

THE GOVERNMENT OF
CHINA (1644-1911)

BY

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DEDICATION

To the Late Pao Tien Hsieh

the author's brother, friend, and
counselor, this book is dedicated.

PREFACE

Of all the "Chinese puzzles," politics seems the greatest. The lack of scientific treaties on past political institutions makes a solution of this great puzzle much more laborious. It is chiefly for the purpose of presenting a clear background of the present political organization, and thus facilitating the study of the present government, (the actual working of which is largely based on the institutions of the past), that this volume is prepared.

The writer is contented with discussing principally the organization of the government, and only occasionally touching upon its operation. He regrets that he cannot further deal with the real working of the Manchu governing machinery, as the imperial archives are not accessible to him. Also for fear of making this work too lengthy for a handy volume, he has had to avoid going into too much of the detailed regulations of that administrative hierarchy. In the preparation of this volume, he is confronted with the danger of making it too technical for those who are not well acquainted with Chinese political institutions and yet at the same time not technical enough for those who are better informed.

To Dr. H. H. Chang and Dr. S. K. Hornbeck, the author feels deeply grateful for their help in reading over the manuscript and making a number of valuable suggestions. To Prof. W. W. Willoughby he is greatly indebted for constant advice, criticism and encouragement.

P. C. H.

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CHAPTER I

THEORETICAL BASIS OF THE GOVERNMENT

In ethics as well as in politics, Confucian theories, to the exclusion of theories of other schools, have dominated China for the last twenty-three centuries. A discussion of Chinese political theory is, therefore, primarily one of Confucius' theories with incidental mention of the supplementary explanations made by his most famous disciple, Mencius, and by other followers of his teaching.

Being a writer on past institutions rather than one on a speculative future, and writing with the aim of stabilizing the traditional order, Confucius can hardly be accused, as many European political theorists have been, of hastening revolutions by building castles in the air. Indeed, Confucius never attempted to formulate a political panacea of his own contriving. The ancient practice of government formed the material on which he contemplated and wrote and from which he sought the betterment of the people. The existing state of things formed the basis upon which he prescribed a remedy. Practical statesman that he was, and because he had seen actual service, he clearly saw that the quickest and safest way of improving the political conditions of his period was to reinstitute the methods that flourished in the "Golden Age" of the ancient regime. He lived in the feudal age when strong feudal lords, though owing allegiance to the emperor, dominated by usurping the imperial authority. Five successful feudal lords wielded the imperial scepter in different stages in the period of feudalism, as a result of military conquest; none of them, however, showed any willingness or intention to hand their illegitimate powers back to the legitimate possessor, nor was any of them able to put an end to the existing chaos by use of the powers he had usurped.

Danger of war was threatening. Rivalry and strife had become the order of the day. Good institutions of the past seemed tumbling under the blows of the feudal struggle. A protracted period of peace, such as had existed during past dynasties, seemed an impossibility. Confucius saw the evils of decentralization and war: he sought to substitute for them centralization and peace.

The most conspicuous point of his philosophy, then, was monarchism as the means to centralization and peace. He compared the oneness of political authority in a state to the oneness of the sun in Heaven. This, however, should not be confused with absolutism of the monarch or divine right. This he objected to as much as to lawless force and disorder. But he made the monarch the center of his philosophy. Every phase of his political discussion took place on or around the monarch. By so doing, he aimed to make the institution of a monarch the commencement of stabilization. Here his practical knowledge of human nature was fully availed of. He did not try to glorify or deify the lucky or poor man on the throne; nor did he take away the heavy responsibility from him so as to make him unable to commit a wrong. To the monarch, the philosopher first gave wide powers, though his powers were to be modified by other institutions. First a liaison between the state and the family was made. The ruler was a "king-father," the mandarins "parent-officials," and the people "children-people." The shrewd old scholar witnessed and believed in the fallibility of political institutions on the one side, and the infallibility of the family system on the other. By making this liaison he endeavored to imbue the organization of the state with some of the elements that made the family system stable, and his attempt proved a success. Thus, the patriarchal element within the Chinese monarchism checked the absolutism of the monarch. In all Confucius' works, ethics was taught side by side with political theory; in many cases these two branches of human knowledge were so intermingled that it is almost impossible to separate one from

the other. The "three bonds"¹ and the "five relationships,"² conglomerations of political and social ethics, were always taught together: their traditional inseparability served in Confucian teaching as a solid example for the construction of the system.

