

On the Function of Disputes Resolution by Clan During Qing Dynasty

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Abstract

Mediation of disputes among clan members by family rules or clan disciplines is one of the most important functions of a traditional clan. Preventive propagation against litigation and promotion of tolerance and forbearance to eliminate dispute was an ideal model of governance for the vast majority of people. After a dispute took place, mediation is considered a preferred resolution. Because it can maintain unity within the clan and social order. Clan rules do not belong to national legal systems, but overall they were closely related to and complementary with state laws working together to maintain social order at the grassroots level. Family and clan were where people were taught to comply with the rules, and a clan can play key role to resolve disputes, thus reducing the judicial burden for the state while lowering the cost of justice for people.

Keywords: Qing Dynasty, Clan, Resolution of Disputes

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