

A Century of Chinese Legal Reception: a Study of Six Codes from the Perspective of History

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Abstract

The legal reform during the late Qing Dynasty, which was led by the Minister of Legal Revision, ShenJia-ben (沈家本), replace the traditional Chinese legal system with the Continental European legal system hereafter. However, the Qing government didn't last long enough to put the new codes into practice. It is worth to research the fracture and continuity of new codes throughout the alternation of sovereignties, chronologically, Nanking Provisional Government (南京臨時政府), Beiyang Government (北洋政府), Nationalist Government (國民政府) and the two co-existing sovereign states across Taiwan Strait since 1949.

This article will focus on a century of social transformation and legal culture to review the present and the past from the aspect of legal reception. Alongside retrospection to the birth, the adoption and vicissitude of "Six Codes" in the Chinese society, it tries to inquire the relationship between the aforesaid alternation of sovereignties and legal system, and contemplates several entwined issues of legal culture.

Keywords: legal reception, Six Codes, late Qing Dynasty, the Republic of China, legal culture