

I - 51. Lecture Notes - Undated - Untitled - 18 pp.

be partitioned between them.

~~Now~~, This was not due ^{only} to the evil in human nature. If you have studied the development of society you will see that in the latter part of the 19th century, England, which was practical mistress of Asia, had been transformed from a merchantile and industrial capitalist society into a finance-capitalist ~~Empire~~ ~~that~~ Empire. That is, the ~~accumulation of capital~~ ~~the accumulation of capital~~ ~~That is, it had a vast accumulation of capital to invest~~ ~~abroad~~ in foreign countries and preferred to invest them in backward, undeveloped countries like India and China where the masses were poverty-ridden, docile, and without any ~~legal protection~~ legal protection whatever as to wages, hours of work, ~~etc.~~ ~~treatment~~, etc. *Profits astronomical*

~~SEVERAL~~ This development was uneven, but the vast British Empire had enabled the British ruling class to ammass ~~vast~~ capital ~~for use abroad~~--in Asia and Africa particularly--~~and~~ to impose its own terms on those continents. The only country that the European powers had not subjected was Japan, and Japan saved itself by emulating them--and setting out to ~~grab~~ grab what it could ~~on the Asiatic continent~~.

and challenge all comers 27. won in 19 Cent.

We entered this ^{imperialist} race with the Spanish-American war and in Asia we appeared as one of the imperialist powers with the ~~conquest~~ conquest of the Philippines. *and imp. & abroad - an acc. of capital, & imp. & abroad*
This Dr. Tung Pi-wu of whom I spoke was one of the great numbers of young Chinese who were frightened to death by ~~foreign aggression~~ against it. *such developments.*

~~XXXXXXXXXXXXXXXXXXXX~~

A handful of more enlightened high officials under the Manchu Dynasty were also frightened to death. A few ~~few~~ Chinese had studied in the western world, but many more in Japan.

Japan's victory over a white power inspired all subjected Asiatic countries except China--which was the loser by it; and it inspired even many Chinese--for not all Japanese were imperialists.

Not. movement. by

So thousands of ~~thousands~~ Chinese educated youth, including this Dr. Tung, went to Japan to study, to learn how Japan had arisen from obscurity to a major world power. They studied military science, technology, law, ~~modern~~ ^{modern medicine} administration, police organization, and modern science. Dr. Tung studied law.

While Dr. Tung was here, I asked him a fleeting question about Chinese law, and he replied:

Dr. Tung Chinese law is based on Japanese law, and Japanese law is based on Prussian Laws from the reign of ~~the~~ Bismarck."

That remark explains a whole world; it explains ~~the~~ not only the civil wars that have rent China for ~~decades~~ ^{40 years}, but it explains ^{is out} the civil war raging in China today between Generalissimo Chiang Kai-shek and the Chinese Communists. For, shortly after the Russo-Japanese ~~war~~ War, Generalissimo Chiang was ~~sent~~ sent by the Manchu Dynasty to study in Japan. He spent years in Japan, off and on, was educated in the chief Japanese military academy, and served in a Japanese regiment. This fact explains

for

Chiang Kai-shek today. Americans do not understand him, but every Chinese and every Japanese understand him.

How is it that present-day Chinese law was based on Japanese law and Japanese law on Prussian law of Bismarck's time.

Turn back in history for a moment.

*By 1880
x his
Japan
1. aristocracy
cont.
Soub.*

Following the opening of Japan by Admiral Perry, Japan seethed with new ideas, some democratic, some absolutist. In 1868 two of the ~~xxxxxx~~ chief feudal clans of Japan overthrew the so-called Tokugawa Shogun ~~xxxxxx~~ or feudal lord who had ruled Japan until that time.

The rebels established the present Japanese dynasty. They put on the throne ~~the~~ a son from one of the large ~~xxxx~~ feudal clans of Hyuga Province, ~~and~~ introduced the ~~great Meiji~~ whose reign was called the Meiji, ~~The Meiji Emperor~~ or Enlightened. ~~xxxxxx Meiji Emperor~~

A fierce struggle developed between the intellectuals ~~and rising capitalist class~~ of Japan, who were inspired by American and French Democracy, and the victorious feudal clans who wished an absolute monarchy. At that time the democrats fought by every known means for a Japanese democratic Republic, and when the feudal monarchists introduced the fake theory that the Meiji Emperor was descended from the first Emperor, Jimmu, who in turn was the descendent of God, the big Japanese democratic daily wrote:

"The first Emperor, Jimmu, was not the descendant of God. He was merely a son of the largest clan of Hyuga Province."

