

The Value of Combining Legal Science with Cultural Thought: Its Impact on Promoting Legal Pluralism and Social Justice

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Abstract: The concept of legal pluralism has significantly challenged the centrality of state law and fostered a deeper understanding of the diverse legal systems individuals interact with. Our qualitative study explored the interplay between legal pluralism, cultural thought, and social justice in China. The findings highlight the complex interaction between state law, non-state legal systems, and cultural values. Participants identified challenges in navigating China's dual legal system. The formality of state courts contrasted with the perceived lack of transparency and fairness in village mediation. Concerns about potential bias within non-state systems, particularly for marginalized groups, were also raised. Analysis revealed how deeply cultural values are embedded within China's legal landscape. Concepts like filial piety, social harmony, and collective well-being were found to influence legal interpretations and decision-making processes, especially in non-state legal systems like village mediation. The study identified instances where social movements, drawing on cultural values and traditions, advocated for legal reforms that promote social justice. In conclusion, our study underscores the importance of considering cultural influences within China's legal system.

Keywords: Legal Pluralism, Cultural Values, Legal Systems, Social Justice, Traditions

1. INTRODUCTION

Western legal systems have traditionally held state law as the paramount legal authority. This notion, however, is challenged by the reality of individuals existing within multiple social groups, each with its own set of norms and mechanisms for enforcement (David & Fraser, 2016; Held, 2002). These norms can range from formally recognized legal codes to informal customary practices, with some even existing outside the legal sphere altogether. Legal professionals often prioritize state-sanctioned law, viewing it as the sole legitimate legal system (Liu & Stern, 2021). However, legal pluralism scholars have long investigated the co-existence and interaction of various legal frameworks within a single social field (Otis, 2022; Otis et al., 2022; Tusseau, 2021). The state's exclusive claim to legal authority has not only marginalized alternative normative systems within its own borders, but it has also cast doubt on the legitimacy of public

international law, including human rights law, as a true legal system. The roots of contemporary legal pluralism in the global sphere can be traced largely to the colonial era (Benton & Ross, 2013; Tamanaha, 2021). While significant legal transnational adoptions existed before 1500, the period from the 16th to 20th centuries witnessed an unprecedented expansion of legal systems. Colonial powers in Europe and North America imposed their legal frameworks on vast territories in Latin America, Asia, and Africa. This period also coincided with a transformation of law within the colonizing nations themselves. Concepts of race and difference became embedded within their legal structures, alongside the development of novel governance and rule techniques. Legal pluralism presents a significant challenge for states around the world. While the existence of non-state justice systems is a common feature, their prevalence, autonomy, function, and influence vary considerably across different contexts. Simply acknowledging the presence of legal pluralism is insufficient. Scholars and policymakers must delve deeper to understand the mechanisms through which legal pluralism operates in practice. Studies estimate that in developing countries, 80-90% of disputes are resolved outside the state justice system (Swenson, 2018). Legal pluralism plays a particularly crucial role in conflict and post-conflict settings, where state institutions are often weak and governing authority is contested (Fearon & Laitin, 2004). In these contexts, with limited state capacity and legitimacy, individuals may seek assistance from non-state actors as a conflict avoidance strategy. This approach can even evolve into a broader governance strategy, aiming to secure the cooperation of powerful groups who might otherwise be sceptical of state authority. It's important to acknowledge that a dominant state justice system doesn't necessarily guarantee just outcomes. As Krygier points out, it can be used to perpetuate authoritarian rule (Krygier, 2011). Nevertheless, a well-functioning state-run justice system remains a crucial foundation for a state to uphold the rule of law's principles: prospectivity, generality, clarity, stability, and equal application (Tamanaha, 2007). The postcolonial era has witnessed continued legal borrowing, with newly established democracies in Eastern Europe, for instance, adopting legal codes from other countries. This trend encompasses the extensive adoption of constitutions, commercial codes, and distinct legal systems across national borders. Furthermore, international law has undergone a significant expansion. Originally focused primarily on regulating commerce and state relations, it has increasingly ventured into regulating the legal relationships between citizens and their states, economic interactions, the

