

Legal Education in a Globalised Era

China's Strategy for Governance and Development

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Abstract: China's legal education plays a unique and vital role in the national strategy to modernise its legal system, a foundation that has underpinned the country's rapid ascent. This paper analyses this often-overlooked facet of China's development by situating legal education within the broader framework of governmental initiatives. Faced with the challenge of establishing a functional legal infrastructure with extremely limited resources, China's policymakers have adopted two primary approaches since the late 1970s. First, they have concentrated most legislative efforts on the large-scale transplantation of Western laws. Second, they have effectively transformed law schools into hubs for generating legislative knowledge and training legal professionals. The Foreign-Related Rule of Law initiative, the latest manifestation of the state-directed strategy, continues to shape legal education by introducing new objectives and challenges. This paper argues that to fully comprehend China's path to modernisation, one must understand how legal education is embedded within its grand national development strategy.

Keywords: legal education, modernisation with Chinese characteristics, Foreign-Related Rule of Law, national strategy, legal transplantation, condensed transition

1. Introduction

The conventional Western wisdom holds that legal reform in China was short-lived mainly during the 1990s and has now faded (Zhang & Ginsburg, 2019).¹ On the contrary, China's spectacular rise since 1978 has been accompanied and buttressed by the establishment of a modern legal infrastructure from scratch. During the Cultural

¹ To their credit, Zhang & Ginsburg (2019) offers a compelling, though partial, rebuttal of such prevalent views in the West.

Revolution (1966–1976),² the nascent Soviet-style legal system of the young republic³ quickly collapsed, courts became effectively dysfunctional, and law schools nationwide were closed. Upon the closing of the tumultuous decade, the nation found itself deeply mired in a state of governance paralysis, with neither minimally adequate laws on paper nor institutional strength to maintain order and move forward (Lubman, 2000, p. 383). An unprecedented, full-on initiative for legal capacity-building ensued, with extensive legislative efforts at its core.

The resulting legislative success can hardly be overstated. By August 2011, the state-directed project produced 240 laws, 706 administrative regulations, and over 8,600 local regulations, covering all legal areas and aspects of social relations. A comprehensive “socialist system of laws with Chinese characteristics” was officially declared to be solidly in place (IOSCC, 2011). Since then, the body of legislation has been steadily streamlined while maintaining an overall trend of growth. As of July 2024, Chinese legislation consists of 320 laws, 595 administrative regulations and 16,022 local regulations (National People’s Congress of China, 2024). In addition, those numbers do not fully capture the extent of efforts and the amount of resources China devoted to its legislative enterprise, as many major laws went through multiple rounds of significant revision.⁴ Overall, the rapidly evolving legal framework has served as a key source of strength facilitating China’s development for nearly five decades.

How has China managed to navigate the path of legal modernisation despite its challenging starting point? Two strategies adopted by the Chinese Government have made this “great leap forward” possible. First, in drafting substantive laws, China’s policymakers have allocated most of their limited legislative resources towards learning from and engaging in adaptive legal transplantation of Western laws. It is a cost-effective choice because China’s chosen journey of “Reform and Opening-up” aims to transition to a market system, which has evolved over centuries in developed countries, providing rich experience in both legal texts and theoretical foundations. Second, in terms of marshalling intellectual talents, the government has effectively transformed law schools into powerhouses for producing knowledge and training legal professionals who closely follow legal developments and disseminate them throughout society. In other words, Chinese laws, as public goods, have been produced and distributed through consciously leveraging legal education as a driving force powered by foreign enlightenment.

These two approaches had been employed in a pragmatic manner for decades before they were recently publicly acknowledged and elevated to a national initiative in their own right. In November 2023, the Political Bureau of the Communist Party of China (CPC)

² The Cultural Revolution in China was a tumultuous socio-political movement initiated by Mao Zedong. It aimed to enforce ideological purity and eradicate perceived bourgeois influences within Chinese society. This period severely disrupted China’s social fabric and economic development, leading to widespread instability and institutional damage. Its aftermath underscored the urgent need for reform. The subsequent pursuit of reform and opening up under Deng Xiaoping, starting in 1978, aimed to restore stability, rebuild institutions and revitalise the economy, marking a pivotal shift away from the Cultural Revolution towards modernisation and international engagement.

³ The first formal Constitution of the People’s Republic of China was passed in 1954. Between 1956 and 1966, China’s legislature enacted over 130 laws and decrees. See IOSCC (2011).

⁴ For example, after the Company Law was enacted in 1993, it was amended four times between 1998 and 2018, before being extensively revamped in 2023.

Central Committee, the top political body, held a meeting to deliberate on strengthening the development of the “foreign-related rule of law” (Xinhua, 2023). This event signalled that further understanding and utilisation of foreign law is a long-term requirement for building China into a powerful country and achieving national rejuvenation. Notably, improving legal education was emphasised as an indispensable pillar of this new scheme.

