Chinese Legal Tradition and its Modernization

Liu Yigong
Lanzhou University

The author welcome comments from readers.

Contact details:

Liu Yigong, law School, Lanzhou University
E-mail: liuyg@lzu.edu.cn
LEWI Working Paper Series is an endeavour of David C. Lam Institute for East-West Studies (LEWI), a consortium with 28 member universities, to foster dialogue among scholars in the field of East-West studies. Globalisation has multiplied and accelerated inter-cultural, inter-ethnic, and inter-religious encounters, intentionally or not. In a world where time and place are increasingly compressed and interaction between East and West grows in density, numbers, and spread, East-West studies has gained a renewed mandate. LEWI’s Working Paper Series provides a forum for the speedy and informal exchange of ideas, as scholars and academic institutions attempt to grapple with issues of an inter-cultural and global nature.

Circulation of this series is free of charge. Comments should be addressed directly to authors. Abstracts of papers can be downloaded from the LEWI web page at http://www.hkbu.edu.hk/~lewi/publications.html.

Manuscript Submission: Scholars in East-West studies at member universities who are interested in submitting a paper for publication should send an article manuscript, preferably in a Word file via e-mail, as well as a submission form (available online) to the Series Secretary at the address below. The preferred type is Times New Roman, not less than 11 point. The Editorial Committee will review all submissions. The Institute reserves the right not to publish particular manuscripts submitted. Authors should hear from the Series Secretary about the review results normally within one month after submission.

Copyright: Unless otherwise stated, copyright remains with the author. Please do not cite or circulate the paper without the author’s consent.

Editors: Ah Chung TSOI, Director of LEWI; Emilie Yueh-yu YEH, Cinema & TV and Associate Director of LEWI.

Editorial Advisory Board: From HKBU: CHEN Ling, Communication Studies; Martha CHEUNG, English Language and Literature; Vivienne LUK, Management; Eva MAN, Humanities; TING Wai, Government and International Studies; WONG Man Kong, History; Terry YIP, English Language and Literature. From outside HKBU: David HAYWARD, Social Economics and Housing, Swinburne University of Technology (Australia).

Disclaimer: David C. Lam Institute for East-West Studies (LEWI), and its officers, representatives, and staff, expressly disclaim any and all responsibility and liability for the opinions expressed, or for any error or omission present, in any of the papers within the Working Paper Series. All opinions, errors, omissions and such are solely the responsibility of the author. Authors must conform to international standards concerning the use of non-published and published materials, citations, and bibliography, and are solely responsible for any such errors.

Further Information about the working paper series can be obtained from the Series Secretary:

David C. Lam Institute for East-West Studies (LEWI)
Hong Kong Baptist University
Kowloon Tong
Hong Kong
Tel: (852) 3411-7273; Fax: (852) 3411-5128
E-mail: lewi@hkbu.edu.hk
Website: http://www.hkbu.edu.hk/~lewi/
Chinese Legal Tradition and its Modernization

LIU Yigong¹
Lanzhou University

Abstract

China has a long history of legal civilization. In ancient times, the Chinese legal system, as a model in East Asia, exerted significant influence on the neighboring countries and was an important part of the global legal civilization. Today, legal modernization should pay attention to our local legal resources and take into account our legal heritage. Though China should learn from the experience of the West, it is also necessary to consider the conditions and reality of China rather than following blindly. The spirit of traditional Chinese law can be summarized as (1) humanism; (2) moral enlightenment and prudent punishment (明德慎罰); (3) law of nature (the Tao follows nature); (4) the rule of law; and (5) avoidance of litigation (ADR). Such spirit does not conflict with modern legal concept, and it should be further developed and promoted by future generations.

I. Introduction

What is law?

Since ancient times, hundreds of definitions of the term “law” emerged and scholars all had different views. Yet law is generally constructed as the enforced rules or social norms that are based on justice. Law lays down the rules that define a person’s rights and obligations, and set the penalties for any contravention.

There are different types of social rules, including law, morality, religion and custom. Law is regarded as the bottom line of morality and those crossing the line will be punished.