cultural integrity of indigenous communities, and the rights of vulnerable populations such as racial minorities, women, and children. As the human rights framework has grown in the post-war period, its reach has extended into new spheres of social life. Consequently, the contemporary world presents a rich diversity of coexisting, overlapping, sometimes contradictory, and yet complementary legal systems at the local, national, and international levels. This complex legal landscape is, to a significant extent, a product of colonialism and postcolonial processes. The diverse and fragmented nature of international law, with its multiple rules and courts, has been described as "global legal pluralism" (Cohen, 2022; Reus-Smit, 2021). According to Berman the concept of legal pluralism has significantly challenged the centrality of state law and fostered a deeper understanding of the diverse legal systems individuals interact with (Berman, 2016). When exploring access to justice, acknowledging this variety is crucial. This requires recognizing the different forms of justice available, the characteristics of each system, the interactions between them, and the disparities in accessibility. However, for a thorough assessment of legal pluralism's impact on access to justice, a careful definition of its constituent elements is necessary. Legal culture and legal consciousness offer valuable frameworks for analysing the distinct legal spheres within a pluralistic legal field. Furthermore, the concept of legal mobilization, alongside its relationship to legal culture and legal consciousness, provides a dynamic framework for understanding how legal pluralism influences access to justice in practice. Complementary legal pluralism, where non-state dispute resolution mechanisms coexist with the state's legal system, is a desirable long-term objective. However, achieving equal application of the law remains a significant challenge in post-conflict settings (Swenson, 2022). In contrast, Competitive legal pluralism, common in developing countries and post-conflict settings, features significant autonomy for non-state justice systems. These systems, rooted in religion, tradition, or custom, may not align with state values. Cooperative legal pluralism is characterized by significant autonomy for non-state justice actors who, however, acknowledge the state's legitimacy and collaborate on shared goals.

Major conflicts are rare, typically arising from social values clashes (e.g., women's rights) rather than fundamental challenges to state authority. Legally plural societies are characterized by the coexistence of distinct yet overlapping conceptions of permissible behaviour, valid transactions, and conflict resolution mechanisms within the same social field (von Benda-

Beckmann, 2002). These coexisting legal spheres are typically grounded in differing understandings of justice. A central concern in legal pluralism research is the nature of interactions between these various legal systems, cultural thought, and social justice systems.

1.1 Rationale and Objective

Our study investigates the potential of combining legal science with cultural thought to promote legal pluralism and social justice. Legal systems often struggle to account for the diverse cultural values present within societies.

By incorporating cultural perspectives into legal analysis, the study argues that a more nuanced understanding of legal pluralism can be achieved. This, in turn, can inform the development of legal frameworks that better reflect the needs and realities of different social groups, ultimately promoting social justice.

2. METHODS

2.1 Research Design

Our study adopted a qualitative research design (see Figure 1), employing a multi-method approach to explore the interaction between legal pluralism, cultural thought, and social justice in China. This involved document analysis of legal materials, government policies, and cultural texts alongside in-depth case studies examining specific legal disputes or social movements. Semi-structured interviews with legal professionals, community leaders, and individuals navigating both state and non-state legal systems provided valuable insights into lived experiences and perceptions.

Through thematic analysis, the study identified how cultural values are embedded in legal practices and their impact on achieving social justice within China's pluralistic legal landscape. The study recruited participants through purposive sampling, focusing on members of the All-China Lawyers Association, legal professionals, community leaders, and individuals with experience navigating both state and non-state legal systems in China. All participants provided informed consent, participated voluntarily, and were guaranteed anonymity. The research adhered to ethical guidelines, and all collected data was used solely for the research purposes outlined in the study design.

