

Comparative Analysis of the Tang Dynasty's Six Killings System and the Relevant Legal Systems of the Eastern Roman Empire

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ABSTRACT

This article compares and analyses the similarities and differences between the six-killing system of the Tang Dynasty and the relevant legal system of the Eastern Roman Empire. As an important part of the ancient criminal law system, the six-killing system of the Tang Dynasty embodies the detailed classification and severe punishment of murder, which plays a key role in maintaining social order and justice. The legal system of the Eastern Roman Empire, on the basis of inheriting the essence of ancient Greek and Roman law, incorporated Christian teachings and formed a unique legal system, focusing on legal impartiality and authority. Through the comparative analysis of the two in terms of the identification of crimes, punishment standards, judicial procedures and trial system, it reveals the differences and characteristics of the ancient civilisations of the East and the West in terms of legal culture. The research in this paper not only helps us to deeply understand the similarities and differences between the legal systems of the East and the West in ancient times, but also provides valuable historical reference for the improvement of the modern legal system.

KEYWORDS

Tang Dynasty six-killing system; Eastern Roman Empire; legal system; legal culture

1 Introduction: overview of the background of the six-killing system of the Tang Dynasty and the relevant legal systems of the Eastern Roman Empire

1.1 Historical background of the six-killing system of the Tang Dynasty and overview of the system

The Tang Dynasty, as a glorious dynasty in Chinese history, had a legal system that played an important role in maintaining social order and ensuring fairness and justice. Among them, the six killings system of the Tang Dynasty, as a part of the criminal law system, embodied the harshness of the laws of that time on criminal offences and their meticulous classification. The six killings, i.e., murder, murder for a reason, fighting, killing by mistake, killing by play, and killing by negligence, had different definitions and punishment standards in the laws of the Tang Dynasty. The detailed classification and punishment standards made Tang laws more effective in maintaining social order.

To sum up, the six killings of the Tang Dynasty, as an important part of the Tang legal system, embodied the knowledge and attitude of society towards criminal behaviour at that time. Its meticulous classification and punishment standards played an important role in maintaining social order and safeguarding fairness and justice.

1.2 Formation and development of the legal system of the Eastern Roman Empire

The legal system of the Eastern Roman Empire was gradually formed and developed in the course of its long history, and was deeply influenced by ancient Greco-Roman law, Christian doctrine and the traditions of the Byzantine Empire. At the beginning of the empire, the legal system mainly inherited the essence of ancient Greco-Roman law, emphasising the justice and authority of the law. With the widespread spread of Christianity, church law gradually penetrated into the secular legal system and had a profound impact on the legal system of the Eastern Roman Empire.

In the course of its development, the legal system of the Eastern Roman Empire was constantly adapted to the changes of the times and the needs of society. Through the enactment of a series of codes, such as the Code of Justinian, the Empire systematically organised and improved the legal system. At the same time, specialised judicial bodies, such as the Supreme Court, were set up to hear major cases. In addition, judges focused on logical reasoning and evidence analysis in the trial process, striving to achieve justice and fairness in law. In addition, the Empire has also paid attention to legal education, training a number of outstanding legal talents and providing a strong guarantee for the continued development of the legal system.

2 Legal definition and classification of the six-killing system in the Tang Dynasty

The six killings of the Tang Dynasty, as a detailed classification of the offence of murder in the ancient Chinese legal system, reflect the legal definitions and connotations of the society's detailed knowledge of criminal behaviour at that

time. According to the Tang law, the six killings include murder, murder for a reason, murder in a fight, murder by mistake, murder in a play and murder by negligence, each of which has its own specific legal definition and punishment standard.

Murder, or premeditated murder, is the most serious of the six killings. Penalties range from exile to death, depending on the severity of the circumstances.

(b) Homicide, i.e., intentional killing, is similar to murder but focuses on subjective intent. Tang law also punished the act of murder severely, but the punishment might be slightly lighter than that of murder. This reflects the meticulousness of Tang law in distinguishing between motive and circumstance.

(b) Fighting and killing, i.e. killing as a result of a fight. In the Tang Dynasty, killing by fighting was regarded as a relatively minor homicide offence, and its punishment was lighter than that for murder and manslaughter.

Manslaughter, playfulness and manslaughter are all relatively minor offences of homicide. Manslaughter is an act of killing caused by inadvertence or misperception; playfulness is a killing caused by playfulness; and manslaughter is an act of killing caused by inadvertence or overconfidence.

Through its meticulous categorisation of the six killings, Tang Dynasty law played an important role in maintaining social order, safeguarding the rights and interests of individuals and promoting social stability.

