

Political Reforms in a Global Context: Some Foreign Perspectives on Constitutional Thought in Late Imperial China

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Abstract

This paper presents some outside views on the emergence of Chinese constitutional thought. It shows that Chinese constitutionalism in the beginning of the 20th century did matter to the outside world and did attract a large interest on a global scale. Foreign views were quite diverse. While most observers welcomed the adoption of a constitution in principle, there were many words of caution that such a transition should not be rushed, notably among diplomats and politicians. Foreign powers thus adopted a policy of not pressuring China to adopt a constitution. In particular, this paper redefines the role of the Japanese statesman Itô Hirobumi, who continually tried to give his advice to the Qing government up until his death in 1909.

Keywords: *constitution, late Qing, political reforms, foreign perceptions, Itô Hirobumi*

1. Introduction

In modern nation-states, the notion that the core norms of the polity and the functioning of its institutions are governed by a “constitution” has become almost universal. But for a few exceptions, most states have written constitutional charters, which in many cases possess a strong symbolic value that goes well beyond their mere legal function. In China, too, President Xi Jinping (习近平, 1953-) has repeatedly stressed the importance of the Constitution of the People’s Republic of China, and created a “constitution day” to be celebrated every 4th of December. The Chinese government has officially adopted the description that the constitution is the core of a “socialist legal system with Chinese characteristics” (Zhonghua Renmin Gongheguo Guowuyuan Xinwen Bangongshi, 2011).

Yet, in China, “constitution” is mostly described as a “good shipped from abroad” (舶來品 / *bolaipin*) (e.g. Qi, 2011; Zhai, 2016; Ma, 2008), and hence is often seen as an alien object difficult to be fit into the Chinese polity. This leads to some uneasiness in dealing with the concept. Zhai Guoqiang (翟國強) argues that throughout the Chinese constitutional history up to today, the Chinese society as a whole has not yet developed a sufficient sense of constitutionalism and urges that such a sense be developed through political mobilisation (Zhai, 2016: 120).

However, the modern concept of constitution has been around in China since the end of the 19th century. At that time, Chinese intellectuals, studying and discussing European and Japanese experiences, came up with many proposals about how to reform and modernise China. In the first decade of the 20th century, the idea of adopting a constitution and transforming the Qing (清 / Ch’ing) Empire into a constitutional monarchy came to dominate China’s political agenda. If constitutionalism is a good that has been “shipped from

abroad”, it was at that time that the shipment took place. But if constitutionalism was supposedly “shipped” into China, it must have been shipped from somewhere. The narration of China’s constitutional history should not obfuscate the fact that late Qing constitutional reforms did not take place in a vacuum. Rather, they took place in an international environment in which constitutions and constitutionalism were lively discussed.

What, then, happened at the other side of the supposed shipment? How did Qing China’s “constitutional preparation” fit into this international environment? Was it really just an attempt at importing foreign models? This paper tries to explore an aspect of these questions by analysing some foreign views on the Chinese constitutional reforms of 1905-1911 – i.e. views held by non-Qing subjects and uttered in other languages than Chinese. How were the constitutional reforms attempted in the late Qing Empire, beginning from 1905 up until 1911, viewed from the outside? Was the foreign perception at that time different from the Chinese one? Were the reforms important on a political level? What did this concept mean for China’s standing in the world at that time? How did foreign powers react to the Chinese attempt of restructuring their state?

Answering these questions is not only important for the study of global constitutional history, but also provides some fresh perspectives on the Chinese constitutional movement as such. Furthermore, these foreign views had implications within China, for Chinese intellectuals and officials themselves were indeed concerned with what foreigners thought about the reforms. Sometimes they felt disconcerted by this attention, as is shown by a curious note in the *Shenzhou Ribao* (神州日報) on 9th October 1909:

“... The Consul of a certain state has deemed it necessary to immediately translate the items of discussion of the Provincial Assembly ... He produced four copies, of which he sent each one to his government, one to the Minister in Peking and one to Tsingtau, and kept one for himself. Do we Chinese even know that the foreigners are following everything with such attention?”

(in: *Deutsche Gesandtschaft in China*, 1906-1909: 147)

But very often, foreign perceptions of China were translated back into Chinese and thus had an influence on the Chinese discourse itself (cf. “Japanese opinion on the Chinese situation”, *The South-China Daily Journal*, 18th June 1907).

The paper argues that Chinese constitutional reforms were indeed closely followed by foreign observers and that this transition to a constitutional state on modern molds mattered to them. However, foreign views were not uniform, and constitutionalism was not necessarily felt to be the absolute priority within China’s reforms. There was not only the criticism that the Chinese government was not doing enough to establish a constitution. Next to this, the paper shows that not few non-Chinese observers had quite cautious opinions about China’s quest for a constitution.

As possible, the selection tries to render the broad geographical and linguistic diversity of opinions. It shows the global radiation of the late Qing constitutional enterprise, which was limited neither to the national boundaries of China nor to the regional bounds of East Asia. Thus, it not only considers papers published inside Chinese territory by foreign subjects in foreign languages. It also uses sources from neighbouring Japan as well as from monarchical and republican polities in Europe and the Americas.

Furthermore, the Chinese constitutional movement did have an impact on both the level of published intellectual discourse as well as the political level of international diplomacy. Printed public opinion had stances somewhat different from foreign diplomats and politicians, who tended to be a bit more cautious about the prospects of constitutional reform in China. Thus, the hope that China might adopt a constitution did not translate into direct political pressure for constitutional reforms.

The country with the closest connection to China was Japan, and Japanese views of Chinese constitutional reforms tended to be quite pessimistic. To this effect, the example of Itô Hirobumi (伊藤博文, 1841-1909) is taken. Previous literature, based on Japanese sources, has argued that he pursued a “hands off” approach to Chinese constitutional reforms (Takii, 2014: 178-180). However, a combination of Japanese, Chinese and European sources shows that the “constitutional evangelist” (*ibid.*: 75-100) did indeed incessantly try to exert his influence on the Chinese constitutional process from its inception up to his very death in 1909.

2. China's Transition towards Constitutional Monarchy and Its Reception in East and West

The terms “constitution” and “constitutional” are highly polysemic. In one sense, “constitution” means the set of norms which define the organisation of a polity. In this sense, every polity does have a constitution. In a narrower sense, “constitution” means the written document which codifies these norms, and provides for some kind of separation of powers and popular representation. (On the various meanings of “constitution” on the state level cf. Heller, 1983: 281-315.)

Especially since the late 18th century, more and more polities across the globe ventured to become constitutional states by adopting

constitutional charters. This did not only happen in Europe and North America, but also in South America, Oceania, Asia and Africa. Dennewitz counts 422 constitutional charters enacted between 1776 and 1947 on all continents (Dennewitz and Meißner, 1947: 14-24), or about 2.5 a year. Even if this list is imperfect in several regards, it confirms what the Japanese constitutionalist Ariga Nagao (有賀長雄, 1860-1921) wrote in 1900: constitutionalism was one of the paramount features of the 19th century (Ariga, 1900: 1051-1058). One must amend his observation: the “constitutionalisation” of the world extended to all continents and continued until well into the 20th century.

How did China participate in this world-wide trend? Imperial China had always had a highly complex system of administration, which had been described in the West under the term “constitution” (in a very broad sense) from the late 18th and early 19th century onward (cf., e.g., Schiller, 1799; A Correspondent, 1836; Castelar, 1898). During the 19th century, in many cases, Western foreigners stressed that Imperial China was an absolute monarchy wherein the Emperor had supreme authority over everything (cf. Hegel’s chapter on the Chinese “constitution” in: Hegel, 1919: 288-302).

