

FILE POLICY AND PRAGMATISM IN THE CONFLICT OF LAWS CHINESE EDITION

Policy and Pragmatism in the Conflict of Laws

This title was first published in 2001. After languishing for decades in the domains of rigid doctrinalism and confusing theory, the conflict of laws is increasingly being recognized as an important area of law to a global community. To demonstrate its importance, Michael Whincop and Mary Keyes transcend the divide between the English pragmatic tradition and the circularity of American policy-based theory. They argue that the law governing multistage conflicts can minimize the social costs of litigation, increase the extent of co-ordination, facilitate private ordering and limit regulatory monopolies and cross-border spillovers. Pragmatic in outlook and economic in methodology, they pursue these themes across a broad range of doctrinal issues and offer valuable links to parallel analyses in domestic contexts.

Conflict of Laws in the People's Republic of China

The area of conflict of laws in China has undergone fundamental development in the past three decades and the most recent changes in the 2010s, regarding both jurisdiction and choice of law rules, mark the establishment of a modern Chinese conflicts system. Jointly written by three professors from both China and the UK, this book provides the most up-to-date and comprehensive analysis of Chinese conflict of laws in civil and commercial matters, covering jurisdiction, choice of law, procedure, judgment and awards recognition and enforcement, and interregional conflicts in China.

Private International Law in China

This book provides a systematic elaboration of Chinese Private International Law, reveals the general techniques concerning conflict of laws in China, explains the detailed Chinese conflict rules for different areas of law, and demonstrates how international civil litigation is pursued in China. Clearly structured and written by a native Chinese scholar specializing in the field, the book's easy-to-read style makes it accessible to a broad readership, while its content makes it a useful reference guide, especially for jurists and researchers.

Chinese Foreign Policy

"China's post-Mao leadership has been increasingly sensitive to China's position in the changing global environment. This book examines China's strategic place on the world stage, particularly in its relationships with major powers and Asian neighbours and highlights the security implications of China's emerging role in the global system."

Experimental Legislation in China between Efficiency and Legality

This book analyzes the benefits of and legal concerns in connection with the delegated legislation of the Shenzhen Special Economic Zone as a prime example of experimental legislation in Chinese law. It offers solutions for improving the legal design of experimental regulations in Special Economic Zones by striking a balance between the pursuit of rapid socio-economic progress on the one hand, and the increasing need and will to govern by the rule of law on the other. The book offers a valuable guide for the academic community

and legal practitioners, as well as students eager to gain insights into Chinese constitutional law and the conflict between legality and achieving reforms.

Chinese Private International Law

Written with the assistance of a team of lecturers at the Shanghai University of Political Science and Law, this book is the leading reference on Chinese private international law in English. The chapters systematically cover the whole of Chinese private international law, not just questions likely to arise in commercial matters, but also in family, succession, cross-border insolvency, intellectual property, competition (antitrust), and environmental disputes. The chapters do not merely cover the traditional conflict of law areas of jurisdiction, applicable law (choice of law), and enforcement. They also look into conflict of law questions arising in arbitration and assess China's involvement in the harmonisation of private international law globally and regionally within the Belt and Road Initiative. Similarly to the Japanese and Indonesian volumes in the Series, this book presents Chinese conflict of laws through a combination of common and civil law analytical techniques and perspectives, providing readers worldwide with a more profound and comprehensive understanding of Chinese private international law

Ideological Conflict and the Rule of Law in Contemporary China

This book studies ideological divisions within Chinese legal academia and their relationship to arguments about the rule of law. The book describes argumentative strategies used by Chinese legal scholars to legitimize and subvert China's state-sanctioned ideology. It also examines Chinese efforts to invent new, alternative rule of law conceptions. In addition to this descriptive project, the book advances a more general argument about the rule of law phenomenon, insisting that many arguments about the rule of law are better understood in terms of their intended and actual effects rather than as analytic propositions or descriptive statements. To illustrate this argument, the book demonstrates that various paradoxical, contradictory and otherwise implausible arguments about the rule of law play an important role in Chinese debates about the rule of law. Paradoxical statements about the rule of law, in particular, can be useful for an ideological project.

