

# The China Critic

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## THE LITTLE CRITIC

### For A Civic Liberty Union

IN a statement by Madame Sun Yat-sen, addressed to the public in general and published in this issue of *The China Critic*, the only lady revolutionist of China who is a real lady takes up the cudgels for Chen Tu-hsiu, and, conceiving the case as but an example of the larger problem of civic liberties in China, announces herself as ready to lead a fight for the protection of the people's civic rights. "To make a start toward organizing this struggle," Madame Sun declares, "I am ready to participate in the formation of a general committee in defense of all political prisoners, all victims of the Terror, and to such a movement, I am ready to lend all my efforts and all my energies. I invite all the intellectuals of China, all friends of the Chinese people, to associate themselves with this Committee in a struggle against all political persecution."

Madame Sun's cry for justice sounds very much like a voice in the wilderness, and in the end I am afraid the wilderness will drown the voice. There simply ain't enough revolutionists in China to go round and be interested in such a proposal. Dr. Hu Shih's voice was raised two years ago for the right of free speech and open responsible criticism, a movement which was advocated through the *Crescent Moon Monthly*, and which resulted in the expulsion, by ministerial order, of Professor Lo Lung-chi, editor of the *Monthly*, from a private university, and in Dr. Hu himself changing his habitat from Shanghai to Peiping. The wilderness that drowned the voice of Dr. Hu will also drown the voice of Madame Sun. To go back to history, it was the same wilderness that drowned the voice of Lo Wen-kan, the present Minister of Justice, who happened to say very much the same sort of things on January 29th, 1924.

I am proposing that Dr. Lo Wen-kan should head the Civic Liberties Union, as proposed by Madame Sun, for he is the only Minister of Justice in the world who has been in jail with the possible exception of those in the Russian Soviet Government. Unlike Madame Sun and Hu Shih, he has personally suffered from court irregularities, and, in his own words, has not only prepared the soup, but has tasted it himself.

In the *Chen Pao Sixth Anniversary* volume, published in December 1924 at Peking, I ran into an old article by Minister Lo, giving an account of his prison life for eight months, and his very logical deductions about the importance of introducing *habeas corpus* into China, the *habeas corpus* which, Dr. Lo says, is the cornerstone of English liberty. If Minister Lo still carries the convictions which he voiced eight years ago, as I have no doubt he does (any one who has played cards with him knows that he is a man of convictions), there is no reason why he, together with Madame Sun and Hu Shih, should not come out and organize a non-partisan Chinese Civic Liberties Union, along the same lines as the American Civic Liberties Union headed by John Dewey.

According to Minister Lo's narrative, on November 18, 1922, when Dr. Lo was Minister of Finance of the then Peking

Government, he suddenly received an invitation to jail, ostensibly by the instructions of the President, in connection with the Austrian loan case. There was no warrant for his arrest, but the irregularities included his riding back and forth in the prosecutor's own beautiful carriage. Nevertheless, the irregularity remained an irregularity, however comfortable the carriage drive might be. Half an hour later, Premier Wang Chung-hui and other cabinet ministers tried to persuade him to go back to his home on bail, but Minister Lo, like the good lawyer that he was, asked to be detained until he knew if he was arrested and released according to the due process of law. Minister Lo declined to avail himself of "personal favour" which is called "human nature" (*ch'ing*) in Chinese, but stood firmly on his legal rights. Even when the President of the Republic asked for a conference with him, he granted it only on the condition that he might be sent back to jail until the matter was legally cleared up. In deference to his wish, therefore, he was kept in a detention house for forty-five days, finally released on January 12th, 1923, and then again arrested without warrant on the 15th.

In the above article, Dr. Lo tells us that he had been a cook for many years in the administration of Chinese justice, but it was then that he first tasted the soup himself. Now, we need not go into the full flavour of that prison life; suffice it to mention some of the things he learned as a common convict until he was released six months later and declared innocent (middle of July). Minister Lo told us, for instance, that he learned in the first detention house, one might feel itchy and uncomfortable without a bath for ten days, but that on the eleventh, that itchy feeling disappeared. Another curious thing was that he was allowed to smoke without matches, as precaution against suicide. He was later removed to a prison built for two hundred fifty people and actually containing seven hundred fifty, in which ten people shared one washing basin and fifty people shared one bath. It was very unhygienic, Dr. Lo declared. He told us that the beddings for poor prisoners were left there when there were visitors, and taken away as soon as the visitors had left, and that the flush toilet was also built for the benefit of the occasional social-reformer-visitors. And he himself was denied bail when lawyer Liu asked for it on his behalf. It was then, he said, that he realized the awful dignity of the judge.

What is much more important is the second part of his article, in which Dr. Lo made his observations on the administration of justice. His words are perhaps as timely today as they were when he wrote them eight years ago. One might very well mistake his words for those of Hu Shih a year or two ago.

