

# Scholarly Chinese Legal Works in the Vernacular: A Selective Topical Treatise Finder (Part II)

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Part I of the two-part selective treatise finder published earlier in the *International Journal of Legal Information* focuses on scholars, legislators and jurists who have contributed to the scholarship in the field of constitutional law, the development of rule of law in China as well as in administrative law and procedure<sup>1</sup>. Part II of the article focuses on those who have been instrumental in the development of legislation relating to civil law as well as criminal law and procedure from the late 1970's to date.

## Civil Law

In the Preface of his Draft Civil Code of the People's Republic of China, Liang Huixing characterizes the development of the Chinese civil law as being divided into three stages<sup>2</sup>. The first period spanned the beginning of the 20<sup>th</sup> Century to the end of the Republic period when the *Civil Law of the Republic of China*<sup>3</sup> was established based on the German civil law. From the 1950's to 1970's, China adopted civil law based on the Soviet model. The phase began in the late 1970's subsequent to the opening up of China and adoption of a market economy, significant new legislation adopted during the period includes The Law of Contracts in 1998<sup>4</sup> and the Law of Real Rights in 2007<sup>5</sup>.

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<sup>1</sup> Evelyn Ma, *Scholarly Chinese Legal Works in the Vernacular: A Selective Topical Treatise Finder (Part I)*, 39 *Int'l. J. Legal Info.* 295 (2011).

<sup>2</sup> DRAFT CIVIL CODE OF THE PEOPLE'S REPUBLIC OF CHINA: ENGLISH TRANSLATION, xx, (Huixing Liang ed., Junwei Fu trans., Martinus Nijhoff, 2010).

<sup>3</sup> *Id.*

<sup>4</sup> *Zhonghua Renmin Gongheguo He Tong Fa* (中华人民共和国合同法)[PRC Contract Law] (promulgated by the Nat'l People's Cong., Mar 15, 1999, effective Oct.

Efforts to codify Chinese civil law were disrupted thrice since the formation of the People's Republic in 1949<sup>6</sup>. In 1980, a delegation of nine scholars and jurists convened to form a working group charged with the drafting of the Chinese Civil Code<sup>7</sup>. Due to ongoing market economy reforms and social changes at the time, the group was disbanded in 1982. What followed was the promulgation of the General Principles of Civil Law in 1986<sup>8</sup> thus laying the foundation for the development of a system of Chinese civil law. The second attempt at codification was made at the National People's Congress in 2002<sup>9</sup>. The draft of the Civil Code was submitted by the Chinese Civil Law Legislative Research Group for review by the Standing Committee but the submission of the draft did not translate into a systematic unitary code of laws. At the National People's Congress in June 2004, legislative efforts to revise the earlier draft Civil Code were postponed. Meanwhile, efforts resumed to draft the Law of Real Rights which was passed in 2007<sup>10</sup>. The following lists principal legal scholars in the field of Chinese civil law.

### Jiang, Ping (江平)

Trained in the Soviet Union, Jiang was Professor of Law at the China University of Political Science and Law from 1983-1990<sup>11</sup>. He was one of the

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1, 1999), available at [http://www.npc.gov.cn/englishnpc/Law/2007-12/11/content\\_1383564.htm](http://www.npc.gov.cn/englishnpc/Law/2007-12/11/content_1383564.htm) (last viewed 6/20/2013).

<sup>5</sup> *Zhonghua Renmin Gongheguo Wu Quan Fa (中华人民共和国物权法) [PRC Real Rights Law]* (promulgated by the Nat'l People's Cong., Mar 16, 2007, effective Oct. 1, 2007), available at [http://www.npc.gov.cn/englishnpc/Law/2009-02/20/content\\_1471118.htm](http://www.npc.gov.cn/englishnpc/Law/2009-02/20/content_1471118.htm) (last viewed 6/20/2013).

<sup>6</sup> *An interview with Chinese civil law scholar Huixing Liang on efforts to codify Chinese law*, China Legal Daily, Mar 11, 2011, available at [http://www.legaldaily.com.cn/index\\_article/content/2011-03/11/content\\_2509823.htm?node=5955](http://www.legaldaily.com.cn/index_article/content/2011-03/11/content_2509823.htm?node=5955) (last viewed 6/20/2013).

<sup>7</sup> Huixing Liang, *Chinese Civil Law: History and Prospects*, China Legal Daily, Aug. 2, 2007, available at [http://www.legaldaily.com.cn/fxy/content/2007-08/02/content\\_673480.htm](http://www.legaldaily.com.cn/fxy/content/2007-08/02/content_673480.htm) (last viewed 6/20/2013).

<sup>8</sup> *Zhonghua Renmin Gongheguo Min Fa Tong Ze (中华人民共和国民法通则) [PRC General Principles of Civil Law]* (promulgated by the Nat'l People's Cong., April 12, 1986, effective Jan. 1, 1987)

<sup>9</sup> Liang, *Supra Note 7*.

<sup>10</sup> Liang, *Supra Note 7*.

<sup>11</sup> Jiang's biographical information is available at the university's website: [http://www.cupl.edu.cn/html/en/col11111/2012-04/09/20120409212138127838724\\_1.html](http://www.cupl.edu.cn/html/en/col11111/2012-04/09/20120409212138127838724_1.html) (last viewed 6/20/2013).

nine members appointed to form the working group charged with the drafting of the Civil Code at the Eighth National People's Congress in 1998<sup>12</sup>.

