

2010

## Rise of Political Populism and the Trouble with the Legal Profession in China

Dongsheng Zang  
*University of Washington School of Law*

Follow this and additional works at: <https://digitalcommons.law.uw.edu/faculty-articles>



Part of the [Comparative and Foreign Law Commons](#), and the [Legal Profession Commons](#)

---

### Recommended Citation

Dongsheng Zang, *Rise of Political Populism and the Trouble with the Legal Profession in China*, 6 HARV. CHI. REV. 79 (2010), <https://digitalcommons.law.uw.edu/faculty-articles/830>

This Article is brought to you for free and open access by the Faculty Publications and Presentations at UW Law Digital Commons. It has been accepted for inclusion in Articles by an authorized administrator of UW Law Digital Commons. For more information, please contact [lawref@uw.edu](mailto:lawref@uw.edu).

# Harvard China Review

哈佛中國評論

---

Volume Six. No. 1. January 2010

---



P.R.C. at 60: Perspectives and Reflections



## **Harvard China Review**

*Harvard China Review* is published by the Harvard China Review, a student organization at Harvard Graduate School of Arts and Sciences.

All rights reserved. No materials appearing in this publication may be reproduced without permission of the publisher.

*Harvard China Review* assumes no responsibility for views and opinions expressed in this journal, which are those of individual authors.

Mailing Address:  
Luo Yanan  
9 Kirkland Place  
Cambridge, MA 02138

Email Address:  
Editor@harvardchina.org

ISSN 1098-1144

**P.R.C. at 60: Perspectives and Reflections**

**中國之路六十年：探索和思考**

# EDITORIAL BOARD

## **Chief Editor:**

LUO YINAN

## **Editorial Committee Members:**

WANG GANGQIAO

*S.J.D Candidate, Harvard Law School*

YU YING (CAROL)

*M.P.P, Harvard Kennedy School of Government*

LUO YINAN

*Ph.D Candidate, Department of East Asian Languages and Civilizations at Harvard University*

CHANG SHU

*Ph.D Candidate, Department of Anthropology at Harvard University*

LIU JUNDAI

*Ph.D Candidate, Department of Sociology at Harvard University*

CHEN JINZHU

*Ph.D Candidate, Department of Economics at Harvard University*

LI ZHAN

*Ph.D Candidate, Department of Statistics at Harvard University*

QIAN YING

*Ph.D Candidate, Department of East Asian Languages and Civilizations at Harvard University*

REN YI

*M.P.P, Harvard Kennedy School of Government*

## **Designers:**

GUO DONGLIANG, ANTHONY WOO

# CONTENTS

POPULAR PROTEST IN CHINA: PLAYING BY THE RULES

*Elizabeth J. Perry/1*

THE CHALLENGE OF SUCCESS: CHINA'S  
NEW GLOBAL CONFIDENCE AND U.S.-CHINA RELATIONS

*Robert Ross/23*

THE ANATOMY OF A FERTILITY DECLINE:  
UNMARRIED, NO CHILDREN IN HONG KONG

*Rubie Watson/32*

ELECTRICITY MARKET REFORM

*William W. Hogan/44*

FIGHTING RECESSION, REBALANCING THE ECONOMY  
AND PROMOTING A "HARMONIOUS SOCIETY"

*Pieter Bottelier/56*

REFLECTIONS ON ADMINISTRATIVE LAW IN CHINA:  
A HONG KONG PERSPECTIVE

*Albert H.Y. Chen/66*

RISE OF POLITICAL POPULISM AND THE TROUBLE WITH  
THE LEGAL PROFESSION IN CHINA

*Zang Dongsheng/79*

CHINA'S ECONOMIC GROWTH IN PERSPECTIVES:  
CHALLENGES AHEAD

*Fu Jun/100*

IN SEARCH FOR PEACE AND PROSPERITY:  
BUILDING A NEW COMMUNITY IN EAST ASIA

*Jae-oh Lee/111*

# CONTRIBUTORS

ELIZABETH J. PERRY

*Henry Rosovsky Professor of Government at Harvard University.*

ROBERT ROSS

*Professor of Political Science at Boston College and Associate at John King Fairbank Center for East Asian Research at Harvard University.*

RUBIE WATSON

*Senior Lecturer at the Department of Anthropology at Harvard University.*

WILLIAM HOGAN

*Raymond Plank Professor of Global Energy Policy at the John F. Kennedy School of Government at Harvard University.*

PIETER BOTTELLER

*Former Chief of the World Bank's Resident Mission in China (1993-1997) and Senior Adjunct Professor of China studies at the School of Advanced International Studies (SAIS) of Johns Hopkins University.*

ALBERT CHEN

*Chan Professor of Constitutional Law at the University of Hong Kong.*

ZANG DONGSHENG

*Assistant Professor at the University of Washington.*

FU JUN

*Professor of Political Economy and Executive Dean of the School of Government at Peking University and Associate-in-Research with the Fairbank Center at Harvard University.*

JAE-OH LEE

*Chair of the Anti-Corruption & Civil Rights Commission in South Korea and Former House Representative of the Korean Grand National Party.*

# RISE OF POLITICAL POPULISM AND THE TROUBLE WITH THE LEGAL PROFESSION IN CHINA

*Zang Dongsheng*

In 1979, China started its reform by enacting fundamental laws—the Criminal Law, Criminal Procedure Law, Law on Joint Ventures, etc. It impressed an American lawyer and acute China observer, Jerome A. Cohen, so that he called 1979 “the year of the law.”<sup>1</sup> The “Gang of Four”—Mao’s wife Jiang Qing and her political allies—were tried by the Supreme People’s Court the next year. Many Chinese who viewed the trial on television were surprised to find that the defendants had their defense lawyers! Law was also given a special meaning in August 1980 when Deng Xiaoping told a group of officials, “Stalin gravely damaged socialist rules of law, doing things which Comrade Mao Zedong once said would have been impossible in Western countries like Britain, France and the United States.”<sup>2</sup> We now know Deng’s political reform agenda was very limited.<sup>3</sup> At the time, for a whole generation of Chinese intellectuals, those who returned from labor camps after the “Culture Revolution,” and those young students growing up in the 1980s who dreamed about the future (the author being one), the inspiration was real.

