

Constitutional Attempt and Enlightenment of China Democratic League (1941–1948)

YANG Chunlei^{[a],*}

^[a]School of Law, Yangtze University, Jingzhou, China.

*Corresponding author.

Supported by 2015 Society Science Foundation of Yangtze University.

Received 4 May 2015; accepted 8 July 2015

Published online 26 August 2015

Abstract

In the 1940s, the middle forces with China Democratic League as the core took the democratic socialism as the guiding ideology, and adopted the “middle political line”, and tried to advance “the third road” of China’s constitutional democracy under the premise of reconciling military conflict between the Kuomintang and the Communist Party. The reasons of the constitutional failure of democratic socialism in China are: First of all, under the United States and the Soviet Union pattern, the policies to China dominating China’s politics; secondly, depending on force politics and lacking the tradition of rational tolerance; thirdly, forming the constitutional view of instrumentalism and lacking right consciousness; finally, the absence of ideal parties and the weak influence of China Democratic League. Today we should adapt to the reason and the rule of law in the constitutional political norm, no longer take opportunism attitude towards constitutional value, and should establish belief and maintenance of the constitution value.

Key words: Democratic socialism; Constitutional attempt; Enlightenment; China Democratic League

Yang, C. L. (2015). Constitutional Attempt and Enlightenment of China Democratic League (1941–1948). *Higher Education of Social Science*, 9(2), 18-22. Available from: <http://www.cscanada.net/index.php/hess/article/view/7372> DOI: <http://dx.doi.org/10.3968/7372>

INTRODUCTION

Chinese Democratic League, as the leader of the middle forces, guiding with democratic socialism, hoped to

change the political law in which the parties highly combined with forces in the Republic of China. Although constitutional attempt of democratic socialism failed in China, which provided tragic footnote for this proposition “the weapon of criticism can not replace the criticism by weapons”. But, reflecting national suffering can help us go beyond simple judgment of binary opposition between truth and falsehood on history. The value of the thought experiment might take even longer history to obtain the new development. Its legacy of spiritual wealth and the system design possibly could be significant that couldn’t be ignored for China’s future reform train of thought and the choice of modernization.

In the four parts in this dissertation, I examine the history of this period in the background of the world trend of democratic socialism dissemination and practice in the first half of the twentieth century, and analyses what influence the global political trend had on Chinese elite, social thought, political program and constitutional claim at that time.

1. THE IDEOLOGICAL BACKGROUND OF THE DEMOCRATIC LEAGUE’S POLITICAL PROGRAM

Democratic socialism is a social theory that gradually established and developed by the European Socialists in the early stage of the labour movement, and obtained ideological influence and direct guidance from Marx and Engels in the middle and late nineteenth century, then gradually extended to the world and became an international political trend of thought and social movement through the continuous dissemination of western socialists. The emergence and development of democratic socialism had a profound influence on the world socialism movement in the twentieth century. In the 1940s, the middle forces with China Democratic League

as the core took the democratic socialism as the guiding ideology, and adopted the "middle political line", and tried to advance "the third road" of China's constitutional democracy under the premise of reconciling military conflict between the Kuomintang and the Communist Party.

Review of Chinese constitutionalism history in that episode, we need to comb the development of democratic socialism theories deeply, in order to see the ideological background and context of constitutional advocates clearly, so as to further understand the basis and condition of the constitutional institution in successful transplantation in China. Because, the historical process is not a simple event process but a course of action, it has an inherent aspect consists of the process of thought; and what historians to seek is the thought process. In this sense, all history is the history of thought.

Although the word "democratic socialism" is not known to us today an original concept of democratic socialists, but democratic socialists think it can cover their ideas and interests properly. Therefore borrowed so far, the word has become a mature theoretical concept with wide connotation and denotation. From All German Workers Federation was founded in 1863, in 150 years of the development history of democratic socialism theory, "democratic socialism" and "social democracy" have been intertwined together as synonyms, but the meanings of them are undergoing change in the two different periods. In general, the development of concepts reflects the evolution of the theory from the traditional social democracy to the democratic socialism, and then to the new social democracy.