Jiang was one of the pioneers who introduced western concepts of civil law, particularly in the area of commercial law, such as principles of contracts and obligations, to China during the 1980's, where a market economy was under experimentation. His publication *CIVIL COMMERCIAL LAW IN WESTERN COUNTRIES: AN INTRODUCTION* (*Xi fang guo jia min shang fa gai yao*), China Law Press, 1984<sup>13</sup> summarizes the history, key concepts and theories of civil law in the Roman tradition, and details its subsequent manifestations in the French and German civil law systems. Jiang's work was influential in the aftermath of the introduction of market economy reforms in China in the early 1980's when western concepts and ideas were treated with skepticism.<sup>14</sup> Jiang's subsequent collaborative publication *FOUNDATIONS OF ROMAN CIVIL LAW* (*Luo ma fa ji chu*), China University of Political Science and Law Press, 1991<sup>15</sup> also introduced the Chinese legal academia to concepts and theories of Roman civil law.

### **Tong Rou (佟柔)**

Professor of law at the People's University of Law, Tong's contribution to the development of civil law was far-reaching. Scholars and jurists specializing in Chinese Civil Law were under the tutelage of Rou or Jiang Ping at one point or another in their schooling or legal career. Rou participated in the drafting of the General Principles of Civil Law<sup>16</sup> from 1984-1986 and was instrumental in its promulgation<sup>17</sup>. He was a strong advocate for separating the law relating to marriage, succession, intellectual property from the scope of civil law which he proposes, should be limited to

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<sup>12</sup> Liang, *Supra* Note 7.

<sup>13</sup> <http://www.worldcat.org/oclc/15404740>.

<sup>14</sup> Lu Yan, Chinese civil law scholar: Tong Rou, *SHANXI SENIORS / SHANXI LAO NIAN*, no. 12, (2010), 28-29, at 29.

<sup>15</sup> <http://www.worldcat.org/oclc/768519157>.

<sup>16</sup> *Supra* Note 8.

<sup>17</sup> Yang Lixin and Zhang Peicheng, *Tong Rou and his theories in Chinese Civil law*, *JURIST / FA XUE JIA*, no. 6 (2004), 65-74.

regulation of commercial behavior and transactions, as such related to the laws of contracts and real rights<sup>18</sup>.

Rou's seminal publications include THE THEORIES OF THE CIVIL LAW OF THE PEOPLE'S REPUBLIC OF CHINA (*Zhonghua Renmin Gongheguo min fa yuan li Zhongguo ren min da xue. Fa lü xi. Min fa jiao yan shi*), China Renmin University Press, 1981<sup>19</sup>; A GENERAL DISCOURSE ON CIVIL LAW (*Min fa gai lun*), China Renmin University Press, 1982.<sup>20</sup>; and CIVIL LAW (*Min fa*), China Law Press, 1986.<sup>21</sup>

### Liang Huixing (梁慧星)

Liang was one of the nine legal scholars appointed to serve on the 1980 working group charged with drafting the Civil Code of China<sup>22</sup>. He was subsequently appointed to head the second Chinese Civil Code Research Group of 26 civil law scholars charged with drafting the Draft Civil Code, which was formally submitted to the Legislative Affairs Committee at the Ninth National People's Congress in 2002, but not adopted<sup>23</sup>. Professor of law in the Chinese Academy of Social Sciences with a joint deanship at the Law School of Shandong University, Liang is also Editor-in-Chief of the scholarly journal published by the Academy, STUDIES OF LAW (*FA XUE YAN JIU*)<sup>24</sup>.

Liang is a prolific scholar-legislator-jurist and has participated in the drafting of major civil law legislation, which included the General Principles of Civil Law in 1986<sup>25</sup>, the Law of Contracts in 1999<sup>26</sup>, and the Law of Real Rights in 2007<sup>27</sup>. His scholarly works include CIVIL LAW (*Min fa*), Sichuan People's Press, 1988<sup>28</sup>; GENERAL INTRODUCTION TO CIVIL LAW (*Min*

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<sup>18</sup> Wei Cheng, *Civil law scholar: Professor Tong Rou*, LEGAL STUDIES / FALU XUEXI YU YANJIU, no. 12 (1992), 91-92, at 92. [http://journal.chinalawinfo.com/Article\\_Info.asp?Id=121240](http://journal.chinalawinfo.com/Article_Info.asp?Id=121240) (last viewed 6/20/2013).

<sup>19</sup> <http://www.worldcat.org/oclc/45717669>.

<sup>20</sup> <http://www.worldcat.org/oclc/11213017>.

<sup>21</sup> <http://www.worldcat.org/oclc/22679630>.

<sup>22</sup> Liang, *Supra* Note 7.

<sup>23</sup> Liang, *Supra* Note 2 at xxi.

<sup>24</sup> <http://www.worldcat.org/oclc/5461552>.

<sup>25</sup> *Supra* Note 8.

<sup>26</sup> *Supra* Note 4.

<sup>27</sup> *Supra* Note 5.

<sup>28</sup> <http://www.worldcat.org/oclc/22519281>.

*fa zong lun*), China Law Press, 2004<sup>29</sup>, and CHINESE CIVIL LAW: CASES AND STUDIES OF LEGISLATIVE PROCESSES (*Min fa xue shuo pan li yu li fa yan jiu*), China University of Political Science and Law Press, 1993-1999.<sup>30</sup> On the Law of Real Rights, he authored THE CHINESE LAW OF REAL RIGHTS: DRAFT PROPOSAL, CODE PROVISIONS, EXPLANATION, REASONING AND ILLUSTRATIVE CASES (*Zhongguo wu quan fa cao an jian yi gao: tiao wen, shuo ming, li you yu can kao li fa li*), Chinese Academy of Social Sciences Press, 2000<sup>31</sup>. On the drafting of the draft Civil Code, he co-wrote CHINESE CIVIL CODE: A PROPOSED DRAFT (*Zhongguo min fa dian cao an jian yi gao*), China Law Press, 2003<sup>32</sup>, which was subsequently reprinted 2011<sup>33</sup>. The English translation of the treatise was published by Martinus Nihjoff in 2010.<sup>34</sup> In addition to serving as Editor in Chief of the journal STUDIES IN LAW (*FA XUE YAN JIU*), Liang directs the editorship of the scholarly monographic series CIVIL AND COMMERCIAL LAW REVIEW (*Min shang fa lun cong*), China Law Press, 1994-.<sup>35</sup>