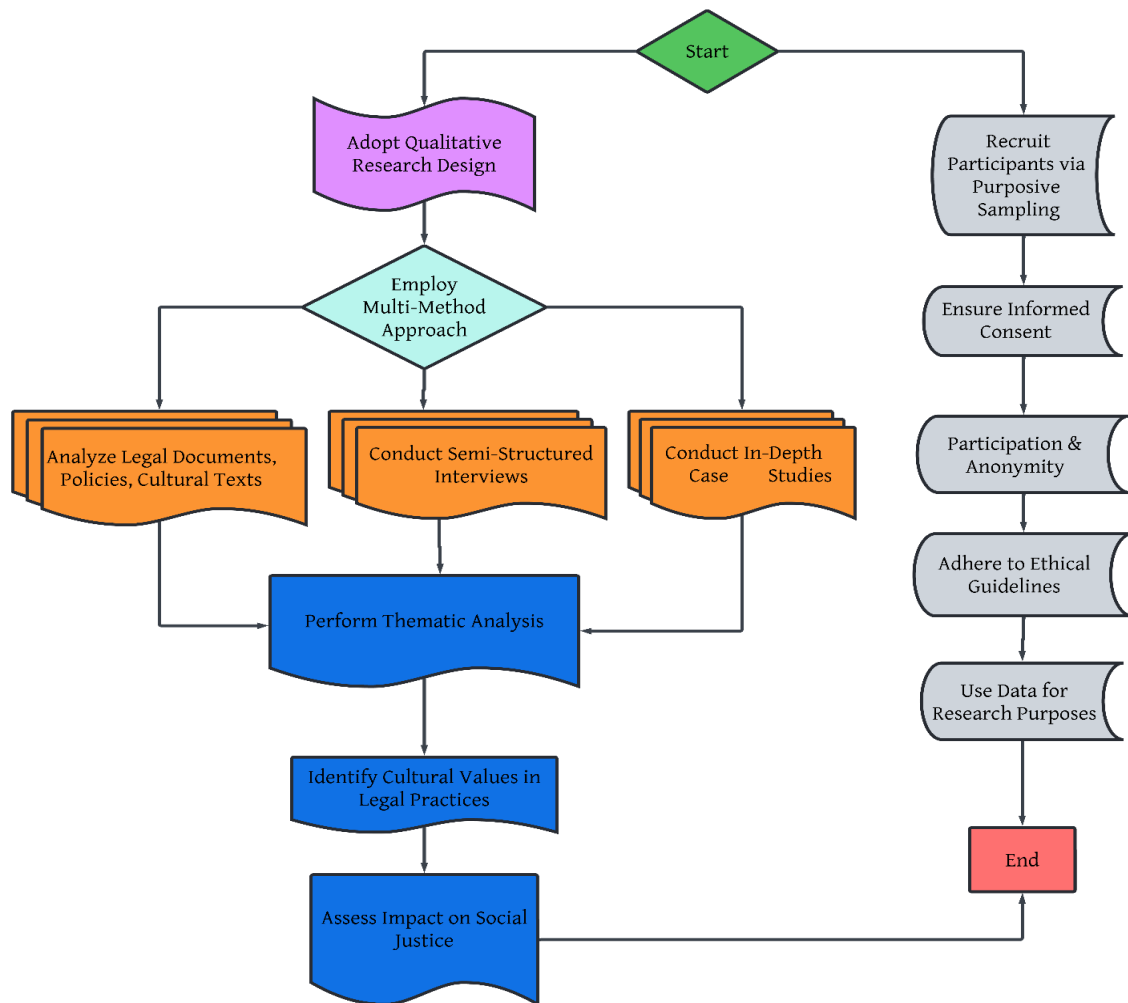


Figure 1: A Flowchart Illustration of the Research Design and Methodology of Data Collection.

2.2 Document Analysis

Our document analysis component examined a range of materials relevant to legal pluralism and social justice in China. This included official legal documents, such as statutes and court rulings, alongside policy pronouncements that outlined state approaches to legal matters. Additionally, we analysed cultural texts like literature, folklore, and religious texts to understand how cultural values inform legal interpretations and practices within Chinese society. This focus on a variety of sources ensured a comprehensive understanding of the interplay between formal law, cultural influences, and social justice concerns within China's complex legal landscape. Additionally, the study employed a series of in-depth case studies to explore how legal pluralism and cultural values manifested in real-world situations. These cases examined historical examples, such as the interaction between customary law and colonial legal systems during the

British rule of Hong Kong. Additionally, contemporary cases were analysed, focusing on social movements or legal disputes that highlighted the tensions and negotiations between state law, non-state legal systems (e.g., village mediation, religious courts), and cultural values in China.

2.3 Semi-structured Interviews

Our research utilized semi-structured interviews to gather in-depth qualitative data from participants. Following the distribution of an information sheet outlining the study's purpose and procedures, informed consent was obtained from 15 participants, including legal professionals, community leaders, and individuals with experience in both state and non-state legal systems. The interviews, each lasting approximately 25-30 minutes, employed a pre-defined interview guide with 15 open-ended questions focused on experiences with legal pluralism, cultural influences on legal practices, and perceptions of social justice in China. To conclude each interview, a debrief session was offered to address any remaining questions, followed by a thank you note expressing appreciation for the participants' valuable contributions to the research.

2.4 Data Analysis

Thematic analysis was employed on the collected data to identify recurring themes and patterns. This analysis process involved coding transcripts from the semi-structured interviews and categorizing legal documents and cultural texts based on their content related to legal pluralism, cultural values, and social justice. A systematic examination of these codes allowed us to identify key themes that emerged from the data, such as the ways cultural beliefs influence legal interpretations, the challenges individuals face navigating both state and non-state legal systems, and the role of social movements in advocating for legal reforms that better reflect diverse cultural values within China.

3. RESULTS

The study recruited 15 participants, with a relatively even age distribution (20-30 years old: 2 participants, 13%; 31-40 years old: 4 participants, 27%; 41-50 years old: 6 participants, 40%; 51-60 years old: 3 participants, 20%) (see Figure 2).

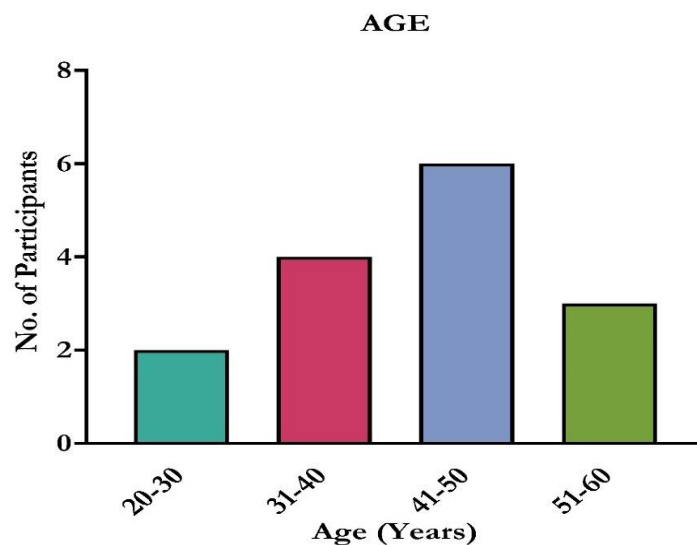


Figure 2: A Bar Chart Analysis of the Distribution of Participants Based on Age (Years)

