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LEGAL EDUCATION OF TODAY’S CHINA: PROBLEMS AND SUGGESTIONS

Qilin Ma
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Qilin Ma**

Abstract: China, as a country with a history of more than five thousand years, her legal education is non-independent and non-professional but the government’s conduct. Affected by her political and historical situations, Chinese legal education stresses its political function and theoretical teaching but neglect practicing skills and professional responsibilities training. How to realize the professionalization (not governmentalization) of legal education and how to bridge the gap of theory and practice are the main problems for current legal education in China. Chinese education administration agencies and legal educators are actively making efforts to reform legal education system, but the great progress has not been made so far. This article emphasizes the problems of legal education in today’s China and gives some modest suggestions for modernizing Chinese legal education from a historical and cultural perspective.

CONTENTS

I. WHAT IS HAPPENING TO LEGAL EDUCATION IN CHINA?

A. Two Related Cases

B. What Do the Two Cases Imply?

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II. A BRIEF HISTORY OF CHINESE LEGAL EDUCATION

A. Legal Education in Ancient China (Before 1840)
B. Legal Education in Modern China (Before 1949)
C. Legal Education in the People’s Republic of China (After 1949)

III. THE CURRENT PROBLEMS OF CHINESE LEGAL EDUCATION

A. Politicalization of Moral Education
B. The Confusion of Goals of Legal Education
C. The Gap between Legal Theory and Practice
D. The Low Admission Standards of Law Schools and of the Bar
E. Governmental Administration of Legal Education
F. The Unreasonable Expansion of Legal Education
G. The Outdated Nature and Rigidity of the Courses Offered

IV. SOME SUGGESTIONS FOR THE MODERNIZATION OF CHINESE LEGAL EDUCATION

A. The Unity of Knowledge and Action: the Methodology of China’s Legal Education
B. The Preparation of Lawyers for Practice: The Goal of Chinese Legal Education
C. Employ Various Alternative Teaching Methods
D. Admission Requirements to Law Schools and to the Bar
E. Autonomy and Professionalization: The Administration Model of Legal Education in China
F. Strict Accreditation Process: the Approval of Chinese Law Schools
G. More Flexible and Practical Curriculum
H. Legal Ethics Course Should Be Required

I. The Introduction of the American Pre-law School Program

CONCLUSION

I. WHAT IS HAPPENING TO LEGAL EDUCATION IN CHINA?

A. Two Related Cases

1. Since 2002, the employment of law graduates has been encountering an unprecedented crisis in China. The employment rate of law graduates was ranked at 187 in 214 specialized fields in 2002. In 2005, the employment rate of law graduates was the lowest of all specialized fields.\(^1\) It is reported that the employment rate of law graduates was the lowest of all social science fields in 2007.\(^2\) It is also reported that the employment rate of law graduates has been the lowest in all fields since 2008.\(^3\) The employment rate of law graduates after graduation for half year was 79.1%, which was the lowest in all fields in 2010.\(^4\)

2. In Chinese courts at all levels, 783 judges who violate disciplines and laws were investigated, 540 of those got administrative sanctions and 113 of those were held criminally

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responsible in 2010. The People’s Supreme Procuratorate Work Report (2012) said that there were more than 18,464 officials involved in serious corruption and bribery in 2011, including 7366 administrative law enforcement personnel and 2395 judiciary officials.  

B. What Do The Two Cases Imply?

The above cases show that legal education in China is facing difficulties that Chinese legal education cannot produce competent legal professionals. “Today’s legal education goes against the social needs and deviates from the market demand completely,” a law student said, “law needs practice, but what kind of legal education we obtain now? Only theory and knowledge learning, but no professional skills training; only lectures, but no practice.” Professor Li Lin, the director of the Law Research Institute of Chinese Academy of Social Sciences, said that “the great development of legal education in China led to the rapid expansion of law schools, law schools sprang up greatly, but their qualities are poor. This situation shows as follows: too many students; but much poor professional quality. Our law students come from the liberal arts fields and high schools, they don’t have the study experience of polytechnic courses and have no the ability of logical thinking.”


8 Id.
Xu Xianming, the former president of Chinese University of Political Science and Law, thinks that four main problems exist for Chinese legal education: First, the overall positioning of legal education is unclear; is legal education academic legal education or vocational legal training or both? We haven’t known so far. Second, there exists a big contradiction between the low admission requirements and the high demands for legal professions in today’s China. How do we resolve this contradiction? A satisfactory way has not been found by now. Third, China’s legal education has a lack of legal ethics training; it is very dangerous that judges, prosecutors and lawyers don’t have professional values. Finally, legal education in China is short of practical skills training; judges, prosecutors and lawyers who don’t have professional values and practicing skills cannot meet professional requirements. The author holds that the lack of legal ethics training in Chinese legal education is one of the main reasons that result in judicial corruption and bribery.

The author thinks that the happening of the above cases is related with the history of Chinese legal education, because “History deals with the past, but this past is the history of the present.” It has also been said, “... Knowledge of the past is a key to understanding the present.” Therefore, if we want to understand and resolve the present problems (cases) of legal education that are happening in China, we must know the history of Chinese legal education firstly.

II. A BRIEF HISTORY OF CHINESE LEGAL EDUCATION

9 Id.
A. Legal Education in Ancient China (Before 1840)

In traditional Chinese culture, Chinese Legalism attached great importance to law and legal education. As early as three thousand years ago, the Western Zhou Dynasty (1021-771 B.C.) had a legal education program for local government officials. So the beginning of an administrative system for legal education was established in the Western Zhou. From the Western Zhou dynasty, a tradition of the “unity of officials and teachers” and the “unity of government and education” began in ancient Chinese education. With the establishment of Confucianism as the state philosophy and remained the dominant ideology in Han dynasty (206 B.C.-220 A.D.), legal education advocated by Legalists gradually lost its independent status, adhering to Confucian education. Law was regarded as the secondary instrument to rule society, there is no equality, justice and other law values, so China’s legal education was not to contribute to the development of practicing skills, professional judgment, and professional values needed in the legal profession, law acted only as an assistant method of moral rule that was required to master by governmental officials. Generally speaking, legal education in ancient China was not of independence but of dependence on the government. The main purposes of legal education, teaching methods, teaching contents, and the teachers’ qualifications and so on were all controlled by the government. Actually, law education was only in-service law training of government officials. In ancient China, basically, there was no specialized institution for law education; law education was conducted by government officials.

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15 *Id.*
at part time. In fact, the tradition of “regarding officials as teachers” had been followed by Chinese law education since the Qin Dynasty.\(^\text{16}\)

**B. Legal Education in Modern China (Before 1949)**

China’s modern higher legal education began in the late Qing Dynasty (or at the beginning of the twentieth century).\(^\text{17}\) During the final years of Qing Dynasty, under the influence of the Western culture in general and China’s contacts with the Western world in particular, Western law was introduced into China, Chinese officials, intellectuals, and even the ordinary people began to realize the importance of law to a modern nation. They actively learned and transplanted civil law system. Initially, China learned from Japan. At that time, Japan modeled after Germany. During The Nationalist (KuoMinTang) times (1912-1949), the Nationalist (KuoMinTang) government controlled legal education directly; the department of justice accredited the law schools (or departments), decided the official required courses, reviewed the annual teaching plan, and granted law degree certificate. Legal education served the Nationalist (KuoMinTang) government.

**C. Legal Education in the People’s Republic of China (After 1949)**

After the founding of the People’s Republic of China (hereinafter the PRC) in 1949, the Central Government completely abolished the Nationalist (KuoMinTang) government’s judicial system and all the laws; the old legal education system came to an end. At that time, the Chinese Central Government articulated a guiding principle for the reform of legal education: to learn from the successful experience of the Soviet Union legal education and combine it with

\(^{16}\) *Id.*, at 21. 
\(^{17}\) *Id.*
actual conditions of China. Law departments of universities were to adapt themselves to the needs of the State’s political and legal work, and train political and legal workers and law teachers who were loyal to the socialist cause, ardently loved the motherland, were in good health, possessed a firm working class stand and Marxist-Leninist viewpoint, had a good grasp of the advanced science of politics and law, and were familiar with political and legal work.

After the breakdown of the Soviet-Chinese relationship, China’s leaders abandoned the Soviet legal model. The objective of legal education was revised to “educate legal workers who could both politically and professionally serve for the Community Party of China (hereinafter the CPC).” Law students were required to “have correct and firm political belief, love the CPC, love Chairman Mao, be subordinated to be the tool of the CPC, be a revolutionary proletarian soldier.” They were also required to systematically and completely learn the basic theories of Marxism, Leninism and Mao Zedong Thoughts, to understand and know how to initiate class struggles, to grasp the policies of CPC and to be able to deal with practical work. The students were to be “armed with Mao Zedong Thoughts,” and be ready to be “a cadre, a worker, or a peasant” after graduation.

