certain amount of honest indignation been displayed.

The elections were preceded by great activity among leading emissaries from Nanking, who visited the various provinces on what was supposed to be a mission of inspection of the Party branches. The notorious ex-Mayor of Nanking, Liu Chi-Wen, looked after Shantung, where he hardly found conditions to his liking and said so quite openly in his report to the Government. Chang Chi was responsible for this, his native province, for Tientsin, and we assume, Peiping. Wu Tieh-Chen performed the same functions in the Three Eastern Provinces and in the North-West. No doubt the same "inspections" were carried out in all accessible parts of the country.

The survey may be begun at Peiping. There the total electorate numbered 102,990. They were partially itemised as under:

Peasants' Unions .....	76,632
Labour Unions .....	7,779
Chamber of Commerce .....	5,477
Educational Associations .....	1,552
Liberal Professions .....	996
Universities .....	176

This leaves a large number unaccounted for, but we take the figures as they have been published. It will be noted that the Party organisations—for the Peasant and Labour Unions cannot be otherwise regarded—claimed well over 80% of the total votes! Only half the electors voted, namely 51,470, according to a semi-official statement, but the actual voting figures suggest that the voting was still

smaller. Of the three candidates elected, two were professional Party men, while the other was the well-known banker Chou Tso-Min, whose election is one of the wonders of the poll in view of the Party monopoly. However, even bankers may be useful to the Government. The chief, if not the sole, importance of Peiping to-day is its recovery as the leading educational and cultural centre of China. The educationalists failed to secure election.

Now we come to Tientsin. Originally the electorate here was believed to number 60,000—a little more than half that of Peiping. That seems hard to explain, in view of the similarity if the populations in numbers. When the election Supervisory Office proclaimed the electoral roll on April 11 it was seen that 94 bodies were entitled to participate, of which 54 consisted of various guilds or unions affiliated with the Chamber of Commerce, and engaged in finance, commerce and industry; 25 were Labour Unions, eight Educational Associations; various schools, and the Chamber of Commerce itself. The Chamber of Commerce sent in the names of the electors with the shopkeepers and assistants as the unit. Orders we thereafter received from Nanking direct that only the actual members of the guilds, not employees of the shops, were entitled to vote. There was a sharp controversy and in consequence the polling date had to be postponed. The Chamber insisted that as each member of the Labour Unions was entitled to a vote, so was each shop assistant. The demand for equality with the peasants and factory workers, however, was refused.

Now of the original list of 60,000, about 40,000 represented persons engaged in commerce, 20,000 peasants and workmen, and less than 1,000 the educational associations. Nanking's ruling reduced the electorate to 29,000,—less than one-third of Peiping's electorate—and of these only 17,267 took part. Many of the merchant class, disgusted at the condition of affairs, boycotted the elections, realising that the Party delegates had the whip-hand. The result was that two professional Party men, in the employ of the Central Authorities, and one Tsinpu Railway Tangpu member, were elected for Tientsin, namely, Lu Tong-Ping, Liu Pu-Tung, and Chen Wen-Pin. These are the men who will speak and vote in the name of a city with a population of over 1¼ millions, and a trade of well over £300,000,000. Not one of them has the slightest interest in or connexion with Tientsin other than their professional political appointments. Two came here direct from Nanking to teach the

"local ignoramuses" the way to democratic salvation, and only one is a native of this province. If the electors had handed over their mandates to the Chinese ratepayers of the British Municipal Area, the latter would have elected a far more representative delegation to the People's Convention! But though the population of the second port in China may profess to be highly amused, it is unthinkable that they regard the outcome of the elections with either pride or satisfaction.

The Party experts who were elected are hardly to be blamed. They had their orders from their superiors and had to obey. It is reported that Mr. Lu Tong-Ping especially was rather reluctant to assume these additional responsibilities. His real chief until recently was Mr. Hu Han-Min, and if somebody body springs an unpleasant surprise on the Generalissimo and proposes that he be elected President of the Republic, it would be very embarrassing for Mr. Lu to vote for this while his former chief remains in durance which, if note vile, is at least effective!

