

# Introduction: Living Apart Together - Chinese-European perspectives on legal cultures and relations in the digital age

Hanne Petersen<sup>1</sup>

“Living Apart Together” (LAT) is a term used for partners having an intimate relationship but living in separate places. It is mainly used in a Western context. However, in the present planetary world, we are increasingly closely related, even if we live apart, as both individuals, communities, regions and continents as well as countries. This special issue of *Naveiñ Reet*, *Nordic Journal of Law and Social Research*, deals particularly with China – seen and understood from both Europe and China. Both Europe and China face challenges for their legal and normative cultures in the digital age. They also face global challenges due to transformation of intimate relations and increasing demands for sustainable relations and lifestyles. *Naveiñ Reet* is a Punjabi expression, which means in translation *New Traditions*. All the mentioned challenges require developments of ‘new traditions’.

During the beginning of 2020, the COVID19 crisis hit first China and shortly after Europe continuing to other parts of the globe. Many have had somewhat shared experiences and feelings of living both together and apart, and of being linked to people and populations nearby but under conditions of social distancing, as well as to people far away under a kind of common destiny. This experience of living with stress, anxiety and insecure health and economic conditions has brought out both positive and negative traits and reactions in individuals – as well as in countries. One of the forms of communication beyond the close ones, which have been important during this period, has been digital communication. It has been essential for production, cooperation and for carrying out a lot of tasks and activities, which in earlier periods required face-to-face contact and interaction. In fact, it would probably not have been possible to lock down cities, regions and countries the way it happened in 2020, without the strong support and impact of digital technology. We are increasingly living apart together on both a private, local and global scale. This issue of *Naveiñ Reet*, which has been edited during the COVID19 pandemic, has underlined that the world we live in now together

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1 Hanne Petersen is professor of legal cultures and former head of CECS (Centre for European and Comparative Legal Studies) at the Faculty of Law, UCPH. She has dealt with issues concerning Chinese legal culture since 2009, and has written on labour law, gender and law, Greenland, religion and law and numerous other topics.

has a need for new traditions, as well as tools to create such new traditions. American-Belgian therapist and author, Esther Perel, said in May 2020 in an interview in the New Yorker “if we want to look at the challenges of communication, of sexuality, of desire, of conflict in relationship, this is such a Petri-dish moment’.<sup>2</sup> During the locked down spring of 2020 the world has witnessed conflict and increased violence in intimate relations and growing tensions in geopolitical relations particularly between China and the US, but to some extent also Europe. These tensions are played out also in the field of competition regarding development and use of digital technology. At the start of the 21st century the development in China and its improved relationship to the West gave hope of mutual economic and cultural gains.<sup>3</sup> Presently the relationship seems fraught by what could perhaps be called a Western identity crisis, and a wish of the Chinese one-party dominated state to secure strong internal control and growing international influence. USA and Europe make up an ever-smaller part of the global population and the time of US dominance globally has gradually been coming to an end since Nine-eleven and the financial crisis in 2008, underlined by the COVID19 crisis, which has hit the US particularly strongly. In the 21st Century the European Union has been troubled by tensions in relation to its Muslim populations and neighbours, by division between new and old EU member states, by a Euro-crisis, a migration crisis, by Brexit and not least by a global climate crisis, which its very young population have reacted strongly towards.

The experience of having to develop and handle a new digital technology, which initially was met with enthusiasm in both the West and China, is common to both major and minor players in a changing world society. It seems to be a general trend in this special issue that Chinese authors still view the potential of technology with more optimism than Western authors do at present. The European enthusiasm was never as strong as the North American was, and seems to be cooling off further. However, as the COVID19 crisis has taught us, we may be sceptical about digital technology, but we can hardly live without it any longer. Probably improvements are the order of the day.

Lawrence Friedman, American legal historian, has on several occasions written on legal culture – including also on *Technology and Legal Culture*.<sup>4</sup> He uses the term meaning

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- 2 Rachel Syme, “This is what happens to couples under stress”: An interview with Esther Perel, *The New Yorker*, May 5, 2020.
  - 3 See Dominique Moïsi, *The Geopolitics of Emotion -- How Cultures of Fear, Humiliation, and Hope Are Reshaping the World* (Anchor Books 2010).
  - 4 Lawrence M. Friedman, *Technology and Legal Culture*, 2007, In *Liber Amicorum Kjell Å Modéer*, Lund: Juristförbundet, p.169-179

