

Research on Supervision System in Ancient China and Its Contemporary Reference

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Abstract. Supervisory system in ancient China has a long history being one of the important components of ancient administrative legal system since ancient times. This system is aimed at safeguarding the interests of the ruling class. It plays an important role in safeguarding the feudal regime and the unified centralization of state power. Since ancient times, it has been a powerful weapon for the state to regulate laws, maintain official management and purge the wicked. This system originated in the pre-Qin period, formed in the Qin and Han dynasties, shaped in the Wei, Jin, Sui and Tang dynasties, and perfected in the Song, Yuan, Ming and Qing dynasties. Supervisory system in ancient China not only played an important role in supervising the implementation of laws and decrees, inspecting illegal officials, maintaining the ruling order and safeguarding national unity at that time, but also left many valuable experiences for later generations, which is of great reference value to the ongoing construction of a clean government and the reform of the supervisory system in China.

1. Introduction

In the course of thousands of years of development, it has gradually formed a set of effective operation plans, which not only played a positive role in maintaining the integrity of official management, easing social conflicts and reducing decision-making errors at that time, but also left an indelible precious wealth to future generations. This paper summarizes the characteristics and laws of supervisory system in ancient China through the analysis of its development process in the supervision of the rule of law, the construction of supervisory organizations and the concrete practice of supervision, extracting its essence and discarding its dross, criticizes and inherits, hoping to provide useful reference for the improvement of supervisory legal system in China and the anti-corruption work under the current background.

2. The Evolution of Supervision System in Ancient China

2.1 The Initial Stage of Supervision System

The pre-Qin period was the embryonic stage of supervision system in China. With the accession of Qi in Xia Dynasty to the throne, the concept of "state" was formed and the supervision was born. In the Xia Dynasty, there was a position of "Se Fu," who was called the official of inspection and restraint, that is, "the official of inspecting bundles of officials" [1]. The Western Zhou Dynasty set up a censor, whose duty was to assist the prime minister and supervise the officials. Obviously, in the pre-Qin period, the rulers at that time already realized the importance of the supervision system. By the Spring and Autumn Period and Warring States period, the society had begun to transform from slavery to feudalism. The censors in this period had obvious supervisory functions. For example, when King Wei of Qi and Kun drank wine, Chunyu Kun said, "Before giving wine to the king, the law enforcement was at the side, while the censor was at the back. Kun fell down after a bucket." [2] This

shows that the censor's deterrent effect on officials. However, due to the absence of a full-time supervisory organization and the need to formulate special supervisory regulations, a real supervisory system was not established during this period.

2.2 The Formation Stage of Supervision System

During the Qin Dynasty, Ying Zheng, the king of Qin, made the country prosperous and powerful by virtue of Shang Yang's political reform, destroyed the six countries and unified the world, which led to the disintegration of the well-field system, the establishment of the feudal private ownership of land, and the formation of the feudal system from then on. The supervisory system also came into being during this period with the establishment of the feudal system. The Qin Dynasty implemented a system of three officials and nine ministers. The three officials were the Prime Minister, the Censor and the Marshal. The Censor was the deputy prime minister and the highest supervisor in the Qin Dynasty who was responsible for supervising officials at all levels and was the highest official in the Censors' Office. At the local level, the Qin Dynasty adopted a system of prefectures and counties. Each county had a post of censor to supervise local officials. In this way, the Qin Dynasty set up a supervisory organization in the central government, the Censor Office and supervisory officials. These two major measures marked the formation of the central supervisory system and the local supervisory system, and the establishment of the ancient supervisory system in China. According to this, we can say: "Qin Dynasty was the first to supervise" [3].

While following the Qin system, the Han dynasty also innovated the supervisory system by setting up thirteen prefectural governors to supervise local officials. In terms of system, the "Nine Rules for Supervision of Censors" and the "Six Rules for Supervision of Counties" (that is, the "Six Rules for Asking Questions") have been formulated. "Among them, the "Nine Rules for Supervision of Censors" is the earliest local supervision regulation in our country, providing legal basis and stipulating the supervision authority of supervisory officials [4], thus making the supervision work normalized and legalized.

