

# Nationalist Attempts at Reforming County Government\*

Tun-jou Ku

## Part I

### A. Introduction: The Background of the Nationalist Party and the National Government

What is the *hsien* or county in China? The author has tried to answer this question in two articles, entitled "The *Hsien* Government in the Chinese political System" and "The Evolution of the *Hsien* Government through 23 centuries, published in *Chinese Culture* in the October 1957 issue (v. I n. 2) and the December 1959 issue (v. II n. 3) respectively. For the sake of convenience the two words, "*hsien*" and "*county*", are used here interchangeably although there are many differences between a Chinese *hsien* and an American county.

The world is now interested to observe that the Chinese government has finally carried out its program of local self-government on the county level in Taiwan as well as its successful program of land reform. It is, however, the result of hard work over a long period of time through four different and difficult stages:

- First, the government's initial attempt to institute county self-government under the law of 1929;
- Second, some new re-adjustments made in the county government since the law of 1934;
- Third, the adoption of the "New *Hsien* System" during the Japanese War; and
- Fourth, the realization of county self-rule in Taiwan.

The present study will deal with the first two stages as the government and the country was then under the "party tutelage" of the Kuo-min Tang or the Nationalist Party. In view of the special "party rule" at that time, a background knowledge of the relation between the party and the government and of Dr. Sun Yat-sen's theory of local self-government will be in order.

The Nationalist Party, or Kuo-min Tang, is the oldest and once the largest revolutionary party in China. Founded by Dr. Sun Yat-sen seventy years ago, this party has been charged with the mission of establishing a government "of the people, by the people, and for the people." Since its inception, the Kuo-min Tang has passed through many vicissitudes, and the party was known to the world under no less than five different names, i.e., the Shing Chung Hui (興中會 1894-1905), the Tung-Meng Hui (同盟會 1905-1912), the People's party or Kuo-min Tang (國民黨 1912-1914), the Chinese Revolutionary Party (中華革命黨 1914-1919), and the Chinese People's Party, or the Chinese Nationalist Party, or in Chinese, the Chung-kuo Kuo-min Tang, (中國國民黨) which is popularly called Kuo-min Tang (1919.....). Notwithstanding these changes, the Party has

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consistently endeavored to realize the Three People's Principles of nationalism, people's right and people's livelihood. The new China, according to Dr. Sun and his followers in the party, is to be free, independent and equal in its relations with other nations of the world. There will also be an equitable distribution of wealth through the enforcement of three policies, the equalization of land ownership, the development of state capital, and the control of private capital.

The present party organization, with its hierarchy of various party headquarters, owes its inception to the resolutions adopted by the First Plenary Session (or the First National Congress) held in 1924. The main principle of party organization is based on centralization of powers on a democratic basis, in order to effect the closest cooperation between the member and his party. Besides the "special headquarters" for Mongolia, Tibet and other special areas, there are altogether five levels of "ordinary headquarters" in the Kuo-min Tang hierarchy, namely:

- 1) National Congress (全國代表大會) .....Central Executive Committee
- 2) Provincial Convention (全省代表大會) .....Provincial Executive Committee
- 3) *Hsien* or County Convention (全縣代表大會) .....*Hsien* Executive Committee
- 4) *Ch'ü* or District Convention (全區黨員大會或代表大會) .....*Ch'ü* Executive Committee
- 5) Branch *Ch'ü* Convention (區分部黨員大會) ..... Branch *Ch'ü* Executive Committee

The last mentioned unit, being most basic in the party machinery, is the organ where the member establishes his contact with the party, and through which its principles and policies are spread among the people, while at the same time the sentiments and voices of the members are made known to the higher authorities. The branch *Ch'ü* headquarters also serve as a center for the disciplining and canvassing of new members. The party conventions and the plenary meetings of Kuo-min Tang members form the centers from which the powers of the respective headquarters are derived, while the executive committees constitute the administrative organs of the various grades of headquarters.

The title of Tsungli, Director-general, was conferred on Dr. Sun Yat-sen exclusively at the First National Congress of the Kuo-min Tang delegates in 1924. Generalissimo Chiang Kai-shek was unanimously elected the Tsungtsai (a different name for director-general) of the Party at the Provisional National Kuo-min Tang Congress in 1938.

In order to understand the machinery of the Chinese Government before the promulgation of the Constitution of 1947, one point should be borne in mind, viz., the Nationalist Government of the Republic of China in 1925 derived its mandate from the Central Executive Committee which was in turn elected in 1924 by the First National Congress of the Kuo-min Tang delegates. It was by this Nationalist party, the Kuo-min Tang, that the Northern Expedition of 1928 against warlords was planned and carried out successfully. Thus, the Party claimed that it was entitled to nurse the Republic until the latter was strong enough to look after itself. Dr. Sun, in the *Fundamentals of National Reconstruction* (建國大綱 *Chien Kuo Ta Kang*) drafted on April 12, 1924, carefully planned a program for national reconstruction which should be divided into three periods, viz., (a) Period of Military Operation; (b) Period of Political Tutelage; and (c) Period of Constitutional Government.<sup>1</sup> It was thus considered after the conclusion of the military revolution in 1927 and

1. *Fundamentals of National Reconstruction*, art. 5.

prior to the adoption of a permanent Constitution, the Kuo-min Tang was the very source from which the National Government emanated.

As early as June 1924, it was decided by the Party that a Central Political Council (中央政治委員會) responsible directly to the Central Executive Committee of the Kuo-min Tang should be created. Consequently a Political Council was appointed by Dr. Sun Yat-sen. It was given the power to determine the fundamental policy of the Government. The functions of this Central Political Council were defined by the Third Plenary Session of the Central Executive Committee of the Kuo-min Tang on March 4, 1930. The matters to be discussed and decided by the Central Political Council were of six categories, viz., (a) Fundamentals of National Reconstruction; (b) Principles of Legislation; (c) Administration of Policies; (d) General Plans for National Defence; (e) Financial Programs; (f) Election of the President and Members of the State Council (國民政府委員會), Presidents, Vice-Presidents and Members of the five Yuan (the Executive Yuan, the Legislative Yuan, the Judicial Yuan, the Examination Yuan and the Control Yuan) as well as the specially appointed officials of National Government.

It is to be noted that the Political Council, though subordinated to the Executive Committee of the Kuo-min Tang, was not concerned with party matters. On the other hand, it was not the Government or even a department of the Government itself. It would not directly issue orders or mandates or direct political affairs. It is obvious that this institution served as an important link between the Party and the Government. Politically, the National Government was responsible to the Central Political Council but, legally, it was the highest political organ of the Republic of China and not subject to the Central Political Council,<sup>2</sup> but, as related before, responsible to the Executive Committee.

The Party rule—the supremacy of the Kuo-min Tang and the National Government's deriving of its mandate from the Kuo-min Tang—ultimately obtained constitutional recognition from the stipulations of the *Provisional Constitution of the Political Tutelage Period* (訓政時期約法), adopted by the National People's Convention (國民會議 Kuo-min Hui-i) in 1931.<sup>3</sup>

After fourteen years, including eight years of armed resistance against the Japanese invasion, and in view of the imminence of victory, the Sixth National Kuo-min Tang Congress was convened in Chungking, China's war capital, in May 1945, to state a new important policies of the Party. The future programme for the Kuo-min Tang was outlined by President Chiang Kai-shek, Tsung-tsai of the Kuo-min Tang, in his opening address at the Congress on May 5. He called the attention of the Congress to three important points,<sup>4</sup> one of which was on the inauguration of constitutionalism.

“...We shall make plans for the inauguration of constitutionalism. Twice I have made known my decisions to conclude the period of political tutelage and to introduce constitutionalism, in the opening address to the people's Political Council last September, and in the

2. On November 11, 1937, by a resolution adopted by the Standing Committee of the Kuo-min Tang Headquarters, it was ordered that, pending the conclusion of the war, the functions of the Political Council should be absorbed by the Supreme National Defence Council.

3. For details see the *Provisional Constitution of the Political Tutelage Period*, arts. 30 and 72.

4. The other two points were (1) “.....we shall increase our fighting strength to win the final victory,” and (2) “.....we shall improve the livelihood of the people.”

message to the nation on New Year's Day...

"If we cannot promulgate a constitution and achieve constitutionalism, there can be no foundation for national reconstruction. If we cannot convene the National Assembly 國民大會, we shall not be able to return political power to the entire people. Therefore, we must decide on a date for the convocation of the National Assembly and see to it that it meets in time to adopt a constitution.

