Parliamentary Politics in the Late Qing and the Early Republic: A Bumpy Ride for Democracy (draft) ¹

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1. Introduction

It was not easy to describe the social and political changes during the late Qing period and early Republic in short pages. On the one hand, the external imperial invasions had continued to exert tremendous pressure on the weakening Monarchy. The first Sino-British war in 1840 (the Opium War) was the first alarm of Western imperialism in China. It also ripped off the façade of the Monarchy as a great oriental empire. Followed by the United States, French, Sweden, Russia, Germany, Portugal, Demark, Belgium, Italy, Austria, and Japan, more and more China’s territories were occupied and ports were forced to open. Worse still, these Imperials, apart from acquiring more benefits from China, were also fiercely competing against each other for more interests in China. In the late Qing period, China was like a melon divided by these foreign countries.

On the other hand, modern political thoughts accompanying imperialism also flared up plenty of domestic reflections of China’s future. It was common to see instant reactions or reforms following each major external setback. Either initiated by the Qing emperors, advocated by intellectuals, or action taken by revolutionaries, the common belief was to enhance the nation’s wealth and strength. For example, the Opium War and the war between China and the coalition of British and French in 1856 had compelled the Qing Dynasty to strengthen her borderlines and upgrade the weaponry of military forces. However, as more external defeats occurred, it was learned that merely military improvement would not able to counteract the Western Imperials. Deeper exploration of the advantages of the Western Imperials, such as the adoption of modern technologies and communications were seen as another remedy for national strength. The strategy of learning from the West to counteract the West was a prevalent mentality among the bureaucrats and intellectuals.

Nonetheless, the Sino-Japan war in 1895 was a heavy blow to the Dynasty’s reform efforts. The military defeat had dramatically disillusioned the ideal that

advanced weaponry and gunboats would save China from external threats. Moreover, Japan's victory in the Russo-Japanese War signaled the vitality of Japan's success of the Meiji restoration. For many Chinese intellectuals, Japan’s victory was not only her advanced military facilities but also the political reform learned from the West. Hence, other than military advancements, exploring the functions of the basic social, economic and political institutions of the West countries had become an imperative measure to save China from disintegration (Jing 1984, 38).

It was a learning process from the “Chinese essence and Western utility” [中學為體西學為用] to the “wholesale Westernization” [全盤西化] the search for an effective treatment for national strength was never stopped. Unfortunately, the Qing Dynasty’s route to political modernization was full of twists and turns. Along with a series of foreign frustrations and military defeats, *Yang Wu Yun Dong* ([洋務運動], Self-Strengthening Movement) and *Wei Sin Yun Dong* ([維新運動], Hundred Days Reform) were widely seen as two most important measures taken by the Dynasty. Both were suffered from reactionary counteracts from the old Court members and bureaucrats. Then the 1911 Revolution replaced the Qing Dynasty by a new Republic and terminated the Dynasty’s campaigns for constitutionalism. Thought the Revolution had brought in a dramatic political change in China, the unsettled power struggles between political/military factions had resulted in quick replacements of the Presidents, Constitutions, Parliaments. The fate of constitutional democracy in the new Republic was never a bon voyage since her inception.

2. A Synthesized Perspective of the Evolution of Parliamentary Politics

Essentially, the political transition in the period between the late Qing and the early Republic was witnessed a complicated entanglement among the bureaucrats of the Dynasty, intellectuals, revolutionaries, and warlords. Normatively, they were all eager to transform the nation from an ancient autocratic state to a modern state, either a constitutional monarchy, a republican democracy or even a monarchical restoration. Practically, the actions taken by these actors seemed to be disordered or contradicted with each other. There were footprints of these reforms, like various competing “sociopolitical experiments,” left in the course of China’s modernization. Meanwhile, these legacies were also intertwined with one and another (Rankin 1997, 263). The process of establishing a modern parliamentary system for China was a typical example demonstrating the results of complicated inactions among various forces.

The evolution of Parliament in this period can be best described by Krasner in the discussion of institutional dependency:
It is necessary to understand both how institutions reproduce themselves through time and what historical conditions gave rise to them in the first place. Current institutional structures may be a product of some particular historical conjuncture rather than contemporaneous factors. Moreover, once an historical choice is made, it both precludes and facilitates alternative future choices. Political change follows a branching model. Once a particular fork is chosen, it is very difficult to get back on a rejected path (Krasner 1984, 225).

Therefore, the evolution of parliamentary politics from the late Qing to the early Republic was more a spontaneously mosaic than a well-coached orchestra. There were actors, ideas, calculations, events, and goals related to the establishment of a modern parliament. Yet, none of these was able to consistently stick to the end as expected. It takes more patience to clarify the chain effects among the historical origins, actor's intentions, impacts of incidents and outcomes.

Firstly, the futile reform movements in the late Qing period and chaotic political transitions in the early Republic were worsened by the squelching demands of the greedy Imperials. This external factor had overshadowed China's constitutionalism for several decades. The Imperials also had Chinese agents, either intentionally or unintentionally, to speak for their interests. So there were different paths of reforms aligned with different imperial countries. The imperial countries were even overly stepping into the factional infights for more benefits in China. To some extent, foreign interferences could be part of the costs of China's movement of constitutionalism.

Meanwhile, external threats were the main source of China's broad sociopolitical reforms. The sociopolitical institutions of the Imperialists were also a source of references for China's political modernization. Unfortunately, the Qing Dynasty was not aware of globally major events, such as the industrial revolution, imperialist expansion, and the emergence of modern democracy. Unlike the neighboring Japan which thoroughly adopted a policy of westernization in the Meiji Restoration, the self-contained Qing Monarchy naively resisted the global trend and paid tremendous costs in the end. It was forced to learn the bitter lessons after each defeat. In particular, the Sino-Japan War in 1895, the Boxer Incident in 1905, and the Paris Peace Conference after the First World War in 1919 were typical examples sending the message to the Monarchy and the new Republic that reforms were not successful.