In the book Legal Pluralism: Toward a General Theory through Japanese Legal Culture (1989), Japanese scholar Professor Masaji Chiba made a new approach to the definition

¹ Dr. LIU Yigong, Professor of law, Lanzhou University Law School, is the visiting scholar at David C. Lam Institute for East-West Studies (LEWI), Hong Kong Baptist University during Feb-March 2009. I would like to express my gratitude to Ms. Hidy Ng (David C. Lam Institute for East-West Studies, Hong Kong Baptist University) and Professor Chen Hongyi (Faculty of Law, Hong Kong University) for their kind assistance in writing this paper.
of law. According to Professor Chiba, law may have different forms and folk law is one of them, even if it is not enacted by the legislature.²

Actually, there is a dual structure of law in our society: national law, or state law, and customary law, or folk law. What is customary law? Is it law? Customary law is usually based on customs, and, unlike national law, it consists of folk rules that are not enacted by the legislature. National law and customary law function as the political state and civil society (市民社會與政治國家) respectively. They are closely related, but they also conflict occasionally.

**What is the relationship between national law and customary law?**

1. National law is developed from customary law. Both common law and civil law are originated from customary law.
2. Each country has its own set of customary law.
3. National law is rigid, whereas customary law is flexible.
4. National law is temporary, while customary law is long-lasting.
5. National law or state statutory law is imported, but folk law of a country originates in the country itself.

**II. The origin of traditional Chinese law**

**A. The literal meaning of law**

According to *Shuo Wen Jie Zi* (《說文解字》), a dictionary compiled by Xu Shen in the Eastern Han Dynasty (around AD 100-121)³, “law” (法) means criminal punishment. The ancient Chinese character “法” was written as “灋”, which can be separated into three parts: “氵”, “廌” and “去”. “氵” originally means “water” but represents “equality” here. “廌” (Zhi), also called “解廌” or “解豸”, is a mythological animal that looks like a cattle or goat, and it represents “justice” here. Wang Chong (AD 27-97, Eastern Han) said that when Gao Yao (皋陶)⁴ heard a case, he would ask “Zhi” to hit the suspect with its horn.⁵

---

³ 《說文解字》解釋古法字“灋”說：“刑也。平之如水，從水。廌，所以觸不直者去之，從去。”
⁴ A legendary judge lived in Shun and Yu period (21th century BC).
“去” means “to remove” and here it represents “punishment”.

Pictures: “Unicorn”（廌） in different forms

Unicorn: Gansu Provincial Museum (獨角獸：甘肅省博物館(蘭州)，西漢，206 BC - AD 5，武威出土)

Unicorn: Beijing Ming Tombs (北京十三陵)

5 王充（AD27-97）《論衡·定應第篇》說：“皋陶治獄，其罪疑者，令羊觸之。有罪則觸，無罪則不觸”。

3
In the West, the term “law” has a narrow sense and a broad sense. In the narrow sense, “law” is equal to “lex”, “loi” and “gasets”, implying that “law” is made by the legislature. In the broader sense, its synonyms “jus”, “droit” and “recht” refer to “law”, “right” and “justice”.

Both China and the West have a divine justice of their own. In China it is the “Zhi” (Unicorn), while in the West it is the “goddess of law”. The Western goddess of law, also known as the goddess of justice, is often portrayed as a blindfolded young lady holding a scale with one hand and a sword with another. Being blindfolded means that everyone is equal before the goddess of justice (justice is impartial). The scale means fairness and impartiality. The sword means that anyone breaking the law will be punished. Therefore, the image of the goddess of justice represents equality, justice and punishment.

The modern goddess of law in the West can be traced back to ancient Rome. The Roman goddess of justice Justitia was often portrayed as a blindfolded woman balancing a scale and holding a sword. She sometimes holds the fasces (a bundle of rods around an ax symbolizing judicial authority) and a torch (symbolizing truth).6

---

6 http://lib.law.washington.edu/ref/Themis.html
When comparing the literal meanings of “law” in the East and the West, we can see that both China and the West interpret the term “law” (fa (法)) as equality, justice and punishment. But the Chinese term “fa” focuses more on punishment while the Western expression “law” focuses on rights and justice.

