

PROFESSIONALISING LEGAL EDUCATION IN THE PEOPLE'S REPUBLIC OF CHINA

Zou Keyuan*

I. LEGAL EDUCATION IN CHINA – AN INTRODUCTION

Legal education is an indispensable link in the Chinese legal system, particularly when China has pledged to govern the country by the rule of law. Legal education is a necessary step for people working within the legal profession, training lawyers, judges, procurators, and other judicial personnel. Legal education, within the context of 21st Century China, has two main missions: first, facilitating the country's science and education (*kejiao xingguo*) drive and facilitating the rule of law in the country (*yifa zhiguo*). Without the development of legal education, the rule of law would be no more than an empty word.

Legal education can broadly include all forms of education related to law. For 16 years dating back to 1985, China has carried out its 'Popularizing Law Program'. This is designed to give ordinary people basic legal knowledge so as to raise their legal consciousness and to make them act under the law. Teams of lecturers from universities and other work units were formed to make lecture tours throughout the country.¹ Even the top Chinese government leaders invited law professors to provide seminars on current legal issues for the members of the Chinese Communist Party (CCP)'s Central Committee and the Standing Committee of the National People's Congress (NPC).²

* Senior Research Fellow, East Asian Institute, National University of Singapore. The author is grateful to Professor John Wong for his valuable comments and suggestions on the previous version of this article.

1 For example, in April 1993, the Senior Lecturers' Team for High Rank Officials to Learn Law was set up for leading cadres at various levels. The team consisted of law professors and legal officials above the bureau level. See Xu Yue & Yu Jie (eds.), *Twenty-Year Construction of China's Legal System* (Zhengzhou: Zhongzhou Old Books Publisher, 1998) (in Chinese), at 211. In 2000, a number of teachers in the China University of Political Science and Law conducted a so-called "ten thousand *li*" lecturing tour covering 100 cities and towns in 32 provinces. See Zhao Wei, "Propagandizing Laws to Innumerable Families in Every Corner of the Country", *Tribune of Political Science and Law* (in Chinese), No. 3, 2001, 154–155.

2 Since 1994, CCP has invited legal experts to *Zhongnanhai* to give seminars with more than 10 seminars being conducted. Since June 1999, the NPC Standing Committee

The 'fourth-five-year' law popularization program began in 2001 and the Ministry of Justice opened the website of law popularization in June that year as well.³ From 2001, the fourth of December has been designated 'Legal Publicity Day'.⁴ The success of these popularization activities depend on a formal legal education system and legal expertise that is inevitably linked to the legal profession itself.

The legal profession is composed not only of lawyers, judges and procurators, but also of legal educators such as law professors, notaries, and auxiliary staff members in legal profession such as law clerks and legal secretaries. Thus, the legal profession contains three types of legal personnel: practicing, academic and auxiliary.⁵ It is commonly understood that because of the close relationship between legal education and the legal profession, the latter should guide the development of the former, its training goals and main objectives. It should also play an important role in the content and methodology employed in teaching the law. This can be seen in the practices of other countries with a well-developed legal system.

Legal education composes three aspects: quality education, vocational education and continuing education. Quality education refers to the legal education undertaken in universities and colleges. Vocational education is a parallel form of legal education undertaken in judicial schools, police schools, and it is a so-called form of higher vocational education. Continuing education is directed towards training the judicial personnel at work, primarily carried out by the Judge's College or Procurator's College within the judicial system.⁶ However, there is no distinctive demarcation between these three aspects of legal education in China, which affects the healthy development of legal education. On the other hand, it should be noted that legal education transcends the instruction received at school.⁷

has held regular seminars on law and as of the end of 2001 there were 24 lectures given by legal experts.

- 3 For example, the Department of Law of the Central Committee of the Youth League, the Ministry of Justice, the Ministry of Education, etc., jointly decided in November 2001 to create "youths and teenagers law schools" to help them learn the law, understand the law, abide by the law and apply the law. Available in <http://www.legalinfo.gov.cn/joa/shifadongtai/sfdt091401.htm> (access date: 26 November 2001).
- 4 See "Legal Publicity Day puts focus on Constitution", *China Daily*, 5 December 2001; and Wang Bixue, "Strengthen the Constitutional Conception and Push Forward the Governing of the Country by Law – Interview of Zhang Fusheng, Minister of Justice", *People's Daily* (in Chinese), 3 December 2001, at 6.
- 5 See Huo Xiandan & Wang Hong, "The Establishment of the Unified National Judicial Examination System and the Reform of Legal Education", *Law Science Monthly* (in Chinese), No. 10, 2001, at 6.
- 6 See Liu Maolin, "Reflections of Certain Issues on National Judicial Examination and Legal Education Models", *Law Science Monthly* (in Chinese), No. 9, 2001, 26–27.
- 7 See *Black's Law Dictionary*, 6th Edition (St. Paul: West Pub., 1990), at 514.

Legal education was critically important for China during the era of reform, dating back to 1978. The market-oriented economic development has brought about a high degree of demand for sophisticated legal services. To meet this new demand, the Chinese government underscored the importance of having legal workers, particularly practicing lawyers, to provide a pool of legal experts who 'know law, know economics and know foreign languages' (*dong falu, dong jingji, dong waiyu*). A target was set to have 200,000 high quality practicing lawyers in China by 2010.⁸

II. REFORMING THE LEGAL EDUCATION AFTER THE ESTABLISHMENT OF THE PEOPLE'S REPUBLIC OF CHINA (1949)

A. *The CCP Agenda to Establish a Socialist-Based Legal Education System*

After the founding of the People's Republic of China (PRC) in 1949, the Chinese Communist Party attempted to reform the existing system of legal education with a socialist model which was largely based on the Soviet Union model.⁹ The judicial personnel left over from the old Kuomintang regime were not trusted by the CCP and their loyalty was suspect, after the Communists abolished the old judicial system.¹⁰ These personnel needed to be replaced. To transform the judicial system to serve its own interest (since the judiciary, in the eyes of the communists, is an important instrument of the People's Democratic Dictatorship), the CCP launched a nation-wide judicial reform movement in the early 1950s, which aimed to 'insure the political reliability of court personnel and to solidify the foundation for "socialist legality."¹¹ As a result, many judges from the old regime were expelled from their positions and some were jailed.

8 As of 2001, there were a little over 100,000 lawyers, and the quota for qualified lawyers through the national bar examination in 2002 was 21,500, in <http://chinalawinfo.com/fzdt/xwnr.asp?id=1128> (access date: 3 January 2002). In order to maintain the quality of legal profession, the numeric growth of the practicing lawyers should be kept at the 7% level. See "Retrospect and Prospect, Legal Profession in China – A discussion with President Gao Zongze of All China Lawyers Association on the Report on the Development of Chinese Legal Profession", *China Law*, February 2001, at 59.

