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CONFIGURING A CONSTITUTIONAL STATE: OFFICIALS AND ASSEMBLYMEN AT THE 1909 SICHUAN PROVINCIAL ASSEMBLY MEETING

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This article examines two potential configurations of the constitutional state at the time of Constitutional Reform. One was from Sichuan Governor-General Zhao Erxun, who claimed that “all political power belongs to the state.” The other was from the Sichuan assemblymen, who were inarticulate at first, but, when the meeting closed one and a half months later, firmly announced that “there would be no taxation without supervision.” Both views emerged during the 1909 Provincial Assembly meeting in Sichuan; via rounds of debates over forty-two bills, the differences between them gained sharp articulation as a clash of divergent political principles. There emerged not only a reaction of elite bitterness toward high-handed state policies but also a repertoire of political skills now in the practiced hands of an expanding circle of political leaders. The Sichuan Provincial Assembly meeting was a staging area for the revolutionary activism of the Railway Protection Movement two years later as well as for the development of both a new Chinese citizenship and a new relationship between the citizenry and the state.

KEYWORDS: *Sichuan, constitutional reform, Zhao Erxun*

On October 14, 1909, the Sichuan Provincial assemblymen held their first meeting in the newly constructed assembly hall in Chengdu, the provincial capital. Like all assemblymen across the Qing Empire, they had awaited this moment with much anticipation since the launch of the Constitutional Reform in 1906. For these advocates of constitutionalism, something real had finally happened. The opening ceremony was an event of great significance. The Governor-General, Provincial Treasurer, Academic Official, Provincial Judge, Provincial Police Head, Commercial Official, Tea and Salt Circuit, Chengdu Prefect, Chengdu Magistrate, and Huayang Magistrate all arrived at the meeting hall by eight in the morning.¹ In addition, all but one of the 105 Sichuan assemblymen attended the first day of the meeting. Starting at ten in the morning, the assembly held a

¹ Sichuan sheng ziyiju [Sichuan provincial assembly], ed., “Sichuan ziyiju diyici yishilu (Transcripts of the Proposals by the First Sichuan Provincial Assembly),” in vol. 1 of *Sichuan xinbai geming shiliao*, ed. Wei Yingtao and Zhao Qing (Chengdu: Sichuan renmin chubanshe, 1981), 1.

formal election to choose its leaders. Pu Dianjun (蒲殿俊 1875–1935), the much-respected 1904 *jinshi* degree holder, graduate of Hōsei Daigaku (法政大学) in law and political science, and former secretary of the Ministry of Law and adjunct of the Institute for Constitution Compilation, was elected chairman of the Sichuan Provincial Assembly.² Xiao Xiang (萧湘 1871–1940), former secretary of the Ministry of Punishment, also a *jinshi* and graduate of Hōsei Daigaku, was voted the vice chairman. Luo Lun (罗纶 1876–1930), *juren* degree holder and an influential figure in student circles, became the second vice chairman.³

After the election, Governor-General Zhao Erxun (赵尔巽 1844–1927) gave the opening remarks. Zhao was enthusiastic about constitutionalism, claiming:

Fortunately, today, our state policy has been established; all people have their hearts set on one road—constitutionalism.... All those new things like self-government, police, new education, industry, etc., have been put into a nine-year plan for constitutional preparation. We, officials and gentry, should all follow a proper sequence and achieve them step-by-step. I, your governor, will carefully examine and investigate the special circumstances of Sichuan.⁴

Zhao invited all gentry and assemblymen to follow each step closely and participate actively in constructing constitutionalism.⁵

Assemblymen were equally eager to build constitutionalism. Chairman Pu Dianjun expressed his gratitude toward the imperial court for launching this political reform. Pu said:

Sichuan is geographically far away from the center and communications are inconvenient.... In political thinking and ability, compared to the capital and to the southeastern provinces, Sichuan is extremely backward. Nevertheless, today, we Sichuanese receive the same handling as other provinces do: we Sichuanese can also talk about our provincial politics at leisure. This is all because of the kindness and generosity of the court. All we Sichuan gentry, fathers and sons, elders and youngsters, should show our gratitude by advocating [constitutional politics] and trying our best to help our province progress.⁶

Representing all assemblymen and the people of Sichuan, Pu Dianjun thanked Governor Zhao Erxun, saying that they greatly cherished Zhao's input. At the same time, representing all officials, Zhao Erxun fully recognized the contribution of the gentry-scholars and their sincerity in saving the country. His appreciation was heartfelt: "Always, I see outstanding people from within China struggling to strengthen the country. Day and night, they submit proposals in the hopes of

² Xiao Xiang, "Guang'an Pu Dianjun Xingzhuang (The Life of Pu Dianjun of Guang'an County)," in vol. 2 of *Sichuan xinbai geming shiliao*, ed. Wei Yingtao and Zhao Qing, 612.

³ Sichuan sheng ziyiju, ed., "Sichuan sheng ziyiju diyici yishilu," 1.

⁴ Sichuan sheng ziyiju, ed., "Sichuan sheng ziyiju diyici yishilu," 6–7.

⁵ Sichuan sheng ziyiju, ed., "Sichuan sheng ziyiju diyici yishilu," 7.

⁶ Sichuan sheng ziyiju, ed., "Sichuan sheng ziyiju diyici yishilu," 7.

causing our country to acquire wealth and power. Aren't they sincere in their hearts to do so? (比见海内人士, 以我国时势积弱, 待治孔殷, 于是朝建一策焉, 以为可以图强, 夕上一书焉, 以为可以致富, 推其心岂非真诚爱国? *Bijian hainei renshi, yi woguo shishi jiruo, daizhi kongyin, yushi zhao jian yice yan, yiwei keyi tuqiang, xishang yishu yan, yiwei keyi zhifu, tui qixin qifei zhencheng aiguo?*)." Zhao assured the assemblymen that things would be different from then on because "our state policy (国是 *guoshi*)," constitutionalism, had been "solidly established (大定 *dading*)."⁷

Indeed, when the assembly first met, officials and assemblymen appeared to be in agreement on the general principle of "establishing constitutionalism." This apparent concord, however, quickly ended as soon as discussion of the concrete issue began: namely, how taxes should be levied and distributed, and who had the power to decide these matters. It soon became obvious that, beneath the façade of agreeing to build a constitutional state for China, the assemblymen and the officials disagreed on almost all aspects of how to construct such a state. Where did the power and legitimacy of a constitutional state come from? How should it be structured and its power be distributed? In building Chinese constitutionalism, what, exactly, were elected members of the provincial assembly and officials supposed to do? These tensions pervaded the entire Chinese experiment with constitutionalism in the late Qing.

This article examines two potential configurations of the constitutional state at the time of Constitutional Reform. One was from Governor-General Zhao Erxun, who claimed that "all political power belongs to the state (一切权利皆属于国家 *yiqie quanli jie shuzhiyu guojia*)."⁸ The other was from the Sichuan assemblymen, who were inarticulate at first, but, when the meeting closed one and a half months later, firmly announced that there would be no taxation without supervision. Both views emerged during the 1909 Provincial Assembly meeting in Sichuan; via rounds of debates over forty-two bills, the differences between them gained sharp articulation as a clash of divergent political principles. At the meeting, participants in the provincial assembly very quickly learned to use the new form of the assembly to debate, legislate, and represent "the people" as a rival to officialdom and the court. There emerged not only a reaction of elite bitterness toward high-handed state policies but also a repertoire of political skills now in the practiced hands of an expanding circle of political leaders. The Sichuan Provincial Assembly meeting was a staging area for the revolutionary activism of the Railway Protection Movement two years later as well as for the development of both a new Chinese citizenship and a new relationship between the citizenry and the state.

BACKGROUND: THE BUILDING OF THE PROVINCIAL ASSEMBLY

The official origin of the provincial assemblies was the court's promulgation of the sixty-two-clause "Regulations for Provincial Assemblies (咨议局章程 *Ziyiju zhangcheng*)" and the 115-clause "Regulations for Provincial Assembly

⁷ Sichuan sheng ziyiju, ed., "Sichuan sheng ziyiju diyici yishilu," 6.

