

## Theoretical Thinking on the of County Administration Reform in the Late Qing Dynasty and the Republic of China

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### Abstract

The requirements for the rapid transformation of society and the influence of “Western learning spreading to the East” have caused many changes in the county administration since the modern times. Although the self-government tendency occur in the county administration concept, the purpose of “emphasize official benefit and neglect the people's welfare” do not completely change; the small government model is gradually broken in the governance model of county administration, a large number of Western grass-roots social management models are used for reference, but the social reality of agricultural civilization have not changed completely. The functions of defending national interests have been strengthened, and the functions of safeguarding social welfare have been neglected in responsibility for county-level regime. There are disadvantages which emphasize individual and neglect system in the county legislation. Although it cannot be denied that the county administration reforms have made some progress, but the reform road of modern China's county administration are very hard to walk and long-term, it is destined for weakness of state governance ability of ruling class.

### Keywords

the late Qing Dynasty and the Republic of China, county administration concept, governance model of county administration, responsibility for county administration, legislation of county administration.

### 1. Introduction

Since the Qin Dynasty officially opened the system of prefectures and counties, the county administration has become an important part of China's local administrative system, almost as well as all previous dynasties. Although the setting concept of county administration, the specific management model, the relevant operation mode, the relevant legislative content and the generated social effects are not the same in different historical periods, but the importance and necessity of county administration haven't changed in the grassroots social governance all the time, There is a saying about that " national prosperity depends on this position". Since the success or failure of the county administration directly determines the rise and decline of each dynasty's destiny, and a lot of efforts on the county administration reforms are to maintain political and social stability and naturally become a big law of Chinese feudal society.

Since the modern times, especially during the late Qing Dynasty and the Republic of China, the current political situation of internal and external troubles increased the difficulties of state governance, under the clamor of "the rule of law, the limitation of the governance" thinking, the rule of law reform was regarded as the only choice to save the national crisis at that time. The government had carried out drastic reform of the county administration in the field of social governance at the grassroots level affected by this, and hoped to the purpose of eliminating internal troubles and maintaining the ruling foundation. However, from the social effect, despite all the efforts, the reforms of county administration failed to eventually reverse the declining tendency of the national destiny; naturally, it is difficult for the politics and society in late Qing Dynasty and the Republic of China to get rid of the crisis-ridden dilemma as well. The dependence on the reform of the county administration save the political and social crisis - this is the ancient Chinese society's time-tested historical experience, why this experience is no longer efficacious, why relative "advanced" Western political civilization lost its due power in the relative "backward" Chinese society, whether the

"foreign system" is not acclimatized or the "foreign method" is not appropriate to Chinese society's symptom, China's county system are difficult in walking and ineffective in the late Qing Dynasty and the Republic of China, what is the deep reason, which is the direction of county reform should be and so on, this times problem is not only trouble the people, but also is historical question which is worthy of future generations' thinking.

## **2. Imbalance between Official Benefit and Public Interest in Concept of County Administration**

The autocracy as the criterion in the times of feudal society in China, the county system is undoubtedly most powerful means that meets the needs for political rule of ruling class, raises money social resources to maintain the operation of the state machinery, and plays the role of state violence machinery to ensure the stability of social underclass, its characteristics that serve the imperial power and the official are very obvious. Therefore, the "emphasis on official interest and neglect in public interest" thinking is the core of traditional county administration culture in China.

The "emphasis on official interest and neglect in public interest" guidance inevitably cause the breeding of phenomenon that county administration ignore the interests of underclass, relevant laws and regulations of county administration are difficult to gain public approval, the public negative resistance and inner rejection are inevitable, it is bound to cause tension between officials and the people, the county government will inevitably spend a lot of energy to deal with social order, the social management function of will be county administration greatly reduced. The feudal county system after the Song Dynasty, although the centralization tendency is increasingly obvious, the social implementation effects do not improve, showing an increasingly corrupt trend, the feudal society naturally is into the dead end. This is a painful lesson where imbalance between officials and people' interest in the top-level design of the county government.

The culture of county administration praise highly "emphasis on official and neglect in public" guidance, but also cause the lack of financial rights of county government, and then result in the prevalence of county bureaucrats' corruption. The state's economy comes from the grass-roots tax, the collection of taxes through the hands of county officials, and the traditional practice of feudal society is that the grassroots county organizations have no economic dominance. For instance, the tax income of Song Dynasty except for a small number of necessary expenses, the rest all "transport the capital", and the behavior that Ming Dynasty reduce the official pension, which all have shown weakness of financial rights of county government in the ancient China. Once the country completely deprived of the county government's economic control, and it will inevitably cause phenomenon of corruption, perfunctory deceit prevail, etc.