Until that time, no person in Japan had ever advanced the theory that any Japanese ~~xxxx~~ feudal lord was divine. That was the later work of the victorious Choshu and Satsumu clans who came to power and put Emperor Meiji on the throne as a figure head.

The Choshu and Satsumu clan leaders were vigorous and brilliant men, frightened to death by the fate of other Asiatic nations. Shortly after the Japanese restoration, one of their most brilliant and most evil men, Prince Hirobumi ~~xxxx~~ Ito went abroad to study western governments and to find a model for Japan.

Ito met the Iron Chancellor of Prussia, Bismarck, and decided that Prussia was the model ~~xxxx~~ which Japan should follow. The German Emperor was absolute, Prussian laws, the Prussian military system, all seem ideal to Ito. Above all, he was impressed by Bismarck's laws against the developing German trade union movement, and he liked the Prussian junker, or landlord class, so like that of Japan.

Returning to Japan, Ito took a group of three men to an isolated island off the north coast of Japan, where they worked for ~~three~~ ^{many} years in secrecy, and while the democratic movement demanded a Republic, they drew up the Japanese Constitution of 1889. By this Constitution, -which ~~xxxxxxxxxxxxxxxx~~ many Chinese officials later tried to introduce into China, the Japanese Emperor became absolute and the Constitution was announced as a gift from him which he could withdraw whenever he wished. This Constitution, which caused

widespread consternation among Japanese democrats, vested all power in the Emperor, but the Emperor was merely a figure head for the hard-boiled ruling class dominated by the victorious feudal clans. By that Constitution, only the Emperor ~~xxxxix~~ had the power of alternation or amendment. There was a Diet, indeed, but it had no power whatever over the Cabinet, and the Cabinet alone made policy. The Emperor appointed the Ministers of State, and they were responsible only to him, not to the Diet. The Diet could discuss the budget, but nothing more, and if it refused to pass it, the Emperor could issue an Imperial Ordinance passing it. He could deal this way with every other law placed before the Diet.

Furthermore, the Armed forces of the Nation were not ~~xxxxix~~ responsible to the Diet, but only to the Emperor himself.

This Constitution crushed the Japanese democratic movement. Under the "Peace Preservation Law", it became a capital offense for anyone to think or propose the ~~xxxxix~~ altering of the Constitution. The divinity of the Emperor was proclaimed and developed, and anyone questioning his power was guilty of treason. The prisons of Japan have always been filled by men and women who challenged every concept of this Constitution.

It was this Constitution, and the whole Japanese ~~xxxxixxxx~~ feudal social system which it maintained which inspired the Manchu Dynasty, and later Chinese governments.

~~xxxxixxxx~~

FEUDALISM is usually defined as the attachment of the peasant population, in one form or another, to the land. Under full feudalism~~ism~~ they are legally bound to their lord, under semi-feudalism, as in large parts of China, they are bound to their landlord by ties of usurious debts and by destitution, nor can they nor their sons nor son's sons legally escape the debts of their family, but must remain on the land until they are paid.

It was the Japanese Constitution which some of the most powerful Mandarins proposed that the Manchu Dynasty should introduce into China. Like Japan, they were frightened by foreign imperialism, ~~but the people of China~~ but a people's saying arose in China at the time that the people feared the Mandarins, ~~and the Mandarins~~ and the Mandarins feared the foreigners and the people alike."

On top of this feudal land system the Japanese ruling class introduced ~~modern~~ technology, ~~with the study of~~ the study of science and technology, and industrialized the country, and built up a powerful war machine.

For years the Manchu Dynasty fought and reforms in China, but after Japan defeated Russia in 1904, a group of powerful Mandarins, among them Viceroy, later General, Yuan Shih-kai, proposed that China follow in the footsteps of Japan.

