

LATE CH'ING REFORMISTS (1895—1898) AND ROUSSEAU: *MIN-CH'ÜAN* VERSUS POPULAR SOVEREIGNTY*

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I

Liang Ch'i-ch'ao, the vanguard of the 1898 Reform Movement once admitted that Reformists's propagation of min-ch'üan (people's right), particularly in Hunan, accounts for the doomed frustration of the 1898 Reform Movement.⁽¹⁾ At School of Current Affairs (Shih-wu hsueh-t'ang) in Hunan where Liang and other Reformists had taught, Liang professed to his students that China could be relieved of the fear of collapse through the activation of min-ch'üan.⁽²⁾ It is well known that Chang Chih-tung and some conservatives attacked vigorously Hunan Reformists for articles which asserted min-ch'üan in Hunan journals like Hsiang-pao daily and Hsiang-hsueh-pao.⁽³⁾ Reformist's advocacy of min-ch'üan eventually forced Chang Chih-tung to write *Exhortation to Learning* (Chüan-hsueh-pien) in an attempt to refute the min-ch'üan argument.⁽⁴⁾ After the doomed failure of the Reform Movement an edict issued on December 20, 1898 condemned K'ang Yu-wei's Reformist group, with whom Hunan Reformists kept close political and ideological ties, for their alleged undertaking to change monarchy into republican (min-chu) polity, which allude to the assertion of min-ch'üan by the Reformists.⁽⁵⁾ Clearly, both Reformists and their opponents regarded the min-ch'üan argument as the cardinal characteristics of the Reform Movement of 1898. The min-ch'üan argument aimed largely at participating actively in the affairs of the nation in the capacity of the representative of local society.⁽⁶⁾ In this sense, the concept of min-ch'üan was something lingering on the traditional tension between officials as the deputy of the imperial power and the gentry as the representatives of the local society, let alone traditional criticism of the monarch based, for

* The present paper is a revised one of my article *Ch'ung-mal Honam-song ui kae-hyok un-dong* (1895-1898), *Dong-bang hag-chi*, No. 41 (Seoul 1984) pp. 271-290.

- (1) Liang Ch'i-ch'ao, Shih-wu hsueh-t'ang cha-chih ts'an-chüan hsu (1922), Chung hua shu-chü edition, *Yin-ping-shih wen-chi*, ch. 37, p. 69.
- (2) Yeh Te-hui, comp. *Chueh-mi yao-lu*, (1905, 1970 Taiwan reprint, p. 306.
- (3) Kuo-chia tang-an-chü Ming Ch'ing tang-an kuan comp. *Wu-hsu pien-fa tang-an shih-liao* (peking 1958), p. 253.
- (4) Daniel H. Bays, *China Enters the Twentieth Century, Chang-Chih-tung and the Issue of a New Age*, 1895-1909, (Ann Arbor 1978) p. 45.
- (5) Chung-kuo Shih-hsueh-hui comp., *Wu-hsu pien-fa*, vol. 2, p. 116.
- (6) Cheng Yun-shan, *Wu-hsu pien-fa shi-ch'i wei-hsin-p'ai-te min-ch'üan-kuan*, *Hang-chou ta-hsueh hsueh-pao* (Che-hsueh She-hui ko-hsueh) no. 3 (1979). Li Wen-hai, *Wu-hsu pien-fa shi-ch'i wei-hsin-p'ai-te min-ch'üan-kuan*, Li shih chiao-hsueh 1962-10.

insatance, on Mencian logic. It is clear that Western concept of democracy, too, invoked the Reformists to raise the problem of political participation in the form of asserting min-ch'üan. I am trying to analyse in this paper how Reformist's political ideas was instrumental in transforming traditional Mencian idea of "value people" (kuei-min) or criticism of monarchical power and characterize political thinking in the late Ch'ing through the discussion on how the min-ch'üan argument was differ from Western concept of popular sovereignty.

