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RESEARCH ARTICLE

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On the integration of public law jurisprudence

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Abstract After two to three hundred years of development, modern public laws have become more and more important, mature and integrated especially since the 20th century. Traditionally, the dispersive and overlapping public law researches were grounded on the sectional public laws like constitutional law, administrative law, criminal law, procedural law, international public law, etc. Nevertheless, with all-around emergence of public law, the traditional research method can no longer adapt to the development needs of the modern public law. Therefore, it is quite necessary for us to create a kind of moderate unified public law between the laws and the sectional public laws, so as to do comprehensive, integrated and systematic researches on various sectional public laws. Based on the indepth argumentation about the necessity of developing unified public laws, this paper further puts forward that, to discuss an all-encompassing way about the main problems of creating the unified public laws and expect to fill the gap with it, the unified public law should define its study objectives mainly focused on the contents of integrated public law criteria, common public law features and general public law rules and so on; form its theoretical basis on the line of the relations between public power and the citizen privilege; establish its category structure found on the concept of public power and the derivative core and basic categories; and build up the disciplinary system based on the systematic integrity of the public law research results.

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Public law did not become a hot topic in China until the arrival of the 21st century. Since Wurbian[1], a jurist of ancient Rome, first came up with the concept of public law in the 3rd century A.D., public law research has suffered numerous setbacks and taken on various forms in its process of evolution and development, e.g., its oblivion in the Middle Ages, revival after the Renaissance and its rise in modern times. Its content differs greatly in different eras, countries and systems of law. People are often puzzled with different kinds of questions, such as what public law is, what its function is and which legal departments should be included in public law. Jurists have never reached unanimous answers to the above-mentioned basic questions. More surprisingly, it universally lacks unified public law jurisprudence with comprehensive study on the public legal norms. Even the term "Public Law Jurisprudence" is rarely mentioned. The existing works on public law in the continental (civil) law system and the Anglo-American law system, in the name of public law, generally touch on constitutional and administrative law[2] rather than typical departments of public law that are mandated by constitutional law, administrative law, criminal law, litigation law and international public law. Nor have they studied the similar phenomena and regular patterns of laws with a strong nature of public law such as economic law, social security law and environmental law. Actually, these works could be categorized by the study on constitutional and administrative law. The contents of several works entitled "*public law jurisprudence*" are *de facto* collections of articles or reading notes on the study of branches of public law[3] rather than a systematical study. No matter how complicated the reasons are and how difficult the establishment of unified public law jurisprudence is, the underdevelopment of the study on public law should be changed. The author would like to make an initial move to study the research object, theoretical basis, conceptual framework and disciplinary structure of unified public law jurisprudence. He also suggests that an extensive indepth discussions be held in the legal academic field to fill the largest disciplinary gap —

[1] Wurbian is a jurist who first came up with the concept of public law and private law and made the distinction with the following words, "public law concerns Roman regime, while the private law involves with private interest". See Justinianus: *Justinian's Institutes*, translated by Zhang Qitan, Commercial Press, 1997.p.5–6.

[2] For example, Leon Duguit (France) : *The Transition of Public Law: Law and State*, translated by Zheng Ge and Leng Jin, Liaohai Press and Chunfeng Cultural Press,1999. Maurice Hauriou (France): *Administrative Law and the Spirit of Public Law*, translated by Gong Mi, Liaohai press and Chunfeng Cultural Press,1999. Martin Loughlin(UK) : *Public Law and Political Theory*, translated by Zheng Ge, Commercial Press, 2002.

[3] For example, Li Yuncu： *Modern Public Law*, Hanyuan Press in China Taiwan,1988; Cheng Xinming: *Notes about Public Law*, the Press of China University of Political Science and Law, 2001; Cheng Xinming, *The Basic Theory of German Public Law*, Shandong People's Press, 2001.

the absence of a unified public law jurisprudence.

I The rise of modern public law calls for integration of public law jurisprudence

The division of public and private law originated from Roman law, while public law did not and could never get the real chance of development in such a state as ancient Rome, which was characterized by slavery. Public law in the modern sense took form in civil law countries of the 18th and 19th centuries. With the continuous development and tremendous expansion of the state power, the status, role, function and structure of modern public law underwent more and more profound changes in late 19th century and especially in the 20th century.