His theory advocated love and respect for the ruler by the people, and, reciprocally, consideration of the people by the ruler. The mandates of the emperor, instead of being issued in a commanding tone, reasoned with the people, and expected to win by reasoning rather than by exacting the people's obedience to laws; the written regulations were to be upheld because of their reasonableness rather than executed because of the fact that they were backed by governmental authority. If one wonders why a centralized monarchy like that of China, without constitutional limitations, could keep itself within reasonable bounds of liberalism for more than two thousand years, the patriarchal element of the institution gives the answer. Indeed, this ingenious device stopped the execution of many brutal measures which otherwise would have been a favorite pastime of indiscreet monarchs.

In the handling of family affairs, hard-and-fast rules of conduct are often barred from operation by the abundance of the human element existing between the parties concerned. The close resemblance of the Confucian government to a family made the application of laws difficult. A sense of justice was considered more important than legal provisions, and Confucius found it necessary to emphasize the competency of men rather than the excellence of institutions. A government of men, was advocated instead of a government of law. It would be a mistake to believe that the government of men in China was as despotic as that of other Oriental countries, though the principal factor of the

¹ Between sovereign and subject, father and son, and husband and wife.

² Between sovereign and subject, father and son, brothers, husband and wife, and friends.

machinery was the same; for the rulers in China were very much limited by traditions which guided them to the right acts and by popular uprisings which guarded them from a full display of their momentary or animal passions. Above the traditions, the virtues required of the princes modified to a great extent both their intentions and their overt acts.

The required virtues of the emperor, which will be dealt with more fully in the next chapter, were not purely ethical ideals incapable of measurement in terms of tangible things. This vague term was definitely defined by the three chief functions of the government; namely, the economic welfare of the people (Yang), their education (Chiao), and the proper employment of their time and energy (Ssu). This combination gave a tinge of state socialism to the system. The performance of the three functions by a particular monarch formed the basis from which the monarch's fitness to rule could be judged. A tinge of mysticism of deification could be found in this philosophy in its mythical interpretation of natural phenomena; to wit, the occurrence of a famine, flood, storm, earthquake, unseasonable rain or snow-fall, or any other natural force that wrought destruction of property or created an unpleasant psychic state among the people. These would be viewed by the people as a warning of Heaven given to the emperor as a result of his lack of virtues. It was the monarch's duty to make good those unfavorable results of the natural forces. Inability to recover the loss or to put the psychic attitude of the disturbed back to normalcy would constitute a proof of the expiration of the "heavenly mandate" in the person of the reigning monarch.

The assignment of education to the state gave the government an opportunity to mould the thoughts of the people. No government, good or bad, teaches its people to think or act against itself. But centuries of state education did not create an attitude towards the government such as the former German government did; for the educational program had to follow traditional trains of thought and phil-

osophy. Here again a soft and yet effective check on the government was established although the government had an opportunity, by means of education, to spread whatever ideas and ideals it wanted the people to have. One by-path leading the people away from their government was the incapacity of the ruler to bring able and energetic persons into the government service.

Having drawn the analogy between a state and a family, and, in fact, having treated the state like a family, Confucius set down a body of rules for the conduct of the relations between the emperor, the responsible head, the ministers, his colleagues in the management of state affairs, and the people. Loyalty to the emperor was as much an essential as filial piety to parents, and disloyalty was the great crime. But there the analogy ended. The theoretical justification of overthrowing an unworthy monarch was provided while no excuse was permitted for one to shake off the shackles of unkind or malevolent parents. In a family, whatever may be the circumstances, the members of the family have to abide by one another; even to a bad father or mother the filial piety of a child is due. A revolt against one's consanguine superior is both a legal and a social crime: the utmost a son can do is to avoid the presence of his parents by physical separation. The artificial bonds of a minister to a state, on the other hand, can be tightened or loosened as circumstances permit; in other words, simply because a man is born in a certain family, nothing can separate him from its other members, but a man is not bound to render his service to his native state. A subject serves his king only when the latter is worthy of the service. His worth is measured by the way the government is run, the degree to which he accepts advice, the respect he shows his ministers and the calibre of the men he has in his service. Refusal of public office, especially during a bad emperor's reign, not only does not constitute an act of disloyalty to the state, but often makes the declining appointee a hero devoted to principle.

