China Did Not Lack Constitutions. It Lacked Alignment.

Read the standard story of modern Chinese constitutionalism and you will hear that the ideas arrived too late, or never arrived at all. The documentary record says something more uncomfortable. Between 1909 and 1947, Chinese constitution-makers produced local-government regulations, a provisional constitution, provincial constitutions, a tutelage constitution, an ambitious draft, and finally the 1947 Constitution of the Republic of China — and nearly every one of them promised some form of provincial and county self-government. The paper trail is rich. What was missing was never the text. It was the alignment: the unglamorous requirement that whoever holds a responsibility also holds the revenue to fund it, the executive to carry it out, and the audit to answer for it.

A century of clauses, a machinery of fragments

The pattern repeats across four decades. The 1909 regulations assigned roads, bridges, and drainage to local public-benefit affairs while preserving official supervision over contributions, budgets, and final accounts. Zhejiang's 1921 provincial constitution enumerated county powers over roads and revenue, capped the province's contribution to national expenses, and set minimum budget shares for education, industry, and transportation — yet left the appointment of county magistrates with the governor. The 1931 Tutelage Provisional Constitution spoke the language of county self-government inside a structure of hierarchical administrative command, and the unadopted May Fifth Draft of 1936 did the same. Each design rearranged the same pieces: local functions here, fiscal authority there, executive accountability pointing somewhere else. The negotiations of 1946–47 and the constitution they produced inherited the same unresolved question: how to state local power in a text so that it survives the actual allocation of money, appointment, and command.

The mechanism has a name: fragmentation. County revenue, appropriation, project approval, and appointment of the executive could be allocated to different tiers of government. A county might hold nominal competences without the full instruments required for accountability, while a superior authority might approve budgets without bearing the corresponding project and maintenance costs. Such misalignment obscures performance and invites retrospective blame-shifting — when a road fails, everyone involved can truthfully say the decisive step was someone else's.

What the Zhejiang evidence actually shows

Zhejiang in the 1930s is where the paper trail gets tested against administration. County road schedules report 191 roads and a printed construction-cost total, figures that have now been independently re-transcribed and reconciled, entry by entry, against the printed subtotals. But a reported construction cost is not a treasury payment, a printed subtotal is not a disbursement, and a county's appearance in a road table is not proof that its own treasury paid, its own council authorized, or its own magistrate answered for the result. The same discipline applies to the comparison with the United States: the Federal Highway Act of 1921 separated apportionment, project approval, execution, payment on verified work, and maintenance enforcement into distinct stages with distinct records. It is a methodological comparator — a demonstration that each stage leaves a different documentary trace — not a blueprint, and it does not make American states and Chinese counties equivalents.

None of this is an argument that coordination is worthless or that decentralization is always preferable. Provincial budget review may have supplied technical scrutiny across counties rather than mere delay; the record assembled so far identifies the mechanism without yet measuring its causal effect. The point is narrower and harder to escape: legal competence, fiscal capacity, administrative control, electoral accountability, and adjudicative remedies must be analyzed together, because self-government exists only

where they coincide.

The unfinished path

The 1947 Constitution of the Republic of China articulated another architecture — differentiated central, provincial, and county competences, elected county councils and magistrates, calibrated assistance to disadvantaged provinces and counties. It should neither be described as a copy of Zhejiang's 1921 experiment nor used to erase that experiment's significance; claims of direct influence require drafting archives, not resemblance. What the half-century establishes is the distance among the layers: a bold normative text in 1921, a complicated administrative reality in the 1930s, a new constitutional design in 1947. Durable autonomy, the record suggests, depends on the alignment of fiscal responsibility, administrative control, executive accountability, and verifiable implementation — not merely on constitutional enumeration. China kept writing the enumeration. The alignment is the part that remained unfinished.

Read the full paper: Chinese Federalism and Local Self-Government, 1898–1947