

The Meiji Model and Chinese Constitutional Reformers

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By the end of the nineteenth century, China and Japan had reversed roles in their traditional relationship. The Middle Kingdom, for long the radiating center of cultural diffusion in East Asia, was now on the periphery of modern development. Japan, which had civilized itself by absorbing much of Chinese culture, was the center of a new Asia, revived through the fresh infusion of Western influence. Whereas China had once been the exemplary model for other Asian countries, now Japan showed the way to modernization and equality with the West. It could not have been easy for Chinese leaders to accept this reversal of roles. But Japan's startling successes in the Sino-Japanese War of 1894-95 and the Russo-Japanese War of 1904-05, and China's continuing humiliations before and after the Boxer Uprising in 1899, all helped to undercut the complacent superiority complex of the traditional Chinese.

Chinese observers, searching for the key to the sudden success of Meiji Japan, were most impressed by the political reforms of the Meiji regime. For Confucian-bred Chinese leaders, accustomed to believing that political leadership was the key to the strength and power of a nation, the establishment of a constitutional monarchy was the most persuasive component of the Meiji program. The Meiji constitutional program appealed especially to two groups of reformers that appeared on the Chinese scene in the last decade and a half of the Ch'ing dynasty. Both groups believed constitutional monarchy was the key to Chinese modernization. The first group of radical reformers, emerging from the shock of the Sino-Japanese War, made an abortive effort to achieve their goals under the sponsorship of the Emperor Kuang Hsü in 1898. After the return to power of the empress dowager, these radical reformers were essentially political outsiders, operating clandestinely in China or as exiles in Japan. The second

group of conservative reformers, loyal to the empress dowager, somewhat belatedly advocated constitutional reform after the Russo-Japanese War.¹ They were essentially insiders in relation to the imperial throne, and, although they were not all Manchus, they shared a common stake in preserving the shaky authority of the regime. We can obtain some insight into the impact of the Meiji model on these two groups by examining the constitutional thought of Liang Ch'i-ch'ao, a leading spokesman for the outsiders, and of several reformers within the Manchu regime.

Neither Liang nor the Ch'ing reformers advocated uncritical imitation of the Meiji constitution. Yet both, in another sense, advocated imitation of the method by which constitutional reform was introduced to Meiji Japan. In 1900 Liang outlined a program for constitutional development that included sending representatives abroad to study the constitutions of Europe, England, the United States, and Japan.² On the basis of such a study, a constitution appropriate for China would be devised. This recommendation followed the precedent of the Itō mission of 1882 in the preparation of the Meiji constitution. Five years later, when the Ch'ing regime decided to implement a program of constitutional reform, they sent two missions to Japan, the United States, England, and Europe for the express purpose of studying the constitutions of these nations.³ In doing so, they were following not only the procedure recommended by Liang Ch'i-ch'ao (though they would hardly admit to it) but the example of the Meiji experience, with one important difference—they now had the Japanese model to consider in addition to the Western models.

While both Liang and the Ch'ing reformers advocated an eclectic approach to devising a constitution for China, by examining the constitutions of several foreign nations, it is clear that the Meiji example played a large if not dominating role in their constitutional thought. In the 1890's, Liang had learned about the Meiji reforms through Huang Tsun-hsien's *History of Japan* (*Jih-pen kuo-chih*) and had come to share Kang Yu-wei's view that China could more quickly and efficiently reform by utilizing the experience of Japan rather than borrowing directly from the West.⁴ Later both K'ang and Liang, with the assistance of Japanese legion officials, fled to Japan to escape the empress dowager's coup. While in Japan, Liang enjoyed one of his most productive periods and rapidly became the leading voice for con-

stitutional reform outside the Peking government. In 1906 Liang wrote a series of articles describing the manner in which the Meiji regime had introduced constitutional government in Japan. He applied the lessons of that experience to the Chinese situation. The conservative reformers inside the Ch'ing government were equally impressed and influenced by the Meiji constitutional model. When the constitutional study missions were sent abroad, both groups spent a lengthy period in Japan where they listened to explanations of the Meiji constitution by Prince Itō, the principal architect of the constitution, and by Hozumi Yatsuka,⁹ a Tokyo University law professor who advocated absolute loyalty to the emperor. When the commissioners submitted the findings of their study to an imperial commission, they reported that they were impressed by the constitutions of England, Germany, and Japan, but they recommended that the Meiji constitution be used as a model for Chinese constitutional reform.¹⁰

