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From
China

The Situation in China

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Foreword

The China Society presents this summary as an aid to the understanding of the present situation in China.

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The Situation In China

By STANLEY K. HORNBECK

China is today in the throes of two great political efforts. First, rival leaders or factions are contending for power; some are struggling to extend, others to preserve the measure of authority which they have attained during the years since the overthrow of the Monarchy (1912). Second, most of those who, in China's vast population, are politically articulate are in revolt against the influence which foreign governments, foreign nationals and foreign ideas have acquired in their country.

The wars which have been waged during the past ten years have been factional. Various leaders, groups and parties have been contending for a supremacy to which none has a lawful claim. Each has raised armies, collected revenues, and waged his or its contest against one or more of the others. A semblance of central authority has been maintained in Peking; but at this moment even the Peking government is self-appointed and has a narrowly limited authority. The city of Peking is fought for as a political prize, because: first, it is the traditional seat of authority; second, it possesses the physical equipment of government; and, third, certain of the more important sources of revenue still contribute to the exchequer located there.

During the past fourteen years, some eight political leaders have held the highest office in Peking; some forty-two recognizable Cabinets have functioned there; and some nine Parliaments have met. At the present moment there is no recognized Chief Executive. There is no Parliament in being. There is no constitution in force. There is no uniform system of laws. The work of elaborating new codes of law on western models has been carried forward, and several of the codes have been declared in effect by Executive Mandate, but there are gaps, and certain codes which are nominally in effect have not been adopted by the recognized legal processes prescribed in any of the Constitutions which have been, from time to time, in effect.

Governments at Peking have been made and unmade by military leaders. In 1924 President Tsao Kun's Government was overthrown by a *coup d'etat* manipulated by Feng Yu-hsiang, the "Christian General." Feng imprisoned Tsao Kun, and then, by agreement with Marshal Chang Tso-lin, of Manchuria, placed Tuan Chi-jui in authority as "Provisional Chief Executive." Tsao was held prisoner in the palace until, in the spring of 1926, Feng's forces were driven from Peking; he was then released, but was not restored to office. When, in April 1926, the combined forces of Chang Tso-lin and Wu Pei-fu took Peking, Feng's forces withdrew to the northwest, and the Provisional Chief Executive, Tuan Chi-jui, left Peking hurriedly and unceremoniously. For several days there-

after there existed no "central government." Finally a number of experienced officials and military leaders, constituted themselves, with the assent of four northern "war lords," an acting government, with the designation "Regency Cabinet."

There were at that time upon the stage four outstanding military leaders. Each had his own army, each his own principality. In Manchuria, with seat of government at Mukden, Marshal Chang Tso-lin. Chang's power extended into the metropolitan Province of Chihli and into Shantung, and he had a substantial measure of authority, but not control, in Peking. In central China, with base on the Peking-Hankow Railway, Wu Pei-fu. Wu was in command of a coalition of military forces no unit of which was absolutely his own. Chang Tso-lin and Wu Pei-fu had cooperated in driving the "People's National Army" of Feng Yu-hsiang from Peking. Wu thus shared with Chang an influence at Peking. West of Kalgan, Feng Yu-hsiang was in control of an indefinite area spoken of as the "Northwest." In central eastern China, north and south of the Yangtze River, Sun Chuang-fang had effected a coalition of military forces which gave him supreme command but by no means unassailable authority in five rich provinces. In the South, that is Kwangtung and its hinterland, Chiang Kai-shek, commanding the armies of the Kuo Min Tang ("Nationalist Party") had consolidated his power, with the aid of Russian advisers and officers (of Soviet persuasion), and was preparing for a campaign northwards.