Democratic socialism is a complex political concept. First, as a political thought, it has a very important influence in the present world, and summarizes the basic political program of socialist countries, and it's a general term for social reformism ideology that the Socialist International and its members pursue. Second, as a social reform movement, it is a political school which has Europe as the birthplace and is widely popular in the world and tries to advance the third road between the traditional capitalism and classical communist. Third, as a social development model, it tries to establish a social system with freedom, justice, and solidarity and an international environment of peace and win-win through the way of democratic constitutionalism. As the political creation of International Labour Movement and Socialist Movement, following it from theoretical propaganda to political practice, democratic socialism and its organizational carrier—socialist parties laid deep imprints in the politics, economy, society and international relations, and to very great extent controlled the trend of the political direction in many countries, development mode adjustment and international political thought evolution. Its role and influence can not be underestimated.

2. THE CONSTITUTIONAL MOVEMENT OF THE MIDDLE FORCES BEFORE THE FOUNDING OF CHINESE DEMOCRATIC LEAGUE

Since the late Qing Dynasty, the Chinese society had been clearly in the presence of a large number of intermediate zones, between the domestic political powers. There were a lot of economic interests and political ideas different from the two poles. In order to guarantee their rights to survival and development, an insightful portion of them formed a several loosely organized parties or groups. They hoped for positive impact on the national political and legal construction to win more democratic, more civilized social environment for the group they represented. Before China Democratic League was founded, especially in 1930s, due to "April 12th Event" lead to the Kuomintang and the Communist Party of China declare war against each other, they two became the Chinese political poles of powers.

With the comprehensive outbreak of anti-Japanese war, the middle forces formed during this period mainly include: The professors, which were no fixed organization, according to the liberal stance against the Kuomintang's dictatorship, advocating the end of training politics, the protection of human rights; with Hu Shi, Ding Wenjiang, and Fu Sinian as the representative. The western style parties, that opposed both the violent revolutionary line of the Communist Party and the Kuomintang's polices allied with Russia and the Communist Party, and the Kuomintang's autocratic political system; with the Youth Party of China established by Zeng Qi, Li Huang and the National Socialist Party established by Zhang Junmai, Luo Longji as the representative. The groups, which hoped to carry out social reform and enhance people's freedom by means of improvement and non class struggle; with Chinese vocational education association established by Huang Yanpei, Jiang Hengyuan and the rural construction school established by Liang Shuming as the representative. The Kuomintang leftists, which were against the Kuomintang government's policies, adhere to the Sun Yat Sen's lines allied with Russia and the Communist Party and helped the peasants and workers; with the Third Party established by Song Qingling, Deng Yanda, and Zhang Bojun as the representative. The groups, which opposed the civil war and advocated the joint anti Japanese; with the association for national salvation established by Shen Junru, Tao Xingzhi, Zou Taofen, and Wang Zaoshi as the representative. The representative organizations and characters of these middle forces covered most of the intellectual elite of China at that time. Although their specific political thoughts were different, they had a high degree of consensus on this goal that founded a people's republic of China by the national war, and all opposed the dictatorial rule of the Kuomintang, hoped to stop the civil war, strengthen the Anti-Japanese forces, and implement democratic constitutionalism.

The tyranny and corruption of the paternalism system of the Kuomintang badly disgusted the middle forces. A large number of intellectuals influenced by western culture and civilization bravely criticized the party government and the political tutelage in public, with the theory of human rights, rule of law and constitutionalism as theory weapon. Jiang Jieshi nominally conformed to the claims of concentrated state power and saved in peril in order to alleviate the factional conflict within the party and quell the outside criticism, and posed for implementation of constitutionalism, and appointed Sun Ke as the President of the Legislature and presided over the drafting of the constitution.

However, during the process of establishing the “May Fifth Draft Constitution”, the Kuomintang’s capricious credit deficiency completely violated their commitments to “Ending tutelage” and “handing state power back to the people”. The Kuomintang’s constitutional intention of stubbornly maintaining vested interests and rigid party’s program was far away from the people’s minimum requirements of assurance of human rights and open regime. This caused the middle forces launch a strong and long-term criticism of the “May Fifth Draft Constitution”, and had direct influences on the two constitutional movements and the amendment of the “May Fifth Draft Constitution”. In addition, the middle forces had to calmly analyze the practical difficulties in the Anti-Japanese War and founding a state because of poor results of the War and the fragile links of the Anti-Japanese United Front, and connected them with the Kuomintang’s holding power for a long time and denial of democracy. They no longer simply obeyed “overall situation”, “unite as one” wishful thinking propaganda slogans, and compromised the unanimous support on the Kuomintang’s policy of war, but reexamine the relationship between the democratic constitutionalism and the Anti-Japanese War and founding a state. They considered that the democratic politics need proceed to expand the constitutional movement, and to educate people to consolidate national unity with constitutionalism, and to resolve the friction between the parties, so as to affect a radical cure of China’s problems and achieve the goal that works together. The fruitless first constitutional movement was a bold attempt of the middle forces to reform Chinese autocracy of the western democratic system. It at least strengthened the belief and guardian of the democratic forces on the constitutional culture and the spirit of the rule of law.

