

An Overview of Research on the System of Registration and Confiscation through the Ages

Zhijian Zhu

College of Humanities and New Media, Yangtze University, Jingzhou, Hubei 434000, China

Abstract

The system of registry confiscation was originated from the enslavement of conquered peoples by the slave states in ancient China, and has gone through several stages of "offspring", "offspring collection", "registry confiscation", "Confiscation of family and property" and "Search A House And Confiscate Its Contents" throughout the ancient Chinese history, and its related studies are as vast as a sea of smoke.

Keywords

Offspring collection, Registry confiscation, Confiscation of family and property.

1. Introduction

The system of cadastral confiscation originated from the "offspring" "The "offspring" in this period reflects the slavery of the slave state to the conquered nation, and this practice gradually became the customary regulations inherited by successive kings, that is, the offspring law from Xia and Shang to Spring and Autumn. With the rise of the landowning class and the increase of private property, the offspring law was gradually unable to meet the needs of the ruling class by merely enslaving people. During the Warring States period, Li Kui of the State of Wei's "The Law of the Law" also called the offspring "cadastre" or "Confiscation", covering the double meaning of slavery and confiscation of the offender's property, at this time the offspring law actually had the shadow of entering the official. Since then, the offspring law, in which the offender's family was mainly enslaved and the offspring's property was confiscated, became popular.

In the early Han Dynasty, the Law of Confiscation was set up specifically for this purpose, but what goes around comes around, and the large-scale confiscation of offspring directly led to the birth of a large number of official slaves in the Western Han Dynasty, which in turn led to a series of social problems, so the system was abolished by Emperor Wen of Han Dynasty, but was reintroduced shortly after Emperor Jing of Han Dynasty succeeded to the throne, and was called "registry confiscation" or "Confiscation into the government" "This law has lasted for thousands of years, sometimes flourishing and sometimes declining, but its scope of application in general shows a trend of expansion, the frequency of use of "registry confiscation" can be imagined. The act of confiscating the wives of criminals was basically abolished until the rebellion and treason were punished during the reign of Emperor Yuan Shun, but the act of confiscating the family members of criminals was basically abolished and the execution of confiscation was restricted in every way. At the beginning of the Ming Dynasty, it was difficult to meet the needs of the Ming Emperor to "rule the chaotic world", but due to the resistance of the subjects to the confiscation, Zhu Yuanzhang replaced the confiscation with the "Confiscation of family and property", and imposed the punishment of "treacherous party" and "treason". The punishment of confiscating the family and wealth of those who committed 16 serious crimes, such as "treason" and "treason", was confiscated to the government. In terms of the scope of application, the "Confiscation of family and property" is actually an expanded

version of the previous generation. In the Qing Dynasty, the "Confiscation of family and property" instead of "Search A House And Confiscate Its Contents".

2. Studies Related to The Offspring Collection System in The Qin and Han Dynasties

The "offspring " gradually evolved from customary law to statutory law, and the offspring collection system became popular during the Warring States to the Qin and Han dynasties. For example, Peng Nian's " An Interpretation of the Origin of the Laws of Clan Punishment, Offspring Collecting, and Sang-sit in the Qin and Han Dynasties " and " A Debate on Two Issues in the Study of Offspring Collecting Law in the Western Han Dynasty "[1] list the crimes that required offspring collection in the pre-Qin period, clarify that the offspring collection law originated from the enslavement of the conquered people by the slave state, and explain that the offspring collection law was not abolished in the Western Han Dynasty except for the period of Emperor Wen of Han Dynasty, and the application of offspring collection was expanded continuously. Yan Xiaojun's " On the Zhangjiashan Han Dynasty's "Collection of Laws""[2] explains the origin of the Collection Law and its evolution in the Han Dynasty, and demonstrates the difference between the "collection of people" and the "subordination of concubines" in the prison sentence. Secondly, it discusses the reasons for the prevalence and abolition of offspring collection, For example, in Zang Zhifei's book "A Test Analysis of "The Poor Who Are Poor at the End of the Line" - A Discussion of Qin's Policy of "Suppressing the End of the Line"[3], it is mainly discussed that industrialists and businessmen were taken as offspring because they sacrificed their capital and agriculture for the end of the line, resulting in poverty and thus affecting the state's revenue. The Japanese scholar Daisuke Mizuma's book "Changes in the Penalties of the Three Clans in the Early Han Dynasty" [4] and the Japanese scholar Jie Miyake's book "Studies in the History of the Ancient Chinese Penal System"[5] both argue that Emperor Wen of Han abolished the collection of offspring in order to use the state's labor force more efficiently. The third category focuses on the characteristics of offspring collection. For example, Shu Zhelan's " Receiving People" in Qin and Han Laws "[6] discusses that the "receiver" could be restored to the status of a commoner, betrayed as an official or private slave, or transformed into a concubine, and explains the difference between the receiver and the concubine and the characteristics of the receiver's survival in the proceedings.