“Rule of law” at the time was both intellectual and political emancipation. The most representative at the time might be Liang Zhiping in his book *New Persian Letters* (1987), which followed Montesquieu’s *Persian Letters* (1721). Liang and his co-authors were playing the role of young French observers from Paris, corresponding with each other about the Chinese cultures and compared them with the West. Like what Montesquieu did in 1721, through their role as “foreign” observers, Liang and his co-authors created more political room as well as refreshing perspectives for themselves in their critique



of China's lack of "rule of law" tradition. The enlightenment movement of the 1980s came to a sudden end in 1989 when prodemocracy demonstrations were brutally cracked down. Many intellectuals, including Liang himself, were silenced or marginalized afterwards.

After 1989, China underwent the Jiang Zemin administration, 1993-2003, followed by the Hu Jintao administration, 2003 to 2013. In many aspects, from 1979 to 2009, China has enormously transformed itself. In 1979, when law practice was reinstated, there were only 212 lawyers in the country. Victor H. Li had called China's legal system as "law without lawyer."<sup>4</sup> By the end of 2008, according to the China Law Society, the number of lawyers in China has reached 156,710, law firms 14,467. The number of law schools or law departments has reached 610, with more than 400,000 students enrolled.<sup>5</sup> In the wake of the sixtieth anniversary of founding of the People's Republic, the number of judges has reached three hundred thousands, and the number of courts at various levels has reached 3,561.<sup>6</sup> China's legislatures—the National People's Congress (NPC) and its Standing Committee—have gained more power, expertise, and credentials in law-making. In 1999, a constitution amendment even managed to put "rule by law" into the official text of the Constitution. A White Paper entitled "Rule of Law in China" was published in 2008 by the State Council—China's cabinet—boasts a long list of the statutes that the legislatures have passed.<sup>7</sup> Wu Bangguo, Chairman of the NPC Standing Committee, announced in March 2008 that a "legal system with Chinese characters" has been substantively accomplished.<sup>8</sup> On September 3, 2009, about a month before the sixtieth anniversary of the People's Republic, the People's Daily published an article entitled "Marching toward Rule-of-Law State,"<sup>9</sup> affirming that the landmark has actually been achieved.

The official narratives often report achievements in rule-of-law the same way as they report production of steel—as if rule-of-law can be

measured by the number of output. Thus they also tend to project a lineal development from the past into the future. Missing in the official narratives, however, are the recent efforts to reframe the discourse of “rule of law.” These efforts are mostly explicitly demonstrated in the new slogan “harmonious society” under the Hu Jintao administration since 2006, when the Communist Party’s (Party) intensified control of the legal profession—judges, lawyers and prosecutors. The increased control can be most clearly shown by comparing policies adopted between 2006 and 2009 with those key reform measures taken place in the 1980s. For lack of a better term, these efforts are characterized as the “rise of political populism.” This essay portrays these developments in three areas: the revival of mediation in civil trial processes, Party’s presence in law firms, and the increased role of Party’s discipline inspection commissions.

### **The Political Setting**

Jiang Zemin reversed some of the key reform measures of the 1980s: First, “separation of Party and government,” declared in 1987 under Zhao Ziyang (1919-2005),<sup>10</sup> was replaced ten years later by Jiang Zemin’s new slogan that the Party must “be in command and in balance.”<sup>11</sup>

While Jiang Zemin was interested in political drama with high symbolic values, such as putting “rule by law” into the Constitution, or creating new slogans such as “rule by virtue”, “three represents,” he largely left the legal profession to themselves or, at least, tolerated what they did, often under international pressure. In the first couple of years of the 1990s, some high-profile political dissidents filed civil lawsuits to defend their personal interests on legal grounds such as defamation.<sup>12</sup> These cases were ultimately dismissed, but the fact that they were filed and accepted by the courts showed the work of international pressure. Jiang welcomed the expansion of the

bar and the Ministry of Justice—the regulatory agency in charge of the lawyers—pushed reform of law firms in the 1990s from state ownership to cooperative forms. Jiang also tolerated lawyers’ demand for professional autonomy. In 1999, when the national bar—All-China Lawyers Association (ACLA)—amended its charter, ACLA did not cause any trouble in labeling itself as a “self-regulatory group,” while before that lawyers were defined as “state legal workers.” In the 2001 Qi Yuling case, the Supreme People’s Court played an active role in citing the text of the Constitution, for the first time in the history of People’s Republic.<sup>13</sup> Huang Songyou, then Vice President of SPC, was an advocate of *Marbury v. Madison* (1803), where the United States Supreme Court established the power of judicial review.

In general, political control over the legal profession continued,<sup>14</sup> and politically connected lawyers benefited more than those who didn’t have the connection with the regime.<sup>15</sup> But even this limited professional autonomy is shrinking in recent years under the Hu Jintao administration under the new guidelines of “harmonious society.” The transition from Jiang to Hu started in November 2002 when Hu became Secretary General of the Party; it continued in March 2003, when Hu became the President of China in March 2003. But it was not complete until March 2005, when Hu became head of the Party’s Military Commission.<sup>16</sup> Hu faced no less alarming situation than his predecessor: the SARS (severe acute respiratory syndrome) in 2003, energy crisis in 2004, coal mine disasters in 2004 and 2005, baby milk powder scandals (in 2004 and 2008), Tibetan protests in 2008, global economic slowdown from October 2008, and most recently, the ethnic conflicts in Urumqi, Xinjiang autonomous region in July 2009. Social issues closely related: ecological degradation, farmers’ land, consumer protection, increasing gap in income, increasing number of explosive “mass incidents,” a term became widely used in recent years referring to riots or protests of political significance.<sup>17</sup>

In this context, a new slogan “harmonious society” was created in October 2006, at the Sixth Plenary Session of the 16th Party Central Committee.<sup>18</sup> The official statement of the Sixth Plenary, “Decision on Several Issues on Building a Socialist Harmonious Society,” specifically referred to the role of the judiciary and the legal profession. Thus, “harmonious society” became an organizing concept in framing the sociopolitical issues of the Chinese society. As a consequence, control of the legal profession intensified.

### **Priority to Mediation**

The first connection between “harmonious society” and the judiciary was the return of mediation in civil cases. Following the Party’s Sixth Plenary in 2006, the Supreme People’s Court issued in January 2007 “Several Opinions,”<sup>19</sup> where SPC emphasized that “the judiciary’s fundamental task was to mitigate social tensions, enhance social stability, promote social harmony and fulfill social justice.” In order to handle large number of cases effectively, SPC stated, there must be “multiple mechanisms for dispute resolution” and they should be efficient and convenient for the parties involved. In civil adjudication, it meant a stronger judicial policy in encouraging mediation in the trial process, i.e., that a case “be mediated so far as it is possible”.

