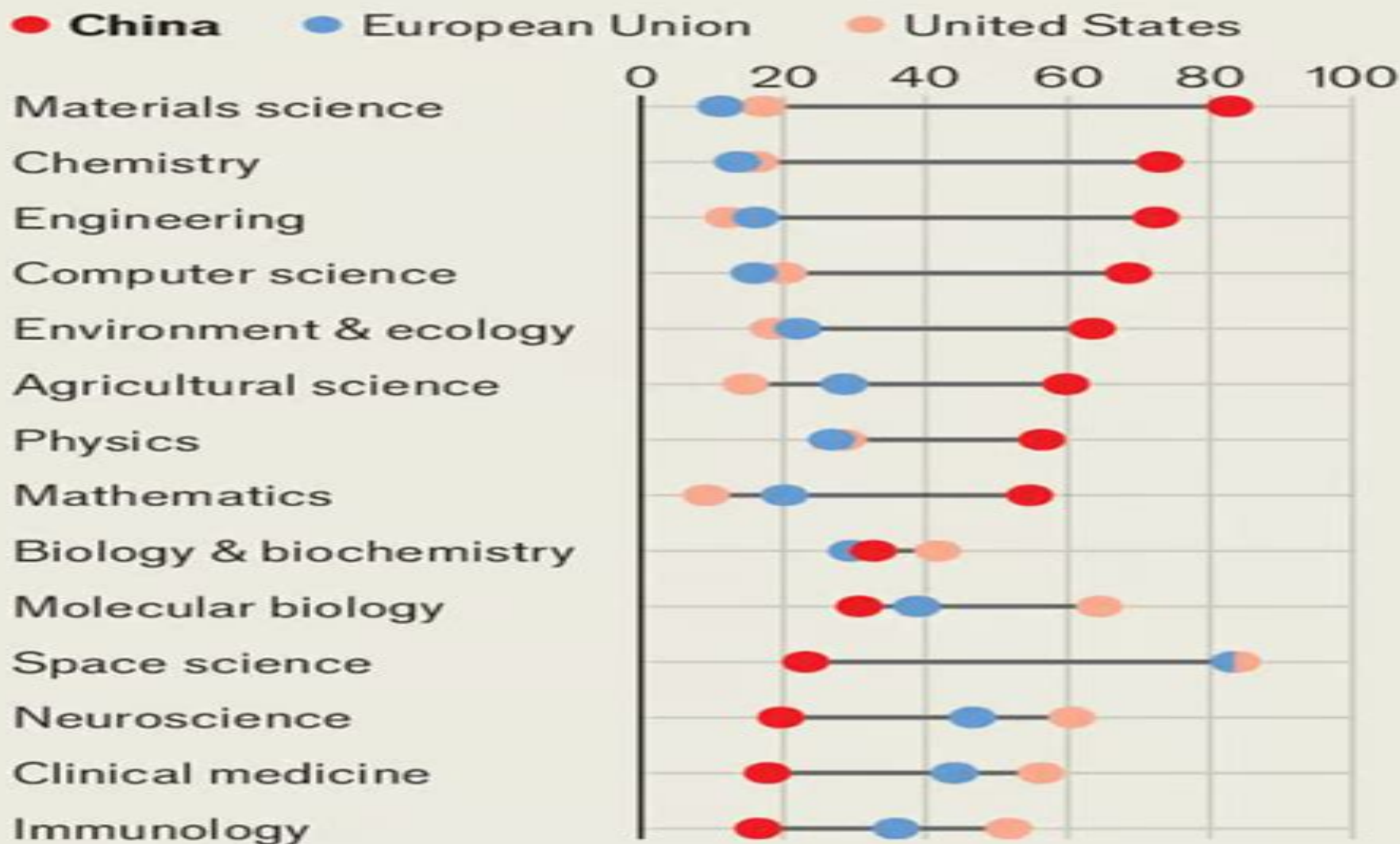


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2

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# Order And Discipline In China

