

## **The Heritage over the past Fifty Years: Study on the Master's and PhD Theses of the Legal History from the Schools of Law in Taiwan**

Huang, Yuan-Sheng

Huang, Chin-Tang

Chiang, Chun-Hsiao

### **Abstract**

In the field of the legal history, the subject of study covers at least four aspects, which includes the legal rules, the legal system, the legal thinking, and the knowledge and concept of law. Under the aforementioned framework, this research focuses on the analysis and the comment of the development of the Master's and PhD theses regarding the legal history gathered from the schools of Law in Taiwan over the past fifty years. Three stages can be sorted and concluded from the changes observed in teaching professionals and the overall direction involved in the research of such theses. The first stage extends from 1956 to 1978, which is also known as the establishment period. The second stage is from 1979 to 1995, which is the heritage period. Finally, the past fifteen years can be accounted as the transformation period involving drastic adjustments.

Judging from the radical transformation of the aforementioned stages of development, there has been a diversity in the topic of research in the legal history due to the discovery of historical resources, the teaching professionals, and the shift in the social atmosphere, coupled with the changes in the allocation of schools of which the theses are generated. The special feature of

this diversity is the increasing attention received by the prosperous development in Taiwan's legal history and the legal history of the Late Ch'ing and the early period of the Republic of China, as well as the growing interest in the history of court rulings.

It is through the analysis on the development of Master's and PhD theses from the schools of Law in Taiwan can we see to its future progress. There are still areas where continuous efforts must be dedicated in legal research and teaching regarding the field of the legal history. First of all, there must be more advancement in the convergence between the research of the Chinese legal history and Taiwan's legal history. Secondly, there must be a gradual increase in the consolidation of the methods and concepts between different research departments. Thirdly, attention must be placed on the cultivation of potential talent who would place emphasis on the theory of the legal history. Last but not least, the incubation of potential talent for the research in the legal history may adopt the method by training of selected few from a practical perspective.

Keywords: The Chinese legal history, The Chinese legal thinking history, Taiwan's legal history, Master's and PhD theses