1 The development of modern public law increasingly reveals its importance, maturity and integrity

The increasing importance of public law is the first significant character of the development of modern public law. Although the transition from the rule of the people to the rule of law relies on the co-development and co-rule of private and public law, basically speaking, "it is comparatively easy to force individuals to respect law as the state can act as a decisive arbitrator, while it is relatively difficult to force the state to respect law because the state holds the real power".[4] For this reason, private law in ancient Rome was so developed while public law was much less developed. Therefore, it can be concluded that public law fundamentally decides the degree to which rule of law is realized. In essence, the rule of law is rule of public law and the rule of exercise of public power. On the other hand, the rapid development of the modern economy and society and even the development of modern private law are becoming increasingly dependent on the drive of public law. The emergence of monopoly economy and welfare state requires the government to intervene in economic and social management in an all-encompassing and active way. The expansion of the domain of public power and its intrusion into the domain of individual self-governance advances the expansion of the domain of public law. Public law regulations need to be imposed wherever public power reaches. Public law has not only broken away from the fetters of private law but has also increasingly intervened in the traditionally

[4] Rene David (France): *Les grands Systemes de droit contemporains*, translated by Qi Zhusheng, Shanghai Interpreting Press, 1984, p.74.

self-governed domain of private law. Thus, public law is continuously expanding while private law is comparatively shrinking. One scholar even pointed out that: "Private law should only be taken as a dynamic individual domain which is of a temporary nature and ever-shrinking. At present, it still remains in the all-embracing domains of public law".[5]

The increasing maturity is the second significant character of the development of modern public law. The degree of its maturity is fundamentally decided not only by the development of the constitutional system and the spirit of the rule of law but also by the development of the market economy. After two hundred years of development, the increasing maturity of modern public law is prominently seen in the gradual adjustment and improvement of the relationship between public power and civil rights. Judging from the scope of the adjustment, modern public law has departed from the model of inactive government characterized by non-intervention with private rights. However, it also distinguishes itself with the model of omnipotent government characterized by all-around intervention with private rights. It establishes a model of limited and effective government, which supervises and restrains the exercise of public power while securing and encouraging it, strictly protects the civil rights while preventing its abuse, and clearly defines the demarcation line between the government and the market while adjusting it dynamically. With this adjustment, modern public law pays more and more attention to the interaction between the state and citizens, and public power and civil rights. The relation between the state and citizens is serve-center rather than command-center. Modern public law takes freedom and order, equality and efficiency, and public and private interests into consideration. Principles and concepts, such as due process, civil participation, openness and transparency and so on., are fully represented in the design of the public law system. Some principles and concepts of private law such as honesty and credit, equality and consultation, and mutual benefit and cooperation are introduced into the domains of public law. Even reconciliation has become a panacea for the effective implementation of administrative and criminal punishments, for example, the settlement of criminal cases through plea bargaining accounts for about 90% of total criminal cases in North America.[6] From the point of practice, the methods and techniques for the check of public power tend to be diversified. This can be exemplified by transitions from traditional focus on the control of origins and consequences of public power to its control from its authorization all the way to its

[5] See F.A.Hayek: *Law, Legislation and Liberty Rules and Order (I)*, translated by Deng Zhenglai, China Encyclopedia Press, 2000, p. 222.

[6] According to a statistics, since 1970 there are about 70% of criminal cases be settled through plea bargaining in United States. See Yang Yuexin: " Thoughts on Plea Bargaining", *Legal Daily,* April, 28, 2002.

implementation and supervision, from mere focus on entities to equal focus on entities and procedures, from institution-based control to omnipotent control over institutions, staff and systems, from sheer focus on external control to the co-governance of external and internal in the framework of external control, from focus on coercive implementation to the widespread adoption of no-coercive measures such as administrative contracts, administrative rewards and even the marketization of public service. Moreover, public laws in various countries begin to study, draw lessons from and even copy public law systems in other countries. In the context of rapid globalization, the open structure of public law is possibly leading to the convergence of public laws throughout the world and accelerates the process of their maturity.