The law of collecting offspring was abolished during the reform of the penal system of Emperor Wen of Han Dynasty, and then reverted to the system of confiscation during Emperor Jing of Han Dynasty. With the prevalence of Confucianism on the outside and legalism on the inside, the system of confiscation was gradually given a more humanistic color, and the distribution of criminals' family members as property was criticized, mainly during the Tang and Yuan dynasties.

3. Research on the Confiscation System in the Tang and Song Dynasties

Studies on the system of confiscation during the Tang Dynasty have mainly discussed its characteristics and effects. In Zhang Jian's book "A Study on the Economic Effectiveness of the Prohibition of Buddhism in Huichang: A Study on the Number of Confiscated Monastery Fields, the Number of Returned Monks and Nuns, and the Number of Fields Received"[7], Zhang Jian discusses the application of the system of confiscation in prohibiting the spread of Buddhism during the reign of Emperor Huichang of the Tang Dynasty, which helped to tide over money shortages, balance prices, and alleviate financial difficulties. In Chen Linghai's dissertation, "The T'ang Dynasty Registry Confiscation System and Social Mobility: A Discussion of the "Flattening"[8] of Social Classes in the Middle Ages," he discusses the characteristics of the T'ang Dynasty registration system and also analyzes that the T'ang Dynasty registration system

led to an increase in the number of intellectuals at the bottom of society, and the number of civil officials and military personnel assisting the emperor at the bottom increased, resulting in the trend of "flattening" of social classes.

The research related to the Song dynasty's system of forfeiture is special and can be roughly divided into two cases. For example, Shi Zhenfeng's "Discussion of the Song dynasty family registration system" [9] mainly discusses the application and characteristics of the Song dynasty registration; Liang Meiyuan's "Study of the Song dynasty forfeited assets" [10] discusses that the Song dynasty forfeited assets made full use of the flow of social resources, realized the maximum integration and utilization of resources, and made up for the lack of state funds, and some of the forfeited assets were used for social relief, support for scholarship and social welfare, which contributed to the stability of social order, the spread of social culture, and the progress of civilization. Some of the forfeited assets were used for social relief, support for scholarship and social welfare, which was conducive to the stability of social order, the spread of social culture, the progress of civilization, and the stability and unity of Song rule. The second category is special case studies with ethnic overtones. For example, Wang Shanjun's "A Study on the Law of Registry Confiscation in the Liao Dynasty" [11] illustrates the characteristics of registration as an additional punishment to the death penalty in the Liao Dynasty and its strict use; Xiang Chunsong's "A Study on the Property Penalty in the Liao Dynasty: A Trial Analysis of the "Registration" Penalty in Khitan and Its Related Problems" [12], It is discussed that there are many cases of the Liao Dynasty's system of registration and confiscation, which did not form a fixed system but could fully reflect the will of the ruling class such as Xiao's group and Yelu's group. Cheng Qi's paper, "An Analysis of the Lien-san System in the Liao Dynasty: A Comparison with the Qidan Registry Confiscation System," [13] explains that the essence of the Lien-san system in the Liao Dynasty was the application of Chinese Han law, while the system of naturalization had serious Qidan ethnic characteristics. Dai Yu's essay, "An Exploration of the Additional Penalties of the Western Xia," [14] describes in detail the content and characteristics of the Western Xia system. Yan Anzhao's "Research on the collation of additional penal provisions of the <Tiansheng Law Decree>" [15] discusses that the Western Xia system of confiscation was copied from the Tang and Song systems of confiscation, and points out that the confiscation of property in the Song Dynasty was not limited to felonies, but was also confiscated from officials who committed crimes of misconduct and corruption, and even those who made alcoholic beverages, showing that the Song Dynasty experienced an expansion of the scope of confiscation of property. Cheng Qi's "An Exploration of the Jin dynasty Book of Records" [16] focuses on the characteristics and influence of the Jin dynasty book of records.

