

# The Economic Contract Law of China

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Legitimation and Contract Autonomy in the PRC

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PITMAN B. POTTER

# Economic Contract Law Of China Legitimation And Contract Autonomy In The Prc

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## **Economic Contract Law Of China Legitimation And Contract Autonomy In The Prc:**

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Domestic Law Reforms in Post-Mao China Pitman B. Potter, Stanley Lubman, 2019-07-12 This volume explores various aspects of the law in transition in post Mao China Stanley Lubman's introduction places each of the substantive chapters in the larger context of Chinese legal studies Edward Epstein analyses the transplanting of European and Anglo American legal ideologies into China and the dilemmas this poses for the rule of law and legitimation in the reform period Murray Scot Tanner analyses reforms in the legislative process focusing particularly on the separation of the Communist Party from day to day legislative affairs and more pluralistic tendencies in the legislative process William C Jones by addressing the opinion of the Supreme People's Court regarding implementation of the general principles of civil law raises compelling questions about legal interpretation in China in the context of social reform James Feinerman analyses developments in Chinese contract law raising the question as to whether in China it can form a basis for predictability and certainty in commercial transactions that are integral to the economic reforms Judy Polumbaum studies developing efforts to enact a press law reflecting the uses to which law has been put in pursuit of the political issue of press reform Finally Pitman Potter analyses the emerging concept of judicial review in the context of the Administrative Litigation Law of the PRC an important aspect of political reform in China By addressing these issues the authors aim to reveal the various aspects of the developing autonomy that is embodied in China's legal reforms

Law-Making in the People's Republic of China Jianfu Chen, Yuwen Li, Jan Michiel Otto, Maurice V. Polak, 2021-10-25 Who are the legislators and what are the products of the legislative process in China How does a law come into being What meaning should we ascribe to these legislative products from the perspective of legal certainty Can we recognise a Chinese approach to or style of law making What technical legislative problems have Chinese jurists identified and what sorts of solutions to them are being considered These are the questions which Law making in the PRC attempts to solve The volume opens with papers on the historical perspective of law making on ideology and law making and on a comparison between the PRC's legal framework and the frameworks of other legal systems Part II deals with various Institutions and Actors involved and offers analyses of the National People's Congress the State Council departmental rule making local law making law making in autonomous regions public participation and the proposed law on law making by academics Part III offers three case studies in which important areas of legal development are analysed from a law making point of view The selected areas are administrative law contract law and criminal law

*An Introduction to the Comparative Study of Private Law* James Gordley, Hao Jiang, Arthur Taylor von Mehren, 2021-01-28 This collection of readings places side by side the principal doctrines of contracts torts unjust enrichment and property in the cases of the United States England France Germany and China It presents code provisions cases and other legal materials

that describe the law in force and places each doctrine in its historical context to enable an understanding of the development of law as an ongoing process in which the resolution of current issues depends upon how past issues were resolved. It both provides a road map of the private law of these jurisdictions and illustrates how private law has been shaped by history by the effort to solve common problems and by differences in culture. This new edition reflects changes in the law and includes the addition of Chinese Law as a comparative study.

**Law, Wealth and Power in China** John

Garrick, 2010-10-04 This book examines the law reforms of contemporary China in light of the Party state's ideological transformation and the political economy that shapes these reforms. This involves analysing three interrelated domains: law reform, power and wealth. The contributors to this volume employ a variety of perspectives and analytical techniques in their discussion of key themes including commercial law reform and its governance of wealth and regulation of economic activity, the influence and authority of the Party state over China's economic activity and the influence of wealth and the wealthy in economic governance and legal reform. Utilizing an interdisciplinary approach, this book presents analytical perspectives of new work or new lines of thinking about the new wealth, power and law reforms of China. As such, critical boundaries are explored between legal and financial reforms and what these reforms signify about deeper ideological, economic, social and cultural transformations in China. The book concludes by asking whether there is a China model of development which will produce a unique variety of capitalism and indigenous variant of rule of law and examining the winners and losers in the transition from a centrally planned economy to a market economy. *Law, Wealth and Power in China* will be of interest to students and academics of comparative law, Asian law, Chinese economics and politics, Chinese Studies as well as professionals in investment banking, finance and government.