In August, SPC and Ministry of Justice jointly issued a circular to lower courts and justice bureaus, instructing that mediation not only be applied in disputes in marriage, in the family, or between neighbors, or personal injury cases; but also be expanded to broader social issues such as land, environment, labor, and medical disputes.<sup>20</sup> From June 2008, pilot programs on mediation (where mediation was applied more aggressively) were started in courts in the provinces and municipalities of Guangdong, Fujian, Yunnan, Hebei, Gansu, Chongqing and Shanghai.<sup>21</sup> One year later, in July 2009 SPC decided to promote this new policy nationally.<sup>22</sup> Now this is labeled as “priority to mediation,”

where mediation becomes almost a required process forced on parties in adjudication. As the policy is implemented, the People's Court Daily, a national newspaper controlled by SPC, fills its headlines on mediation given priority in courtrooms across the nation. Local courts are opening office space specifically dedicated to mediation, and local legislatures are publishing their local rules on mediation.

This is accompanied by a revived fascination with the so-called "Ma Xiwu trial method." Ma Xiwu (1899-1962), Vice President of the SPC 1954-1962, was a legendary judge during the 1940s at the revolutionary bases in northwestern China. As a judge, Ma Xiwu was not dogmatic about procedures. He traveled to villages to settle disputes, rather than waited for the parties to come to his court; he made his own inquiry about the facts; he talked with other villagers, and sought their opinions; he also consulted local social customs and practices, not just the law books; he mediated cases most of the time, not just delivered judgments. The "Ma Xiwu method" became a model of revolutionary justice in the 1940s and up to the first half of the 1980s. But it lost its appeal in the 1990s, when civil procedures and the judiciary was moving towards formal and adversary approach. From the 2006, "Ma Xiwu method" becomes popular again.<sup>23</sup> It appears frequently in the People's Court Daily (controlled by the SPC) and other official newspapers, closely linked with the slogan of "harmonious society." In November 2006, a relic of Ma Xiwu's court house in Yan'an, Shaanxi province, was reinstalled and converted into a museum. A high-profile ceremony was held and attended by high officials from the SPC.<sup>24</sup> Stories of the revolutionary past are retold. A television series entitled "The Heaven" (苍天) were released right in the midst of this judicial reform. Wang Shengjun, President of the SPC, attended the initial screening of the television program at the Great Hall of the People and spoke about "Ma Xiwu method".<sup>25</sup> Wang referred to it as mediation-centered as a "great tradition" which was totally in line with the current guidelines just issued by the SPC. At the

core of Ma Xiwu's method was the contemporary principle of "justice for the people," according to Wang.

But this new emphasis on mediation is not exactly in line with the current Code of Civil Procedure (2007).<sup>26</sup> Article 9 of the Code provides that "[i]n trying civil cases, the people's courts shall conduct mediation on voluntary and lawful bases; when mediation fails, the people's courts shall render judgments without delay." Article 9 has been established in the Code since 1991. In April 1991, when the Code was deliberated in the national legislature—NPC's Standing Committee, it was emphasized that mediation should not be imposed. "After all, the main job of the people's courts is adjudication."<sup>27</sup> As a result, Articles 9 and 85 were explicit about voluntary nature of mediation. During the 1990s and early 2000s, tolerated or ignored by Jiang Zemin, the judiciary was moving towards a formalization of the legal process: procedures were emphasized, evidence rules became more detailed, professional training of judges was improved, and code of ethics for judges was drafted.<sup>28</sup> Thus professionalism became a central value,<sup>29</sup> encouraged by then the President of Supreme People's Court and Chief Justice Xiao Yang.<sup>30</sup> Military-type uniforms were replaced by judicial robes, and even gavels were introduced. Lord Denning, the British barrister and judge, became the most admired and quoted lawyer in the legal profession. Ma Xiwu method was mostly absent in academic journals of the 1990s.<sup>31</sup>

At the turn of the century, there emerged some explicit critiques of the Ma Xiwu method. Jiang Shigong, then a young scholar at Peking University published an article in the newly created American style student-edited journal *Peking University Law Review* in 2000, on the Ma Xiwu's method.<sup>32</sup> Jiang pointed out that Ma Xiwu method could not be simply understood as an informal mechanism in dealing with private disputes in rural China. It was rather a very political process in which the Party successfully used the seemingly traditional method

to mobilize peasants and turn them into revolutionaries. Though the article was somewhat flavored with postmodern lexicon, Jiang echoes Stanley Lubman in the latter's observation of the political nature of mediation in Mao's times.<sup>33</sup> Lubman, an American observer who first learned about Ma Xiwu method practiced in the 1950s and 1960s through interviews in Hong Kong with emigrates who had fled from Mao's China.<sup>34</sup>

Now this is reversed. Ma Xiwu's method is back. Some of the prominent advocates of the Ma Xiwu methods are officials in the judiciary from China's heartland areas. Hao Hongtao, President of the High Court in Gansu Province in northwestern China, for example, quickly linked "harmonious society" with the Ma Xiwu methods in an article published in the People's Court Daily.<sup>35</sup> The People's Court Daily also started reporting the successful experiences in mediation from Gansu province, and Shaanxi Provinces.<sup>36</sup> In Henan Province,<sup>37</sup> central China, the High Court led by President Zhang Liyong (a former member of the Party's Central Discipline Inspection Commission), began to promote Ma Xiwu method in May 2008.<sup>38</sup> The Henan High Court even put Ma Xiwu method in its annual work report to the Henan People's Congress. The return of "Ma Xiwu method" presents itself in terms of populist justice—thus anti-formalism, and sometimes anti-West. It promises simplicity that had been lost in the procedures, justice that had not been previously unfulfilled, as well as native authenticity that had been obscured by the foreign icons and concepts. It insists that the heartland, rather than the relatively well developed costal areas, represents the true characters of China today. Based on that premise, this body of literature stresses that China is, still, predominantly rural society. Here the notion of rural China is used with two underlying meanings at the same time. In its mythical sense, "rural China" is a symbol for the uncontaminated self-identity, a source of real strength and pride.<sup>39</sup> In its realism, rural China also means a population that is not only poor but also with little education; people have no resources

to hire lawyers to handle their cases, nor can they understand the increasingly complex nature of legal procedures. Thus, according to the advocates, the “rule of law” modeled on the Western style formal law (especially the Anglo-American adversary system), does not fit the characteristics of the Chinese society. The alternative “rule of law” model for China, the advocacy suggests, is Ma Xiwu methods. Like Ma Xiwu, the new style judge should set himself free from the legal procedures, and act as a caring magistrate who is willing to travel all the way to the remote village in order to investigate all the details of a dispute, rather than waiting for the parties to argue their cases in his courtroom; he should talk with all the parties involved with great patience and care, so that he may find a middle ground to restore peace in the community.

