



# Hierarchical Structure of the Qing Dynasty

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JUNJIAN JING

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# Hierarchical Structure of the Qing Dynasty—Preface

In a class society, every member of society without exception belongs to a specific class. As Lenin put it, “Classes are large groups of people differing from each other by the place they occupy in a historically determined system of social production, by their relation (in most cases fixed and formulated in law) to the means of production, by their role in the social organization of labor, and, consequently, by the dimensions of the share of social wealth of which they dispose and the mode of acquiring it. Classes are groups of people, one of which can appropriate the labor of another owing to the different places they occupy in a definite system of social economy.”<sup>1</sup> It follows that classes are determined by their economic status—whether they own the means of production, how much they own, and their position in the production process—which determines their relationship of exploitation or being exploited. The distinction between classes lies not in legal privileges but in material conditions.

However, undisguised class antagonism did not emerge until capitalist society. In slave and feudal societies, class distinctions were “class differences were consolidated through the division of the population into

<sup>1</sup> *Lenin Collected Works* (Second Edition), Vol.37, Beijing: People’s Publishing House, 1986, p.13.

estates, and each estate was endowed with a distinct legal status.”<sup>2</sup> Classes manifested as estates, which Lenin referred to as “estate classes.”<sup>3</sup>

Estate refers to specific social groups in slave and feudal states, whose members are granted certain rights and obligations, as well as conditions for joining or exclusion, by the written or unwritten laws<sup>4</sup> of the state. Due to the differing rights and obligations assigned to them, these estates form an unequal hierarchy, establishing relationships of domination and subordination among themselves. Members of the same estate, while sharing a similar legal status, may still be divided into different estates based on variations in their economic, political, and other circumstances. The series formed by these different estates and estates constitutes the hierarchy system of the state. The essence of the hierarchy system lies in the inequality of legal and social status among individuals. Generally speaking, the exploiting classes always occupy the higher social estates, while the exploited classes occupy the lower ones. The higher estates invariably possess numerous privileges that elevate them above others, placing them in positions of rulership. The hierarchy system legalizes the dominant relationship between the exploiting and exploited classes. The legal inequalities also give rise to inequalities in social customs, rituals, traditions, and many other aspects, and are also openly manifested in various facets of political and economic life.

Feudal exploitation relations were realized through extra-economic coercion based on inequality, of which the hierarchy system was the most general and explicit form.

The characteristics of the hierarchy system in various feudal states were determined by multiple factors, including their economic systems, political traditions, moral norms, religious influences, and ethnic relations. For example, in China’s feudal society, there were no clergy, nobles, or knights as seen in medieval Europe, nor were there the *hata-moto*, *daimyo*, *chōnin*, or *eta* of Japanese feudal society, or the *Yangban*

<sup>2</sup> *Lenin Collected Works* (Second Edition), Vol.6, Beijing: People’s Publishing House, 1986, P.287.

<sup>3</sup> *Lenin Collected Works* (Second Edition), Vol.6, Beijing: People’s Publishing House, 1986, P.287.

<sup>4</sup> By unwritten law we mean norms of action recognized by the State as having the force of law, although they have not been subjected to the prescribed legislative procedure or even set out in writing, and do not refer to any unlawful act that actually exists.

and Chungin classes of ancient Korea. At different stages of development in a feudal state, the hierarchy system undergoes changes due to shifts in economic conditions, ethnic conquests, and other factors. For instance, the Buqu (ancient military unit) and Zahu (with the social status below that of Commoners but above that of slaves) of the Tang Dynasty, the racially stratified system of the Yuan Dynasty (with Mongols, Semu people, Han Chinese, and Southerners), and the aristocratic estates of the Ming Dynasty all bore the marks of their respective eras. These systems disappeared with the fall of dynasties, replaced by new hierarchies.

The Qing Dynasty, the last dynasty of feudal China,<sup>5</sup> also developed a complete hierarchy system. The inferior's estate was one of its components. To clarify the position of the inferior's estate, it is necessary to first provide an overview of the hierarchical structure of the Qing Dynasty.

When the Manchu nobles went through the Shanhaiguan Pass and came to dominate the central China, the Manchu people were still a group that had just established the feudal system with many remnants of slavery retained. After conquering the Ming regime, the Manchu nobles set up a feudal system with ethnic characteristics by combining the original feudal system of the central China, marking the beginning of a new dynasty. The legal codes of the Qing Dynasty defined seven distinct legal statuses for all members of society, dividing them into seven estates: the emperor, the imperial clan and nobility, officials and gentry, local elites, commoners, Gugongren (domestic servants with restricted personal freedom), and inferiors. Within some estates, further subdivisions into estates existed as follows.

<sup>5</sup> It should be made clear that the Qing Dynasty has been a feudal society before 1840, and entered a semi-colonial and feudal society in 1840. However, the main legal codes of the dynasty had been unchanged radically till the end of the Qing Dynasty and the feudal superstructure was still retained. Therefore, in order to provide a better understanding, the hereditary system of the Qing Dynasty as a whole is discussed, which does not involve a view on historical staging.

# 1 GENERAL SOCIAL STRUCTURE IN THE QING DYNASTY

## 1.1 *The Emperor, Imperial Clan, and Nobility*

The emperor and the imperial clan and nobles were the two highest estates in the Qing Dynasty. The latter primarily consisted of members who were related by blood to the former. The two estates shared the characteristic which was the hereditary nature.

The following analysis starts with the emperor in the Qing Dynasty.

Engels, in describing European monarchs, stated: “In every medieval state, the king was the apex of the entire feudal hierarchy,”<sup>6</sup> which also applies to the Qing Emperor in China.