"Civic rights should come before political rights. When the people's life and property are not protected, one has no time to talk about politics. Our people may be shot, imprisoned, and our property may be confiscated at any time. People often say that our people are indifferent to politics, but there is a reason for this attitude of indifference." (cf. my own deductions about the origin of Chinese indifference in "*The Chinese people*," *China Critic*, 1931) "Therefore those who hold the reins of the government," Dr. Lo continues, "or who dare to talk about politics are either people who live safely in the concessions, or who can conveniently flee to the concessions: they are either militarists who command big troops or people who

## CASSANDRA'S COLUMN

### Give No Modern Music

SOME weeks ago, early on a Sunday morning, I found myself one of a small group of especially invited people, watching what was purported to be the dress rehearsal of a Chinese ballet, which was to have been produced at one of Shanghai's leading theatres within a week. There was all of the usual excitement and anticipation that rewards those who make a fetish of the theatre; the hushed whispers, unreal in the dim, quite empty auditorium, the ghostly shadows, the intermittent sounds of activity from beyond the flat blank curtain, the minor scrapings of the musicians tuning up.

Presently the footlights were turned on, and a slight young man, with a thin sensitive face emerged from behind the curtain. He informed us that we were to see a ballet written and produced by himself which he fervently hoped would be the beginning of a new art, or at least a new manifestation of an old art, in China. Myself, I had seen this same ballet produced some years ago at the Neighborhood Playhouse in New York, the most special, the most in a sense, precious, theatre in America. The ballet, 'The Soul of the Harp' was done sublimely there, and I remembered it still as one of the most completely satisfying aesthetic adventures of my life.

Mr. Ashalamoff, the author, was acclaimed at that time in New York as one of the prophets of contemporary music. He was born and raised in west China, and is so deeply impregnated with Chinese culture that he scarcely thinks or functions according to the traditions of the west. Now he was explaining, to the small but deeply interested audience, that this ballet was to be seen in China for the first time; that although the music was purely Chinese in color, rhythm, atmosphere and spirit, it would be produced with foreign instruments, and that the pantomime would be played by young Chinese students

have the militarists to back them up. This is all because we do not lay importance on the protection of the civic rights.

"... Therefore, I say, our charter and our constitution are merely laws of the window-dressing order. They have nothing to do with the people, but are utilized by the politicians for the carrying out of their political intrigues."

It seems to me perfectly useless to demonstrate modern justice by making a scapegoat of Chen Tu-hsiu and giving him a perfectly legal trial, until we are prepared to extend the same treatment to all people arrested without trial, whether they are prominent intellectual leaders or common workers, and until we can also set the machine of law working to its logical conclusion against rich convicts like the one who was caught with a million dollars' worth of opium a month ago, and against militarist offenders who, unlike Chen Tu-hsiu, are not merely scholars. Only then would a legal trial of Chen Tu-hsiu have any meaning. Such a Civic Liberties Union should envisage in its scope the defense, not only of political prisoners, but of *all* prisoners of *all* classes. And this *all* sounds very nice, I am sure.

Lin Yutang.

with the exception of the leading character, a professional girl dancer. He explained that it had been a very difficult task to bring the dancing to a high degree of perfection as the students, knowing little of western music, at first quite failed to recognize their own familiar tunes in the setting of the western orchestration. But, insisted the composer, there is a wealth of beauty in Chinese music, which is often hidden under the cloak of noise, inartistic presentation, inferior instrumentation and the lack of symphonic forms.

He quoted a Chinese scholar as having said recently that the music of his country belonged to the museum of antiquities-period, and not to the present day. China should not copy western music. Her music need not lose any of its individuality or essential character. But there has been little development of this art since the days of Kubla-Khan, and the superb music of very ancient days has been lost to China through the lack of a system of notation.

So Mr. Ashalamoff proceeded to show us what one can do with Chinese music at this very moment. And reviewing the ballet, this time performed by Chinese, and in China, I was thrilled again by its beauty and tremendously excited by the unlimited possibilities it suggested for the development in China of a modern theatre, or, to be more exact, a theatre with music-drama, evolved and progressing from the classical theatre.

As the curtain rose, we saw a stage, severely simple in decor. A suggestion of a Chinese mountain, a suggestion of waves on a lake. No tinsel, no spangles, no background so cluttered with dazzling designs that the beauty of grace and movement of the actors becomes annihilated. No unkempt (though picturesque) musicians at one side, no children dashing back and forth, no spitting or blowing of noses, or wandering back and forth through and during the plot of the play of stage hands or their friends. The story was the classical epic of the good and the bad general, and the beautiful maiden who by her sublime music, lured the bad general into a watery grave. It was carried out in pantomime, to the accompaniment of a full foreign orchestra playing Chinese music, and with such style and finesse that we, the small audience, were tremendously impressed and delighted.

Now for some reason that seems to me not nearly good enough, the ballet, thus prepared and perfected, was never offered to the Shanghai public. I asked a number of people for the reason.

"We tried to interest our Chinese friends so that we would be sure there would be an audience, and that we would make our expenses I was told. But no one seemed to care to bother. So we had to give it up as it was too great a risk to take."

I don't know whether the fault was with the producers for being too faint-hearted. I don't know whether equal blame can be assigned to those Chinese who were approached for support and apparently did not respond. But emphatically, I do believe that this is a movement that inevitably must come about in China, and those who are interested in developing something else beside railroads and airports and better factories or bigger armies, ought to foregather and help organize and support a modern Chinese theatre.

In the interior people may still have time to sit for hours while endless repetitions go on, in the traditional Chinese theatre. But in the large busy cities where millions of the population of this country live, there is little opportunity left to enjoy the