3 Overview of the relevant legal system of the Eastern Roman Empire

3.1 Composition and characteristics of the legal system of the Eastern Roman Empire

The legal system of the Eastern Roman Empire, as an important part of the legal civilisation of the ancient world, embodies in its composition and characteristics a profound cultural heritage and unique legal wisdom. In terms of composition, the legal system of the Eastern Roman Empire was based on Roman law, incorporating elements of Greek, Jewish, Persian and other legal cultures to form a unique legal system. This system included the Constitution, civil law, criminal law, procedural law and many other areas, providing solid legal protection for all aspects of the empire's politics, economy and culture. In terms of characteristics, the legal system of the Eastern Roman Empire focused on the justice and authority of the law. It emphasised the equality of all before the law, and that both nobles and commoners were bound and protected by the law. At the same time, the legal system also embodied the constraints on and supervision of power, and ensured that justice and power were not abused through the establishment of an independent judiciary and the implementation of the jury system. In addition, the legal system of the Eastern Roman Empire also paid attention to the flexibility and adaptability of the law, which could be constantly adjusted and improved according to the needs of social development. The legal system of the Eastern Roman Empire has had a profound impact on later generations. It has not only provided important lessons and references for the medieval and modern European legal system, but has also provided valuable information for the study of modern international and comparative law. As the famous jurist said, "The legal system of the Eastern Roman Empire is the treasure of the legal civilisation of the ancient world, which, with its unique composition and characteristics, provides important inspiration and reference for the development and improvement of the legal system of later generations."

3.2 Impact of the legal system of the Eastern Roman Empire on society

The legal system of the Eastern Roman Empire, as an important legacy of ancient civilisation, had a far-reaching impact not only in the legal provisions themselves, but also in its shaping of the social structure, cultural concepts and political ecology. At the level of social structure, the legal system of the Eastern Roman Empire maintained social stability and harmony through the clear division of social hierarchy and the relationship of rights and obligations. In terms of cultural concepts, the legal system of the Eastern Roman Empire emphasised justice, fairness and order, which were deeply rooted in people's minds and became the values generally followed by the society at that time. In terms of political ecology, the legal system of the Eastern Roman Empire provided norms and constraints for the operation of political power and ensured the legitimacy and stability of political power. In addition, the legal system of the Eastern Roman Empire has been perfected and matured through the exchange and integration with other civilisations and the continuous absorption of new legal concepts and institutional designs.

4 Comparative analysis of the six-killing system of the Tang Dynasty and the relevant legal system of the Eastern Roman Empire

4.1 Differences in the recognition and punishment of offences between them

With regard to the determination of offences, there are significant differences between the six killings of the Tang

Dynasty and the legal system of the Eastern Roman Empire. The determination of offences under the Tang system of six killings was based mainly on Confucian ethics and feudal hierarchy, with emphasis on the subjective malice of the offender and the influence of social status on conviction. In contrast, the legal system of the Eastern Roman Empire paid more attention to objective facts and evidence, and offences were determined through strict judicial procedures. For example, in the Tang Dynasty, serious crimes, such as murder and manslaughter, were often severely punished, whereas in the Eastern Roman Empire, more emphasis was placed on the objective analysis of criminal behaviour and the collection of evidence.

In terms of punishment, the Tang Dynasty's system of six killings reflected the cruelty of feudal society, with penalties for offenders often being extremely severe, even including the death penalty. The legal system of the Eastern Roman Empire, on the other hand, was relatively mild, focusing on the principle of proportionality between crime and punishment, and sentencing was based on the seriousness of the offence and the personal circumstances of the offender. In addition, the Eastern Roman Empire also established a relatively comprehensive appeal and review system to safeguard the legitimate rights and interests of offenders. This difference reflects the different pursuits and values of the two eras in the legal system.

In summary, the differences in the identification and punishment of offences between the six killings of the Tang Dynasty and the Eastern Roman Empire reflect the differences between the two eras in terms of legal systems, social values and cultural traditions. Such differences not only affected the legal practice of the society at that time, but also had a far-reaching impact on later generations.

4.2 Comparison between the Tang Dynasty and the Eastern Roman Empire in Judicial Procedures and Trial System

In terms of judicial procedures, the six killings of the Tang Dynasty and the legal system of the Eastern Roman Empire presented very different characteristics. Judicial procedures in the Tang Dynasty focused on procedural justice and emphasised the fairness and openness of trials. In the Tang Dynasty, when trying a case, judges were required to follow strict procedural rules, such as hearing testimony from both sides and examining evidence, to ensure the fairness of the trial. In contrast, the judicial process in the Eastern Roman Empire focused more on substantive justice, with judges having greater discretion in the trial process and being able to make rulings based on the specific circumstances of the case.