### Wang, Liming (王利明)

Professor of Law at China Renmin University, Wang was among the first batch of law student awarded with doctoral degrees in civil law in People's Republic of China. Under the tutelage of Tong Rou, who was also his doctoral thesis advisor, Wang participated in the drafting of the General Principles of Civil Law<sup>36</sup>. In the 1990's and early 2000's, Wang was visiting scholars at University of Michigan, Yale and Harvard<sup>37</sup>. In 1986, he co-wrote with fellow civil law scholars, Guo Minrui (郭明瑞) and Fang Liufang (方流芳) NEW STUDIES IN CIVIL LAW民法新论 (*Min fa xin lun*), China University of Political Science and Law Press, 1988 and in 2003

<sup>29</sup> <http://www.worldcat.org/oclc/60772709>.

<sup>30</sup> <http://www.worldcat.org/oclc/32235892>.

<sup>31</sup> <http://www.worldcat.org/oclc/45860953>.

<sup>32</sup> <http://www.worldcat.org/oclc/53812623>.

<sup>33</sup> <http://www.worldcat.org/oclc/759389155>.

<sup>34</sup> <http://www.worldcat.org/oclc/768816508>.

<sup>35</sup> <http://www.worldcat.org/oclc/34437912>.

<sup>36</sup> *Supra* at Note 8.

<sup>37</sup> Wang's biographical information is available at the Renmin University website: <http://law.ruc.edu.cn/introduction/shizi3.asp?No=81> (last viewed 6/20/2013).

authored GENERAL PRINCIPLES OF CIVIL LAW (*Min fa zong ze yan jiu*), China Renmin University Press, 2003<sup>38</sup>.

Wang also participated in the drafting of the Law of Contracts<sup>39</sup>, the Law of Real Rights<sup>40</sup>, and the Law of Torts<sup>41</sup>. His publications include THE LAW OF REAL RIGHTS (*Wu quan fa lun*), China University of Political Science and Law Press, 1998<sup>42</sup>, THE LAW OF CONTRACTS (*He tong fa yan jiu*), China Renmin University Press, 2002<sup>43</sup>, PRINCIPLES OF TORTIOUS LIABILITY: A STUDY (*Qin quan xing wei fa gui zhe yuan ze yan jiu*), China University of Political Science and Law Press, 1992.<sup>44</sup> He has also been editor of a scholarly serial publication inaugurated in 1998, RESEARCH ON CIVIL AND COMMERCIAL LAW (*Min shang fa yan jiu*), China Law Press, 1998- .

### Wu Changzhen (巫昌桢)

Wu was another of the nine scholars appointed to serve on the Drafting Committee for the Chinese Civil Code in 2002<sup>45</sup>. She was charged with drafting the sections on Family Law and the Law of Succession in the Code, which was submitted for review by the Standing Committee at the Ninth National People's Congress December that year. Wu was educated in China Renmin University and is a graduate of its inaugural class after the University was formed by the merger of Chaoyang University and Huabei University in 1950. Upon graduation she joined the faculty of Beijing College of Political Science and Law (now China University of Political Science and Law). She has written on issues relating to women's rights and family law, particularly in relation to the institution of marriage and equitable procedural safeguards upon its dissolution<sup>46</sup>. She participated in the drafting

<sup>38</sup> <http://www.worldcat.org/oclc/58431070>.

<sup>39</sup> *Supra* at Note 4.

<sup>40</sup> *Supra* at Note 5.

<sup>41</sup> Zhonghua Renmin Gongheguo Qin Quan Ze Ren Fa (中华人民共和国侵权责任法)[PRC Tort Law] (promulgated by the Nat'l People's Cong., Dec. 26, 2009, effective July 7, 2010), available at <http://www.wipo.int/wipolex/en/details.jsp?id=6596> (last viewed 6/20/2013).

<sup>42</sup> <http://www.worldcat.org/oclc/41122921>.

<sup>43</sup> <http://www.worldcat.org/oclc/53064942>.

<sup>44</sup> <http://www.worldcat.org/oclc/30139040>.

<sup>45</sup> *Supra* Note 7.

<sup>46</sup> Wu Changzhen: *domestic violence is an international problem*, China News weekly / Zhongguo xinwen zhoukan, no. 39 (2011), 64.

of the Law of Marriage in 1980<sup>47</sup> and her research in the historical development of the institution of marriage established the legal framework for instituting divorce proceedings and facilitating subsequent equitable distribution of property. She has also been an advocate for the protection of women's rights particularly in areas of employment and education and participated in the drafting of the Law on the Protection of Rights and Interests of Women and its revision<sup>48</sup>.

Her noteworthy publications include: *THE LAW OF MARRIAGE (Hun yin fa lun)*, CCTV Press, 1987<sup>49</sup>; and *A NEW GUIDE TO THE LAW OF MARRIAGE (Xin hun yin fa zhi nan)*, Minzu Press, 2001<sup>50</sup>.