Chinese Conflicts of Law

A pioneering systematization of Chinese legislation, regulations, judicial instructions and directives, doctrinal materials, and selected judicial practice relating to private international law, set out in the form of a Restatement, with commentary, followed by a draft Code which distills the best of the material and makes suggestions for improvements or offers a rationale for retaining the existing rules - drawing upon leading worldwide experience and trends. Dr. Zhu offers a learned, insightful, and informed illumination of a singularly obscure and complex domain of Chinese law, offering reasoned solutions or approaches that legal practitioners, academic lawyers, and policymakers will find instructive.

Law and Policy for China's Market Socialism

This edited volume presents fresh empirical research on the emerging outcomes of China's law reforms. The chapters examine China's 'going out' policy by addressing the ways in which the underpinning legal reforms enable China to pursue its core interests and broad international responsibilities as a rising power. The contributors consider China's civil and commercial law reforms against the economic backdrop of an outflow of Chinese capital into strategic assets outside her own borders. This movement of capital has become an intriguing phenomenon for both ongoing economic reform and its largely unheralded underpinning law reforms. The contributors ask probing questions about doing business with China and highlight the astonishing escalation of China's outbound foreign direct investment (OFDI). Law and Policy for China's Market Socialism includes contributions from leading China-law scholars and specialist practitioners from the People's Republic of China, Hong Kong, the United States, the United Kingdom and other countries who

all extend the examination of powerful influences on China's law reforms into new areas. Given the forecast for the growth of China's domestic market, those wishing to gain a better understanding and seeking success in the world's most dynamic marketplace will benefit greatly from reading this book. This book is essential reading for anyone interested in Chinese economics and business, Chinese Law, Chinese politics and commercial law.

China's Struggle for the Rule of Law

The 'rule of law' is more than the mere existence and application of law within the sphere of state activity. Contemporary Chinese debate on the 'rule of law' underlines the limiting of arbitrary government, the materialisation of 'human rights', legal protection of 'rights and interests' and the principle of equality in the impartial legal mediation of conflicts within society's 'structure of interests'. Based upon China interviews and a comprehensive survey of the domestic press and Chinese-language legal journal materials, this book places pre- and post-Tiananmen Square legal reform in political context. The evolving contents of specific laws across the departments of constitutional, administrative, criminal, civil and economic law are assessed in light of the politics and intellectual dynamic of China's legal circles in their struggle to create a 'rule of law'.

Private International Law

This book compares the two golden ages of private international law (PIL): the first is the era of Story and Savigny in the nineteenth century, while the second comprises the last fifty years. The period between 1970 and 2020 has been one of rapid changes and dense legislative responses, exemplified by the adoption of over one hundred national PIL codifications and almost as many international or regional conventions and regulations. These instruments provide a rich source for this book's incisive and instructive comparisons and a fertile ground for a reliable assessment of the progress of PIL as a discipline. This book skillfully uncovers and meticulously documents the gradual—and largely unnoticed—transition of PIL from the idealism of the nineteenth century to the pragmatic eclecticism and pluralism of the twenty-first century.

Cultural Pragmatism for US-China Relations

The Thucydides trap and a US-China face-off are not structurally inevitable; US-China relations are what the US and China make of them. Phua focuses on the ability to see "US as US" and "China as China" to trigger both countries' cultural tendencies towards pragmatism. Phua examines China's arduous journey to fit in the Westphalian system, the deep cultural misunderstandings by the West of Sunzi's *The Art of War*, and attempts to offer an inside-out cultural synthesis of classical and modern Chinese thought as a proxy of their operational code, beyond the standard clichés about Confucian and Daoist thought. He builds on Jervis' perception and misperception as well as Alastair Johnston's cultural realism. Readers will benefit from a culturally-Chinese, western-educated and politically neutral understanding of "China as China". An essential primer for academics, practitioners and students of international relations, diplomacy and Chinese culture.