Secondly, in addition to the foreign factor, intrinsic Chinese cultural and historical
legacies were equally important shaping the development of parliament politics. The Confucian tradition had the essence of persuading the Emperor to serve the people. The Court was also equipped with some institutional designs to advise the Emperor. Yet, these cultural essence and institutional designs were never seriously institutionalized. Serving the people was a normative expectation, not a legalistic requirement, nor the advice were binding. At best, the function of the state in Chinese tradition was more "for the people" but not "of the people" nor "by the people."

Another predicament came from physical condition. China’s population was tremendous, so was her territory. What makes this issue significant was the low literacy of people and highly diverse ethnicity across the country. Democracy will not arrive overnight based on the experiences of western countries. The higher hurdle of communication and transportation would create more obstacles to distribute necessary information and facilitate people’s participation. So, those proposals of democratic reform, either from the Qing Dynasty or from the intellectuals, concurrently emphasized the imperative of people’s learning for democratic information and skills. Even the two contending forces, the Constitutionalist led by Liang Qichao and the Revolutionaries led by Sun Yet-sen, all agreed the need of learning period to ensure the meaningfulness of democracy in China (Chang 1989, 97). The consensus had also implied an instant practice of Chinese democracy was not feasible.

Lastly, but not the least, elite interactions were important, if not decisive, in various critical junctures during the period. Nathan (1976, 7-25; 1983, 259-263) succinctly proposed the social sources (the bureaucrats, professionals, politicians) and the intellectual sources as the two dimensions to understand the evolution of constitutionalism in China. Unlike the general public, those elite were more likely to have specific ideas about the future of the nation. They were also more ambitious to acquire the power to realize their ideas. Yet, they were not a unified group with identical political beliefs and courses of action. In the late Qing period, the elite came from traditional bureaucrats and social gentries. They were deeply indoctrinated by classic teachings of Confucianism which offered their gateway to officialdom in the Monarchy. Constitutionalism was thus envisioned as a tool for to renovate the ailing Empire. In the early Republican period, elite with different groups/factions actively pursued their missions at different sectors. The route to constitutionalism became disarranged as indicated by Nathan (1976, 25) “In the twelve years after the death of Yuan Shih-k’ai the young republic saw ten heads of state, forty-five cabinets, five legislatures, and seven constitutionals or basic laws.” Thus, the chaotic nature of political development was not a surprise. It was due to the disagreements of political ideas and actions among
the elite that led to the twists and turns in the course of constitutionalism.

3. 1909-10 Parliamentary

3.1 Spread of the Ideas of Constitutionalism in China

Chang (2007) has suggested four stages of the early development of parliament in the Qing China: (1) parliamentary system was preliminarily introduced by few officials and missionaries between 1840 and 1870; (2) parliament was seen one of the institutions to cope with western imperialism between 1870 and 1895; (3) parliament was connected to the reflection and expression of public opinion but the authorities of Qing were still somewhat resistant between 1895 and 1904; and (4) parliament was more seriously considered by the Qing Dynasty and sent more delegates to learn the operation of parliament after 1905. Chang’s suggestion provides an easy chronicle of early movement of modern parliament in China. Meanwhile, as China was forced to open her door to the West in the course of Qing’s declining national wealth and power, Chang’s suggestion also implies the process is flooded with struggles, confrontations, and often disappointments.

The existence of widespread patrimonialism and institutional rigidity in the late Qing period, as political decay depicted by Fukuyama (2014), had manifestly signaled the fall of the empire was right on the corner. Bringing western constitutional framework into China was challenging task for the reform-minded Qing officials and intellectuals. In terms of the spirits, contents, and institutional arrangements, constitutionalism was brand new in China. Plenty of discussions have already pointed out, even though there were some limitations of the Emperor’s power in China’s long history, the checking powers were never effectively institutionalized (Chu 1992, 2-3; Jing 1992, 3-17). The fundamentals of political accountability and checking of power did not take root in China.

The parliament, especially the parliament emphasizing political accountability checking of power under a democratic setting, was also a stranger to Qing’s China. Preliminary image of western parliament did not appear until the Opium War between China and the United Kingdom. The War introduced a new epoch of imperial colonialism as well as the concept of modern state to China. A few intellectuals and officials, particularly those officials responsible for external affairs, had more opportunities to learn the different characteristics, including the parliaments, of western countries. For example, the leading Chinese official in the Opium War, Lin Zexu [林则徐], was the pioneer noticing the operation of parliament in the West. Base on the
translation of Hugh Murray’s *An Encyclopaedia of Geography*, Lin introduced the developments of western countries in his work, *Si Zhou Zhi* ([四洲志], Four Continents). In that book, Lin explored the conditions contributing to the military strength as well as the operations of parliaments in the United Kingdom, France, and the United States at that time. Lin’s effort was enriched by another scholar Wei Yuan ([魏源]) who later accomplished the famous *Hai Guo Tu Zhi* ([海國圖志], Atlas and Description of the Countries Beyond the Seas) detailed the institutions, customs, culture, etc. of the western countries. Nonetheless, the focus of these discussions was mainly directed to the issue of military modernization such as the advancement of technologies and innovation of weapons. They were regarded more as a manual to upgrade Qing’s military strength to counteract external imperials from the West than a reference of overall political reform. The Kiangnan Arsenal, for example, was established in 1865 to manufacture firearms and naval vessels.

It was the repeat military defeats and frustrations in external relations, the appeals for a more comprehensive reform, particularly in the political aspect had surged in the late Qing period. Plenty of new information were brought back by Qing diplomatic officials who described various kind of political institutions and operations in the West (Jing 1992, 76-83). With the assistance of Christian missionaries, more intellectuals seriously devoted themselves introducing modern political institutions, including the parliamentary system, as references for political reform. For example, the works by the well-known Baptist missionary Timothy Richard which were widely shared by the intellectuals and key officials of the late Qing Dynasty. He had successfully persuaded the Chinese elite the value of western culture (Chang 1980, 278). Likewise, indigenous reform-minded intellectuals also actively introduced the ideas of political participation, parliamentary institutions, and monarchies in the western world. One typical advocate was Liang Qichao who was one of the principal activists of political reform in that period. He resolutely believed military modernization would not enough to improve the fate of China. As an admirer of Japan’s Meiji Restoration, Liang insisted that political reform was inevitable to rejuvenate China.