When people's wisdom was not enlightened, the cultural orientation of emphasis on official and neglect in public guidance was unapt to bring fatal destructive power to the feudal county administration. Because of the limitation of cognitive ability, even if more and more problems have taken place in the society, it is difficult for people to blame the responsibility on the county administration, until the late Ming and early Qing Dynasty, enlightenment thinker Gu Yanwu' "loss of county, autocracy is the reason" speech only enlighten the reflection of people on the "emphasis on official and neglect in public" in county administration, this is well proved. However, once the people are enlightened, it also indicates that the county administration must face a huge challenge.

Since the late Qing Dynasty, with the old and new transformation of the society and the gradual increase of influence of Western learning, ideological trend of China's nationalism and constitutionalism gradually prosper; which become huge driving force of "local self-government" theory. The "self-government" is gradually being expected under this circumstance, China's county culture opened change from the "official administration" to "autonomy".

On the surface, the change of the Chinese county culture seems to conform to the trend of the times. The emergence of "county autonomy" also seems to show that the people' interests get a certain degree of care in the concept, but in essence, the sociality of feudalism did not change during the late

Qing Dynasty and the Republic of China period, and the essence that county administration serve imperial power and official could not change. County administration "autonomy" tendency is not the performance that ruling class delegate rights to individuals, but it is the helpless choice that ruling class face the new situation, once the pressure from the public has been reduced, the "official administration" and special service for ruling class interests essence will be exposed. The interruption of "self-government" was an example in Nanjing National Government from 1934 to 1939.

However, once the "county self-government" cultural trend opened, the "emphasis on official and neglect in public" thinking of county administration will be overturned. As the political scientist Xiao Gongquan said in the Republic of China, all the organization and construction of county administration, if it is not suitable for the purpose of the people's interests, it is thought that there is a not real value. County administration likes a machine, the people's interests as its products. The purpose of refreshing machine and increasing the efficiency lie in a large number of productions. Otherwise, all works were wasted. "[1] Of course, during prevailing the autocratic system in feudal China, the issue of people's interest is difficult to get the official real consideration, the value of the county administration that Xiao Gongquan expected is naturally difficult to achieve. However, the view of Xiao Gongquan not only solve the ineffective reasons of county administration reform for us to the modern China, especially during the Nanjing National Government, but also clearly reveals the era of rising nationalism, the balance between official and people's interests should be the right direction that county administration reform should adhere to.

### **3. Disjointing Between the Governance Model of County Administration and Social Reality**

China from the Qin-Han Dynasty to the late Qing Dynasty, in order to save government spending and ease of management, China's county administration most use more "small government" form, the central government concentrate management power to county-level official too much. Facing such a complex political and social management tasks, , the county magistrate had to take approach to evade the crucial point in order to meet the superior officers' will, some affairs that central government does not have special requirements for personal management, they often authorized other local forces to carry out indirect management. Therefore, the dual management model that combined direct management and indirect management is the most characteristics of traditional Chinese county management model.

How can the traditional "small government" model of the traditional Chinese county administration exist for a long time? It is a question worth considering. In general, it is closely related to the reality of ancient Chinese society. Traditional China belongs to agricultural civilization, agriculture is the national economic pillar, in addition, the productivity level of the feudal period in China is not high, so the total economic volume is not big, the tax task is not too heavy, and it decided the possibility of "small government" management model. Besides, in order to strengthen the needs of national centralization, the state take a "small government" county-level government to avoid the local forces too large. Therefore, in order to ensure that the "small government" the county-level regime can maintain the needs of grass-roots governance, the state often take other measures to make up for deficiencies of "small government" management model. For example, the main purpose of the "legal person" policy in the Han Dynasty is to help the county-level "small government" to play a huge social function of "taxation", "conscriptio", "feudal service" and "maintain social order". Due to increase of land annexation in the Song Dynasty, the county government "small government" management task increased, farmers and landlords' contradictions increased, the central government began to pay more attention to the problem of county administration, "additional officials" [2] is one of the important measures for "small government" can perform social management duties.

During the period of the late Qing Dynasty and the Republic of China, due to the influence of western administrative thought and the old and new transformation of society in China, especially after the establishment of the Republic of China, the section, bureau, secretary and accounting and are other subordinate units are set under the county office. According to the difference of county level, section