"...We are aware that large sections of the people may not yet possess all the qualifications required for the exercise of the people's rights. But it is only through practice that the people may receive full training in the exercise of their four political rights (election, initiative, referendum and recall) and increase their political knowledge so that they may perform their duties with competence."<sup>5</sup>

Consequently, the Sixth National Congress adopted at its seventeenth meeting a set of principles, totalling thirty articles. These principles dealt essentially with the problems of national democracy, political democracy, and economic democracy. Regarding political democracy, the Congress urged the early application of constitutionalism and the completion of local self-government. The people's freedom of speech, assembly, and publications should be safely guarded. It also advocated the setting up of a sound civil service in order to improve administrative efficiency and in upholding the integrity of the judiciary in order to safeguard the rights of the people. The decision to convene on November 11, 1945, the People's Assembly was one of the most important achievements of the Congress. The date for the convocation of the People's Assembly was later postponed until May 5, 1946. As the new People's Assembly adopted the Permanent Constitution of the Republic of China on November 25, 1946, the Kuo-min Tang finally returned the political rights to the entire people.

### B. Dr. Sun Yat-sen's Theory of Local Government

The last half century has been marked by frequent attempts to alter the structure and modernize the functions of all divisions of the Chinese government.<sup>6</sup> The most radical and far-reaching of these changes were, of course, those connected with the central government, but the *hsien* 縣 or the county and the smaller units under it have received an increasing amount of attention.

The *hsien* was always regarded as an essential administrative unit under Imperial rule, and with the formation of the Republic it was stated explicitly and repeatedly to be the basic grade of

5. Chiang Kai-shek: Future Program for the Kuo-min Tang, The Chinese Year Book, 1944-1945, pp. 157-159.

6. A general outcry for political reform arose all over China after the Sino Japanese War of 1895. In 1898 Dr Sun Yat-sen formulated his famous "Three People's Principles", and K'ang Yu-wei 康有為 even succeeded in persuading Emperor Kuang-hsi 光緒 to introduce the changes afterwards known as the "Hundred Days of Reform". Afterwards, continual popular movements and local revolutions compelled the Manchu government to issue an Imperial Edict of governmental reforms in 1906, the *Hsien Fa Ta Kang* 憲法大綱 or *Outlines of Constitution* and the *Chen, Cheng Hsiang Ti Fang Tzu Chih Chang Ch'eng* 城鎮鄉地方自治章程 or *Regulations Concerning the Local Self-government of the Chen, Cheng, and Hsiang* in 1908, and the *Fu, Ting, Chou, Hsien Ti Fang Tzu Chih Chang Ch'eng* 府廳州縣地方自治章程 or *Regulations Concerning the Local Self-government of the Fu, Ting, Chou, and Hsien* in 1910. These are the memorable beginnings of political reform in China.

local self government.<sup>7</sup> The Kuo-min Tang owes its theory of local government to Dr Sun Yat-sen who was one of the strongest advocates of local self-government of his time.

In 1916, during the early days of the Republic, Dr. Sun Yat-sen, in making a speech in Shanghai on *Local Self-government as the Foundation Stone of National Reconstruction*, had already indicated the importance of the *hsien*. Including Mongolia and Tibet, where he hoped that the *hsien* system would sometime be established, he estimated a possible total of 3,000 *hsien* which he spoke of as the 3,000 foundation stones of China.<sup>8</sup> In 1924, he formulated his *Fundamentals of National Reconstruction* in which he again made local self-government the focal point of national reconstruction. As indicated previously, he declared that "the *hsien* is the unit of local self-government"<sup>9</sup> and that the main duty of the Government in the period of political tutelage was to assist the people in the *hsien* for the preparation of self-government.

"In the period of political tutelage the Government should send persons, qualified through training and examination, to various *hsien* (counties) to assist the people in the preparation of self-government. A *hsien* may elect a magistrate for the execution of its administrative affairs and elect representatives for the deliberation and making of its laws in order to become a completely self-governed *hsien*. To qualify, a census of the whole *hsien* must be properly taken, a survey of its land must be completed, its police and local defenses satisfactorily maintained, and road-building and repairing within its boundaries successfully carried out. Also its people should have received training in the exercise of the four powers, fulfilled their duties as citizens, and pledged themselves to carry out the revolutionary principles."<sup>10</sup>

After laying down the pre-requisites of self-government, he proceeded also to enumerate the rights of the citizens in a completely self-governed *hsien*.

"Citizens in a completely self-governed *hsien* will have the power of election, the power of recall, the power of initiative, and the power of referendum."<sup>11</sup>

It is also to be noticed that Dr. Sun had not neglected, but given special attention to the economic and financial problems of the *hsien* which, he claimed, is an economic body as well as a political body. The first thing to do is to carry out land reform by the flexible ways of assessment, taxation, and purchase.

"Every *hsien*, at the commencement of self-government, shall first assess the value of private land in the whole *hsien*, which value is to be declared by the landowner. The local government shall tax private land on the basis of the value assessed, and it at anytime may buy it on the same basis. If after this assessment the land increases in value as a result of

7. Both the Constitution of 1923 and the Provisional Constitution for the Period of Political Tutelage of 1931 emphasized the fact that the *hsien* is one of the two grades of local division and should have self-government. The Constitution of 1947, which was promulgated by the Kuo-min Ta-Hui or the National Assembly on December 25 states explicitly that the *hsien* be the unit of self-government.

8. *Tzu Chih Chih Tu Wei Chien She Chih Ch'u Shih* 自治制度為建設之礎石 or *Local Self-government as the Foundation Stone of National Reconstruction*, Kuo Fu Chuan C'hi 國父全集 (Complete Works of Dr. Sun Yat-sen), pp. 138-145. 中央文物供應社, Taipei. No date of publication.

9. *Fundamentals of National Reconstruction*, art. 18.

10. *Ibid.*, art. 8.

11. *Ibid.*, art. 9.

political advancement or social progress, such unearned increment should be shared by the people in the whole *hsien* and should not be kept by the landowners as private profit."<sup>12</sup>

Secondly, enough revenue is guaranteed to the *hsien*, which is expected to fulfill efficiently all the administrative functions of a local government.

"Annual receipts from land tax, unearned increment, products of public land, yields from mountains, forests, rivers and lakes, proceeds from mineral deposits and water-power, all belong to the local government. These proceeds shall be used for the operation of local public enterprises of the people, for the care of the young and the aged, the poor and the sick, for famine relief, as well as to meet various public demands."<sup>13</sup>

Thirdly, central financial assistance will be provided for the larger enterprises which a single *hsien* cannot afford to undertake.

"In the various *hsien*, natural resources and large-scale industrial and commercial enterprises, the opening and development of which lie beyond the means of these *hsien* and require external capital, should be started and developed with the help of the National Government. Net profits so realized shall be divided equally between the central and local governments."<sup>14</sup>

And fourthly, both the *hsien* and the central government are protected financially by specifying a reasonable contribution from the *hsien* to the central government.

"With regard to its obligation to the National Government, every *hsien* shall contribute a percentage of its annual revenue towards the central government's annual expenditure. Such percentage shall be determined each year by citizens' delegates, but shall not be lower than 10 percent or more than 50 percent of the *hsien* revenue."<sup>15</sup>

Ultimately, Dr. Sun pointed out again that local self-government is the road to provincial constitutionalism and national democracy.

"The constitutional period shall commence in a province when all the *hsien* of the province have attained complete self-government. The body of citizens' delegates may elect a governor to supervise self-government of the province. In matters involving national administration the governor shall be subject to the direction of the National Government."<sup>16</sup>

"Every *hsien*, upon its adoption of self-government, may elect one delegate for the formation of a representative body to participate in political affairs of the National Government."<sup>17</sup>

### C. The Theory Put into Practice—A New Pattern of County Government

Although it has been the policy of the Kuo-min Tang to emphasize the *hsien*, little of practical value was accomplished during the early years of the Republic because of the opposition

12. *Ibid.*, art. 10.

13. *Ibid.*, art. 11.

14. *Ibid.*, art. 12.

15. *Ibid.*, art. 13.

16. *Ibid.*, art. 16.

17. *Ibid.*, art. 14.

and oppression of Yuan Shih-K'ai<sup>18</sup> and the northern militarists and bureaucrats who feared that the development of the *hsien* as a strong political unit would mean the restriction of their power.

