

This appointment of the new class of *umdas* as members of parliament is a result of not only political conflict between Nahhas and Sidqi, but also the change of the social structure of the rural areas, where the new emerging classes are confronting the old upper classes.

Both Sidqi and Nahhas carried out political tours all over Egypt to gain the support of rural notables. As these two political leaders toured the country, antagonism between their respective parties became deep, and violence expanded all over Egypt. Though the most violent incidents happened in Upper Egypt, in areas like Maniya and Beni Suweif, the flames of violence spread to Cairo as trains were burned and shops were destroyed.

Although Egypt witnessed this chaos in 1930, there was every reason for Sidqi to try to remove the Wafd from the parliament by any means necessary. Sidqi was never opposed to the concept of democracy, though He did consider, at least in the beginning stage of democracy, that only selected elites should be in charge of the democratic government, not the masses. Sidqi strongly opposed the ways of the Wafd, which mobilized the university students and the masses to accomplish their political goals and to ring the alarm bell of populism.

This question over Egyptian populism and mass mobilization by the dominant party remains unsolved even now, since the time of nationalism of 1950' and 1960' and through the democratization process after the 2011 revolution.

Bibliography

<English>

- Badrawi, Malak. 1996. *Isma'il Sidqi, 1875–1950: Pragmatism and Vision in Twentieth Century Egypt*. Curzon Press.
- Baer, Gabriel. 1962. *A History of Landownership in Modern Egypt 1800–1950*. London, New York, Toronto: Oxford University Press.
- . 1969. *Studies in the Social History in Modern Egypt*. Chicago: University of Chicago Press.
- Baraka, Magda. 1998. *The Egyptian Upper Class between Revolutions 1919–1952*. Oxford: Ithaca Press.
- Terry, Janice J. 1982. *The Wafd 1919–1952*. London: Third World Center.

<Arabic>

- 'Abd al-Muṭṭalib, 'Aṣim Maḥrūs. 1986. *Ṣafḥa min Tārīkh Miṣr 1930–1934: Ḥizb al-Sha'b* [Page of the History of Egypt 1930–1934: People's Party]. al-Qāhira: Dār al-Ma'ārif.
- Ismā'īl, Ḥamāda Maḥmūd. 2005. *Intifāḍat 1935: Bayna Wathbat al-Qāhira wa Ghaḍbat al-Aqālīm* [The Uprising of 1935: Between the Leap of Cairo and the Wrath of the Rural Provinces]. al-Qāhira: Dār al-Shurūq.
- Rabī'ī, 'Abd Allāh Fu'ād. 1988. *Ḥizb al-Ittiḥād wa Dawr-hu fī al-Ḥayā al-Siyāsīya al-Miṣrīya, 1925–1936* [The Union Party and Its Role in Egyptian Political Life]. al-Qāhira: Maktabat al-Naḥḍa al-Miṣrīya.
- Ramaḍān, 'Abd al-'Azīm Muḥammad Ibrāḥīm. 1978. *Ṣirā' al-Ṭabaqāt fī Miṣr (1837–1952)* [Class Struggle in Egypt 1837–1952]. Bayrūt: al-Mu'assasa al-'Arabīya lil-Dirāsāt wa al-Nashr.
- Zāyid, Aḥmad. 1981. *al-Binā' al-Siyāsī fī al-Rīf al-Miṣrī: Taḥlīl li-Jamā'āt al-Ṣafwa al-Qadīma wa al-Jadīda* [The Political Structure of Rural Egypt: An Analysis of the Old and New Elites]. al-Qāhira: Dār al-Ma'ārif.

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Al-Muṣawwar

Constitutional Government and the Local Administration System of Republican China

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In 1912, immediately after its birth, the Republic of China (ROC) enacted the 'Provisional Constitution of

the Republic of China' (中華民國臨時約法), and the following year it commenced 'Constitutional rule' through the Parliament formed in Beijing. As the Provisional Constitution was temporary, a formal constitution would have to be endorsed to validate the Constitutional rule. The ensuing political events, however, frustrated the process and it was not until 1946 that the ROC Constitution was ratified and enforced. In other words, as far as the Constitutional rule is concerned, the thirty-eight years of the ROC period in China (1912–49) was spent in preparation for the establishment of the formal Constitution.