9 As stated, the Central Government articulated a guiding principle for the reform of legal education: to learn from the successful experience of the Soviet legal education and combine it with actual conditions of China. Han Depei & Stephen Kanter, "Legal Education in China", *American Journal of Comparative Law*, Vol. 32, 1984, at 545.

10 See James P. Brady, *Justice and Politics in People's China: Legal Order or Continuing Revolution?* (London: Academic Press, 1982), at 107.

11 Shao-chuan Leng, *Justice in Communist China: A Survey of the Judicial System of the Chinese People's Republic* (Dobbs Ferry, New York: Oceana Publications, Inc., 1967), at 39.

The judicial reform at that time was hailed as a victory in consolidating the socialist judicial organ at all levels, establishing communist ideology as guidelines for judicial work, and laying a solid foundation for the People's Democratic Dictatorship.¹² However, there was a vacuum in the judicial system which affected its normal operations after many of the former judges had been expelled. As an expedient measure, communist cadres were brought into judicial work to fill the vacancies. Meanwhile, the CCP realized that this could not serve its long-term purposes. Thus, it was necessary to establish its own legal education system.

The legal education system was established in China through incorporation into the higher education system. In August 1949, the CCP Central Committee approved the establishment of the University of Political Sciences and Law (*zhengfa daxue*), and appointed Xie Juezai as the President. The students were drawn from three sources: cadres, judicial personnel who served the Kuomintang regime and needed to be retrained and reformed, and young students directly from high schools.¹³ During the period of reforming higher education in 1952, some old law schools were either abolished (like Soochow [*Dongwu*]) or combined to form new institutions. Four colleges of political sciences and law (*zhengfa xueyuan*) were then officially established: Beijing, Southwest, East China (*huadong*), and Central Southern China (*zhongnan*). At the same time, law departments were established in six universities including Peking University, People's University, Fudan University, Wuhan University, Northwestern University, and North China University (now Jilin University). According to the CCP strategy, the political-legal colleges cultivated judicial personnel and the law departments in universities produced legal researchers. The period of study was five years in the university and four years for law college.

In 1954, a national conference on political-legal education was held and in September that year, the Ministry of Education prepared a programme for the teaching of law, prescribing a four-year period of schooling and a curriculum of 29 courses including theoretical, basic, and specialized subjects.¹⁴ By 1956, there were 800 law teachers and 7,000 law students, and the legal education system had an annual intake of 2,000 students.¹⁵

12 See Shih Liang, "Achievements in the People's Judicial Work during the Past Three Years", *People's Daily* (in Chinese), 23 September 1952.

13 Xiao Yisun (ed.), *Fifty Years' Construction of the Legal System in the Republic* (Beijing: CCP Central Committee's Party School Press, 2000) (in Chinese), at 224.

14 Han & Kanter, *supra* note 9, at 548.

15 See Albert HY Chen, *An Introduction to the Legal System of the People's Republic of China* (Hong Kong: Butterworths Asia, 1992), at 146.

B. *The Anti-Rightist Backlash and the Stalling of Legal Education Developments*

Nevertheless, the development of legal education was halted during the period of anti-rightist movement beginning in 1957. The spread of legal nihilism, of despising the law, caused the downfall of legal education. Many law professors were labeled as rightists and were deprived of their teaching rights.¹⁶ The situation was worsened during the Cultural Revolution (1966–1976). The law departments of all universities were closed down with the exception of Peking University and Jilin University, which were nominally retained without normal educational functions. It was not until 1973 that Peking University began to recruit law students and in the following year Jilin University followed suit. However, the number of law students throughout the country had declined to 269 by 1975.¹⁷

C. *The End of the Cultural Revolution and a Revived Pace of Legal Education Development*

The smashing of the Gang of Four and the end of the Cultural Revolution ushered in a new era for legal education in China. Most of the law departments began to recruit students in 1977. In 1983, the Ministry of Education approved the establishment of law departments in more than 30 universities. In December that year, a national conference on legal education was held in Beijing to set forth the programme for developing legal education for the 1980s, making the recommendation to achieve the goal of enrolling up to 10,000 law students by the end of 1987. As of 1990, undergraduates in law numbered 35,000 and postgraduates 2,250.¹⁸ Legal education in the 1990s experienced rapid development and law became a popular subject to major in, in the universities.

Some scholars divide legal education since the economic reform into two periods taking the year of 1993 as a benchmark. The main task of the first period before 1993 was to train 'both red and expert' (*you hong you zhuan*) judicial talents for judicial departments. The second period after 1993 has aimed at nurturing specialised talents who know

16 For example, Wang Tieya in Peking University. He later became President of the Chinese Society of International Law and Judge of the International Criminal Tribunal for the Former Yugoslavia. For details, see Han & Kanter, *supra* note 9, 549–552.

17 Gan Jihua, "Achievements and Reform of Legal Education", in Guo Daohui (ed.), *Essays on the Legal System in the Last Ten Years* (Beijing: Law Press, 1991) (in Chinese), at 427.

18 Xiao, *supra* note 13, at 225.

law, economics and foreign languages, to propel the development of the market economy and the legal construction of the rule of law.¹⁹

According to the statistics publicised in 1999 by the Ministry of Justice, there were 214 universities which had law faculties.²⁰ Among them, five are directly subordinated to the Ministry of Justice. This Ministry also has two cadre training colleges: Central Political-Legal College for Management Cadres, and the Central Educational College for Judicial and Police Officers. Postgraduate legal programs were also launched in universities. As of 1999, there were 43 universities which could grant LLM degrees and 10 universities accredited to grant doctoral degrees.²¹ In the late 1980s, the Ministry of Justice began to run the China National Lawyers' Learning through Correspondence Center, a form of distance legal education.

III. PROFESSIONAL LEGAL QUALIFICATIONS

Professional legal qualifications are prerequisites for persons to become lawyers, judges, prosecutors, and other judicial personnel (para-legals). In accordance with the Judge's Law, which was first adopted in 1995 and amended in 2000, general qualifications for judges include: (1) to be of Chinese nationality; (2) to have reached the age of 23; (3) to endorse the Chinese Constitution; (4) to have a fine political and professional quality and to be good in conduct; and (5) to be in good health.²² The same qualifications apply to procurators under the Procurator's Law.²³

The professional qualifications, particularly the requirement of academic degrees and work experiences have been heightened in both of the amended Laws: to become a judge, for LLB graduates or non-law graduates with a bachelor degree but possessing professional knowledge of law, candidates must have worked in the legal field for two years.²⁴ For those who will work at a Higher Court or the Supreme Court, three years of legal working experiences is required. For those graduates with masters or PhD degrees, one year working experience is required.²⁵ Another important revision in both Laws is that from

19 Liu Maolin, *supra* note 6, at 26.

20 Xiao, *supra* note 13, at 225.

21 See Xiao, *ibid.*, at 225.

22 Art.9 of the Judge' Law. The English version of the 1995 Judge' Law is available in Ronald C. Brown, *Understanding Chinese Courts and Legal Process: Law with Chinese Characteristics* (The Hague: Kluwer Law International, 1997), 292-302.