### 3.2 First Appearance of Parliament in Qing China

The break out of the Boxer Incident in 1900 was a strong impetus drove the Qing Dynasty to explore Western civilization in depth. In addition to paying a tremendous indemnity of 450 million taels of silver and territories to those Western Imperials, the incident also forced the Dynasty to send out five official members to Japan, Europe (Great Britain, France, Belgium, Germany, Italy and Austro-Hungarian Empire) and America in searching for the recipe of promoting national strength. The mission
returned and reported to the Dynasty stating the advantages of the western political system. In particular, the systems in British, Germany, and Japan were most noticed in the report (Chu 1993, 4).

After the disastrous Boxer Incident and the follow-up developments, the Empress Dowager Tzu-hsi [慈禧太后] and Emperor Kuang-hsu [光緒皇帝] was forced to declare official edict stating the existing pathologies and the intention to reform. The edict, briefing speaking, addressed to China’s rigid administration, inefficient resource allocation, and the lack of able government officials; and reforms in education, military, economy, and administration were prioritized to enhance the nation's wealth and power (Ichiko 1980, 375; Jing 1992). It was also the aftermaths of the Boxer Uprising, the Qing Dynasty formally engaged in the movement of constitutionalism in 1908.

The schedule of constitutional movement was carefully and orderly engineered. It originally set a preparation period for 9 years which meant the new constitution would be completed in 1916, then according to the constitution, there would be a formal parliament for the Qing China in 1917. The constitution as expected by the Qing Dynasty would be constitutional monarchy which the royal family continued to head the nation even there were new parliamentary institutions. However, the long period of preparation was intolerable by many reform-minded intellectuals who fervently demanded to accelerate the task of constitutionalism. In response, the Qing Dynasty re-adjusted the period from 9 years to 4 years which meant there would be a constitution in 1912 and a parliament in 1913. Nonetheless, as the 1911 Revolution burst forth, the plan of constitutionalism was abruptly terminated.

Before the Revolution of 1911 canceled Qing's movement toward constitutionalism, there were crucial pioneering endeavors for the realization of parliament in China. During the preparatory period, two antecedent preliminary institutions, Zi Yi Ju ([諮議局], Provincial Assemblies) at provincial level and Zi Zheng Yuan ([資政院], National Assembly) at the national level were created to cater parliamentary practices and popular experiences.

The Zi Zheng Yuan was an embryonic form of the nation’s provisional parliament. Institutionally, there were 200 members which half of them were elected from the members of Zi Yi Ju and the other half was appointed by the Qing Emperor. Candidates of appointees by the Emperor mainly came from royal members, Manchu nobilities, high ranking government officials, scholars, and rich taxpayers. Elected members of Zi Zheng Yuan came from the assemblymen in each province. The provincial
assemblymen were able to campaign for themselves for the positions of Zi Zheng Yuan. Each province was assigned a quota of Yuan’s member. The provincial assemblymen would elect two times of provincial quota of candidates and then the governor/viceroyalty would decide the final members of Zi Zheng Yuan representing that province. Essentially, the election for the members of Zi Zheng Yuan was thus less to do with the general public since one half was by indirect election and the other half was by appointment. The selection method tended to favor the Emperor. As the first session of Zi Zheng Yuan convened in 1910, the positions of Floor Speaker, Vice Floor Speaker, and General Secretary were occupied by the appointed members. Meanwhile, due to the failure to select members of Zi Zheng Yuan in Sin Jiang Province, the total number of the elected member was 98 which was fewer than those appointed members (Chang 2007, 63).

Notwithstanding, the designated missions of the Zi Zheng Yuan were too weak and too ambiguous to carry the functions of parliament. Principal legal mission of members of Zi Zheng Yuan include the discussion of national budget, taxation and public bonds, revision or repeal of laws; disputed issues between the Zi Yi Ju and provincial governors; and matters submitted by the Emperor. These functions were not uncommon for any national parliament. However, the supreme status of Zi Zheng Yuan as a national parliament was degraded when there were disagreements with other ministries, high administrative agencies, or provincial governors. These disagreements would be left for the Emperor for final judgment. It was witnessed that some of the Zi Zheng Yuan’s resolutions opposed by the administrative agencies were revoked by the Emperor (Ichiko 1980, 401). The Zi Zheng Yuan did not enjoy the parliamentary prerogatives but to follow the Emperor’s decision. Consequently, the power to supervise and control the government was heavily contingent on its relations with other institutions, and more importantly, the Emperor’s mercy. The Zi Zheng Yuan was nominally the Parliament of the nation but practically an advisory institution for the Emperor.

The Zi Yi Ju resembled to the provincial assembly. The role and missions of the Zi Yi Ju were serving as a legislative body of the province. Members of Zi Yi Ju would discuss the policy proposed or executed by the provincial governor; the provincial issues related to budget, expenditure and taxation; the revisions or repeals of provincial regulations; the inquiries by the Zi Zheng Yuan, governor-general or governor; the disputes in a municipal council and petitions or matter proposed by local self-government assembly (Ichiko 1980, 399).

However, regardless of these official missions prescribed, the political
significance of the Zi Yi Ju was downplayed by its relations with the provincial governors. Institutionally speaking, the Zi Yi Ju was the legislative body at the provincial level and there should be legislative-executive relations with the essence of check and balance. Unfortunately, the resolutions of Zi Yi Ju would not be carried out without the approval of the governor. Or, the governor, when deemed necessary, could order the Zi Yi Ju to reconsider its resolution. More importantly, the governor had the power to convoke, suspend and dissolve the meeting of Zi Yi Ju. These regulations had curbed the functions of the Zi Yi Ju as a legislative body.