Although Liang and the conservative Ch'ing reformers were bitter political rivals after 1898, there were a number of reasons why they both shared a common respect for the Meiji constitutional model. Both had come to believe that constitutional government was an essential factor in developing the strength and power of China. The Ch'ing reformers, of course, wished to avoid revolution in order to save their own skins, while Liang feared revolution because he felt it would lead to chaos, weakness, and invasion by the Western powers. Both Liang and the Ch'ing reformers, for different reasons, wished to have political reform within the existing monarchical system and to avoid a republic instituted by revolutionary means. The Meiji experience seemed to suggest that in an Asian nation a constitution within a monarchy was more effective than a constitution within a republic. In brief, both Liang and the Ch'ing reformers saw the Meiji constitutional experience as evidence of the need and proof of the possibility that constitutional monarchy could provide a means of building a more powerful China.

Despite their common esteem for the Meiji constitutional monarchy, however, Liang and the Ch'ing reformers had very different interpretations of the Meiji experience and its application to the Chinese situation. This was especially evident on the issue of imperial authority. The Ch'ing reformers viewed the Meiji constitution as evidence that it was possible to preserve imperial absolutism in the form of constitutional government.

In the view of the Ch'ing reformers, the power of the em-

peror was uncompromised by a constitution. This was a view that was directly transmitted to them by their Japanese consultants, Itō and Hozumi, both of whom held conservative interpretations on the question of imperial authority. Hozumi had advised the Chinese commissioners that the Meiji constitution was based on the total sovereignty of the emperor. Although the constitution slightly altered the means by which the emperor implemented his powers, his sovereignty remained undiminished by the adoption of the Meiji constitution, according to Hozumi. He further explained that the emperor retained the ruling *power* while the parliament, the ministers, and the judiciary represented the ruling *organs*, whose functions were to implement the legislative, executive, and judicial powers that resided in the imperial throne.⁷ Itō reiterated this interpretation by denying that the Meiji constitution placed any obstacles in the way of the emperor's powers.⁸

When the members of the constitutional missions made their recommendation to the throne favoring a Meiji-style constitution, they argued that it was desirable because, unlike some constitutions that were forced upon the monarchy by popular demand, the Meiji constitution had been freely implemented by imperial decree.⁹ This recommendation seemed to reflect directly the discussion which the commissioners had with Prince Itō. After they had queried Itō on what constitutional model would be most desirable for strengthening China, the Japanese statesman explained that among constitutions there are two basic kinds: those established by the ruler and those established by the people. He advised that since China, like Japan, had long been an imperial nation, it would be best to emulate the Meiji constitution, which had been established by the emperor.¹⁰

According to Tai Hung-tz'u and Tuan-fang, two other members of the constitutional missions, such imperial constitutions served principally to define the responsibilities of government bodies other than the imperial throne. The absolute authority of the monarch was unchanged by the constitution because his authority transcended the provisions of the constitution.¹¹ This interpretation of constitutional monarchy was no doubt comforting to the Manchu rulers of China. They had ruled for more than three centuries by Confucian axioms which assumed that the imperial throne was the source of all legitimate authority in the government. Now they were assured that con-

stitutionalism, the key to modern political power, did not threaten their traditional authority.