4. The Results of Yuan, Ming and Qing Dynasties' Registry System

During the reign of Emperor Shun of the Yuan Dynasty, the act of confiscating the family members of criminals was largely abolished, resulting in the application of "confiscation" only for the punishment of the "most heinous crimes. Most of the studies in this period are about the significance and impact of the reform of the registry system in the Yuan Dynasty. For example, Yang Yinmin's "The Fate of Confiscated Women and the Abolition of the Law of Confiscated Wives and Offspring in the Yuan Dynasty" [17] discusses the basic abolition of the law of confiscated wives and offspring by the Yuan Shun Emperor, which completed the transformation from confiscation of property and persons in parallel to confiscation of property, and directly influenced the Ming Dynasty to stop confiscating the families of criminals except for those who committed the most heinous crimes. Qiao Zhiyong's "On the Confiscation of Population in the Yuan Dynasty" [18] illustrates that most of the confiscated population in the Yuan Dynasty were slaves of the private rather than the government. Li Gang's "A New Exploration of the Expropriation and Social Influence in the Registry Confiscation of Yuan" [19]

discusses the large-scale expropriation system implemented in Jiangnan during the Yuan Dynasty, which was an important reason for the popularity of the expropriation system in the early Ming Dynasty.

Since the ruler of the Yuan Dynasty, Emperor Shun, except for the period of the Great Revival of Injustice, the act of population confiscation was basically limited to a smaller scope, such as the "Confiscation of family and property" in the Ming Dynasty and the "Confiscation of family and property" in the Qing Dynasty. In the Ming Dynasty, the crime of "Confiscation of family and property" was limited to six articles in the Daming Law, including "treason and treacherous party", which shows that the scope of application was small and relatively fixed. The main research on "Search A House And Confiscate Its Contents" in the Qing Dynasty is Zhu Yiling's "The Gentry of the Ming and Qing Dynasties in the Perspective of "Life and Institutions"--The Example of Hou Qizeng's Response to the cadastral confiscation "[20]. The book "Qing Dynasty Search A House And Confiscate Its Contents Cases and the Law of Confiscation" [21] by Bai Hua and Liu Yan Yu highlights the characteristics of "political cases and economic cases" of Qing Dynasty Search A House And Confiscate Its Contents. Yunyan's "From Statistics to Discuss the Search A House And Confiscate Its Contents in the Qing Dynasty"[22] illustrates the characteristics of the confiscate of families' properties in the Qing Dynasty, which was called into the government but was actually into the emperor's private treasury. It can be seen that, although the "Confiscation of family and property" and "Search A House And Confiscate Its Contents" were flourishing from time to time in the Ming and Qing dynasties, their application objects generally did not include ordinary people.

5. Conclusion

Through the above-mentioned academic history, among the studies related to the system of registry forfeiture, the discussion of "offspring" is mostly about the interpretation of the meaning of the text; the study of "offspring collection" mainly focuses on the traceability, evolution, specific content, purpose and significance of the law of offspring collection from the Warring States to the Qin and Han dynasties; there are more thematic works on "registry forfeiture", and they mainly focus on the content, characteristics, scope of application and influence of "registry forfeiture" in the Tang dynasty and later generations, among which the studies of the Three Kingdoms, the Jin dynasty, the North and South dynasties, the Five Dynasties and the Ming dynasty are relatively scarce, and there is still room for further research.

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