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A. V. Popov

Transformations in legal and social status of the North Mongolian nobility (XVIII — first half of XIX century)

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The purpose of this paper is to investigate the content and practical application of a number of tax laws introduced by the Qing Imperial authorities in Northern (Khalkha) Mongolia in XVIII — first half of XIX century. These laws limited the amount of fiscal revenues collected from the inhabitants of Mongolian steppes that could be used by native aristocrats as remuneration for the performance of their administrative service duties. As a result, the author found that Mongolian and Chinese sources contain numerous pieces of information about the constant tendency to neglect the norms of Qing tax legislation, which was typical for North Mongolian princes and officials. Reasons for wide spread of such phenomena may be related to the transformation of social and legal system that occurred in Mongolia in XVIII — first half of XIX century due to the influence of the Qing Empire.

Key words: Qing Empire, North (Khalkha) Mongolia, tax laws, North Mongolian aristocracy, violations of fiscal rules, changes in legal status and social role of the Mongolian nobility.

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In research literature, one can often find judgments that in XVIII–XIX centuries the Supreme authorities of Qing Empire did not strictly limit Mongolian social leaders in the rights of ruling the *khoshuns*¹ [Di Cosmo, 1998. P. 300; Kuz'min, 2016. P. 28; Bat-Ochir Bold, 2001. P. 119]. At the same time, even a brief analysis of the norms and terms of the Qing legislation in application to the legal status of a khoshun ruler evokes associations not with feudal landlord and not with autonomous owner, but with the mid-level official of Imperial state apparatus. In support of the above, let us clarify what powers Mongolian khoshun rulers had un-

der the Qing law in respect of personality and property of the commoners which were under their jurisdiction.

Distribution of representatives of social lower classes between different estates introduced in Mongolian society by the norms of Qing law, provided for the formation of a special category of taxable and labor-bound population — the *somon people*² (Mong.: *suman-u*

¹ *Khoshun* (or *banner*, Mong.: *qoši u*; Chin.: 旗) was a unit of administrative-territorial division, which in the system of public authorities established in Northern Mongolia by the Qing government was a step lower than *aimag* (see note 6). Before Khalkha became a part of the Qing Empire, its territory was traditionally divided among seven principalities named as khoshuns. After the Manchu ruling house took control of North Mongolia, the tradition is gone and the former principalities were fragmented into many small parts. From 1691 to 1725 the number of khoshuns increased to 75, and in another thirty years reached 84. Its total number amounted to in 23 *Se-cenkhan aimag*, 20 were included in *Tushiyetukhan aimag*, 24 and 19, respectively, in *Sainnoyonkhan* and *Zasagtukhan aimags* [Bat-Ochir Bold, 2001. P. 104, 105]. The purpose of these reforms was to prevent North Mongolian nobility from the desire for political or military consolidation that contradicted to the strategy of reforming the Mongolian traditional administrative system, which Beijing authorities adhered to.

² *Somon people* were a category of military and labor-bound Mongolian population, attributed to special units of administrative division — *somons* (Mong.: *suman*; Chin.: 佐领). The somons, established on the model of *Nuru* (units of the Manchu Eight-Banner troops), were first introduced in Southern Mongolia by the decree of Emperor Shunzhi in 1658 [Dai Qing huidian zeli, 1818. 140. P. 21b]. This decree ought to enroll in every somon 150 adult liable males who were under control of special administrative apparatus. It was headed by senior officer (*suman-u jangyin*; 佐领) and junior administrative officials: one *kündü bošoqu* (骁骑校) and six *bay-a kögegči* (领催). All of them must be appointed from among *taiji* (owners of lower aristocratic titles) or in their absence from “capable commoners”. In addition, special headmen (*arban-u daruy-a*; 什长) were appointed in each ten of the somon families. Six somons, belonging to one khoshun were managed by an officer named *jalan-u jangyin* (参领). According to the Qing law, one of every three somon men was obliged to carry out different services and duties in military and administrative institutions established in Outer Mongolia by Imperial authorities. *Somon people* thus recruited from Khalkha mainly serve as couriers at the official relay post stations, as border guards or as shepherds who grazed cattle herds, which belonged to the Imperial Treasury. At the announcement of General mobile-