Studies on ROC's Constitutional rule have largely focused on issues concerning human rights, separation of authoritative powers and political participation of the populace. The last problem, the political participation of the populace, has mainly been approached in regards to the people's actual participation in national government and few studies have paid attention to local governmental systems concerning local autonomy. However, in a country as large as China, local administrative units such as provinces are considered sizeable social entities, and how to rule them is a matter of significant political concern. Further, what needs to also be contemplated is the guaranteed participation by the people in local government as a basic human right.

This paper will examine the ways in which the local government system, and people's participation in it, was handled through the process of deliberation and enactment of the Constitution and its equivalent laws in the ROC. It will then consider characteristics of the ROC's Constitutional rule.

The Provisional Constitution of the Republic of China, ROC's first fundamental law, did not include the consideration of a local government system. One of the reasons for this omission is said to be that those who founded the ROC, including the Revolutionary cliques were unwilling to establish a system which could lead to the decentralization of power and threaten their own authority.

The ruling power shifted from the revolutionary Sun Wen (Sun Yat-sen, 1866–1925) to Yuan Shikai (1859–1916), a former high-ranking official of the Qing court. Despite having the Parliamentary majority, the Nationalist Party, which was formed around the Revolutionary Alliance, became the Opposition. The Parliament had the power to enact a constitution and in 1913 it produced a draft constitution called the 'Temple of Heaven Draft' at the Temple of Heaven (photo). The draft also lacked a provision for a local government system. It is said one of the reasons for this omission, was that the members of the Parliament hastily finished the draft fearing that Yuan (a centralist interfering with the draft), might dissolve the Parliament at any time. So, had the Parliament attempted to include provisions to recognise a provincial self-governing right, even stronger interference from Yuan could be expected. Shortly afterwards the Parliament was dissolved, halting the whole process.

After Yuan Shikai's sudden death in 1916, one of his men Duan Qirui (1865–1936) took over the government. Parliament resumed and deliberation of the Temple of Heaven Draft recommenced. During the discussions, the old Nationalist Party proposed a provision on the local government system be included in the Constitution, which was approved. However, Duan and others disapproved some of the provisions including those specifically in regards to the local government. Hence Parliament was again dissolved in 1917, resulting in another setback to the



Figure The Hall of Prayer for Good Harvests (祈年殿), the Temple of Heaven (天壇), Beijing, Where the Temple Draft Was Enacted

process.

A new Parliament was convened by Duan and others, who drafted a constitution that continued to omit provisions on a local government system. In the meantime, some members of the previous Parliament gathered in Guangzhou, reassembled a government and claimed legitimacy. No progress on the Constitution was made.

From 1920 the Provincial Autonomy Movement gathered momentum in Central and Southern China. Having provincial autonomy basically meant the popular election of the provincial governor and the right to establish a provincial constitution. Provincial governors had generally been appointed by the central government, so this was a movement towards the decentralization of that choice. It also became the basis for the Federalist Movement, which aimed to reunite the nation which had been divided into north and south, each with its own parliament and government; it was not a movement simply seeking local decentralization.

While the parliamentary process to establish a constitution had been halted, a civilian initiative for drafting one was completed in Shanghai in 1922. Influenced by the Provincial Autonomy Movement, this draft included a local government system, recognising the right of each province to elect its governor and to establish its own constitution. In the same year, the Parliament, which had been dissolved in 1917, was reconvened in Beijing by the Cao Kun (1862–1938) Government, and in the following year the Constitution of 1923 (中華民國憲法) was enacted. This was China's first proper constitution and included provisions for a local government system very similar to one drafted by the civilian group. The Constitution, however, was not enforced as a coup d'état by Cao's men overthrew the Cao Government in 1924.

In the following year Duan Qirui, who now led the new government, abolished the Parliament and drafted a new constitution. This draft recognized the right of a province to have its own constitution, but allowed the central government to intervene in the appointment of its governor. The next year, 1926, saw the demise of the Duan Government by Zhang Zuolin (1875–1928) and others, who had no intention to enact a constitution. In the same year, the Nationalist Party (CNP) or Guomindang (GMD), led by Jiang Jieshi (1887–1975), moved its army from Guangzhou to begin the Northern Expedition, eventually overthrowing the Beijing Government of Zhang Zuolin.

