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Explains the two channels of gubernatorial impeachment:

(1) Triennial Examination:

- Evaluations of minor officials by their superiors pass through the hands of governors-general and governors en route to the Board of Personnel in the capital;
- Evaluations of commissioners prepared personally by both the governor-general and governor (without consultation, as a form of checks and balances) and submitted to the Board of Personnel;
- Provincial officials who were guilty of the any of the "eight proscriptions" (*bāfǎ* 八法) were subject to impeachment;

(2) Ad hoc or "Special" Impeachment (*técān* 特參):

- Governors-general and governors could impeach each other and any other official in the capital or provinces, only provincial official with this authority, because of their concurrent rank in the Censorate;
- Impeachment by "exposure" (*jiēcān* 參), based on an "exposure report" (*jiēbào* 報) from a subordinate (usually a superior of the accused);
- Impeachment by investigation (*fāngcān* 訪參), based upon an inquiry initiated by the governor-general or governor;
- Impeachment by hearsay (*fēngwèn* 風聞) was not allowed.

1. *The Selection and Evaluation of Officials*

Although the power and influence of the governors-general and governors in the selection of subordinate officials was seriously circumscribed, they had statutory authority to recommend to the throne the transfer or promotion of officials to positions of rank 3B or below,⁴⁸ and in practice they sometimes recommended promotions to such senior positions as financial or judicial commissioner.⁴⁹ Moreover, in the "great reckoning" every third year, the governors-general and governors could recommend various promotions. They also could memorialize the throne asking for a change in an existing appointment. This appears to have been a relatively common practice during the early nineteenth century, for an edict of 1806 deplored the fact that governors and governors-general were far too confident that "such deviant recommendations" would be approved as "imperial favor."⁵⁰ The governor and governor-general

both had discretionary power in making acting appointments to any office up to first-class subprefect.⁵¹ Frequently the emperor asked governors-general and governors to recommend men of extraordinary talent, whether they held office or not, for appointment to government service. Their advice was also solicited in the rapid promotion of existing officials with superior ability.⁵²

Shared authority in this area was sometimes questioned by the governor. On at least one occasion the throne was memorialized by a governor who suggested a specific division of authority. In 1862, Ts'en Yu-ying, governor of Yunnan, in 1862 informed the throne of the tradition in his province.

In the past, when a civil post became vacant in Yunnan the governor was primarily responsible for finding a person to fill it. The governor-general would be consulted and would signify his support of the recommendation by adding his title and name to the governor's in a memorial to the throne. The process was reversed if a military post was to be filled. This practice was established at the time of the K'ang-hsi emperor [1667-1723] with the intention of encouraging more mutual support between the governor-general and governor. Over the years, however, when unusual situations arose, the practice was always amended to suit the circumstances. This has now become the standard practice. Certain civil posts in the province are filled by persons chiefly selected by the governor, and others are filled by persons chiefly selected by the governor-general. [In other words,] the same task is carried out by different officials. There is no assignment of responsibility to a single office or official in this situation. As to the current practice of filling military posts without consulting the governor, this also seems to be something that was not done in the old days.⁵³

The governors and governors-general exercised enormous power in the evaluation of local officials, particularly during the triennial "great reckoning." It is interesting that, while they had the power to impeach each other, one normally could not evaluate the other unless specifically asked to do so by the emperor during an imperial audience. Moreover, financial and judicial commissioners were given separate evaluations by the governor and governor-general. In this explicit attempt to provide a system of checks and balances at the top of China's regional administration, evaluations were to be submitted directly to the capital, and the governors-general and governors were not to exchange views on them. This was an overt attempt to prevent the two top regional officials from "scheming together."⁵⁴

Beneath these high offices, minor provincial officials were initially evaluated by their immediate superiors. These evaluations passed through the hands of the governor and governor-general on their way to the Board of Civil Appointments. Uncertainty as to who was responsible for initiating the triennial evaluation often led to a reliance on tradition. An interesting example of

this occurs in an exchange of correspondence in 1679 between the governor of Fukien and the governor-general of Min-che concerning responsibility for undertaking the triennial evaluation of civil officials in the province. New to his post, the governor sought advice from his financial commissioner, who admitted that he too had no idea! Eventually the financial commissioner asked his secretary and was told that traditionally the governor assumed primary responsibility for the triennial evaluation of civil officials and the governor-general for the evaluation of military officials. Consulting his files, the financial commissioner confirmed this and reported his finding to both his superiors.⁵⁵