Each province had one Zi Yi Ju and there was a total of 1643 members elected from 21 provinces². A two-stage selection method was used for the election of Ju’s members. The first stage was the average electorate would select a larger number of qualified members of Zi Yi Ju. The number of these qualified members could be as high as several times as the official number of Ju’s members. The second stage was these qualified members would become electors as well as candidates for formal members of Zi Yi Ju. They would campaign for themselves to become the final members of Zi Yi Ju.

Though the member of Zi Yi Ju was directly elected by the electorate, the suffrage was not universal since there were strict requirements for a citizen to be qualified as an electorate. These requirements first required the electorate should be male, at least 25 years old, and should have a permanent residence in the province. Then, the electorate had to meet one of the following conditions: (1) should have effectively assisted the educational or public affairs of the province at least three years; (2) should have the educational certificate of middle school or above; (3) should have certain status of official civil examination (such as Jinshi [進士], juren [舉人], Gongsheng [貢生], and Shengyuan [生員]); (4) should have experiences of a civil official at least the seventh rank (equivalent to county magistrate), or of a military officer at least the fifth rank (deputy General); (5) should have property more than 5,000 yuan, or more worth of working capital or property in the province; (6) in addition to aforementioned qualifications, a non-provincial resided male at least 35 years old and has stayed in the province for more than ten years; or non-provincial resided male having properties more than 10,000 yuan. Meanwhile, these qualifications also applied to the candidate for the election of Ju’s member with a higher threshold of age at least 30 years old (Ichiko 1980, 398; Chang 2007, 53-54).

² Officially, there should be 22 provinces, yet due to the difficulties (remoteness and lack of communication) in Xinjiang, the elections took place in the other 21 provinces.
3.3 Assessments

The elections for Zi Zheng Yuan and Zi Yi Ju are unprecedented in China’s long history. In particular, the experience of selecting representatives by the electorate and the exercise of deliberation and consultation of policy by the assemblymen were valuable experiences for China. As the imperial examination system was abolished in 1905, the institutions and the elections had provided a new opportunity for Chinese elite another gateway to success. Likewise, regardless of irregularities occurred, the electorate had experienced a genuine election with genuine ballots at hands. These elections offered Chinese to experience the designs and operations of western elections. They are also the preliminary tries aiming at institutional reforms for the declining imperial.

In particular, the elections for the members of provincial assembly and Zi Yi Ju were of special importance. Though the goal of the movement was to build up a constitutional monarchy at the national level, the democratic learning began at the provincial level. Members of the provincial assemblies would be equipped with political experiences before entering into the Zi Zheng Yuan. For example, the first indirect election for the members of the municipal council of Tientsin was implemented in 1907. In the election, 30 councilors were elected by 135 delegates chosen at a general election which was a similar method used in the elections for Senators in the United States at that time (Jones 1912, 27). To some extent, it was a process of learning by doing. The Qing Dynasty was cautious to experiment with the new form of governance at the provincial level and expected to expand the experience nationally.

However, beyond these, several developments and implications of the new parliament are worthy of further discussion. Firstly, compared to other social sectors, these like-minded members of the Zi Zheng Yuan and the Zi Yi Ju were more informed about China’s domestic political development and external relations. On the one hand, these elite were reformers. They commonly shared the idea of building a constitutional monarchy for the Dynasty. This belief was partly due to the belief that grand social, economic and political reform were necessary for China. Only the grand reform was able to save China from aggravating western colonialism. The movement of constitutionalism was thus a reform working on a designated route. On the other hand, they are also conservatives. The existing social status of these members would remind themselves that the preservation of the Qing Monarchy was to their best interests. Their stakes were linked to the stability of the monarchial system and any radical change would bring more uncertain results. Though the 1911 Revolution broke out and the movement of constitutionalism was stopped accordingly, the ideas and actions of these
members continued to influence the development of the new Republic. In particular, the establishment of Zi Yi Ju had provided a formal forum for the gathering and expressing of public opinion. It had turned into a hub for the mobilization for the establishment of parliament until the broke out of the 1911 Revolution. (Jing 1992, 138).

Secondly, the selection method of Zi Zheng Yuan favored the Emperor to handpick half of its members. It was natural that the Emperor tended to pick up like-status and like-minded people. More importantly, it also meant that these assigned members were executors, instead of balancers, of the Emperor's will. Also, half of the members of the Zi Zheng Yuan came from the second-stage election in which the governor/viceroyalty had the final say. It was for sure that the behavior of these popular-elected (to some extent, popular election plus governor appointment) members of Zi Zheng Yuan would generally follow the Central Government. This would naturally undercut the function of checking the power of the Emperor. The two bodies, as a more critical view suggested by Chang (1989, 104), were “for appearances only.”

Thirdly, the apportionment of the Zi Yi Ju for each province and areas looked somewhat random, or not that “equal” among the existing provinces and areas. Some of the provinces had a number up to 150 representatives while some had only 30. It was not possible to calculate the population precisely in each province and came up with a population-based apportionment of the Zi Yi Ju. The only workable reference for the apportionment was the quota of students passing the imperial civil examination system at that time. The direct impact of this apportionment method was the composition the Zi Yi Ju tended to represent those relatively well-developed and resourceful provinces close to the Beijing areas or the wealthy southeastern coastal lines. The background of the members of the Zi Yi Ju tended to be alike with each other. Many of them originated from traditional gentries who served in the government, received higher education, and possessed more wealth.

Fourthly, the requirements of the election for the member of Zi Yi Ju, either for electorate or the candidate, were not that "democratic" from today's perspective. In particular, the gender discrimination and property thresholds were flying in the face of political equality. Understandably, the constitutional movement was deeply influenced by the-then realities of western countries at that time. Both property requirement and gender exclusion were not uncommon. Nonetheless, these electoral requirements did limit the scope of popular participation. The percentage of qualified electorates accounted for only 0.39% of the total population in the election for Zi Yi Ju. Worse still, the electorate was short of information and was disinterested to turnout. Widespread
electoral irregularities, such as vote-buying, electoral frauds, and gangster fighting were also widely reported across the country (Chang 2007, 55-62).