Under this system, the state could degenerate with an unworthy ruler on the throne. But a remedy was provided in the form of the right of the people to rebel. Before, however, entering into the discussion of this particular right, the position of the people in this state should first be made clear. Mencius, comparing the relative importance of the different elements of the state, said: "the people first, territory next, the king last." Then he brought virtue back as the weapon with which to capture the people by winning their heart, coinciding with the theory set forth in the *Higher Learning* that "possession of virtue attracts the people, the people bring territory and territory produces wealth; therefore, virtue is the root and wealth the fruit." Force is eliminated from the political arena. Moral superiority is heralded as the best and only weapon of political conquest. After they have been won over, virtue is to be employed to keep them, for "whoever protects the people is their prince, and whoever tyrannizes over them is their enemy." The task is not performed by simply winning over the people. To protect and care for them, in an economic sense, is just as important a duty of the government. As the opinion of the people is dormant, active participation of the people in government is not practiced, and the degree of satisfaction of the governed can be measured by the presence or absence of uprisings. The signs of a rightly and well governed state are: lack of complaints, general economic sufficiency, ready and unconditional obedience to laws, and willingness of the able and the wise to serve the state. In this case not even an express consent is seen, as the duty of the state is to satisfy the constituents from both the political and economic points of view with the fulfillment of the duties taken for granted. All these represent a tacit consent passive in nature but efficient for the purpose.

A corollary of this tacit recognition is the mystical interpretation of popular sentiments. By this is meant what Confucius, his disciples, and all Chinese after them call the "heavenly mandate," which is really the mystical term of

the passive acceptance of the reigning government by the people. This can be easily confused with the divine right theory of the West, at least in appearance. As the ruler is the "son of heaven," the authority with which he rules and holds the people satisfied under his scepter is the "heavenly mandate." But, these terms have been used to the rulers' advantage and misinterpreted, and hence have become misleading. At the first glance, they seem to denote a person sent to earth from a superhuman source, destined to rule and to be obeyed irrespective of merit, ability and fitness. But the *Tzu Yuan Dictionary* shows that the word "heaven" (Tien) in the case of the phrase "son of heaven" (Tien Tse) means elder, so the term "son of heaven" means the "eldest son of heaven." We find also in the *Record of the West* the statement, "My ruler is the eldest son of my parents." These little definitions, immaterial as they may seem, reduced the difference between the august sovereign and his humble subjects from one of kind to one of degree. Again, the modifying word "heaven" beside being attached to the word "emperor" is also employed to qualify the words "minister" and "people;" thus Mencius called the ministers who have no enemy in the empire, "ministers of heaven," and the people who live strictly in accordance with natural laws "people of heaven." These instances suffice to prove that in the original and uncorrupted sense, the word "heaven" denoted nothing superhuman or divine; it simply meant ideal, natural, or perfect. Further, the *History of Han* says that "people are the heaven of their prince: food is the heaven of the people." If the people can be the heaven of the prince, the divine character in the term "son of heaven" can hardly be sustained.

The old classics give us another reason to believe that the element of divinity is not involved in the employment of the word "heaven," for the emperor does not reign for heaven, but according to the decree of heaven and to natural laws. Here again, a definite statement of Mencius is very pertinent. He says: "One of the ways for the ruler to make him-

self illustrious is to observe and enact the express decrees of heaven." He defines the "express decrees of heaven" in the following dialogue:—

Wan Chang asked, "Is it right to say that Yao gave the empire to Shun?" "No," Mencius replied. "The emperor has no right to give the empire to anybody else." "Then who gave it to him?" "Heaven gave it to him." "Do you mean that heaven gave it to him by express decree?" "No. Heaven is silent. But the tacit decree of heaven is given to only the one who has good personal conduct and the ability to govern well." "Then what is meant by personal conduct and the ability to govern well?" "It means this: when Emperor Yao died, Shun retired to the South Bank of the South River after assisting him for twenty-eight years. Feudal princes did not pay tribute to the son of Yao, but to Shun; litigants did not bring the cases before the son of Yao, but to Shun; singers did not praise the son of Yao, but praised Shun. It was not until then that Shun mounted the throne. This is why I say that heaven gave him the empire."³

This is exactly the same principle as that in the "Great Declaration" which proclaims that "Heaven looks accordingly as the people look and heaven listens accordingly, as the people listen." The *Book of History* bears the same evidence. In it we find this passage:—

The Emperor Yao said to Shun, "Ah, Shun, heaven turns to your person for the order of succession. Hold fast the doctrine of Golden Mean. If disaster happen in the empire, the authority delegated to you by heaven will end forever."