II

The assertion of min-ch'üan by Hunan Reformists could be traced back to the stimulation of change (p'ien) by Chiang Piao, the Hunan Director of Education from 1894 through 1897, who emphasized students to take keen interests in the current affairs for the institutional change (p'ien-fa).⁽⁷⁾ The institutional change as the idea of change might be indebted to Kung-yang theory of three stages of successive era (san-sih), and was to point toward the era of Approaching Peace (sheng-p'ing shih) to come which, in response to the contemporary crisis consciousness, implies a strong and efficient polity based on min-ch'üan. Besides the three stages of successive era, traditional idea of impartiality (kung) was also translated into the assertion of min-ch'üan.⁽⁸⁾ Hsü Jen-tsu who succeeded Chiang Piao in late 1897 stepped further up to propagating Kung-yang learning from which, he assumed, universal way (kung-li) and universal law (kung-fa) be derived.⁽⁹⁾ To him, like Liang Ch'i-ch'ao, the universal way and the universal law might be interpreted as the foundation of Western political system of min-chu. In July, 1897, Huang Tsun-hsien, an diplomat-turned official with long-time foreign experiences came to Hunan to serve as Salt Intendant, concurrently as Acting Justice Commissioner. Huang's foreign service in Japan coincided with the years of Japanese Popular Rights Movement (Jiyu Minken) that impressed him very much. Huang's inspiration of reform in Hunan made the conservative opponents to claim, with a little exaggeration, that "ever since commissioner Huang came, the assertion of min-ch'üan followed and prevailed."⁽¹⁰⁾ In fact, in the discussions at Southern Society of Learning (Nan-hsueh-hui), in the class of School of Current Affairs, and in many writings appeared in Hsiang-pao and Hsiang-hsueh-pao, Hunan Reformists asserted vigorously min-ch'üan as well as min-chu, and even ping-teng (equality).⁽¹¹⁾

(7) T'ang Ts'ai-ch'ang, Liu-yang hsing-suan-chih (T'ang Ts'ai-ch'ang chih, Peking 1980), p. 159. Chiang Piao, *Yuan-hsiang t'ung-i-lu* (23rd year of Kuang-hshu), Ts'ung-shu chih-ch'eng edition, tse 93-97, pp. 120-122.

(8) Liang Ch'i-ch'ao, Chung-kuo chi-jo yu-yü fang-pi, *Shi-wu pao* (Hwa-wen Schu-chü reprint), No. 9. pp. 551-555.

(9) Hsu Jen tsu, Hunan hsueh-cheng Hsu yü-mien chu-sheng t'iao-chieh, *Hsiang-pao lei-tsuán* (Ta t'ung shu-chü reprint), vol. 2, p. 700.

(10) Pin Feng-yang-teng shu, in Wang Hsien-ch'ien, *Hsu-shou-t'ang shu cha* (K'uei-yuan ssu-chung edition), 52a.

III

It seems clear, in the first place, that traditional way of criticizing an evil monarch, i.e. a despot, accounts largely for political prevalence of *min* (people) asserted by the Reformists. It is represented well in the word "people's enemy" (min-tse) 民賊 that they preferred to denounce the evil monarch. Liang Ch'i-ch'ao followed Huang Tsung-hsi's argument in *A Plan for the Prince* (Ming-i tai-fang lu) to expound how traditional idea of "kung" was overshadowed for such a long time by the idea of "ssu" (the private) which was the traditional basis of monarchical power. To Liang, the idea of "kung" on the basis of independent capability of man (tzu-chu-chih-ch'üan) was cherished in the West rather than in China.⁽¹²⁾ Liang took *min-ch'üan* as a mean of checking the monarchical power, instead of antagonizing thereof. Liang's view was obviously in concert with Kang Yu-wei's idea of "downgrading monarchical absoluteness" (chiang-tsun 降尊).⁽¹³⁾ Thus, Reformist's inclination towards Western constitutionalism, upon which their desire to offset despotic monarchical power came into shape. In this sense, *min-ch'üan* could be taken for the power of subjects to be represented largely by the gentry. Most of their *min-ch'üan* arguments, in addition to that of students of School of Current Affairs, aimed at establishing parliamentary system under the "people-monarch joint sovereignty", i.e. the constitutional monarchy supported by *min-ch'üan*.⁽¹⁴⁾ Why the monarchy is necessary? For the Reformists the monarchy was supposed to be, in the first place, a center of national unity and preservation of independence under the critical situation of possible international partition of China. The cohesion of people (*min*) under the downgraded monarchical absoluteness was to be the very way to form such a modern state. Thus, the problem of *min-ch'üan* was raised by virtue of nationalism of the day. In a comment to an essay by a student of School of Current Affairs, Liang criticized Ch'ing government that looks like a loose confederation of 18 states (provinces) without having efficient monarchical (central) power. The contemporary monarchical power, Liang contended, was unable even to integrate two system of naval command into one monarchical (central) command, although execution of a trivial murderer (in the remote place of a province) was awaiting emperor's approval.⁽¹⁵⁾ Consequently, the monarchy itself first should be transformed into constitutional monarchy in order to qualify as the center of national unity. Needless to say, the constitutional monarchy was to be headed by an