But such one-sided descriptions were far from being overwhelmingly dominant. More perspicacious observers stated that the perception of an “absolute Cæsarism” (de Groot, 1885: 82) was dominant just to deconstruct it by providing a more nuanced counter-argument. They stressed that the Emperor had absolute power in theory, but that *in praxi* his rule was hamstrung by a highly organised meritocratic bureaucracy and that its outreach into the local level was rather weak, leaving considerable autonomy to the local communities. Thus, characterisations of the Chinese “constitution” as having “republican” and even “democratic” elements were quite common in the 19th century (Taw, 1900: 278; Parker, 1900: 270; “Der chineifische

Hof", *Neuigkeits-Weltblatt*, 6th June 1893; "Editorial selections. The Constitution of the Chinese Empire." *The North-China Herald*, 18th December 1879).

It was in the last years of the 19th and even more in the first years of the 20th century, under the impression of political and economic weakness vis-à-vis foreign powers, that Chinese thinkers came up with ideas to promulgate a constitutional charter in China and thus to introduce a constitutional government in the narrower sense. Such thoughts stood in dialogue with the outer world and were accompanied by extensive commentary by in outside of China as well as in the foreign-language media of China.

Foreigners noticed this new Chinese constitutionalism quite early, in the mid- and late 1890s. Thus, Sun Yat-sen (孫中山 / 孫逸仙)'s armed uprising of 1895 was said to aim at "establishing a constitution for China" ("He plans to free China", *Chicago Daily Tribune*, 6th December 1896). And in 1898, the Japanese newspaper *Asahi Shimbun* (朝日新聞) published a long article on the constitutionalist movement in the Yangtze provinces ("楊子江畔の判徴(支那の立憲黨) / *Yōsukō-han no hanchō (Shina no rikkentō)*", 1898).

But when foreign observers did talk about the Chinese constitution in that period, it was still often in the broader sense, without implying China's constitutional movement. Changes in the constitution did not necessarily mean the establishment of a written constitution embodying the typical content of modern constitutions:

The constitution of China was framed 2000 years ago. It must have had some merit to have survived so long, but the time has come for modification if not for radical change.

("Looking forward", *Los Angeles Times*, 30th October 1898)

There was much debate about “reforms” in China in the last years of the 19th century, and foreign debate at that time did show much support for them, as is evidenced by the declaration of the British Prime Minister, Lord Salisbury (1830-1903):

If I am asked what our policy in China is, the answer is very simple. It is to maintain the Chinese Empire, to prevent it from falling into ruins, to invite it into paths of reform, and to give it every assistance which we are able to give it to perfect its defence or increase its commercial prosperity.

(“Lord Salisbury on foreign affairs”, *The Times*, 30th June 1898)

This debate about “reforms” mostly meant reforms of the administration, particularly the fiscal administration, the military and the educational system (cf., e.g., Sinicus, 1899). Occasionally non-Chinese language sources of the late 19th century, without explicit linkage to the notion of constitutionalism, touched upon one of its main elements: representative institutions. Thus, the multicultural Taw Sein Ko (杜成誥, 1864-1930), a Burmese-Chinese gentleman who made his career in the British colonial administration in Burma, argued in the London Imperial and Asiatic Quarterly Review that the majority of China’s institutions and methods of government were “an anachronism in the nineteenth century” (Taw Sein Ko, 1897: 37), and suggested “representative institutions of a simple kind” (*ibid.*: 273). However, his British audience was not convinced that representative institutions were easily feasible, not even in European countries (cf. Roe, 1902 on Austria, p. 345). For China specifically, the British Judge Frederick Samuel Augustus Bourne (1854-1940) dismissed such ideas stressing that their ideas were “entirely alien to the Chinese mind” (“Can China progress?” *The North-China Herald*, 15th May 1899).

In general, debates about China's political modernisation in the late 1890s usually did not yet touch upon the establishment of a constitutional charter and of constitutional government in the narrower sense of the word. This reflected the fact that "constitutionalism" did not yet feature in the Chinese central government's policies. The word did not appear in any of the *100-Day Reforms* (戊戌變法 / 百日維新) passed by the Guangxu Emperor (光緒帝) in the summer of 1898. It did probably not even figure in the basis to the reforms, the suggestions of Kang Youwei (康有為, 1858-1927) (cf. Rao, 2011, with further references), although the 1898 reforms came to be seen as having included constitutionalism quite early, even before the Xinhai Revolution (辛亥革命) (e.g. Deutsche Gesandtschaft in China, 1902-1906: 38).

The reforms of 1898 were rigorously suppressed after about 100 days (hence their name). However, the crackdown was only temporary. Just two years later, in 1900, the Boxer Rebellion (義和團運動) rocked Northern China. In an undeclared war, foreign armies invaded Peking (北京), and the Imperial Court fled to the city of Xi'an (西安). After the rebellion had been quelled and the Court returned to the capital, the Chinese government vowed to pursue modernisation not only in technical, but also in political matters. On 29th January 1901, the Court famously issued an edict calling for political reforms in China (Gugong Bowuyuan Mingqing Dang'an Bu, 1979b: 915).

Therein, the Empress Dowager Cixi (慈禧太后, 1835-1908) stressed that, while the "eternal principles" of the Chinese state were unchangeable, "human dispositions" were indeed prone to political reforms. Furthermore, it was perfectly permissible to "take the strengths of foreign countries in order to amend China's shortcomings". And while

the Chinese, stressed the edict, had theretofore learned superficialities like foreign languages and technology, one had failed to learn the core of Western government. The new policies instituted after the edict of 29th January 1901 became known as the *Xinzheng* Reforms (新政: renewal of government or new policies).

The Boxer rebellion had not only once more evidenced China's political and military weakness, it had also further damaged China's international prestige. But international recognition for the Chinese intent to reform the country was readily obtained in the following years, particularly in the field of legal reforms. Several foreign powers declared that they were prepared to relinquish their extra-territorial rights in China depending on "the state of the Chinese laws, the arrangement for their administration, and other considerations" – United Kingdom, 1902 (MacMurray, 1921: 342-356, Art. XII); Japan, 1903 (*ibid.*: 411-422, Art. XI); USA, 1903 (*ibid.*: 423-452, Art. XV).

Gradually, many Chinese intellectuals and officials came to see the establishment of a constitution as key to the political renewal of China. This notion was momentarily reinforced in 1904/05, when absolutist Russia suffered a devastating military defeat to a Japan that had been constitutionally governed since 1890. Beyond being the victory of one country against the other, Chinese published opinion interpreted it as the triumph of "constitutionalism" as such:

This was not a war between Japan and Russia, but a war between the two systems of governance, constitutionalism and absolutism. (此非日俄之戰也。乃立憲專制二治術之戰也。)

(*Dongfang Zazhi*, 1905: 203)

Hence, on 16th July 1905, the Chinese government decided to send a delegation of high-ranking officials abroad to study the political

systems of various groups, an enterprise modeled on the Japanese Iwakura Mission (岩倉使節団) of 1871 (the edict is to be found at Gugong Bowuyuan Mingqing Dang'an Bu, 1979a: 1). Even though the terms “constitution” and “parliament” did not appear *expressis verbis* in the text, it was rather clear that they should be the main object of study.

