



## Historical Investigation on the Law and Political Students Studying in Japan in Modern China

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### Abstract

This paper makes historical investigation from three aspects on the law and political students who were dispatched by the government to study in Japan in modern China<sup>2</sup> in order to enrich the research content and system of studying abroad history of modern Chinese students and also wish to be of some help in the reform process of the current studying abroad education.

**Key words:** Law and political students; Students studying in Japan

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As is well known, studying abroad in modern China started from 1870s. Instead of Japan, the original destinations for students to go abroad to study were developed western countries. The main objectives for those students are “learning merits from the foreigners to conquer them” and “learning the western technologies and skills”, for example, shipbuilding, driving, manufacturing, physics, chemistry, mathematics, etc. rather than law and politics. However, the failure of China in the Sino-Japanese War of 1894-1895 has changed the situation markedly. On one hand, many students went to Japan to study, on the other hand, the objective for studying in Japan is to learn “the politics of the Meiji period” instead of the “technologies and skills of Japan”.

<sup>1</sup>“Modern China” here refers to the period of 1896—1928.

Why the situation has changed so drastically after a war? There are multiple reasons. First, the thoughts of China changed. The failure of the Sino-Japanese War of 1894-1895 has made the Chinese realize “the worthy disciple excels his masters” and “the students surpass the teacher”. Therefore, there was the possibility for China to put down its position as the Celestial Empire and go to Japan, the previous student, to study modestly. Second, various political genres promoted collectively. No matter KANG Youwei, LIANG Qichao from the Reformist party and ZHANG Zhidong, YUAN Shikai from the Westernization party both recognized the advantages in dispatching students to Japan, for instance, Japan has the similar language and culture with China, Japan is close to China in physical space and the travelling expense is less than going to the western countries. All those advantages were not obtained by the western countries as both parties agreed. At the same time, Japan welcomed Chinese government to dispatch students to study in Japan in the name of “trying to grow friendship with China”. Third, the law and political students cannot meet the need of the “new government”. After the Qing government announced to carry out the “new government” in 1901, all new affairs such as road and minerals, trademarks, tax and so on are in need of great deal of law talents. Nevertheless, the talents that used to study for fame and money obviously did not have those required legal knowledge. Last, to study abroad in Japan is the fastest and easiest way to become successful for students in that circumstance. LIANG Qichao said “politics and laws should be paid most attention to and the study of technologies and skills should be the subordinate part of politics and law. It is much easier to gain the achievements in politics and laws studies than in the study of technologies and skills. The scope of politics and laws is also wider and the technologies and skills apply in a narrow extent. If there are only talents of politics and laws in a country, it will be very easy to promote the field of technologies and

skills by them. Even if there are no persons that are good at technologies and skills, the talents of politics and laws can also bring those kinds of people from other countries and let them provide service for the country. If there are only talents of technologies and skills, the people who in charge of the government have no idea of how to use those talents, it will eventually cause a situation that talents with full skills and technologies be used by other people and countries. . . . . The Chinese need to encourage the study of politics and laws to strengthen the country at this moment.” (LIANG, 1902)

Based on the above reasons, the Qing government started to dispatch students to Japan and it has also brought a rare but ferocious upsurge of studying in Japan in modern China study abroad education history. In consideration of the great influence which was brought by the political and law students studying in Japan on social and political life and education reform in modern China, the historical investigation on the condition of the law and political students who were dispatched to study in Japan has great historical value and realistic significance. To be detailed, we can analyze it from the following three aspects.

## 1. The Early Period (1896-1906): Drastic Development

China dispatched 13 students to Japan to study from Japanese language and general subjects in 1896 for the first time and the principal of Japanese Higher Normal University Kano Jigoro was in charge of them. Seven of them graduated successfully after 3 years. TANG BaoE, JI Yihui and HU Zongying of the 13 students went to Tokyo Specialized School to study law, especially TANG BaoE who was the president of the bar association in Republic of China and became a well-known expert in the field of Chinese and Japanese legal problems in modern China after he graduated from the department of politics and economics in Waseda University. They were pioneers of Chinese law and political students who study in Japan and after them more and more students went to Japan to study law and politics.

With the effort of FAN Yuanlian and CAO Rulin etc., they had set up law and political crash courses in Hosei University in Japan to accelerate the training process of Chinese law and political talents. According to “Memorial of following Japan to set up law and political crash courses from the expeditions minister to Japan, YANG Shu” and “Rules of the law and political crash courses in Japan”, the law and political crash courses “aimed at teaching necessary subjects for modern application in Qing dynasty and training useful talents in the fields of law, politics, finance and diplomacy in a fast way” (The Eastern Miscellany, 1904). There are three

semesters and each semester lasts 6 months. The main courses are: jurisprudence, civil law, commercial law, international private law, administrative law, criminal law, civil procedure law, international public law, organic law of court, criminal procedure law, political science, economics, finance, penology, police law, local administrative law, diplomatic history and so on. Teachers were invited from other universities or part-time teachers from the Hosei University. From May 1904 to April 1908, there were five classes with 1805 students in the crash courses and 1135 of them graduated.

The Qing government announced in September 2, 1905 that all provincial examinations, metropolitan examinations must be stopped and the imperial examination system will have to be abolished thoroughly from 1906. To seek new way out, many students and scholars went to Japan to study law and politics. The amount of people studying in Japan had increased since then. Therefore, University of Tokyo, Meiji University and Waseda University had followed the Hosei University to start political and law crash courses. Meanwhile, the Qing government also started to build law and political schools to train talents in China which has remitted the shortage of political and law talents in a large scale.

