

# A Comparative Study of the *Law of Daming* and the *Canon of Jingguo*

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**Abstract:** *The Law of Daming is a law of great value in ancient China. After its promulgation, it was not only applied to the governance of the Ming Dynasty and the consolidation of the feudal royal power, but also had a profound impact on the Korean dynasty and surrounding countries. The "Canon of the Kingdom" of the Joseon Dynasty almost adopted the policy of absorbing the "Daming Law" completely. On the basis of synthesizing the existing research results of domestic scholars, this paper studies the characteristics of "Daming Law" and Jingguo Ddian, and integrates the comparative views of scholars, and fully recognizes the role of "Daming Law" in the development of Jingguo Ddian and even the legal system of Joseon dynasty.*

**Keywords:** *the Law of Daming, Joseon dynasty, Korean dynasty*

## 1. Introduction

In the history of the rule of law in China, the promulgation and implementation of "Daming Law" is of epoch-making significance. It inherits the historical advantages of ancient Chinese legal documents before the Ming Dynasty, and also provides valuable advice for the construction of modern Chinese legal system. Fully aware of the value and characteristics of "Daming Law", Chinese scholars conducted research and analysis from different angles.

Xu [1] integrated the editing process of "Daming Law". Before the compilation of the Law, Zhu Yuanzhang paid great attention to the development of legislative activities and revised the Law three times on a large scale. In combination with the social situation at that time, some harsh provisions were abolished, which fully demonstrated Zhu Yuanzhang's legislative spirit of "emphasizing the code and saving the country". Scholars traced the source from the Law Classic, Qin Law and Han Jiuzhang, etc., and believed that "Daming Law" absorbed the excellent achievements of Chinese laws in successive dynasties and contained the "merits of various rules and regulations in the late Yuan and early Ming dynasties", which fully developed the feudal rulers of Ming Dynasty's high attention to legal work.

In subsequent studies, Xu [2] summarized the overall characteristics of the Law in "A Brief Discussion on the Characteristics of the Law of Daming", including: the groundbreaking stylistic adaptation. On the basis of integrating the "Daming Law", scholars found that it broke through the restrictions of the Tang Law and divided the Ming Law into guard prohibition, professional system, household marriage, etc., which "carried out a fundamental reform of the codification style of the Chinese legal system". The adaptation of this style was imitated by the Qing Law firms in the future. The name of the punishment changed from time to time. The "Daming Law" is not an immutable legal regulation. In the process of writing, it constantly adapted to the changes of the society at that time and adjusted the legal provisions according to the actual situation. In the process of actual implementation, Zhu Yuanzhang took "Daming Law" as a mandatory political tool, aimed at consolidating his own rule, and solved many complex social problems. For example, in terms of specific laws, "Daming Law" readjusts and adds provisions to punish corrupt officials, and adds some regulations to restrict and crack down on illegal religious activities based on the actual situation, including "the crime of ministers choosing officials for themselves", "the crime of conspiring with the party" and "the crime of interacting with officials". "Daming Law" affirmed the change of personal status. It not only improved the personal status of the common people through clear legal provisions, but also restricted the special election of the bureaucratic and noble classes. Emphasis was placed on economic legislation. In the Household Law, the "Daming Law" made clear legislation on agricultural development and commerce. It also enacted a considerable amount of legislation on financial warehousing to strengthen the crackdown on crimes such as fraudulent claims, expenditures and misappropriation. "Daming Law" is a

combination of various laws and a relatively independent organic combination. It is not only draws on the representative works of Chinese legal system such as Tang Law, but also innovates the style and has a direct impact on the promulgation and implementation of modern legal code. Among them, the Famous Example Law is equivalent to the "general principles" of the modern code, while the Official Law, the Household Law, the Military Law and the household marriage laws represent the laws and regulations of personnel management and duty crime law, civil law and economic law, marriage and family law, etc. The civil law in "Daming Law" occupies an independent position, and its scope is also expanding, which is of great value for promoting social and economic development. In addition, "Daming Law" is the return of "Confucian code" to code.

In addition to the above studies, Guo[3] integrated the overall development process of the system in China from the direction of the system in "Research on the Law of Daming". He believed that "Daming Law", as the basic code of the Ming Dynasty, clearly stipulated the principles of the use of the system and what kind of crimes and criminal laws were applicable to the system. It fully demonstrated the ideological principle of the rulers of the early Ming Dynasty to "govern the world with heavy rules".

From the above research results, it can be seen that "Daming Law" has epoch-making value in promulgation and implementation. It not only draws nutrients from various legal systems in China before the Ming Dynasty, but also adjusts its style and specific legislative direction in combination with the actual situation, which has certain advanced nature and practicality, and has a direct relationship with the rulers' concept of governing the world at that time.