All these indicate that the ruler governs by virtue of a heavenly decree; that authority is given to only the one who has personal virtue and ability to govern; that the "heavenly mandate" is not a family property to be inherited from one generation to another, as was the practice, nay, not even to be possessed by one and the same person for life just because he happens once to possess it; that the "heavenly mandate" becomes exhausted as soon as one's virtue wanes; and that the virtue and the ability of the ruler are measured by the degree of satisfaction of the people under his rule.

³ *The Works of Mencius*, Chapter on Wan Chang.

Taking a step further, we may safely infer that the "heavenly decree" is but the passive, silent consent of the people clothed in mystical form. Later writers, for fear of incurring the wrath, or with the desire of gaining the favor, of the emperor, made the terms "minister of heaven" and "people of heaven" obsolete by disuse, leaving only one of the ancient triumvirate fresh in literature, thus corrupting and making a myth of the doctrine to suit the taste of the reigning sovereign. Fortunately, corruption of the letter did not at the same time corrupt the spirit. So, in the middle of the seventeenth century, the Manchus naïvely claimed that Heaven gave its decree to the House of Nurhachi. Even in the days of the republican regime, we still find in many state papers, the mystical term "heaven" constantly employed instead of the plain simple word "public opinion." No doubt, the traditional and classical value of that still mystical word has a firm grip upon the "subtle" minds of 400,000,000 Orientals.

Coming back to the methods and processes of the change of a government upon the occasion of the exhaustion of the "heavenly mandate" delegated to a particular person, the theory provides that a new ruler comes in, dethrones the old and enthrones himself. He, and his descendents in turn, stay until they can no longer persuade the people to recognize passively their authority to rule. Then a rebellion starts, the successful chief of the rebellion takes his turn to rule, and a new rotation again works out in the course of time.

A review of Chinese history will reveal to us that this rotation continued from the Shang Dynasty to the end of Tsing, (1766 B. C. to 1911 A. D.) each dynasty displacing its predecessor and being in turn displaced by its successor. This right of rebellion was exercised when unfavorable natural phenomena brought disasters to, or a tyrannical government oppressed, the people. Besides a tyrannical monarch, an oppressive official might lead to the unwilling exercise of this right. But a strong or able emperor could

easily suppress the uprising by statecraft or by force. Failure to relieve a famine which happened periodically with more or less regularity, would lead to a great decrease of the emperor's prestige, if not to a rebellion.

As we have seen in the beginning of this chapter, provision for economic sufficiency of the governed is one of the three fundamental duties of the government, and a good or able emperor could always make enough hay in the sunny days for the time when nature might become less generous to the people. This was not a matter of favor, but one of duty, failure to do which justified the overthrowing of the reigning house; for the inability of the government to meet the demands of its suffering subjects represented the inefficiency of the government. But history records more failures than successes in the rebellions. This means that preparation by the government beforehand or resistance at the time of the outbreak was sufficient to put down the unorganized mob; and only those who had greatly abused their power and position were dethroned, while, on the side of the rebels, extraordinarily good leaders were required to steer the way to the founding of a new dynasty.

In time of peace, this right of rebellion served as a warning to the emperor. It made his decrees argumentative instead of mandatory; it made him kind to the suffering, considerate to the ruled, and eager to obtain the service of the able and the wise; it made the Chinese emperor a distinctive institution totally different from all other sovereigns of the world. That the oppression of a local official might lead to a rebellion against the reigning dynasty instead of against the official himself was a strong evidence of the responsibility of the "emperor-father" to his "children-people." The emperor, after acquiring the "decree of heaven," was given the great power to administer his state affairs, subject only to forceful traditions and the sacred right of rebellion. The officials were his representatives, appointed or dismissed at his imperial pleasure. They were not responsible to the people. The people could call

only the emperor to account. The sole means of impeaching the emperor was this right. Very often, during or after the rebellion, the emperor issued edicts of a self-denying tone, enumerating his own defects on the one hand and promising reforms and improvements on the other. Rarely were rebels severely punished in proportion to the gravity of their crime. This ancient right of rebellion, which may appear queer to people of the twentieth century who employ elections and recalls, initiative and referendum instead of an uprising, to terminate the term of the existing government, served the Chinese for, roughly, four thousand years as a fundamental institution to make Oriental monarchism more democratic than most of the Occidental aristocracies.