*Bird in a Cage* Stanley B. Lubman, 1999 This book analyzes the principal legal institutions that have emerged in China and considers implications for U.S. policy of the limits on China's ability to develop meaningful legal institutions.

*The Making of the Chinese Civil Code* Hao Jiang, Pietro Sirena, 2023-09-14 This book is the first attempt in the English language to study and evaluate the new Chinese Civil Code.

*The Chinese Legal System* Pitman B. Potter, 2005-07-08 This book analyses the major features of the Chinese legal system on the eve of its accession to the World Trade Organisation and will be essential reading for students and academics in the field of Chinese law.

**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.

**Social Connections in China** Thomas Gold, Doug Guthrie, David Wank, 2002-09-05 This volume assesses the evolving role of guanxi social networks in China's transforming society.

**To Steal a Book Is an Elegant Offense** William P. Alford, 1995 This sweeping study examines the law of intellectual property in Chinese civilization from imperial days to the present. It uses materials drawn from law, the arts and other fields as well as extensive interviews with Chinese and foreign officials, business people, lawyers and perpetrators and

victims of piracy      **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      **Law and Justice in China's New Marketplace** Ronald C. Keith, 2001-01-11 *Law and Justice in China's New Marketplace* provides the first comprehensive multidisciplinary analysis of the jurisprudence and related law underlying the contemporary Chinese transition to the socialist market economy New pluralized jurisprudence has moved beyond Marxist class analysis to consider a new balance of values relating to economic efficiency and social justice in the marketplace and yet the interior debates and perspectives concerning these values are virtually unknown in the Western scholarly literature By analysing the changing Chinese approach in law to the adjustment of social interests in the context of profound economic change *Law and Justice in China's New Marketplace* provides a unique reference tool It outlines the new vocabulary of market jurisprudence and law and examines new legal thinking on rights protection with reference to widely ranging and often hot internal debate over human rights property law and procedural or judicial justice      **States, Intergovernmental Relations, and Market Development** Jinhua Cheng, 2018-05-17 This book is a theoretical and empirical analysis of institutional foundation of long term economic growth from the perspective of state market and central local relations The book argues that in order to safeguard sustainable market development it is necessary to centralize certain functions of the state to overcome local predatory governmental rulings and to decentralize others to increase local governmental market incentives simultaneously This institutional approach is conceptualized as Dual Intergovernmental Transformation for Market Development DITMD This book develops the DITMD model through an in depth empirical comparison on contemporary China and the 19th century United States      **China's Great Economic Transformation** Loren Brandt, Thomas G. Rawski, 2008-04-14 This landmark study provides an integrated analysis of China's unexpected economic boom of the past three decades The authors combine deep China expertise with broad disciplinary knowledge to explain China's remarkable combination of high speed growth and deeply flawed institutions Their work exposes the mechanisms underpinning the origin and expansion of China's great boom Penetrating studies track the rise of Chinese capabilities in manufacturing and in research and development The editors probe both achievements and weaknesses across many sectors including China's fiscal legal and financial institutions The book shows how an intricate minuet combining China's political system with sectorial development globalization resource transfers across geographic and economic space and partial system reform delivered an astonishing and unprecedented

growth spurt     *True Crimes in Eighteenth-Century China* Robert E. Hegel, 2011-12-01 The little examined genre of legal case narratives is represented in this fascinating volume the first collection translated into English of criminal cases most involving homicide from late imperial China These true stories of crimes of passion family conflict neighborhood feuds gang violence and sedition are a treasure trove of information about social relations and legal procedure Each narrative describes circumstances leading up to a crime and its discovery the appearance of the crime scene and the body the apparent cause of death speculation about motives and premeditation and whether self defense was involved Detailed testimony is included from the accused and from witnesses family members and neighbors as well as summaries and opinions from local magistrates their coroners and other officials higher up the chain of judicial review Officials explain which law in the Qing dynasty legal code was violated which corresponding punishment was appropriate and whether the sentence was eligible for reduction These records began as reports from magistrates on homicide cases within their jurisdiction that were required by law to be tried first at the county level then reviewed by judicial officials at the prefectural provincial and national levels with each administrator adding his own observations to the file Each case was decided finally in Beijing in the name of the emperor if not by the monarch himself before sentences could be carried out and the records permanently filed All of the cases translated here are from the Qing imperial copies most of which are now housed in the First Historical Archives Beijing

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