

JIANFU CHEN

*Chinese Law:
Context and Transformation*

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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

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 **Political Order**

and Political Decay Francis Fukuyama, 2014-09-30 In *The Origins of Political Order* Francis Fukuyama took us from the dawn of mankind to the French and American Revolutions Here he picks up the thread again in the second instalment of his definitive account of mankind's emergence as a political animal This is the story of how state law and democracy developed after these cataclysmic events how the modern landscape with its uneasy tension between dictatorships and liberal democracies evolved and finally how in the United States and in other developed democracies unmistakable signs of decay have emerged **Law and Society in East Asia** Christoph Antons, 2017-07-05 The massive and complex process of change

in East Asia over recent decades has brought about a transformation in the nature of law and legal institutions in the region Whilst the process of change has to some degree mimicked western models of law and legal change there have been significant differences in approach due to the different social foundations of East Asian societies The more obvious of these

has been the variety of ways in which rule of law ideas have been adopted in many East Asian countries where the role of the state is more dominant when compared with Western models This volume brings together a selection of the most important writings on East Asia of researchers in recent years and shows the broad range of questions which researchers have been addressing about the effect of law reform and legal change in societies dominated by traditional values and political forces and at a time of massive economic change *The Citizen and the Chinese State* Perry Keller,2017-03-02 This volume addresses several core questions regarding the nature of law in China and its future development In particular these articles shed light on whether the rule of law ideal is commensurable with government based on the Chinese Communist Party Beginning virtually from scratch China has established a comprehensive legal system that boasts a constitution primary and secondary legislation and plentiful regulations covering most areas of public and private life Yet as these articles discuss its courts are enmeshed in Party and state hierarchies and are not empowered to directly apply constitutional principles or rights ensuring that the law is subordinate to national public policy goals Legal and extra legal methods for punishing wrongdoing and resolving disputes also raise questions of due process of law Ultimately the question is therefore whether China's legal system if eschewing formalised human rights is developing a capacity to protect fundamental human dignity

Dispute Resolution in the People's Republic of China Zhiqiong June Wang,Jianfu Chen,2019-12-02 Dispute resolution reforms in China in the last decade or so have all centred around the strategy of establishing an integrated dispute resolution system as part of China's modern governance system This new integrated system referred to as the Mechanism for Pluralist Dispute Resolution PDR in China serves as a dispute resolution system as well as a comprehensive social control mechanism This book is the first academic attempt to explain the methods of civil and commercial dispute resolution in China from the perspective of PDR It systematically and critically examines the development of China's dispute resolution system with each chapter analysing in detail the development and transformation of the different institutions mechanisms and processes in their historical politico economic and comparative context **Law and the Market Economy in China** Perry Keller,2017-07-05 This volume concerns several aspects of China's changing market based economy These include commercial contract enforcement corporate structures competition law and other issues related to China's membership in the WTO In the past two decades the rapid integration of China's economy into the global marketplace has created obligations and expectations of non discrimination and regulatory transparency in domestic markets The Chinese government has responded by demanding better governance within major companies market sectors and public administration generally However as the articles in this volume show it has struggled to find a corporate structure capable of absorbing external equity investment and participation but still amenable to direct and indirect state guidance It has also moved cautiously in creating legal controls over unfair competition Moreover the protection of state owned enterprises which serve as vehicles for domestic economic social and political policy has been a recurring issue in China's WTO trade disputes

Cultures of Transparency Stefan Berger, Susanne Fengler, Dimitrij Owetschkin, Julia Sittmann, 2021-04-18 This volume addresses the major questions surrounding a concept that has become ubiquitous in the media and in civil society as well as in political and economic discourses in recent years and which is demanded with increasing frequency transparency How can society deal with increasing and often diverging demands and expectations of transparency What role can different political and civil society actors play in processes of producing or preventing transparency Where are the limits of transparency and how are these boundaries negotiated What is the relationship of transparency to processes of social change as well as systems of social surveillance and control Engaging with transparency as an interrelated product of law politics economics and culture this interdisciplinary volume explores the ambiguities and contradictions as well as the social and political dilemmas that the age of transparency has unleashed As such it will appeal to researchers across the social sciences and humanities with interests in politics history sociology civil society citizenship public policy criminology and law

Food Safety Law in China Francis Snyder, 2015-12-22 This book is the first major study of the making of transnational food safety law in China Francis Snyder shows how the 2008 melamine infant formula crisis led to China's first food safety law and new food safety standards substantial reforms in government policy and closer relations with international organisations He also identifies current and future challenges and makes recommendations for dealing with them Chinese food safety law today is influenced strongly by cross border factors While transnational regimes help to shape domestic decisions many institutions deeply embedded in Chinese society have played key roles in this transformation Francis Snyder emphasises that in finding its own path toward ensuring food safety China can both learn from and teach other countries In May 2017 this title has been awarded a Gourmand World Cookbook Award in Yantai Shandong Province China Best in the World in two categories Best Wine Law Book and Food Safety Institutions