To understand the trajectory and implications of this new national strategy, it is crucial to view China’s legal education in the broad context of government initiatives. These initiatives have shaped China’s growth and limitations, thereby affecting the governance efficacy of the Chinese polity. This paper aims to explore the unique role of China’s legal education to illuminate this often under-appreciated aspect of the country’s rapid modernisation. First, a sketch is provided of the evolution of Chinese legislation, heavily influenced by foreign law. This is followed by an analysis of legal education in the growth of China’s legal system. An anatomy is then given of the additional functions that law schools have undertaken as part of the new initiative to strengthen the foreign-related rule of law. Finally, the conclusion offers some reflection on the future of legal education in China.

2. China’s long march to foreign-related rule of law

The influence of foreign laws on China’s legal development since the late 1970s can be divided into three stages, each adding a new layer of foreign dimension to the Chinese legal system.

2.1. Layer one: Revival by transplanting foreign laws since 1978

In the late 1970s, China embarked on a “legal revolution” (Ye et al., 2012, p. 144) driven by the CPC to modernise its broken legal infrastructure. This strategic shift toward law was signalled in March 1978, when a new Constitution was adopted by the National People’s Congress (NPC). Later that year, in a landmark speech which formally heralded China’s “Reform and Open-up” era, Deng Xiaoping, the head of the new leadership, called for enhanced awareness to strengthen “legality” and “focused efforts” to address the problem of the lack of a wide range of necessary legislation.

Large-scale legislative work in China quickly proceeded on two fronts. The first centred on creating almost all the foundational statutes necessary for a functional economic and social order, including criminal law, criminal procedural law, civil law, civil procedural law, contract law, administrative litigation law, to name just a few. Contemporaneously, laws to govern the emerging area of international economic relations were also produced with accelerating steam, such as those on foreign investment enterprises, foreign contracts, foreign trade, foreign exchange and taxation of foreign business activity.

Throughout this comprehensive law-making project up to the present day, a resounding consensus has guided the work of all involved: China must actively reach out

to draw the wisdom of foreign law. It reflects both the prevailing sentiment in the face of the daunting challenge of overall reconstruction and the particular lack of knowledge of modern law. Early on an unwritten yet indispensable procedural step was introduced into the legislative process within the NPC and the State Council.⁵ Bill proposals, whenever submitted for internal deliberation by the decision-makers, must be accompanied by a full report on relevant foreign laws. In addition, when important laws and regulations are being drafted, the national and local legislatures would routinely seek information of similar legislation from overseas (Ye et al., 2012, p. 146).

During this stage, the legislators mainly sought to examine the laws of various countries to identify the best solution for the issues facing China. For example, during the drafting of the General Rules of Civil Law, the legislators carefully studied and referenced civil codes and statutes from countries such as Germany, France, Japan, Mongolia and Hungary. Similarly, during the deliberation of some basic administrative statutes, intensive research was conducted to find models from developed countries in Europe, America and Asia. This hybrid approach enabled the legislators to compare various alternatives and identify the most suitable template, which could be easily modified to meet China's specific needs.

2.2. Layer two: Deeper legal integration with the WTO since 2001

China became a member of the World Trade Organization (WTO) in 2001. This membership immediately brought an overwhelming challenge to realign much of China's legal system with its WTO commitments.⁶ A new wave of extensive legislation began around 2001, specifically aimed at resolving inconsistencies with WTO law.

Between 1999 and 2005 alone, more than 3,000 statutes and regulations were enacted, revised, or repealed at the national level (D. Chen, 2023). During the first three years after China's entry into the WTO, more than 190,000 local rules and measures were reviewed and streamlined (Ji, 2021, p. 43). More than a decade later, the State Council still emphatically required that "any regulations and documents related to trade in goods, trade in services and trade-related intellectual property rights, either by ministries under the State Council or by local governments [...] must be in compliance with the WTO Agreement, its Annexes and subsequent agreements, and China's Accession Protocol and Working Party Report" (General Office of the State Council of China, 2014).

As commented by a scholar, it is through this large-scale, centralised, campaign-style and uniform regulatory clean-up that China was able, within a short period, to

⁵ The State Council functions as the executive branch of China's central government. It has the authority to pass regulations on its own, and many important statutes formally passed by the NPC are first drafted by the State Council.

⁶ In the working document about China's WTO entry, the Chinese representative declared that, by accession, China would repeal and cease to apply all such existing laws, regulations and other measures whose effect was inconsistent with WTO rules on national treatment. Sec. 22, Working Party on the Accession of China, WT/ACC/CHN/49 (2001). Online: <https://tinyurl.com/w3j7mtws>

comprehensively adjust, enrich, and improve its pre-existing foreign-related economic legislation in line with WTO rules and China's commitments (Ji, 2021, p. 42).

In the meantime, the legislative work involved in WTO alignment has had a significant impact on China that extends well beyond merely fulfilling its commitments. One important aspect is how the WTO principle of transparency has reshaped the functioning of the Chinese Government. WTO-compliant statutes, such as the Legislation Law, have introduced significant constraints on the law-making process to enhance fairness and reduce opacity. *Gu Yongjiang*, one of China's earliest negotiators, observed that "[f]rankly speaking, the concepts of fairness, openness, and transparency were incorporated into our approach to work entirely as a result of China's negotiations to rejoin the GATT and join the WTO" (Liu, 2021, p. 33). Another positive change occurred regarding judicial review. Around the time of accession, revisions in laws and judicial interpretation rules enabled more disputes to be litigated in court rather than being decided solely by administrative authorities (Yang & Zhuang, 2004; Liu, 2021, p. 33). Simply put, the "WTO effect" transformed China's approach to foreign law from a reference for comparative analysis into a set of hard standards for self-reformation.