With the onset of the Great Cultural Revolution (1966-1976), laws were overthrown, the Ministry of Justice was disbanded, nearly all law schools or law departments of all

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19 Id., at 548.
21 Kong Lingwang, The Objectives of Legal Education (Qiantan Falu Zhuanye Peiyang Mubiao). 1 POLITICAL AND LEGAL EDUC. (ZHENGFA JIAOJU), 1, 2 (1985).
22 Id.
23 Id.
24 Id.
universities were closed down, and members of the Chinese legal profession had to seek new non-legal careers. Libraries either destroyed or scattered, school buildings were seized and books and reference materials were divided up. The courts ceased to function. Legal education in China suffered extremely serious damage.

After the “Great Cultural Revolution”, with the great development of China’s economy, in order to compensate for the shortage of legal talent, under national policy, a large number of veterans and some other people who did not have the educational background of law entered the judiciary. Accordingly, Chinese judges were not from lawyers and other law professionals; they usually did not specialize in law. When they tried cases, they would make decisions by a combination of the CPC’s policies, law, community customs, political and moral requirements.

In order to develop legal education as soon as possible, central government established a very unique legal education system with Chinese characteristics. This legal education system in China includes “many forms, levels, and channels of legal education and training.”25 In addition to undergraduate and postgraduate legal education, there also existed “vocational, self-study and continuing legal education through correspondence, radio, television, multimedia and other long-distance means, spare-time courses,”26 “qualification examination after self-study” and so on.27 Law students were required to “stick to the socialist system, the people’s democratic dictatorship, the CPC’s leadership, as well as Marxism, Leninism and Mao Zedong Thoughts.”28

26 Id.
28 Id.
With the founding of the socialist market economic system of China, Chinese Legal Education has entered a rapid development stage. On Dec. 13, 1995, The State Council of China approved and issued “The Minutes of the Report on the Problems of Legal Education by the Ministry of Justice.” The Report pointed out that one of the main problems of Chinese legal education was that “the scale of legal education does not meet the demands of the development of economy and society, does not meet the demands of construction of democracy and legal system in the new era.” “In order to alleviate the contradiction between supply and demand of law talents, the central government should give a greater support to the development of legal education, in pursuit of rapid development of legal education during the ‘Ninth Five-Year Plan’ period.”

Against this background, Chinese legal education continued a great development after 1990s. Those students who are enrolled in the majors of Law Science, Political Science, Sociology, Ethnology, Marxist Theory, and Public Security all can earn a LLB degree; this situation is unreasonable and unscientific. The proliferation of law schools and of law students has seen the decrease in the quality of legal education. Many law schools are suffering from a lack of qualified law professors and necessary facilities. Law graduates are falling into the crisis of employment.

29 Hao, supra note 14, at 38.
III. THE CURRENT PROBLEMS OF
CHINESE LEGAL EDUCATION

Influenced by her history and tradition, legal education in China is presenting the following problems, these problems are the main reasons that result in the low employment rate of law graduates and judicial corruption.

A. Politicalization of Moral Education

In Chinese feudal society with it’s over 2000-year history, school education was essentially a feudal education, combined with politics. Students achieved fame through school education, and the state selected officials at all levels through examinations operated by government agencies.32 “A good scholar can become an official.” was the concentrated expression of Confucian educational thought about the unity of politics and education. In a certain sense, Confucian educational thinkers believe that education is highly professional education for training political talents; the contents and main goal of education is to nurture political talents (officials) for the state.

There was a close relationship between Confucianism and feudal politics; the integration of Confucian ethics and the feudal politics was the important content of Confucianism, and this was determined by traditional Chinese society—a patriarchal society. Patriarchal society is a society with unequal relationships between the emperor and his subjects, father and son, man and woman, husband and wife, the unequal relationship was a relationship of dominance and obedience.33 There was a very long history that Chinese society was once governed by the

33 Id., at 358.
virtue of rulers (rule of virtue). The ideology that education (especially legal education) serves politics led to the poor sense of rule of law in China. In the PRC celebration meeting of the 40th anniversary, Jiang Zemin, the President of the PRC pointed out: “All schools should not only establish a complete system of imparting cultural knowledge, but also give priority to moral education and establish a correct political orientation.” Generally speaking, the meaning and the basic requirement of moral education in all kinds of schools mainly include the following three aspects: First, education in the basic theories of Marxism-Leninism and Mao Zedong Thoughts (such as political theory courses in universities and secondary schools); Second, adherence to the “Four Cardinal Principles” (First, adhere to the socialist road; Second, uphold the people’s democratic dictatorship; Third, uphold the leadership of the Communist Party; Fourth, uphold Marxism-Leninism, Mao Zedong Thought); and Third, education in the “five loves” (loves of the motherland, the people, science, labor, and care of public property) and serve the people wholeheartedly.

B. The Confusion of Goals of Legal Education

From a historical perspective, “the Chinese legal system was based on the Confucian philosophy of social control through moral education coupled with the so-called legalist emphasis on codified law. Law was only one supplementary tool to control the society for government; legal education that trained officials for the government was conducted by government; meanwhile, government officials were part-time law teachers. Legal education

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in ancient China was not independent but governmental. After the birth of the PRC in 1949 and the founding of the socialist system in China, the Chinese government controlled legal education as well. Therefore, legal education in the PRC must follow some socialist ideological doctrines. In 1951, the Ministry of Education of China enacted the Draft of Curriculum of Law Schools (or Law Departments). The Draft provided that “the function of law schools is under the guidance of the ‘Common Program’ and Mao Zedong Thoughts, to foster the legal cadres who understand the current policies and laws and serve the people so as to consolidate the people’s democratic dictatorship, to meet the needs of national construction and social development.”36 By the provision, the guidelines of Chinese legal education are Mao Zedong’s thoughts; the objective is to train legal cadres (officials), and the contents of legal education are the policies of the CPC and codes.37 In 1954, the Ministry of Education laid down the policy and tasks of political and legal education. Law departments of universities were to adjust themselves to the demands of the State’s political and legal work, and train political and legal workers and law teachers who were loyal to the socialist cause, ardently loved the motherland, were in good health, possessed a firm working class stand and Marxist-Leninist viewpoint, had a good grasp of the advanced science of politics and law, and were familiar with political and legal work.38 Legal education in China stressed the political nature of legal professionals and was seen as a way to produce governmental officials, judges and procurators for the country. China’s legal education did not explicitly state the required legal knowledge, practicing skills and legal ethics for law students. Law students and teachers

36 Hao, supra note 14, at 61.
37 Id.
38 Depei & Kanter, supra note 18, at 548.
both have no ideas about the sound objectives of legal education, required legal knowledge and practicing skills.\textsuperscript{39}

The objective of legal education in China is too broad and general; legal education does not have a defined and determined objective. “This lack of a definite objective directly inhibits the improvement of the teaching methodology in Chinese law schools”\textsuperscript{40} and “reflects how the law has been utilized as a political tool in China.”\textsuperscript{41} “The professional aim of legal education had long been totally ignored.”\textsuperscript{42} Currently, in Chinese legal circles, the objective of legal education is a heatedly debated topic. What is the goal of Chinese legal education? We don’t know the answer. Because the different people, the different voices; the different universities, and the different aims of legal education.\textsuperscript{43} Some of them consider legal education as “general high education or ‘academic’ education, training legally outstanding persons, and legal professional education or training,”\textsuperscript{44} some as “quality education,”\textsuperscript{45} some as “professional education,”\textsuperscript{46} some as “general education,”\textsuperscript{47} and some as “training legal elites.”\textsuperscript{48} Someone stated that “the objective of legal education is basically to educate excellent

\textsuperscript{39} Hao, \textit{supra} note 14, at 61.


\textsuperscript{41} \textit{Id.}, at 217.

\textsuperscript{42} \textit{Id.}


\textsuperscript{44} Lin, \textit{supra note} 25, at 424.

\textsuperscript{45} Hu Lvying, \textit{The Contents of Legal Education and Reform of Legal Education in China}, www.lw23.com/pdf_aa1ad33-4063-4104-aa03.../lunwen.pdf (last visited May 18, 2011, Qilin Ma trans.).


\textsuperscript{47} \textit{Id.}

\textsuperscript{48} \textit{Id.}
socialist legal practitioners and governmental administrators who have firm political belief, behave under lofty ethical standards, and specialize in law.”

What on earth is the proper goal of China’s legal education? No one can give a satisfactory answer.

C. The Gap between Legal Theory and Practice

Influenced by the civil law system, China is a codified law country. In Chinese legal education, law professors pay much attention to the teaching of legal theories and knowledge but neglect lawyering skills and legal ethics training; it is as if professional skills and ethics are not fundamental to law practice. Just as Professor Leslie Bender has observed about the American law curriculum, students “are not taught effective means of interviewing or of framing questions to find facts.”

