

Chapter Three

**The Structure and Approach of Korean Legal Scholarship**

A. The Structure and Approach of Korean Legal Scholarship

The way law fits into the academic contexts is different between Korea and the States. From the 19th century until 1945, Korea's law was deeply influenced by German legal tradition filtered through Japan. Japanized civil law approaches to the interpretation of law when Koreans received their legal training and such Japanized European approach to law and legal scholarship still has a lot of influence on Korea's sphere of law. In theory Korean law arises from code, not court decision. It is led to the result that differing "interpretative methods" are taken seriously in Korea while not in the States. Faculty of law doesn't correspond to an American law school and few in the scholastic area is engaged in the area of court. It also makes it difficult for Korean students to study that Korean legal scholars draw boundaries between their own subfield and others' in an exclusively narrow manner.

Korean legal scholars have fundamental disagreements on the method of analytical approach. Problems of legal terminology translation and the absence of any uniform legal citation system for cases articles and books also create confusion. Understanding of Korean history, society, politics, psychology, and ethical sense will make it precise to understand both the nuances of language and the substance of legal problems.