(11) Hu-nan-sheng chih pien-tsuai wei-yuan-hui comp., *Hunan chin pai-nien ta-shih chi-shu* (Tokyo, Daian, Reprint of 1959 Changsha edition), pp. 139-146. Charles M. Lewis, *Prologue to the Chinese Revolution. The Transformation of Ideas and Institutions in Hunan Province, 1891-1907*, (Camb. Mass. 1976), pp. 40-67.

(12) See note No. 8.

(13) *Wu-hsu pien-fa*, vol. 2, p. 129.

(14) T'ang Ts'ai-ch'ang, Chang-ku tsung-lun, *Hsiang-hsuen-pao*, (Hua-wen shu-chu reprint), pp. 821-822. Tsai Chung-chün, Chün-chu-piao, *Hsiang-hsueh pao* p. 2080.

(15) Shi-wu hsueh-t'ang, ed., *Shih-wu hsueh-t'ang ch'u-chih* (Chang-sha 1898), 7a, 14b.

enlightened monarch supported by min (people) whose ch'üan the gentry was expected to represent. The monarchy, then, is able to initiate reforms. Thus, min-ch'üan was to be instrumental in making China constitutional and strong.

Mai Meng-hua, another proponent of Reformist idea, proposed to revere monarchical power, seemingly contrary to his colleague's idea. He, too, aimed at, in reality, the creation of efficient central government with people's (min) support.⁽¹⁶⁾ P'i Shih-jui, the chairman of Southern Society of Study, warned conservative opponents not to confuse Reformists' idea of min-ch'üan with that of a certain Sun Wen. It is amazing that P'i was well aware of the distinction between the Reformist idea of min-chu and that of revolutionary's which aimed at the demise of the monarchy.⁽¹⁷⁾

Although an editor of Hsiang-hsueh-pao praised the min-chu system of the U. S., in principle, he still argued that it was not advisable to adopt the system since it necessitates bloody revolution as Washington experienced and needs so many years like the revolutionary ideal of French revolution which was accomplished finally one hundred years later.⁽¹⁸⁾ What did the Reformists' connotation of *min* made different, if any, from that of classical one? It was the idea of "grouping" (chün). Voluntarily united *min* differ from the simple *min* which often referred only to subjects or the ruled. In order to have the *min* form the group, "ch'üan" was supposed to work as intermediary. Thus, the idea of grouping was instrumental in transforming the meaning of *min*. Though the word "chün" was not unfamiliar to Chinese from the time of Shun-tze, modern connotation of "chün" was first introduced by Yen Fu in 1895. In his *On the Origin of Power* (Yüan-ch'iang) Yen expounded Darwinian (and Spencerian, too) idea of "grouping", only by which people are able to survive as the fittest.⁽¹⁹⁾ "Chün" has to be a cohesive (and strong) one with the ability of self-benefitting (tzu-li) and individual liberty (tzu-yu) which are virtually served as the basis of self-government. For the acquisition of the ability of self-government the cultivation of people's power (min-li) and people's intellect (min-chih) is the prerequisite. In other words, the "chün" is to be created through the process of enlightening people's intellect by enlightened gentry. It is interesting to note that the Reformists like Liang Ch'i-ch'ao and T'an Ssu-t'ung, who were convinced through Yen's argument that "grouping" is the very way to make China strong, faced the crucial turnabout by asserting that even the monarch is a member of the (larger) chün⁽²⁰⁾ (The

(16) Mai Meng hua, Lun Chung-kuo i tsun chün chüan, *Shi-wu-pao*, No. 21, pp. 1381-1387.

