

# Table of Contents

<i>Preface</i>	v
<i>Glossary of Terms</i>	xi
<i>Table of Acronyms</i>	xvii
<i>Table of Cases</i>	xix
<i>Table of Legislation</i>	xxi
<b>1 A Century of Turmoil: An Overview of China's Constitutional Reform and Revolutions</b>	<b>1</b>
I. Introduction: The Dawn of a Constitutional Moment	1
II. Constitutional Elements in the Ancient Regime and Their Limitations	5
III. The First Republic: The Nationalist Revolution of 1911	18
IV. Why Revolutions Fail to Bring about Constitutionalism	33
Further Reading	38
<b>2 The New Constitutional Order of the People's Republic</b>	<b>39</b>
I. The Second Republic: The Communist Revolution of 1949	40
II. The 1982 Constitution	48
III. Constitutional Amendments	55
IV. Constitutional Transformations	59
Further Reading	74
<b>3 Governing the Goliath: China's Central and Local Relations</b>	<b>75</b>
I. Introduction: The Sun Zhigang Tragedy	75
II. The Constitutional Landscape	81
III. Keeping Laws in Order	84
IV. Bottom-Up or Top-Down? Rule of the Party Reinforced	97
V. Pluralism within a Unitary System	108
Further Reading	118

<b>4</b>	<b>Democracy with Chinese Characteristics? The Role of the People's Congresses</b>	121
I.	Introduction: Supremacy by Rubber Stamp?	121
II.	The National People's Congress (NPC)	124
III.	The NPC Standing Committee (NPCSC)	130
IV.	Local People's Congresses (LPCs)	138
V.	How to Make Democracy Work	143
	Further Reading	147
<b>5</b>	<b>Administration of the State According to Law</b>	149
I.	The Central Government	150
II.	Local Government	156
III.	Toward Administrative Rule of Law?	160
	Further Reading	169
<b>6</b>	<b>De-politicising the Judiciary</b>	171
I.	Introduction: Establishing Judicial Review?	173
II.	Judicial Structure and Functions	176
III.	Judicial Reform: Necessities, Possibilities, Limits	185
	Further Reading	196
<b>7</b>	<b>The Contemporary Rights Revolution: Life, Liberty, Property and Equality</b>	197
I.	Introduction: Back to the Sun Zhigang Model	197
II.	Equality	198
III.	Liberty	207
IV.	Property	215
	Further Reading	222
<b>8</b>	<b>Still Dormant: Political and Religious Rights</b>	223
I.	Introduction: What the Sun Zhigang Model Cannot Do	223
II.	Freedom of Speech	225
III.	Freedom of Religion	241
IV.	The Right to Election	250
	Further Reading	258

<b>9 Conclusion: The Future of China's Constitutionalism</b>	259
I. Back to 1911? The On-going Saga of China's Constitutional Journey	259
II. Toward the Third Republic? The Future of China's Constitutionalism	262
Further Reading	264
<i>Index</i>	265

<http://www.pbookshop.com>