Other aspects of constitutional government, such as a responsible cabinet and representative assemblies, were also understood by the Ch'ing reformers in terms of their basic assumption that imperial absolutism was preserved in a constitutional monarchy. Tsai-tse noted that Prince Itō had emphasized that supreme power in the government must be retained by the emperor and must not be allowed to fall into the hands of the people.¹² Throughout Itō's discussion with the commissioners, he emphasized the unrestricted powers of the emperor. In response to Tsai-tse's concern about the possible challenge posed by new branches of government created by constitutionalism, Itō assured his Chinese visitor that the powers of the imperial throne remained unimpaired. Parliament could not convene nor dissolve itself without imperial approval, according to Itō. Furthermore, the emperor retained full powers of appointment over all officials responsible for implementing the decisions of the imperial throne. This included ultimate control of the military, said Itō, or else the system would be no different from a republic.¹³

Viewed in this light, a cabinet was interpreted to be a means of facilitating the supreme power of the imperial throne rather than an instrument responsive to elected representatives of the people. According to Tai Hung-tz'u and Tuan-fang, "The function of high government officials is to assist the ruler in the exercise of his governing powers."¹⁴ Insofar as a cabinet was responsible, it was responsible to the imperial throne. The emperor selected the prime minister and the latter organized the cabinet. This cabinet served primarily as a buffer between the ruler and the people, a means of rendering the imperial throne immune from criticism. The main responsibilities of the cabinet ministers were to assume the blame for acts by the imperial throne which might be regarded as unconstitutional by the people and to assume the blame for failures in imperial policy that might encourage discontent among the people. On the other hand, if imperial policy was successful, then the affections of the people, in a constitutional monarchy, would be directed to the imperial throne rather than to cabinet ministers.¹⁵

In the view of the Ch'ing reformers, representative bodies, like the parliament, were regarded as a useful appendage to the authority of the imperial throne. They might facilitate administrative efficiency but would constitute no threat to the absolute

powers of the emperor. Tsai-tse, after his visit to Japan, concluded that "the method of the Japanese government is to let the people share public discussions and the ruler hold political power."¹⁶ This observation seemed to be based on remarks which Hozumi had made to the Chinese commissioners. In discussing the role of parliament, Hozumi had made a distinction between participating in lawmaking and establishing the law. Parliament, he suggested, has the right to discuss and recommend, but the emperor alone has the power to decide and establish law.¹⁷

Although a parliament might provide a useful expression of trends in public opinion, it should have no legislative power of its own. In the words of another Ch'ing official, a parliament could not contravene the decisions of the imperial throne because the rights of the people "have to do with words only, not with deeds."¹⁸ Curiously, the Ch'ing reformers believed that a parliament could serve to check the powers of the cabinet but not of the emperor. If it pursued the "peoples' interest" at the expense of public administration, however, the emperor should immediately suspend or adjourn the assembly. The primary purpose of involving the people in public affairs was to strengthen the imperial government, not to curtail the powers of the sovereign. The Ch'ing reformers believed that the people would be more dedicated to developing national resources if they participated in government. This would increase the government's tax revenues and also strengthen the government in its dealings with foreign nations.¹⁹

What the Ch'ing reformers understood to be "constitutional monarchy" was in reality "imperial constitutionalism." Constitutional reforms were to be introduced not to prevent the exercise of arbitrary authority by the imperial throne but to facilitate the strengthening of the nation through the strengthening of the monarchical system. This imperial constitutionalism was summed up in the constitutional regulations issued by the Ch'ing regime in 1910: "It is reverently noted that in the form of constitutional government established by the sovereign, all powers belong to the sovereign making the laws; the executive functions of government and the administration of the laws are all his general prerogatives. In the making of laws, parliament will advise. In the execution of government, the officials will assist. The judges will administer the laws in accordance with statutes."²⁰ Having understood constitutionalism as a means of strengthening the nation, the Ch'ing reformers, identifying the

power of the throne with the power of the nation, assumed it would strengthen the throne as well. The Meiji model was clearly a dominating influence in this interpretation.