‘the general climate of opinion about law, within a given society’, and he claims that ‘momentous social, cultural, political, and economic transformations cannot help but bring about momentous legal transformations.’<sup>5</sup> He describes how the automobile created suburbia, how the birth control pill is related to the sexual revolution (in the West), and how television has altered the nature of politics and political campaigns. – We may now add to that the present transformative role of the smartphone and twitter. Friedman claims that any serious problem, one might mention, be it ‘global warming, the rapid spread of diseases like bird flu, the destruction of rain forests, air and water pollution and the rape of the environment’ can be laid at the door of science and technology or both.<sup>6</sup> There is a general and substantial difference between so-called democratic legal cultures and legal cultures of a mega-one-party state such as the Chinese. Nevertheless, there are also parallels due to a comparability of the technologies – parallels that also existed between technologies of industrial societies, whether they were described and considered as capitalist or socialist before 1989. We do not yet fully know, what kind of social, cultural, political and economic transformations digital technology will lead to, or what legal transformations this may imply, but we can probably begin to glimpse some of these transformations, as some of the contributions here indicate.

China has been and continues to be a frontrunner in the area of digitalization. It has increasingly played an active and contested role in shaping the digital landscape through collaboration and competition with Western and other states. So far, the EU has been a frontrunner in the area of legal regulation, court cases and guidelines to limit the power of the tech giants, as EU is more reluctant than both the US and China regarding the benefits related to digital technologies and their influence on individuals and societies. European countries are, according to Friedman, in general even more concerned with the issue of privacy than the United States,<sup>7</sup> and certainly than the Chinese government. However, Chinese businesses and individuals may increasingly have become concerned about issues of privacy, which will put pressure on top levels of society. These differing views are most likely due to the history of authoritarianism and genocide in Europe during the 20th century. In the 21st century digitalization and the digital revolution is changing the world in terms of communication, (resource) control, censorship, commerce and surveillance of people, organizations, and markets.

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5 *Ibid*, p.169

6 *Ibid* p.173

7 *Ibid*. p.177

Digital surveillance is not limited to China. In her recent book on *'Surveillance Capitalism'* Shoshana Zuboff describes the role of US tech giants in undertaking massive market induced surveillance, which may have a strong impact on individuals.<sup>8</sup> 'Surveillance capitalism' and 'state surveillance' in the form of 'social credit systems' coexist globally. This will very likely increase in the aftermath of the global health crisis.<sup>9</sup> How to maintain data protection and combine it with secure controlling of the COVID19 pandemic will surely be contested. APPs for keeping social distancing are widely used in China, and this has raised concern about personal data and privacy, and the subsequent use of the collected data. They seem to point to a certain ambivalence in both China and Europe regarding the impact and consequences of social and technological developments. Digital technology has clearly been used in the geopolitical struggle between China and the US, and to a somewhat lesser extent between China and the EU. Not surprisingly the global pandemic is also used in this struggle.<sup>10</sup>

A certain common focus upon (diverse) *principles* in regulating digital technology seems to run through several of the articles in this issue. In a world where the major IT & AI powers belong to different political systems, ideologies and legal cultures, and their technologies are both developed and applied according to these different approaches, it may be difficult to agree on 'universal' principles. Nonetheless, principles seem to be an important device for regulation of the complex digital field characterized by rapid development. Some of the articles deal with more technical and specific issues of digitalization, which may not necessarily be easily accessible to the digitally semi-illiterate (legal) reader. Several of these articles only indirectly deal with issues of legal culture. Nevertheless, they demonstrate a difference between a focus on (mostly individual) rights in a Western neo-/ordo-liberal legal culture and a somewhat stronger focus on and concern with public interest, accountability and obligations in a Chinese context. They demonstrate a Chinese interest in minimizing unfair competition, concerns about information asymmetry and the protection of personal information as well as a Chinese perspective on the 'right to be forgotten'.

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8 Shoshana Zuboff, *The Age of Surveillance Capitalism. The Fight for a Human Future at the New Frontier of Power* (PublicAffairs, Hachette Book Group 2019)

9 Naomi Klein writes in *The Intercept*, May 8, 2020 about Screen New Deal. Under Cover of Mass Death, Andrew Cuomo Calls in the Billionaires to Build a High-Tech Dystopia. <https://theintercept.com/2020/05/08/andrew-cuomo-eric-schmidt-coronavirus-tech-shock-doc-trine/>

10 See Niklas Hessel, "Geopolitisk pandemi. Beijing-bashing er i høj kurs i USA, hvor Trump og Biden strides om, hvem der er hårdest". *Weekendavisen*, May 20, 2020