The increasing integrity of public law is the third significant character of the development of modern public law. The integrity of the norms of public law is fundamentally decided by the integrity of public power. In the early formative period of modern public law, on the one hand, for fear of administrative autocracy, clear distinctions were made among legislative, administrative and judicial power so as to make them independent and be able to do a check and balance on each other, and, therefore, the integral state power was artificially divided. On the other hand, due to the uncomplicated nature of social phenomena and problems that public power dealt with, there was generally no need for public powers of various kinds to coordinate on the settlement of a certain practical problem. Economy and society can develop with the public power exerting in a certain area. The fragmentation of public law inevitably led to the dispersion of the norms of public law with departmental public laws as axes. However, after the 19th century, the stabilization of the bourgeois constitutional system and the expansion of the scale of society and economy created the needs and possibility for the great expansion of state power. Moreover, the structure of state power changed fundamentally and the phenomena of the overlap among public powers and their coordination on the settlement of a certain social problem arose. The overlapping of public powers was prominently shown in the deprivation and weakening of the exclusive rights enjoyed by every state organ. Judicial legislation occurred often and administrative legislation increased sharply. Besides, administrative organs were increasingly engaged in the settlement of all kinds of disputes and conflicts and shared juridical power with courts. Even the idea of legislative power first, which based on majority rule, was challenged. In this context, European countries**,** which had long cherished an attitude of exclusion of the judicial review system of the United States, boldly established judicial review systems of European styles and began to impose reviews on legislative powers. With the increasingly complicated modern social environment and problems, the state began to settle practical

problems by employing all kinds of powers and methods. It had become a special phenomenon of this era that legislative, administrative and judicial organs jointly set up the standards, while administrative and judicial organs coordinated on the settlement of a peculiar social problem in their own administrative and judicial ways. The blurring and overlapping of the boundaries of public power as well as the coordination between them demand the change of the situation that the design and establishment of departments of public laws be centered on one certain power. Public powers must be reviewed and regulated in an integrated and unified way. For example, the fact that legislative powers are shared among legislative, administrative and judicial organs and judicial powers are shared between administrative and judicial organs requires the establishment of an overall mechanism with regard to the distribution, implementation and supervision of legislative and judicial powers, and then, a unified and coordinated legislative and judicial system and regulation mechanism can be established. The coordination of various powers and methods on the settlement of a certain social problem commands the norms of public laws to cooperate and coordinate with each other (e.g., the coordination and cooperation of the three means of punishment, i.e., criminal, administrative and civil means). Moreover, it also requires that the design of the systems be able to connect to and learn from each other (e.g., the connection between criminal, administrative and civil litigation procedures and the alternative use of common and summary procedures). Thus, the norms of public law have increasingly revealed a tendency towards integration.

2 The scattered and segmented study of public law is unfavorable to the development of modern public law

How to solve the great and inevitable inequality[7] between the state and citizens resulting from the existence of state power and maintain the dynamic equilibrium between the control over public power and the protection of civil rights is the most important research topic for the study of public law in this era. The vision and methods for the study of public law should make a significant change in the context where the social conditions and structural system for the exercise of public power are making profound changes and public law is becoming increasingly important, mature and integrated.

Modern patterns for the study of public law and the entire structure of the public law disciplinary system are basically the result of practicing a formally strict system of separate powers in order to prevent the abuse of

[7] See Carol Harlow & Richard Rawlings: *Law and Administration, Butterworths, a Division of Reed* Elsevier(UK) Ltd. Halsbury House, London, 1997, p.44.

executive powers in the early period of capitalism. Although the system of separate powers is intended to strengthen the reciprocal supervision and restriction between different powers, it has undoubtedly deepened the alienation and opposition between them due to the one-sided stress on their different natures and the excessive emphasis on preventing their overlap. The disciplines of public law jurisprudence based on the study of the exercise and norms of public powers have been deeply branded with the social characteristics in its modern process of origin and development and have cultivated strong characteristics of their own. This is revealed by the fact that each department of public law primarily takes the explanation, analysis and study on the exercise and norms of one specific public law as its research object, gradually furthers its research by taking one specific link or domain of the norms of public law as object and thus draws out its own field.

It is out of the question that categorized studies on the norms of public law can make continuous progress and breakthroughs in a certain part of the study on public law, advance and specialize the academic studies, help deepen our understanding and explanation to some phenomena of public law, and summarize and grasp the features and evolution of public law. However, the increasingly consolidated disciplinary contours and segmented disciplinary structure leads to the uncoordinated development and alienation of disciplines of departmental public law as well as the segmentation of the whole system of public law jurisprudence. As a result, scholars' vision of public law is increasingly limited and restricted in one single and isolated domain and alienation, misunderstanding and even confrontation are gradually replacing the dialogue and communication among disciplines of public law. In this context, it's difficult for the scattered and segmented study on public law to surpass beyond the boundaries of departmental public law. Instead, it will easily lead to subjectivism or stubbornness and provinciality among the researchers. The lack of and destitute study on the integration of public law jurisprudence obstructs the greater progress and breakthrough in the study on departmental public law. Moreover, such segmented and self-enclosed study can hardly focus on public legal norms, holistic public power and the whole state machinery, neglects the common features and intrinsic links between different departmental public law, cuts off the correlation and interdependence between phenomena of unified public law and political, economic, social phenomena, and segments the history of the development of public law and its internal evolution. Thus it's unfavorable to grasp the overall structure and common features of public law and make a holistic, comprehensive and systematic study on the phenomena and evolution of public law and will seriously obstruct the development of public law (jurisprudence) in the new century.