Private International Law and the Internet

In this, the third edition of *Private International Law and the Internet*, Professor Dan Svantesson provides a detailed and insightful account of what is emerging as the most crucial current issue in private international law; that is, how the Internet affects and is affected by the four fundamental questions: When should a lawsuit be entertained by the courts? Which state's law should be applied? When should a court that can entertain a lawsuit decline to do so? And will a judgment rendered in one country be recognized and enforced in another? He identifies and investigates twelve characteristics of Internet communication that are relevant to these questions, and then proceeds with a detailed discussion of what is required of modern private international law rules. Professor Svantesson's approach focuses on several issues that have far-reaching

practical consequences in the Internet context, including the following: • cross-border defamation; • cross-border business contracts; • cross-border consumer contracts; and • cross-border intellectual property issues. A wide survey of private international law solutions encompasses insightful and timely analyses of relevant laws adopted in a variety of countries including Australia, England, Hong Kong, the United States, Germany, Sweden, and China as well as in a range of international instruments. There is also a chapter on advances in geo-identification technology and its special value for legal practice. The book concludes with two model international conventions, one on cross-border defamation and one on cross-border contracts; as well as a set of practical check-lists to guide legal practitioners faced with cross-border matters within the discussed fields. Professor Svantesson's book brings together a wealth of research findings in the overlapping disciplines of law and technology that will be of particular utility to practitioners and academics working in this new and rapidly changing field. His thoughtful analysis of the interplay of the developing Internet and private international law will also be of great value, as will the tools he offers with which to anticipate the future. *Private International Law and the Internet* provides a remarkable stimulus to continue working towards globally acceptable rules on jurisdiction, applicable law, and recognition and enforcement of judgments for communication via the Internet.

The Hague Judgments Convention and Commonwealth Model Law

This book undertakes a systematic analysis of the 2019 Hague Judgments Convention, the 2005 Hague Choice of Court Convention 2005, and the 2017 Commonwealth Model Law on recognition and Enforcement of Foreign Judgments from a pragmatic perspective. The book builds on the concept of pragmatism in private international law within the context of recognition and enforcement of judgments. It demonstrates the practical application of legal pragmatism by setting up a toolbox (pragmatic goals and methods) that will assist courts and policymakers in developing an effective and efficient judgments' enforcement scheme at national, bilateral and multilateral levels. Practitioners, national courts, policymakers, academics, students and litigants will benefit from the book's comparative approach using case law from the United Kingdom and other leading Commonwealth States, the United States, and the Court of Justice of the European Union. The book also provides interesting findings from the empirical research on the refusal of recognition and enforcement in the UK and the Commonwealth statutory registration schemes respectively.

Index to Legal Periodicals & Books

Numerous crosswinds are buffeting the more than 40-year-old People's Republic of China--American relationship, yet only once since Nixon's historic trip to China in 1972 has a major conflagration seemed a real possibility. Anchoring the relationship throughout multiple storms are the two countries' broad areas of collaboration such as deep links in culture, economics, and education. However, for some observers, the conflictual aspects of the relationship seem to be gaining prominence. *Conflict and Cooperation in Sino-US Relations* offers a timely and current look at one of the world's weightiest bilateral relationships. It goes beyond detailing the conflict and cooperation that have been integral facets of China--US interactions since 1972, to gauging the relationship's evolution and future trends, examining its nuances regarding diverse issues such as the Asia-Pacific leadership structure, the South China Sea, and the Korean peninsula. The book further delves into the causes of conflict and cooperation, offers diverse solutions for tempering frictions between Beijing and Washington, and considers the efficacy of some of the mechanisms (e.g., military-to-military exchanges) that China and the US currently employ to manage their relationship. The chapters suggest that extreme anxieties about China--US relations may be misplaced, but that there nonetheless are some worrisome signs even in areas like economics and the environment that are perceived as naturally cooperative. While the book does not offer any silver bullets, various contributors contend that successful management of Sino-American relations may require greater American accommodation of China's interests. This book will be of great interest to students and scholars of Chinese politics, American politics, international relations, and Asian studies, as well as to policy-makers working in the field.