2.3. Layer three: Seeking rejuvenation since 2012

China reached a landmark in 2010 when it became the second largest economy in the world. Two years later, the CPC's 18th National Congress set new national goals for the country's future development, including the target of reaching the level of moderately developed countries by 2049 (Hu, 2012). The new leadership also articulated a grand vision of "achieving the great rejuvenation of the Chinese nation" as a fresh source of inspiration for the public.

As part of the economic agenda in the new phase, a policy of "mutual promotion of domestic and international openness" (Central Committee of the Communist Party of China, 2013) was adopted, which significantly advanced the integration of domestic and international markets. China has continued to update its laws to facilitate higher levels of openness by drawing on foreign experience. A notable example is the passage of the Foreign Investment Law in 2019, which substantially expanded market access to foreign investors by shifting to a negative list approach.

A distinctive feature of this period is that China can no longer rely solely on drawing legal knowledge from other countries to meet its needs. Economic realities create novel demands for laws where foreign experience often provides only partial solutions at best. For example, the "Belt and Road Initiative" has led to complex legal arrangements between China and over 150 countries as well as 30 international organisations. Domestically, a total of 22 Free Trade Zones have been established as pilot programs, routinely granted leeway for major innovations as new policies emerge. In both areas, China often finds itself in uncharted waters without overseas reference to draw when dealing with legal issues.

Another significant development disrupted China's previously stable economic interactions with the world and altered how China utilises foreign legal knowledge. In 2018, the Trump Administration of the United States (U.S.) imposed punitive tariffs

on Chinese products, initiating what China has termed “the biggest trade war in economic history” between the two leading global powers. The Biden Administration not only retained Trump’s tariffs but also introduced additional targeted sanctions and export controls to impede China’s technological progress. Since the outbreak of the Russia–Ukraine war, China has observed increasing discussions in the West about applying similar sanctions on China in the future, specifically if China attempts unification with Taiwan “by force”.

In response to rising external risks, China has sought to incorporate a new element into its legal architecture: laws enabling measures of retaliation (Jia, 2024, p. 82). In adopting legislation such as the Anti-Foreign Sanctions Law and the Unreliable Entity List Regulations, China has primarily looked to the U.S., the country most likely to use coercive powers against others, as a model for these self-protective measures. In this sense, China views such legal transplantation from its arch adversary as a crucial way to develop defensive or precautionary tools in its arsenal, marking an unprecedented aspect in the evolution of its legal system.

3. Legal education in China’s grand rule of law scheme

The vast and continually growing demand for foreign legal knowledge is only part of the challenge China faces in revamping its legal system. The explosion of legislation in China would not have been possible without the consistent contributions of a dedicated and stable force of knowledge providers. To marshal scarce expertise into legislative work and ensure legal professionals stay closely aligned with social progression, the Chinese Government has actively transformed legal schools into a generative source of officially desired knowledge, which has long been predominantly foreign-oriented. Consequently, legal education has been profoundly shaped and ultimately constrained by its mission as assigned by the government.

3.1. Condensed transition: Legal education with Chinese characteristics

When China’s law schools reopened in 1977, only three were in existence, which together admitted a total of 189 students (Xu et al., 2018, p. 3). Despite this modest restart, educational institutions emerged as the only viable source for generating legal knowledge. Legislatures, courts and executive agencies had all been stripped of their legal expertise during a decade-long lawless void. Looking ahead, the substantial volume of laws to be enacted would primarily rely on imported information, rather than traditional knowledge or local realities familiar to government entities. Under these unique circumstances, legal education in China entered into what can be described as a “condensed transition” (Chang, 2010). Simply put, legal education was vigorously driven by the government to both expand its own capacities and maximise the dissemination of legal knowledge across society in an astonishingly short period of time.

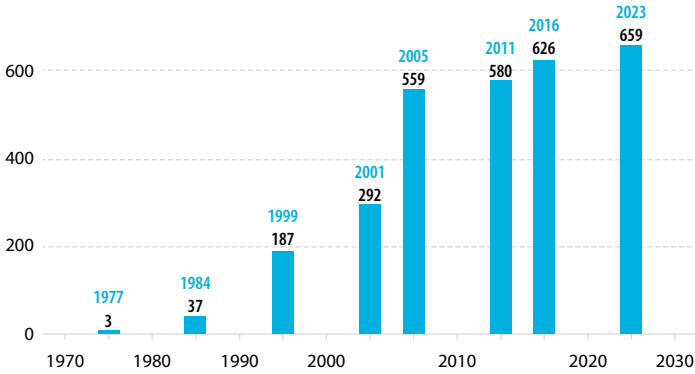


Figure 1
Number of law schools in China

Source: Compiled by the author.