The influence of the Meiji model on the constitutional thought of Liang Ch'i-ch'ao was less direct and more complicated. As we indicated earlier, Liang feared revolution and favored reform within the existing system of government in China. Ideally, he would have preferred that a constitutional monarchy be established under the auspices of a sympathetic ruler like the Emperor Kuang Hsü who would listen to the counsel of wise men like himself. Perhaps this hope was inspired by the example of the Meiji emperor. In 1900 Liang called for the voluntary initiation of a constitutional reform program by the emperor. Only in this manner, he wrote, could revolution and chaos be averted.²¹ But by this time, the Emperor Kuang Hsü was powerless and Liang was in exile with a price on his head. It was extremely awkward for him to advocate a program of change within the system when he was considered a fugitive by those who dominated the system.

Liang's constitutional views thus came to be colored by the fact that he was an outsider. It was as an outsider that he wrote the three articles on the preparation of the Meiji constitution.²² This was shortly after the Ch'ing government had announced its intentions to inaugurate a program of constitutional reform. Liang, however, did not use this occasion to praise the Ch'ing rulers for emulating the Meiji emperor. For him, the significance of the Meiji experience was the great influence which "public opinion" exerted upon the framing and adoption of the Meiji constitution. "Public opinion," he noted, did not mean the opinions of the people in general, but those of leading political figures.²³ In his view, such organizations as public societies, political parties, and a free press were the key to constitutional development in Japan. These organizations, by stimulating public discussion of constitutional issues, served as the voice of the people and helped to bring about constitutional reform.

Liang gave special attention to the rise of political parties in Meiji Japan. He made the striking observation that the political parties of Japan had their primary value in the period before the constitution was established rather than afterward.²⁴ He believed that opposition political leaders were essential to both the establishment of popular rights and the development of political parties. Without opposition leaders like Itagaki, he implied,

there might not have been a Meiji constitution. The lesson of the Meiji experience for China was clear. First, the Chinese leaders must develop public opinion as a political force if there is to be genuine constitutional development. Second, Chinese political leaders must emulate Japanese politicians who were willing to resign from office and rally public opinion as opposition leaders.²⁸ It was not unusual for Liang to draw such conclusions from his study of the Meiji constitutional experience. At the time, he was a prominent opposition leader and an outstanding publicist concerned with shaping public opinion.

The Ch'ing regime had announced its intention to implement voluntarily a constitutional monarchy, much as Liang had originally hoped. But as a distrustful outsider, he was concerned that the Ch'ing program might not embody legitimate constitutional reform. Before, as an insider with access to a sympathetic emperor, he might have placed less emphasis on public opinion. Now, as an outsider, he believed that public pressure was necessary to bring about effective constitutional government. Liang's concerns were well placed. As we have seen, the Ch'ing reformers had a very narrow understanding of constitutionalism based on conservative views of the Meiji constitution. Liang's constitutional thought was more informed and based on a broader understanding of government by law and separation of powers.

In his articles on the making of the Meiji constitution, Liang showed none of the misconceptions about imperial authority that were widely shared among the Ch'ing reformers. He made a clear distinction between imperial absolutism and the limited power of a monarch in a constitutional system. "If you change from authoritarianism to constitutionalism," he wrote, "the influence of those who have held power is restricted, while new power-holders take control."²⁹ This critical distinction became a favorite theme in Liang's writings as he observed the Ch'ing reformers simulating the appearance of constitutional reform without altering the authority of the imperial throne.

When the Ch'ing Regent Tsai-feng announced the formation of a cabinet in 1911 and then appointed only loyal followers of the imperial throne, Liang was quick to recognize the hollow nature of this reform. The requirement that imperial edicts be countersigned by appropriate cabinet ministers did not provide an effective check upon the authority of the imperial throne in this situation, he noted. This particular Ch'ing reform, in Liang's view, was merely a reversion to the traditional practice of im-

perial China when members of the Grand Council had signed imperial edicts to authenticate the fact that they came from the emperor and were not forgeries. According to Liang, the critical difference between the so-called cabinet reform of the Ch'ing regime and real constitutional government was that, in the latter, "the minister is responsible to the people and if he believes the edict goes against the will of the people, then he can refuse to sign it." Despite the Ch'ing announcement, Liang noted, China did not yet have a responsible cabinet system.²⁷

Liang was also skeptical about the manner in which Ch'ing reformers understood the relationship between parliamentary bodies and imperial authority. In an essay warning people about mistaken views of constitutionalism, he emphasized the difference between the role of the monarch in an autocratic system and his role in a constitutional system: "In autocracy, the power of the monarch is unlimited and he controls the executive, legislative, and judicial functions of government. In a constitutional monarchy, the power of the monarch is limited and the legislative power is exercised by a parliament."²⁸ Unlike the Ch'ing reformers, he understood the principle of separation of powers and recognized that in an authentic constitutional monarchy, the powers of the sovereign are restricted.