3 It is imperative to establish unified public law jurisprudence at the middle level between general jurisprudence and departmental studies of public law

The aim of making a holistic study on the norms of public law is not to replace the existing disciplines of departmental public law but to further develop them on this basis; not to reduce the current research capacity for public law jurisprudence but to further integrate and strengthen it; not to create a new discipline unique to disciplines of departmental public law but to establish a unified public law jurisprudence at the middle level in between general jurisprudence and departmental public law by synthesizing disciplines of public law. In several centuries after the Renaissance, there were two tendencies in scientific research; one was the specialization of academic disciplines. With further division of labor and progress in disciplinary study, sub-disciplines studying different problems of one certain domain from different sides, angles and methods arose, revealing a tendency of increasing disciplinary specialization. The other tendency was disciplinary synthesis. In the face of the booming sub-disciplines, there was a more obvious tendency towards making synthetic and systematic study on important problems in one certain domain in order to strengthen the correlation among sub-disciplines and seek common theories that underpin the academic domain.[8]

In the field of jurisprudence, the disciplinary structure of jurisprudence develops in accordance with not only people's gradually deepening knowledge about legal phenomena, but also the evolutionary process of one country's legal system from simplicity to complexity. With the increasing subdivision and complication of legal norms, the specialization tendency of the study of all aspects of jurisprudence becomes very obvious and newly emerged disciplines of jurisprudence continuously increase. Meanwhile, philosophical jurisprudence, general jurisprudence and historical jurisprudence make comprehensive study on legal phenomena and legal norms from multiple sides by masterly summarization. However, in the field of China's jurisprudence, especially public law jurisprudence, synthesized study is still very weak and rare. In the context of gradual perfection of the system of public law, disciplines studying public law are booming. Disciplines of public law such as science of constitutional law, science of administrative law, science of criminal law, international public law and science of legislation etc., are increasingly mature and even sub-disciplines like evidence

[8] Some scholar pointed out that, " Before the mid 19th century, the establishment of new disciplines were largely due to the disciplinary division. After that, the number of new disciplines emerged as the result of division and synthesis were almost equal. When entering the 20th century, the new disciplines came into being were resulted from synthetic study". See Xu Jiming: *Margin of Science*，Xueling Press,1987, p.96.

jurisprudence are catching up with great speed. However, there is still no synthesized discipline that unifies all other disciplines in the field of public law and even disciplines like science of civil law that basically represents the research results about private law are non-existent.

Marx and Engels once pointed out, "All the real contents of the epoch-making systems come out of the demands of the epoch that produces the systems."[9] The epoch we're living in is one that witnesses the great development of public law and is also one that demands the establishment of unified public law jurisprudence and prepares itself for that. Just like the controversy raised by some scholars' proposal to establish economics at the middle level in between macro-economics and micro-economics, the proposal to establish a unified public law jurisprudence at the middle level in between general jurisprudence and departmental public law is sure to arouse controversy. Academic controversy is the driving force for academic development and also the catalyst for the birth of new academic disciplines. It is the solemn responsibility entrusted to every scholar of public law jurisprudence by the time to draw on the research results of all departmental public law, integrate the academic resources of all the disciplines of departmental public law, promote the cooperation and coordination among disciplines of departmental public law, advance the communication and exchange among scholars of public law, break up the current situation of segmentation, decentralization and self-enclosure in the study of public law jurisprudence, unite the wisdom of the whole legal academia and make efforts for establishing a unified public law jurisprudence.

II The province of the unified public law jurisprudence determined: Public legal norms, common features of public law and the general law of evolution.

To become a universally recognized independent academic discipline, the unified public law jurisprudence must meet the basic standards of an independent academic discipline. Independent research object is undoubtedly the prime and basic standard.