Compared to China, the European Union has not experienced a top-down integration of digitalization as part of a comprehensive development strategy. EU regulation only indirectly touches on market regulations, as it is more concerned about the paradigm of neo-liberal efficiency considerations combined with protection of rights and the right to data privacy especially of consumers. According to Sabatino's article in this issue the EU model, which adheres to an ordo-liberal logic at least theoretically rejects social and ethical interaction between public powers and economic operators. China and Europe share a general trend of public regulation of the internet related to restriction of investments. The emphasis on the *moral* character of the internet in China serves the purpose of reconciling public and national interests with the dynamics of a modern economy, no longer subjected only to vertical political planning. The Chinese choice to interpret digitalization vertically is a way to reaffirm the political pillars of a socialist market economy in online markets.<sup>11</sup> It seems that China is at the forefront of developing a legal framework to deal with the challenges raised by the digital revolution.<sup>12</sup>

The Chinese focus on what may be called a '*moralizing*' approach to law appears in both the articles on digital technology and the initial article on Confucianization in intimate relations, with which we start this issue.

At the start of the special issue, we present three articles on 'intimate' relations, gender, law and the legal profession. The first is by Simona Novaretti, who is both a sinologist and Associate Professor of law at the University of Turin, Italy. Novaretti writes about a global challenge from a Chinese perspective in her article *China's Sustainability: Confucianization of Chinese Law from Intra-Generational, Inter-Generational and Gender Equity Perspectives*. In a world of global warming and climate crisis, we live together even if we seem to be far apart. The 2030 Sustainable Development Goals (SDGs) generally consider three kinds of 'equity' – mentioned in the title of the article. The author asks to what extent, China's recent 'return to Confucius' is paving the way to the use of law as an instrument for '*social moralization*'. Is the 'creative renovation' of Chinese traditional values an attempt to re sew the Chinese social fabric, which has become worn out by the dramatic economic development experienced during the last decades?

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11 See Gianmatteo Sabatino, *Economic Law and the Development of Digital Markets, between Ethics and Efficiency*, in this issue.

12 See Corrado Moriconi, *Recent Evolution of the Personal Privacy Legal Protection in People's Republic of China* in this issue.

Fangfang Pan is a PhD Candidate at CUPL (China University of Political Sciences and Law, Beijing). She was a visiting PhD student at CECS (Center for European and Comparative Legal Studies) at the Faculty of Law, University of Copenhagen during the period of 2019-2020. She writes about the dramatic developments in intimate relations in her article *Family Revolution by Law - Research on Development and Reform of Chinese Marriage Law*. The Marriage law was the first law to be enacted after the establishment of the Peoples' Republic of China, underlining the societal and political importance of intimate relations – as well as the need to create new traditions in this field. The law has been revised three times since reflecting the connection between social change, economic developments, legal revision and considerable changes in the shrinking and changing of the family and the growing importance of its property relations.

Helle Blomquist is a legal historian, who presently works as an external lecturer at the Faculty of Law, UCPH, in both legal history and a subject now called “Law, Morality and Politics”. In her article *Chinese Legal Professionals and Transformation of Gender Roles. A Case Study*, she addresses the potentially modernizing role of lawyers in China in the field of gender equality and changing gender roles. She draws on her own small sample of interviews from a provincial Chinese city, and links them to Talcott Parson's study of the – modernizing – role of lawyers in the US in the 1950s. This theory of the function of lawyers in stabilizing a dynamic society was presented in the context of the Cold War and the bipolar world, of which we now see signs again. She finds both potential and restrictions for such a role. – It is well known that the number of female law students has grown massively in almost every country in the world, including China, during the last decades. It is also a general observation that gender conservative cultures and stereotypes in family, market, politics and state do not change quickly anywhere.

The Faculty of Law at University of Copenhagen held a seminar in November 2019 on *Digitalization and Legal Culture: Western and Chinese Perspectives* organized by two of the editors of this journal, Wen Xiang and Hanne Petersen. Several of the articles in this issue have emerged from this seminar, especially amongst the following ones.