There are many details about the elections here which it would be indiscreet to disclose. The workers displayed excellent discipline and loyalty on the whole, though a certain cotton mill plumped for one of its foremen, while the workers on the Peiping-Liaoning Railway, presented with a slate of four candidates approved by the authorities, put two or three of their own choice above them in the result of the poll. The great majority of those who voted were workmen, and illiterate. Obliging clerks had been engaged to write down the names for them, however. There were amusing incidents at the pollingbooths, but voters who forgot the names were suitably helped. Many little "human interest" stories have been going round, but they need not be recounted here. Few details have yet been given out of the election for the province, but one of the local papers, referring to the polling for the local hsien, mentioned that only about 300 people out of a total 2,000 entitled to vote, presented themselves at the polling-station, which shows how much interest the country people took in the election.

The elections in the Three Eastern Provinces were carried out in much the same way as elsewhere, save that there appeared to be less latitude in regard to independent candidates, and that they were more nominal than in Tientsin, were persons not on the official slate were able to offer themselves for election. There the Peasant Unions are

called "Agricultural Unions," and the Labour Unions "Industrial Organisations," which sounds a lot better. Reuter's Mukden correspondent found comments on the results of the elections difficult to make. "It is evident that only official or semi-official delegates have been sent," but it is added that this is in conformity with the oft-stated fact that China is still in the period of tutelage, and that "the people cannot yet be given full democratic freedom." They appear fairly to represent, however, what Liaoning can give "in political knowledge and experience." Doubtless there are fewer carpet-beggars among them.

Trouble occurred only at one place, so far as we know. At the North-Eastern University, where the "New Nationalist Party" is very strong, many of the educationalists took the liberty of considering themselves insulted when presented with the official nominations, and voted for persons of their own choice and profession. Thereupon the ballot was declared invalid. A number of professors, backed by the students, openly condemned the alleged impropriety of the elections, a serious agitation developed and finally a number of professors and educationalists were put under arrest. This made matters worse. Posters were pasted up denouncing the Governor and the students threatened to go on strike. Finally the Young Marshal intervened, released the professors, and consoled them by appointing them concurrently to his secretarial staff.

Sidelights on the election at Tsinan for the Shantung Railway Labour Union were given in the *Ta Kung Pao* by a correspondent who is on the staff of the railway. Voters were presented with a list of persons and were told to fill in the names accordingly on the ballot-papers. No other names were permitted. (Perhaps this was merely a safeguard against ribaldry, for not a few voters here facetiously affixed the names of Tsao Kun, Wu Pei-Fu and various other personages dead or living to their ballot papers). Of the list of candidates drawn up, however, two-thirds were complete strangers to the thousands of workmen on the railway. The correspondent was indignant, refused to vote, and is now patriotically anxious to know whether this to know whether this was an isolated or a common experience.

A correspondent from Yutaih sien in Shantung is refreshingly frank:—

"I hope what has impressed me here will not be repeated anywhere else. I am not only disappointed at the method of

the election, but hold a gloom view of the future of China. The names of the appointed candidates were given to the electors at the same time as they received their ballot-papers. This fulfilled the election! For instance, the Peasants' Union in Yutaihsien elected six delegates. The total of 8,000 voting papers all bear the same names, and none other than the candidates appointed by a certain Pu (doubtless the Tangpu). I am not a reactionary. I report the exact facts. I hope the higher provincial authorities will lead the people in the right way."

At Tunghsien the Chamber of Commerce was refused electoral rights on the ground that it was not properly registered. Before the poll, according to a correspondent of the *Yung Pao*, it was discovered that somebody was bribing the electors, and a minor disturbance ensued during which a number of hostile slogans were shouted. Order was only restored at the polling-booth—the Chung Shan Hall—after the intervention of the Magistrate, the chief of the Educational Bureau, and others. All the elected candidates were Party or Government officials. A letter from Yangyuanhsien (Hopei) is brief and much to the point:

"The election of the local delegates was completed. The persons elected were never known before to the people of the hsien."