During the period of its northward military movement the Nationalist government in an attempt to ameliorate the chaotic conditions within the conquered provinces, had introduced in 1926 the committee system.<sup>19</sup> The failure of this innovation encouraged the return to the traditional system of governing the *hsien* through a *hsien-chang* or magistrate. There was, therefore, little change in the 1927 ordinance.<sup>20</sup>

The ideal of those who stressed the importance of the *hsien* was that it should function as a unit of local self-government rather than merely as an instrument for carrying out regulations imposed from above. It is this aspect of *hsien* administration which has received so much attention and which is the core of the new attempt. Since the establishment of the National Government in Nanking more than one set of regulations have been promulgated with the aim of establishing local self-government. The major attempt in this direction was the *Hsien Tsu Chih Fa* 縣組織法 or *Law Governing the Organization of the Hsien Government*, issued in 1929.<sup>21</sup> According to this law the function of the *hsien* government is "to perform the administrative work of the whole *hsien* and supervise the local self-governing activities under the direction and supervision of the provincial government".<sup>22</sup> "On the basis of population and area, financial resources and local problems, the *hsien* were classified into three groups".<sup>23</sup> Adopting the modern form of government, the *hsien* government had two branches, the executive and the legislative.

The executive branch, conventionally called the *hsien* government, consisted of a magistrate, or *hsien-chang*, one secretary, from two to four assistants known as chiefs of bureaus, four technical personnel, clerks and other employees. The magistrate, like the French *maire*, occupied a dual position.<sup>24</sup> On the one hand, he was an agent of the provincial government, ready to do its errand and subject to its constant supervision. On the other, he was the chief executive of the *hsien*, responsible for its entire administration. He was appointed by the National Government at the instance of the provincial department of civil affairs (to be chosen by popular vote only when the conditions laid down in Article 8 of Dr. Sun's *Fundamentals of National Reconstruction* were fulfilled) for a term of three years and was eligible for reappointment.<sup>25</sup> The actual work was,

18. In 1914, after the defeat of the Kuo-min Tang, Yuan Shih-k'ai abolished all the institutions of local self-government which had been established at the end of the Ch'ing Dynasty and continued at the beginning of the Republic.

19. Ch'ien Tuan-sheng and others: *Ming-Kuo Cheng-Chih Shih* 民國政制史 (*History of Political Institutions under the Republic*); v.2, p. 170.

20. The National Government was established in Nanking on April 18, 1927. The single magistrate system was restored on June 9.

21. The National Government promulgated the first *Hsien Tsu Chih Fa* 縣組織法 (*Law Governing the Organization of Hsien Government*) in 1928. In the following year this was superseded by the present law, several articles of the latter being revised in 1930. The whole instrument is popularly known as the Law of 1929 or the Organic Law of 1929, including, of course, the revisions of 1930. For details of the development of the laws concerning the *hsien* government from 1926-1932, see Ch'ien Tuan-sheng *op. cit.*, pp. 170-173.

22. *Ibid.*, art. 3.

23. *Ibid.*, art. 4.

24. *Ibid.*, art. 3.

25. *Ibid.*, art. 11 and 12.

however, performed by experts who headed four bureaus: public safety, finance, reconstruction, and education.<sup>26</sup> Other bureaus may be created on request: such as the bureaus of public health, land, social affairs and food provisions. The bureau of public safety was charged with such duties as the registration of households the preservation of peace, the prevention of fires and epidemics, the protection of forests, sanitation, relief work, and the regulation of fishing and hunting. The finance bureau had to do with taxes, bonds, public property, and local finance. The reconstruction bureau dealt with affairs in connection with land, agriculture, mining, forests, water works, roads, bridges, labor, and public enterprises. The education bureau was in charge of schools, libraries, museums, public athletic grounds, public parks, and other cultural enterprises. The heads of the bureaus were appointed by the provincial government on the recommendation of the magistrate after passing an examination.<sup>27</sup> The magistrate and his staff and the heads of the bureaus constitute the *hsien* administrative council. Matters concerning the *hsien* budget and debt, the handling of public property and the regulation of public enterprises are within their competence to discuss.<sup>28</sup>

The other branch of the *hsien* government was to be the *Hsien* Provisional Assembly or 縣參議會 *Hsien Ts'an-I Huei*, an organ representative of the local citizens. The term of its members was three years, one third of them retiring annually. It was a unicameral chamber and its size was to be determined by law. Being the final authority to pass upon measures initiated by members concerning especially *hsien* finance, it served as a check upon the *hsien* administrative head of a council. According to law the *hsien* Assembly was to be instituted when the *Ch'ü-chang*, 區長 the subdivision of the *hsien*, was elected by popular vote.<sup>29</sup>

It is important to mention that in addition to the separation of executive and legislative functions in the *hsien*, the judicial powers formerly exercised by the magistrate were now being shifted to independent courts known as local (*hsien*) courts. This plan was fully carried out in most of the rich *hsien*.

For the purposes of *hsien* administration and local self-government, the *hsien* was divided into a number of *ch'u* 區 or circles according to population and local conditions. Making exception for local customs and traditions, geographical reasons, and other special conditions, a *ch'ü* consisted of from ten to fifty *hsiang* 鄉 or rural townships, and *cheng* 鎮 or urban townships. Each *hsiang* or *cheng*, contained about one hundred households. The only distinction between the two was that the *cheng* was urban in character and had a market. The *hsiang* and *cheng* are further divided into *lü* 闔 or blocks, and *lü* in turn into *lin* 鄰 or neighbourhoods, both of these denominations reminding us of the local government of the *Chou* Kuan.<sup>30</sup> In general, a *lü* in modern times contained twenty-five households and a *lin* five households.<sup>31</sup> Elaborate plans of local self-government were made for all those small units within the *hsien*.<sup>32</sup>

26. *Ibid.*, art. 16.

27. *Ibid.*, art. 17.

28. *Ibid.*; arts. 21 and 22.

29. *Ibid.*, arts. 25-27.

30. *Revised Law Governing the Organization of Hsien Government*, 1930, Art. 6.

31. *The Law of 1929*, art. 7.

32. See Tun-jou Ku, *op. cit.*, *Chinese Culture*, v. II, n. 3, p. 59, foot-note 1.

33. *The Law of 1929*, art. 10.



First in the hierarchy was the *ch'ü* government. As the *hsien* government itself had not been completely organized on the representative basis of the law of 1929, all that can be said of the *ch'ü* government, or *ch'ü Kung-Su* 區公所, is that there was a *ch'ü-chang*, or the head of *ch'ü*, appointed by the provincial government together with a few assistants appointed by the magistrate. But it was stipulated that one year after the promulgation of the law of 1929<sup>34</sup> the provincial government, in view of local conditions, may recommend a date to the Ministry of the Interior for the popular election of the *ch'ü-chang*.<sup>35</sup> It was the *ch'ü-chang* and his assistants together with the *hsiang-chang* and *cheng-chang*, or the chairmen in the townships (*hsiang* and *chen*) within the *ch'ü* that constituted the *ch'ü* council (區務會議), which was required to meet at least once every month. The main function of the council related to *ch'ü* finance.<sup>36</sup>

The *ch'ü* assembly (區民大會) was to be composed of all the citizens of the *ch'ü* and was empowered to exercise the rights of election, initiative, referendum and recall.<sup>37</sup>

In order to supervise the conduct of the *ch'ü-chang* and *ch'ü* finance, a *ch'ü* supervisory committee 區監察委員 of from five to seven members was to be elected by the county residents as stipulated by article 31 in the law of 1929.

Next in order come the governments of the townships (*hsiang* and *chen*). As the townships were the main units under the *hsien*, their governments deserve careful analysis.