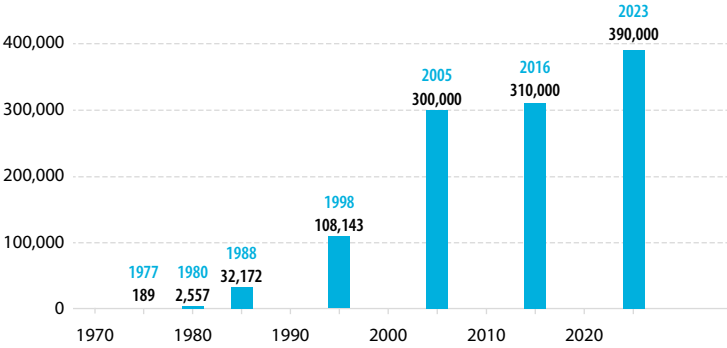


Figure 2
Number of law students in China

Source: Compiled by the author.

The number of law schools rapidly increased to meet the surging demand for legal professionals (see Figures 1 and 2). Since almost all universities are public institutions, this expansion resulted from government policy. During the initial stage, approximately 80 previously established law schools were reopened, forming a solid institutional core for the new legal educational system. Subsequently, the government managed and facilitated the creation of new law schools through proactive incentives, lax approvals and inter-school collaborative arrangements. By the end of 2023, China had 659 law schools, with a student body of 390,000. Oversupply, rather than shortage, of law graduates has become the new problem in legal education.

For the most part, China’s legal education followed a mass education model. Formal full-time education developed alongside various forms of semi-formal or informal education within a two-track system. Beyond the established law schools, an important

source of semi-formal education includes the wide range of part-time programs offered by party schools, administrative academies, correspondence colleges and evening universities. Another path to obtaining a law degree is through the “Self-Study Examination” system. Any autodidact can earn a state-certified law degree by passing the requisite course exams, which are nationally administered by the government. More importantly, until 2018, the uniform bar exam was accessible to individuals with no formal legal education. The bar exam, centrally administered by the Ministry of Justice, was introduced in 1986. Passing the exam is the primary professional requirement to become a practicing lawyer,⁷ and it has consistently been challenging due to its substantive rigour.⁸ For those practitioners without a law degree, preparing for the bar exam could be their only, albeit intensive, educational experience in law (Xu et al., 2018, p. 8). Nonetheless, law schools continue to play a central role in shaping unconventional legal educational programs. For both the well-regarded “Self-Study Examination” system and the bar exam, the national government sets all required courses, textbooks and examination syllabi, delegating this authority to prominent law professors (Wang, 2023, p. 29). By controlling the minimum standards for the legal profession, government authorities and educators can disseminate a set of collectively formulated legal knowledge well beyond the confines of formal law schools.

The condensed transition has led to a separation between China’s legal education and professional training. Many scholars agree that Chinese law schools emphasise “theoretical teaching” and take pride in being “cradles” of jurists rather than practical training grounds for lawyers (Fang, 1996, p. 133). Teaching has predominantly been conducted through lectures with minimal use of interactive methods. Students are encouraged to memorise black-letter law, concepts and specific legal constructions without exploring their practical implications (Shen, 2008). Case studies have been so ignored in law teaching that in 2018, the Ministry of Education specifically mandated the enhancement of case-based teaching (Ministry of Education of China, 2018). It is widely agreed that a significant gap exists between law school courses and real-world practice, which one scholar has referred to as “the poverty of legal studies” (Shen, 2008, p. 128). It is ironic that the most pressing task for legal education is to address practical needs by closing the gap in professional talent. This defect is an inevitable price for the crude importation of massive yet unsystematic foreign knowledge by scholars who do not prioritise solving actual problems on the ground.

Another feature of China’s legal education, also subject to heavy criticism, is its fragmented curriculum. In the 1980s, educational institutions began dividing their law programs into various “specialisations”. For example, Peking University’s law department established four specialised programs: Law, Economic Law, International Economic Law and International Law. This model rapidly spread to law schools across China, and by

⁷ According to Article 5 of the Law on Lawyers, there are three other requirements: support for the Constitution, completion of a one-year internship at a law firm and good moral character.

⁸ As of now, the bar exam sets a passing grade each year based on the exam’s difficulty but does not (at least formally) establish a quota to limit the number of passers. This is likely due to the fact that the demand for lawyers in the market has been expanding until recently. In the 1990s, the passing rate of the bar exam was well below 10%. For most of the last 20 years, the passing rate has typically hovered around 10%, with occasional exceptions reaching 20%. It should be noted that the rising passing rate reflects the improving quality of legal education and the growing number of law graduates in China, which has significantly intensified the competition to pass the bar (see Legal Analyst, 2019).

1993, there were 163 specialised programs in 121 law schools (Fang, 1996, p. 135). Under this programmatic structure, even undergraduate students are admitted into specialised programs, where they receive focused training in a particular area through a tailored combination of courses. In other words, while legal education is not professionalised, it is highly specialised. Law students are exposed to a limited number of subjects without first gaining a general understanding and broad view of the law. One consequence of this fragmented education is that both instructors and students tend to focus on legislation (rather than cases) to define their comfort zones and delineate their areas of interest. This reflects the influence of China's legislation-driven model of legal development on legal education.