### **From Lawyers to Legal Workers**

The Sixth Plenary in 2006 also had a reference to lawyers and stated that lawyers have the potential to contribute to the “harmonious society.” But the language was too vague to provide any guidance as to exactly what role for lawyers to play. From the 1990s, the number of lawyers has increased rapidly. In Jiang Zemin’s era, the legal profession was allowed or even encouraged to grow in part because China’s accession into the World Trade Organization needed their services. Lawyers also gained more autonomy from the control of the Party and the Ministry of Justice. The charter of ACLA in 1999, as has been touched upon earlier, labeled itself as a self-regulated association. This was confirmed in the 2007 newly amended Law on Lawyers, which defines “lawyer” as someone who is licensed to provide legal services to clients by contract or designation (Article 2).<sup>40</sup> This is a sharp contrast with the earlier understanding of lawyers in China. The first national statute on lawyers—the 1980 “Provisional Regulations on Lawyers”—defined “lawyer” as a “state legal worker,” meaning a lawyer worked for the state more than for her clients.<sup>41</sup> For the Chinese



lawyers, the subsequent two decades was a process to escape from the officialdom and to develop their own professional identity.

Like that in other countries, the legal profession in China is a stratified group, and different sections have different interests in, thus relationship with, the political state.<sup>42</sup> Commercial lawyers and those politically embedded lawyers share some common interests with the political apparatus thus have the least conflict with it. Criminal defense lawyers as a group often have some difficulty with the political state because they want more access to official files controlled by police and more transparent trial process; but they are not necessarily a politically challenging force.<sup>43</sup> Other lawyers less motivated by profits may become “trouble-makers” more regularly: those who represent environment pollution victims, consumers who are injured by poisonous food, migrant workers whose pay has been overdue. Still, other lawyers may be less politically tolerable-- those human rights lawyers who are involved in cases related to family planning, Falun Gong (the religious cult), etc.<sup>44</sup> In Sun Zhigang case,<sup>45</sup> three young legal scholars (one being Xu Zhiyong) appealed to the NPC Standing Committee in 2003 asking the latter to exercise its review of the constitutionality of a State Council’s regulations. A series of lawsuits to defend citizens’ rights, that the China Newsweek, a Beijing-based journal, called the year 2003 as “new civil rights action year.”<sup>46</sup>

It turned out, the social activism in 2003 caused concerns to the Party’s leadership. In September 2004, the Party launched a campaign to strengthen its “ruling capacity”, and one decision was to expand and reinforce the “presence” of the Party in state-owned enterprises, higher education, communities, and “new socioeconomic entities”.<sup>47</sup> Presumably, “new socioeconomic entities” included law firms, which by that time have mostly been converted from state-ownership to partnerships. After the Party’s Sixth Plenary in 2006, the idea of having some kind of Party’s presence in law firms became

clearer. Early in March 2008, the Ministry of Justice and CCP's Organization Department jointly issued the "Circular on Strengthening the Establishment of Party Branches in Law Firms."<sup>48</sup> The "Circular" requires a Party branch be set up so far as there are more than three Party member lawyers in any law firm; a joint Party branch may be formed by two or more law firms if there are not as many Party member lawyers. Once established, the Party branches in law firms and local bar associations then report to the local justice bureaus. By June 2009, the Ministry of Justice reported that among 14,741 law firms, 3,895 have set up Party's branches, and 8,105 of them have joint branches. All together, these firms accounted for 81.4 per cent of all law firms. Among the 2,741 law firms without Party's branch, Party's contact person has been designated.

It is not just the presence of the Party. In October 2008, Zhou Yongkang, head of the Party Central Committee's Law and Politics Commission gives a speech at the Seventh National Lawyers' Conference (the highest level convention of lawyers nationwide). Zhou gives lawyers a new identity that is reminiscent of the old one: he said in the new era, "lawyers are legal workers in socialism with Chinese characters."<sup>49</sup> In this new direction, embracing the Party's leadership is the key, especially for those Party member lawyers. Zhou calls on the lawyers to contribute to the "harmonious society," as lawyers have their special role in mitigating and reducing social tensions through their legal services. In this context, Zhou highlights, "we should be on alert on those sabotage activities in the name of safeguarding ones' legal rights, and consciously protect our national security and sociopolitical stability." Zhou's address was, of course, not just a theory; it was backed by force. In April 2008, when 18 lawyers signed a public letter volunteering free legal services to Tibetans arrested during an official crackdown against protests in western China, the authorities debarred two of them.<sup>50</sup> Again, in May 2009, Chinese legal authorities threatened to delay or deny the renewal of legal licenses for 18 human

rights lawyers.<sup>51</sup> More recently, in July 2009, Xu Zhiyong, who took part in the petitioning in Sun Zhigang case in 2003, now a human rights lawyer who helped parents in the Sanlu case, was detained.<sup>52</sup>

### **Erosion of the Prosecutorial Power**

Compared with mediation and control of lawyers, there is a lot of continuity in the Party's efforts in controlling corruption in the Hu Jintao administration from Jiang Zemin's reign. Jiang took note of corruption as a major concern in the 1989 pro-democracy movement and perceived it as a matter of life and death for the Party. In August 1993, as Secretary General Jiang gave a keynote speech at a meeting of the Party's Central Discipline Inspection Commission (CDIC), where he warned his lieutenants that in history corruption was behind the collapse of each dynasty.<sup>53</sup> Jiang thus brought CDIC to the center stage by making it a regular forum to announce new measures against corruption. He also entrusted CDIC to handle the biggest corruption cases, such as the case of Chen Xitong, former mayor of Beijing and Jiang's political rival. Jiang also initiated a series of reforms of the CDIC in order to make it even a stronger agency in the Party.<sup>54</sup> One such reform was in 1997, when measures were introduced to tighten control from the center by (a) regular visits by the CDIC of provincial Party branches and governments; (b) increased independence of local DICs from local Party branches; and (c) DIC has a say in cadre appointment and promotion. These measures were then codified into the Party's Charter in 2002.<sup>55</sup>