This is what China tried to do. In 1906 the Manchu Duke, Tsai Tse ~~was~~ headed a mission to the western world, but when

~~it returned, it proposed, not that China
adopt ~~xxxx~~ even a constitutional~~

it proposed that China adopt the same kind of system as that of Japan. Machinery was established for the purpose, new laws were drawn up in the Japanese model exactly, thousands of educated students were sent to Japan to study (30,000 in all in 1908), and ~~the~~ plans for a Constitution drawn up which provided, as in Japan, for the supremacy of the Emperor. ~~xxxx~~ Confucianism, which had been ~~xxx~~ merely an ancient and respected code of feudal ethics, was declared the State religion--as Shintoism was the State religion in Japan--in fact, Shintoism is based on Confucianism feudal ethics. ~~A ~~xxxxxxxxxxxx~~ National Assembly, called the forerunner of ~~Parliament~~ Parliament, was appointed~~

In 1909 the Emperor appointed the so-called Imperial Assembly, the forerunner of a Parliament, which was to be merely advisory.

The members of this Assembly, sometimes called the Senate, ~~xxxxxxxxxxxx~~ ~~xxxxxxxxxxxxxxxxxxxxxxxx~~ were drawn from eight groups:

- 16 Princes and nobles of the Imperial House.
- 12 additional Manchu and Chinese noblemen.
- 14 Princes and nobles of territorial dependencies.
- 6 Imperial clansmen.
- 32 high Peking officials.
- 10 reactionary scholars.
- 10 "exceptional property owners"
- 200 high officials from the ~~xxxxxxxxxxxx~~ provincial assemblies which had also been established in the same year.

As in Japan, the Constitution, ~~or~~

~~xxxxxx~~ ^{for} by which this Imperial Assembly provided, was announced as a "gift" from the Emperor, who was the fountain-head of all power. As in Japan, the Cabinet was appointed by the Emperor and was responsible to him alone, as was the Army. And the army, incidentally, was headed by the powerful monarchist, General Yuan Shih-kai.

But China was not Japan. Japan is a small, compact country, and the democratic movement could be easily destroyed by killing its leaders or imprisoning them and announcing their death from "heart failure" or "kidney trouble".

~~The Chinese Democratic movement~~
~~xxxxxxxxxxxxxxxxxxxx~~ began to grow in the
~~early 19th century.~~
~~One mighty rebellion against the Manchus~~
~~were crushed by the~~

Furthermore, Japan had retained its independence by emulating the western imperialisms, whereas China was a semi-colony of foreign imperialism, and foreign imperialism supported the Dynasty and this co-called parliamentary adventure. In the minds of the Chinese people the Manchus ~~xxxx~~ and all their ~~xxxxxxxxxxxx~~ supporters were merely henchmen of foreign imperialism. As they were.

From the British Opium Wars, rebellion ~~xxxx~~ against the Manchus grew, one vast, desperate revolution was crushed, but other men took up the struggle, and in vastness of China not all of them could be caught and killed as in Japan.

Dr. Sun Yat-sen and countless other Chinese ~~and~~ had studied in modern educational institutions and had come to think ~~of~~ ~~the American and French Republics~~ in terms of the American and French Republics. Many students sent by the Manchus to study in Japan merely made contact with Japanese democrats, who also wanted a Japanese democracy. Among these men was this Dr. Tung who was here at Yaddo last year.

Dr. Sun and many of his followers live in exile with a price on their head, but they maintained contact with Chinese Republicans in China, founded newspapers, collected money from overseas Chinese, bought arms and ammunition, and staged one uprising after another. ~~They~~ Their polemics against the so-called Constitution of the Manchus were written in vitriol--and I may say in human blood. But the foreign powers dealt with only the Dynasty and called Dr. Sun and his followers "hair-brained theorists", ~~and~~ cranks and "disappointed office seekers."

Being independent, Japan could at least make loans on its own terms, but China had to accept the terms of the foreign powers--and in the past 40 years there have been literally dozens of foreign loans given to various Chinese Governments. Each one of them undermined Chinese sovereignty and independence and I do not know of even one of them that was not bitterly opposed by the Chinese people.

As I told you last night, ~~and~~ two of these loans, in which our country participated, caused the 1911 revolution which overthrew the Manchu Dynasty and established the Republic. But the foreign powers

refused to recognize the Republic or give it any credit, or any loans for modern construction, unless Dr. Sun resigned in favor of that same reactionary monarchist General, Yuan Shih-kai, who had always supported the Manchus and who had been one of the prime movers of that Manchu Constitution.

To save China from splitting up, Dr. Sun resigned, General Yuan became President of the Chinese Republic of which he knew nothing and in which he did not believe.

Again the question of a Constitution came up, and the ~~provis~~ first elected provisional National Assembly tried to write and adopt a ~~Constitution~~ real Republican constitution with many democratic features.

