

Constitutional Experimentations and Failures in Modern China and France

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Introduction

“A constitution may be defined as an organization of offices in a state, by which the method of their distribution is fixed, the sovereign authority is determined, and the nature of the end to be pursued by the association and all its members is prescribed. Laws, as distinct from the frame of the constitution, are the rules by which the magistrates should exercise their powers and should watch and check transgressors.” Thus wrote by Aristotle in his book *Politics*. Here he is drawing a definition of what is a Constitution, furthermore, of what is Constitutional politics. This definition is very general; however, Aristotle was the first influential philosopher to provide us with such a definition and that is why we decided to pick it.

If we want a more legal definition of a Constitution, we can refer to Thomas Paine, a famous American revolutionary and intellectual: “A Constitution is a thing antecedent to Government, and a Government is only the Creature of a Constitution. The Constitution of a Country is not the act of its Government, but of the People constituting a Government. It is the Body of Elements to which you can refer and quote article by article; and which contains the principles upon which the Government shall be established, the manner in which it shall be organized, the powers it shall have, the Mode of Elections, the Duration of Parliaments, or by what other name such Bodies may be called; the powers which is the executive.”¹In his thoughts about French Revolution, Thomas Paine is giving us a definition which is fitting our expectations because it draws the boundaries of our subject. Now we should draw the geographical and temporal boundaries. Our study will focus on the period of revolutionary France and periods of major constitutional change. As for China we will start in 1840 until nowadays with a special focus on the constitution of the different regimes. We will specifically focus on troubled times as the title suggests, because we consider that troubled times pushed government to have innovative and strong constitutional politics.

The interest of the subject is to identify the elements of a good constitutional politics. Mixing historical, legal, and comparative views will greatly help us in that analysis. We are also aiming to define patterns or recurrent phenomenon in Constitutional drafting.

As an introduction, we will talk about the historical events that pushed both nations to trigger Constitutional Politics, those events will highlight the causes that led governments to draft a Constitution. In the Qing Empire of China, the multiplication of interventions from foreign powers on the Chinese territory from 1840 with the opium wars, up to the Beijing expedition in 1900 (also called the 55 days of Beijing) led the fragile and weak Qing dynasty to develop a bright new constitution, under the impulsion of empress dowager Ci Xi (慈禧).² Many political councilors of the Empress considered that a constitution would allow a better rule of law, and therefore will strongly reinforce the central power that has been weakened for years. It can be considered at the real starting point of Chinese constitutional politics, even if the Qing “Constitutional Outline” (钦定宪法大纲) was quickly forgotten after the Revolution led by Doctor Sun Yat-Sen, the Xinhai Revolution (also called the 1911 Revolution). In France the story is different.

Even if France knew troubled times in the end of the 18th century, especially because of numerous and costly wars, it’s the reinforcement of absolutism, a doctrine stating that the ruler (the king) should hold massive powers, that led to a revolution and constitutional politics under the revolutionary government. At the same time, Europe was going through the Age of Enlightenment which conducted to the development of numerous doctrines: people’s sovereignty, the model of the social contract... These new thoughts spread rapidly among the liberal bourgeoisie of France. This bourgeoisie opposed the king for many reasons: tax pressure was high, and they were under-represented through the system of “Estates General” with one vote per order,

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1 Thomas Paine, *Droits de l’Homme* ; en réponse à Monsieur Burke (seconde édition, F. Buisson, 1793, 79-80)

2 Andrew James Nathan, *Chinese Democracy* (1st edition, Alfred A. Knopf Inc., 1985, 11)

where the nobility and the clergy had one vote each, while the “Third Estate” that was standing for at least 96% of the population was also attributed with one vote. We will talk of those events in our development, especially the drafting of 1791’s Constitution.

The failure of constitutional monarchies: reforms attempt in the late Qing Dynasty

The date of 1840 is kept for China because it marks the beginning of major conflicts between China and major European powers (UK, France, Portugal...). Those episodes are called “Opium Wars”. They are a major turning point in Chinese history. It is the first time that Chinese supremacy has been challenged by technologically superior nations. This period also led to the quick decline of the Qing dynasty. This decline was characterized by the rampant corruption in the Chinese Empire, and the loss of the “Mandate of Heaven”.

