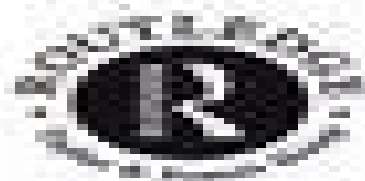


The Chinese Legal System

Globalization and
local legal culture

Pitman B. Potter



London and New York

Chinese Legal System Globalization And Local Legal Culture

Ulla Liukkunen, Yifeng Chen



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updated and considerably expanded this edition of Chinese Law Context and Transformation is a valuable and important resource for researchers policy makers and teachers alike

China's Legal System Pitman Potter, 2014-01-30 China's struggle for the rule of law is at a critical juncture As a key element of governance in the PRC today China's legal system affects not only domestic affairs but also China's engagement with the world But can a credible legal system emerge which protects the rights of citizens and international partners without undermining the power of the Party State And is the Chinese Communist Party willing to embark on judicial reforms that may jeopardize its very survival Understanding the PRC legal system is increasingly important as China rises to prominence in the world In this compelling analysis noted legal scholar Pitman Potter examines the ideals and practices of China's legal regime in light of international standards and local conditions Against a rich historical backdrop Potter explains how China's legal system supports three key policy objectives namely political stability economic prosperity and social development In exploring these competing policy goals and the tensions between them he also raises fundamental questions about government expectations of the role of law in regulating local and international socio economic and political relationships This wide ranging and readable introduction will be an invaluable guide for students and non specialists interested in China's ongoing process of legal modernization

The Changing Chinese Legal System, 1978 - Present Bin Liang, 2007-12-12 This groundbreaking book reshapes our understanding of the economic political and legal changes in China since 1978 within the global context and is crucial reading for scholars of Asia law criminology and sociology

Modern Chinese Legal Reform Xiaobing Li, Qiang Fang, 2013-01-01 China's rapid socioeconomic transformation of the past twenty years has led to dramatic changes in its judicial system and legal practices As China becomes more powerful on the world stage the global community has dedicated more resources and attention to understanding the country's evolving democratization and policymakers have identified the development of civil liberties and long term legal reforms as crucial for the nation's acceptance as a global partner Modern Chinese Legal Reform is designed as a legal and political research tool to help English speaking scholars interpret the many recent changes to China's legal system Investigating subjects such as constitutional history the intersection of politics and law democratization civil legal practices and judicial mechanisms the essays in this volume situate current constitutional debates in the context of both the country's ideology and traditions and the wider global community Editors Xiaobing Li and Qiang Fang bring together scholars from multiple disciplines to provide a comprehensive and balanced look at a difficult subject Featuring newly available official sources and interviews with Chinese administrators judges law enforcement officers and legal experts this essential resource enables readers to view key events through the eyes of individuals who are intimately acquainted with the challenges and successes of the past twenty years

Legal Reforms in China and Vietnam John Gillespie, Albert Chen, 2010-09-13 Although the adoption of market reforms has been a key factor leading to China's recent economic growth China continues to be governed by a communist party and has a socialist influenced legal

system Vietnam starting later also with a socialist influenced legal system has followed a similar reform path and other countries too are now looking towards China and Vietnam as models for development This book provides a comprehensive comparative assessment of legal developments in China and Vietnam examining similarities and differences and raising important questions such as Is there a distinctive Chinese model and or a more general East Asian Model If so can it be flexibly applied to social and economic conditions in different countries If it cannot be applied to a culturally and politically similar country like Vietnam is the model transportable elsewhere in the world Combining micro or interpretive methods with macro or structural traditions the book provides a nuanced account of legal reforms in China and Vietnam highlighting the factors likely to promote change or resist the spread of the Chinese model

Chinese Law Jianfu Chen, 2008 This book examines the historical and politico economic context in which Chinese law has developed and transformed focusing on the underlying factors and justifications for changes It attempts to sketch the main trends in legal modernisation in China and by doing so it is hoped that the main features of contemporary Chinese law can be outlined and the nature of contemporary Chinese law can be better understood from a developmental perspective This book offers a comprehensive coverage of topics such as legal culture and modern law reform constitutional law legal institutions law making administrative law criminal law criminal procedure law civil law property family law contracts law on business entities securities bankruptcy intellectual property law on foreign investment and trade and implementation of law