## 2. The Middle Period (1907-1911): Strict Control

Due to the improper management, the good and bad mixed together in the political and law schools which made the quality of students studying in Japan drop day by day. On this account, the Qing government decided to establish the Ministry of Education which is the first independent centre institution that is exclusively in charge of education in December 1905. The Ministry of Education carried out and handed in the “Regulations on the management of students studying in Japan” and also established supervision department including a supervisor and an assistant supervisor. There were also many embranchments, for example, the general affairs office, accountant, documentation office, translation office and reporting office, etc.. A fairly complete management institution had been set up at last. From then on, the Ministry of Education started reform from the following three aspects to manage political and law students studying in Japan.

### (1) Strict Restriction on the Students' Qualification

The Ministry of Education provided in August, 1906 “students studying in foreign countries, both self-funding and government supported, must be investigated practically, should have building character and middle school education, knowing foreign languages and can

directly go to study higher courses of universities” (CHEN & TIAN, 1991). The Ministry of Education gave strict stipulations on the qualification of students studying in Japan in the end of 1906: “All students studying abroad that do not graduate from Chinese middle schools or had not obtain equivalent education degree or graduate from common schools in Japan will not be sent to study in public higher and special schools, students without finishing higher education will not be sent to public universities” (CHEN & TIAN, 1991). Therefore, this regulation had avoided the phenomenon in certain degree that students studying in Japan that do not even finish primary school or do not get basic education of Chinese.

### **(2) Weaken Law and Politics Majors and Encourage Students to Learn Nature Sciences and Techniques**

The Ministry of Education stated in the “Memorial of requesting to announce the principles of education” in 25 March, 1906 that “to promote education in China in current situation, the most important part is to announce clear principles of education.” It recognized “study to meet the need of society” as one of “the shortest qualities of Chinese people and which is strongly recommended to be improved”. Therefore, the principles of education have been set up and the purpose of it is to promote industrial education. The Ministry of Education has adopted several methods to encourage students to choose lessons relating to nature sciences and techniques, for example, the Ministry of Education stipulated in 1908 that “students from Beijing and other provinces have to finish their basic courses in China and grasp foreign languages before dispatched to other countries. All students dispatched and sponsored by the central government have to study agriculture, science and engineering and so on instead of studying other majors.” Later, the Ministry of Education decided to give opportunities for “self funded students that are studying agriculture, science and engineering in national universities or colleges in foreign countries to get sponsorship from the government when there is spare money for them” (CHEN & TIAN, 1991). The reason for doing so is “the amount of students studying in national universities and colleges in Japan has increased. However, due to the limit financial resources each province has, most students cannot be sponsored by the government. For agriculture, science and engineering are the most important aspect in promoting the construction of a prosperous country, it has to be put on the agenda. Recently, most students went to Japan to study law and politics instead of science, agriculture and engineering, we think we need to encourage them” (Official Newspaper of the Ministry of Education, 1909). The change in the policy of studying in Japan has resulted in the change of choosing majors for students to study in Japan.

### **(3) Stop Establishing Law and Political Crash Courses**

The Ministry of Education of the Qing government had decided to hold graduation examinations for students studying abroad in August since 1906 and they had held the second examination for students studying abroad in the same year and 32 students passed. Among those students, the best 9 students were the ones that studied in Europe and America. There are 5 students passed with merit and only 2 of them studied in Japan. The result had made the whole country shocked and people all doubted about the qualification of the students studying in Japan. The disadvantages of studying in Japan had been realized by the Qing government. Therefore, the Ministry of Education informed all provinces in China to stop setting up crash courses in 18, June 1906. In Japan, prime minister of the Hosei University had stopped receiving students for law and political crash courses after visited China in the same year. The education committee of students studying in Japan also provided: “1. the common crash courses has trained crash students instead of crash knowledge and all of them should be stopped; 2. The common study period of normal universities should be extended to more than 3 years” (Keishū Sanetō, 1983).

After the reform of the Ministry of Education the positive effect appeared. That is to say, from 1907 to 1911, the number of students studying in Japan had declined. However, the quality had been improved and completed. Students studying in Japan had changed from increasing amount to improving quality.

## **3. The Late Period (1912-1928): Rational Development**

The “Temporary rules on the management of commoners studying in Japan” carried out by the Ministry of Education in 1914 stipulated commoners studying in Japan should receive the middle school education in China. The “Regulations on the management of students studying in Japan” which was carried out in the same year had proposed higher requirements for students studying in Japan.

The Ministry of Education promulgated “Regulations on dispatching students to foreign countries” in October 18, 1916 which has ten articles and also has become the directive documents for studying abroad in the period of the Republic of China and 1920s. The most attractive change in this regulation is the qualifications of students. It stipulated that all dispatching students must be professors of Chinese universities or colleges, graduates that used to study in foreign universities or higher schools, or graduates of Chinese universities, colleges or higher schools. This means dispatched students at least have to receive college or higher education in China before they go to other countries to study, no matter which countries they go to or subjects they will study. From then on, students of Peiyang University, Imperial University of

Peking and some higher school students were dispatched to Japan one after another to study law and politics and so on. The management of students studying in Japan had been more and more normative and the quality of students studying in Japan had also increased in a large scale.

In conclusion, the trend of studying law and politics in Japan from 1896 has gone through three periods according to different requirements and policies in each historical period. Every period of the trend has distinguishing features which reflects the change in social and political life in related time. After studied in Japan, many students went back to China and most of them worked in the fields of legislation, judiciary and law which boosted the process of institutionalization of Chinese modern law. Therefore, taking historical examination of the students studying in Japan in this period is of great help in enriching the content and system of the studying abroad history in modern China and also has significant historical meanings.

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