

INTRODUCTION

In this volume, which contains the 1st issue of the Proceedings of the 24th IVR World Congress, held in Beijing in the year of 2009, the reader will find a selection of papers presented at that International Congress on the general theme of “Global Harmony and the Rule of Law.” Even though these papers share a general topic, each of them will approach it in a different way. Under the first subsection, Ethical Dimensions of the Rule of Law, the reader finds a selection of eight papers. Leutge’s paper proposes to understand the interface between law and business according to a model of “order ethics” which describes the spheres of law and business as complementary and mutually dependent. Kozicki, in turn, explores the potential tension between radical democracy and constitutionalism in contemporary societies, and suggests a theoretical model to overcome or at least minimize this tension. Mindus’s paper, in turn, offers an empirical-analytic model to build up a genuinely intercultural model for mutual cooperation between Western and Eastern legal cultures on the basis of the idea of Global Harmony and the principle of the Rule of Law. Toprak’s paper, on the other hand, focuses on the relationship between law, professional ethics and morals, taking the works of Ioanna Kuçuradi as a theoretical premise. Andersen’s paper, taking a slightly different approach, is worried about the principle of “proximity”, understood as “nearness in the legal proceedings before the court” in litigation, with a view to understand the role played by such principle in juristic argumentation. Vaiçaitis, in turn, analyses the idea of law as it is understood in Biblical narratives, in an attempt to demonstrate that the conception of legal system accepted in today’s theoretical accounts was also present in such narratives. Finally, Takikawa’s paper explains how particular political obligation refers to universal legal duties, showing us that the duty to obey the law cannot be read as necessarily particular.

The second section, on the topic Harmony, Rule of Law and Chinese Legal Philosophy, is dedicated to deal with some of the most significant challenges for contemporary jurisprudence in China. Firstly, Yun’s paper deals with the notion of Civic Spirit and its function as a cultural basis for the idea of Harmony in contemporary China. Secondly, Xiaohong and Liyu’s paper explains how the idea of “overall situation” makes sense in the context of the Chinese society and legal practice. Thirdly, Jianwu’s paper is concerned with the idea of legal formalism, which appears to play an important role to secure the certainty and stability under the Rule of Law. And finally, Xiangyang’s paper is interested in the theoretical implications of the distinction between ‘is’ and ‘ought’ in the context of a legal-philosophical debate. By analyzing these notions, he is able to unveil the significance of legal positivism in the Chinese legal culture.

The editors would like to thank the authors of the contributions compiled in this volume for the help in the revision of the manuscripts of their papers, as well as Prof. Zenon Bankowski and the dedicated members of the Chinese Law Society, who worked very hard to select the papers comprised in this volume amongst hundreds of papers received for this publication.

