Chinese Scholarship and Oklahoma City University School of Law

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Since 2005, Oklahoma City University School of Law has been engaged with law schools and legal institutions in China. OCU LAW operates a summer study-abroad program for American Juris Doctor students at Nankai University School of Law in Tianjin, China. Students from four Chinese law schools have come to Oklahoma City in the summers for our Certificate in American Law Program that introduces them to the American legal system. Lawyers from the Tianjin Bar Association have participated in that same program. Chinese law students have completed our Juris Doctor program, and OCU LAW alumni are living and working in China. Members of our faculty have taught in China, and I have lectured at the National Judges College under the Supreme People’s Court in Beijing. In June 2011, nine members of the OCU LAW faculty presented papers at the International Conference on Sino-American Comparative Law hosted by Nankai University School of Law.

Another feature of our law school’s engagement with China has been
the presence on our campus of a steady stream of visiting scholars from Chinese law schools. Sponsored by their home institutions and the Chinese Ministry of Education, these professors spend a semester or full academic year with us, conducting legal research and scholarship, interacting with our faculty and the Oklahoma City legal community, and observing the American system of legal education. Other Chinese legal academics have come to OCU LAW for shorter visits. The two following articles grew out of these exchanges.

Professor Wu Xiaofeng served as a visiting scholar at OCU LAW from 2009 through the spring of 2011. Her time with us coincided with our school’s development of plans to establish an innocence clinic, through which students would seek to identify and rectify wrongful convictions in Oklahoma. These efforts stimulated Professor Wu’s research into the issue of wrongful convictions in China. The fruits of that research appear here in her article, *An Analysis of Wrongful Convictions in China*.1 Professor Su Caixia’s time with us was briefer. Her article, *The Present and Future: The Death Penalty in China’s Penal Code*,2 is based on research conducted at her home institution and was presented during a special visit to OCU LAW in 2010.

The fact that both professors’ articles focus on China’s developing criminal-justice system is doubly coincidental. First, the two professors had not collaborated on their scholarship, and each was unaware of the other’s work. Second, publication of their articles coincides with the official opening of the Oklahoma Innocence Project at OCU LAW. It has become increasingly clear that the rate of wrongful convictions in America’s criminal-justice system is unacceptably high, and a disturbing number of the wrongful convictions in our country that have been rectified have involved innocent people who were sentenced to death. The articles by Professor Wu and Professor Su show that legal scholars in China are aware of developments in American law as well as universal legal standards. Our efforts to improve the American criminal-justice system are, of course, necessary for our own society, but they seem also to have the potential to spur legal reform in China.

The American legal system (with over 200 years of history and development, not to mention the foundational developments in our

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Mother Country) is much more mature than China’s (whose modern legal system dates from only 1979). Professor Wu’s article reminds us of the importance of the protections afforded defendants in our criminal-justice system that we take for granted today. But we should remember that not all of those protections have been with us from the beginning. While Professor Wu’s description of the wrongful conviction of a Chinese citizen for murdering a person who, it turned out, had not been killed may sound laughable, not too many decades ago the same thing happened in the United States—more than once! Even in modern America, a disturbing percentage (1.6–2%) of those convicted of capital offenses have been found to have been innocent—fortunately before their death sentences were carried out.

Speaking of death sentences, Professor Su’s article demonstrates that the modern Chinese legal system is really quite young and still very much a work in progress. The path of reform may be uneven, and the rate of development may be too slow for some observers. But Professor Su sees the direction of change to be moving inexorably in the direction of international norms. Surely, the continuation of faculty exchanges between Chinese and American law schools will hasten that process.

3. Wu, supra note 1, at 452–53.