**B. Basic theories of the origin of law**

There have been various theories regarding the origin of law since ancient times, including:

1. **Creationism**: law is made by God.
2. **Violence**: law is the result of violence.
3. **Social contract**: people sign a social contract and give up some rights to form a government in order to maintain social stability and development. This theory was supported by the classical natural law school in the 18th century and French scholar Jean Jacque Rousseau was a key representative of this school.
4. **The national spirit (volksgeist)**. Friedrich Karl von Savigny (1779-1861), German jurist and legal historian, and founder of the historical school of jurisprudence, began to
use the term “national spirit” in the 19th century. He stated that law, like a language, is an expression of the “common consciousness of the people”, and is driven by “internal, silently operating powers”.

(5) According to Marxism, law is developed along with the productive forces, social and economic development, and the emergence of private ownership and class.

C. The origin of law in China

There are many stories regarding the origin of law and the most notable one is that of Gao Yao, a person believed to be the first judge in China. During the Shun and Yu period, whenever Gao Yao came across some difficult cases, he would ask “Zhi” (a mythological animal) to use its horn to hit the suspect.

Law originated from military conquest (刑起於兵)

The Western law is originated in the ancient Greece. In Greek mythology, Theseus was the first lawgiver in Athens. The hero of Attica was believed to have united the states under a constitutional government in Athens. With the aid of Ariadne, he also killed the monstrous Minotaur.

In reality, however, Draco was the first lawgiver in Athens. In 621 BC, Draco became the archon of Athens and enacted the first set of written laws, which were very harsh. Plutarch once said, “Draco’s law is not written with ink, but with blood.” Besides, democracy was also advocated by the Greek. In Greek, “dēmokratia” means “rule of the people” (“dēmos” means “people” and “kratos” means “rule”).

During Solon’s period, the Greek democracy began to take shape. After Clisthenes’ political reform, democracy in Athens reached its peak at the time of Pericles. Therefore, the Western law is originated from conflicts, arguments and compromises between civilians and aristocrats.

III. The spirit of traditional Chinese law

China has a long history of legal civilization. In ancient times, the Chinese legal system, as a model in East Asia, exerted significant influence on the neighboring countries and was an important part of the global legal civilization. Today, legal modernization should
pay attention to our local legal resources and take into account our legal heritage. Though China should learn from the experience of the West, it is also necessary to consider the conditions and reality of China rather than following blindly.

The spirit of traditional Chinese law can be summarized as (1) humanism; (2) moral enlightenment and prudent punishment; (3) law of nature (the Tao follows nature); (4) the rule of law; and (5) avoidance of litigation (ADR). Such spirit does not conflict with modern legal concept, and it should be further developed and promoted by future generations.

(1) Humanism

The Confucian concepts of law are humanistic. Confucianism, the representatives of which are Confucius and Mencius, advocates “benevolence, righteousness, ritual, wisdom and trust” (仁義禮智信), in which “benevolence” (仁) is the core value. Benevolence can be interpreted as “love” (仁者愛人) and is based on “loyalty and forgiveness” (忠恕). The Confucian sayings go that “do not do to others what you don’t want to be done to you” (己所不欲,勿施於人) and “a benevolent man establishes for others what he wishes for himself, and helps others to reach where he wishes to reach himself” (仁者，己欲立而立人，己欲達而達人。).

Mencius focused on “benevolent governance” (仁政) and “people-oriented” (民本). He pointed out that “for a country, people are more important than the state and the king” (民為貴,社稷次之,君為輕). Concerning economy, Mencius believed that “persons with immovable property are persons of perseverance” (有恆產者有恒心). It means that a person with a certain amount of property will tend to abide by morality while those extremely poor people will tend to break the law.