To begin with, who were full-fledged citizens and voters in the township? Any person twenty years of age regardless of sex, who had one year's residence in the township, or possessed a dwelling house for two or more years was qualified to exercise the rights of suffrage, initiative, referendum and recall after taking an oath and getting himself registered. The following classes were, however, excluded from enjoying these political privileges: those who have been legally proved to be anti-revolutionists, corrupt officials, and notorious bad characters, those who are prohibited from taking control of property such as bankrupts or imbeciles, and finally, opium-smokers.<sup>38</sup>

What were the functions of the rural township assembly or urban township meeting (鄉民大會或鎮民大會)? The qualified voters would constitute themselves into a township assembly or urban township meeting. The functions of these bodies comprised the following:

- 1) Election and recall of the village or town chairman
- 2) The making and amending of self-government charter
- 3) Determination of *hsiang* or *cheng's* own exclusive regulations
- 4) Determination of budgets and financial statements
- 5) Determination of matters entrusted by the *hsiang* or *cheug* chairman
- 6) Determination of matters initiated by the *lü* and *lin* and the citizens<sup>39</sup>

34. It is a mistake that Prof. C. F. Wu quoted *the Revised Law of 1930* in this connection. Wu Chih-fang: *Chinese Government and Politics*, p. 301. The stipulation was apparently made in the law of 1929.

35. *The Law of 1929*, art. 32.

36. *Ibid.*, arts. 37 and 38.

37. *The Revised Law for the Enforcement of Self-Government in the ch'ü*, 修正區自治法, July 7, 1930, art. 17.

38. *Law For the Enforcement of Self-Government in the Hsiang and Cheng*, (鄉鎮自治法) 1929, art. 7.

39. *Revised Law For the Enforcement of Self-Government in the Hsiang and Cheng* 修正鄉鎮自治法, 1930, art. 21.

All measures, in order to be valid, must be passed by a majority of those present at the *hsiang* assembly or *cheng* meeting. Two sessions would be held each year, but no session was to last for more than six days.<sup>40</sup>

What were the duties of the *hsiang* or *cheng* Chairman and Vice-Chairman? Each *hsiang* or *cheng* had a chairman and a vice-chairman. The number of vice-chairmen was to be determined by the number of households in such townships, one additional vice-chairman for five hundred more households.<sup>41</sup> They were elected for one year and eligible for re-election.<sup>42</sup> Before the popular election of the *ch'ü-chang*, or the head of *ch'ü* the *hsiang* or *cheng* people were required to elect twice as many chairmen and vice-chairmen as the *hsiang* or *cheng* was entitled to in order that the magistrate may have a choice. For instance, as a *hsiang* or rural township is entitled to have a chairman and a vice-chairman, the voters will be required to elect two chairmen and two vice-chairmen from whom one chairman and one vice-chairman will be chosen by the magistrate.

Under such conditions, the chairman and vice-chairman might be removed by the magistrate in addition to the possibility of being recalled by the *hsiang* or *cheng* assembly.<sup>43</sup>

The chairman and vice-chairman of the *hsiang* and *cheng* were executive officers entrusted with duties relating to census taking, the registration of vital statistics, land investigation, the construction and repairing of roads, bridges and parks, education and other cultural enterprises, local defense, the physical training of the citizens, sanitation, water works, forest protection, the improvement and protection of agriculture, industry and commerce, the conserving and equalizing of food supply, the regulation of reclamation, pasturage, fishing and hunting, the organization and direction of cooperative societies, the improvement of local customs, the providing of means for the care of the young and the aged, philanthropic and relief work, public enterprises, the drafting of self-government regulations, the regulation and disposition of financial statements, matters entrusted by the *hsien* and *ch'ü* governments and other matters which according to law should be performed. The chairman was required to make an oral or written report to the *hsiang* assembly or *cheng* meeting with reference to what had taken place during his term.<sup>44</sup>

Each *hsiang* or *cheng* Had a Supervisory Committee 監察委員會 and a Conciliatory Committee, 調解委員會 all elected by the qualified voters who constitute themselves into a *hsiang* assembly or *cheng* meeting.<sup>45</sup> The supervisory committee supervised local finance and the conduct of the chairman and vice-chairman.<sup>46</sup> In rotation the members sat as chairman. Decisions were rendered by a majority vote.<sup>47</sup>

The conciliatory committee was to mediate in civil and criminal cases. Its members as indicated

40. *Law For the Enforcement of Self-Government in the Hsiang and Cheng*, arts. 22, 25, and 26.

41. *Revised Law For the Enforcement of Self-Government in the Hsiang and Cheng*, 1930, art. 40.

42. *Law For the Enforcement of Self-Government in the Hsiang and Cheng*, art. 37.

43. *Law Governing the Organization of Hsien Government*, 1929, arts. 45 and 46.

44. *Law for the Enforcement of Self-Government in the Hsiang and Cheng*, arts. 30 and 39.

45. *Law Governing the Organization of Hsien Government*, 1929, art. 44, and *Law for the Enforcement of Self-Government in Hsiang and Cheng*, arts. 16; 17; 18; 32, and 33.

46. *The Law of 1929*, art. 44.

47. *Law for the Enforcement of Self-Government in Hsiang and Cheng*, art. 55, 48-50.

above, were elective, but the chairman and vice-chairman of the *hsiang* or *cheng* were ineligible for membership. <sup>48</sup>

Finance was considered as one important aspect of the *hsiang* and *cheng* administration. The following items constituted the main sources of their revenue:

- 1) Income from *hsiang* or *cheng* property and funds,
- 2) Income from public enterprises,
- 3) Self-Government funds (from the higher governmental authority),
- 4) Subsidies from the *hsien* and *ch'ü*,
- 5) Special contributions (from the inhabitants, if they are approved in *hsiang* assembly or *cheng* meeting).

By law the revenue and expenditure must be reported every three months. <sup>49</sup>

But without education the citizens may abuse their political privileges. On account of this, the *hsiang* or *cheng* was required to establish primary, supplementary and citizen-training schools. (初級小學, 國民補習學校, 國民訓練講堂) Within four years all illiterates from ten to forty years of age must receive one and one-half years' education in the supplementary or citizen-training schools. The subjects taught in such schools included Party instruction (tenets of the Nationalist Party), self-governing regulations, the national and world situation, and the details of the county in which the *hsiang* or *cheng* was situated. <sup>50</sup>

Government in the *lū* and *lin* (neighbourhoods) was simple but comprehensive. Like the French *arrondissement* the *lū* and *lin* were numbered. <sup>51</sup> Each had a chairman, elected by, and subject to recall by the residents in the respective areas, <sup>52</sup> who was entrusted with functions relating to self-government and matters handed down from the *hsien*, *ch'ü*, *hsiang* and *cheng* governments. His term was one year. In addition, there was an assembly in each *lū* or *lin*, consisting of all the qualified voters. A majority of them constituted a quorum, and decisions were rendered by the majority of those present at the assembly meeting. The assembly meeting could not last for more than one day. On the request of ten households the chairman of the *lū* had to call for a meeting. In the case of the *lin* two households would be sufficient. <sup>53</sup>

## Part II

### D. Frustrated Efforts at Local Self-government

As a legal document the Organic Law of 1929 marked a great advance toward democracy in local government; but in practice it was valueless since the experiment of popular assembly was tried only in a few *hsien* in Yünnan. <sup>54</sup> General observance of the law was made impossible both

48. *Ibid.*, arts. 32 and 33.

49. *Ibid.*, arts. 62 and 65.

50. *Ibid.*, arts. 34 and 35.

51. *Law for the Enforcement of Self-Government in the Hsiang and Cheng*, art. 66.

52. *The Law of 1929*, arts. 48 and 50.

53. *Law for the Enforcement of Self-Government in the Hsiang and Cheng* arts. 67, 68, 70, and 74.

54. See the *Ko Sheng Shih Ti Fang Tzu Chih Chin Hsing Kai K'uang* 各省市地方自治進行概況 (General Conditions of Local self-government in Different Provinces and Municipalities), 1928-1935 (November), a mimeographed report of the Ministry of the Interior.

by the extreme domestic and international difficulties and by the elaborate procedure necessary before a *hsien* was considered to have sufficient political education to elect a *hsien* assembly. According to the law of 1929, the *hsien* assembly could be established only when the *ch'ü-chang* 區長 or head of the *ch'ü* had been popularly elected.<sup>55</sup> This election was in turn made to depend on a special act of approval by the Ministry of the Interior, an act which must be obtained by each provincial government separately for each *hsien* under its control.<sup>56</sup> Prior to obtaining such approval, the *ch'ü-chang* were to be appointed by the provincial government,<sup>57</sup> and as long as they were appointed, the *hsien* assembly could not be established. Thus the election of the *hsien* assembly, an organ comparable to highly-developed local governing bodies in other countries, was dependent upon the people's having shown some ability for local self-government.