The emperor was the supreme representative of the landlord class. As the highest ruler of the state, he inherited the tradition of feudal autocracy from previous Chinese dynasties, proclaiming himself the “Son of Heaven” and the “Father of the People” “The ruler is the father; the people are his children.”<sup>7</sup> All the people under heaven were regarded as the emperor’s “faithful children.”<sup>8</sup>

A feudal autocratic system is a form of dictatorship. Emperors in all dynasties of China have always had supreme power. The saying “I am the lord of the world” were the common expression of the emperors of the Qing Dynasty. “There is only one lord in the country,” “Only one lord rules the world,” or “The emperor monopolized all the sovereign power.” This kind of power can never be shared, let alone fall into the hands of others. All figures and institutions that hinder the dictatorship must be eliminated.

The entire state apparatus of the Qing dynasty existed as an administrative institution for the emperor alone. The *Collected Statutes of the Great Qing* stipulated that the Grand Secretariat, the Council of State, and the six ministries, namely, the Ministry of Personnel, the Ministry of Revenue, the Ministry of Rites, the Ministry of Military Affairs, the Ministry of Justice, the Ministry of Works, each of which had its own responsibilities, and that they were all “to assist the emperor” in the

<sup>6</sup> *Marx-Engels Collected Works* (First Edition), Vol.21, Beijing: People’s Publishing House, P.452.

<sup>7</sup> *Factual Record of Shunzhi*, Vol.42.

<sup>8</sup> *Factual Record of Shunzhi*, Vol.21, 42, 43; *Factual Record of Qianlong*, Vol.704; etc.

governance of the people.<sup>9</sup> In other words, they all helped the emperor to rule the people. As for the ministers, “Those in the central government such as the ministries, academies, and imperial offices, and those outside the capital like governors-general, governors, and military commanders are all ministers who assist the emperor in ruling the world.”<sup>10</sup>

The emperor had the authority to seize land from the people for his own use or to grant it to others (such as through land enclosure), to bind people to the land (for example, by bestowing Temple Households, or temple custodians, to the Confucian estate), to use the national treasury for personal enjoyment (such as building gardens, mausoleums, and for imperial tours and hunting), and to decide on matters of war and peace (such as suppressing peasant uprisings or kneeling to imperialist powers to sue for peace). In summary, the appointment of ministers, the management of finances, the formulation of legal codes, the approval of death sentences, the admission of examination candidates, and the legislative, judicial, and administrative powers in politics, military, finance, and culture were all ultimately concentrated in the hands of the emperor. Emperor Qianlong said, “All rewards and punishments come from me, and even if the ministers propose something that is adopted and used, it is still my decision, and thus my grace.”<sup>11</sup> This shows that the Qing emperors, like those of previous dynasties, took autocratic dictatorship for granted and never shied away from it. Although the actual roles of the ten generations of Qing emperors varied, their status as the supreme ruler remained the same.

To demonstrate the supreme status of the emperor, everything about him was unique and exceptional. For instance, his commands were the highest directives, referred to as “Lunyin,” “Zhi,” “Zhao,” “Hao,” “Chi” and “imperial instructions.” The emperor resided in specially designed palaces, used exclusive sedan chairs and attire, and had the sole right to use anything yellow. Even the water he drank was off-limits to others—“the water from the Yuquan Mountain in the north of Beijing was reserved exclusively and strictly for the emperor’s use.”<sup>12</sup>

<sup>9</sup> Refer to Emperor Guangxu’s *Collected Statutes of the Great Qing*, Vol.2, 3, 4, 13, 26, 43, 53, 58, etc.

<sup>10</sup> *Factual Record of Shunzhi*, Vol.71.

<sup>11</sup> *Factual Record of Qianlong*, Vol.71.

<sup>12</sup> *Factual Record of Shunzhi*, Vol.137.

The Qing Dynasty, like all previous feudal dynasties, practiced a hereditary system of “family rule over the state”—the throne being passed from father to son, and the childless emperors passing it on to close relatives. It was taken for granted that the Empress dowagers or wives were involved in management of political affairs or uncles acted as regents. Anyone who opposed this system was deemed a rebel.

Numerous provisions of the legal code in the Qing Dynasty were specifically designed to punish offenses against the emperor’s rule and dignity, such as “Ten Abominations,” of which “Plotting rebellion,” “Plotting great sedition,” and “Great irreverence” were to safeguard the emperor’s dominion. Another example is the Law on “Fraudulent Transmission of the Emperor’s Edicts,” which stipulated: “Anyone who forges an imperial edict or alters its content shall be beheaded; and those who do not act in accordance with the emperor’s orders shall be hanged. Those who make errors in copying shall be beaten with a heavy stick one hundred times.” The Law on “Fraudulent Transmission of the Emperor’s Imperial Decrees” stated, “Anyone who fraudulently transmits the emperor’s imperial decrees shall be beheaded.” The law on “Submitting False Reports to the Emperor” dictated: “Anyone who submits false reports or memorials to the emperor shall be beaten with a heavy stick one hundred times and sentenced to three years of penal servitude.”<sup>13</sup> The law on “Violating Imperial Edicts” further specified: “Anyone who violates an imperial edict in its execution shall be beaten with a heavy stick one hundred times,” and “those who misinterpret the emperor’s intent shall have their punishment reduced by three degrees. Delaying the implementation of an imperial edict shall result in fifty beats with punishment board on the first day, with an additional degree of punishment for each subsequent day, up to a maximum of one hundred beats with punishment board.”<sup>14</sup> In summary, the emperor’s will was the supreme directive, and no deviation, alteration, or misinterpretation was allowed. For instance, imperial physicians who made errors in preparing medicine, kitchen staff who provided unclean or substandard food for the emperor, or those responsible for maintaining the emperor’s carriages, clothing, and accessories in an improper manner would all be subject to corporal

<sup>13</sup> *Criminal Law of the Great Qing Legal Code*, “Fraud”.

