

Special Congressmen: Representative Democracy in Early 20th-Century China

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Abstract

Special congressmen are a special category born out of the practice of representative democracy in China at the beginning of the twentieth century. At the end of the Qing Dynasty, quota members were reserved in the Qing government's laws for non-Northeast Chinese bannermen. During the Republic of China period, quota members gradually became a political symbol, representing the pursuit of the right to participate in politics by different interest groups in China at that time. The conceptual change of the phrase "special congressmen" mirrors the political changes of the late Qing and early Republican periods, and microcosmically represents the political and legal environment of China at that time.

Key words: Special congressmen; Representative system; Political participation; Equality

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INTRODUCTION

At the beginning of the twentieth century, at the end of the Qing Dynasty and the beginning of the People's Republic of China (ROC), the Chinese attempted to establish a representative democratic system. From 1905 to 1911, the Qing government sought to create a constitutional monarchy. After 1912, the ROC established and operated a congressional system under a republican

form of government until 1924. Because of the influence of difficulties in the implementation of representative elections, domestic interest groups and the Chinese public's perception of representative democracy, among other factors, many discussions took place on how to operate and improve the representative democratic system in China. Among these discussions, the designation of a special congressman is identified as a highly special category. Its connotation changes over time, and it reflects not only the Chinese people's beautiful pursuit of a representative democratic system; but also the deep texture of the operation of such a system in China. Therefore, a micro-inspection of the role of the special congressman seems meaningful.

SPECIAL CONGRESSMEN IN THE LATE QING PERIOD

Special congressmen, which first appeared in the election laws and regulations during the preparatory constitutional period of the late Qing Dynasty, mainly refer to members who specially temporarily serve as bannermen of the capital and garrison provinces, besides the usual members of the provincial consultation bureaus. In its official document titled the *Consultation Bureau Charter* for special congressmen, the Qing government stipulated:

The Bannermen living in the capital and in the provinces with garrisons are based on their place of residence, but before the banner system is changed, the bannermen living in the capital may temporarily set up a special quota of ten members in addition to the quotas of the members of Parliament of the capital and Zhili, and the members of the bannermen living in the provinces with garrisons may temporarily set up a special quota of one to three members of Parliament in addition to the quotas of the members of Parliament of the province, and the amount of such quota shall be determined by the governors of the provinces, in conjunction with the generals and captains of the provinces. (Gao, 1907, p. 2)

The *Consultation Bureau Charter* is provided the following reasons for designating bannermen as special congressmen:

Eliminate the gap between the Manchus and the Han. After the reform of the banner system in the future, the bannermen will naturally be based on their place of residence. However, before the reform of the banner system, the bannermen had not yet been included in the household registration. Without setting up a separate quota, bannermen living in the capital and the garrison provinces of bannermen will not have the right to participate in politics, which seems to be insufficient to show fairness. Therefore, it is necessary to temporarily create a special quota for the bannermen to be congressmen. (Gao, 1907, p. 3)

The *Consultation Bureau Charter* states that, first, the special congressmen are created by the Qing government as a temporary measure to guarantee bannermen's right to participate in politics, and, second, these special congressmen are also an unconventional provision outside the normal quota of council members. The Qing government anticipated this provision to be eventually abolished with the reform of the banner system. Representative elections, in the true sense of the word, would also be established. This can be observed from the provisions of the *Consultation Bureau Charter* for elections in northeast China. "The Banner people living in the north-east of China, which is their place of origin, participate in the elections together with the Han Chinese, without the need to have special congressmen" (Gao, 1907, p. 3).

Despite the fact that the official documents of the Qing government stipulated that the provision of special congressmen was only temporary and unconventional, the establishment still aroused public opinion and discussion. As far as the Qing government's design of representative elections under the constitutional monarchy was concerned, a legal conflict took place between the existence of special congressmen and the normal election for members. Local officials of the Qing government argued that most of the bannermen living in the garrison provinces could not distinguish whether their occupation was that of a soldier or a bureaucrat, and that if the *Consultation Bureau Charter* provision that soldiers are disallowed from participating in the elections for congressmen was followed, then the provision for special congressmen would have no practical effect ("Establishment of consultative," 1908). In addition, the establishment of special congressmen reinforced the impression of the boundary between Manchus and Han Chinese in people's minds. "The abolition of the Manchu-Chinese boundary must be preceded by the abolition of the special congressmen in order to avoid the reinforcement of the boundary" ("A message from," 1909).

Besides the jurisprudential conflict, the provision of special congressmen caused a public debate on whether

the scope of quotas should be extended to various interest groups. In 1909, someone suggested to the Qing government that Mongols, Tibetans, and businessmen be given special parliamentary seats. The Qing government replies, "Businessmen already have the right to vote, and there is no need to set up another one; as for the Mongolian and Tibetan congressmen, local nobles will temporarily serve as them" ("No additional councilor," 1909, p. 3). Although the Qing government did not consider Mongolian and Tibetan noblemen as special congressmen, the press at the time had already regarded them as such ("Qing government conducts," 1909).

Generally, the special quota for members of parliament in the late Qing Dynasty was a temporary measure by the Qing government for banner people who were not of northeastern Chinese origin, in addition to the regular quota for government elected parliament officials. As an extraordinary measure, it conflicted with the Qing government's design of representative government as well as with the general public's desire to bridge the Manchurian—Chinese divide. However, the representative electoral design based on the principle of territorialism can be seen in the provision of quotas, which cannot be ignored.

SPECIAL CONGRESSMAN IN THE EARLY YEARS OF THE REPUBLIC OF CHINA

After the establishment of the ROC and a brief transition of power, the National Assembly Law was enacted and the ROC National Assembly officially entered into operation. Compared to the period of the Qing government, the law on the representative system of the ROC did not explicitly use the term "special congressmen" to clearly delineate the number of members in a certain field. Only in the election for members of the senate, besides the usual election for regional members, were there two additional Central Society members and Overseas Chinese Parliament members. On the one hand, this means that after the establishment of the ROC, the banner people, who were originally the ruling group, no longer enjoyed their political privileges; on the other hand, this shows that at this time, the legal provisions concerning the election for parliamentarians still guaranteed, to a certain extent, the right to participate in the election for certain special groups. This regulation led people at that time to discuss its rationality.

Members of the Central Society and the Overseas Chinese Parliament, who are elected in the name of a specialized organization through nongeographical election channels, were once regarded by public opinion as special congressmen. In an editorial, a commentator with the pseudonym "zhi nan" expressed his criticism:

Firstly, there is no such thing as a “representative of academia” in the upper and lower houses of the United Kingdom, the United States, Germany and other European and American countries, nor is there such a provision in the Constitution of Japan; in other words, the so-called members of the Central Committee of Academics are not in line with the laws of international countries. Secondly, there is a fundamental difference between the members of the Central Society, whose purpose is research and education, and the members of the House of Councillors, who are required to be politically educated. Lastly, if a special group such as the Central Institute was granted membership, would special groups such as merchants and workers also need to be granted special membership. (Zhi, 1912, pp. 9-10)

From this editorial, one can observe that the provision for Central Society and Overseas Chinese members prompted a renewed stream of discussions on exclusively elected members. First, this is different from the laws of representative government in European and American democracies; Second, it is inconsistent with the basic conditions under which the representative system operates; and lastly, it challenges the fairness advocated by representative democracy.

As Zhinan had feared, the period from 1912 to 1914 was marked by an upsurge of public opinion and petitions from various groups, regions and ethnicities in China calling for the creation of a quota for parliamentarians in their favour. Newspapers commented on this phenomenon by saying “(they) are calling for special elections in droves” (“There have been calls,” 1912, p. 1). For example, the Tongjin Association, which was formed by the Manchu people, demanded the continuation of the special quota of members for bannermen — unlike the provisions under the Qing government, their ultimate goal was to achieve ethnic equality (“Petition by Wen Pu,” 1912); A foreigners’ organization in Fujian Province also called for the establishment of a parliamentary assembly representing people living in Fujian (“A message from,” 1912); The Jinju people in northeastern China also insisted on the establishment of a local legislator — the Jinju region did not have a well-established administration at the time because of the administrative division of the concession area and the laws and regulations (“The people live,” 1911); Chinese businessmen also argued for the creation of a quota for parliamentarians belonging to their group, demanding that the existing legal provisions concerning the Central Society and the parliamentarians of the Chinese nationals be emulated, among others (“Businessmen demands for,” 1913).

Judging from the demands of these groups the early years of the ROC saw that the attitude of the people towards special councillors was no longer confined to passively waiting for the existence or absence of legal provisions, but rather to actively demanding the establishment of special congressmen to represent and safeguard their own rights and interests, and at the same

time presenting a diversification of the groups that were insisting on such a thing. In this process, the term “special congressmen” has gradually become more generalized, both as a legal provision that already exists or may be realised on a factual level in respect of a particular group, and as a symbolic political symbol that various interest groups, including ethnic groups, are pursuing to gain political status and rights in the Diet.

Overall, instead of considering that the demand for a quota for parliament members was an isolated phenomenon carried out by individual nationalities and groups for their own interests, it is better to say that this phenomenon proves, on the one hand, that after the establishment of the republican system of government, regardless of class, nationality, or group, all the people in the country were enthusiastic in their political participation and the initial self-awakening of their political consciousness; and on the other hand, it also shows, to a certain extent, the Chinese people’s naivety and blind adherence to the practice of democratic politics in China’s early days.

CONCLUSION

In sum, the term “special congressmen” had already undergone its own denotative transformation in the context of the late Qing and early Republican periods. In the legal provisions of the late Qing Dynasty, the special quota of members was actually a quota for members reserved for non-northeast Chinese flag members. In the Qing government’s political vision, this was an unconventional and temporary measure. Although its ultimate goal was to eliminate Manchu—Chinese boundaries and realise a territorialist representative electoral system, it faced multiple contradictions between jurisprudence and reality. In the ROC’s political and legal context, the special congressmen became a symbol. It is a metaphor for the aspirations of modern Chinese (regardless of status) for freedom and equality. However, the various demands arising from such an ambition are, in practice, difficult to reconcile with the conventional legal environment and political practice.

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