4. 1913 Parliament

4.1 Lin Shih Can Yi Yuan and Lin Shi Yue Fa

The 1911 Revolution did not only terminate the Qing Dynasty but also deliver a significant impact on the progress of constitutionalism in China. The evolution of Parliament in the new Republic, thought could be seen as a continuous effort in the late Qing period, was infused with even more uncontrollable (and unfavorable) factors. The ROC government in Nanjing, under Sun Yet-sen’s leadership, called for a Lin Shih Can Yi Yuan([臨時參議院], Provisional Senate) organized by delegates from the provinces and areas controlled by the Revolutionaries. Though Lin Shih Can Yi Yuan was named as a national representative body of the new Republic, it was a temporary as well as an expedient set-up intending to fulfill some political functions of the new Republic. The most important function of this Lin Shih Can Yi Yuan was to pass the Lin Shi Yue Fa ([中華民國臨時約法], Provisional Constitution). Lin Shi Yue Fa was as a provisional constitution until the formal constitution was finished.

The formal status and election process of the Senate were detailed in the Lin Shi Yue Fa. In the 16th clause of the Lin Shi Yue Fa, the Senate was named the Republic’s legislative body. Meanwhile, the 18th clause of the Lin Shi Yue Fa prescribed that each province, Mongolia and Tibet was apportioned 5 members of Senator respectively and the Qinghai area was apportioned 1 member. The Senate was designed to perform the various functions for the Republic, such as law enactment, impeachment of the President/governmental officials, monitoring the government budget and treaty with foreign countries, etc. The 28th clause of the Lin Shi Yue Fa indicated that the Senate would be dissolved once the new Parliament was established; also in the 53th clause, the formal Parliament of the Republic will be summoned by the President, and the organizations and elections of the Parliament would be decided by the Senate, within 10 months after the Lin Shi Yue Fa was put into effect. So, The Senate was a provisional establishment under the Lin Shi Yue Fa. Nonetheless, the interim nature of the Constitution and the Parliamentary was changed dramatically as the government moved to Beijing.

While successfully overthrew the Qing Dynasty, the Revolutionaries had only secured the southern part of China. The northern China was still controlled by regional and military strongmen who were not members of the Revolutionaries. Among these
strongmen, Yuan Shihkai [袁世凱] was the foremost influential who ascended to the top of power since the late Qing period. Yuan was the head of the Beiyang Army and was seen as an able man to carry out military reform of the late Qing Dynasty. It was also Yuan who persuaded the last Qing Emperor to abdicate from the throne. Likewise, as the momentum of revolution had swept across the nation, he played as an intermediary between the Revolutionaries and the remaining power groups having close relations with the former Dynasty.

Sun and other revolutionaries intended to recruit Yuan into the Republican camp by offering him the position of Presidency on the condition that he should assume the presidency in Nanjing (Jing 1992, 224-226). Sun's calculation was clear that once Yuan became the President of the Nanjing government, it meant the northern China was also included in the domain of the new Republic. Meanwhile, Nanjing was the power base of the Revolutionaries, thus Yuan's presidential power would be effectively checked. Consequently, the Lin Shih Can Yi Yuan elected Yuan as the President and Li Yuanhong [黎元洪] as the Vice President of the Republic after Sun stepped down from the position of Provisional President. However, after accepting the invitation of the Revolutionaries, Yuan refused to assume his presidency in Nanjing in the name of military disturbance in the north. The Revolutionaries agreed with Yuan’s request and the first formal presidential inauguration was held in Beijing on March 1912.

To some extent, Yuan and his associates represented a formidable challenge to be dealt with by the Revolutionaries in the course of building a new Republic in China. Though a political compromise between the two sides was reached, Sun’s leverage to check Yuan was mainly rested on civil forces by way of constitutional and parliamentary tactics as contrast to Yuan’s considerable military forces and the-then reputation as his power base. It was inevitable that disagreements on how the new nation should be governed would occur in Beijing. The struggles started with the elections for parliamentary members.

4.2 First Appearance of Parliament in the Republican China

The Lin Shih Can Yi Yuan in Beijing continued to work on the establishment of the Parliament per the regulations of the 53rd clause of the Lin Shi Yue Fa. Three legislations were of special importance, Guo Huei Zu Jhih Fa ([國會組織法], Parliamentary Organic Law), Can Yi Yuan Yi Yuan Xuan Ju Fa ([參議院議員選舉法], Senate Election Law) and Zhong Yi Yuan Yi Yuan Xuan Ju Fa ([眾議院議員選舉法], House Election Law). They provided the legal fundamentals for the new Parliament and in March of 1913, the Republic’s Parliament was formally established.
The Guo Huei Zu Jhih Fa prescribed that both the Senate and the House were the Republic’s Parliament in the 1st clause. The composition of the two chambers resembled to the Senate and House of Representatives of the United States (Tung 1968, 27-28; Li 2011, 177). The term of the member of the House was 3 years. The apportionment of members of the House were mainly decided by the proportional distribution of population. The official number of the House was 596. It took around round 800,000 people to select one member of the House. So, provinces/cities with more population were assigned number of the House accordingly. In general, the county was the basic unit for the election of the House. Also, some electoral districts were having multiple counties.

There was a two-stage election process which could trace back to the election for members of Zi Yi Ju in the late Qing period. The first stage was electors would select a larger number of pre-elected members of the House, the number of these pre-elected members could come up as high as fifty times of formal number of candidates. The second stage was those pre-elected House members could become electors or candidates of formal members of the House. Namely, the pre-elected members would campaign themselves for the formal status of House members in the second round election (Jing 1992, 240).

Though the House member was popularly elected, like the election in the late Qing period, it was not universal suffrage. According to the 4th clause of the Zhong Yi Yuan Yi Yuan Xuan Ju Fa, general qualifications for an electorate was male, ROC nationality, 21 years old and above; and should stay in the district for more than 2 years before the election. Other than these general qualifications, an electorate needed to meet one of the following qualifications: (1) should have paid tax at least 2 dollars annually, or (2) should have valuable properties at least 500 dollars, or (3) should have a primary school education, or (4) should have an education level equivalent to primary school. The 5th clause of the House Election Law also required the qualification of a candidate who should be a male, ROC nationality 25 years old and above. But the candidate in Mongolia, Tibet, and Qinghai, in addition to the qualifications aforementioned, needed to be proficient in Chinese language (Han language).