Elections (咨议局选举章程 *Ziyiju xuanju zhangcheng*)” on July 22, 1908.⁸ The court gave further instructions to provincial governors, stipulating a one-year deadline for the establishment of the assemblies. Provincial governments were required to set up preparatory bureaus, which were to be jointly run by officials and members of the local elite. These bureaus would carry out two rounds of elections in one year: the first-round elections were for eligible voters to choose electors, who would in turn elect the actual provincial assemblymen in the second round. In Sichuan, the two-stage process started in 1908, electing 105 assemblymen from various counties. According to historian Zhang Pengyuan (张朋园 1926–), the average age of the Sichuan assemblymen was thirty years old, most of them held official degrees, and, except for a few big merchants, all were gentry.⁹

Building provincial assemblies was a national policy originating in the Constitutional Reform of 1906. The early period of the New Policies (新政 *Xinzheng*) Reform (1901–1904), which focused on increasing the effectiveness of the state, did not satisfy the reformists. Radical political reformers like Liang Qichao (梁启超 1873–1929) criticized the government’s reform methods as insubstantial.¹⁰ Instead, they campaigned for fundamental political reform that buttressed the new political principles of popular sovereignty and constitutionalism. In particular, it was the Russo-Japanese War that made constitutionalism a nationwide movement. The war between Japan and Russia started on February 10, 1904. Three days later, an article was published in *China and Foreign Affairs Daily* (中外日报 *Zhongwai ribao*) urging readers to pay particular attention to the war. The editorial argued: “The strength and weakness of a nation does not come from the race of its people but from its political institutions.”¹¹ Another article predicted: “From this war onward, the ideals of our countrymen shall be greatly changed.” When conservative officials argued that “the Japanese soldiers, having been given rights, shall think only about themselves,” the constitutionalists replied that “because *minquan* (民权 rights of the people) came from Heaven and soldiers always fight for their natural rights, they would fight fearlessly without hesitation.”¹²

After the war broke out, constitutional leaders in Zhejiang and Jiangsu began cooperating with Qing officials to advance their cause. They proposed sending important ministers abroad “to learn from the new politics of various nations ... to

⁸ Hou Yijie, *Ershi shiji chu Zhongguo zhengzhi gaige fengchao: Qingmo lixian yundong shi* (*The Wave of Political Reform in Early Twentieth-Century China: The Constitutional Movement of the Late Qing*) (Beijing: Renmin chubanshe, 1993), 225.

⁹ Zhang Pengyuan, *Lixianpai yu Xinhai geming* (*Constitutionalists and the 1911 Revolution*) (Taipei: Zhongyang yanjiuyuan jindaishi yanjiusuo, 1969). Section on Sichuan Provincial Assembly.

¹⁰ See Zhang Pengyuan, *Liang Qichao yu Qingji geming* (*Liang Qichao and the Late Qing Revolution*) (Taipei: Zhongyang yanjiuyuan jindaishi yanjiusuo, 1982) for more on Liang Qichao’s attitudes to the New Policies Reform.

¹¹ *Zhongwai ribao*, April 4, 1904, in Hou Yijie, *Ershi shiji chu*, 41.

¹² *Zhongwai ribao*, May 5, 1904, in Hou Yijie, *Ershi shiji chu*, 42.

assert national sovereignty (主权 *zhuquan*).¹³ Sichuan's constitutional elite, though not as influential as their Jiang-Zhe counterparts, also contributed to the constitutional cause. In fact, the Sichuanese overseas students were among the most radical overseas constitutionalist groups. In January of 1905, Deng Xiaoke (邓孝可 1869–1950) of Sichuan drafted the statement “Our Opinions on Returning the Power (要求归政意见书 *Yaoqiu guizheng yijianshu*),” demanding that Empress Dowager Cixi (慈禧 1835–1908) return power to the Guangxu emperor and that the court transform the Qing into a constitutional government. It was again a Sichuan student, Zhang Lan (张澜 1872–1955), who volunteered to travel to Beijing, plead with the court, and enunciate the students' constitutional aspirations.¹⁴ Exuberant with energy and presenting themselves as the representatives of the people, the Sichuanese overseas students declared that “the grand hope of constructing a constitution is the prevailing principle in western political theory, and it is also the greatest happiness of the people.”¹⁵

July 1905 marked a new stage in the late-Qing reform: finally, Constitutional Reform became a state policy (国策 *guoce*). The dispatch in 1905 of a mission to study constitutional government abroad marked the first acceleration of reform. Two important documents were produced after the trip that elaborated the court's principles and plans for conducting Constitutional Reform in China: “Memorial to Set Up the Principle of the Country (请定国是以安大计折 *Qing ding guoshi yi an daji zhe*),” which was written by Duanfang (端方 1861–1911), and “Memorial to Reorganize the System of Administration (改定官制折 *Gaiding guan zhi zhe*),” which was jointly written by Duanfang and Dai Hongci (戴鸿慈 1853–1910).¹⁶ To reform, six principles had to be followed:

First, all in the country are equal [citizens] before the law; all distinctions [between people] should be eradicated.

Second, national affairs should be decided by public opinion.

¹³ Sun Baoqi, “Chushi Faguo dachen Sun shang Zhengwuchu shu (Memorial to the Office of Governmental Affairs sent by Ambassador to France Sun),” in *Dongfang zazhi* (*Eastern Miscellany*) first year, no. 7, in Hou Yijie, *Ershi shiji chu*, 43. Meanwhile, some constitutional elites from Jiangsu and Zhejiang, Zhang Jian and Tang Shouqian in particular, also linked up with officials to formulate a political force to launch a constitutional movement. With such nonstop persuasion and the lesson of the Russo-Japanese War, by 1905, of the eight governors-general of the Qing Empire, five had suggested establishing a constitutional system, and Sichuan Governor-General Xiliang had suggested sending investigative teams to foreign nations.

¹⁴ Hou Yijie, *Ershi shiji chu*, 52.

¹⁵ Hou Yijie, *Ershi shiji chu*, 45.

¹⁶ Xia Xiaohong, “Cong xinfaxian shougao kan Liang Qichao wei wudachen zuo qiangshou zhenxiang (Evidence from the newly-discovered draft manuscripts: Liang Qichao as the ghost writer for the five ministers),” *Nanfang zhoumo* (*Southern Weekend*), November 18, 2008, <http://www.infzm.com/content/19776> [accessed December 9, 2010]. Ironically, both memorials were written by Liang Qichao, the famous fugitive from the Qing government with a price of a hundred thousand taels on his head. A new discovery in 2008 of Liang Qichao's draft for these two memorials by a Peking University researcher finally provided the last piece in the puzzle of the authorship of these two essays. Unsurprisingly, both memorials contained much depth and insight on constitutionalism. In particular, the first memorial laid out the key principles for the reform.

Third, all the advantages of the Chinese and the Western nations should be adopted to attain the security and growth of both the state and the people.

Fourth, the organs of the imperial palace (宫 *gong*) and the government (府 *fu*) should be divided and clarified.

Fifth, the boundary between central and local government should be clarified and self-governance should be practiced.

Sixth, a financial system should be established that sets clear budgets and expenditures.

The memorial then requested that the above principles be “pronounced to all people under Heaven as the fundamental principle of the country.” In addition, it gave a schedule for implementing these principles: “In about fifteen to twenty years, the constitution should be established, parliamentary representatives elected, and a National Assembly opened, so that all practices in politics can follow the constitutional model.”¹⁷

On August 27, 1908, Cixi finally announced a timetable for constitutionalism. Although the nine-year timetable did not satisfy everyone, it did accelerate Constitutional Reform at all levels of government. The document “Items of Preparation (逐年筹备事宜清单 *Zhunian choubei shiyi qingdan*)” set out the concrete steps of Constitutional Reform, including local elections and provincial assembly elections. Starting in 1908, the establishment of the Sichuan Provincial Assembly was being prepared for under the supervision of Governor-General Zhao Erxun.

Constitutionalism was the talk of the day. By 1909, there seemed to be an agreement among state officials and the elite that the only way to save China from being destroyed was to conduct Constitutional Reform; they held that a constitutional government would make China stronger, as it had done, convincingly, for Japan.

“ALL POLITICAL POWER BELONGS TO THE STATE”

At the opening ceremony of the first Sichuan Provincial Assembly meeting on October 14, 1909, Governor-General Zhao Erxun was invited to give the first speech. With great lucidity, Zhao set forth his requests for the assemblymen to act rightly. First, assemblymen were to “eliminate the barrier (融畛域 *rong zhenyu*)” between themselves and the officials. Second, assemblymen had to “understand the boundary of their power (明权限 *ming quanxian*).” Third, assemblymen needed to “aim at achieving public welfare (图公益 *tu gongyi*)” rather than at obtaining personal interest. Fourth, assemblymen were to “think in broad scope (谋远大 *mou yuanda*)” and put the entire state (国家 *guojia*) as their first priority. Fifth, assemblymen needed to “deal with practical matters (务实际 *wu shiji*)” without talking empty words. Finally, assemblymen needed to “achieve their plans in an orderly and gradual manner (循次序 *xun cixu*).”¹⁸

¹⁷ Duanfang, “Qingding guoshi yi an daji zhe (Memorial to Set Up the Principle of the Country),” in vol. 6 of *Duan minzhong gong zougao* (*The Draft Memorials of Duanfang*), in Hou Yijie, *Ershi shiji chu*, 69.