Travelling in two groups, the five commissioners and their large entourage visited a total of 14 countries, including Japan, the United States, the United Kingdom, Germany and France. Their arrival did receive considerable public and official attention in the countries they visited, and the prospect of a constitutional government was, in general, treated as a positive outlook for China. Thus, North American politician and three-time presidential candidate William Jennings Bryan (1860-1925) published a large article in which he described the various reforms China was effecting. About the expected parliamentary constitution, he wrote that there was “a distinct advance along governmental lines, and this in itself means much for China [and] for the outside world” (Bryan, 1906).

But although the main objective of the tour was the study of political systems, it did not always take the centre stage in the activities of the commission. The commissioners' interests were very broad and by no means limited to just the constitutional charter. Much to the opposite, they sometimes seemed to be more interested in their host countries' industries than in their political systems. And their hosts, too, did not necessarily see constitutionalism as a priority in China's reform. Rather than explaining constitutional principles, they seemed eager to show them their industries:

According to the plan devised by the Chinese government, the task was mainly to study the conditions of state and constitutional law. But the gentlemen soon inclined to the industrial aspects. Of course, this

was supported in all kinds possible, for it was here that practical successes were to be expected in the future.

(Deutsche Gesandtschaft in China, 1902-1906 (Peking II 593), p. 171)

When the commissioners returned to Peking, they vociferously recommended the establishment of a constitution in China. The Qing government opted in favour of constitutionalism, but decided to proceed slowly, in facing mounting internal criticism that it was insincere or introducing a “sham constitutionalism”. On 1st September 1906, the Court declared that it would “prepare for constitutionalism” (Gugong Bowuyuan Mingqing Dang’an Bu, 1979a: 43-44). The government would first effect the various reforms deemed to be fundamental for constitutional government, and after a period of “several years” it would proceed to introducing constitutionalism as such. The first reform that was carried out to this effect was the reform of central government in November 1906 (*ibid.*: 471-472).

These first steps of “constitutional preparation” were received abroad with mixed feelings. Both many foreign papers as well as the foreign-language press of China surely greeted the prospect of China moving towards constitutionalism. For example, as far as in the antipodes of China, the press organ of the Brazilian Republican Party characterised the constitutional movement as a “peaceful revolution” that was “shaking the fundamentals of the old institutions for the advent of a new, constitutional and progressive China” (“A China revolucionaria”, *A Republica: Orgam do Partido Republicano Federal*, 26th February 1907). And the paper *A Imprensa* celebrated the “fortunate news for the Chinese people”: In the old world, only the Sultan of Turkey and the Emirs of Bukhara and of Afghanistan would remain *de jure* despotic and autocratic rulers (“A China constitucional”, *A Imprensa*, 28th December 1907).

But, as was the case with many Chinese-language criticisms, there were concerns that the government was not serious about its declarations, particularly in the foreign-language press of China. Many saw the decision of 1st September 1906 as a mere symbolic concession. *The North-China Herald* (北華捷報), for example, implying that it desired China to transform into a constitutional country, saw in it merely “an academic admission of the theoretical desirability of constitutional government without marking any practical advance in the direction of the grant of an actual constitution.” (“Notes and comments. The Constitution Decree.” *The North-China Herald*, 28th September 1906, p. 763)

This was supported by the vagueness of the declaration, which was a statement of principle, but did not specify details of the constitution to come. It did just state that the process of constitutional preparation should be finished after “several years” (數年), at which point a date for the implementation of a constitution would be decided. A concrete timeline was not given. *The North-China Herald* rumoured that this might be a result of the machinations of Tieliang Mu Ercha (鐵良穆爾察, 1863-1939), Minister of War, who was deemed to be the “head of the opposition clique” to constitutional reform, and had allegedly asked Cixi to change the word “three” in the original draft to “several”. Because of this redactional change, *The North China Herald* concluded that the edict was “unsatisfactory” and “disappointing” (“Notes on native affairs. The question of ‘time.’” *The North-China Herald*, 7th September 1906, p. 571).

Observers tended to see a struggle at Court between two factions, of reformers and reactionaries respectively, where the reactionaries were not necessarily losing the battle. After the first reform of November 1906, *The North-China Herald* wrote that the reactionary party had received a decisive check and that the reformers were now in a

favourable position. Still, the paper warned that ingrained habits were not to be reformed by a decree of paper and that the movement “to be thorough must be slow and sure”. Hence, it was still too early to see: Theretofore, the reform movement was restricted to the shuffling of some high officials and to “some praiseworthy utterances in imperial decrees”. (“The progress of reform”, *The North-China Herald*, 9th November 1906, p. 294)

Small as *The North-China Herald* might have judged these first advances to be, when a long period of official silence on the matter of reforms followed and the expected reform of provincial governments failed to come out for over half a year, the reform movement seemed to have stalled. The conservatives were deemed to have regained the upper hand, and evaluations of China turned negative again. Thus, in February 1907, it considered China to have fallen back to reaction and exhorted the foreign powers to reconsider their attitude towards China, which in the past year had improved to the point of seeking “to treat with China as with one of themselves”. (“Found waiting”, *The North-China Herald*, 1st February 1907, pp. 213-214)

Similarly, China’s decision to enact political reforms in September 1906 as well as the first reform of November 1906 received mixed, but predominantly pessimistic, reactions in the Japanese press. For correlating with the enormous Chinese interest in Japan, there was also an enormous interest in Japan about how China fared in her attempt to switch to a constitutional mode of government. Newspapers and magazines were full of analyses of the Chinese situation. Often, the press opinion is not separable from the stances of Japanese political notables, for many of them penned articles of large influence in the press organs, and at times the Japanese press seemed to be directed by the government (cf. Auswärtiges Amt - Abteilung A, 1908: 7).

Certainly, the Japanese congratulated the Chinese government for having come up with reforms. Some papers were “impressed most favourably by the progress being made” (cf. “The Imperial Envoy from China”, *The Japan Times*, Thursday, 5th December 1907, in the context of a diplomatic visit) and others expressly lamented the pessimistic views of Westerners on the matter (“Notes and Comments. The Constitution Decree.” *The North-China Herald*, 28th September 1906: p. 763). But most were themselves pessimistic about the prospects of reform. They saw the biggest obstacle in the necessary centralisation of China and the resistance expected from the concerned officials, especially the Viceroys. If already the reform of the central government had to be seen as failed, then there was even less hope in the reorganisation of provincial governments. Under these circumstances, the utmost which could be hoped for, so one paper stated, was “a federation of states”. (Reviews of the Japanese press in: Deutsche Gesandtschaft in China, 1906-1909: 402-403, 424)

The Japanese also very commonly accused the Chinese government to be merely reshuffling personnel and effecting formal changes. In this sense, the *Jiji Shimpō* (時事新報) commented that China was not yet prepared for deep reforms of the state, and that the Chinese government was wrong in thinking that mere edicts and external measures would suffice to immediately “climb to the height of western culture”. After all fuss made about the reform, the Chinese had given birth to a “ridiculous little mouse”. Instead, for real reforms, the whole people would have to be effected by a spirit of deep longing for improvement and progress, something for which there were not yet any indications. Others believed that there lacked a patriotic and selfless spirit as in Japan and pondered that, while the Meiji Restoration (明治維新 / *Meiji ishin*) had meant a change of government in Japan, in China the Manchus (滿族) were

continuing in power. (Reviews of the Japanese press in: Deutsche Gesandtschaft in China, 1906-1909: 398-399, 402-403, 424-425)

To sum it up, the *Kokumin Shimbun* (國民新聞), a paper well-known for its closeness to the Japanese government, saw nothing more than “miserable patchwork”, and deemed that “a real reform of administration in the constitutional sense” was unthinkable at the present moment (Deutsche Gesandtschaft in China, 1906-1909: 402). *The Japan Times*, an English-language paper edited by Japanese, finally, could not see more than a “so-called reform” (“China’s so-called reform”, *The Japan Times*, Tuesday, 13th November 1906).

