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# THE EVOLUTION OF THE MODERN STATE IN CHINA: Nationalist and Communist Continuities

By ROBERT E. BEDESKI\*

THE eclipse of traditional political concepts such as "citizenship" and "sovereignty" may have been necessary to liberate political inquiry from its excessive focus on the state. Where political science was once "*Staatswissenschaft*," it now encompasses a broad range of phenomena from levels of individual behavior to world systems. Nevertheless, the state is still an indispensable concept that illuminates historic trends and processes of integration in the modern world. China in particular is a polity still seeking the autonomy and power which has come to characterize modern sovereign states. Although the notion of "state" may not be fashionable among contemporary political analysts,<sup>1</sup> students should realize that it is a concept which permeates Chinese political consciousness and influences the ultimate goals of her leaders.

The present essay examines the development of the modern Chinese state and stresses the continuities of state evolution through the Republican, Nationalist, and Communist regimes. Only through the prism of the state can we perceive the evolutionary nature of Chinese politics—evolutionary in the biological sense of adaptation to environment (domestic as well as external) and in the human sense of reflection and conscious response to experiences and experiments that in retrospect appear as a single line of development.

## I. THE CONCEPT OF THE STATE: THEORETICAL AND HISTORICAL ASPECTS

Writers often use the terms "political system" and "state" interchangeably,<sup>2</sup> but there are important differences which influence subsequent assumptions and analyses. Primarily, there is a distinction in the

\* This article is an expanded version of a paper presented at the Canadian Society of Asian Studies, University of Toronto, June 2, 1974. The author is grateful to Professors Willard Mullins, Paul Rosen, and William Saywell for critical comments.

<sup>1</sup> On the modern decline of the notion of the state, see Ralph Miliband, *The State in Capitalist Society* (New York: Basic Books 1969); J. P. Nettl, "The State as a Conceptual Variable," *World Politics*, xx (July 1968), 559-92; and Alexander Passerin d'Entreves, *The Notion of the State* (London: Oxford University Press 1967).

<sup>2</sup> "Many but not all . . . identify the political system ultimately with the state in the Weberian sense." Herbert J. Spiro, "An Evaluation of Systems Theory," in James C. Charlesworth, ed., *Contemporary Political Analysis* (New York: Free Press 1967), 170.

level of abstraction: "political system" refers to a broad range of interaction patterns, and may include empires, labor unions, and international alliances, as well as nation-states, in its scope of coverage. In the development of modern political science, the notion of political system has been an appropriate response to Frederick M. Watkins's criticism of the discipline in 1934.<sup>3</sup> His concern was that the near-exclusive focus on "state" phenomena might unnecessarily limit the scope of the discipline and lead to atrophy. The concept of the political system has answered this concern, and since the late 1940's, it has gained currency such that few social phenomena can be considered unrelated to at least one political system.

"Political system" may be considered a political notion analogous in usage to "organism" in biology, in the sense that both encompass the broadest possible range of phenomena which have identifiable common features within their respective areas of inquiry—*public power* in the one case, and *life* in the other.

Compared to Watkins's prewar characterization of political science, the pendulum now appears to have swung to the other extreme. "State" is no longer the master category, but merely one of numerous types of political systems. Nevertheless, it still is an important notion, since it refers to a set of elements that describe both objective phenomena and subjective aspirations in the political world. As the case of China will demonstrate, these aspects make the state a useful analytical tool.

The distinctive feature of the state is its concentration of power—that is, its historical claim to exercise ultimate control of public and legal power within its territorial domain. Traditionally, that claim has been called *sovereignty*. The notion of ultimate and absolute public power may in the past have led theorists into numerous blind alleys when attempts were made to identify its institutional locus. But, as Watkins observed, state sovereignty did not represent an empirically verifiable situation, but rather a limiting condition in the historical evolution of the modern state<sup>4</sup>—a condition which was never completely achieved. Even if Bodin's definition of sovereignty ("absolute and perpetual power") could be achieved *within* a state, it would be impossible to enforce the same degree of subordination in the international as in the physical world. War and human irrationality, even as poten-

<sup>3</sup> "To limit political science to a study of that limited class of social phenomena known as states is therefore to associate it with those sciences which have previously proved least fruitful." Watkins, *The State as a Concept of Political Science* (New York: Harper 1934), 2.

<sup>4</sup> "The importance of the concept of sovereignty really lies in the fact that it represents a limit beyond which the concentration of power cannot go." *Ibid.*, 50.

tialities, decrease the possibility of power's perpetuity. (Nor does the non-human world remain long in the bondage of human society, as famines and energy crises starkly indicate.)

Here the analogy between the political and life sciences breaks down. Biological categories, the genera and species of organisms, are human artifices developed for the convenience of classification, but they do represent a present stage of evolution and differentiation. They are categories based on the operation of laws and principles external to the organisms. Political categories, on the other hand, evolved not only in response to certain laws of social development, but also as organizations *consciously* created by men and women who sought to achieve certain purposes. Lenin's organization of the Bolsheviks, Mao's Rectification Campaigns, Japan's postwar Constitution, the law establishing the TVA—all are conscious and *willed* actions creating or modifying collective institutions in order to affect human society in specific ways.

At the level of the state, the will to concentrate public power into a single sovereign entity grew into *raison d'état* when statecraft became conscious of itself and when its practitioners subordinated all other considerations to its ends (an imperative which may be the ancestor of present notions of "national security"). But before the state assumed its modern form, and before Machiavelli could dissolve the medieval links between secular statecraft and religious beliefs, an institutional setting had to be prepared which denied the particularities of feudalism and the universality of Christian loyalties. The modern state emerged from late feudal Europe out of the conflicts between national monarchs and the papacy, and among the monarchs themselves. The idea of sovereignty developed as new centralized legal institutions undermined the feudal autonomy of estates, municipalities, and ecclesiastical orders. In military science, the infantry proved its superiority over aristocratic cavalry, while artillery and new techniques of siegecraft doomed the value of walled cities as holdouts against the emerging national monarchies.<sup>5</sup> New technology and military expansion were expensive; a new class of bankers and moneylenders overcame old strictures against usury as the national monarchs relied on their aid in financing their exploits. An urban middle class challenged the dominance of clergy and nobility in the fields of education and politics. Aristocratic advisors were slowly replaced by administrators drawn from the middle classes who had been trained in law at the great universities.

Philosophically, the modern secular state gained its freedom from the

<sup>5</sup> Gerhard Ritter, "Origins of the Modern State," in Heinz Lubasz, ed., *The Development of the Modern State* (New York: Macmillan 1964), 20.

medieval heritage only after authority was based on considerations of legitimacy which did not require absolution by the Church. The divorce of the secular state from the sacred universe was made final by Machiavelli, who wrote on statecraft from the observation of actual human behavior rather than from the ethical perspective of how rulers *ought* to behave. By the seventeenth century, Hobbes's *Leviathan* defeated all other rivals for supreme power.

The Industrial Revolution further magnified the concentration of power in the Western states. Earlier, theories of mercantilism had recognized trade and overseas expansion as being motivated by the vital interests of the state. Expansion and colonization of non-European areas transformed power rivalries into worldwide competition for trade and territory—a struggle in which primitive societies were pawns and had few defenses. Finally, in the nineteenth century, the phenomenon of nationalism, combined with the Christian impulse to proselytize and the apparently unlimited possibilities offered by industrialism, made the Western nation-state into a force which few societies could resist. The irony of state-sponsored imperialism, however, was that “Wherever the nation-state appeared as conqueror, it aroused national consciousness and the desire for sovereignty among conquered people, thereby defeating all genuine attempts at empire-building.”<sup>8</sup> The world expansion of the Western state compelled societies to reconstruct their polities or be swallowed as colonies. The Japanese succeeded while the Indians did not, and the Chinese were saved by international rivalries as well as by their own erratic bursts of reform and revolution.

