

Comments on NAKAMURA Shigeo's Study on Chinese Legal History

ZHAO Jing*

NAKAMURA Shigeo was part of the fifth generation of Japanese scholars studying Chinese legal history. He paid attention in particular to the criminal law of the Qing Dynasty, extensively making use of judicial documents such as those from criminal cases and judgments. He attempted to show the differences between the Tang Code and the Qing Code and the mechanisms by which legal clauses were applied in judicial practice. He thereby refuted the argument that traditional Chinese law was a 'model' without effect. In using modern Western legal terms and institutions to explain traditional Chinese law, he maintained a very cautious scholarly attitude, and often discovered in small details the nuanced differences between Chinese and Western law.

Keywords: NAKAMURA Shigeo, Chinese legal history, criminal law of the Qing Dynasty, law as model

* Associate Professor, Institute for Chinese Ancient Legal Documents, China University of Political Science and Law; Research Fellow, Alexander von Humboldt Foundation, Institute for Sinology and East Asian Studies, Muenster University