

The Inheritance and Change of Legal Culture: Taking the Legal System of Ming and Qing Dynasties as an Example

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Abstract: This essay's goal is to examine how legal cultures have evolved throughout time through inheritance and analysis, using the legal systems of the Ming and Qing dynasties as case studies. During the last stages of Chinese feudal society, the Ming and Qing Dynasties were a crucial epoch. Its legal system not only inherited the essence of the previous legal culture, but also changed significantly under the specific social, economic and political background, showing the distinctive characteristics of the dynamic development of legal culture. The essay begins by going over the fundamentals of the Ming and Qing legal systems, such as the legal system, judicial practice, and so forth, with an emphasis on the analysis of the "Daming Law" and "Qing Law" and other representative codes of the compilation background, content characteristics and impact on future generations. Subsequently, from the legal thought, legal system, judicial practice 3 a dimension, elaborated the Ming and Qing legal system in the inheritance of traditional legal culture at the same time, how to adapt to the changes of the times and the adjustment and innovation. This paper also looks at a variety of other factors that influenced the legal system's inheritance and evolution during the Ming and Qing dynasties, such as changes in social and economic structures, reorganization of political power, the development of cultural theory, the introduction of foreign legal cultures, and so on. Finally, this paper summarizes the historical significance of the legal system's inheritance and change during the Ming and Qing Dynasties, noting that it not only provides a rich legal cultural heritage for future generations, but also serves as an important enlightenment for understanding how legal culture adapts to social development. At the same time, this study considers the role of traditional legal culture in the development of modern rule of law, emphasizing the significance of both inheritance and invention.

1. Introduction

Along with bearing the nation's spiritual history, legal culture contributes significantly to social civilization by documenting the evolution of the legal system throughout time. It is like a mirror, reflecting the social style, values and power structure of different historical periods. The Ming and Qing Dynasties, as a glorious chapter of the late feudal society in China, their legal system showed

unique charm and profound changes in inheritance and development, which provided a valuable sample for us to explore the inheritance and changes of legal culture.

The legal system of the Ming and Qing dynasties was gradually formed in the long-term historical accumulation. It is not only the inheritance of the legal culture of the previous generation, but also a positive response to social changes. Legal culture has experienced tremendous changes over this one time, coinciding with the growth of the commodity economy, changes in social structure, and the pluralistic fusion of ideology and culture. From the perfection of the legal system to the invention of legal thinking, from the rules of judicial practice to the development of legal culture, the legal system of the Ming and Qing Dynasties has become an important landmark of Chinese traditional legal culture with its own look[1].

This study investigates the transmission and growth of legal culture, using the legal systems of the Ming and Qing Dynasties as examples. The evolution of legal culture will be revealed by evaluating the formation, growth, and societal reasons that drive legal systems over certain historical periods. Furthermore, this research aims to promote the creativity and legacy of legal culture, the continued growth of social civilization, and useful references and insights for the development of the current rule of law.

This paper's study technique will be historical literature analysis, with the goal of thoroughly and objectively presenting the actual face of the Ming and Qing legal systems. By delving into the historical literature, this study will explain the underlying logic and exterior performance of the Ming and Qing legal systems in inheritance and transition. At the same time, this paper will use comparative research to place the Ming and Qing Dynasties' legal systems in a broader historical context, as well as explore their similarities and differences with other countries and regions during the same time period, in order to better understand the uniqueness and value of the Ming and Qing Dynasties' legal systems.