The brief overview of China's legal education highlights two key factors that shape its development. First, the massive legislative workload drives the rapid expansion of both formal and informal legal education. Second, law professors have been the dominant source of legal knowledge. Unlike scholars in many other countries, they do not pursue research solely based on personal interests; instead, they participate in state-directed law projects. Some have significant influence over the education of law students and professionals throughout China. To further understand how legal education has been integrated into a national strategy, the next part will explain how the roles of legal scholars on both fronts are interconnected.

3.2. The special role of legal scholars in the legislative process

3.2.1. Institutionalised participation

Chinese legal scholars can, and often do, participate in the legislative process. Legislatures and administrative authorities have established institutionalised channels to enlist academic experts in both shaping legislative agendas and drafting bills.

During the early years, the NPC began inviting leading law professors to draft major statutes, such as civil and criminal legislation, in the form of *ad hoc* "working groups". In these groups, scholars typically dominated deliberations on drafts due to their comparative advantage in possessing information. This arrangement has continued to the present day, with scholarly input throughout the entire process. A case in point is the ongoing drafting of the Education Code, which is organised and supervised by the Legislative Affairs Office of the NPC, with intellectual support provided by an expert group of law professors from various institutions.

Gradually, authorities at all levels have also begun to engage in more enduring cooperation with scholars by recruiting them as special advisors, enlisting their input for fixed terms rather than on individual projects. For example, after the Anti-Monopoly Law came into effect, a specialised academic committee was established to advise the State Council on major issues related to this statute, including follow-up revisions and rule-making proposals. This arrangement enables sustained and flexible exchange between the two sides, facilitating understanding of issues from both pragmatic and theoretical lenses.

3.2.2. *Spontaneous participation*

The legislation-driven model of China's legal development has also motivated scholars to participate in legislative processes on their own initiative, as a particularly effective means of contributing to societal progress while also gaining personal recognition. On rare occasions, legal scholars may choose to trigger public deliberation in a critical manner. The most famous example occurred in May 2003 following the death of a young man detained by local authorities in Guangzhou. Three young scholars publicly requested the NPC Standing Committee to review the constitutionality of a 1982 regulation, which was the basis for the victim's detention. This letter, followed by another signed by five prominent law professors, brought the issue to national attention and led to the swift repeal of the regulation by the State Council a month later.

In the vast majority of cases, however, legal academics are more comfortable in their role of providing professional assistance to legislative entities, particularly through offering comparative analyses of foreign legal systems. Whenever a major legislative project is underway, such as the drafting of the Civil Code, different groups of scholars compete to produce and circulate their own "expert drafts", angling for favourable attention from the legislature. The most recent efforts have focused on technology regulation. As of March 2024, three proposed drafts of the Artificial Intelligence Law – clearly drawing on European Union (EU) and U.S. perspectives – have been announced by different academic groups.

3.3. **Legal education in the shadow of foreign-oriented legal research**

Chinese law professors fulfil dual professional roles: serving as knowledge providers to the party-state, primarily through the legislative process, and as educators to law students in classrooms or through their publications. Because the first role as a provider has been given such emphasis, it has become the primary one, while the other role as an educator has become secondary and shaped by the former.

Since 2017, the authority to grant academic ranks in China has been devolved from the government to individual educational institutions (Ministry of Education of China, 2017). However, the work of scholars remains largely influenced by the state, though indirectly, yet firmly. Government educational authorities appoint institutional administrators and assess the performance of each institution based on detailed criteria and standards to advance policy goals.⁹ Under such a system, as a knowledge provider to the law-making authorities, a legal scholar's research is closely driven by the needs of the policymakers. Research topics come directly from legislative agendas, funded by general public finance, or commissioned by specific legislatures or agencies. Academic journals are replete with research articles featuring legislative proposals or legal interpretations of new terms recently introduced in official policy documents. Academic prestige is largely

⁹ Since 2002, the Ministry of Education has conducted five rounds of discipline-based evaluations of educational institutions qualified to offer graduate-level degree programs. The results of these evaluations are crucial for the institutions' reputation, competitiveness, access to financial resources, and, not least, the career prospects of their administrators. For details on the latest round of evaluation see Ministry of Education of China (2020).

derived from the endorsement of a scholar's proposals into legislation or official positions, more than from any other factor (Chen, 2011, p. 19). As necessitated by the needs of foreign-oriented research, the best strategy for the scholar-provider is to import knowledge through translation. As one law professor has reflected, "[s]ince the mid-1980s, the translation and introduction of foreign legal works and textbooks in China have far exceeded any other period in history in terms of quantity, scope, and influence" (Gao, 2007, p. 129).

The scholar-educator is naturally shaped by the strength he has built as a scholar-provider. Law courses in China have predominantly been based on the introduction of foreign knowledge. A prominent scholar and educator once noted, "[w]hen giving a lecture to Chinese students, Chinese professors talk about foreign law. For example, when teaching civil law, professors talk about German law, French law and Roman law; when teaching company law, professors introduce US law" (Fang, 2012). Moreover, school curricula are designed and revised to stay focused on subjects of high legislative importance. For example, of the roughly 650 law schools in China today, about half offer specialised courses or degrees in WTO law.