Liang Qichao (梁啟超) a Chinese philosopher and intellectual in favor of a Constitutional monarchy was a very inspirational figure and his thoughts were very popular among people who wanted political reforms.¹ He describes the following for a good constitutional state: “it is the essence of public opinion. All discussions and all actions must reflect the public opinion.” He also thinks a constitutional state would strengthen the state. So, it is under the Qing Dynasty that Chinese constitutional politics begins (宪政), many intellectuals and philosophers took part in the “100 days reform”, which was a call for a constitutional monarchy.² Back at that time, it was seen as a very effective way to do reforms and change the country deeply.³ Those intellectuals were blaming the Emperor for not understanding the real outcome and benefits of a constitutional government.⁴ Intellectuals such as Kang Kouwei (康有為) tried to convince the Emperor.⁵ Kang formulated criticism about the Empire, for instance in a letter he said the reformist spirit of the Empire was nonexistent and that corruption was too prevalent. He was getting inspiration from European constitution and suggested the Emperor to take them as models to draft the Outline of the Constitution compiled by Imperial Order. Kang wrote to Emperor Guangxu (光緒): “The monarch and the people should form one political body, without that, how can a nation be powerful”.⁶ We can see the influence of doctrines such as people’s sovereignty in this affirmation.

The bourgeoisie-led revolution of France

As for France the context in which the constitution appeared is different, even if the first Constitution was to set up a constitutional monarchy, the monarch had no choice, and he didn’t do it on his own. It’s the revolutionary parliament which enacted the new constitution. To sum it up, the King had no intention to write a Constitution, but at that time, France was undergoing the Absolutism period, where kings were holding most of the powers. The Revolution was triggered by Louis the 14th when he decided to publish a decree forbidding local parliament to use their “right of remonstrance” (they were also serving as court of appeal, do justice on behalf of the king). Basically, this right of remonstrance allowed local parliament to challenge royal decrees if they believed that it was contrary to the common interest or the fundamental laws of the kingdom.⁷ Therefore, lots of local parliaments began to rebel, and stopped registering the laws locally to block them from taking effects. The agitation in the local parliaments lasted until Louis the 16th was not able to pacify the situation, the unrest was growing to big even if he recalled the old parliaments and restored their rights. Louis the 16th was weak, and he didn’t embody the

¹ Intellectual and Chinese philosopher, he is in favor of a constitutional monarchy, however, he will be expelled from China by Ci Xi.

² WANG Kewen, *Modern China: an encyclopedia of history, culture, and nationalism* (1st edition, Garland Publishing Inc, 1997, 149-150)

³ LI He, ‘Chinese discourse on constitutionalism and its impact on the reforms’ (2017) volume 22 Journal of Chinese political science 407.

⁴ Norbert Meinenberger, *The emergence of constitutional government in China (1905-1908)*, (1st edition, Peter Lang, 1980, 60)

⁵ Intellectual and theorist of the constitutional politics, he flew to Japan after the “100 days reform”, he eventually came back to China to overthrow the Republican government in order to set up a Constitutional Monarchy, it was a failure.

⁶ Andrew James Nathan, op. cit., 47.

⁷ Olivier Chaline, ‘La pratique des remontrances au XVIII^e siècle – Paris, Rouen, Rennes’ (2015) 122-3 *Annales de Bretagne et des Pays de l’Ouest*. 89

absolutist doctrine, he was constantly conceding them too many powers. Eventually, Louis the 16th convoked the “Estates General”, they weren’t invoked since 1614. The “Third Estate” was trying to push for an individual vote, while the Clergy and the Nobility were pushing for one vote per order, thus assuring them of having the majority. Led by Sieyès, some representative from the Nobility and the Clergy will join the Third Estate, this new group will now call himself “National Assembly” because “they represent 96% of the Nation”, will say Sieyès.¹ This event will be followed by the “Tennis Court Oath”. From the 22 of June, the National Assembly will promise to stay united until they write a new Constitution for the Kingdom. Finally, on the 3rd of September of the Year 1791, the Constitution will be adopted.

We should now focus on these respective constitutions and draw a comparative analysis. By looking at the historical events, we will see that they were very different, both on the form and the content.

Comparing the Constitutions: Humans and Citizen’s Rights vs. Mandate of Heaven Titles organization and their impact on governance

We will take the Outline of the Constitution of the Qing Empire as an example for China because it is the most relevant and complete text for this study. For France, the Constitution of 1791 will be taken as an example, along with the Declaration of the Rights of Man and Citizens, which constitute a fundamental basis of French Constitutional Politics.