As a result, CDIC became increasingly the main agency with a high profile in the war on corruption;<sup>56</sup> while the Supreme People's Procuratorate (SPP), which is the prosecutor's office, is sidelined. This was a sharp contrast with 1987 when it was declared that the Party's discipline inspection commissions (DICs) would not handle cases based on violation of law and administrative disciplines; rather,

DICs were to be focused on Party's disciplines only.<sup>57</sup> The role of CDIC was not ignored by Hu Jintao administration either. In January 2003, shortly before he became President of China, Hu Jintao had instructed CDIC to lead a drafting committee to further codify intra-party supervisions.<sup>58</sup> The result was the Party's "Interim Regulations on Intra-Party Supervision",<sup>59</sup> and the "Regulations on Disciplinary Penalties" (RDP), both publicized in February 2004. These two regulations are the functional equivalents of criminal code and criminal procedure code in the Party. In this domain of the Party, CDIC functions like the Attorney General, having the power to investigate violations of Party rules, collect evidence, talk with witnesses, make proposals about penalties, etc. But its boundary with the other domain—the political state—is not always clear. For example, the "Party's disciplines" under RDP Article 9 is as broad as covering not only rules and regulations strictly within the Party, but also state laws, regulations, state policies, socialist morality, and any other behavior that may cause damage to the interests of the Party, state and the people.<sup>60</sup> Another boundary question is: who is subject to the Party's disciplines? RDP has extensive reference to "state and Party personnel" and provides the penalty they should get for violation of specific rules. Article 34, which offers a definition of "state and Party personnel," explains that the term includes both Party's personnel and state personnel "as defined by law or official interpretation of the law..."<sup>61</sup> By its literal meaning, RDP covers not only Party members, but also civil servants—the officials or "cadres" working for the state.

Ultimately, the ambiguity in the two regulations should not be taken as a flaw in draftsmanship. It is most likely intended, as the ambiguity leaves a lot more flexibility and enhanced power to CDIC and its local branches. Today, CDIC plays the most prominent role in the war on corruption. Its power is unrivaled when it comes to the big cases such as Chen Liangyu, former Party Secretary of Shanghai and member of the Politburo. More recently, Chen Tonghai, chairman of China

Petroleum and Chemical Corporation (Sinopec), lost his post after investigation by CDIC. Of course, the work of DICs is not limited to “big fish.” The table below shows number of corruption cases filed and individuals involved between 2003 and 2008 by the DICs and the procuratorates. DICs consistently handle a much larger number of cases and impact more individuals.

		People’s Procuratorates	Party’s Discipline Inspection Commissions
2008	Cases Filed	33,546	128,516
	Individuals Involved	41,179 investigated	133,951 disciplined
2003-2007	Cases Filed	179,696	677,924
	Individuals Involved	209,487 investigated	518,484 disciplined
2003	Cases Filed	39,562	172,649
	Individuals Involved	43,490 investigated	174,580 disciplined

*Sources: Annual work reports published by the Party’s Central Discipline Inspection Commission to plenary session of the Party’s National Congress, from 2004-2009; annual work reports of the People’s Supreme Procuratorate to the National People’s Congress, published from 2004-2009.*

## Conclusion

In many aspects, China’s landscape in 2009 is beyond any imagination for a traveler from 1979. But if the traveler happens to be a lawyer, she may fall into despair: the “future” offers little inspiration for her profession. If she is a judge, she is, still, learning about the “Ma Xiwu method,” like the 1950s; if she is an attorney, she owes the Party and state a higher level of loyalty than to her clients, thus more like a “socialist legal worker”; if she is a prosecutor, she remains marginalized in the war on corruption. Now the “rule of law” is, still, a catchy term, it is still of symbolic value. But it has been quietly reframed. In the 1980s, law was an awakening slave, struggling to escape from control; in 2009, the slave has been re-subdued, under the shadow of the Party/state.

The rise of political populism in China signals a deepening of its political crisis in general, and China's hinterlands in particular. Contrary to the official narratives, what the Chinese heartlands are facing today is not a romantic "rural China," but a rural society in transition, increasingly intrigued by industrialization. As a consequence, these areas are facing similar legal challenges in the key areas—environmental pollution, labor rights, food safety and land disputes—just like the coastal areas. For example, the Sanlu milk powder scandal, which led to the death of six babies and 294,000 babies sickened, was first revealed in Lanzhou, capital city of Gansu Province.<sup>62</sup> In September 2009, a lead pollution in Fengxiang county in Shaanxi province, causing the sickening of 1,300 children.<sup>63</sup> Tension between society and the Party/state remains high, as evidenced by the numerous "mass incidents" targeting the police and government.<sup>64</sup> In such a context, the demand from the bottom of society for a normal function of the law—pollution mitigated, migrant workers' salary paid, land taken by government compensated, food safety assured—is not so much based on metaphysical reflection as on the mere decency of any political regime to fulfill its own promises stated in the letters of law. This level of rights-based discourse, if allowed, does not pose any threat to the regime because it is so much embedded in the existing framework. But political populism insists that rights-based discourse is not acceptable; rather, it argues in favor of a paternalistic authority without the check-and-balance through law. For that reason, the legal profession must be brought under control, repeatedly.

But that is not the only reason—which is disturbing enough—the legal profession in China is in trouble. The other side of the story is equally true: the Party/state's control makes law unattractive and unviable channel for sociopolitical resistance by the disfranchised social groups. The more popular form of resistance is rather collective action tailored for exerting political pressures.<sup>65</sup> Professor Peter Ho recently uses "embedded activism" to explain the symbiotic relationship between

political control and collective action in resistance.<sup>66</sup> Thus political action, either in the form of top-down domination or bottom-up resistance, becomes the mutually acceptable communication between the oppressor and the oppressed. The trouble remains: for both, the service of the legal profession remains on the margin. That, depressing as it is, is rather familiar for a traveler from the past, including the one from 1979.