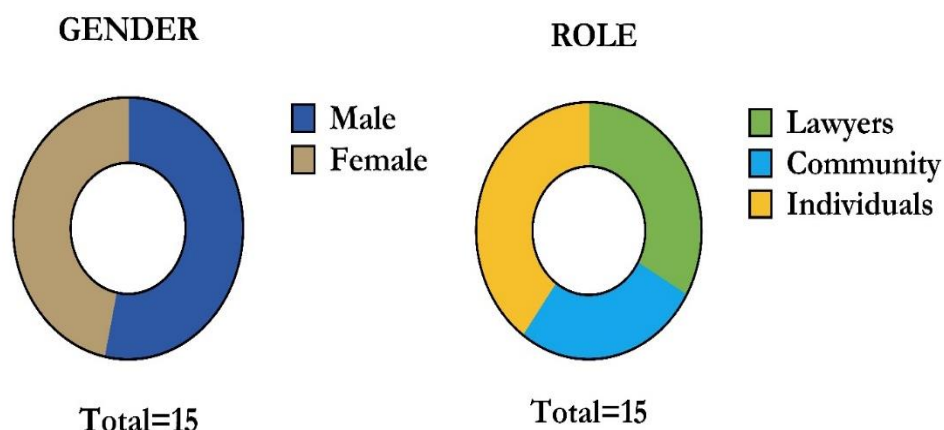


Figure 3: The Distribution of Participants Based on Gender and Role (Category or Profession).

In Figure 3, there was a slight gender skew towards males (8 participants, 53%) compared to females (7 participants, 47%). Professionally, the participants included lawyers (5 participants, 33%), community leaders (4 participants, 27%), and individuals with experience in navigating both state and non-state legal systems (6 participants, 40%).

Table 1(a): Legal Documents and Policy Pronouncements

Document Type	Examples Analysed	Key Findings
Statutes	Marriage Law, Land Administration Law	- Statutes reflect a focus on state authority and social stability. - Limited recognition of non-state legal systems within formal legal frameworks.

Table 1(b): Legal Documents and Policy Pronouncements

Document Type	Examples Analysed	Key Findings
Court Rulings	Selected cases related to property disputes, family law	- Rulings sometimes demonstrate a tension between upholding state law and incorporating cultural norms (e.g., mediation attempts in family disputes).
Policy Pronouncements	Documents outlining legal reforms, social development plans	- Policies often emphasize promoting social harmony, which can influence legal interpretations and prioritize collective well-being over individual rights. - Limited guidance on integrating non-state legal systems into broader legal framework.

In Table 1, examining legal documents like Marriage Law and court rulings revealed a focus on state control and social stability. While some rulings incorporated cultural norms (e.g., mediation), policy pronouncements prioritized social harmony over individual rights, offering limited guidance on integrating non-state legal systems.

Table 2: The Findings of Document Analysis of Cultural Texts

Text Type	Examples Analysed	Key Findings
Literature	Classic novels ("Dream of the Red Chamber"), contemporary legal fiction	- Cultural texts depict the prevalence of informal dispute resolution mechanisms and the influence of social norms on legal expectations. - Stories highlight the tensions between individual desires and societal pressures.
Folklore	Proverbs, folk tales	- Proverbs often emphasize the importance of social harmony and respect for elders, potentially influencing mediation processes in non-state legal systems. - Folk tales sometimes depict alternative forms of justice that exist outside the formal legal system.
Religious Texts	Confucian texts, Buddhist scriptures	- Religious teachings can influence concepts of fairness and justice, emphasizing concepts like filial piety and social order. - Religious texts may provide alternative ethical frameworks that inform legal interpretations in specific communities.

In Table 2, analysing cultural texts like classic novels and proverbs revealed the prevalence of informal justice systems and the influence of social values (harmony, respect for elders) on legal expectations. Folk tales even depicted alternative justice systems, while religious texts offered

frameworks for fairness and social order, potentially informing legal interpretations within communities.

Table 3: Analysis of Key Findings from Historical Case Studies

Case Study	Time Period	Key Findings
Interaction of Customary Law and British Colonial Legal System in Hong Kong	19th - early 20th Century	- British colonial courts initially acknowledged some aspects of Chinese customary law (e.g., ancestral worship practices). - Over time, colonial authorities increasingly manipulated and suppressed customary law, promoting a more centralized legal system.
Minority Customary Law Practices in Southwest China	Pre-modern to Contemporary Era	- Minority groups in certain regions maintain customary law systems that coexist with state law. - These customary systems often address issues like land use, marriage, and family disputes. - Tensions arise between upholding cultural traditions within customary law and ensuring alignment with broader social justice principles enshrined in state law.