1 The unified public law jurisprudence is a comprehensive discipline of public law that studies public legal norms, common features of public law and the general law of evolution

First of all, the unified public law jurisprudence should take public legal

[9] *Marx and Engels Collected Works*, Volume III, p.544.

norms as its main research object. It should reply to important questions concerning public law such as what public law is, what its main contradictions, important functions, value orientation and interest basis are, what norms of public law are, what departmental public law constituted by those norms is**,** what the relationship between norms of public law and those of private law and what the relationship among norms of departmental public law are, etc. The unified public law jurisprudence is not intended to study those norms of public law attained by simply listing or putting together the departmental public laws but to study the mutually connected public legal norms abstracted from different departmental public laws and summarize the rudimentary principles underlying the public legal norms.

Secondly, the unified public law jurisprudence should study the common features of public law. Briefly speaking, the common features of public law are the allocation, regulation and supervision of public powers on the one hand, and protection, expansion and service of civil rights on the other hand. These features are also the common purpose and goal of departmental public laws such as constitutional law, administrative law, criminal law, litigation law and international public law as well as those legal departments with strong nature of public law such as economic law, social security law, labor law and environmental law, etc. It's because of the common purpose and goal that the above legal departments have obvious "familial similarity" in terms of application scope and contents. For example, constitutional law, administrative law and legislation law all regulate the power of legislation and rule making; constitutional law, litigation law and administrative law all regulate the power of dispute solving; criminal punishments in the criminal law and administrative punishments in the administrative law share a lot of sameness and similarity. The unified public law jurisprudence need to make a profound study on such "familial similarity" among legal departments in order to draw conclusions on their common features[10] and promote the balanced and harmonious development of departmental public law.

Thirdly, the unified public law jurisprudence should include the general law of evolution into its domain of research. In the face of complicated phenomena of public law, the unified public law jurisprudence should study the important problems closely related to these phenomena, e.g., the time and process of the origin of public law, the motivating force of its development, the pathway of its historical development and tendency of future development; its relationship with political, economic and social phenomena, etc. Through the study of these phenomena of public law and the analysis of the

[10] Concerning the common character of Public Law Jurisprudence, Minobe Tatsukichi, a famous Japanese Jurist on Administrative Law, who summarized them after analyzing the public law and private law .See Minobe Tatsukichi: *Public Law and Private Law*, translated by Huang Fengming, Commercial Press,1937, p.103–148.

important problems, the unified public law jurisprudence should reveal the general law of evolution and guide the practices of public law with its findings.

2 The unified public law jurisprudence is a rising discipline concerned with the overlapping, interplay and inter-dependence of departmental public laws

With the overall development and rise of modern public law, departmental public laws are no longer isolated from one another. They have increasingly developed an overlapping, interplaying and inter-dependent relationship at a fundamental level. In the face of the increasingly complicated connections between departmental public laws, we will only see the minute details but miss the major issue if we simply make isolated studies on public laws from the viewpoint of the science of departmental public law rather than make open studies on the links that connect different legal departments. Therefore, the unified public law jurisprudence should and must take the overlapping, interacting and inter-dependent contents of departmental public laws as its research objects.

3 The unified public law jurisprudence is an independent discipline concerned with the overlapping and interplay between public law and private law

In modern society with the rule of law, public law and private law are like two turbulent giant air masses, one cold and one warm. They are continuously penetrating and melting with each other, generating some interflows together with strong bypass flows at a deeper level. Jurists, especially public jurists, should pay attention to and reflect on such a legal phenomenon. They must meet this challenge bravely and seize the opportunity. Taken as a whole, there have been three tendencies in the overlap and interplay between public law and private law, i.e., the assimilation of private law by public law, the assimilation of public law by private law and the convergence of public and private laws into social law. Judging from the status quo of the legal academia, both public jurists and private jurists have paid attention to the overlapping and interplay phenomenon. However, private jurists are mostly studying it from the viewpoint of private law whilst public jurists are mostly studying it from the viewpoint of departmental public law. Therefore, it is of very important value to understand and analyze from the viewpoint of public

law jurisprudence the spirit of the time and profound philosophy implicated by the overlap and interplay between public law and private law and think about and comprehend the humanist concerns and legal civilization embodied by these tendencies.

III The conceptual framework: meta-concept, core conceptual categories and basic conceptual categories

One task for the establishment of the unified public law jurisprudence is to set up a logically coherent conceptual framework on the basis of its research object, theoretical foundations and practical areas, make this framework the primary pillar of the whole unified public law jurisprudence and continuously promote the maturity and perfection of theories and systems of public law. Briefly speaking, the conceptual framework of public law jurisprudence is composed of multiple general conceptual categories and a few primary conceptual categories. Among them, primary conceptual categories play a pivotal role in the conceptual framework of public law jurisprudence. It can be roughly divided into three types, i.e., the meta-concept, which is the logical starting point of the whole conceptual framework of public law jurisprudence; the core conceptual categories, which are the soul and skeleton of the framework, and the basic conceptual categories, which are the joint of the framework.