The keynote speaker at the November conference on Digitalization and legal culture was professor He Jiahong from School of Law at Renmin University of China. Besides being a professor, he is also an author of crime novels, most of which have been translated into several Western languages. He gave several lectures during his stay in Copenhagen linking his own personal history to his work as both a professor and an

author of fiction. He described how, in order to be accepted as a son-in-law by his future parents in law, he had to prove that he could pass the entrance examination for Chinese universities. Since law exams seemed the most accessible, He Jiahong chose that venue for his future career. His experiences during the Cultural Revolution in China (1966-69) have inspired several of his novels as well as his academic work. They are also the background for his reflections on the development of legal culture in China in his article entitled *Experiments for Democracy during the Culture Revolution in China*. He claims it gave Chinese people a chance to experience some practices of mass democracy, including democratic supervision in the form of mass criticism, democratic governance in the form of rebellion and usurping, as well as democratic participation. However, the Cultural Revolution became a national disaster. According to He Jiahong these lessons made the Chinese leadership recognize the importance of the rule of law.

Professor Hanne Marie Motzfeldt from the Faculty of law, UCPH, writes in her article *Towards a Legislative Reform in Denmark?* that the digital transformation of the public sector in Denmark has been going on steadily for almost twenty years and has changed the working processes, organization and interaction of Danish public authorities with citizens. National administrative law had developed as a response to comparable changes in the Danish public sector in the period from the 1950s to the 1980s, primarily driven by the need to protect fundamental values embedded in the Danish legal culture. She considers whether this development may continue in the future and whether a legislative reform within administrative law is likely to be initiated and adopted within the next decade.

Denis De Castro Halis was formerly associate professor at University of Macao, China, for more than a decade and now works at the University Estacio de Sa in his home country Brazil. He writes about *Digitalization and Dissent in Legal Cultures. Chinese and other perspectives*. He has been working on the topic of dissent for several years and here he discusses the impact that digitalization, in general and in specific settings, is having on various forms of dissent. His article is based upon a theoretical and empirical socio-legal investigation about dissent, its manifestations, and reactions to it. He argues that the impact of digitalization on dissent is mediated by legal culture and the wider societal context, and discusses examples of new digital technologies and their relations with the idea of dissent in different legal cultures, particularly China and Brazil. This article expresses critical concerns about the consequences of the development of digital technology. Digitalization is used as a tool for mass surveillance in the Chinese State, as well as in the present Brazilian authoritarian regime. His topic addressed a field of continued ideological tension not only between China and the West, but also within

these parts of the world. His description of the digitalization of the court system in Brazil also reveals certain potential for more public insight in this institution and its culture.

Professor Antoni Abat i Ninet, formerly associated with CECS (Centre for European and Comparative Legal Studies) at UCPH, in his article *Protecting the “Homo Digitalis”* writes about the appearance of a new human species, the so-called *Homo Digitalis*, a *Homo Sapiens* permanently interconnected with others through IT devices in an imaginary network. The internet age has provoked new social movements characterised by being more horizontal and deliberative and by including virality (the tendency to circulate rapidly and widely from one internet user to another) as one of their main elements. All these changes also affect our psyche. He writes that the digital era as a universal phenomenon requires a universal answer conducted by a strong regulatory effort and a strict application of basic regulatory principles such as equality, transparency, data protection, and proportionality, right of information, legal certainty and security. As already mentioned, this approach may have difficulties becoming manifest under diverse political and legal systems, as well as cultures.

In their article *Legal Construction of Algorithm Interpretation. Path of Algorithm Accountability* Luo Weiling from Guangdong Polytechnic University and Liang Deng, lawyer and partner of Kingson law firm, Guangdon write that in the increasingly tense man-machine relationship, human ethical demands, such as security, fairness and privacy are raised and that they all point to a crisis of trust. It is one of the approaches of algorithm accountability to stipulate specific legal rights for the relative party of algorithm behaviour. The authors do however, consider it more accurate to replace a ‘right to counter algorithm’ with an ‘algorithm obligation’. Thus, the key to an algorithm accountability process is not to entitle, but to assign obligations including interpretation obligations to the control party of AI algorithm in the relevant legislation. Their final – optimistic – remark is that the ideal scenario of algorithm interpretation should be through dialogue so that all parties of interpretation can blend horizons and reach a consensus of meaning: algorithm interpretation can be understood and accepted by all parties and man-machine trust can be established.

The article on *Unfair Competition Issues of Big Data in China* is written by Huang-Chih Sung, associate professor of intellectual property law in Chengchi University in Taiwan. Since 2015 more and more unfair competition cases concerning big data have occurred in China. A new law from 2017 has significantly improved China’s ability to deal with unfair competition behaviours, but the pattern of such behaviours

is changing and ‘innovating’ quickly, presenting law and legal amendments with a difficulty to catch up. A 2015 OECD white paper pointed out that the data-driven market is much more concentrated than other markets, so the winners often take it all and obtain the dominant position of big data. Issues of competition policy, entry barriers to big data and antitrust are increasingly being discussed. The Paris Convention from 1883 only regulates basic and vague principles of ‘fairness’ and ‘honest practice’ for anti-unfair competition, and thus leaves room for member states to develop their own legal systems according to their special economic, social and cultural conditions. This has later happened both internationally and locally as three concrete Chinese cases demonstrate. According to the author, especially malicious and dishonest practices and harmful behaviour in relation to consumers and a competitive market order should be considered.

