

Book Review

Maria Francesca Staiano. *Chinese Law and Its International Projection: Building a Community with a Shared Future for Mankind*. Singapore: Springer, 2023. 74 Pages. ISBN 978-981-19-9577-4.

Maria Francesca Staiano's book "Chinese Law and Its International Projection" provides a comprehensive yet succinct overview and analysis of the evolution of Chinese law, examining both its traditional historical roots as well as its modern development under the influence of international law. Published as part of Springer's "Understanding China" series, the book explores how international law has served as a "pioneer" in shaping China's domestic legal system while also analysing how Chinese law now projects back outwards to influence international law and relations.

The book is divided into six chapters, moving from an examination of traditional elements in Chinese law, to the role of international law, to the contemporary development of a socialist rule of law system with "Chinese characteristics", to the concept of building a "community with a shared future for mankind", to Chinese theories of international relations, and concluding with a discussion of legal symbols.

Chapter One examines foundational components of traditional Chinese law, based heavily on Confucian thought and ethics. Concepts such as *Renqing* (humanised obligations in relationships), *Lian* (moral integrity), and *Mianzi* (social prestige) underline a humanistic spirit focused on social harmony. The ritual legacy (*Li*) persists as a counterweight to codified laws (*Fa*), though reforms have tried integrating the two. Western conceptions of the rule of law and human rights have also influenced legal development. Staiano effectively argues that Chinese law represents an accumulation of traditional values, foreign concepts, and international norms.

Chapter Two analyses how international law served as a "pioneer" in constructing China's contemporary domestic legal framework, beginning from the Opium Wars period onwards. International agreements, especially on human rights, drove major domestic legal reforms across issue areas like gender and disability rights. Staiano argues that this affirms Chinese international legal scholar Liu Huawen's argument that human rights law

has “pioneered” Chinese legislative evolution, functioning as a “tool of legal culture” (p.15). There remains a complex osmosis between external norms and localised adaptation and interpretation.

The third chapter examines China’s development of a “socialist rule of law with Chinese characteristics”. Staiano effectively charts key reforms, especially constitutional amendments codifying this principle, and structural legal hierarchies. She also highlights unique aspects like the coexistence of state legislation alongside societal customary norms. An important analysis also covers the recently introduced Civil Code, representing a major milestone in Chinese legal coherence, with innovative humanistic elements.

Chapter Four connects domestic legal development to the parallel promotion internationally of constructing a “community with a shared future for mankind”. This concept, pioneered by China but with global resonance, underpins proposals like the Belt and Road Initiative (BRI) and represents a fundamental reimagining of international relations. The expressions of “relationality”, “human authority”, and “symbiosis” in Chinese thought substantiate this, offering tangible alternatives to status quo power dynamics. There remain however some questions about the feasibility of operationalising these ambitious visions.

Building on that, Chapter Five provides an overview of key Chinese schools of international relations theory, like Yan Xuetong’s moral realist “Tsinghua Approach” (p. 62). Qin Yaqing’s “relational theory” highlights intersubjective interactions and complex interdependence (p. 61). So too the idea of an “international symbiosis system” where cooperation supersedes competition (p. 63-64). Moreover, China’s proposal to build a “community with a shared future for mankind” calls for shared norms and mutual responsibilities between states and societies (p. 64). Staiano compellingly argues that these constitute genuine innovations from Chinese perspectives that question long unchallenged assumptions in the field.

The concluding chapter reemphasises the profound connections between law, culture, language, and meaning. Staiano provocatively argues that Chinese inputs into international law can catalyse a necessary disruption of existing legal paradigms and move towards a new shared community. This represents the strongest element of the book, in calling for non-Western traditions to appropriately reshape what remains a Western-centric conception of international law and relations. This book thus serves as a penetrating contribution towards those shifts.

The book's strengths lie in its comprehensive scope, spanning a diverse range of issues related to Chinese law, from historical analysis to contemporary institutions to theories of international relations. It effectively bridges domestic and international spheres and disciplines. Staiano demonstrates an expansive expertise across these subjects. The book also excels in centring Chinese perspectives and grounding analysis in the Chinese source material, from government white papers to academic theories. This contextualisation is invaluable for understanding the true meanings and logics behind facets of China's legal and political system which can confound external observers.

In terms of weaknesses, there are times when the ambitious breadth of the book also leaves some areas wanting for more in-depth elaboration or critique. The length of the book evidently limits such deeper analysis. More importantly, while Staiano's work analyses Chinese legal philosophy and its global impacts, it has some empirical and analytical gaps that future scholarship could help address. For one, the book relies heavily on theoretical discussion without sufficient case-based evidence demonstrating real-world legal applications. Incorporating concrete examples and data tracking how legislators and judges employ these philosophical principles domestically could bolster its claims about Chinese law's functionality. Furthermore, the book would benefit from more critical examination of tensions between traditional theory and contemporary practice, especially for politically sensitive issues like human rights or anti-corruption efforts. Engaging directly with thorny cases that challenge the legal order's internal coherence and global standing could ultimately strengthen the author's coverage of adaptations enabling continuity with centuries-old traditions.

Additionally, although comprehensively synthesising primary Chinese texts and concepts, the book does not sufficiently account for the latest legal developments or integrate perspectives from other Chinese scholars. For instance, detailed analysis of recent Civil Code provisions, BRI agreements, and virus containment policies could reveal nuances around navigating global integration amidst growing nationalist sentiments. Moreover, contextualising the author's interpretations against contrasting academic positions would enrich the debate regarding Chinese law's communitarian versus authoritarian aspects. Ultimately, augmented engagement with emerging issues and alternative views would reinforce the book's utility for understanding this complex, rapidly changing landscape.

Overall, however, the book represents an exceptionally versatile contribution across multiple disciplines related to Chinese law. It bridges theory and practice, the historical and contemporary, local groundings and international projections. The book constitutes a valuable resource for anyone studying China's legal system or foreign policy, while also pushing much-needed pluralisation in the fields of law and international relations. Staiano thus provides a unique perspective that aims to facilitate genuine intercultural dialogue, towards the very "community with a shared future" envisioned by China itself. This accessible but multidimensional examination of Chinese law merits a wide readership across academia, policy, media, and civil society.

*Review by Shisong Jiang
School of Law
Chongqing University, China*