23 Art. 10 of the Procurator's Law. The English version of the 1995 Procurator's Law is available in Brown, *ibid.*, 313-322.

24 In the 1995 Laws, it was only one year.

25 There is no such requirement in the 1995 Laws.

1st January 2002, judges and procurators must at least hold bachelor degrees. In addition, entry-level judges and procurators will be selected from those who not only meet the above requirements, but also have passed the National Judicial Examination.²⁶

The exception is only applicable to the minority regions where the quality of judicial personnel is lower than other regions in China. As a special consideration, the 2000 amended Laws allows those regions which have difficulties in implementing the above professional requirements to appoint, subject to examination and determination by the Supreme Court, judges and procurators with three-year training certificates (*da zhuan*) in law from colleges or universities within a certain time limit.²⁷

Current judges and procurators who do not hold bachelors degrees must receive training so as to meet the above qualifications. As to the training, the Supreme Court and the Supreme Procuratorate will lay down detailed requirements. However, the two amended Laws do not mention whether unqualified judges and procurators will be dismissed when they are unable to meet the requirements even after the training, nor specify a time limit for the completion of legal training.

The qualifications for lawyers are stipulated in the 1996 Lawyer's Law. The term "lawyer", according to this Law, means a practitioner who has acquired a lawyer's practice certificate and provides legal services to the public.²⁸ Before the person obtains a practice certificate, he or she needs to pass the national bar examination for qualification to be a lawyer. More importantly, a person who wishes to obtain the lawyer's qualification should have acquired a four-year period of legal training in an institution of higher learning, or attained an equivalent professional level, or acquired an undergraduate education in another major in an institution of higher learning, having passed the bar examination.²⁹

It is much easier for law graduates to pass the bar examination than graduates majoring in other fields, such as economics or political sciences. Non-law graduates wanting to sit for the examination need to study the legal textbooks first for necessary preparations. In this sense, they acquire legal knowledge from various means, such as training courses run by institutions of higher learning, or correspondence learning, or self-study, even if they do not receive a normal or typical

26 See Art. 12 of the Judge's Law and Art. 13 of the Procurator's Law.

27 Art. 9(6) of the 200 Judge's Law and Art. 10(6) of the 2000 Procurator's Law. Texts in *People's Daily* (in Chinese), 6 July 2001, at 6, and 11 July 2001, at 11.

28 Art. 2 of the Lawyer's Law. English version of this Law is annexed to Brown, *supra* note 22, 335–342.

29 See Art. 6 of the Lawyer's Law. Originally, requirement for legal education was three years.

form of legal education. In every event, legal education is a necessarily qualification for becoming a lawyer.

The requirements for legal education have been made more stringent in the new amendment adopted on 29 December 2001, from three years (*da zhuan*) to four years (*ben ke*).³⁰ This revision is consistent with the amended Judge's Law and Procurator's Law. The Ministry of Justice recently required the practicing lawyers and notaries who do not have bachelor's degree must obtain such a degree within five years from 2002.³¹ The Supreme People's Procuratorate demanded that all the procuratorates in the country train in-service prosecutors to reach the educational qualification level prescribed in the Prosecutors' Law. There will be about 60% of the total in-service prosecutors needing such training.³²

The amendment of the two laws on judicial personnel has heightened their professional requirements. It is interesting to note that the requirements for judges and procurators are now higher than those for lawyers. Previously, lawyers must sit for a bar examination to get the qualification, but judges and procurators could be appointed from retired military servicemen. But now, a person who wishes to be a judge or procurator must pass the National Judicial Examination and have a certain number of years of legal working experiences, while there is no working experience requirement for the qualification of a lawyer. According to the explanation of the Chinese authorities on the National Judicial Examination, those who have held the lawyer's certificate can continue their legal services as practicing lawyers, but when they wish to work at the judiciary, they must sit for the new examination.³³ Clearly, since 2002, the ability to attain a judgeship or procuratorship is more difficult.³⁴ The

30 "Decision on the Revision of the Lawyer's Law of the Standing Committee of the National People's Congress", 29 December 2001, available in <http://www.peopledaily.com.cn/GB/shehui/43/20011229/638483.html> (access date: 2 January 2002).

31 "Ministry of Justice urge a training for legal talents", *Mingpao* (in Chinese), available in <http://www.mingpaonews.com/20011224/caflr.htm> (access date: 24 December 2001).

32 "Supreme Procuratorate demands prosecutors to carry on the qualification training through a teleconference", *People's Daily* (in Chinese), 11 December 2001, at 6.

33 "Answers to certain questions related to the National Judicial Examination", in <http://www.legalinfo.gov.cn/news/news111208.htm> (access date: 26 December 2001).

34 Some measures on legal education requirements have been already taken in practice. For example, a recent selection of judges in Beijing Municipality proved that the educational level of the judges has been raised: among 252 presiding judges and 329 sole judges selected, one has a PhD, 25 have Master's degrees, 307 have Bachelor's degrees and 215 are junior college graduates. See "New selection process to improve judicial system", *China Daily*, 31 March 2001.

further tightening of the professional qualifications for judicial personnel presents new challenges and more tasks to institutions of legal education.

IV. THE SCHOOLING OF LAWYERS

The system of legal education in China is more complicated than the one in the Western countries such as the United States as it is fragmented into various components. While most of the law schools are part of universities under the purview of the Ministry of Education, some of the specialized universities and colleges in law and political sciences are managed directly by other ministries, such as the Ministry of Justice or the Ministry of Public Security. Recently, the Supreme People's Court and the Supreme People's Procuratorate set up their own training colleges. In addition, there is a self-study network run by the Chinese Law Society throughout the country. These form the four channels of the Chinese system of legal education.

