

Coexistence of Interest and Grievance: Re-thinking Capital Appeals

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Abstract

The “Capital Appeals” system generally carried the meaning of “grievance-resolving” in Qing Dynasty, and accusers were often portrayed as “bearing injustice” at that time. The types of cases from archives are very wide-ranging and include some civil cases. Sometime accusers wanted to present complaints against local officials’ policy, demand retrials, or expose the crimes of others.

As the effect of “grievance-resolving” through “capital appeals” system gradually diminished in practice, another use of the system was found – protecting self-interests. The “legal” status of capital appeals granted by the Qing court provided opportunities for accusers to seek their interests. If people used this special litigation procedure to complain about the fault of the local government, usually the emperor would pay attention to their demands. From the cases in Hubei province, we can see that some allegations concerned the fight for lakeside land rights, misconducts of local official in policy implementation, and suspicion and complaint about governments’ role in disaster relief. Especially in some cases concerning property, relief goods and tax, accusers usually claimed themselves that they suffered “grievance”, but used this judicial terminology due to locution of indictment. This article describes how people in the province of Hubei made use of the “capital appeals” system to seek their own interests and what response they got from the government.

Keywords: Capital Appeals, Hubei province, disaster-relieving, the case about lakeside land, embankment, rights and interests