Two world wars and the rise of efficient dictatorships have contributed to the modern disenchantment. The sovereign state is now widely perceived as a threat to world peace and human freedom. Liberalism has long suspected despotic threats inherent in the state, and has universally sought to restrict state power with constitutional strictures. Nazi Germany and Stalinist Russia provide historical examples of the degree of state concentration which the developed countries hope to avoid; it is not clear how the advantages of concentrated power are to be preserved when the institutions that may lead to abuse and tyranny are discarded.

Western suspicion of doctrines of state sovereignty, however, has not been duplicated in the developing countries. While the United States and the other Western democracies have been moving away from the

<sup>8</sup> Hannah Arendt, *The Origins of Totalitarianism* (New York: Harcourt, Brace & World 1966), 127.

notion of absolute state sovereignty and toward international cooperation, both economically and politically, China has been highly vocal in guarding state sovereignty against the inroads of destructive doctrines of "internationalism":

What is to be emphasized [in this article] are the comparatively hidden forms of destroying sovereignty adopted by the American imperialists to extend their neocolonialist policy and to cover the eyes and ears of the people of the world. We not only want to expose these methods by which the American imperialists destroy sovereignty; we must also expose and criticize the 'theories' which their legalists formulate to gloss over those criminal acts. A special characteristic of all these 'theories' is that they are designed to distort the concept of sovereignty and to nullify the principle of sovereignty in international law. It can be said that this attack on the principle of sovereignty has become the main trend in legal studies in America.<sup>7</sup>

More recently, the People's Republic of China (PRC) has taken up the defense of national sovereignty on behalf of Third-World nations on a number of issues, including defense of expanded maritime rights.<sup>8</sup> Faced with the threat posed by the Brezhnev doctrine of limited sovereignty within the socialist camp, the PRC's defense of national independence has become even more emphatic since 1968.<sup>9</sup>

In general, it appears that there are two major views of the sovereign state in the world today. The Western countries, which have developed within the framework of the nation-state for centuries, passed through various stages of nationalism, and have experienced the excesses of state apotheosis in two world wars; the non-Western countries, on the other hand, and especially China, are now struggling to achieve what they perceive as the complete autonomy and unity of established states. The condition of sovereignty remains a fragile ideal more than a routine fact of national existence for them.

Building the modern state requires the establishment of a *government* that exercises sovereignty—itself a notion that refers to two desired aspects of a state: autonomy and unity. Autonomy is a relational attribute which represents the separateness and integrity of a state with respect to other states. By "sovereign rights" we mean that

<sup>7</sup> Yang Hsin and Ch'en Chien, "Exposing and Criticizing the Fallacious Reasoning of Imperialists on Questions Concerning National Sovereignty," *Cheng-fa yen-chiu*, 1964, No. 4, 6-11, translated in *Chinese Law and Government*, 1 (Summer 1968), 12-26.

<sup>8</sup> *Peking Review*, xvii, June 21, 1974, p. 5.

<sup>9</sup> "Theories of 'Limited Sovereignty' and 'International Dictatorship' are Soviet Revisionist Social-Imperialist Gangster Theories," *Peking Review*, xii, March 28, 1969, pp. 23-25.

within a given state, there is a supreme power which cannot be interfered with by other states. (The Chinese therefore consider the so-called "Brezhnev Doctrine of Limited Sovereignty" to be an untenable infringement on the rights of autonomous states.)<sup>10</sup> According to the other aspect of sovereignty, a domestic one, the supreme power in the state is capable of making and enforcing laws that are binding on all inhabitants within its borders. This internal aspect of sovereignty means that no estate or class or religious association can make laws which contradict the national government or operate outside the laws of the state. It also means that all associations and administrative divisions and institutions are subordinate to the state. Although perfect coordination and subordination are impossible to achieve, the ideal of absolute internal sovereignty provides a vital norm by which centralization can be measured.

## II. THE DEVELOPMENT OF THE STATE IN CHINA

The development of sovereignty, both external and domestic, has been a primary goal of state-building efforts in modern China. From the collapse of the Ch'ing dynasty through the present regime, China retained her formal sovereignty. Yet, until 1949, it was a weak sovereignty—a condition which Sun Yat-sen characterized as "hypo-colonialism" (*tz'u chih min ti*)—descriptive of China's political and economic subordination to not one but several imperialist powers.<sup>11</sup> It was a condition which Mao and others called "semi-colonialism"<sup>12</sup> (*pan chih min ti*)—legal independence, but actual international subordination. There was little dispute between the Kuomintang (KMT) and the Chinese Communist Party (CCP) that complete national sovereignty—the freedom from foreign interference—was a paramount goal of revolution. The dispute was over the means.

Nor was domestic sovereignty of the Chinese state very well developed in the pre-Communist period. The creation of provincial armies during the T'ai'ping Rebellion (1850–64) began a trend toward independent militarism that culminated in the independent warlords of

<sup>10</sup> "It can be seen from these fascist howls of the Soviet revisionist renegade clique that the theories of 'limited sovereignty' and 'international dictatorship' flagrantly trample underfoot the universally acknowledged principle of state sovereignty and entirely serve the criminal aim of Soviet revisionist social-imperialism to dominate the world . . . other countries can only exercise 'limited sovereignty' while Soviet revisionism itself assumes unlimited sovereignty." *Ibid.*, 23.

<sup>11</sup> "Doctrine of Nationalism," in Leonard Shihlien Hsü, *Sun Yat-sen, His Political and Social Ideals* (Los Angeles: University of Southern California 1933), 185-86.

<sup>12</sup> For example, see "On the New Democracy," in *Selected Works of Mao Tse-tung*, II (Peking: Foreign Languages Press 1965), 341.

the 1920's.<sup>13</sup> Imperial attempts at constitutional reform in the last decade of the Ch'ing dynasty hastened the devolution of Manchu authority by creating provincial assemblies. During the revolt of 1911, these legislatures took the lead in the conflict between the provinces and the central government.<sup>14</sup> Other segments of society also sought to preserve their interests outside the eroding political order. Labor organizations, merchant societies, secret societies, associations of intellectuals—all assumed new importance during the post-imperial period, leading to a fragmented society which became increasingly independent of the state. Formal institutions of the Peking government during the Republican period exercised little power. Centrifugal forces and the decay of government in the late Ch'ing period had destroyed the Confucian state, raising demands for a new polity to reintegrate the societal fragments.

The demand for reintegration was channelled into nationalism. But decades of weakened internal sovereignty now placed their own obstacles in the path of nationalist aspirations. As the KMT grew, it provided an umbrella organization for nearly all sectors of society and, in a sense, became the captive of its own supporters and often the victim of their quarrels. The party had to represent common aspirations of national unity and autonomy, harmonize the diverse interests of an increasingly "prismatic" society, and still create a fully sovereign state in the face of foreign hostility to those aims. It was a monumental task of state building which had to be sustained by more than patriotic sentiments.