¹⁸ Sichuan sheng ziyiju, ed., “Sichuan sheng ziyiju diyici yishilu,” 3–7.

Of the six guidelines, Zhao Erxun emphasized the first and second principles, spending much time elaborating the rationale behind these requests. Zhao explained that his first request of “eliminating the barrier (隔阂尽除 *gehe jinchu*)” between officials and gentry was the only way that the two sides could consolidate their unity and jointly save the country (国 *guo*). Only by doing so could officials and gentry “develop an intimate relationship (互相亲爱 *huxiang qin'ai*)” with each other, such that the gentry could better appreciate the difficulties of the officials and the officials could do better to protect the gentry.¹⁹

Zhao explained his second request, that assemblymen should “understand the boundary of their power,” even more elaborately. As Zhao laid out the rationale behind this request, he revealed much of his understanding about the power of the state. While praising the assemblymen as “the leading scholars in the literary circle (学界之美贤 *xuejie zhi meixian*)” and “the moral exemplars of all Sichuan gentry (缙绅之表率 *jinshen zhi biaoshuai*),” Zhao had little sympathy for their ambitions to exercise practical power, claiming that “all political power belongs to the state (一切权利皆属之于国家 *yi qie quanli jie shuzhiyu guojia*)”:

We should definitely make sure that [you know] the boundaries of [your] power. Today is the time when statism is in vogue; all power belongs to the state. Officials are the operational body (机关 *jiguan*) of the state. Officials do not have power; all their power belongs to the power of the state. [You] assemblymen are the representatives of the people. People do not have power; all their political rights—to talk about politics—are also endowed by the state. Even though today we always talk about the power of the officials and the power of the people, they are nevertheless either exercising the state’s power or are recognized by the state; neither the officials nor the people have any power of their own.²⁰

Rather than believing that the rights of people were self-evident, naturally given, and unalienable, as Jean-Jacques Rousseau and some other Chinese constitutionalists had argued,²¹ Zhao Erxun believed that the state endowed people with their political rights. It was the state that had self-evident authority.²² Clearly, Zhao postulated that the abstract entity, “the state,” held the ultimate power. It appears that Zhao Erxun was educated enough to tap into an influential German political theory of the late nineteenth century—statism (国家主义 *guojia zhuyi*)—to further strengthen his arguments. But what kind of state was this? Who represented the state in actuality?

When Zhao quoted the late Guangxu emperor as saying “the ultimate power belongs to the imperial court (大权统于朝廷 *daquan tong yu chaoting*), and various political affairs are up for public discussion (庶政公诸舆论 *shuzheng gong*

¹⁹ Sichuan sheng ziyiju, ed., “Sichuan sheng ziyiju diyici yishilu,” 3.

²⁰ Sichuan sheng ziyiju, ed., “Sichuan sheng ziyiju diyici yishilu,” 4.

²¹ *Zhongwai ribao*, May 5, 1904, in Hou Yijie, *Ershi shiji chu*, 42.

²² As we see, there was a modern understanding of the state behind Zhao Erxun’s reasoning. It is very far from the original Chinese version of *guo*, meaning “fief.” Sovereignty, though its meanings have varied across history, always has a core meaning, that is, the supreme authority within a territory.

zhu yulun),” he seemed to be equating “the court (朝廷 *chaoting*)” with “state (国家 *guojia*).”²³ But Zhao stopped there and did not pursue this point further. In the rest of his speech, he minimized the use of the term “court” and never again associated court with state. He seemed to be doing his best to keep the state a faceless entity.

In the same vein, Zhao also did not equate the state with the officials. On the contrary, he made it clear that the state was above the officials and possessed collectivity (公 *gong*) in its nature. In a nice parallel, Zhao made officials and the people sound like equal counterparts under the supreme state:

Because officials receive their operative power from the state, they should preserve that power and not disturb the rights of political discussion among the people. And because the people obtain from the state the rights that allow them to discuss politics, they should stay in the terrain of political discussion and not infringe upon the rights of officials to exercise the state’s power.²⁴

Zhao here once again clarified the boundary of power between the people and the officials and argued that the officials and the people should not interfere in each other’s terrain. Summing up this point, Zhao quoted the late Guangxu emperor: “The right of making suggestions belongs to the people (谏言之权在人民 *jiānyán zhìquán zài rénmin*), and the right of operating lies with the government (执行之权在政府 *zhíxíng zhìquán zài zhèngfǔ*).”²⁵

Upon hearing what Zhao Erxun had to say, Provincial Assembly Chairman Pu Dianjun tried to respond. The repeated request that assemblymen “should stay in the terrain of political discussion and not infringe upon the rights of officials to exercise the state’s power (当自守其议政之权，而于官吏执行之权丝毫不所侵犯 *dāng zìshǒu qí yìzhèng zhī quán, éryú guānli zhíxíng zhìquán sīhào wúsuo qīnfān*)” was somewhat discomfoting for Pu Dianjun, who wanted more flexibility for the assemblymen: “In terms of the boundary of power between the gentry and the officials, it will only become clear when concrete matters concerning gentry and officials arise (所谓权限，即因事而明 *Suowei quánxiàn, jì yīnshì ǎrmíng*).”²⁶ However, besides this vaguely articulated complaint, Chairman Pu did not have much to say. He summed up his speech and said:

The purpose of setting up the Provincial Assembly is for all people to help revive state affairs (国事 *guoshi*). All people from above and from below should consider state affairs as their top priority and should not set a barrier between officials and gentry. Gentry (绅 *shēn*) and officials are both fellow countrymen (本国人 *bēnguoren*), and are all helping to manage our state affairs. All those who want to set the gentry and officials apart are to be

²³ Sichuan sheng ziyiju, ed., “Sichuan sheng ziyiju diyici yishilu,” 4.

²⁴ Sichuan sheng ziyiju, ed., “Sichuan sheng ziyiju diyici yishilu,” 4.

²⁵ Sichuan sheng ziyiju, ed., “Sichuan sheng ziyiju diyici yishilu,” 4.

²⁶ Sichuan sheng ziyiju, ed., “Sichuan sheng ziyiju diyici yishilu,” 8.

reprimanded. We should work together to achieve mutual understanding and mutual trust.²⁷

At that moment, despite being well imbued with Liang Qichao's ideas regarding the power and rights of the people, the Sichuan assemblymen were not able to articulate their principles well. Rather, they were in great need of lucid and applicable political reasoning that would help them challenge the authority of the provincial officials. In contrast, Governor-General Zhao's vision of the state was much more sophisticated and developed. Even though, for him, "the state" in essence meant "the court," by deliberately making the state faceless—something unrelated to the court and distinct from officials—and thereby setting up the state as something both almighty and collective in nature and making the officials and the people sound like equal counterparts under it, Governor-General Zhao's conceptualization of the state sounded much grander than just the court in Beijing.

DEBATES AT THE SICHUAN PROVINCIAL ASSEMBLY

Nonetheless, the following course of events soon changed the power dynamic between the Sichuan gentry and the Governor-General. At the opening ceremony, the assemblymen had not yet developed the lucid and applicable political reasoning that would later help them assert their influence and power, but they would pick up those skills very quickly. As Zhao Erxun asserted his power during the meeting and laid out his more concrete demands concerning taxes and other local matters, the assemblymen went head-to-head with the governor-general.

The Sichuan assemblymen commenced working as soon as the opening ceremony ended. From the second day, October 15, 1909, the chairman and the two vice chairmen proceeded with the daily business of the provincial assembly. Four secretaries were selected and put in charge of making regulations, transcribing meeting records, accounting, and taking care of other miscellaneous matters. Detailed and elaborate regulations were drafted: fifty-two regulations on methods of discussing and auditing in meetings, thirteen regulations on maintaining security, eight rules on proposing bills, and twenty-eight codes of conduct for the secretaries. All regulations were passed with majority votes from the assemblymen and gained approval from the governor-general. Also, to better maintain order during the meeting, assemblymen were divided into three different sections (部 *bu*), corresponding to the three seating areas. After being divided into three sections by lot, assemblymen of each section elected their section leader via secret ballots.²⁸

After seats were allocated, four crucial committees were set up according to their responsibilities: Committee One dealt with bills proposed by the governor-general and assumed the responsibility of drafting initial responses to those bills; Committee Two dealt with proposals coming from the assemblymen and assumed the responsibility of developing the proposals into formal bills; Committee Three dealt with proposals from the common people and from local self-government

²⁷ Sichuan sheng ziyiju, ed., "Sichuan sheng ziyiju diyici yishilu," 7–8.

