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The Selection of Public Officers  
in Ancient and Modern China

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The Selection of Public Officers in  
Ancient and Modern China \*

The great variety that often attends the satisfaction of a social need that different cultures possess is well illustrated by the different ways in which societies select public officers. From usurpation to a complicated election system, from curt appointment by superiors to carefully guarded merit systems, there range uncounted general systems for the filling of office. This writer's research project into election systems, of which the present study forms a part, employs over fifty major criteria for classifying a selection system. The ultimate number of methods of selection and election deserving separate consideration may well reach one thousand.

In any particular case of the filling of an office, an observer will encounter a mixture of informal and formal factors. On the one hand, it will be noted that contemporary issues and personalities and the pressure of current political interests will dictate many of the conditions determining the occupant. To a certain extent, the principles of political behavior help to classify such forces. On the other hand, the law, or custom with the force of law, will require that certain criteria, qualifications, procedures be fulfilled before a candidate may accede to office.

Four thousand years of Chinese history afford ample material for making general statements about the forms followed in selecting public officers, but evidence as to the meaning of the general form, that is, the extent to which the forms were followed in practice,

\* The author is indebted to Mr. Immanuel Hsu for general assistance in the preparation of this study and to the Graduate Division of the University of Minnesota for a grant in aid of research on this and related election study projects.

is, as in most countries, absent. We may only surmise vaguely about the frequency with which formal requirements for office are circumvented by realistic politics. The task of ascribing proper importance to electoral structures, constitutions, legal directives of all kinds, is difficult for any society. We cannot claim more for a study of the methods by which the Chinese alleged that officers were chosen. We may only respect their stated views on how officers shall be chosen as schematic diagrams of what they considered just and legitimate ways of filling public office.

With respect to the procedures of government, Chinese history seems to break readily into the pre-twentieth century period and the twentieth century. In the latter period, China drew her constitutional structures from the West, and borrowed liberally from the complicated representative structures of popular rule developed in the West. Before that time, Chinese methods of filling offices were indigenous and almost incomparable with the institutions of the West. This study endeavors to summarize Chinese formal selection practices during the ancient and the modern period, up to the conquest of the country by the Communists after World War II.

#### Part I. Pre-Republican Methods, 2205 B.C. - 1911 A.D.

The accompanying chart exhibits the dynasties of China during the period under study. Except perhaps during the earliest period (2205 - 1766 B.C.), the Period of Voluntary Abdications, the ruling doctrine of China was absolute monarchy. During most of the time after the second century before Christ, the philosophy of Confucius injected a kind of democratic sentiment into the ruling doctrine. It is perhaps the molding of these two elements into an official

Chronological Chart of  
Main Periods of Chinese History

Legendary Period .....	c. 2205--c.1523 B.C.
T'ang Dynasty (Emperor Yao)	
Yu Dynasty (Emperor Shun)	
Hsia Dynasty (Emperor Yü)	
Shang or Yin Kingdom .....	c. 1523--c.1027 B.C.
Chou Dynasty .....	c. 1027--221 B.C.
Ch'un Ch'iu Period 722--481 B.C.	
Confucius Period 500--300 B.C.	
Warring States Period 300--221 B.C.	
Ch'in Dynasty .....	221--207 B.C.
(Unification)	
Han Dynasty .....	207 B.C.--221 A.D.
(Confucianism established)	
Three Kingdoms (San Kuo) .....	221--265
Tsin Dynasty .....	265--316
Northern and Southern Empires (Nan Pei Chao)..	317--589
Wei Dynasty 386--556	
Introduction of Buddhism to China 500	
Sui Dynasty .....	589--618
T'ang Dynasty .....	618--906
(Unification of Second Empire)	
Five Dynasty Period (Wu Tai) .....	907--960
Sung Dynasty .....	960--1127
Chin and Southern Tung Dynasties .....	1127--1280
Yuan (Mongol) Dynasty .....	1280--1368
Ming Dynasty .....	1368--1644
Ch'ing (Manchu) Dynasty .....	1644--1911
Republic .....	1911 ----

doctrine that produced the outstanding novelties of the Chinese methods of selecting officials before modern republicanism came upon the scene. During all of Chinese history before the twentieth century there seem to have been none of the devices of election found sporadically in the Western world from the ancient Greeks onwards -- voting by tickets or balls, majority principles, election days, and the like. Chinese culture, while it produced a traditional doctrine of popular consent and an intricate system of examinations for public office, never moved towards the technical devices of consultation and consent found in Western constitutional law.

A brief discussion of Confucianism may show how that doctrine lay the groundwork for selective practices far removed from mere dictatorial appointment. The Confucian Chinese concept of democracy was based on the theocratic approach of politics. Heaven was regarded as the creator of the peoples and the final source of political authority. The Heavenly Host selected wise and virtuous men on earth to teach, assist, and govern the masses. The wise were selected to serve the people, but their authority could be taken away from them if people suffered from their mis-government. Deduced from this theory of political stewardship were several important rules of Chinese democratic thought: 1) public opinion must be respected in the conduct of state affairs; 2) government should exist by the consent of the governed; 3) the king could be deposed on the ground of tyranny; and 4) government should exist for the welfare of the people. <sup>(1)</sup>

Confucius held that the people alone should judge the propriety of the actions of the rulers who were the interpreters of the Will

Footnotes: (1) Leonard S. Hsu: The Political Philosophy of Confucianism, London, 1932, P. 176.

of Heaven, because Heaven loved the people and considered their needs important. Thus public opinion, powerful and dangerous, might make and unmake dynasties. The Emperor was supposed to respond to the public opinion in every way possible - - by listening to the advice of ministers, by collecting popular poetry and folksongs, by sending out official inspectors to different parts of the realm, and by conducting personal tours throughout the country.<sup>(1)</sup> If the emperor were insupportable, revolution to expel him was justified. Confucius outlined five conditions for such a just revolution: 1) the existence at the head of the government of a tyrant whom peaceful means failed to change or remove; 2) a universal demand by the people of the empire for political change; 3) the possession by the revolutionary leader of superior virtue and wisdom, attested to by the fact that the people regard him as their moral and political leader; 4) the evident existence of unselfish motives on the part of the revolutionaries; 5) a promise<sup>(2)</sup> that the new government would carry out benevolent politics. Revolution thus became a social blessing, standing as a threat to potential tyrants and exemplifying the vitality of the people.

The way to obtain good officials was to select the wise and able from among the people. This was actually the original meaning of "election" - - shuen chu, in the Chinese language - - in China. Selection could be made in the form of recommendation or examination. In the former case the popular sentiment was a decisive factor because no man could be recommended without first having fame among the people of the locality in which he lived. A man thus recommended was regarded as a popular representative in public affairs.<sup>(3)</sup> In the latter case, since candidates were successful graduates of the schools in different

(1) Ibid. pp. 176-79  
(2) Ibid. p. 184  
(3) Ibid. p. 185

localities, they naturally had strong attachment to, if not representing directly the interests of, their classes, families, and home towns. Consequently, examination had certain representative features. Although there was no popular vote in either case, the selection would not be far from an expression of popular sentiment. The selected might not have legal responsibility to their native localities, but they did have the social and moral responsibilities which could often be heavier than legal ones.

Thus what is known in the Western world as election was understood in Old China in a broader sense. It meant the selection of officers not only by recommendation from the people, which resembles, for example, the early English writs of election to the sheriffs, but also by examination which is not within the meaning of election in the western sense. This Chinese concept of election was generally held until the latter part of the 19th century when Westernized Chinese reformers began to campaign for a Western type of constitutional government. After the successful Revolution of 1911, new election laws were drawn up, patterned after those of the West, and including such complicated devices as candidatures, returning officers, an explicit franchise, the ballot, regulation of expenses, and apportionment by geography. The formal meaning of election became close to its meaning in the modern Western world.

#### 1. The "Election" of Emperor in earliest times

The earliest election practice in China could, perhaps, be found about 2205 to 1766 B. C., under the reigns of Emperors Yao,

Shun, and Yü. <sup>(1)</sup> Historians generally called this period The Period of Voluntary Abdications, because the emperors were not hereditary, but in a peculiar way elective. <sup>(2)</sup> The territory of the nation was divided into twelve provinces, each of which was governed by a governor. <sup>(3)</sup> Above them were four governor-generals who were actually imperial commissioners.

Emperor Yao was chosen by the tribal lords to succeed to the throne because of his virtue and merits, regardless of the fact that he was not the legal heir. <sup>(4)</sup> Yao ruled successfully and passed the throne to his son-in-law, Shun, instead of his son Tan Chu, because Tan Chu was not "good." Shun also ruled successfully and passed the throne to Yu, instead of his son Shang Chun, because the latter too was not virtuous. Yu ruled only a short time. He appointed his minister Po Yi to be his successor, instead of his son Ch'i. But his son Ch'i, according to legend, was so wise and virtuous that people preferred him to Po Yi, so he was made emperor, thus establishing the first hereditary dynasty. <sup>(5)</sup>

The method of selecting the Emperor was actually half-way between recommendation and election. Upon the inquiry of the Emperor, the four imperial commissions started to look for a man

- (1) Their activities centered around the northern part of the present day China, which would be today's Honan, Shensi, Shanshi provinces. (Chien Mo: Outline of National History of China, Vol.1, p.7, Commercial Press, Shanghai, 1947) The approximate size of the empire was 200,000 sq.mi. Although the facts recited here are quite well accepted in China, many historians still doubt their validity. They are attested to principally by historical records that were made at a much later date.
- (2) Kiang, Kang-hu: Chinese Civilization, An Introduction to Sinology, Shanghai, 1935, p.137
- (3) Ibid. p.138
- (4) Ibid. p.136
- (5) Ibid. p.136

who was virtuous, wise, able, and respected by the people. There was apparently no requirement of age, property, nor was there any distinction of class. <sup>(1)</sup> Social recognition was thus a pre-requisite to selection.

After the right man was found, the commissioners recommended him to the Emperor who would then either appoint him a minister portfolio in the central government or a governorship in a local province on probation for several years. <sup>(2)</sup> If his service was found satisfactory, the Emperor would make him the regent and finally abdicated in his favor. <sup>(3)</sup>

There seem to have been no class distinctions, no caste restrictions, and no racial discrimination in the filling of high office. Any one could be recommended. In fact, the second Emperor, Shun, rose from a poor farmhouse to the premiership and then to the imperial throne in a short period. <sup>(4)</sup> The empire had a democratic cast and the emperor resembled a life-long president of a republic.

## 2. The selection of sub-imperial officials, 200 B. C. to 1911 A. D.

Although the Emperor became hereditary after 1766 B. C., high governmental officials were partially "elected." The maxim that the government should teach the people the way of living, and select the wise and able from among the people to serve the masses greatly influenced the political system. Confucius was an ardent advocate of this maxim; he strongly advised the rulers of his time of the importance of accepting it. Duke Chi Wuan made it a law that the

{1} Kiang, op.cit. p.139  
{2} Ibid. p.139  
{3} Ibid.  
{4} Ibid. p.139

village heads should recommend to the local magistrates all the men in their villages who possessed such qualities as "eagerness to learn, filial piety, cleverness, wisdom, kindness, and virtue." Failure to report was a crime - - a crime of covering up good from the ruler - - for which the offender might be punished. <sup>(1)</sup> The influence of this maxim was continuously felt throughout the Chinese history. Almost every Emperor of every dynasty proclaimed the value of selecting the wise from the people, though the methods of selection might vary from one period to another. Even despotic rulers paid lip-service to the principle.