arad; Chin.: 田木兵丁). Principle functions of this most numerous among the lower classes were to form social foundation of Imperial administrative system in Mongolia and to be used as a powerful, well-organized armed force capable of defending a variety of military and political interests of the Manchu dynasty. In the terms of Qing law, status of the somon population was determined by a common concept “people of free status” or “good people” (*sayin kümün*; 良民). This status was distributed to residents of somons, who were responsible for execution of military service and performance of public duties. As “servants of the Emperor” somon arats were spared from personal dependence on native social elite and were listed as existing under the control of khoshun rulers and officials. For the first time such legal norms were clearly recorded by the Emperor Kangxi in a decree dated to 1683:

If a person of free status is deceptively inclined to be sold into slavery, into a wife, into a concubine or in order to be made someone's grandson, then all involved in this illegal transaction, without distinguishing among them those who sold and bought, must be cut with a whip of 100 strikes and in addition fined by three *nines of cattle*³. If those who were sold knew about the above mentioned illegal transaction and agreed to it, then they must be sentenced to punish with hundred of lashes [Dai Qing *huidian zeli*, 1748. 144. P. 18b].

Later in XVIII and XIX centuries, provisions of this decree were always present among the legislative articles in all the main Qing codes, which established the order of governance in Mongolia.

As for the rights of Mongolian nobility to property, which was possessed by the mentioned category of population, this area of Qing law coincided with legal restrictions of the rights of princes and officials to the personality of “people of free status”. However, Qing laws did not completely deprive the nomadic aristocracy of any opportunity to charge the somon arats with taxes and use them in their service. Creators of these laws had never revised traditional rights to receive some material subsidies from subordinate population, acquired by Mongolian nobility long before the reign of the Manchurian dynasty. All codes of Qing laws dated to XVIII–XIX centuries always contain articles with a detailed list

zation of all Mongolian troops, two of every three somon inhabitants were obliged to join a campaign, while one remained in the place of residence for keeping the household in proper order.

³ *Nine of cattle (penalty nine)* — traditional Mongolian calculation of the size of fine levied by cattle legalized by the Qing law. In particular, it was mentioned in “*Eighteen Steppe Laws*” — the earliest among currently known monuments of North Mongolian legislation relating to the end of XVI — early XVII century [Nasilov, 2002. P. 84]. According to the Qing code of laws “*Menggu Lüli*” (蒙古律例), dated to 1789, the *penalty nine* consisted of two horses, two adult bulls, two cows, two bulls-three years and one two-years-old. The one who levied the fine, as a reward for his work moreover received one three years old bull [Menggu *lüli*, 1988. 12. P. 3a].

of taxes allowed to be collected by the rulers of khoshuns from all the paying population subordinated to them:

All the *vans, guns and taiji*⁴ while collecting annual taxes from the people subordinated to them must obey to the rules as follows. From those who has more than five heads of cattle, to take one sheep, from having twenty sheep to take one sheep, from having forty sheep to take two sheep. No matter how many cattle the subordinate people possess over the designated amount, it is forbidden to take more. In cases of appointing the prince to the official service or his departure to *chuulgan*⁵, or when his camp is moving to another place or in case of marriage in his family or marriage of his daughter, and in other similar cases, if the subordinate population of this prince consists of more than 100 families, then every ten of those families should supply a horse [Menggu *lüli*, 1988. 2. P. 20 a–b; qauli *jüyil-ün biçig*, 1817. 12. P. 28a–29a; qauli *jüyil-ün biçig*, 1826. 12. P. 28a–29a; qauli *jüyil-ün biçig*, 1842. 12. P. 28a–29a].

