

Bibliography of Academic Writings in the Field of Chinese Law in Western Languages in 2012

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This bibliography aims at providing an overview of journal articles, edited books and monographs on Chinese law with a focus on publications in English and German.² The structure of the bibliography follows the classification scheme of the leading German law bibliography "Karlsruher Juristische Bibliographie".³

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² Writings in other western languages could only partly be considered.

³ Classification Scheme:

I. Law and Jurisprudence (Recht und Rechtswissenschaft)
II. Legal and Constitutional History (Rechts- und Verfassungsgeschichte)
III. Private Law (Privatrecht)
1. In General (Allgemeines)
2. General Part of the Civil Code (Allgemeiner Teil des Zivilrechts)
3. Law of Obligations (Schuldrecht)
4. Law of Property (Sachenrecht)
5. Family Law (Familienrecht)
6. Law of Succession (Erbrecht)
7. Commercial Law (Handelsrecht)
8. Business Organisations (Gesellschaftsrecht)
9. Insurance (Privatversicherungsrecht)
10. Negotiable Instruments (Wertpapierrecht)
11. Industrial Property, Copyright and Publishing (Gewerblicher Rechtsschutz, Urheber- und Verlagsrecht)
12. Unfair Competition, Trademarks, Anti-trust Legislation (Wettbewerbs- und Warenzeichenrecht, Kartellrecht)
13. Conflicts of Laws, Uniform Private Law (Internationales Privatrecht, Einheitsrecht)
IV. Judicial System, Practice and Procedure, Civil Procedure (Gerichtsverfassung, allgemeines Prozessrecht und Zivilprozeß)
V. Criminal Law and Criminal Procedure (Strafrecht und Strafverfahren)
VI. Theory of the State, Sociology, Politics (Staats- und Gesellschaftslehre, Politik)
VII. Public Law and Constitutional Law (Staats- und Verfassungsrecht)
VIII. Administrative Law (Allgemeines Verwaltungsrecht)
IX. Administrative Law (Individual Branches (Besonderes Verwaltungsrecht))
X. Economic Legislation (Wirtschaftsrecht)
XI. Traffic Laws (Verkehrsrecht)
XII. Financial Laws and Taxation (Finanz- und Steuerrecht)
XIII. Labor Law (Arbeitsrecht)
XIV. Social Legislation (Sozialrecht)
XV. Public International Law (Völkerrecht).

We admit that this bibliography does not comprehensively include all literature in western languages on Chinese law in the year 2012. Readers are explicitly encouraged to remind us of publications we left unnoticed. We will include these publications in the next bibliography to be published in the second issue of this journal in the year 2014.

I. Law and Jurisprudence (Recht und Rechtswissenschaft)

Baskir, Cecily E.

Crossing borders: Creating an American law clinic in China.

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Biddulph, Sarah/Cooney, Sean/Zhu, Ying

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In: Law & Policy, Vol. 34 (2012), No 4, p. 373 – 401.

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China's legal and policy challenges in the 21st century.

In: Blazey, Patricia/Chan, Kay-Wah (eds.), Commercial law of the People's Republic of China. Pymont: Thomson Reuters 2012, p. 3 – 18.

Bourgon, Jerome

The principle of legality and legal rules in the Chinese legal tradition.

In: Delmas-Marty, Mireille/Will, Pierre-Etienne (eds.), China, democracy, and law: A historical and contemporary approach. Leiden [etc.]: Brill 2012, p. 169 – 190.

Brunner, Thomas

Der ethische Individualismus des Liu Xiaobo. Aphoristische Gedanken zur Philosophie des Friedensnobelpreisträgers.

In: González Vicen, Felipe, Gehorsam und Ungehorsam gegenüber dem Recht. Einige letzte Überlegungen. – Berlin: Ed. Immanente 2011, p. 35 – 46.

Bu, Yuanshi

Deutsche und europäische Elemente des chinesischen Rechts - Untersuchungen aus zivilrechtlicher und öffentlich-rechtlicher Perspektive. Berlin: LIT 2012.

