



# Chinese Law

**Tietie Zhang**



## **Chinese Law:**

**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

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**Chinese Law: Context and Transformation** Jianfu Chen, 2015-12-04 China has changed and the continuing changes have not just been about economic development Among the many transformations there has been another quiet peaceful and largely successful but far from perfect revolution in the area of law whose deficiencies have been

more often mercilessly examined and documented than have its historical achievements and significance This legal revolution is the subject matter of the present book Like the previous edition in 2008 it examines the historical and politico economic context in which Chinese law has developed and transformed focusing on the underlying factors and justifications for the changes It attempts to sketch the main trends in legal modernisation in China offering an outline of the principal features of contemporary Chinese law and a clearer understanding of its nature from a developmental perspective It provides comprehensive coverage of topics 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 torts law on business entities securities bankruptcy intellectual property law on foreign investment and trade Chinese investment overseas dispute settlement and implementation of law Fully revised 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

Origins of Chinese Law Yongping Liu, 1998 *Origins of Chinese Law* develops and supports an original yet controversial picture of early Chinese law Casting doubt on the accepted premise that there was a unified system of law and punishment throughout the ancient Chinese empire based on the wuxing or five punishments the author suggests a more complicated and diverse picture that from their earliest origins the Chinese people were subject to different laws and punishments based on their clan or social status Using a wealth of literary evidence from the Confucian classics and historical writings and making use of recent archaeological excavations of oracle bones bronze inscriptions and bamboo strips the author elucidates the central concepts that formed the basis of early Chinese law such as Li covenant punishment and the theories and practice of law of the Qin and Han dynasties

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Outlines of Modern Chinese Law William Shih-hao Hung, 1966

*Chinese Law* Li Chen, Madeleine Zelin, 2015-01-27 The twelve case studies in Chinese Law Knowledge Practice and Transformation 1530s to 1950s edited by Li Chen and Madeleine Zelin open a new window onto the historical foundation and transformation of Chinese law and legal culture in late imperial and modern China Their interdisciplinary analyses provide valuable insights into the multiple roles of law and legal knowledge in structuring social relations property rights popular culture imperial governance and ideas of modernity they also provide insight into the roles of law and legal knowledge in giving form to an emerging revolutionary ideology and to policies that continue to affect China to the present day

Heaven Has Eyes Xiaoqun Xu, 2020 In *Heaven Has Eyes* Xiaoqun Xu provides a comprehensive yet concise history of Chinese law and justice from the imperial era to the post Mao era Xu addresses the evolution and function of law codes and judicial practices throughout China's long history and examines the transition from traditional laws and practices to modern ones in the twentieth century

**The Tradition and Modern Transition of Chinese Law** Jinfa Zhang, 2014-02-20 The book was first published in 1997 and was awarded the first prize of scientific research by the Ministry of Justice during the ninth Five Year Plan of China In 2005 it was adopted the text book

for the postgraduates of law majors In 2009 it was awarded the second prize of the best books on law in China The book discusses from different aspects the long legal tradition in China and it not only helps us to have a further understanding of Chinese legal system but also combines theories and practice and illustrate the modern legal transition which probes the history of Chinese legal system As is known to us all China is a country with a long legal history which can be traced back to more than three thousand year ago So the legal tradition of China has been passed down from generation to generation without any interruptions This feature is peculiar to Chinese legal history which is beyond all comparison with that of other countries such as ancient Egypt ancient India ancient Babylon and ancient Persia Through the study of Chinese legal history we can have a deeper understanding of the histories features origins and the transition of Chinese legal tradition The Chinese legal tradition originated from China and it is the embodiment of the wisdom and creativity of Chinese civilization The great many books researching materials legal constitutions archives files and records of different dynasties in China have provided us with rare complete and systematic materials to research The book has a complete systematic and detailed research on Chinese legal tradition and its transition and it gives people a correct recognition of the process of the perfection of laws during its development and its position as well as its value in the social progress in order to grasp its regular patterns It also has showed us the most valuable part and core of Chinese legal Tradition and it is a summary of Chinese legal tradition and its transition from different perspectives different angles and different levels From the book we can see that the ancient Chinese Legal Culture had once shocked the world and exerted great influence on the civilization of the world legal system especially the legal systems in Asian countries The book also has discussed the reestablishment of law in the late Qing Dynasty and the beginning of the Chinese law s transition to modernity In a word the book has not only combined the legal system and the legal culture together but also integrated the important historical figures and events ingeniously and it is a valuable and readable book with authenticity

*Law and Society in Traditional China* Tongzu Qu,1961 Originally written in Chinese but then expanded and translated by its author during the 1950s Qu s painstaking *Law and Society in Traditional China* is a tightly organized exposition of the laws governing the foci of traditional Chinese social structure The book portrays the legal system of traditional China and shows the law not only in its abstractions but also in dozens of actual cases and their dispositions

**Chinese Law** Jianfu Chen,1999-07-14 Law in particular its actual functioning in any given society is above all a part of the culture of that society a part of its historical political social and intellectual creation If a black letter approach towards law in the West is under increasing criticism it is particularly unhelpful if not misleading in understanding Chinese law its nature and developments Rather to understand Chinese law its nature and developments we need to examine the Chinese legal traditions the prevailing political and economic situations Party policies on economic reform and tolerance towards political liberalisation and scholarly discussions and debate This is the approach of this book Its aim is to put Chinese law in context to outline the nature and present status of its development and to analyse the meaning of the law