However, there was not only criticism of the Chinese government’s allegedly lackadaisical stance towards constitutionalism. Not all newspapers shared the disappointment about the few tangible results or the impatience about the reform results. In Japan, the *Nichi Nichi Shimbun* (日日新聞), though seeing difficulties, expressed hope in the future and called for patience, for large parts of the population nurtured the wish for reforms. (Deutsche Gesandtschaft in China, 1906-1909: 403). In a similar vein, Count Ôkuma Shigenobu (大隈重信, 1838-1922) stated that the Chinese people had an “eminent talent for parliamentarism”: A people that had been able to change the 1500-year old examination system at once would also be able to carry out further reforms (*ibid.*: 425).

And there were also Western papers holding that the process should be carried out in a slow and circumspect manner. In October 1907, the *Münchener Allgemeine Zeitung* (“Verfassungspläne in China”, *Münchener Allgemeine Zeitung*, 20th October 1907) positioned itself against “almost the whole Chinese press”, which was belittling the creation of an advisory body, the Zizhengyuan (資政院). Instead, the paper was convinced that the Chinese government, to which it attested “great intelligence and prudence”, was “very earnest” in its will to establish a

constitution in the occidental sense as soon as the country was mature for it. The Chinese people was not yet mature for a constitution, and even after 15 years, it would only be mature if it were systematically taken to that point.

More fundamentally, the Japanese jurist Nakamura Shingo (中村進午, 1870-1939) questioned the enthusiasm nurtured by many Chinese intellectuals about constitutionalism being the key to national success. In December 1906, the Japanese jurist published an article in the renowned foreign policy magazine *Gaikô Jihô* (外交時報). Therein, he refuted the notion that it had merely been constitutionalism that had lifted Japan to the condition of internationally respected power. While not denying that constitutionalism was something ultimately desirable, he pondered that there had been many other factors to Japan's rise than just constitutionalism, and that constitutionalism alone did not ensure national success. Nay, it did not even ensure national existence:

“Hasn't constitutional Hawai'i disappeared? What about constitutional Transvaal?” (立憲せる布哇亡びざりしか。立憲せるトランスヴァールは如何。)

(Nakamura, 1906: 255-256)

While the referred opinions all approved of constitutionalism as such, differing in their assessments of its implementation in China, there were also foreign voices that fundamentally opposed it, even if they were a small minority. Just as discourse in favour of constitutionalism was global, opposition to it was not restricted to conservative Chinese circles either. While the most prominent non-Chinese figure to speak out against constitutionalism in China was the famed Russian writer Leo Tolstoy (Лев Толстой, 1828-1910), his anti-constitutional positions were also heard and shared in Central Europe.

In 1905, Tolstoy received a Russian translation of Liang Qichao's (梁啟超, 1873-1929) book entitled *Li Hongzhang or the political history of China in the last 40 years* (Chinese original contained in Liang *et al.*, 1999: 510-554; Russian translation by Arsenij Nikolaevič Voznesenskij and Zhang Qingtong, 1905). Although the book, talking about China's recent history, did not place a focus on constitutionalism, it did mention it as an objective to be attained by modern states, something which Japan already had managed to do but China had not. Tolstoy sent a letter to one of the translators, Zhang Qingtong (張慶桐, 1872-?), showing opposition to such modernization. Advising against following the path of Japan, Tolstoy deemed that both the Russian and the Chinese should work out a way of life that would be independent from the government. (Cf. the mutual correspondence at Birukoff, 1925: 125-130).

Tolstoy reiterated his stance the following year (1906), when he wrote his "Letter to a Chinese" (Tolstoj, 1907) addressed to the Penang-born and British-educated Ku Hung-Ming (辜鴻銘, 1857-1928), who himself was staunchly opposed to China's constitutional reforms. In his letter (Tolstoj and Chertkova, 1936: 290-299), Tolstoy argued that if a man submitted himself to a constitution rather than to the natural or divine order, he would always be a slave. To Tolstoy, constitutions, along with a modern military and modern industries, were signs of human depravation. China, Russia, Persia and Turkey should instead free themselves from human and submit themselves to divine authority.

Tolstoy's anarchist stance was, thus, also a comment on the Chinese constitutional movement. And while this position might have been a minority, it was heard throughout Eurasia. His letter was not only published in the original Russian (Tolstoj, 1907), but also swiftly translated into Chinese and several European languages (e.g. Tolstoi,

1906; Tolstoi, 1911). German philosopher Eugen Heinrich Schmitt (1851-1916) even made the constitutional aspect the absolute centrepiece of his 1911 edition of the letter (Tolstoj *et al.*, 1911). Under the subtitle “Exposition of the dangers of representative constitutions”, the editor expanded Tolstoy’s argument that the limitation of the ruler’s power by constitution just led to an increase of the people participating in tyranny. These peoples would then begin to prey on and plunder other peoples. The Middle and the Far East were then being the main victims of such a constitutionalism-induced exploitation, he argued. (Tolstoj *et al.*, 1911: VII-VIII)

3. Western Diplomatic Reactions to the Chinese Constitutional Reforms

Views in diplomatic and politic circles often showed a tendency to be even more skeptic than the published opinions about the rapid establishment of a constitution. Some diplomats shared the impatient or even disappointed sentiment expressed by the majority of Western-language and Japanese papers. As an example, the British Minister to China, Sir John Jordan, when he was new to his post, wrote about that “little in all this” (referring to the first reform of November 1906) could be called preparation for constitutional government. Although he saw the reorganisation as a small step in advance, he deemed it to be a very unsatisfying compromise that did not represent a substantial path away from the old ways (British Foreign Office, 1906; Meinenberger, op. 1980: 53).

But in general, while the political transformation of China culminating with the promulgation of a constitution was universally seen as something desirable, and the government of the Qing Dynasty often seen as not very capable or even degenerate, one often encounters the

sentiment that, for various reasons, China had to proceed slowly in order to be successful or even that the reform declarations were too ambitious to be feasible. There was also significant skepticism about whether China was really proceeding in a way conducive to success.

In the spring of 1906, when the constitutional commissioners were still touring the world, the British Minister, Sir Ernest Satow, discussed certain reform proposals with the Viceroy of the two Yangtze Provinces, Zhou Fu (周馥, 1837-1921) (Ruxton, 2007a: 290-291, 600-601). Satow seemed to be more doubtful about “constitutional” reforms that would include a representative system than his successor, Sir John Jordan. Thus, Satow maintained that it was no use merely adapting a foreign set of institutions and that China should rather be remodelled on Chinese lines.

In Satow’s opinion, the most pressing reforms were those of currency and judicial procedure. To that effect Satow suggested that once a year, the Viceroys and Governors could hold a short meeting in the capital to discuss matters of importance to the Empire. However, Satow objected to anything that went beyond this. Zhou Fu complained that orders from the capital were difficult to carry out because the notables had not been consulted, and suggested that the Court might convoke a select number of local notables to Peking to consult them beforehand. But Satow strongly advised Zhou Fu against it, being worried that in such way the local notables might usurp the real power of the country. The Viceroys and Governors already had too much power. While separated, they could do little harm, if they came together, even if as a merely advisory body, they could turn into a revolutionary assembly similar to the *États Généraux* during the French Revolution: They would exercise a popular influence that the Court could not withstand.