Since both governors and governors-general could be held responsible for the conduct of these officials and might suffer demotion or dismissal as a result of the misconduct of any of them, performance evaluations were prepared with as much care as available information permitted.⁵⁶ Since the normal tenure of a governor or governor-general was relatively short, and they had few means of establishing direct contact with officials below the level of prefect, their contribution to the evaluation process for the lower bureaucratic levels was very limited, a point that occasionally attracted imperial criticism.⁵⁷

Despite the severity of punishment that could be, and was, handed out to officials who abused their prerogatives in the areas of appointment and evaluation, it was not unusual for governors-general and governors to accept bribes. Cash and gifts were frequently offered for the highly favorable evaluation ("outstanding and distinctive") which usually led to an imperial audience and promotion, or for a cover-up of misconduct or mistakes that might have led to demotion or dismissal. In a K'ang-hsi edict of 1666, the emperor acknowledged that some governors-general and governors openly accepted bribes during the year of the "great reckoning" and that the value of these gifts was related directly to the level of office involved.⁵⁸ Another imperial edict of 1681 noted that top provincial officials frequently provided unjustifiably high performance ratings at the request of colleagues of the same rank, in expectation that the favor would one day be returned.⁵⁹

As mentioned above, the powers of the governor-general and governor in appointing officials was seriously limited. While the governor-general and governor were answerable to the throne and not to the various boards, the Board of Civil Appointments had great power over the civil bureaucracy below the level of governor-general. With the exception of a few posts reserved for nominations by the governors-general and governors (*pen-sheng t'i-tiao*), appointments were made by the throne on the recommendation of the board. In the process of evaluation, too, the Board of Civil Appointments and the throne made the final judgments. In these areas, however, the governors-general and governors undoubtedly exercised greater discretionary power in practice than in theory, for their recommendations carried enormous weight. The system itself underlined the importance of the principle of "checks and balances" within Ch'ing governmental practice.⁶⁰

The administrative power enjoyed by governors-general and governors, particularly in the area of appointment, grew during the mid-nineteenth century. The creation of new armies, taxes, and bureaus to collect them, as well as self-strengthening establishments such as arsenals, led to the establishment of a number of important bureaucratic and military positions over which the governors-general and governors had considerable authority.⁶¹ Military exigencies also led to increased use of "military merit" as a basis for appointment to various posts, and to far greater exercise of the power to make "acting" appointments.

It was soon apparent that the throne, as well as the boards, viewed these trends with some concern. In 1868 and 1869, edicts cut in half the number of posts open to candidates with "military merits" and then excluded such candidates from appointments to either financial or judicial commissioner unless they also held regular high degrees.⁶² In further edicts of 1876 and 1877, the number of acting appointments that could be made by governors-general or governors at the *chou* and *hsien* levels was reduced to 10% of total posts, and certain kinds of vacancies ("dismissals, retirements, demotions, mourning leaves") were specifically reserved for nomination by the Board of Civil Appointments.⁶³ Even in times of national crisis, which saw the emergence of such eminent governors-general as Li Hung-chang and Chang Chih-tung, Peking easily asserted its traditional control over the administrative powers of China's top regional leaders.

2. *Judicial and Impeachment Powers*

It appears that the governors-general and governors did play a major role in the normal conduct of judicial affairs. At the provincial capital the judicial commissioner or provincial judge (*an-ch'a-shih*) handled most of the region's legal affairs, except cases of a purely civil nature which commonly went to the financial commissioner (*pu-cheng-shih*). The judicial process usually began at the lowest level of provincial government, that is, at the official office (*yamen*) of the district magistrate, but, except for the most minor cases, decisions were reviewed and confirmed at higher levels. The most important ultimately went to the emperor. At the provincial capital the judgments of the judicial commissioner required the ratification of either the governor or governor-general, but "the fact that the judicial commissioner owed his first responsibility to the Board of Punishments in Peking gave him considerable autonomy."⁶⁴ The role of the governors-general and governors appears normally to have been one of ratification and transmittal rather than detailed review or initiation. However, if the case was one for which the penalty might be more severe than permanent exile, they could ask the judicial commissioner to retry it. If they were dissatisfied with the retrial, they could then try the case with the judicial commissioner and report it back to the Board of Punishments.⁶⁵ Less serious cases were transmitted periodically and collectively to the Board of

Punishments, while those of a more serious nature were sent on to Peking individually.⁶⁶ In civil suits, the financial commissioner's primary responsibility was to the Board of Revenue. However, most civil suits were handled by him and did not go on to Peking.⁶⁷