Law students are immersed in a vibe where preference for foreign knowledge is omnipresent. They are engrained by their classroom experience that answers to China's legal issues can mostly be found in other countries. When participating in research projects, they are expected to search for materials from foreign countries, which normally form the main part of the final reports. Foreign languages, especially English, are viewed as particularly useful professional skills. In fact, for several years in the 1990s, the national bar exam included a section of English language. English moot court or debating contests attract the top students since they are considered to enhance their career prospects after graduation.

Students perceive that law degrees from abroad are valued more highly than domestic ones. Foreign law degrees, like all academic degrees, can be recognised through a certification procedure administered by a centralised entity under the Ministry of Education.¹⁰ Upon successful certification, a law degree earned from an overseas educational institution is granted the same validity and status as those awarded by Chinese institutions. Certified degrees from prestigious law schools in advanced countries can offer holders significant advantages in securing employment or important benefits, including obtaining formal residence status in competitive cities like Shanghai. Recently, local governments in advanced regions have encouraged lawyers to pursue degrees from internationally top-ranked law schools by providing generous funding, despite an oversupply of domestic law graduates.¹¹

¹⁰ The procedure aims to "provide professional and technical verification and clarification on the legality, authenticity, and equivalence of foreign (as well as Hong Kong, Macau, and Taiwan) higher education diplomas and degrees with their corresponding qualifications in China" (The Ministry of Education's Service Center for Overseas Study, 2018). The Degree Law, which takes effect on 1 January 2025, provides additional basis for this procedure in Article 44.

¹¹ For example, the Shanghai Pudong Government covers 50% of the tuition costs for individuals pursuing a law degree from a top foreign law school, up to approximately \$40,000 per year (Justice Bureau of Pudong New Area Government, 2023). Shenzhen, in Guangdong Province, adopted a similar policy shortly afterwards (Justice Bureau of Shenzhen Municipality, 2023).

Even among those who do not pursue further education in foreign countries, the admiration for and curiosity about legal education in Western countries run high. In 1997, Professor *Fang Liufang* published an article after a one-year research tour at Harvard Law School, in which he highlighted the student-run law journals in the U.S. and expressed doubt that such journals would exist in China (Fang, 1997). To his surprise, students in major Chinese law schools followed the example of their U.S. counterparts. Similar journals soon emerged despite an unfriendly environment towards such student initiatives (Gao, 2020). Another, perhaps more unusual, example can be found in programs that offer foreign legal education to Chinese students in China. Since 2008 the School of Transnational Law at Peking University (Shenzhen) has offered an American Juris Doctor (JD) degree with “a complete American JD curriculum” taught by a faculty mainly composed of U.S. law professors. In this case, not only is foreign legal knowledge imported, but a wholesale implantation of the U.S. JD system is endorsed with government permission.

4. New roles of legal education to buttress national capacity

Although the three layers of foreign elements described above in Section II continue to be coexistent and intertwined, the most recently added dimension is steering China’s legal enterprise in a new direction. In the wake of the initial shock of the U.S.–China trade war, China’s leadership confronted the harsh reality that the country suffers from a severe capacity deficit in international lawfare or competition for shaping the world order. As a bleak indicator, an internal estimate in 2018 suggested that there were fewer than 400 legal professionals nationwide¹² that could be effectively deployed to defend China’s interests in a world order based on Western rules. As always, China’s top decision-makers have reacted by directing the bureaucratic and intellectual apparatus to focus on proactively addressing this challenge, as evidenced by the new roles assigned to legal education in light of shifting strategic trends.

4.1. Introduction of elitist training programs

In recent years, the Chinese Government has repeatedly called for measures to address the shortage of international law talent (Che, 2024). A particularly strong catalyst emerged in early 2023 when the “Opinions on Strengthening Legal Education and Legal Theory Research in the New Era” was jointly issued by the CPC and the State Council (General Office of the Central Committee of the Communist Party of China & General Office of the State Council, 2023). This top-level policy document emphasised the urgent need to “improve the structure of disciplines and specializations of foreign-related law” and to “accelerate the training of scarce talents with international

¹² To understand how shocking this figure is, it is helpful to compare it with the large number of lawyers in China. By the end of 2018, the number of practicing lawyers reached 423,000. Notably, this sum does not include the legal professionals working inside the government who have passed the bar exam but not licensed to practice law (see Ministry of Justice of China, 2019).

perspectives, proficient in international law and country-specific laws”. The ministries responsible supplemented the mandate with a series of plans and directives for implementation. These actions clearly signalled a resolve to shift the priority of mass legal education from providing general exposure to foreign law to nurturing a select group of skilful, ready-to-deploy specialists prepared to engage in international challenges.

To achieve this pragmatic goal, a general and traditional focus on elitist education has been swiftly reinforced within the legal community. First, the government identifies educational institutions deemed most capable of producing ideal legal specialists. In January 2024, the Ministry of Education issued a list of 51 entities as “Collaborative Training and Innovation Bases for International Legal Talents” (Xiao, 2024, p. 60). This designation immediately mobilised those schools and incentivised other entities to participate by forming collaboration with the listed institutions. For example, the China International Economic and Trade Arbitration Commission soon announced that it had reached agreements with seven of the listed “bases” to share its rich experience in training high-level international legal talents (China Council for the Promotion of International Trade, 2024).