**Joseph Y.S. CHENG**



## **Order And Discipline In China:**

*Order and Discipline in China* Thomas B. Stephens, 2016-06-01 China's traditional system of dispute resolution and maintenance of order in society has been treated by Western scholars as legal history but because the Chinese system is radically different from European systems in its conceptual structure and therefore does not fit into the familiar categories and models of Western law and jurisprudence such treatment has been inadequate and often misleading In *Order and Discipline in China* Thomas B Stephens provides a new approach methodology and theoretical framework for the interpretation of traditional Chinese law Stephens argues convincingly that Chinese society has always operated according to the disciplinary system of order in which hierarchy is established by actual power and he provides a thorough methodology and framework for understanding disciplinary theory He discusses the system showing it not the random or even unjust tyranny it may sometimes appear to the Western legally oriented mind but an effective system that successfully guided China for centuries The study is not merely historical but provides insights into Chinese ways of thinking about social relationships dispute resolution and the enforcement of civil obligations that are vital to intercultural understanding today His study is based on the activities of the Mixed Court of the International Settlement at Shanghai which dealt with legal problems concerning Chinese people within the representative or assessor The Mixed Court conventionally has been looked upon as a disciplinary tribunal enforcing a system of dispute resolution and the maintenance of social order upon the principles of disciplinary theory The Mixed Court is a convenient point from which to measure the legal and disciplinary systems against each other and to study them in conflict Although Western powers tried to interpret the court in legal terms it responds much more convincingly to analysis according to the disciplinary system it provided its right to rule by the ability to enforce its decisions and it decided cases not as claimed by Chinese laws which actually did not exist but according to those principles established by the Western consuls *Order and Discipline in China* will be of interest not only to legal scholars and students of Chinese history and society but also to students of social order and international relations throughout the world It also offers practical assistance to Westerners dealing with Chinese business relations social and political affairs or dispute settlement

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tyranny it may sometimes appear to the Western legally oriented mind but an effective system that successfully guided China for centuries The study is not merely historical but provides insights into Chinese ways of thinking about social relationships dispute resolution and the enforcement of civil obligations that are vital to intercultural understanding today His study is based on the activities of the Mixed Court of the International Settlement at Shanghai which dealt with legal problems concerning Chinese people within the representative or assessor The Mixed Court conventionally has been looked upon as a disciplinary tribunal enforcing a system of dispute resolution and the maintenance of social order upon the principles of disciplinary theory The Mixed Court is a convenient point from which to measure the legal and disciplinary systems against each other and to study them in conflict Although Western powers tried to interpret the court in legal terms it responds much more convincingly to analysis according to the disciplinary system it provided its right to rule by the ability to enforce its decisions and it decided cases not as claimed by Chinese laws which actually did not exist but according to those principles established by the Western consuls Order and Discipline in China will be of interest not only to legal scholars and students of Chinese history and society but also to students of social order and international relations throughout the world It also offers practical assistance to Westerners dealing with Chinese business relations social and political affairs or dispute settlement

**China's Death Penalty** Hong Lu, Terance D. Miethe, 2010-06-10 By all accounts China is the world leader in the number of legal executions Its long historical use of capital punishment and its major political and economic changes over time are social facts that make China an ideal context for a case study of the death penalty in law and practice This book examines the death penalty within the changing socio political context of China The authors treatment of China death penalty is legal historical and comparative In particular they examine the substantive and procedures laws surrounding capital punishment in different historical periods the purposes and functions of capital punishment in China in various dynasties changes in the method of imposition and relative prevalence of capital punishment over time the socio demographic profile of the executed and their crimes over the last two decades and comparative practices in other countries Their analyses of the death penalty in contemporary China focus on both its theory how it should be done in law and actual practice based on available secondary reports sources