<sup>14</sup> *Official Law of the Great Qing Legal Code*, “Formula”.

punishment.<sup>15</sup> Furthermore, a series of elaborate rituals and protocols were codified into law. For example, accidentally using the names of the emperor or his ancestors in memorials or reports would result in eighty beats with punishment board.<sup>16</sup>

In the third month of the 13th year of the Qianlong reign (1748), Empress Xiaoxianchun, the wife of Emperor Qianlong, passed away. Among the funeral regulations established for her burial was a rule stating that “princes, nobles, and officials must not shave their heads for one hundred days.” Jin Wenchun, the prefecture of Jinzhou, violated this regulation by shaving his head within the hundred-day period and was sentenced to execution by beheading. High-ranking officials of the second and third grades including Zhou Xuejian, the Director-General of Jiangnan River Affairs, Seleng’e, the Governor-General of Huguang, Peng Shukui, the Governor of Hubei, and Yang Xiji, the Governor of Hunan, were all punished for shaving their heads within the prohibited period. Peng and Yang were dismissed from their positions but allowed to remain in office to oversee the repair of city walls in two locations in Zhili as a form of atonement.<sup>17</sup>

In the 5th year of the Jiaqing reign (1800), after the death of Emperor Qianlong, Mongol officials Deqin and Sharabu were punished for shaving their heads within the hundred-day mourning period. Deqin was sentenced to death after autumn trail, while Sharabu was sentenced to one hundred beats with punishment board and three years of penal servitude.<sup>18</sup>

In the 4th year of the Jiaqing reign (1799), an error about the honorific title of the empress in a memorial from the Imperial Household Department resulted in Dening, the official in charge, and Jishan, the clerk who drafted the document, being sentenced to wear the cangue for one month and receiving eighty beats with punishment board before being released under the law of “great irreverence.”<sup>19</sup>

<sup>15</sup> Refer to *Ritual Law of the Great Qing Legal Code*, “System of Rites”.

<sup>16</sup> Refer to *Official Law of the Great Qing Legal Code*, “Formula”.

<sup>17</sup> Refer to Emperor Guangxu’s *Collected statutes of the Great Qing*, Vol.37, “Ministry of Rites”; *Factual Record of Qianlong*, Vol.321; Wu Zhenxie: *Miscellaneous Records from the Hall of Nurturing Auspiciousness*, Vol.4; etc.

<sup>18</sup> Refer to *Renzong Hadith*, Vol.2.

<sup>19</sup> Refer to *Renzong Hadith*, Vol.1.

Marx stated: “The sole principle of despotism is to despise humanity, to make people less than human,” and “it is not merely a principle but also a fact. A despotic monarch always regards people as contemptible.” “In fact, in Prussia, the king is the entire system; there, the king is the sole political figure. In short, all institutions are determined by him alone. What he does or what others make him do, what he thinks or what others make him say, is what the Prussian state does and thinks.”<sup>20</sup> If “Prussia” and “King” in this paragraph are replaced respectively with “Qing Dynasty” and “Emperor,” then it is also completely in line with the facts. Rousseau, in *Discourse on the Origin and Basis of Inequality Among Men*, aptly remarked: “No matter what form of government a nation has, if there is one person within its jurisdiction who does not have to obey the laws, all others will inevitably be subject to that person’s arbitrary will.”<sup>21</sup> The emperor’s supreme authority was a tradition of China’s feudal system and a characteristic of all feudal systems.

The power and privileges of the Qing emperors were enshrined in law, and the exclusivity and hereditary nature of their status were unequivocally clear. The distinction between the emperor and members of other estates was strikingly pronounced. Therefore, the emperor alone constituted an independent estate at the top of the social hierarchy pyramid of the Qing Dynasty.

Analysis of imperial clan and nobles in the Qing Dynasty is as follows.

In feudal society, since the emperor was supreme, the emperor’s parents, wives, relatives, and in-laws naturally became privileged nobles, and this was true in China or in other countries. In the Qing Dynasty, the so-called “imperial clan” and “Gioro” were such a privileged class.

Nu’erhach’s father, Takshi, was honored as “Emperor Xianzu Xuan,” and his direct descendants were referred to as the imperial clan, and the branch of his uncles’ and brothers’ descendants was called Gioro. These groups were part of the imperial family and were distinguished by wearing specific-colored belts: the imperial clan wore golden-yellow belts, and the Gioro wore red belts. Those among the imperial clan and Gioro who were close by blood to the emperor or had rendered meritorious service were rewarded noble titles, which were inherited according

<sup>20</sup> *Marx-Engels Collected Works* (First Edition), Vol.1, Beijing: People’s Publishing House, 1956, P.411–412.

<sup>21</sup> Rousseau: *A Discourse upon the Origin and the Foundation of the Inequality Among Mankind*, Beijing: The Commercial Press, 1962, P.52.

to a fixed system. The rest were referred to as “Xiansan (idle members).” The imperial clan and Gioro were governed by clan leaders who managed clan affairs, forming an independent system.<sup>22</sup> Clan blood ties determine their nobility, making it unconditionally hereditary. Apart from the natural expansion of their lineage, no one else could attain such status.

Belted imperial clan and Gioro received special legal protection. According to the law, ordinary brawls that did not result in injury were punishable by only twenty beats with punishment board, while those causing injury were punishable by thirty beats with punishment board. However, assaulting a member of the imperial clan or Gioro wearing a yellow or red belt, even if no injury was caused, was punishable by sixty beats with punishment board and one year of penal servitude—nine degrees harsher than ordinary brawls. If injury was caused, the punishment increased to eighty beats with punishment board and two years of penal servitude—ten degrees harsher than ordinary brawls. Under the Qing system, the closeness of kinship was determined by the duration and intensity of mourning obligations, categorized into levels such as “Qiqin (close relatives),” “Dagong (major mourning),” “Xiaogong (minor mourning),” and “Sima (light mourning).” Beyond those, individuals were considered outside the mourning obligations. The closest level beyond “Sima” was referred to as “Tanmian.” In Qing law, penalties for offenses between relatives varied according to the closeness of kinship, but for “Tanmian” or sharing only the same surname, the law treated them no differently from ordinary individuals, with no special provisions. Even in strict relationships like that of master and servant, if a dispute arose between a servant and a master’s “Tanmian” relative, it was handled according to the general laws governing commoners and inferiors, with no additional regulations. As relatives of the emperor, the imperial clan and Gioro held a special legal status. Although the majority of them were the emperor’s “Tanmian” relatives, they remained under the protection of the law. As the legal commentary explained, “For descendants of the imperial lineage share the imperial blood, they cannot be arbitrarily offended.”<sup>23</sup>

<sup>22</sup> Refer to Emperor Guangxu’s *Collected Statutes of the Great Qing*, Vol.1, “Court of the imperial clan”.

<sup>23</sup> *The Great Qing Legal Code*, Vol.27.

When the imperial clan and the Gioro committed crimes, “the punishment might be the reduction of their private servants, or they might have to pay a fine without the punishment of flogging. Even for committing the felony of treason, they would not be sentenced to death penalty and put in the cells of the Ministry of Justice.”<sup>24</sup> Those who deserve to be punished with one hundred beats with punishment board shall instead be fined one year’s worth of sustenance silver and for those who should be sentenced to exile or do hard labor, they shall be punished with blows with a board and imprisoned instead; those who deserve to be assigned to the harsh conditions of the frontier or miasma local military service shall instead be punished with forty blows with a board and then confined and imprisoned for two and a half years.<sup>25</sup>

If members of the imperial clan or Gioro committed offenses, they could be stripped of their status. Those demoted from the imperial clan would switch to wearing a red belt, while those demoted from the Gioro would switch to wearing a purple belt.<sup>26</sup> Despite their demotion, their names were still recorded in the imperial genealogy (Yudie), but their daughters were no longer eligible to be selected as imperial concubine candidates.<sup>27</sup> Demoted members of the imperial clan or Gioro who committed crimes were punished in the same way as ordinary bannermen, handed over to the Ministry of Justice and subjected to the standard penalties for bannermen, wearing the cangue and being placed under confinement.<sup>28</sup>

Because of these privileges, many members often acted recklessly, causing trouble in taverns and teahouses. “They frequently violated etiquette and laws, and their behavior was no different from that of street ruffians.”<sup>29</sup> Even in the late Qing period, there were instances such as Zaitai, a member of the imperial clan, who ran a gambling den and beat a bannerman to death. The body was left exposed in a corner of the city

<sup>24</sup> Guangxu’s *Examples of the Great Qing Dynasty’s Collected Statutes*, Vol.10; Factual Record of Shunzhi, Vol.72.

<sup>25</sup> Refer to Guangxu’s *Examples of the Great Qing Dynasty’s Collected Statutes*, Vol.1, “Court of the imperial clan”.

<sup>26</sup> The same as above.

<sup>27</sup> The same as above.

<sup>28</sup> Refer to *General Examination of the Great Qing Legal Code*, Vol.4.

<sup>29</sup> Clan training in the 13th year of Jiaqing reign; Guangxu’s *Collected statutes of the Great Qing*, Vol.1, “Court of the imperial clan”.

“for over twenty days without anyone daring to collect it, and officials did not dare to intervene.”<sup>30</sup> This illustrates the oppressive arrogance of these individuals.

They were also financially supported by granting vast tracts of banner land, known as imperial clan estates. Particularly, princes and high-ranking officials had manor overseers, who supervised large numbers of servants and laborers engaged in forced labor, while tenants paid rent in silver and goods. They had no obligation to pay land taxes to the imperial court; on the contrary, they received stipends and living allowances from the Court of the Imperial Clan. As a result, the upper echelons of the imperial clan exploited their noble status to amass wealth, leading lives of extravagance and indulgence in the capital.

As for the idle members of the imperial clan and Gioro, they were not as powerful as the princes and high-ranking officials. They neither engaged in productive work nor had the means to maintain a large number of laborers for exploitation. With their populations growing, the living allowances they received were insufficient to sustain their lavish lifestyles. Consequently, many of them gradually fell into poverty, secretly selling off their banner lands and laborers. Similar to the knights of late medieval Western Europe, they became a class of feudal nobility who, while enjoying political privileges, were economically destitute.

Among the Han Chinese, the only family with a special aristocratic status was the Confucius (Kong) family in his hometown Qufu. Following the practices of the Ming Dynasty, the Qing Dynasty continued to enfeoff the descendants of Confucius as Yansheng Gong (Lord Yansheng), granting them vast tracts of sacred lands for rituals, ancestral forests, temple grounds, and school fields.<sup>31</sup> The title was hereditary, and the land was passed down through generations. Additionally, the Confucius family purchased large quantities of land from commoners. All lands owned by the Kong family were exempt from taxes and corvée labor.

The households under the administration of Yansheng Gong operated independently of the local government, organizing their own Baojia (household registration) system. Tenants were required to obtain household certificates from the Kong Family.

<sup>30</sup> *History Events of Qing Dynasty in Their Historical Entirety*, Vol.56.

<sup>31</sup> Refer to Emperor Guangxu's *Examples of the Great Qing Dynasty's Collected Statutes*, Vol.164.

In the early Qing Dynasty, the position of the Qufu county magistrate was recommended by Yansheng Gong from among the Kong clan members. As a result, it was natural for the magistrate to serve the interests of Yansheng Gong. In practice, Yansheng Gong exercised local administrative and judicial powers, including the authority to arrest and punish tenants who refused to comply with demands. After the 21st year of the Qianlong reign (1756), the Qufu county magistrate was appointed by the imperial court, but in the Kong Court instruments of punishment were still in practice, such as rods and bamboo slips. If tenants failed to respond promptly to summons, Yansheng Gong could issue a notice to the relevant magistrate to detain them, bring them to the Kong Court for trial, and impose punishments such as wearing the cangue before sending them back to the county for execution. Yansheng Gong also exercised similar authority over members of the Kong clan and local peasants.<sup>32</sup>

These actions were not codified in Qing statutes or special imperial edicts, but the imperial court never interfered. Throughout the history of the Qing Dynasty, memorials impeaching local gentry for privately punishing tenants or tyrannizing villages, including those by the well-known Henan-Shandong Governor Tian Wenjing during the Yongzheng reign, never mentioned the Kong Family's practices. This indicates that the Kong Family's powers were at least tacitly approved by the court and were regarded as a natural privilege, which became a kind of unwritten law. Although the influence of the Duke Yansheng was relatively limited in scope compared to the entire nation, its nature cannot be overlooked. In the Qing Dynasty, such judicial privileges were exceptional, as even the princes and generals among the imperial clan and Gioro did not possess them. Therefore, in terms of hierarchical ranking, Yansheng Gong held a very high position, and in some respects, even surpassed the imperial clan and Gioro.

<sup>32</sup> The information about Yansheng Gong here, as well as the following information about the tenant peasants of the Confucius Family Mansion, is based on Yang Xiangkui: *Research on Ancient Chinese Society and Ancient Chinese Thoughts*, Shanghai: Shanghai People's Publishing House, 1962, P.562–668; Wang Yuquan: *The Tenant Peasants of the Noble and Powerful Landlords in the Ming Dynasty*, refer to *Literature and History*, Vol.5; He Lingxiu etc.: *Research on the Confucius Family Mansion-A Typical Example of Feudal Noble and Great Landlords*, Beijing: China Social Science Publishing House, 1981; etc.

Accordingly, the imperial clan, Gioro, and specially enfeoffed nobles belonged to one estate, which was further divided into three ranks: Yansheng Gong, princes and nobles, and the idle members of the imperial clan and Gioro.

### 1.2 *The Officials and Gentry*

As mentioned in the previous subsection, the emperors of the Qing Dynasty, like previous emperors, were a tyrannical and authoritarian monarch, and the officials and gentry were only in accordance with the emperors' instructions. But compared to the civilians, the officials and gentry are the ones to implement the emperors' orders. They represent the "carrier of the imperial court," and they are the symbol of state power. According to the theory that "officials are to be feared, and there is a distinction between high and low statuses, the noble and the humble,"<sup>33</sup> there is an important boundary between officials and civilians, the noble and the humble. The so-called distinction between high and low statuses occupies an important place in the hierarchical relationship. Establishing the hierarchy between the noble and the humble is to "encourage the loyalty of officials," and by doing so can officials maintain the dignity of the state."<sup>34</sup> In other words, in order to maintain the rule of the feudal state, the privileged position must be given to the officials and gentry.

The so-called officials and gentry, or "the officials and gentry" for short, first, include all the officials in office, which is the specific embodiment of the regime. Second, they also include non-incumbent officials who have "retired for good reasons," which means that they have retired for justifiable reasons, but their posts and titles have remained, including officials who have completed their terms of office, no longer receive their salaries, and no longer handle official duties, officials who have stepped down after completing the handover with their successors, officials who have been dismissed due to the fact that the number of officials exceeds the normal requirements, or that their yamun have been abolished or have undergone reforms which have made them redundant, officials who have been appointed but are waiting for their turn, officials who have

<sup>33</sup> *Zhu Xi's Discourse on Reverential Fear Toward Dignitaries*, refer to *Factual Record of Kangxi*, Vol.256.

<sup>34</sup> *Factual Record of Qianlong*, Vol.7.

been sent to the Ministry to wait for their turn, officials who have been wait-listed but have not yet arrived at their posts, and officials who have retired from their posts due to old age or sickness and have gone back to their hometowns. Third, they include the “honorary officials granted by the imperial court,” which refers to the people who do not hold an official position in the imperial court but receive imperial mandates and honors only because of their descendants serving as officials. In addition, the wives of the above-mentioned various personnel who were granted imperial mandates are also included.<sup>35</sup> All these people constitute a privileged group recognized by the national code. The privileges they possess are mainly manifested in two major aspects: law and taxes and corvée labor.

Possess legal privileges. To make it easier for the officials and gentry to rule for the emperor, the imperial court gives special legal protection to them and puts them above the status of the civilians, which aims to maintain the dignity of the officials and gentry, thereby suppressing the civilians not to commit crimes and rebellions. In the 2th year of the Shunzhi reign (1645), it was reported to the emperor and approved, “If any subjects bullied and intimidated their officials and once such incidents came to light, they would be punished with a felony.”<sup>36</sup> The law strictly prohibited beating and insulting the officials and gentry, and severe penalties were imposed if this rule was violated. The brawl section of the criminal law stipulates that if the brawl does not result in injury among the ordinary people, all those who take part in the brawl are to be flogged twenty times, and if it results in injury, each is to be flogged thirty times, and if it results in fracture, each is to be punished with sixty beats with punishment board and to do hard labor for one year. And if a subject beats the local prefecture, department magistrate, or county magistrate, he is sentenced to be punished with one hundred beats with punishment board and then to do hard labor for three years; if he causes an injury to an official, he is to be punished with one hundred beats with punishment board and then to be exiled for two thousand li (approx. 1,000 kilometers according to Qing measurement) away from his home; and if he causes an official’s fracture, he is sentenced to stay of hanging. The crime of causing an official to not have been injured or to have been injured

<sup>35</sup> Refer to *The Great Qing Legal Code*, Vol.4.

<sup>36</sup> Guangxu’s *Examples of the Great Qing Dynasty’s Collected Statutes*, Vol.156.

is thirteen times heavier than that of causing an ordinary people to be injured, and there is a difference between life and death in the sentencing for fractures. Ordinary people who commit the crime of cursing would be flogged ten times. If a subject curses the prefecture, department magistrate, or county magistrate of his locality, he is to be punished with one hundred beats with punishment board, and a soldier, civilian, or clerks and runners who curses his assistant officials is sentenced to be punished with sixty beats with punishment board; the offense of cursing officials and assistant officials is respectively nine and five times more severe than that of cursing ordinary people. Anyone who insulted and abused dukes, marquises, prince consorts, counts, civil officials of the third estate and above, and military officials of the second estate and above serving in the capital and provincial areas would be put in the shackles and exposed to public view for a month, in addition to one hundred beats with punishment board. Not only was it a felony to beat and curse the local officials, but the punishment for beating any officials was aggravated: soldiers and civilians who “beat an official of the third estate or higher who is not of their own locality would be punished with eighty beats with punishment board and do hard labor for two years; if they cause an official to be wounded, they would be punished with one hundred beats with punishment board and do hard labor for two years; and if they cause a fracture to an official, they would be punished with one hundred beats with punishment board and be exiled for two thousand li away from his home. The offense of wounding an official of the fifth estate or higher (not in his own locality) was reduced by two times (compared to the crime of beating an official of the second estate or above); and if the reduced punishment is lighter (than that for common assault and injury) and for those who beat and injure an official of the ninth estate or above (up to the sixth estate), each shall have their punishment increased by two times compared to that for common assault and injury.”<sup>37</sup> In short, the legal status of officials was raised to “value the noble status.”

In the judicial process, officials and gentry, as litigants, also enjoyed a variety of preferential treatment. In ancient times, punishments were not applied to senior officials, and “a courtier who receives preferential treatment will have greater respect for the imperial court.”<sup>38</sup> The

<sup>37</sup> *The Great Qing Legal Code*, Vol.27.

<sup>38</sup> *Factual Record of Shunzhi*, Vol.11.

Qing Dynasty's institutional framework prescribed that: First, if an official committed a crime, the judiciary was not allowed to bring him to trial without authorization. "Regardless of civil and military officials and their estate, and regardless of what crimes they have committed, the judiciary shall list the details of the incidents, submit a memorial to the emperor in a sealed envelope and request instructions. It was not permitted for the judiciary to bring them to trial without authorization. If the emperor permits an arraignment, the relevant officials should draw up a proposed punishment in accordance with the law and submit it to the emperor for review. They must still wait for the approval to be given before they are allowed to pass the judgment."<sup>39</sup> Second, it is not necessary to appear in person in lawsuits. "Whenever officials have disputes over matters such as marriage, property, debts, and land ownership, they are allowed to let their family members report the cases to the authorities for adjudication. It is not permitted to handle such matters through official documents. Those who violated this rule were to be flogged forty times."<sup>40</sup> Third, in the course of interrogation, no torture shall be used on officials of the third estate or above. "After an official of the third estate or above has been convicted, even if he is apprehended and dealt with according to imperial instructions, the judicial authorities cannot handcuff him with wooden shackles at three places: the neck, the hands, and the feet. Even if there are cases where it is unavoidable to use torture by clamping to interrogate the suspect, it is also necessary to request for imperial instructions. This adjudication was codified as an enduring legal precedent."<sup>41</sup> Fourth, if the offense is minor, the sentence may not be served. "Whenever civil and military officials, regardless of their estates and whether they are in the imperial court or in local areas, commit public crimes that deserve flogging as a punishment, those who should receive ten lashes of flogging will have their salary deducted for one month. For those who should receive twenty or thirty lashes of flogging, the deduction of salary will be increased by one month each time. For those who should receive forty or fifty lashes of flogging, the deduction of salary will be increased by three months each time. As for those who deserve beating as a punishment, those who should receive sixty beats with punishment board will have

<sup>39</sup> *General Annals of Qing Dynasty*, Vol.70.

<sup>40</sup> *General Examination of the Great Qing Legal Code*, Vol.30.