Burton, Leslie A.

Book review: A review of great legal traditions: civil law, common law, and Chinese law in historical and

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In: University of Kansas Law Review, Vol. 60 (2012), p. 1135 – 1146.

Castellucci, Ignazio

Rule of law and legal complexity in the People's Republic of China. Trento: Univ. degli Studi 2012.

Chan, Kay-Wah

The Chinese legal system: A socialist market economy's legal system.

In: Blazey, Patricia/Chan, Kay-Wah (eds.), Commercial law of the People's Republic of China. Pyrmont: Thomson Reuters 2012, p. 59 – 88.

Chen, Lei

Contextualizing legal transplant: China and Hong Kong.

In: Monateri, Pier Giuseppe (ed.), Methods of comparative law. Cheltenham: Elgar 2012, p. 192 – 212.

Choukroune, Leïla

Global "harmonious society" and the law: China's legal vision in perspective.

In: German Law Journal, Vol. 13 (2012), p. 497 – 510.

Delmas-Marty, Mireille

Instituting the rule of law in China in the context of globalization.

In: Delmas-Marty, Mireille/Will, Pierre-Etienne (eds.), China, democracy, and law: A historical and contemporary approach. Leiden [etc.]: Brill 2012, p. 571 – 602.

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The Chinese laboratory.

In: Delmas-Marty, Mireille/Will, Pierre-Etienne (eds.), China, democracy, and law: A historical and contemporary approach. Leiden [etc.]: Brill 2012, p. 839 – 876.

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China.

In: International Lawyer, Vol. 46 (2012), p. 517 – 535.

Gao, Xujun

Konfuzianismus in der Rechtsordnung Chinas.

In: Kischel, Uwe/Kirchner, Christian (eds.) Ideologie und Weltanschauung im Recht. Ergebnisse der 33.

Tagung der Gesellschaft für Rechtsvergleichung vom 15. bis 17. September 2011 in Trier. Tübingen: Mohr Siebeck 2012, p. 23 – 46.

Garrick, John (ed.)

Law and policy for China's market socialism. London [etc.]: Routledge 2012.

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[Conference Report:] China: Recht und Rechtswirklichkeit. Ein Konferenzbericht

In: Zeitschrift für Chinesisches Recht, Vol. 19 (2012), p. 385 – 386.

Geyer, Matthias

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Hilgendorf, Eric

Konfuzianismus und Legalismus. Eine Einführung in die klassische chinesische Sozial- und Rechtsphilosophie.

In: Müller-Graff, Peter-Christian/Schmahl, Stefanie/Skouris, Wassilios (eds.), Europäisches Recht zwischen Bewährung und Wandel, Festschrift für Dieter H. Scheuing. Baden-Baden: Nomos 2011, p. 821 – 835.

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Das Handeln des Staates in der VR China zwischen Politik und Recht.
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Prada García, Aurelio de

Between Confucianism and human rights. Individuals and kings.
In: Rechtstheorie 2012, No. 2, p. 221 – 239.

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Legal positivism as interpreted with the traditional Chinese philosophy.
In: Bustamante, Thomas/Onazi, Oche (eds.), Global harmony and rule of law. Stuttgart: Franz Steiner Verlag 2012, p. 119 – 130.

Szto, Mary

Strengthening the rule of virtue and finding Chinese law in “other” places: Gods, kin, guilds, and gifts.
In: Suffolk Transnational Law Review, Vol. 35 (2012), p. 1 – 30.

Zhao, Jun

A comparative study of the legal education system in the United States and China and the reform of legal education in China.
In: Suffolk Transnational Law Review, Vol. 35 (2012), p. 329 – 361.

II. Legal and Constitutional History (Rechts- und Verfassungsgeschichte)

Bourgon, Jerome

The emergence of a community of jurists in the late imperial and early republican periods (1740-1930).
In: Delmas-Marty, Mireille/Will, Pierre-Etienne (eds.), China, democracy, and law: A historical and contemporary approach. Leiden [etc.]: Brill 2012, p. 191 – 210.