#### BY THE AUTHOR:

*I wish to thank editors of the Harvard China Review for their assistance. I am indebted to Bill Alford, Yuanyuan Shen, Benjamin Liebman, Hualing Fu, Susan Whiting, and David Bachman for their insights. The title of the essay comes from two sources of inspiration: William Theodore de Bary, *The Trouble with Confucianism* (Cambridge, MA: Harvard University Press 1991), and Benjamin L. Liebman, "A Return to Populist Legality? Historical Legacies and Legal Reform," in *Mao's Invisible Hand*, Elizabeth Perry & Sebastian Heilmann eds., forthcoming 2009.*

#### NOTES:

1. Jerome A. Cohen, "The Year of the Law," in *A New Look at Legal Aspects of Doing Business with China*, ed. Howard M. Holtzmann & Walter Sterling Surrey (New York, NY: Practicing Law Institute 1980), 139-56.
2. Deng Xiaoping, "On the Reform of the System of Party and State Leadership (August 18, 1980)," in *Deng Xiaoping Selected Works II* (1988) (with slightly revision by this author).
3. Zhao Ziyang, *Prisoner of the State: The Secret Journal of Premier Zhao Ziyang*, Bao Pu, Renee Chiang & Adi Ignatius trans., (New York, NY: Simon & Schuster 2009).
4. Victor H. Li, *Law without Lawyer: A Comparative View of Law in China and the United States* (Stanford, CA: Stanford Alumni Association 1977).
5. Zhongguo Faxüehui, *Zhongguo Fazhi Jianshe Niandu Baogao* (2008 nian [China Law Society, Annual Report on Rule of Law in China (2008)], June 2009).
6. "Nuli Zuohao Xin Xingshi Xia Shenpan Lilun Yanjiu Gongzuo", *Renmin Fayuan Bao* [Endeavoring to Improve Research in Theories of Adjudication in the New Era], *People's Court Daily*, Sep. 25, 2009.
7. State Council Information Office, White Paper, February 2008, English translation in "China's Efforts and Achievements in Promoting the Rule of Law," *Chinese Journal of International Law* 7 (2008):513.
8. "Angshou Maixiang Fazhi Guojia" [Marching toward Rule-of-Law State], *Renmin Ribao* [People's Daily], Sep. 3, 2009, 5.
9. Id.

10. Zhao Ziyang, *Yanzhe You Zhongguo Tese de Shehuizhuyi Daolu Qianjin: Zai Zhongguo Gongchandang Di Shisanci Quanguo Daibiao Dahui Shangde Baogao* [Zhao Ziyang, March along the Road to Socialism with Chinese Characters: Report on the Chinese Communist Party's Thirteenth Plenum, October 25, 1987].
11. Jiang Zemin, "Gaojū Dengxiaoping Lilun Weida Qizhi, Ba Jianshe You Zhongguo Tese Shehuizhuyi Shiye Qianmian Tuixiang Ershiyi Shiji: Zai Zhongguo Gongchandang Di Shiwuci Quanguo Daibiao Dahui Shangde Baogao," *Dangde Jianshe* [Jiang Zemin, "Sticking to Dengxiaoping Theory, Pushing forward Socialism with Chinese Characters to the Twenty-first Century—Report to the Chinese Communist Party's Fifteenth Plenum" (Sep. 12, 1997), Party Organizations 10 (1997)].
12. William P. Alford, "Double-Edged Sword Cut Both Ways: Law and Legitimacy in the People's Republic of China," in *Dædalus* 122(1993): 45.
13. Shen Kui "Is It the Beginning of the Era of the Rule of the Constitution? Reinterpreting China's 'First Constitutional Case'," in *Pacific Rim Law & Policy Journal* 12(2003):199.
14. William P. Alford, "Of Lawyers Lost and Found: Searching for Legal Professionalism in the PRC," in *East Asian Law: Universal Norms and Local Practices*, ed. Arthur Rosett, Lucie Cheng & Margaret Y. K. Woo (London: Routledge 2003), 182-204.
15. Ethan Michelson, "Lawyers, Political Embeddedness, and Institutional Continuity in China's Transition from Socialism," *American Journal of Sociology* 113(2007): 352.
16. Tony Saich, "Hu's in Charge," *Asian Survey* 46(2006): 37.
17. On "mass incidents," see, Susan Shirk, *Fragile Superpower: How China's Internal Politics Could Derail Its Peaceful Rise*, (Oxford University Press 2007), 54-64; *Popular Protest in China* ed. Kevin J. O'Brien (Cambridge, MA: Harvard University Press 2008).
18. *Zhonggong Zhongyang Guanyū Goujian Shehuizhuyi Hexie Shehui Ruogan Zhongda Wenti de Jüeding, Zhonghua Renmin Gongheguo Guowuyuan Gongbao* ["Chinese Communist Party Central Committee's Decisions on Several Key Issues in Building Socialist Harmonious Society," October 11, 2006, passed at the Chinese Communist Party's Sixteenth Plenum Central Committee Sixth Session, Gazette of the State Council of the People's Republic of China (2006, No.33)].
19. *Zuigao Renmin Fayuan, Guanyu wei Goujian Shehuizhuyi Hexie Shehui Tigong Sifa Baozhang de Ruogan Yijian* [Supreme People's Court, Several Opinions on January 2007,].
20. *Zuigao Renmin Fayuan, Sifa Bu*, "Guanyu Jiyibu Jiaqiang Xin Xingshixia Renmin Tiaojie Gongzuo de Yijian," *Renmin Tiaojie* 4-6 (2007, No.10) [Supreme People's Court & Ministry of Justice, "Several Opinions on Further Strengthening People's Mediation in the New Context," August 23, 2007, reproduced in *People's Mediation* 4-6 (2007, No.10)].
21. Xie Chuanjiao, "Court Pushes for More Mediation," *China Daily*, Nov. 21, 2008, 3.
22. "Zuigao Fayuan Qiangdiao 'Tiaojie Youxian' Huajie En'yuan," ["Supreme People's Court Stresses 'Priority to Mediation' in Order to Mitigate Tension," *People's Court Daily*, July 31, 2009].
23. Benjamin L. Liebman, "A Return to Populist Legality? Historical Legacies and Legal Reform," in *Mao's Invisible Hand* ed. Elizabeth Perry & Sebastian Heilmann (forthcoming 2009).