In the Han dynasty, the Imperial Rescript of the first Emperor, Liu Pang, called for service from the wise men from four parts of the nation. According to the order, one man from each locality of 200 thousand population could be elected every year to serve at the imperial court. Localities of less than 200 thousand could elect one man every 2 years, and those under 100 thousand one every 3 years. Those "wise" men should possess at least one of the following qualities of 1) high virtue, personal integrity, 2) good scholarship, extensive command of classics, 3) knowledge of laws and ability of solving doubts and deciding cases, 4) perseverance, decisiveness, and quick judgment. There was no mention of an age limit at first, but later <sup>(2)</sup> an age requirement of 40 years was set.

(1) The material of this paragraph is obtained from *Ma Tuang-ling: Wen Hsien T'ung K'ao*, or in English, *The Historic Antiquarian Researches*, Chapter 28. This great work was written in Chinese about 700 years ago, that is, in the latter part of the 13th century when the Soong Dynasty was being overthrown by the Tartars. The version that is used here was reprinted in Changhai in 1902, or in the 27th year of Emperor Kuang Hsu, Ching Dynasty.

(2) Ibid. Chapter 28 .

In the first year of Yen Kang of the Han dynasty, state minister Chen Chuen established the system of classifying the recommended wise men into 9 categories according to their "richness of virtue and ability." Each locality of 100 thousand population could elect one man to the court, who would be given a position in proportion to his standing in the classification. (1)

Emperor Shiao-Wu, also of the Han dynasty, is reported to have sought men of intelligence, wisdom, integrity, and incorruptibility. Their role in the court was to give frank advice to the Emperor without fearing to offend him. There was no record as to how they were recommended to the Emperor; but in all likelihood, they were selected by the local magistrate upon the public acknowledgement of their qualities, as mentioned above. After recommendation, a candidate was examined by the Emperor in person on such problems as the ways and means to govern the state. If he passed the Emperor's examination, he could be made at once a state minister, as was the case of Tung Chun-hsu. Men of a character to win such appointments were often philosophers or idealists. Some did not care about public careers, nor had they too much interest in public life. They came to serve the state only when the people or the magistrate visited them and invited them repeatedly to enter public service. Many of them declined the official nomination. (2)

In the Sui Dynasty, (approximately 589-618 A. D.), the system of selection of government officials by examination was introduced, and the old system of recommendation was less used, though not formally abolished.

In the T'ang Dynasty (about 620-907 A. D.) the Government selected its officials by a mixed process of examination and recommendation. In May of each year, the Government announced the conditions upon which selections were made. All those who were selected would then meet in

(1) Ibid. Chapter 28  
(2) Ibid. Chapter 33.

the provincial capital in October for initial examination. They should possess at least one of the following qualifications: 1) excellent general physique, 2) eloquence and good judgment, 3) excellent handwriting, 4) ability to judge good literature. If they were successful in the provincial selection, then they were sent to the national capital for final examination, in which case each one should secure letters of recommendation from 5 officials in the central government. One of the 5 officials must know him well enough to (1) serve more or less in the capacity of his guardian.

The hsien (county) magistrate in early T'ang Dynasty could also recommend men in his county to apply for the "National Doctorate" (Kuo Tze Po Shi ). The applicant would be examined by the (2) central government; if he passed, he would be made an official.

In the Sung Dynasty, State Minister Sse Ma Kwang proposed 10 criteria to be followed in selecting officials: 1) exemplary conduct; 2) loyalty and honesty; 3) particular wisdom and courage; 4) Justice and intelligence; 5) knowledge of the classics; 6) extensive understanding of different subjects; 7) literary proficiency; 8) ability to judge legal cases; 9) ability to administer finances; 10) training in laws and legal procedure. Various Government officials might select or recommend 3 men each year according to these standards. The official making the recommendation was required to mention facts in support of his recommendations. If a recommended candidate was undeserving of the recommendation given him, both he and the official making the recommendation would be punished. Common people and government officials were equally eligible for selection. A lower

(1) Ibid. Chapter 37

(2) Ibid. Chapter 37

official could not recommend a higher official but the higher could recommend the lower. (1)

In the first year of Hung Wu, the first Emperor of the Ming Dynasty (1368-1643 A. D.) the Government ordered the Yiu Shih (a kind of court office) to be responsible for looking up able and learned young men above 25 years of age to assist the county magistrates who were over 50. The young and the old then worked together in the same office for ten years, after which the old retired. By that time, the young magistrate could be very well acquainted with the work so as to enable him to render good service to the people. (2)

In the sixth year of the same Emperor, the government abolished the examination system. The government sought for wise and able from the public by recommendation only. The recommendation or selection was based more on virtuous conduct than literary ability, and the specific qualifications were: 1) intelligence and honesty, 2) wisdom and integrity, 3) filial piety and diligence, 4) scholarship, 5) incorruptibility, 6) noble character, 7) special ability, 8) seniority.

In his fifteenth year, the Emperor called in more than 3700 men of letters asking for recommendations of men possessing the above-mentioned qualities. Those recommended were asked to make recommendations again, in the hope to gather into the court all the able men of the Empire. The special commissioner for the selection, Yiu Shi, sought the men in the most courteous way and to send them to the court in the sincerest manner. The commonest man could become the highest official at once.

In his nineteenth year, he ordered that men with literary ability

(1) Ibid. Chapter 38

(2) Chi Huang: Supplements to Wen Hsien T'ung K'ao, Vol. 37

and exemplary conduct should be made Han Lin, the highest degree of governmental scholar, to give advisory opinions to the Emperor if they were between 60 and 70. They would be employed in the actual administrative service if they were between 40 and 60. <sup>(1)</sup>

In the Ching Dynasty (1643-1911) the system of selection of officials by examination is well documented and may be described at some length.

Recapitulating the previous steps in the development of the examination, we may mention that the oldest known system of examinations in history is that used in China for the selection of officers for the public service, that is, about 1115 B. C. However, there was no detailed record of such examination. <sup>(2)</sup> The open competitive examination took place about 600 A. D. under the sponsorship of Emperor Taitsung of the T'ang Dynasty. <sup>(3)</sup> The subjects of examinations were the writings of ancient sages and statesmen. The candidates wrote themes for elegance of words and weight of sentence according to the precepts of the Chinese rhetoric. From 1370 on, in Ming Dynasty, the system was so adjusted that one who passed the examination in a district was known as Hsui-Ts'ai (Refined Scholar), and one who passed the examination at the provincial capital became a Chu-Jen (Promoted Scholar), and one who was successful at a national capital, a Chin-Shih (Advanced Scholar). These three honors corresponded roughly to the western B.A., M.A., and Ph.D. This system was conducted with great regularity and rigidity until its abolition in 1905 by an imperial edict of the Manchu Dynasty.

{1} Ibid. Vol. 37

{2} Harvard Journal of Asiatic Studies, Vol.7, No. 4, Sept. 1943

{3} S.W. Williams: The Middle Kingdom, New York 1907, p.521

Four classes of people, not only themselves but also their offspring for three generations, were not eligible for these examinations: 1) Public prostitutes, 2) Public play-actors and actresses, 3) Executioners, lictors, and the menial servants connected with mandarinates, 4) Jailers and keepers of the Prisons. The first two classes were believed to be entirely destitute of shame, else they would not degrade their persons for vicious or unworthy purposes for the sake of gain. The last two classes were believed to have very hard and depraved hearts, else they would never consent to engage in the business of their respective positions. (1) Any one outside of these four classes was eligible provided he was not within three years after the death of either parent, because literary competition was deemed incompatible with sincere mourning for a parent. (2)

The first degree, Hsiu-ts'ai or B.A., was conducted in prefectures once a year. Candidates must register with a clerk of the district to which he belonged a paper containing the name of his father, grandfather, and principal teacher, also the names of his neighbors on the right and left sides of his house, together with his own name, age, stature, complexion, etc.. This paper must be signed by well-known securities, who were usually literary graduates themselves. The existence of this document furnished a strong motive to secure good behavior and, in case of infringement of rules or criminality, was of great use in finding the offender and bringing him to justice. The presiding officer of the examination was called Literary Chancellor, or Imperial Commissioner, because he was sent from the Imperial Court at Peking. (3) The total number of candidates

- (1) Justus Doolittle: Social Life of the Chinese, New York 1865, Vol. I. pp.383-4
- (2) Ibid. p. 384
- (3) John L. Nevius: China and Chinese, London 1869, p.57

in each prefecture differed from each other, ranging from 3000 to 6000. <sup>(1)</sup> They were examined on their ability to compose two prose-essays and one poem. In the Manchu Dynasty, there was an original standard of one graduate from a certain locality for a certain amount of taxes paid into the imperial treasury. The number who could graduate became fixed at a certain time, and remained the same from year to year, unless an extra number should be added on special occasions, such as the accession of a new emperor to the throne, or the birth of a first male child to the emperor, and so on. Large contributions of money for the aid of the government in cases of special need, by men living in the various districts, were also rewarded and encouraged by the addition of one or more to the number <sup>(2)</sup> which was usually the quota of graduates for these districts. The successful candidate became a Hsui-ts'ai, (or Refined Scholar), privileged to wear a button on his cap, a long gown, and boots to show his status, and might not be arrested in the same manner as common people. He must first be prosecuted before the literary chief of the graduates of his district or the chief of the prefectural class, if he should belong to the latter. He had also ready access to the presence of the lower class of magistrates.

The examination for the second degree was held triennially in each of the provincial capitals. Only the successful candidates of the first degree could participate, who usually ranged from 5000 to 8000 in each province. <sup>(3)</sup> Themes were announced from the Four Books for three prose-essays and one poem. When the compositions were finished they first passed into the hands of a class of examiners

(1) Ibid. p.57

(2) Doolittle, op.cit. p.392

(3) Nevius, op.cit., p.58; Williams, op.cit. p.550. The candidates in Canton in 1832 were 6000.

whose business it was to see whether they were free from flaring defects and conform to the general rules of the examination. If they passed the ordeal, they were then copied in red ink by a company of scribes to prevent the examiners from recognizing the handwriting of any of the competitors. Another class of assistants carefully compared the original manuscript with the copy, character by character, to see that no mistake had been made in transcribing. The whole process of examination consisted of three sessions conducted on the 9th, 12th and 15th of the month. Successful candidates received a second degree: Chu-jen, (or Promoted Scholar). The average of the candidate for the second degree was over thirty.<sup>(1)</sup> The successful candidates for the second degree generally amounted to thirteen hundred.<sup>(2)</sup> They were entitled to official positions of minor rank now.