<sup>41</sup> *Factual Record of Qianlong*, Vol.7.

their salary deducted for one year. Those who should receive seventy beats with punishment board will be demoted by one estate. Those who should receive eighty beats with punishment board will be demoted by two estates. Those who should receive ninety beats with punishment board will be demoted by three estates. But all of them will remain in office. Those who should receive one hundred beats with punishment board will be demoted by four estates and transferred to other positions.”<sup>42</sup> “Whenever civil or military officials, regardless of their estates and whether they are in the imperial court or in local areas, commit public crimes that deserve flogging as a punishment, those who should receive ten lashes of flogging will have their salary deducted for two months. Those who should receive twenty lashes of flogging will have their salary deducted for three months. For those who should receive thirty, forty or fifty lashes of flogging, the deduction of salary will be increased by three months each time. As for those who deserve beating as a punishment, those who should receive sixty beats with punishment board will be demoted by one estate. Those who should receive seventy beats with punishment board will be demoted by two estates. Those who should receive eighty beats with punishment board will be demoted by three estates. Those who should receive ninety beats with punishment board will be demoted by four estates. But all of them will be transferred to other positions. Those who should receive one hundred beats with punishment board will be removed from office (Those who commit embezzlement or bribery are not subject to this limitation).”<sup>43</sup> The ordinance also provides that “all officers with official cap buttons who commit a misdemeanor deserving flogging and beating should pay a ransom in accordance with the law. For those whose maximum punishment is beating one hundred times, they shall be reported respectively and removed from office. The beating they deserve shall be exempted from being carried out. For those who deserve the punishment of hard labor or exile, they shall be exiled or do hard labor according to the regulations.”<sup>44</sup>

These provisions are simply summarized as follows: whenever ordinary people commit offenses against officials and gentry, heavier punishments will be imposed. When officials and gentry are involved in litigation cases

<sup>42</sup> *The Great Qing Legal Code*, Vol.4.

<sup>43</sup> *The Great Qing Legal Code*, Vol.4.

<sup>44</sup> *The Great Qing Legal Code*, Vol.4.

with ordinary people, they don't need to appear in court in person. They can just send their family members to file the lawsuit. Even if the officials and gentry are interrogated, they will not be subject to torture. Even if they lose the lawsuit, they don't have to serve the sentence. They only need to have their salaries deducted or pay a very limited amount of ransom to settle the matter. It is apparent that the legal status of the officials and gentry is higher than that of ordinary people.

In the taxes and corvée labor, the officials and gentry enjoy the privilege of exemptions. According to the system of the Qing Dynasty, the people had the obligation to undertake official duties and corvée labor. Various official duties were called "forced labor," and later were changed to "silver substituted for forced labor." Moreover, they were apportioned and levied on the land and grain taxes and became "equal corvée silver."<sup>45</sup> Whether it was the conscription of laborers or the apportionment of silver, it was a heavy burden for the people. In addition to the so-called "major errands" of making the necessary preparations along the way when the emperor went on a tour of the palace, there was a wide variety of other miscellaneous official duties. For example, some people listed the miscellaneous official duties in Zhili as follows: rice carts, coal carts, wine carts, carts for officials passing through the area, carts for escorting criminals, fodder, bran, charcoal, awnings, porters, moat walls, fences, well covers, well railings, firewood, branches, sorghum stalks, boats, trackers, and so on. These corvée labors "had neither a fixed quota nor a definite time limit. They could be more or less in number and could happen at any time of the day or night," and people could be summoned and levied at any time. The way these corvée labors are apportioned varies. Some will be distributed according to the number of oxen and donkeys in each household; some will be distributed on a village basis; and in some cases, assignments were based on the Paijia household registry system, yet implementation was chaotic. In addition, apart from the assigned quotas, the odd-job men took advantage of the power to extort money by blackmailing people. "Though the poor people toil day and night for their official duties, they are unable to avoid a horrible death in the streets from enduring hunger and cold."<sup>46</sup>

<sup>45</sup> Guangxu's *Collected statutes of the Great Qing*, Vol.18.

<sup>46</sup> Zhang Jie: Treatise on Corvée Labor, refer to *Collected Essays on Statecraft of Qing Dynasty*, Vol.33; Peng Qifeng: Memorial on Zhejiang Provincial Affairs, refer to *Collection of Memorial to the Throne of Qing Dynasty*, Vol.42; *General Examination of Literature in*

## POSTSCRIPT TO THE REVISED EDITION

In the late 1950s, academic discussions on the issue of “the sprouts of capitalism in China” reached their peak. The so-called sprouts of capitalism lacked an authoritative scientific definition. Virtually all related aspects—their content, markers, conditions for emergence, developmental trajectory, and more—were interpreted and expounded upon by scholars according to their individual perspectives. Although no consensus was ever reached, this prolonged debate exerted a significant and undeniable influence on the fields of history and economic history.

The crux of the issue, I understand, lies in the nature of wage labor. The employer-employee relationship is not a social phenomenon unique to capitalism. In China, it has existed since ancient times, persisting continuously from pre-capitalist eras up to the present day. Different forms of wage labor reflect distinct relations of production, and the two interact dynamically. Determining the nature of employment relations is therefore crucial for identifying the character of the prevailing production relations. When examining the so-called “sprouts of capitalism” in China, nothing is more essential than a concrete analysis of the employment relationships of the time. In a sense, the non-capitalist nature of these labor relations decisively negates the existence of capitalist relations.

Scholars examining the issue of wage labor in the Qing Dynasty have noted that the Ming and Qing dynasties enacted specific laws for “Gugongren,” indicating unequal relations between this category of workers and their employers. In the early 1960s, building upon

prior research, I conducted further analysis of the laws concerning “Gugongren” in both dynasties. This study confirmed that during the Ming and Qing periods, a distinct estate of employed workers known as “Gugongren” existed. For the duration of their employment contracts, the relationship between these workers and their masters was far from a free labor transaction—it closely resembled that between masters and servants. These workers had nothing to do with any alleged “sprouts” of capitalism. The Ming and Qing governments repeatedly established and revised “regulations” defining the status of “Gugongren,” with each amendment altering the criteria for inclusion in this category. Consequently, the composition of this group varied across different periods. These regulatory changes reflect a gradual process of emancipation for “Gugongren.” Although “Gugongren” constituted only a portion—not the entirety—of the employed workforce, their existence serves as a crucial reminder that not all historical records containing terms like “hire” or “employ” can be taken as evidence of capitalist relations. When examining materials cited as evidence for “sprouts of capitalism” during various phases of the Ming and Qing periods, we must first exclude such forms of unfree wage labor.

