

Women's Baogao system in Qing Dynasty Recorded in Mianning Archives

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Abstract

The “Baogao” system of the Ming and Qing dynasty was also known as representative action system, which could be traced back to the period of “ancient China’s regime of the nobility’s privilege of not going to the court personally in a trial”. The “Baogao” system was named by many scholars as China’s ancient “litigation” system. The subject of the litigation included students, the young and the old, the disabled, women, which was stipulated in both the national law and the local condescendence rules. Making a study of the numerous women litigation cases in Mianning Archives, the writer finds that some cases complied with the “Baogao” system at the time, but some others were not in accordance with the system. These cases included litigation without a Baogao, the Baogao was not consistent with the system, a woman and a man were co-plaintiff, and so on. The writer intends to have a fundamental interpretation of those cases. There existed huge differences in time and space in the judicial practice of the Qing Dynasty. The writer believes that at least in Mianning prefecture of the Qing Dynasty, the basic judicial practice was more concerned about the entity of the case than the procedural review of the women who had the qualification of taking lawful action.

Keywords: Mianning Archives; women litigation; representative action; legal consequences

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