24. “Yan’an Longzhong Jüxing Shanganning Bianqü Gaodeng Fayuan Jiuzhi Xiufu Jün’gong Dianli,” *Renmin Fayuan Bao* [“Grand Ceremony in Yan’an Celebrating Restoration of Shanganning Border Region High Court Building,” *People’s Court Daily*, November 1, 2006].
25. Wang Shengjun, “Zai Dianshi Lianxuju Cangtian Shouyingshi shang de Jianghua” [Wang Shenjun, “Speech at First Screening Ceremony for Television Program ‘The Heaven,’” August 7, 2009], available at <http://www.chinacourt.org/html/article/200908/08/368677.shtml>.
26. Civil Procedure Law of the People’s Republic of China, last amended by the Standing Committee of the Tenth National People’s Congress on October 2007. For English translation, “PRC Civil Procedure Law,” *China Law & Practice* 22 (Mar. 2008).
27. Wang Hanbin, “Guanyu Zhonghua Renmin Gongheguo Minshi Susongfa (Shixing) Xiugai Cao’an de Shuoming” [Wang Hanbin, “Explanatory Statement on the Proposed Amendments to the Civil Procedure Law of the People’s Republic of China (for Trial Use)—The Seventh National People’s Congress Fourth Session on April 2, 1991,” *Gazette of the State Council of the People’s Republic of China* (1991, No.13)].
28. Zuigao Renmin Fayuan, “Zhonghua Renmin Gongheguo Faguan Zhiye Daode Jiben Biaozhun” [Supreme People’s Court, “Basic Guidelines on Judges’ Professional Conducts of the People’s Republic of China,” October 18, 2001, in *People’s Court Daily*, October 19, 2001].
29. Zuigao Renmin Fayuan, “Guanyu Jiaqiang Faguan Duiwu Zhiyehua Jianshe de Ruogan Yijian,” [Supreme People’s Court, “Several Opinions on Strengthening Judges’ Professionalization,” October 18, 2001, in *Gazette of the People’s Supreme Court of People’s Republic of China* (2002, No.4)].
30. Xiao Yang, “Dali Tuijin Faguan Duiwu Zhiyehua Jianshe” [Xiao Yang, “Pushing Forward Professionalization of Judges”], *Qiushi* 20 (2002).
31. Fu Hualing, “Understanding People’s Mediation in Post-Mao China,” *Journal of Chinese Law*. 6 (1992): 211.
32. Jiang Shigong, “Quanli de Zuzhi Wangluo yu Falü de Zhilihua—Ma Xiwu Shenpan Fangshi yu Zhongguo Falü de Xin Chuantong,” *Beida Falü Pinglun* [Jiang Shigong, Organization Web of Power and Law’s Instrumental Use: Ma Xiwu Method and China’s New Tradition in Law,” *Peiking University Law Review*], 3 (2000):1.
33. Stanley B. Lubman, “Mao and Mediation: Politics and Dispute Resolution in Communist China,” in *Cal. L. Rev.* 55 (1967):1284.
34. Lubman traced the mediation in Mao’s China to the 1940s Ma Xiwu method, see, Stanley B. Lubman, id, at 1306-09.
35. Hao Hongtao, “Hongyang Ma Xiwu Shenpan Fangshi, Cujin Sifa Hexie,” *Renmin Fayuanbao* [Hao Hongtao, “Spreading Ma Xiwu Method, Promoting Harmony in Judicial Process,” *People’s Court Daily*, Mar. 16, 2007].
36. “Zheli Hongyang Ma Xiwu—Qingyangshi Liangji Fayuan Susong Tiaojie Gongzuo Shidi Diaocha,” *Renmin Fayuanbao* [Ma Xiwu Method Honored Here—Report from Qingyang City on the Practice of Mediation in Courts of Law,” *People’s Court Daily*, Jul. 8, 2007].
37. “Ma Xiwu Shenpan Fangshi Zai Fang Guangcai: Shaanxi Fayuan Jiaqiang Tiaojie Gongzuo,” *Renmin Fayuanbao* [“Ma Xiwu Method Flourishes Again: Mediation Emphasized in Shaanxi Courts,” *People’s Court Daily*, Nov. 21, 2006].

38. “Zhang Liyong: Huajie Maodun bu Zaihu Fangshi Youduotu,” *Fazhi Ribao* [“Zhang Liyong: Mitigating Tensions by Ma Xiwu Method,” *Legal Daily*, Nov. 6, 2009, at 3].
39. On nationalism, see Suisheng Zhao, *A Nation-State by Construction: Dynamics of Modern Chinese Nationalism* (Stanford, CA: Stanford University Press 2004); Suisheng Zhao, “Chinese Nationalism and Authoritarianism in the 1990s,” in *China and Democracy: Reconsidering the Prospects for a Democratic China*, ed. Suisheng Zhao (London: Routledge 2000), 253-70; on intellectuals who believe that the West has lost its moral ground since President George W.H. Bush’s war on Iraq, see Zhu Suli, “Political Parties in China’s Judiciary,” *Duke Journal of Comparative & International Law* 17 (2007): 533.
40. *Law on Lawyers of the People’s Republic of China*, passed by the Standing Committee of the Tenth National People’s Congress on October 28, 2007. English translation, “Lawyers Law,” *China Law & Practice* 21 (Dec. 2007/Jan. 2008, No.10): 83.
41. William P. Alford, “Tasselled Loafers for Barefoot Lawyers: Tensions and Transformations in the Chinese Legal World,” 141 *China Quarterly* 22 (Mar. 1995). Shen Zongling, “The Role of Lawyers in Social Change: China,” *Case W. Res. J. Int’l L.* 25 (1993): 163.
42. Yongshun Cai & Songcai Yang, “State Power and Unbalanced Legal Development in China,” in *Debating Political Reform in China: Rule of Law vs. Democratization* ed. Suisheng Zhao (New York, NY: M. E. Sharpe 2006), 164-79.
43. Terence C. Halliday & Sida Liu, “Birth of a Liberal Moment? Looking Through a One-Way Mirror at Lawyers’ Defense of Criminal Defendants in China,” in *Fighting for Political Freedom: Comparative Studies of the Legal Complex and Political Change* ed. Terence C. Halliday, Lucien Karpik & Malcolm M. Feeley (Oxford: Hart 2007), 65-108.
44. Jim Yardley, “Chinese Rights Lawyer Is Put on Trial,” *N.Y. Times*, Dec. 13, 2006 (Gao Zhisheng, the human rights lawyer based in Beijing).
45. Keith J. Hand, “Using Law for a Righteous Purpose: The Sun Zhigang Incident and Evolving Forms of Citizen Action in the People’s Republic of China,” *Columbia Journal of Transnational Law* 45 (2006, No. 1): 114.
46. Qiu Feng, “2003 Nian Xin Minquan Xingdong Nina,” *Xinwen Zhoukan* [Qiu Feng, “The New Civil Rights Action Year 2003,” *China Newsweek* (Beijing) 52 (December 22, 2003)]. There was also a broad participation in discussion of the constitution in 2003, see, Suisheng Zhao, “Towards a Rule of Law Regime: Political Reform under China’s Fourth Generation of Leadership,” in *Debating Political Reform in China* ed. Suisheng Zhao, *supra* note 41, pp.230-46, at 243.
47. “Zhonggong Zhongyang Guanyu Jiaqiang Dang de Zhizheng Nengli Jianshe de Jueding” [Central Committee of the Chinese Communist Party, Resolution on Strengthening Party’s the Ruling Capacity,” September 19, 2004, passed by the Chinese Communist Party’s Sixteenth Plenary Central Committee Fourth Session], reproduced in *Qiushi* (2004, No.19).
48. Zhongzubu, Sifabu, “Guanyu Jinyibu Jiaqiang he Gaijin Lüshi Hangye Dang de Jianshe Gongzuo de Tongzhi” [Organization Department of the Chinese Communist Party, and the Ministry of Justice, “Circular on Further Strengthening the Party’s Presence in Law Firms,” March 5, 2008].
49. Zhou Yongkang, “Zai Diqiqi Quan’guo Lüshi Daibiao Dahui shang de Jianghua” [Zhou Yongkang, Address at the Seventh National Congress of Lawyers,” October 25, 2008].