This arrangement was in general in agreement with the doctrine laid down by Dr. Sun in connection with his definition of duties during the period of political tutelage.<sup>58</sup> By the time that period came to an end, at least a majority of the provinces were supposed to have complete self-government in the sense that the *hsien* all had popularly-elected assemblies and magistrates. It will be seen that these seven requirements set forth by Dr. Sun may well be regarded as the necessary preliminary to an orderly and truly popular election of the *hsien* legislature. But, in the nature of things, these requirements could not be fulfilled in a short period of time. Anticipating the difficulties to be encountered in carrying out Dr. Sun's original plan, the government had to make certain concessions in the requirements. The law of 1929 embodied these concessions, making the popular election of the *hsien* assembly no longer dependent on the requirements laid down in the *Chien Kuo Ta Kang*, or Fundamentals of National Reconstruction, but rather on an act of approval which the provincial government could request at will and the Ministry of the Interior grant at its discretion. Presumably, both the province and the Ministry were to investigate the self-governing ability of the *hsien* in question, but they were to be permitted much leeway in their judgments. Despite the concessions in this plan, the process of political education would still require considerable time. The Second Plenary Session of the Third Central Executive Committee of the Kuo-min Tang, afraid that the local officials might not bend all their efforts toward the preparation of the people for local self-government, passed two resolutions in June, 1929,<sup>59</sup> to the effect that the period of tutelage was to end in 1935, six years after the proclamation of the new law, and that the popular election of the *hsien* assembly and the *hsien-chang* must take place before the end of 1934, one year earlier. The Ministry of the Interior then formulated a detailed working program for the

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55. Law Governing the Organization of the *Hsien* Government of 1929, art. 27.

56. *Ibid.*; art. 32.

57. *Ibid.*, art. 33.

58. The seven pre-requisites for local self-government are set forth in the *Fundamentals of National Reconstruction*, art. 8. *Supra* p. 5.

59. *Hsun Cheng Shih Ch'i Kuei Ting An Chi Wan Ch'eng Hsien Tzu Chih An*. 訓政時期規定案及完成縣自治案 (Resolution Fixing the Time of the Tutelage Period and Resolution Establishing Self-government in the *hsien*).

years of political tutelage,<sup>60</sup> requiring the provinces to apply for the election of the *ch'ü-chang* and establish the *hsien* assembly within the year 1932-33.

These time limits were easier to set than to fulfil. The six years set aside for the consummation of local self-government turned out to be a time of extreme domestic and international difficulties.

First of all, there was a series of natural calamities. "The year 1931 was memorable," as Professor K. S. Latourette pointed out, "by devastating floods in the valleys of the Yangtse and the Huai Rivers.....At Hankow, the river was higher than it had been at any time in the more than sixty years that records had been kept. Thousands were drowned and millions were destitute and faced with starvation."<sup>61</sup> During the summer and autumn of 1932, a severe epidemic of cholera spread over three hundred cities in twenty provinces.<sup>62</sup> In 1933, the bank of Yellow River broke in Shantung and inundated the adjacent regions. In 1934, a drought visited China.<sup>63</sup>

Then a series of civil wars or wars of national unification had to be fought and won. "In 1929, a serious rift appeared in the Kuo-min Tang. The major military figures could not live long in harmony."<sup>64</sup> First, the Li Tsung-jen.....Pai Chung-hic rebellion (including Li Chi-sheng) broke out in March and in May, Li Tsung-jen rebelled again in Kwangsi and Feng Yu-hsiang rebelled in Shensi. Beginning with October, Yen Hsi-shan, Feng, and Wang Chin-wei joined in a large scale rebellion. In 1930, the Government fought a series of battles against T'ang Sun-chi in Honan and the Yen-Feng Allied forces in the Yellow River Valley and defeated both of them. "The most serious rift in the ranks of the Nationalist Party in 1931 was the protest against the rule of Chiang Kai-shek by a number of leaders of varied political background. In the spring, these malcontents gathered at Canton and there set up a government."<sup>65</sup> "The following year, 1932, saw fresh wars, especially in Shantung and Szechwan."<sup>66</sup>

Worst of all were the continued Communist rebellions. In spite of the siege against Communists in Kiangsi which began in 1930 Communism remained strong. "Russian agents were still at work and numbers of the students were becoming Communists."<sup>67</sup> In 1932, the Government had to wage a campaign against the Communists in the five provinces of Honan, Anhui, Hupeh, Hunan, and Kiangsi in Central China. In 1933, the Government had to suppress the Communists in the eight provinces of Szechwan, Shensi, Honan, Hupeh, Hunan, Kiangsi, Kwangtung and Fukien, and to crush a "People's Government" of the so-called Third Party in Fukien. In 1934, the government forces captured Jui-Kin, 瑞金 the Red Capital in Kiangsi and the Communists started their "long march". The government troops continued to chase and defeat the Communists in Kweichow, Yunnan, Szechwan in Southwest China in 1935.

60. This program; the *Hsin Cheng Shih Ch'i Wan Ch'eng Hsien Tzu Chih Shih Shih Fang An Nei Cheng Pu Chu Kuan Shih Wu Fen Men Chin Hsiang Ch'eng Hsu Piao* 訓政時期完成縣自治案內政部主管事務分門進行程序表 was submitted to the Central Political Council and passed by the latter at its two-hundred and seventh meeting.

61. K. S. Latourette, *The Chinese; Their History and Culture*, pp. 438-440.

62. T'ang Liang-li: *Reconstruction in China*, p. 106.

63. *Ibid.*, p. 132.

64. Latourette, *op. cit.*, p. 440.

65. *Ibid.*, p. 440.

66. *Ibid.*, p. 440.

67. *Ibid.*, p. 438.

As to the international difficulties, the Japanese army still occupied a part of Shantung in the spring of 1929 and Russia invaded Heilungkiang in the Northeast (Manchuria) in the fall. Japan was a more dreaded aggressor at that time. The Japanese adventure led to the Manchurian crisis on September 18, 1931, and the battle of Shanghai on January 28, 1932. In 1933, Japan occupied Jehol and entered the Great Wall. In 1935, north China had become a "special region" under the Japanese pressure.

Any one of these troubles would be serious enough to keep the government extremely busy and to prevent it from carrying out its policy of local self-government which requires peace and order in the country. But China faced them all together.

In addition to these human and natural calamities, the people remained indifferent to the question of local self-government. They had indeed received no encouragement as the provincial and *hsien* administrators were to a large extent conservative and narrow-minded bureaucrats with neither faith nor interest in popular elections. Furthermore, this law and its amendment were based upon Western forms of legislation and made small use of traditional Chinese methods of government or organization. Such legislation could only prove hopelessly idealistic in a country where the historical background, customary practices, and lack of training ill fit it for such an experiment. The time limit of six years rendered impossible the slow acquisition of such political education; and the fact that such changes cannot be made rapidly assured the failure of the regulations. By 1933 the provinces had made practically no progress although some of them had delimited the boundaries of the *ch'ü* and appointed the *ch'ü-chang*, who had just been newly trained.

As the time limit set by the Ministry of the Interior was drawing nearer and nearer, the Ministry, deciding to dispense with the provision that the popular election of the *ch'ü-chang* must be approved by it before the establishment of the *hsien* assembly, on January 8, 1934, instructed the different provinces to complete the organization of the *hsien* assemblies all at one time before the end of that year.<sup>68</sup> Even with the cancellation it was impossible to have all the *hsien* assemblies established at one time. With the abolition of the preliminary requirement of sufficient education in self-government to elect the administrative officer of the *ch'ü*, the law of 1929 was deprived of its original purpose. Whatever *hsien* assemblies were chosen under these eleventh-hour conditions were valueless as well-qualified organs of public opinion.

The obvious impracticality of these regulations made it apparent that if local self-government were to be established, some other plan must be followed. Consequently, in 1934 the Ministry of the Interior with the approval of the Executive Yuan and the Central Political Council, promulgated a new plan of revision, the *Kai Chin Ti Fang Tzu Chih Yuan Tse* 改進地方自治原則 or Principles for Remodeling the System of Local Self-government,<sup>69</sup> providing three kinds of *hsien*

68. *Nei Cheng Kung Pao* 內政公報 (The Official Gazette of the Ministry of the Interior), v. 7, no. 2, p. 29.

