

**What kind of law do we need?  
The reflection on Chinese Modern law of  
Cai Shuheng**

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**Abstract**

After the Opium war, the Chinese Rules by etiquette tradition, which has thousands of year's history, were forced to collide with the western legal tradition. Under the pressure of recovering judicial sovereignty and maintaining social order, China was forced to begin its legal modernization, which is based on "saving the national crises" but follows no tracks of development of law itself. Therefore, the distortion of view in law with the goal of "saving the national crises" makes it unlikely to produce calm thinking about what kind of law (do) we need. Using the "conflict of rites and law" in the late Qing Dynasty as a starting point, a scholar in the Republic of China: Cai Shuheng undertakes rethinking of Chinese Modern law and proposes that Chinese Modern law should reconsider itself independently. Besides, he also thinks that Chinese modern legal change is supposed to be a movement of legal modernization rather than that of westernization and it needs us to integrate our reflection on law with Chinese practical society.

**Keywords:** saving the national crises, legal modernization, Cai Shuheng, inconnection, Inadaptability