A member of the Tongshan University narrates how he was surprised when a couple of strangers came up to him on polling-day at that institution and presented him with a sheet of paper bearing six names, at the head of which was Mr. Li Hsu-Tien, well-known in Tientsin for his connexion with the North China River Commission. He asked one of the strangers why he presented him with the paper, and the latter replied: "These few persons are qualified to be elected. I help you and remind you." They were, of course, the official slate. The correspondent ruefully recalls that when he was at school he wrote for a whole day, for those who could not write, the names of members of Provincial Assembly about to be elected. Then he was ignorant, but though now still in tutelage he realises what it all meant and now regrets it. That happened, however, under the militarists, but "it is surprising to learn that the same thing could happen under the Nationalist flag." He recounts what occurred at the election as a matter of public interest but without supposing it will have any effect at all!

In Shansi a candidate was elected by the Labour Unions, with about 6,000 votes. He had been a student at the Police Training School and afterwards became principal of a school but had no connexions whatever with labour or industrial circles. The workmen refused to put up with this and the Tangpu had no option but to carry out an investigation, with the result that he was duly found ineigible.

A correspondent, writing from Huantai, in Shantung, becomes sarcastic. He went to the polling station and was given a sheet of paper bearing the six names for the six vacancies, and these he was told to copy down on the ballot paper. Moreover, he was also told that if he could not write himself an electoral official would be kind enough to do it for him. That seemed to have been a case of courtesy sadly misplaced, in view of the obvious skill of the tutored one, as indicated by the following:—

"I was puzzled. Clever as these revolutionary comrades are, why were they so foolish? Why did they not print the names on the ballot-papers beforehand, and help business along by providing a little profit for the printers?"

The correspondent speculates what the late Tsungli might think about this, but unfortunately, not being a delegate himself, he cannot go to the Purple Mountain to see the Tsungli.

A Nanking correspondent describes the result of the election in the capital as "an enigma." Many of the educational leaders, who enjoy great respect, were not elected. Among those thus rejected were a professor of the Central University, the Principal of the Nanking University, Chang Nai-Yen, and Lo Chia-Lun. No doubt he will find consolation in the fact that the educationalists in most other cities shared the same fate.

Little information has come through of what occurred in the more remote parts of the country, but a correspondent, writing from Peiping, expresses his disgust at the result of the Szechuan elections, contending that the delegates are all either high military or civil officials. The delegate representing the educational organisations may not know anything about education; the delegate representing the merchants may not be a merchant himself; and those representing the Labour and Peasants' Unions are, in fact, full of knowledge of military tactics!

Tientsin, May 4, 1931.

## III

## The Third Wave

by

*The Editor of the Peking and Tientsin Times*

The movement which has now begun in the South-West is fully as grave and important as that which preceded and accomplished the so-called Nationalist Revolution. This was the second great Revolutionary wave. The first, of course, was that which engulfed the Dynasty. The greater measure of responsibility in this was borne by the direct agents of the West—the Powers and the foreigners on the spot. It imposed on the country the task of destroying an immemorial system of which the Dynasty was the topmost storey, and of building in place of this indigenously, intricate, and marvellously dove-tailed structure a nation constructed as are the dynamic nations of the West. One effort after another to preserve substantial parts of the old system failed. The second wave—1926 onwards—accomplished the destruction of feudalism, shattered the family system in the cities, and has now gone far towards the organisation of a nation. This achievement is expressed in a variety of ways. There is a multiplicity of laws for nation-wide application—in due time; an enlargement of the functions of the Central Government so that it became incomparably more vital and imposing than the puppet Governments of Peking; a centralisation of army, finance, communications; and a concentration of the expression of the national will as directed by destiny. Against this irresistible movement and consolidation all hostile elements battled in vain. Some rebels moved before due time. Others were behind the time. But whether premature or obsolescent these movements were followed by a wider reach of the tentacles of national authority. The third wave of the Revolution will succeed or fail as it expresses the next necessary and inevitable development. That is, in brief, the application of the Second Principle of the San Min Chu I, the Principle of Democracy. In its early stages this will mean little more than a restoration of popular forms, leading slowly but surely to the building of a definite democratic framework; the revival for a time of the Party authority as an interpretation of the spirit of history, but on a broader and more generous scale than in the case of the oligarchy which shared power with Ching Kai-Shek until,

