How Can Local Warlordism and New Power Monopolies Be Prevented?

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After the old regime collapses, the most common outcome is not democracy, but fragmentation: local strongmen each govern separately, and new strongmen establish new monopolies in the name of "maintaining order." The lessons of the seventh and eighth questions in this series explained this point long ago: Chen Jiongming's federal self-government failed, and the provincial constitution movement came to a premature end, and the common reason was that local self-government without a national constitutional framework sooner or later becomes a pretext for separatist rule.

To prevent warlordism and new monopolies, three roads must be blocked at the same time: militarily, no one may possess a private armed force; fiscally, no locality may retain national taxes; and politically, no office may become a lifelong tenure. If only one of the three roads is blocked, the other two will sooner or later be circumvented.

I. Militarily: No Private Armed Forces

The first line of defense is the nationalization of the armed forces (see the conclusion of the twenty-fourth question in this series, cited here and not expanded upon): all armed forces are uniformly placed under national command, localities are prohibited from possessing independent armed forces, local armed forces and militias must be incorporated or disbanded, and weapons must be registered item by item. Local security is the responsibility of police constrained by law (see the division-of-labour conclusion of the twenty-second question); the police answer to the law, not to local strongmen.

The lesson of history is most direct here: during the provincial constitution movement period, the strongmen of each province all welcomed "self-government," yet no one sincerely wanted "federal" — the provincial constitution became a tool for legitimizing warlords. Without armed forces under unified national command, local self-government is left with only a plate of loose sand of "provincial self-government," and loose sand is most easily kneaded back into one piece by the person with the most guns.

II. Fiscally: Division of Power Must Be Paired with Audit and Disclosure

The second line of defense lies in fiscal affairs. Local fiscal autonomy is necessary, but autonomy must be paired with audit and disclosure: local budgets disclosed, transfer payment rules made statutory, national taxes not to be retained by localities, and local debt disclosed in full. Division of power without audit is not self-government; it is issuing licenses for local satraps.

How the centre and localities allocate fiscal power is the theme of the thirty-second question in this series, cited here and not expanded upon. But a principle can be laid down first: the rules of division should be determined by the constitution and by law, rather than being the result of bargaining between the centre and localities — a division obtained by bargaining gives strong localities more and weak localities less, and in the end it is still the strong devouring the weak.

III. Politically: Elections, Term Limits, and Freedom Are the Guardrails

The third line of defense lies in politics: local chief executives and councils are produced by elections and subject to term limits; freedom of the media lets abuses of local power come to light; judicial independence lets people who have been harmed seek local redress; and party competition and civic organizations ensure that any monopolist faces challengers. If any one of these four is missing, local elections will become a mere formality.

It is also necessary to remember the premise of the sixteenth question in this series: a democratic system will not automatically appear after the old regime collapses — it needs to be deliberately built. Similarly, the question raised by the seventeenth question also applies: reconstruction cannot rely only on transplanting the existing government of the Republic of China (Taiwan); the mainland's own institutions — elections, councils, courts, and media — must grow locally. Transplanted institutions have no roots, and a wind will blow them over. The speed of institution-building may vary according to place, but its direction cannot be ambiguous: each local election, each budget disclosure, is laying a foundation for a nationwide constitutional order.

IV. The Balance Between the National Framework and Local Self-Government

Above the three lines of defense, a national framework is still needed. Local self-government needs the protection of a national constitutional framework: the equalization-of-powers design of the 1947 Constitution of the Republic of China (see the conclusion of the ninth question in this series) attempted to answer precisely how the centre and localities can divide power without splitting — the centre manages national affairs, localities manage local affairs, and disputes go through constitutional and judicial procedures, not through force.

Both sides of the balance must be guarded: on one side, the centre must not, in the name of "unity," cancel local self-government — in localities where self-government is cancelled, residents' identification with the new order will rapidly drain away; on the other side, localities must not, in the name of "self-government," refuse nationwide guarantees of basic rights — a locality that can arbitrarily strip residents of their rights does not count as self-government, and can only count as small-scale authoritarianism. The institutional options in the Seven-Law model texts relating to local self-government and checks and balances (model laws under discussion, not current law) can serve as starting points for discussion; the final rules must be confirmed by legislative procedure under the future constitutional order.

When disputes between the centre and localities occur, they should be resolved through constitutional and judicial procedures: an independent constitutional review institution adjudicates the attribution of jurisdiction, and both sides accept the adjudication result. Any side resolving a dispute by violence or unilateral action is destroying the constitutional framework itself — the side that today resolves a dispute by violence will tomorrow become the new monopolist. The very existence of a dispute-resolution procedure is the strongest constraint on both sides.

Continue Reading

- The Republic of China in Forty Questions — Index
- The sixteenth question: If the CCP regime collapses, why will a democratic system not automatically appear? (a later question in this series)
- The seventeenth question: Why can the reconstruction of constitutional order not rely only on the existing government of Taiwan? (a later question in this series)
- How to handle the nationalization of the armed forces and the individual rights of soldiers?
- Why did Chen Jiongming's federal self-government advocacy fail?
- Why did China miss the historical opportunity of the provincial constitution and federalism?

- How did the 1947 Constitution of the Republic of China divide powers among the centre, provinces, and counties?

References

- The Republic of China in Forty Questions — Index
- Introductory Chapter Five, "Local Self-Government and Daily Life" — the concept of local self-government, cited in this question
- The Seven-Law model texts (model laws under discussion, not current law) — institutional options, cited in this question

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