Satow’s opinion was shared by diplomats of other countries as well. After the government’s decision to pursue reforms became official, it

was Satow's American colleague, William Rockhill (1854-1914), who expressed his concern that the government may be overburdening itself, while at the same time applauding the content of the intended reforms: "The programme of reforms laid down in the edict is most gratifying if carried out, but it may be feared that a few years, as pointed out in the edict, will not prove sufficient to make them, even in the rough; or, if made, that they will prove satisfactory or permanent. The task before the Government is an enormous one." (United States Department of State, 1909: 349)

And Rockhill's colleagues from the German Embassy pondered that China was not yet fit for a constitution, considering the low level of popular education and the imperfection of its transport routes. In the view of German diplomats, too, the limit of 15 was not too long, especially in light of the 9-year preparatory phase that small Japan had taken. They judged that the steps theretofore taken by the Chinese government were reasonable and purposeful, and hoped that it were not swayed by the "clamour of immature literates" to premature or else reactionary measures. (*Deutsche Gesandtschaft in China*, 1906-1909: 5)

Thus, in general, although foreign diplomats saw the need for reforms in China, Western powers decided to adopt a policy of non-interference and not to directly pressure the Chinese government to immediately become a constitutional monarchy with some kind of popular representation.

The constitutional reforms in China continued to follow their tortuous path, and foreign decision-makers continued to observe them with apprehension. On 27th August 1908, the Court came up with the backbone of a future constitution as well as a detailed to-do list of preparations until the planned enactment of the constitution and convening of a parliament in 1916 (*Gugong Bowuyuan Mingqing Dang'an Bu*, 1979a: 54-68). First elections for local assemblies were

held in 1909 in the provinces, and a national advisory body, thought to be a precursor for a parliament, convened in 1910.

In May 1911, the Chinese government introduced a new “cabinet” to become the top of the executive branch (on this cf. Rhoads, 2000: 167-170). The move was heavily criticised within and outwith the country, for the cabinet was dominated by members of the Imperial family (cf. “Zhongguo da shi ji”, *Dongfang Zazhi*, Vol. 8, No. 6, 1911). At that time, there was not yet a National Assembly to which the cabinet could be responsible, for its convening was only scheduled for the year Xuantong 5 (宣統五年, i.e. 1913). The very Chinese government, a few months later, on 30th October 1911, backtracked and exonerated the so-called Imperial kinsmen cabinet, issuing an edict acknowledging that the existing system was not in accordance with the rules practiced in constitutional countries (Gugong Bowuyuan Mingqing Dang’an Bu, 1979a: 597-598).

However, in spite of the negative public sentiments that the new cabinet was a perversion of this institution, the general direction that the Qing government was taking was still receiving support in foreign business and diplomatic circles. Edward Guy Hillier (1857-1924) and Heinrich Cordes (1866-1927), two directors of the Hong Kong and Shanghai Banking Corporation (HSBC), which was one of the signing parties of the agreement for the Hukuang (湖廣) Imperial Government Railways of 20th May 1911 (MacMurray, 1921: 866-899), noted in a memorandum sent to the British Foreign Office that the [expected – *note of the author*] responsibility of the Cabinet to the National Assembly under the new constitution was a condition not existent in previous loan agreements, and “added materially” to the value of the guarantees of the present ones. Still, the two HSBC men warned that China was “like a restive and nervous horse” and suggested that she “must be guided with a light hand rather than controlled by force” (British Foreign Office,

1911 – Mr. C.S. Addis to Foreign Office/Memorandum by Messrs. Hillier and Cordes, pp. 11-14).

4. Implications of the Chinese Constitutional Reforms for Japanese Diplomacy and the Case of Itô Hirobumi

The policy of not pressing the Chinese government for reforms while giving passive support for the reforming powers within the Chinese government was especially true for the Western powers, while in Japan the situation was very complex and even contradictory. After all, China's political and intellectual elites found much inspiration for constitutional reforms in Japan, and conversely, China had crucial importance for Japanese foreign policy, especially due to her involvement in Manchuria (滿洲). Sino-Japanese relations were not limited to the very dense interactions between both countries in all fields of modernisation, described by D.R. Reynolds as the 1898-1907 “golden decade” of Sino-Japanese cooperation (Reynolds, 1993: 5). At times, Japan also pursued a rather aggressive foreign policy of imposing her interests in China, especially in the years 1906-1908 (cf. Ministère des Affaires Étrangères, 1907-1908: 13-14 and 75-76).

In January 1906, a few months before China officially decided to move toward a constitutional government, a new government took over in Japan, with Saionji Kinmochi (西園寺公望, 1849-1940) at the helm, represented in China by Minister Hayashi Gonsuke (林權助, 1860-1939). Minister Hayashi, while being cordial toward the Court and the Chinese Foreign Office, had very good relations with the revolutionaries, and was rumoured to be collaborating with them in ways not favourable to the Qing Court (*ibid.*: 75-76). It seems that Hayashi's assessment of the political situation at Peking largely coincided with the negative views of the revolutionaries. He saw a “spirit of arrogance,

inertia and obstruction” in a Peking where reaction was reigning, and analysed that Cixi was losing power (*ibid.*: 19-21).

Officially, Japanese diplomats like Hayashi Gonsuke and Abe Moritarô (阿部守太郎, 1872-1913), who briefly acted as minister during Hayashi's absence, stressed their will to maintain the Dynasty and to respect the territorial integrity of China, as had been publicly accorded to in several international treaties between the powers. But at the same time, the Japanese continuously stressed their willingness to intervene in China in order to maintain stability. Such was their preoccupation with this stability and their mentioning of intervention that this was interpreted as they were in fact just waiting for an occasion to intervene. When Abe mentioned, as an oral addendum to an otherwise innocuous written note to the Chinese Foreign Office, his “hope that China could maintain order” so as to avoid foreign intervention, this sounded like, and was probably meant as, an intimidation of China. (Ministère des Affaires Étrangères, 1907-1908, N° 194, pp. 46-48).

In addition to this, the Chinese revolutionary movement opposed to the “constitutional reforms” of the Qing Court, whose most prominent leader was Sun Yat-sen (1866-1925), had close connections to Japan (cf. Fioroni Sandri, 1975), and Chinese revolutionaries used Japanese concessions in China as operational bases (Ministère des Affaires Étrangères - Pékin - Ambassade, 1901-1918: Carton 30, Dépêche N. 172 de 9 Mars 1907, Consulat de France à Tien-Tsin). Numerous Chinese students in Japan came back with radical revolutionary ideas, which, Chinese government circles suspected, were being instilled on them by the Japanese government (Cf. Ministère des Affaires Étrangères, 1907-1908: N° 194, p. 47b).

The tense relations between the two countries erupted when, in February of 1908, Chinese authorities apprehended a Japanese ship named Tatsu Maru (辰丸). She was carrying a freight of arms, which

the Chinese side alleged were being shipped for the anti-Qing revolutionaries in Southern China. The Japanese government claimed that the arms were being rightfully shipped with correct papers to an arms dealer in Portuguese-administered Macao (澳門), and refused to apologise. The incident caused a serious diplomatic conflict between the two countries, which Japan won on the pyrrhic cost of a boycott against her goods and losing sympathies in Southern China.