Making Law Work Mattias Burell, Marina Svensson, 2011-04-30 By studying law implementation in different areas and at different levels contributors from various disciplines give a nuanced picture of law implementation in China showing that it is rare to find examples of complete success or failure Instead making law work in actual practice and in any society is a matter of degree The study is multidisciplinary in character and builds on insights from both sociology of law and political science

Legal Reforms in China and Vietnam John Gillespie, Albert Chen, 2010-09-13 This book provides a comprehensive comparative assessment of legal developments in China and Vietnam examining similarities and differences and highlighting the factors likely to promote change or resist the spread of the Chinese model

Civil Society in China Karla W. Simon, 2013-03-22 This is the definitive book on the legal and fiscal framework for civil society organizations CSOs in China from earliest times to the present day Civil Society in China traces the ways in which laws and regulations have shaped civil society over the 5 000 years of China's history and looks at ways in which social and economic history have affected the legal changes that have occurred over the millennia This book provides an historical and current analysis of the legal framework for civil society and citizen participation in China focusing not

merely on legal analysis but also on the ways in which the legal framework influenced and was influenced in turn by social and economic developments The principal emphasis is on ways in which the Chinese people as opposed to high ranking officials or cadres have been able to play a part in the social and economic development of China through the associations in which they participate Civil Society in China sums up this rather complex journey through Chinese legal social and political history by assessing the ways in which social economic and legal system reforms in today s China are bound to have an impact on civil society The changes that have occurred in China s civil society since the late 1980 s and most especially since the late 1990 s are nothing short of remarkable This volume is an essential guide for lawyers and scholars seeking an in depth understanding of social life in China written by one of its leading experts

The Cambridge Handbook of China and International Law Ignacio de la Rasilla, Congyan Cai, 2024-01-18 This handbook provides a comprehensive road map to China s engagement with international law and an upgraded bridge between Chinese and Western approaches in times of turmoil Written by a leading group of Chinese and Western specialists it examines how China is assimilating into and putting its stamp on the global legal order It offers updated analyses of China s relationship with international institutions human rights law international trade law the law of the sea the laws of peace and war international criminal law global health law international investment law international environmental law climate change international terrorism law outer space law intellectual property law cyber space warfare international financial law international dispute settlement territorial disputes the Belt and Road Initiative the Community of Shared Future for Mankind China s constitutional law the judicial application of international law state immunity the international rule of law China s treaty practices and the extraterritorial application of Chinese laws

China Rule of Law and the West Michael Hooper, 2024-08-30 This book reveals how the Chinese Party State uses ideo political education to inculcate young citizens with official narratives on law It provides an account of China s version of rule of law under the Yifa Zhiguo paradigm arguing that authorities see law as a tool to apply when convenient and ignore when it impedes Party State goals Moving beyond the question of whether China s system can count as a rule of law order this book identifies three consistent features of Chinese law reform since the Opening and Reform era began the supremacy of the Communist Party of China over the law instrumentalism and reform repression dualism This book uniquely combines the what with the how of China s rule of law efforts China law researchers will benefit from understanding how China s young adults learn about official law narratives A more general audience interested in China s legal and political system will gain valuable insights from the analysis of China s rule of law The growing tensions between China and the West mean that now more than ever scholars and policymakers need to properly understand China Understanding what Chinese officials mean when they talk about the rule of law in China helps avoid policy errors made from mistakenly assuming that Western definitions are universal The contents of this book can also inform government and university efforts to properly accommodate Chinese students in the West while mitigating harmful manifestations of the nationalist ideology in part

implanted by ideological political education Venture Capital Law in China Lin Lin, 2021-02-18 China's venture capital market is not just the world's largest and fastest developing market; it also has the unique distinction of being engineered through heavy governmental intervention. This book breaks new ground by examining and testing established legal theories regarding the law of venture capital through the lens of the Chinese venture capital market. Using a hand-collected dataset of venture capital agreements, interviews with practitioners, and Chinese court judgements, it provides a comprehensive and insightful analysis of the Chinese venture capital market from the legal perspective. Topics covered include the roles of law and governmental intervention in developing the market, the state of investor protection, unique contractual developments, and exits of venture capital investments. By providing an in-depth comparative analysis against the American venture capital market, it provides critical context and makes the Chinese venture market accessible. It is an invaluable resource for venture capital scholars, policymakers, and practitioners.

