

China Forum

Bangor University Confucius Institute is a co-operative project between Bangor University and China University of Political Science & Law. A unique feature of this Confucius Institute is its “Law Flavour”, and with this in mind, four China Forums have been organised, which have focused on Law. These Forums were extremely interesting, involving extensive East-West cultural exchange, and was chaired by Professor Dermot Cahill, Head of the Faculty of Law at Bangor University.



Professor HUANG
Jin, President of
CUPL



These Forums was chaired by Professor Dermot Cahill, Head of the School of Law at Bangor University.

Guest lectures were delivered by:

Professor HUANG Jin, President of China University of Political Science & Law, *New Perspectives on Private International Law in China*.

Sir John Thomas, President of the Queen's Bench, *The Rule of Law and Economic Development*.

Professor WANG Weiguo, China University of Political Science & Law, *Reflections on Traditional Legal Culture in China*.

Professor Richard Trappl (world-leading Sinologist), University of Vienna, *From Ideal to Reality: Chinese and Western Cultural Exchanges and Global Responsibility*.



Sir John Thomas,
President of the Queen's
Bench Division of the High
Court of Justice



Professor WANG Weiguo,
Dean of the Department of
Civil and Commercial Law,
CIPL



Professor Richard
Trappl, University
of Vienna.



Some Main Characteristics of Traditional Legal Culture of China

by Professor WANG Weiguo,

Professor of China University of Political
Science & Law

“Law” may be defined as a system of institutions to control and guide individuals' behaviors, to adjust their relationships, to maintain social order, and to realize and uphold the recognized social values, such as safety and social stability, social efficiency, social harmony, liberty and human rights, and so on, which are adopted differently from country to country, and from time to time.

Some Main Characteristics of
Traditional Legal Culture in China:

1. Combination of Li and Law
2. Combination of Standard of Collective and Standard of Duty

3. Combination of Rule of Law and Rule of Men
4. Combination of Family-Administering and State-Administering

1. Combination of Li and Law

There is no word in English as well as other western languages which has the exactly same meaning with Chinese Li.

The foundation of China's traditional legal order is composed of two norm groups: one is Li (礼), the other is named Fa (法 , law in narrow sense).

Li is not entirely referred to “Ritual” , e.g. some forms, procedures or formulas of worship, celebration or other formal activities, but to the principles, standards and rules of social relations and social behaviors.

2. Combination of Standard of Collective and Standard of Duty

Individuals should be subordinate to collectives and meanwhile expected and protected thereby.

Essentially, the purpose of Chinese traditional collectivism is harmony, that is, a peaceful and affectionate society, without selfish, greed, brutality, mutual hostility and other inhuman or unjust situations.

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It is not for the sake of individuals, and all the given rules applicable to individuals are means of collective existence. Therefore there is no concept like "subjective right" or "private law" in the legal system.

3. Combination of Rule of Law and Rule of Men

China's traditional "rule of law" is referred to the government by Li and statutory law.

"Rule of men" means a government administered by the persons in power.

With regard to relation of rule of law and rule of men, Mencius remarks: "Merely benevolence is not enough for governing, but legal rules are not able to operate themselves." (徒善不足以为政，徒法不足以自行) The spirit of this remark is that, for the purpose of governing, only when the perfect rules are operated by persons of virtue can the country be made into great order.

4. Combination of Family-Administering and State-Administering

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In a loosely organized agricultural country like ancient China, it was difficult to control the society efficiently by state power only. The over severe state control would make people become crafty and evil so that the country could inevitably fall into disorder.....

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