The organization of the titles gives us an outlook about the global philosophy of each Constitution. While the Chinese Constitution focuses on the “Power of the Emperor” in the first title, the French Constitution talks about the “Fundamental dispositions guaranteed by the Constitution”. In this part, the revolutionary government heavily focused on “natural rights”. In the Constitutional Plan of the Imperial Government. There is a particular focus on the power of the Emperor. For instance, the first article states: “The Great Qing Empire is dominated and ruled by the Great Qing Emperor, he will continuously exist and must be eternally respected.”² or such as: “The Sacred Dignity of his Majesty may not be violated.”³ In China the Emperor was in place due to the “Mandate of Heaven”, and those articles clearly illustrate the central place of the Qing Emperor in China. It’s an emphasis on the importance of the Mandate of Heaven, the power of the emperor is indisputable.

Under the Constitution of 1791 in France, this principle was erased. Before the King of France was “of Divine Right” it’s very similar to the Mandate of Heaven. However, under the 1791 Constitution the person of the King was still inviolable, but his title changed from “King of France” to “King of the French”, therefore his legitimacy was now coming from the people.

About the separation of powers

We can also extract several interesting points about the legislative power and the Executive power, both Constitutions have a very different approach. Under the Qing Constitution, this power is non-existent, while the National Assembly in France is the cornerstone of the power. Qing Constitution is clear, the Emperor has total power over the parliament, he can: convoke and dissolve the parliament in addition he has the power of opening and closing the sessions; he approves the laws voted by the parliament; the parliament cannot modify the budget unless it is approved by the government (appointed by the emperor); finally, the parliament cannot intervene for military affairs.⁴

So, we can easily conclude that the parliament neither has theoretical power, nor has real powers. The Emperor is the true dominating figure of the powers, even if the Constitution claims that the legislative power is held by the parliament. On the French side, the Parliament is the most

¹ Abbé Sieyès (Abbé being the French word for Abbot), was a French Roman Catholic abbot and clergyman, one of the chief theorists of the French Revolution, French Consulate, and First French Empire. His liberal pamphlet in 1789 (French satiric literary work attacking institutions) ‘*What is the Third Estate?*’ became the manifesto of the Revolution that helped transform the Estates-General into the National Assembly in June of 1789. In 1799, he was the instigator of the coup d’état of “18 Brumaire” (9 November 1799), which brought Napoleon I to power. See, Denis Lemarié, *Chroniques de Versailles*, (1^{ère} édition, Éditions Publibook, 2005, 71)

² *The Outline of the Constitution compiled by Imperial Order*, Title I - Article 1

³ *The Outline of the Constitution compiled by Imperial Order*, Title I - Article 2

⁴ *The Outline of the Constitution compiled by Imperial Order*, Title I – Article 3; Article 4 & Title III - Article 3

powerful organ, it holds the legislative power with extended safeguards against the executive power traditionally held by the King.

The powers of the Parliament are defined in the Title III, Chapter III of the Constitution, which is subdivided in 4 sections. For instance, the parliament can: propose and enact the laws, propose taxations, propose the alienation of the national demesne, hold responsible ministers or any agent of the executive power in case of crime against the nation; validate wars; ratify international treaties...¹As for the King, his real powers are very limited, first he has a lot of ceremonial duty, for example: he must swear fidelity to the Nation in front of the Parliament, if he doesn't, he needs to abdicate. The first article about the king's powers is written as it follows "He is in charge to seal the laws with the seal of the State and to enact them. He is also in charge of enacting and executing the acts of the Legislative Branch". The way this article was written suggests that the King has no choice about the execution of the law. Further in the Constitution, there is a reminder that the King cannot enact laws, he can only take regulations in conformity with existing laws.²However, he was still holding some powers such as the revocation of the ministers or the right to suspend local acts.³

Chinese subjects vs. French Citizens

The last paragraph will focus on the rights of citizens (or subjects). The first difference that can be noted is in the vocabulary used, Chinese are "subjects", French are "citizens", it's more than a detail, because it shows the position held by Chinese or French people in the society. "Subjects" represent the feudal vocabulary, implying a position of submission to a greater power. While "Citizens" represents equality, citizens have rights and more powers.

Both texts emphasize similar points: freedom of expression, freedom of press and freedom of association. Those are essentially political rights. No wonder why the Outline is very similar to any western Constitution because the Emperor sent scholars to Europe and to America to get inspirations and come back with solutions to draft a Constitution. There is also a focus on human rights, but the Imperial Outline is more lapidary on that, apart from the inviolability of private property, nothing else is mentioned.⁴ In a nutshell, the Outline of the Constitution wasn't really pointed towards Human or Political rights.