Ernst Cassirer, in his *Myth of the State*, projected a bleak vision of the modern state. After Machiavelli, the political world "lost its connection not only with religion or metaphysics but also with all the other forms of man's ethical and cultural life."<sup>15</sup> Machiavelli, of course, had not created this "depraved condition" but merely described it and demonstrated that, by studying the lessons of political history, it was possible to establish a durable political order. In the *Discourses* he laid down two fundamental principles of statecraft: (1) States must be founded or reformed by a powerful individual, and (2) Statecraft is inseparable from the military arts.<sup>16</sup>

From this standpoint, perhaps modern China's Prince Borgia was

<sup>13</sup> See Franz Michael, "Regionalism in Nineteenth Century China," in Stanley Spector, *Li Hung-chang and the Huai Army* (Seattle: University of Washington Press 1964), xxi.

<sup>14</sup> See John Fincher's study, "Political Provincialism and the National Revolution," in Mary C. Wright, ed., *China in Revolution: The First Phase 1900-1913* (New Haven: Yale University Press 1968), 185-226.

<sup>15</sup> Cassirer, *The Myth of the State* (Garden City, N.Y.: Doubleday 1955), 140.

<sup>16</sup> Machiavelli, *The Discourses* (New York: Modern Library 1950), 138.



Chiang Kai-shek, a man whose statecraft has been obscured by wartime demoralization and the postwar defeat of the Nationalist movement, and overshadowed by subsequent Communist victories and reforms. Chiang's manipulation and control of party, government, and army in the period of 1927-36 may have cleared the way for the rapid consolidation of Communist rule after 1949. Had it not been for Chiang's unifying efforts in loosening the regional power of militarists such as Yen Hsi-shan, Feng Yü-hsiang, and Li Tsung-jen, the Communists might have faced an imposing array of entrenched warlords which, in the initial period, could have undercut revolutionary effectiveness and diffused its momentum in a series of civil wars.

Chiang's coup against the Russian advisors in 1926, for example, and his subsequent outmaneuvering of the Communists, may have retarded the Communist revolution for two decades, but it also denied the Russians easy access to power. Chiang's coup against the Shanghai radicals secured the support of the urban capitalists and rural landowners, who had anxiously watched the leftward trend in the revolution.<sup>17</sup> His deals with the militarists alienated democratic support and earned Chiang the title of "New Warlord"; but these accommodations also gave China a breathing space of peace while the new government was established at Nanking. His breaking the alliance with the Soviet Union and the Chinese Communists facilitated cooperation with the major Treaty Powers, especially Japan and Great Britain, and later made some renegotiation of the "Unequal Treaties" possible.

After consolidating the Nationalist revolution, Chiang and his armies by a series of skirmishes and major battles in 1929-30 reduced the hegemony of Yen and Feng in the north, and isolated Li in the south. Although Chiang's alliance with Chang Hsüeh-liang of Manchuria in late 1930 was seen as a perfidious betrayal of Sun Yat-sen's revolutionary principles, and as an expression of warlord "politics as usual," it was in fact one further step in centralizing the Nanking state by creating a second front on the northeast flank of Yen in Peking, in order to squeeze him back into Shansi.

A true practitioner of *raison d'état*, Chiang did not hesitate to use force against his antagonists—detaining political leaders in the capital despite guarantees of freedom, or suppressing Communist armies to consolidate Nanking's control over the Yangtze valley. Chiang recognized the country's vulnerability to external attack and the need to eliminate regional separatism, and felt compelled to compromise with

<sup>17</sup> See the account in Harold R. Isaacs, *The Tragedy of the Chinese Revolution* (Stanford: Stanford University Press 1961).

Japanese militarist expansion in north China in order to postpone the conflict he knew would destroy the Nationalist revolution.<sup>18</sup> While Chiang did not succeed in establishing the unified state he had hoped for, the KMT period did witness the end of the old warlord system and the era of unrestricted imperialist privileges in China, as well as the beginning of the centralized party-state which came to fruition through Chiang's nemesis, the CCP.

The Communist revolution swept the KMT aside and relegated it to the historical role of having presided uneasily over an interlude in which the "real" revolution was germinating and maturing within the Communist movement. Students of modern China are still far from any theoretical consensus. There seems to be wide agreement that the political institutions of the PRC are largely developments that originated within the Communist movement, and that the party-state of the CCP provides the moving force behind much of modern Chinese politics. Tang Tsou, for example, sees the Chinese state as a projection of the Communist model of revolutionary organization writ large:

During the revolutionary period, the party constituted a small political community tied together by ideological, organizational, and personal bonds. This small and tightly knit political community existed in a disorganized society. It attempted to create a reintegrated political community *in its own image*. Thus, political development in China can be understood as a process in which a small group of men accepted a modern ideology, adapted it to Chinese conditions, perfected a system of organizations, developed a set of practices, and then extended this pattern of ideology, organization, and practices to the whole nation.<sup>19</sup>

Although this perspective appears to explain many factors and phenomena of modern Chinese politics, at least one fundamental modification is necessary to provide a more complete explanation of the modern Chinese state and of the theses that the Chinese Communist party-state was either born and nourished in Yen-an or that it is the final stage of state evolution.

The Chinese party-state had its beginnings in Nanking around 1927, when the KMT established its party dictatorship. The model for the KMT was the Soviet party dictatorship—with the important difference that the Chinese counterpart was not a single-class but a multi-class

<sup>18</sup> See Chiang Kai-shek's pessimistic evaluation of Chinese defense capabilities in his speech of July 1934, "Resistance to Aggression and Renaissance of the Nation," in *The Collected Wartime Messages of Generalissimo Chiang Kai-shek 1937-1945* (New York: Kraus Reprint 1969), 1-20.

<sup>19</sup> "Revolution, Reintegration, and Crisis in Communist China: A Framework for Analysis," in Ping-ti Ho and Tang Tsou, eds., *China in Crisis* (Chicago: University of Chicago Press 1968), I, 285; emphasis added.

dictatorship. Moreover, the ostensible purpose of the KMT dictatorship was to create conditions which could allow the reintroduction of constitutional government. Before this could be accomplished, however, a number of conditions had to be established: regional military forces had to be neutralized and their threat to civil government eliminated; the people had to be organized and taught democratic practices and values; domestic peace and prosperity, as well as defense against foreign intervention, were also prerequisites to returning to full constitutional (non-dictatorship) government.

The period of party dictatorship, officially designated "political tutelage," lasted nearly twenty years, although it had originally been scheduled to end in four. But the KMT party-state, as an attempt to concentrate political power, failed to overcome the obstacles which weakened domestic and external sovereignty. For one thing, the party was not sufficiently united to carry out its state-organizing tasks which were its *raison d'être*.<sup>20</sup> Famines, floods, regional revolts, local mutinies, factional disputes, Japanese and Russian aggression, the collapse of the international economy—all eroded the ability and confidence of the KMT to fulfill its revolutionary ideology until, in 1936, the party itself admitted its failure to cope with national problems and reinstated a proto-Confucian ideology. Japan's occupation of large areas of the mainland further demonstrated that the KMT's dictatorial power was not justified by an ability to defend the country's territory and vital interests.