As a summary exposition of the Chinese political philosophy, nothing is more lucid, concise, expressive and to the point than the three principles explained by Meadows in his extraordinarily good book *The Chinese and their Rebellions*.⁴

1. That the nation must be governed by moral agency in preference to physical force.
2. That the service of the ablest and wisest men in the nation is indispensable to its good government.
3. That the people have the right to dispose of a sovereign who, either from active weakness or vicious indolence, gives cause to oppressive and tyrannical rule.

To these, two more may be added:—

1. That inability of the government to remedy sufferings of the people caused by unfavorable natural phenomena signifies the neglect of the sovereign in his duty of making the people economically sufficient and justifies the exercise of the right of rebellion.
2. That refusal of the able and wise to render their service to the government is a symptom of the weakness of the government and a vanguard of a rebellion.

⁴ p. 401.

With the gist of the Confucian theory now presented, it is necessary to discuss why this theory dominated the Chinese Government to the exclusion of all others. First, Confucian theory embodies conservative doctrines. It aims to stabilize the political institutions. It accepts the prevailing system and tries to better it. It suggests a remedy for the corruption of the present system. The right of rebellion is the last resort, not to be exercised until all other means have been exhausted. Every reigning house has the ambition to perpetuate its own line of succession. Anything tending towards the retention of the house on the throne will undoubtedly receive its support. Loyalty to the emperor, one of the cardinal principles of the theory, places the monarch in the safety zone. The power and responsibility are all centered at the monarch, the only limitations upon whose power, besides the right of rebellion, are ethical doctrines and traditions which though not easy to follow exactly, are not such that slight violations of them endanger the position of the monarch: in other words, no hard-and-fast rules are to be followed by the emperor provided he conforms to the principles of virtue to a reasonable degree. To the government, advocacy of the Confucian theory means propaganda for its own continuance. Human nature is so well understood, so closely considered, and so well imbedded in his system by the founder of this school that to follow it became a natural disposition of the government.

Secondly, the philosophy is practical. It is as much concerned with solid political institutions as with speculative ideas. It is a system in which political science and political philosophy are combined; its students thus become equipped with a theoretical background as well as with institutional knowledge. The lack of demarcation between the two makes the study doubly profitable. If a complete separation of theory and institutions had existed, practical men would not have touched the theory and students of the abstract principles would have neglected the institutions. Again, the theory was intermingled with personal ethics. The un-

conscious acquisition of knowledge in politics through the humble pursuit of study in personal ethics greatly helped to popularize the theory. Isolation of political teaching from the ethical would have produced the same effect as isolation of theory from institutions. Furthermore, the institutions were not of Confucius' own invention, but supposed to be records of the Golden Age: the theory is taught side by side with history. Its many-sided character certainly served to make it popular.

Thirdly, contrary to its element of stability but coordinated with its many-sided character, was its feasibility. Mencius had good reason to call his teacher "the timeous sage." Kang Yu Wei, one of the greatest living Confucian scholars, says in the *Works of the Eight Contemporary Great Authors*:—"The political theory of Confucius is like the drug of a good doctor prescribed according to the nature and the degree of the disease." From the *Academic Narratives*⁵ the following extract may be called to witness this important character of the system:—

Tse Kung asked, "When the Duke of Chi inquired about government, you said that government should be economical; at a second time, when the Duke of Lu asked about government, you said that government depended on the understanding of the ministers by the ruler; at the third time, when the Duke of Yih sought advice on government, you said that the chief duty of government was to make those around you happy and those away from you willing to migrate to your domain. All three questions being identical, why should your answers be so totally different?" "I answered them according to their circumstances," replied the philosopher, "The Duke of Chi was luxurious, his people suffered from his unnecessary waste; therefore, I told him to be economical. The Duke of Lu was deceived by his ministers, their deception wrought miseries on the people; therefore, I wanted him to understand them. While the people of Yih were ready to desert their state, because they were not satisfied with the Duke's rule; therefore, I wanted him to make them happy."

⁵ *Works of Confucius*, edited by his grandson who was at the same time one of his greatest disciples.