Meanwhile, there were regulations to disqualify people from being an electorate or a candidate. In the 6th clause of the Zhong Yi Yuan Yi Yuan Xuan Ju Fa, it stated if a male was deprived of civil rights, bankrupted, mentally ill, opium-addicted, and illiteracy, he was disqualified to participate in election. The 7th clause also listed those
military personnel, policeman, judge, or religion personnel (monk or priest) were prohibited from being an electorate of a candidate to ensure their political neutrality. The 8th clause also indicated primary school teachers and students at all levels were also disqualified to be candidates in elections (Li 2010, 37-39; 218-231).

The Senator represented administrative, geographic, and special units. The total number of Senators was 274 which each province was equally apportioned with 10 Senators. Special areas such as Mongolia, Tibet, and Qinghai were apportioned with 27, 10, and 3 Senators respectively. Additionally, the Zhong Yang Xue Hui (Central Academic Group) and Hua Qiao Xuan Ju Hui (Overseas Chinese Election Commission) were also granted 8 and 6 Senators respectively. The inclusion of Zhong Yang Xue Hui was a continuance of Zi Zheng Yuan which plenty of intellectuals and gentries were called into the movement of constitution-building in the late Qing period. Delegates of overseas Chinese were used to reward the significant contributions of those overseas Chinese during the revolutionary period.

The term of a Senator was six years and one-third of the Senators would subject to re-election every two years. The qualifications for a senatorial candidate were the same as the qualifications for the House candidate except for the age requirement was 30 years old and above. Senator was not directly elected by citizens but by provincial assemblymen, election commissioners, and members of Zhong Yang Xue Hui who were older than thirty years old. The Can Yi Yuan Yi Yuan Xuan Ju Fa also required a two-thirds of these electors to attend in elections and each candidate should receive at least one-third of the ballots to qualify as elected.

4.3 Assessments

The electoral regulations for the House in the early Republic was able to provide a clearer picture than those of regulations for the members of provincial assemblymen in the late Qing period. The Zhong Yi Yuan Yi Yuan Xuan Ju Fa was rather extensive, though some areas were remained unfair. In particular, the discrimination of gender and property was continued. Yet, there are some differences of requirements between the two electoral regulations: (1) place of residence was reduced from 10 years to 2 years;

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3 274 was the official number prescribed in the Guo Huei Zu Jhih Fa but Qinghai and Zhong Yang Xue Hui did not select their Senators, so the final number after the first senatorial election was 263 (Chang 2007, 78). Meanwhile, in Li (2010, 201), the official number of senator was 220. The draft follows Chang’s number.

4 Zhong Yang Xue Hui was an official academic group can be traced back to the Qing Dynasty. There were two types of Members of the group. One was the honorable member who had an important contribution to the nation's academic development. They were recommended by the government. The other type was a regular member with the qualification of colleague degree or having important publications (Chen 1987, 111).
(2) property requirement was reduced from 5000 dollars to 500 dollars; (3) education threshold was reduced from high school to primary school; (4) age limitation for a candidate was reduced from 30 years old to 25 years old and for an electorate was reduced from 25 years old to 21 years old. These changes had contributed to an increase of turnout from 0.39% in the election for the member of Zi Yi Ju in late Qing period to 10.5% in the early Republic (Chang 2007, 78-80; Li 2010, 37). Or the number of male electorate expanded from about 8 million in 1909 elections to 40 million in the 1212-13 elections (Elleman and Paine 2010, 282).

In addition to those institutional changes, an even more important development in the 1913 parliamentary election is the appearance of party (or faction) competition. As aforementioned, the candidates of Zi Zheng Yuan and Zi Yi Ju mainly came from the gentry class or handpicked by the Emperor. They were vested interests who believed in constitutional monarchy. Many of these Constitutionalists, including the followers of Liang, continued to participate in the 1913 election. Meanwhile, the other group, led by Sun and Huang Xing, with the mission of creating a new republic in China, also actively campaigned for parliamentary seats at that time. Sun and his colleagues were the prime actors of the 1911 Revolution. It comes naturally that their picture of future China should be a democratic republic instead of a constitutional monarchy.

As both groups joined in the campaign, not only political debates (speeches) but also partisan mobilization had taken shape in the election. The final election results indicated the Revolutionists were the winner of the 1913 parliamentary election. The Constitutionalists and others, especially the factions closely related to the warlords or royal families, also acquired some portion of parliamentary seats. However, a more precise partisan distribution of seats in both chambers was far from clear. Different sources suggested different results (Jing 1992, 244-245; Chang 2007, 106-110).

Unfortunately, the fate of the formal Parliament of the Republic was not blessed. As Yuan assumed the presidency, he wasted no time to exercise “dictatorial powers more in the manner of traditional Chinese autocrats than in keeping with the westernized exterior of the new government” (Elleman and Paine 2010, 281). Yuan was an ambitious president pursuing personal aggrandizement and China's greatness. In particular, Yuan had successfully consolidated his leading status in the military through personal networks. Relatively, the role of the cabinet was downgraded. Meanwhile, Yuan did not get well with the Parliament which was dominated by Sun's party. The hostility between Yuan and the Parliament swiftly accelerated after Song Jiaoren, a true advocate for European parliamentarism and a key supporter Sun, was assassinated. The
Parliamentary repetitively obstructed Yuan's effort of increasing personal power and turned down Yuan's request for foreign loans. In return, Yuan surrounded the parliament by his troops, expelled non-Yuan military leaders, and banned the party. In February of 1914, Yuan took action to disable the Parliament and replaced by an informal political council. In May the same year, Yuan violated the regulation of the Constitution by extending his term from 5 years to 10 years. And finally, in December of 1915, Yuan brought back the imperial system and proclaimed himself as the emperor.