## 2. The study of the Classic of the Kingdom and its characteristics

The legal system of the Joseon Dynasty was divided by "Imjin Japanese Invasion" and "Bingzi Random". During the "Imjin Japanese Invasion", Jingguo Dadian was the representative of the legal system, while the latter was represented by "Sudadian". At present, there are few researches on Jingguo Dadian by domestic scholars. This paper not only collects domestic researches, but also makes reference to Yin Guori's Research on Jingguo Dadian to study and summarize this legal system.

Zhang [4] introduced the background of the promulgation and implementation of Jingguo Da 'an, and believed that the ancient legal culture of Korea was highly mature and developed during the Joseon Dynasty, and more than ten codes were compiled based on the six Cao systems of officials, household, rites, soldiers, punishments and workers. However, these laws always took "Daming Law" as the main body and were supplemented by other legal norms. However, comparatively speaking, the first article of the "Canon of the Kingdom" made a clear provision -- "According to the Canon, the "Daming Law" should be used. And the Canon, the continuation Canon has when the law, from the two Canon." This also shows that the "Canon of the Kingdom" is superior to the "Daming Law" in implementation. In addition, Daming Law had relatively light punishments for border trade, leakage of military intelligence, crimes related to feudal ethics and morality, and theft, while Jingguo Da Dian had more detailed provisions and heavier punishments. Therefore, although Jingguo Ddian was the absorption of ancient Chinese legal culture by the Joseon Dynasty at that time, it was also fully aware of the actual situation of its own country and made supplements and adjustments in the details. Chinese scholars have not carried out direct research on Jing Guo Da Dian.

Yin [5] points out that "Daming Law" is a supplementary law of Jing Guo Da Dian from the aspects of its formulation process, main content, nature and significance. However, in his research, he focused on the autonomy of the Joseon dynasty in formulating the Jingguo Da Dian, and did not deeply study the influence of the "Daming Law" on the Jingguo Da Dian, so there are some deficiencies in the research work.

Although scholars did not conduct detailed research and description of Jingguo Da Dian in their research, this paper summarized its characteristics in terms of the existing research results and the laws and regulations of Jingguo Da Dian as follows: The inheritance of Daming Da Dian, most of the laws and regulations in Jingguo Da Dian are based on Daming Da Dian as a template, which has the characteristics of "completely absorbing" the legal culture of China's Ming Dynasty; The special attempt on specific laws. In the process of formulating the "Jingguo Canon", the Joseon Dynasty tried to refine and perfect some regulations according to the actual situation, and increased the punishment intensity, but it did not fundamentally break away from the influence of "Daming Law".

### 3. A comparative study of the Law of the Ming Dynasty and the Canon of the Joseon

From the above scholars' research viewpoints, it can be seen that although Jing Guo Da Dian made attempts in the improvement and development of laws and regulations, it did not really break through the limitations of the style and content of "Daming Law". Some scholars have recognized the relationship between "Daming Law" and Joseon Da Dian in their research, and conducted comparative studies from different angles.

In his article Research on the Relationship between Joseon Da Dian and Daming Da Dian -- Focusing on Punishment Da Dian, Xu [6] argued that Joseon Da Dian was the most important code in the Joseon Dynasty because of its rich content. However, it was deeply influenced by Daming Da Dian in the criminal legal system. In principle, it should be implemented according to the legal provisions of Daming Da Dian. However, according to the distance of kinship and status, different penalties were prescribed, showing the characteristics of "punishment is not worthy of the doctor". However, the promulgation and implementation of Joseon Dadian was not invariable in the Joseon Dynasty. At the end of the Joseon Dynasty, due to the influence of multiple factors such as the change of regime in the Ming and Qing dynasties, the status of "Daming Law" began to decline. In the research, scholars put forward a clear point of view: "The revision and supplement of Joseon Dadian to "Daming Law" are only minor details", which cannot replace the status of "Daming Law" in the Joseon Dynasty.

Bai and Su [7] made a comparative analysis of the number and content of the laws and regulations of the Joseon Canon and the Daming Canon in the Early Years of Joseon, and pointed out that "The Joseon Canon · Xian Canon has 22 doors except the general preface", while the Daming Canon has a total of 30 doors. But the former actually includes the contents of 30. In addition, scholars also start with the famous examples, official law, household law, ritual law, military law and criminal law of "Daming Law", and compare them with Jing Guo Dian · Xian Dian. They find that Jing Guo Dian · Xian Dian is narrated according to the order of categories of "Daming Law", and points out the gist of each gate in a concise way. However, scholars believe that the Jing Guo Dian is constantly revised and improved, and its founding points in the Joseon Dynasty have not been determined as the fundamental law, "its status is gradually determined", which cannot indicate that the political and legal system of the Ming Dynasty was copied from the beginning of the establishment of the Joseon Dynasty. From the above research results, it can be seen that on the basis of comprehensive comparison, there is no significant difference between Joseon Dadian and "Daming Law" in content, only some differences exist in specific categories and details, but it has not fundamentally subverts the legal content of "Daming Law".