In Table 3, historical case studies highlighted both coexistence and conflict. While British colonial courts in Hong Kong initially recognized some aspects of Chinese customary law, they later suppressed it. In contrast, minority groups in Southwest China maintain customary law alongside state law, though tensions exist between cultural traditions and broader social justice principles.

Table 4: Analysis of Key Findings from Contemporary Case Studies

Case Study	Location	Key Findings
Social Movement for Gender Equality in Inheritance Laws	Rural and Urban China	- Grassroots movements advocate for legal reforms that grant daughters equal inheritance rights alongside sons (a traditional patriarchal practice). - Movements leverage cultural values like family harmony and social justice to push for legal change.
Village Mediation in Land Disputes	Specific Village in Eastern China	- Village mediation serves as a primary dispute resolution mechanism for land-related issues, reflecting cultural emphasis on community cohesion. - Concerns arise regarding potential biases within village mediation, particularly for marginalized groups within the community. - Success stories showcase the ability of village mediation to find culturally sensitive solutions that address local needs.

In Table 4, contemporary cases showcased both challenges and opportunities. Social movements in China fight for gender equality in inheritance through cultural values like family harmony. Village mediation in land disputes, while fostering community cohesion, raises concerns about bias towards marginalized groups. However, successful mediation demonstrates its potential for culturally sensitive solutions.

Table 5: Thematic Analysis of Experiences with Legal Pluralism

Theme	Description	Participant Quotes
Navigating Dual Systems	Challenges faced when interacting with both state and non-state legal systems.	"The state courts seem more formal, but less flexible. Village mediation is faster, but sometimes feels unfair."
Lack of Transparency in Non-State Systems	Concerns about the lack of transparency and predictability in decision-making within non-state legal systems.	"In village mediation, it's hard to know what the rules are or why they decided that way."
Potential for Bias in Non-State Systems	Concerns about potential biases within non-state legal systems, particularly for marginalized groups.	"Women often have a weaker voice in village mediation, especially when it comes to land disputes."

In Table 5 and Figure 4, interviews revealed challenges navigating China's dual legal system. Participants mentioned the formality of state courts versus the perceived unfairness of village mediation's lack of transparency. Concerns about bias within these non-state systems, particularly for women in land disputes, were also highlighted.

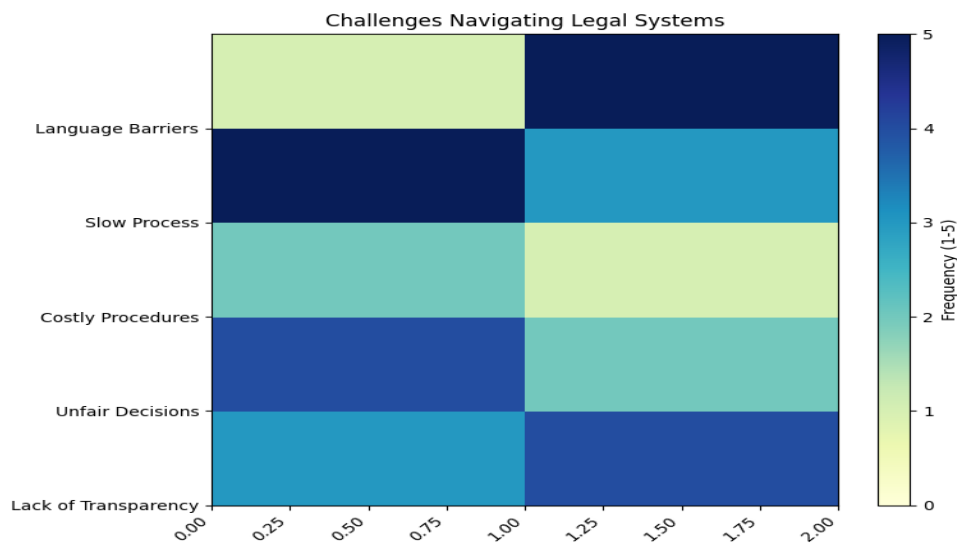


Figure 4: A heatmap of the challenges faced by participants in various legal systems.

Examining cultural influences, interviews revealed how values like filial piety influence mediation (prioritizing family unity over individual rights). Social movements leverage these values (fairness within the family) to advocate for justice (e.g., equal inheritance rights). However, a key tension remains between individual rights and collective well-being, highlighting the balancing act within Chinese society (see Figure 5, 6 and Table 6).

Table 6: Thematic Analysis of Cultural Influences and Social Justice

Theme	Description	Participant Quotes
Cultural Values Shaping Legal Practices	How cultural values like filial piety and social harmony influence legal interpretations and decision-making.	"Mediators often prioritize family unity over individual rights, which can be frustrating in divorce cases."
Social Movements Promoting Justice	The role of social movements in advocating for legal reforms that promote social justice through cultural values.	"The movement for equal inheritance rights for daughters is important because it reflects traditional values of fairness within the family."
Balancing Individual Rights with Collective Well-being	The tension between individual rights and the emphasis on collective well-being in Chinese society.	"Sometimes, achieving social harmony requires sacrificing individual desires. It's a balancing act."