### Yang, Lixin (杨立新)

Yang had his legal education in the China University of Political Science and Law and judgeship training at the Training Center for Senior Judges (Zhongguo gaoji faguan peixun zhongxin) in 1989. After a short career as judge at the Division of Civil Matters of the Supreme People's Court, member of the Committee of the Supreme People's Procuratorate, Director of Civil and Administrative Matters of the Public Prosecutor's Office, he began his teaching career in China Renmin University School of Law and currently serves as Director of Center of Studies in Civil and Commercial Law at the University. He has written on torts and damages. A selection of his published works is listed as follows: *CASES RELATING TO DAMAGES IN CIVIL CASES (Qin quan sun hai pei chang an jian si fa shi wu)*, New Times Press, 1993<sup>51</sup>; *DAMAGES IN TORTS (Ren shen sun hai pei chang)*, People's Court Press, 1999<sup>52</sup>; *ADMINISTRATION OF COMPLEX CIVIL DISPUTES (Yi nan min shi jiu fen si fa dui ce)*, Jilin

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<sup>47</sup> Zhonghua Renmin Gongheguo Hun Yin Fa (中华人民共和国婚姻法) [PRC Marriage Law] (Promulgated Sept. 10, 1980, amended April 28, 2001, effective Jan. 1, 1981), available at [http://www.npc.gov.cn/englishnpc/Law/2007-12/13/content\\_1384064.htm](http://www.npc.gov.cn/englishnpc/Law/2007-12/13/content_1384064.htm) (last viewed 6/20/2013).

<sup>48</sup> Zhonghua Renmin Gongheguo Funu Quanyi Baozhang Fa (中华人民共和国妇女权益保障法) [PRC Law on the Protection of the Rights and Interests of Women] (Promulgated Apr. 3, 1992, amended Aug. 28, 2005, effective Oct. 1, 2005), available at [http://www.npc.gov.cn/englishnpc/Law/2007-12/12/content\\_1383859.htm](http://www.npc.gov.cn/englishnpc/Law/2007-12/12/content_1383859.htm). (last viewed 6/20/2013).

<sup>49</sup> <http://www.worldcat.org/oclc/717622773>.

<sup>50</sup> <http://www.worldcat.org/oclc/51535995>.

<sup>51</sup> <http://www.worldcat.org/oclc/33267743>.

<sup>52</sup> <http://www.worldcat.org/oclc/48819579>.

People's Press, 1991-<sup>53</sup>; *THE ENFORCEMENT OF CIVIL LAW (Min fa pan jie yan jiu yu shi)*, Zhongguo Jian Cha Press, 1994-2004<sup>54</sup>. He also co-wrote with his colleague, Wang Liming, Dean at Renmin University School of Law, *CASE STUDIES IN CHINESE CIVIL LAW (Zhongguo min fa an li yu xue li yan jiu. Zong ze pian)*, China Law Press, 1998<sup>55</sup>; *NATURAL PERSON AND MEDIA LAW (Ren ge quan yu xin wen qin quan)*, Zhongguo Fang Zheng Press, 1995<sup>56</sup>.

### Zhang, Xinbao (张新宝)

Professor of Law at China Renmin University School of Law, Zhang had his legal training in South West University of Political Science and Law, China Renmin University and the Chinese Academy of Social Sciences<sup>57</sup>. He also spent time at Syracuse University Law School in 1991-93. Zhang is the Editor-in-chief of the scholarly journal *CHINESE LEGAL STUDIES (ZHONGGUO FA XUE)* published by the Chinese Legal Society (Zhongguo Faxue Hui)<sup>58</sup>.

Zhang's area of scholarly interest includes torts, with a focus in internet privacy rights. His scholarly publications include *CHINESE LAW OF TORTS (Zhongguo qin quan xing wei fa)*, Chinese Academy of Social Sciences Press, 1995<sup>59</sup>; *TORT: A COMMENTARY (Qin quan fa ping lun)*, China Renmin University Press, 2003<sup>60</sup>; *LEGAL PROTECTION OF PRIVACY RIGHTS (Yin si quan di fa lü bao hu)*, Qun zhong Press, 1997<sup>61</sup>; *INVASION OF PRIVACY RIGHTS ON THE INTERNET (Hu lian wang shang de qin quan wen ti yan jiu)*, China Renmin University Press, 2003<sup>62</sup>.

<sup>53</sup> <http://www.worldcat.org/oclc/28020045>.

<sup>54</sup> <http://www.worldcat.org/oclc/34768673>.

<sup>55</sup> <http://www.worldcat.org/oclc/48073891>.

<sup>56</sup> <http://www.worldcat.org/oclc/39688694>.

<sup>57</sup> Zhang's biographical information is available at the China Renmin University website <http://www.law.ruc.edu.cn/teacher/shizi3.asp?No=84> (last viewed 6/20/2013).

<sup>58</sup> <http://www.worldcat.org/oclc/13533338>.

<sup>59</sup> <http://www.worldcat.org/oclc/36493510>.

<sup>60</sup> <http://www.worldcat.org/oclc/53027912>.

<sup>61</sup> <http://www.worldcat.org/oclc/38914732>.

<sup>62</sup> <http://www.worldcat.org/oclc/57492806>.

## Criminal Law, Criminal Procedure, & Administration of Criminal Justice

The drafting of the first Chinese Criminal Law had its roots in the Mao era but was disrupted by political movements of the 1960's and 1970's, and it did not resume until 1979<sup>63</sup>. In March 1979, the Legislative Affairs Committee of the NPS Standing Committee was formed<sup>64</sup> and within four months the drafting of the Criminal Law was completed and the Law was adopted by the NPC<sup>65</sup>. Calls for revision began almost immediately after its adoption as the first Criminal Law was considered deficient in addressing crimes that evolved with the introduction and growth of a market economy such as economic crimes<sup>66</sup>. The 1979 Criminal Law was comprehensively overhauled<sup>67</sup> and adopted by the NPC in 1997 subsequent to the revision of the Criminal Procedure Law in 1996<sup>68</sup>. Since 1997, the law has been amended eight times<sup>69</sup>. The Criminal Procedure Law, initially amended in 1996, was recently amended 2012<sup>70</sup>.