General Yuan fought the Assembly because it insisted in inserting a clause in the Constitution which deprived ~~him~~ him of supreme power. ~~Our Government then sent a constitutional adviser to the Chinese Republic--so-called. This adviser was Dr. Frank Goodnow, who had been professor of constitutional history at Columbia for 30 years and, later, President of John Hopkins.~~
He

The fight was a fierce one, and Yuan began assassinating some of the leading Republicans, and finally simply dissolved the Assembly.

Then the United States sent General Yuan a "constitutional adviser", This adviser was Dr. Frank Goodnow, for 30 years professor of constitutional law at Columbia, later President of John Hopkins University.

Dr. Goodnow drew up an instrument called a "Constitutional Company, which

~~xxxxxxxx~~ placed supreme power in the hands of the "President", making him a dictator. The followers of Dr. Sun Yat-sen branded this document as a combination of the American Constitution, the British Monarchy, and the German Monarchy. In fact, it was the first Fascist constitution, drawn up in 1913 long before Mussolini and Hitler were ever heard of. It made Yuan the military dictator of China, and it was fought by republicans throughout the country.

Dr. Yuan then issued a proclamation outlawing the republican party, the Kuomintang, as a seditious organization, whose members were to be arrested and executed on sight. Dr. Sun and his followers again fled into exile.

Simultaneously General Yuan asked the foreign powers for a loan, ~~to~~ to reorganize ~~the~~ the country. President Woodrow Wilson refused to sanction the participation of American bankers in this Reorganization Loan because, he said, it "compromised the independence of China."

But the other powers granted the loan -- there was another revolution in 1913, ~~which~~ and the Reorganization Loan was used to crush it.

Yuan then asked for another foreign loan to finance the restoration of the Monarchy with himself as Emperor. His plan for the restoration received powerful support--from whom do you think? From Dr. Frank Goodnow, President of Johns Hopkins at the time who, in 1915, ~~wrote~~ sent Yuan a remarkable Memorial which argued ~~for~~ the advantages of a monarchical form of government "in view of China's history and culture".

One week before General Yuan was to ~~ascend the Dragon Throne~~ ascend the Dragon Throne as Emperor, the Chinese people again revolted and civil war raged throughout the country. ~~This revolt~~ This revolt began in the far southwest of China and was fought fiercely for many months, when Yuan was overthrown and the so-called Republic again announced--by Yuan's militarist henchmen.

Only one thing prevented foreign military intervention on behalf of Yuan's monarchy, which even our country had agreed to recognize. This was the first world war. Foreign armies were all fighting in Europe.

Shortly after Yuan was destroyed, ~~By~~ a British writer, Putnam Weale, wrote this about Dr. Frank Goodnow's Memorial on behalf of a Monarchy:

"Dr. Goodnow's Memorandum. . . ~~declared~~ declared that the political problem of ~~China~~ China was the succession of Yuan Shih-kai to the throne. . . . In this document, the work of so-called legal experts, not only were historical facts falsified, not only was no attempt made to arrive at a responsible estimate of the new influences animating Chinese society, and to decide a new mould for that society, but complete indifference was shown to the well-known and notorious fact that barely four years after the Manchus collapsed on the right of transmitting power from person to person, Goodnow proposed a revival of that system. . . . The broad road of humiliation which led to Yunnan was designed more by foreigners than by Chinese."

Last night, after our meeting here in Skidmore, a girl told me that there is a student in Skidmore whose uncle (or brother) has returned from China where he was ~~an~~ naval attache. He had told this girl that China is not ready for democracy. That girl, I am sure, believes him.

From 1911 onward, many foreigners, including Americans, have said that China was not ready for democracy. They have accordingly ~~recognized~~ recognized and supported one dictator after another. They have done this, not because China is not ready for democracy, but because they wanted to keep individual strong men in power ~~whom~~ whom they could use as a front to carry out their plans for the control of China and its resources.

In fact, until the foreign Powers granted General Yuan the Reorganization Loan to crush the Republic in 1913, Dr. Sun Yat-sen, the George Washington of China, was a great admirer of the United States and France. But from that moment on, Dr. Sun became the implacable enemy of ~~Western~~ foreign imperialism. While in exile, he made this statement:

"Not our own people, not our own mistakes, drove us from China. Foreign money, deliberately employed to break us our country, drove us into exile. Foreign banker held the balance of power for three years. When we Republicans were in power they starved us of credit, except on the most humiliating terms. Last year's personal loan to Yuan Shih-kai, fought to the last ditch by every constitutional party in China, simply put a club in the hands of ~~them~~ Yuan who straightaway smashed our cause. That huge bribe, and that alone, is why

we are in exile."