**Britain in China** Robert Bickers, 2017-03-01 This is a study of Britain's presence in China both at its peak and during its inter war dissolution in the face of assertive Chinese nationalism and declining British diplomatic support Using archival materials from China and records in Britain and the United States the author paints a portrait of the traders missionaries businessmen diplomats and settlers who constituted Britain in China challenging our understanding of British imperialism there Bickers argues that the British presence in China was dominated by urban settlers whose primary allegiance lay not with any grand imperial design but with their own communities and precarious livelihoods This brought them into conflict not only with the Chinese population but with the British imperial government The book also analyzes the formation and maintenance of settler identities and then investigates how the British state and its allies brought an end to

the reign of freelance settler imperialism on the China coast At the same time other British sectors missionary and business renegotiated their own relationship with their Chinese markets and the Chinese state and distanced themselves from the settler British

***Timber and Forestry in Qing China*** Meng Zhang, 2021-06-30 Winner of the 2022 Charles A Weyerhaeuser Book Award for best book on forest and conservation history sponsored by the Forest History Society Honorable Mention for the 2022 ISCLH First Biennial Book Prize sponsored by the International Society for Chinese Law and History Traces the sourcing of logs that fueled early modern urbanization In the Qing period 1644 1912 China's population tripled and the flurry of new development generated unprecedented demand for timber Standard environmental histories have often depicted this as an era of reckless deforestation akin to the resource misuse that devastated European forests at the same time This comprehensive new study shows that the reality was more complex as old growth forests were cut down new economic arrangements emerged to develop renewable timber resources Historian Meng Zhang traces the trade routes that connected population centers of the Lower Yangzi Delta to timber supplies on China's southwestern frontier She documents innovative property rights systems and economic incentives that convinced landowners to invest years in growing trees Delving into rare archives to reconstruct business histories she considers both the formal legal mechanisms and the informal interactions that helped balance economic profit with environmental management Of driving concern were questions of sustainability How to maintain a reliable source of timber across decades and centuries And how to sustain a business network across a thousand miles This carefully constructed study makes a major contribution to Chinese economic and environmental history and to world historical discourses on resource management early modern commercialization and sustainable development

***Bargaining with the State from Afar*** Eileen P. Scully, 2001 Foreign Affairs

***Shaping Modern Shanghai*** Isabella Jackson, 2017-09-28 *Shaping Modern Shanghai* provides a new understanding of colonialism in China through a fresh examination of Shanghai's International Settlement This was the site of key developments of the Republican period economic growth rising Chinese nationalism and Sino Japanese conflict Managed by the Shanghai Municipal Council 1854 1943 the International Settlement was beyond the control of the Chinese and foreign imperial governments Jackson defines Shanghai's unique hybrid form of colonial urban governance as transnational colonialism The Council was both colonial in its structures and subject to colonial influence especially from the British empire yet autonomous in its activities and transnational in its personnel This is the first in depth study of how this unique body functioned on the local national and international stages revealing the Council's impact on the daily lives of the city's residents and its contribution to the conflicts of the period with implications for the fields of modern Chinese and colonial history

***Training Teachers of Chinese in Australia*** Chen Shen, 2021-10-28 Chinese language the first language spoken and used by the largest population in the world has witnessed a significant global increase Chinese as a Second Language CSL has thus received unprecedented attention and teaching and learning of CSL have transcended the national boundary This book reports a case study of training teachers of CSL in

Australia with a significant implication to the western English speaking countries such as Canada New Zealand the UK and the USA The book is unique in several ways On a theoretical level the book analyses knowledge based and competence based teacher education provides an in depth examination of post method pedagogy and deconstructs traditional aspects of second language teacher education making a case for the new concept of three dimensions On a practical level the Australian based case study employs qualitative methods to gather the feedback from teacher educators teacher trainees and students who are undergoing CSL training and further reports on studies on CSL teaching practicum in local schools and abroad Training Teachers of Chinese in Australia is a book for established scholars researchers educators and research higher degree students who are interested in teacher education second and foreign language education and Chinese as a second language CSL