Once in power, the Nationalist Government began the 'Tutelage period,' an era of single-party rule which was laid out in Sun Wen's 'Principles of National Reconstruction of the National Government' (1924), as a process towards the development of Constitutional rule. But the people were critical of the government ruling without a fundamental law, so in 1931 the Party enacted and enforced the 'Provisional Constitution for the Tutelage Period,' or the 'Tutelage Constitution.' The Tutelage Constitution did not have provisions for local governments. As a step towards Constitutional rule the Nationalist Government endorse a draft constitution known as the 'May Fifth Constitutional Draft' in 1936. The draft constitution included a local government system, but did not recognise the popular election of provincial governors nor a provincial constitution.

During the Sino-Japanese War of 1937–45, politicians inside and outside of government and legal scholars proposed amendments to the May Fifth Constitutional Draft, some of which included the popular election of a provincial governor. In 1946, following the end of the Sino-Japanese War, the Nationalist Party and other parties met and agreed to amend the draft to include the popular election of a provincial governor and the right for a province to have its own constitution.

Both Sun Wen and Jiang Jieshi recognized prefectural autonomy but not provincial autonomy. In the Principles of National Reconstruction, however, Sun acknowledges the popular election of provincial governors and presents the idea of the equal division of power between the central and provincial governments. This

reference strengthened the arguments for provincial autonomy. Also, at the time, the antagonism between the Nationalist Party and the Chinese Communist Party (CCP) was deepening, and the Nationalists could not afford to lose support of other parties by persisting in its party policy. As a result, the Constitution of 1946 (中華民國憲法), enacted in December that year, included provisions for the popular election of the provincial governor and the right of a province to its own self-governing laws.

Although the Constitution recognised provincial self-government, it was difficult to establish appropriate local authorities immediately. Also, because the Nationalist Government lost in the civil war, provincial self-government in China did not materialise. However, the Constitutional recognition of the sovereignty of the people at the provincial level marked a significant achievement of the ROC's Constitutional government.

Bibliography

- Ajioka, Toru 味岡徹. 1983. *Gokoku senso go no chiho jichi kaifuku: Koso sho wo chushin ni 護国戦争後の地方自治回復：江蘇省を中心に* [The Recovery of Local Autonomy after the National Protection War: Mainly on Jiangsu Province]. *Jinbunken Kiyō* 人文研紀要 [Journal on the Institute of Cultural Science] 2: 143–74.
- . 1986. *Nanboku tairitsu to Rensho jichi undo 南北対立と連省自治運動* [The North-south Opposition and the Federalist Movement]. In *Goshi undo shi zo no saikento 五・四運動史像の再検討*, ed. The Institute of Cultural Science, Chuo University. Tokyo: Chuo University Press.
- . 1999. *Minkoku kokkai to Pekin seihen 民国国会と北京政変* [The Republican Parliament and the “Peking coup d’état” of October 1924]. In *Minkoku zenki Chugoku to Higashi Ajia no hendo 民国前期中国と東アジアの変動*, ed. The Institute of Cultural Science, Chuo University. Tokyo: Chuo University Press.
- . 2008. *Chugoku Kokuminto kunseika no seiji kaikaku 中国国民党訓政下の政治改革* [Political Reforms under the Guomintang's Tutelage]. Tokyo: Kyuko-shoin.
- Hu, Chunhui 胡春惠, ed. 1978. *Minguo xianzheng yundong 民国憲政運動* [Constitutional Movement in Republican China]. Taipei: Cheng Chung Book.
- Jing, Zhiren 荆知仁. 1984. *Zhongguo lixianshi 中国立憲史* [History of Enactment of Constitution in China]. Taipei: Linking Publishing.
- Kaneko, Hajime 金子肇. 2008. *Kindai Chugoku no chuo to chiho: Minkoku zenki no seiji togo to gyozaisei 近代中国の中央と地方：民国前期の政治統合と行財政* [The Center and Region in Modern China: The Political Unification, Administration and Finance in the Early Republic]. Tokyo: Kyuko-shoin.
- Lei, Zhen 雷震 (original manuscript), and Xue Huayuan 薛化元 et al., eds. 2010. *Zhonghua minguo zhixianshi: Zhengzhi xieshang huiyi xianfa caoan 中華民國制憲史：政治協商會議憲法草案* [The History of Enactment of Constitution in Republican China: The Political Conference Draft]. With Lei's 1972 Introduction. Taipei: Daw Shiang Publishing Co., Ltd.
- Liu, Di 劉迪. 2009. *Kindai Chugoku ni okeru renpo shugi shiso 近代中国における連邦主義思想* [The Federalism in Modern China]. Tokyo: Seibundo.
- Miao, Quanji 繆全吉, ed. 1991. *Zhongguo zhixianshi ziliao huibian: Xianfabian 中国制憲史資料彙編：憲法編* [Collection of Documents and Data in Relation to the History of Chinese Constitution: Constitution]. Taipei: Academia Historica.
- Wang, Shijie 王世杰, and Qian Duansheng 錢端升. 1999. *Bijiao xianfa 比較憲法* [Comparative Constitutionalism]. Beijing: The Commercial Press (originally published in Shanghai 1937).
- Wu, Zongci 吳宗慈, ed. 1973. *Zhonghua minguo xianfashi 中華民國憲法史* [History of the Constitution of Republic China]. Taipei: Tailiangufeng Chubanshe (originally published in Beijing 1924).
- Xia, Xinhua 夏新華, and Hu Xusheng 胡旭晟 et al., eds. 2004. *Jindai zhongguo xianzheng licheng: Shiliao huicui 近代中国憲政歷程：史料薈萃* [History of Constitutional Government in Modern China: Collection of Documents]. Beijing: China University of Political Science and Law Press.
- Xu, Mao 徐矛. 1992. *Zhonghua minguo zhengzhi zhidushi 中華民國政治制度史* [History of Political System in Republican China]. Shanghai: Shanghai Renmin Chubanshe.