The third degree was Chin-shih, or Ph.D., the examination for which was conducted in the national capital triennially, usually after the year of the examination of the second degree. Only successful candidates of the second degree could apply for that. They were usually aided by a certain sum of money from the imperial treasury, to be used for defraying their travelling expenses. The subjects for examinations were about the same as that of the second degree, only the demand for quality was higher. Two or three hundred persons received the third degree at every examination. Those doctors were introduced to the Emperor from whom the three highest graduates received special honors. The graduates were all inscribed upon the list of candidates for promotion, by the Board of Civil Office, to be appointed on the first vacancy. Many of them, in fact, entered

{1} Williams, p. 551  
{2} Ibid. p. 558

on official life in some way or others by attaching themselves to high dignitaries, or getting employment in some of the departments at the capital. Usually they were sent to the various provinces to assume magistracy of a certain county.

All officials, even those who had received the highest degree, were still subject to civil-service examination once every three years. They were held in each office under the respective chiefs and supervised by special commissioners. The results were in time reported through ministers and governors to the throne. Promotions or demotions were effected. Members of one family and close relatives were not allowed to work in the same office, especially as chiefs and subordinates. And no one could serve his native province as a government official. Sons and brothers of high officials could not start their official careers while the senior members were in actual service, without special permission. (1)

### 3. Election Practices in Local Government in the Pre-Republican Period \*

By local government is meant only the village in this paper. The provincial and county governments are excluded because in China, where a unitary and centralized system of government existed generally, they were merely the instruments of the national government, and enjoyed little freedom of action. However, the authority of the central government diminished perceptibly at the village level where self-government persisted from time immemorial.

The size of the village varied in different localities, but

(1) K. H. Kiang: Chinese Civilization, pp.155-6.

\* The data in this section is based on Y. K. Leong and L. K. Tao, Village and Town Life in China (London, 1915) Chapters 2 and 3.

generally speaking, it was about 80 or 100 families. Each family consisted of about 5 or 6 members. In the village, the people elected an elderly and reputable man called "Fu Lao" or "patriarch" to be their head, and another eloquent, energetic man called "li cheng" or "justice of the locality" to assist him. The latter's role resembled somewhat that of the justice of the peace in the American or British locality.

In each village there was one or more ancestral "hall", to which 12 executive members were annually elected. They were distributed according to the hereditary principle. Thus, supposing the founder of the clan had two sons B and C, half the number of the members were distributed amongst the descendants of B and the other half amongst those of C, irrespective of the number of descendants of B and C respectively. At the annual election new members were proposed by the retiring ones and approved publicly by the whole clan. The election was determined by all present at the moment. A member was proposed by a retiring member, and it was then left to the public to approve or to reject him. The candidate would judge whether he was strongly opposed. If so, it would be generally unwise for him to insist on assuming the office. Alternative candidates would be offered one by one by the same retiring member until one was approved. On the other hand, if a person were unanimously elected there was no alternative but for him to accept the office. It was a sacred obligation, a duty to his ancestors and his fellow-clansmen. The office was for one year. The council was charged with collecting rents, paying taxes, and other odds and ends to manage the ancestral hall. They could not dispose of property; <sup>in</sup> such proceedings, three-fourths of the fathers of families of that clan must approve.

There was also a village temple which resembled the American townhall. The officers of the village temple were elected by a somewhat different method to that adopted in the case of the ancestral hall. For administrative purposes the village was divided into from six to twelve divisions of more or less equal size, according to the extent of the area and population of the village. On the average, each division had from 200 to 500 inhabitants. Two or three officers were allotted to each division. Every father of a family was entitled to be officer of the temple and could offer his services for the public good. Every office went round from house to house by rotation. Thus, supposing a division of a village to consist of one long street and two officers to be allotted to the division, the two offices would be offered to the two fathers of families of the first two houses. They were at liberty to accept or to reject appointment. If they did not accept, the two offices would go to the other house following in numerical order. The office was for a year, with nominal remuneration. Beside these annually elected officers, there was also a small group of others who might be looked upon as counsellors. They were the influential elders and the literati of the village. They were the leaders and mouth-piece of public opinion in the village. They influenced very much the administrative officers.

There were then elements of selection by lot according to geographic apportionment, and of selection by nomination subject to veto from kin groups, as well as a measure of class influence (the land holders and literati) in Chinese local government.

The Chinese combination of gerontocracy (with rational and status intrusions) on a local level with hereditary, traditional kingship (again with rational and status intrusions) on a national

level is found frequently in other parts of the world. The principal foes of this form of rule seem to be strong development towards rational bureaucracy and high individual social mobility, together or singly, such as would be the late Mediterranean city-state, the Roman Imperial administration, and the nineteenth and twentieth century Western European states. No doubt, at times, the literati of China approached the Western rational bureaucratic model with respect to the national government, but the forces operating towards a progressive development of their logic as an administrative class never acquired the strength which, for example, pulled the British Civil Service of the nineteenth century, with its strong resemblances to the literati, towards an open, logico-experimental ideology of management.

## Part II.

### Election Practices in Republican China 1912-1948

The Chinese Republic was established in 1911 and the election laws of the first National Parliament were promulgated on August 10, 1912. <sup>(1)</sup> The elections for the Parliament took place in December, 1912 and January, 1913. The result of the election revealed the distribution of seats of various parties in the House of Representatives as follows: Kuomintang (Nationalists) 269, Kunghotang (Republicans) 120, Tungyitang 18, Minchutang (Democrats) 16, ambiguous 137,

(1) China Year Book, 1914, p.464

indefinite 26, making a total of 586.<sup>(1)</sup> Of 274 Senate seats, Kuomintang obtained 123, Kunghotang 55, Tungyitang 6, and Minchutang 8. 82 seats would perhaps be termed "independently held" by American standards.<sup>(2)</sup>

1. The Election of the House of Representatives, 1912<sup>(3)</sup>

The Election Law of the House of Representatives provided that the members were elected for three years. The candidates must be male Chinese citizens over 25 years of age. Those from Mongolia, Chinghai, and Tibet were required to know the Chinese language. There were no requirements of residence or property.

Electors had to be Chinese male citizens over 21 who had lived in their constituency at least two years and paid a direct tax of \$2 per annum, or who possessed immovable property of a value of \$500 or more. In the case of Mongolia, Chinghai, and Tibet, the possession of movable property worth \$500 or a diploma from an elementary, high school or their equivalent was sufficient to qualify one as an elector. Those who were deprived of civil rights, bankrupted, insane, opium-smoking, or illiterate, were disqualified from being either candidate or elector. Suffrage was denied the armed forces, men on the reserve list in time of mobilization, executive, judicial, and police officials, monks or priests. Mongolia, Chinghai, or Tibet were exempted from these rules save those relating to service in the army and navy. Those not eligible for election were: teachers in the elementary schools, students in all schools and colleges, and men taking part

- (1) Bau, M. Joshua: Modern Democracy in China, Shanghai, 1927, p.21
- (2) Ibid.
- (3) Materials in this section were derived, if not otherwise specified, from the election law of the House of Representatives, promulgated by the Government of China on August 10, 1912, which appeared in the China Year Book, 1914, pp.470-84.

in the management of the election (except those in Mongolia, Chinghai, Tibet), and the Superintendents of all districts.

The electoral districts were based on the existing administrative boundaries. The number of the members to be elected from each province was proportional to the population of that province: One representative for each 800,000 of the population, but those provinces whose populations were less than 8,000,000 were entitled to ten representatives.

The allotted seats for each province appeared as follows:

Chihli province	46	Fengtien	16
Kirin	10	Heilungkiang	10
Kiangsu	40	Anhui	27
Kiangsi	35	Chekiang	38
Fukien	24	Hupeh	26
Hunan	27	Shangtung	33
Honan	32	Kansu	21
Shensi	21	Shansi	28
Sinkiang	10	Szechuan	35
Kuangtung	30	Kuangsi	19
Yunnan	22	Kweichow	13
	Mongolia	27	
	Tibet	10	
	Chinghai	3	

The election of the House of Representatives was divided into the Primary Election and the Final Election. The electoral district of the Primary Election was the hsien, (the county), and the electoral district of the Final Election was a combination of several Primary Electoral districts. The successful candidates of the Primary Election constituted an electoral college to elect the members of the House of Representatives from each province.

In each electoral district, there was a controller, who was usually the Chief Administrative Authority, in charge of voting. He published the lists of qualified voters sixty days ahead of the Election.

Voting cards of the officially prescribed pattern were supplied

thirty days in advance by the Controller of the Final Election to the Controllers of Primary Elections who in their turn distributed to the various polling stations seven days before the Primary Election. Each voter received one voting card. The balloting was secret. The polling stations of the Primary Election were specified by the Controllers of the Primary Election, and the Final Election took place where the Controller of the Final Election resided. The counting of votes was made by the Controllers and their assistants such as superintendents of the elections and other officers assisting them.

The number of candidates to be returned at the Primary Elections was fifty times the number of members in the House. The Controller of the Final Election took the number of members to be returned by his district and multiplied it by fifty. This gave the number of candidates to be returned at the Primary Elections in that Final Electoral District, and this number should be apportioned among the Primary Electoral Districts. The method of apportionment was to divide the whole of the electors of the Primary Electoral Districts comprised in one Final Electoral District by the number of candidates to be elected by the Primary Electoral Districts, which would give the number of electors to each candidate in the Primary Elections. This figure, divided into the number of electors in each Primary Electoral District, would give the number of candidates to be elected by that district. No candidate at the Primary Election could be elected unless he obtained a number of votes equal to one-third of the sum produced by the division of the number of candidates to be elected in the district into the number of votes cast. As regards the election formula of the Final Election, it was derived by dividing

the total number of successful candidates of the Primary Elections by the allotted number of members of that Province. This gave the proportion of electors to each member. The names in the list of each Final Electoral District were then divided by the above number, thus giving the number of members to be returned by that Final District. No candidate at the Final Election was considered elected unless he obtained a number of votes equal to one-half of the sum produced by the division of the number of members to be elected into the total number of votes cast. Successful candidates became members of the House of Representatives from that Province, and were furnished with membership certificates by the Controllers of the Final Elections.

## 2. The Election of the Senate, 1912 (1)

The election of the Senate was different from that of the House. The tenure of office was six years, one-third of the total members to be retired every two years. The qualifications of the candidates were the same as those required of the Representatives, except the age requirement which was thirty years (instead of the twenty-five for Representatives). Those elected by the Chinese overseas should possess a knowledge of the Chinese language.

The constituencies were provinces and special territories, such as Mongolia, Tibet, and Chinghai. Each Provincial Assembly could elect ten senators, and the Electoral College of Mongolia could elect twenty-seven, that of Tibet ten, that of Chinghai three, and that of Chinese Residents Abroad six. The Central Educational Society could

(1) Materials in this section were, if not otherwise specified, based on the law regulating the election of the Senate promulgated on August 10, 1912, and appeared in the China Year Book, 1914, pp.467-470.

elect eight senators.