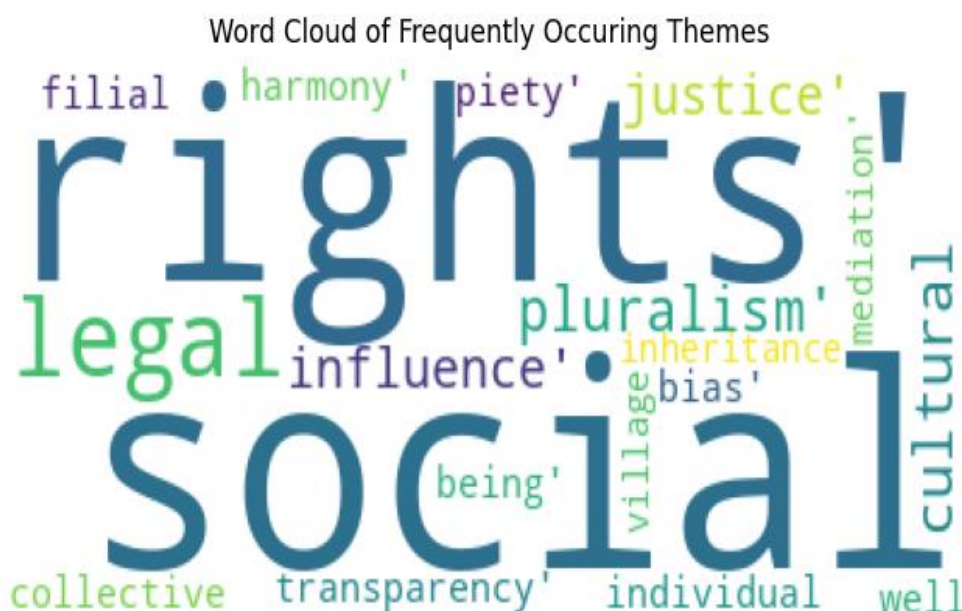


Figure 5: A word cloud of frequently occurring themes from cultural influences on social justice.

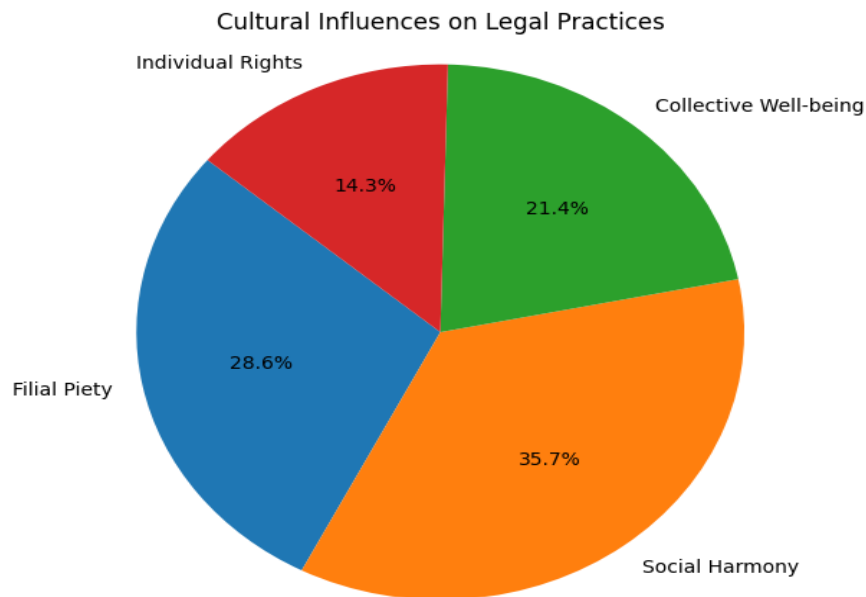


Figure 6: A pie chart showing the Cultural Influences on Legal Practices

4. DISCUSSION

Our study found significant challenges and tensions with participants navigating both state and non-state legal systems faced challenges related to a lack of transparency and inconsistency in rulings. Cultural biases within non-state systems, particularly regarding marginalized groups, were identified as potential barriers to achieving social justice. Additionally, historical analysis revealed how colonial powers sometimes suppressed customary law, hindering its coexistence with state law. Colonialism is a prominent example of how legal pluralism arises. Colonial powers often imposed a new legal framework upon existing legal systems (Merry, 2017). In some instances, colonial law acknowledged pre-existing systems, such as the incorporation of Hindu, Muslim, and Christian personal law into the administration of British India. However, these coexisting systems frequently have incompatible standards and procedures, leading individuals to strategically navigate between them ("forum shopping") to secure the most favourable outcome. The British manipulation of Chinese customs in Hong Kong involved both enforcing existing practices and inventing new ones, particularly in the New Territories. Unlike urban Hong Kong, the New Territories were considered "leased" rather than "ceded," implying a distinct legal system. We argue that this distinction created a de facto dual legal system, with Chinese customs supposedly respected in the rural New Territories (e.g., ancestral worship and lineage property rights). However, claims that Chinese customs remained largely untouched are inaccurate, as