Nevertheless, the KMT idea of party dictatorship as representing not a single class but the broad masses was accepted and adapted by the CCP. At the Seventh CCP Congress in Yen-an, Mao berated the KMT for its ineffectiveness and its failure to carry out Sun's programs.<sup>21</sup>

When the Communist Party won control over the Chinese state in 1949, it was a party dictatorship in fact, but a multi-class dictatorship in form—not a radical departure from the KMT structure of political tutelage. From 1949 until 1954 the Chinese People's Political Consultative Conference (CPPCC) governed as the formal sovereign state institution, and consisted of representatives from the Communist Party as well as from other "democratic parties." When the 1954 Constitution came into force, the National People's Congress became the formal expression

<sup>20</sup> At the Fourth National Congress of the KMT, for example, it was admitted that "while the people continue to have faith in the Three Principles of the People, they have gradually lost their hope in our Party." Party disintegration was cited as the main cause. Quoted in Milton J. T. Shieh, *The Kuomintang: Selected Historical Documents, 1894-1969* (New York: St. John's University Press 1970), 154.

<sup>21</sup> "On Coalition Government," in *Selected Works of Mao Tse-tung*, III (Peking: Foreign Languages Press 1965), 270.

of the People's Democratic Dictatorship and the CPPCC faded into the background. Yet there was little doubt that supreme political power resided with the CCP as the vanguard of the proletariat. Until at least the Cultural Revolution, the Communist regime appeared to be fairly conservative in continuing the party-state principles inaugurated by the KMT, and only with the 1975 state Constitution was the Dictatorship of the Proletariat formalized.

Thus, there seem to be significant continuities and similarities between the party-state under the KMT and the CCP, although the former was much less successful in consolidating its rule than the latter. In addition, both regimes attached some importance to the evolution of constitutional government. Nanking's Organic Law of 1928 functioned as an instrument of organizing government, but was not considered a full constitution; there was no method of amendment and no internal limitation of government power such as judicial review or a bill of rights. In this respect, it was similar to the Common Programme of the CPPCC in 1949. Domestic pressures and the need to give evidence of progress toward a truly popular government resulted in the Provisional Constitution of 1931. Although the PRC Constitution of 1954 was not a provisional and transitional document as was the 1931 *Yueh Fa*, it too was relegated to a transitional category.

There is yet another area of continuity between KMT and CCP China—the division of power between the party and the army, with a weaker third sector consisting of the government administrative apparatus. In the KMT period, party power and national survival depended upon the army to a great extent, a fact which made Chiang Kai-shek indispensable to the party, and paramount in government and party organizations. Chiang's type of regime, with supremacy of the military over the civilian branches of the state, is a spectre the Communists wish to avoid. In 1954, Kao Kang was accused of spreading the heresy that the People's Liberation Army (PLA) had created the party, rather than vice versa—a notion not without a core of truth to it. Later, the purge of P'eng Te-huai underscored the party's determination to maintain its rule over the armed activists. The assertion that Lin Piao attempted to overthrow Mao Tse-tung in 1971, and the reshuffle of regional commanders in late 1973, can be seen as symptoms of the CCP's continuous anxiety over the dilemma of maintaining a strong military force while keeping it from intruding in the decision-making process and subordinating the state to its own priorities.

Thus, it appears that there may be some significant continuities between the Nationalist and Communist regimes. At a minimum, these

continuities suggest that the modern Chinese state has evolved along lines that reach back to the Nanking dictatorship, as well as to Yen-an and the guerrilla bases of the Communist revolution.

The significance of the above findings can be summarized in two propositions:

1) The party-state in modern China began in Nanking around 1927, following the Northern Expedition and the elimination of the Communists from the Nationalist-led United Front. Although the goals of the KMT dictatorship (complete domestic and external sovereignty) were not achieved, the party did establish the parameters of the modern party-state, which were adhered to by the CCP when it came to power:

a) A multi-class dictatorship; no one class in China was strong enough or sufficiently organized to lead the country out of its semi-feudal, semicolonial condition by itself.

b) A professional but highly politicized army which was indispensable to state building and survival, and which might replace the party leadership in a period of extended crisis such as the Japanese military intrusions of the 1930's.

c) A promise of self-liquidating party dictatorship in the future, when full sovereignty was achieved and the masses would be qualified to take over democratic government. A fully democratic government would be inaugurated with the introduction of constitutional government.<sup>22</sup>

2) The CCP has projected its own experiences of revolutionary development onto Chinese society as a whole. Its techniques of organization, mobilization, and control are the result of over two decades of innovation, adaptation, and struggle before capturing the state.

(The implication of Proposition 1 is that the KMT established the *form* of the state, while the CCP, according to Proposition 2, has provided the *means* for consolidating the state.)

If the above propositions are valid, there appears to be a sequence of evolution in China as follows: Weak party-state under KMT leadership; strong party-state with constitutional overtones during the People's Democratic Dictatorship (1949 to 1965); diffused party-state (1966 to Tenth Party Congress, August 1973); and full party-state (the Dictatorship of the Proletariat in the present period). In the matter of state *form*, it appears that the Communists are now close to achieving what the KMT set out to do—establish complete party domination over the state. The concepts and programs of Chinese Communist state

<sup>22</sup> This promise was far more explicit with the KMT than with the CCP.

building claim a Marxist-Leninist ancestry; but if we examine the evolution of the modern Chinese state in a continuum including both the Nanking efforts (1927-49) and the Communist experiences, then this evolution demonstrates some theoretical parallels with state development in the West.

### III. FORCE, POWER, AND AUTHORITY: STATE EVOLUTION

Alexander Passerin d'Entreves, in his *Notion of the State*, identifies three approaches to studying the Western state—force, power, and authority. First, the state is a *force* outside individual will and superior to it. The state not only issues commands, but is capable of enforcing them. In this approach, the state monopolizes psychological and physical coercion; it is the view of political realists like St. Augustine, Machiavelli, and Mosca. Where force is lacking, there is no state—only chaos and anarchy.

The second approach accepts the state as a relation of force between government and citizen, but goes beyond the view of political realism to examine the legal and institutional restrictions on the state's force. The state as force restricted by law is what d'Entreves calls the state as *power*—his second approach. Power, according to this formulation, is force which is exercised according to certain rules and procedures that are known or knowable. A collection of rules and regulations which we call the legal system, specifying limits on public force as well as on private conduct, is the very condition of a state's existence. Force is not banished, but qualified and limited by legal rules. Men guard and administer laws, but they are not the state. Rather, the law establishes and prescribes their roles and powers, specifying what they can and cannot do. Sovereignty is another way of expressing the state as power, for it indicates that although the state is autonomous and supreme, it does operate within a realm of laws.

Third, d'Entreves approaches the state from the perspective of *authority*: he sees the state as a term of reference for the obligation to submit to its rules. There is obligation to obey the commands and laws of the state because it wields an authority which is "recognized, warranted, and justified in practice." In addition, there is a supreme "value" expressed in the laws, and this value makes the state "worthy of respect and obedience." For the state to possess authority, there must be a justification which is not, and cannot be, provided by mere force or solely by the exercise of power.<sup>23</sup> In other words, for the state to be justified

<sup>23</sup> D'Entreves (fn. 1), 6.

and to exercise an authority that makes for binding obligations on its citizens, there must be obedience based on the recognition that its citizens are not merely submitting to superior force and power, but are simultaneously preserving or attaining a valued end, such as justice, order, equality, liberty, or the "common good."

By viewing the notion of the state from these three standpoints d'Entreves investigates "the long and mysterious ascent that leads from force to authority." His concern is the recurring question, "What can transform force into law, fear into respect, coercion into consent—necessity into liberty?"<sup>24</sup> He is concerned with the evolution of the state from coercive to obligatory acceptance, obedience, and support. Although his own inquiry is concerned with the historical phenomena of the Western state, the suggested questions and approaches may be equally valid for non-Western polities.