As regards the qualifications of the electors, in the case of the province, they should be the members of the Provincial Assembly. In the case of Mongolia and Tibet, they should be members of their respective Electoral Colleges which were usually constituted of Princes and Nobles. In the case of Tibet, the Electoral College was made up of persons appointed by the Dalai Lama and Tashi Lama. The number of nominees should be at least five times as many as the number of the members to be elected. In the case of the Chinese Residents abroad, electors should be members of the Electoral College of Chinese Residents abroad which consisted of one member appointed by each Chamber of Commerce formed in their place by Chinese residing abroad. These Chambers of Commerce must first gain recognition of the Chinese Government. In the case of the Central Educational Society, the component elements were the Minister and Vice-Minister of Education; a representative from each of the Ministries; one from the authorities of each province, Mongolia, and Tibet; one from each high institution under the direct control of the Ministry of Education; one from each National Library; one from each National Museum; two from the State schools in each province, Mongolia, and Tibet; one representing the Chinese residents of America, one of Japan, and two of the Straits Settlements; and twenty noted educators at the invitation of the Minister of Education.<sup>(1)</sup> Strangely enough, the candidates for election as representatives of the Central Education Association did not have to be members of the Association.

The voting was by secret ballot. It took place only when more

(1) This was the recommendation of the National Educational Conference. See China Year Book, 1913, p. 386.

than two-thirds of the electors were present. Candidates who obtained one-third of the votes were elected. Successful candidates were provided with certificates of membership by the Controller of the elections.

3. The Election of Provincial Assemblies, 1912 <sup>(1)</sup>

Members of the provincial assemblies were elected for a term of three years. (Art. 2) Any Chinese male citizen of twenty-one who had resided two years in the electoral district and had one of the following qualifications was entitled to vote: 1) payment of a direct tax of \$2 per annum; 2) possession of immovable property of \$500; 3) a graduate of an elementary or higher school, or their equivalents.

(Art.3) Any Chinese male citizen over twenty-five was eligible for membership in the provincial assemblies. Both the electors and the candidates must not be illiterates, opium smokers, insane, bankrupted, or deprived of civil rights, active army or navy men, judicial officers, administrative and police officials, monks, priests, and other religious orders. (Art. 5,6) Teachers of elementary schools, students of any kind, managers of elections, and contractors for public works and managers of companies which contracted for public works in the province were not eligible for election. (Art. 7,8,9)

The election was divided into two processes: primary and final. Each county was an electoral district for a primary election under the control and supervision of a Controller of Primary Election who was appointed by the Chief Controller of the Province. Several

(1) Based on the Law regulating the Election of Provincial Assemblies promulgated by the Chinese Government on September 4, 1912; appeared in the China Year Book, 1914, pp. 484-490.

counties combined to form the district for Final Election which was supervised by a Controller of Final Election, also appointed by the Chief Controller of the Province.

In the year of election, the Primary Election was to take place on July 1, and the Final Election August 1. The Controllers of the Primary Election must prepare a list of electors and publish it on December 1 of the year preceeding the election. Mistakes could be corrected within twenty days of publication upon presentation of proofs. (Art. 23-29)

The number of candidates to be returned at the Primary Election was twenty times the number of members in the Assembly. The Chief Controller took the number of members to be returned by each Final Electoral District, and multiplied it by twenty. This would give the number of candidates to be returned at the Primary Elections in that Final Electoral District, which was to be apportioned among the Primary Electoral District. The method of apportionment was: divide the sum of the whole of the electors of the Primary Electoral Districts comprised in one Final Electoral District by the number of candidates to be elected by the Primary Electoral Districts, which would give the number of electors to each candidate in the Primary Election. This figure divided into the number of voters in each Primary Electoral District would give the number of candidates to be elected by that district. (Art. 30,31)

The Controller of Primary Election should announce twenty days before the election the date of election, the locations of polling stations, the manner of polling, and the number of candidates to be returned in this district. Voting cards were all officially supplied.

No candidate could be elected unless he obtained one-third of

the sum of votes produced by the division of the number of candidates to be elected in the district into the number of votes cast. (Art.56) If the votes were insufficient, the Controller might select, from those who polled the most votes, twice the number of candidates lacking, and publish their names. A decisive poll was to be taken at the same polling station as before, for the election of members from among these candidates. The candidates that obtained the greatest votes were elected. Successful candidates were provided with certificates, and proceeded to the centre of the Final Election, usually it was where the Controller of Final Election resided, to form an electorate.

The number of the members to be returned by each Final Election District was attained by dividing the number of electors in each Final District by the sum produced by the division of the number of total electors in the province by the number of the members allotted to the province. Successful candidates must obtain at least one-half of the votes. (Art. 75) If, however, no sufficient votes were cast, a second election would be called at the same station in the same manner as described in the above paragraph with regard to the same case in the Primary Election. Successful candidates were members of the Provincial Assembly.<sup>(1)</sup>

(1) The number of members of each provincial Assembly was settled as follows:

Chili	184	Fengtien	64
Kirin	40	Heilungkiang	40
Kiangsu	160	Anhui	180
Chekiang	152	Kiangsi	140
Fukien	96	Hupei	104
Hunan	108	Szechuan	140
Shangtung	132	Honan	128
Shansi	112	Shensi	84
Kansu	56	Sinkiang	40
Kuangtung	120	Kuangsi	76
Yunnan	88	Kueichow	52

These elections of the House of Representatives, the Senate, and the Provincial Assembly were the first of their kinds in the entire history of China. It was a radical departure from the age-old traditions of selecting officials by recommendation and literary examination: radical in the sense that it changed the political direction from "top toward bottom" to "bottom toward top", because the recommendation and examination were devices designed to select men by the ruling class, whereas the election of the House, the Senate, and the Provincial Assemblies were devices to choose officials by the common people. It marked the change of a passive democracy of a paternalistic government to an active democracy of a representative government.

#### 4. The Presidential Election Law, 1913

President Yuan Shi-kai fathered a Presidential Election Law, which was promulgated on October 5, 1913. <sup>(1)</sup> According to this Law, any citizen of the Chinese Republic, forty years of age, who had been a resident of the country for at least ten years, was eligible for election. (Art. 1) The President was to be elected by the two Houses of Parliament. Two-thirds of the total membership in both Houses was necessary for a quorum, and election was to be made by two-thirds votes. (Art. 2) In case no candidate secured the requisite number of votes at two successive elections, the selection should be made between the two candidates securing the largest number of votes at the second election, and the candidate securing more than half the number of votes should be elected. (Art. 2) The term of office was five years with eligibility for re-election. (Art. 3)

(1) China Year Book, 1925, pp.657-8.

Yuan's law was designed as a stepping stone to the realization of a greater political dream - - to become the Emperor of China. To end his intrigue, the Nationalists initiated a series of unsuccessful uprisings. <sup>(1)</sup> Yuan invoked Presidential authority to dissolve the Kuomintang on November 14, 1913 on the ground that it engaged in seditious activities. <sup>(2)</sup> The Kuomintang members of the Parliament were also suspended from their functions. The absence of the Kuomintang members caused a lack of quorum for the opening of the Parliament. The Parliament was thereupon indefinitely suspended on January 10, 1914. <sup>(3)</sup>

Yuan set up a Political Council (Cheng Chih Hui I), an advisory body whose members were all appointed by him. It was to recommend to him the method of calling a Constitutional Council (Yue Fa Hui I) <sup>(4)</sup> to give constitutional sanction to all the acts of the President. The regulation of the Constitutional Council was drawn up by that Political Council, approved by the President, and promulgated on January 26, 1914.

5. The Constitutional Council (Yue Fa Hui I), 1914 <sup>(5)</sup>

The Constitutional Council consisted of fifty-six members, of which four were elected in Peking, two from each province, eight from Mongolia, Tibet and Sinkiang, and four from the Chamber of Commerce. The candidates must be an official of five years' experience, or a graduate of a law school, or a holder of a degree

(1) For details, see Vinacke, Harold M. Modern Constitutional Development in China. Princeton Press, 1920, pp.153-156

(2) Ibid. p.159

(3) China Year Book, 1916, p.432

(4) Ibid. p.432

(5) Information regarding this Council, if not otherwise specified, is derived from China Year Book, 1916, p.433

higher than Chu-jen (corresponds to M.A.) or its equivalent. Although there was neither age nor property requirements, the other requirements were enough to exclude all except old officials and the literati. The electorate was limited to those over thirty years of age who were officials, or held the rank of Chu-jen, or were graduates of provincial high schools, or possessed property to the value of \$10,000.<sup>(1)</sup> The chief function of this Council was to revise the Provisional Constitution, which was adopted by the National Council at Nanking, March 10, 1912, and advise the President on any matters submitted to it.

In less than six weeks, this Constitutional Council produced the "Constitutional Compact", or Amended Provisional Constitution, of the Republic of China, which was promulgated on May 1, 1914. According to this document, there would be a) a Council of State (Tsanchengyuan) to advise the President on all matters on which he consulted the Council and to discuss important state matters; a subsequent Presidential mandate of May 24, 1914, stipulated the membership as from fifty to seventy, to be nominated by the President;<sup>(2)</sup> b) an elected House of Legislature (Lifayuan).

#### 6. The Election of the Legislature of 1915 (Lifayuan)<sup>(3)</sup>

This body was to consist of 275 members elected indirectly for a membership of four years. The distribution of members among the various Electoral Colleges was as follows: 1) Central Electoral Col-

(1) See Pan, W. T.: The Chinese Constitution, A Study of Forty Years of Constitution-making in China, Washington, D.C., 1945. p.24

(2) China Year Book, 1916. p.434

(3) Materials in this section, if not otherwise specified, are derived from China Year Book, 1925, pp.443-444

lege to elect forty members, 2) Chekiang, Chili, Fengtien, Honan, Hunan, Kiangsi, Kiangsu, Kuantang, Shangtung, Szechuan Provinces to elect ten members each, totaling one hundred, 3) Anhui, Fukien, Hupeh, Kirin, Shansi, Shensi Provinces to elect nine each, totaling fifty-four, 4) Heilungkiang, Kansu, Kuangsi, Kueichow, Sinkiang, Yunnan Provinces to elect eight each, totaling forty-eight, 5) Chingchao (Metropolitan District) to elect four, 6) Juhol Province to elect two, 7) Suiyuan, Chahar Provinces and Szechuan Frontier District to elect one each, totaling three, 8) Mongolia to elect sixteen, 9) Tibet to elect six, and Chinghai to elect two.

Those qualified to serve as electors in the primary election were men who had held or were holding the position of a high official; had graduated from an institution of learning not lower than a middle school; possessed immovable property to the value of \$5,000 or more; invested in commerce or industry for \$5,000 or more. The qualifications of the candidates in the Primary election were higher than those required of the electors. They must have studied in a high grade technical school, with one year or more experience in high public post, possessed an immovable property of \$10,000 or investment of the same amount. As regards the conditions for being a member of the House of Legislature, they were, in addition to the requirements of citizenship over thirty years of age, as follows: a) meritorious service to the state, or b) five years of high official post, or c) learned and eminent scholar, or d) three years of study after graduation from high school, or e) teacher of a high grade technical school for three years or more, or f) possession of immovable property of \$30,000 or its equivalent in investment.

These conditions were actually the suggestions of Dr. Frank Goodnow who believed that the official, literati and gentry classes, which had always been the governing classes in China, should be represented in a single-chamber legislature, thus constituting a representation of interests rather than of population. (1)

March of Events:

The election was intended to be held early in 1915, but the ambition of Yuan Shih-kai to be the emperor, which culminated in a monarchical movement, precluded its realization. The promulgation of the election law was the farthest that Yuan would go.