Under these circumstances, justified or not, fear of Japanese meddling was strong within the Chinese political leadership, which tended to be less enthusiastic about Japan than intellectuals. The Chinese government and quite a few foreigners saw the hand of Japan behind many of the troubles in China and the Japanese government to be at least passively supporting anti-government forces or even trying to actively undermine the Imperial Chinese government. (Ministère des Affaires Étrangères, 1907-1908: 46-48; 1908-1909: 1, 63)

On the other side, the Japanese government was not completely united, as can be seen in the efforts of Itô Hirobumi, the man who had been the driving force behind the Japanese constitution of 1889 and was acting as Resident-General of Japan to Korea in the years from 1905 to 1909. As far as Itô's engagement with China is concerned, he is remembered for his involvement up to the visit of the Chinese constitutional commissioners to Japan in 1905/06. Japanese research, too, has placed little importance on Itô's post-1905 views on China. Takii Kazuhiro (瀧井一博), in one of the newest available studies of Itô, entitles a whole section "hands off political changes in China" (Takii, 2014: 178-180). Takii asks: "Did Itô have any plans to try to bring political stability to the East Asian region through guidance in constitutionalism, thus spreading the fruits of the Meiji constitutional system to China and Korea?" Based on Japanese documents, he answers that "Itô Hirobumi appeared determined to steer clear of involvement in

any moves by China to embrace constitutional government”, implying that he was “not interested” in political reforms in China (*ibid.*: 179-180).

Fresh finds from diplomatic archives in Europe, however, correct this present state of research. Itô, who had a very strong Chinese education, maintained a life-long interest in China that also included the constitutional reforms beginning in 1905/06. He followed very closely every step of the constitutional reforms in China and not only expressed his views on them in a multitude of occasions. Moreover, he actively tried to influence them. He did indeed hope that China would pursue reforms, but was deeply skeptical about the concrete constitutional process in China, on which he hoped to exert a positive influence. He was not only a “constitutional evangelist” in Japan (*ibid.*: 75-100), but tried to be one for China, too, albeit without much success. In the case of China, however, his evangelism was of another kind than in Japan and in Korea, for he advocated much slower political changes. And although many in Japan tended towards views of “Asia to the Asians” in the style of an Asian Monroe Doctrine, he actually was in constant contact with Western diplomats on the matter of China and sought to coordinate policies with them.

Both when he was on leave in Japan and when he was at his post in Korea, Itô exchanged views on the situation of the Chinese constitutional reforms with Western diplomats, particularly those from France and the United Kingdom. Already in 1898, Itô had been understood as having said that reform was not possible in China without a revolution, and later denied having said this (Ruxton, 2007b: 122, 144, 151) Likewise, in 1907, to the French Ambassador to Japan, Auguste Gérard (1852-1922), Itô compared China to the Japan of the *Bakumatsu* (幕末) period before the Meiji Restoration in 1868. He found similarities that would render a revolution necessary, be it with or

without the consent of the government. But Itô maintained that China was not yet prepared for such an “ineluctable” revolution and not ready to unite for the organisation of a new regime. (Ministère des Affaires Étrangères, 1907-1908: 56-58)

In autumn of 1907, the *Seoul Press*, an English-language newspaper published by the Residency-General of Japan to Korea serving as its mouthpiece to the outside world, published a series of articles. At first, the paper likened the situation in China to the Japanese situation of the early Meiji years, with the aggravating circumstance of racial antipathy between Manchu and Han (漢) (“Politics at Peking”, *Seoul Press*, Friday, 27th September 1907). But three weeks later, the newspaper commented that it would be more accurate to liken China to *Bakumatsu* Japan, and that the Qing Court’s prospects were most probably not better than those of the Tokugawa clan (徳川氏), for the opposition of the nobility had proven fatal to all reform schemes (“An historical parallel”, *Seoul Press*, Thursday, 17th October 1907). Although the *Seoul Press* showed confidence that Empress Dowager Cixi was doing her best, as a whole, it believed that the Chinese government was “talking reforms but actually doing very little to honestly carry them out” (“The prospect of Chinese reform”, *Seoul Press*, Saturday, October 26th, 1907).

It cannot be ascertained to what extent the *Seoul Press* accurately reflected Itô’s positions, although they were in fact attributed to him at the time (Ministère des Affaires Étrangères, 1907-1908, p. 58b). In any case, it is clear from all of his statements that Itô was skeptical of China’s ability to implement constitutional or administrative reforms. His words could be interpreted to concur with the stance – very common within the country – that little substantial was being done by the central government. However, Itô did not share the impatience of Chinese revolutionaries and many foreign observers. In fact, Itô was not trying to say China should rush the implementation of constitutionalism, much to

the opposite.

Itô held that China, being a huge heterogeneous country, did not yet have the fundamentals for installing a constitutional government. Ultimately, he was interested in introducing constitutionalism in China. However, he advocated that the country should slowly promote reforms that made such a constitutional government possible – and by “slow” he meant generations, not mere years (British Foreign Office, 1908: 98). Thus, in his eyes, the reform attempts undertaken by the central government at that time were “dangerous and of a revolutionary nature” (*ibid.*: 63a), implying that the Chinese government was undertaking the wrong measures and leaping forward too quickly.

When, on the other hand, Itô talked to Gérard about the “hesitations and tergiversations” of the Chinese government (Ministère des Affaires Étrangères, 1907-1908, pp. 56-58), this is probably less contradictory than it would seem. Some of the value judgments in Gérard’s report might have been influenced by his own views on the issue and by the fact that he was writing at the same time about Itô and about the Japanese Foreign Minister, Hayashi Tadasu (林董, 1850-1913). When Itô complained about the government hesitating and tergiversating, he was probably referring to the large conservative-minded sectors of administration and government as being one of the many hindrances to the reforms. Itô seemed to be convinced that Cixi wanted to realise reforms, but that her government was moving forward cluelessly, promoting reforms in the wrong sense and being hampered by numerous obstacles that needed to be carefully removed first. Or as the *Seoul Press* put it: “there seemed to be now in Peking the same half-blind groping after what is proper and wise which was noticed in Tokyo thirty-five years ago” (“An historical parallel”, *Seoul Press*, Thursday, October 17th, 1907). In spite of his apprehension about an imminent revolutionary upheaval in China, and although he held the Qing Dynasty

as such in a rather low regard, Itô was interested in supporting the Dynasty.

In the course of the year 1907, seeing the numerous difficulties of constitutional reforms, Itô and the former Prime Minister Katsura Tarô (桂太郎, 1848-1913), who had been succeeded by Saionji Kinmochi in January of 1906, came up with an idea: Itô would travel to China to act directly as an advisor to Cixi, as he had already tried to do in 1898. But this time, he thought his chances of influencing her were higher, because at that time, she had come to see the necessity of reform in China. In his opinion, only a single interview with her or formal talks would not suffice, so that he would stay at least one or even two months in the Chinese capital. (British Foreign Office, 1908: 63-64)

Itô was convinced that such an enterprise required some international consensus, and under the framework of the Anglo-Japanese alliance of 1902/05 (cf. MacMurray, 1921: 324-326 and 516-519), talked about this trip to the British Consul-General to Seoul, Henry Cockburn (1859-1927) (British Foreign Office, 1908: 63-64). He assured the British diplomat that he would do nothing without the concurrence and approval of the British Government. Later, Itô also talked about his plans to the British Ambassador to Tokyo, Sir Claude MacDonald (1852-1915), who reported the matter to London.