Legal education in China stresses the completeness of legal theories and legal concepts. Teachers’ lectures that emphasize academic are the main teaching methods. “Teachers’ lectures are emphasized” or “scholarship is emphasized.”

After the establishment of the PRC (1949), China learned from the former Soviet Union insofar as codified laws formed the basis of the Chinese legal system, the statutes and legal theories were the main contents of learning for law students, and teachers’ lectures are the traditional teaching method in Chinese law schools. This methodology of lecturing results in the separation of theory and practice, the divorce of legal education and social demand.

52 Lingyun, supra note 40, at 224.
The dissertation also agrees that Chinese law students, as Professor Leslie Bender has observed about American students, are not “taught counseling, advising, and developing strategies.” The traditional required curriculum in Chinese law schools does not focus on the practice of law, does not have a course on legal ethics or professional responsibility, and just as Professor Leslie Bender has observed about the American law curriculum, does not tell students “how to resolve ethical dilemmas in legal practice.”

The problems of teaching methods in Chinese law schools can be summarized in the following three points: they are “teacher-centered rather than student-centered; knowledge-oriented rather than skill-oriented; lectures on content and logical reasoning rather than problem-solving and creative-thinking.”

Therefore, law students lack the opportunity and capacity to apply legal knowledge to resolve practical problems, and the ability to think creatively. Chinese legal education focuses on legal theories, concepts and statutes rather than practicing skills and professional ethics. Many law graduates don’t know what the practice of law is after their graduation. The divorce of legal knowledge and practice and the overlook of legal ethics (or professional responsibilities) training are the main reasons that lead to the low employment rate and judicial corruption problem in China.

D. The Low Admission Standards of Law Schools and of the Bar

Under the national education policy, Chinese legal education is undergraduate study, not postgraduate, and is regarded as one branch of liberal arts. Chinese law students come from high schools and with the same educational level and the same education background.

53 Id.
54 Id.
55 Ling, supra note 25, at 426.
They share the common name of college students with students of other specialties. In the eyes of the common people, they are all college students, and there isn’t so much difference between studying law and studying literature or physics. The applicants choose law schools voluntarily and law schools make a choice among them in accordance with their University Entrance Examination results. As high school graduates, law students are younger (generally 18-20 years old) and not mature; they have no working experience, compared with American law students.

Under the Notice on the Matters of the National Judicial Examination in 2009 (No. 85), not only the law school graduates can take the National Judicial Examination; other university graduates who are not law graduates are also qualified to take the National Judicial Examination and work in the courts or procuratorates or practice law as practicing lawyers, if they pass the National Judicial Examination.56 “Law graduates have to compete with all other non-law degree graduates”57 who take the National Judicial Examination and want to be legal practitioners. Law school attendance is not required for a person hoping to practice the law; what the candidate should do is only to exhibit some general knowledge of the law. Customarily, applicants demonstrate their competence in the law by taking and passing the National Judicial Examination.

In the view of this paper, the low quality of law school’s candidates is one of the main reasons that “the employment rate of law graduates has been the lowest in all liberal arts graduates in recent years,”58 because it is impossible for the immature law school’s candidates

57 Lingyun, supra note 40, at 223.
58 Ming, supra note 1.
to obtain practicing skills and understand professional values through studying in classroom. The low admission standards of the bar, under which non-law graduates are qualified to take the National Judicial Examination, are one of the main reasons that judicial corruption is very serious just as Part I mentioned above. It is well known that practicing skills and professional values can only be obtained through practicing, not through classroom studying or not by taking the National Judicial Examination.

E. Governmental Administration of Legal Education

In ancient and modern China, law was regarded as a political tool for government to rule the society. Generally, legal education, in the history of education in China, was not independent and non-professional. Legal education was financed and controlled by government and used for the government officials’ training; there was no professional legal education and there were no full-time law teachers. Some certain government agencies exercised the legal education function; the government officials were part-time law teachers. In order to keep political domination of legal education, Chinese government made the training of political and legal officials for the government the only “visible” function of legal education.  

After the establishment of the PRC in 1949, nearly all universities were public (financed by central or provincial governments); law schools or law departments were founded under the supervision of different departments of the People’s Central Government of China or the education departments of provincial governments. For examples, Chinese People’s Public


Security University Law Department is under the administration of the Department of Public Security of China.\textsuperscript{61} Beihang University Law School is under the administration of the Department of Industry and Information Technology of China.\textsuperscript{62} Peking University Law School is under the administration of the Department of Education of China.\textsuperscript{63} Zhejiang Gongshang University Law School is under the administration of the Education Department of Zhejiang Province.\textsuperscript{64}

Law schools or departments were directly accredited and administered by the Ministry of Education of China or the education departments of provincial governments. In the PRC, legal education is still controlled by government. There are no the national professional bodies on bar admission requirements and legal education like the ABA and the AALS. In China, the CLA, as the national professional self-governing organization of Chinese lawyers, is very different from the ABA.\textsuperscript{65}

Besides legal education is administered by the Ministry of Education or the education departments of provincial governments, "other Ministries and some academic institutions also have law schools or law departments under their own supervision."\textsuperscript{66} Even "the Supreme

\textsuperscript{61} See Chinese People’s Public Security University website: http://www.cppsu.edu.cn/ (last visited May 29, 2011).
\textsuperscript{65} The aim of the CLA is to unite and educate its members to protect the dignity of the Constitution and law; to be faithful to the legal profession and abide by professional ethics and rules of conduct; to defend lawful rights and interests of its members; to enhance professional competence of lawyers; to strengthen professional self-regulation in order to promote sound development of the legal profession and endeavor to build up socialist state with rule of law and to develop social civilization and progress. See The Chinese Lawyers Association, http://www.hg.org/bar-associations-china.asp (last visited Aug. 9, 2009).
\textsuperscript{66} Lingyun, supra note 40, at 222.
Court and the Supreme Procuratorate have their own law schools training incumbents as well as prospective judges and procurators.”

The Ministry of Education and the education departments of local governments “may fail to perceive the uniqueness of law schools and treat them the same as other university departments.” It is really a problem how to reform the governmental administration system of legal education in China.

F. The Unreasonable Expansion of Legal Education

Since the late 1970s, under the direction of the reform and open policy, with the development of China’s economy, Chinese legal education saw a rapid expansion. After the late 1970s, law became a very popular and hot major; more and more law schools were restored or newly-established year by year. With the development of over thirty years, a very unique legal education system with Chinese characteristics has been founded.

Legal education system in China includes “many forms, levels, and channels of legal education and training.”

In addition to undergraduate and postgraduate legal education, there also existed “vocational, self-study and continuing legal education through correspondence, radio, television, multimedia and other long-distance means, spare-time courses,” “qualification examination after self-study” and so on. Every university can decide to set up law school or law department freely. Not only the finance and economics universities, normal universities, and the foreign

67 Id.
68 Id., at 223.
70 Ling, supra note 25, at 422.
71 Id.
72 Haitao & Yigong, supra note 27, at 7.
language universities started to establish their law schools, some universities of technology also in abundance set up law schools. The number of law schools went up from 3 in 1977 to 634 in 2008. The number of law schools (or institutes) has increased by 100 times since 1978. The number of law students increased by more than 200 times since 1978. Those students who are enrolled in the majors of Law Science, Political Science, Sociology, Ethnology, Marxist Theory, and Public Security all can earn a LLB degree; this situation is unreasonable and unscientific. The proliferation of law schools and of law students has seen the decrease in the quality of legal education. Many law schools are suffering from a lack of qualified law professors and necessary facilities. Law graduates are falling into the crisis of employment.

G. The Outdated Nature and Rigidity of the Courses Offered

Generally, law students need to earn about 140-170 credits during four years of law school studying. In order to guarantee the political nature of LLB program, the Department of Education prescribes public required courses that are not related to the law profession, including Basic Theory of Marxism, Introduction to Mao Zedong Thoughts, Deng Xiaoping Theory, the History of Communist Party of China, Ideological and Moral Cultivation, College English, College Chinese, Situation and Policies, Higher Mathematics, Basic Computer Technology, Military Training, Sports and so on. The contents of public required courses “are

75 Id.
guided under the teaching plan of the Department of Education.”

Universities or law institutions and undergraduate students (including law students) all have no choice in the matter of the public required courses. The required public courses enjoy a very high proportion of credits (generally range from 23% to 38% of the total credits) in the law school curriculum. For example, at Zhejiang Gongshang University law school, the total credits are 160; the required public courses are 44 credits that cover about 27.50% of the total credits.