Legal education is generally governed by the Ministry of Education which includes the Department of Higher Education; under it is the Division of Management of Financial, Economic, Political Science and Legal Education, an organ directly for the development of legal education. This Division is authorized to manage the work on legal education, to prepare development strategies and to guide the formulation of teaching documents, to enhance the relationship between legal education and society, and to evaluate and improve the pedagogy of legal teaching and the building-up of designated teaching sites.³⁵

Since legal education is unique and professional, it is difficult for the Ministry of Education to handle it alone. It needs assistance from the Ministry of Justice which has the Department of Law and Education, to help guide legal education and research in general, and teaching and research in the Ministry-subordinated law colleges and training centres in particular.³⁶ It is not clear, however, how the two ministries coordinate with each other to guide legal education. It seems that the Ministry of Justice is more concerned about the legal education development in the colleges and other educational institutions rather than law schools in universities under the Ministry of Education. Despite this, legal textbooks are prepared under the charge of the Ministry of Justice in accordance with guiding opinions

35 See "Main Functions and Responsibilities of the Department of Higher Education", Ministry of Education, available in http://www.moe.edu.cn/highedu/glbm_1.htm (access date: 26 December 2001).

36 See "Department of Law and Education", Ministry of Justice, available in <http://www.legalinfo.gov.cn/joa/apparment/apftgjy.htm> (access date: 26 December 2001).

of the Ministry of Education on the construction and reform of higher education teaching materials. The textbooks prepared under the Ministry of Justice are the most authoritative in China.

The mission of a law school is critical to the development of the legal profession and China's legal system. Every law school in the United States has a mission statement. For instance, the mission statement of the Northwestern University School of Law is 'to lead in advancing the understanding of law and legal institutions, for furthering justice under the rule of law, and in preparing students for productive leadership, professional success and personal fulfillment in a complex and changing world.'³⁷

The general mission of legal education in China is different from the United States in the sense that China is still a communist country and thus legal education must follow some ideological doctrine. Accordingly, its mission is 'to train students through higher legal education to become people who possess basic knowledge of the Marxist-Leninist theory of law; are familiar with the Party's political and legal work, policies and guiding principles; are endowed with socialist political consciousness; have mastered the professional knowledge of law; and are capable of undertaking research, teaching and practical legal work'.³⁸ However, after Deng Xiaoping's trip to South China in 1992, China has been heading towards the market economy, thus diminishing the influence of communist ideology. Consequently, the mission of legal education has become more pragmatic in the sense of serving the development of the market economy. For example, the recent mission statement of the Peking University Law School does not contain such communist ideological jargons, such as 'Marxist-Leninist', 'socialist', and 'Party' any longer. It simply aims to train students to master basic knowledge of law and capabilities of applying law to deal with legal matters.³⁹

The basic curriculum for law students is generally the same across the country, which consists of general courses such as foreign languages, physical education, philosophy; basic courses, such as constitutional law, criminal law; and specialized courses such as international economic law. Some basic courses such as criminal law, civil law, constitutional law, are mandatory. Specialized courses are usually optional.

37 See Gordon T. Butler, "The Law School Mission Statement: A Survival Guide for the Twenty-First Century", *Journal of Legal Education*, Vol. 50(2), 2000, at 243.

38 See Han & Kanter, *supra* note 9, at 563.

39 See "LL.B Teaching Plan", Peking University Law School, in http://www.law.pku.edu.cn/index_item.asp?f_id=36 (access date: 22 November 2001).

However, different schools may have a different focus in their own curriculums. In Peking University, students need to fulfill a total of 150 points in mandatory courses (106 points),⁴⁰ optional courses (20 points),⁴¹ a thesis and intern practice within four years of schooling. After four years, they should possess a solid knowledge of legal theory and various laws, know the developments in legal theory and legislation, and acquire sufficient proficiency in a foreign language to read professional materials, having the skills to apply relevant legal knowledge and legal stipulations to deal with legal affairs, to resolve legal issues, and to have the capability and properties of doing legal education and research.⁴² According to the Peking University statistics, during the schooling year of 2000, there were 1821 law students, among them 866 for bachelor degrees, 720 for LLM, and 235 for PhD. Students for continuing education numbered 1,300.⁴³ There were altogether 388 graduates applying to work at governmental judicial organs, enterprises, law firms, and academics.

The Law School of Tsinghua University was restored in 1995 after it had been merged into Peking University in 1949 when the PRC was founded. Since it is relatively new in comparison with the Peking University Law School, it is relatively easier for it to introduce a

40 They include general mandatory courses (such as College English; Introduction to Mao Zedong Thought; Deng Xiaoping Theory; Principles of Marxist Philosophy; Principles of Marxist Economics; Contemporary World Economy and Politics; Sports; Computer Fundamentals and Application; and Military Theory), law school mandatory courses (such as Jurisprudence; Chinese Legal History; Constitutional Law; Administrative Law and Administrative Procedure; General Theory of Civil Law; General Theory of Criminal Law; Private International Law; Intellectual Property Law; Enterprise Law/Company Law; International Economic Law; General Theory of Commercial Law; International Law; Civil Procedure; Economic Law; Criminal Procedure; Introduction to Law; Law of Property; Law of Obligation; Introduction to Legal Method; and Advanced Mathematics).

41 They include Introduction to Logics; History of Western Legal Thought; History of Chinese Legal Thought; Foreign Legal History; Foreign Criminal Law; Legal Writing; Family and Succession Law; Criminology; Competition Law; Fiscal and Taxation Law; Financial and Banking Law; Labor and Social Security Law; Law of the Sea; Legal English; International Taxation Law; Maritime Law; International Law of Technology Transfer; Forensic Medicine; Judicial Psychiatry; Foreign Constitutional Law; Comparative Judicial Systems; Foreign Civil and Commercial Law; Law of Negotiable Instruments; Criminalistics; Studies of Legislation; Roman Law; Foreign Administrative Law; Insurance Law; Law of Criminal Enforcement; Science of Medical Legal Expertise; Legal Profession and Legal Ethics; Environmental Law; Introduction to Laws of Hong Kong, Macao and Taiwan; International Investment Law; Introduction to Anglo-American Law; Practice of Law; International Financial Law; Accounting and Audit Law; Foreign Procedural Law; International Air Law; Law of International Organisation; Sociology of Law; International Environmental Law; and International Human Rights Law.

42 See "Peking University Law School", available in http://www.law.pku.edu.cn/index_item.asp?f_id=36 (access date: 22 November 2001).

43 "Introduction to the Law School", available in <http://www.law.pku.edu.cn/display.asp?id=24> (access date: 12 November 2001).

more modern curriculum. The school grants LLB, LLM, and PhD (in Civil and Commercial Law) degrees. There are 15 compulsory and 17 optional courses for LLB law students.⁴⁴ In addition, students are required to undertake the so-called 'social practice' including Community Service, Legal Internship, Moot Court and other related activities. The moot court model is quite new in China and the Tsinghua Law School probably is the pioneer in this respect. Another form of legal education the Tsinghua Law School has introduced from the United States is clinical education through which students are trained to resolve practical legal issues/disputes by using what they have learnt in class. One of the characteristics of that school is the requirement for law students to learn some natural sciences courses such as Advanced Mathematics, Introduction to Physics, and Introduction to Modern Biology, for which Tsinghua University has the strongest capacity of schooling in the country.