(17) P'i Hsi-jui, Shih-fu-t'ang wei-k'an jih-chih, in *Hunan Li-shih tzu-liao*, 1959-2, p. 121. A student of School of Current Affairs, too, mentioned in his essay that there are some bandits who advocate Western idea of min-chu, presumably alluding to Sun's revolutionary group. see Yang Ch'ang chih, Wen min chu-shuo, *Hsiang-pao lei tsuan*, p. 453.

(18) Hsiang hsueh pao, pp. 2081-2082. See also Tsai Chung-chün's article listed in note. 14.

(19) *Wu-hsu pien fa*, vol. 3. pp. 41-59. Wang Shih, *Yen Fu ch'üan* (Shanghai Jen-min ch'u-pan-she, 1976), p. 21.

(20) Liang Ch'i-ch'ao, Shuo-chün, *Shi-wu pao*, No. 26, 1a.

conservatives condemned this kind of argument to be the negation of the distinctiveness between monarch and subject in the style of Western egalitarianism).⁽²¹⁾ One can easily find similar rhetoric in a traditional way of explaining the nature of the monarch(y) in that a monarch is perceived just as a title of a supreme rank, instead of an absolute ruler characterized by the moral law.⁽²²⁾ Apparently, this perception reinforces Reformist's view of chün which implies horizontal and cohesive socio-political group replacing the traditional idea of vertical structure of polity comprised of monarch and subject. The new idea of "chün" was also responsible for substituting mandate of heaven as the ultimate standard of political legitimation.⁽²³⁾

What is, then, the role of the monarch in the horizontal polity? A monarch was to govern through the art of "chün" (chün-shu), namely, the art of making people cohesive in a group. The art of "chün" was represented in the form of National Assembly (parliament) at the top down to study societies. The National Assembly, or the provincial assembly in the case of Hunan, would be the appropriate body to have gentry's intellect and ability serve to form a cohesive group (chün-tsai-li).⁽²⁴⁾ In Hunan, Southern Society of Study was intended to experiment such a grouping. Another controversial argument in regard to the Reform Movement was that of egalitarianism (ping-teng lun) in that Reformists found a theoretical key to devalue the validity of official-led vertical structure of polity, anticipating more active gentry's participation into national politics.⁽²⁵⁾

IV

Though Reformists' min-chün argument played the key role in replacing the vertical structure of polity with the gentry-led horizontal political structure, popular sovereignty upon which more active participation of free individuals in the polity could be advocated was yet to be put forth by the Reformists. In fact, Yen Fu introduced both tzu-yu (liberty) and min-chu as the postulate in making the West powerful.⁽²⁶⁾ But, the idea of min-chu alone was widely appreciated along with the assertion of the min-ch'üan, whereas the idea of tzu-yu was rarely mentioned in the writings of the Reformists. In the case of Reformist's assertion of egalitarianism, liberty as its basis was hardly noticeable, intending

(21) Hsiang-sheng hsueh-yueh, Su Yü ed., *I-chao ts'ung-pien*, (chang-sha 1898) ch. 5, 14b.

(22) P'i Hsi-jui, Lun pu-pien-che tao pi-pien-che fa *Hsiang-pao-lei-tsuan*, p. 38. T'an Ssu-t'ung, Shang Ou-yang chung-ku, *T'an Ssu-t'ung ch'uan-chi* (1981 revised edition, peking), p. 463.

(23) Hao Chang, *Liang Ch'i-ch'ao and Intellectual Transition in China, 1890-1907* (Cambridge, Mass. 1971), p. 105.

(24) T'an Ssu-t'ung, Shang Ch'en-yu-ming fu-pu shu, *Hunan li-shih tze-liao* 1959-4, p. 133.

(25) P'i Chia-yu, P'ing-teng shuo, *Hsiang-pao lei-tsuan*, p. 25. Ye Te-hui, Yeh-li-pu yü Liu hsien-tan Huang Yu-wen liang-sheng shu, *I-chao ts'ung-pien*, ch. 6, 18b. Nan-hsueh-hui tsung-hui chang-ch'eng, *Hsiang-Pao lei-tsuan*, p. 494.

(26) Yen Fu, Yuan-ch'iang, *Wu-hsu pien-fa*, vol. 3, p. 48.

to come up the phenomenal distinction in the society alone by the word p'ing-teng. Here the preferential adoption of foreign ideas is clearly recognizable.