after a short, sharp struggle, the arrest of Hu Han-Min marked the ascendancy of the individual and the subjection of the Party; the early termination of the national humiliation known as the Period of Tutelage; the submergence of the Party Congresses into a National Assembly, wherein nominally at first, but more definitely in course of time, national sovereignty and authority will reside. It is unnecessary for the moment to consider the implications of the social and agrarian movements. To get a proper perspective of the struggle which is now entering a spectacular phase it is essential to realise that on the one hand it is a challenge to personal dictatorship and on the other a repudiation of Tutelage.

A dispassionate historical review does not ignore, nor should it exaggerate, the play of personal ambitions. "Caesar was ambitious" was a charge pregnant with emotion in the time of Julius as now. But men, however towering their eminence, are but the creatures of their time and circumstance. They perish as they obstruct the remorseless law of their time; they prosper as they fulfil it. Chiang Kai-Shih has not solely pursued selfish desires. He knew well enough that if his Government were to endure it would have to be effective. Many men before him have been driven to the belief that only the concentration of power in their own vigorous hands could ensure that effectiveness. But the inertia and weakness of the National Government had its roots not in the capital but in the country as a whole.

From the very beginning, when the military conquest of the North was more or less completed, neither law nor conciliation, neither consent nor patience, informed Nanking's policy. Force was used to back up unwelcome orders. From one dismemberment it proceeded to another, from one Pyrrhic victory to another. In principle the policy of centralisation was right. But it was vitiated by the strong personal element which entered into it. The known friend was forgiven much; the potential enemy or rival nothing, however deep may have been the latter's claim on the Government's gratitude. Were the Kwangsi group, who did so much for the national cause in the march to the Yangtze, essentially inferior Nationalists to the Generals who came to be known as the Generalissimo's friends? Is Ho Ying-Ching a greater patriot than Li Tsung-Jen? The Fengtien Army a truer expression of Nationalist spirit and loyalty than the Kuominchun which fought against the

former in its anti-Nationalist period? The questions are no sooner asked than answered.

"Government by persecution or government by persuasion is all the difference between despotism and democracy," said Wang Ching-Wei in an interview published in the *P. & T. Times* last autumn. The issue was finally crystallised in the decision to call a People's Conference. Was it to be a packed house of the Government's pledged friends or paid employees, or a forum enabling all discontents freely to be ventilated? There can be little doubt that as originally envisaged by Sun Yat-Sen it implied a liberal and progressive development. It was a masterstroke of strategy to snatch the programme of the Opposition from their very fingers. We still believe that at the time the resolution of the Generalissimo was refined by a large measure of sincerity and genuine idealism. No man could go through the ordeal of the slaughter last summer and emerge unaffected. But what may have been at first a gesture to the nation and to progress more than a dexterous seizure of the Opposition's livery, became in due course a political and a personal artifice. Here was a method of sinking both the Party opposition and the oligarchical Dictatorship in Nanking, and of delivering a blow at inertia by the concentration of power in one man. It may seem to be a tragic degeneration, a pitifully cynical jousting with a great idea. But critics would be unjust if they refused to attribute some part of this to the determined desire to make the Government function effectively and adequately. *Tout comprenez tout pardonnez.*

What has been the upshot of it all? A packed house, in which the employees of the Central Government and the "orthodox" Party element have the majority. The difference between the nominated, packed Third Party Congress and the People's Convention is merely that in the latter case electoral processes were elaborately but farcically performed. The official slate determined the issue. In such enlightened centres as Peiping and Tientsin there were independent candidates. Even so they failed. This great port is represented at the Convention by three professional agents of the Nanking Government. We shall not do the Chinese people the injustice of believing they will swallow this without a painful gulp in the throat.

