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Sommario/riassunto

The History and Theory of Legal Practice in China: Toward a Historical-Social Jurisprudence goes beyond the either/or dichotomy of Chinese vs. Western law, tradition vs. modernity, and the substantive-practical vs. the formal. It does so by proceeding not from abstract legal texts but from the realities of legal practice. Whatever the declared intent of a law, it must in actual application adapt to social realities. It is the two dimensions of representation and practice, and law and society, that together make up the entirety of a legal system. The assembled articles by the editors and a new generation of Chinese scholars illustrate a new "historical-social jurisprudence," and explore the possible conceptual underpinnings of a modern Chinese legal system that would both accommodate and integrate the unavoidable paradoxes of contemporary China.

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