2. Research on the Legal History of Ming and Qing Dynasties

Although the Ming and Qing Dynasties marked the end of traditional Chinese culture, the legal system remained more developed than the previous generation, and there were extremely significant laws such as the Daming Law and the Laws of the Qing Dynasty[3]. However, in the study of the history of Chinese legal system from 1949 to 1978, the number of research results on the history of legal system in the Ming and Qing dynasties was relatively small, and its research mainly focused on the rule of secret agents and justice in the Ming and Qing dynasties and the germination of capitalism. The research results on the politics and justice of secret agents in the Ming Dynasty include Ding Yi's monograph "The Politics of Secret agents in the Ming Dynasty" and Chen Mingzhong's thesis "The Factory Guard in the Ming Dynasty". Ding Yi's "The Politics of Secret Service in the Ming Dynasty" is a masterpiece of the study of the rule of secret service in the Ming Dynasty[2]. The book begins by outlining the formation of the Ming Dynasty's secret service organs. It next discusses and introduces the Ming Dynasty's factory guard system in detail from various angles. Most of the emperors of the Ming Dynasty did not trust the ministers and delegated the power to the eunuchs close to them, which resulted in the growing power of the eunuch group headed by the Si Li Jian. The eunuch obtained the power to command the special organs. The emperor asked them to investigate heresy and suppress the ministers and the common people, forming a tight spy network all over the country. The factory and health organs and eunuchs of the Ming Dynasty used torture indiscriminately, created unjust prisons, and committed all kinds of evil, "which was one of the main reasons for the collapse of the Ming Dynasty." 27 The author criticized the Ming Dynasty factory and health organs as "drunkard's intention is not wine", his real purpose is "to use historical facts to attack the reactionary rule of the Chiang Gang." 28 However, this kind of

criticism does not affect its academic nature, and the book has high academic value by citing historical materials[4].

The results of the Ming and Qing codes and the germination of capitalism are mainly two papers by Jing Junjian: "The Legal Status of" Employed Workers "in the Ming and Qing Dynasties" and "The Liberation of the Legal Personal Affiliation of Agricultural Employed Workers in the Ming and Qing Dynasties". These two papers discuss the status of "hired workers" and their personal liberation in the law of the infancy of capitalism in the Ming and Qing dynasties. Jing Junjian first discussed the status of "hired workers" in Ming and Qing laws in "The Legal Status of" hired workers "in the Ming and Qing Dynasties. He believes that the "hired workers" stipulated in the Ming and Qing laws are not free hired workers in capitalism. Employees are incorporated into the patriarchal system of the employer and have a personal affiliation with the employer. Although its legal status outside the home is equivalent to that of ordinary people, it is in a subordinate position at home, just like the humble children and handmaidens[5].

In the article "Liberation of Subordination", the process of "hired workers" obtaining equal laws with employers is studied by examining the changes in the meaning of "hired workers" in the Ming and Qing statutes. The author synthesizes the historical materials from the 16th year of Wanli of the Ming Dynasty to the 2 year of Xuanton of the Qing Dynasty and the judicial cases and so on, and draws the following conclusions: First, the liberation of the identity of agricultural "hired workers" in the Ming and Qing dynasties was a long process. Second, it cannot be considered that hired workers who are completely separated from the means of production are freely hired workers. The historical facts of the Ming and Qing dynasties reflect that long-term workers who are completely separated from the means of production such as land are more likely to form a personal affiliation with their employers. Short-term workers who maintain a certain contact with the means of production got rid of this personal affiliation earlier. Third, the existence of a contract between the employer and the employee does not mean that the labor relations between them are capitalist in nature, and those workers who do not have a contract are very likely to be free of identity. Fourth, from the legal form, the subordinate relationship between the large landlord and the "hired workers" is very significant.

3. The factors of legal inheritance and change in Ming and Qing dynasties

The second part of this paper deeply analyzes the multiple factors that affect the inheritance and change of the legal system in the Ming and Qing Dynasties, which are like an undercurrent, intertwined and converged, and profoundly shaped the unique landscape of legal culture in these 1 periods. Specifically, this part from the following dimensions launched a detailed discussion:

3.1 Changes in the social and economic structure

During the Ming and Qing Dynasties, with the remarkable development of social economy, especially the prosperity of commodity economy and the emergence of capitalism, the traditional social and economic structure has undergone profound changes. These 1 changes are not only reflected in the adjustment of the land system, the prosperity of commercial activities and the acceleration of urbanization, but also profoundly affect the actual needs and value orientation of the legal system. For example, the increase of commercial disputes has prompted the germination and development of the commercial legal system, while the issue of land annexation has prompted the improvement and reform of land laws and regulations[6]. The change of social and economic structure not only injected new vitality into the inheritance of the legal system of Ming and Qing Dynasties, but also played an important role in promoting the direction of its change.

