

**Research Associates Program (RAP)**  
Social Science Research Centre on Contemporary China, FSS

**Seminar**

## **Between God and Government: Intersections of Marriage, State, and Customary Laws in China**

**Date: October 25, 2016 (Tuesday)**

**Time: 14:30 – 16:00**

**Venue: E21-G002**

**Language: English**

### **Abstract**

In Hui Muslim regions of China, the Hui people are subject to State law but their daily lives are more subject to customary Hui law. Based on a case study where a Hui man was penalized by the State for an extramarital affair, this study examined how the State and customary Hui laws interact to “create” crime. This study found that legal pluralism and ambiguities within State law in these ethnic regions allowed for rational spaces that justify extramarital affairs as common practice in monogamous China. Interestingly, these customary laws consequently play a large role in helping the local State courts by having ‘cheating’ husbands voluntarily incriminate themselves. From cases like these, the study concluded that the interaction between the State and customary laws is unilateral rather than bilateral. Instead of coexisting, legal unilateralization argues that customary law usually gives way to State law wherever they intersect. In its conclusion, the paper shows that how much such “unwanted” customs are defined as “crimes” depends on how and to what degree customary law is used by the State and its enforcement mechanisms.

### **Speaker**

**Xuan NIU** of Qinghai University, visiting scholar at the Department of Sociology, FSS.



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the Tunnel!**

**All are welcome!**



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