If we compare with the French Constitution, we can quickly observe interesting facts, that the position allocated to citizens and their rights is far more important. First of all, they are placed in the first title of the Constitution, then, they go further: freedom of religion, right to petition to the government, creation of the "Secours Publique" an institution where poor and abandoned children received instruction or work, public and mandatory instruction for all citizens...⁵ What is more important is: Declaration of the Rights of Man and Citizens rights is placed ahead of all articles. This is very meaningful and the revolutionary government, by doing so, not only wants to spread these ideas in France, but wants to create a universal phenomenon, because the first goal of this declaration is the universality. France or French people are never mentioned in it.

Conclusive remarks

Just by taking a look at the organizations of the titles and the first articles, we can observe that the balance of the power is different, we can say that the Qing dynasty didn't understand what was needed to face the crisis back at that time, and that they failed to change anything to the existing system. All these elements led the weak Qing Empire to his fall, while the Republican took the power in 1912.

On the other hand, French system also presents a lot of imbalance, the parliament holds too much power, and this will lead to a terrible era in France. However, the French Constitution has the merit to place the citizens at the center of its consideration, with a real focus on political rights, but this tendency will decline in the following constitutions. In 1793 the monarchy was abolished,

¹ Constitution de 1791, Titre III – Chapitre III – Section première, Article 1 ; Article 2 & Article 3

² Constitution de 1791, Titre III – Chapitre IV – Section première, Article 6

³ Constitution de 1791, Titre III – Chapitre II – Section IV, Article 1

Also see, Constitution de 1791, Titre III – Chapitre IV – Section II, Article 5

⁴ The Outline of the Constitution compiled by Imperial Order, Title II – Article 6

⁵ *Constitution de 1791*, Titre Premier – Dispositions fondamentales garanties par la Constitution

and the King was executed, the sentence was decided by a vote at the parliament. Meanwhile, another Constitution was drafted, but never applied because the Terror began: a period where all “enemies of the Revolution” had to perish and where the “public safety committee” was holding lots of power.¹ It was a subcommittee created by the parliament in charge of the “domestic security”, but with the ascension of Robespierre and the radical Republicans at the parliament, it became too powerful, it will eventually be dissolved in 1795.

In the following part we will look at the new constitutions, eventually we will conclude that the executive power was weak which will lead to even more instabilities.

Political instabilities and weaknesses of the new Constitutional governments Chinese Factionalism, first cause of the Political Divisions

Both regimes were marked by a certain degree of instability of the executive power. We can explain those symptoms by taking a look at the historical context. In China, the Republic has been proclaimed in 1912, but the death of Yuan Shikai (袁世凯) and the fragile unity within the state created a power vacuum. This period was characterized by constant civil wars between the warlords of each provinces. There was not a real central power, and “The disintegration of sanctions and values from the traditional Chinese civil government” spiral led the country into the Warlord Era and chaos.² Lucian Pye, a very famous sinologist and teacher for Massachusetts Institute of Technology described the chaos by explaining the behavior of these warlords: “They [the Warlords] are instinctively suspicious, quick to suspect that their interests might be threatened, hard-headed, devoted to the short run and impervious to idealistic abstractions”³

The Warlords were nowhere near political leaders, even if some of them professed abstract theories to rebuild a greater China: Yan Xishan (閻錫山) was in favor of a political syncretism mixing democracy, militarism, Confucian Paternalism or even individualism.⁴ According to Jonathan Fenby, China became “a country without a system; anarchy and treason prevail everywhere. Betraying one's leader has become as natural as eating one's breakfast”.⁵ In a nutshell, the Beiyang government (北洋政府), supposedly being the central government because of its international recognition. However, it was challenged by everyone in China. Especially by southern factions led by Sun Yat-Sen. Main criticism made toward the Beiyang government was that it was corrupted, weak, and tyrannical. This instability is clearly visible: from 1916 to 1928 there was a succession of 34 heads of government and 25 cabinets. The northern government is also strongly supported by the Japanese, this is adding even more difficulties to its goal of reunification.