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Die Rezeption des ausländischen Rechts in China.
In: Bu, Yuanshi (ed.), Deutsche und europäische Elemente des chinesischen Rechts - Untersuchungen aus zivilrechtlicher und öffentlich-rechtlicher Perspektive. Berlin: LIT 2012, p. 1 – 18.

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Kroll, Stefan

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In: Klump, Rainer/Vec, Milos (eds.), Völkerrecht und Weltwirtschaft im 19.Jahrhundert. Baden-Baden: Nomos 2012, p. 151 – 169.

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An early tragedy of comparative constitutionalism: Frank Goodnow and the Chinese Republic.
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Orienting lawyers at China's international tribunals before 1949.
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Li, Zhaojie (James)

The impact of international law on the transformation of China's perception of the world: A lesson from history.
In: Maryland Journal of International Law, Vol. 27 (2012), p. 128 – 153.

Thoraval, Joel

The appropriation of the concept of "liberty" at the end of the Qing Dynasty: Beginning with the interpretation of Kant by Liang Qichao.
In: Delmas-Marty, Mireille/Will, Pierre-Etienne (eds.), China, democracy, and law: A historical and contemporary approach. Leiden [etc.]: Brill 2012, p. 211 – 226.

Wells, Jennifer

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In: East Asia Law Review, Vol. 7 (2012), p. 161 – 193.

Will, Pierre-Etienne

Checking abuses of power under the Ming Dynasty.
In: Delmas-Marty, Mireille/Will, Pierre-Etienne (eds.), China, democracy, and law: A historical and contemporary approach. Leiden [etc.]: Brill 2012, p. 117 – 168.

III. Private Law (Privatrecht)

1. In General (Allgemeines)

Chen, Lei/Rhee, Cornelis H. van (eds.)

Towards a Chinese Civil Code: Comparative and historical perspectives. Leiden [etc.]: Nijhoff 2012.

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Das allgemeine Persönlichkeitsrecht im deutschen und chinesischen Recht. ein rechtsdogmatischer und rechtshistorischer Vergleich. – Jena, Univ., Diss., 2012.

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Internationales Einheitsrecht und die Kodifikation eines Zivilgesetzes in der Volksrepublik China.
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Wang, Liming

The Systematization of the Chinese Civil Code.
In: Chen, Lei/Rhee, Cornelis H. van (eds.), Towards a Chinese Civil Code: Comparative and historical perspectives. Leiden [etc.]: Nijhoff 2012, p. 21 – 28.

2. General Part of the Civil Code (Allgemeiner Teil des Zivilrechts)

Gereke, Sophie

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3. Law of Obligations (Schuldrecht)

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Chinese contract law after the UN Convention on Contracts for the International Sale of Goods.
In: Garrick, John (ed.), Law and policy for China's market socialism. London [etc.]: Routledge 2012, p. 70 – 84.

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Binding, Jörg

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Kelley, Jason E.

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In: *Seattle University Law Review*, Vol. 35 (2012), p. 527 – 557.

Oliphant, Ken

Uncertain causes: The Chinese tort liability law in comparative perspective.

In: Chen, Lei/Rhee, Cornelis H. van (eds.), *Towards a Chinese Civil Code: Comparative and historical perspectives*. Leiden [etc.]: Nijhoff 2012, p. 395 – 408.

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Reid, Kenneth G.C.

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In: Chen, Lei/Rhee, Cornelis H. van (eds.), *Towards a Chinese Civil Code: Comparative and historical perspectives*. Leiden [etc.]: Nijhoff 2012, p. 209 – 234.

Smits, Jan M.

Codification in Europe and China: What makes contract law special?

In: Chen, Lei/Rhee, Cornelis H. van (eds.), *Towards a Chinese Civil Code: Comparative and historical perspectives*. Leiden [etc.]: Nijhoff 2012, p. 257 – 272.

Wang, Jianyi

Die Entwicklung des europäischen Klauselrechts und das chinesische Klauselkontrollsystem.
In: Bu, Yuanshi (ed.), Deutsche und europäische Elemente des chinesischen Rechts - Untersuchungen aus zivilrechtlicher und öffentlich-rechtlicher Perspektive. Berlin: LIT 2012, p. 51 – 68.