Information technology opens the door for new forms of education, such as distance education conducted through the internet or other means. Some law schools have begun to use this facility to create distance legal education. Peking University Law School is a pioneer in this respect and has established a three-year program through the internet.⁴⁵

The legal education teaching method in China is very traditional, i.e., the most common pedagogical technique is lecturing, which is now criticised as being too conservative since it does not promote healthy skepticism, intellectual curiosity and creativity.⁴⁶ To remedy the weakness resulting from traditional teaching methods, some innovative Socratic methods including clinical education and moot court training have been recently introduced to China.

Clinical legal education refers to a method which adopts clinical techniques which facilitate the acquisition of skills and the development of a critical and contextual understanding of the law as it affects people in society, thus enhancing the achievement of intellectual

44 Compulsory ones include: Introduction to Law, Jurisprudence, Chinese Legal History, Constitutional Law, Administrative Law, Civil Law, Intellectual Property Law, Business Law, Economic Law, Criminal Law, Criminal Procedural Law, Civil Procedural Law, International Law, Private International Law, International Economic Law, and optional ones are Natural Resources and Environmental Protection Law, Tax law, Lawyering, Notary and Arbitration System, Maritime Law, Comparative Law, Foreign Legal History, Legal Logic, Legal Writings, History of Chinese Legal Thoughts, History of Western Legal Thoughts, Family Law and Succession Law, etc.

45 See "Peking University Legal Net Education Program", in <http://edu.chinalawinfo.com/education/jihua.php> (access date: 3 January 2002).

46 Richard A. Herman, "The Education of China's Lawyers", *Albany Law Review*, Vol. 46, 1982, at 804.

and educational goals.⁴⁷ As is stated, 'one of the characteristics of the clinical method is that leaning comes more from the process of undertaking an activity than from the product of that activity'.⁴⁸ In the United States, clinical courses, both in a simulated and live-client setting, occupy an important place in the curriculum of virtually all American Bar Association (ABA)-approved law schools.⁴⁹ This method was only introduced into China in 2000 with the financial support of the Ford Foundation. At present, seven law schools in China have established clinical courses. Tsinghua University Law School is one of them. It cooperated with the Consumers Protection Association of Beijing's Haidian District to open a 'legal clinic' through which students begin to learn and become familiar with laws and regulations concerning consumers protection and to learn how to deal with cases as lawyers do.⁵⁰ It has proved to be a good method not only to teach law students the knowledge of law, but also to train them to obtain skills, capacity, professional ethics, and how to apply law in practice, which could not be taught and obtained in a traditional class.

Moot court is designed to train students to learn the skills of advocacy. In the common law countries, it is a mandatory course for all junior law students. It has been recently introduced in China. The Tsinghua University Law School has organized two moot court competitions and sent students to participate in such competition at the international level.⁵¹ Mooting is related to the method of case teaching, i.e., the use of existing cases to explain relevant laws and legal doctrines. This is prevalent in common law countries, and many Chinese legal educators advocate its adoption.

While these new teaching methods have merit and are necessary to train students since the practicalities of law can only be acquired through practice, it should be noted that traditional teaching methods are still useful for indoctrinating in students the basic knowledge of law. Overemphasis of the practical teaching methods should be avoided.⁵² The new methods can be regarded as supplementary to

47 See Hugh Brayne, Nigel Duncan & Richard Grimes, *Clinical Legal Education: Active Learning in Your Law School* (London: Blackstone Press, 1998), at xiii.

48 Brayne, Duncan & Grimes, *ibid.*, at xii.

49 American Bar Association Section of Legal Education and Admissions to the Bar, *Legal Education and Professional Development – An Educational Continuum*, Report of the Task Force on Law Schools and the Profession: Narrowing the Gap (Chicago: American Bar Association, 1992), at 6.

50 See Wang Chengguang & Chen Jianmin, "A Practical Law Teaching and the Reform of Legal Education", *Law Science Monthly* (in Chinese), No. 7, 2001, at 4.

51 See Wang & Chen, *ibid.*, 4–5.

52 Some Chinese legal scholars tend to overzealously emphasise the importance of the new methods and to belittle the importance of the traditional methods. See Wang & Chen, *ibid.*, 3–7. Even in the United States, law professors doubted the tendency of overemphasising practical teaching methods. See Richard Stith, "Can Practice Do

the traditional ones, both methods being central to a sound legal education.

Even if there are more practical courses in law schools, practicing experiences after graduation is still necessary. According to a senior American attorney and professor, for many young practicing lawyers, regardless of how long they have studied in law schools, 'they cannot succeed in becoming highly trained and effective lawyers without at least three to five years of actual legal practice experience'.⁵³

V. INTEGRATION OF LEGAL EDUCATION WITH LEGAL PROFESSION

It seems self-evident that universities and the profession should work together to offer the best training to those who intend to be lawyers, and that influencing each other would be mutually beneficial to both institutions.⁵⁴ However, it is commonly acknowledged that there is a gap between legal education and the legal profession, particularly in relation to legal practice, which is a global phenomenon. Law schools face the problem of how to train students who have the requisite knowledge of legal theory and practical skills so as to prepare them for the rapidly changing environment of legal profession (such as law firms) and the increased complexity of the law itself. According to a survey, many American law students regard legal research and writing skills, knowledge of substantive law (doctrine), practical skills training, and previous live client experience as important for a legal job, and students expect more practical training, practical skills, and increase research and writing opportunities at law schools.⁵⁵

One of the major differences the American law students identified between the classroom and the law firm was the level of tolerance for weak analysis and incorrect conclusions. Law firms cannot tolerate these because wrong responses had real consequences while law professors might find them interesting for pedagogical reasons. The other is that law school placed too much emphasis on advocating only one party's position, and more attention should be placed on consensus

Without Theory: Differing Answers in Western Legal Education", *Indiana International & Comparative Law Review*, Vol. 4(1), 1993, 1-14.

53 Robert F. Grondine, "An International Perspective on Japan's New Legal Education System", *Asian-Pacific Law & Policy Journal*, Vol. 2(2), 2001, at 4.

54 Claude Thomasset & René Laperrière, "Faculties under Influence: The Infeudation of Law Schools to the Legal Profession", in Fiona Cownie (ed.), *The Law School - Global Issues, Local Questions* (Dartmouth: Ashgate, 1999), at 191.