Additionally, the Ministry of Education prescribes sixteen core required law courses (including Jurisprudence, Constitutional Law, Chinese History of Legal System, Criminal Law, Civil Law, Commercial Law, Intellectual Property Law, Economic law, Administrative and Procedure Law, Civil Procedure Law, Criminal Procedure Law, International Law,

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78 *Id.*

79 See *The Students Research Team of Zhejiang Gongshang University School of Law, The Allocation Table of Course Credits for Law Undergraduate Students in Some Chinese Law Schools*, The Allocation Table of Course Credits for Law Undergraduate Students in Some Chinese Law Schools (See website, http://www.chinalawinfo.com/fxyluntan/gq3.html (last visited June 11, 2011, Qilin Ma trans.).

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Note: Percentage figures are only approximate.
International Economic Law, International Private Law, Labor Law, and Environmental Protection Law). The required law courses and their contents are also designated by the Ministry of Education; these courses take up more than 30% of the total credits. Law schools and students also have no choice about the required law courses. Although law required courses provide a broad overview of law area, they fail to instruct students in how to practice law. These required courses (including public and legal) generally cover about 60% of the LLB total credits. For example, at Peking University Law School, the total credits are 140, the required courses cover 91 credits, including public required courses (33 credits) and legal required courses (58 credits). As Professor Leslie Bender has observed about the U.S. legal education, the required curriculum, either the public courses or the legal required courses, “obfuscates the reality that law is about interactions among individuals in families, neighborhoods, workplaces, schools, and communities between groups of people, and between people and institutions, like corporations, churches and governments.” These required law courses seldom provide law students with lawyering skills and professional values needed to be competent lawyers.

Furthermore, many law schools offer other required courses (law and non-law) that cover more than 10% of the total credits; the courses depend on every law school’s specific situation and teachers’ specializations. The remaining less than 30% of the total credits are elective. Non-law electives (for the whole university students) cover about 10% of the total

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82 Bender, supra note 50, at 393.
credits. The credits of elective law courses are less than 20% of the total credits. Therefore, the total credits for electives are about 30% of the total credits. For example, the elective courses cover 44 credits at Peking University Law School, including the non-law electives (16 credits) and legal electives (28 credits).\footnote{The Undergraduate Curriculum at Peking University School of Law, http://www.law.pku.edu.cn/filedb/2005693611413/200610163424366.mht (last visited May 10, 2011).} The elective courses in specific subject areas also depend on every law school’s specific situation and teachers’ specializations. It is very common that there are different elective courses in different law schools. These elective courses generally cover about 1/3 of the total credits; it is also common for Chinese law schools to have about 2/3 of the total credits that are required.\footnote{See, e.g., Peking University School of Law, The Undergraduate Curriculum at Peking University School of Law, http://www.law.pku.edu.cn/filedb/2005693611413/200610163424366.mht (last visited May 10, 2011); The Training Programs and Teaching Plan (2009) at Ningbo University Law School, http://wenku.baidu.com/view/c5395c37ee06eff9ae807fa.html (last visited May 10, 2011).} Law students study law not according to their own interests and career aspirations but under the unified plan of the Department of Education and of their law schools.

In Chinese law schools, the traditional curriculum is distasteful and boring, and its structure is rigid and undesirable. As Professor Leslie Bender again observed about the U.S. legal education, “the traditional curriculum leaves out the heart and soul of lawyering.”\footnote{Bender, supra note 50, at 394.} Currently, most law courses in China focus on the studying of legal theories, concepts, and statutes only; no or little attention is paid to the process of reasoning, law-making, and training in professional skills and values. As in the U.S., “the traditional law school curriculum devotes little emphasis to teaching students about clients or about the role of empathy and
compassion in law practice.”

On the other hand, there are nearly no interdisciplinary courses, “such as political science, economics, history, philosophy, science, technology, etc.”

Because of “this lack of interdisciplinary studies” and professional training in their legal education, Chinese law students not only cannot practice professionally and responsibly, but also cannot develop a liberal arts and practice perspective on law.

In summary, the above problems are the main reasons that result in the low employment rate and judicial corruption in China. How to resolve the problems? The correct answer may be the modernization of Chinese legal education.

IV. SOME SUGGESTIONS FOR THE MODERNIZATION OF CHINESE LEGAL EDUCATION

With the globalization and modernization of world economy and the establishment of the market-oriented economy with Chinese socialist characteristics, the problem of where Chinese legal education should be going has aroused great attention among the general public, particularly the intelligentsia. The direction of the development of Chinese legal education has become a very important issue. Chinese legal education reform has aroused heated discussions from many law professors, including deans of Chinese law schools and presidents of Chinese universities.

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87 Xinyi, supra note 51, at 298.
88 Id.
Modernization or “reform is customarily regarded as the most necessary and effective measure to solve problems.”

The dissertation views that the modernization of the legal education system in China is a comprehensive and hard program and campaign. The modernization of the Chinese legal education means the requirements that make Chinese legal education system (including ideology, the purpose, administration, teaching methods, and curriculum, etc.) produce competent legal practitioners, so that Chinese legal education is more suitable for social progress and the development of the economy at the present time of China. For pursuing the modernization of Chinese legal education, we should absorb the values of traditional Chinese culture and learn from successful experience of legal education in America.

Here, the paper tries to give some modest and challengeable proposals for modernizing Chinese legal education.

A. The Unity of Knowledge and Action:
the Methodology of China’s Legal Education

China’s traditional culture mainly involved Confucianism (advocating the rule of morality). According to Confucianism, knowledge can be divided into general (non-ethical) knowledge and ethical knowledge, general (non-ethical) knowledge comes from what one hears and sees; ethical knowledge is from one experiences ethically. In the relationship of knowing and doing, Confucian views that the relationship between knowing and doing generally stresses the importance of doing. Knowing is the beginning of doing; doing is the result of knowing; knowing guides doing, doing helps deepen the understanding of knowledge. Wang Yangming (1472AD–1528AD), one of the most influential philosophers and educationists in the

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90 Ling, supra note 25, at 429.
Confucian tradition, articulated the well known theory of the “combination of knowledge with action.”

Wang thought that practice was the basis of knowledge, knowledge arises from practice, and practice precedes knowledge. Aristotle once said, “For the things we have to learn before we can do them, we learn by doing them.”

In America, John Dewey thinks that “education, in its broadest sense, is the means of this social continuity of life.” Legal education should be connected with social life. Teaching abstract legal theories, written codes, and concepts by spoon-feeding in the classroom or passively memorizing what the teachers said is still very popular in Chinese legal education, but this goes against John Dewey’s thought of “… education is not an affair of ‘telling’ and being told, but an active and constructive process.”

Legal education in China should supply the conditions which ensure that law students possess adequate competency for their future professional careers.

“If education is growth, it must progressively realize present possibilities, and thus make individuals better fitted to cope with later requirements.”

Chinese legal education must make law students better fitted to deal with the future requirements of their job-searches and legal careers. Let us suppose, for example, that the society is a machine and students are operators; the students (operators) have to adjust themselves to the society (the machine), instead of the society (the machine) to the students’ purposes. According to the educational

93 Dewey, supra note 10, at 3.
95 Dewey, supra note 10, at 56.
theory of John Dewey, law study requires law students to practice what they are learning. Legal knowledge cannot be the idle view of a passive listener or spectator; it is a mode of participation in legal activities.

Law learning means something which law student practices when he studies. It is an active, creative affair supervised by law faculty. The first is connected with everyday law affairs, serves the purposes or needs of law students who have no law practicing experience, and brings their wants into some kind of working connection with the immediate case environment.

B. The Preparation of Lawyers for Practice:

The Goal of Chinese Legal Education

In China, there exists a debate about whether legal education is “vocational education” or “general (academic) education.” Some professors thought that the goal of legal education should be to train the legal talents who meet the demands of socio-economic, political, cultural and other developments. To them, the mission of legal education should be vocational education or professional training. Some scholars hold that legal education can’t be kept separate from higher education in general, with its trend toward a shift in balance from specific knowledge or skills to generic outcomes in the form of transferable intellectual skills.

Zhongxin, a professor of law in China, views university legal education as a liberal education and a preparation for many other careers in addition to a career in legal practice.  

In the author’s opinion, no matter what legal education is, the training of students’ practicing skills and legal ethics should be one of its main objectives. The law student must know how to apply legal knowledge and principles that he has studied in law school to real live cases, when these cases arise. “Consider individual difference” should also be stressed in legal education of China. The statement flows logically from a core value of modern society: the worth and dignity of the individual human being. Schools should place a heavy emphasis on individual development. Individuals are taught that they don’t exist in a vacuum and that they need to have interactions with others. Law schools should teach students how to work closely with others. Chinese legal education should help students develop the capability of working closely with others so as to facilitate the preparation of lawyers for practice. As a report of the American Bar Association entitled “Legal Education and Professional Development—An Educational Continuum (the MacCrate Report) said about legal education in the United States, American law schools should strengthen the “examination of the ‘fundamental values of the profession,’ preparation “for professional practice,” and “acquisition of substantive knowledge.” (Chapter 7.A and Chapter 5.C)  

“Law schools also have an important, and varied, role to play in developing the skill of ‘recognizing and resolving ethical dilemmas.’”