(2) Moral enlightenment and prudent punishment (明德慎罰)

Mencius once said, “Virtue alone is not sufficient for the exercise of government; laws alone cannot carry themselves into practice.” (徒善不足以爲政，徒法不能以自行)
Most ancient Chinese thinkers stressed the importance of moral education. However, Confucianism emphasizes on “moral enlightenment and prudent punishment (明德慎罰)”, a notion developed by Confucius in the Western Zhou Dynasty (16th century- 770 BC). Confucius thought that “moral enlightenment is primary while penalty is supplementary” (德主刑輔). In Confucianism, penalty would work only when moral enlightenment does not. For two thousand years, “ritual” (禮) and “punishment” (刑) had been the cores of the feudal law in feudal China. The law of imperial China is described as being a legalist in form and a predominantly Confucian in spirit.  

(3) Law of nature (the Tao follows nature)

In the West, the concept of natural law came from ancient Greece where Zeno (the Stoic school) was the key advocator of this idea. Even today, the natural law school is still an important part of the western legal philosophy.

China also has natural law, such as Taoism and Confucianism.

“Tao follows nature” (道法自然) is a Taoist principle developed in the Spring and Autumn period. “Tao” (the way) is the core thinking of Lao Zi and refers to the origin and regulation of everything in the universe. Lao Zi once said, “Man models himself after Earth. Earth models itself after Heaven. Heaven models itself after Tao. Tao models itself after nature.” (人法地，地法天，天法道，道法自然) And added, “The net of Heaven has large meshes, but it lets nothing through.” (天網恢恢，疏而不漏)

Another important Taoist concept is “the harmony between man and nature (天人合一)”. After industrialization, humans began to exploit nature in an unprecedented scale. The damage done to the environment is more serious than ever before, leading to depletion of resources and extinction of a large number of plants and animals. We are now facing serious environmental problems like soil erosion, desertification, water shortage, pollution and global warming. As human beings act against the law of nature, they are bound to be punished by nature in the end. Mankind is part of nature and we should live with nature in peace instead of conquering it.

(4) The rule of law

“The rule of law” is a commonly used legal expression nowadays. However, it actually dates back to the ancient times. In the 5th century BC, Greek philosopher Aristotle began to use the expression “rule of law” and thought that the rule of law was superior to the rule of man. In the Spring and Autumn period (770-453BC) in China, legalists also proposed the idea of “rule of law” (依法治國). They believed that the primary function of law was to determine ownership and settle disputes, and that the nobility should not enjoy more legal privileges than others. Everyone should be equal before the law no matter regardless of his wealth and power. In short, there should be “no hierarchical difference before the law” (刑無等級).

However, we must be aware that the “rule of law” advocated by legalists is different from the “rule of law” in modern sense. The former was used under despotic regimes where the legalists wished to use punitive measures and heavy punishment to prevent crime and govern the country. Even a minor offense would be subject to heavy penalty. This eventually led to the collapse of the Qing Dynasty.

(5) Avoidance of litigation (ADR)

Contradictions and conflicts occur frequently in our society. How could they be resolved? Non-litigation and harmony are the core values of Chinese legal tradition. At present, alternative dispute resolution (ADR), a concept originated from the United States, is gaining popularity around the world. It proposes three methods: consultation, mediation and arbitration.

VI. The modernization of traditional Chinese law

A. Where did modern Chinese legal system come from?

Here are the historical sources of law in modern China:

(1) Civil law

The civil-law system is primarily based on statutes. The majority of civil-law countries have assembled their statutes into one or more carefully organized collections called
codes. Most modern law codes are based on the famous code commissioned by the Roman Emperor Justinian I around AD 500. Justinian’s code, the Corpus Juris Civilis (Body of Civil Law), updated and summarized the Roman law. Therefore, legal systems based on the Roman system of statute and code law are known as civil-law systems. Chinese legal tradition has some similarities with the civil law tradition too. In ancient China, almost every dynasty had an exclusive set of codes, such as the “Jiuzhanglv” (九章律) of the Han Dynasty and the “Tanglvshuyi” (唐律疏議) of the Tang Dynasty. Thus, it is relatively easier for China to adopt civil law tradition in modern time.