55 See Christine M. Szaj, "Building Bridges and Connecting Dots: Easing the Transition from Law Schools to Law Practice", in Donald B. King (ed.), *Legal Education in the 21st Century* (Littleton, Colorado: Fred B. Rothman Publications, 1999), 123-124.

building and other less-adversarial ways of treating one's opponent.⁵⁶ To bridge such a gap, American law schools have designed programs linking theory and practice. For example, the Law School of Saint Louis University created the Corporate Counsel Extern Program with attorneys from several corporate legal departments in the St. Louis metropolitan area, and through the Program students are assigned to work in corporate legal departments under the supervision of in-house counsels.⁵⁷

In China's case, the gap between legal education and legal profession is even wider. Although legal education has developed extensively in the last two decades, legal education and legal practice is still to a large extent separate. Legal education has not concerned itself very much with the needs and demands of the legal profession. Education programs are carried out under the purview of the Ministry of Education. The phenomenon of 'high scores and low capability' (*gao feng di neng*) graduates is prevalent.

Unlike in the United States where the American Bar Association plays a critical role in the development of the American legal education, specialized organizations in China are usually not involved in the development of legal education. The All China Lawyers Association was established in July 1986 and there is no provision in its constitution which relates to legal education.⁵⁸ The Chinese Law Society, which was established in 1982, is an association accommodating legal personnel from both the legal science circle and law practicing circle.⁵⁹ According to its constitution, it may be involved in legal education, nurturing talents in legal science and law. However, in reality, the Society itself is excluded from any decision-making process with respect to legal education which is largely monopolized by the Ministry of Education.

There are a number of adverse consequences resulting from such separation. It causes judicial corruption and judicial injustice. The poor quality of judges cannot guarantee the good quality of judicial decisions and instead would create more wrong and false files of cases (*yuan jia cuo an*). Second, it disrupts the uniformity and dignity of China's legal system. Due to the existence of various legal training institutions in different localities and also under different governmental management, there exist no unified legal training standards, thus

56 Szaj, *ibid.*, at 124.

57 Szaj, *ibid.*, at 127.

58 Its constitution contains 15 functions of the Lawyers Association, such as organising and implementing works relating to the National Bar Examination, involved in legislation, but none is concerned with legal education.

59 In China, the term "legal science circle" (*faxue jie*) refers to the academics and "law circle" (*falü jie*) refers to law practicing departments, including lawyers, judges, prosecutors, notaries, etc.

hampering the formulation of a common legal language in China.⁶⁰ For example, the judicial organs have their own training colleges which are different from law schools in universities.

Some measures have been suggested to address this issue. First, inviting part-time teachers from judicial departments to come teach in law schools. Second, establishing legal practicing bases for law schools. Third, the organization of law teachers to participate in State legal construction activities. Fourth, the creation of the "third class", inviting government officials, managers of enterprises to give law students lectures on political and economic developments.⁶¹ Based on the past experiences in China and successful models of management and guidance of legal education from abroad, the National Committee of Judicial Examination should set up a non-governmental steering committee on legal education, similar to the ABA in the United States for the legal profession.⁶²

The second deficiency in the legal education is the previous division of the legal talents into legal theoretical talents and legal practicing talents according to where law students graduated (from universities or law colleges) from. This practice is criticised as severing legal doctrine from legal practice and implies the non-recognition of "jurist-type" judicial personnel and the recognition that legal work can be done without formal legal training.⁶³ As mentioned above, in the whole legal profession the quality of judges and procurators are poorer than that of practicing lawyers. In addition, under the current circumstances, graduates from law schools who are willing to work at the judiciary cannot be properly recruited by the court or the procuratorate, but ironically lay-offs from the government departments can work in the court.⁶⁴

It is obvious that this deficiency has come to the attention of the Chinese Government, and the Supreme Court, the Supreme Procuratorate and the Ministry of Justice jointly issued a circular to unify the judicial examination from 2002 for entry-level judges, procurators as well as for the qualification of lawyers.⁶⁵ The first such examination

60 See Wang Zhengmin, "On Legal Education and Legal Profession", *Chinese Legal Science* (in Chinese), No. 5, 1996, at 95.

61 See Ma Kechang & Luo Mingda, "Reform of Legal Education", in Guo Daohui (ed.), *Essays on the Legal System in the Last Ten Years* (Beijing: Law Press, 1991) (in Chinese), 435-436.

62 Huo & Wang, *supra* note 5, at 65.

63 See Hu Yuhong, "National Judicial Examination and the Transformation of Legal Education Models", *Law Science Monthly* (in Chinese), No. 9, 2001, at 22.

64 See "How China's Judiciary Faces the New Century", *Democracy and Legal System Monthly* (in Chinese), No. 2, 2000, at 80.

65 See *People's Daily* (in Chinese), 16 July 2001, at 2. "New selection process to improve judicial system", *China Daily*, 31 March 2001. The text of the 2001

was held in March 2002. It lasted two days and included four test papers covering the contents of legal theory, applied legal science, existing laws and regulations, legal practice and legal professional ethics.⁶⁶ This measure may improve the quality of judges and procurators. Though it is not clear why the examination for judges and procurators is combined with the bar examination for lawyers, unified professional training and requirements can better maintain judicial justice in a country. The entry standard for legal profession is linked to the extent to which the rule of law is observed. Higher standards of legal training are likely to promote greater adherence to and respect for the rule of law. The unified judicial examination will bring about a series of innovations and reforms in legal profession and judicial structure. For example, it will alter the mechanism for selecting judges. Previously, the appointment of judges and procurators was not subject to examinations. With the examination, the judicial entry system will become more stringent so that the quality of legal profession will accordingly be raised.

The requirement of the judicial examination also applies to notaries public. The Ministry of Justice recently issued a Notice that from 2002 onward, notaries should be recruited from those who have passed the National Judicial Examination.⁶⁷

It is significant that the examination itself has created an institutional link between legal education and the legal profession. The development of and demand from the legal profession decides and guides the development of legal education. The tasks of legal education vary over time. At the present time when China has determined to rule the country by law, legal education provides not only high quality jurists, but also legal personnel who are needed in all walks of life.⁶⁸ It is clear that developing and assisting the process of the national judicial examination will constitute an important task of legal education.

Nevertheless, while emphasis is placed on the integration of the legal education with legal profession, legal education should not incline itself too much to the demands of practice to the extent it neglects the consideration of the nature of legal education. The

Implementing Measures on National Judicial Examination (Trial), which was adopted on 31st October 2001, and took effect from 1st January 2002, is available in <http://www.peopledaily.com.cn/GB/shizheng/252/17/1865/20011031/594864.html> (access date: 26 December 2001).