evidenced by pronouncements from Chief Justice Hogan acknowledging the potential for British modification of these customs. Our findings were aligned with Chiang who observed that the initial phase of British colonial rule in Hong Kong, predating the 1842 Treaty of Nanking, highlighted the significance of Chinese customs (Chiang, 2023). The "Proclamation to the Chinese Inhabitants of Hong Kong" issued by Gordon Bremer and Charles Elliot on February 1, 1841, explicitly assured residents of the "free exercise of their religious rites, ceremonies, and social customs" alongside protection of property rights. This proclamation, implemented before the island's formal cession, suggests an initial British acknowledgment of the importance of existing Chinese customs (Chiang, 2023). Colonial strategies towards Chinese customs challenges the notion of legal pluralism in Hong Kong. The concept of a "plurality of laws" under colonial rule is demonstrably false. The initial space granted to Chinese customs steadily eroded, as evidenced by the diminishing influence of early proclamations. Furthermore, the idea of co-existing official and customary Chinese laws within the colony is romanticized. The British actively distorted existing customs, rendering them inauthentic and ultimately creating a fabricated "plurality" of colonial law masquerading as Chinese customs. This manipulation raises questions about the very nature of these "Chinese customs," as concepts like "customary policing" or "customary land rights" were arguably foreign impositions. In conclusion, the British control over Chinese customs undermines the existence of legal pluralism, specifically the idea of multiple legal systems within a colonial framework. Our analysis of Cultural Influences and Social Movements found cultural values deeply embedded within China's legal landscape. Concepts like filial piety and social harmony influenced legal interpretations and decision-making processes, particularly in non-state legal systems like village mediation. Interestingly, social movements drew upon these very cultural values to advocate for legal reforms promoting social justice. Examples included movements for gender equality in inheritance laws and land rights for rural communities. The prevalence and persistence of non-state justice mechanisms can be interpreted as a challenge to the role of state justice systems in upholding the rule of law. However, these non-state mechanisms often come with significant drawbacks. Their legal frameworks frequently reflect cultural or religious norms that may not prioritize fundamental human rights. Women and marginalized groups are particularly vulnerable when these systems operate under overtly patriarchal principles. Additionally, non-state systems can exhibit bias towards powerful individuals and families, and often lack essential legal

safeguards like due process procedures. As argues, Waldorf non-state "judicial" elites may not be independent or impartial, prioritizing community harmony over individual justice through discretionary rulings (Waldorf, 2006). Furthermore, the relationship between state and non-state justice systems can be ambiguous, leading to inconsistent outcomes and encouraging "forum shopping" by parties with greater resources, economic or political. We suggest that in the most antagonistic form of legal pluralism, known as combative legal pluralism, state and non-state justice systems exhibit overt hostility towards each other. When the fundamental principles of these respective systems are fundamentally incompatible, they actively seek to undermine, discredit, and ultimately supplant or even destroy the other. This combative dynamic can manifest in non-violent ways, with non-state actors rejecting the ideological foundations of the state system. For example, the anti-apartheid movement in South Africa actively established "alternative justice and policing structures that challenged the legitimacy of their counterparts within the apartheid regime" (Nina, 2000). Legal pluralism fundamentally challenges the state's claim to exclusive authority over legitimate dispute resolution and the ideal of uniform legal application. This system empowers participants to strategically select forums for resolving disputes based on factors like accessibility, efficiency, perceived legitimacy, jurisdictional relevance, and cost. Their choices are also influenced by the relative power of state and non-state actors to enforce decisions and sanction those who bypass their systems. This dynamic competition between state and non-state justice providers leads to an ongoing struggle for legitimacy, resources, and ultimate authority. Beyond adjudication, non-state justice actors can even act as "impediments to state-building" and potentially contribute to renewed conflict (Menkhaus, 2006). As Swenson highlights, the question of whether state officials can establish and enforce rules, and conversely, whether non-state actors can effectively resist state control, has significant ramifications for state-building efforts (Swenson, 2018). On the other hand, collaborating with non-state judicial actors can be a crucial strategy for maintaining stability and garnering elite and public support for the state. We propose that the balancing Individual Rights and Collective Well-being was a recurring theme highlighting the tension between individual rights and the emphasis on collective well-being in Chinese society. While village mediation could foster community cohesion and find culturally sensitive solutions, concerns regarding potential bias towards marginalized groups remained. This tension highlights the ongoing challenge of balancing individual needs with broader social harmony within China's legal system.