At Canton there had been developed since 1917 a government which claimed, as did the government at Peking, to be the government of (all) China. There Dr. Sun Yat-sen had been elected "President of China" (1921). There, shortly before his death, Dr. Sun had decided to accept assistance from Soviet Russia—a decision which produced a schism in his party—and had entrusted to General Chiang the task of creating an army with which to "unify" the country. The administration of Canton by the Nationalist Government had been favorably commented on by many observers.*

The long threatened northward advance ("march on Peking") of the Canton forces was launched early in the summer of 1926. Chiang Kai-shek's army took Changsha, crossed the Yangtze above Hankow, took Hanyang and its arsenal, then took Hankow, and later, after a siege of several weeks took Wuchang, and, proceeding down the river, took Kiukiang. The success of his armies increased Chiang Kai-shek's prestige and so materially damaged Wu Pei-fu that not a few observers declared the latter "finished." Chiang has since pressed on, south of the Yangtze, and has just now (March 21, 1927) taken the region around Shanghai.

Although it should be clearly understood that these military operations are not those of a revolutionary organization seeking to overthrow a legitimate government, it should not be thought that

*Dr. Sun died in Peking in March, 1926, on the eve of a conference which he was to have had with northern "War Lords".

there is no more underlying all this activity than the interests and ambitions of the military leaders. There is a clash of ideas. There is a contest between comparatively conservative and comparatively radical groups. It is not, as it is so often put, a struggle between North China and South China. There is no political or economic line of cleavage in China. There is no party which is confined to the South; and there is no party which controls all of the North. One party, however, has nation-wide affiliations and has in every province some influence. This is the Kuo Min Tang, or Nationalist Party. The other parties are composed on a basis either of personal or of territorial affiliations. The Kuo Min Party may be said to embody the spirit of the "revolution"; it carries on from the overthrow of the monarchy; it has a "platform"; it talks of "popular government"; it represents the undisciplined and enthusiastic desire of a portion of the population of every province to break with tradition and throw off restraining and retarding influences.

It is, naturally, from the ranks of this party and its leaders that the most insistent of the fulminations of the Chinese against foreigners, foreign influence, foreign powers, emanate. In it are enrolled the majority, but by no means all, of the "western educated" students. It flourishes most in the South,—for the southern Chinese are by temperament more revolutionary, more ardent than the northern Chinese, and South China has known more

of foreign contact and influence than has North China. From South China have gone most of China's emigrants; and from these emigrants there has come back into China a steady stream of agitation and funds for revolutionary enterprises. South China has been the birthplace of most of the revolutions of the Chinese against their Rulers, and in South China the spirit of revolt is most acute today.

But it should not be thought that the Kuo Min Party and the South are alone indoctrinated with the ideas of revolt which are becoming daily more and more manifest in China. Chinese everywhere have shown during the past ten years increasing signs of a developing national self-consciousness. Ten years ago one heard in the foreign "concessions" a general damning of the Chinese as a people possessed of no patriotism. Today one hears in the same places a general damning of Chinese nationalism. There is unquestionably developing in China that conception of national interests and national rights which is called "patriotism." Not every Chinese, not one in ten, perhaps not one in a hundred, has what we would call a "consciousness" or even an opinion with regard to political questions. The "public" consists of at most a few million citizens, those who either are educated or possess substantial means or wield military power. These constitute articulate China. Politically speaking, they are the nation. Their number is sufficient to constitute what would be a considerable body politic in any state. Among them there is develop-

ing, more and more, a solidarity of sentiment which has manifested itself for two decades in defensive effort to resist foreign influence and which is now manifesting itself in thought and action directed toward the destruction of the privileged position which has been accorded to or acquired by foreign nations and foreign nationals in China.

The Chinese "Nationalists" are taking advantage of every evidence and opportunity to proclaim aloud to their own people and to the world that China has been and is being oppressed by the foreign Powers; that China is bound down by "unequal treaties"; that Chinese laws, customs, and manners are being corrupted by foreigners; and that foreign domination must be shaken off. The present antipathy of the Chinese people appears to be not against foreigners as individuals or as alien persons but against the forces, the system, the theories and practices of government of the foreign nations as manifested in relationships with China.