Yuan's restoration of the imperial system did not receive hearty welcome across the nation. Instead, tremendous oppositions, explicitly or implicitly allied with Sun, arose from provinces in southern China. Provinces such as Yunnan and Guizhou were the first among others to deny Yuan's legitimacy by announcing their independence. Other provinces soon followed and crusaded against Yuan's troops. As Yuan was unable to suppress those opposition forces, the campaign of imperial restoration was forced to call off in March of 1916. Yuan's dream to be an emperor took only 102 days. After Yuan passed away in 1916, the succeeding president, Li Yuanhong did not carry on Yuan’s new constitution. Instead, Li restored the Provisional Constitution enacted in 1912 and brought back the bi-cameral parliament.

5. The 1918 (Anfu) Parliamentary

5.1 Factional Infights and the Anfu Parliament

After Yuan’s death, Li returned to the Presidency, Feng Guozhang 馮國彰 succeed Li as the Vice President, and the 1913 Parliament also restored. The prospective had inspired the Revolutionaries that the Republic was saved in time. Yet, the survival Republic was dragged into the infights among the northern warlords. The debate on the issue of joining the World War I was one of the sparking point of political struggle. Premier Duan advocated China should join the Allied forces and declare war against Germany. Yet, the majority of the parliamentary members maintained otherwise. President Li took a stand by the Parliament and released Duan’s premiership. Perhaps due to the fear of Duan’s possible fight back, Li summoned another military leader Zhang Xun 張勛 to counteract Duan’s potential threats. Unfortunately, Zhang was never a true supporter of the Republic. Instead, he enthusiastically admired the glory of the old great Empire and attempted to bring back Emperor Xuan Tong 宣統 to the throne. As he controlled Beijing, he forced Li to dismiss the Parliament and planned the attempts of restoration. Hence, the first Parliament created in the new Republic was dissolved for the second time in 1917.

It was obvious that Zhang’s plan was opposed not only by the Revolutionaries in
the South but also the peer military factions in the North. Shortly, his military force was defeated by other factional leaders. The attempt of restoration took only 12 days and Zhang was forced to flee to foreign embassy. After the abortive Restoration, Feng Guozhang [馮國彰] became the President and Duan regained the premiership. However, the 1913 Parliament was not reinstated due to Duan’s calculation. Duan did not have the intention to restore the Parliament. Instead, Duan regarded the Constitution, as well as the Parliament, were overthrown by Zhang's restoration. When Zhang's effort was defeated by the opposition, it also meant there was a new revolution to overthrow the Manchu’s ruling in China. This new revolution should bring in a new phrase of the Republic and it was necessary to initiate a new constitution and parliament.

Duan convened a provisional national council in Beijing to design a new parliament in late 1917 and promulgated a new Parliamentary Organic Law and new laws for the elections of the Senate and the House. The new parliamentary election was anticipated to generate more members of Duan’s faction as well as members of the Yan Jiou Si (研究系, Research Clique)\(^5\). The new parliament, envisioned by Duan, should be more controllable than the 1913 Parliament. This new parliament was also called Anfu Parliament (安福國會) since the process of parliamentary election was controlled by the Anfu Club (安福俱樂部) which was an extension of Duan’s faction. The 1918 Parliament was also called the New Parliament as a contrast to the Old Parliament, namely the 1913 Parliament.

Inventing a new Constitution and a new Parliament to give a rebirth of the Republic was one thing, reshaping the new distribution of the partisan status and personal dominance in the government was another (Nathan 1976, 92). The 1918 Parliament under the control of Duan, sharply shrunk the scope of popular participation as compared with the previous 1913 Parliament. The total number of Senator apportioned to each province/area was reduced from 274 dto 168. Yet, the number of Senator apportioned to Zhong Yang Xue Hui (中央學會, Central Academic Group) was increased from 8 to 30\(^6\); and there was a new category called Remote and Special Administrative Areas were granted 5 Senators. The purpose of changing was aiming at reducing the influence of the Revolutionists who maintained a dominant status at the provincial assembly. Likewise, the increase of Senators in the Zhong Yang Xue Hui mainly came from the capitalists, scholars, retired high-level officials, and members of the royal family in the Qing period. These people were pro the Constitutionalists and

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5 It was a faction led by Liang and other pro-constitutionalists. Its influence faded as Duan's faction took control of the Parliament after the election.
6 A different name “chung-yang hsuan-chü hui” (中央選舉會, Central Election Assembly), also appeared in Nathan (1976, 93).
against the Revolutionists (Chang 2007, 112). The electoral results did not surprise anyone at that time. The Anfu Faction had won a majority in the Senate (99 seats out of a total of 144) as well as the House.

Additionally, the total number of the House was reduced from 596 in 1913 to 408 in 1918 (Chang 2007, 113). It was roughly one million people to have one member of the House. The qualification for an electorate was even more discriminatory: (1) male; (2) at least 25 years old; (3) at least 2-year residence in the district; (4) at least paid tax 4 dollars annually, or property value more than 500 dollars; (5) at least having a primary education or equivalent educational level. Because of these changes in the election methods, the number of qualified electorates for the senatorial election only 0.056% of the total population and for the House election was 14.88% (Chang 2007, 118). The two-stage selection process was continued but the geographical unit of election was not province but Dou (道, administrative unit between province and county). Each Dou was assigned a different number of seats of the House according to the number of population.

5.2 Assessments

As the Parliament was labeled, the whole process of election was full of infamous frauds and bribery engineered by the Anfu Faction. In addition to administrative prerogatives and personnel networking, tremendous finances were provided by the Faction in every stage of the election (Nathan 1983, 275-277). Electoral irregularities were even more serious than the previous election of 1913 Parliament.

Meanwhile, the 1918 Parliament was also suffering from mounting criticism due to its sabotaging the Provisional Constitution, particular from those who were close to the Revolutionists. In 1917, under Sun’s leadership, the Revolutionists and some members of the 1913 Parliament campaigned for a Hu Fa Yun Dong (護法運動, Movement of Protecting the Constitution) in southwestern China. They left Beijing for Guangzhou to organize a new government as well as a parliament in 1918. Hence, there were two Central Governments and two Parliaments in the north and south respectively.

