

Law and Justice in China's New Marketplace

Ronald C. Keith and Zhiqiu Lin



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Susan Trevaskes



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Modern Chinese Legal Reform Xiaobing Li, Qiang Fang, 2013-01-01 China's rapid socioeconomic transformation of the past twenty years has led to dramatic changes in its judicial system and legal practices As China becomes more powerful on the world stage the global community has dedicated more resources and attention to understanding the country's evolving democratization and policymakers have identified the development of civil liberties and long term legal reforms as crucial for the nation's acceptance as a global partner *Modern Chinese Legal Reform* is designed as a legal and political research tool to help English speaking scholars interpret the many recent changes to China's legal system Investigating subjects such as constitutional history the intersection of politics and law democratization civil legal practices and judicial mechanisms the essays in this volume situate current constitutional debates in the context of both the country's ideology and traditions and the wider global community Editors Xiaobing Li and Qiang Fang bring together scholars from multiple disciplines to provide a comprehensive and balanced look at a difficult subject Featuring newly available official sources and interviews with Chinese administrators judges law enforcement officers and legal experts this essential resource enables readers to view key events through the eyes of individuals who are intimately acquainted with the

challenges and successes of the past twenty years *Access to Justice for the Chinese Consumer* Ling Zhou, 2020-05-14 This book offers a socio legal exploration of localised consumer complaint processing and dispute resolution in the People's Republic of China now the second largest consumer market in the world and the experiences of both ordinary and professional consumers Drawing on detailed analysis of an impressive body of empirical data this book highlights local Chinese understandings and practice styles of mediation and identifies in popular consciousness a continuing sense of reliance on the government for securing consumer rights in China These are not only important features of consumer dispute processing in themselves but also help to explain why no ombudsman system has emerged This innovative book looks at the nature of China's distinctive dispute resolution and complaints system issues within that system and the experiences of consumers within it The book illustrates the access to justice processes locally available to aggrieved consumers and provides a unique contribution to comparative consumer law studies in Asia and elsewhere **New Crime in China** Ronald Keith, Zhiqiu Lin, 2005-12-16 Examining the crimes that have recently been of the greatest concern in China the authors assess the imbalance between public order and human rights in the way the Chinese legal system deals with crime The issue of crime is of particular importance both because current social upheaval in China has greatly contributed to the increase of new crimes and because there is increasing international interest in Chinese law following the country's accession to the World Trade Organization This is an in depth study on contemporary Chinese law reform presenting a fascinating portrait of a society and legal system grappling with vast social change *Chinese Companies and the Hong Kong Stock Market* Flora Xiao Huang, Horace Yeung, 2013-10-30 Listing by companies from one country on the stock market of another country is a device often used both to raise capital in and to increase bonding with the target country This book examines the listing by Chinese companies on the Hong Kong stock market It discusses the extent of the phenomenon compares the two different regulatory regimes and explores the motivations for the cross listing It argues that a key factor in addition to raising capital and bonding with the Hong Kong market is Chinese companies' desire to encourage legal and regulatory reforms along Hong Kong lines in mainland China in order to develop and open up China's domestic capital markets **Courts and Criminal Justice in Contemporary China** Susan Trevaskes, 2007-01-01 This book considers law on display in Chinese courts As the first sustained study of criminal trials rallies and campaigns in Chinese courts it offers an account of how law and punishment is constructed and represented both in practice and in rhetoric **Procedural Justice and the Fair Trial in Contemporary Chinese Criminal Justice** Elisa Nesossi, Susan Trevaskes, 2018-09-04 This review examines the literature on procedural justice and the fair trial over the past two decades in the People's Republic of China Part 1 gives a wide angle view of the key political events and developments that have shaped the experience of procedural justice and the fair trial in contemporary China It provides a storyline that explains the political environment in which these concepts have developed over time Part 2 examines how scholars understand the legal structures of the criminal process in relation to China's political

culture Part 3 presents scholarly views on three enduring problems relating to the fair trial a presumption of innocence interrogational torture and the role of lawyers in the criminal trial process Procedural justice is a particularly pertinent issue today in China because Xi Jinping's yifa zhiguo governing the nation in accordance with the law governance platform seeks to embed a greater appreciation for procedural justice in criminal justice decision making to correct a politico legal tradition overwhelmingly focused on substantive justice Overall the literature reviewed in this article points to the serious limitations in overcoming the politico legal barriers to justice reforms that remain intact in the system despite nearly four decades of constant reform

