

# Call for Sessions - WEHC 2015 [S20075]

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## Proposed title of the session

Law and Custom for the Globalizing Maritime Business World in Modern China

## Abstract

The underlying theme of this panel is the complex interplay between the modernizing legal framework and the resilient yet adaptive local customs in China's maritime business world that underwent the process of globalization from the late nineteenth century to the early decades of the twentieth century. This theme will be explored in four case studies spreading a period from the 1860s to the 1920s, and from Hong Kong to Shanghai. Instead of seeking new and definitive answers, the panel intends to explore in empirical manner new facets of the complexity of the issue. Brief descriptions of the case studies are as follows: "Dirt of Whitewashing: Re-conceptualizing Debtors' Obligations in Chinese Business by Transplanting Bankruptcy Law to Early Colonial Hong Kong (1860s-1880s)" by Michael Ng. The paper begins by briefly summarizing the development of the law governing debtors' obligations in England and China up to the mid-19th century, before turning to a discussion of the context in which the English model was transplanted into Hong Kong and, finally, the consequences of such a legal import and the reactions to it. The second paper is on "Between Law Court and Custom-based ADR in Modern Shanghai's Publishing Industry" by Billy K. L. So and Sufumi So. This paper examines the resolution of commercial disputes among modern Chinese publishing houses in Shanghai and their disputants mainly from the 1900s to the 1920s. The focus of our paper is on selected novel cases settled in court and those that settled through ADR at the modern Shanghai Association of Publishers. As a comparison we will also refer to the earlier development of ADR in the publishing industry in Meiji Japan. The third paper is on "Protecting Private Interests under the Shadow of the Law: Shanghai Booksellers' 'Copyright' Regime and its 'Piratical' Twin" by Fei-Hsien Wang. By comparing Shanghai Booksellers' Guild and its 'piratical' twin, this paper explores why and how Chinese publishers and their foreign counterparts employed informal customary mechanism to protect their private interests under the shadow of the formal legal system. It also aims to shed lights on the crucial roles the business customs and collective civility in the book trade played in the Guild's creating a local market order that helped Chinese booksellers to combat with piracy and advance in competitions with foreign companies in the globalizing Shanghai publishing industry. Finally the fourth paper is "Between Symbiosis and Antagonism: The International Mixed Court and Chinese General Chamber of Commerce in Early Republican Shanghai (1912-1926)" by Hao Xiaowen. This paper examines the relationship between the International Mixed Court and the Chinese General Chamber of Commerce in early Republican Shanghai. This paper will present an intricate dispute case of brand counterfeiting, which was tried both in the Mixed Court and the Shanghai local tribunal, and arbitrated by the Chinese Chamber. The case reveals the practical and intriguing connections between the two institutions and their interaction with a local court, indicating the order and disorder of the legal practice in early Republican China.

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## I. Corresponding Session Organiser

Prof. Billy K. L. So (Hong Kong University of Science and Technology [China])

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## II. Co-Organiser(s)

1. Corresponding Organiser.
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## III. Expected Participant(s)

1. same as correspondent.
2. Sufumi So (George Mason University [United States of America])
3. Michael H.K. Ng (University of Hong Kong [China])
4. Fei-hsien Wang (Indiana University [United States of America])