Itô's plan somewhat bypassed the official Japanese foreign policy. Both Cockburn and Sir MacDonald assumed that the Japanese government found itself in an impasse as to how to come to terms with China without using coercion, and counted on Itô's influence to bring her to a better frame of mind (British Foreign Office, 1908: 63-64). Moreover, the French Ambassador did not sense disunity between Itô and the acting Japanese government (Ministère des Affaires Étrangères, 1907-1908, pp. 56-58). Nonetheless, Itô's position was indeed distinct from the Saionji government. Sir MacDonald's report is precise in

unequivocally stating that the idea of going to China had come from Katsura Tarô, who was out of office at that time. And both Itô and Katsura showed dissatisfaction with the foreign policy of the Saionji government. Katsura tried to adopt a more conciliatory policy towards China when he returned to office in 1908 (Ministère des Affaires Étrangères, 1908-1909, pp. 104-106). And Itô, too, intervened several times with the Japanese government to correct some of its policies in Manchuria (British Foreign Office, 1908: 64).

Furthermore, there is, as yet, no evidence that Itô had informed the Chinese side about his intentions to offer his advice to Cixi. In apparently unofficial ways, the rumour of Itô's coming spread to the Chinese Foreign Ministry, whose officers thought it to be unfounded ("there was nothing at present to bring the Prince to Peking") and asked the British legation for confirmation (*ibid.*: 112). It would thus seem that his planned visit was a completely one-sided affair.

In any case, Itô's position in Japan was so special that it did not matter whether he was in office or not – his influence "was the same" (British Foreign Office, 1909: 212b). Thus, the proposal was taken seriously by the British and was widely discussed within the British government. But even though the British held a rather high opinion of Itô Hirobumi – he was "perhaps the one Japanese it is more or less safe to trust" (British Foreign Office, 1908: 61a) – this proposal was received very coldly in the Foreign Office. The opinion was that Itô's suggestion would be without effect. The Chinese government needed no advice on how to quell insurgents. And even though the country was making some slow progress in modernisation, this progress was not influenced by the government: "... reforms at present are a matter of ebb and flow: those announced one day are cancelled the next. China is advancing it is true, but this is not the result of action by the Govt." (*ibid.*: 60-62)

Both sides agreed that the most imminent danger for China were troubles expected to happen when the Empress Dowager were to die (cf. *ibid.*: 60-62). Itô expressed the opinion that the Qing Dynasty must be upheld at all costs, not because it was a good one, but because there was no other (*ibid.*: 80). In the British Foreign Office, although there were some sympathies for upholding the Dynasty, Foreign Secretary Edward Grey could not even agree “that we can co-operate in upholding the Manchu Dynasty”, for he was not sure about what “upholding” meant (*ibid.*: 79). Some of the comments in the discussion even went further, interpreting Grey to be against cooperation because “they [the Qing – *note of the author*] might be committed to repressing a reform movement in China” (*ibid.*: 103). In any case, one could not prepare for eventualities if one did not know yet what course they would take. Finally, even if the British did not doubt Itô’s good intentions, such a trip would not prove effective, for there was serious doubt in China about Japan, and the Court was not at that moment willing to accept advice from foreign powers, and the least from Japan. The British Foreign Office, instead, opted for a policy of non-interference, while at the same time quietly backing the powerful Yuan Shikai (袁世凱), one of the leading figures of the reforms (British Foreign Office, 1908: [7873], pp. 84-87).

Thus, the preparations for the trip stalled. To the British Foreign Office, Itô’s proposal was much too vague. The Foreign Office asked Itô to explain what exactly he wanted to suggest to Cixi. Itô promised to come back with more detailed explanations, but the Tatsu Maru incident came in between. The Sino-Japanese relations now being publicly and severely strained, the trip was postponed sine die. (British Foreign Office, 1908: 60-62, 98, 104).

But Itô did not give up his intentions of influencing the Chinese government. The conditions on the Japanese side became better when, in

July 1908, the more Qing-friendly Katsura Tarô returned to his old post of Prime Minister, replacing Saionji Kinmochi (*ibid.*: 115-119). Katsura disapproved of Foreign Minister Hayashi Tadasu's stance towards China and also replaced Minister Hayashi Gonsuke's with Ijûin Hikokichi (伊集院彦吉, 1864-1924) (Ministère des Affaires Étrangères, 1908-1909, N° 148, pp. 104-106).

Having been rebuked by the British, Itô, in late July or early August 1908, contacted the French Ambassador to Japan, Auguste Gérard, on the question of what to do in case of the death of the Empress Dowager (British Foreign Office, 1908: [No. 27339], pp. 115-119). But again to no avail. The eventuality happened just three months thereafter: On 14th and 15th November 1908, the Chinese Guangxu Emperor and Emperor Dowager Cixi died.

Still Itô did not cease his efforts. In April or May 1909, he apparently wrote a letter to the Chinese foreign ministry giving advice on the constitutional reforms. Unfortunately, the author has not yet been able to trace the original letters, but in numerous press reports of the time, it was rumoured that he advised China to rather directly study constitutionalism from Germany and Austria instead of via Japan. (中外日報 / *Zhongwai Ribao*, 5th May 1909, and 廈門日報 / *Xiamen Ribao*, 15th May 1909, in: Deutsche Gesandtschaft in China, 1906-1909: 220-221; "Chinese News. (Translated from the Chinese Press.)" *The North-China Herald*, 8th May 1909). This may have been related to his position that the sending of Chinese students to Japan was a great danger to China, for they came back to China full of revolutionary ideas (Foreign Office, 1908: [9079], p. 98).

On 28th August 1909, Itô gave a farewell dinner for the "constitutional examination commissioner" (考察憲政大臣 / *kaocha xianzheng dachen*) of the Chinese government to Japan, Li Jiaju (李家駒, 1871-1938), who had previously been Minister of China to Japan

(“專電 / *Zhuandian*”, 申報 / *Shenbao*, 31st August 1909). The dinner was attended by the same high-ranking members of the cabinet who had reportedly attended the conference of July 31st: Prime Minister Katsura Tarô, Foreign Minister Komura Jutarô (小村壽太郎, 1855-1911) and Minister of War Terauchi Masatake (寺内正毅, 1851-1919), as well as the constitutional specialists Itô Miyoji (伊東巳代治, 1857-1934), Ariga Nagao, Hozumi Yatsuka (穂積八束, 1860-1912), and others (“憲政大臣送別會 / *Kensei taishin sôbetsukai*”, 朝日新聞 / *Asahi Shimbun*, 29th August 1909). At the end of the party, Itô delivered a long speech wherein he told Li what he thought China had to do in order to implement constitutionalism in China, including the form of the constitution and his hopes for how China should proceed with enacting the constitution. Li would then become one of the men entrusted with writing the definitive constitution of China, beginning from 1911.

All in all, Katsura and Itô continued to maintain the same positions Itô had expressed two years before to Henry Cockburn, but probably becoming even more pessimistic about the prospects of success. Katsura told Sir Claude MacDonald that constitutions and assemblies were excellent things in their way, but that China still needed much time to assimilate and indeed understand these things (British Foreign Office, 1909: [22129], p. 226). At about the same time he allegedly wrote the letter to the Chinese Foreign Office, on 13th May 1909, Itô met with the British Ambassador to Tokyo, Sir Claude Macdonald, and discussed the situation of China with him (British Foreign Office, 1909, No. 121, pp. 213-214). He saw a tremendous weakness of the central government in Peking and the fact that it had given too much powers to the local assemblies, which would pull the Viceroys to their sides and against the central government.