There was a middle way, safe for the Government and not without solace and promise to the people. It was not chosen. The authorities have calamitously over-reached

themselves. The elections will greatly influence popular sentiment in this present crisis. The insurgent Kwangsi leaders have based their denunciation of the Generalissimo specifically on the "packing" of the Convention. There are many other issues and considerations in the struggle now imminent, but the Second of the Three Principles is fundamental. "The life of mankind has flowed from theocracy on to autocracy and from autocracy now on to democracy, and there is no way to stem the current," says Sun Yat-Sen in his first lecture on this Principle. "We in our Revolution have chosen democracy, first, that we may be following the world current, and second, that we may reduce the period of civil war."

Tientsin, May 5, 1931.

## WANG CHING-WEI ON THE SITUATION.

### I

#### National Rehabilitation and Party Reorganisation

The following is the text of a circular telegram issued on May 1, 1931 by Mr. Wang Ching-Wei to the members of the Kuo-Min Tang in China and abroad:—

The revolutionary comrades, unable to restrain themselves in view of the mischiefs done to the Party and the Nation by Chiang Kai-Shih, have for several years been conducting a campaign against him. But owing to internal dissensions, lack of co-ordination, differences of view with regard to the question of legitimacy, the comrades were unable to take concerted action and devise a common plan of campaign, with the result that Chiang Kai-Shih was able to deal with them severally, each time causing their defeat. The blood shed by the faithful and courageous comrades during all these years could flow like a river, their sacrifices were unprecedented, but the consequence was only the strengthening of Chiang's position, rendering him more and more tyrannical.

Now at last the comrades at Canton are also realising the dangers to the Party and the Nation and have come to the rescue in what will indeed be the final struggle against Chiang. In calling upon the comrades to co-operate wholeheartedly and thus ensure our final victory. I beg to submit the following two points for their consideration:—

1. In the matter of national rehabilitation we must devote all our efforts to the overthrow of the personal dictatorship and the establishment of a democratic government. This implies the promulgation of a Bill of Rights for the period of Educative Government on the basis of the *Programme of National Reconstruction* and the convocation of a People's Convention in conformity with Dr. Sun's declaration. Chiang Kai-Shih did indeed convoke a People's Convention and propose a Bill of Rights, but only for the purpose of hoodwinking the people and maintaining his dictatorship. Our aim should be genuinely to work for the introduction of a democratic regime.

2. With regard to Party Affairs we must restore the system of democratic centralisation. Our first step is the convening of an Emergency National Delegates Congress of the Party in accordance with the Constitution of the

Party for the purpose of arriving at a solution of all outstanding problems. To make the Emergency Congress a success, enabling us to surmount all difficulties, the revolutionary comrades must be united in spirit. Mere questions of formality and procedure should not be emphasised, for the real problems before us are most difficult and should not be complicated by minor issues.

### II

#### Military Action And Political Settlement

The following is the text of a telegram, dated May 2, 1931, sent by Mr. Wang Ching-Wei to the Kwangsi Commander-in-Chief Li Tsung-Jen and Generals Pai Chung-Hsi and Chang Fa-Kuei:—

History teaches us that all despotic and tyrannical regimes are bound, sooner or later, to collapse, as the events in 1911 and 1916 excellently illustrate. These events suggest to us that the anti-Chiang campaign should start this time simultaneously and spontaneously in all parts of the country. The fundamental object is the overthrow of despotism and the realisation of democracy. With these achieved all other problems are automatically solved.

In the 1911 Revolution the different provinces took action in swift succession one after the other. After the downfall of the Manchu Dynasty only, the Nanking Provisional Government was founded as result of a Conference of the delegates from seventeen provinces. In the Revolution of 1916 the different parts of the country also spontaneously co-operated in overthrowing the Hung Hsien Dynasty of Yuan Shih-Kai, after which a Conference took place, and Parliament and the Nanking Provisional Constitution were restored.