### 4. Study on the influence of Daming Law on the legal system of ancient Joseon

Through the summary of the scholars' existing research results, it can be seen that the development of the Joseon dynasty's legal system was deeply influenced by Daminglu.

Gao [8] pointed out in his research on the Influence of Daming Law on the Legal System of Joseon Dynasty that "Daming Law" was a highly mature code in the late feudal society of China, which innovated the original laws on the basis of absorbing the advantages of ancient Chinese laws. However, since the introduction of "Daming Law" in the Joseon Dynasty, it has attracted wide attention of the society at that time. Under the influence of "Daming Law", the Joseon Dynasty issued the "Joseon Canon", which pointed out "Using Daming Law" in the opening "Using Law", and made clear that "Daming Law" was a compulsory subject for the first and second examinations of the imperial examination. Scholars believe that "the thought and system provisions of applying Law in Joseon Da Dian created a new era in which the Joseon Dynasty fully applied Daming Law", "highlighted that Daming Law was the only Chinese code officially confirmed and used by the Joseon Dynasty", and "established the core position of "Daming Law" in the legal system of the Joseon Dynasty". On this basis, scholars believe that Joseon Dadian is a code of the Joseon dynasty that was deeply influenced by "Daming Law". Its development and use have the following two characteristics, including: long-term use of "Daming Law" and voluntary use of Daming Law. Therefore, the scholars pointed out that the long-term and exclusive use of "Daming Law" by the Joseon Dynasty was entirely out of their own will, not forced by China, and fully demonstrated the Joseon Dynasty's "recognition and acceptance of the Chinese political system".

Zhang [9], in the Influence of Daming Law on the Joseon Dynasty of Sung Jong, believes that although the punishment of "Daming Law" was adjusted in the Joseon Dynasty of Sung Jong in the

Joseon Dynasty, such variation was limited. In the Chengzong period, the status of "Daming Law" in Korea was further consolidated and its influence became more profound.

## 5. Conclusion

From the research results of scholars, it can be seen that as a "masterpiece" of Chinese ancient laws, Daming Law fully absorbed the advantages of Tang Law and other ancient laws in legal regulations, and combined with the actual situation of social, economic, political, cultural and other aspects of the development of the Ming Dynasty, to improve the laws and regulations. "Daming Law" not only had a profound impact on the perfection of the current laws in China, but also had a direct effect on the laws of the Korean dynasty. There is no significant difference in the overall framework and content of the Jingguo Canon formulated by the Joseon Dynasty from the "Daming Law", and the Joseon Dynasty made clear the core guiding position of the "Daming Law" in the early stage. However, from the existing scholars' research results, on the one hand, the existing research results lack of in-depth analysis of the reasons for the differences between the two laws, the comparison of the applicable organs, the similarities and differences of the two laws and the analysis of the reasons; On the other hand, it lacks the general trend of the evolution of the relationship between the Joseon Dynasty and the Chinese legal system, and the relationship between the transplantation of "Daming Law" by the Joseon Dynasty and the regime, culture and ideology at that time. Therefore, in the follow-up research, based on the study of the original text of Jingguo Da Dian, the author will specifically explore the reasons for the differences between the two rules and the evolution of the relationship between the Chosun Dynasty and China's legal system.

## References

- [1] Xu Xiaozhuang. *On the Law of Daming* [J]. *Journal of Tianzhong*, 2001(1):60-65.
- [2] Xu Xiaozhuang. *A Brief discussion on the characteristics of "Daming Law"* [J]. *Journal of Tianzhong*, 2005(1):31-35.
- [3] GUO Wanyu. *A Study on the System of "Daming Law"* [D]. Heilongjiang University, 2024.
- [4] Zhang Chunhai. *The Relationship between the Penal System of the Joseon Dynasty and the Legal culture of Ancient China: Focusing on Jingguo Da Dian and Xuda Dian* [J]. *Journal of Korean Studies*, 2003(1): 179-193.
- [5] Yin Guori. *Research on the Classics of China* [M]. Encyclopedia of Science Dictionary Press, 1984.
- [6] Xu Bingxuan. *Research on the relationship between the Classics of the Kingdom and the Law of Daming* [D]. Doctoral Dissertation of Yanbian University, 2015.
- [7] Bai Hua, Su Jiajing. *The power of interpretation of the "Daming Law"* [J]. *Study and Exploration*, 2017 (2):157-162.
- [8] Gao Yanlin. *The Influence of Daming Law on the legal system of the Korean Dynasty* [J]. *Qiushi Journal*, 2009(4):123-128.
- [9] Zhang Chunhai. *The influence of Daming Law on Joseon in the Chengzong Period* [J]. *Journal of South China University (Social Science Edition)*, 2024(2):75-84.