China's Supreme Court Ronald C. Keith, Zhiqiu Lin, Shumei Hou, 2013-10-23 This book examines the learning curve of the People's Supreme Court of China as an expanding Chinese national institution that has played a key role in the struggle for the rule of law in China Within the unity of state administration and the requirements of the constitution the court has negotiated the changing tension between politics and law through improvising new formats of interpretation and supervision in response to the changing priorities of revolution and market reform

The Judicial System and Reform in Post-Mao China Yuwen Li, 2016-03-03 This comprehensive study examines the development and changing characteristics of the judicial system and reform process over the past three decades in China As the role of courts in society has increased so too has the amount of public complaints about the judiciary At the same time political control over the judiciary has retained its tight grip The shortcomings of the contemporary system such as institutional deficiencies shocking cases of injustice and cases of serious judicial corruption are deemed quite appalling by an international audience Using a combination of traditional modes of legal analysis case studies and empirical research this study reflects upon the complex progress that China has made and continues to make towards the modernisation of its judicial system Li offers a better understanding on how the judicial system has transformed and what challenges lay ahead for further enhancement This book is unique in providing both the breadth of coverage and yet the substantive details of the most fundamental as well as controversial subjects concerning the operation of the courts in China

The Death Penalty in Contemporary China S. Trevaskes, 2012-07-16 China's infamous death penalty record is the product of firm Party state control and policy setting Though during the 1980s and 1990s the Party's emphasis was on kill many in the 2000s the direction of policy began to move toward kill fewer This book details the policies institutions and story behind the reform of the death penalty

China's Legal System Pitman Potter, 2014-01-30 China's struggle for the rule of law is at a critical juncture As a key element of governance in the PRC today China's legal system affects not only domestic affairs but also China's engagement with the world But can a credible legal system emerge which protects the rights of citizens and international partners without undermining the power of the Party State And is the Chinese Communist Party willing to embark on judicial reforms that may jeopardize its very survival Understanding the PRC legal system is increasingly important as China rises to prominence in the world In this compelling analysis noted legal scholar Pitman Potter examines the ideals and practices of China's legal regime

in light of international standards and local conditions Against a rich historical backdrop Potter explains how China's legal system supports three key policy objectives namely political stability economic prosperity and social development In exploring these competing policy goals and the tensions between them he also raises fundamental questions about government expectations of the role of law in regulating local and international socio economic and political relationships This wide ranging and readable introduction will be an invaluable guide for students and non specialists interested in China's ongoing process of legal modernization *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 [Policing Serious Crime in China](#) Susan Trevaskes, 2012-08-06 Despite a resurgence in the number of studies of Chinese social control over the past decade or so no sustained work in English has detailed the recent developments in policy and practice against serious crime despite international recognition that Chinese policing of serious crime is relatively severe and that more people are executed for crime in China each year than in the rest of the world combined In this book the author skilfully explores the politics practice procedures and public perceptions of policing serious crime in China focusing on one particular criminal justice practice anti crime campaigns in the period of transition from planned to market economy from the 1980s to the first years of the twenty first century Susan Trevaskes analyzes the elements that led to the Hard Strike becoming the preferred method of attacking the growing problem of serious crime in China before going on to examine the factors surrounding the failure of the Hard Strike as a way of addressing the main problems of serious crime in China today that is drug trafficking and organized crime Drawing on a rich variety of Chinese sources *Serious Crime in China* is an original and informed read for scholars of China criminologists generally and the international human rights community *Comparative Political Philosophy* Anthony Parel, Ronald C. Keith, 2003-01-01 *Comparative Political Philosophy* Studies Under the Upas Tree examines four major traditions of political philosophy and discusses similarities in their key ideas and assumptions An intellectually daring enterprise this fascinating volume focuses on key texts from Chinese Indian Western and Islamic political philosophy