The Occident went to the Orient uninvited and unwanted. Navigators, merchants, missionaries and soldiers from the Occident forced themselves upon an unwilling Siam, an unwilling Japan and an unwilling China. Of these countries, China, with her huge area, her enormous population, her laissez-faire practices and principles of government, has not yet made the readjustment for which the new contacts call. The Chinese have never been accustomed to precision, exact definitions, legal prescriptions and contracts written out and agreed upon in

minute detail. In the dispensation of justice much of their law is to be found in the minds of the magistrates. In the making of contracts much is left to the attitudes and needs of the parties when performance becomes due. The Occidental found China's laws, conceptions of justice, methods of administration different from those of the West. He found Chinese customs, conceptions of propriety, methods of doing business different from his. He found Chinese religions, conceptions of human obligations and methods of performance different from his. Where Chinese ideas and practices have differed from those of the Occident, the man from the West has insisted, in nine cases out of ten, that the Chinese idea is wrong and the Western right.

A century and a half ago, the Chinese knew nothing about foreign governments, constitutions, republics, representative government, separation of powers, etc. They knew nothing of international law. They had no treaties (except certain old agreements with Russia). The West insisted that they learn these things, taught them, and forced them to sign treaties. The Powers insisted that China adopt and maintain a fixed schedule of customs duties; they insisted that the Chinese admit Christian missionaries, allow them to preach and teach without obstacle and permit them to buy and own land wherever they might please for the prosecution of their enterprises. They insisted that, inasmuch as Chinese laws were different, those laws should not apply to "foreigners." Nevertheless,

they have sought constantly to bring it about that Chinese laws be altered upon the model of the Occidental legal systems.

Foreign influence and foreign pressure contributed to bringing on the revolution of 1911. Revolutions the Chinese had had before, plenty of them, but never one which at the same time overthrew a dynasty, declared against the principle of monarchy, and undertook to establish a government based on principles of election, representation and responsibility.

When the governments of the foreign Powers dictated the provisions of the treaties which they compelled the Manchu rulers of China to sign, they wrote into these treaties some provisions calling for performance which neither the Manchus nor any other Chinese government could enforce. Now, the Manchus and the Mandarinate who signed those contracts have disappeared. Today the Chinese people are convinced, rightly or wrongly, that the rules and treaty provisions which the foreign governments cite as rightfully applicable to the contacts between China and the foreign Powers are inequitable and intolerably disadvantageous to one of the parties concerned, namely the Chinese. Moreover, they contend that neither the Chinese people nor the officials who represented them ever agreed to some of the provisions in the sense of the interpretations which foreigners have chosen to put upon them.

At the Washington Conference (1921-1922) steps were taken and agreements were entered into looking toward the revision and adjustment of various of the treaty provisions. Among other things it was agreed that the rates of duty of the Chinese treaty tariff should be increased and that a Commission should be created to examine China's laws, courts, prisons and administration of justice, and to report on facts and make recommendations in relation to the problem of legal jurisdiction in China.

The Special Conference on the Chinese Tariff met in October, 1925, and worked for nine months. It did not succeed in arriving at the agreements necessary to carry out the provisions of the Washington Treaty. The nearest approach to definite action by the Conference was the adoption by the Delegates on November 17, 1925, of a resolution, the substance of which was intended to be incorporated in a treaty, declaring that China should be permitted to enjoy tariff autonomy, putting a national tariff law into effect, in 1929, and that China should abolish the system of levying internal duties upon merchandise in transit. Inasmuch as the treaty has not been negotiated, this resolution has, presumably, no legal standing, but its adoption has had the effect of giving the Chinese the impression that their right to enjoy tariff autonomy has been admitted and affirmed by qualified representatives of the foreign Powers.

In July, 1926, the Tariff Conference adjourned *sine die*. For months there had been no formal full

sessions. The delegates of the foreign Powers had stayed on in Peking, in spite of wars which were waged around the capital, while the Government fell, while the Provisional Chief Executive and seven of the original ten Chinese Delegates left,—they had stayed on, hoping that a new treaty might be negotiated. The adjournment came not because the Powers had not wanted and had not tried to carry out and go beyond—far beyond—the provisions of the Washington Treaty; it came because and not until after the Nationalist Government (Canton) and the People's National Army (Feng Yu-hsiang) served notice in the middle of July that they would respect no treaty, no matter what the provisions, entered into by the Peking authorities. Before the adjournment, the delegates of the foreign Powers declared unanimously that they would be glad to go on with the Conference whenever the Chinese Delegates should be in position to resume the negotiations.