The Routledge International Handbook of Morality, Cognition, and Emotion in China Ryan Nichols, 2022-05-09 This ground breaking handbook provides multi disciplinary insight into Chinese morality cognition and emotion by collecting in one place a comprehensive collection of essays focused on Chinese morality by world leading experts from more than a dozen different academic fields of study Through fifteen substantive chapters readers are offered a holistic look into the ways morality could be interpreted in China and a broad range of theoretical perspectives including ecological anthropological and cultural neuroscience Offering a syncretic multi disciplinary overview that moves beyond the usual western oriented perspective of China as a monolithic culture research questions addressed in this book focus on morality as represented at the level of the individual rather than at the group or institutional levels Research questions explored herein include What are the major contours of distinctively Chinese morality What was the role of the ancient ecology climate and pathogen load in producing Chinese moral attitudes and emotions Are ingredients of the good life in China different than ingredients of the good life elsewhere How are children in China morally educated How do findings from cultural neuroscience help us understand differences in the treatment of family members or the treatment of strangers in China and elsewhere How do the protests in Hong Kong participate in or stand apart from the ongoing ethics of protest in historical China The clear structure and accessible writing offer a rigorous assessment of the ways in which morality can be interpreted shedding light on differences between China and Western cultures The book also provides a timely window into Chinese forms of morality and the pivotal role these play in social

organization family relationships systems of government emotion and cognition Representing fields of study ranging from philosophy linguistics archaeology history and religion to social psychology neuroscience clinical psychology developmental psychology and behavioral ecology this is an essential text for students academics and others with wide interest in Chinese culture

Fundamental Labour Rights in China - Legal Implementation and Cultural Logic Ulla Liukkunen,Yifeng Chen,2015-12-12 This volume gathers together chapters that address the theme of implementing fundamental labour rights in China It explores the legal framework as well as key institutions and other actors along with the socio economic context involved in interpretation implementation enforcement and overall promotion of fundamental labour rights in China As a collection of chapters it assembles comparative and mutually complementary perspectives and insights by distinguished scholars from China Europe and the United States With its broad perspective on implementation the book discusses the most topical challenges to realizing fundamental labour rights in China China was among the founding members of the ILO With the regulatory approach of the ILO fundamental labour rights have gained a new foothold as a key pillar in managing the social dimension of globalization The development of fundamental labour rights protection in China can be viewed as part of a larger development within China s domestic economic and social transition as well as its integration into the global economic system While China has ratified four of the eight ILO core conventions the challenge of effective implementation and enforcement in the domestic context remains With its in depth research on fundamental labour rights in the particular cultural context of the Chinese experience this book studies Chinese labour law from multiple perspectives at the same time examining the wider role of international labour standards in developing Chinese law and society This volume is a remarkable enlargement of existing scholarship on international labour standards on the one hand and fundamental labour rights in China on the other These chapters thoroughly analyse the legal and institutional framework for implementing labour law in China Among the topics covered are fundamental labour rights including freedom from forced labour prohibition of use of child labour and non discrimination In addition this volume benefits from socio historical observations on the cultural logics that inform implementation of fundamental labour rights in China in which the history and current development of Chinese labour law are equally reflected with substantive depth

Law, Policy, and Practice on China's Periphery Pitman B. Potter,2010-09-13 This book examines the Chinese government s policies and practices for relations with the Inner Periphery areas of Tibet Xinjiang and Inner Mongolia and the Outer Periphery areas of Hong Kong and Taiwan focusing on themes of political authority socio cultural relations and economic development China s history may be seen as one of managing the geographic periphery surrounding China proper Successive imperial republican and communist governments have struggled to maintain sovereignty over the regions surrounding the great river valleys of China The importance of the periphery is no less real today concerns over national security access to natural resources and long held concerns about relations between Han and other ethnic groups continue to dominate Chinese law policy and practice regarding governance