(2) Common law
The common-law system is largely based on case law, i.e. on court decisions. The common-law system began in England hundreds of years ago. The English called their system the common law because it was applied nationally. The English common law was developed from rules and principles that judges usually followed in deciding court cases. While judges based their decisions on legal precedents, or the previous court rulings for similar cases, they could extend any precedent to suit to a particular case. They could also overrule any precedents that they considered to be in error or outdated. In this way, many laws were amended by judges over the years. The common law thus came to be law made by judges. At the beginning, Chinese people were not familiar with the case law, so the modernization of traditional Chinese law did not propel China to adopt common law. But since the 1980s, the open door policy of the Chinese government enabled many Chinese students to study common law in North America. When they returned to China, they also brought with them the American legal concepts. The American adversary system and legal education system were also introduced into China in recent years.

(3) Soviet law
The development of law in Russia started after the Communist came to power in 1917. The system was imposed on the entire Soviet Union in the 1920s, and was also imposed on Soviet-dominated regimes in eastern and central Europe after World War II. Later, the ruling Communist parties in China, Cuba, North Korea and Vietnam adopted variations of the Soviet law. Soviet law, which went through some radical changes after more than
70 years of development in the Soviet Union, maintained certain features of the earlier tsarist law, shared some key elements with the law of other dictatorships, and introduced public ownership of the means of production and subordination of the legal system to the Soviet Communist Party.\(^8\)

The Soviet legal system had influenced China for several decades and its imprint on the Chinese law can still be seen today. In the early 1990s, law in the Soviet Union underwent significant transformation and Soviet law disappeared as the Soviet Union collapsed.

(4) Traditional Chinese law

With history of thousands of years, the Chinese law is one of the oldest legal traditions in the world. In ancient China, the legal system was based on the Confucian philosophy of social control through moral education, as well as the legalist emphasis on codified law and criminal sanction. Following the 1911 Revolution, the Republic of China adopted a largely Western-style legal code under the civil law tradition. The establishment of the People’s Republic of China in 1949 brought with it a more Soviet-influenced system of socialist law. However, the Chinese legal history became a legacy that has been exerting its influence even now.\(^9\)

B. Modernization of traditional Chinese law

(1) What is modernization?

The idea of modernization came from the view of societies as having a standard evolutionary pattern, as described in the social evolutionism theories. According to these theories, each society would evolve inexorably from barbarism to a greater level of development and civilization.

*Modernization vs Westernization*

China’s legal modernization is westernization to a certain extent, but it is not a successful story. The legal concepts, principles and theories we are using today are all taken from the West. However, when we learnt from the Western legal civilization, not only did we

\(^8\) Britannica online encyclopedia 2009
\(^9\) Wikipedia 2009
fail in learning the spirit of the Western legal system, but also the legal tradition of our own is lost.
The two Chinese idioms that best describe the legal modernization of China are “learning the Handan style of walking” (邯鄲學步) and “different environment giving rise to different oranges” (南橘北枳).
(a) Learning the Handan style of walking (邯鄲學步) is a story from the classical Chinese work Zhuangzi. During the Warring States Period, a person of the Yan State went to Handan, the capital of Zhao State. He found the walking style of the local people very elegant and tried to imitate. In the end, not only did he fail to learn their style, he also forgot how to walk and had to crawl home.
It is a metaphor to describe people imitating others without success and losing one’s own skills instead. China’s legal modernization is indeed such a case.
(b) Different environment giving rise to different oranges (南橘北枳)
Yan Ying once said that oranges grown in the south is called “Ju” and those grown in the north is called “Zhi”. They have similar leaves but taste different. Why? It is because the soils are different. Orange trees grow well in the south with big and sweet oranges. However, when the trees are transplanted to the north, the oranges become small and sour.
It shows that things of the same species may vary with different environment.
It is also true for legal transplantation. If there is no suitable soil and climate, the transplantation will not be successful. The Western legal system operates well in the West, but it may not work in China if we copy it blindly.
(2) Three ways of realizing modernization
(a) Inheritance of law
The unique legal system of China has existed for thousands of years and contributed greatly to the legal civilization of East Asia. When we promote the rule of law and pursue legal modernization, we should also consider our local legal resources and heritage.

