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# ???????????? (Research on Prior to Carry and Try in the Reform) (Chinese Edition)

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Chinese reform, taking "prior to carry and try" as its major strategy, and Chinese legal system always have disputes that are hard to be balanced. There are four aspects of reasons that arouse such disputes: first, planned economy is speedily transforming to market economy; second, the rapid social transformation gives great challenge to various institutional arrangements, especially the legal institution; third, people's attitude toward the legal system and the concept of law; four, the inherent side effect of "prior to carry and try". The book puts forward that it's not absolute that the strategy of prior to carry and try cannot coexist with the legal system. In fact, the strategy of "prior to carry and try" has the function of discovering the special constitutionalism and the value of legal system, so we cannot curtly abandon this strategy but should insist on it in the future reform. As for the strained relation between this strategy and the legal system, considering the special national conditions and real background in China, perhaps it's better to let the subject of right to authorize and take the fundamental principle of the legal state as the boundary of exercising rights.

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