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Hau, 2019-07-25 Under the 1984 Sino British Joint Declaration on the future of Hong Kong the previous capitalist system and life style shall remain unchanged for 50 years This concept has been embedded in the Basic Law of Hong Kong The future of the Common Law judicial system in Hong Kong depends on the perceptions of it by Hong Kong's Chinese population judicial developments prior to July 1 1997 when Hong Kong passes from British to Chinese control and the Basic Law itself All of these critical issues are addressed in this book It applies survey and statistical analysis to the study of the attitudes toward and the values inherent to the Common Law judicial system in the unique cultural and economic milieu of Hong Kong in transition The International Relations of the Chinese Empire Hosea Ballou Morse, 1910 *Treaty, Laws, and Regulations Governing the Admission of Chinese ...* United States, 1909 Ad Hoc Arbitration in China Tietie Zhang, 2018-10-12

Arbitration is the dominant method in the world for resolving international commercial disputes As compared with institutional arbitration ad hoc arbitration has many advantages that make it a preferred way to resolve commercial disputes on many occasions The Arbitration Law of the People's Republic of China however requires that parties appoint an arbitration institution in their arbitration agreement otherwise an ad hoc arbitration agreement is invalid This rule seems to preclude ad hoc arbitration under Chinese law and threatens the validity of many arbitration agreements that are imperfectly drafted Fortunately however this does not mean Chinese courts will never enforce an ad hoc arbitration agreement or an ad hoc arbitration award This book informs parties and practitioners of potential pitfalls related to ad hoc arbitration in China and offers practical guidance It also conducts a comparative study of the history of arbitration in the Western world and in China to identify the reasons for this hostility to ad hoc arbitration and calls for changes to this requirement under Chinese

law     **The Spirit of Traditional Chinese Law** Geoffrey MacCormack, 1996 By the end of the eighth century A D imperial China had established a system of administrative and penal law the main institutions of which lasted until the collapse of the Ch ing dynasty in 1911 The Spirit of Traditional Chinese Law studies the views held throughout the centuries by the educated elite on the role of law in government the relationship between law and morality and the purpose of punishment Geoffrey MacCormack s introduction offers a brief history of legal development in China describes the principal contributions to the law of the Confucian and Legalist schools and identifies several other attributes that might be said to constitute the spirit of the law Subsequent chapters consider these attributes which include conservatism symbolism the value attached to human life the technical construction of the codes the rationality of the legal process and the purposes of punishment A study of the spirit of the law in imperial China is particularly appropriate says MacCormack for a number of laws in the penal codes on family relationships property ownership and commercial transactions were probably never meant to be enforced Rather such laws were more symbolic and expressed an ideal toward which people should strive In many cases even the laws that were enforced such as those directed at the suppression of theft or killing were also regarded as an emphatic expression of the right way to behave Throughout his study MacCormack distinguishes between official or penal and administrative law which emanated from the emperor to his officials and unofficial or customary law which developed in certain localities or among associations of merchants and traders In addition MacCormack pays particular attention to the law s emphasis on the hierarchical ordering of relationships between individuals such as ruler and minister ruler and subject parent and child and husband and wife He also seeks to explain why over nearly thirteen centuries there was little change in the main moral and legal prescriptions despite enormous social and economic changes     **The Limits of the Rule of Law in China** Karen G. Turner, James V. Feinerman, R. Kent Guy, 2000-02-01 In The Limits of the Rule of Law in China fourteen authors from different academic disciplines reflect on questions that have troubled Chinese and Western scholars of jurisprudence since classical times Using data from the early 19th century through the contemporary period they analyze how tension between formal laws and discretionary judgment is discussed and manifested in the Chinese context The contributions cover a wide range of topics from interpreting the rationale for and legacy of Qing practices of collective punishment confession at trial and bureaucratic supervision to assessing the political and cultural forces that continue to limit the authority of formal legal institutions in the People s Republic of China     **The Chinese Social and Political Science Review** , 1928 Has annual indexes     *Chinese Law* Deborah Cao, 2017-03-02 Studying Chinese law from a linguistic and communicative perspective this book examines meaning and language in Chinese law It investigates key notions and concepts of law the rule of law and rights and their evolutionary meanings It examines the linguistic usage and textual features in Chinese legal texts and legal translation and probes the lawmaking process and the Constitution as speech act and communicative action Taking a cross cultural approach the book applies major Western philosophical thought to Chinese law in particular the ideas concerning

language and communication by such major thinkers as Peirce Whorf Gadamer Habermas Austin and Searle The focus of the study is contemporary People s Republic of China however the study also traces and links the inherited and introduced cultural and linguistic values and configurations that provide the context in which modern Chinese law operates      **Chinese Legal Reform and the Global Legal Order** Yun Zhao, Michael Ng, 2017-11-09 This volume critically evaluates the latest legal reform of China covering major areas such as trade and securities law online privacy law criminal law human rights and international law It represents a bold departure from the most recent works on Chinese legal reform by engaging the ideas of experts in contemporary Chinese law with the archival scholarship of Chinese legal historians This unique interdisciplinary feature affords readers a more nuanced view of the complexities and specificities of how China has problematised legal reforms in various historical contexts when building a progressive yet sustainable legal system This volume appraises the most current reform in Chinese law by considering China s engagement with globalisation increasingly complicated domestic situation and historical legal transplantation experiences It will be of huge interest to students researchers and practitioners interested in Chinese law and policy China and Asian studies and Chinese legal history      **Foreign Rights and Interests in China** Westel Woodbury Willoughby, 1920



## Decoding **Chinese Law**: Revealing the Captivating Potential of Verbal Expression

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