10晏嬰，？—前500年，字平仲，夷維（今山東高密）人。為春秋時期齊國正卿，曆仕靈、莊、景三朝，執政五十餘年。以節儉力行、謙恭下士著稱于時。注意政治改革，關心民事，反對祈福禳災等迷信。
11出處:《晏子春秋·雜下之十》:"嬰聞之，橘生淮南則為橘，生於淮北則為枳，葉徒相似，其實味不同，所以然者何？水土異也。"
should promote the spirit of traditional Chinese law on one hand, and get rid of its
demerits, such as dictatorship, official orientation and hierarchy, on the other.

(b) Transplantation of law
Western legal civilization plays an important role in the civilization of the mankind and
we should not ignore it. In particular, Western nations have extensive experience in the
legal system of market economy (for instance, the setting up of IP protection policies and
WTO regulations). When developing our own market economy, we could learn from the
West but adaptation should be made according to the specific conditions of China. Also,
we should try to make use of local legal resources.

(3) Legal reform
The legal reform of China should focus on:
1. The construction of legal philosophy of East Asia.
2. Political reform and legal reform.
3. Anti-corruption.
5. International perspective on legal education.

V. Conclusion
The unique legal civilization and culture of China have been evolving for thousands of
years. Legal modernization should take into account our local legal resources and
heritage. As we learn from the West, we should also consider the conditions and reality
of China rather than copying blindly.
LEWI Working Paper Series

The LEWI Working Paper Series is an endeavour of LEWI to foster dialogues among institutions and scholars in the field of East-West studies.

Circulation of this series is free of charge. Feedback should be addressed directly to authors. Abstracts of papers can be downloaded from the LEWI web page (http://www.hkbu.edu.hk/~lewi/publications.html); full text is available upon request.

1. CHAN Kwok Bun (Hong Kong Baptist University), Both Sides, Now: A Sociologist Meditates on Culture Contact, Hybridization, and Cosmopolitanism, English/38 pages, April 2002.

2. Mary Ann GILLIES (Simon Fraser University), East Meets West in the Poetry of T. S. Eliot, English/30 pages, April 2002.

3. 湯一介（北京大學），文化的互動及其雙向選擇：以印度佛教和西方哲學傳入中國為例，共14頁，2002年7月。
TANG Yijie (Peking University), Cultural Interaction and the Bidirectional Option: The Introduction of Indian Buddhism and Western Philosophy into China as Examples, Chinese/14 pages, July 2002.

4. Werner MEISSNER (Hong Kong Baptist University), China’s Response to September 11 and its Changing Position in International Relations, English/15 pages, September 2002.

5. Janet Lee SCOTT (Hong Kong Baptist University), Eastern Variations of Western Apprenticeship: The Paper Offerings Industry of Hong Kong, English/30 pages, October 2002.


7. HO Wai Chung (Hong Kong Baptist University), Between Globalization and Localization: A Study of Hong Kong Popular Music, English/27 pages, January 2003.

8. 樂黛雲（北京大學），多元文化與比較文學的發展，共11頁，2003年2月。
YUE Daiyun (Peking University), Plurality of Cultures in the Context of Globalization: Toward a New Perspective on Comparative Literature, Chinese/11 pages, February 2003.

9. XIAO Xiaosui (Hong Kong Baptist University), The New-Old Cycle Paradigm and Twentieth Century Chinese Radicalism, English/37 pages, February 2003.

10. George Xun WANG (University of Wisconsin Parkside), CHAN Kwok Bun (Hong Kong Baptist University), and Vivienne LUK (Hong Kong Baptist University), Conflict and its Management in Sino-Foreign Joint Ventures: A Review, English/34 pages, March 2003.


19. 鄭宏泰 (香港大學亞洲研究中心)，黃紹倫 (香港大學亞洲研究中心)，移民與本土：回歸前後香港華人身份認同問題的探討，共35頁，2003年12月。

Victor ZHENG (Centre of Asian Studies, The University of Hong Kong) and WONG Siu-lun (Centre of Asian Studies, The University of Hong Kong), *Immigrant or Local: A Study on Hong Kong Chinese Identity after Handover*, Chinese/35 pages, December 2003.