The Commission on Extraterritoriality met in January, 1926, pursued its investigations, and produced in the middle of September a report signed by all of the Commissioners. The text of this report was made public in December (1926). In it the Commissioners have given an accurate account of the laws and the administration of justice in contemporary China. They have made suggestions with regard to steps which should be taken both by China and by the foreign Powers to bring about a situation in which it may be safe to abolish the

extraterritorial system; also, suggestions with regard to the removal of abuses while the system continues in existence. Among other things, they have pointed out that the new codes have not been put into effect by legally prescribed processes, that some have not been put into effect at all, that some are not yet completed, and that the work of preparing some has not even been begun.

This whole problem of legal reform in China is one which presents great difficulties. Chinese conceptions of law, justice, punishment, etc., differ radically at some points from those of the Occident. Even among nations in the Occident, there are substantial differences. Yet the effort is being made to produce in and for China a body of laws which will meet with the approval of all of the important Treaty Powers. China's new codes are being based principally upon French and German models or Japanese adaptations thereof. The inevitable result has been and will be that the codes contain many provisions which are not an outgrowth of Chinese thought and experience, which are inconsistent with Chinese conceptions, and which will run counter to traditional Chinese habits and practices. If China's new laws satisfy the foreigners, will they be suited to the Chinese? If they are suited to the Chinese, will they satisfy the foreigners? Can there be produced a system of law which, both as to regulations and administration, can be applied equally, with justice and with satisfaction, to the Chinese people and to the nationals of some twenty foreign Powers who reside, travel and do business in China?

Thus, notwithstanding the pledges made and the steps which have been taken looking toward their fulfillment, the simple fact remains that up to this moment nothing conclusive has been accomplished in reference to the general program of treaty revision (i.e. in reference to the old commercial and other treaties) for which the Chinese contended at Paris eight years ago.*

The Treaty Powers have, however, done much during the past ten years toward giving up special rights and privileges. At Paris, the German and Austrian privileges (except Shantung) were surrendered back to China. At Washington (and immediately after), Shantung was restored; the foreign post-offices were removed; negotiations were begun for restoration of Weihaiwei; provisions were agreed upon to ensure respect for China's sovereignty and discontinuance of foreign aggressions. Most of the Powers have either given up their rights in or remitted their shares of the Boxer indemnity. At Peking a real effort was made to solve the tariff problem. The Extraterritoriality Commission produced a substantial body of practical suggestions and recommendations. In January 1927 the Mixed Courts at Shanghai were turned over to the Chinese authorities. The foreigners at Shanghai have taken definite steps toward admitting Chinese to participation in the government of the International Settlement.†

*Negotiations with regard to several of these treaties have recently been entered into between China and the foreign Powers individually concerned.

†The Chinese now demand a "50-50" representation.

Banditry is ever present in China, and rebellion in some part or parts of the country is almost a chronic condition. There would probably be civil warfare in China today even if there had been no foreign influence, even if there were no treaties. The late Manchu dynasty and Chinese officialdom have a heavy responsibility for the political chaos which prevails. The charge that the foreign Powers and their nationals are principally responsible for it will not stand. But to the *kind* of trouble which prevails in China today, the impact of the Occident gave the original impetus, and foreign Powers and peoples continue to make direct and indirect contributions. Foreigners constituted themselves China's tutors. Foreigners wrote the treaties. Foreigners took concessions in China. Foreigners financed various enterprises in China. Now, solicitous with regard to their privileges, their investments and their trade, *some* of them participate in the formation of Chinese political combinations and contribute to the successes or defeat of Chinese military leaders, their contribution and participation being determined by their view of the effect upon interests which they regard as vested. Thus, for example, notwithstanding the existence of a diplomatic agreement whereby the governments of the principal treaty Powers have agreed not to permit their nationals to sell arms to China, the Chinese find it possible to purchase from certain foreign sources, arms, munitions and equipment in any amount for which they are prepared to pay cash.