Qing legislation guaranteed Mongolian noblemen their traditional rights to cover travel costs at the expense of the common population who were met by travelers on the road. These privileges of the nomadic aristocracy was confirmed by a set of laws “*Khalha Girum*”, promulgated by the Emperor Kangxi after the extension of authority of the Manchu ruling house in Northern Mongolia [Khalkha *Jirum*, 1965. P. 17–19]. The procedure for collection of road supply was also regulated by subsequent Qing legal acts. In the code of laws “*Menggu Lüli*” (“Mongolian code”), dated to 1789, it was established that the refusal to issue the required road maintenance is punishable by a fine in the amount of one head of cattle [Menggu *lüli*, 1988. 2. P. 9a; Bichurin, 2010. P. 319]. “*Code of Laws of the Great Qing Empire*” (1818) stated:

Princes of the *four Khalhan aimags*⁶ are allowed within the khoshuns that are under their governance to give

⁴ Mongolian *vans* (Chin.: 王; Mong.: wang) were the nobles who possessed the highest aristocratic titles of the 1st and 2nd ranks, bestowed by the Qing Emperor. *Guns* (Chin.: 公; Mong.: güng) represented the middle grade in the hierarchy of Mongolian hereditary nobility, the princes of 5th and 6th ranks. *Taiji* (Chin.: 大台; Mong.: tayiṅi) — bearers of lower aristocratic virtues and ranks of nobility, who were involved by the Qing authorities in public service as rulers of the khoshuns or officials in local military-administrative apparatus. In the legal and administrative lexicon typical of the period under consideration, the wording «*vans, guns and taiji*» was used as a collective designation of Mongolian aristocracy.

⁵ *Chuulgan* — see note 6.

⁶ *Aimag* (Mong.: aiyma; Chin.: 盟) — a unit of administrative division of the territory in Mongolia. In the Qing period, *four aimags* were established within the Northern Mongolia. Three of them Tushiyetukhan, Secenkhan and Zasagtukhan — were the elements of administrative and political system in Northern Mongolia before it became a part of the Qing Empire. These aimags remained after 1691, when Khalkhan princes recognized the Supreme power of the Qing Emperor Kangxi. The fourth Sainnoyonkhan aimag traces its history back to 1725. This year, by decree of Emperor Yong-

out to the people sent by them special pass papers with seals. People belonging to the above mentioned khoshuns, must deliver horses and food to the persons who obtained such pass papers [Dai Qing huidian, 1818. 52. P. 22].

The first and second editions of “*The Lifanyuan Code*” (1817 and 1826) says:

If, in presence of a pass paper with a seal, they do not provide camels and horses to passing by, then all those responsible for refusing to issue a supply must be fined by two nines of cattle. If at the approach of an official messenger, anyone deliberately drive away his flocks, fine him by one nine of cattle (third edition: three nines) [qauli jüyil-ün bičig, 1817. 33. P. 38b; qauli jüyil-ün bičig, 1826. 33. P. 38b; qauli jüyil-ün bičig, 1842. 33. P. 43b].

As can be seen from the above, Qing legislation, in principle, did not prohibit Khalkhan nobility to charge the somon people with taxes and duties. But such permits were immediately accompanied by a fair number of reservations, conditions and restrictions. All the latter were implemented by Imperial government as a way to establish an extent to which the class of somon people was allowed to be an object of fiscal claims of native aristocrats and officials. Thus, the authorized rights of Mongolian nobility to dispose of the property, owned by somon people acquired the appearance of a very far from

zheng prince Dashdondov was granted the title of his great-grandfather «Sain Noyon», equal in status to the khan. The “*Draft of History of Qing Dynasty*” narrates that Dashdondov “had merit in military campaigns, so he was entrusted to rule the newly created aimag” [Qing shi gao, 1927. 86. P. 3b]. By tradition, hereditary rights as aimag rulers belonged to the North Mongolian khans, but in 1727 Imperial authorities abolished this order. Administrative and judicial authorities in aimags were transferred to *chuulgans* (Mong.: čiyulyan; Chin.: 盟) or assemblies of local nobility. Henceforth, hereditary power of the khans over the aimags was abolished and the head of each of them became the chuulgan foremen, elected on the instructions of Imperial authorities from among princes who participated in assemblies. At the same time, official terminology was changed — the concept of «aimag» was transformed into «chuulgan». Accordingly, the name of each aimag ceased to be consonant with the title of the khan who previously ruled it and began to correspond to the place where the assemblies of princes were held. However, as a result of these renaming traditional names of aimags did not disappear at all and continued to be used both in everyday lexicon and in official document circulation.

⁷ *Lifanyuan* (理藩院) — translated from Chinese: The Chamber for Management of Vassal and Dependent Territories. In Mongolian this administrative department was named — *γadaγatu mongγol-un törö-yi jasaqu yabudal-un yamun* (The Chamber for Control of Outer Mongolia). *Lifanyuan* was a division of the Qing Imperial government, entrusted with supervision of Outer Mongolia, Xinjiang and Tibet. Among the duties assigned to this office were the drafting and editing of a code of laws intended for management of the regions under its jurisdiction.

feudal immunity. For an example, we may refer to the decree of Emperor Qianlong, dated to 1773:

If any of the Khalkhan princes to bypass the true rules will exhaust their illegal claims upon the subordinate somon people, that bring these people to escape from excessive taxes, or without any special reason to run up to other khoshuns, taking away their cattle, and if the above mentioned princes will commit other illegal and contrary to the norms of moral conduct offenses, then after somebody brings complaints on this violations, such cases should be investigated. As soon as circumstances will indeed be such as described above, those guilty princes must be punished to the fullest extent [aliba qauli jüiy]. P. 31b].

It should be noted that during XVIII–XIX centuries, such orders of the Qing Central authorities in one form or another were repeated constantly. In 1828 in the letter sent by Lifanyuan to the rulers of the four North Mongolian aimags it was stated:

From now on, it must be strictly prohibited for khoshun rulers to use their privileges in order to oppress people subject to them and under the guise of official needs to charge them with excessive taxes, to rob and to harass them [önggeregülügen kereg. P. 92b].

Khalkhan princes and officials were responsible under the law in cases they failed to observe the rules of taxation of subordinated population. Moreover, the articles devoted to the punishment of those, who commit such an offence, were a sort of legal norms that were subjected to the most detailed and comprehensive development in Mongolian sections of Qing legislation. The validity of this conclusion is evident from the comparison of different editions of “*The Code of Lifanyuan*”. The first edition stated:

If the vans, guns and taiji on their own arbitrariness will take taxes in amounts more than allowed to them, they must be brought to justice and punished according to the law [qauli jüyil-ün bičig, 1817. 12. P. 29a].

In two subsequent editions of the same code of laws, this article took the following form:

For vans, guns and taiji it is forbidden to collect taxes in amounts exceeding the established in accordance with the law. If taxes are recovered in excess of the established norm by 10 percent, then princes who committed such a violation should be charged a one month salary assigned to them according to their titles. If illegally collected will be from 10 percent to 30 percent, then deprive the princes of wages for two months. The punishment for illegal collection of taxes in even larger amounts must be increased as many times as these amounts were exceeded [qauli jüyil-ün bičig, 1826. 12. P. 29a; qauli jüyil-ün bičig, 1842. 12. P. 29a].

As for the above mentioned rights to receive roadside provisions, in exercising these privileges, Qing law did not provide North Mongolian social elite with special guarantees of full freedom and absolute immunity. Im-

perial authorities did not prevent Mongolian princes and officials of the run funds from the population only when traveling on the needs of government service. But as soon as it came to the travels of aristocracy for their personal needs, legislation took the form of a severe banning, directing the nomadic elite to recover their own costs from their own funds. In XVIII — first half of XIX century Beijing administrative authorities not only developed and improved rules, addressed to Mongolian nobility for the use of supply and run funds, but also quite consistently monitored compliance with the order established in this area. At the end of each year, authorities of the North Mongolian aimags were obliged to send to Lifanyuan special reports on supervision of how princes and officials in khoshuns use roadside provisions supplied by local population. We emphasize that the mechanism of such control was indeed extended to Khalkha and existed not only in imaginations of creators of Qing laws. An evidence of this can be found in the hand written register of outgoing papers issued by the office of khoshun ruler gung Sandvmingjuur in 1828, now kept in St. Petersburg Institute of Oriental manuscripts. This register contains a copy of the report on the use of travel rations by officers and other persons, who passed by this khoshun trough the year and take a supply from herdsmen [sayišiyaltu irügeltü. P. 7b].

If we try to bring to a common denominator different legislative restrictions and norms issued in the Qing Empire to regulate the fiscal rights of Mongolian princes and officials in relation to the somon population, we can come to one fairly obvious conclusion. Taxes and duties, which “people of free status” were obliged to bear in favor of the Khalkha-Mongolian nobility, were established and regulated not by this very nobility, but by the Imperial authorities and, therefore, were legally little different from services and taxes paid to government Treasury. The only thing is that revenues from such taxation, at the will of legislator, were not directly received by the Imperial financial authorities, but were used to maintain the native administration in Northern Mongolia. This approach to the rights of local nobility was formulated in 1802 by dignitaries of the Military chamber (Mong.: *cereg-ün juryan*; Chin.: 兵部) in the next report to Emperor Jiaqing:

Somon arats from all khoshuns support government service, accompany princes to military parades and exercises conducted during battue hunting, deliver everything necessary for departure of princes for the Imperial New Year audience, for their travel to the Imperial court, cover their costs on meeting and seeing off roadway Lamas, escort criminals, etc. All these duties are not services which the aforementioned somon people are personally in favor of a certain prince in his own khoshun. Our Chamber informs His Imperial Majesty that it is not allowed to appoint any other duties instead of the above mentioned. Khoshun rulers must attract people to the performance of such services, observing in this case the appropriate expediency, so as not to exhaust them and cause them suffering [sayišiyaltu irügeltü. P. 12b].

At the same time, we should also take into account the obvious fact that a variety of obligations of common cattle breeders in relation to their leaders arose and existed in Mongolian tradition long before its legitimizing by the Qing Emperor and not due to legal sanction of Beijing authorities. Therefore, the above mentioned legal rules was to be the normative basis for the search for a compromise between the traditional fiscal interests of nomadic aristocracy and the needs of Qing authorities with their particular interest to mobilize Mongolian herdsmen for solution of administrative and military problems that were important to the government.

However, in the circumstances under consideration here, as in many other similar cases, Mongolian social reality did not demonstrate any tendencies to change immediately in strict accordance with the requirements emanating from Beijing. Sources known to us, show that Qing laws, that limited the rights of nomadic nobility to personality and property of herdsmen, were not provided with any significant guarantees of effectiveness. The most eloquent confirmation of the above, are the numerous facts of arbitrary (in terms of Imperial legislation) obligation of the somon people with taxes and duties, which was introduced in aimags and khoshuns by local princes and officials without any permission of higher government authorities and in the amounts, obviously exceeding the established norms. Already during the first decades of the Qing rule over North Mongolia, Imperial authorities were forced to resort to severe administrative measures, in an effort to protect the “people of free status” from “fiscal arbitrariness” of the native nobility and thus to preserve material basis of military and administrative services performed by Mongolian herdsmen in favor of Beijing government. Thus, in 1733, by a decree of Emperor Yungzheng as a punishment for “unbridled arbitrariness” in respect to subordinate people jasag-taiji Damiranjab of Secenkhan aimag was deprived of his title and fired from the post [iletgel šaštir, 1801. 59. P. 15b]. In the same year, his fate for similar reasons was shared by jasag-taiji Davan [iletgel šaštir, 1801. 60. P. 16b].

However, Yungzheng and his advisers in the fight against the “extortion” performed by the nomadic social elite did not trust in mere punishment of Mongolian khoshun rulers. In the early 30s of XVIII century the mentioned Qing monarch authorized a number of measures aimed at finding additional guarantees to ensure the fiscal interests of Imperial government in Mongolia, but not related to strict administrative pressure on local nobility. One of these measures was the appointment of annual salary, paid from state Treasury to North Mongolian princes. By establishing a procedure for payment, Qing Central authorities believed that the native aristocracy would be able to at least partially compensate for the losses, caused by limitations of her traditional tax immunities [Pozdneev, 1883. P. 362]. However, such measures did not encourage Mongolian nobility to comply with the rules of fiscal legislation. Severe Imperial decrees and harsh regulations by government authorities, who demanded from the rulers of North Mongolian kho-

shuns to stop illegal collection of taxes and duties with the somon population, in XVIII — first half XIX century was repeated many times, almost word for word, and for that reason was unlikely to bring any significant benefit. Among such orders, for example, was the following decree of Emperor Jiaqing, issued in 1803:

From now on, if the khoshun rulers under false pretexts of conducting government services, will profit from their subjects and exhaust them, as well as if those rulers will arbitrarily charge the people under their control to submit and send them with orders, where they want, then all officials whose responsibilities are relevant to such incidents must submit reports to the Emperor, describing misconduct of the above mentioned khoshun rulers [önggeregülgösen kereg. P. 39b].

At the same year Lifanyuan established for each of the North Mongolian *jasags*⁸ the number of horses and norms of food, allowed to be received during their travels as road maintenance from the commoners encountered along the way [sayişıyaltu irügelütü. P. 12b]. In 1828 Lifanyuan compiled the set of rules for the management of North Mongolian khoshuns which, in particular, said:

From now on khoshun rulers are not allowed to excessively oppress their subjects, to charge them with extra taxes and cause them difficulties, rob them under the guise of public service needs and bring them to scarcity [önggeregülgösen kereg. P. 92b].

Emperor Daoguang in the decree of 1840 said:

From now on, all the duties by what khoshun rulers should charge the subject people let them collect in amounts set by law. Collection of taxes in amounts that exceed statutory norm must be strictly prohibited [sayişıyaltu irügelütü. P. 81b].

It should be noted that we have mentioned only some, in our view, the most characteristic examples of Imperial decrees and government orders devoted to the fight against the so-called “selfish abuses” of Mongolian nobility. But more important is the fact that all these rules were adopted not for an abstract duty of necessity, but appeared as a result of the official investigations of mass or particularly large violations of fiscal laws. Our sources mention such violations at least as often as notify Imperial decrees prohibiting Mongolian nobility in collecting taxes and duties that were taken in amounts exceeding those established in accordance with official ranks.

Information on mass abuses of Qing tax laws by native administration in Khalkha can be found, for example, in the report, compiled in 1783 by the *Qing Governor in Ikh Khüriye*⁹. Initially this paper was addressed

to Lifanyuan, but finally it was transmitted “for the All Highest Consideration”. Comparison of its content with the norms of Qing laws gives an idea of the degree to which (we will notice at once — very much) Mongolian princes and officials ignored the rules established for them. The mentioned report accurately indicates the channels through which material resources legally owed to Imperial Treasury were floating from the farms of Mongolian cattle breeders to the hands of the steppe nobility. In particular, the report states:

Study and verification of the situation with taxable and labor-bound population in khoshuns revealed the following. In Tushiyetukhan and Secenkhan ayimags, weather wans, guns and taiji live in their own encampments, or go anywhere, all necessary for themselves and their retinue they receive from the tax-paying population subordinate to their khoshuns.

Khoshun rulers from their subordinates collect taxes, cattle and food for consumption for personal needs in their own economy and for the needs of those officials, who accompany them on trips and live in their rates. Similarly, princes burden the subjected arats with supply of livestock, food, yurts, tents, tea, etc., necessary for them and even their retinue during all the trips on government and private business, e. g. for the New Year Imperial audience in Beijing, for military parades and hunting, for the service in *Uliasutay*¹⁰, to chuulgans or to worship different Holy places [Natsagdorj, 1963. P. 186].

The above mentioned messages leave little doubt about the existence of a deep gap between legal norms of Qing tax legislation and the actual way of Mongolian social life. In XVIII — first half of XIX century the na-

Executive office in *Ikh Khüriye* (*Da Khüriye* or *Urga*) which was the location of the monastery headed by Jibzundamba Khutugtu — one of the most influential hierarchs of the Buddhist Church in Mongolia. Amban, in addition to monitoring the situation in the monastery, controlled the North Mongolian part of the border between Qing Empire and Russia, oversaw compliance with the rules on cross-border trade and carried out “general superintendence” of administrative affairs in two Eastern aimags of Khalkha — Tushiyetukhan and Secenkhan. His position was consistent with the official title “Established by All Highest Command the Plenipotentiary Dignitary, Having a Place of Stay in Da Khüriye” (Chin.: 钦定库伦办事大臣, Mong.: *jarliy-yar jaruyusan hürrien-dür sa uju hereg siyt-gegçi saiyd*). Initially, the title was given to two dignitaries — Mongolian, who was appointed from among the high-ranking nobles, and Manchu. Before 1761, the highest of them was considered the first, but then the priority in decision-making was given to the latter [Sodnomdagva, 1961. P. 33, 34]. After that the Mongolian dignitary became known as an “Assistant Amban” (*kebei amban* or 帮办大臣). However, in cases of being officially mentioned in the Mongolian language, his title retained its original form [Brunnert, Gagel'strom, 1910. P. 379].

¹⁰ *Uliasutay* (Mong.: *uliyasutai*; Chin.: 乌里雅苏台) in the Qing period — main military-administrative center in Outer Mongolia, which was the residence of Imperial Governor, host for the regional administrative institutions, quartering of military garrison and storage of mobilization material reserves. As fortified place Uliasutay was founded in 1733.

⁸ Mongolian term *jasag* meant a prince ruler of khoshun.

⁹ Position of the mentioned *Qing Governor*, to whom the Manchu name «*Amban*» was assigned in Mongolia, was established in 1751 by the decree of Emperor Qianlong [Bat-Ochir Bold, 2001. P. 101]. This dignitary was put in charge of the

tive nobles used many opportunities *de-facto* available to them to impose taxes and duties on the subordinated population, in many ways, contrary to the will of Central authorities of Qing Empire. Judging by the fact that at that time in Khalkha “robbery of the subjects” (in the interpretation of Qing legal acts) was not so rare occupation of local princes, Imperial authorities did not want to legalize such social practice, but could not cancel it.

The fairness of the last opinion is convinced by at least two circumstances. First, the overuse of taxes, that was typical for Mongolian aristocracy, because of its constancy and mass character, could not be generated only by local initiative of individual, few princes and officials. Secondly, the cases that were interpreted by Qing law as arbitrariness of the social top in relation to the bottom, in fact, must be an element of sustainable system of relations between different classes, regularly reproduced in steady conditions typical for Mongolian society. Moreover, these relations arose and existed regardless of the will of Imperial administration and could not be fitted into the Procrustean bed of rules intended to regulate daily life of the nomads, inhabited the territories of Khalkha.

What could be the reason for such inefficiency of Qing fiscal laws? Perhaps, it was the fact that its creators tried to limit traditional rights of nomadic elite to personality and property of common cattle-breeders which arose long before the Manchu dynasty reigned in Beijing? Although such an assumption does not look absolutely incredible, we would not have fully agreed with it. The reason for such caution may be a simple mention of the sources, of which Imperial authorities in the XVIII — first half of XIX century drew information about tax offenses committed by princes and officials of native administration in Khalkha. Often, the investigation of such violations began after a complaint, which was sent to the higher authorities by inhabitants of a certain aimag or khoshun [Natsagdorj, 1963. P. 216]. Usually it was a collective petition of desperate representatives of the lower class that sometimes even resulted in breaking of the bureaucratic career of some high-ranking nobles. But in this case, the following question is relevant: are the mentioned arguments about the established long time traditional relations between Mongolian social top and bottom appropriate to a situation where the latter in the desire to punish the first for excessive fiscal demands used to address their complaints to the Beijing authorities? The answer to this question can only be negative. Small Mongolian princes, lower officials, and arats-the commoners would never show a propensity for litigation on their own khoshun administration, if its activities in fiscal sphere are consistent with their traditional notions of what nomadic leaders could and what could not demand from their subjects.

In general, growth and strengthening of social differentiation arose in nomadic social communities as a result of their subordination to the sedentary agricultural societies, especially in cases when the latter tried to turn the steppe aristocracy into a support for their influence among the nomads under their control [Khazanov, 2008.

P. 194]. The history of Mongolia in the Qing period is an example, confirming the effect of this general pattern. Obviously, the mass tendency of Khalkhan princes and officials to neglect the norms of Qing tax legislation was generated by transformations of the social and legal system that occurred in Mongolia in XVIII — first half of XIX century under Qing influence. Sanction of Imperial authorities on the rule of khoshuns, received by North Mongolian nobility, although not turned the latter into an absolute analogue of Chinese bureaucratic class, but still significantly changed the status of Steppe nobles as specific owners. Legal and administrative institutions intended for govern North Mongolia, under the rule of the Manchu dynasty where gradually improved. In this regard the career of Khalkhan princes became more and more independent on the military leadership talents, diplomatic and administrative skills they displayed, and increasingly determined by their ability to create an impression of absolute devotion and loyalty to Imperial throne. Thus sovereign princes in XVIII–XIX centuries gained opportunities not to pay special attention to various needs and interests of their subordinate nomadic communities, at the same time being sure that such misconduct (in traditional Mongolian views) does not pose any serious danger to their own destiny and career. Japanese historian Shigeru Toyama, who investigated this phenomenon, wrote:

Jasags ceased to play the role of spokesmen for the interests of khoshuns population and lost their former position of leaders in the management of public domain, while the latter still was of principle importance in everyday life of the people subordinate to them [Toyama Shigeru, 1983. P. 203].

Such evident social changes have opened among the aimag and khoshun rulers and officials the aspiration to collect taxes from commoners and to impose duties in amounts even greater than those that were due to the pre-Qing Mongolian traditions. Sources known to us do not allow opportunity to give any accurate assessment of the dynamics of this growth, although it is obvious that during XVIII and the first half of XIX century Imperial administration constantly had many reasons to worry about whether local authorities in Northern Mongolia observe the rules of fiscal legislation.

The image of a van, gun or taiji as an independent owner of aimag or khoshun, who on his own initiative could establish the rules in his lot, did not fit into political and legal concept that was the basis for the norms of Qing legislation addressed to the Mongols. Therefore, throughout the period under consideration, especially since the second half of XVIII century, guidance on the need to suppress violations of tax laws committed by North Mongolian princes was constantly presented in the norms of Qing laws, in terms of Imperial decrees, and on the pages of official documents drawn up by various administrative institutions. It is unlikely that the Supreme authorities of Qing Empire have objective information about the true extent of fiscal arbitrariness of the nomadic aristocracy. Not only Beijing authorities, but

also Qing governors in Mongolia faced noticeable difficulties in order to identify and prevent such phenomena in the remote territories of Khalkha. Moreover, local rulers and officials probably hid their illegal activities

from first and from second. Thus, Imperial authorities were somehow informed about just a few facts of the most flagrant “extortions” demonstrated by North Mongolian princes and officials.

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