

Studying Law of the People's Republic of China : History, Jurisprudence, and the Problem

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This paper could be seen as a kind of a historiography of Contemporary Chinese Law Studies in Japan. It reviews the previous studies in the area of the Jurisprudence and tries to identify the problem we are facing. Obviously, we have concentrated too much on the structural-institutional aspect of Chinese Law. Researchers also have had a tendency to think those studies more highly than theoretical ones.

This historical survey makes our problem clear. It is the lack of theoretical research from the perspective of Jurisprudence. Holding fast to structure-oriented research will not ensure productive future. We have not established the consensus in legal theory until today.