2.3 The Shaping Stage of the Supervision System

Wei, Jin, Sui and Tang Dynasties are the shaping stages of the development of the ancient supervisory system. The social environment in the Wei and Jin Dynasties was extremely unstable. The frequent changes in the system caused by the frequent changes of dynasties leading to a series of changes in the supervisory system. During this period, the censorate was led by the emperor and became an independent supervisory organization from the Shaofu. Its duty was still to supervise officials. The Sui Dynasty moved the censorate from the imperial palace to the outer court, which further clarified the nature of the Imperial Observatory as a national supervisory organization. By the Tang Dynasty, the feudal society in China had entered a prosperous period, and the development of the supervision system had been further improved. The central government set up a censorate with three courts. With mutual division of labor and coordination, a relatively independent supervision system was formed.

2.4 The Complete Stage of Supervision System

The supervisory organization in Song Dynasty basically inherited that in Tang Dynasty, with the Central Censorate and the Advice House coexisting. "From prime minister who is below one person and above ten thousand people to petty officials without grades, they are all within the scope of supervision of the censor. At the local level, a general sentence will be set up to supervise local officials. Moreover, it is a common practice for the emperor to send officials to all parts of the country for inspection and supervision, which is called external censor[5].

In the Yuan Dynasty, the central government and important places set up a royal Censorate to supervise the provinces and 22 departments to supervise the government, forming a vertical supervision system that had no subordinate relationship with the local government, which deeply influenced the supervision system in the Ming and Qing dynasties.

On the basis of summing up the experience of the previous dynasties, the Ming and Qing dynasties further strengthened the power of the supervisory department. Emperor Zhu Yuanzhang of the Ming Dynasty set up the Court of Censors in the central government to replace the Censorate and 13 local supervisory censors to patrol the whole country on behalf of the emperor and inspect the official administration. The Qing Dynasty basically inherited the Ming system and, on the basis of summarizing the supervisory experience of all dynasties, formulated the most complete supervisory law in the feudal society named The Imperial Regulations. Thus, the supervisory system in ancient China developed to a complete stage and reached a high degree of unity and perfection.

3. The basic characteristics of Supervisory System in Ancient China

3.1 Independence of Supervisory Organs

The development of the feudal dynasty was a process of centralization of power and continuous strengthening of imperial power. In this process, the supervisory organizations in ancient China gradually became independent. In the pre-Qin period, the supervisory system was still in its infancy. The establishment and powers of the supervisory organization were only relatively independent, and the censor still held both administrative and supervisory functions. Censorate was set up in the Eastern Han Dynasty with Zhongcheng System. The separation of supervision and administration marks the formation and establishment of the ancient special supervision organization. However, the Royal Censorate still belongs to Shaofu and its independence is not high. During the Wei and Jin Dynasties, the Royal Censorate finally broke away from the Shaofu. Administrative power and supervisory power began to separate, and the Royal Censorate became an independent supervisory organization. By the Tang Dynasty, the central supervisory organization was not only independent, but also had complete power and organization. By the Yuan Dynasty, the Royal Censorate had become one of the country's three powerful institutions. Kublai Khan of Yuan Shizu once said: "The Zhongshu is my left hand, the Privy Council is my right hand, and the Royal Censorate is the one I used to cure these two hands" , [6] The independence of censorate under the leadership of imperial power is evident. In the Ming Dynasty, the Six Administrative Sections acted as departmental supervisory organs, which were only responsible to the emperor and did not belong to any other organ. In the Qing Dynasty, the supervisory organization also surpassed the previous ones in position and authority and was directly responsible to the emperor, avoiding interference from its peers and superiors.