In particular, the approaches utilized by d'Entreves appear to have validity in explaining the development of the modern Chinese state—a process which began in the late nineteenth century and continues today. This evolutionary process transcends particular political regimes, and each experiment in national government, whether constitutional monarchy, Republican, Nationalist, or Communist, has made contributions that have affected China's institutional development.

Force, as the primary element in the state, was negated by the devolution of the central government that followed the collapse of the Ch'ing political order. The phenomenon of numerous warlords exercising tenuous hegemony over limited territory expressed the advanced decline presided over by the Peking republic. The constitutions and laws promulgated by the republic between 1912 and 1927 were of minor validity to the country; they indicated the formal existence of a government, but without real state unity.

The KMT organized a nucleus of force which was to become the foundation of the unified state. With its nationalist ideology, quasi-Bolshevist organization, and disciplined, politically conscious army, the Cantonese forces commanded by Chiang Kai-shek penetrated central China in 1926, consolidated their hold in the Yangtze valley in 1927, and formally incorporated Manchuria by the end of 1928. The following decade was a period of challenge by the remnants of regional militarists and by Japanese militarism. Of these two "counter-forces," the first was weakened by its own rivalries and by pressures from Nanking forces, while the second, the product of successful state build-

<sup>24</sup> *Ibid.*, 10.

ing in Japan, eventually evicted Nanking's forces from their vital core area in the Yangtze valley.

Despite its failure to achieve a monopoly of force within the country, the KMT moved ahead with its program to create the legal-constitutional state—one where military rule would be replaced by party government during the interim of political tutelage, and where the system of coercive force could be superseded by law. Yet there was an anxiety that haunted the KMT. The 1911 revolution against the Manchu dynasty had been betrayed by the Peiyang militarist, Yuan Shih-k'ai, who banned the KMT and sought to create a new dynasty. If the new KMT national revolution again depended on a strong military figure, what was to prevent him from corrupting the state-building force into personal despotism? The dilemma was intensified as events demonstrated the need for continuing a strong military force and the indispensability of the leading military officer, Chiang Kai-shek. Liberals and leftists demanded an end to the party dictatorship, asserting that a concentration of political power would prevent the development of democratic institutions if the party dictatorship lasted too long.<sup>25</sup>

The state-building force created by the Nationalist revolution was transformed into state power (a system of rules and laws) with the establishment of a new national government at Nanking. The 1928 Organic Law formally established and defined the "Five Yuan" structure and preserved the notion of party sovereignty. Government was an instrument of party rather than popular rule until the masses had been properly educated and organized for true constitutional government. The Provisional Constitution of 1931 maintained the party dictatorship,<sup>26</sup> but moved to liberalize some features of the tutelary state.

By creating legal limits on force, the projected development of full constitutional government presented KMT China with a dilemma: how far should legal and constitutional strictures limit coercive force within the state, when it was obvious that the force represented by the

<sup>25</sup> Hu Shih, the liberal educator and scholar, argued for the early termination of political tutelage: "The people . . . cannot be easily deceived by a verbal tutelage which furnishes no respectable example to be followed. They see their great leaders fighting with one another and with the defeated ones exiled. . . . What kind of training can the people derive from such kind of tutelage?" *North China Herald*, September 7, 1929, p. 357.

<sup>26</sup> Article 30 of the Provisional Constitution (June 1, 1931) reads: "During the period of political tutelage, the National Congress of the Nationalist Party shall exercise the governing powers of the Central Government on behalf of the National Assembly. During the adjournment of the National Congress of the Party, the Central Executive Committee shall exercise the said powers." William L. Tung, *The Political Institutions of Modern China* (The Hague: Martinus Nijhoff 1964), 346.



military/party combination was insufficient to defend the emerging Chinese state against domestic and foreign enemies? KMT rule may have been authoritarian, but in fact it was a crippled despotism. Additional legal restrictions on its sphere of action would have further emaciated its available force.

Within these limited parameters of state power, the possibility of completing state authority was also restricted. The successful ascent from force to legitimate power could not take place where the first stage of state building was incomplete. While the valued ends of the KMT state were probably considered legitimate by the majority of patriotic Chinese, institutional performance was rarely at a level high enough to raise the question of whether state force was misdirected or abused. To be sure, there were abuses of personal or factional power, but these were unspectacular aberrations of politics rather than despotic corruption of the unified state. In a word, the transformation of force into power and authority could not take place in the KMT state with its incomplete sovereignty.

Although the KMT failed to complete its state-building program, there were sufficient gains in unification and diplomacy to assure that the CCP did not have to begin from a *tabula rasa* in 1949. Rather, the Communists could continue state development on the foundations laid by their predecessors and major antagonists. Moreover, the CCP had the advantage of professing to be the founders of a completely new and more just political order, and could credibly blame their defeated rivals for all that was oppressive in the pre-Communist system.

As noted earlier, the modern Chinese state was not founded in 1949. Rather, the KMT had inadvertently helped to establish some preliminary institutional foundations for Communist rule by creating rudimentary expressions of a state force. First, with the end of the first United Front in 1927, the KMT had set out to unify the country by military and political means. Chiang played off one militarist against another, and by concentrating his armies in the Yangtze valley, prevented effective coalitions between northern and southern warlords. During their first decade of rule, Nationalist forces neutralized and defeated major regional leaders, so that by 1936 Chiang emerged as the undisputed head of the Chinese state. These prewar developments facilitated Communist rule insofar as competing regional armies were denied access to central power; after the war, only one major group faced the Communists—the ruling KMT. In effect, Chiang's centralizing efforts in the prewar years, although far from completed and often carried out at the expense of national defense, spared the Communists

the necessity of uniting a balkanized China, which had been the condition of the pre-Nanking republic. Chiang was no Louis XIV determined to weaken the feudal nobility, nor was he a Bismarck uniting hundreds of petty states into a modern state through diplomacy and guile. Instead, he built and led an army, a party, and a government against the contradictory fragments of Republican China, and then aligned those fragments into something resembling a modern state, but without its soul—authority.

Second, the Nationalists pursued a diplomatic course that ended the system of unequal treaties. Through the diplomatic efforts of the KMT, some of the major limitations on Chinese external sovereignty (such as extraterritoriality and foreign control of tariff rates) were removed. In these efforts, the anti-Communist complexion of the KMT served a useful purpose by persuading the capitalist countries to reach an accommodation. (A prewar Communist regime in control of the Chinese state would probably have prolonged this aspect of China's weak sovereignty.)

Third, the idea of party dictatorship to be followed by constitutional government was an intrinsic part of the KMT program. The CCP joined with liberals in criticizing the undemocratic nature of the Nanking regime, and promised to carry out KMT programs even more quickly and effectively than the KMT itself.<sup>27</sup> In other ways as well the KMT programs had created a constituency of support which the CCP sought to attract to itself by pointing to successes in the liberated areas as examples of its ability to carry out what the KMT could only promise.

During and after the war against the Japanese, the Communists had built a state force, chiefly the PLA, that would bring the regime to power. Communist forces in liberated areas absorbed defeated remnant units of KMT supporters, defectors from the cities, and individuals who sensed a shift in the power arrangements of the country. Upon attaining control of the Chinese state, the Communists proceeded to transform their coercive force into the legal state whose major quality d'Entreves characterized as power. They established legal institutional limitations on the revolutionary forces that had seized the state.