About the same time, the Council of State, which was actually a private organization of Yuan from its very inception, passed a revised Presidential Election Law.

7. Revised Presidential Election Law, 1914 (2)

A candidate for the office of President had to be forty years old, and of twenty years residence in the country. The term of office was advanced from five to ten years with eligibility of re-election. When the time for an election drew near, the President was to write the names of three men as his nominees for the office on a gold plate sealed with the National Seal and placed in a gold box which was to be placed in a stone house in the residence of the President. The key of the box was kept by the President, while the keys to the Stone House were kept separately by the President, the Chairman of the Council of State and the Secretary of State. The Stone House should not be opened without an order from the President. (Art. 3)

(1) Vinacke, p. 161

(2) Text in China Year Book, 1925, p.675

The presidential electoral college was to consist of fifty members from the Council of State and fifty members from the House of Legislature. (Art. 4) These one-hundred persons should be elected from their respective organizations under the supervision of the Minister of the Interior. In case the House of Legislature was not in session at that time, the fifty members heading the roll of the House and then in the capital would be automatically made members of the electoral college. (Art.4) The place of the Electoral College was the Council of State, with the Chairman of the Council acting as the Chairman of the Electoral College which was convoked by the President three days before the election. (Art. 5,6) On the day of election, the President made known to the Electoral College the names of the persons recommended by him, but the College could vote for the re-election of the then President, besides three candidates recommended. (Art.7,8) For purposes of election a quorum of three-fourths of the total membership of the electoral college was required. On the first ballot, a two-thirds majority was necessary for election. If no one secured the requisite majority, the two names standing highest on the list were to be voted on at the second ballot where a simple majority was sufficient for election. (Art.9) However, if two-thirds of the Council of State opined that out of political necessity the election should not be held at the appointed time, the Council could extend the term of the Presidential office for another ten years without the formality of an election. (Art. 10)

March of Events:

Thus Yuan became the life-long President of China; but he was not satisfied with it. He wanted to be the Emperor, so as to pass the throne on to his descendants. A monarchical movement was started.

Among the various activities, the most interesting was perhaps the memorandum drawn up by his American political advisor, Dr. Frank J. Goodnow, in support of the monarchical form of state in China. (1)

This monarchical movement aroused the opposition of many quarters, especially the republican-minded Nationalists. Yuan tried to legalize his step by ordering the Council of State to call an ad hoc "Convention of the Citizen's Representatives" to decide the form of state. (2)

8. The Election of the Convention of the Citizen's Representatives, 1915 (3)

The component elements of this Convention were very complicated, consisting of 1) one representative from each district in every province and administrative area, to be elected by successful candidates of the Primary Election for the National Convention, totaling 1843 members; 2) Outer and Inner Mongolia elected thirty-two members altogether (two from each League), Outer and Inner Tibet elected twelve members (six from each division); Chinghai elected six members to be elected by successful candidates of the single ballot election of the combined electorate of Mongolia, Tibet, Chinghai; 3) twenty-four members from the Manchu, Mongolian, and Chinese Banners, to be elected by Princes, Dukes, hereditary nobles and other hereditary personages of banners belonging to the Special Central Electorate in connection with the National Convention; 4) sixty members from the Chambers of Commerce, to be elected by candidates of the single ballot election of merchants, artisans,

{1} Pan, op.cit. pp.29-30; Vinacke, p. 183

{2} China Year Book, 1916, p.436

{3} The materials in the following paragraphs are derived, if not otherwise specified, from the law organizing the "Citizen's Convention" which appeared in China Year Book, 1916, pp.444-46.

and industrial men possessing capital of \$10,000 or more, belonging to the Special Central Electorate in connection with the National Convention, or the Chinese oversea merchants, artisans, and industrialists possessing capital of \$30,000 or more; 5) thirty from learned scholars, to be elected by the candidates of the single ballot system election by the voters who had done good service to the country, belonging to the Special Central Electorate in connection with the National Convention; 6) twenty from men of meritorious service to be elected by the single ballot system by learned scholars, graduates from high school or three years in higher school, teachers who taught two or more years in these schools, belonging to the Special Central Electorate in connection with the National Convention.

Since it was the intention of the government that the electors should act as desired by it, voters were required to sign their ballots. Beside, all votes were required to pass the National Election Examination Committee and to be duly declared legally valid by it. On December 11, 1915, the Council of State scrutinized the votes and declared the total votes were 1993, all in favor of the establishment of a constitutional monarch with Yuan as Emperor. (1)

The Citizen's Convention was a farce, because it was merely a grandiose project utilized by Yuan to realize his ambition for Emperorship. No chance was given to them to discuss and deliberate the form of state. They were simply asked by the government to vote on it. (2) The ballots were all printed in advance and marked in such a way that all the people's representatives had to do was to sign

{1} China Year Book, 1916, p.436  
{2} Vinacke, p.189

their names. (1) The votes were cast under the eyes of policemen and soldiers, and each vote was opened and scrutinized before the voters were allowed to leave the room. (2) It was small wonder that the Convention unanimously decided for restoration of the monarchy. But the nation would not suffer his dictatorship. No sooner had he assumed office as Emperor of China than the whole nation burst into revolution again. He abdicated and soon afterwards died.

After Yuan's death on June 6, 1916, China was still in great confusion because of the struggle for power among the various warlords and between them and the revolutionists. The warlords could generally be called the Northern Group, headed by Tuan Chi-ji, and the revolutionists the Southern Group, led by Dr. Sun Yat-sen. The South claimed to be struggling for the preservation of constitutionalism, but the North was also wise enough to uphold the banner of parliamentarism, at least in pretence. (3) The North was then in power. Desiring to control the Parliament more effectively, it promulgated a new set of Election Laws for the House of Representatives and the Senate, by which the membership of both Houses was reduced, and the representation of the provinces was re-apportioned in order to strengthen the hold of the Northern provinces and assuring a quorum for action in case the South boycotted. (4)

(1) Vinacke, p. 189

(2) Ibid. p. 189

(3) Ibid. p. 257

(4) Ibid. p. 257; Pan, p. 34

9. The Revised Election Law of the House of Representatives, 1918 <sup>(1)</sup>

The election of the House of Representatives was based on the population density of each province. Each locality (within a province) with a population of one million could elect one member; however, any province with a population under seven million was still entitled to seven members, and any special administrative district with a population under one million could elect one member. Apportioning on such basis, each province was entitled to the following number:

Chili	23	Sinkiang	7
Fengtien	11	Szechuan	22
Kirin	7	Kwangtung	20
Heilungkiang	7	Yunnan	15
Kiangsu	27	Kweichow	9
Anhui	18	Metropolitan Peking	4
Kiangsi	24	Jehol	3
Chekiang	26	Chahar	2
Fukien	16	Suiyuan	1
Hupeh	18	Szechuan Borders	2
Shantung	22	Hunan	18
Honan	22	Mongolia	20
Shansi	17	Tibet	7
Shensi	14	Chinghai	2
Kansu	10		

The term of office was three years. Any native Chinese male above thirty years of age was eligible for membership of the House of Representatives. (Art. 4) Any native Chinese male above twenty-five who had resided within the electoral district for two years preceding the election and who was included in one of the following classes could be an elector of members of the House of Representatives: 1) Persons who paid direct taxes of more than \$4 a year; 2) Persons who possessed real property of \$1,000 or more, (not applicable in Mongolia, Tibet, and Chinghai) 3) Graduates of

(1) Materials in this section were based on, if not otherwise specified, the Revised Parliamentary Organization Law, promulgated on Feb. 17, 1918, China Year Book, 1925, pp. 677-678, and The Revised House of Representatives Election Law, promulgated on the identical date, China Year Book, 1925, pp. 683-694

primary schools or higher institutions, or their equivalents. (Art.3) But those persons who were deprived of the rights of citizenship, or insane, or idiots, or illiterates, or undischarged bankrupted were disqualified both as electors and candidates for the House of Representatives. (Art 5) Aside from these disqualifications, holders of offices in public or police services, members of the army and navy, students, and religious preachers were suspended from being either electors or candidates. (Art.6) Teachers of primary schools, managers of elections were ineligible for election, but the supervisors of elections in all the nation and managers of elections in Mongolia, Tibet, and Chinghai were exempt from this rule. (Art.7,8)

The electoral processes were very much different from the original election law of the House of Representatives promulgated in 1912. There was a Preliminary Election in each District Magistracy and a Final Election in each Tao. <sup>(1)</sup> District magistrates were the Superintendents of Preliminary Elections, and the Taoyin or the Chief Administrative Officers of the Special District were the Superintendents of the Final Elections. The Governor was the Chief Superintendent of Elections in each province. The places for voting in the Preliminary Election were the various balloting stations set up by their respective Superintendents within their electorate, and the place of election for the Final Election was the place in which the Superintendents of Final Election resided. The ballot-papers were made by the Superintendents of the Final Elections and sent to the Superintendents of the Preliminary Elections thirty days before the election. (Art. 37) The Superintendents of the Preliminary

(1) A tao was an intermediary district between county and province.

elections drew up a register of electors for each separate balloting district and published it in each balloting-place sixty days before the election. (Art. 24)

The number of persons to be elected in the Preliminary Election was fixed at fifty times the number of members required. The Superintendent of Final Elections multiplied the number of members for the Final Electoral District by fifty and divided them up proportionately for each Preliminary Electoral District. (Art. 28) He also divided the total number of electors in the whole district by the number of persons to be elected in the Preliminary Election; the dividend represented the number who might elect one Member in the Final Election. Then the number of electors of each Preliminary Electoral District was divided by the above-mentioned dividend and the last dividend represented the number of candidates at the Preliminary Election. (Art. 29)

Each elector received one ballot-paper, and voted anonymously. The victors in the Preliminary Election were provided with certificates and proceeded to the place of Final Election. The Chief Superintendent of the Province divided the total number of electors in the whole province by the number of members for that province and the quotient represented the number necessary to elect one member. (Art. 68) Then the number of electors of each Final Electoral District was divided by the above-mentioned dividend and the last dividend represented the number of members for each Final Electoral District. (Art. 68) In the Final Elections the total number of votes was divided by the total number of members to be elected in the District and half of the dividend represented the number of votes to be cast. (Art. 73) Should the number of votes obtained by candidates be insuf-

ficient so that no person was elected or if the number of elected was insufficient, then the Superintendent of Final Election summoned the voters to the original balloting station to vote again until the required number was obtained. (Art. 74) Candidates elected at the Final Election were provided with a certificate to membership of the House of Representatives.