3.2 Strict Selection of Officials

Supervisory officials are different from other administrative officials in that their duty is to supervise other officials, so they should be regarded as "the leaders of officials". Monarchs in ancient China have attached great importance to the selection and appointment of supervisory officials. Looking at the selection mechanism of supervisory officials in ancient China, its criteria are stricter than those of other officials, including personal morality, cultural accomplishment and official experience. The specific standards are as follows. First, in terms of personal morality, they are required to be "honest and upright", "not afraid of power" and "set an example for the group of officials". Second, in terms of cultural accomplishment, they are required to be knowledgeable, distinguish right from wrong, learn the law well, and be fluent in words and expressions. Third, in terms of experience in politics, he is required to have rich experience in government. In the Tang Dynasty, there was a rule that "officials who have not served in a state or county cannot serve in a provincial unit." In the Song Dynasty, it was also stipulated that one must serve as a county magistrate for two terms before one can serve as a supervisory official. The standards in subsequent dynasties were even stricter. The strict requirements of the ancients in personal moral character, cultural accomplishment and official experience, etc., have relatively guaranteed the moral character and cultural quality of supervisory officials and are more conducive to the effective functioning of supervisory organs.

3.3 Diversification of Supervision Methods

In order to effectively supervise the central and local officials and bring the supervisory system into full play, many channels and ways of supervision have been adopted in all dynasties in China's feudal society. From the perspective of the establishment of supervisory organs, the central government has set up the highest supervisory organ of the state, and supervisory organs have been set up in various departments. At the local level, there are not only local supervisory organs directly led by the central government, but also dispatching inspectors and local administrative officials to supervise subordinates at different levels. The contents of supervision also include legislation, justice, administration, finance, personnel, etiquette and other aspects. At the same time, in order to restrict supervision power, most dynasties also set up anti-supervision and mutual inspection mechanisms. Anti-supervision mechanism refers to the picketing and impeachment of supervisory organizations and personnel by officials other than the supervisory system. Mutual supervision mechanism refers to the reporting and supervision of each other within the supervisory system. This system was established in China as early as the Qin Dynasty and was implemented systematically and effectively in Song, Yuan, Ming and Qing Dynasties. The diversification of monitoring methods effectively avoids the occurrence of default, which is more conducive to ensuring the monitoring effect.

4. Contemporary Reference of the Supervision System in Ancient China

4.1 Establishing and perfecting the legal system of supervision is the guarantee to improve the supervision effect.

The supervisory system in ancient China was gradually perfected in the continuous development of history, and finally formed a very complete and unique legal system. These laws have made very detailed provisions on the construction of the supervisory system, the duties and discipline of supervisory officials. As early as the Warring States period, the supervision and punishment of officials had already been paid attention to by emperors. For example, King Wei of Qi took Zou Ji as prime minister and formulated the Seven Laws to supervise officials. Wei Wenhou of Wei State appointed Li Kui as prime minister, and the Law and Regulations also provided a legal basis for punishing illegal officials. At the beginning of the Qin Dynasty, the state also promulgated laws and regulations on supervision and management. Qin Jian--Yu Shu recorded that " When a county official violates the law and the prime minister fails to observe it, the prime minister should be reported for disposal." [7] which sets out the working objects and terms of reference of the censor. The Six Questions formulated by Emperor Wu of Han Dynasty laid the foundation for the local supervision law with far-reaching influence. During the Tang and Song Dynasties, the " Six Rules of Supervision" and the " Law on Mutual Supervision between Supervision Departments" were also formulated respectively. The formulation and improvement of these supervision laws are of great significance to the supervision institutions in correctly exercising their functions and powers and providing the basis for correction. At the same time, these laws can also restrain the behavior of supervisory officials, prevent them from abusing their power and bending the law in order to maintain the purity of the entire supervisory team.

