

The Idea of a "Constitution" during the 1898 Reform Period in China
as Seen in the Work of Kang Youwei

by SASAKI YO

The aim of this paper is to examine Kang Youwei's 康有為 view of a "constitution" mainly through his ideas about political change in Japan contained in his *Riben Bianzheng-kao* 日本變政考 and to reexamine the true character of the 1898 reform movement in which Kang was the central figure.

After the Sino-Japanese War of 1894-95, Kang began to collect Japanese books as references to how reform should be carried out in China and compiled a more comprehensive catalogue of Japanese titles, entitled *Riben Shumu-Zhi* 日本書目志. Through this work he discovered the term "constitution" 憲法 and discussed it in *Riben Bianzheng-kao* as well as memorials submitted to the throne in 1898. He praised the idea of the separation of three powers, since there was no legislative branch of government in China at that time, but he could not understand such ideas in modern constitutionalism as the system of checks and balances among the three branches, an independent judicial branch, and the guarantee of basic rights and liberty for each individual citizen. Rather, he regarded the legislative branch as a organ to feed popular opinion back to the throne and was not aware of the restrictions being imposed on the throne by parliamentary bodies in the West and Japan.

Although Kang understood the promulgation of the Meiji (Imperial) Constitution in 1889 and the opening of the Imperial Diet in 1890 as aiming at political reform in Meiji Japan during that time. His immediate model for China's reform was the process leading up to the promulgation of the *Seitaisho* 政体書 in 1868, by which a three-branch Ministry of State and a civil service system was set up. Therefore, the "constitution" which Kang proposed foresaw the establishment of a Bureau of Imperial Institutions 制度局 and lacked any provision for a parliamentary body or any guarantee of civil rights, thus stipulating a frame of authoritarian government prescribing restrictions on freedom of speech. In other words, such a "constitution" would be the legal foundation of a reform movement quite different from the constitutions of the West and Japan.

It was only after their exile to Japan that Kang and his followers came to

understand what a modern constitution and constitutional monarchy meant. This is why the conventional idea that Kang aimed at the establishment of a constitutional monarchy during the 1898 reform movement should be revised.

Sino-British Economic Relations on the Eve of the Nationalist Revolution

by MOTONO Eiichi

This article is an attempt to reveal a phase in Sino-British economic relations beginning just after the First World War and ending on the eve of the nationalist revolution, based upon the existence of two joint enterprises between the two countries which are recorded in the British Foreign Office Consular Archives (FO228/3225~3226), but were never actually put into operation. The context in which these two enterprises were conceived was the political issue of rewarding certain Chinese businessmen who cooperated in British activities since the 1880s with the protection of their income and property with "unequal treaty privileges." These "unequal treaty privileges" included a 50% cut in export duties and limited liability for shareholders in British firms. In order to grant these two "privileges," the Chinese government restricted the activities of foreign enterprises outside the foreign concessions by means of a corporate legal and regulatory system. On the other hand, Britain revised its corporate registration system in order to prevent the establishment of pseudo-British companies.

As to who still wanted to cooperate with British firms in China under these changing institutional circumstances, we can point to the leaders of military factions in Beijing and entrepreneurs and bureaucrats who were closely connected with British interests. This fact shows that 1) the leaders of the central government at that time did not believe in the validity of their own corporate registration system and 2) they themselves also tried to protect their own property under the cover of British firms in China.