Unlike the Nanking regime, the new Communist government was united after decades of struggle, commanded a well-organized and disciplined military force, and proved able to meet challenges by hostile foreign powers. From the perspectives offered by d'Entreves, the regime in China was sufficiently consolidated to transform it into state power by

<sup>27</sup> Mao Tse-tung (fn. 21), 255-56.

moving from force to placing restrictions on that force. These restrictions, however, were not the legal and constitutional limitations familiar from the evolution of the Western state. Instead, there appeared to be an evolution of institutions in China in which a division of powers among army, party, and government emerged, with a supreme executive group coordinating the state's activities. It was a system not consciously created by any group of "Founding Fathers"; although its origins could be traced to the "Yenan legacy," one can also find rough parallels with the KMT regime, which exhibited a similar rudimentary fusion of power at the top and a functional division below.

In a preliminary way, the following elements of the modern Chinese state appeared under the Communists. Further inquiry may determine that these comprise a mixed state, with a rudimentary potential for mutual checks and balances as it continues to evolve.

1. *Army.* The PLA was a major vehicle in the revolutionary struggle against the Japanese and the KMT. Plans were made for military demobilization as soon as regime consolidation was secure, but the Korean War intervened, and continued cold-war hostilities made it impossible for the Communists to reduce their military forces. The army has been an intrinsic part of the state structure, and remains the indispensable instrument of force for the survival of the sovereign state. Externally it defends the interests and security of China; domestically (as for instance during the Cultural Revolution), the army remains the final fall-back position of a regime whose party and administrative structures may suffer from stress and overload. In this respect, the role of the army is similar to what it was under the Nanking regime.

2. *Charismatic authority.* The emergence of a single charismatic leader is not a new phenomenon to modern Chinese politics, although neither Sun Yat-sen nor Chiang Kai-shek ever achieved the aura of Mao Tse-tung. In the PRC, Mao has remained the most important leader, despite the summons to "collective leadership" and criticism of the "cult of the individual."<sup>28</sup> Although reportedly shocked by the excesses of the Maoist cult, the supreme leader on several occasions demonstrated his power to intervene in political processes and to change the direction of state development. While no successor of Mao's stature appears at present, the role remains and may perhaps be filled in time, despite promises of collective leadership.

3. *Government.* The legal-administrative apparatus of the Communist state is largely under the control of the party, and is theoretically

<sup>28</sup> See the "Political Report" of Liu Shao-ch'i to the Eighth Party Congress, especially the section on "Party Leadership."

subject to the legal strictures of the new Constitution.<sup>29</sup> Periodic campaigns against bureaucratism and “commandism” further attenuate any tendencies that might otherwise lead to a more autonomous administrative apparatus.

4. *Party*. Even the ruling group has not been immune to rectification campaigns. The Cultural Revolution purged large numbers of cadres and leading officials, leaving no doubt but that the Dictatorship of the Proletariat is also subject to limitations on its powers.

Unquestionably, the force assembled by the CCP in the modern state is far more complete and effective than that of the KMT. On the second layer of the state—power, or force subjected to certain legal and institutional limitations—the PRC appears to be moving away from the emphasis on force which characterized the party dictatorship in the period before the Cultural Revolution. If the Chinese state is moving toward maturity, then the third stratum is being constructed: authority. It is to this final element that we now turn.

#### IV. AUTHORITY IN THE MODERN CHINESE STATE: TOWARD THE LEGITIMATION OF POWER

How power is legitimated to become authority touches on the core of political life. To explain why political power is legitimate is to maintain that those who are subordinate have an obligation to obey that power. It is to say that justice may be served by that power, and that rebellion or disobedience is not in the interests of justice.

Three types of legitimation can be identified in KMT and CCP statements about their claims to state authority: (A) The regime claims *efficacy* in solving problems confronting the polity. Efficacy here refers to the regime’s capacity for force and the extent to which the ruling system has the ability to defend the state from internal and external enemies. (B) There are claims that the regime represents the interests of all Chinese citizens, not merely one segment of the population. Philosophically and operationally, this claim resembles Rousseau’s concept of the *general will*.<sup>30</sup> It means that the power of the state must be directed toward the common good to secure legitimacy. (c) There are regime claims based on the universality of its values. The state is

<sup>29</sup> Promulgated on January 17, 1975.

<sup>30</sup> In *The Social Contract*, one can find what amounts to a summary of the modern Chinese amalgam of social solidarity, radical equality, and intense commitment: “If, then, we take from the social pact everything which is not essential to it, we shall find it to be reduced to the following terms: ‘each of us contributes to the group his person and the powers which he wields as a person, and we receive into the body politic each individual as forming an indivisible part of the whole.’” (New York: Oxford University Press 1962), 181.

founded on a transcendent *justice*<sup>31</sup> guiding all actions and determining the correctness of policy direction. Both the KMT and CCP sought to validate their claims to legitimacy by their respective concurrence in what they perceived as supranational values: the former in nationalism, liberal constitutional democracy, and industrial progress; the latter in class struggle, socialism, and egalitarianism. For each of the regimes, there was a comprehensive view of universal justice which was secularized in and projected onto the international system. It was a view of universal justice which had to be accommodated by the domestic revolution.

#### A. EFFICACY

As an element of legitimacy, efficacy is a relative concept. That is to say, the actual accomplishments of a regime must be considered in light of problems confronting the state. The KMT faced formidable problems, both in number and in intensity, during its period of dominance. Regional militarism, party fragmentation, rural banditry, devastating floods and famines, the impositions of the unequal treaties, rivalries among the great powers within China, direct Japanese intervention, the loss of Sun Yat-sen's leadership, and financial instability were among the pressing problems that faced the KMT state before 1937. There were some significant accomplishments, but too often these were obscured by the recurring crises of national survival. When compared to the rapid consolidation and mobilization of the state after the Communist revolution, the efficacy of the KMT was not very high.

During the 1950's, the CCP restored civil peace to a country torn by internecine conflict since 1912, carried out land reform, socialized agriculture, initiated massive industrialization, defended the country against American threats from South Korea and Taiwan,<sup>32</sup> planned and carried out projects of flood control, and significantly raised the living standard of the people. In objectively comparing the two regimes, one could say that the problems confronting the KMT were greater and accomplishments fewer, and thus efficacy was proportionally lower.

Perhaps the difficulties of the domestic and international environment

<sup>31</sup> According to Carl J. Friedrich, "The *eidos* (idea) of justice is a transcendent reality, something that exists beyond the testimony of the senses. . . . The very transcendency of justice precludes its realization in a constitutional order." *Transcendent Justice* (Durham, N.C.: Duke University Press 1964), 5.

<sup>32</sup> The *People's Daily* (November 7, 1950) published a review of Japanese aggressions against China in the past, and depicted the United States as the postwar heir to the aims and practices of Japanese militarism. The American presence and operations in Korea were cited as possible preludes to action against China, in the same way that the prewar Japanese presence in Taiwan and Korea had led to conquest of northern and coastal China.

were factors that inhibited the KMT by demoralizing its supporters and reducing the confidence of activists in their ability to change events. In addition, the necessity for military solutions to some problems was an important element in the shift from civilian to military leadership in the KMT—a development which led to further splits in the party. It is too often overlooked that some of the major obstacles to full national sovereignty were reaching solution by 1945 without the aid of the Communists: the defeat of Japanese military expansion, elimination of regional militarists, and abrogation of the unequal treaties. But it was too late for the KMT; the CCP had already demonstrated its capacity as a state-building force and had not suffered the demoralization and corruption which the KMT experienced during the war years.