China in the 1990s Robert Benewick, Paul Wingrove, 1999 Now updated with a chapter length afterword by the editors on the end of the Deng era and its aftermath China in the 1990s provides a comprehensive survey of a nation in transition An understanding of this complex process requires a multidisciplinary and multidimensional approach which the editors have achieved by bringing together experts from Britain the United States Europe Australia and Hong Kong who examine China's economic political military cultural and social achievements and problems The difficulties China still faces are enormous some of them of its own making pollution urban sprawl the insecurity of food supplies the risks of political authoritarianism and the perils of liberalisation Its population is still growing dramatically and is likely to be 1.5 billion by 2015 three times what it was when the P.R.C. was established in 1949 But since embarking on a reform programme which at the time seemed experimental and hard to reconcile with official ideology it has gone from being the sick man of Asia to being one of the world's largest and fastest developing economies in what now looks to be a remarkably effective and well managed transition

People (Jen), State and Inter-state Relations Huipeng Shang, 2023-10-17 This book explores the relationship between the human constant Jen of the four large scale civilizational societies China the USA Japan and India and their international behavior response patterns and interaction with the international system The book analyzes the characteristics and limitations of the current international system as well as the way it is related to the Western type of human constant It also analyzes the challenges facing China in its integration into the international system This book aims to explore international relations from the combined psychological and cultural perspective The key concept of this book is Jen which contains a distinct Chinese cultural experience into the theory of international relations Unlike other IR books to treat state as the main political actor the book analyzes both the political aspects of state as an organizational entity and its civilizational aspects as a civilizational entity hence it proposes a new ontology of international relations By integrating the concept of Jen based on the unique Chinese cultural experience into the theory of international relations the book reveals the interactive nature of relationship between the international system and human constant The book explains the causal relationship between state's behavior and its human constant analyzes the cultural characteristics of state actors and the

international system and tries to provide a new theoretical framework for understanding culture and modernity

**The Criminal Process in the People's Republic of China, 1949-1963** Jerome Alan Cohen, 1968 This volume represents the fruits of a preliminary inquiry into one aspect of contemporary Chinese law the criminal process Investigating what he calls China's legal experiment Mr Cohen raises large questions about Chinese law Is the Peoples Republic a lawless power arbitrarily disrupting the lives of its people Has it sought to attain Marx's vision of the ultimate withering away of the state and the law Has Mao Zedong preferred Soviet practice to Marxist preaching If so has he followed Stalin or Stalin's heirs To what extent has it been possible to transplant a foreign legal system into the world's oldest legal tradition Has the system changed since 1949 What has been the direction of that change and what are the prospects for the future Today immense difficulties impede the study of any aspect of China's legal system Most foreign scholars are forbidden to enter the country and those who do visit China find solid data hard to come by Much of the body of law is unpublished and available only to officialdom and what is publicly available offers an incomplete idealized or outdated version of Chinese legal processes Moreover popular publications and legal journals that told much about the regime's first decade have become increasingly scarce and uninformative In order to obtain information for this study Mr Cohen spent 1963-64 in Hong Kong interviewing refugees from the mainland and searching out and translating material on Chinese criminal law From the interviews and published works he has endeavored to piece together relevant data in order to see the system as a whole The first of the three parts of the book is an introductory essay providing an overview of the evolution and operation of the criminal process from 1949 through 1963 The second part constituting the bulk of the book systematically presents primary source material including excerpts from legal documents policy statements and articles in Chinese periodicals In order to show the law in action as well as the law on the books the author has included selections from written and oral accounts by persons who have lived in or visited the People's Republic Interspersed among these diverse materials are Mr Cohen's own comments questions and notes Part III contains an English-Chinese glossary of the major institutional and legal terms translated in Part II a bibliography of sources and a list of English language books and articles that are pertinent to an understanding of the criminal process in China