and bureau settings are not the same. After "County Organization Law" was issued in September 15, 1928, chaotic conditions of section and bureau settings had changed, the principle is generally set the civil affairs, finance, construction, education, military five sections, secretary and accounting two rooms. [3] In addition, there are many county administrative organs with names of every description, such as the county collection agencies, various committees, county councils and other legislatures, county courts and other judicial organs and so on. So far the county administration "small government" management model that almost continued China's feudal society gradually transforms. Admittedly, from the development history of county administration, the section-bureau system, the committee and so on were into the county administration mode, There is no doubt that no doubt it had the advanced nature of grassroots social governance, promoted the development of China's social governance theory, formally marked the new and old transformation of China's county administration. Unfortunately, many of the new initiatives of the county administration did not achieve a significant social effect. In other words, the relevant Western management concept and system that some scholars have praised did not achieve its desired results in the county political reform. The reason is likely to be closely related to the economic type and development of grassroots society in China. At that time, although the Chinese society had changed, but low productivity, small total economic volume, farming civilization way had not changed in the broad grassroots society; the social foundation of county administration "small government" management model is still very solid. In addition, the new management model of county administration indicates that the state must bear more expenditure of county-level officials, it will inevitably straitened national finance increasingly difficult, and for the needs of grass-roots political governance, the state must pass economic difficulties to the people, and thus increase the people's economic burden, which naturally cause the contradictions between officials and civilians intensified.

The development course of China's county administration model and the county administration reform experience of the government in Nanjing National Government have shown that the change of the county administration mode cannot be determined only by the subjective intention of the ruling class, but determined by the social and economic real conditions. At the same time, any legal civilization has its own specific derivation soil and environment, although we cannot abandon learning of foreign civilization in the process of legislative modernization, but how to do local resources of foreign civilization is worthy of our special concern.

#### **4. Political and Social Dislocation of Responsibility of County Administration**

The county administration as traditional Chinese society grassroots management units, it has been playing a key role in maintaining the balance of state and social relations. Since the Qin Dynasty to the middle of the Qing Dynasty, the functions of county administration are basically limited to indoctrination, crime and punishment; award farming, earthquake relief work, intensify water-control project and taxation scope, there is no great change. Therefore, qualified standards that determine a county officials in Chinese feudal era, and more were identified as "develop land, manage field, plant trees, repair ditch, solid city walls, full granary, build schools, fewer thieves, plentiful weaponry, and the people live and work in peace", it is not difficult to see that although the state orientation of traditional Chinese county administration responsibility is fundamental, this country-oriented achievement is achieved by social orientation." Therefore, the form harmony of social and state orientation of the county administration responsibility is the key that the county administration performs function long-term over a long period of time.

This form harmony of county administration is actually determined by the Chinese traditional society of farming civilization form and the influence of feudal orthodox management thought and culture. First of all, the country's bottom management unit- the county administration must face more matters related to agricultural production in the form of farming civilization, irrigation construction, stimulate agriculture, comfort and compensate victims and other things with obvious social nature, itself had the the main functions of maintenance of national power. At the same time, feudal orthodox management thought has always regarded Confucianism as the guiding ideology of state

management. The establishment of schools, moral education is also the main means for government to reduce management costs and implement national governance. In this case, the county administration's ruling and social functions show overlap and harmony. As Engels' famous assertion, "political domination is everywhere based on the execution of certain social functions, and political domination can only be sustained only it carries out its social functions." [4] It is not hard to see for any government to ensure that the coordinated development of political governance and social management are the best ruling state. Our history of county administration has also clearly verified this historical law. It can be observed from the implementation effect of the county administration, the dynasty or historical period which solve the balance the state and society interests or social interests should be taken care of, the county administration has achieved good social effects, and vice versa, it will accelerate the degeneration of county administration and the process of social decline. Because county administration as the most important part of national governance, once it into a "emphasize country" and "neglect society" vicious circle, it is bound to regard the law and order, taxation and crime that central government most concerned about as main responsibilities, and irrigation works and stimulation of farming and other social management responsibilities have been diluted, "fair and clear politics and no lawsuit" once become the highest pursuit of local government, it is also reasonable weaken promotion of development of social productive forces.

During the period of the late Qing Dynasty and the Republic of China, with the rapid transformation of society, relatively developed economy, rising human rights and the improvement of people's intellectual level, the management level of county administration should be improved to meet the needs of the times. From the historical dimension, the county administration in this period shown a tendency to attach importance to social governance, it conform to the historical trend of the time to some extent, because of the ruler's class limitations, it is difficult to ensure harmony and unity of political rule and social governance of the county administration, it naturally can escaped the ineffective county administration of historical fate. Whether the late Qing government, the Beiyang Government or the Nanjing National Government all failed to get rid of its autocratic essence, especially with the corruption and reaction of Kuomintang regime,

The communism cause was widely carried out in the broad grassroots society, in order to compete with the Communist Party for rural areas, the government strengthened the control of rural society, and the neighborhood administrative system network of rural society was formed. Although it cannot be denied that the county administration continued to play an important role in stimulating agriculture, collecting taxes, social security and moral propaganda and other important functions, but in order to maintain the reactionary regime, the county government is more burdened with economic control, military service levy and suppression of advanced revolution responsibilities, it show a clear "emphasize country, neglect society" features, this approach goes precisely against the taboo of state governance.