69. *Ibid.*, v. 7, no. 16, p. 786. This law was amplified by the Ministry of the Interior in an ordinance known as the *Hsiu Cheng Kai Chin Ti Fang Tzu Chih Yuan Tse Chih Chieh Shih* 修正改進地方自治原則之解釋 (Revised Explanatory Notes on the Principles for Remodeling the System of Local Self-government), in *ibid.*, v. 7, no. 21, p. 1090.

representative organizations, one for each period of political development.<sup>70</sup> No time limits were set for either the beginning or the end of each period. A *hsien* might be given representative institutions at any time, subject to the approval of the provincial government, confirmed by the Ministry of the Interior. The program seemed to be carefully planned, flexible, and practical; but the good results which were expected failed to materialize.

The new law set at naught the earlier efforts to hasten the acquisition of local self-government under the period of tutelage which had been scheduled to end by 1935. It ran contrary to the Ministerial order which required the provinces to complete the establishment of the *hsien* assemblies before the end of 1934. With the sweeping away of the time limits as far as the local governments were concerned, plans could have been made for laying a solid foundation of political training, but nothing was done. The provinces were released from any immediate responsibility and the Ministry of the Interior also relaxed whatever attention it had been giving the matter. The law of 1934 proved as great a failure as that of 1929.

The results of the attempt at local self-government of the *hsien*, as separate and apart from that of the subdivision of the *hsien*, were discouraging. Yünnan, as alluded to before, was the only province that had *hsien* assemblies made up of all elected members under the Law of Organization of 1929.<sup>71</sup> There was also a "*hsien* assembly" of the Period of the Initiatory Stage of self-government in Kweiyang *hsien* in Kweichow Province. That assembly was established in 1934 in accordance with the Principles for Remodeling the System of Local Self-government but was dissolved on August 9, 1935 by the new provincial administration on the ground that Kweiyang *hsien* had been relegated by new provincial administration to the category of *hsien* that were in the Period of self-government under Tutelage and that the exercise of the powers of the *hsien* assembly was at loggerheads with the laws of communist and bandit suppression. In the Province of Chekiang there had been representatives of the *hsien* assemblies who were never inducted into office or summoned to meet. Besides these three cases, there had been neither representatives of *hsien* assemblies elected nor *hsien* assemblies up to 1935. According to the same mimeographed report of the Ministry of Interior, the inaction of the provinces under the Law of Organization of *Hsien* of 1929 and later under the Principles for Remodeling the System of Local Self-government of 1934 may be accounted for in several ways. In the first place, two of the provinces, viz, Hopei and Chahar, whose geographical positions had made them seriously affected by the continuous tension in the foreign relations with Japan, had petitioned the central government for a postpone-

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70. In those *hsien* where conditions are such that the provincial government concerned and the Ministry of the Interior did not think it wise to establish popularly elected assemblies, assemblies containing both appointed and elected members were to be introduced. Such *heien* were said to be in "the period of self-government under tutelage". As its ability for self-government improved, the *hsien*, now in "the period of the initiatory stage of self-government", with the approval of the Provincial government concerned and the Ministry of the Interior, were to be allowed to have an assembly of entirely elected members.; When the *hsien* had reached the final stage, "the period of complete self-government", after fulfilling all the requirements laid down in the *Chien Kuo Ta Kang*, it was to have both a popularly elected *hsien* assembly and popularly elected *hsien-chang*.

71. See mimeographed report on the Progress of Local self-government in the Different Provinces and Cities from 1928 to November, 1935, issued by the Ministry of Interior. Chap. IV; p.1, footnote 1.

ment of the establishment of any *hsien* representative institution. <sup>72</sup> In the second place, Hunan, Shantung, and Shensi, on account of devastation by human and natural agencies, had been rendered too stringent financially to establish *hsien* assemblies. <sup>73</sup> In the third place, five provinces—Suiyuan, Sinkiang, Sikang, Ningsia, and Chinghai—were so heterogeneous in population, so primitive in culture and so limited in financial capacity that it was next to impossible to proceed to any form of local self-government of the *hsien*. <sup>74</sup> In the fourth place, some nine provinces Kiangsu, Chekiang, Anhui, Kiangsi, Honan, Kansu, Kweichow, Fukien, and Hupei—had deliberately laid on the shelf all schemes of proceeding further with local self-government of the *hsien*. They either had been ordered to adopt or had adopted by choice the set of rules for local self-protection and administrative efficiency in the “bandit suppression zone”. <sup>75</sup>

### E. The New Attempt at the County Self-protection and Administrative Efficiency

Although frustrated in the attempt to institute local self-government at the *hsien* level, the National Government, while not giving up entirely its ideal of local government, put new emphasis on administrative efficiency in the government rather than making a continued attempt to change its nature. This new emphasis was called as indicated above, local self-protection and policing. The incentive for this change was a combination of reaction to the frustration of the local self-government idea and the urgent need for government efficiency in the former Communist areas. During and after these “bandit suppression” campaigns the areas recovered by the central government were so devastated that the work of rehabilitation was extraordinarily difficult. It became necessary to organize the local government, especially the *hsien* government, in the affected areas in order that this tremendous work could be accomplished as quickly and efficiently as possible. Consequently, experiment along three lines had been made in an attempt to correct the principal defects to be found in *hsien* government. Like the province, the *hsien* usually covers too large an area and attempts to govern too numerous a population. In addition, the governmental powers within the *hsien* are uncentralized and its sources of revenue very much limited.

A major fault to be found with the system then was that the organization and functioning of the bureaus 局 in the *hsien* government was inefficient and that a lack of cooperation and coordination was evident. At that time the various bureaus, although legally component parts of the *hsien* government, were practically independent of the *hsien-chang* or the magistrate. They were in a position to communicate directly with the departments of the provincial government as well as with the *ch'ü* governments. This same independence also extended to their relations with each other and often resulted in their sending contradictory orders to the *ch'ü* governments. The Bureau of Education, for example, would order the establishment of more schools at the same time that the Bureau of Reconstruction was planning for more roads, while the Bureau of Finance would frown on any increases in the expenditures of the *ch'ü* governments.

The proposed plan to remedy this weakness is the reorganization of the *hsien* government through the abolition of the various bureaus and the establishment of k'ö 科 or sections of lower

72. *Ibid.*, pp. 3-4, 6.

73. *Ibid.*, pp. 3-4, 5.

74. *Ibid.*, pp. 6-7.

75. *Ibid.*, pp. 1-3; 5-6



status in their place. This proposal was voiced by the Second National Interior Administration Conference held in December, 1932. At that time it was decided to replace bureaus with sections and to consolidate their offices into the offices of the *hsien* government.<sup>76</sup> This reorganization had the dual purpose of cutting the overhead expenses of administration and of putting the chiefs of the sections under the direct control of the magistrate, thus insuring better cooperation and coordination within *hsien* administration.

Although originally suggested in 1932, it was not until December 31, 1934, that this reform was embodied in a set of regulations promulgated by General Chiang Kai-shek, Chairman of the National Military Council.<sup>77</sup> Hoping to accelerate the work of rural rehabilitation and to increase the efficiency of *hsien* administration in the bandit suppression zone, he was the first to make use of this plan in the reorganization of *hsien* then under his control. These regulations, "Measures for the Reorganization of *Hsien* Governments in the Bandit Suppression Zone", provided that in future under the *hsien* government there was to be a secretary and three sections, instead of the former bureaus, which were to be independent of the *hsien* government as well as of each other. Education and reconstruction were to be united in one section.<sup>78</sup> The administration was to be concentrated in the central authority, in this case the *hsien* magistrate. All communications with either superior or subordinate organs were to be made in his name. Thereafter, the ranking officials of the *hsien* government were to be recommended by the *hsien* magistrate for appointment by the provincial government.

Because of the special conditions in the provinces of the bandit suppression regions, the *pao chia* system of self-policing and protection was adopted. Under this system ten households are organized into one *chia* 甲 and ten *chia* into one *pao* 保 for the purpose of local policing and the training of the militia corps 壯丁隊. These functions are to be carried out by *pao chang* 保長, or the chairman of the *pao*, and the *chia chang* 甲長, the chairman of the *chia*. These men are chosen by popular election and are under the direction and the supervision of the head of the *ch'u*.<sup>79</sup>

The administration of the police and militia was to be coordinated. The police system then in use was not suited to rural conditions. The existing organs of public safety within the *hsien*, *hsiang* and *chen* were to be abolished, and the number of judicial (court) police was to be reduced. A police superintendent 警佐 was to be appointed in the *hsien* government and police inspectors 巡官 in the various branches of the *hsien* government known as *ch'u*

Policemen were to be stationed in the important villages and hamlets to direct the local

76. *Ti Er Ts'u Ch'üan Kuo Nei Cheng Hui I Pao Kao Shu* 第二次全國內政會議報告書 (Report of the Second National Conference for Home Affairs), p. 38-40, 209-212 and 212-231.