Was the popular sovereignty received by *general will* of free people the same case? Why was no mention of popular sovereignty found in the writings of the Reformists? One is tempted to attribute Reformists' negligence of popular sovereignty to the failure of introducing the idea of Rousseau, notably that of *Du Contrat Social*, in view of contemporary Japanese constitutionalists who appreciated highly *Du Contrat Social* for the cause of Jiyu minken. It is assumed that *Du Contrat Social* was first partially translated in Chinese in 1900 by the editors of *Collection of Translations* (I-hsu hui-p'ien). It was also introduced partially in 1899 and systemtically in 1901 by Liang Ch'i-ch'ao.⁽²⁷⁾ Fact belies, however, the assumption. The publication of *General Exposition of People's Contract* (Min-yueh t'ung-i 民約通義) of a French scholar Rousseau (Fa-ju Lu-sao) was announced at the end of *Bibliography on Japan* (Je-pen shu-mu-chih 日本書目志) edited by K'ang Yu-wei which was published probably either in 1897 or early 1898. The publisher was the Great Harmony Publishing Company (Ta-t'ung i-shu-chü) in Shanghai run by K'ang's intimate followers. One *chiao* of Western silver was the presupposed price of one copy. However, none of the books found until recently when a copy was discovered at Shanghai Library. Min-yueh t'ung-i was a reproduction of *Minyaku Yakukai* 民約譯解, the annotated translation of *Du Contrat Social*, by Nakae Chomin, a Japanese theoretician of the Jiyu min-ken movement. Nakae translated nine chapters of Book one of *Du Contrat Social* with annotation in classical Chinese and published it in 1882.⁽²⁸⁾ Chinese reproduction failed to give the name of Japanese translator. A preface by a man from Tungwan 東莞, Kwangtung, with the pseudonym of Yin-hsieh lung-hu tze was inserted instead. From the pseudonym which read literally "a man swallows up the hot blood in the throat (instead of shouting with the hot blood 咽血嚙胡子)" one can construe that the man from Tungwan might be a man of radical tint who sympasized Rousseau's cause emphatically. Interesting enough, a man with the pseudonym of Jen-ching-lou chu-jen (人鏡樓主人) wrote the calligraphic title of *Min-yueh t'ung-i*. Master of Jen-ching pavillion is none other than Huang Tsun-hsien himself who once read Rousseau's treatise, presumably through Nakae's very translation while he stayed in Japan, with enthusiasm but later found himself in favour of moderate constitutional monarchy instead of a policy of popular sovereignty.⁽²⁹⁾ One may remind

(27) Chang Ching-lu, *Chung-kuo chin tai ch'u-p'an shih-liao* erh-pien (Shanghai, 1954) p. 283. Liang Ch'i ch'ao, Lu-so hsueh-an, *Ch'ing-i pao*, Noos. 98-100 (1901).

(28) Hazama Naoki. Rousseau to Chugoku, *Shiso*, 1978-7, No. 649, pp. 78-79, 197, 203.

(29) Tung hai-kung lai chien. *Hsin-min ts'ung-pao*, No. 13, pp. 55-56. Noriko Kamachi, *Reform in China, Huang Tsun-hsien and the Japanese Model*, (Camb. Mass. 1981), p. 82, 248. The characters adopted here differ slightly from Jen-ching-lou chu-jen 人鏡樓主人 which was used by Huang himself. However, I presume that Jen-ching-lou chu-jen was actually used here by Huang himself. Reformists both in Shanghai and Changsha kept close contacts with Huang by whom they were influenced very much on their reform idea.

of Hunan conservative's claim that the assertion of min-chu in Hunan was followed by the arrival of Commissioner Huang. The preface dated on *ch'un* (春) (spring) of the year of wu-hsu, which falls roughly on late January through mid June of 1898.⁽³⁰⁾ Indeed, the publication of *Min-yueh t'ung-i* was inspired by a leading Reformist figure in Hunan where Reformists' propagation of min-ch'üan was at its zenith under his influence. The book was published by the Reformists' publishing agency in early 1898 when the Reform Movement was in upsurge in Peking. Under the situation like this, how can one explain that little words on Rousseau or his work were mentioned in the writings of the Reformists?⁽³¹⁾