Without detracting from the successes of the CCP, we can recognize that its comparatively high efficacy was partly made possible by the groundwork performed by KMT state-building efforts, and partly by the changed international environment of postwar national liberation and decolonization which was far less hostile to China's national aspirations than the environment of the 1930's had been.

#### B. GENERAL WILL

D'Entreves characterized the element of power in the state as force delimited by rules and a legal system as well as by institutional arrangements. It is important that, even where formal legal sanctions are weak, force not be wielded on behalf of one particular sector of the polity or for the benefit of a single individual, group, or class. Where an existing political force is subjected to the rule of law, that force acquires a further legitimation in addition to its efficacy. Legalized force carries an assurance that coercive force is directed at the common rather than the particular good (unless one adopts the view that the legal system is itself an ingredient of the coercive repertoire of the state, and not a limiting element on state force). If the state force is regulated by rules, and if it is directed for the common good, then we have one more validation of the obligation to obedience.

In the KMT and the CCP states such formal legal limitations on force have been weak or absent. Appeals to the "rule of law" lacked credibility against a background of successive constitutions, shifting and fragmented centers of power, and decades of war and violence. Legal and institutional restrictions on force—especially in a domestic and external environment where the state force was incomplete (as under the KMT)—were counterproductive and therefore unwelcome. Nevertheless, revolutionaries and their sympathizers demanded that

their efforts not result in building a new despotism, as had occurred with the abortive regime of Yuan Shih-k'ai after the 1911 revolt. The revolutionaries of the 1920's wanted to guarantee that whatever state-building force was created would not degenerate into a new dynasty. The best assurance was that the goal of revolution be a democratic state.

We have seen how the KMT party dictatorship was based on a program of postponed democracy. Army and government were controlled by the party—an organization that theoretically represented the interests of the masses. During the period of political tutelage, the party was to educate the people and to generate a general will which would then be operationalized in constitutional government.<sup>33</sup> The party claimed to be a multiclass organization; as insurance that it would not become an entrenched dictatorship, the democratic ideological heritage of Sun Yat-sen and the democratic centralism of the party, including periodic congresses, were to prevent entrenchment until constitutional legality and popular sovereignty assumed dominance in the state.

Postponing constitutional government created a major dilemma for the KMT, which had asserted that government actions and policies were carried out for the good of the people, though the masses were excluded from participation in elections and other means of influencing decisions. Only when the people had been trained in democratic ideas and techniques would they be allowed the benefits of full democracy.<sup>34</sup> The KMT envisioned its own role as similar to that of a benevolent colonial regime whose subjects some day would be given the franchise and other democratic rights. It was an arrangement that required the masses to trust the KMT to wield its force for the common good of the nation. Ironically, what may have led to the erosion of that trust was not so much its misuse or illegality, but rather its *incompleteness* and the KMT's inability to protect the state from external invasion.

Nevertheless, the KMT established the ideological principle of the common good as a proper limitation on force. Force was henceforth legitimate only if its holders could substantiate their claims that they were not representatives of merely a small minority. Indeed, the KMT claim to represent the common good of the nation and their failure to substantiate it by achieving complete national sovereignty must have affected the CCP's strategy: while retaining title as the party of the proletariat, the CCP proclaimed that it was far more representative of the Chinese people's interests than was the discredited KMT. Moreover,

<sup>33</sup> On the tutelary duties of KMT members, see the "Manifesto of the First National Congress of the Kuomintang" (January 30, 1924), in Shieh (fn. 20), 82.

<sup>34</sup> See Sun Yat-sen's "Outline of National Reconstruction," in Hsü (fn. 11), 85-89.

by 1945 the Communists had demonstrated that party leadership, support of liberal elements, and representation of the common good were a working reality in the liberated areas, and not a future vision to be implemented after a period of party dictatorship.

To defeat the KMT in the competition for state power, the CCP modified its own program to expand the base of its appeal. Mao's "New Democracy" was the Communist answer to KMT programs. Both KMT and CCP programs called for multiclass participation in state power and addressed the need for China's complete sovereignty. In effect, the CCP promised to carry out programs that the KMT had failed to complete.

Thus, the notion of the common good was translated into general will under successive regimes and became a component of state power. Coercive force, whether KMT or Communist, military or political, was subject to certain limitations. It could be used only for the welfare of the people and the state. It could not be used to establish a new dynasty or to forward the interests of a single class. Even the proletariat was subordinated to the common good, despite assertions that it was the most advanced class in society, and the class whose interests were synonymous with all of society.<sup>35</sup> From 1927 on, no regime could effectively claim legitimacy unless it could be identified with the general will.

### c. JUSTICE

Legitimacy in the modern Chinese context is thus, first, the ability of the political regime which exercises control over the state to maintain the integrity of the state against both internal and external competing forces and to carry out its programs and policies. Second, a regime, in order to be legitimate, requires the acceptance and support of the whole citizenry. In China this has not been translated into the principle of majority rule; instead, it bears a strong resemblance to Rousseau's general will.

Justice is the third component of legitimacy. Generally, there are two types: internal and external. Internal justice refers to a condition in which there is balance and equity, the fairness that Aristotle called "distributive justice." With external justice, the terms of reference lie outside the system; it is what Carl Friedrich has called "transcendent justice." St. Augustine's "City of Man," for example, could become just

<sup>35</sup> See Lin Piao, "Report to the Ninth National Congress of the Communist Party of China," *Peking Review*, xii (April 30, 1969), 25.



only to the degree that it approximated the *Civitas Dei*. The traditional Chinese state was just and possessed the Mandate of Heaven only as long as a dynasty was in harmony with the cosmos.

It would be presumptuous to attempt to formulate a theory of justice here: it is a subject which has occupied leading thinkers for centuries. But for the present we can consider the implications of the proposition that, for the modern Chinese state, the terms of reference for a just regime are to be found, in part, outside the state. That does not necessarily mean that the notion of harmony with nature or similar vestiges of tradition still persist, but rather that justice is related to a perceived mainstream of historical development. More specifically, the standard of external justice for modern Chinese regimes has meant that claims to legitimacy take some theme of world events as an indicator of how China might direct her own course. In the 1920's, for example, liberal democracy and nationalism had the appearance of becoming world historical trends, and gave an added reinforcement to KMT programs.<sup>36</sup> The 1930's, however, saw democracy weaken and military aggression increase in Europe and Asia, causing the KMT leadership to react by withdrawing its faith in Western institutions and restoring selected parts of the Confucian tradition.<sup>37</sup>

One need only contrast the Second KMT Congress with the Fourth and Fifth Congresses to notice the effects of international chaos on official definitions of justice. References to world revolutionary turmoil in 1926, the collapsing forces of imperialism, and mutual rivalries among predatory powers indicated not only that lines were drawn between revolutionary and reactionary forces, but also that the opportunity for national revolution in China was imminent and that the country had to be led by a revolutionary party which understood and could adapt to world trends. The Fourth KMT Congress met two months after the Mukden Incident and could hardly deny the party's disintegration or the unfavorable international situation. By the time of the Fifth KMT Congress in 1935, the international situation had declined even further. In 1933, the national leadership had introduced the New Life Movement, which attempted to restore Confucian rites and other elements of traditional Sinitic civilization. By that time, Chiang's quasi-military dictatorship had been consolidated and the

<sup>36</sup> The Manifesto of the Second KMT National Congress, for example, was notable for its emphasis on world conditions, "the growing awareness of oppressed peoples," and the "shaken foundations of imperialism" as a situation conducive to the Nationalist revolution. See Shieh (fn. 20), 111-19.