Since Mongolia, Tibet, and Chinghai had different situations from those of the ordinary provinces in China-proper, the election process was somehow different. The method used was the apportionment of one member to each Mongolian League or Tribe, and certain number for Tibet and Changhai:

Djerim League	1	Urianghai Tribes	1
Djostu League	1	K'obdo	1
Djouda League	1	Ch'ahar	1
Silinghol League	1	Kueihua Ch'eng T'umed	1
Ulan Tsab League	1	Tribe	1
Tehedzu League	1	Alashan	1
T'ushet'u Khanate	1	Edsine	1
Tsetsen Khanate	1	Old Turgut	1
Sain-noin Tribe	1	'Hasak	1
Dzassakt'u Khanate	1	Hulun Buir	1
	Anterior Tibet	4	
	Ulterior Tibet	3	
	Chinghai	2	

The chief administrative officer in each of the above districts was the Superintendent of Election within his respective sphere. He published a list of qualified voters after careful investigation. If any name was left out, the qualified voter could report himself to his office for redress within a fixed time. If the Superintendent found it impossible to conduct the investigation throughout the whole district, he could investigate only in the place where he resided. (Art. 101) The balloting station and place for opening the ballots was also the place where the Superintendent resided. The other details

were about the same as those used in ordinary provinces, except that the language used on the ballot-paper could either be Chinese or those in use locally. (Art. 108)

10. The Revised Senate Election Law, 1918 (1)

The Senate was composed of 168 members for a term of six years, one-third of whom to be changed every two years. Of the total membership, 138 were elected by the Local Electoral Colleges, and thirty by the Central Electoral College. Any Chinese Male citizen above thirty could be an elector, and any Chinese male over thirty-five could be a candidate, provided in both cases they were not disqualified by the circumstances mentioned in the election of the House of Representatives. (Art. 3) After election, the members were divided into three groups by lot; the first group should be changed after two years, the second group after four years, and the third group at the end of the term of office. (Art. 15)

In the Local Electoral Colleges, an elector must also possess one of the following conditions: 1) a graduate of a College or its equivalents who had been an official for three years or a director or teacher at a middle school for three years, or had a scientific invention which had been investigated by the Government; 2) anyone who had been for three years a "recommended" official or for one year an official directly appointed by the President or who had received a decoration; 3) tax-payer of more than \$100 a year or owner of a real property of \$50,000 or more.

In each Province the District Magistracy was the First Electoral

(1) Materials in this section are derived, if not otherwise specified, from The Revised Parliamentary Organization Law, and The Revised Senate Election Law, promulgated on February 17, 1918, which appeared in The China Year Book, 1925, pp. 677-78 and 679-83.

District for the Local Electoral College, (Art. 21) and the District Magistrate was the Superintendent of Preliminary Elections (Art. 24), who published the list of electors sixty days before the election. (Art. 30) The balloting station was his official residence. (Art. 25) In each Magistracy every thirty electors could mutually elect one person for the Election, but in a Magistracy where the number of electors was not more than three, one person could be elected for the Preliminary Election. (Art. 22) The candidate receiving one-third of the total number of votes was deemed elected. However, if the number of elected persons be not sufficient, another ballot was held and it should be repeated until the required number be reached. (Art. 8)

Those elected in the Preliminary Election were provided with official certificates and proceeded to the residence of the highest administrative official in the Province, usually the provincial capital, to form the Local Electoral College. (Art. 36) Each province could elect five members for the Senate, and each Special Administrative District could elect one member. (Art. 35) The balloting station was fixed by the Superintendent.

The Electoral Colleges of Mongolia and Chinghai were composed of Princes, Dukes, and Hereditary Nobles of the Mongolian Banners, (Art. 38), with their seats in the national capital. The Mongolian Electoral College could elect fifteen members, and the Chinghai Electoral College could elect two members. (Art. 39) The Tibetan Electoral College was appointed by the chief administrative official resident in Tibet together with the Dalai Lama and the Panshen Lama. (Art. 41) Its seat was also in the national capital, and the number of senators from Tibet was six.

The Central Electoral College, situated at the national capital, consisted of the following: 1) graduates of a university who had held posts in connection with their special knowledge for three years, or those who had been Directors or professors of Chinese Government Universities for three years, or those who had done special scientific work or invention which had been investigated by the Government; 2) retired Presidents or Vice-Presidents or Ministers or holders of any office to which they had been specially appointed for a period of at least a year, or recipients of third-class decorations; 3) tax-payers of paying more than \$1,000 per annum, or business ownership of more than one million dollars; 4) Chinese residents abroad of more than one million dollars worth of property; 5) any Manchu Prince or Duke who had political experience; 6) any Mohammedan Prince or Duke who had political experience.

The first of the above categories could elect ten senators, with Minister of Education as the Superintendent of Elections. The second class could elect eight and the fifth class could elect two with Minister of Interior as Superintendent of Election in both cases. The third could elect five, and the fourth could elect four, with Minister of Agriculture and Commerce as Superintendent in both cases. The sixth class could elect one with the Chairman of the Board of Mongolian and Tibetan Affairs as Superintendent.

The qualifications of the electors in all the six classes should be carefully investigated, and the names of the qualified electors were published forty days before the elections. (Art. 47)

The voting formula was unknown; probably those who obtained the most votes were elected.

11. The Election of the National People's Convention of 1931.

The period from 1918 to 1931 was characterized by increased Soviet influence on various phases of Chinese life. The Chinese Communist Party was organized in 1921, and a close cooperation between the Nationalists and Moscow was manifested by the appearance of such prominent communists as Joffre, Borodin, and Galens. Dr. Sun's Nationalist Party was then organized on the pattern of the Soviet Communist Party, and the Chinese Communists were admitted into the Nationalist Party as members. The cooperation between the Nationalists and the Communists continued until 1927 when General Chiang Kai-shek rose to prominence and evicted the Russians. Nevertheless, the Nationalist Party was still organized on the Russian model, and the Russian influence on the Party line remained striking.

According to Dr. Sun's Fundamentals of National Reconstruction,<sup>(1)</sup> the Revolution of China should be divided into three stages. The first period was the "Military Rule" which started from the overthrow of the Manchu Dynasty to the complete extermination of warlords from whom he suffered much. The second stage was called the "Political Tutelage" characterized by the Party's control of the government and its role to educate the people to exercise the democratic rights. After the completion of the political education, the nation was to be graduated into the constitutional stage, in which the people were to exercise the political rights of suffrage, recall, referendum and initiative. The first military period was supposed to have been completed in 1927 when General Chiang Kai-shek succeeded in wiping out many obstinate local warlords and "united" China under a single government in Nanking. The Political Tutelage

(1) Pan, op.cit. p.47

Period was inaugurated in 1928. The Nationalist Party called a National People's Convention on May 5, 1931 which adopted a Provisional Constitution for the Political Tutelage Period. This second period was intended to be ended in 1936 when an election of the People's Congress was scheduled to be called. However, this Congress was delayed a year owing to various reasons. But, no sooner had the People's Congress formally inaugurated than the Japanese invasion of China took place in July, 1937, which kept China from going into the third constitutional stage. Thus the Political Tutelage Period was prolonged until the termination of the Second World War. A new election of the People's Congress was called in 1947 which ended the Political Tutelage Period and adopted a permanent constitution of China, thus leading the nation into the long-delayed constitutional period. The elections of the People's Convention, People's Congress, and the President and Vice-President, and the Legislative Yuan will all be studied in the latter paragraphs.

(1)  
The election of the National People's Convention revealed the Russian influence in that it was based not on population but on professions. The function of this Convention was to adopt a constitution for the Political Tutelage Period. Delegates were chosen by the following organizations: 1) Peasants' Unions, 2) Labor Unions, 3) Chambers of Commerce and Industrial Organizations, 4) Educational Associations, National Universities, and other registered private universities, and 5) the Nationalist Party. The total delegates of the Convention were fixed at 520 apportioned as follows:

(1) Material in this section is derived, if not otherwise specified, from the election law governing this Convention which was promulgated on January 1, 1931, and appeared in the China Year Book, 1931-2, pp.526-28

1) 450 delegates to be elected from various provinces:

Kiangsu	30	Hupei	29	Kweichow	11
Chekiang	24	Hunan	30	Liaoning	15
Anhui	20	Kwangtung	30	Kirin	5
Kiangsi	28	Kwangsi	11	Heilungkiang	5
Hopei	30	Shansi	17	Charhar	5
Shantung	30	Kansu	7	Siuyuan	5
Shensi	12	Sinkiang	5	Jehol	5
Honan	30	Szechuan	30	Kokonov	5
Fukien	14	Yunnan	12	Ninghsia	5

2) 22 delegates to be elected from various municipalities:

		Shanghai	5		
Nanking	3	Tsingtao	1	Peiping	3
Hankow	3	Canton	3	Harbin	1
Tientsin	3				

3) 26 delegates from Chinese nationals resident abroad:

The Philippine Islands	1	Chile	1
The United States	2	Cuba	1
Mexico	1	Honolulu	1
Peru	1	Canada	2
Central America	1	India	1
Federated Malay States	2	Burma	1
Annam	1	Siam	2
Europe	1	Japan	1
Korea	1	Australia	1
Tahiti	1	Africa	1
Dutch Colonies	2		

4) 12 delegates from Mongolia

5) 10 delegates from Tibet

Since the delegates were chosen on professional basis, candidates were required to have a minimum years of consistent work in their respective fields. Those engaged in agriculture must not have changed their occupation for ten years before the election; those in trade and industry, five years; those in educational enterprises, five years; and those in various liberal professions, five years.

The central government under the lead of the Nationalist Party was only established in 1928. The revolutionary spirit of the Party was still young and fresh. Stepping on the traces of the Russian

practice, the government disqualified all the counter-revolutionaries and the expelled members of the Nationalists to run as candidates or to vote as electors. Other disqualified persons were those whose civil rights were deprived, government officers convicted on charges of corruption, the feeble-minded, and those addicted to bad habits like opium, etc.

The balloting was unfortunately not mentioned in that law.

12. The People's Congress, 1936 <sup>(1)</sup>

This period of Political Tutelage was drawing toward an end about 1936. On May 5 of that year, a draft constitution was proclaimed by the Government, intended to be submitted to the forthcoming People's Congress which was scheduled to convoke at the end of 1936. This People's Congress would have 1,681 delegates made up of five different components: 665 delegates to be elected on geographical basis, 380 on professional basis, 155 by special methods depending on local conditions, 240 appointed by the national government, and all the members and reserve members of the Kuomintang (Nationalist) Central Executive Committee and Central Supervisory Committee totaling 241. <sup>(2)</sup>

The functions of the People's Congress was to adopt the permanent constitution and to elect a President and Vice-President, etc. All citizens of China above twenty years of age could vote, provided they were not: 1) rebels against the National Government, 2) corrupt officials, 3) those whose citizenship privileges were forfeited due to crimes, etc., 4) those who were insolvent, 5) those afflicted with

(1) Materials under this section were derived from, if not otherwise specified, the Acts of the Legislative Yuan, April 31, 1937 governing the Election of Representatives to the People's Congress, which appeared in Linebarger, P.M.A.; The China of Chiang Kai-Shek, Boston, 1943. pp.302-309

(2) Pan, op.cit. p.106

mental diseases, and 6) those smoking opium or substitutes. Each voter could vote for one candidate only. Those who may both elect in the district and the professional elections should participate in the professional election. Those who could elect in both the professional and the special election should elect in the special election. In the professional election, an elector eligible in more than two professions should vote only in one of them at his choice. The candidates' names were printed on the ballot by official electoral organizations, and the voting was secret.