Of all the foreign governments, that of Soviet Russia is probably the most active in the prosecution of a positive China policy. Russia is no longer party to any of the old style treaties or agreements with China and the Soviet Government openly opposes the efforts of all the Powers which seek to follow the principle of cooperative action. The objective underlying Russia's China policy appears to be that of making trouble, trouble for everybody, trouble particularly for the "capitalistic" states, trouble for China. It may well be doubted whether the Soviet leaders entertain any hope of "bolshevizing" China in the sense of making China communistic. If they have such hope it will be vain. But there can be no doubt that they seek to indoctrinate the Chinese with the idea of revolt—and in this they are being highly successful. During the past two years they have been the main *foreign* support of the People's National army in the North (Feng) and the Nationalist Government and army (Canton-Hankow) in the South. They have supplied money, munitions, advisers and officers.

It is estimated that the various Chinese armies total in the aggregate between 1,200,000 and 1,500,000 men. The Mukden, Shanghai and Canton-Hankow forces have their own arsenals, each turning out rifles and small arms ammunition. Mukden has the most extensive ordnance plants and Chang Tso-lin has equipped his forces with light field guns and trench mortars. He is building up a large aircraft equipment. It is generally con-

sidered that Feng and Chiang Kai-shek have the best trained and best ordered soldiers. Feng has no independent sources of equipment or supplies. He has been dependent on Russia. In fighting quality, it is generally felt that the men of the north are superior to those of the south, with the exception of those of Hunan, but in morale the Nationalist armies are superior. Financially, Mukden and Shanghai are more independent than are the other centers. Feng controls a relatively infertile and non-lucrative principality. Wu owes much of his weakness to lack of funds. The Canton-Hankow Government has developed a substantial independent income.

Each of the major military leaders is an absolute ruler, exercising power of life and death and collecting taxes at will throughout the region over which he has control, except that, in the region under control of the Nationalist Government, the military authority is—in theory at least—subordinate to that of the Executive Committee.

In many of the campaigns money is more decisive than bullets. Both officers and men frequently go over from one side to the other. Cities fall without a battle. Armies temporarily victorious seem strangely reluctant to follow up and annihilate the enemy. All the while the people are made to pay the bills—and the bank accounts of the “tuchuns” grow.

China's public finances are in a state of complete chaos. Except for the Customs and a portion

of the Salt revenues, Peking is receiving nothing from the provinces; taxes everywhere are being collected by the authorities locally in control and are being expended almost entirely upon military activities. The whole of the revenue derived from the operation of the railroads is taken and expended in that way. Nothing is being put back into equipment and no new lines are being constructed, except in Manchuria.

Nevertheless, taking the country as a whole, private business appears to increase. This is unquestionably true with regard to foreign trade. The figures of the Customs revenue show an increase every year. But the amount of this foreign trade which is handled by foreign firms located in China shows relatively a decrease. The Chinese are apparently taking over, bit by bit, the importing and exporting business. Military operations, banditry, issues of paper currency and other irregularities tend to retard the development of trade; but it must be remembered that only a portion of China's area and a part of her people are directly affected by these factors. Opium is being grown in many areas in larger amount probably than in any previous period in China's history,—and the armies take the profits.

Among the adverse effects of the political and military turmoil, probably the most unfortunate in the long run is the fact that educational development is at a standstill. China has today only some

seven million boys and girls in her schools, less than one in fifty of her population. There never has been even an approach to adequate provision for primary schools and middle schools properly to feed the established colleges and universities, and in the government colleges and universities there has not been in recent years a high standard. Now, almost no provision is being made even for maintenance, to say nothing of expansion. Were it not for the missionary institutions and the Indemnity College at Peking (Tsinghua), opportunities for higher education in China would be almost entirely lacking. Even the missionary institutions have suffered greatly and are operating under handicaps. Some have been compelled recently to close. The revolt against foreign influence, the general insurgency of Young China, and the sympathetic tolerance of some of the missionary staffs have produced a tendency to despise discipline, with results seriously detrimental to scholarship.

