Why Did China Miss the Historic Opportunity of Provincial Constitutions and Federalism?

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Between 1920 and 1926, China saw a constitutional experiment that is seldom mentioned today — the provincial constitution movement. From Hunan to Guangdong, and from Zhejiang to Sichuan, more than ten provinces successively drafted or promulgated provincial constitutions; “federated provincial self-government” and “the federal system” became political proposals hotly discussed in the press. This was the closest China ever came to “unity built on local self-government,” and it was also its only bottom-up attempt at constitution-making.

But the movement came quickly, and it went quickly. In 1926 the Northern Expedition army rose, and the provincial constitutions were abolished one by one; by 1928, when the country was nominally unified, the provincial constitution movement had already vanished like smoke. China missed this train — and missed it by a whole century. Why?

I. What Was the Provincial Constitution Movement?

The background of the provincial constitution movement was a vacuum of central authority. After Yuan Shikai’s death, the north and south split apart, and no central government could command the whole country. In that situation, a voice arose: since the centre could not make a constitution, let each province make one first — each province would formulate a provincial constitution and practise self-government, and when conditions matured, the provinces would join together into a federal, unified state.

The province that went furthest was Hunan. On 1 January 1922, the Hunan Provincial Constitution was formally promulgated and put into effect — the first provincial constitution in China that was genuinely implemented: the governor was to be elected by the provincial assembly, executive power was to be exercised jointly by the governor and the provincial affairs council, and it also stipulated three levels of self-government, at county, city, and township level. For a time, Hunan became the nationally watched “model constitutional province,” while Zhejiang, Jiangsu, Sichuan, Guangdong, and other provinces also successively drafted provincial constitutions, and intellectual circles responded in chorus.

II. The Appeal of the Federalist Idea

The intellectual core of the provincial constitution movement was federalism: opposition to unification by force, and advocacy of union by contract. Its appeal had three layers. First, peace: after the provinces had become self-governing, they would negotiate unification peacefully, avoiding endless civil war. Second, democratic training: local self-government was seen as a school of democracy, where ordinary people would first learn elections and deliberation at the county and provincial levels, and then take part in national politics. Third, checking the centre: under a federal system, central power would be limited, so that another unchecked strongman would not appear.

In the context of the time, this set of ideas was quite persuasive. The reality of warlord melee had swept the reputation of “unification by force” from the ground, while the example of the United States stood there before everyone’s eyes — thirteen states first self-governing, then federated, had they not also built a great power? Many liberal intellectuals defended federalism, arguing that it was China’s rational way out of warlord melee.

III. Why It Was Missed: Four Structural Reasons

First, the provincial constitutions were mostly led and formulated by warlords, and became tools for legitimising separatist rule. The promoter of the Hunan Provincial Constitution, Zhao Hengti, was himself Hunan's military ruler; although the provincial constitution stipulated the election of the governor, the person elected was still him. Chen Jiongming in Guangdong and the warlords in Sichuan were no different. The more the provincial constitution was a matter of "self-government," the more stable the warlord's turf became — "federated provincial self-government" turned into "federated warlord separatism."

Second, there was a lack of a genuine basis in public opinion. The provincial constitutions were mostly drafted by provincial assemblies or committees of scholars; ordinary people neither took part in constitution-making nor had an opportunity to vote on the provincial constitutions. Without a procedure for constitution-making by the whole people, a provincial constitution was only an elite text, which would fall at the first gust of wind. After the Hunan Provincial Constitution was implemented, fraud was rampant in the provincial assembly election, and the people quickly lost their enthusiasm.

Third, each province only "self-governed" and did not "federate," falling into a collective-action dilemma. Every province wanted to protect its own turf, and no province was willing to be the first to hand over military power and fiscal power to form a federation. "Federated provincial self-government" was shouted about for many years, yet not even one proper assembly of provincial representatives was ever held. Without a mechanism for "federation," "self-government" was only another name for division — and this was precisely the reason Sun Yat-sen and the Kuomintang criticised it.

Fourth, it was crushed by larger historical forces. In 1924 the Kuomintang reorganised and allied with Russia while tolerating the Communists; in 1926 the Northern Expedition began, and wherever the National Revolutionary Army reached, the provincial constitutions were abolished together with the old provincial assemblies (the Hunan Provincial Constitution was abolished in July 1926). What the Kuomintang wanted was unification under party rule, not a federal division of power. The provincial constitution movement was thus swept into history.

IV. What the Lost Opportunity Means

The failure of the provincial constitution movement meant that China lost an opportunity to establish a constitutional order from the bottom up. After that, only two models of unification remained for China: the Kuomintang's unification under party rule, and the later mainland Chinese Communist regime's centralised unification. The option of local self-government disappeared from the political agenda for half a century, until the local-system design of the 1947 Constitution (see Question 9 of this series) wrote it back into the nation's fundamental law — but that is already another story.

The lesson is clear: local self-government must be designed in synchrony with a national constitutional framework. Self-government by a single province, in an environment without constitutional guarantees and without a national rule of law, will only degenerate into a strongman's tool. When we discuss future local self-government today (see Introduction I05 and Question 33 of the third cluster of this series, "Is Federalism Suitable for Future China?"), we must answer at the same time: where does the power of self-government come from? And by what national system can it be guaranteed against being taken back? The provincial constitution movement did not answer these two questions, so it could only be a flash-in-the-pan experiment.

Continue Reading

- Index to Forty Questions on the History of the Republic of China
- Introduction, Chapter 5: Local Self-Government and Daily Life
- How Did the 1947 Constitution of the Republic of China Divide Power Among the Centre, the Provinces, and the Counties?

References

- Index to Forty Questions on the History of the Republic of China
- Introduction, Chapter 5, “Local Self-Government and Daily Life” — the concept of local self-government, cited in this question
- Public historical materials: the Hunan Provincial Constitution, promulgated and put into effect on 1 January 1922; Zhao Hengti elected Governor of Hunan in September 1922; the Hunan Provincial Constitution abolished in July 1926

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