A comparative analysis of the legal estates governing different social groups in the Ming and Qing legal codes—such as “Gugongren,” “servants,” and “the ordinary people”—reveals that “Gugongren” held a distinct legal estate, constituting a socially stratified group explicitly defined by law. Social hierarchy is a society-wide phenomenon; an isolated group does not constitute an estate. Since Gugongren were recognized as a distinct estate, it became necessary to address broader questions: What were the various estates in Qing society? How were they ordered in the social hierarchy? And what were the implications of this structure? This line of inquiry gradually shifted my focus away from the so-called “sprouts of capitalism” and toward the Qing dynasty’s hierarchical system itself.

Hierarchy was an important manifestation of class in pre-capitalist societies. Numerous discussions on hierarchical systems in pre-capitalist societies can be found in the economic history of medieval Western Europe as well as in the works of Marx and Engels. During the 1950s and 1960s, the theory of class struggle dominated historical research in China, serving as the sole ideological guide for academic inquiry. Evaluating individuals invariably revolved around class, and analyzing events was solely framed in terms of struggle. Under such circumstances, studying hierarchy in pre-capitalist societies should have been a natural focus,

since hierarchy inherently signified oppression and inequality. Yet, it is perplexing that discussions on social hierarchical structures were remarkably scarce in works concerning Chinese feudal society, particularly that of the Ming and Qing periods. It may be presumptuous to speculate, but perhaps the reason lies in the fact that discussions on China's "ancient feudal society" at that time only emphasized that "the principal contradiction in feudal society was between the peasantry and the landlord class," without addressing the dimension of hierarchy. Yet, the Qing Dynasty undeniably had a hierarchical system. What exactly was the social hierarchy of the Qing Dynasty? What role did it play in Qing society? These questions lingered persistently in my mind. This became the origin and background of my inquiry into the Qing Dynasty's social hierarchy. The "Ten Years of Turmoil" interrupted academic progress; after more than a decade of stagnation, it was not until the late 1970s that I was able to resume my exploration in this field.

The fundamental characteristic of social hierarchy lies in its legal codification. The hierarchical system was legally guaranteed, its existence universally recognized at the time, and binding upon all. Contrary to the principle of "equality before the law," the foundational doctrine of the Qing legal code—which prevailed for over two centuries—was "differential punishment for the same crime." The code prescribed starkly disparate legal treatment for distinct social groups. Differences in legal status determined the relative social standing of each group, concretely manifesting relationships of domination and subjugation. Although the Qing era lacked the specific term or concept of "hierarchical system," the legal code itself delineated a comprehensive hierarchical structure that encompassed all classes, professions, and individuals in society—each assigned a designated position. Social inequality between individuals and groups was overt, explicit, and legally institutionalized. Thus, the absence of the term "hierarchical system" in historical discourse cannot justify denying the existence of this system in the Qing dynasty, nor can it warrant disregarding its profound societal impact and significance.

Based on separate studies of different social estates, I conducted research on the hierarchical system of the Qing Dynasty. My late 1970s paper *On the Hierarchical System of the Qing Dynasty*<sup>13</sup> examined the

<sup>13</sup> *On the Hierarchical System of the Qing Dynasty*, in *Social Sciences in China*, 1980, No. 6.

structure and characteristics of the Qing's social stratification. It categorized the Qing social hierarchy into seven principal ranks—the Emperor, Imperial Clan Nobility, bureaucrats, gentry, ordinary people, Gugongren, and inferiors—along with their subdivisions. The paper detailed each estate's specific rights, obligations, legal status, and social position, while analyzing how the Qing hierarchy, built upon a landlord economy with free land trade, differed fundamentally from Western European feudal systems based on manorial economies. My April 1981 manuscript *Several Issues on the Qing Dynasty Servant System*<sup>14</sup> provided a comprehensive institutional analysis of various types of servants. Building upon this foundation, I further investigated different categories of inferiors, culminating in the monograph *The Inferiors Estate in Qing Dynasty Society*. While focusing primarily on the inferior's estate, this book essentially encapsulates my fundamental perspectives on the Qing hierarchical system as a whole. The above explains the origin and conceptual framework of this monograph.

The hierarchical system of the Qing Dynasty constitutes an indispensable aspect in the study of Qing society. To date, research on many related issues remains insufficient. Beyond the fundamental questions concerning each social estate itself, there exists broad scope for exploration in areas such as: the relationship between the hierarchical system and kinship institutions; the interconnection between the hierarchical system and ethnic stratification; the correlation between the hierarchical system and occupational structures; the historical antecedents of Qing social stratification; as well as comparative studies between the Qing hierarchical system and contemporaneous systems in East and Southeast Asian countries. These inquiries will undoubtedly require sustained scholarly efforts from numerous researchers. It is my hope that these questions may eventually capture academic attention as a focal point of research interest. In recent years, I have attempted to trace the origins of the Qing hierarchical system through examining stratification systems of preceding dynasties.

My research remains preliminary and general in nature. Since the 1990s, some works on Qing history, social history, and economic history have adopted or adaptively used the aforementioned hierarchical framework, though not always with explicit attribution. Other scholars have

<sup>14</sup> *Several Issues on the Qing Dynasty Servant System*, in *Journal of the Economic Research Institute of the Chinese Academy of Social Sciences*, No. 5, Beijing: China Social Sciences Press, 1983.