### Chen, Guangzhong (陈光中)

Chen graduated from Peking University School of Law in 1957. He was Dean of China University of Political Science and Law from 1993 and

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<sup>63</sup> Jianfu CHEN, CHINESE LAW: CONTEXT AND TRANSFORMATION 263 (2008).

<sup>64</sup> Jianfu Chen, CHINESE LAW: TOWARDS AN UNDERSTANDING OF CHINESE LAW, ITS NATURE AND DEVELOPMENT, 168-169 (1999).

<sup>65</sup> Zhonghua Renmin Gongheguo Xing Fa (中华人民共和国刑法) [PRC Criminal Law] (Promulgated July 6, 1979, amended Dec.25 1999, Aug.31 2001, Dec.29 2001, Dec.28 2002, Feb. 28 2005, June 29 2006, Feb.28 2009, Feb.25 2011, effective Oct 1, 1997), available [http://www.npc.gov.cn/englishnpc/Law/2007-12/13/content\\_1384075.htm](http://www.npc.gov.cn/englishnpc/Law/2007-12/13/content_1384075.htm) (last viewed 6/20/2013).

<sup>66</sup> *Supra* Note 64, at 170.

<sup>67</sup> *Supra* Note 65.

<sup>68</sup> *Id.*

<sup>69</sup> *Id.*

<sup>70</sup> Zhonghua Renmin Gongheguo Xingshi Susong Fa (中华人民共和国刑事诉讼法) [PRC Criminal Procedure Law] (Promulgated July 1, 1979, amended Mar 17 1996, Mar 14 2012, effective Jan. 1, 1980) available <http://www.unhcr.org/refworld/docid/3ddbcd4e7.html> (last viewed 6/20/2013).

established the Center for Criminal Studies at the University in 1995. He retired in 2001 and has been Professor Emeriti at CUPL<sup>71</sup>.

Chen was considered a pioneer expert in developing the Chinese Criminal Procedural Law and was instrumental in its subsequent reform<sup>72</sup>. He was appointed by the NPC Legislative Working Group to lead a delegation of Chinese scholars and jurists specializing in criminal procedure law to conduct a yearlong research trip in China and abroad. The Group submitted the Proposed Draft of Amending the Chinese Criminal Procedure Law (*Zhonghua Renmin Gongheguo xing shi su song fa xiu gai jia yi gao yu lun zheng*)<sup>73</sup> which formed the basis of the 1996 Amended Criminal Procedure Law. Directed by Chen, the Center for Studies of Criminal Law at China University of Political Science and Law submitted the DRAFT EXPERT OPINION RELATING TO THE LAW OF CRIMINAL EVIDENCE (*Zhonghua renmin gongheguo xingshi zhengju fadian zhuangjia yizhigao tiaowen shiyi yu luzheng*), Zhongguo Fa zhi Press, 2004<sup>74</sup>. He was also involved in the preparation of the draft expert opinion of the revision of the Chinese Criminal Procedure Law in 2004<sup>75</sup>. Chen has been an advocate of an independent judiciary and criminal justice system and improved quality of legal education and training for the legal profession<sup>76</sup>.

Chen's publications include: COMPARATIVE STUDIES OF CRIMINAL PROCEDURE LAW OF FOREIGN COUNTRIES (*Wai guo xing shi su song cheng xu bi jiao yan jiu*), China Law Press, 1988<sup>77</sup>; PROPOSED DRAFT AMENDMENT OF THE CRIMINAL PROCEDURE LAW (*Zhonghua Renmin Gongheguo xing shi su song fa xiu gai jia yi gao yu lun zheng*), Zhongguo Fang Zheng Press, 1995<sup>78</sup>; THE LAW OF CRIMINAL

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<sup>71</sup> *Impressions of Professor Chen Guangzhong*, Legal Culture Weekly, Apr 23, 2010, available at ([http://rmfyb.chinacourt.org/paper/page/1/2010-04/23/05/2010042305\\_pdf.pdf](http://rmfyb.chinacourt.org/paper/page/1/2010-04/23/05/2010042305_pdf.pdf)) (last viewed 6/20/2013).

<sup>72</sup> Chen's biographical information is available at: [http://www.procedurallaw.cn/xsss/zdwz/200903/t20090318\\_195170.html](http://www.procedurallaw.cn/xsss/zdwz/200903/t20090318_195170.html) (last viewed 6/20/2013).

<sup>73</sup> <http://www.worldcat.org/oclc/57505523>.

<sup>74</sup> <http://www.worldcat.org/oclc/61676159>.

<sup>75</sup> *Supra* Note 71.

<sup>76</sup> *Id.*

<sup>77</sup> <http://www.worldcat.org/oclc/29479975>.

<sup>78</sup> <http://www.worldcat.org/oclc/57505523>.

PROCEDURE (*Xing shi su song fa xue*). China University of Political Science and Law Press, 1990<sup>79</sup>.

### **Chen, Ruihua (陈瑞华)**

Professor of Law at Peking University since 1997, Chen was educated in China University of Political Science and Law. He was awarded the first doctoral degree in law at Peking University, and upon graduation at age 33 became the youngest Chinese professor of law at that time<sup>80</sup>. He was visiting scholar at Yale in 2002.

His publications include: BASIC QUESTIONS ON CRIMINAL PROCEDURE (*Wen ti yu zhu yi zhi jian : xing shi su song ji ben wen ti yan jiu*), China Renmin University Press, China Renmin University Press, 2003)<sup>81</sup>; ISSUES ON CRIMINAL PROCEDURE LAW (*Xing shi su song de qian yan wen ti*), China Renmin University Press, 2000<sup>82</sup>; THE CHINESE MODEL OF CRIMINAL PROCEDURE LAW (*Xing shi su song de Zhongguo mo shi*), China Law Press, 2008)<sup>83</sup>; Theoretical questions on Sentencing (*Liang xing cheng xu zhong de li lun wen ti*), Peking University Press, 2011<sup>84</sup>.