One of the plausible explanation may be that the publication had no sufficient time to reach the advocates of min-ch'üan, especially those who were active in Hunan. It is true that Liang left Hunan in early (around second month of 24th year of Kuang-hsu; hereafter K. H.) 24th year of K. H. As a result, he contributed less to the Reformist journal *Shih-wu pao*. His last essay to *Shih-wu pao* was appeared on the number 55 issued on the first of third month of 24th year of K. H. Although Liang's departure for Peking seems to tone down *Shih-wu pao*'s progressivism under moderate Wang K'ang-nien's editorship, it does not necessarily mean that the journal turned away from the Reformists cause. Rather, it was still a journal devoted to Reformists' cause as expressed in an article entitled "On the Harmfulness of Stealthy Obstruction of Reform" by Master of Tu-yu-yung-sih appeared on number 67 (the first of sixth month of 24th year of K. H.). If Reformists wished, there were time to respond to the idea of Rousseau on *Shih-wu-pao*. In Hunan, *Hsiang-pao* daily was reorganized as late as at the *end*

Who, if any, among the Reformists dared to use such a pseudonym which pronounces quite similar with that of Jen-ching-lu chu-jen, the recognized pseudonym of Huang Tsun-hsien. I presume that Huang, being a high official in Hunan, might have changed characters to avoid possible denunciation by higher authority. Despite of the slight change of characters one could, presumably, figure out easily who Jen-ching-lou chu-jen might be, owing to the similarity in characters and pronunciation.

- (30) The year of wu-hsu has two third months, one is the regular third month and the other is the leap one. Usually summer of the lunar calendar begins from fifth month.
- (31) Curiously enough, Liang Ch'i ch'ao himself stated later in his *Ch'ing-tai hsueh-sku kai lun* (*Intellectual trends in the Ch'ing*) (Chung-hua shu-chü edition, p. 68) that he knew nothing about Rousseau's *Du Contrat Social* in the days of the Reform Movement. Though it is probable that Liang might have failed to read *Min-yueh T'ung-i* due to his early departure for Peking, it is unlikely, however, that he learned nothing about *Min-yueh t'ung-i* put out by the publishing agency with which he kept close relations. Liang also known Huang Tsun-hsien well and received from him much influences about Western political ideas. See Wang Teh-chao, Huang Tsun hsien yu Liang Ch'i ch'ao, *Hsin-ya shu-yuan hsueh-hsu nien-k'an*, No. 11, 1969. and Chang P'eng-yuan, Huang Tsun-hsien-te cheng ch'i ssu-hsiang chih tui Liang-Ch'i-ch'ao te ying-hsiang, *Chung-yang yen-chiu-yuan chin-tai-shih yen-chiu-sho chi k'an*, No. 1, (1969). As I mentioned above, Huang read already *Du Contrat Social* years ago in Japan and later became one of the propagator of min-ch'üan in Hunan. Presumably, Liang gave wrong story in order to distinguish and emphasize Reformists' "radical" ideas at the time of the Reform Movement as he wrote the story in quite remote (in 1920) and different situation.

of *fifth month* of 24th year of K.H. in order to soothe conservative's attack. Therefore, it is inconceivable to discredit the possibility of response to *Min-yueh t'ung-i* in the daily before the reorganization. Several months have been elapsed from lunar "ch'un" (spring) to fifth month which usually termed lunar "hsia" (summer). Hsiang-hsueh pao continued to publish throughout second month to ninth month. Hsiang-hsueh pao, too, had enough time to respond if the Reformists wished.

Before, I had introduced a similar case about the publication of *Ta-tung ho-pang hsin-i* (New Exposition of Great East Confederation 大東合邦新義) published presumably in early 24th year of K.H. by the Great Harmony Publishing Company. The title, too, was listed at the end of *Bibliography on Japan*. It is almost certain that *Ta-tung ho-pang hsin-i* was available to the Reformists after its publication. As a result, the logic and rhetoric expressed in the title was responsible for Reformist's attempt to adjust China into changing international situation.⁽³²⁾

