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Origins Of Chinese Law

Jianfu Chen



Origins Of Chinese Law:

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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The Tradition and Modern Transition of Chinese Law Jinfan 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 **Chinese History** Endymion Porter Wilkinson, 2000 Endymion Wilkinson's bestselling manual of Chinese history has long been an indispensable guide to all those interested in the civilization and history of China. In this latest edition now in a bigger format its scope has been dramatically enlarged by the addition of one million words of new text. Twelve years in the making the new manual introduces students to different types of transmitted excavated and artifactual sources from prehistory to the twentieth century. It also examines the context in which the sources were produced preserved and received the problems of research and interpretation associated with them and the best most up to date secondary works. Because the writing of history has always played a central role in Chinese politics and culture special attention is devoted to the strengths and weaknesses of Chinese historiography **History of Chinese Legal System** Zhi Dao, The book provides highlights on the key concepts and trends of evolution in the History of Chinese Legal System as one of the series of books of China Classified Histories

Heaven Has Eyes Xiaoqun Xu, 2020 A history of Chinese law and justice from the imperial era to the post Mao era the book addresses the evolution and function of law codes and judicial practices in China's long history and examines the transition from traditional laws and practices to their modern counterparts in the twentieth century and beyond. From the ancient times to the twenty first century there has been an enduring expectation or hope among the Chinese people that justice should and will be done in society which is expressed in a popular Chinese saying Heaven has eyes. To the Chinese mind in the imperial era justice was and was to be achieved as an alignment of Heavenly reason state law and human relations. Such a conception did not change until the turn of the twentieth century when Western derived notions natural rights legal equality the rule of law judicial independence and due process came to replace the Confucian moral code of right and wrong which was a fundamental shift in philosophical and moral principles that informed law and justice. The legal judicial reform agendas since the beginning of the twentieth century still ongoing today stemmed from this change in the Chinese moral and legal thinking but to materialize the said principles in everyday practices is a very different order of things that is much more difficult to accomplish hence all the legal dramas including tragedies in the past one century or so. The book will lay out how and why that is the case **The History of Chinese Legal Civilization** Jinfa Zhang, 2020-07-25

This book based on the theory of Marxism Leninism aims to study the essence content and features of various legal systems in China in different historical periods as well as the rules of the development of Chinese legal systems. It effectively combines classic analysis and historical analysis to probe historical facts and elaborate the historical role of the legal system revealing both the general and the specific rules of the development of China's legal system on the basis of the existing relevant research. The subject matter is of abundant theoretical and practical significance as it enriches Marxist legal studies deepens readers understanding of China's legal civilization and offers guiding principles for the creation of socialist legal systems with Chinese characteristics. It discusses the trends in thinking on the reconstruction of the legal system changing

laws western legal culture the legal system in the period of westernization constitution and reform preparation for constitutionalism modification of the law during the late Qing Dynasty criminal civil and commercial legislation and judicial reforms in the modern era as well as the various ups and downs and cases of malconduct after the founding of the People's Republic of China Peking University Xiaoqing Diana Lin,2005-01-01 Discusses the first decades of Peking University and its role in shaping Chinese intellectual culture *The History of Government and Public Law in China* Xin Nie,2025-05-05 This book traces the evolution of Chinese public institutions from the Shang and Zhou dynasties to modern China including a diverse range of topics such as the bureaucratic system the fiscal and economic system talent selection appointment and assessment imperial examination governance and censorship and justice in ancient China It further covers the new policies constitution welfare state national assembly and other important issues in modern Chinese history In terms of methodology this work aims to integrate research approaches from law history and politics It combines insights from constitutional and administrative law legal history comparative jurisprudence and the study of government organizations to provide a comprehensive analysis of Chinese public institutions over time *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 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 *The History of Chinese Legal Civilization* Jinfan Zhang,2020 This book based on the theory of Marxism Leninism aims to study the essence content and features of various legal systems in China in different historical periods as well as the rules of the development of Chinese legal system It effectively combines classic and historical analysis to probe the historical facts and elaborate the historical role of the legal system revealing both the general and the specific rules of the development of the Chinese legal system on the basis of the existing relevant researches The subject matter is of abundant theoretical and practical significance as it enriches Marxist legal studies deepens the readers understanding of Chinese legal civilization and offers guiding principles for the creation of socialist legal systems with Chinese characteristics The chapters are structured chronologically ranging from the Xia and Shang Dynasties the Western Zhou Dynasty the Spring and Autumn Period the Han Dynasty the South and North Dynasties the Sui and Tang Dynasties the Song Dynasty to the Ming and Qing Dynasties when Chinese legal system took on its final form The chapters are compiled according to legislation administrative law criminal law and judicial system Besides the Chinese legal civilization after the Revolution of 1911 led by Sun Yat sen is also addressed