²⁸ Sichuan sheng ziyiju, ed., "Sichuan sheng ziyiju diyici yishilu," 8.

organizations; Committee Four dealt with punishing the misdoings of the provincial assemblymen. The assemblymen themselves elected the chairs of the four committees and the committee members were chosen by lot. In addition, there was also a special committee formed from extremely capable people recommended by the other four committees, which handled particularly important matters. In total, it took the Sichuan assemblymen fifteen days to finish organizing their committees.²⁹

The actual discussion started on October 28. According to the summary given by Pu Dianjun at the assembly's closing ceremony, during the month-long period from October 28 to November 29, forty-two bills received formal discussion. Of those bills, five came from Governor-General Zhao and thirty-seven from the assemblymen. By the end of the month-long period, the assembly had finished dealing with twenty-four bills (either by passing them or defeating them), while discussion of the other eighteen bills was still ongoing.³⁰ Before we go into a case study of one particularly revealing debate, it is essential to have a general idea of the bills proposed by the governor-general and the assemblymen.

Zhao Erxun proposed five bills, and their tenets were consistent and unmistakable. Zhao continually emphasized the interest of the central and provincial governments, and he clearly wanted the provincial government to be stronger in extracting more resources from the locale. A typical bill of this sort was the one concerning the police budget. In order to obtain enough revenue to establish a province-wide police force so as to fulfill the New Policies Reform obligation, Zhao proposed to appropriate the old budget for the militia (练费 *lianfei*) for police use. In addition, he asked for the assembly's permission to add two new taxes, rent tax (家屋税 *jiawushui*) and sales tax (营业税 *yingyeshui*), following other provinces' examples.³¹ Faced with this request, eighty-two of eighty-three assemblymen voted against Zhao's new taxes. They pointed out that Zhao might be overstepping his authority by asking for rent tax and sales tax specifically to fund police. Citing metropolitan Beijing as an example, which had recently launched a shop tax (铺捐 *pujuan*) and a vehicle tax (车捐 *chejuan*) for "local public affairs (本地公益 *bendi gongyi*)" but "not just for police expenditure (非专供警察之费 *fei zhuangong jingcha zhifei*)," Sichuan assemblymen argued that the rent tax and sales tax proposed by Zhao, which were comparable to the shop and vehicle taxes in Beijing in their eyes, should be used for local public affairs rather than for police expenses.³²

While Zhao was attempting to guard the power of the provincial government by making the local people yield, the assemblymen were proactive as well. Besides repeatedly and resolutely rejecting Governor-General Zhao's request for more levies on the Sichuan people, they also actively demanded more control over political matters.³³ In this month-long period, they proposed thirty-seven bills,

²⁹ Sichuan sheng ziyiju, ed., "Sichuan sheng ziyiju diyici yishilu," 8–9.

³⁰ Sichuan sheng ziyiju, ed., "Sichuan sheng ziyiju diyici yishilu," 8–9.

³¹ Sichuan sheng ziyiju, ed., "Sichuan sheng ziyiju diyici yishilu," 16.

³² Sichuan sheng ziyiju, ed., "Sichuan sheng ziyiju diyici yishilu," 17.

³³ Sichuan sheng ziyiju, ed., "Sichuan sheng ziyiju diyici yishilu," 25–29. For example, Zhao asked for an extra tax for the state-run elementary school, which was rejected by the assemblymen.

hoping to transform the way politics were conducted in Sichuan, asserting their influence and practicing self-governance. Among their initiatives was a proposal for setting up a Sichuan Provincial Bank: by making the Sichuan gentry and merchants (绅商 *shenshang*) the shareholders and using local self-government organizations to obtain money from the common people, they wanted to gather Sichuan's extra capital into their own hands.³⁴ There was also a proposal to take property away from Buddhist and Daoist temples and local shrines and give them to local self-government organizations instead.³⁵ And there was a proposal to set up a revenue bureau at the county level (设立地方财政局 *sheli difang caizhengju*). This revenue bureau was to be composed solely of local elites, and its job would be to accumulate funds for the elite's future self-governance activities.³⁶

Concerning taxation, there was a proposal to change the way land tax was levied (剔除征收丁粮各弊 *tichu zhengshou dingliang gebi*)³⁷ and a proposal to change the way the other four taxes—on property (契税 *qishui*), pigs (肉厘 *rouli*), liquor (酒捐 *jiujuan*), and oil (油捐 *youjuan*)—were levied by the New Tax Bureau (经征局 *jingzhengju*).³⁸ In these two proposals, the assemblymen asked to have local gentry supervise all taxation from the county, which meant that the gentry would not only supervise the behavior of the county magistrates and their clerks and runners in collecting the land tax (丁粮 *dingliang*), but also supervise the acts of the New Tax Bureau (and its county branches), the onerous bureau personally set up by Zhao Erxun to collect the lucrative four additional taxes in each county. In sum, the assemblymen made it clear that they wanted local self-governance to be something real and authoritative. They asked to be the supervisor of all taxation in Sichuan.

Could this be possible? In theory, there should be a demarcation between “local administration (地方行政 *difang xingzheng*)” and “local public affairs (地方公益 *difang gongyi*).” However, this matter remained unclear throughout the entire Constitutional Reform. The 1906 “Memorial to Set Up the Principle of the Country” called for “a clear delineation of the boundary between central and local government and the practice of self-governance (定中央与地方之权限, 并先行演习地方自治 *ding zhongyang yu difang zhi quanxian, bing xianxing yanxi difang zizhi*).”³⁹ Yet it did not actually clarify the relationship between local self-governance and local government. Also, even though the central government document on Constitutional Reform, “Items of Preparation,” stated that the scope of the state tax (国税 *guoshui*) and the local tax (地税 *dishui*) would be announced in 1911 and 1912, respectively, it is clear that, until that time came, the assemblymen and the Governor-General both intended to do their very best to

³⁴ Sichuan sheng ziyiju, ed., “Sichuan sheng ziyiju diyici yishilu,” 37.

³⁵ Sichuan sheng ziyiju, ed., “Sichuan sheng ziyiju diyici yishilu,” 82.

³⁶ Sichuan sheng ziyiju, ed., “Sichuan sheng ziyiju diyici yishilu,” 65–72.

³⁷ Sichuan sheng ziyiju, ed., “Sichuan sheng ziyiju diyici yishilu,” 82–86.

³⁸ Sichuan sheng ziyiju, ed., “Sichuan sheng ziyiju diyici yishilu,” 86–103.

³⁹ Duanfang, “Qingding guoshi yi an daji zhe (Memorial to Set Up the Principle of the Country),” in vol. 6 of *Duan minzhong gong zougao* (*The Draft Memorials of Duanfang*), in Hou Yijie, *Ershi shiji chu*, 69.

protect the potential resources for future revenue that they might eventually control. Thus, here at the Sichuan Provincial Assembly, the uncertainty provided a grey area for the assemblymen and the Governor-General to compete in.

The obscurity of the Qing taxation system was best revealed in the heated debate concerning the bill proposed by assemblymen “to demarcate the boundary between the main tax and the surcharge and to levy them separately (附加税与正税划清界限分别征收 *fujiashui yu zhengshui huaqing jiexian fenbie zhengshou*).” Taking a month, this debate was one of the longest lasting of them all at the 1909 Assembly. The bill was discussed among the assemblymen three times, sent to Governor-General Zhao twice, and rejected by Zhao both times.⁴⁰ Their initial November 8 proposal read:

We find that when prefectures, subprefectures, and counties pay their main tax (正税 *zhengshui*) to the provincial capital, they commonly obtain the money by a variety of means: taxing the slaughter of pigs, the sale of alcohol, and the sale of oil. However, when they obtain money for their own local governments, they can only use one method: the surcharge (附加税 *fujiashui*) of taxing the slaughter of pigs. Before the abandonment of opium, the opium tax was used for [the local government] to set up new school systems, police forces, and the Economic Development Bureau. Now that the opium tax is gone, all these expenses are funded by an increase in the tax on the slaughter of pigs.

Nowadays, the slaughter of each pig is taxed an extra surcharge of 100 or 200 *wen*. However, because this tax is now levied by the New Tax Bureau [which is under the direction of the provincial officials], local governments of prefectures, subprefectures, and counties cannot get their surcharge any more despite the surcharge tax being theirs in name. The reason for this is that whenever the main tax collected is not sufficient, the New Tax Bureau constables use the surcharge tax collected to make up for the insufficiency of the main tax. This has led to a lack of funding for the localities. Now, various gentry have filed a complaint desiring the return of the surcharge tax, but they have received no reply. This has again given the constables of the New Tax Bureau excuses to not return the money. In all countries in the world, the tax for the local governments and the tax for the central government are divided clearly. We have never heard of using the local government's money to fill a hole in the money for the center. So, we are in favor of demarcating the boundary between the local tax and the tax for the central and provincial governments.⁴¹

⁴⁰ Sichuan sheng ziyiju, ed., “Sichuan sheng ziyiju diyici yishilu,” 37.