Xiang, Jieyi

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In: Zeitschrift für Chinesisches Recht, Vol. 19 (2012), p. 120 – 125.

Zhao, Xiju

Chinese medical negligence law: How to distinguish and accommodate Common Law principles?
In: Chen, Lei/Rhee, Cornelis H. van (eds.), Towards a Chinese Civil Code: Comparative and historical perspectives. Leiden [etc.]: Nijhoff 2012, p. 409 – 454.

Zhu, Yan

The bases of liability in Chinese tort liability law – Historical and comparative perspectives.
In: Chen, Lei/Rhee, Cornelis H. van (eds.), Towards a Chinese Civil Code: Comparative and historical perspectives. Leiden [etc.]: Nijhoff 2012, p. 335 – 352.

4. Law of Property (Sachenrecht)

Blazey, Patricia

The law of ownership – The new property rights law.
In: Blazey, Patricia/Chan, Kay-Wah (eds.), Commercial law of the People's Republic of China. Pyrmont: Thomson Reuters 2012, p. 147 – 166.

Chen, Lei

100 years of Chinese property law. Looking back and thinking forward.
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Hu, Richard

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In: Garrick, John (ed.), Law and policy for China's market socialism. London [etc.]: Routledge 2012, p. 87 – 100.

Merwe, Cornelius G. van der

A comparative assessment of the provisions of the new Chinese property code on condominiums.
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Zinser, Rebecka

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Adjudicating the intersection of marital immigration, domestic violence, and spousal murder: China-Taiwan marriages and competing legal domains.
In: Indiana Journal of Global Legal Studies, Vol. 19 (2012), p. 221 – 255.

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6. Law of Succession (Erbrecht)

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In: Indiana International & Comparative Law, Vol. 22 (2012), p. 71 – 92.

7. Commercial Law (Handelsrecht)

Li, Kevin X.

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Liechtenstein, Falk

Franchising in der Volksrepublik China nach den gesetzlichen Neuregelungen im Jahre 2012.

In: Zeitschrift für Vertriebsrecht 2012, No. 5, p. 307 – 314.

8. Business Organisations (Gesellschaftsrecht)

Beihui, Miao

A Comparative Study of Legal Framework for Single Member Company in European Union and China.

In: Journal of Politics and Law, Vol. 5 (2012), No. 3, p. 1 – 14.

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Chan, Kay-Wah

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Foreign-funded partnerships: A new FDI mode.

In: Blazey, Patricia/Chan, Kay-Wah (eds.), Commercial law of the People's Republic of China. Pyrmont: Thomson Reuters 2012, p. 463 – 483.

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Pathway to minority shareholder protection: derivative actions in the People's Republic of China.

In: Puchniak, Dan W./Baum, Harald/Ewing-Chow, Michael (eds.), The derivative action in Asia - a comparative and functional approach. Cambridge [etc.]: Cambridge Univ. Press 2012, p. 243 – 295.

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In: Randall S. Thomas; Jennifer G. Hill, Research handbook on executive pay. Cheltenham [etc.]: Elgar 2012, p. 414 – 434.

Firth, Michael/Leung, Tak Yan/Rui, Oliver M.

Top executive pay in China.

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Ho, Virginia Harper

Corporate governance as risk regulation in China: A comparative view of risk oversight, risk management, and accountability.

In: European Journal of Risk Regulation, Vol. 3 (2012), p. 463 – 475.

Huang, Hui

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In: American Journal of Comparative Law Summer, Vol. 60 (2012), p. 743 – 774.

Huang, Hui

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Mergers & acquisitions: Chinese auditing and corporate disclosure standards indirectly on trial in the United States.
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In: Puchniak, Dan W./Baum, Harald/Ewing-Chow, Michael (eds.), *The derivative action in Asia - a comparative and functional approach*. Cambridge [etc.]: Cambridge Univ. Press 2012, p. 243 – 322.

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