Central governments often strive for exclusive control over legal authority. However, even in the aftermath of violent conflict, state power can be subject to contestation. Domestically, the effectiveness and fairness of a state's justice system has a profound impact on the lives of millions – for some, it's a matter of life and death. Internationally, "weak governance can generate conflicts that spill across borders" and create fertile ground for criminal networks and transnational extremism (Krasner & Risse, 2016). Paris argues that establishing a functional state justice sector is critical to the overall success of state-building efforts (Paris, 2004). Given the prevalence of non-state justice mechanisms, understanding their implications is crucial. The concept of state-building offers a valuable framework for analysing the complexities of legal pluralism in these fluid situations, where a diverse range of outcomes are possible. However, scholars have largely overlooked the unique challenges and opportunities that legal pluralism presents for efforts to build state-run judiciaries. In some cases, the most impactful legal norms may not originate from the state itself. Beyond state law, a multitude of factors inform legal norms and practices, including custom, tradition, religion, family lineage, and even the influence of non-state actors such as criminal organizations or powerful commercial entities. These sources of legal authority may hold equal or even greater sway than state law in certain contexts. Competitive legal pluralism, common in developing countries and post-conflict settings, features significant autonomy for non-state justice systems. These systems, rooted in religion, tradition, or custom, may not align with state values. While tensions exist due to diverging legal norms, unlike combative pluralism, they rarely challenge the state's authority. Instead, a pragmatic coexistence emerges, with both state and non-state actors engaging on a tactical level (Collier et al., 2008). This dynamic can even arise from criminal actors seeking autonomy, though their activities remain fundamentally opposed to state law. While early studies on legal pluralism envisioned relatively distinct legal systems coexisting, similar to the dual legal systems prevalent during British colonialism (Nobles & Schiff, 2012). Sally Falk Moore's concept of the "semi-autonomous social field" challenged this notion. Moore argued that regulatory subgroups exist within industrialized societies as well. She contended that these legal systems, rather than being rigidly defined and isolated entities, operate within broader social fields with a degree of autonomy. Building upon this concept, legal pluralism research delves into the characteristics of each legal system and how they interact. This encompasses a spectrum of legal systems, from global and regional frameworks like international and

European Union law to national and local regulations. These formal systems coexist alongside informal modes of order within families, communities, and workplaces. Furthermore, normative structures exist outside the realm of state law in all societies. These can be institutionalized forms, such as private law governing universities or corporations, or more informal mechanisms shaping social life. The findings of Swenson posit that complementary legal pluralism, where non-state dispute resolution mechanisms coexist with the state's legal system, is a desirable long-term objective (Swenson, 2022). However, achieving equal application of the law remains a significant challenge in post-conflict settings. Similar to cooperative legal pluralism, it focuses on the state-non-state relationship, and both can coexist with, but don't guarantee, the rule of law. Even in well-functioning states with robust legal systems, legal pluralism persists in a complementary form. Non-state dispute resolution mechanisms, like arbitration and mediation (ADR), coexist with state courts. These forums, sanctioned by the state, offer alternative pathways to address disputes. While some argue that ADR can circumvent state law (Helfand, 2015; Mac Ginty, 2008; Swenson, 2018), the extent of this bypass depends on state policy choices. Ultimately, these non-state processes operate under the state's regulatory umbrella and rely on state courts for enforcement (Stipanowich, 2004). This complementary legal pluralism reflects a calculated decision by the state, which views ADR as a tool to address limitations in traditional court systems. The state essentially licenses or encourages these alternative forums, maintaining ultimate control over their operation. Cooperative legal pluralism is characterized by significant autonomy for non-state justice actors who, however, acknowledge the state's legitimacy and collaborate on shared goals. Major conflicts are rare, typically arising from social values clashes (e.g., women's rights) rather than fundamental challenges to state authority. This environment often emerges as countries consolidate legitimate state power, potentially alongside democratic reforms and the rule of law. However, a high-capacity state with cooperative non-state actors doesn't necessitate a democracy, as evidenced by post-conflict Zimbabwe (Kriger, 2006). It's important to note that cooperation has limitations. In some post-colonial African states, initial support for the state from non-state actors waned when state-building became exclusionary or exploitative. Dominant legal pluralism archetypes, though important, are not inflexible. State-building efforts, domestic and international, have a range of strategies that can potentially promote significant change. The effectiveness of these efforts' hinges on the ability of domestic and international actors to persuade, or in some cases coerce,

non-state actors and society at large (Swenson, 2018, 2022). We propose that five main strategies exist for understanding interactions between state and non-state systems: bridging, harmonization, incorporation, subsidization, and repression. These strategies are not mutually exclusive and can be combined, but they are conceptually and functionally distinct. While success cannot be guaranteed, certain approaches are better suited to specific contexts.

5. CONCLUSION

Our qualitative study provided valuable findings into the interplay between legal pluralism, cultural values, and social justice in China. While limitations like the sample size restrict the generalizability of findings, the research highlights the complex interaction between state law, non-state systems, and cultural influences. Future research can benefit from a larger, more diverse participant pool and potentially employ mixed methods approaches that combine qualitative interviews with quantitative surveys to capture a more comprehensive picture of legal pluralism and social justice across China's varied regions and social groups. This would allow for a deeper understanding of the challenges and opportunities presented by China's unique legal landscape.

6. Funding

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