The more simple is our aim, the fewer complications will result and the better we can concentrate our forces. The province of Kwangtung has now joined the anti-Chiang campaign. The Kwangsi forces are thus expected to co-operate with them wholeheartedly in the military sphere. Regarding Party and Governmental affairs we will subsequently work out a common solution by the method of Conference. I expect that all other provinces will agree with the course of action suggested.

## III

## Wang Ching-Wei On The Situation

The following is the record of an exclusive interview given on May 4th last by Mr. Wang Ching-Wei to the Shanghai Correspondent of the *China United Press* and the *South China Daily News* of Hong Kong.

*Question:* On May 1st you issued a circular telegram to the members of the Kuo-Min Tang in China and abroad, following it up, on May 2nd, by another to Generals Li Tsung-Jen, Pai Chung-Hsi, and Chang Fa-Kuei. Are we right in assuming that in these telegrams you set forth your fundamental ideas with regard to the present situation in China?

*Mr. Wang:* Certainly.

*Question:* Did you issue those telegrams with the knowledge and approval of the members of the Enlarged Plenary Session?

*Mr. Wang:* During these last few months I have been in constant communication with my colleagues. The telegrams were issued as a result of the recent discussions I had with them.

*Question:* What is Mr. Tsou Lu's opinion?

*Mr. Wang:* Mr. Tsou Lu is in agreement with me.

*Question:* What about Mr. Ku Meng-Yu and Mr. Chen Kung-Po?

*Mr. Wang:* Mr. Ku Meng-Yu is of the same opinion as me. Mr. Chen Kung-Po is at the present moment on sick-leave. After Taiyuan he left for Europe in order to recuperate his health, so he cannot as yet express any opinion, but his approval may be taken for granted.

*Question:* And what about the military leaders, such as Mr. Yen Hsi-Shan and Mr. Feng Yu-Hsiang?

*Mr. Wang:* I have just received telegrams from them endorsing my views.

*Question:* Do you think that this time your political programme can be realised?

*Mr. Wang:* I expect that we shall have to cope with many difficulties, which, however, will not prevent the speedy restoration of the system of democratic centralisation with regard to the Party and the establishment of a democratic Government with regard to the country.

*Question:* Do you think that the present anti-Chiang campaign will succeed?

*Mr. Wang:* During all these years Chiang Kai-Shih has been manufacturing material which sooner or later will cause his downfall. At the present moment, all the members of the Kuo-Min Tang and the soldiers of the National-Revolutionary Army, all except his henchmen and retainers, are opposed to him. And the anti-Chiang sentiment of the country is produced by Chiang himself. The longer therefore he sticks to his position, the easier will be his overthrow.

*Question:* What about the so-called People's Convention?

*Mr. Wang:* This so-called People's Convention is meeting at Nanking solely by the grace and authority of Mr. Chiang himself. Obviously there is no connection between it and the People's Convention which Dr. Sun had in mind when he issued his Declaration of November 1924. Betraying the hopes and aspirations of the nation, it is doomed in advance. Marquis Primo de Rivera tried the same thing in Spain, with what consequences we all know. Chiang's purpose of convening this "packed" meeting is to bolster up his shaken regime. But I cannot understand why he is so blind to the lessons of history.

*Question:* What do you think of the Bill of Rights proposed by Nanking?

*Mr. Wang:* I frankly confess that I have never seen such a crude and immature document. A Bill of Rights for the Educative Period must take as its basis the Programme of National Reconstruction, providing for the necessary details so as to make the whole a workable instrument. Nanking in failing to do this had therefore best left the Bill of Rights unwritten.

The astonishing rawness of the Nanking document is in all probability due to the fact that some members of the Bill of Rights Drafting Committee were in their hearts hostile to Chiang, so they just drafted anything in order to get rid of their job as quickly as possible. And the others, being only concerned with providing Chiang with a toy, did not care what their production would be like, as long as it is called a Bill of Rights. Hence the ridiculous document. Even the Constitutional Compact of Yuan Shih-Kai, promulgated in 1914, was not so bad. So you cannot expect me to waste my time in criticising the document.

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