Within the judicial system, the governors-general and governors did have special discretionary powers and responsibilities. In the Ch'ing dynasty all sentences had to accord with law or statute and could be based on decisions in prior cases only if these had been declared precedents. "Only the governor-general and governor were authorized to cite a prior case and request the approval of the Board of Punishments."⁶⁸ The governors-general and governors also were responsible for retrying all cases involving the death sentence.⁶⁹ Moreover, it was common for the Board of Punishments to reverse decisions made at the provincial level. When this happened the case would be "remanded to the provincial governor-general or governor with stated reasons for the reversal and instructions to reconsider the case accordingly."⁷⁰ The new judgment would again be submitted to Peking for final approval. Frequently a reversal by the Board of Punishments was accompanied by a rebuke of the governor-general or governor. As in all other areas of provincial government, the ultimate responsibility of the top officials for the good conduct and competence of officials beneath them meant that the failure of the judicial process, or more particularly the misconduct or incompetence of its officers, could lead to the disgrace by demotion or dismissal of governors-general and governors.

As the highest provincial officials, with concurrent positions in the Censorate, the governors-general and governors had important powers of impeachment. During the years of "great reckoning" they could investigate and impeach provincial officials who had committed one or more of the "eight proscriptions."⁷¹ At any other time they had the power of special impeachment (*t'e-ts'an*) over any official in the government, inside or outside their own jurisdictions, who had committed such serious offenses as bribery, acts of obvious incompetence, mishandling of a trial, or cowardice that resulted in military defeat.⁷² No other provincial official enjoyed this prerogative.

The exercise of this power was usually based on the report (*chieh-pao*) of the immediate superior of the man to be impeached, who in turn was liable to severe punishment if such cases were not reported to the top officials.⁷³ The governors-general and governors did not always rely upon the reports of their subordinates, but often initiated investigations that led to impeachment. As soon as the removal of an official from his post was reported to the throne, the governor-general or governor could "remove his seal of office and his grade-signifying button, and 'keep him under custody' awaiting judicial inquiry."⁷⁴ An interesting aspect of the checks and balances system that evolved in Ch'ing government was the stipulation that inquiries initiated by the governor be conducted by the governor-general and vice-versa.⁷⁵ While these men had extraordinary power in initiating the process of impeachment, they had no authority whatsoever in determining the nature of the punishment.

A more remarkable aspect of the checks and balances system was the power of the governors-general and governors to impeach each other, as well as subordinates and other officials, including their counterparts in other provinces. Derived from their concurrent positions in the Censorate, this power was defined by the Ch'ien-lung emperor as one designed to "make them check and investigate each other," thereby avoiding situations where they might be tempted to conspire to conceal each other's faults and crimes at the expense of the nation.⁷⁶

In fact, governors-general and governors rarely exercised the power to impeach each other, much to the chagrin of the censors. As early as the Shun-chih reign one censor commented that "the governors-general and governors have been repeatedly ordered by imperial edict to impeach each other, but this [directive] has never been carried out."⁷⁷ Later in the dynasty, during the K'ang-hsi reign, another censor remarked that "in the last few years, there has not been a single case of impeachment against the governor by the governor-general of the same province, or vice-versa."⁷⁸ That the court considered this a serious problem is reflected in a 1670 proclamation by the K'ang-hsi emperor establishing a new regulation that called for the demotion by three ranks and transfer of any governor-general or governor who failed to impeach a colleague whose misconduct was later discovered.⁷⁹ It appears that the threat of demotion did little to correct the situation, for toward the end of the dynasty an official, Hsüeh Fu-ch'eng, complained that "when the governor-general and governor are both improper they will tolerate and conceal each other's faults so that their own [illegal] adventures will not be jeopardized in the future. There is no benefit to speak of from mutual restraint and control."⁸⁰

The difficulty encountered by the court in enforcing this aspect of impeachment was due as much to the complexity and thoroughness of Ch'ing administrative law as it was to the more obvious reasons stated by Hsüeh Fu-ch'eng. The comprehensive administrative regulations under which Ch'ing officials worked made it easy for a high official to transgress a rule which could lead to serious administrative penalties. Ultimately responsible for virtually everything that happened within their vast jurisdictions, the governors-general and governors could be found wanting in any number of ways by a colleague determined to accuse them. They were sensitive to their own vulnerability and were not eager to invite counterattack by accusing others. Ironically, the very rules and regulations originally designed to ensure greater efficiency, morality, and loyalty to the throne sometimes had the opposite effect.