Why, again, did the *min-yueh t'ung-i* which was published almost same time by the same publisher leave little trace in the writings of the Reformists? I try to detect the reason by examining the contents of *Min-yueh t'ung-i* if the contents did fit in the historical conditions attributable to the Reformists themselves. Now, let us follow how the *Min-yueh t'ung-i* introduced the doctrine of popular sovereignty and social contract;⁽³³⁾ Rousseau argued that a state come into being when "liberty of heavenly nature" (t'ien-ming-chih tzu-yu 天命之自由) transformed into "liberty of human will" (Jen-i-chih tzu-yu 人義之自由) by means of People's (social) contract. It is natural, therefore, to disobey to the monarch, be it a emperor or a king, if the monarchical power is unjustifiable (pu-ho-yü-tao 不合於道). (While Rousseau stated just "to obey only to *puissances légitimes*" without specifically referring to the monarch, Nakae Chomin rendered presumably with intention the other way.) People's contract (min-yueh) means that men entrust their corps and ability to folk (chung) (instead of monarch) in order to follow the postulate (su-t'ung-jen 所同然) of "folk's will" (volonté general 衆意). The monarch (Nakae rendered French *souverain* very often to monarch, i.e. chün 君) is responsible for the administration in the political body created by virtue of folk's will and *shih* (Nakae's rendering of French word *citoyen*) is responsible for deliberating the law and regulations. Therefore, the monarch is but a product of people's contract and folk's will. No special reverence toward it is necessary, and if people wish, the monarch shall be expelled (in case he violates the contract), (Nakae emphasized,

(32) Min, Tu-ki, *Daito-gappo-ron* (Tract on the Great East Confederation) and Chinese Response. An Inquiry into Chinese Attitudes Towards the early Japanese Pan-Asianism, presented at International Conference on the 1911 Revolution Commemorating the 70's Anniversary, Tokyo, October 21-23, 1981, included in Eto Shinkichi and Harold Shiffrin eds., *The 1911 Revolution in China*, University of Tokyo Press, 1984.

(33) *Min-yueh t'ung-i*, 3a, 7a, 12b, 14a, 15a, 17a, 18a.

in particular, the feasibility of expelling the monarch, whereas the French text failed to mention the point distinctively). Once people's contract is concluded, land is turned to state (pang) and men become people. People amounts to body (body politics). The body takes the parliament (i-yuan) as heart and belly, and the law and regulation as breath and blood (ch'i and hsüeh) in order to communicate ideas and will (i-ssu). The body, once called country (French text gives the word *cité*), is now called official authority (kuan). It is also called monarch (chün) in terms of its function to issue orders positively. When it is compared with other body, it is defined state (the rendering of French *puissance*). Integration of folk is termed people (min), which is also the shih (literati or gentry) from the standpoint of the deliberation of law.

Yen Fu mentioned tzu-yu (liberty) in his essays "On the Origin of the Power" (Yüan-ch'iang) and "Refutation of Han Yu's Argument" (P'i-han),⁽³⁴⁾ where he admitted that man are born free. He argued that to institutionalize the monarch-people (subjects) relationship is the kind of the reluctant inevitability due to the lack of self governing ability on the part of people. In other words, the monarch alone, by virtue of his sovereign, is liable for having people exercise their innate tzu-yu. Yen's logic is parallel to that of Reformists who, as the representatives of the gentry, took responsibility to make people enlightened for self-government. Though Yen Fu was successful in refuting Han Yu's logic that asserted monarch-people relationship is subject to universal moral principle (tao), he did not acknowledge that people's rights (resulted from the innate liberty) work by itself. From the principle of the reluctant inevitability of monarch-people relationship, expulsion of evil monarch alone, not the overturn of the monarchy, is justifiable. The evil monarch was supposed to be the violator of the principle of the inevitability to make people enlightened. It remind us of Huang Tsung-hsi's argument on the origin of the monarch (Yüan-chün). Admittedly, the reluctant inevitability to form the monarch-people relationship is not quite novel even to the conservative like T'u Jen-shou who criticized Yen Fu's "Refutation of Han Yu's Argument".⁽³⁵⁾ T'u contended that even though the inevitability is to be acknowledged, the real problem lies in who are entitled to argue. The monarch alone, T'u claimed, is entitled to argue, not the subjects. Consequently, as long as the Reformists stuck to the doctrine of reluctant inevitability with which they were familiar, they naturally were not ready to accept the postulate of popular sovereignty which might eventually lead to total negation of monarchy. It is noted that Nakae emphasized the expulsion of monarch at people's will since the creation of people's will (i.e. general will), is, theoretically, identical with people themselves. The Reformists recognized it treason-like to acknowledge popular sovereignty under the political atmosphere

(34) Yen Fu, P'i-han, *Shi-wu pao*, No. 23, pp. 1583-1586.