We can conclude that at that time, Constitutional Politics wasn't a useful tool to reunite China. The country was divided in several factions, each on claiming sovereignty. Only the southern factions and Sun Yat-Sen tried to protect the first Constitution of the Republic of China. Those factions could be named “Constitutional legitimists”, as their primary goal was to legitimize the provisional Constitution of 1912. Indeed, they launched a lot military of actions against the Beiyang Government, known as the “Constitutional Protection War”. Despite numerous inner conflicts in the military junta of Guangzhou, pushing Sun Yat-Sen to the exile, he was elected “extraordinary president” in 1921

Eventually, he formed the United Front with the CPC in 1923. The Front will reclaim the power later when the Beiyang government will be defeated.

The failure from the Directorial Regime to save the Republican Institutions

¹ Raphael Matta-Duvignau, ‘Le comité de Salut-Public (6 avril 1793 – 4 Brumaire an IV)’ (2012) n°3 Les comités des assemblées révolutionnaires : des laboratoires de la loi <<https://journals.openedition.org/lrf/773#article-773>> accessed 11 November 2020

² John King Fairbank, Edwin O'Reischauer, Albert Morton Craig, *East Asia: Tradition and Transformation*, (2nd revised edition, Houghton Mifflin Company, 1978, 758)

³ Lucian W. Pye, *Warlord politics: conflict and coalition in the modernization of Republican China*, (1st edition, Praeger, 1971, 168)

⁴ Donald G. Gillin ‘Portrait of a Warlord: Yen Hsi-shan in Shansi Province 1911-1930’ (1960) volume 19 The Journal of Asian Studies 289.

⁵ Jonathan Fenby, *Generalissimo: Chiang Kai-shek and the China He Lost* (Reedition, Carroll & Graff, 2005, 152)

On the French side, the “Directoire”, a directorial regime characterized by the strict separation of the powers and the fact that the executive power was held by 5 directors, was also facing lots of difficulties. Its legitimacy and stability were endangered by many conflicts. This form of government was promoted by the Thermidorian Convention to avoid another “terror”.¹ In order to do so, the government decided to split the executive power with a system of rotating presidency². This regime was by all means an aristocratic regime: first of all, the suffrage by census was re-established, thus putting the number of electors to 30,000.³ In addition, any references to “natural rights” or “equality in rights” were removed from the Constitution.⁴

In its mission to avoid a new tyrannical regime and the monopoly of power from the parliament, the directorial regime’s first action is to create a bicameral parliament with a strict separation of powers. This experience is a failure, in many cases, chambers are hostile to this regime: either the monarchists or the Jacobins have the majority in the Parliament.⁵ Maurice Duverger, a French historian, will describe the new way of governance with an innovative formula: “To work, the first Republican constitution effectively applied will need to make ‘Coup’ a regular system of government.”⁶ He analyzed the fact that there was no procedure in case of discordance between the executive and the legislative branch.⁷ The 5 Directors were not responsible in front of the Parliament, and that they weren’t having any prerogative over the legislative power, thus leading to this so-called “Coup” as a regular governance system. This system was subject to no less than 4 insurrections in 4 years, and the ultimate one making Napoleon the new sovereign of France with the Consulate Regime.

Not only the directorial regime was threatened by inside factions, but France was being on war with a lot of major European powers: United Kingdom, Austria, Sweden, Russia... This war was costing a lot, additionally conscription was launched with little success, first it was unpopular amongst a wide majority of citizens and then it was seen as a very unequal situation, because the richest people could avoid it by paying a certain sum of money.⁸ That’s another proof on the aristocratic nature of the directorial regime.

From Parliamentary Supremacy to Warlordism in Republican China

For China the causes of the instability are clear: factionalism and seditions. Even if, citizens were theoretically allowed to go to administrative courts to appeal decisions from bureaucrats and administrative body, the situation under the “warlordism” was too chaotic. There were few courts settled and their power didn’t reach every province.⁹ The Republic of China tried to embody the concept of popular sovereignty by giving powers to the Parliament, which was elected by the Chinese citizens. The first constitution was inspired by the principle of parliamentary supremacy, because members of the Kuomintang wanted to stop Yuan Shikai and create a counter-power to his dictatorial regime. So the parliament was holding lots of powers: he was able to elect the president and the vice-president, approve or not the cabinet’s members and other high state’s officials, challenge the president, declare wars, make peace treaties and finally pass laws.¹⁰ The provisional Constitution was very generous in terms of rights, as it proclaimed a certain number of political rights: freedom of speech, freedom of reunion, inviolability of the private property, secret of correspondence...¹¹ And all the provisional Constitutions granted this core of political rights. These texts also provided a clear embodiment of the rule of law, as they provide a mechanism that makes any law which is contrary to the Constitution invalid.

