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Legal Education in China: English Language Materials

RODERICK O'BRIEN*

Background: Legal Education in China

Modern legal education began in China late in the Qing dynasty (1644-1911), and then expanded during the period of the Republic of China from 1912. With the establishment of the People's Republic of China in 1949, legal education entered a new and difficult period. The compilation of English language materials offered here includes a few materials relating to the Qing and Republican periods, but after 1949 only materials relating to the People's Republic of China (mainland China). Hong Kong, Macau, and Taiwan all have separate legal education systems and structures, and are excluded from this compilation.

At present, legal education is available in China through five types of institutions. The lowest level is Politics and Law Schools, and Justice Schools, which offer courses at the secondary school (years 10-12) level. Now, courses are intended for support staff such as court secretaries and security staff, but some senior professionals have only graduated from these schools. The second type is Vocational Politics and Law Schools, and Vocational Politics and Law Management Training Institutes. These offer post-secondary diplomas and sometimes degree courses. The third type is Politics and Law Institutes and Politics and Law Universities ranging from local colleges to elite national level universities, offering diploma, bachelor degree, master degree, and sometimes doctoral degree courses. The fourth type is law faculties or law departments within comprehensive universities or other types of universities. The fifth type is a range of self-study programs, often certified by China's radio and television universities, but some courses are available from the prestigious Chinese Academy of Social Sciences.

Legal education after 1949 was re-formed on the soviet model, with the emphasis on developing specialized institutes rather than law departments in comprehensive institutes. But development fared poorly during the Anti-Rightist campaign of 1957, and those schools which survived that campaign

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were all closed during the Great Proletarian Cultural Revolution (usually dated 1966-1976). After the beginning of the "reform and opening" period in 1979, law schools began to flourish. From only a handful of schools in 1979, there are now more than 550 schools offering a bachelor's degree in law. In recent years, more than 400,000 students have been studying for diplomas or in degree courses. Most of the specialized institutes have now been merged into comprehensive universities again.

Finding employment is now difficult for the large number of graduates. To enter the professions of judge, procurator, lawyer, and notary is accomplished through the highly-competitive Unified Justice Examination. In other areas, law graduates have to compete with graduates of other disciplines.

Libraries: A Personal Experience

When I first went to teach in mainland China in 1995, my Chinese host university would not give me access to the library. They did not expect that a foreign teacher had a sufficient command of Chinese to read in the library, and in the absence of precedent, the staff adopted the bureaucrat's response: it is always easier to say "no" than to take a risk. My students were puzzled that I would want to use the library, which they assured me contained only out-of-date materials, and with foreign language materials mostly in Russian. Over the years, this situation changed for the better. A decade later, I was teaching at the Northwest Institute (now University) of Politics and Law. The university was happy to give me a library card, and I enjoyed routine access to all parts of the library. By exchange with other universities, the library had a strong collection of local Chinese journals. There was a room set aside for foreign language materials. That collection was pleasingly up to date in its small collection of books and journals. The specialist foreignlanguage librarian was helpful. The only problem was that the libraries had no inter-library lending, even with other libraries in the same city.

In addition to the university library, I became a regular user of city-level or provincial-level libraries. They generally have good collections, and charge a reasonable annual fee, or a daily fee of around one yuan. My experience is that Chinese librarians were friendly and happy to see a foreign teacher. Since leaving China as a teacher, I have returned as a tourist, and I still enjoy spending a half-day in the library of whatever city I am in. The exception, more than once, was the crowded National Library in Beijing, where the fees, and sometimes the staff, were not so encouraging.

But now, like students in China, I use physical libraries less. China has a number of for-fee periodical data-bases, which can be accessed from inside China or abroad. These are very comprehensive in their coverage. Nevertheless, I am old enough to enjoy browsing in the shelves of a good university library or one of China's many giant book-stores. When searching by serendipity, there is always something new to discover.

List of Materials

As part of my research into China's legal system, and as a former foreign teacher, I am surely interested in legal education. I found very helpful the list of Chinese-language materials compiled by Professor **Wang** Jian and published by the China Law Society in 2007.¹

Professor Wang included a few English-language materials, but my own research and contact with scholars helped me realize that there were many more materials, and I began listing these. I have sent earlier versions of lists to friends, who have responded appreciatively. Some have kindly provided me with a few more references. Librarian Roy Sturgeon has been particularly helpful with a dozen references. So I am glad of the support of the editors of the *International Journal of Legal Information* to make it more widely available. The listing is comprehensive, in the sense that it includes everything that I have been able to find from China and from abroad. Rather than being a selective bibliography, I prefer to call it simply a list.

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Observations

The English language materials reflect the relative openness of the Chinese legal system as a whole. The materials date mostly from the 'reform and opening period' since 1979. Earlier materials since 1979 tend to be short and descriptive, but are none-the-less useful. They have largely been prepared by foreign professional or academic visitors. But, as time has passed, more materials have been provided by Chinese writers themselves. They have written in English, or been translated into English, as they open their own experience to a wider world.

Foreign scholars or professionals have long been invited to teach in China's universities, and they are heavily represented in these materials. A new development is the Master of Law degrees, not recognized for China, which are offered in English for foreign students. Graduates of these courses are now represented in this list.

It is a tribute to scholarly publishers in the USA that they are so willing to publish articles about China's legal education. My experience in compiling this list is that the materials are beyond routine searches. Many are on-line. Only two journals, the *China Law Reporter* (published by the American Bar Association) and *China Law* (published from China for the bilingual Hong Kong market) appear more than once.

It is more than twenty years since Sharon Hom published her bibliography, and so it is my hope that this list will assist a new generation of scholars. And I am sure that you will find materials in this list that are not available on Google, or through similar search engines. If this list opens a door for scholars to go beyond English language materials and read in Chinese, then it will have served its purpose. But there is a special use for English language materials: writers in China often are expected to echo official Chinese policies of the day, whereas writing from abroad, in a foreign language, they can be more open and even critical in discussion.