(35) T'u Jen-shou, Hsiao-kan T'u-mei-chün shih-yü pien p'i-han shu, *Shi-wu-pao*, No. 30.

of the day. Furthermore, while they took people to be enlightened enough (by the Reformists as the representative of the gentry) to enable them exercise rights,⁽³⁶⁾ Rousseau's doctrine of popular sovereignty does not need any kind of enlightenment of people at all because people are the constituent of sovereign which they receive from "people's will". Presumably, the Reformists found no room in *Min-yueh t'ung-i* to place their role as the representative of the gentry and intermediary between the people and the monarch. It is true that *Min-yueh tung-i* described parliament as the heart and belly of the body politic, and the deliberation of law was attributed to gentry (shih). However, it was a wrong translation of the French text which read as follows⁽³⁷⁾; At once, in place of the individual personality of each contracting party, this act of association creates a moral and collective body, *composed of as many members as the assembly contains voters*, and receiving from this act its unity and its common identity, its life and its will. At first sight, the Reformists might have been encouraged by the mention pertinent to parliament and gentry's role there. But they would soon find that the parliament is, according to *Min-yueh t'ung-i*, identical to country, state, monarch people, and even to official authority (kuan). Consequently, the readers (i.e. the Reformists) of *Min-yueh t'ung-i* might have been confused to the extent that they were unable to appreciate the logic of the role of the parliament and gentry in the body politic, albeit they were eager to find the authority of their political aspiration in the booklet. Indeed, to the Reformists, who were aspiring after the representative role of local society and sometimes placed the official authority (kuan) diametrically to the gentry themselves, Nakae's exposition might invoke serious confusion.

The introduction of an idea through the publication of a treatise does not necessarily lead to the total acceptance of the idea by the publisher himself. Sometimes, it may just aim at intellectual stimulation for a change of trend. Indeed, the acceptance of an idea depends on the historical conditions of the society. An idea might have been accepted to play a positive role if the idea meets the historical condition of the time as in the case of the Reformist's acceptance of the idea of "chün" for a new concept of horizontal social group to take charge of reform. It was hard for the Reformists to accept Nakae's exposition of popular sovereignty in place of their "historical" role as the *gentry under the monarchy*. Once the situation changed, however, same person was likely to absorb the idea he declined before. Indeed, Liang Ch'i-ch'ao later came near to accepting Rousseau's idea⁽³⁸⁾ due to the frustration of the Reform Movement which forced

(36) Liang Ch'i-ch'ao, *Shang Ch'en pao-chen lun Hunan ying-p'an-chih-shih*, *Wu-hsu pien-fa*, vol. 2, pp. 551-555.

(37) Jean J. Rousseau, *The Social Contract and Discourses*, trans. G.D.H. Cole, Everyman's Library, New York, 1950, p. 15.

(38) Hazama Naoki, *Rousseau to Chugoku*, *Shiso*, 1978-7 (No. 649), pp. 190-195.

him to an exile in Japan. In Japan, no longer the mechanism and authority of monarchy was relevant to him personally or to his cause. But, as he came to follow again the doctrine of "enlightened monarchy" faithfully, he no longer adhered to Rousseau's idea.

清季變法派之民權論與盧梭 之『民約論』

閔 斗 基

清季戊戌變法運動當中，不少變法論者主張強化民權，而他們沒有提過盧梭之民約論。其原因何在？從前研究者認為民約論之翻譯在戊戌當年還沒出版，所以沒有人提過民約論。可是近年有人在上海圖書館發現一本民約通義。這是戊戌年變法派之出版機關在上海發行的盧梭之民約論之部分翻譯。那麼，為什麼變法派不以民約通義為他們強化民權之主張之一個根據呢？我以為因為那本民約通義有不少嚴重的翻譯錯誤，讀者（變法派）不但不可能充分了解盧梭邏輯之精妙，反而會導致混亂。變法派之沒有提出民約通義作為強化民權論之根據，其原因可能在於民約通義本身之翻譯的錯誤。