102 Id., at 235.
Jerome Frank argued powerfully that “the law student should learn, while in school, the art of legal practice.” As professional education, legal education needs to offer broad liberal knowledge, substantive legal knowledge, practicing skills, analytical abilities and professional judgment and values needed in the legal profession for law students. “The primary objective of legal education up to the present time has been the preparation of lawyers for practice.” “Professional education aims to initiate novice practitioners to think, to perform, and to conduct themselves (that is, to act morally and ethically) like professionals.”

The goal of legal education in China is very different from that in America. The main purposes of legal education, teaching methods, teaching content, and the teachers’ qualifications and so on are all controlled by the government. For a very long period, China’s legal education was not to initiate novice practitioners to act morally and ethically like professionals, was not to cultivate the concepts of “good” and “justice;” law acted only as an

109 Hao, supra note 14, at 20.
adjunct method of moral rule that was that officials were required to master. Law education was only in-service law training of government officials. After the establishment of the PRC in 1949, in order to meet the demands of the PRC’s political and legal work, legal education was to train political and legal workers or cadres for the nation. The objective of legal education was to “educate legal workers who could both politically and professionally serve for the CPC.”\(^{110}\) Law students were required to “have correct and firm political belief, love the CPC, love Chairman Mao, be subordinated to be the tool of the CPC, be a revolutionary proletarian soldier.”\(^{111}\)

Since the late 1970s, with the implementation of economic reform and open door policy, the globalization of the Chinese economy and the internationalization of legal services have been inevitable. Accordingly, Chinese legal education should be modernized or professionalized to meet this demand for the internationalization of legal service. Chinese legal education should do better to serve the aspiring lawyers and profession. But, the problem is what and how should Chinese legal education do for aspiring lawyers and law professions?

The author suggests that the goal of legal education in China should be “an integration of student learning of theoretical and practical legal knowledge and professional identity.”\(^{112}\) Like American law schools, Chinese law schools should “emphasize the teaching of ‘legal analysis and reasoning’ and ‘legal research.’”\(^{113}\) “Practical legal teaching,” which focuses on learning from practice, should be greatly encouraged and be considered a way to modernize

\(^{110}\) Lingwang, supra note 21, at 2.
\(^{111}\) Id.
\(^{112}\) Sullivan et al., supra note 108, at 13.
\(^{113}\) The MacCrate Report, supra note 101, at 234.
Chinese legal education.  For the application of the practical legal teaching model, we need to take three steps: First, introduce the two traditional skill-oriented teaching methods: the study of cases and moot court.  Chinese law teachers should encourage students to think like a lawyer through the study of cases and practice law through moot court.  Second, introduce the American style externship program as a required course into law school curriculum.  Third, introduce and spread the teaching method of American clinical legal education.  Practicing skills education should be emphasized more.

C. Employ Various Alternative Teaching Methods

Teaching method is an individual matter; every law teacher, within very broad limits, is free to choose his or her own.  Effective teachers “should not have one method, [because] different people will learn differently with different styles.”

In philosophies of education, it is basic to progressivism that an individual in all likelihood will learn what relates to his or her interest better than something in which he or she has no interest.  Furthermore, students will have more interest in learning information that holds a promise of helping them solve problems that they regard as personally important.  John Dewey believed that the teacher should not allow students to learn simply the content that they found personally interesting.  Dewey saw a need for the teacher to control the learning environment so that meaningful growth would take place.  “Education was truly child-centered.  Teachers were trained to observe children’s interests and help them follow through on those interests.”

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teacher.”\textsuperscript{116} When teachers take the time to do this, Dewey believed, the learners’ problem-solving abilities are improved.\textsuperscript{117}

In China, to bridge the gap of legal theory and legal practice, law professors should teach not only substantive and procedural legal knowledge, practicing skills, and professional ethics, but also help students develop their creative and logic thinking capabilities through various practical teaching methods. Legal education, as professional education, not only emphasizes the delivery of legal knowledge (theoretical and practical), but also stresses “interaction between professor and student to promote independent thought and advanced ability to solve problems;”\textsuperscript{118} Law students need law practice to learn to think like a lawyer. If a student does nothing in class but listen to lectures for years of law school, by the time he or she graduates the young novice lawyer will be very good at listening to lectures. But the practice of law does not often require the lawyer to listen to lectures. It requires the ability to deal and grapple with and make sense of the raw materials of the law—the statutes, regulations and cases, and the ability to think, to reason, and to advance arguments on behalf of clients. Lectures do not inculcate these practical skills, but various teaching methods do. For this purpose, law teachers need to employ various teaching methods to arouse students’ interest of studying. One educational path to developing lawyering skills and professional values is “to put students in situations in which they practice making judgments in supervised settings with


the opportunity to reflect on and receive criticism of the ways in which they respond.”

For Chinese legal education, we need to reform the traditional lecture method and adopt a mixture of various teaching styles with alternative teaching methods to reach students who learn to think and practice like a lawyer. In addition to the traditional lecture methods (Lecture method is seen as useful primary to convey theoretical information), suggested alternatives include the Socratic Method, the Problem-Solving Method, small groups, role-playing, and others.

D. Admission Requirements to Law Schools and to the Bar

Predicting which students will perform well in law school is a complicated and difficult task. The admission standards of law schools in China may seem too low or simple compared with those in American law schools. Chinese law schools rely only on the University Entrance Examination scores in the admissions process. It is well-known that the University Entrance Examination in China, which is very different from the LSAT in America, is not a kind of special and professional standardized test for law schools, only a general entrance examination for all higher education institutions. In the United States, legal education is postgraduate study; although the requirements for law schools vary, the applicant’s LSAT score, undergraduate GPA, admissions essays, letters of recommendation, resume, and connections are six basic factors considered for admission. The LSAT, as a standardized test, “is designed to measure skills that are considered essential for success in law school.”

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In the author’s view, Chinese law schools are not admitting the best available students because there is little correlation between the University Entrance Examination scores and law school performance according to Chinese experience in legal education. For admitting the best available students to Chinese law schools, firstly, we need to create an Association of Chinese Law Schools (hereinafter the ACLS) in which a Law School Admission Council (hereinafter the LSAC) is established; then, we need to design a Chinese Law School Admission Test (hereinafter the CLSAT) administered by the LSAC of the Association of Chinese Law Schools (hereinafter the ACLS) and improve our law school admission standards. Considering American law school admission requirements, the author proposes that Chinese law schools should use the four factors in the law school admissions process: the University Entrance Examination scores, the CLSAT score, the Applicant’s School Grade Point Average (hereinafter the ASGPA), and the reputation of the applicant’s school. Generally, the ASGPA or the reputation of the applicant’s school is better at predicting law school performance than the University Entrance Examination; a combination of the ASGPA and reputation of school is also a better predictor of law school performance. The ASGPA is a more relatively stable predictor of all the testing factors. If more reliance is placed on the testing factors and additional personal factors, law schools would attract better and brighter students. These factors “help to predict which students will do well in law school.”

Law schools in China should act as the gatekeepers to the legal profession. Other than university law schools (including undergraduate level and postgraduate level), any “other

forms, levels, and channels of legal education and legal training should be eliminated or banned.” As Professor Donna Fossum has observed about the American legal education, “law schools have a virtual monopoly on determining who will and will not enter the legal profession.” Professor E. Gordon Gee and Professor Donald W. Jackson also thought that “this monopolistic position has put a great deal of pressure on law schools from applicants, members of the bar, and the public to establish better techniques to determine who should enter law school and eventually the legal profession.” I believe that Chinese law schools must occupy this monopolistic position like American law schools.

Although the American legal profession for much of its history has for all practical purposes the autonomy in determining bar admission requirements, the ultimate authority for doing so has always rested in the state legislatures. The rules for admission to the practice of law in some American states are promulgated by the state Supreme Court, in some states, are promulgated by the Board of Commissioners with ultimate approval in the Supreme Court, in some states, and are promulgated by the Superior Court. “Bar examinations are viewed as a means of protecting the public from individuals who do not meet minimum competency and ethical standards.” For the admission requirements to the bar in China, in order to meet the demands of the profession and society, only the law school graduates should be allowed to take

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127 Id., at 743.
129 Gee & Jackson, supra note 126, at 713.
the National Judicial Examination; other graduates should not be qualified. Legislatures should establish some legislative machinery to set bar admission requirements. The government agency should have the responsibility to ensure a more careful scrutiny of applicants for admission to practice. As the national professional body on bar admission requirements, the Chinese Lawyers Association (hereinafter the CLA) should serve as the advisory body on bar admission requirements and make a major contribution to improving the level of legal service.