Nonetheless, the break out of World War I was also challenging the function of the

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7 The exact distribution of the parliamentary seats was inconsistent in different researches, for example, Chang (2007, 145) indicates the Anfu faction won a majority in the Senate (99 seats out of a total of 144) as well as the 署議院 (236 out of a total 368), while Nathan (1983, 277) points out the Anfu faction controlled 342 seats out of the 470 seats in both chambers. Nonetheless, regardless of these inconsistencies, the Anfu faction had enjoyed a comfortable majority was evident.

8 Jing (1992, 314) had a number of 353 which different from Chang’s number.
Parliament. After deliberative calculation of possible military assistance and financial benefits from the Allied forces, Duan issued a declaration of war against Germany (Phillip 1996, 28-32). By doing this, China immediately received the deference of payments resulted from the Boxer Incident to the Western countries. The financial burden of the Beiyang Government was temporarily released. All the members of the Allies in the World War I welcomed China’s declaration except for Japan.

Japan was worried about her vast interests in China would be affected after the War was over. Therefore, Japan continued to strike secretive agreements with the Duan administration by offering more loans in exchange for her prerogatives in China. Meanwhile, Japan had engaged in a series of diplomatic actions, both in secret and open, to acquire promises from those entente countries that Japan's interests in China would not be affected after the War. These agreements did not only keep secret from Chinese but also the Chinese delegation in the Paris Peace Conference (Elleman and Paine 2010, 295). Consequently, Japan had successfully persuaded the Allied members her claims of succession in Shandong which was previously occupied by Germany before the War. Moreover, based on the secret agreement with Duan, Japan's interests in China remained intact.

In the decision to join the War and deals with Japan, the Parliament was strongly influenced by Duan and his associates. Even though there were oppositions to Duan’s decision, the voices were soon silenced or exiled to the South. The secret deals with Japan would also financially enhance Duan’s faction. As the decision of Japan’s succeeding Germany’s interests in China in the Paris Conference revealed, Japan was certainly a target of universal protest in China. Yet, the Beiyang Government under Duan’s guidance deserved even more hateful criticisms. The Parliament was also blamed for failing its assumed functions of monitoring and checking the government (Wang 2011).

The failure in the Paris Conference triggered a strong awakening among the intellectuals and university students. On May 4th of 1919, thousands of students marched on campus and streets protesting against the government’s inability and demanded the resignations of government officials responsible for the national humiliation. Confrontations between students and the Beiyang government were increasingly severe. The continuation of the May 4th Movement soon expanded to other areas and drew media attention across the country. In Shanghai, for example, not only the students but also businessmen and workers had engaged in mass strikes. These developments had compelled the Beijing government to release the arrested students
and dismissed government officials accused of being collaborators with the Japanese government. The Chinese delegates in Paris also refused to sign the Versailles Treaty. The external frustrations and internal oppositions significantly undermined Duan’s status in the government. As Duan was defeated by other warlords, the Anfu Parliament also ceased to function. The new President Xu Shuzheng [徐世昌] adopted the original Guo Huei Zu Jhih Fa, Senate Election Law and House Election Law enacted in 1912 and select new parliamentary members. This parliament was also named the New New Parliament to differ itself from previous ones.

6. Concluding Remarks

The practice of parliamentary politics between the late Qing Dynasty and the early Republic was not successful. As the constitutional movement was first implemented in the Qing period, Jones (1912) had indicated several crucial challenges that might affect the fate of reform, including the high number of population, diverse ethnicity, broad territory, low degree of education, nation’s financial difficulty, and the lack of civil society groups or political parties to facilitate popular participation. This diagnosis was correct. The experiences of parliamentary politics did reveal issues such as the suffrage was not universal, plenty of electoral hurdles, electorate was not informed, the electoral process was not standardized and rampant electoral irregularities.

Nonetheless, those negative phenomena did not make China a unique case as compared to the experiences of parliamentary politics in the western countries. Moreover, from the late Qing period to the early Republic, the elections for parliamentary member was heading toward an improved direction. After all, contemporary parliamentary was not a local-born institution in China. It was a learning process, though the learning curve was not satisfactory. One noticeable development was the transformation of parliamentary politics at the provincial level. As the intense political struggles continued at the national level, the political evolution at the local (provincial) level showed differently. Provinces were positioned as mainly bureaucratic and administrative units in the Qing Dynasty. Leaders at this level, such as governor or viceroyalty, were recruited based on merits and were circulated from area to area. They represented the Central Government and were not that closely connecting to average people. The implementation of election for the provincial assemblymen or the members of Zi Yi Ju in the early period of constitutionalism had turned the provincial governments the frontier to carry out popular participation. Moreover, the provincial government had progressively played the role of electing parliamentarians in the early Republic regardless of the rapid turnovers of the parliaments.
In short, the underlying issues related to the development of modern parliament in the late Qing Dynasty and the early Republic were a combination of historical/cultural factor, external factor and the elite/factional factor. Among these factors, relatively speaking, historical/cultural factor and external factor played more significant role in the late Qing period while the elite/factional factor dictated the parliamentary politics in the early Republic period. The result of these interactions were not satisfactory. The occurrence of the May Fourth Movement in 1919 was a protest against warlord politics as well as the imperialist invasion. The mentality of pursuing a strong nation was never stopped. Unfortunately, a parliament with democratic essence was not fully established until the Nationalist regime begun to democratize in the early 1990s. It takes more than seventy years for Chinese to have a genuine constitutional democracy in Taiwan. The story a democratic parliament in Taiwan is different from the story of the parliamentary politics in the late Qing period and the early Republic period. Yet, it is certain that the ideas of constitutionalism uphold by the intellectuals in Taiwan should not dramatically different from those intellectuals in the 1910s. It takes appropriate combination of different factors to make a democratic parliament happen as the case in Taiwan, but not China in the 1910s.
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