

A Comparative Study of Ancient Inheritance Systems in China and Japan From the Perspective of Country Studies

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As an important part of the social system, inheritance system is often affected by the national culture and reflects many characteristics. There are similarities between the ancient inheritance system of Japan and that of China. However, the inheritance system of Japan influenced by the original culture of Japan as well as its unique cultural development track shows more distinct pragmatic characteristics than that of China. This thesis analyzes the characteristics of the inheritance system of the two ancient countries from the perspective of studies of both country and cultural contrast. Inheritance system is highly related to related social issues, such as old-age care, and history reflects reality. This thesis is supposed to contribute to understand the practical problems of China and Japan from different perspectives as well as provide solutions.

Keywords: country studies, Sino-Japanese cultural contrast, inheritance system, pragmatism

Introduction

This thesis focuses on the analysis of the inheritance system of the two countries from the perspective of country studies and the specific time is restricted before modern times. Due to the characteristics of China's multi-ethnic country, the inheritance system of ethnic minorities is different from that of the Han nationality. The author will explore this part separately as a related topic.

Characteristics of Inheritance System in Ancient China

The inheritance system in ancient China mainly includes two kinds: status inheritance and property inheritance.

In the Xia Dynasty, the identity inheritance system of "Father's death and son's succession" had already employed. In the early Shang Dynasty, the system of "Brother's succession after brother's death" was implemented, and the system of "Father's death and son's succession" was restored in the later period. The status inheritance system implemented in the Zhou Dynasty was based on "Father's death is followed by the son", and in between, "Brother inherits after the death of the elder brother". In addition, the inheritance system of the eldest son of the first wife was established in the Western Zhou Dynasty. The eldest son of the legitimate wife is the eldest son of the wife, the son of the concubine is the concubine, and the legitimate son and the concubine are different, reflecting the strict identity inheritance system in ancient China. The Qin Law formed the first complete inheritance system in feudal society. However, the Law of Qin retained the system of the eldest son of the first

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wife in the slave legal system, and thus began to form the basic principle of identity inheritance in ancient China, that is, the system of the eldest family and grandchildren.

As for the inheritance of property, there was no clear legal provision in the pre-Qin period, which adopted a hereditary inheritance system rather than a distribution system. After the Han Dynasty, the law clearly stipulated that the inheritance of property was divided among sons, and the sons here were not only legitimate sons and concubines, but also illegitimate children, that is to say, as long as they were sons, they had the right to inherit their property.

The development and evolution of the inheritance system in ancient China went through a long process, during which the influence of the original culture and Confucian culture reflected the following characteristics, that is, the absoluteness and priority principle of identity inheritance and the relativity and flexibility principle of property inheritance.

Characteristics of Inheritance System in Ancient Japan

The research on the ancient inheritance system of Japan mainly focuses on the inheritance system of Japanese imperial throne. From the Asuka period to the Heian period, the ways of imperial succession were characterized by diversity and complexity. Until the Kamakura period, when Japan entered the dual society of “imperial family and shogunate”, the inheritance system of Japan began to take shape gradually.

Taking royal inheritance system as example, the Japanese imperial family has experienced 125 generations of emperors since ancient times. Comparing the inheritance system of China and the inheritance system of the Japanese imperial family, we can find that the succession of the Japanese imperial family is far less strict than the inheritance system of the Chinese imperial family.

First of all, the imperial status inheritance system does not exclude the existence of women. Throughout the succession of the Japanese imperial throne, there have been eight female emperors in 10 generations. It was not until 1889 that the imperial model explicitly stated: “Only male imperial heirs have the right to the throne”.

Secondly, in terms of imperial succession qualifications, there is no explicit provision for the strict separation of the legitimate son and the concubine, and there is no “system of the eldest family and grandchildren”.

In terms of property inheritance, after the formation of the legal system, under the guidance of the idea of centralization, the identity succession of the emperor and the inheritance of property reached a unity. However, with the dissolution of the legal system, the inheritance of property and the inheritance of identity have been separated again.

The status inheritance system in the shogunate has basically followed the “system of the eldest family and grandchildren” since Kamakura shogunate established the shogunate regime. Although the shogunate’s inheritance system is slightly stricter than that of the public family, it still has certain relativity compared with that of China, which is mainly reflected in the “adopted son system”. In contrast to China’s rule that adopted sons with different names are not allowed to participate in clan sacrifices, it is very common for adopted sons of the shogunate to become masters. During the Kamakura shogunate period, it was a common social phenomenon for the shogunate to adopt adopted children. In the absence of children, it has become customary to adopt children to inherit the family.

In terms of property inheritance, the “inheritance system of sons” led to the poverty of samurai due to the continuous division and weakening of property, and finally shook the political foundation of the shogunate regime. The Muromachi shofu began to generally adopt the “primogeniture system” in terms of property

inheritance and eventually established the family governor inheritance system through legal constraints, that is, the eldest son inherits the family property and parental rights, but also inherits all the family property. During the Tokugawa shogunate period, this “the system of the eldest family and grandchildren” was institutionalized and promoted to the whole samurai class, which was mandatory. In this way, the inheritance system of the Wu family finally realized the unification of identity inheritance and property inheritance.