Bridging the Global Divide on Human Rights: A Canada-China Dialogue Errol P. Mendes, Anik Lalonde-Roussy, 2019-06-26 This title was first published in 2003 In this collection of essays that explores Western and Chinese perspectives on human rights leading Canadian and Chinese scholars bridge the global divide on some of the key aspects of human rights Issues covered include the role of civil society in human rights protection the imperative of the rule of law in the protection of human rights freedom of expression and its relation to social economic and cultural development and corruption in the public and private sectors The volume also focuses on the domestic implementation of human rights treaties and offers gender perspectives on implementing social and economic rights in an era of globalization The independent Chinese and Canadian scholars present a new vision of global pluralism in the area of human rights protection

in a modernizing China and in the rest of the world *China Change And Confucian "Benevolence": Human Values, Truth And Policy* Ronald Colin Keith, 2023-02-27 Henry Kissinger observed Everybody wants to be a China hawk China is a bully China is Nazi Germany China commits genocide China disrupts the international rules based order Responding to such uninformed generalization on the nature of China's regime and its lack of human values the Western Liberal Democracies have created their own China Problem by clinging to Cold War anachronism The clash of values is not nearly as deep and extensive as is often claimed Furthermore the contemporary public discourse on China needs a complete assessment of the values that have emerged in Xi Jinping's China Xi is regarded as red like Mao Xi however has abandoned Mao's view of class struggle and his notion of a rejuvenated China embraces traditional core principles that Mao bitterly condemned Ren or benevolence for example now informs entwined domestic and foreign policy as moderate prosperity in all respects Ren or benevolence is aligned with common security and common development The question is whether this is a positive restoration of traditional values that will contribute to domestic development and international peace or restorationist Middle Kingdomism designed to assert Chinese values worldwide This book's analysis of Chinese values argues that the current interpretation of the China Threat is predicated in a serious misunderstanding of Chinese values It is often commented that China is the defining geopolitical issues of our time This book is an especially timely contribution to the currently limited public policy debate on China as a threat to Western values and the international rules based system Correction is long overdue with reference to speculative assumptions that Xi Jinping's regime represents a return to Mao's regime Socialism with Chinese characteristics has significantly moved on under Xi's leadership Hyperbole about China has presumed the continuation of Chinese Cold War ideology and has either lightly commented on or ignored altogether the resurgence of core traditional ideas in Chinese policy formation This book provides detailed research of Xi Jinping Thought and Xi Jinping Diplomatic Thought It adopts a widely construed but serious interdisciplinary approach towards the China Problem drawing on both the social sciences and humanities This wide angled approach includes new sinology in its recent review of translated China synthesizing tradition and culture with the development of modern Chinese ideology politics and policy formation The book's significant topicality is presented within an unconventional approach and formatted contents designed to reach out to the biggest circle of general and advanced China interested readers in the time of great debate **Assessing Treaty Performance in China** Pitman B. Potter, 2014-03-10 This volume outlines a new approach for understanding China's treaty performance around international standards on trade and human rights using the paradigms of selective adaptation and institutional capacity Selective adaptation reveals how local interpretation and implementation of international treaty standards are affected by normative perspectives derived from perception complementarity and legitimacy Institutional capacity explains how operational dimensions of legal performance are affected by structural and relational dynamics of institutional purpose location orientation and cohesion The author also offers policy suggestions for more effective

engagement with China on trade and human rights issues *The Judicialization of Politics in Asia* Björn Dressel, 2012-05-31
Over the last two decades courts have become major players in the political landscape in Asia This book assesses what is driving this apparent trend toward judicialization in the region It looks at the variations within the judicialization trend and how these variations affect political practice and policy outcomes The book goes on to examine how this new trend is affecting aspects of the rule of law democratic governance and state society relations It investigates how the experiences in Asia add to the debate on the judicialization of politics globally in particular how judicial behaviour in Asia differs from that in the West and the implications of the differences on the theoretical debate *Laws and Societies in the Canadian Prairie West, 1670-1940* Louis A. Knafla, Jonathan Swainger, 2011-11-01
Laws and Societies in the Canadian Prairie West 1670 1940 examines the legal history of the north west frontier from the earliest years of European Native contact in the seventeenth century to the mid 1900s Challenging myths about a peaceful west and prairie exceptionalism the book explores the substance of prairie legal history and the degree to which the region s mentality is rooted in the historical experience of distinctive prairie peoples The chapters written by a cross section of established and emerging scholars working in the allied fields of law legal history sociology and criminology focus on what is distinctive in prairie legal culture By approaching the issue from a variety of perspectives those of colonial administrators fur company employees Native peoples women men entrepreneurs judges magistrates and the police among others the authors find evidence of a conscious effort to apply broad non regional experiences to seemingly familiar local issues The ways in which prairie peoples perceived themselves and their relationships to a wider world were directly framed by notions of law and legal remedy shaped by the course and themes of prairie history Legal history is not just about black letter law It is also deeply concerned with the ways in which people affect and are affected by the law in their daily lives By examining how central and important the law has been to individuals communities and societies in the Canadian Prairies this book makes an original contribution

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