3. THE CONSTITUTIONAL APPEALS AND POLITICAL ACTIONS OF CHINESE DEMOCRATIC LEAGUE AFTER ITS ESTABLISHMENT

In many years of constitutional movement, the political and legal thoughts of the democrats tended to be mature,

the organization structure of the parties tended to be close, and the cooperation among the middle forces became closer and closer. They gradually realized the domestic and international environment and the Chinese realities of the plight, and abandoned the illusion that the Kuomintang would forwardly terminate the one-party dictatorship and achieve democratic politics. As Luo Longji pointed out, the constitutional crisis was not due to lack of knowledge of ordinary people, but due to the privilege of not being bound by law. The middle forces must grow opposition political forces through joint, forced the authorities to continuous convergence and concessions relied on their own strong political strength, won people’s rights and freedom, and tamed the Kuomintang’s absolute power through the creation of constitution of decentralization and balance.

Because of the urgent consciousness of their own weak strength and being a dilemma situation, the middle forces had to further expand the scale and enhance organizational cohesion by reorganizing The Comrade into Chinese Democratic Political League. The process of polymerization and expansion of the middle forces represented by Democratic League was collective political steering of social elite. The process was the same as the disunity of the Kuomintang authorities. The Democratic League is the core of the middle forces leveraging the oppressive rule of the Kuomintang, launching the second constitutional movements, openly, legally and vigorously discussing the constitutional issues. The second constitutional movements involved the topics on the draft constitution amendment, national political power expansion, striving for personal freedom, improving press inspection methods and setting up the formal county councils and so on.

In order to make China a “pure democratic state”, the leaders of Democratic League headed by Zhang Junmai and Luo Longji that encouraged by Laski’s theory, followed the British Labour Party’s “middle way”, and established a democratic socialism mode in its political program for the development of China. The middle way was the mainline of Democratic League’s political program, which took the non-violence means to realize the political democratization, nationalization of the military and economic industrialization. It was consistent with the mission of the middle class which represented by the middle forces to establish a democratic republic of the bourgeoisie, and its struggle was peaceful, progressive and meliorable. Its basic goal was to realize the important tasks of national unity and political democracy, constitutionalism and the rule of law, the implementation of economic democracy and people’s livelihood construction, the protection of human rights and the education and culture development etc..

In order to stop the civil war, the Democratic League contributed to reach the resolutions of the Political Consultative Conference. The five resolutions of the Chinese people’s Political Consultative Conference and

the draft of May Fifth Draft Constitution Amendment which introduced the essences of American and British constitutionalism in the name of five-power constitution, fully embodied the claims of founding a state in its political program. Especially the contents in the draft of amendment about the nationalization, de-partization, and de-politicization of the military, and about diplomatic policy of peace under the framework of the United Nations, and about land to the tiller, promoting employment and enterprise development, coordination of the interests between employers and employees, protection and appropriate restrictions on private property, protecting the equal opportunity of education and freedom of academic and thought which all were modeled on the political program of Democratic League. The design of the system which completely negated the Kuomintang's one-party dictatorship and Jiang Jieshi's personal dictatorship, and realized multiparty politics and the rule of law under the premise of avoiding civil war, was conducive to ease the political participation explosion problems and meet the people's desire for peace.

4. THE DIFFERENCE AND CONNECTION BETWEEN THE GERMAN, BRITISH DEMOCRATIC SOCIALIST PRACTICE AND CHINA'S DEMOCRATIC REALITY IN THE FIRST HALF OF THE TWENTIETH CENTURY

In the late stage of Republic of China, the British Labor Party's brilliant success was a reference for the short-lived constitutional attempt of democratic socialism. But the results were the same as the misery that SPD suffered. This had inspired us to think deeply about the problems of adaptability and timing when foreign constitutional concepts and constitution systems transplanted into Chinese society, compared the differences of democratic socialism between Germany and Britain.