77. "Ch'ao Fei Sheng Fen Ke Hsien Cheng Fu Ts'ai Chü Kai K'o Pan Fa Ta Kang" 剿匪省份各縣政府裁局改科辦法大綱 (Measures for the Reorganization of *Hsien* Governments in the Bandit Suppression Zone) in the *Fa Kuei Hui Pien* 法規彙編, 1934 ed., v. 4, p. 6-7.

78. *Ibid.*, art. 4. An explanation was given for the union of the two functions in the instructions of the Headquarters accompanying the regulations. See Ch'eng Mao-hsing, 程懋型 p. 84-85. *Ch'ao Fei Ti Fang Hsing Cheng Chih Tu* 剿匪地方行政制度 (Local Administration in the Bandit Suppression areas), Feb., 1936. p. 84-85.

79. See "Hsiu Cheng Ch'ao Fei Ch'ü Nei Ke Hsien Pien Ch'a Pao Chia Hu K'ou T'iao Li" 修正剿匪區內各縣編查保甲戶口條例 (The Regulation Concerning *Pao Chia* and Census in *Hsien* in the Bandit Suppression Zone) in *Fa Kuei Hui Pien*, 1935 ed., v. 4, pp. 19-32.

militia and *pao chia* corps, in accordance with the orders of the head of *ch'ü* or director of the *pao chia* system, in the discharge of general police duties. Should further expansion take place within the *hsien* government after its organization has been consolidated, the administrative expenditure was to be increased, making possible the securing of more competent officials. All tax collection, with the exception of those taxes which are especially designated, was to be carried out by the *hsien* government only.<sup>80</sup> To avoid corruption and misappropriation of money, division of work between the *Hsien* Treasury and a newly established *Hsien* Cash Treasury 縣金庫 was made. The former was to do the work of book-keeping and budgeting and left the work of receiving, paying and keeping the cash checks and bank notes to the latter which was usually the work of a bank or post office. Therefore, a cash Treasury was to be established in each *hsien*,<sup>81</sup> and collections were to be turned over to the *hsien* government immediately.<sup>82</sup>

These regulations proved to be a success when put into practice and were adopted by many other provinces. Finally, they were approved, with some modification, by the Central government. The resulting "Revised Laws Governing the Organization of the *Hsien* Government"<sup>83</sup> provided that matters concerning public safety, finance, reconstruction, and similar projects should, as a rule, be dealt with by sections. The single exception was education which was again made a separate bureau.

A second experiment in *hsien* administration involved the establishment of branch offices, known as the *ch'ü* government, 區署 an expansion of the *ch'ü* office.<sup>84</sup> This *ch'ü* government was to be created for the purpose of increasing the efficiency of *hsien* administration in cases where the area of the *hsien* is extensive or the *ch'ü* are at a distance from the seat of the *hsien* government.

Encouraged by successful experiments made in 1932,<sup>85</sup> the Headquarters of the Bandit Suppression Forces promulgated a set of measures in 1934,<sup>86</sup> which had the organization and admi-

80. The traditional system of tax collection was very complicated. Only the farm and title deeds taxes were collected by the *hsien* government, other taxes being collected by separate organs not responsible to the *hsien* government.

81. Formerly the tax collectors of the *hsien* government had collected the taxes and were able to keep the cash for some time before turning it over to the government. Such practices, of course, gave rise to many abuses. To correct these a system was instituted by which a *hsien* treasury (usually a bank) receives and keeps the cash payments of the taxes and pays on orders issued in due procedure by the *hsien* and provincial governments. Thus neither the magistrate nor the collectors touch the cash nor does the *hsien* treasury need to attend to the mechanical details of collection.

82. For details see art. 4 of the "Regulations" and the accompanying instructions; Ch'eng Mao-hsing, *op. cit.*, pp. 83-86.

83. *The Chinese Year Book*, 1937, p. 148.

84. These branches of the *hsien* government should not be confused with the *ch'ü* office 區公所 which has a smaller area and a lower official status. The *ch'ü* office is an organ of local self-government as well as a transmitting office for the various local autonomous organs of the *hsien*. The *ch'ü* government 區署 is purely for administrative purposes. See "Hsien Cheng Fu Tsu Chih Fa", arts. 28-39.

85. For details of this initial experiment see Ch'eng Mao-hsing, *op. cit.*, p. 99-110.

86. "Ch'ao Fei Sheng Fen Ke Hsien Fen Ch'ü She Shu Pan Fa Ta Kang" 剿匪省份各縣分區設置辦法大綱 (Measures for the Organization of the *Ch'ü* Government in the Bandit Suppression Zone) in *Fa Kuei Hui Pien*, 1934 ed.; v. 4, pp. 1-5.

nistration of the *ch'ü* government as its main objective. According to these regulations the *ch'ü* office was to be enlarged and its expense fund increased.<sup>87</sup> The standard for qualification, status and treatment for the head of the *ch'ü* government 區長 and the *ch'ü* officers 區員 was to be raised until it was almost equivalent to that of the *hsien* magistrate and his section heads.<sup>88</sup>

Acting under the *hsien* magistrate, the head of the *ch'ü* was to have a number of special duties. He was to supervise and direct his subordinates, *pao chia*, militia, and anti-communist volunteer corps 剿共義勇軍 to fulfill their duties. If necessary, the Peace Preservation Corps 保安隊 might also be put under his command. In addition, he was to organize and train the masses of the people under his jurisdiction into local self-defense units. He was to serve as liaison officer between the people and the *hsien* government and was to supervise, direct and protect the educational, cooperative and agricultural organizations and enterprises within his *ch'ü*. In matters of census taking, survey of land, conscription of labor, public health, public safety, communication, and other purely local activities, he was to assist the *hsien* magistrate.<sup>89</sup>

This plan was first carried out in the provinces of Hupei, Honan, Anhwei, Kiangsi, and Fukien and was later adopted, with certain modifications, by the Central Government. On June 5, 1937, the Executive Yuan, with a view to unifying the movement, promulgated a set of provisional regulations governing the *ch'ü* administration.<sup>90</sup> Following these provisions each *hsien* was to be divided into from three to six *ch'ü*, according to its area, topography, population, communications, economic conditions and customs. Within each *ch'ü* an administrative office was to be established, the administration to be carried on by the head of the *ch'ü*, one to three assistants and one inspector. For the *ch'ü* containing the *hsien* capital no special government was ordinarily to be formed. In cases of necessity, such *ch'ü* office was to be maintained in the *hsien* government.<sup>91</sup>

The preamble to these regulations emphasizes that the *ch'ü* government was created merely "for the efficiency of the *hsien* government" and, therefore, merely as an administrative office, for fear that these experiments of the Headquarters and other provinces may go so far as to create a third grade in the system of local government.<sup>92</sup> It is to be clearly understood that the *ch'ü* government is but an administrative organ established solely to effect a closer cooperation among the different grades of *hsien* government and the local self-governing bodies and to facilitate the transmission to the people of governmental orders.

The third line which has been followed in an attempt to improve *hsien* administration is the designation of certain *hsien* as experimental areas. In July, 1933, the Ministry of Interior, after an investigation of conditions in the various provinces, promulgated a regulation for the

87. See the table for minimum expenses for the grades of *ch'ü* government in Ch'eng Mao-hsing, *op. cit.*, p. 120.

88. "Ke Hsien Fen Ch'ü She Shu Pan Fa Ta Kang", *op. cit.*, art. 8.

89. *Ibid.*, art. 5.

90. "Hsien Cheng Fu Fen Ch'ü She Shu Chan Hsing T'ung Tse" 縣政府分區設署暫行通則 (The Provisional Regulations Governing *Ch'ü* Government).

91. *The Chinese Year Book*, 1937, p. 148.

92. This additional grade of local government has been abolished in Chekiang province; and in many model *hsien* such as Kiangning and Tinghsien.

establishment of experimental areas in *hsien* administration,<sup>93</sup> and in August of the same year asked the different provincial governments to indicate one or more *hsien* under their respective jurisdiction as experimental areas for the study of administrative efficiency. The object of this study was to find the method of *hsien* administration which would be applicable in different regions. In the years immediately preceding 1948 some 13 provinces made use of the provisions of this law, and varied experiments were carried on in many provinces.