<sup>37</sup> The Fifth KMT National Congress, for example, stressed national morality, a system of rituals and national music, and other virtues that attempted to revive the moribund Confucian culture.

democratic aspirations of the KMT were all but shattered. As justice seemed to disappear from the international system in the prewar decade, there seemed little possibility for establishing a just political order within China.

At this point, a preliminary hypothesis on justice as an element of legitimacy can be offered: *In modern China, the international system has contributed an important referent for evaluating the appropriateness of political regimes. Regime claims to represent a just political order refer, in part, to themes in world politics which appear beyond the influences of Chinese policy and which reinforce the appropriateness of political orientations.* In other words, there appears to have been a secularization of the traditional Mandate of Heaven, which has now become a "Mandate of History." The institutional implications are that a regime favored by the modern mandate tends to be civilian and optimistic, while the same regime facing an unfavorable or hostile environment may be more cautious and military-oriented.

From 1949 through the early 1960's the party was in command of the state, and the trends of the international system appeared firmly in favor of the Chinese revolution:

The present international situation is favorable to us. The world front of peace and democracy, headed by the Soviet Union, is more powerful than it was last year. . . . The national liberation movements, aiming at throwing off the yoke of imperialism, have greatly extended. . . .

. . . there is a strong unity in relations between the Soviet Union and the People's Democracies. On the one hand, it enables us freely and more rapidly to carry forward the reconstruction work within our country. On the other hand, it is giving an impetus to the great struggle of the peoples throughout the world for peace and democracy in opposition to war and oppression.<sup>38</sup>

The party enjoyed the firm loyalty of the PLA and the solidarity of world socialism during the first decade of the PRC. But the early 1960's witnessed the breakdown of the relatively favorable international system, and perhaps weakened CCP visions of continued progress.<sup>39</sup> India, Vietnam, Indonesia, and the Soviet Union were areas of conflict or declining Chinese prestige and influence. Chinese isolation appeared to be growing, and the state was vulnerable to an international system unanticipated by the ideological projections of the first decade in power. Under conditions of increasing international hostility

<sup>38</sup> Mao Tse-tung, "Report to the Central Committee of the CCP" (June 6, 1950), in *Current Background*, No. 1, 1-2.

<sup>39</sup> James Townsend, "Intraparty Conflict in China: Disintegration in an Established One-Party System," in Samuel P. Huntington and Clement H. Moore, eds., *Authoritarian Politics in Modern Society* (New York: Basic Books 1970), 284.

to China, survival depended upon the army and the diffusion of values conducive to military leadership.<sup>40</sup>

The shift in emphasis from party to army during the Cultural Revolution may have indicated that, for the second time since the New Life Movement of the KMT, the reaction of the Chinese state to international crisis was an attempt to reinforce the military spirit in the nation. In the Socialist Education Movement, military values were similarly stressed. In 1965, Lin Piao, then Minister of Defense, called for a restoration of the virtues and strategies that had brought the Communist revolution to power as the means to preserve the Chinese state.<sup>41</sup> With the transformation of a friendly international environment into one of hostility, the army professed to be a pillar of the proletarian dictatorship.<sup>42</sup>

As the more immediate threats to China's sovereignty subsided, purged party leaders have been rehabilitated and party rebuilding has been emphasized. The Lin Piao leadership has been eliminated and the civilians have reinstated control over the PLA. As for historical trends that might legitimate the PRC, China now stresses its position as a leading member of the Third World.<sup>43</sup> The oil embargo illuminated the vulnerability and dependence of industrial nations on raw materials resources, and that discovery may lead to a new perception of world historical trends.

In effect, the pattern of institutional development linking the KMT and CCP regimes parallels the evolution of states in the West, but it seems to preserve certain cultural and cosmological orientations unique to China. Using the approaches defined by d'Entreves in examining the European State, the following stages of state evolution apply to modern China:

<sup>40</sup> Building the People's Militia, for example, was in part a response to the 1958 Taiwan Straits crisis. See Fu Ch'iu-t'ao, "Hold Aloft the Red Banner of Mao Tse-tung's Military Thinking and Strengthen Militia-Building," *People's Daily*, April 7, 1960, in *Current Background*, No. 624, 6-10.

<sup>41</sup> See Lin Piao, *Long Live the Victory of People's War* (Peking: Foreign Languages Press 1965).

<sup>42</sup> Lin Piao, "Report to the Ninth National Congress of the Communist Party of China," *Peking Review*, xii (April 28, 1969).

<sup>43</sup> "Under the Communist regime, as in the past, morality and authority are inseparable, as if church and state were one. The Communist regime not only dictates laws in the public sector, it also seeks to 'legislate' the private morality of its people. Like the dynasties of imperial China, the Communist regime is not to be criticized or its authority challenged, an exemption it enjoys as long as its performance lives up to the expectations created by the official ideology. If that performance appears to fall short, as in 1957 and in 1966-68, forces within the Party or the society may question the mandate of the regime." James Chieh Hsiung, *Ideology and Practice* (New York: Praeger 1970), 107.

1. *The stage of concentrated force.* The KMT appealed to a broad range of social sectors, including capitalists, workers, and intellectuals, and presented a program to unify the country and end foreign privileges. Voluntary support from these groups helped to sustain the regime in the decade before 1937, and gave it a chance to consolidate control. The party in power established an entirely new governmental apparatus in Nanking, organized a new administrative apparatus, and promulgated new laws. Nanking military forces pursued Communist forces and struggled with regional warlords to establish central control. Decades of neglect could not be undone in a few years, and reintegration of the polity was not completed. Only with the Communist conquest was the monopoly force of the sovereign state established.

2. *The stage of regularized power.* After coercive force had established and successfully defended the state, institutional restrictions were placed upon that force. The incompleteness of the KMT precluded this possibility, although ideological specification of government and party roles and limitations had described the power arrangements which were to operate after effective force was established. Party congresses, written constitutions, and popular sovereignty were what the KMT proposed as instruments to transform state force into state power, and these have been more or less accepted by the CCP for the same purpose. But they have proven to be less effective limitations on the monopoly of force than the other institutions mentioned earlier—i.e., the army, a charismatic leader, mass organizations, and the governmental bureaucracy.

3. *The stage of validated authority.* A state force is created, proven effective, placed under conscious or unconscious restrictions, and finally legitimated by its concurrence with the highest values of the social order. While the KMT promised to achieve the common good of the state, its successes were dimmed by its inability to defend the country against Japanese penetrations and by the extended hostility of the international environment to Chinese aspirations. The Communists have had a far better record in this respect. The Peking regime, by linking itself to contemporary historical patterns of worldwide socialism, national liberation movements, and to what may eventually become the “resource diplomacy” of the Third World, has made its quarter century of rule a period of effective service to the common good, and of a fair record of congruence with “world historical trends.”

In summary, the decades of revolution, instability, and mass campaigns of the Chinese polity, the ideological rhetoric and apparently erratic changes in foreign policy, may add up to a recapitulation of the

much slower process of state building in Europe, the historical birthplace of the modern sovereign state. Perhaps centuries of wars, reformulations of ideals, and rearrangements of political institutions are being compressed into a few decades for China. If so, we are witnessing in the space of a generation or two, not so much a crisis of modernization, but rather a self-conscious adaptation to a world organized around sovereign nation-states. If we are discouraged by the violence and apparent unpredictability of this process, we should remind ourselves of the long genesis of the Western state and the tribulations involved in developing the original models.