20. ZHANG Longxi (City University of Hong Kong), *Marco Polo, Chinese Cultural Identity, and an Alternative Model of East-West Encounter*, English/23 pages, March 2004.

21. CHUNG Ling (Hong Kong Baptist University), *The Pacific Rim Consciousness of American Writers in the West Coast*, English/18 pages, March 2004.


28. WANG Wen (Lanzhou University) and TING Wai (Hong Kong Baptist University), *Beyond Identity? Theoretical Dilemma and Historical Reflection of Constructivism in International Relations*, English/32 pages, August 2004.

29. CHAN Kwok Bun (Hong Kong Baptist University), *The Stranger’s Plight, and Gift*, English/17 pages, September 2004.


31. CHAN Kwok Bun (Hong Kong Baptist University) and Vivienne LUK (Hong Kong Baptist University), *Conflict Management Strategies and Change in Sino-Japanese, Sino-Korean, and Sino-Taiwanese Joint Ventures in China*, English/38 pages, November 2004.


36. Georgette WANG (Hong Kong Baptist University) and Emilie Yueh-yu YEH (Hong Kong Baptist University), *Globalization and Hybridization in Cultural Production: A Tale of Two Films*, English/25 pages, April 2005.


40. CHAN Kwok-bun (Hong Kong Baptist University), LI Xiyuan (Sun Yat-sen University), and Vivienne LUK (Hong Kong Baptist University), *The Cultural Conflicts and Cultural Innovation of Sino-foreign Joint Ventures in China*, Chinese/19 pages, July 2005.
41. CHAN Kwok-bun (Hong Kong Baptist University) and Odalia M.H. WONG (Hong Kong Baptist University), *Private and Public: Gender, Generation and Family Life in Flux*, English/21 pages, August 2005.

42. LEUNG Hon Chu (Hong Kong Baptist University), *Globalization, Modernity, and Careers at Work: Life Politics of Woman Workers in Hongkong-Shenzhen*, English/14 pages, August 2005.

43. CHAN Kwok-bun (Hong Kong Baptist University), *Cosmopolitan, Translated Man, or Stranger? Experimenting with Sociological Autobiography*, English/33 pages, September 2005.

44. CHUNG Po Yin (Hong Kong Baptist University), *Moguls of the Chinese Cinema – the Story of the Shaw Brothers in Shanghai, Hong Kong and Singapore, 1924-2002*, English/18 pages, October 2005.

45. Vivian C. SHEER (Hong Kong Baptist University) and CHEN Ling (Hong Kong Baptist University), *The Construction of Fear Appeals in Chinese Print OTC Ads: Extending the Four-Component Message Structure*, English/29 pages, November 2005.


48. CHAN Kwok-bun (Hong Kong Baptist University) and Leo DOUW (University of Amsterdam), *Differences, Conflicts and Innovations: An Emergent Transnational Management Culture in China*, English/25 pages, February 2006.


52. Paul HOCKINGS (United International College), Beijing Normal University/Hong Kong Baptist University, *Gaoqiao, a Second Look at a Well-Studied Yunnan Village*, English/13 pages, June 2006.

53. Janet SALAFF (University of Toronto) and Arent GREVE (Norwegian School of Economics and Business Administration), *Chinese Immigrant Women: From Professional to Family Careers*, English/38 pages, July 2006.


56. Emilie Yueh-yu YEH (Hong Kong Baptist University), *Incriminating Spaces: Border Politics of Mukokuseki Asia*, English/19 pages, October 2006.


58. Brenda ALMOND (University of Hull), *Social Policy, Law and the Contemporary Family*, English/32 pages, December 2006.


60. Peter NEWELL (Global Initiative to End All Corporal Punishment of Children), *The Immediate Human Rights Imperative to Prohibit All Corporal Punishment of Children*, English/16 pages, February 2007.