E. Autonomy and Professionalization: The Administration Model of Legal Education in China

For pursuing the autonomy and professional (not governmental) administration of Chinese legal education, according to the author’s point of view, we need to reform the CLA like the ABA, which serves as “the ‘official’ accreditation body of law schools”\(^{130}\) and the advisory body on legal education and contributes to improving the quality of legal education. Just like the ABA, the CLA that should involve practicing lawyers, judges and legal academics set “academic standards for law schools, and the formulation of model ethical codes related to the legal profession.”\(^{131}\)

We should establish the Association of Chinese Law Schools, the accreditation of law schools or departments should be transferred from the Ministry of Education or the education departments of provincial governments to the ACLS. The ACLS should be governed

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exclusively by legal academicians. As a membership organization of Chinese law schools, the ACLS should oversee the day-to-day management of law schools. Within the framework of this association, the law schools should develop a system of visitations in which every faculty of a certain discipline, e.g. the law schools should be investigated with regard to education every five years. According to a schedule planned in advance, a committee composed of independent experts and selected by the ACLS and the LSAC of the CLA will visit all the faculties of a certain school in a specific year. Every faculty supplies the committee with a self-study before the visitation. During the visit, administrators, teachers and students will be interviewed. The information from the faculty’s self-study and the results from the interviews will be used for the report of the committee in which it will give its judgment about the study programme in question. This judgment will be public.

Either the CLA or the ACLS is a private organization, independent from the government. It operates in close consultation with the minister of education and his civil servants, indeed, but on its own authority and responsibility.

**F. Strict Accreditation Process: the Approval of Chinese Law Schools**

According to the Black’s Law Dictionary, the meaning of accreditation is “to recognize (a school) as having sufficient academic standards to qualify graduates for higher education or for professional practice.” If American law schools want to receive “provisional approval” from the ABA, they must “demonstrate substantial conformity with each of the standards;” if they want to be totally approved, they must “demonstrate full conformity” with all of the

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A school’s provisional status remains for “at least” three years. If “extraordinary circumstances justify an extension,” a school’s provisional status may remain for “more than” five years. The objective of law school accreditation process is “to secure a level of national uniformity in legal education and practice.” The ABA will approve only those law schools that can “provide a legal education which meets a minimum set of standards as promulgated by the ABA.”

The paper holds that the fact of no accreditation standard for law schools and no evaluation criteria for legal education are one of the main reasons that Chinese legal education saw an extremely rapid expansion and a very unique legal education system with Chinese characteristics. Additionally, the quality of legal education is very poor; there was a sharp rise in the number of law schools and of incompetent law graduates. The CLA needs to establish a strict accreditation process of law schools and evaluation criteria for Chinese legal education. A law school has to be approved by the CLA through a strict accreditation process for its establishment for a member of the CLA. For securing a level of national uniformity in legal education and practice and providing a legal education that meets a minimum set of standards as promulgated by the CLA, just like American law schools, the CLA member law schools should be “visited periodically to review compliance with” the CLA Standards for Legal Education.

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135 Law School Accreditation, supra note 133.
136 Id.
Education that evaluates “the level to which high values like honesty, responsibility, equality, and competence are promoted at the institution.”\textsuperscript{138} Only the graduates of the CLA-approved law schools should be able to sit for the PRC National Judicial Examination.

**G. More Flexible and Practical Curriculum**

In Chinese law schools, there are too many required public (non-law) and legal courses for law students; the required public courses only focus on some knowledge unrelated to law and cannot help promote the student’s competency in law practicing. Furthermore, all required legal courses are about subject-matter content and more about abstract legal theories and concepts and less about legal ethics and practicing skills training. Except learning some substantive and procedural legal knowledge from the classroom through teachers’ lecturing method, law graduates seldom have the training of legal ethics and of professional skills through his law school life. A law degree should provide “intellectual integrity and independence of mind, core knowledge, contextual knowledge, legal values, and professional skills.”\textsuperscript{139} Chinese legal education should stress the “greater integration of the academic and vocational stages,” and “take more responsibility for developing legal values, like commitment to the rule of law, to justice and fairness … high ethical standards…”\textsuperscript{140}

In a survey (in October 2009) of Zhejiang Gongshang University law graduates of 2005, 2006, and 2007, 50\%, 53\%, and 55\%, respectively, of these law graduates were working


\textsuperscript{140} Id.
as employees in business/industry; 32%, 30%, and 31%, respectively, were working in courts, procuratorates, the public security bureau or government departments as public servants or were admitted to law postgraduates; 11%, 9%, and 10%, respectively, were working as lawyers either in private practice or as salaried employees of other than law firms,141 and the remaining went to abroad for studying or were unemployed at the time of survey. When they were asked to describe the areas of the law in which they spent more than 30 percent of their time, the most frequently listed areas were contracts, trial work, corporations and business law, family law, torts, criminal law, and real property.142 When they were asked to state which course offerings should receive increased emphasis, the alumni expressed a need for more practical courses. The most frequently mentioned were concerned with practice-oriented courses (including court trial practice, legal clinic, procedure and evidence, legal writing, legal drafting, and advocacy). Very similar results were obtained by a survey of Zhejiang University alumni and Zhejiang University of Technology alumni of 2005, 2006, and 2007. Studies of Zhejiang University alumni and Zhejiang University of Technology alumni found similar opinions among law graduates who, in general, felt a need for more practical training in law school.

In October 2009, through issuing the questionnaires, I surveyed fifty Hangzhou (the capital of Zhejiang Province in China mainland) lawyers to determine the skills they considered

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141 The main reason for the low percent of graduates working as lawyers was that law students could not take the National Judicial Examination, required to admission to the bar, before they graduate. So, law graduates have few opportunities to work in law firms as lawyers. Luckily, in 2008 the Ministry of Justice of China said that 3Ls law students would be qualified to take the National Judicial Examination from 2008 on. According to statistics, the National Judicial Examination pass rates of 2002, 2003, 2004, 2005, 2006, 2007, and 2008 were 6.68%, 8.75%, 11.22%, 14.39%, 17%, 20%, and 27%, respectively. See the National Judicial Examination Pass Rate for First-Time and Analysis, http://www.lg400.com/html/skxw_594_365669238.html (last visited Mar. 14, 2010).

142 See APPENDIX TABLE A- the Areas of the Law Spent More Than 30 Percent of Your Time.
“essential to the practice of the law.” The most highly rated skills were analyzing cases, legal research, counseling, interviewing, legal writing and drafting. When asked to note the course offerings they felt should be increased or decreased in the law school program, they suggested that four course areas should receive consideration before all others: civil and commercial law (including contracts, torts, family law, real property, and corporation law); criminal law; procedure, evidence, and trial practice; and legal writing and drafting. The lawyers were also asked to rate the importance of various skills and characteristics in their practice. Eight received average ratings of either “extremely” or “very” important: knowledge of substantive laws, legal research, investigating and organizing facts, knowledge of procedure laws, self-confidence, interviewing and counseling, compassion and empathy, and understanding human behavior.

The above survey, conducted in October 2009, shows that, according to the lawyers’ viewpoints, a lawyer’s ability to build a high-quality client-lawyer relationship should be at least equal in importance with a lawyer’s substantive legal knowledge. Factually, “the relationship may even surpass the lawyer’s legal expertise in the client’s mind.”

With the development of the market economy in China, the function of the legal profession in China is changing and the role of the legal practitioner is becoming increasingly complex. The outdated and rigid law curriculum’s inability to meet the demands of present society shows that it is time to rethink the curriculum of Chinese law schools. How can

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143 See APPENDIX TABLE B- Lawyers’ Essential Skills to the Practice of the Law.
144 See APPENDIX TABLE C- Question Presented: Which of the Course Offerings Should Be Increased In Law School?
145 See Appendix TABLE D. Question Presented: Which of the Skills and Characteristics Would Be Important For You In Your Practice?
146 Gerdy, supra note 86, at 7.
Chinese law schools train their graduates to be competent practitioners through reform of curriculum?