in the Inner Periphery regions of Inner Mongolia Xinjiang and Tibet In the Outer Periphery Beijing sees engagement with the outside world particularly the West as inextricably tied to Chinese sovereignty over former foreign colonies of Hong Kong and Taiwan Using the case study of national integration to indicate how policies are articulated and implemented through law and political legal institutions this book will be of interest to students and scholars of the peripheral regions It will also appeal to academic and policy communities interested in legal reform in China *Engaging the Law in China* ,2005-02-04 This book explores legal mobilization culture and institutions in contemporary China from a perspective informed by law and society scholarship *China's Compliance in Global Affairs* Gerald Chan,2006 The rise of China has thrown open many important and interesting questions Will a strong China behave responsibly in world affairs complying with the rules and norms of the international community Or will it defy universal standards and fight instead for its own interests and those of the developing world thereby challenging the global order dominated by the West The first of its kind to gauge in a comprehensive manner China s responsibility in world affairs this book scrutinizes China s compliance with international rules and norms embodied in the treaties that it has signed or ratified especially in the areas of trade arms control and non proliferation protection of the environment and human rights The book also examines Sino US relations as the US closely monitors China s compliance in world affairs It is that behavior which is largely determining the relative emphasis put on engagement with or containment of China by the West and by the US in particular BOOK JACKET *Criminal Justice in China* Klaus Mu_hlhahn,Professor Klaus M?hlhahn,2009-04-30 In a groundbreaking work Klaus Muhlhahn offers a comprehensive examination of the criminal justice system in modern China an institution deeply rooted in politics society and culture In late imperial China flogging tattooing torture and servitude were routine punishments Sentences including executions were generally carried out in public After 1905 in a drive to build a strong state and curtail pressure from the West Chinese officials initiated major legal reforms Physical punishments were replaced by fines and imprisonment Capital punishment though removed from the public sphere remained in force for the worst crimes Trials no longer relied on confessions obtained through torture but were instead held in open court and based on evidence Prison reform became the centerpiece of an ambitious social improvement program After 1949 the Chinese communists developed their own definitions of criminality and new forms of punishment People s tribunals were convened before large crowds which often participated in the proceedings At the center of the socialist system was reform through labor and thousands of camps administered prison sentences Eventually the communist leadership used the camps to detain anyone who offended against the new society and the crime of counterrevolution was born Muhlhahn reveals the broad contours of criminal justice from late imperial China to the Deng reform era and details the underlying values successes and failures and ultimate human costs of the system Based on unprecedented research in Chinese archives and incorporating prisoner testimonies witness reports and interviews this book is essential reading for understanding modern China **Debating Political Reform in China**

Suisheng Zhao,2014-12-18 The growing disconnect between China's market oriented economy with its emerging civil society and the brittle anachronistic and authoritarian state has given rise to intense discussion and debate about political reform not only by Western observers but also among Chinese intellectuals While some expect China's political reform to lead to democratization others have proposed to strengthen the institution of single party rule and provide it with a solid legal base This book brings the ongoing debate to life and explores the options for political reform Offering the perspectives of both Western and Chinese scholars it presents the controversial argument for building a consultative rule of law regime as an alternative to liberal democracy It provides several critiques of this thesis and then tests the thesis through empirical studies on the development of the rule of law in China

Intellectual Property Theory and Practice Wenwei Guan,2014-07-03 This book explains China's intellectual property perspective in the context of European theories through a critical examination of intellectual property theory and practice focused on China's compliance with the Agreement on Trade Related Aspects of Intellectual Property Rights TRIPS The author's critical review of contemporary intellectual property philosophy suggests that justifying intellectual property protection through Locke or Hegel's property theories internalizes a theoretical paradox Professor Wenwei Guan's treatment of intellectual property law and practice in the PRC offers new perspectives that enrich an already active field of study This book will be a useful contribution to academic and policy discourses examining conceptual and operational dimensions of China's intellectual property protection system and the broader process of China's international engagement Dr Pitman B Potter Professor of Law University of British Columbia Canada Dr Guan reminds us of the daunting challenge of the public private divide in forming and reforming TRIPS regime how this regime has failed to address development needs and public concerns in developing countries like China and how TRIPS's birth defect can be overcome and its evolution can be put back on the right track Dr Yahong Li Associate Professor at Faculty of Law Hong Kong University

Defending Rights in Contemporary China Jonathan Benney,2013 The growth of rights defence movements in China reflects the increasing capacity of Chinese citizens to shape their own civic discourse in order to achieve diverse goals Rights defence campaigns have taken novel forms which are unprecedented in China including the use of the Internet by rights campaigners the development of rights entrepreneurs and the selection of representatives and leaders in rights defence campaigns Defending Rights in Contemporary China offers the first comprehensive analysis of the emergence and development of notions of rights defence or weiquan in China Further it shows that rights defence campaigns reflect the changing lives and priorities of Chinese citizens both urban and rural and the changing distribution of power in China The Chinese government first used rights defence to promote the law and protect the rights of the weak But the use of rights defence strategies by private citizens and lawyers also demonstrates changing power structures in areas as diverse as private property rights rights for the handicapped corruption claims and grievances with officials In this book Jonathan Benney argues that the idea of rights defence has gone from being a tool of the government to being a tool to attack the

party state and explores the consequences of this controversial activist movement This book offers essential insight into the development of rights in contemporary China and will be highly relevant for students scholars and specialists in legal developments in Asia as well as anyone interested in social movements in China AI Development and the 'Fuzzy Logic' of Chinese Cyber Security and Data Laws Max Parasol, 2021-12-16 Explains the rapid rise of China's innovation system and provides a roadmap for the prospects of China's AI development

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web first he put 2 metal poles into the ground second he put a metal pole through the barrel finally he attached all of the poles so the barrel would spin above the ground then we would dump our compost into the barrels and let them spin a little every day with this method a liquid is produced in the compost

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