

IN SEARCH OF THE DRAGON'S SOUL: AN ASSESSMENT OF THE INTERNAL MORALITY OF THE CHINESE LEGAL SYSTEM

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ABSTRACT

Certain natural law theorists have opined that the validity of a legal system is contingent on its ability to meet the requirements of the 'internal morality of law'. The paper seeks to explain the natural law notion of the 'internal morality of law', and to critically analyse the validity of the legal system of China by using the natural law measurement of the internal morality of law. Part I explores the idea of internal morality of law and argues that although it is primarily associated with the writings of Lon Fuller, elements of this theory can be found in the writings of other natural law theorists. Part II provides an overview of the Chinese legal system and its multitude of shortcomings. Part III evaluates the myriad reforms undertaken to address these shortcomings and assesses the validity of the Chinese legal system in relation to the 'internal morality of law'. The assessment is confined to Administrative Law, the Law of Property and the World Trade Organization reform initiatives. Reference has been made to comparative jurisdictions where relevant.

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