⁴¹ Sichuan sheng ziyiju, ed., “Sichuan sheng ziyiju diyici yishilu,” 37–38.

Here, “main tax” referred to taxes paid to the central and provincial governments and “surcharge” referred to taxes paid to the county government.⁴² In other words, state tax was the main tax and local tax was the surcharge. Since the Yongzheng period (雍正 1723–1735), the preexisting practice had been that the main tax went to the central and the provincial treasuries and the “surcharge (火耗 *huohao*, which in late Qing was called 附加税 *fujiashui*)” stayed in the county *yamen*. As the Qing dynasty went on, both the main tax and the surcharge expanded by adding new taxes on the people of the Qing Empire. In Sichuan, for example, the property tax and the taxes on pigs, liquor, and oil were all added at various stages. A portion of these taxes was designated as the main tax, and a portion was designated the surcharge.⁴³

In early Qing, both the main tax and the surcharge were conventionally levied by county authorities, with local gentry and county tax secretaries playing an important role in helping magistrates achieve the needed numbers. As more taxes needed to be levied, local elites started assuming a bigger role in collecting the newly added taxes. However, things changed dramatically after Zhao Erxun became governor-general. In 1908, under the auspices of the New Policies Reform, Governor-General Zhao set up the New Tax Bureau to replace the local elite in levying the four new taxes; now the bureau would collect additional taxes from Sichuan counties directly. Zhao’s rationale was understandable: in order to get money more efficiently and rapidly fulfill ever-growing demands from the central government—new expenses from the New Policies Reform, payment of the Boxer indemnity, and so on—Zhao decided to put things under his direct control. Quickly, his provincial tax bureau set up branches all over Sichuan, with Zhao and his colleagues in Chengdu directly appointing all branch personnel.

Clearly, the crux of the aforementioned proposal was the bitterness that Sichuan elite felt toward Governor-General Zhao’s New Tax Bureau. In their revised proposal on November 16, the assemblymen also laid out three reasons for going back to the old way of taxation and proposed two ways to fix the New Tax Bureau. First, they argued that all surcharge taxes were originally levied for local public affairs and that the local elite had been doing a fine job of collecting them; thus, considering the precedent, it made more sense to stick with the old way.⁴⁴ Second, they pointed out that the New Tax Bureau had always regarded the main tax as more important than the surcharge, which had left the local government in

⁴² *Zhengshui*, although the term sometimes still refers to the *diliang* or land tax, was more widely used after the New Policies reform. *Fujiashui* originally referred to the surcharge put on the land tax. The main tax originally referred to the land tax (*diliang*). However, after the late-Qing Taiping Rebellion, more taxes were levied by other methods yet were also called “the main tax.”

⁴³ See Madeline Zelin about “return of the meltage fee to the public coffers (*huohao guigong*)” reform. Yongzheng hoped to rationally manage state revenue and control how local magistrates gained their income. Officials in each province could collect a fixed-percentage surcharge on all regular land and head taxes remitted to the central government. Madeline Zelin, *The Magistrate’s Tael: Rationalizing Fiscal Reform in Eighteenth Century China* (Berkeley: University of California Press, 1984). Also, see Ray Huang about the political rationale of the fiscal system of Ming and Qing China. Ray Huang, *Fiscal Administration during the Ming Dynasty* (Cambridge: Cambridge University Press, 1969).

⁴⁴ Sichuan sheng ziyiju, ed., “Sichuan sheng ziyiju diyici yishilu,” 39.

financial difficulty.⁴⁵ Third, they asserted that the expenditure of the New Tax Bureau was too huge and that the salary of its employees took too much of the taxpayers' money.⁴⁶ In sum, the New Tax Bureau, argued the assemblymen, would exhaust the "wealth of the people (民力 *minli*)" and cause large problems for the "constitutional and financial future (宪政及财政前途 *xianzheng ji caizheng qiantu*)."⁴⁷ The assemblymen believed that "the well-being of the local community is also part of state affairs (地方公益为国家事务之一体 *difang shiwu wei guojia shiwu zhi yiti*)" and thus deserved attention. To police the activities of the New Tax Bureau, assemblymen demanded that no surcharge tax levied by the New Tax Bureau be used to fix shortages in the main tax and that the main tax and the surcharge tax be recorded separately" so that "both officials and gentry can make an investigation when they need to."⁴⁸ In other words, the assemblymen proposed that all surcharge taxes that had been levied by the local gentry still be levied by the local gentry, so that both local self-government and local public affairs would benefit.⁴⁸

Not surprisingly, Governor-General Zhao rejected all of the assemblymen's arguments. First, Zhao claimed that the assemblymen were fabricating the historical record and that in fact the surcharge tax was first proposed in 1901 by the central government, presumably to pay for the Boxer indemnity.⁴⁹ Second, he argued that local government and local self-government were two different things. The building of a police force was under the terrain of local government, not local gentry's self-government.⁵⁰ Third, the New Tax Bureau had been established because the central government was in great need of money. And, according to regulations drafted by the Institute of Constitution Compilation, that was not in the power of the provincial assemblies to discuss.⁵¹ Zhao Erxun quickly rejected the two fixes that the assemblymen offered and stated that the New Tax Bureau was actually one step of Constitutional Reform. Moreover, he found no need to record the two taxes separately and argued that by posting the number publicly as he had done, he allowed "thousands of pairs of eyes to see (万目共瞻 *wanmu gongzhan*)" rather than "having only one or two persons see the number (只一、二人得见 *zhi yi, er ren dejian*)" written in the account books.⁵²

Unsurprisingly, the assemblymen were exasperated. They wrote a rebuttal to Zhao's denial letter and reasserted everything they had proposed previously. They challenged Zhao's distinction between local government and local self-government,

⁴⁵ Sichuan sheng ziyiju, ed., "Sichuan sheng ziyiju diyici yishilu," 39–40.

⁴⁶ Sichuan sheng ziyiju, ed., "Sichuan sheng ziyiju diyici yishilu," 40.

⁴⁷ Sichuan sheng ziyiju, ed., "Sichuan sheng ziyiju diyici yishilu," 40.

⁴⁸ Remarkably, the assemblymen did not clarify which "local" they were talking about, whether it was the local self-government organizations (*difang zizhi*) or the local government (*difang xingzheng*). This was intentional. This area, *difang xingzheng*, was the grey area. Zhao Erxun considered it to belong to the state (*guojia*), and thus he used the *jingzhengju* to levy taxes for the local government. However, the assemblymen decided to make "*difang xingzheng*" part of their territory, by only emphasizing "*difang*." Both had legal backing on this issue.

⁴⁹ Sichuan sheng ziyiju, ed., "Sichuan sheng ziyiju diyici yishilu," 41.

⁵⁰ Ibid., 41.

⁵¹ Sichuan sheng ziyiju, ed., "Sichuan sheng ziyiju diyici yishilu," 42.

⁵² Ibid., 42.

arguing that both supported the welfare of the local community. In fact, it is at this juncture that the assemblymen first formulated a new principle concerning the rights of the local taxpayers. They argued:

The tax for local government is tax levied by the state to administer the locality. The tax for local public affairs is tax levied by the locality to manage self-governance. These two differ only in their usages but their nature is essentially the same ... Let's take the building of a police force as an example. If the revenue for building the police all comes from the local people, then, such revenue should be used for the local community. There should be no difference between the tax for local government and the tax for local self-government.⁵³

For these assemblymen, whoever paid for an administration's budget should control the expenditure of that budget. Furthermore, whoever paid for the administration should have the rights and power over that service. The power of the state did not come from the state, but from the people who paid for the state.

The assemblymen kept denying the right of the New Tax Bureau to levy local taxes and charged the office with overstepping its role as an "agent (代收者 *daishouzhe*)."⁵⁴ They considered Zhao's refusal to make a separate account book for the surcharge tax a clear act of attempting to avoid supervision.⁵⁵ Predictably, after seeing this angry rebuttal by the assemblymen, Governor-General Zhao quickly gave his second denial. Like the assemblymen, Zhao reasserted everything he had said in his previous letter. For Zhao, the central and provincial governments always came first, and to best serve the state with effectiveness, he would do whatever was needed to preserve his tax bureau.