¹ Jean Tulard, *Le Directoire et le Consulat* (1^{ère} édition, PUF, 1991, 128)

² *Constitution du 5 Fructidor An III*, Titre V – Article 132 & Article 141

³ Sénat, ‘Le Conseil des Anciens’ <https://www.senat.fr/histoire/conseil_anciens.html> accessed 28 November 2020

⁴ Jean-Paul Bertaud, *La Révolution française* (1^{ère} édition, Perrin, 2004, 371)

⁵ Sénat, op. cit.

⁶ Maurice Duverger, *Les Constitutions de la France*, (12^{ème} édition, PUF, 1991, 48-49)

⁷ Ibid.

⁸ Jean-Paul Bertaud, op. cit., 312

⁹ R. Randle Edwards, Louis Henkins, Andrew James Nathan, *Human rights in contemporary China* (1st edition, Columbia University Press, 1986, 89)

¹⁰ Ibid, 88

¹¹ *Second Provisional Constitution (1912)*, Chapter II – Article 6

However, China was lacking experience in mass democracy and parliamentarianism.¹ But the parliament and the government seldom exercised a huge role until 1931 and the political tutelage period. The military domination of the warlords and the financial crisis were a deadly combination which made the Parliament unable to prove his power. Warlordism destroyed any hope for the rule of law, this period was marked by a country divided, and military junta settled in specific province, making them out of reach for the government and the parliament

The fall of the fragile Directorial Regime and its Inability to preserve the Republican Achievements

The rule of law is difficult, the directorial regime tries to compromise and be in the middle to avoid any crisis. And with the succession of crisis: first the “Conjuration of the equals” in 1777 led by the Jacobine Babeuf. And finally, the royalist insurrection in 1798. As we saw before, it is becoming the standard governance.

The Directorial regime increase the political control over the society, the directors don’t want to deal with a popular insurrection, the institutional situation being too chaotic at the present. Political clubs are officially forbidden, the freedom of press is reduced, military commissions were replacing tribunals... The expression “directorial terror” was born, by wanting to avoid a resurgence of the Jacobines, the Directorial regime directly became the embodiment of what it was fighting: an authoritarian regime. To add to this instability, France is undergoing poor harvesting, misery was widespread, and criminality was rampant. The republican rites such as the elections were not enough to create a massive adhesion to this regime and restore the order.

Eventually, Napoleon will take advantage over this weak regime and seize the power. He was help by Sieyes, one of the directors.

Endorsing political rights and human rights is never an easy mission, and we saw with the previous example that the Republican Ideal, either on the French or Chinese side was difficult to embrace. Instability marked the periods and both governments were unable to install a real rule of law on their territory.

The rising of new states always gave birth to plots, reactionary rebellion and radicalism. Our analysis decrypted those events in the scope of a study of the institutions and their flaws. The lack of political unity cannot be explained similarly for both countries but there is a common point, those failed Republican Governments led to the rise of powerful military leaders with Napoleon and Chiang Kai-Shek. Fed by the disgust of the population towards a model that was seen as aristocratic and corrupted, they installed military regimes with a strict control over the population and the institutions. The promise of stability, prosperity, and political education often mean the sacrifice of many political and human rights.

General conclusion

To seal our study, we can assert two conclusions: the first one is that a good Constitutional Politics is trying to balance the powers, to avoid any instability or blockade. This balance of powers can take different shape, such as procedural safeguards, right of censure over the parliament, judicial review of the laws that are passed... Those elements were lacking in the first Constitutions drafted in China and France.

The second conclusion is that there are not only objective elements to a good Constitutional Politics. Many will argue that there are incomputable elements: such as political and human rights. But only when a country has achieved a certain level of stability, prosperity, and sustainability he can make human and political rights flourish. The cultural aspect also plays a strong role. In China, even if the Emperor is gone, the concept of Mandate of Heaven still prevails, and it’s an important part of Chinese political culture.

To draw a straightforward conclusion, good Constitutional Politics are right solutions brought at the right time, with a high level of consensus from the society. A Constitution represents the unity and the cement of a nation, with its most important principles written down, therefore political unity is one of the most necessary precedent in that matter, history has proved it.

¹ R. Randle Edwards, Louis Henkins, Andrew James Nathan, op. cit.