1. Record Nr. UNINA9910809646603321 Autore Tong Zhiwei <1954-> Titolo Right, power, and faquanism: a practical legal theory from contemporary China / / edited by Tong Zhiwei; translated by Xu Ping Leiden: Boston: Brill, 2018 Pubbl/distr/stampa **ISBN** 90-04-38128-7 Descrizione fisica 1 online resource Collana Law and society in China;; v. 3 340.10951 Disciplina Law - China - Philosophy Soggetti Law - Political aspects - China Jurisprudence Lingua di pubblicazione Inglese **Formato** Materiale a stampa Livello bibliografico Monografia Nota di bibliografia Includes bibliographical references and index. Front Matter -- Copyright page -- Foreword / Jerome A. Cohen --Nota di contenuto Preface -- Introduction -- Investigation and Reflection on Fundamental Propositions of Traditional Legal Studies of China -- The Fundamentals of Faquanism -- Faquanist Theory of the Center of Law --Methodological Foundation of Faquanism -- Interpretative Framework of Legal Phenomena of Faquanism -- Conclusion -- Back Matter --Selected Bibliography -- Index. In Right, Power, and Faquanism, Tong Zhiwei proposes that right and Sommario/riassunto power are ultimately a unified entity which can be named "faguan," and that the purpose of law should be to establish a balanced faquan structure and to promote its preservation and proliferation. "Faguan" is thus a jurisprudential category reflecting the understanding of the unity of right and power. It has interest protected by the law and property with defined ownership as its content, and manifests itself as the external forms of jural right, freedom, liberty, jural power, public function, authority, competence, privilege, and immunity, et cetera Faquanism relies mainly on six basic concepts (faquan, right, power, quan, residual quan and duty) to analyze the content of interests and

property in all legal phenomena.