To sum up, whether it is the Japanese imperial family or the shogunate regime, compared with the ancient Chinese inheritance system, the Japanese inheritance system has the following two characteristics: the relativity and flexibility of the status inheritance system, the absoluteness and priority of the property inheritance system.

Pragmatism Culture and Inheritance System in Ancient China and Japan

The core idea of pragmatism is “pragmatic efficiency”. Due to the different customs and cultural development modes, China and Japan have different understandings of “pragmatic efficiency”, forming their own unique pragmatic culture, which directly or indirectly affects the formation of the “family” consciousness of the two countries and ultimately leads to the difference in inheritance culture between the two countries.

“Order Principle” and Inheritance System in Chinese Pragmatic Culture

The topography of China is high in the west and low in the east, thus forming the “River Culture” represented by the “Yangtze River” and “Yellow River”. The most important characteristics of its culture are social horizontal coherence and regional mobility. The climate with four distinct seasons created conditions for agricultural production and formed a “farming culture” based on consanguineous families. The conflict between the regional flow of Dachuan culture and farming settlement is similar to Malthus’s law. When the geometric growth of population exceeds the allocation of resources, the flow of people looking for resources results in the change of the old social pattern, which leads to the change of social system.

Under this cultural background, the enfeoffment system of the Western Zhou Dynasty gradually disintegrated, and after the baptism of the Spring and Autumn Period and the Warring States Period, the Qin period realized the centralized state of political and economic unity. In the Han Dynasty, ideological unification was gradually completed. The pre-Qin Confucian thought specifically discussed the practical topic of how to achieve “a prosperous country and a peaceful people”. In this sense, pre-Qin Confucianism should belong to the “practical learning” that abandons metaphysics. In view of the social reality of frequent social turmoil and war, pre-Qin Confucianism pointed out that “restoring rites” is the ultimate way. That is to say, under the guidance of benevolence, the “order” of the state is realized. In other words, maintaining national “order” has become the core interest of the state, and on this basis, order in China’s practical culture has become an important content of “pragmatism”. China’s farming culture forms the core of “blood” clan family culture and in the family emphasizes the difference between the eldest son and the younger son; the orderliness is the concrete embodiment of “order equals to pragmatism” thought. Therefore, in the inheritance system, the inheritance of identity represents the inheritance of order, conforms to the principle of “pragmatic efficiency”, and has the characteristics of absoluteness and priority.

Similarly, in terms of property, in line with the spirit of benevolence that values peace, in the case of relative abundance of resources to achieve the equal division of property, it is conducive to the unity of the family, the maintenance of family order, also in line with the concept of pragmatic efficiency, so it reflects the characteristics of flexibility and relative.

“Principle of Interest” and Inheritance System in Japanese Pragmatic Culture

Japan is an island country formed by the collision and extrusion of the Pacific plate and the Eurasian plate. A central mountain range running through the north and south is formed in the center of the island. The river left by the mountain range is short and swift, and the mountainous terrain of Japan naturally divides into a small enclosed space. The people living in this region have a high degree of cultural homogeneity, coupled with the lack of natural resources and the influence of rice farming culture, Japan’s social grouping pattern tends to be “geographical” rather than “blood”, and human relations tend to be “vertically closed” rather than “horizontal flow”. The early family name system and the ministry people system are the institutionalized embodiment of this characteristic of terroir.

Under this cultural background, the “order” of Japanese society has become an original instinct rooted in the national character of Japan. In the Nara era of Asuka, Japan introduced the centralization system of China. Since then, geographical division and institutional centralization have become the main contradictions within the country, and the legal system has finally collapsed under this contradiction. Japan, which has an innate advantage in order, faced with the biggest problem of Malthus’s law, is the lack of resources. The whole feudal society, whether it is the public or the martial family, has never stopped fighting for land.

The Japanese pragmatic culture’s understanding of “pragmatic efficiency” has finally been implemented in the “economic interests” of the geographical family. The core of the ancient Japanese inheritance system based on this culture is not the identity inheritance system, which emphasizes the continuation of order, but the property inheritance system, which emphasizes the inheritance of family business. Thus, the characteristics of the inheritance system are absolute property inheritance and relative identity inheritance.

Conclusion

To sum up, the pursuit of “order” in Chinese pragmatic culture forms the dual inheritance culture of absolute identity inheritance and relative property inheritance. The pursuit of “interest” in Japanese pragmatic culture has formed a monistic inheritance culture of relative identity inheritance and absolute property inheritance. With the development of society, the inherited culture of China and Japan has shown many new characteristics under the impact of Western culture, and many social problems have appeared along with this change. Soaring property prices in China have led to frequent cases of siblings fighting each other in court over inheritance. In Japan, for empty nesters, the pension problem has also become a major disease of society. The author will take the change of modern social inheritance system and cultural inducement as the topic of future research, and conduct further analysis and research in order to find a way to solve the problem.

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