1 The meta-concept of public law jurisprudence

The tremendous difference between the theoretical framework and system framework of public law and those of private law is first of all attributed to the logical starting point of public law jurisprudence entirely different from that of private law jurisprudence, i.e., the meta-concept in the conceptual framework of public law jurisprudence. Just as Marx takes a commodity, the most essential cell of a capitalist market economy, as the logical starting point of *Das Kapital*, public law jurisprudence takes public power, the main object of regulation of public law, as its starting point and on this basis, deduces and derives the core conceptual categories, basic conceptual categories and general conceptual categories of the unified public law jurisprudence.

First of all, public power holds the starting point of the conceptual framework of public law jurisprudence. Without the existence of public power, there would be no public law. The initial establishment of the concept of

public law in ancient Rome and the origin and development of modern public law are all intended to allocate, constrain and regulate public power. Therefore, the conceptual framework of public law and public law jurisprudence can only be based on its logical starting point – public power.

Secondly, public power holds a central position in the conceptual framework of public law jurisprudence. One party being the main body of public power in legal relations has become the most important standard for the division of public and private law relations and that of departments of public and private law. Being the core of public law relations, the relations between public powers and those between public power and civil rights also determine and influence private law relations and are, therefore, the most important subjects that public law jurisprudence studies.

Thirdly, public power holds the leading position in the conceptual framework of public law jurisprudence. Public power is always the guiding party of the contradictions in the core public law relationship — the relations between public power and civil rights. Therefore, we have every reason to say that the whole conceptual framework of public law jurisprudence is deduced and derived from public power.

2 Categories of core concepts

Although public power provides a logical starting point for the whole conceptual framework of public law jurisprudence, the core conceptual categories of public law jurisprudence must be defined if all categories of public law jurisprudence are to be waved into an organic mechanism. In my opinion, the core conceptual categories of public law jurisprudence is mainly composed of the following four pairs of categories, which reveal, from different aspects, the essential nature of public law that strictly distinguishes itself from private law: the first pair is public power and civil rights, the contradictions and interaction between which continuously advance the systematic transition of public law; the second one is freedom and order, which determines the functional positioning of public law; the third one is equality and efficiency, which represents the value orientation of public law; the fourth one is public interest and private interest, which represents the basis of the interests of public law.

3 Categories of basic concepts

A complete conceptual framework of public law jurisprudence needs not

only the meta-concept as its logical starting point and some core conceptual categories as its skeleton but also basic conceptual categories as joints of the framework. Unlike core conceptual categories that exist in pairs, basic conceptual categories appear individually and each of them is a separate research topic in public law jurisprudence. These independent basic conceptual categories are, however, closely linked with each other through inherent logical connections. These overlapping categories together prop up the basic conceptual framework of public law jurisprudence.

In my opinion, the basic conceptual categories of the unified public law jurisprudence include rule of law, public law, main bodies of public law, public law relations, behaviors under public law, phenomena of public law, public governance, public function, public service and public responsibility etc. First of all, the reason for rule of law to be a basic conceptual category of public law jurisprudence is self-evident. It's the most important task of public law to realize rule of law. The history of public law is the history of rule of law gradually prevailing over rule of people. Secondly, categories such as public law, the general term of all legal norms to adjust and regulate the relationship between public power and civil rights as well as the relationship among public powers, public law relations formed among main bodies of public law, public law behaviors and public law phenomena as a result of the development and evolution of public law, are all integral parts of a unified public law jurisprudence. Thirdly, one characteristic of public law that strictly distinguishes itself from private law is to ensure the exercise of public power, subject to strict constraints, will achieve public governance, perform public functions and provide public services. Thus, the three categories are all indispensable parts to public law jurisprudence. Finally, while legal responsibility is the most important proof that distinguishes law from policies, morals, and religions, public law responsibilities is one of the most eminent areas in which public law differs from private law. Therefore, public law responsibility as the counterpart to private law responsibility should naturally emerge as a basic category of the unified public law jurisprudence.

It is by using the meta-concept as a logical starting point, several pairs of core conceptual categories as the soul and skeleton, some basic conceptual categories as joints, and many general conceptual categories as complements that the unified public law jurisprudence establishes an intricate but orderly conceptual framework of public law jurisprudence, not only endowed with unity and coherence but also rich in contents.