4.2 An independent and authoritative supervisory organization is a prerequisite for effective supervision.

"Looking at the ancient supervisory system in our country, although the setting of supervisory organizations has changed slightly due to the different times, they have basically implemented vertical and independent management forms." [8] The continuous independence of the supervisory organs is a major trend in the development of the supervisory system. The struggle between corruption and supervision has been going on for thousands of years. " Although the dual leadership mechanism has the advantage of ensuring the unity of the legal system, it is easy to lead the local administrative power to interfere too much in the independent exercise of the functions and powers of the supervisory organs within its jurisdiction, thus impairing the independence of the supervisory

organs. Ensuring the independence and authority of the supervisory organs is the guarantee for them to effectively play their functions. " [9] If the supervisory organ wants to perform its functions, its organs must first have independence, ensuring the supervisory organ and supervisory personnel full autonomy, so that the supervisory organ and personnel can independently exercise their functions and powers without interference from other powers.

4.3 Further strengthening patrol is the key to avoid official corruption.

The ancient rulers not only set up fixed supervisory organs and personnel at the central and local levels, but also carried out irregular inspections and special inspections to avoid the malpractice of personal supervision and the resulting phenomenon of false supervision and loss of supervision, so as to discover illegal acts in time and punish illegal officials. In the 18th National Congress of the Communist Party of China, the CPC Central Committee has taken patrol inspection as a major measure to comprehensively and strictly govern the Party and a strategic institutional arrangement for supervision within the Party. Patrol inspection has played an eye-catching role as a sword. More than 60% of the clues to the case came from inspections, which shows that the inspection mechanism is effective. Patrol to find problems and form shock and awe are the sharp weapons of the state and the party. At the same time, we should also intensify innovation, expand the scope of supervision of inspections, attach importance to the mass will expression mechanism and investigation mechanism, improve the clue density and investigation scope of the inspection system, and expand it from the corners prone to corruption to all places, departments and units, so that inspections and supervision have no dead corners and corruption has no place to hide.

4.4 Scientific and reasonable selection of supervisory officials is a condition for the performance of their functions.

Throughout history, rulers of all dynasties have attached great importance to the selection of supervisory officials. Social governance needs people to complete, and the realization of the supervisory function ultimately needs many supervisory officials. The harsh selection mechanism of supervisory officials in ancient China also illustrates this point. Therefore, the scientific and reasonable selection of supervisory officials has become an important condition for supervisory organizations to effectively perform their functions. At present, the administrative supervision work in China must attach great importance to the quality of supervision officials. In the selection and appointment of supervisory officials, in addition to paying attention to the talents, moral integrity and experience required by the selection of supervisory officials in ancient China, they also need to have a high degree of political consciousness and firm Marxist ideals and beliefs, stress party spirit and principles, strengthen the decision-making power of supervisory organs at higher levels in the selection of supervisory officials, weaken or even block the influence of administrative power on the selection of supervisory officials, so as to ensure the purity of supervisory officials and thus more effectively play the functions of supervisory organs.

4.5 Strict anti-supervision and mutual inspection mechanism is the key to prevent the abuse of power.

" Rulers of all dynasties have attached great importance to the appointment of supervisory officials and the operation of supervisory mechanisms. At the same time, in order to prevent supervisory officials from abusing their power, taking bribes and perverting the law, anti-supervision and mutual inspection mechanisms had been set up in most dynasties to prevent supervisory personnel from abusing their power so as to ensure the purity and stability of the supervisory system." [10] Supervision of power is an interrelated system project. Lack of supervision in any link may lead to rampant corruption. For this reason, we can refer to the establishment of ancient supervision mechanisms in our country and set up a strict anti-supervision and mutual inspection mechanism so that countries at all levels and supervision institutions can cooperate with each other, supervise each

other and correct each other. The purity and stability of the supervision team can be guaranteed through anti-supervision and mutual inspection.

5. Conclusion

The regulatory system has continuously updated itself during thousands of years of development and evolution, and every update has made it more systematic and perfect. In thousands of years of development, the system has played an important role in purging and maintaining social governance accumulating many valuable experiences in monitoring and anti-corruption. These are all precious treasures left by our predecessors. We can learn from history and look forward to the future, thus take many measures to continue to strengthen the supervision and legislation work, promote the independence of the supervision organization, improve the overall quality of the supervision personnel, strengthen the inspection efforts to play its sword role, so as to effectively play the monitoring effect and inhibit the occurrence of corruption.

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