Italian scholars seem to have a particular historical and cultural link to China – amongst others due to old missionary and trading relations amongst others. Gianmatteo Sabatino is a PhD candidate in Comparative and European Legal Studies at the University of Trento and has been a visiting scholar at Zhongnan University of Economics and Law in Wuhan, China. His article is entitled *Economic Law and the Development of Digital Markets, between Ethics and Efficiency*. He writes that it is a common view that digitalization did not create a ‘new economy’ but is rather a ‘new tool’ to enable market transactions. It has created stronger ‘consumer sovereignty’ detached from geographical boundaries of the market, but it has also created stronger dominating actors discriminating among users, which may in time reduce efficiency of service and erode state sovereignty. The definition of a new role for economic law in digital markets revolves around at least three critical connections: market efficiency vs public economic policy; contractual rules vs liability regimes; consumer protection vs competition regulation. In China, ‘web-sovereignty’ was developed as a principle functional to protection of public security and interests rather than to economic development. The Chinese model promotes a monitoring role for public authorities, related to the deep integration between cyberspace sovereignty and the coordination of socio-economic development. Its legal system so far, represents the most advanced example of internet sovereignty. Network operators and platforms have close ties with the public powers. This pursues digitalization as a mean to enhance deliberative democracy within the context of a new way of thinking decision-making processes. The ‘modern socialist market economy’ strives for a connection between digitalization and market regulation, which is ultimately serving the purpose of national socio-economic development, and the current struggle against COVID19 bears the sign of such connection. The right to data protection revolves around the position of the individual as a human being,

not as a market operator in line with the ordo-liberal stance on market regulation and competition. Chinese law (also in this field) considers that digital markets, trends such as globalization and sharing, shape and define sets of new moral and ethical rules. The consequence of this approach is the major importance attained by general clauses and broad principles (such as good faith, honesty and credibility). ‘Communicative law-making’ is a typical feature of modern Chinese law.

Corrado Moriconi is another Italian PhD candidate, from Rome but also at Zhongnan University of Economics and Law in Wuhan writing on *Recent Evolution of the Personal Privacy Legal Protection in People’s Republic of China*. His paper aims to set out the current degree of protection that personal information has in China. He writes that China has been slower in developing its own privacy legal model, but that it has in recent years developed a consistent number of regulations. As a global cyber-force, which has undergone a gigantic digital revolution, it has increasingly played an active, sometimes contested role in shaping the digital landscape through collaboration and competition with Western economies. Its policy is different, as is its legislative development. The Cyber Security Law (from 2017) is described as very innovative. It has established principles of consent, of legality, of rightfulness and of necessity, as well as duties and responsibilities for service providers. China’s approach starts from the practical need of developing the data industry but also pays attention to the protection of individual’s right in order to ensure an orderly and healthy environment. The author argues that China can officially aim to become the frontrunner of privacy protection in Asia.

Zeng Chen, is a student from the School of Law at Renmin University in Beijing, who interned at the Renmin Law and Technology Institute at Renmin University of China during 2019-2020. Her article *Chinese Localization of the Right to Be Forgotten* demonstrates the present mutual dialogue and inspiration at different academic, cultural, political and legislative levels between the West, EU and China. The article presents two academic perspectives: viewing the right to be forgotten as a concrete personality right and viewing it as a property right. She further suggests balancing a triangle relationship involving individual-company-government, to analyse regulatory and practical problems in China in relation to the-right-to-be-forgotten. She also draws attention to the principle of informed consent and its possible expansion. Although no right to oblivion appears in the Chinese Penal Code, there is space for constitutional explanations, statutes of administrative efforts, and relevant articles in Civil Law regarding the right to be forgotten. In May 2020 the Chinese Civil Code was adopted strengthening this argument further.