Both sides put up a good fight. For Sichuan assemblymen, it was during debating, arguing, competing, and going head-to-head with Zhao Erxun that they achieved a deeper understanding of the key elements of a constitutional state and the relationship between the citizenry and the state. For them, the power and legitimacy of the state came from the people who paid for the state. The provincial government should not take precedence over the locality and be the main carrier of public affairs. Rather, it was the taxpayers, by way of self-governance organs like county and local councils, who should be the heavy lifters of public activity. The Sichuan assemblymen constantly argued for the advancement of self-government and played up their role in the state administration.

Governor-General Zhao's position was also shown more clearly in these debates. When the question of who represented the state in daily politics came to the forefront, the abstract and supreme entity of the state revealed its visible form. In actuality, Zhao's demands were aimed at emphasizing the power of the central government by making the local people yield. Zhao pushed for strengthening the state bureaucracy at a time when the Qing Empire was in the midst of serious

⁵³ Sichuan sheng ziyiju, ed., "Sichuan sheng ziyiju diyici yishilu," 43.

⁵⁴ Sichuan sheng ziyiju, ed., "Sichuan sheng ziyiju diyici yishilu," 45.

⁵⁵ Sichuan sheng ziyiju, ed., "Sichuan sheng ziyiju diyici yishilu," 47.

internal and international crises. In his view, the interest of the central government trumped popular sovereignty.

ASSEMBLYMEN: NO TAXATION WITHOUT SUPERVISION

Zhao Erxun delivered the assembly's closing remarks. Just as at the opening ceremony, Zhao maintained his cool. He claimed that "the chief function of the Provincial Assembly is to assist the administration (盖朝廷设立咨议局, 虽曰监督行政, 实以辅助行政 *Gai chaoting sheli ziyiju, sui yue jiandu xingzheng, shi yi fuzhu xingzheng*)."⁵⁶ Zhao emphasized that the only way to achieve self-government was for the people to actually possess the capability for it; otherwise, even if there were an assembly, there would still only be "empty talking (空言 *kongyan*)."⁵⁷ After addressing the provincial assembly in this somewhat condescending manner, Governor-General Zhao spoke about himself rather differently. He considered himself "even-minded (平心察理 *pingxin chali*)," noting, "I do not feel sorrowful because of those who opposed me; nor am I pleased by those who flattered me (不以反对我者为憾, 不以迎合我者为喜 *Buyi fandui wo zhe wei han, buyi yinghe wo zhe wei xi*)."⁵⁸ Ultimately, Zhao finished his speech with this statement:

What I really hope from you is not only for you to supervise us, but more importantly, for you to exert all your energy to assist us. All those who support me I would consider my helpful friends. All those who remonstrate with me I consider friends who hold me to high standards. You should all do the above.⁵⁸

It would seem that, despite the fact that the Qing was in the midst of transition to becoming a constitutional state, Zhao still considered the assemblymen to be, essentially, "censors," the traditional "officials with words (言官 *yanguan*)," who in the monarchical system offered suggestions and assistance to the emperor.⁵⁹ However, in marked contrast to their vague agreement at the opening ceremony, this time around the assemblymen reacted with strong opposition. First, Assemblyman Jiang Sancheng (江三乘 1873–1932) stepped onto the podium and challenged Governor-General Zhao. Jiang asserted that all matters under Heaven should be decided only by their own rightness or wrongness. It did not mean anything whether powerful people like Zhao Erxun approved of them or disapproved of them. In other words, when facing truth, officials and the people should be equal.⁶⁰

Right after Jiang Sancheng's protest, Chairman Pu Dianjun went to the podium and challenged Zhao's points on supervision (监督 *jiandu*). Pu stated:

⁵⁶ Sichuan sheng ziyiju, ed., "Sichuan sheng ziyiju diyici yishilu," 10.

⁵⁷ Sichuan sheng ziyiju, ed., "Sichuan sheng ziyiju diyici yishilu," 10.

⁵⁸ Sichuan sheng ziyiju, ed., "Sichuan sheng ziyiju diyici yishilu," 10.

⁵⁹ Jia Yuying, *Songdai jiancha zhidu* [The monitoring system in the Song Dynasty] (Zhengzhou: Henan daxue chubanshe, 2006).

⁶⁰ Sichuan sheng ziyiju, ed., "Sichuan sheng ziyiju diyici yishilu," 11.

When Ito Hirobumi traveled in our country, he used to say that the Chinese were the most passive of all peoples. Being passive is actually the reason that our country is weak. Now that the provincial assemblies have been convened, if we assemblymen still insist on the principle of “Do not give money and do not do things (不出钱、不办事 *bu chuqian bu banshi*),” then our country cannot avoid the fate of being destroyed. However, before the provincial assemblies, [I argue that] there is no reason to blame the people. Why? Because we did give money in the past, but [let us ask:] what things have been achieved and where did our money go? ... If [you] do not allow the people to supervise you, [you] shall surely receive no assistance from the people. This is the rule.⁶¹

In essence, Pu declared, “there would be no assistance without supervision (不许其监督则必不能得其辅助 *Buxu qi jiandu, ze bibuneng de qi fuzhu*)” because all people who paid money deserved to know where their money was spent. Sichuan elite demanded to take control of provincial affairs in their own province. Pu Dianjun continued his closing remarks, saying:

Now that the Provincial Assembly has been established, the National Assembly shall follow suit. Also, the edict stated clearly that “various political issues should be solved by public opinion.” ... Therefore, today, we, who represent the people, should try our best to demolish old habits for the benefit of the Chinese people. And those who are in charge of things should try their best to put things straight. [We] are the assistance to administration, but we, following the law, are also the supervision to the administration. ... To only pay taxes yet not participate in public affairs is the wrong way to do things!⁶²

Pu’s rebuttal was solid and powerful. In fact, Pu Dianjun and Jiang Sancheng were addressing a matter of great importance, namely, what is the right way of conducting public affairs in China? What is a legitimate state and from where does its power come? Zhao Erxun pronounced that “all political power belongs to the state.” Yet by arguing instead that “we pay taxes, therefore we should have a say in politics,” Sichuan provincial assemblymen claimed otherwise. In their minds, it was the taxpayers who should be the masters of public affairs.

Both sides used constitutionalism to advance their arguments. For Governor-General Zhao, constitutionalism was the legitimate excuse to expand the power of the state bureaucracy. For the assemblymen, constitutionalism meant to empower the people, to integrate the people into the political process, and to transform them into stakeholders in the polity. In a practical sense, their constitutionalism meant that the Sichuan people as taxpayers should have some say in the administration and should occupy some sort of role in the decision-making process.

These debates might look mundane; nevertheless, they enabled these men—the prominent Sichuan elite who would later lead the Railway Protection Movement—

⁶¹ Sichuan sheng ziyiju, ed., “Sichuan sheng ziyiju diyici yishilu,” 11.

⁶² Sichuan sheng ziyiju, ed., “Sichuan sheng ziyiju diyici yishilu,” 11.

to negotiate face-to-face with formidable representatives of the central government like Zhao Erxun. The emergence of Sichuan leaders like Pu Dianjun seemed no accident, but rather a logical result of Liang Qichao's reform agenda seated within a provincial political community ready to act—not in a simple copying of Liang's ideas, but in local readings of concepts like legitimacy, sovereignty, and constitutionalism—which in turn took on great significance. In their intense confrontations over practical issues like taxation, they were able to turn Liang's vague ideas about popular sovereignty into the focal points of a cohesive and powerful opposition movement.

THE POWER DYNAMIC BEHIND THE DEBATES

The 1909 Sichuan Assembly debates also revealed a crucial change in the functioning of the Chinese state in the last years of the Qing, as provincial governments assumed aggressive roles in managing the politics and public life of the people. It should be noted that the competition between the governor-general and the local gentry in managing county affairs had a tradition in Sichuan due to strong elite activism in the province.⁶³

Take the Three-Fees Bureau (三费局 *sanfeiju*) as an example. The three fees referred to the three most onerous fees collected in serious criminal cases, and the Three-Fees Bureau was first established as a supervisory body to oversee the payment of a limited number of legal fees in order to free people from exhortation. The Bureau was proposed by twenty-five Ba county leaders in Sichuan in 1859. It was to be operated by upright and civic-minded gentry (公正绅粮 *gongzheng shenliang*), who would rotate in the position of bureau manager on a yearly basis. The Ba county magistrate quickly agreed to the proposal and issued a proclamation initiating the collection of the levy. Later, this format was extended to the entire province.⁶⁴ There is no indication that magistrates opposed bureau authority.⁶⁵ As long as the gentry and the magistrates both needed it, there was a reason for it to exist. The only way to discontinue the Three-Fees Bureau would be to provide an alternative instrument that could solve the problem of scarce administrative resources as the Three-Fees Bureau had done. Gradually, the Bureau's influence was

⁶³ According to historian Bradley Reed, "the province of Sichuan was noted by contemporaries for the large number of quasi-independent gentry bureaus (绅局 *shenju*)... Although these bureaus were established with government approval for quite limited purposes, they showed a marked ability to expand their areas of activity over time." Bradley Reed, "Gentry Activism in Nineteenth-Century Sichuan: The Three Fees Bureau," *Late Imperial China*, 10:1 (1999), 100.