In the context of our present study, we must ask why was there such a discrepancy between the constitutional views of the Ch'ing reformers and Liang Ch'i-chao if they were both inspired by the same Meiji model of constitutional monarchy? We have already noted that Liang and the Ch'ing reformers were attracted to the Meiji model for many of the same reasons. They both thought that constitutional monarchy, Meiji style, would increase the power of China and achieve greater equality with the West. They also believed that it was a means of averting revolution in China and bringing about gradual modernization. But they had very different interpretations of the meaning of the Meiji model for China. The Ch'ing reformers believed that it demonstrated the possibility of retaining imperial absolutism within a constitutional form of government. Liang believed that it demonstrated the possibility of restricting the powers of the imperial throne through rule of law, public opinion, political parties, and the exercise of legislative power by elected representatives of the people.

In part, their differences can be attributed to their respective political positions. The Ch'ing reformers were insiders struggling

to preserve the prerogatives which they had long enjoyed and the system which supported those prerogatives. Liang, on the other hand, was an outsider who, despite his instincts for inside political reform, was compelled by circumstances to depend on nontraditional political methods to advance his goals. But this is only part of the story.

Both Liang and the Ch'ing reformers found significance in the Meiji constitutional experience for China's own struggle to adapt itself to modern political institutions. But they brought to their understanding of the Meiji model vastly different backgrounds. Liang had begun his study of Western parliamentary and constitutional government a decade before he wrote his series of articles on the making of the Meiji constitution. Over these years he had become acquainted with Western political theory and had indicated a special interest in British philosophers like Jeremy Bentham and John Stuart Mill. He knew and understood the basic principles of nineteenth-century liberalism and the way in which they were embodied in the British system of constitutional monarchy. As early as 1897 he had written an essay which drew a clear distinction between the unlimited authority of the ruler in a despotism and the limited authority of a monarch in a constitutional system.²⁹ Thus, when he described Meiji constitutionalism, he read into it his own sympathies for Western liberal constitutionalism.

There is little evidence that the Ch'ing reformers brought any similar intellectual background to their understanding of the Meiji constitutional experience. Because of their lack of systematic knowledge concerning Western political theory, they showed an incapacity to clearly distinguish between traditional concepts of imperial authority and Western constitutional concepts of limited authority. Moreover, their knowledge of the Meiji constitution was filtered through the conservative views of Itō and Hozumi. There is no evidence that they sought the views of Japanese liberals like Ōkuma or Inukai; and even if they had, it is doubtful that they would have had an understanding of or sympathy for them.

In addition, one should note that the Meiji constitutional model was itself extremely ambiguous. As one scholar recently put it: "The Meiji political system both in theory and practice was a mixture of authoritarianism and constitutionalism, a hybrid 'absolute constitutional monarchy.'"³⁰ This hybrid model has stimulated both liberal and absolutist interpretations in Jap-

anese history as well as in Western scholarship about Japan. It should not surprise us, therefore, that Liang could derive from it an essentially liberal interpretation while the Ch'ing reformers found a fulfillment of their absolutist assumptions.

In the final analysis, the impact of the Meiji model on the Ch'ing reformers and Liang was chimerical. For both, it created the illusion that because Japan had achieved strength and power under the Meiji constitutional system, China could do the same. It was an illusion soon to be dashed in 1911.

NOTES

1. For an excellent study of the difference between the radical reformers and the conservative reformers, see Hsiao Kung-ch'uan, "Weng T'ung-ho and the Reform Movement of 1898" in *Tsing Hua Journal of Chinese Studies*, Vol. 1, 1957.