When True Love Came to China Lynn Pan, 2015-11-01 The Guardian's Best Books of 2015. Most people suppose that the whole world knows what it is to love; that romantic love is universal, quintessentially human. Such a supposition has to be able to meet three challenges. It has to justify its underlying assumption that all cultures mean the same thing by the word love, regardless of language. It has to engage with the scholarly debate on whether or not romantic love was invented in Europe and is uniquely Western. And it must be able to explain why early twentieth-century Chinese writers claimed that they had never known true love or love by modern Western standards. By addressing these three challenges through a literary, historical, philosophical, biographical, and above all, comparative approach, this highly original work shows how love's profile in China shifted with the rejection of arranged marriages and concubinage in favour of free individual choice, monogamy, and a Western model of romantic love. This book, Lynn Pan's best to date, adds a wonderful new angle by encouraging us, via comparison, to better appreciate how unusual—even in some ways exotic—a part of the Western past we take for granted as though it were natural actually is. While the reader will learn a great deal about Chinese literary and cultural traditions from this book, if read with an open mind, the Western reader may end up rethinking things about his or her tradition just as deeply. Jeffrey N. Wasserstrom, Chancellor's Professor of History, University of California at Irvine. Nobody writes about China quite as brilliantly as Lynn Pan, who in this new illuminating work on love showcases her trademark erudition entwined with a novelist's sensibility. Pan's rare skill makes the book a treat from start to finish: a sumptuous, deft, and moving analysis of China's relationship with love. Mishi Saran, author of *Chasing the Monk's Shadow: A Journey in the Footsteps of Xuanzang and The Other Side of Light*.

A Global Political Morality Michael J. Perry, 2017-04-03 An elaboration and defence of the first truly global political morality in human history: the morality of human rights.

Reinventing Licentiousness Y. Yvon Wang, 2021-03-15 *Reinventing Licentiousness* navigates an overlooked history of representation during the transition from the Qing Empire to the Chinese Republic, a time when older hierarchical notions of licentiousness were overlaid by a new pornographic regime. Y. Yvon Wang draws on previously untapped archives

ranging from police archives and surveys to ephemeral texts and pictures to argue that pornography in China represents a unique configuration of power and desire that both reflects and shapes historical processes On the one hand since the late imperial period pornography has democratized pleasure in China and opened up new possibilities of imagining desire On the other ongoing controversies over its definition and control show how the regulatory ideas of premodern cultural politics and the popular products of early modern cultural markets have contoured the globalized world Reinventing Licentiousness emphasizes the material factors particularly at the grassroots level of consumption and trade that governed proper sexual desire and led to ideological shifts around the definition of pornography By linking the past to the present and beyond Wang's social and intellectual history showcases circulated pornographic material as a motor for cultural change The result is an astonishing foray into what historicizing pornography can mean for our understandings of desire legitimacy capitalism and culture

Regional Cooperation and Free Trade Agreements in Asia Jiaxiang Hu, Matthias Vanhullebusch, 2014-09-11

The rise of Asia and the dynamics of Asian economic development have impacted global trade relationships and regional cooperation tremendously While the WTO integrating national economies into global trade regulations has further liberalized trade relationships between developed and developing nations and amongst the emerging economies in particular in Asia proliferation of free trade agreements in Asia has raised growing concerns regarding the fragmentation of the world economic order World renowned experts have here answered a variety of trade related issues ranging from China's free trade agreements in its neighbourhood the Tripartite Relationship between China Japan and Korea the Trans Pacific Economic Partnership the South Asian Association for Regional Cooperation as well human rights and environmental implications of free trade agreements Contributors are Jean Marc F Blanchard Jianfu Chen Won Mog Choi Ming Du Henry Gao Liyu Han Jiaxiang Hu Robert Irish Tomoko Ishikawa Md Rizwanul Islam Kwangkug Kim Qingjiang Kong Yong Shik Lee Wei Liang Kuei Jung Ni Delei Peng Yasuhei Taniguchi Kim Van der Borght Matthias Vanhullebusch and Richard N Watanabe Shengxing Yu

Competition Laws, Globalization and Legal Pluralism Qianlan Wu, 2013-11-12 Building upon a theoretical framework and empirical research this book provides a thought provoking analysis of the interests strategies and challenges that China has faced in developing its Anti Monopoly Law AML in the context of economic globalization The book comprises three main parts Part I reviews the directions of convergence of global competition law Part II provides a contextual analysis of China's market governance and its strategic interests and Part III examines the latest enforcement of the Anti Monopoly Law by focusing on the interactions between global actors and China the relationships between Chinese competition and sectoral regulators and the enforcement of global competition law norms in the Chinese context This book is one of the first to provide a critical understanding of China's experience as a new competition regulator set against the background of the plural sources of global competition laws

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