Candidates in the district election should have the following qualifications: 1) above twenty-five years of age, 2) resident of that district, and 3) possess the qualifications of an elector. They were to be nominated by the town and village heads in a county ten times of the number to be elected from that county.

In the professional election, officers of the various professional organs officially recognized by the government nominated their candidates three times the number to be elected. Candidates must be over twenty-five, possessing the privileges of an elector, having practiced that profession for three years at least, and a member of that professional organization.

The 155 delegates to be elected by special methods were mostly designated by the government. The distribution was: 14 from Liaoning, 13 from Kirin, 9 from Heilungkiang, and 9 from Jehol, (all these provinces were in Manchuria under Japanese occupation), 24 from Mongolia, 16 from Tibet, 40 from Chinese overseas, and 30 from army, navy, and air forces. (1)

This People's Congress was scheduled to convene by the end of

(1) Pan, op.cit. p.106

1936, but was postponed owing to various reasons until a year later. But before its inauguration, the Japanese had attacked China in July, 1937, which interrupted the elections in various places. As a result, the elections were never completed, and the Congress was not called.

13. The People's Political Council, 1938, 1941, 1943. <sup>(1)</sup>

As the war of resistance against the Japanese aggressions began in 1937, the government, in view of the indefinite delay of the People's Congress, wanted to utilize "the best minds in national affairs and to rally all elements in the country," by forming some organization reflective of the people's will. As a result of such considerations, the People's Political Council was established in 1938.

The first People's Political Council consisted of 200 members all selected by the Nationalist Party. It had the power to receive government reports, interpellate the government, and make proposals to the government. The Second People's Political Council met in 1941 with 240 members, of which 90 were elected by the various provincial and municipal assemblies on both regional and professional bases. The third People's Political Council convened in 1942, consisting of 240 members, of which 164 were elected by the provincial and municipal assemblies. A majority quorum was necessary to hold the meeting, and a majority vote of those present was required for any resolution.

The qualifications for membership in this Council were citizenship and thirty years of age. The 164 elected members must have served three years or more in any government organ, private institu-

(1) Materials in this section were derived, if not otherwise specified, from China Hand Book, 1937-43, MacMillan Co. 1943, pp. 109-112, subject: The People's Political Council.

tion, or public bodies. There was no residence requirement. The electors must be members of the provincial assemblies, who were required to be over twenty-five with a middle school education or its equivalents and fulfilled one of the following two conditions: 1) natives of the respective provinces and having served with distinction for more than two years in public or private organization in the respective provinces, or 2) though not a native, must have served with distinction for more than two years in important cultural and economic organizations in the said provinces.

Of the remaining 76 members, they were all appointed by the government: five from Mongolia, three from Tibet, eight from Chinese overseas, and sixty from cultural or economic circles.

The term of office was one year, renewable.

14. Provincial Council, 1938, 1942 <sup>(1)</sup>

The term of office was one year. The vote by majority. The members were chosen by the government on geographical and occupational bases, the ratio being 6:4. The geographical representatives were nominated by the county governments in consultation with the local Nationalist Party offices and leading civic bodies. The occupational representatives were nominated by the provincial government twice the allotted numbers. In both cases, the nominees must have the approval and selection of the Central government. The qualifications of the representatives have been mentioned in the above section, since it was they who elected the 164 members of the People's Political Council.

(1) Based on Laws governing the Provincial Council, which appeared, if not otherwise specified, in China Hand Book, 1937-43, pp. 112-13.

15. Provincial, Municipal, and County Councils, Dec. 1944 <sup>(1)</sup>

In 1945, the Government of China put into practice a series of new laws governing the elections of the Provincial, Municipal, and County Councils. Candidates in all the three kinds of Councils should be Chinese citizens over twenty-five years of age and must have passed the governmental examinations specially designed for the candidates of respective levels. However, three kinds of men - - public functionaries, those in active military and police service, and students - - were not qualified to run for candidacy. The electors must be Chinese citizens over twenty who resided in the respective province, municipality, or county (without time requirement.) Their terms of office were all two years, renewable; and their functions were to make suggestions to their respective governments matters concerning the province, municipality, and the county. The election was carried out by the secret and single ballot system.

The Provincial Council was composed of one representative from each municipality or county. The Municipal Council was composed of nineteen members, but if the population of that municipality exceeded 100,000, then the Council could have one more members for every additional 300,000 population. The County Council was composed of one representative from each town or village, but any county of less than seven villages or towns could still have a council of seven members. The municipal and county councils were elected on the geographical as well as on the professional basis. Each professional group - farmers' union, labor's union, fishermen's union, merchants' association, teachers' association, and free professions - could elect one

(1) Based on the mimeographed copy of election laws governing these bodies, supplied by the Legislative Yuan of the Chinese Republic.

delegate, but the total number of professional representatives could not exceed 30% of the total membership in the councils. Those professional delegates must have engaged in their respective professions for three years at least.

16. The Election of the National Assembly, 1947 (1)

The election of the People's Congress beginning in 1936 was not completed because of the Japanese invasion in 1937. At the outbreak of war, only 900 delegates of the total 1681 were elected. During the eight years of war, many of them died, or were missing, and some of them were found collaborators with the Japanese, whose competence to retain the membership of the People's Congress became, therefore, questionable. Besides, the strength of various political parties, especially that of the Communist, was very much increased after the war. In view of all these situations, a new election of the People's Congress was called in 1947, which passed the constitution and inaugurated the constitutional period of China. (2)

The total membership of the National Assembly was increased to 3045 for a tenure of office of six years. The functions of this Congress were to adopt the constitution, to elect and to recall the President and Vice-President, to amend the constitution, and etc. The election was universal, equal, direct, secret, and single-balling. (Art. 2)

(1) Based upon the Election Law of the National Assembly promulgated by the National Government of China on March 31, 1947, revised on July 7, October 3, 30, and November 8, 13; appeared in Chinese language in a book compiled by the Secretariat of the Legislative Yuan of the Chinese Republic called "Laws and Regulations in the Constitutional Period" pp.29-38. Published August, 1948, by the Secretariat of the Legislative Yuan.

(2) Linebarger, p. 38

All Chinese citizens above twenty could vote, and all Chinese citizens above twenty-three could run for candidacy, provided in both cases they were not: 1) conspirators and traitors, 2) corrupt officials, 3) deprived of civil rights, 4) insane, 5) abnormal, and 6) opium, or its substitutes, smokers. (Art. 5) Naturalized citizens over five years could be electors, and over ten years could be candidates. Those who recovered Chinese Citizenship over two years could also be electors, and over three years could be candidates. (Art. 6) Government officials were not allowed to run in the districts where they held official posts. (Art. 8)

The component parts of the National Assembly were very complicated. They were the following eight classes: 1) one member from each county or municipality, or their equivalents; but one more member was allowed to those units for every additional 500,000 population over the original 500,000; totaling 2177 members; 2) fifty-seven members from Mongolia; 3) forty members from Tibet; 4) thirty-four members from border regions; 5) sixty-five members from Chinese residents abroad; 6) four hundred eighty-seven members from professional organizations; 7) one hundred sixty-eight from women's organizations; and 8) seventeen members from those people in the interior whose way of life was different from others. (Art. 4) Each voter could have only one vote. If he was qualified to vote in more than one of the above eight classes, he should specify which one he wanted to vote, when registering with the electoral office. (Art. 8)

The elections were sponsored by the government which established election offices throughout the nation on different levels: national, provincial, municipal, and county etc. (Art. 10) These election

offices were to list the qualified electors and distribute to them certificates of election which enabled them to get the balloting papers. (Art. 11) Candidates must be nominated by political parties or by a signed statement of 500 qualified electors. Candidates must first register with the election offices and then started the campaign for election. However, those in the category of the Chinese residents abroad could be nominated by 200 electors only, and those in the women and professional categories by 50 electors each. (Art. 12) During the registration of candidacy, the word "female" must follow the names of all women candidates. Candidates of each municipal or county electoral district must be resident of that district; candidates of professional organizations must be members of these organizations; and candidates of Chinese overseas must live in that oversea electoral district at least three years. (Art. 15)

The election offices in different localities must announce the names of all qualified voters forty days before the election, (Art. 9) and announce the balloting stations, the election process, the date, and the number of members to be elected from that district fifteen days ahead of the election. (Art. 26) Those who got the greatest numbers of votes were elected, to the limit of the allotted number of membership from that locality. Each locality that was allotted less than two members could have three reserve members, and each locality with more than two members could have equal number of reserve members. (Art. 29) The priority of reserve members was arranged according to the amount of votes they polled. All regular and reserve members were provided with certificates prepared by the National Election Office. (Art. 31)

Election was invalid if it was carried out not according to the

electoral law, or if any corrupt practice which effected one-tenth of the electors on the list were found. In such cases, the election should be made again. Electors and candidates could sue the election officials or other candidates or electors for corrupt practices within fifteen days of the election day. (Art. 38)

17. The Election of President and Vice-President, (1)  
1947

The President and Vice-President were elected by the People's Congress sixty days before the expiration of the offices of the incumbent President and Vice-President whose tenure of offices were six years. They could be re-elected once only. They must be Chinese citizens over forty years of age. The People's Congress elected the Vice-President after the election of the President in the same manners. (Art. 3)

The nomination of President should be made by a signed statement of at least 100 signatures of the members of the People's Congress. Each member could sign his name in support for<sup>a</sup> certain candidate only once. The names of the presidential candidates were printed on an officially prepared ballot paper; the priority of the names in the list was arranged according to the number of the signatures supporting each candidate. The members of the Congress singled out one of the candidates on the balloting paper as their choice, without signing their names. He that obtained the greatest votes was elected; but, if no one got majority, a second election should be made to choose

(1) Based upon the Presidential and Vice-Presidential Election Law, promulgated by the National Government of China on March 31, 1947, which appeared in Chinese language in "Laws and Regulations in the Constitutional Period", op. cit. pp.92-94.

one of the three candidates who polled the most votes in the first election. If still no majority was reached, then a third election should be ordered in the same manner. In case of failure again, then a fourth election should be made to choose between the two candidates who got the most votes in the third election. The one that obtained plurality vote was elected. If the votes were equally divided in the fourth election, then another election was to be called so that the one that polled more votes was elected. The election result should be announced at once.

The first President and Vice-President should assume offices within twenty days after election.

18. The Election of the Legislative Yuan, 1947 <sup>(1)</sup>

The Legislative Yuan contained 773 members elected for terms of three years. The Yuan was composed of the following elements: 1) five members for every 3 million population in each province or special municipality directly under the control of the national government, but for those units which exceeded 3 million population, one additional member could be elected for every additional one million people. If the allotted number for each province or municipality was less than 10, then one of them must be a woman; if the number was over 10, then there should be one more woman member among every additional 10 members; (Art. 5) 2) twenty-two from Mongolia; 3) fifteen from Tibet; 4) six from border regions; 5) nineteen from Chinese overseas; and 6) eighty-nine from professional organizations.

(1) Based on the election law governing the election and recall of Members of the Legislative Yuan, promulgated by the National Government on March 31, 1947, and revised on July 5, 11, September 29, October 3, November 8, December 25; appeared in Chinese in "Laws and Regulations in the Constitutional Period" op. cit. pp.95-103.