In sum, Itô for the first time not only vaticinated a revolution, but foretold a very specific time limit, prophesying that “within three years

there would be a revolution in China” (British Foreign Office, 1909, No. 22128, p. 213a).

Itô not only discussed the matter with foreign diplomats, but also expressed his opinions openly in Japan, where he had returned to in June 1909. The importance that Itô Hirobumi conferred to the Chinese constitution-making process, but also the pessimism he harboured about it, can be seen from a lecture he gave on 20th August 1909 in Fukushima (福島) (recorded in Itô Hirokuni and Hiratsuka Atsushi (eds), 1982: 248-252). In this lecture, he gave an overview of his position on the constitution-making process in China and stressed that the outcome of the constitutional reforms in China would have a deep impact on peace in East Asia. His doubts about the ability of the Dynasty to maintain its rule and the underlying problems he deemed the country to have, independently of who ruled it, reflected themselves in the very words he used to denominate the country: at times, he used Qing Country (清國 / *Shinkoku*), at times the generic China (支那 / *Shina*) (on the various denominations for China in Japan, see Fogel, 2012).

In his speech, Itô stressed that the conditions of China made it difficult for the country to quickly become a constitutional monarchy. For instance, there was the very mundane problem of transportation: how could China have a representative system and convene parliaments if the delegates could not yet swiftly travel from their home areas to the parliament? Furthermore, China had very deep-rooted customs that were even more difficult to change than Japan's, citing the tax system as an example. The third problem was that in theory, constitutional government started from local self-government. Japan had done this, establishing local assemblies in the year Meiji 11 (明治 11 年, i.e. 1878). But Japan had learned “civilised politics” from Europe for several years, and the Japanese people had a strong sense of service to the public order. Thus, being deeply skeptical that the Qing (*Shinkoku*) would be

able to repeat what Japan had done, Itô implied one argument that was very current in China herself and was used by the very Chinese government (cf. Gugong Bowuyuan Mingqing Dang'an Bu, 1979a: 43-44): that the Chinese population was not yet fitted with the necessary knowledge and culture for constitutionalism.

At that time, he was still planning to go to Peking, now scheduling his trip for 1910. As he confided to Itô Miyoji, he was still intending to help the country establish a constitutional government (Itô Miyoji, “*Shinkoku Kenpô to wagakuni*”, *Kokumin Shinbun*, 5th October 1910, Wednesday). But Itô Hirobumi was not able to further push China in the direction he hoped. Just a few days after, in October 1909, Itô traveled to Manchuria to meet the Russian Minister of Finance, Vladimir Kokovtsov (Владимир Коковцов, 1853-1943), and was slain in Harbin (哈爾濱) by the Korean An Chungŭn (안중근/安重根) (1879-1910).

Itô's prediction turned out to be prophetic. In October 1911, a military uprising took place in the city of Wuchang (武昌), leading to a domino effect of the Qing government rapidly losing control of large parts of Southern China. Japan's government proposed to intervene militarily to support the Qing government, but once again, the British government refused to intervene together with Japan (cf. Fairbank *et al.*, 1986: 92). After the southern provinces one after the other had declared their independence from the Peking government, the Republic of China was proclaimed on 1st January 1912. And in February 1912, just 2 years and 9 months after Itô had emitted the prognosis that the Chinese government would fall to a revolution within three years, the Xuantong Emperor (宣統皇帝) and Empress Dowager Longyu (隆裕太后) abdicated.

5. Conclusions

Constitutional thought in late imperial China emerged within a global trend towards constitutionalism. Chinese intellectuals developed their constitutional thought in a global context in which constitutionalism was very much in flux and constitutions were becoming an important element of modern statehood. As a result of this development, the legal instrument of constitutions has today become near-universal, while their function and content differ widely according to the local context.

The Qing government's attempt to transform China into a constitutional monarchy, in the years from 1905 to 1911, did matter to the outside world. The Qing Court's attempt to "prepare for constitutionalism" and to draft a constitution drew large attention from the outside, by Japanese as well as by Westerners, by journalists, diplomats and politicians alike. In general, but for some notable exceptions from anarchist and pacifist circles, foreigners did hope that China would undertake political reforms and move towards constitutionalism. However, there were considerable differences in the interpretation of the Chinese situation.

Inside the country, one of the most common points of critique was that the so-called "constitutional preparation" was insincere and a mere playing on time, or worse, that it was a cover-up for the central government to tighten oppression and dictatorship (cf., e.g., the pamphlet *Tiantao* (天討) by Zhang Binglin (章炳麟) (s.a.), in: Zhongguoshi Xuehui (ed.) (1957): 368 – "It is only the name, but not real constitutionalism"). This has stayed to be the standard analysis of the constitutionalist process for a long time, and is still to be seen in Chinese textbooks today (cf., e.g., Li, 1968: 208-209; Seitz, 2000: 106; Gao, 2012).

Outside of China too, the government's moves and the prospects that the reforms might succeed were often viewed with skepticism.

Some observers, particularly journalists, subscribed to the view that the Chinese government was not doing much and was stuck in old ways, being unable to reform itself. Many saw China hamstrung by a reactionary faction which was undermining all efforts of reform. Thus, one finds many exhortations that China be more decisive in its introduction of a constitutional system.

However, the view from the outside was much more nuanced than that. Pessimism with the reform efforts also could take a very different spin. For many observers, especially those in diplomatic or political functions, concluded that the Chinese government might actually instead have had too grandiose plans to fulfill in the stipulated short period of time, or even that it was acting carelessly. Contradicting the impatient voices of many Chinese, for them, the government was trying to put something in practice for which the conditions were not yet given. Owing to this interpretation, both the British Sir Edward Satow and the Japanese Itô Hirobumi warned that the central government's giving away powers to local notables would lead to its losing control over the country, effectively predicting the Xinhai Revolution.

On a political and practical level, constitutional reforms in China and the eventual implementation of a constitution were important for foreign powers, but not in an immediate sense. That features of a modern nation-state would benefit China on the international stage, not only politically, but also economically, is exemplified in the comments by the representatives of HSBC who negotiated financial agreements with the Chinese government.

But most foreign diplomats and politicians agreed that a representative constitution was not immediately feasible. Thus, they did not take an approach of pressuring China to implement a constitution, for especially Western diplomats believed such an approach would be counter-productive. Still, they hoped to exert some passive influence on

China, and tried to influence Chinese notables, such as Sir Edward Satow, who counselled the mighty Viceroy Zhou Fu on how to proceed with reforms.

Japan's policy towards China was even more complex. Even if Sino-Japanese relations under the Saionji government were rather strained, sectors of the Japanese government were working for upholding the Chinese monarchy. To this effect, Itô Hirobumi and Katsura Tarô effected a kind of parallel foreign policy by taking direct diplomatic initiative to support the ruling Dynasty of China. Believing that China should, by way of slow reforms, eventually transform herself into a constitutional monarchy, they even tried to activate the machinery of international diplomacy. However, owing to resistance from Western powers as well as to the unstable situation of China, they did not manage to influence China in the way they hoped to.

Foreign observers expressed a wide range of opinions about the Chinese variant of constitutionalism. Some of these views show a surprising perceptiveness for the social and economic conditions of China, and provide novel perspectives on the emergence of constitutional thought in China, as well as on modern Chinese political history.

Note

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