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Soft Law Governance: Towards an Integrated Approach

By Luo Haocai & Song Gongde

Translated by Ben Armour & Tang Hailong

FIRST PRIZE
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Highlights & Key Points

Soft Law Governance includes detailed information on:

- An alternative approach to the Rule of Law
- How the rise of Public Administration calls for the reflections and modifications of the definition of “law”
- A clearer and more extensive view of soft law research

Includes commonly encountered types of institutional arrangements which in the past have been excluded from the realm of law and legal research!

Haocai and Gongde break soft law into two sections in this new Hein title.

The first section discusses the construction of a soft law theoretical system which aims at interpreting soft law

governance. This section includes what soft law is, its function, the relationship between soft and hard law, the scope

of soft law, and its operational mechanism.

The second section helps to resolve the issue of “soft law is also law (in a legal regime)”, and expands the realm of law through reflecting on and rectifying the traditional definition of the concept of “law” to include soft law within its scope.

“The most significant part of the legal system consists in the mode of thinking and mental habits as to the development and application of legal precepts; only in these do the most enduring elements in the law inhere.”

-Roscoe Pound

The perfect resource for law students as well as those who work in the courts and administrative agencies!

Includes notable chapters on the revision of the definition of “law” as well as a chapter on the merging of hard and soft law!

First, Haocai and Gongde describe an alternative approach to the Rule of Law. This is followed by a comprehensive analysis of the rise of Public Administration and the call for the reflections and modifications of the definition of “Law”. The third focal point of *Soft Law Governance* is the necessity of a clearer approach and a more extensive view of research. This includes the transition from the state administration mode to the public governance mode for governance of the public sphere. It forms the background of study and categorizes those institutional arrangements which cannot be covered by traditional legal theory under the concept “soft law”, and thus deems these a discrete category in contradistinction to “hard law”.

Tables & Figures

The list below is a sample of the nearly 50 tables and figures included in *Soft Law Governance*.

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Soft law - quasi-legal instruments which do not have any legally binding force, or whose binding force is somewhat “weaker” than the binding force of traditional law

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- Origin and decline of the statist complex in Chinese law

Chapter 2: Reflections on and Revision of the Definition of “Law”, including:

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 - Shift from unitary regulation to hybrid governance
 - China’s practical experience in hybrid governance
 - “Let all flowers bloom” in the garden of soft law governance
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