- Yan, Quan 嚴泉. 2009. *Xiandai Zhongguo de shouci minzhu zhuanxing: Minguo chunian de xianzheng shiyan* 現代中國的首次民主轉型：民國初年的憲政試驗 [The First Democratic Transition in Modern China: The Constitutional Experiment in Early Years of Republican China]. Taipei: Showwe Information Co. Ltd.
- Zhang, Jicai 張繼才. 2012. *Zhongguo jindai de lianbang zhuyi yanjiu* 中國近代的聯邦主義研究 [Research for the Federalism in Modern China]. Beijing: China Social Science Press.
- Zhang, Junmai 張君勱. 2006. *Xianzheng zhidao* 憲政之道 [The Road of Constitutional Government]. Beijing: Tsinghua University Press.

“Comment”

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The idea of constitution and constitutionalism has been one of the most cherished political ideas the humanity has been looking to achieve during the last two centuries. In fact, it has had an important place in our world’s contemporary history, a history which can be written as an ongoing struggle between the proponents and the opponents of constitutionalism, rule of law and democracy. This struggle has influenced other aspects of socio-political life of most societies around the world. Though many developed societies have been successful in achieving this cherished goal, others have been and in fact are, lagging behind in the long march toward constitutionalism.



commentator: Prof. Hamid AHMADI

It might be this importance which encouraged Toyo Bunko to allocate a session of its annual international symposium of Inter-Asia Research Networks on “Integrated Study of Dynamism in the Supra-Regional Spheres of Islamic and Chinese Region,” to constitutionalism and parliamentarism. Concentrating on the four historically and geopolitically important countries in the Islamic and Asian region, i.e., China, Iran, Turkey, and Egypt, the Session 2 of this year symposium tended to shed lights on their experience of the struggle for democratization and civil society.

Mohsen Khalili, associate professor of political science at Ferdowsi University of Mashhad, presented his analysis and explanation of “Two Dimensions of the Iran’s Constitutionalism: Familiar Notions, Lack of Theory.” Khalili argues that while Iranians did not created the theory of constitutionalism and the modern state, they were historically familiar with notions such as suppression, tyranny, corruption, despotism, and constitutional ideas such as justice. They also knew what the despicable situation of their life was, what would be the alternative desired situation and what the instruments for reaching the de-sired situation were. To support his argument, Khalili present two evidences of the Travelogue of Ibrahim Bey and the Treatises of Mirza Malkom Khan Nazem Al-Dole, the important socio-political works by two Iranian intellectuals of the mid and late 19th century. Through a content analysis of these two works and by showing the frequencies of the familiar notions, the indices of despicable and desired situations in both books, Khalili explains the existence of ideas of constitutionalism before the advent of the Constitutional Revolution of 1906 in Iran.

Sasaki Shin, assistant professor of Faculty of Humanities in Seikei University, in “After the ‘Second Empire’: