

A Comprehensive Study of Federalism in China

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1. An Overview

The most active period of time for Chinese Federalist thought was from 1895 to the mid-1920's. And it can be divided into three stages: the first, from 1895 to 1911, was the period from the embryonic stage of federalism in the late Ch'ing Dynasty to the 1911 Revolution and which was the first high tide of Chinese Federalism in which systematic federalist theory came out in China; and the third, from 1920 to 1928, was the real high-tide period of Chinese Federalism. With the Kuomintang's unification of China, the federalist thought and movement died out in China.

Many political problems that China faced from late Ch'ing till the 1920s — the issues of autonomy, the drafting of a national constitution, the reduction of provincial divisions, regionalism, provincial federalism and others — were all tied to the development of federalism. Therefore, it would be impossible to properly understand China's modern history of constitutional government without first making a thorough study of Chinese federalist thought and movement. For that purpose, this paper shall focus on Chinese federalism from three aspects: that of federalist ideology, of the federalist movement, and of its legal institutions. It is also worth noting that much research remains to be done on the third aspect.

2. The First Stage of Chinese Federalism

Federalist thought originated from Europe, but marked its first success as a kind of form of state structure in America. During the period from late Ch'ing till the 1911 Revolution, the Chinese intelligentsia who had conducted studies on federalism in America and

Switzerland concluded that federalism was conducive to national prosperity and liberty for the people, and that it should be introduced into China. It must be noted, however, that at this point of time, not only Tungmenghui members, but also advocates of constitutional monarchy, showed keen interest in the possibilities of Chinese federalism.

During this period, federalism in China had begun to appear in the following three forms. First, it appeared as a form of enlightening thought. An example was displayed by Liang Qi Chao in his "Case Study on Rousseau" of 1900. In response to Rousseau's argument that federalism makes one more prone to external invasion, Liang replied that while that fear might have been valid for a small country like Switzerland, it would be totally unfounded for a vast land like China.⁽¹⁾

Secondly, it appeared as an actual political stance for Tungmenghui, which declared in its official newspaper that the ultimate objective of the party was to create a new China with a republican government like that of France and a federal system like that of America.⁽²⁾ After the success of the 1911 Revolution, Sun Wen even went so far as to advise that China adopt the American model of federal government.⁽³⁾ After 1911, of the many provinces that had become autonomous, some expressed interest in forming a federation.⁽⁴⁾ When Shandong Province declared its independence, terms submitted by the Provincial Assemblies to the Ch'ing government included the following: to state in the constitution that China was a federation and to give authority to the provinces to determine local taxes, decide local bureaucratic establishment and maintain their own armies; and also to recognise the regulations of the Provincial Assemblies as its constitution and the rights of drafting and amending the constitution.

(1) Li Jiannong, *A Political History of China in the past thirty years*, Shanghai Pacific Bookstore, 1931, p. 463.

(2) "The People's Livelihood and the Future of Chinese Revolution", *Minpao*, Issue No. 4.

(3) Liu Di, "Federalism in China", *HOKENRONSHU*, No. 92:215-232, No. 93:243-256, The Graduate School of Law Waseda University.

(4) Liu Di, "Thoughts and Movement of Federalism in China: a Study of Research History", *Comparative Law Review*, Vol. 33 No. 2:249-266, Institute of Comparative Law Waseda University.

Thirdly, federalism appeared as a kind of actual legal system. Since the 1911 Revolution, the provinces were in effect autonomous and Beijing's power was limited to institutional controls held under her more trusted governors. The success of the 1911 Revolution was thus a result of the autonomy of the provinces and the subsequent establishment of the Republican Government was the result of a consensus at the Conference of Military Governors' Representatives. Some experts point out that this autonomy enjoyed by the provinces at the start of the Republican Government resembled very much the case of America at the time when it became independent.⁽⁵⁾ During the Revolution, the provisional government openly declared the American federal system as their model.⁽⁶⁾ Accordingly, the election of representatives would be held on a provincial basis, after which the elected representatives from the provinces and districts would lay down the operations outline for the provisional government. As for the presidential elections, it would be also held on a provincial basis and limited to one vote each.

These three forms of Chinese federalism were to remain intact throughout all the three stages of its development.

3. The Second Stage of Chinese Federalism

Systematic federalist theory in China appeared at this stage between 1912 and 1920. This period can be viewed as having two parts.

The first half is the period of Yuan Shikai's dictatorship. The opposition to Yuan tried to curb his absolute rule by, on the one hand, increasing the autonomy of the provinces and, on the other hand, promoting federalist thought.

Federation was also endorsed by the Kuomintang ideologist Dai Jitao (1890–1949) in his thesis of 1914, "The Republic of China and the Federal System" because it would enable China to maintain the balance of power between central government and regional authorities, and also to accommodate the many different cultural groups in the country.⁽⁷⁾ Following Dai, many scholars published their support

⁽⁵⁾ Li Jiannong, *op. cit.*

⁽⁶⁾ Li Jiannong, *op. cit.*

⁽⁷⁾ Liu Di, "A Study of the Chinese Federalism Centering on Dai Jitao's Thoughts",

for federalism. Examples were “The Ultimate Regionalism” by Zhang Dongsun (1887–1973) in Issue No. 17 of *The Chinese* and “The National Policy of the Chinese Republic” by Ding Shiduo (dates of birth and death unknown) in Issue No. 9 of the same periodical. Their views, though, did not represent the mainstream of public opinion.

With the death of Yuan Shikai in 1916, federalist thought as a weapon against him lost its target. In addition, dissent surrounding federalism showed up between the Kuomintang and the Progressive Party. While Kuomintang members wanted the constitution to include measures for the democratic election of governors and the provincial division, Progressive Party members were opposed to the inclusion, on the grounds that it would give the constitution a strong federalistic slant. But in truth, the Kuomintang had already given up all interest in federalism when Yuan died.

Then in June 1917, the second parliamentary session was dissolved; and with that Chinese federalism entered the latter half of its second stage. Efforts to re-unite China remained at a standstill, so federal thought again returned to the limelight. In December 1917, prominent politician Xiong Xiling (1870–1942) published an open telegram to the Chinese people, calling for the implementation of a federal system.⁽⁸⁾ Then on 21 January 1918, he published “An Open Telegram to Cen Chunxuan — Proposing a Federal System Based on Local Autonomy”, in which Xiong suggested that representatives from each province should come together to draft a constitution under which they could then convene a federal assembly.⁽⁹⁾ This proposal attracted the attention of many people.

Parallel to this, magazines were releasing special issues on federalist thought. To name only some, *The Pacific* ran a special on “Federalist Self-Government”, *Reform* devoted two issues respectively to “Self-Government” and to “Federalism”, while *The Orient* for two consecutive months focussed on the question of “The Making of a Constitu-

HOKENRONSHU, No. 94:279–311, The Graduate School of Law Waseda University.

⁽⁸⁾ “An Open Telegram to the People to Propose a Federal System”, Zhou Qiuguang ed., *Essays of Xiong Xiling*, Hunan Publishing, 1996, pp. 1142–1146.

⁽⁹⁾ *Ibid.*, p. 1149.

tion". Even after that, *The Pacific* published two essays by Li Jiannong (1880–1965) in its Issues No. 8 and No. 9, in which Li pointed a finger at the Beijing government as the cause for China's disintegration.

In this second stage, Chinese federalism initially served as a force against Yuan Shikai's dictatorship. Later, however, it became a means to re-unite the country. At that point it was yet to be obvious that the warlords would make use of federalism for their own tactical ends.

4. The Third Stage of Chinese Federalism

The period from 1920 to 1926 was the peak of the federalist movement in China. Federalism gained widespread support and the federalist movement grew to a nationwide scale. All over the country, provincial constitutions were drafted, the first national federal constitution came into being, and things took on a new aspect.

During this period, the public were generally in favour of provincial federalism, although for different reasons. Hu Shizhi (1891–1961), for instance, saw it as the solution to warlordism. According to Hu, China was from the start unsuited to centralized rule, and it was for this reason that the country turned to warlordism; hence the problem of the warlords would be solved by increasing the real political power of the provinces and giving them autonomy based on a federalist system.⁽¹⁰⁾ Other scholars, however, focussed on the federalist system as the first step to a democratic regime. For example, Tang Dechang argued that provincial federalism meant that the governors had to be elected and that could therefore prevent the central government from planting their trusted followers over the country, while the implementation of constitutions would eliminate the warlords. The federalist movement could therefore lead the North and the South towards unification.⁽¹¹⁾

In July 1920, Hunan launched its Provincial Federal Movement and the other provinces immediately followed. In October of the same year, Gao Yihan, Sun Jiyi and several others established the Provincial Federalist Association in Beijing. With participants from fifteen prov-

⁽¹⁰⁾ "Warlordism and Self-Government", *The Diligence Weekly*, Issue No. 19.

⁽¹¹⁾ *The Pacific*, Vol. No. 3 Issue No. 7.

inces, the aim of the association was to promote provincial federalism and to petition the central government to recognize their autonomy. The following month, another association, supporters of the Provincial Federalist Movement, was organized with members from fourteen provinces. Its aim was to activate self-rule and to work out a constitution. In addition, a Provincial Federal Movement Office was set up in Tianjin, while in Shanghai the Lv-lu Provincial Federal Association came into being. This association, in particular, had its organization outline designed by Chu Fucheng, the vice speaker of the House of Representatives, after which the outline was passed around by Hunan Governor Zhao Hengti to the other provinces for approval.⁽¹²⁾

It was also during this period that two federal constitutions were completed — first, Hunan's constitution was passed.⁽¹³⁾ Then in May 1922, a total of eight industrial, commercial and educational groups met in Shanghai to work out two versions of a federal constitution. Both versions began with the declaration of China as a “federal republic” with a distribution of power between the central and provincial governments based on a separate registry modelled on the Canadian system. The constitution of the Republic of China made public by the Cao Qun Government was essentially an adoption of these two drafts. Although the 1923 national constitution did not enforce, its creation itself was an important milestone in the history of Chinese federalism.

5. Regionalism and the Rise of Federalism

Chinese federalism has its roots in regionalism and rose hand in hand with the denial of Ch'ing legitimacy and the accompanying fight for autonomy.

Generally speaking, a country is able to choose between a single count and a federal system only if factors for both alternatives exist. If only unification factors were present, they would simply be assimilated into a single centre of power. On the other hand, if there were

⁽¹²⁾ The Shenbao (Shanghai), 19 July 1922.

⁽¹³⁾ Liu Di, “A Study of Chinese Federalism: Centering on the Making of the Constitution of Hunan Province”, *Comparative Law Review*, Vol. 34 No. 1:1-47, Institute of Comparative Law Waseda University.

only decentralization factors, power will be completely dispersed, or at best maintain very loose links. The rise of regionalism in late Ch'ing indicated the increase in decentralisation factors, and provided a reason for the Chinese intelligentsia to assimilate federalist ideology.

Since 1895, many political activists in China had been promoting regional autonomy. In late 1902, Hunan students in Japan established a Hunan Translation Agency. The foreword of **Studying Abroad** published by the agency carried the slogan of "Self-Government for Hunan".⁽¹⁴⁾ In 1902 Ou Jujia wrote "New Guangdong", in which he called for autonomy for Guangdong, suggesting that the autonomous provinces could form a presidential government like that of Germany and the United States.⁽¹⁵⁾ Then in 1903 Yang Shouren (1872–1911) coined the slogan "Hunan by the Hunans for the Hunans" and suggested that the province should go autonomous like Switzerland and Cuba.⁽¹⁶⁾ Liang Qiqao, too, called for the independence of Hunan, saying that, in the scramble for concessions by the foreign powers, China could be saved from being dismantled only if some of her provinces break themselves away from the military melee.⁽¹⁷⁾ Of course, none of them were trying to break away from China, but were only hoping that Guangdong and Hunan could inspire the other provinces to realise their autonomy and ultimately save China as a whole. This was obvious in Ou's argument that "it was only natural to love one's homeland before one's country".⁽¹⁸⁾ A similar argument could also be found in the revolutionistic publication, *Tides of Zhejiang*. In a piece titled "Advice to My Fellow Countrymen", the magazine explained that modern political systems could be divided into two categories — that of centralised control and that of local rule. While centralised control was a direct means to maintain authority, local rule was an indirect means to

⁽¹⁴⁾ Liu Jingquan others ed., *Song Jiaoren and Parliamentary Politics of the Republican Period*, People's Publisher of Hebei, 1998, p. 93.

⁽¹⁵⁾ Ou Jujia, "New Guangdong", Zhang Dan others ed., *Selections from the review (1901–1911) Vol. 1, The Lifestyle, Reading and New Knowledge Bookshop*, 1960, p. 269.

⁽¹⁶⁾ Yang Shouren, "New Hunan", *ibid.*, p. 612.

⁽¹⁷⁾ Liang Qichao, "What Hunan Should Do" *Essays of Liang Qichao*, Shanghai People's Publisher, 1984, pp. 72–3.

⁽¹⁸⁾ Ou Jujia, *op. cit.*

the same end.⁽¹⁹⁾

As such, not only the reformists or the revolutionists, but even the provincial governors employed by the Ch'ing government began to look towards regionalism. The signing of the "South-East Mutual Protection Pact" in 1900 signalled the seriousness of the situation. The "South-East Mutual Protection Incident" took place in 1900, when in response to foreign intervention in the Boxer Uprising, the Empress Dowager Cixi declared war on the Allied Powers and demanded that the regional authorities send their armies in support. But instead of obeying orders, Governor Liu Kunyi (1830–1902) at Nanjing was advised by Sheng Xuanhuai (1844–1916) and Zhang Jian (1853–1926) that he should give Huadong's interests top priority. Liu accepted their advice and, together with Governor Zhang Zhidong (1837–1909) in Wuhan and Governor Li Hongzhang (1823–1901) in Guangdong, entered into an informal pact with the foreign consuls stating that they would not interfere in each other's interests. That a regional authority should dare to disobey central orders and even sign its own agreement with the foreigners would have been unimaginable in the traditional political hierarchy, if the loss of confidence in Confucianist ideology had not caused a breakdown in the relationship between centre and region.

At about the same time, the British were also scheming to break apart Guangxi and Guangdong. In order to curb the spread of the Boxers and protect British interests in Southern China, Governor Henry Black of Hong Kong sent his minister He Qi (1859–1914) to Li Hongzhang, suggesting that Li and Sun Wen cooperate to bring about the independence of Guangdong. Of course, with the collapse of the Boxers Uprising Movement and Li's transfer to Beijing, the plan eventually did not materialize.

⁽¹⁹⁾ Selections from the review (1901–1911), *op. cit.*, Vol. 1, p. 497.

6. The Development of Constitutionalism of China and Federalist Thought as a Political Tool

For a large part of its history, Chinese federalism was treated not as an end but merely as a tool. The public, for example, started to take federalism seriously only after 1918, when they became convinced that it was a way to mend a broken China. In this way, in 1918 Li Jian-nong, in *The Pacific*, recommended federalism as a means to reunify the country. Even then, many of China's federalists saw it only as a second-best alternative. Xiong Xiling, for instance, advised that federalism be implemented as an emergency measure to stop China from further disintegration.⁽²⁰⁾

Thus federalist thought was first seen by not just the Tung meng hui but at the same time by constitutional monarchists as a tool against absolute rule, as could be seen in Liang Qiqao's criticism of Lu Suo. Besides Liang, Sun wen⁽²¹⁾ and Dai Jitao⁽²²⁾ too were interested in using federalism to curb Ch'ing power.

Federalist thought next became a tool for the unification of the country. Xiong Xiling and others took this stance. Xiong's cry for federalisation of the country stirred up much public sentiment and paved the way to the Provincial Federal Movement.

Thirdly, federalist thought was also a tool used by the warlords to justify their military expansion under the guise of support of the intelligentsia. Especially after the passing of the Hunan Constitution, the other warlords declared their own independence. After Hunan, Sichuan, Hubei, then Zhejiang, Xianxi, Guangdong, Guizhou, Yunnan, Anxi and the other warlords formed a federation based in Shanghai, which claimed to discuss matters of provincial federalism and provincial constitutions.

In the above manner, federalist thought served as different means for different groups at different stages of its lifespan. Yet through its history, none of its advocators seriously saw it as an end worth pur-

⁽²⁰⁾ Essays of Xiong Xiling, op. cit., p. 1149.

⁽²¹⁾ Liu Di, "Federalism in China", op. cit.

⁽²²⁾ Liu Di, "A Study of the Chinese Federalism Centering on Dai Jitao's Thoughts", op. cit.

suing. Federalism was hence little more than a banner which different political groups took turns to raise according to the national circumstances. Even when Tongmenghui identified in its official newspaper federalism as an objective of the party, this was eventually never realised.

7. Factors for the Failure of Chinese Federalism

Until the early 1920s, a majority of the public was opposed to federalisation of the country, because a federal system was equated with disintegration, while, a single system with unification. For instance, Zhang Taiyan argued that the strength of China lay in its being able to maintain a united front.⁽²³⁾ In 1917, when violence erupted in Parliament due to a dispute over the inclusion of provincial divisions in the constitution, the association of warlords stepped in on the excuse that they could not be allow the unity of the country to be damaged by issues of federalism .

Yuan Shikai was another person who equated a single system with the unity of China. During the drafting of the constitution by the 1913 Parliament, Kuomintang members recommended the implementation of a federal system to prevent Yuan from seizing power. Two defeats later Yuan put the blame on Kuomintang, calling them traitors scheming to break up the country under the pretext of federalisation.⁽²⁴⁾

At the drafting of the constitution in 1913, opposition to a federal system was very strong within the parliament. The draft submitted by the Progressive Party, for example, stated that “China shall be a united republic”. Liang Qiqao explained that the emphasis on “united” and “republic” was an effort to differentiate themselves from the federalists⁽²⁵⁾, and was also based on a concern that China should not be torn

⁽²³⁾ Political Essays of Zang Taiyan, The Commercial Press(Beijing), 1980, p. 425.

⁽²⁴⁾ Yang Youjiong, Modern Legiskative History of China, The Commercial Press, 1936, p. 285. Xu Qian, Drafting of Constitution Based on Christian Principles, *The Orient*, Vol. No. 19.

⁽²⁵⁾ This is a re-citation from Zhang Yufa, “Constitutional Debates in the Republican Period”, Selections on the Review of Modern History of China, Vol. 21, Edition 19 (Politics in the Republican Period), The Commercial Press(Taipei), 1986, p. 546.

apart.⁽²⁶⁾

Even in the early years of the Republic, the Kuomintang was still overwhelmingly in support of “single system means unity”. The belief that a centralised political structure was needed to protect unity was obvious also in the Draft Constitution of the Temple of Heaven, which began with the clause, “The Republic of China shall be a unified republic.” At that time, the parliament defined “unified” as “single system”.

In February 1912, the provisional government of Nanjing established its Editorial Board to draft a provisional constitution based on the organization structure of the government. Their first meeting was held on 7 February and the second on 5 March of that year. At the second meeting, Song Jiaoren suggested that they should follow the French model of a centralization of power around a responsible cabinet. Song reasoned that although Ch'ing was too weak to re-unify the country, there was still hope that China could be revived if another centralised government could be established in replacement. He cited Japan as an example that they should learn from. As for his fellow party members' wariness of Yuan Shikai, Song was confident that by switching from a presidential system to a cabinet style, Yuan could hardly pose a threat at all.⁽²⁷⁾

However, Hu Hanmin of the Revolutionary Party thought otherwise. Hu was aware that in a vast country like China, the distribution of power between the central government and the provinces had long been unbalanced, so that the fall of Ch'ing was not necessarily beneficial to all. He saw that the central government, which survived the 1911 Revolution very much unscathed, still kept their conservative ways of thinking.⁽²⁸⁾ Furthermore, after examining the Japanese, American and French models Hu had to conclude that none of them seemed suitable for China. In addition, he was fearful of Yuan Shikai's

⁽²⁶⁾ Refer to appendix of *Yongyanbao*, Vol. No. 1 Issue No. 1 for Liang Qiqao, “Principles for Founding a Nation”, pp. 3–5. Also see Liang's “On the Future of Republic of China” in *The Orient* Vol. No. 8 Issue No. 10.

⁽²⁷⁾ Re-cited from Autobiography of Hu Hanmin, Autobiographic Publisher, 1969, p. 70.

⁽²⁸⁾ *Ibid.*, p. 72.

ambition and felt that the Chinese parliament, not to mention its cabinet, was too young and too weak to withstand even a small threat. Thus Hu decided that the political tug-of-war would never end unless the absolute regime was completely cleared away.

So from April to May of 1913, the political parties continued to debate over the constitution. Kuomintang prepared three versions — the Wang Chonghui Draft, the Wang Zhaoming Draft and the Song Jiaoren Draft; of the three, the Wang Chonghui version proposed a federal system.⁽²⁹⁾ Eventually, a combined version of Wang draft and Song's was submitted for discussion. In particular, the combined draft chose a parliamentary style over a presidential government, and a single system over a federal system.⁽³⁰⁾

Because of the public's misunderstanding of federalism, Dai Jitao, in his "The Republic of China and the Federal System" of 1914 specified that the term "federalism" could be substituted with other names if necessary without any effect on its essential meaning.

8. The Breakdown of Traditional Political Conviction in China and Federalism

Confidence in Confucianism as the national faith was not damaged by the Opium War of 1840. In fact, at that time, Westernization was regarded as a means to protect this traditional ideological base. In particular, the Chinese purchased Western weapons and constructed arsenals to protect themselves against Western aggression. But the Sino-Japanese War brought along the realization that weapons alone cannot save them from foreign threat and that what was needed was a review of the Chinese political institutions and legal systems. This triggered a flood of overseas learning, in which thousands of students flocked to Japan to study law, military science and politics. That China's elite should stoop down to learn from a neighbour who had beaten them in war was unheard of in the past, and is thus an obvious indication that the mood of self-reflection in the country was sufficient to overwhelm

⁽²⁹⁾ *Ibid.*, p. 73.

⁽³⁰⁾ Zhang Yufa, *op. cit.*, p. 545. Constitutional Newspaper, Issue No. 1, pp. 26–27; also Zhang Yufa, *ibid.*, p. 532.

even cultural sentiments.

Thus China's elite was forced to admit the superiority of not just Western arms, but also Western forms of government. Eventually there was a total loss in confidence in Confucianist ideology. Since the legitimacy of the central government depended on Confucianist sanction, the way became open to the federalism.

9. Factors for the Failure to Transfer from Single System to Federal System

Despite all these decentralization factors, why then did federalism still fail in China?

Federalism is fundamentally a denial of the concentration of power. However it does not mean a random power dispersion, but aims to build and maintain a system founded on the distribution of power. As such, whether a federal system works or not depends first and foremost on whether factors for decentralization and factors for unification can obtain equilibrium within the system.

In this argument, one might say that the forces for decentralization in China were too weak. Between 1911 and 1928, warlords tore the country apart; yet neither were they able to gain full autonomy nor were they able to bring about a unification of power. The numerous small and medium-sized regional regimes, in turn, looked to either North or South for protection.

Besides, a federal system, like any other political system, is also subject to historical forces. The majority of the federal states in the present times were former colonies, some of whom form a commonwealth under their former colonial rulers. These federal states share a characteristic in that prior to colonialization, they all enjoyed some form of autonomy or self government. In contrast, China since the Qin Dynasty had had a unified political system with a high concentration of power. A past history or tradition of self-government that can be seen in many federal states is completely lacking in China's case.

Another reason was the lack of a stable environment. Federal states are formed in two ways. One is that various states join hands to form a federation. The other is that a unitary state transforms itself into a fed-

eral state. The latter is extremely rare, and to date Belgium is the sole example. Belgium decided to undergo the change because of religious and linguistic differences, and the transition was achieved in a peaceful environment. Unfortunately for China, in the 1920s a peaceful environment was not available.

At the same time, many people failed to realize that the self-government movement appeared to be an attempt to transform a unitary state into a federal state. But to most of the intelligentsia, federalism was only the next best alternative and was little more than a desperate attempt to piece together a country that was rapidly crumbling away after the 1911 Revolution. Although the Chinese intelligentsia expressed their support for federalism, the ultimate aim was still to reunify the country.

With the establishment of the Qin Dynasty, China created a centralized power regime and its supporting ideological system. The rise of decentralization factors in late Ch'ing were caused by a loss of confidence in the central government. In 1928, With Kuomintang's unification of China, the bureaucracy and the intelligentsia finally turned away from Confucianism to the Three Principles of the People by Sun Wen.

In the second half of the 1920s, Chinese federalism declined. Its failure can be summarized in the absence of a tradition in self-government, the lack of a stable environment for the transition from a unitary state to a federal state, and the revival of forces of unification.

10. Other Characteristics of Chinese Federalist Thought in the 20th Century

After the Revolution of 1911, the Republic of China has almost inherited the whole territory of the Ch'ing Dynasty. But it has not succeeded in building China into a modern national state. The whole 20th century has recorded the historical process of China's building a national state. During this process, China realized that it was difficult to apply either a single system or a federal system to China. Even at present, what kind of forms of state structure China should adopt is still in the state of doubt. Therefore, to review the characteristics

of the history of Chinese federalist thought will be helpful for us to think about the question of what kind of forms of state structure China should adopt.

Firstly, I want to point out that federalist thought runs through the whole history of Chinese constitutionalism in the 20th century. Sometimes it existed as a kind of dominant constitutionalism or legal form, sometimes it existed as a kind of recessive constitutionalism. For example, the Law of Autonomy of Hunan Province and the constitution of the Republic of China acted as kinds of legal forms. Since the 1980's, Taiwan's scholars and overseas Chinese scholars have put forward many ideas on federalism and a confederation system. The legal forms or ideas mentioned above were dominant federalism. On the other hand, the People's Republic of China declared itself to be a single-system country, but its constitution allows regional national autonomy and the "one country two systems" which in fact is based on a federal arrangement.

Secondly, another interesting fact is that in that in the 100 years of the 20th century, the political powers who advocated federalism were all politically weak or were in opposition. But once they came into power, they all gave up federalism and turned to adopt a single system. For example, Sun Wen advocated federalism before the Revolution of 1911, but he turned to be an advocate of equilibrating power right(均權制) after the Revolution. Another example is that the Kuomintang took different attitudes before and after 1928, and the Chinese Communist Party was devoted to building China into a federal state before 1949, but it denied federalism after it came into power.

Finally, Chinese Federalism has never been put forward alone but was always united with a certain political idea. For example, the federal thought put forward in the late Ch'ing was to resist the Ch'ing ruler; Provincial federalism was to resist the Northern Warlords' armed unity; and China's "one country two systems" was to carry out "peaceful unity".