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The 60th Anniversary of the PRC: A Retrospective on the Chinese Legal System – Introduction

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The 60th Anniversary of the PRC: A Retrospective on the Chinese Legal System

INTRODUCTION

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Since its establishment in 1987, the *Columbia Journal of Chinese Law* and its successor, the *Columbia Journal of Asian Law*, have played an important role in publishing English language scholarship about the law of China and Asia. An important part of this mission has been the publication of scholarship not only by scholars in the United States and Europe, but also by scholars from China and elsewhere in Asia. I am delighted that this special edition of the Journal, marking the sixtieth anniversary of the establishment of the People's Republic of China and thirty-years of legal reforms in China, continues this tradition of publishing top scholarship by scholars based in China and overseas, as well as by Columbia Law School students.

Another of the *Columbia Journal of Asian Law*'s strengths has been its commitment to scholarship covering a wide range of topics. This special edition is an excellent example of this commitment, with articles that touch on topics as varied as international law, investment law, labor law, and Columbia Law School's role in legal exchanges with China.

Professor Randle Edwards, with his usual combination of wit and insight, provides an account of the role he and Columbia Law School have played over the past thirty years in furthering legal exchanges with China. As he notes, the most important impact that Columbia and other law schools in the United States have had on legal reforms in China has been the training of thousands of lawyers and legal academics from China—many of whom now play leading roles in government, in academia, or in major Chinese and international law firms.

My own essay, prepared for the Chinese Academy of Social Science's cross-disciplinary conference marking thirty years of economic and social

reforms, seeks to highlight some perhaps overlooked challenges that China's courts face as they enter the next stage of reforms.

Virginia Ho provides both a comprehensive discussion of China's new labor laws, as well as one of the first studies in English of implementation of the laws at the local level. Although it remains too early to judge the long-term effects of the new laws, and in particular of the Labor Contract Law, Ho's research provides a first step to understanding both the effect of the law and its limits.

Chen Su, one of China's most prominent scholars of securities law and vice-director of the influential Institute of Law of the Chinese Academy of Social Sciences, provides a comprehensive survey of China's economic legislation in the sixty years since the establishment of the People's Republic.

Mo Jihong's essay provides a comprehensive overview of the development and importance of constitutional law in China, and also of the limits to China's constitutional development. Yet perhaps even more importantly, Mo, one of China's leading constitutional law scholars, demonstrates the important role Chinese legal scholars have played and continue to play in pushing for reforms to China's legal system—a point also highlighted in Professor Edwards' essay.

Hui Huang provides an important study of legal change to China's foreign investment laws since China's accession to the WTO, with particular attention to tensions between China's general company law and China's foreign-invested enterprise regulatory regime. The article highlights the ways in which law is now central both to economic development in China and to China's interactions with the outside world, and also some of the problems that remain in trying to make law in China consistent and coherent.

In her note, Autumn Marton highlights some of the paradoxes and difficulties in China's attempts to use international law to protect its cultural heritage.

Professor Edwards' essay notes just how far collaboration between Chinese and American legal scholars has come since 1978. The landscape of scholarship on Chinese law, both in China and in the United States, has likewise changed dramatically since 1978: vastly more is being written, in English and in Chinese, than was the case even a few years ago. There is, of course, room for deeper collaboration, and for more to be done to ensure that western scholars have the chance to read and appreciate the important scholarship being produced in China. This volume marks an important step toward this goal.