### **Chen, Weidong (陈卫东)**

Professor of law at China Renmin University, Chen graduated from China University of Political Science and Law in 1983 and received his graduate and doctoral degrees from China Renmin University in 1986 and 1995 respectively. He is a director of the Center for Reform of Litigation and the System of Administration of Justice (*Susong zhidu yu sifa gaige yanjiu zhongxin zhiren*). He participated in the consultation and drafting of the 1997 Criminal Procedure Law and its subsequent reform in 2012.<sup>85</sup>

Notable publications authored by Chen include: PRO SE LITIGATION (*Zi su an jian shen pan cheng xu lun*), China University of

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<sup>79</sup> <http://www.worldcat.org/oclc/27384405>.

<sup>80</sup> Meng Shufei, *Chen Ruihua's Top Publication Is Yet To Come*, <http://www.civillaw.com.cn/article/default.asp?id=32962> (last viewed 6/20/2013).

<sup>81</sup> <http://www.worldcat.org/oclc/58944106>.

<sup>82</sup> <http://www.worldcat.org/oclc/47765591>.

<sup>83</sup> <http://www.worldcat.org/oclc/244560745>.

<sup>84</sup> <http://www.worldcat.org/oclc/731523916>.

<sup>85</sup> Chen's biographical information is available at the China Renmin University website <http://www.ruc.edu.cn/archives/18729> (last viewed 6/20/2013).

Political Science and Law Press, 1989<sup>86</sup>; CHINESE CRIMINAL PROCEDURE LAW (*Zhongguo xing shi su song fa*), China Law Press, 1998<sup>87</sup>; RESEARCH ON PROCEDURE FOR CRIMINAL TRIAL SUPERVISION (*Xing shi shen pan jian du cheng xu yan jiu*), China Law Press, 2001<sup>88</sup>; and ISSUES ON THE IMPLEMENTATION OF THE LAW OF CRIMINAL PROCEDURE: AN INVESTIGATIVE REPORT (*Xing shi su song fa shi shi wen ti diao yan bao gao*), Zhongguo Fang Zheng Press, 2001<sup>89</sup>.

### Chen Xingliang (陈兴良)

Educated in Peking University School of Law, Chen received his graduate degrees in law from China Renmin University in 1984 and 1988. He was professor in law in 1984-1997 and from 1997 on he was professor in law at Peking University. He is also Director of the Center for Studies of Criminal Law at the University (*Xingshi Falilun Yanjiusuo*).<sup>90</sup>

His scholarly interest focuses primarily on criminal law and philosophy and his major publications include: THE PHILOSOPHY OF CRIMINAL LAW (*Xing fa zhe xue*), China University of Political Science and Law Press, 1992<sup>91</sup>; GENERAL THEORIES OF CRIMINAL LAW (*Xing fa ge lun de yi ban li*), Inner Mongolia University Press, 1992<sup>92</sup>; CRIMINAL LAW AND PHILOSOPHY (*Zou xiang zhe xue de xing fa*), China Law Press, Beijing, 1999<sup>93</sup>; NEW PERSPECTIVES OF CONTEMPORARY CHINESE CRIMINAL LAW (*Dang dai Zhongguo xing fa xin shi jie*), China University of Political Science and Law Press, 1999<sup>94</sup>.

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<sup>86</sup> <http://www.worldcat.org/oclc/31480159>.

<sup>87</sup> <http://www.worldcat.org/oclc/42977285>.

<sup>88</sup> <http://www.worldcat.org/oclc/55125107>.

<sup>89</sup> <http://www.worldcat.org/oclc/51012662>.

<sup>90</sup> Chen's biographical information is available at:

[http://article.chinalawinfo.com/Author\\_Resume.asp?AuthorId=56](http://article.chinalawinfo.com/Author_Resume.asp?AuthorId=56) (last viewed 6/20/2013).

<sup>91</sup> <http://www.worldcat.org/oclc/27700163>.

<sup>92</sup> <http://www.worldcat.org/oclc/244070830>.

<sup>93</sup> <http://www.worldcat.org/oclc/232161775>.

<sup>94</sup> <http://www.worldcat.org/oclc/43966048>.

**Fan, Chongyi (樊崇义)**

Upon graduation from Peking College of Political Science and Law in 1965, Fan began his teaching career at his alma mater. It was disrupted during the Cultural Revolution when he was sent to a labor camp in the province of Anhui. Fan resumed his teaching career in 1978<sup>95</sup>. He has been teaching criminal procedure and evidence at the now China University of Political Science and Law and an advisor of doctoral students since 1995. He is instrumental in incorporating the teaching of procedural issues relating to the administration of criminal justice and the law of criminal procedure into the standard curriculum of legal education<sup>96</sup>. He has initiated “demonstration projects” in collaboration with local criminal justice agencies and officials, such as in areas of interrogation, to promote criminal procedure reform by incorporating empirical findings.<sup>97</sup>

He co-edited *STUDIES IN CRIMINAL PROCEDURE: AN OVERVIEW WITH COMMENTARY* (*Xing shi su song fa xue yan jiu zong shu yu ping*), China University of Political Science and Law Press, 1991<sup>98</sup>; *STUDIES OF CRIMINAL PROCEDURE* (*Xing shi su song fa xue*), China University of Political Science and Law Press, 1998<sup>99</sup>; *CRIMINAL PROCEDURE: CASES AND COMMENTARY* (*Xing shi su song fa xue an li jiao cheng*), Zhi shi chan quan Press, 2001<sup>100</sup>; *REFORM OF INTERROGATIVE PROCEDURES* (*Zhen cha xun wen cheng xu gai ge shi*

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<sup>95</sup> *Fan Chongyi: A Scholar*, China Legal Daily, Aug 11, 2010, available at [http://www.legaldaily.com.cn/fxy/content/2010-08/11/content\\_2236129.htm?node=20780](http://www.legaldaily.com.cn/fxy/content/2010-08/11/content_2236129.htm?node=20780) (last viewed 6/20/2013).