## **5. Disorders of Individual and System in the County Administration Legislation**

Considering the county administration has been given too high political function, once major changes or social problems of the social development occurred, the rulers are often used to take the reform of county administration to solve the problem or change society, county administration legislation has become an important part of the construction of the county administration in the past dynasties. It is true that the government by legislation is indeed an effective political management principle, and the successful cases are everywhere in Chinese and foreign history. However, from the development history of county administration, social effects of all county administration legislations get instant results, and even there will be many "the more law more, the more chaotic county administration" dilemma. Especially after the Tang Dynasty, the legislation of county administration is frequent, and the problems in county administration area are more.

For instance, the centralization has strengthened since the Song Dynasty, and the government has strengthened the governance of county-level regimes. For this reason, the Song Dynasty has made major measures to weaken the local regimes and strengthen mutual supervision between local

regimes. From weakening the power of county-level officials, there is nothing to be said against it, but from the state governance level, end up "county administrative bureaucratic hold supreme authorities of the county, all power are controlled by the magistrate" [5] embarrassing situation, this measure apparently failed to help Song Dynasty achieve a strong national purpose, but cause actual control of the country and the decline of national fate in Song Dynasty and after the Song Dynasty. The following Ming and Qing dynasties, county legislations that strengthen the centralization are more, but still failed to change the fate of the increasing decline of feudal dynasty. Thus, during the period of the Beiyang Government, in order to strengthen the centralization of power, the Dao are set under the province to implement the purpose of division of provincial power and the regulation of county-level regime. Although the relevant county systems, the laws are frequently issued, but did not achieve actual results, as Mr. Qian Duansheng said, the relevant legal systems are many, "the actual implementer has not yet heard" [6]. The decree of weakening the county officials not only failed to maintain the realization centralization, but led to warlords' chaotic situation intensified, which is unexpected for Beiyang Government.

Why the dilemma of "the more law, the chaotic government" in the Chinese county administration reform occurred, the reason should be diverse and complex, according to Marx's viewpoint, "society is not based on the law. That is the illusion of jurists. On the contrary, the law should be based on society; the law should be social common, the interests and requirements performance produced by a certain material production way, rather than a single individual arbitrary behavior." [7] Thus, it is wrong to pursue legal change and ignore social reality. The relationship between individual and system in county legislation should be the biggest reason.

From the social control of law, social governance must not rely on the legal system. County administration is not a single county-region system, but an important part of national administration, it is related to the whole political, economic, cultural and other important areas of country, seemingly single county system actually is closely related to the whole country's politics, economy culture and other important areas, especially, it is closely related the nature of the state power, the level of economic development, the governance level of county-level officials, the people's own quality. Therefore, the legislation to seek ways of solving problem of the county system can not only be confined to the field of the county administration itself, but should look at the overall political, economic and cultural environment, system consideration relationship and then achieve results.

Besides, from main purpose of the county administration reform, to strengthen the control of the underclass and maintain political stability is understandable, but if legislation of county administration excessively pursue centralization or blindly strengthen the underclass control, it will inevitably compress the living space of county-level regime, cause county-level government officials work hard, derive corruption atmosphere, and the corruption and decline of county-level regime is further led to the decline of regime and legal authority.

Again the legislative ability determines the effect of the county administration to a large extent. As the historical school law representative Savigny said in the question of legislative ability: "If our ability is not enough to deal with, then we try to improve own situation, it will be damaged by a code." [8] Coincidentally, "Ming Taizu also said, "legislation should be simple, make people understand, if the regulations are numerous, one matter with two ends, officials are fraudulent for the reason." If do not pay attention to the promotion of legislative ability, the law is not only difficult to achieve the expectance, even bring greater harm to society.

Finally, human factors are essential from the legal effect. "The key to politics are the people" theory shows that the county administration effect is the key to the overall quality of county-level officials. Therefore, the county administration legislation must not only limit the county officials in the legal norms, but also ensure that their wisdom effectively show and play, otherwise, the effect of county administration reform measures will be greatly damaged.

In summary, the county administration reform in late Qing Dynasty and the Republic of China is a microcosm of modern state governance activities in China. During special period of the old and new

social transition and the intense collision of Chinese and foreign culture, the concerned factors must be destined to increase for county administration reform. It is necessary to learn the rational factors of foreign civilization, but also concerned about the agreement between foreign civilization and local society; maintain the stability of authoritarian rule, but also respond to the increasingly rising people's wisdom; not only play a strong role in the rule of law, but also play a political and cultural governance function and so on. Considering the above-mentioned problems directly depends on the ruling class's governing ability, this period of county administration reform which has shown a faltering and difficult is historical necessity, however, revelation that this county administration reform brought to future generations brought are far-reaching.

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