⁶⁴ Reed, 99.

⁶⁵ Reed, 120–21. As Reed convincingly argues, the root of the Three-Fees Bureau was "the confluence of magisterial concern over scarce administrative resources and gentry interest in maintaining status and influence within a context of rapid social change." Differing from the Portage and Horse Bureau, the Three-Fees Bureau gave gentry their entry into judicial affairs, "which enabled the gentry to use the putative corruption of yamen employees to force the creation of a non-traditional arena in which to perform the role of protecting local interests." And, equally importantly, the Three-Fees Bureau "functioned as an informal administrative resource for county magistrates," which made it indispensable to the magistrates.

extended to other types of cases. By the early Guangxu period, the Three-Fees Bureau had expanded its investigatory role still further to include civil disputes as well. And, as taxes were raised in Sichuan in the late Qing period, the magistrates were in great need of gentry assistance in levying the new taxes, and the gentry of the Three-Fees Bureau were deeply involved in that levying process.⁶⁶

However, the coming of Zhao Erxun changed everything. Soon after Zhao assumed the post of governor-general in 1908, he started a serious investigation of the Three-Fees Bureau. In a circular order issued after assuming his new post, Zhao took local officials to task for negligence regarding the administration of bureau branches throughout the province. He claimed that the bureau had become a haven for corruption and maintained that outlandish deficits were incurred as gentry managers violated the rules and made payments in areas well beyond the bureau's purview. Zhao ended by issuing a new set of regulations governing gentry bureau activities with a specific aim at tightly controlling the Three-Fees Bureau.⁶⁷

It is important to keep in mind that Zhao's act was part of a grander reform plan. The Qing court's first step toward constitutionalism was a reorganization of the administrative system at the central government level. As soon as the Qing court finished reshuffling the central government, it started focusing on the reform of provincial and local administration.⁶⁸ Between 1901 and 1911 in Sichuan, under the New Policies, over a dozen provincial bureaus were established under the supervision of five governors-general, who each added some bureaus to serve as the evidence of their political achievements.⁶⁹

Of these governors-general, Zhao Erxun was the most ambitious of them all. According to Zhou Xun, who served as a secretary in the provincial government in Sichuan, the two most devastating new bureaus added under the New Policies were the New Tax Bureau (经征局 *jingzhengju*) and the Police Bureau (警察局 *jingchaju*). The first was established by Zhao Erxun himself, and the second took its full shape during Zhao Erxun's term, though it was established earlier.

Zhao Erxun set up the New Tax Bureau as soon as he became the governor-general of Sichuan in 1908.⁷⁰ It rapidly established branches in all of the prefectures and counties of the province. The traditional way of levying tax had been via local leaders (里正 *lizheng* or 甲正 *jiazheng*), who, recommended by powerful local residents, were supposed to protect local interests and negotiate with local officials. A county official would come to a locality, tell the local gentry the number of taels of silver he proposed to collect in tax, and then discuss with them the feasibility of collecting that amount. The gentry would negotiate the number with the official. After a deal was struck, the local gentry would treat the official to an elaborate banquet, and both sides would be satisfied. The establishment of the New Tax Bureau, however, changed everything. The magistrate and local gentry lost the

⁶⁶ Sichuan sheng ziyiju, ed., "Sichuan sheng ziyiju diyici yishilu," 46. The evidence here shows that before 1908, the tax on pigs (*rouli*) was levied by the Three-Fees Bureau.

⁶⁷ Reed, 119.

⁶⁸ Hou Yijie, *Ershi shiji chu*, 82–83.

⁶⁹ Zhou Xun, *Shuhai congkan* (*Various Stories about Sichuan*) (Chongqing: Chongqing dagongbao guan, 1948), vol. 2, 12a–22b.

⁷⁰ Zhou Xun, *Shuhai congkan*, vol. 2, 20a. Also according to Ba county archival documents, we know that the New Tax Bureau started functioning very effectively from 1908.

power to decide the taxation of the locale to the commissioner of the New Tax Bureau. The commissioner came to the locality, asked the magistrate for the predetermined amount, and if there were people who resisting paying or magistrates unable to fulfill the levy, the commissioner would report the delinquency and ineffectiveness of the county magistrates to the provincial capital. It was part of the process of modern state-building. The New Tax Bureau had its own personnel and even its own physical office space in local counties independent of the county officials. It was the New Tax Bureau that put the wealth of the Sichuan people into the hands of the governor-general and the central government he served.⁷¹

The New Tax Bureau took over a great number of taxes, including those on liquor and oil, property, and pigs.⁷² Because every prefecture and every county had a local branch, the New Tax Bureau became an effective bureaucracy and a key organ for the state to expand its power and to penetrate into society.

The amount levied by the New Tax Bureau composed the great majority of the tax burden of the Sichuan people, greater than all other kinds of tax, including the railway tax (租股 *zugu*). In Dingyuan County, the level of taxation on the part of the New Tax Bureau was thirty times that of the land tax (地丁 *diding*) and several times the amount of the other surcharges.⁷³ As confirmed by archival evidence, the secretary Zhou Xun, who had systematically reviewed the history of taxation in Sichuan, also noted that the surcharge on land tax, including “extra charges (津贴 *jintie*),” “voluntary surcharge taxes (捐输 *juanshu*),” and “new voluntary surcharge taxes (新捐输 *xin juanshu*),” were not the great burden. It was indeed the New Tax Bureau that made the biggest difference: the largest additional amount came from the taxation on pigs, liquor, oil, sugar, and property, and the bureau made sure that much of the tax could be effectively levied. All this led to great hatred towards Zhao Erxun and the New Tax Bureau.

The second provincial administrative reform that greatly influenced the lives of the Sichuanese was the establishment of the new police system, which was first set up in September 1902. The mastermind behind the Police Bureau was the Japan-trained official Zhou Shanpei (周善培 1875–1958), who drafted its rules and regulations. Under his able leadership, the new police system was successfully established in Chengdu and gradually also elsewhere—by April 1906, it had spread to more than seventy counties and prefectures. In 1907, Zhou was appointed by the provincial governor to head a new office in charge of all matters concerning police affairs. After Zhao Erxun became the governor-general in 1908, he gave Zhou his most solid support.

The money levied to support the police system was exorbitant. Former Governor-General Xiliang noted that the original money for the police came out of the taxation used for the local militia but whenever that amount was not sufficient, new taxes were established and then made permanent.⁷⁴ Before the New

⁷¹ Li Jieren, *Dabo* (*Great Wave*), in *Li Jieren xuanji* (*Collected Works of Li Jieren*), 2 (Chengdu: Sichuan renmin chubanshe, 1980), 533.

⁷² Zhou Xun, *Shubai congkan*, vol. 2, 20a.

⁷³ Baxian dang'an [Ba County Archive], Caizheng [Revenue], Dingyuan county [Dingyuan County], Xuantong [Xuantong Reign].

⁷⁴ Xiliang, *Xiliang yigao zougao* (*Posthumous Papers and Memorials of Xiliang*), 1 (Beijing: Zhonghua shuju, 1959), 566.

Tax Bureau was officially established and became the chief provider of police funding, the revenue came from taxes on shops (店铺捐 *dianpu juan*) and on drama (戏捐 *xi juan*), the opium gum tax (烟灯捐 *yandeng juan*), the tax that was levied to pay for government-operated scales to ensure the accurate measurement of *dou* (斗捐 *dou juan*), the tax on teahouse tables (桌面捐 *zhuomian juan*), and others. After the establishment of the New Tax Bureau, most of the new charges it levied were used for building up the police system.⁷⁵ For example, the Fushun county gazetteer noted that charges for the police were some of the heaviest of all those imposed to fund local public services.⁷⁶

The policemen were disruptive to the population. Even the Qing court in Beijing noticed the abusiveness and lawlessness of the policemen in most of the provinces and the great disturbance they caused to the local people.⁷⁷ Sichuan's police system might have been even worse. Local literati wrote that the benefits of the police system were never seen yet its disadvantages were easy to detect. The police system "has become a means by which outsiders make a living and a way in which unnecessary laborers find a job (徒为外人糊口之地, 安置闲员之所)."⁷⁸ In short, as the *Sichuan Gazette* reported, "once the police system came to Sichuan, its evil became uncontrollable. If we rely upon coercion to fight against coercion, there is no way that we can solidify local security and get rid of threats to local society."⁷⁹ The extremely negative comments about the policemen in Sichuan partially came from the power struggle between the old-style neighborhood administrative system (保甲 *baojia*) controlled by the local gentry and the new police system set up by the provincial authority. After Zhao Erxun became the governor, he extended the reach of the local police system to almost all of Sichuan, including the countryside. Conflicts between the *baojia* system and the police bureau occurred constantly, leading to a new level of contention in local society.