<sup>96</sup> *Id.*

<sup>97</sup> For a detailed analysis of the use of demonstration projects in relation to criminal procedure reform led by Chinese scholars, see *The Use of Demonstration Projects to Advance Criminal Procedure Reform in China*, Thomas Stutsman, 24 Colum. J. Asian L. 333 (2011). These demonstration projects, often collaborations with local criminal justice agencies, produced empirical data derived from studies in procedural issues relating to interrogation, mediation, sentencing, discovery, plea, posting of bail and criminal defense. Scholars-reformists who have spearheaded these projects include Fan Chongyi, Zuo Weimen, Chen Ruihua, Chen Weidong, and others. While the demonstration projects may not have translated into substantive changes in the administration of criminal justice, they were conducive to promoting reform in criminal procedure.

<sup>98</sup> <http://www.worldcat.org/oclc/27700165>.

<sup>99</sup> <http://www.worldcat.org/oclc/46855866>.

<sup>100</sup> <http://www.worldcat.org/oclc/51718384>.

*zheng yan jiu*), Zhongguo ren min gong an da xue Press, 2007<sup>101</sup>; and recently ON THE PATH TO JUSTICE: CRIMINAL PROCEDURE REFORM AND JUDICIAL REFORM (*Zou xiang zheng yi : xing shi si fa gai ge yu xing shi su song fa de xiu gai*), China University of Political Science and Law Press, 2011.<sup>102</sup>

He is also Editor-in-Chief of two journal publications: STUDIES IN CRIMINAL PROCEDURE (*Su song fa xue yan jiu*), Zhongguo jian cha chu ban she, 2002-<sup>103</sup>; and CHINESE CRIMINAL PROCEDURE CASES (*Zhongguo su song fa pan jie*) in conjunction with China University of Political Science and Law Center for the Studies of Criminal Procedure (*Zhongguo zheng fa da xue. Su song fa xue yan jiu zhong xin*), Zhongguo jian cha Press, 2003-<sup>104</sup>.

### He, Jiahong (何家弘)

Ho graduated from China Renmin University School of Law, receiving his Bachelor in Law and Master in Law degrees respectively in 1983 and 1986. He spent substantial time abroad as visiting scholars in the United States, Europe, Hong Kong and Taiwan. He received his SJD degree in 1993 from Northwestern University. Ho is currently professor of law at China Renmin University and serves as the deputy director of the Center for Teaching and Research in Criminal Law. He recently called for the protection of the right to silence during criminal interrogations.<sup>105</sup>

While Ho has written extensively on issues relating to the law of evidence, he also researches in procedural issues in relation to the administration of criminal justice. He has translated works which introduce western concepts of forensic science and legal and forensic linguistics to China. His scholarly writings aside, Ho is also an established writer of popular legal fiction in Chinese. His major publications include: THE LAW OF EVIDENCE (*Zheng ju fa xue*), China Law Press, 2008<sup>106</sup>; Criminal Investigation of Foreign Countries (*Wai guo fan zui zhen cha zhi du*), China

<sup>101</sup> <http://www.worldcat.org/oclc/288971448>.

<sup>102</sup> <http://www.worldcat.org/oclc/805728295>.

<sup>103</sup> <http://www.worldcat.org/oclc/53843204>.

<sup>104</sup> <http://www.worldcat.org/oclc/55649550>.

<sup>105</sup> *China has Already Established Rights to Silence*, China Legal Daily, Aug. 1 2012, available [http://www.legaldaily.com.cn/Frontier\\_of\\_law/content/2012-08/01/content\\_3744608.htm?node=3480](http://www.legaldaily.com.cn/Frontier_of_law/content/2012-08/01/content_3744608.htm?node=3480) (last viewed 6/20/2013).

<sup>106</sup> <http://www.worldcat.org/oclc/315934679>.

Renmin University Press, 1995<sup>107</sup>; *THE ROLE OF EVIDENCE IN PROSECUTION: A PRACTICAL CURRICULUM* (*Jian cha zheng ju shi yong jiao cheng*), Zhongguo jian cha chu ban she, 2006<sup>108</sup>. He also edited *THE LAW OF EVIDENCE: A REVISION* (*Xin bian zheng ju fa xue*), China Law Press, 2000<sup>109</sup>; and *STUDIES IN FORENSIC SCIENCE AND CRIMINAL EVIDENCE* (*Si fa jian ding dao lun*), China Law Press, 2000<sup>110</sup>.

### **Song, Yinghui (宋英辉)**

Song was educated in China University of Political Science and Law and upon receiving his doctoral degree in 1992 he started teaching at his alma mater. He is a scholar specializing in pretrial proceedings and teaches evidence and criminal procedure at China University of Political Science and Law. Song is also Director of the Center for the Studies of Criminal Procedure at the University<sup>111</sup>.

Song's publications include: *CRIMINAL PROCEDURE: THEORIES ON CRIMINAL PROCEDURE LAW* (*Xing shi su song mu di lun*), China University of Political Science and Law, 1995<sup>112</sup>; *PRE-TRIAL PROCEEDINGS* (*Xing shi shen pan qian cheng xu yan jiu*), China University of Political Science and Law Press, 2002, co-written with Wu Hongyao<sup>113</sup>.