Internally, educational entities have directed resources towards focused training programs. For instance, Renmin University has established a specialised “Institute of Foreign-Related Legal Governance”, prioritising talent training as a key objective. Many other institutions have introduced “experimental classes” at the undergraduate level following a selective elitist model. Typically, a very small number of students (Xiao, 2024, p. 60) are admitted through a highly competitive selection process (Zhang & Wei, 2022, p. 169). Once enrolled in the premium program, these students gain enhanced access to educational resources, including individualised supervision, classes taught by foreign instructors, internship with partnership organisations, and opportunities to earn joint China-foreign degrees. The goal is to expose students not only to substantive foreign law but also to Western teaching methods that emphasise critical and innovative thinking – an area often lacking in China’s traditional legal training. For example, it is within the 30-student Foreign-Related Experimental Class at Southwest University of Political Science and Law (SWUPL) that the first student-run English law journal in China was created.

Similar efforts have also been extended to graduate-level programs and beyond. Since 2021, the government created master degree programs in foreign-related lawyering and international arbitration. The Ministry of Education also set up a “Talent Development Program for International Organisations” to provide full funding for outstanding graduate law students to prepare for working in international organisations (Wang, 2023, p. 31). Some institutions, including China University of Political Science and Law, have launched special programs designed to help future practitioners develop skills for addressing transnational legal issues. Such programs feature specialised curricula and a deeper understanding of country-specific laws.¹³ Moreover, the government enlists the top law schools to provide targeted training for lawyers with established international practices.

¹³ Training Program for the Master’s Degree in Law (Foreign-Related Lawyering) at the School of Law, China University of Political Science and Law (Trial Version), on file with the author.

Between 2021 and 2023, three law schools in Beijing, commissioned by the Ministry of Justice, provided intensive foreign-related training to 300 lawyers selected from across China.

It is no exaggeration to say that foreign-focused practical training has been significantly strengthened throughout the “supply chain” of legal professionals since the “Trump shock” hit China in 2018.

4.2. Strengthening of strategically focused research platforms

Chinese law schools have long incorporated research centres. Yet, recent changes have driven these centres to evolve into specialised platforms with narrower focuses and new mandates.

Firstly, scholars are shifting their focus to emerging issues that directly reflect China’s current strategic needs. In the past, research centres tended to gravitate towards broad and general studies of prioritised areas. Representative examples include centres focused on China–U.S. law, China–EU law, China–Germany law, law and economics, WTO law, etc. In contrast, recent years have witnessed the establishment of issue-driven research entities, including those dedicated to the Belt and Road Initiative, national security, data governance and artificial intelligence. While the old-style research centres primarily conducted comparative analyses to draw insights from “mature legal systems”, the new ones are motivated to address challenges for which foreign wisdom does not offer clear solutions.

Secondly, many of the new research entities have achieved independent status as fully functioning law schools. Traditionally, research centres operated within law schools as loose associations of scholars sharing similar interests for ad hoc academic cooperation. In contrast to this, some of the new research centres have evolved into independent entities with their own separate faculty, student body and organisational structures. For example, the School of Artificial Intelligence and Law at SWUPL, with a faculty of 32, offers a comprehensive educational program ranging from undergraduate to doctorate levels (School of Artificial Intelligence and Law at SWUPL, 2020). The emergence of new research platform law schools has created a novel source of specialised legal education, equipping students with expertise closely aligned with societal needs.

Thirdly, since 2016, the government has strongly advocated for the development of China’s “indigenous knowledge system”. This new policy has started to temper the pro-Western bias that was once prevalent in legal academia, having a particularly significant impact on the newly established research centres. The “Opinions on Strengthening Legal Education and Legal Theory Research in the New Era” (2023) stresses the need to move beyond scholarly work that “merely conveys Western theories”. It calls for the development of concepts, viewpoints and theories reflecting “the socialist rule of law with Chinese characteristics”. To achieve this shift, legal research is expected to draw from two sources of indigenous wisdom: historical experience and current practice. In other words, looking to the West for guidance is no longer sufficient. Legal scholars are now urged to develop theories based on China’s own successful practices and to burnish China’s image as a global leader rather than a follower.

4.3. The rise of new think tanks

Think tanks emerged in China in the 1980s to offer internal advice directly to top CPC leadership on advancing economic development. Over the subsequent three decades, these think tanks evolved largely independently of educational institutions. They remained enigmatic entities embedded within the party apparatus or other public organs, conducting work out of public view.

To address the emerging challenges in the evolving domestic and international landscapes, the CPC decided in 2012 to “improve the decision-making consultation system” by “utilizing the role of intellectual think tanks” (Hu, 2012). In 2015, the CPC and the State Council jointly issued the “Opinions on Strengthening the Development of New Types of Think Tanks with Chinese Characteristics”, formally initiating a national strategy to transform Chinese think tanks through a top-down approach. Subsequently, 25 entities were officially designated as units in development towards becoming “National High-End Think Tanks”.¹⁴ A key aspect of the reform is breaking the previously closed system by establishing think tanks in universities and private entities. Among those first 25 government-endorsed think tanks, 12 are based in universities with strong research capabilities in specific fields, including the International Law Institute of Wuhan University. This new policy has prompted governments at all levels to adopt similar measures and promote the expansion of think tanks within universities in their administrative regions.