The author views that Chinese law school curricula should change significantly, just like American law school curricula, “adding more variety, more interdisciplinary courses, more clinical experiences, and more skills-oriented courses” to draw on American legal education.\textsuperscript{147} Chinese law schools should try to “provide students with the opportunity to interact with real clients or ponder legitimate, real-life legal issues.”\textsuperscript{148} When we design a curriculum for Chinese legal education, we have to keep in mind that law school should give students a method of thinking and enough basic knowledge to recognize the area of law they are dealing with, analyze case situations rapidly and research the answer quickly. The law school curriculum should let students know that “lawyering is about people interrelating with people through conversations and written documents, working with clients and other attorneys, support staff and judges.”\textsuperscript{149} Law students should be taught the skills that lawyers must master in law school, and these skills are far more important than anything learned in the content of any course.\textsuperscript{150} During each academic year in law school, students should learn legal theories and professional skills and apply them to legal practice through various courses and practical programs.\textsuperscript{151} Just as a Curriculum Committee at The University of Detroit Mercy School of

\begin{itemize}
  \item \textsuperscript{147} Bender, \textit{supra} note 50, at 387.
  \item \textsuperscript{148} Jessica Dopierala, \textit{Bridging the Gap between Theory and Practice: Why are Students Falling off the Bridge and What are Law Schools Doing to Catch Them}, 85 U. DET. MERCY L. REV. 429, 448 (2007-2008).
  \item \textsuperscript{149} Bender, \textit{supra} note 50, at 391.
  \item \textsuperscript{151} Dopierala, \textit{supra} note 148, at 446 (citing Foundation, Bridges, \textit{Transitions: A Coherent and Distinctive Curriculum in the Education Continuum, University of Detroit Mercy School of Law Report and Recommendations submitted by the Curriculum Committee}, 5 (Apr. 19, 2006)).
\end{itemize}
Law concluded that “[t]he first year is foundational, introducing students to fundamental theories, doctrines, and skills; the second year provides a bridge between introductory and advanced course work; [and] the third year enhances students’ transition to practice.”

The number of subjects taught within Chinese law schools should change, because the present law courses offer little if any choice in the subjects taken by students. The number of compulsory core subjects should be limited, allowing a greater overall choice of subjects within the law degree. We have to accept the fact that the types of employment of law graduates are various, unlimited to legal professions. I would applaud the more positive assertion that a university law degree can provide an excellent liberal education whatever the career intentions of the student. The needs of society should be analyzed and the law school program should be directed toward meeting these needs. The “needs-of-society” curricula should include the courses that cover broad liberal knowledge, legal knowledge, practicing skills, and professional values. The curricula prepare law students for a core of knowledge and skills in law science that help students handle the problems they face after their graduation. The curricula are organized according to “problem approaches” and to promote “individual development.”

Law school programs should guide students to think like lawyers, develop their social insights, professional skills and the sense of social responsibility. Ensuring social survival of law students is the key mission of law schools. The “needs-of-society” curricula organize study programs around the reality of society, which motivates students more.

Needs-of-society curricula presume that law students need certain skills and competencies to

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152 Id.
function as law professionals. Such programs tend to emphasize broad problem-solving skills and career and professional training. Curricula organized according to a needs-of-society approach tend to emphasize professional training.

Therefore, legal knowledge, broad liberal knowledge, practicing skills, and professional responsibility are all required to be mastered by law students. This is the fundamental basis on which the author believes the curriculum of law schools in China designed.

H. Legal Ethics Course Should Be Required

Legal ethics (also called professional responsibility) has been a serious and required part of the curriculum in American law schools. It results from the Watergate crisis that resulted in nationwide calls for “lawyer ethics and professional accountability in legal education and in law practice.” Now, all law schools in the United States require that students take a course about legal ethics or professional responsibility before they can graduate. The legal ethics course examines whether and how a lawyer’s duties change depending on whether the lawyer is an advocate before a tribunal or an advisor in a business planning context. They also address the proper role of judges and lawyers in an adversarial justice system. “In 2008, law school graduates in 52 jurisdictions were required to pass the Multistate Professional Responsibility Examination (MPRE), which tests their knowledge of the ABA codes on professional responsibility and judicial conduct.” Bar applicants in nearly every state are required to pass an examination on the subject of professional

155 Id., at 56.
responsibility, such as the Multistate Professional Responsibility Examination. An applicant who fails to pass the examination cannot practice law.

At the present time in China, our society is full of injustices. Law schools should be dedicated to teaching students to transform society to make it more sensitive to individual needs. Courses should prepare students to be political activists who are eager and willing to challenge existing political, economical, and social practices.

In the current curriculum of law schools in China, legal ethics is only one elective course; many law graduates, even experienced practitioners, don’t know what legal ethics is about. This dissertation views this as one of the main reasons that judicial corruption exists. For resolving the problem of judicial corruption in China, we need to enrich the moral education in traditional Chinese education and add legal ethics as a required core course in law schools.

I. The Introduction of the American Pre-law School Program

As to the direction of current legal education in China, there are three kinds of viewpoints in legal circles, the first is to cancel undergraduate law education, the second is to keep it, and the last is to reform it.

(a) The View of the Elimination of Law Undergraduate Education

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The people who hold this view think that law undergraduate education in China should be eliminated. Zhu Chongshi, the President of Xiamen University, thought that it was difficult for a student with an undergraduate degree in law to have a satisfactory performance in legal profession. Legal professionals require a higher level of knowledge. He Weifang, a law professor at Beijing University, also advocated that undergraduate law education should be eliminated. Tusheng Agen, a teacher at Shanghai Institute of Political Science and Law, held that the cancellation of law undergraduate education can help alleviate the difficult issue of the employment of law graduates, enhance the level of legal talent, and safeguard the dignity of the law.\footnote{Xu Xianming, ed., \textit{The Status Quo of China’s Legal Education}, Beijing: China Univ. of Political Science and Law Press, 27 (2007).}

(b) The View of the Keeping Law Undergraduate Education

The people who hold this view think that law undergraduate education in China should not be eliminated, but kept. This view is the dominant position. Zhang Zhiming, professor of law at China Renmin University, thinks that the cancellation of law undergraduate education in a short time is not realistic because a number of codes in China have provided that a LLB degree is one of requirements to be legal practitioners. For example, the Judges Law, the Prosecutors Law, and the Lawyers Law all stipulate that “law graduates with bachelor’s degree” is one of the qualifications for the position of a judge, a prosecutor or a lawyer. The China National Judicial Examination system also provides that “law graduates with bachelor’s degree or above” is one of the qualifications for taking the National Judicial Examination. If law undergraduate education is eliminated, the Judges Law, the Prosecutors Law, Lawyers Law

\footnote{\textit{Id.}, at 30-31.}
Law, and National Judicial Examination system will collapse; the whole legal system will fall into disorder and chaos. Additionally, the elimination of law undergraduate education goes beyond the authority of the Ministry of Education, which needs multi-sectoral coordination with the decision of National People’s Congress of the PRC.\\(^{161}\) Zhong Binglin, the president of Beijing Normal University, thinks that “the employment rate is related to the current economic development situation and many other factors; it does not reflect whether a specialization is good or bad.” The employment rate can’t be the excuse for the keeping or elimination of an undergraduate major.\\(^{162}\) The view that the low employment rate is regarded as the reason for the abolition of undergraduate law education is really too far-fetched, because the purpose of legal education is not for the employment rate.\\(^{163}\)

(c) The Idea about the Innovation of Law Undergraduate Education

Many scholars believed that, due to the great development of legal education and expansion of the number of law schools and law undergraduates in recent years, law schools lack qualified teachers of law, law schools don’t have the facilities needed for legal education, and the quality of legal education has declined significantly. Some law graduates think that the current teaching methods in law schools cannot meet the demands of social practice; law students do not have competence in practicing. We should promote the reform of law undergraduate education and strengthen the training of students’ practicing skills.\\(^{164}\) Liu

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\\(^{164}\) *Id.*, at 40.
Renwen, a professor at Chinese Academy of Social Sciences, thinks that, generally speaking, the Chinese legal professionals are still in short supply; the existing legal education system should not be subverted greatly, and law undergraduate education should be reformed rather than abolished.165

(d) The Author’s View

The author believes that the idea about the innovation of law undergraduate education is the relatively more reasonable solution. As to the innovation of China's legal education, the author believes that there are two options:

The first is that high school graduates can still be admitted to enter law school after passing the university entrance examination, but the period of law school must be extended from the present four years to six years. The graduates can earn the law master's degree directly. Students should choose liberal arts courses (including sociology, economics, psychology, logic, political science, philosophy, history, education, accounting, etc.), natural sciences and other language (such as English, Japanese, German, etc.) in the first two years of law school, in order to make the preparation for taking the CLSAT and admission to law study in the remaining four years of law school.

The second is to introduce the American pre-law school program and to improve the law school admission requirements, that is, high school graduates can’t directly enter the law schools but can enter other schools of a university; law school applicants must earn some credits of social science (such as sociology, economics, psychology, logic, political science, philosophy, history, education, accounting, etc.) and of natural sciences in a certain school of a

165 Id., at 41.
university before taking the CLSAT and admitted to law schools, or other professional graduates of a university can enter law school by taking the CLSAT and through the admission to law schools.

In comparison, the second option might be preferable, because if the period of law school is too long, it will reduce the students’ interest in the study of law. In addition, if law schools offer so many social science and natural science courses, besides a variety of legal courses, law schools may not have sufficient qualified teachers and facilities.