The latest developments in the domestic military contest have been the realignment of northern leaders under the direction of Chang Tso-lin in order to stop the northward advance of the so far victorious Canton-Hankow forces and the steady advance of the latter eastward in the Yangtze Valley south of the River. Sun Chuan-fang has been eliminated; Chang Tsung-chang, who succeeded him in the Shanghai region, has been evicted from that region; and the Nationalist (Canton-Hankow) army is in control of the Shanghai area. The for-

eign Powers have at Shanghai substantial naval and military forces, for the protection of the limited area (International Settlement and French concession) which is under foreign administrative jurisdiction. The Wu Pei-fu block, Wu himself being apparently no longer in control of it, still sits astride of the Peking-Hankow Railway north of Hankow. Feng Yu-hsiang has advanced southward through Shensi and his armies lie to the west near to and constantly menacing the Wu Pei-fu group. Feng is a member of the Nationalist Party and an ally of the Canton-Hankow Government.

In the revolt against the foreign Powers, the Chinese have found organized boycotts decidedly effective and are having resort with increased frequency to strikes. The combination of the two, as prosecuted at Canton, has had a very serious effect upon British interests and has visibly affected British policy during the past year. Both the boycott and the strike are two-edged and dangerous weapons, but the Chinese are more skillful in the use of defensive than of offensive measures. The recent propaganda among the masses is forging a weapon which may prove more dangerous to its creators than to those against whom it is directed. The foreign Powers are reluctant to use force and may be expected to do so only to prevent violence.

There is one factor in the domestic struggle which holds out a substantial promise of improvement. It is the fact that a Nationalist *Movement* is in full swing and that this *movement* is tending to produce, in the political and military fields, some *effective organization*.

The Nationalist Movement is a bigger thing than the Nationalist Party. The Party is at once one of the producers and one of the products of the movement. The Nationalist Government is a child of the Party. Within the Party and within the Government there are three factions, the Radicals, the Moderates, and the Conservatives. The Nationalist armies are still another thing. There is the Nationalist Army of Chiang Kai-shek, an instrument of the Nationalist Government (Hankow), and there is the People's National Army of Feng Yu-hsiang, allied with but not controlled by the Nationalist Government. Each of these is less than the Nationalist Movement.

There is warrant for optimism over the Nationalist Movement—which is nation-wide and which extends beyond the field of politics,—because national self-consciousness, expressed in a general awakening, is making toward progress, toward national unity, toward independence. There is even warrant for hopefulness with regard to the Nationalist Government. But the oligarchy which has created and which today *is* that Government (Hankow) has not yet made itself the *de facto* ruler of the major portion of China's territory; nor has it yet established an effective civil administration throughout the considerable area which its armies have occupied.

Events of the past few days (March 20-31), most conspicuously the attack upon and killing of foreigners at Nanking, suggest that there is within the Nationalist Army indiscipline and lack of authority and

indicate that the work of the Propaganda Bureau of the Left Wing is creating—or has created—an instrument of terror which, unless suppressed, must inevitably alienate the moderately and conservatively minded elements among both Chinese and foreign sympathizers with the Nationalist cause.

What may happen next within China, what may happen as between the foreign Powers and China, how long it may be before a stable central government is evolved in China, what may be the character of that government and who its head, time only will reveal. In considering China's past, present and future, it is necessary at all times to take into consideration the size of the country and the enormous number of the population. China is changing neither very rapidly nor very slowly. Her mass is such that she can sustain no rapid acceleration and no rapid diminution of speed. The one thing that is certain is that she is no longer travelling in the orbit which marked her course during many centuries. She has diverged from that line. She is changing. She will have to undergo much change before a new stability is reached. Mere impatience on the part either of her own people or of foreigners will achieve nothing. Patience on the part of both, constructive effort on the part of the Chinese themselves and demonstrated willingness to assist on the part of foreigners are the only factors which may serve to shorten the period of turmoil and readjustment through which, like it or not, China must go and the world must watch her go.

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