

The Development of Comparative Law in Modern China

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This article discusses the historical development of comparative law in modern China, from the late Qing dynasty to the present day. It first traces the origins of China's reception of foreign law in the late Qing period, citing the Opium War as a watershed moment in the development of Chinese law and the efforts of elites to transplant Western law into China. It then considers how 'comparative law' as a formal academic discipline took shape during the Republican era. It also examines the emergence of a completely different paradigm for legal reform under the People's Republic of China (1949-78), with Soviet law replacing Western European and American law as the primary source of foreign influence. Finally, it describes the new era of political and legal reform that came after the death of Mao Zedong in 1976, focusing on Chinese politics in relation to Confucian pragmatism, nationalism, communism, and Western liberalism.

Keywords: Chinese law, communism, comparative law, foreign law, legal reform, liberalism, nationalism, pragmatism, Soviet law, Western law

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