3.2 Reconstruction of political power

Rebuilding the structure of political authority was a difficult undertaking during the Ming and Qing Dynasties. The concentration of authority was further reinforced with the creation of the military department in the Qing Dynasty and the removal of the prime minister and cabinet in the early Ming Dynasty. The establishment and operation of the legal system have been impacted, either directly or indirectly, by these processes: the reorganization of the connection between the local and central governments, and the power dynamics between the bureaucratic system and the imperial power. The reconstruction of political power not only changes the decision-making mechanism of the legal system, but also makes the law an important means to maintain the ruling order and consolidate the imperial power. At the same time, the corruption and integrity of the bureaucratic system, the intensity of political struggle and other factors also affect the inheritance and change of legal culture to a certain extent[7].

3.3 The rise of cultural thoughts

During the Ming and Qing dynasties, although Confucianism still occupied a dominant position, with the development of commodity economy and the changes of social structure, a series of new cultural thoughts emerged quietly, such as the study of mind, the study of reality, and the spread of Western learning to the east. These thoughts not only impact the traditional ideas, but also provide the ideological resources for the innovation of legal culture. For example, the study of the mind emphasizes individual consciousness and inner cultivation, which promotes the humanistic thinking in the legal culture; The practical study emphasizes how the world is used practically, which encourages the practical improvement of the legal system, and the introduction of Western learning to the east brings Western legal concepts and systems, which injects new elements and perspectives into the legal system of the Ming and Qing dynasties.

3.4 The introduction of foreign legal culture

During the Ming and Qing Dynasties, as the Maritime Silk Road prospered and international trades increased, foreign legal culture began to be incorporated into China. These foreign legal cultures, including but not limited to the European legal system, Islamic law, and the legal systems of surrounding nations, exerted varied degrees of impact on the Ming and Qing dynasties' legal systems via economic exchanges and religious dissemination[8]. The entrance of foreign legal culture not only enlarged the viewpoint of the legal system in the Ming and Qing Dynasties, but it also encouraged the exchange and integration of legal culture, giving new impetus to the developments in the legal system.

This study presents a thorough examination of the numerous elements that influenced the inheritance and growth of the legal system during the Ming and Qing periods. These variables include changes in social and economic structures, the rebuilding of political authority, the formation of cultural trends, the import of foreign legal culture, and others. These aspects work together to give the Ming and Qing eras' legal systems their distinct appearance. They also share valuable information and experience, which helps to shape legal culture in future generations.

4. The historical significance of legal inheritance and change in Ming and Qing dynasties

4.1 A profound manifestation of historical significance

This study begins by summarizing the historical relevance of inheritance and legal system

changes over the Ming and Qing dynasties. As an important period in Chinese history, the creation and evolution of the legal system during the Ming and Qing Dynasties not only documented the political, economic, and cultural developments that occurred at the time, but also left a rich legal cultural legacy for future generations. These heritages not only comprise extensive legal writings, cases, and system design, but they also reflect the ancient Chinese people's deep knowledge and pursuit of fairness, justice, and social order. They are not only witnesses to history, but also the crystallization of Chinese knowledge and culture. They give abundant resources and profound illumination for future generations to study legal culture and explore the path of rule of law[9].

4.2 Inspiration for adapting to social development

This study argues that the inheritance and evolution of the legal system during the Ming and Qing dynasties give vital insights into how legal culture responds to societal development. The legal system of the Ming and Qing dynasties showed strong adaptability and ability to change in the face of multiple challenges such as changes in social and economic structure, reconstruction of political power, the rise of cultural thoughts and the introduction of foreign legal culture. It tells us that the legal culture is not static, but with the change of social environment and constantly evolving. Therefore, in the construction of modern rule of law, we should uphold an open and inclusive attitude, actively absorb and learn from advanced legal concepts and systems at home and abroad, and at the same time combine our national conditions and social development needs, and constantly innovate and improve the legal system to meet the needs of the development of the times.

5. Conclusion

This paper demonstrates the vitality and adaptability of legal culture in the process of social development by thoroughly analyzing the inheritance and modifications of the legal system during the Ming and Qing dynasties. It also reveals the internal logic and external motivation of the development of legal culture during these 1 historical periods. Like a mirror, the history of the legal system's modifications between the Ming and Qing dynasties illustrates how the legal culture attempts to strike a balance between tradition and modernity and is revitalized by innovation and inheritance.

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