The History of the Contractual Thoughts in Ancient China Yunsheng Liu,2020-07-01 This book explores the intellectual history of contract law in ancient China by employing archaeological and empirical methodologies Divided into five chapters it begins by reviewing the origin of the contract in ancient China and analyzing its name primary form historical premise and functions The second chapter discusses free will and lawfulness in the establishment of a contract offering insights into the impact of contracts on social justice In turn the third chapter addresses the inner core of the contract validity and liability This allows readers at all levels to identify the similarities and differences between contracts from different eras and different parts of the world which will also benefit those pursuing comparative research in related fields Chapters four and five offer a philosophical exploration of contract history in ancient China and analyze key aspects including human nature and ethical justice *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 **Foreigners in Chinese Law** Tahirih V. Lee,1997 This collection of essays and reviews represents the most significant and comprehensive writing on Shakespeare s *A Comedy of Errors* Miola s edited

work also features a comprehensive critical history coupled with a full bibliography and photographs of major productions of the play from around the world In the collection there are five previously unpublished essays The topics covered in these new essays are women in the play the play's debt to contemporary theater its critical and performance histories in Germany and Japan the metrical variety of the play and the distinctly modern perspective on the play as containing dark and disturbing elements To compliment these new essays the collection features significant scholarship and commentary on *The Comedy of Errors* that is published in obscure and difficult accessible journals newspapers and other sources This collection brings together these essays for the first time

Chinese Language in Law Deborah Cao, 2017-11-01 The book explores some of the intricacies dilemmas and idiosyncrasies of the Chinese language used in the legal context analyzing linguistic matters in both monolingual Chinese context and cross linguistically when Chinese and English are compared It investigates the linguistic and cultural landscape through an examination of a number of keywords and linguistic usage associated with Chinese law It is suggested that to understand Chinese society and law we need to understand the rich and idiosyncratic Chinese language and cultural traditions and the legal and political context and subtext and also to be cognizant of the tension and interaction between legal norms and cultural and linguistic values in their legal realization in the changing Chinese society The book is a collection of the author's interpretation of Chinese law from a linguistic and cultural perspective both as a user and interpreter of this ancient and changing language

Essays on China's Legal Tradition Jerome Alan Cohen, Fu-mei Chang Chen, R. Randle Edwards, 2017-03-14 In this volume of essays a group of scholars from Europe Japan the Republic of China and the United States examines China's legal tradition to determine its importance for the study of both pre modern China and of contemporary affairs Originally published in 1981 The Princeton Legacy Library uses the latest print on demand technology to again make available previously out of print books from the distinguished backlist of Princeton University Press These editions preserve the original texts of these important books while presenting them in durable paperback and hardcover editions The goal of the Princeton Legacy Library is to vastly increase access to the rich scholarly heritage found in the thousands of books published by Princeton University Press since its founding in 1905

A Study of Legal Tradition of China from a Culture Perspective Zhiping Liang, 2023-03-10 Professor Zhiping Liang offers a new understanding of Chinese legal tradition in this profoundly influential book Unlike the available literature using the usual method of legal history research this book attempts to illustrate ancient Chinese legal tradition through cultural interpretation The author holds that both the concept and practice of law are meaningful cultural symbols The law reveals not only the life pattern in a specific time and space but also the world of the mind of a specific group of people Therefore just as cultures have different types laws embedded in different societies and cultures also have different characters and spirits Believing that human experience is often condensed into concepts categories and classifications the author begins his discussion with the analysis of relevant terms and then seeks to understand history by interpreting the interaction and interconnectedness of the words ideas and

practices Based on the same understanding the author uses modern concepts reflectively and critically consciously exploiting the differences between ancient and contemporary Chinese and Western concepts to achieve a more realistic understanding of history while avoiding the ethnocentrism and modern centrism common in historical studies

Legal Origins and the Efficiency Dilemma Nuno Garoupa, Carlos Gómez Ligüerre, Lela Mélon, 2016-12-08 Economists advise that the law should seek efficiency More recently it has been suggested that common law systems are more conducive of economic growth than code based civil law systems This book argues that there is no theory to support such statements and provides evidence that rejects a one size fits all approach Both common law and civil law systems are reviewed to debunk the relationship between the efficiency of the common law hypothesis and the alleged inferiority of codified law systems Legal Origins and the Efficiency Dilemma has six aims explaining the efficiency hypothesis of the common law since Posner's 1973 book summarizing the legal origins theory in the context of economic growth debunking their relationship discussing the meaning of common law and the problems with the efficiency hypothesis by comparing laws across English speaking jurisdictions illustrating the shortcomings of the legal origins theory with a comparative law and economics analysis and concluding there is no theory and evidence to support the economic superiority of common law systems Based on previous pieces by the authors this book expands their work by including new areas of analysis such as trusts detailing previous analysis such as French law versus common law in the areas of contract property and torts and updating for recent developments in the academic discourse This volume is of interest to academics and students who study microeconomics comparative law and foundations of law as well as legal policy analysts

The Cambridge History of China: Volume 6, Alien Regimes and Border States, 907-1368 Denis C. Twitchett, Herbert Franke, John King Fairbank, 1978 This volume covers the Khitan dynasty of Liao the Tangut state of Hsi Hsia the Jurchen empire of Chin and the Mongolian Yuan dynasty

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 Ching 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

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