The conflicts surrounding the new police and tax agencies were intense. By reorganizing the local administration, the Constitutional Reform policy changed the balance of power in local society and had a deep impact in Sichuan. As the Qing state tried to mobilize itself and expand its power, it greatly disturbed local society. The targeted hatred toward the New Tax Bureau and the New Police Bureau laid a foundation for the future Railway Protection Movement in Sichuan, in which the local people were ready to be mobilized under the leadership of the constitutional elite who had consistently fought against the power of the state.⁸⁰

Indeed, modern state-building was taking off in Sichuan at the end of the Qing. The new provincial bureaucratic organs were expanding, giving the provincial

⁷⁵ *Shubao* (Newspaper of Sichuan), 9 (1910), "Jishi (Chronicle)." *Shubao* was the official newspaper of the Sichuan Provincial Assembly.

⁷⁶ *Fushun xianzhi* (Fushun Gazetteer), 5, *Shihuo zhengque* (Economy and Taxation), in Wei Yingtao et al., *Sichuan jindaishi* (History of Modern Sichuan) (Chengdu: Sichuan shehui kexue chubanshe, 1985), 287.

⁷⁷ *Xuantong zhengji* (The Political Chronicle of the Xuantong Reign), 4, Guangxu 34 year 12 month 6 day, in Wei Yingtao et al., *Sichuan jindaishi*, 287.

⁷⁸ *Sichuan guanbao* (Sichuan Gazette), 1, in Wei Yingtao et al., *Sichuan jindaishi*, 287.

⁷⁹ *Sichuan guanbao* (Sichuan Gazette), 1, in Wei Yingtao et al., *Sichuan jindaishi*, 287–88.

⁸⁰ In many of the cases in Sichuan, the negative effects of reforms seemed to outweigh any advances. The New Policies in Sichuan, especially the two bureaus that I investigated in detail, caused much pain to the people of Sichuan.

officials more venues for directing and controlling local affairs. In Sichuan in particular, under the strong management of several able officials, the new provincially directed organizations were expanding frantically, and some, including the police and taxation bureaus, became extensive vertical structures that could reach below the county level. They guaranteed that the needs of the provincial government would be efficiently met. Such state-building angered local gentry by taking over their former function of negotiating and collecting taxes. The old regime had been disturbed and weakened.

CONCLUSION: THE SIGNIFICANCE OF THE 1909 SICHUAN PROVINCIAL ASSEMBLY

While the Qing court was accelerating the preparation for constitutionalism and provincial officials were issuing orders to expand its modern bureaucracy, the elite—educated gentlemen who had been exposed to new political ideas—began seizing the opportunity to occupy these newly founded organs and establish their power base. The Constitutional Reform gave new legitimacy to local elite activism. The new advocacy for local self-government organizations emboldened the local elite to control power and fight against the provincial governmental apparatus. As both local elites and statesmen wanted to significantly expand their control over local administration, conflict was inevitable. The unprecedented aggression of state infiltration into local affairs forced Sichuan gentry to confront officials head-to-head, honing their vague ideas about people's power and rights into a true weapon for defending themselves. By the 1909 Sichuan Provincial Assembly, both sides had accumulated much anger and frustration towards each other, which erupted like a volcano during the assembly debates and continued in the Railway Protection Movement in a most intense and contentious way.

In this sense, I join recent scholarship that argues for the profound impact of the late Qing Reform on local society. Late Qing state-building affected the Chinese polity in important and wide-ranging ways. As Prasenjit Duara convincingly points out, this top-down state effort at modernization had great social implications. The implementation of the New Policies changed Chinese community dynamics in fundamental ways, creating immense tensions in rural society. In rural areas, the tax increases and incomplete bureaucratization of the New Policies era caused "state involution" and the disintegration of longstanding community institutions.⁸¹ Mary Rankin and William Rowe, from a different angle, stress the societal power that arose in the late Qing.⁸² Rankin describes local elite activism in the wake of the Taiping Rebellion and the effective managerial power that local community leaders obtained. She argues that this post-rebellion reconstruction fostered an

⁸¹ Prasenjit Duara, *Culture, Power, and The State: Rural North China 1900–1942* (Stanford: Stanford University Press, 1988), 245–50. Also arguing along this line is Kristin Stapleton in *Civilizing Chengdu: Chinese Urban Reform, 1895–1937* (Cambridge, MA: Harvard University Press, 2000) and "County Administration in Late-Qing Sichuan: Conflicting Models of Rural Policing," *Late Imperial China*, 18.1 (1997), 100–32.

⁸² William Rowe, "The Public Sphere in Modern China," *Modern China*, 16.3 (1999), 309.

expansion of elite-managed local activity. As the elite's dissatisfaction with the state surged during the 1911 Revolution era, they could easily use the associations as a solid organization to overthrow the Qing.⁸³ In a similar vein, Rowe finds a rapidly expanding elite public sphere and the elite's politicization in Hankow. The key element of the public sphere is not rational discussion, but management by elites in an extra-bureaucratic domain.⁸⁴

Both portrayals, in my opinion, have captured essential features of this perplexing time period. The New Policies Reform provided the chance for a new political group of local elites to perform and develop their power. Their power, rather than deriving from legal documents or traditional society, was gained from the accumulation of economic and political capital over the New Policies period. Rather than representing the "society" that was always in opposition to the "state," these elite were at first in close collaboration with the state and initially gained their new authority and power via such collaboration. However, throughout the process of implementing the Reform policies and in this case, the nitty-gritty debates on local taxation matters, the open conflict between the Sichuan elite and the central government started, and it became articulated as a fight over their differing political principles.

As the contrast between the opening ceremony and the closing ceremony of the Assembly shows, the confidence and poise of the Sichuan elite progressed tremendously in that short six-week period. First, the assemblymen's vague dissatisfaction with Zhao Erxun's argument that "all political power belongs to the state" was transformed into a focused and articulated counterargument. The assemblymen developed the belief that "if we paid the money, then we deserve to manage political affairs" and that "as the representatives of the people, we need to supervise how taxes are levied and spent." These ideas were gradually developed and articulated during the head-to-head struggles with Governor-General Zhao. To protect themselves, Sichuan assemblymen had to learn to express their arguments with force and vigor. Second, in these struggles, the new idea of popular sovereignty became something that offered solidarity and confidence to the Sichuan elite. Claiming to be "the representatives of the people," these assemblymen found power and justification in that assertion. Last, and maybe the most important of all, the elite gained confidence in their articulated political values and a sense of righteousness during the debates. They mounted challenges against authorities and gained collective affirmation in such acts. Even though they did not win all the proposals they wanted, nor did they actually represent the Sichuan people, they were still winners because they felt more confident in themselves, and because they had found a way, at least in their minds, to relate to the Sichuan people. Effectively, a united leadership of Sichuan constitutional elite had been formed.

The Provincial Assembly was a formative event in the emergence of the possibilities of a functioning constitutional state in China. It was also a staging area for the development of a new relationship between the citizenry and the state.

⁸³ Mary Rankin, *Elite Activism and Political Transformation in China: Zhejiang Province, 1865-1911* (Stanford: Stanford University Press, 1986).

⁸⁴ Rowe, "The Public Sphere in Modern China," 309-29.

The lessons and skills of broadening political participation, obtained during the Assembly meetings, greatly advanced the revolutionary activism of the Railway Protection Movement two years later. It was through the negotiations between provincial elite and the governor-general that free-floating political ideas that had been in circulation for years among the disaffected Chinese intelligentsia finally coalesced into a formidable political movement. Via taxation rights, the Sichuan assemblymen found a way to address the principle of popular sovereignty as they sharpened their ideas and rhetoric. That principle would soon become a crucial factor in the looming Railway Protection Movement. Sichuan elite took Liang Qichao as their spiritual guide. Through serious political struggle with the powerful governor-general, elites learned to formulate their political convictions. In this process, Liang's lofty and ambiguous principles about popular sovereignty became practical, real, and focused. Indeed, two years later in the Railway Protection Movement, these Sichuan elite utilized the same principles they had developed in the Assembly and successfully mobilized a great number of followers. By then, they had become masterful orators who could convey their ideas in a powerful and effective manner.

NOTES ON CONTRIBUTOR

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