

A Study of the Development and Collapse of Jurisprudence among Chinese Intellectuals during Ming and Qing Dynasties

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Abstract

China has a long history in compiling and studying the country's legal codes. Only a few civil servants, however, engaged in these activities, because the law was regarded as a necessary evil in order to punish the population in view of the Chinese tradition. Even if the study of law should be thought as one of necessary knowledge, it did not have a significant meaning among intellectuals and the government did not treat the legal professions with courtesy.

But, after the middle of the Ming Dynasty, some bureaucrats and intellectuals tried to combine the law with Confucian works in order to improve the value of its study. Finding sublime intentions of legislators in the texts, they served not only a practical interpretation of the texts but also thought it as the embodiment of the spirit of government. In this way justice and benevolence were clearly highlighted, that is, the law should be a means not of punishing, but of protecting the population. The movement increased the value of the law as a research subject and ended in yielding a lot of meaningful relevant works. Moreover, after the establishment of the Qing Dynasty, the government demanded a stricter enforcement of the law. The number of the legal professionals increased. Through producing works that were easy to understand for a wide range of the intellectual class, they contributed to the spreading of a positive view of this study and to make it

popular.

After the middle of the Qing dynasty, however, it became difficult even for the legal professions to recognize its system of law, because of a process of extreme fragmentation in the field of legal studies. As the result, the value of studying law was crucially demoted among bureaucrats and intellectuals and the study of law became made no further progress. Hence the intellectuals' class could not share with the positive recognition of this study and it was not regarded important as an academic subject in the pre-modern China.

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