I have studied many, many books on that period of Chinese history, but I can find only one foreign writer who wrote the implacable truth about China. That was Lenin, the great Russian Revolution, who was then living in exile in Switzerland.

When our own country and others forced Sun Yat-sen to resign and insisted that Yuan Shih-kai should take his place, Lenin wrote from Switzerland:

"Such men as Yuan Shih-kai are, above all, capable of treachery: yesterday they ~~for~~ cringed before the Emperor; then, when they saw the strength and sensed the victory of the revolutionary democracy, they betrayed the emperor; tomorrow they will betray the democrats in order to strike a bargain with ~~with~~ the old, or new "constitutional" emperor."

Those words were written in July, ~~1911~~ 1912, just after Yuan became President of the Chinese Republic and had taken no action against that Republic. Four years later he had crushed the Republic and tried in vain to ~~become~~ become Emperor.

I will skip a long, confused period of Chinese history during which Dr. Sun struggled for the Republic, and died in bitter sorrow. You know that ~~Chiang Kai-shek~~ one of his subordinates, Chiang Kai-shek, ~~was a man brought up in the traditions of the Monarchy and of Japanese militarism, who staged a coup d'etat in 1927 and established a right-wing Kuomintang dictatorship~~ a man brought up in the traditions of the Monarchy and of Japanese militarism, ~~who staged a coup d'etat in 1927 and established a right-wing Kuomintang dictatorship~~ staged a coup d'etat in 1927 and established a right-wing Kuomintang dictatorship

in Nanking which the foreign powers immediately recognized as the legitimate government of China, and which it gave loan after loan. You know also that another civil war began and has continued until the present moment, a civil war, a real democratic revolution led by the Chinese Communists. Many of these Communists were ~~was~~ among Sun Yat-sen's earliest Republican followers and among the first founders of the Kuomintang. For 19 years this civil war has raged, and I believe it will continue ~~to~~ until China is free.

~~This~~ Chiang's Government also planned a Constitution, ~~but it has never been~~ and, aided by foreign "legal experts", drew up such a document in 1936 which has never been put into effect. About this constitution a war still rages in China, and the Chinese Democratic League, the Chinese Communists, and countless democratic individuals, challenge its very basis. In fact, it reads very much like Yuan Shih-kai's Constitution, except that ~~it~~ Yuan's was even more liberal.

This Constitutional places supreme dictatorial power in the hands of the President, who is Chiang Kai-shek. Allow me to read to you the powers ~~of this~~ vested in Chiang by this proposed Constitution:

1. Convocation of the National Assem.
2. Convocation of the temporary Nat. Assembly.
3. Promulgation of all laws and the issuing of orders.
4. Declaration of war, conclusion of peace; contracting of treaties without the consultation of the

provides that the National Assembly shall meet only every three years, for a period of three weeks, and then it can be convened only at the order of the President. This is like Hitler's German Reichstag, and this provision is taken from the German Nazi Party. The Nat. Assm can convene only twice during the Pres. term. Also, the National Assembly is a mere debating society in which neither executive or legislative power is vested.

A temporary Nat. Assembly can be called in times of emergency but only by two-fifths of the delegates, or by orders of the President. Since the delegates will be scattered over the vast regions of China, two-fifths majority is practically out of the question.

No bill can be passed by any means without the sanction and approval of the President.

Furthermore, the Minister and Vice-Minister of the Executive Council, or Cabinet, are exempt from impeachment.

The Chinese public has almost universally condemned this draft constitution, and, since the ~~ix~~ war ended, and civil war began, and ~~with~~ advised by General George Marshall, Chiang has agreed to permit the drafting of a new constitution, or changes to this one. This will come up in November, but a fierce struggle is going on inside the drafting Committee, with the Chinese Democratic League, Chinese Communists, and non-party intellectuals, struggling for a more democratic Constitution.

~~Everything will depend on America.~~

I am going to say something about the
struggle for a Chinese democratic Constitution
yet we cannot discuss this, nor even refer to
the so-called laws