Society, Schools & Progress in China Chiu-Sam Tsang, 2016-06-06 Society Schools and Progress in China presents the systematic use of education to achieve prosperity security and social well-being This book provides a concise account of the historical events and the social religious political and other influences which have combined to create China Organized into nine chapters this book begins with an overview of China's historical background to understand the struggle and aspirations of the Chinese people This text then examines the type of economic and social structure in China's rural areas since 1958 which has been known as the People's Commune Other chapters consider the social technological and international change in China This book discusses as well the establishment of the educational system in the People's Republic of China The final chapter deals with the characteristics of the Chinese society This book is

intended to be suitable for students of sociology government and politics as well as education      *Venerable Martial Places of China* Mark Sterke,2006      **Innovative Possibilities: Global Policing Research and Practice** Les Johnston,Clifford Shearing,2013-12-16 Innovative Possibilities Global Policing Research and Practice brings together observations that reflect upon the state of police and policing across the globe and associated forms of policing scholarship with inputs from Africa Australia South and Central America China Europe and the USA Following the introduction the book begins with a review of the nature of the relationship between policing research and practice with the Victoria Police in Australia and moves on to Britain where the focus is on how the National Improvement Strategy for Policing NISP is developing and how research is being used to design define monitor and develop its strategic interventions using a series of case studies In the United States the complex American terrain of the police is examined in particular this chapter examines how crime statistics are used to rationalize justify and account for their actions In Latin America a comprehensive review of research on police reform in Latin America during the last two decades is given Africa provides a complex and diverse social terrain which needs to be understood in relation to its plural policing landscape Police scholarship in China looks at the historical development and current status of police scholarship in China together with the emerging issues arising from it The overarching concern of all these reflections is with bridging the deep seated tensions that exist between scholarship and practice within policing across the globe and the call for a new relationship of mutual respect that is committed to exploring better ways of governing security This book was published as a special issue of *Police Practice and Research*      Order and Discipline in China Thomas B. Stephens,1992-03 Cover Contents Foreword Preface Note on Romanization 1 Order without Law 2 An Introduction to the Study of the Principles of Disciplinary Theory 3 The District Magistrate 4 The Mixed Court Prior to 1911 5 The Mixed Court 1911 27 Historical Dimensions 6 Mixed Court Administration of Order Analyzed 7 Assessment of the Work of the Mixed Court 1911 27 8 Wider Issues Notes Select Bibliography Index A B C D E F G H I J K L M N O P R S T V W X Y Z      **China** Joseph Y.S. CHENG,2012-05-01 This volume presents a timely assessment of the Hu Wen Administration at the juncture of preparing a change of China s leadership in 2012 13 The assessment is important because the administration s apparent success tends to create a path dependent orientation on the part of its successor Bringing together a collection of nineteen major essays this book offers a fresh perspective of evaluating the performance and achievements of China in the Hu Wen era in terms of economic development the establishment of a rudimentary social security system and her rising international status The new opportunities and challenges facing China and how will the likely successors Xi Jinping and Li Keqiang handle those opportunities and challenges as well as new policy programmes will also be discussed in greater detail Each essay is written by experts and scholars from different academic disciplines and backgrounds to provide readers with a unique overview of their respective areas of expertise      China's Unequal Treaties Dong Wang,2005-01-01 China s Unequal Treaties offers a study based on primary sources of the linguistic development and polemical uses of the expression Unequal Treaties to refer



to the treaties written between 1842 and 1943 Although the expression has occupied a central position in both Chinese collective memory and English historiographies China's Unequal Treaties is the first study of the phrase and its interpretations *Tibetan Buddhism among Han Chinese* Joshua Esler, 2020-05-28 This study analyzes the growing appeal of Tibetan Buddhism among Han Chinese in contemporary China Hong Kong and Taiwan It examines the Tibetan tradition's historical context and its social cultural and political adaptation to Chinese society as well as the effects on Han practitioners The author's analysis is based on fieldwork in all three locations and includes a broad range of interlocutors such as Tibetan religious teachers Han practitioners and lay Tibetans Calligraphy and Power in Contemporary Chinese Society Yuehping Yen, 2004-08-02 This unusual and interesting book is a fascinating account of the world of Chinese writing It examines Chinese space and the political and social use of writing as propaganda a publicity booster and as a ladder for social climbing

**Far Eastern International Relations** Hosea Ballou Morse, Harley Farnsworth MacNair, 1928

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