62. Janet SALAFF (University of Toronto), Angela SHIK (University of Toronto) and Arent GREVE (Norwegian School of Economics and Business Administration), *Like Sons and Daughters of Hong Kong: The Return of the Young Generation*, English/34 pages, April 2007.


66. Yiu Fai CHOW (University of Amsterdam), *Fear or Fearless: Martial Arts Films and Dutch-Chinese Masculinities*, English/34 pages, August 2007.

68. YAN Feng (Fudan University), *Metamorphosis and Mediality: An Interart Approach to the Reception of Stephen Chow's A Chinese Odyssey in Mainland China*, English/14 pages, October 2007.

69. Emilie Yueh-yu YEH (Hong Kong Baptist University) and WANG Hu (Phoenix Television), *Transcultural Sounds: Music, Identity and the Cinema of Wong Kar-wai*, English/16 pages, November 2007.


74. Emilie Yueh-yu YEH (Hong Kong Baptist University) and Neda Hei-tung NG (Hong Kong Baptist University), *Magic, Medicine, Cannibalism: the China Demon in Hong Kong Horror*, English/22 pages, April 2008.

75. Flora C. J. HUNG (Hong Kong Baptist University), *Cultural Influence on the Relationship Cultivation Strategies in the Chinese Society*, English/30 pages, May 2008.


77. HO Wai Chung (Hong Kong Baptist University), *A Review of Moral Education in China’s Music Education*, English/23 pages, July 2008.

78. LAU Patrick W. C. (Hong Kong Baptist University), Michael H. S. LAM (Hong Kong Baptist University), and Beeto W. C. LEUNG (University of Hong Kong), *National Identity and the Beijing Olympics: School Children’s Responses in Mainland China, Taiwan and Hong Kong*, English/25 pages, August 2008.

80. CHEN Yi-Ru Regina (Hong Kong Baptist University), *MNC-Government Relations and Corporate Political Strategies of MNCs in China's Era of Marketization*, English/27 pages, October 2008.


82. 郭中實 (香港浸會大學), 黃煜 (香港浸會大學), 杜耀明 (香港浸會大學), 「香港新聞媒介表現」研究, 共 17 頁, 2008 年 12 月。

83. Emilie Yueh-yu YEH (Hong Kong Baptist University), *Cross-cultural Analysis: Wenyi (文藝) and Melodrama*, English/19 pages, January 2009.

84. 譚小琴 (清華大學), 清華大學、香港浸會大學、牛津大學的技術轉移模式比較研究, 共 38 頁, 2009 年 2 月。

85. Hao-Chieh CHANG (Hong Kong Baptist University), *“Commitment for Life and Beyond”: Persuasive Discourses Employed in a Body Donation Campaign in Taiwan*, English/25 pages, March 2009.

86. CHEN Ling (Hong Kong Baptist University), *Cultural Identity as a Production in Process: Dialectics in Hongkongers' Account*, English/26 pages, April 2009.


88. 夏倩芳 (武漢大學), 尹瑛 (武漢大學), 大陸媒體績效考核制度下新聞專業主義的實踐邏輯：國家 -- 市場之外的視角, 共 36 頁, 2009 年 6 月。

89. David Cheunyan LAI (University of Victoria), *Chinatowns: from Slums to Tourist Destinations*, English/21 pages, July 2009.

90. Linjuan Rita MEN (Hong Kong Baptist University) and Chun-ju Flora HUNG (Hong Kong Baptist University), *Exploring the Value of Organization-public Relationships in Strategic Management: From a Resource-based View*, English/34 pages, August 2009.
Submission of Papers
Scholars in East-West studies who are interested in submitting a paper for publication should send article manuscript, preferably in a WORD file via e-mail, to the Series Secretary’s email address at lewi@hkbu.edu.hk or by post to 9/F., David C. Lam Building, Hong Kong Baptist University, Kowloon Tong, Hong Kong. Preferred type is Times New Romans, not less than 11 point. The Editorial Committee will review all submissions and the Institute reserves the right not to publish particular manuscripts submitted. Authors should hear from the Series Secretary about the review normally within one month after submission.