Conflict and Cooperation in Sino-US Relations

Two of the world's most dangerous flashpoints, this edited volume with contributions by leading scholars offers a comprehensive evaluation and comparison of approaches to conflict management and prevention on the Korean Peninsula and in the Taiwan Strait. The consequences of any escalation of these two conflicts and the difficulties in resolving them necessitate a fresh look at designing new strategies to prevent and contain conflict as well as highlighting the limitations of existing measures. Presenting both a theoretical and practical examination of conflict prevention and management, the volume provides a comparative analysis of the Korean Peninsula and the Taiwan Strait-identifying lessons that could be transferred between the two cases but also the obstacles to this. The experiences of other regions and the role of third parties are also examined. This is a valuable addition to the literature for students of peace and conflict studies as well as policy-makers with an interest in Northeast Asia.

Conflict Prevention and Management in Northeast Asia

The question of shifting American power.

Chinese Foreign Policy

This book presents a comprehensive and systematic study of the principal aspects of the modern law of international commercial transactions. Based on diverse sources, including legislative texts, case law, international conventions, and a variety of soft-law instruments, it highlights key topics such as the international sale of goods, international transport, marine insurance, international finance and payments, electronic commerce, international commercial arbitration, standard trade terms, and international harmonization of trade laws. In focusing on the private law aspects of international trade, the book closely analyzes the relevant statutes, case law and the European Union (EU) and international uniform law instruments like the Rome I Regulation, the UN Convention on the Contracts for the International Sale of Goods (CISG), UNCITRAL Model Laws; non-legislative instruments including restatements such as the UNIDROIT Principles on International Commercial Contracts, and rules of business practices codified by the ICC such as the Arbitration Rules, UCP 600 and different versions of the INCOTERMS. The book clearly explains the key concepts and nuances of the subject, offering incisive and vivid analyses of the major issues and developments. It also traces the evolution of the law of international trade and explores the connection between the *lex mercatoria* and the modern law. Comprehensively examining the issue of international harmonization of trade laws from a variety of perspectives, it provides a detailed account of the work of major players in the field, including UNCITRAL, UNIDROIT, ICC, and the Hague Conference on Private International Law (HCCH). Adopting the comparative law method, this book offers a critical analysis of the laws of two key jurisdictions—India and England—in the context of export trade. In order to stimulate discussion on law reform, it explains the similarities and differences not only between laws of the two countries, but also between the laws of India and England on the one hand, and the uniform law instruments on the other. Given its breadth of coverage, this book is a valuable reference resource not only for students in the fields of law, international trade, and commercial law, but also for researchers, practitioners and policymakers.

Modern Law of International Trade

This volume describes the central issues animating the dynamic U.S.-Taiwan-China relationship and the salient international and domestic legal issues shaping U.S. policy in the Asia Pacific region. Lung-Chu Chen gives particular attention Taiwan's status under international law and the role of the U.S. Taiwan Relations Act (TRA) in the formulation and execution of U.S. policy toward Taiwan.

The U.S.-Taiwan-China Relationship in International Law and Policy

Written by a team of distinguished and internationally renowned experts, this Oxford Handbook gives an analytical overview of international law as it applies in armed conflicts. The Handbook draws on international humanitarian law, human rights law, and the law of neutrality to provide a comprehensive picture of the status of law in war.

The Oxford Handbook of International Law in Armed Conflict

A selection of articles concerning Chinese Law and Legal Theory which reflects the diversity of contemporary approaches to the study of law in Chinese Society and the high standards of scholarship in this area.