In this broader context, Chinese law schools have faced pressure to adopt a new role as think tanks. This function is often considered a “political mission” due to the need for expertise to support China’s rise. The role of legal scholars had been especially prominent during events such as the U.S.–China trade war and the outbreak of the Russia–Ukraine war. The top leadership have realised that many issues in great power competition are framed as legal rules within intensive lawfare. For instance, do Trump’s tariffs on Chinese products violate WTO law? If Western countries attempt to expel Russia from the UN Security Council, how should China respond using legal reasoning? If the U.S. Government forces a sale of TikTok, what countermeasures can China employ based on its domestic law? Neither government officials nor law firms could provide adequate answers, so the Chinese policy-makers have turned their eyes to law schools. In recent years, communication channels have opened up between the government and educational institutions to facilitate direct consultation on legal matters.

The surge in demand for advice on handling legal issues, particularly in the international arena, has transformed the traditional role of legal scholars. Most notably, their expected contributions have shifted from assisting with legislative work to engaging in policy-making and problem-solving. This type of work is more challenging and often requires strategic thinking, which many legal scholars may lack. While evaluating the quality of legislation takes time, the effectiveness of a proposed solution to an urgent issue can be assessed immediately, which makes the latter far more demanding for scholars.

¹⁴ In 2020, another five institutions were added to the list. Now, the total number stands at 29, due to the merger between two of those institutions (see Zhihu, 2020).

Most consultation communications are kept internal and strictly confidential, so scholars do not gain fame in the same way they do through publishing articles or books. Overall, the integration of law schools and think tanks is an irreversible trend, but it has been both difficult and slow.

5. Concluding reflections

The account above highlights a recurring theme in China's efforts to modernise its legal system: How can the state optimise its limited resources to establish a functional legal infrastructure that keeps pace with its remarkable economic development trajectory? In retrospect, China has met the challenge by leveraging the full potential of its state-directed governance model. First, the establishment of a legal system was integrated into the clear goals of national development, guided by a consistently implemented, legislation-driven blueprint. Second, as an effective shortcut, the wholesale adoption of foreign laws and legal theories has long been the dominant approach to establishing the foundational elements of China's legal system. Third, legal research and education have been consciously shaped and tightly aligned with China's national strategy for legal reform.

Seen through this lens, China's recently announced foreign-related rule of law initiative poses daunting challenges for legal educators. For more than four decades, legal academia have been encouraged to view foreign laws favourably, rather than uncovering the defects of imported knowledge or understanding their practical implications in different settings. Legislative imperatives have promoted superficial and myopic research, focusing on information from only a few countries such as the U.S. and major European nations. Lopsided interests in foreign law also tend to keep Chinese scholars detached from domestic practices and the actual problems the Chinese Government faces on the global stage. These issues, combined with inertial thinking, have so far made it difficult for law schools to fulfil their newly designated roles. Despite an increase in training programs, the quality of instruction has hardly improved. Research on cutting-edge issues, such as data law and artificial intelligence, still relies heavily on comparative studies of U.S. and EU theories. Issue-focused research platforms may further disjoint legal education. So far, most scholars have responded coldly to calls for serving as think tank experts.

On the other hand, changes are crucial for China and its legal community. As a world power, China is increasingly handicapped by an inability to have its voice fully heard and understood internationally. Law is a common language that can transcend cultures, but China still needs to formulate its own legal theory as the basis for international dialogues (Y. Chen, 2023, p. 174). To enhance its soft power, China must reverse its reliance on the simplistic adoption of foreign laws, an approach that has outlived its relevance as a matter of expediency. The new initiative will broaden the horizons for Chinese scholars by demanding more sophisticated research on the theoretical foundations of law and the inspirational articulation of China's own experiences in its journey towards the rule of law. China's legal education will undoubtedly benefit from a truly global perspective and a confident understanding of its indigenous roots. With the translation-oriented

low-hanging fruits gone, new opportunities arise for ambitious scholars to make more lasting contributions in academic and educational endeavours. Additionally, with Trump's re-election as President of the U.S., China finds itself confronted with a renewed trade war that demands heightened legal expertise.

At this pivotal juncture, legal education in China again faces formidable hurdles. It remains to be seen how Chinese policymakers and the legal community will overcome these challenges. As the basic theme of resource limitation persists, the outcome will likely depend on how effectively the government can mobilise the energy of legal scholars through new ingenuity.¹⁵

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¹⁵ For example, a major reason for the slow development of think tanks within educational institutions is that administrators have little incentive to drive faculty to produce such work. If the Ministry of Education were to include criteria in its evaluations of law schools based on the number of reports that receive favourable feedback from policymakers, it would immediately alter the incentive structure and likely lead to rapid growth of think tanks.

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