In terms of the trial system, the Tang Dynasty implemented a more comprehensive trial system, including multiple stages of preliminary, review and final trials, to ensure the accuracy of trial results. At the same time, the Tang Dynasty also set up specialised supervisory bodies to monitor the trial process and prevent judicial corruption. The trial system in the Eastern Roman Empire, on the other hand, was relatively simple, with judges ruling mainly on the basis of legal provisions and the facts of the case, and lacked a multi-level trial and monitoring mechanism like that of the Tang Dynasty.

In addition, the differences between the two in terms of judicial procedures and trial systems also reflect the cultural and social background behind them. As one of the great dynasties of ancient China, the Tang Dynasty's legal system was deeply influenced by Confucianism, focusing on the combination of rites and laws and the equal importance of morality and punishment. The Eastern Roman Empire, on the other hand, was under the influence of Byzantine culture, and its legal system reflected more of the spirit and tradition of Roman law.

5 Conclusion: Insights and Lessons from the Tang Dynasty's Six Killings System and the Relevant Legal Systems of the Eastern Roman Empire

5.1 Analysis of the advantages and disadvantages of the two legal systems

When analysing in depth the advantages and disadvantages of the six-killing system of the Tang Dynasty and the relevant legal system of the Eastern Roman Empire, it is not difficult for us to find that both have their own advantages and disadvantages in the design and implementation of the legal system. The detailed classification and clear legal definition of the Tang Dynasty's six-killing system reflects the deep knowledge of the law at that time about criminal behaviour. However, it also has certain limitations in judicial practice, such as being too rigid and lacking sufficient flexibility in the trial of certain complex cases. In contrast, the legal system of the Eastern Roman Empire pays more attention to the fairness and transparency of the judicial process, and the design of its trial system makes the judicial power get effective constraints and supervision. However, the legal system of the Eastern Roman Empire may be too cumbersome and complex in the identification and punishment of offences, resulting in relatively low judicial efficiency.

In addition, we can also analyse the advantages and disadvantages of the two from the perspective of the adaptability of the legal system. As a representative of the ancient Chinese legal system, the formation and development of the Tang

Dynasty's six-killing system was deeply influenced by many factors such as social politics, economy and culture at that time. Therefore, in the face of the complex and changing criminal patterns of modern society, the Tang Dynasty six-killing system may appear to be unable to cope with the situation. On the other hand, the relevant legal system of the Eastern Roman Empire was to a certain extent more adaptable, and its flexible and changeable legal provisions and trial system enabled it to cope with the social changes and criminal challenges of different periods.

To sum up, the six-killing system of the Tang Dynasty and the legal system of the Eastern Roman Empire have their own advantages and disadvantages. When learning from the experience of both, we should combine the actual situation of modern society, take the best and remove the dross, and continuously improve and develop our legal system. At the same time, we should also recognise that the construction of a legal system is a long-term and complex process that requires the joint efforts and continuous promotion of the whole society.

5.2 Implications and lessons for modern legal systems

The in-depth comparative study of the six-killing system of the Tang Dynasty and the relevant legal system of the Eastern Roman Empire is not only the excavation and inheritance of the ancient legal culture, but also the revelation and reference to the modern legal system. The six-killing system of the Tang Dynasty, with its refined classification and differentiated treatment of criminal acts, is an important revelation for the modern legal system in combating crime and maintaining social order.

The relevant legal system of the Eastern Roman Empire, on the other hand, with its unique legal system and social influence, provides another dimension of thinking for the modern legal system. In the process of constructing the modern legal system, the legal system of the Eastern Roman Empire can draw on this characteristic of focusing on the integration of law with society and culture, so as to make the legal system more in line with the needs of social development.

To sum up, through the in-depth comparative analysis of the six-killing system of the Tang Dynasty and the relevant legal system of the Eastern Roman Empire, we can provide important historical reference and inspiration for the improvement of the modern legal system. By drawing on the advantages of the ancient legal system and combining it with the actual situation of modern society, we can construct a modern legal system that is more perfect and more in line with the needs of society.

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References

- [1] Hongliu. Research on the identification and criminal responsibility of passionate murder [D]. Hunan University, 2021.
- [2] Liu Xiaolin, A Study of the Seven Killings of the Tang Law, The Commercial Press, 1st edition, October 2012
- [3] A Brief History of Foreign Legal Thought, edited by Zhang Peitian - Beijing: Renmin University of China Press, 2008.11.
- [4] Wang Shuqiong. Research on Alternative System of Re-education Through Labour in China [D]. Guizhou University for Nationalities, 2014.
- [5] Zhang Lin. Study on Individualisation of Penalties [D]. China University of Political Science and Law, 2001.