66 See "Legal pros to get uniform test", *China Daily*, 31 December 2001.

67 "Ministry of Justice requires in-service notaries to pass the National Judicial Examination", in <http://www.peopledaily.com.cn/GB/shizheng/252/17/1865/20011212/625107.html> (access date: 26 December 2001).

68 See Huo & Wang, *supra* note 5, at 6.

two must be well-balanced: on the one hand, legal education should develop its curriculum and teaching methods by considering legal professional requirements, and on the other, legal education itself should maintain its autonomous status as part of higher learning. Even in the United States, there is a complaint about the subordination of legal education to the demands of the legal profession and law professors form a community whose prime loyalty is towards their legal profession rather than to their university. The influence of the legal profession on legal education amounts to a multifaceted control over the curriculum, the faculty and the students at law schools. Some legal scholars called for a change to allow law schools to act as autonomous institutions.⁶⁹ The professional monopoly may have an adverse impact on legal education, which is a lesson China should take into account in considering the reform of legal education in China.

VI. UNFINISHED TASKS

In the United States, about 130,000 law students are involved each year with legal education, and the number of law school teachers has increased from approximately 2,000 full-time in the 1950s to more than 8,000 in the 1990s.⁷⁰ In comparison, China's number is low (see Tables 3, 4 and 5), and falls short of the actual need. At present, there are about 280,000 adjudicating personnel throughout the country, but the actual number of qualified judges is small.⁷¹ With the development of the market economy, the demand for legal workers will sharply increase, particularly after China's entry into the World Trade Organization (WTO).

As the number of trained legal professionals produced by law schools falls short of what society needs, other channels of legal education have been created. The procuratorate prepared a training program for procurators from 2001 to 2005. Accordingly, by the end of 2005, 90 per cent of the procurators should have college diplomas, of whom about 100 should have PhD and 4,000 master's degree, and 40 per cent bachelor's degree.⁷²

69 See Thomasset & Laperrière, *supra* note 54, at 195 and 217.

70 See "Preface", in King (ed.), *supra* note 55, at xiii. It is noted that there were altogether 16,000 professionals including full-time and part-time law teachers, deans, administrators, and librarians.

71 See Li Hanchang, "A Perspective of Judges' Quality and Training against the Background of Judicial System Reform", *Chinese Legal Science* (in Chinese), 2000, No. 1, 48-49.

72 "Five-Year Education and Training Programme for Procuratorate", *People's Daily* (in Chinese), 14 March 2001, at 6. The court also has its training programme for the year of 2001 to 2005, see Xiao Yang, "Work Report of the Supreme People's Court", *People's Daily* (in Chinese), 22 March 2001, at 2.

Table 1. Top Ten Majors for Hiring Requirements in China

Ranking	Government Organs	University	State-Owned Enterprises	Financial Institution	Foreign Enterprises	For Overseas Study
1	Law	English	Accountancy	International Finance	Accountancy	Chemistry
2	Economics	Physical Education	Computer Science	Banking	Computer Science	Computer Science
3	Criminal Investigation	Education	Mass Communications	Accountancy	Mechanical Automation	English
4	International Economic Law	Clinical Medicine	Architecture	Computer Technology	Mass Communications	Business/ Finance
5	English	Computer Science	Mechanical Design	Investment Analysis	English	Life Sciences
6	Accountancy	Compute Technology	Electric Engineering	Economic Law	Computer Science	Applied Physics
7	International Trade	Mass Communications	Electronics	Economics	International Finance	Economics
8	Public Administration	Architecture	Electrical Automation	Information Management	Electronics	Wireless Communications
9	Administrative Law	Sports Training	Electric Engineering	Insurance	Marketing	Information Technology
10	Medicine	Law	Industrial Automation	International Finance	Mechanical Design	Computer Science

Sources: Adapted from Ministry of Education, in <http://www.moe.edu.cn/employment/xinwen/5.htm> (access date: 29 November 2001).

Table 2. Law Firms and Lawyers in China, 1985–2000

Year	Law Firms	Lawyers	Organizations with Legal Advisors
1985	3,131	13,403	39,453
1990	3,716	34,379	111,899
1995	7,263	90,602	234,496
1999	9,144	111,433	238,576
2000	9,541	117,260	247,160

Sources: *China Statistical Yearbook*, 1986, 1996, and 2001.

Table 3. College Graduates by Field of Study in China, 1995 & 2000

Field of Study	1995	Percentage	2000	Percentage
Philosophy	2,117	0.33	775	0.15
Economics	80,981	12.70	78,205	15.77
Law	17,650	2.77	19,806	4
Education	35,234	5.53	17,939	3.61
Literature	92,928	14.58	53,826	10.86
History	16,794	2.63	6,755	1.36
Science	87,845	13.78	49,215	9.92
Engineering	228,922	35.91	212,905	42.95
Agriculture	27,856	4.37	19,154	3.86
Medicine	47,090	7.39	37,045	7.47
Total	637,417	100	495,624	100

Sources: Adapted from *China Statistical Yearbook*, 1996, and 2001.

Note: Students under the “Law” category also include those majoring in Political Science, International Relations, Public Administration, and Sociology.

The court has intensified its training programs by cooperating with the Law School of Peking University to administer an ‘online program’ to train judges in accordance with the qualifications set forth in the amended Judges’ Law.⁷³ The National Judges College under the Supreme Court, originally established in 1985 as a part-time professional institution, was converted to a full-time one in December 2001. Over the past 16 years, it enabled more than 170,000 in-service judges pursue a law degree.⁷⁴ With China’s entry into the WTO, it started to provide Chinese judges with a series of WTO-related training courses.⁷⁵

⁷³ See “To establish a professional judge team of high quality”, *People’s Daily* (in Chinese), 13 November 2001, at 6.

⁷⁴ Shao Zongwei, “Judges’ college goes pro”, *China Daily*, 29 December 2001.

⁷⁵ “Supreme court gets ready for WTO entry”, *China Daily*, 22 February 2000. The whole text is available in *Legal Daily* (in Chinese), 22 October 2001, at 4.

Table 4. College Graduates by Field of Study (2000)

Field of Study	Students Pursuing Bachelor Degrees	Students with Three-Year Education
Philosophy	775	141
Economics	78,205	81,094
Law	19,806	24,318
Education	17,939	24,113
Literature	53,826	93,171
History	6,755	6,906
Science	49,215	48,986
Engineering	212,905	141,386
Agriculture	19,154	11,216
Medicine	37,045	22,812
Total	495,624	454,143

Source: Adapted from *China Statistical Yearbook*, 2001, p. 654.