Since constitutional political failures in the early years of the Republic China were quite similar to that of Germany. The destroyed democratic tradition of Germany was not strong enough. It used to survive in the hostile environment. China Democratic League faced the same sinister political ecology as Germany while it was pursuing the ideal of democratic socialism in China. However, the UK, as the birthplace of the modern constitutional politics, as early as in 1640, before the outbreak of the revolution, individualism in the tradition of law, property law and family life and moral culture had existed for centuries. After the industrial revolution, British became the leading economic power. Differentiated from its rich material accumulation, long-term peace and stability of the domestic situation and the cultural tradition of right on the supremacy of law, China, like Germany, was popular of autocratic culture and

strongman worship. On the one hand, there was a "private world" rule of the national integration, ignoring the people's rights, and without any fear of ideas. On the other hand, there was deeply-rooted slavish psychology. In a social Darwinism political logic which believing in "seize political power by force", "political power grows out of the barrel of a gun", reason, tolerance, compromise and other democratic political virtues will only become the victim of the law of the jungle.

Under the international political pattern of a bipolar hegemony, China's political power was intervened by the great powers. Civil war became the proxy war. Democratic socialists, in the moderate position, lacked the capital to carry on dialogues with domestic and foreign political powers. In the highly antagonistic political field, always as a marginalized pole, they could only be difficult to find a balance in the cracks, carry out the non reciprocity game, and not change the development of the political situation. When conflicts intensified, radicalism resurged, and military forces replaced civil administration, the scheme, which democratic socialists hoped to achieve party politics in the constitutional way, was swept by the violent storm of social revolution. Analyzing the causes from the deeper level, the shortage of resources, such as arrangements for political, economic base, social structure, ideology, national quality and moral beliefs, made the constitutional attempt to fail completely. For the democratic socialists, their failing on the verge of success was due to the crisis of the Chinese nation was too deep, and the history had blessed them too short time and too few opportunities. Specifically, the reasons of the constitutional failure of democratic socialism in China are: First of all, under the United States and the Soviet Union pattern, the policies to China dominating China's politics; secondly, depending on force politics and lacking the tradition of rational tolerance; thirdly, forming the constitutional view of instrumentalism and lacking right consciousness; finally, the absence of ideal parties and the weak influence of China Democratic League.

CONCLUSION

The progress and improvement of daily life in dribs and drabs is the real soil where the different classes seek common ground while reserving differences, and unite in a concerted effort to create a harmonious social environment. Otherwise, the polarization of interest and serious injustice will lead to people's isolation and numbness. If people continue to take the careless attitude on democratic politics and the implementation of constitution, the formation of the Chinese nation's cohesion and the consolidation of the national rule of law foundation will be delayed. Therefore, we must be alert to the current domestic benefit gambling leading to the gradual formation of the division of social differentiation.

However, interests solidification barriers the classes' competitions, block the passage of longitudinal social flow, and intensifies the marginalization of the underlying community. At last, the tension between the two groups is increasing; and the irrational political participation is likely to show explosive growth.

Today we should adapt to the reason and the rule of law in the constitutional political norm, no longer take opportunism attitude towards constitutional value, and should establish belief and maintenance of the constitution value. We should learn to use the power of reason, and identify our national politics, economic, legal and cultural system with moderate, impartial, constructive but not fierce, paranoid, destructive attitudes, and use the weapon of criticism to replace the criticism by weapons, and achieve mutual benefit and win-win development situation, and get out of the historical cycle of radicalism and zero-sum game.

REFERENCES

- Adelmen, P. (1972). *The rise of the labour party: 1880-1945* (pp.114-115). New York: Longman.
- Brand, C. F. (1974). *The British labour party* (p.115). Stanford: Hoover Institution Press.
- Caldwell, P. C. (1997). *Popular sovereignty and the crisis of German constitutional law: The theory and practice of weimar constitutionalism* (p.160). Durham: Duke University Press.
- Hamilton, M. B. (1989). *Democratic socialist in Britain and Sweden* (p.86). London: Macmillan Press.
- Hanna, F. P. (1967). *The concept of representation*. Berkeley: University of California Press.
- Haupt, G. (1972). *Socialism and the great war: The collapse of the second international* (p.59). Oxford: Clarendon Press.
- Luo, L. J. (1939). My opinion on Qicheng constitutionalism. *Comment Today*, 22.