Journal of Chinese Law

The search for universal principles and laws in world politics is a colossal common task for all civilisations. It should not be monopolised by the Western liberal paradigm. Thirty years after the end of the Cold War, global conflicts have been satisfactorily resolved neither by communism nor liberalism. Humanitarian intervention, now under the cover of the responsibility to protect (R2P), has destabilised many societies, leaving justice undone. This inspiring book invites debates on the post-liberal imagination of 'emancipated Leviathan': an almighty political authority which exercises awe and force to restore order, as well as enshrines globally-negotiated values of common conscience and reinvented cosmopolitanism. Human well-being will truly become reality when we synergise pre-modern and pre-liberal ways of thinking, worldviews, ethics, and aesthetic styles by means of cross-civilisational, cross-disciplinary fundamental research, and let an emancipated Leviathan exercise principles and laws of virtue derived from the study. The starting point of such intellectual innovation is China. This book explores the application of classical Chinese resources to the innovation of thoughts in contemporary Chinese international relations (IR). It examines whether 'Knowledge Archaeology of Chinese International Relations' (KACIR), coined by the author, responds sensibly to today's issues of international ethics and global justice. The book contends that emancipative hermeneutics holds the key to the Chinese soft power puzzle. A bottom-up, non-nationalistic, and non-ethnocentric approach to the Chinese civilisation will reinvent intellectual pluralism and cosmopolitan elements in the Chinese tradition that interact constructively with and ultimately transcend the liberal Western model. Strolling from contemporary IR back to ancient Chinese philosophy, then striding into the future searching for common principles and laws, this insightful book is a must-read for those who want to reflect on global conflicts in this era of great uncertainty and transformation, as well as those who love to make our world a better place to live in.

Chinese Law and Legal Theory

The Chinese (Taiwan) Yearbook of International Law and Affairs includes articles and international law materials relating to Asia-Pacific and the Republic of China on Taiwan.

Principles And Laws In World Politics: Classical Chinese Perspectives On Global Conflict

This book offers a legal perspective of settlement of China's territorial and boundary disputes against the new background of China's increasingly integrating itself into global economic, political and legal systems.

Chinese (Taiwan) Yearbook of International Law and Affairs, Volume 24 (2006)

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.

Chinese Journal of International Law

In *Historical Title, Self-Determination and the Kashmir Question*, Lone offers a fresh framework, while recognising signs of spreading terrorism in the region, to understand the rights of the Kashmiri people and how they could be addressed by the international community.

Toward a New Framework for Peaceful Settlement of China's Territorial and Boundary Disputes

Is Private International Law (PIL) still fit to serve its function in today's global environment? In light of some calls for radical changes to its very foundations, this timely book investigates the ability of PIL to handle contemporary and international problems, and inspires genuine debate on the future of the field.

The Cambridge Handbook of China and International Law

American security and prosperity now depend on Asia. William H. Overholt offers an iconoclastic analysis of developments in each major Asian country, Asian international relations, and US foreign policy. Drawing on decades of political and business experience, he argues that obsolete Cold War attitudes tie the US increasingly to an otherwise isolated Japan and obscure the reality that a US-Chinese bicondominium now manages most Asian issues. Military priorities risk polarizing the region unnecessarily, weaken the economic relationships that engendered American preeminence, and ironically enhance Chinese influence. As a result, US influence in Asia is declining. Overholt disputes the argument that democracy promotion will lead to superior development and peace, and forecasts a new era in which Asian geopolitics could take a drastically different shape. Covering Japan, China, Russia, Central Asia, India, Pakistan, Korea, and South-East Asia, Overholt offers invaluable insights for scholars, policy-makers, business people, and general readers.

Historical Title, Self-Determination and the Kashmir Question

Political Science Abstracts is an annual supplement to the *Political Science, Government, and Public Policy Series* of The Universal Reference System, which was first published in 1967. All back issues are still available.

Global Governance, Conflict and China

What is the impact of China's new multi-directional diplomacy on international political economy and how can the international community properly respond to the new diplomacy? Based on extensive research addressing these and other important policy questions, this book investigates China's new diplomacy since the early 1990s with a focus on Chinese initiatives in the Middle East, Latin America and the Caribbean, Africa, Central Asia, Southeast Asia and the South Pacific. Zhiqun Zhu examines China's current efforts to secure energy, to expand investment and trade, and to enhance 'soft power' around the world. He evaluates how China's activities affect international political economy and how the international community, especially the United States, has reacted to China's new, pro-active diplomacy. The study answers some of the lingering

questions about Chinese politics and the policy implications for both China and the international community as they become increasingly interdependent.