Among the experimental areas were Kiangning 江寧 in Kiangsu; Chungshan 中山 in Kwangtung; Tinghsien 定縣 in Hopei; Tsouping 鄒平, Kotseh 菏澤, and Tsining 濟寧 in Shangtung; Lanch'i 蘭谿 in Chekiang; Yuhsien 攸縣, Sianytan 湘潭 and Hengshan 衡山 in Hunan; K'unming 昆明, Chaot'ung 昭通, Paoshan 保山, Yuchi 玉溪 and I-liang 宜良 in Yunnan; Lich'wan 黎川 in Kiangsi; Tingfan 定番 in Kweichow; Yang ch'u 陽曲, T'aiyuan 太原 and Yutzu 榆次 in Shangsi; Hsiaokan 孝感 in Hupeh; Huihsien 輝縣 and Yuhsien 禹縣 in Honan; Pinyang 賓陽 in kwangsi and Suan Hua 宣化 in Chahar.<sup>94</sup> Each of these places had its own program and emphasized different phases of its work. For example, the contribution of Kiangning was the reform of the system of tax collection. When the experiment started, as many as 3,000 individuals lived directly or indirectly from the collection of the land tax. The government made a clean sweep of these parasites and replaced them with university graduates and other trained personnel. A modern system of *hsien* government accounting was instituted. A plan of land registration was carried out where the acreage of taxable land was increased, resulting in a \$1,000,000 revenue from land taxes instead of the former \$300,000. With this increased income, the *hsien* government was able to carry out a series of developmental projects in education, rural health and road building.

A further example was the project in Lanch'i, where the main objective was to test, through actual administration, the applicability of national and provincial laws and regulations relating to *hsien* government. Administration was confined within the limits of existing laws. By the end of three years the general standard of efficiency was raised. Business procedure, particularly in the tax and accounting departments, was simplified and standardized, and the *hsien* budget was strictly enforced. In addition to a census of the whole *hsien*, the registration of births and deaths was initiated. Reforms were also made in the fields of education and economic reconstruction.

The Tinghsien experiment emphasized the system of public health and mass education, while in Tsining the land records were recompiled. In Hotseh a notable contribution was made in the system of self-defence and local policing and in Tsouping the outstanding feature was the establishment of the peasant schools. The significant thing is that although there is a great

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93. "Ke Sheng She Li Hsien Cheng Shih Yen Ch'ü Chan Hsing Pan Fa" 各省設立縣政實驗區暫行辦法 (Measures for the Establishment of Experimental Areas in *Hsien* Administration) in *Nei Cheng Nien Chien*, 1936, pp.227-237.

94. The list is compiled from Chen Nien-tung's 陳念忠 article on "Home Affairs" in the *Chinese Year Book*, 1937, p. 266 and the *Chung Hua Year Book* 中華年鑑, 1948, v. I, p. 387.

variety of experiments, there is in most cases the common objective of rural reconstruction.<sup>95</sup>

No false impression, however, should be formed that the plan of local self-government of the Organic Law for *Hsien* Government of 1929 was a complete failure. The governments in the *hsiang*, *cheng*, *lü*, and *lin* had been successfully established by the election of their respective administrative heads and the formation of their elected assemblies. Many of the *hsien-chang* or the magistrates and all of the *ch'ü-chang*, and the *hsiang-*, *cheng-*, *lü-*, and *lin-chang* had been properly trained. The *hsien-chang* and *ch'ü-chang* were also appointed, but not yet elected at the end of the year 1933 according to the Work Program of the Ministry of Interior. This also made impossible the election of the *hsien* assembly and the *hsien-chang* at their scheduled time in 1933 and 1934. Here is the point where both the Law of 1929 and the Work Program failed. Thus, on the legislative side, local self-government was consummated up to the *ch'ü* assembly and, on the executive side, up to the *hsien-* and *cheng-chang*. Therefore, it is exact to say that as far as the local self-government program of the law of 1929 is concerned, it is only a partial success, or, to put it in a negative way, a partial failure.

The causes of the failure of the plan for the self-government of the *hsien* are mainly five in number. In the first place, the over-idealism of the Law of 1929 made it impossible to carry it out fully in a short period of six years. In the second place, the vicissitudes of the policy of the central government also made it difficult for provincial governments to carry out the program. Full description of the frustrated attempts has just been given above. Besides there is the third cause of failure. It was also due to the reluctance of the provincial government to have elective *hsien* assemblies which would certainly take away a large part of the power then exercised by the former. In the fourth place, it usually met with a cold reception from the people, and sometimes even with active opposition to such activities as taking the census, surveying the land, or constructing the roads for the reasons of lack of political consciousness, of evading taxes and additional financial responsibilities and superstitious beliefs. In the fifth place, and above all, it was hampered by the devastation caused by the human as well as by the natural destructive agencies as alluded to above.

Among the five causes, the Kuo-min Tang should be held responsible for the first. To impose a program of 100 per cent democracy upon an unprepared people in one of the largest countries in the world and to limit the time of preparation to six years, was certainly an act of carelessness, inexperience, and wishful thinking. If the Principles for Remodeling the System of Local Self-government had been promulgated in 1929 with or instead of the Law Governing the Organization of the *Hsien*, then some degree of local self-government of the *hsien* would be considered to have been attained with satisfaction. But the morale of the government and the people certainly deteriorated after the failure of the Law of 1929 and thus rendered even the flexible Principles of 1934 also ineffective. Again, if the measures for administrative efficiency and local self-protection and policing in which both the bureaucrats and the people were interested had been inaugurated in 1929, it is certain that more satisfactory results would have been secured.

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95. For details see Leonard S. Hsü, "Rural Reconstruction", *The Chinese Year Book*, 1937, pp.787-806. The last three paragraphs are appropriations from that article.

Then, with initial success and good morale, both the government and the people would have been in a much better position to go a step further by inaugurating the program of the self-government of the *hsien* in spite of all the other difficulties mentioned above. It should be remembered that Dr. Sun himself, in speaking before the representatives of the Parliament in Shanghai, on July 18, 1916, had suggested that it would "require full energy and fifty years to build up these three thousand foundation stones."<sup>96</sup>

However, it was not yet too late for the Kuo-min Tang to switch the emphasis from that of self-government to that of administrative efficiency and self-protection. The success of the latter program brought about the defeat of the Communists immediately before the Japanese War and ushered in a combined program of self-government and self-protection in the form of the "New Hsien System" during the Japanese War.

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96. *Supra* p. 5, foot-note 8.

## Nationalist Attempts at Reforming County Government

Tun-jou Ku

The world is now interested to observe that the Chinese government has finally carried out its program of local self-government on the county level in Taiwan as well as its successful program of land reform. It has been, however, the result of hard work over a long period of time. This two-part article tries to study the experiences of the government in carrying out the early stages of its ambitious program, experiences which can be shared with the young democracies in other parts of the world. In implementing theory of political tutelage and local self-rule of Dr. Sun Yat-sen the Nationalist Government promulgated the law of 1929 which introduced a new pattern of county government still in force today and marked a great advance toward democracy in local government. After experiencing many difficulties and frustrations, -natural and human, internal and international-the government was forced both to make a concession to the local authorities by promulgating the law of 1934 which was a new plan of revision, and to place a new emphasis on administrative efficiency and local self-protection and policing against the communist rebels. The author concludes that up to the beginning of the Japanese War the attempt was partly a failure and partly a success.

## 訓政初期推行地方自治的檢討

顧 敦 錄

國民政府實行地方自治，像土地改革一樣，已經在臺灣全面完成。這也是政府現代化的一種基本重要工作，由失敗而達到成功的。其經過可分四期。一、一九二九年（民一八）的“縣政府組織法”創立民選制度的新規模；二、一九三四年（民二三）鑑于縣府民選不能尅期完成，乃頒布彈性較大的“改進地方自治原則”，並配合剿匪需要，實行縣政府裁局改科，區署制度，保甲制度和縣政實驗等側重行政效率，地方自衛的一套辦法；三、抗戰時期，自治自衛並重的“新縣制”；四、縣自治在臺灣完全實現。本文先研究一二兩期推行地治的經驗，問題和成敗關鍵，爲準備收復大陸，推行縣治，和其他有相同情形的新興民主國家的考鏡。