The article *Decoupling Accountability and Liability: Case Study on the Interim Measures for the Opening of Public Data in Shanghai* is the result of a collaboration between assistant professor at the IT University in Copenhagen, Cancan Wang, and her colleague Kalina Staykova, assistant professor at Department of Digitalization at Copenhagen Business School. Their article raises issues of increased demands for accountability, where the procedural steps in achieving accountability are often ignored. They consider the risk of liability for public bodies a barrier to disclosure of data, and present a case study of the link between liability and accountability. They argue that *interim measures* outlining duties for specific entities in data opening may reduce the legal uncertainty around perceived risks of liability, hence potentially contributing to increased accountability. This is another example of the need for and development of novel regulatory approaches in the perhaps emerging global digital legal culture.

Daniel Sprick, a Research Associate at the Chair of Chinese Legal Culture at the University of Cologne addresses the use of technology-led policing in his article on *Predictive Policing in China: An Authoritarian Dream of Public Security*. Predictive policing is frequently criticized in (Western) liberal democracies as an encroachment on civil rights and scrutinized for its limited value because of its inter alia narrow focus on the prevalence of ‘crime’ and its suppression. It may be argued that this critique is less relevant in the Chinese context, as the collective right of security easily supersedes considerations of protection of civil rights and of due process and privacy. The author argues, however, that the application of predictive policing in China is heavily flawed as the systemic risks and pitfalls of predictive policing cannot be mitigated but are rather exacerbated by China’s authoritarian legal system. Predictive policing in China may thus be expected to become mainly a more refined tool for the selective suppression of already targeted groups by the police and does not substantially reduce crime or increase overall security. This view links back to the article by Denis Halis about the concern of dissenters under digitalization.

Marya Akhtar, Senior Legal Advisor at the Danish Institute for Human Rights and External Lecturer at UCPH, Faculty of Law writes on *Police Use of Facial Recognition Technology and the Right to Privacy and Data Protection in Europe*. She examines the human rights challenges of these uses in a European context, and argues that the right to privacy and data protection is fundamentally at risk by this technology. By allowing facial recognition, society allows for an entirely new type of highly intensive surveillance. The use of such technology also entails a risk of a ‘chilling effect’ on e.g. the freedom of assembly, which furthers negative implications on human rights. In both the Council of Europe and the EU ethical and human rights approaches are being

examined and the question of introducing an altogether new legal framework for AI is being raised. This developing cross-disciplinary field explores questions related to ethics vis-à-vis legal obligations – such as state responsibility in relation to product liability; questions related to programming ‘fair’, ‘accountable’ or ‘transparent’ algorithmic models which may ensure human rights in the design, development and deployment of the model. The use of biometric data has been described by the UN Human Rights Commissioner as a paradigm shift due to its dramatic increase in the capacity to identify individuals.

The final article by two authors deals with the use of digital tools by one of the most important institutions of a legal culture, the judiciary. Junlin Peng is a Chinese attorney, who holds a Master of Law, from UCHP, Faculty of Law, while Wen Xiang is assistant Professor, and S.C.Van Fellow of Chinese Law at iCourts, UCPH. In their article *The Rise of Smart Courts in China: Opportunities and Challenges to the Judiciary in a Digital Age* they write that *digitalization* is meant to ‘improve judicial efficiency, contribute to judicial disclosures, provide convenience for people and establish judicial big data’ by carrying out certain litigation activities online. In a Chinese context it aims at facilitating a modernization of trial capacity and trial system. The authors quote President Xi Jinping’s statement that “*there is no modernization without digitalization*”. Judges in China (and elsewhere) experience overload of work, which digitalization is hoped to alleviate. The article describes the use of digital technology and the different steps in the process of digitalization of Chinese courts, which has been going on since 2015. It starts out with the filing stage, and moves on to the (remote) trial stage and alternative dispute resolution online. At the execution state, an electronic delivery system is developed, and a judicial information disclosure platform is established. Live broadcast of (open) court trials are being held online, which make the court trials more accessible to the public. The opportunities of digitalization of China’s courts are described as an improvement of both judicial justice and efficiency. The challenges are described as inconsistencies and restrictions in the e-filing of cases, as well as (insecurity in) e-delivery of documents. Complicated remote online trials may be difficult for litigants to understand, and for judges to handle. However, the authors also write that the concept and theory of law should be viewed and understood in line with the development of the times and technology.

The articles in this issue indicate that major social changes in intimate relation as well as momentous technological changes in relations between humans and technology bring about sometimes quite controversial transformations of values, attitudes and norms as well as a change of the general climate of opinion about law and moral norms.

Combinations of a digital revolution and major as well as rapid social changes may very likely lead to a number of paradigm shifts in both Chinese and Western legal cultures.

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