Private International Law

What is pragmatism? Is it a means to an end, or an end in itself? Is it antithetical to ideology or morality? Arguing that pragmatism is a skill much more than an attribute, Phua examines how viewing it in this way can help achieve better foreign policy outcomes. He examines and contrasts the ways in which the United States, China and Singapore have incorporated pragmatism into their approaches to foreign policy. In doing so he debunks dualistic myths around pragmatism and ideology and promotes the view of pragmatism as a skill that can be developed. An essential primer for students, analysts and policymakers, with a fresh and practical approach to pragmatism.

Asia, America, and the Transformation of Geopolitics

This book examines the normative tensions inherent in upward mobility within the international system, focusing particularly on the clash between sovereign self-interest and the putatively universal norms associated with international interventions. It provides extensive detail and deep analysis of Brazil's nature as a rising power, and that nature's implications for how the country crafts its international profile on issues such as intervention. In addition, the book proposes innovative ways of (re)organising thematic, conceptual and empirical research on the normative behaviour of emergent powers with regard to institutions of global governance and questions of intervention. In analysing what distinguishes Brazil as a rising power, the contributors begin from the assumption that participation in intervention is an increasingly crucial element in demonstrating the capacity and responsibility for which demand accrues as a state seeks increased international profile. As such, the debates around intervention serve as an indicative locus for examining the clash of norms that accompanies emergence as a global player. The book's approach is to organise the analysis around thematic rather than chronological or praxis-based lines, using the Brazilian case as an illustrative example capable of extrapolation to other emerging powers such as Turkey, India and others. This work draws together rich empirical detail with sophisticated and varied conceptual analysis and will be of interest to scholars of international relations, Latin-American politics and global governance.

Political Science Abstracts

A second edition of this book is now available. This comprehensive and lucid assessment of the key historical and contemporary determinants of Sino-American relations explains the conflicted engagement between the two governments. Offering a welcome richness of discussion and analysis, distinguished analyst Robert G. Sutter explores the twists and turns of the relationship over the past two hundred years. The mixed historical record convincingly shows that strong differences and mutual suspicions persist, only partly overridden by a mutual pragmatism that shifts with circumstances. As the only book on the subject that combines a unified assessment of the historical evolution, contemporary status, and likely prospects of U.S.-Chinese relations, this balanced and pragmatic study will be an essential resource for all concerned with the globe's most crucial bilateral partnership.

China's New Diplomacy

China's rapid economic growth in the recent decades has produced an unprecedented energy vulnerability that could threaten the sustainability of its economic development, a linchpin to social stability and ultimately the regime legitimacy of the Chinese Communist Party (CCP) as well as the foundation for China's rising power aspirations. What is the Chinese perception of the energy security and challenges, how has the Chinese government responded to the challenges? What are the international implications of China's search for energy security? This collection of contributions by leading scholars seeks answers to these extremely important questions. The book is divided into three parts. Part I presents an overview of China's sense of

energy security and its strategic responses. Part II examines China's energy policy-making processes, the efforts to reform and reorganize the energy sector and reset policy priorities Part III focuses on the international implications of China's search for energy security. This book consists of articles published in the Journal of Contemporary China.

Towards Strategic Pragmatism in Foreign Policy

The Chinese maritime and shipping market has been expanding enormously in recent times as its commercial capacity to perform shipping, ship building, banking and insurance activities grows and the role of the State as guarantor of commerce is gradually reduced. This book provides a detailed guide to current Chinese maritime law, written by an expert team of contributors and systematically covering key areas such as carriage of goods by sea, international trade, vessels and seafarers and maritime liabilities. The authors explore cutting-edge issues within each topic, and analyse current trends in law reform. The book will be of interest to academics researching commercial and maritime law, as well as maritime law practitioners and shipping industry professionals working with aspects of Chinese maritime practice.

Brazil as a Rising Power

U.S.-Chinese Relations

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