(Art. 4)

The qualifications and disqualifications of the electors and the candidates were exactly the same as those in the election of the People's Congress.

The election processes were, however, different. The election was conducted by different levels of election offices established by the government. The election offices published the names of the qualified voters in their respective localities fifty days ahead of the election, and the lists of candidates thirty days ahead. (Art. 9, 14)

The nomination of candidates must be made by political parties, or by a collective signature of 3,000 qualified electors. They must register with the election office. (Art. 12) The overseas candidates must be nominated by 500 signatures, professional candidates 50, and non-professional women candidates 200. Civil and military officers, wishing to be candidates of the localities where they were stationed, must resign five months before the election took place. (Art. 13) Candidates must be resident of the localities in which they ran, and the overseas candidates must live in that electoral district at least three years. (Art. 15, 16)

The election officers announced the date, place of the election, the number of members to be elected, and the election methods fifteen days before the election. The election process was universal, equal, direct, secret, and single-balloting. (Art. 2) Regulations governing the election formula and membership, reserve-membership, election certificate, invalid election, and court action were all the same as those governing the People's Congress.

Part III

Conclusions

The history of methods by which Chinese public officials have been selected is a frustrating contrast of generality and detail. For many centuries we have only vague prescriptions in the law of elections, save for an intricate formalization of the selection of bureaucrats, and then for less than a half century we have minute legal specifications for the election of officials. (And, though we have ignored them, equally detailed rules for selecting modern bureaucrats.) This contrast provides one obvious conclusion, namely that Western culture struck Chinese governmental institutions hard and nearly all Chinese factions and movements have shared the Western compulsion to elaborate electoral systems.

Another conclusion of our survey is that the early Chinese empires knew and practiced somewhat the doctrines of representation and consent in the selection of high officials and even the Emperor. Chinese theory can be said to have been dominated longer by the essential doctrines of representative government than most Western nations, where doctrines of absolute monarchy and caste privileges ruled almost without exception to the nineteenth century. Local government in China apparently has had about the same complexity of apparatus for assuring autonomy and local rule by consent as in the Western countries, again with some exceptions as in medieval Italy and Switzerland.

On the whole, the Republican period failed to assure representation and consent by adopting Western selection procedures. I doubt that the failure may be ascribed to an inability of the Chinese people or government to visualize or appreciate the principles of

representation and consent. Many complicated Western procedures designed to realize those principles have been rendered meaningless by antipathetic historical forces. Nor is it likely that any other formal or informal devices to achieve representation or consent would have succeeded in China during the last two generations. We can only conclude the obvious: that the new Chinese procedures were no improvement over the old; that the new procedures probably did no harm; that the new procedures reflected a new kind of aspiration in Chinese political history -- an impulse to Westernize, to rationalize, to legalize the framework of representative government. This is an impulse not alone Chinese -- it is South American, African, Eastern European, and Russian.

If we limit our expectations of the kinds of meaning involved in Chinese selective device, we can add a few remarks. There apparently existed two somewhat independent drives in the proliferation of elective devices in China. If we examine the history of representative devices, not as a single, unitary derivative from medieval and early modern Western Europe, but as a two-pronged development in the period following the birth of Marxist Communism, we discover certain emphases lent to certain devices according to Marxist ideology that were not so impressive in the Western democratic development. Briefly, the communists since the Paris Commune of 1870, have stressed mass participation in elections and government and functionalism in representation (Sovietism). In China, these communist theoretical elements found their way into election systems at an early date in the Republican period. After the first World War, professional representation made its way into Chinese Constitutions. Female representation was also striking, especially

in the elections of the People's Congress and the Legislative Yuan. Early age of voting (16) was provided in the first Constitution of the Chinese Soviet Republic and the proletariat was given disproportionate representation in the election of the hierarchy of Soviets. Indeed, a report of Mao Tse-tung, as President of the Central Executive Committee of the Chinese Soviet Republic, to the 2nd National Soviet Congress in 1934, resembles strikingly the Marx and Engels commentary on the French Commune experience in the kind of representative establishment it approves.

C  
O  
P Yet the Chinese communists were not alone in employing professional representation. All governments since 1915 provided for it. We may conjecture that Chinese society, unlike the West, did not settle the gild issue before the nation acquired the detailed apparatus of representative government. There were fewer obstacles to moving functional groupings into the formal structure of government. So the communist influence need not be considered the sole source of professional representation in China.

P  
Y Finally, certain disqualifications with roots in Chinese social problems may be noted. We find that opium addicts were denied a role in the selection of public officers. Priests of all religious orders were generally excluded from politics. Counter-revolutionaries, as defined by the successive revolutionary governments, were disqualified. And corrupt officials were legally disqualified from voting or holding office. None of these requirements is important and parallel or analagous disqualifications abound in Western constitutions.

Report of the President of the Central Executive Committee of the Chinese Soviet Republic, Mao Tse-tung, before the 2nd National Soviet Congress. This report appeared in the Chinese Workers' Correspondence, Shanghai, Vol. 4, No. 11, March 31, 1954. (The followings are taken from Victor A. Yakhontoff: The Chinese Soviets New York, Coward-McCann, Inc. 1954 , Appendix, page 258-61)

#### 4. Fundamental Policies of the Soviet

##### b. Soviet Democracy:

The Soviet of the worker-peasant democratic dictatorship is the government of the masses themselves, directly depending upon them, maintaining the closest relation with them and, therefore, able to operate its maximum strength. It has already been the organizer and leader of the revolutionary war and the mass life. Its enormous strength is incomparable to any form of state in the history. It needs a strong power to cope with its class enemy. But to the worker-peasant masses it exercises no strong power but wide democracy. The wide democracy of the Soviet is, first of all, manifested in its election. The Soviet gives the right to vote to all oppressed and exploited masses regardless of sex. This right to the worker-peasant masses is unprecedented in human history. The experience of the past two years tells us that the Soviet has been very successful in its election. The particulars of the Soviet elections are as follows: (1) The names of the electors are written on a big red paper and an election meeting with no exploiters participating in it takes the place of the general mass meeting of the past. (2) The proportions of social composition are as follows: one from every fifteen workers and their family members;

one from fifty peasants and poor people; ~~and~~ all the city and village Soviet councils are formed this way. The method guarantees the leading position of the workers in the worker-peasant alliance. (3) According to the Election Act proclaimed by the Central Soviet Executive Committee in Sept, 1933, the election units for the peasants are village, while workers have another rule. This makes the election universal among the peasants, while the workers can also elect their best representatives to work in the Soviet Council. (4) During the two elections in 1932 and the election in the autumn of 1933, in many places more than 80% of the electorate joined it. In some places, the sick people and those on defense duty did not join. (5) In the autumn of 1932, the nominee system was introduced in the election. The electorate could consider beforehand who would be their best representatives. (6) In many city or village Soviet councils women ~~ff~~ form a percentage of above 25%. In the Soviets of Shangtsaishihhsian and Shiatsaishihhsian, of Shanhan, in Fukien, the percentages of women are 60 and 66 % respectively. Broad women masses are now participating in the affairs of state administration. (7) Before the election takes place the electors have the chance to hear reports about the past work of the City or Village Soviet in a preparatory meeting. They are led to give criticisms of the past work. This was more universally practiced during the fall election of last year. All these have helped the masses in getting familiar with the Soviet election, primary step of ~~z~~ state administration, and have guaranteed the consolidation of the Soviet power.

*village*<sub>2</sub>

Next, the Soviet democracy is also manifested in the City and Hsiang Councils which form the foundation of the organization of the Soviet. Two years' progress gives us now better organization of the councils. The characteristics are as follows: (1) The delegates are scattered evenly to live among the people so that they will have the closest relation with them (usually one delegate leads and lives with 30 to 70 people). This makes the council not separated from ~~by~~ its masses. (2) The delegates are grouped in from 3 to 7 with their fellow-members in the neighborhood having a head who serves as the immediate connector between them and the presidium of the council. The group has the regular task of summoning meetings of the people under ~~the~~ order of the presidium to solve problems of minor importance. All groups in one village have a general head who is responsible for the whole village. This makes the connection between the presidium and the delegates very close and guarantees strong leadership over the work of each village. (3) There are various permanent or temporary committees under the City or Hsiang Councils such as Cultural, Irrigation, Sanitary, Food, Red Army Families Defence, etc., which absorb the active elements among the masses to work. In this way, the Soviet work is made into the form of a net and the broad masses can directly participate in it. (4) Election of City or Hsiang Soviet takes place once in six months and that of province or *county* Hsien Soviets once in a year. This makes it easy for the opinions of the masses to reach the Soviet. (5) Any delegate who commits serious errors may lose his seat through the suggestion of ten or more electors, seconded by more than one-half of the whole electorate or through the resolution of the council meeting.

The Soviet democracy is also shown by the fact that all revolutionary masses are given the right of free speech, free association, free assembly, free publication and free strike. The Soviet gives them all facilities such as meeting places, paper, printing shop, and other material needs. Moreover, to consolidate the worker-peasant democratic dictatorship, the Soviet always welcomes the supervision and criticism of the broad masses. Every revolutionary citizen has the right to disclose the error or shortcoming of any Soviet functionary in his work. Finally, the Soviet democracy is also found in the division of administrative districts. All the administrative districts from province down to hsiang are now smaller than before. This makes the Soviets of various grades to know exhaustively the demands of the masses and makes the opinions of the masses to be quickly reflected in the Soviets.

c. Soviet attitude toward landlord-bourgeois:

The Soviet is not democratic to the exploiters -- landlord and bourgeoisie who have been knocked down by the revolutionary masses. They are deprived of the rights of election and military service by the Soviet constitution.

Art. 2: The Chinese Soviet Government is building up a state of the democratic dictatorship of the workers and peasants. All power shall be vested in the Soviets of Workers, Peasants and Red Army men and in the entire toiling population. Under the Soviet Government the workers, peasants, Red Army men and the entire toiling population shall have the right to elect their own deputies to give effect to their power. Only capitalists, landlords, the gentry, militaryists, reactionary officials, ~~the~~ tukhao, monks — all exploiting and counter-revolutionary elements — shall be deprived of the right to elect deputies to participate in the government and to enjoy political freedom.

Art. 4: .... All the above-mentioned Soviet ~~Soviet~~ citizens who shall attained to the age of sixteen shall be entitled to vote and to be voted for in the elections to the Soviets. They shall elect deputies to all congresses of Workers' Peasants' and Red Army Deputies (Soviets); they shall discuss and decide all national and local questions. The workers shall elect their deputies in the factories; the peasants, artisans and urban poor shall elect deputies according to their several places of residence. Delegates to the societies shall be elected for a definite term; they shall participate in the work of one of the organizations or commissions attached to to the town or village Soviets and shall periodically submit reports to their electors concerning their activities. The electors shall have the right at all times to recall their deputies and demand new elections. Since the proletariat alone can lead the broad masses to Socialism, the Chinese Soviet Government grants special special advantages to the proletariat in the elections to the Soviets by allowing it a greater number of deputies.