**CONCLUSION**

For a country, legal education is a very important and very complicated problem. On the one hand, legal education is a continuation of the country’s history and traditional culture; on the other hand, as the international economic and cultural exchanges become more and more frequent day by day, as well as the development of global economic integration, the demand for high-quality legal talent that can adapt to the needs of the 21st century has become more imperative in every country. In this situation, how Chinese legal education should develop in the 21st century is an issue that every Chinese legal educator or scholar must seriously think about. Undoubtedly, law education of China must reflect and meet the demands of the current times. Legal education of China should combine the values of traditional Chinese culture and the successful American experience in legal education.

Affected by Confucianism, traditional Chinese culture pays much attention to moral education and emphasizes the unity of knowing and doing, all of these can be valuable things for the modernization of Chinese legal education. However, since the birth of legal education in China, influenced by feudal hierarchy system, legal education was controlled by government
and used for political and legal officials’ training for the country. Chinese legal education stresses its political function but neglect its professional nature. Meanwhile, affected by the continental law tradition, law teachers in China conduct their teaching only by lecturing legal theories and concepts to students in the classroom, forcing students to read and memorize what the law teachers’ lecture, cramming throughout class without allowing students a chance to participate in discussion and law practicing, without giving the students any opportunities of lawyering skills and legal ethics training. As a result, Chinese law graduates don’t know how to practice law professionally and ethically.

The author believes that the significance of Chinese legal education should lay in the development of students’ competency in the practicing of law; the aim of legal education should develop students' practical and efficient capability. “Learning by practicing,” “combining practice with theory,” “treating theory and practice on an equal basis” and “paying equal attention to knowledge, values and skills” should be the fundamental principles of Chinese legal education. Legal education should focus on the training of professional ethics at the same time as imparting legal knowledge and practicing skills. Legal education should be composed of the teaching of legal knowledge, practicing skills, and the cultivation of legal ethics. If Chinese legal education intended to live on in the 21st century and avoid the moral crisis (such as judicial corruption) existing in the judicial field today and produce qualified law graduates, it must resort to the traditional Chinese culture and American legal education to seek wisdom. We should also attempt to break away from the negative influence of Chinese traditional education that the objective of education is to help students become government officials. The legal profession should have the authority of deciding and guiding the
development of legal education. Legal education itself should maintain its autonomous status as a kind of professional education. If so, legal education of China will do a better job in the training of competent legal professionals.
APPENDIX

TABLE A. –the Areas of the Law Spent More Than 30 Percent of Your Time

This survey of the below table is designed to elicit your views about the areas of the law spent more than 30 percent of your time in your practice. Your responses will be held in strict confidence by us, and not disclosed in any form except, having been aggregated, in a statistical description and analysis of the total responses. We will appreciate your most candid views. For each item below, please circle or write-in the information in the space provided.

Thank you for your participation!!!

October 2009

<table>
<thead>
<tr>
<th>Area</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Constitutional law</td>
<td>( 2% )</td>
</tr>
<tr>
<td>Torts</td>
<td>( 41% )</td>
</tr>
<tr>
<td>Contracts</td>
<td>( 51% )</td>
</tr>
<tr>
<td>Criminal law</td>
<td>( 32% )</td>
</tr>
<tr>
<td>Corporations and business law</td>
<td>( 40% )</td>
</tr>
<tr>
<td>Family law</td>
<td>( 35% )</td>
</tr>
<tr>
<td>Tax law</td>
<td>( 15% )</td>
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<tr>
<td>Real property</td>
<td>( 31% )</td>
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<tr>
<td>Administrative law</td>
<td>( 20% )</td>
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<tr>
<td>Labor law</td>
<td>( 15% )</td>
</tr>
<tr>
<td>Antitrust</td>
<td>(  5% )</td>
</tr>
<tr>
<td>Trial work</td>
<td>( 45% )</td>
</tr>
<tr>
<td>International law</td>
<td>( 15% )</td>
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<tr>
<td>Intellectual property law</td>
<td>( 17% )</td>
</tr>
<tr>
<td>Environment law</td>
<td>(  6% )</td>
</tr>
<tr>
<td>Maritime law</td>
<td>(  3% )</td>
</tr>
</tbody>
</table>
TABLE B—Lawyers’ Essential Skills to the Practice of the Law

This survey of the below table is designed to elicit your views about lawyers’ essential skills to the practice of the law. Please rank the importance, in your judgment, of each of the followings in the space provided. (NOTE: the item below is called a thermometer scale. It is designed to measure your judgment on a scale of 0 to 100, with the meaning of 0 and 100 being specified as the extremes of the scale. Your judgment can be recorded at any one of the five-point intervals on the scale. Please write a number for each one in the space provided).

We will appreciate your most candid views.

Thank you for your participation!!!

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| Ability to analyze cases | ( 99 ) |
| Proficiency at legal research | ( 96 ) |
| Proficiency at legal writing and drafting | ( 93 ) |
| Ability to interview and counsel clients | ( 92 ) |
| Ability to investigate the facts of a case | ( 89 ) |
| Ability to negotiate | ( 84 ) |
| Ability to orally communicate | ( 79 ) |
| Proficiency in trial advocacy | ( 75 ) |
| Proficiency in appellate advocacy | ( 70 ) |
| Ability to recognize and resolve ethical dilemmas | ( 65 ) |

Notes:
“Proficiency in trial advocacy” means the proficiency in trial litigation skills.
“Proficiency in appellate advocacy” means the proficiency in arguing legal issues on oral and written advocacy in appellate level.
Table C—Question Presented: Which of the Course Offerings Should Be Increased in Law School?

This survey of the below table is designed to elicit your views about the course offerings should be increased in law school. Please rank the importance, in your judgment, of each the followings in the space provided. (NOTE: the item below is called a thermometer scale. It is designed to measure your judgment on a scale of 0 to 100, with the meaning of 0 and 100 being specified as the extremes of the scale. Your judgment can be recorded at any one of the five-point intervals on the scale. Please write a number for each one in the space provided).

We will appreciate your most candid views.
Thank you for your participation!!!

October 2009

| No | Great Importance | 0 | 5 | 10 | 15 | 20 | 25 | 30 | 35 | 40 | 45 | 50 | 55 | 60 | 65 | 70 | 75 | 80 | 85 | 90 | 95 | 100 |
|----|------------------|---|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| 5  | Constitutional law                      | ( 5 ) |
| 93 | Torts                                     | ( 93 ) |
| 98 | Contracts                                 | ( 98 ) |
| 93 | Criminal law                              | ( 93 ) |
| 96 | Corporations and business law             | ( 96 ) |
| 94 | Family law                                | ( 94 ) |
| 70 | Tax law                                   | ( 70 ) |
| 95 | Real property                             | ( 95 ) |
| 76 | Administrative law                        | ( 76 ) |
| 86 | Labor law                                 | ( 86 ) |
| 60 | Antitrust                                 | ( 60 ) |
| 74 | International law                         | ( 74 ) |
| 78 | Intellectual property law                 | ( 78 ) |
| 50 | Environment law                           | ( 50 ) |
| 40 | Maritime law                              | ( 40 ) |
| 95 | Trial practice                            | ( 95 ) |
| 93 | Procedure                                 | ( 93 ) |
| 97 | Evidence                                  | ( 97 ) |
| 83 | Legal clinic                              | ( 83 ) |
| 94 | Legal writing and drafting                | ( 94 ) |
Table D—Question Presented: Which of the Skills and Characteristics Would Be Important For You in Your Practice?

Please rate the types of skills and characteristics in each the followings as to whether you think they would be important for you in your practice. Enter the letter on the scale of A to D that best approximates your view on each.

We will appreciate your most candid views.
Thank you for your participation!!!

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<table>
<thead>
<tr>
<th></th>
<th>Extremely Important (A)</th>
<th>Very Important (B)</th>
<th>Minimally Important (C)</th>
<th>Not Important (D)</th>
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<tbody>
<tr>
<td>Knowledge of substantive laws</td>
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<tr>
<td>Knowledge of procedure laws</td>
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<tr>
<td>Understanding human behavior</td>
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<tr>
<td>Proficiency in appellate advocacy</td>
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<tr>
<td>Proficiency in trial advocacy</td>
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<tr>
<td>Proficiency in legal research</td>
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<tr>
<td>Proficiency in legal writing and drafting</td>
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<tr>
<td>Knowledge of legal philosophy and theory</td>
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<tr>
<td>Knowledge of legal ethical standards</td>
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<tr>
<td>Ability to negotiate</td>
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<tr>
<td>Ability to investigate and organize the facts of a case</td>
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<tr>
<td>Ability to interview and counsel clients</td>
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<tr>
<td>Self-confidence</td>
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<tr>
<td>Ability to think on one’s feet and make articulate responses</td>
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<tr>
<td>Ability to build a high quality of the client-lawyer relationship</td>
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<tr>
<td>Analytic ability</td>
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<td></td>
<td></td>
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<tr>
<td>Compassion and empathy</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

Notes:

“Proficiency in trial advocacy” means the proficiency in trial litigation skills.
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