### **Zhao, Bingzhi (赵秉志)**

Professor of Law at the Beijing Teachers College, Zhao is also Dean of the Law School and Director of the Center for Criminal Law Studies at the College (*Beijing Sifan Daxue Xingshi Falu Kexue Yanjiuyuan cai faxueyuan*). Zhao was educated in Zhengzhou University School of Law and received his master and doctoral degrees in law from China Renmin University Law School, among the first batch of doctoral candidates to specialize in criminal

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<sup>107</sup> <http://www.worldcat.org/oclc/52585415>.

<sup>108</sup> <http://www.worldcat.org/oclc/130665669>.

<sup>109</sup> <http://www.worldcat.org/oclc/48536506>.

<sup>110</sup> <http://www.worldcat.org/oclc/52585415>.

<sup>111</sup> The scholar's biographical webpage from the website of the Procedural Law Research Institution at China University of Political Science and Law available at <http://www.procedurallaw.cn/flxr/syh/> (last viewed 6/20/2013).

<sup>112</sup> <http://www.worldcat.org/oclc/36005650>.

<sup>113</sup> <http://www.worldcat.org/oclc/50613405>.

law and procedure. He was visiting scholar at Duke University in 1991-1992<sup>114</sup>.

His major publications include: A STUDY OF CRIMINOLOGY (*Fan zui zhu ti lun*), China Renmin University Press, 1989<sup>115</sup>; COMPARATIVE CRIMINAL LAW OF TAIWAN AND THE PEOPLE'S REPUBLIC OF CHINA (*Hai xia liang an xing fa zong lun bi jiao yan jiu*), China Renmin University Press, 1999<sup>116</sup>; ISSUES OF CRIMINAL JUSTICE REFORM (*Xing fa gai ge wen ti yan jiu*), Zhongguo Fa Zhi Press, 1996<sup>117</sup>. He co-edited THE CRIMINAL POLICY OF TEMPERING JUSTICE WITH MERCY AND CONSTRUCTION OF A HARMONIOUS SOCIETY (*Kuan yan xiang ji xing shi zheng ce yu he xie she hui gou jian*), Zhongguo Fa Zhi Press, 2009<sup>118</sup>.

### Zuo Weimin (左卫民)

Educated in Northwest University of Political Science and Law, Zuo is currently Professor of Law at Sichuan University when he started his teaching career upon graduation in 1988. He is also Director of the Center for Criminal Justice Reform at the University (*Sichuan daxue zhongguo sifa gaige zhongxin*). Zuo has spent time as visiting scholars at Universities in Germany and the United States, including Yale, Columbia and Harvard<sup>119</sup>. He has spearheaded research projects on the study of the judicial independence of collegial tribunals as a forum of adjudication (*He yi ting du li shen pan yan jiu*) sponsored by the Chinese Humanities and Social Sciences Foundation (*Zhongguo ren min wen she ke ji jin xiang mu*) and on the modernization of the criminal justice system (*Zhongguo si fa xian dai hua yan jiu*) and on the constitutional safeguards for Chinese citizens' right to litigate (*Zhongguo gong min su song quan de xian fay u si fa bao zhang*) sponsored by the Ford Foundation<sup>120</sup>. Like Fan, Zuo has also initiated collaborative

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<sup>114</sup> Zhao's biographical information is available at: [http://article.chinalawinfo.com/Author\\_Resume.asp?AuthorId=56](http://article.chinalawinfo.com/Author_Resume.asp?AuthorId=56) (last viewed 6/20/2013).

<sup>115</sup> <http://www.worldcat.org/oclc/25707098>.

<sup>116</sup> <http://www.worldcat.org/oclc/43891275>.

<sup>117</sup> <http://www.worldcat.org/oclc/39785433>.

<sup>118</sup> <http://www.worldcat.org/oclc/428736111>.

<sup>119</sup> Zuo Weimin, available at <http://fxy.scu.edu.cn/xyjs/ArticleShow.asp?ArticleID=3142> (last viewed 6/20/2013).

<sup>120</sup> Zuo's biographical information is available at the website of the Procedural Law Research Institution at China University of Political Science and Law

demonstration projects with criminal justice agencies utilizing empirical data to improve procedures in sentencing and criminal defense.<sup>121</sup>

Zuo's major publications include: *THE RATIONALE OF CRIMINAL PROCEDURE LAW (Xingshi susong de li nian)*, China Law Press, 1999<sup>122</sup>; *CRIMINAL PROCEDURE LAW (Xing shi su song fa)*, Peking University Press, 2005<sup>123</sup>; *THE SYSTEM OF COLLEGIAL PANEL ADJUDICATION (He yi zhi du yan jiu : jian lun he yi ting du li shen pan)*, China Law Press, 2001<sup>124</sup>. He also co-wrote *EVOLUTION AND REFORM: MODERNIZING THE CHINESE JUDICIAL SYSTEM (Bian qian yu gai ge : Fa yuan zhi du xian dai hua yan jiu)*, China Law Press, 2000<sup>125</sup>.

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[http://www.procedurallaw.cn/tszl/200905/t20090523\\_223340.html](http://www.procedurallaw.cn/tszl/200905/t20090523_223340.html) (last viewed 6/20/2013).

<sup>121</sup> Stutsman, *Supra* Note 99, at 343.

<sup>122</sup> <http://www.worldcat.org/oclc/48076444>.

<sup>123</sup> <http://www.worldcat.org/oclc/180771532>.

<sup>124</sup> <http://www.worldcat.org/oclc/51284375>.

<sup>125</sup> <http://www.worldcat.org/oclc/48898073>.