Note: Students under the "Law" category also include those majoring in political science, international relations, public administration, and sociology.

Table 5. College Teachers by Field of Study (2000)

Field of Study	Professors	Asso. Prof.	Lecturers	Assistants	Instructors
Philosophy	1,301	5,051	6,251	2,530	536
Economics	3,041	10,588	15,169	7,199	1,775
Law	1,003	3,642	5,752	2,875	825
Education	1,797	11,552	18,233	10,123	2,711
Literature	5,191	21,106	31,004	20,433	6,275
History	1,041	2,656	3,201	1,193	296
Science	8,660	26,955	26,500	13,253	3,536
Engineering	14,567	41,212	43,935	21,875	6,169
Agriculture	2,069	5,042	5,224	2,493	666
Medicine	5,004	11,016	11,338	7,116	1,792
Total	43,674	138,820	166,607	89,090	24,581

Source: Adapted from *China Statistical Yearbook*, 2001, p. 654.

Note: Students under the "Law" category also include those majoring in political science, international relations, public administration, and sociology.

Since legal profession is a popular attraction in China and the social status of legal workers has been raised in the reform era,⁷⁶ many universities are inclined to establish law faculties even though conditions

⁷⁶ This is manifested by the fact that law professors have been to *Zhongnanhai* and NPC Standing Committee to give law lectures to the top Chinese leaders.

are not ready for this endeavour, causing a decline in the quality of legal education in some cases. It may be recalled that during the late 19th century and early 20th century when modern legal education was first introduced to China, its scale was expanded too much such that its quality was compromised. The current development of legal education should draw a lesson from history.⁷⁷ Thus the maintenance of a high quality of legal education is another issue to be considered in the process of reform.

Some law schools have adopted certain related measures in addition to revising their teaching methods. First, law graduates have more freedom to seek a job by introducing the recruitment method of 'double-direction choice' (*shuang xiang xue ze*), i.e., both the employer and the graduate can choose each other. Formerly, the job assignment was controlled under the State plan. Second, some law schools, such as in Peking University, have abolished the long-standing division between so-called teaching and research sections (*jiao yan shi*), which was a reflection of the planned economy. It originated from the Soviet Union and became an administrative means. The more salient shortcoming was its limit of teachers' academic area, thus a teacher in the section of constitutional law could not teach criminal law, and *vice versa*.⁷⁸ Thirdly, many law textbooks and legal doctrines remain old. For example, a course on basic legal theory is still influenced by the ossified system of legal theory from law textbooks of the former Soviet Union.⁷⁹ Old textbooks should be updated without delay.

One of the characteristics in China's law schools is the establishment of law firms within the schools. This is a response to the development of China's economy and the lack of financial support for higher education. For example, the Peking University Law School has two law firms (named as *Tonghe* and *Yanyuan* respectively). The LuoJia Law Firm managed by the Wuhan University Law School mainly consists of core teachers of the law school and like other law firms, provides legal services for the society.⁸⁰ Superficially, this kind of legal activity looks like a reflection of the integration of legal education and legal profession, but in nature this is a commercial activity which definitely disrupts the normal operation and quality of legal education. There are two ways, therefore, to reform this: to de-link such law firms from

77 See Song Fangqing, "A Study on China's Modern Legal Education", *Chinese Legal Science* (in Chinese), 2001, No. 5, at 177.

78 See Wang Chenguang, "Puzzling Problems in Legal Education – A Survey from the Comparative Perspective", *Peking University Law Journal* (in Chinese), No. 2, 1993, at 73.

79 Ma & Luo, *supra* note 61, at 433.

80 See "LuoJia Law Firm", Wuhan University Law School, in http://fxy.edu.cn/jxjg_2/ljlssws.htm (access date: 3 January 2002).

their law schools so as to let them become normal law firms, or convert them into legal aid centers for the purpose of clinical education.

The other area which needs an urgent reform is the law-degree granting system. In China, law degrees are granted not only to law graduates, but also to students in political science, public administration, international relations and sociology. This practice seems very strange and awkward in the eye of foreigners, but it is a reflection of the planned economy institutional structure under which the decision on awarding degrees belongs to the Ministry of Education.

The reform of a system of legal education is not unusual and is an on-going process even in countries with well established legal systems. For instance, Japan, China's neighbor and also the biggest influencer of China's modern legal system, has begun reforming its system of legal education. According to the proposal put forward by the Japanese Judicial Reform Council, an 'American style' legal education will be introduced to Japan and it is regarded as a unique opportunity for lawyers, legal educators and law students.⁸¹ Whether China is bold enough to introduce the American style to China's legal education remains to be seen. However, certain American style teaching methods such as moot court and clinical education have already been borrowed by some Chinese law schools.

China has paid attention to the reform of legal education in other countries and organized an international conference on development and reform of legal education in Asia which was held in Beijing in December 2001. It hopes to learn successful experiences from other Asian countries so as to quicken its pace towards achieving the rule of law.⁸²

Despite significant achievements, there is still a long march ahead for the reform of China's legal education. As the reform of legal education is part of the overall education reform, the latter plays a critical role in the former. Although China is on the track of market economy, its educational system is a product of the abolished planned economy. The projects of establishing a university or a major in a university, the number of students in enrollment, the orientation of research are all controlled by the Ministry of Education. As noted, Chinese legal education is highly centralized in the sense that there is a series of textbooks administrated by the Ministry of Justice and written by law

81 For details, see Gerald Paul McAlinn, "Reforming the System of Legal Education: A Call for Bold Leadership and Self-Governance", *Asian-Pacific Law & Policy Journal*, Vol. 2(2), 2001, 15-27.

82 See "Forum on Development and Reform of Legal Education in the 21st century Asia was held", *People's Daily* (in Chinese), 17 December 2001, at 6.

professors pooled from major law schools.⁸³ Such a system is obviously not consistent with China's market-orientated environment. Under the market economy conditions, training of students in universities should meet the supply and demand requirement from the market in the society, and universities should have a certain degree of autonomy. Legal education is no exception.

What is more important is whether the Chinese government values education seriously. The state budget for education is usually low, and such lack of funding will undoubtedly jeopardize the quality of schooling. The matter may get more serious within the context of globalization and the information technology age. It is correctly emphasized that the new form of knowledge-based economy heightens the role of education such that the Chinese government should place higher priority on education, including legal education, in its development strategy.⁸⁴

83 Gao Tong, "A Comparison of Chinese and U.S. Legal Education", in King (ed.), *supra* note 55, at 376.

84 For example, in 1996 China spent 2.3% of its GNP on education. See John Wong & Liu Zhiqiang, "Education and Development: Experiences from East Asia", EAI Working Paper No.45, July 2000, 6-7.