2. Liang Ch'i-ch'ao, "Li hsien-fa" (On establishing a constitution), in *Yin-ping-shih ho-ch'i* (Complete works from the ice drinker's studio; hereafter cited "YPSHC"; Shanghai, 1936), Vol. 2, Sec. 5, p. 6-7.

3. For a perceptive account of the Ch'ing constitutional missions, see E-tu Zen Sun, "The Chinese Constitutional Missions of 1905-06" in *Journal of Modern History*, XXIV.3:251-68 (Sept. 1952).

4. Richard C. Howard, "Japan's Role in the Reform Program of K'ang Yu-wei," in *Kang Yu-wei: A Biography and A Symposium* (Tucson, 1967), p. 285, p. 298.

5. Sun, "Chinese Constitutional Missions," p. 258.

6. *North China Herald*, August 10, 1906.

7. Tsai-tse, *K'ao-ch'a cheng-chih jih-chi* (Diary on the study of political systems; Peking, 1908), pp. 9-9b.

8. *Ibid.*, p. 13b.

9. *North China Herald*, August 10, 1906.

10. Tsai-tse, *K'ao-ch'a cheng-chih jih-chi*, p. 13b.

11. Tai Hung-tz'u and Tuan-fang, *Ou-mei cheng-chih yao-i* (The essence of European and American governments; Peking, 1907), pp. 33, 35.

12. Tsai-tse, *K'ao-ch'a cheng-chih jih-chi*, p. 22b.

13. *Ibid.*, p. 14.

14. Tai and Tuan, *Ou-mei cheng-chih yao-i*, p. 45b.

15. *Ibid.*, pp. 44-46, 49.

16. Tsai-tse, *K'ao-ch'a cheng-chih jih-chi*, p. 22b.

17. *Ibid.*, p. 9b.

18. *North China Herald*, August 5, 1910.

19. Tai and Tuan, *Ou-mei cheng-chih yao-i*, pp. 2b-5, 64-65.

20. *North China Herald*, July 15, 1910.

21. Liang Ch'i-ch'ao, "Li hsien-fa," p. 5.

22. For a detailed and thorough examination of these three articles, see

George Macklin Wilson, "Politics and the People: Liang Ch'i-ch'ao's View of Constitutional Developments in Meiji Japan Before 1890," *Papers on Japan* (Cambridge, 1961), I, 189-226. My discussion owes much to his analysis.

23. Liang Ch'i-ch'ao, "Jih-pen yu-pei li hsien shih-tai chih jen-min" (The Japanese people in the period of constitutional preparation), in *Hsin-min ts'ung pao* (New citizenry), 4.11:2-4.

24. *Ibid.*, 4.17:8-9.

25. *Ibid.*, 4.17:9-14.

26. *Ibid.*, 4.11:18.

27. Liang Ch'i-ch'ao, "Chun-chi ta-chen shu-ming yu li hsien kuo chih kuo-wu ta-chen fu-shu" (On the countersignature of the minister of army and minister of state), *YPSHC*, Vol. 9, Sec. 25a, pp. 55-56.

28. Liang Ch'i-ch'ao, "Ch'ing-kao kuo-jen chih wu-ch'ieh hsien-cheng che" (A warning to the people about misunderstanding constitutionalism), *YPSHC*, Vol. 10, Sec. 26, p. 62.

29. Liang Ch'i-ch'ao, "Lun chuan-chih chen-t'i yu pai hai yu chun-chu wu i li" (How despotism cannot but harm the monarch), in *Yin-ping-shih wen-chi* (Literary works of the ice-drinker's studio; Hong Kong, 1958), III, 62-73.

30. Joseph Pittau, *Political Thoughts in Early Meiji Japan, 1868-1889* (Cambridge, 1967), p. 201. For another study which shows the ambiguity of the Meiji constitutional development, see George Akita, *Foundations of Constitutional Government in Modern Japan 1868-1900* (Cambridge, 1967).