50. Jim Yardley, "Beijing Suspends Licenses of 2 Lawyers Who Offered to Defend Tibetans in Court," *N.Y. Times*, Jun. 4, 2008, A01.
51. Michael Wines, "China Said to Harass Rights Lawyers," *N.Y. Times*, May 28, 2009, at A12; Ariana Eunjung Cha, "Human Rights Lawyers "Disbarred" by Paperwork," *Wash. Post*, Jun. 26, 2009, A12.
52. Tania Branigan, "Chinese Police Detain Human Rights Lawyer," *The Guardian*, Jul. 31, 2009, 19.
53. Jiang Zemin, "Jiaqiang Fanfu Douzheng, Tuijin Dangfeng Jianshe he Lianzheng Jianshe [Jiang Zemin, "Strengthening Anti-corruption Efforts, Improving Morales of the Party and Clean Governance," August 21, 1993, an address at the CDIC's second plenary].
54. *Zhonggong Zhongyang Jilü Jiancha Weiyuanhui Guanyu Chongshen he Jianli Dangnei Jiandu Wuxiang Zhidu de Shishi Banfa* [CDIC, Implementing Rules for the Five Measures on Party's Internal Supervision," February 4, 1997].
55. *Zhongguo Gongchandang Zhangcheng* [Charter of the Chinese Communist Party, passed by the Sixteenth National Congress on November 14, 2002, reproduced in Qiushi (2002, No.22)].
56. Zou Keyuan, "The Party and the Law," in *The Chinese Communist Party in Reform* ed. Kjeld Erik Brødsgaard & Zheng Yongnian (London: Routledge 2006), 77-102.
57. Zhao Ziyang 1987, supra note 9.
58. "Zhongyang Jiwei Fushuji Xia Zanzhong Jiu Zhongguo Gongchandang Dangnei Jiandu Tiaoli (Shixing) Da Xinhua she Jizhe Wen" [CDIC Vice Secretary-General Xia Zanzhong Press Conference on Interim Regulations on Intra-Party Supervision], in *Communist Party Members* (2004, No.3).
59. <http://politics.people.com.cn/GB/8198/32062/index.html>.
60. Article 9.
61. Article 9.
62. "Milk Powder Being Investigated after 14 Babies Get Sick," *China Daily*, Sep. 11, 2008; Maureen Fan, "6 Chinese Infants Died in Milk Crisis," *Wash. Post*, Dec. 3, 2008, A11.
63. Michael Wines, "Lead Sickens 1,300 Children in China," *N.Y. Times*, Aug. 21, 2009, at A04; "Tests Confirm Widespread Lead Poisoning," *China Daily*, Sep. 28, 2009, 5.
64. Zhan Lisheng, "Angry Tea Farmers Attack Police Station," *China Daily*, May 26, 2009, at 4; "Protestors Attack Govt Building in Gansu," *China Daily*, Nov. 19, 2008, 3 (a group of about 1,000 people attacked the Longnan government office, Gansu province); Andrew Jacobs, "Thousands Battle Police in China's Northwest," *N.Y. Times*, Nov. 19, 2008, A10 (the same attack in Longnan, Gansu Province).
65. Kevin J. O'Brien & Lianjiang Li, *Rightful Resistance in Rural China* (Cambridge University Press 2006); Carl F. Minzner, "Xinfang: An Alternative to Formal Chinese Legal Institutions," *Stan. J. Int'l L.* 42 (2006): 103. A thoughtful study of mediation process also reveals the use of political pressure even by the people with little political capital in the Chinese society: H. L. Fu, "The Politics of Mediation in a Chinese County: The Case of Luo Lianxi," *Australian Journal of Asian Law* 5 (2003): 107.
66. Peter Ho, "Introduction: Embedded Activism and Political Change in a Semi-

Authoritarian Context,” in *China's Embedded Activism: Opportunities and Constraints of a Social Movement* ed. Peter Ho & Richard Louis Edmonds (London: Routledge 2008), 1-19.

## **HARVARD CHINA REVIEW: A VOICE FROM HARVARD ON CHINA**

*Harvard China Review is a scholarly quarterly founded in 1998 by a group of students and professionals in the Greater Boston area. The magazine covers issues pertinent to the historical transformations occurring in the Greater China region from an academic angle, examining the prospects and difficulties confronted by the region as China develops rapidly into a rising power. It serves scholars, policy makers, business executives and social workers who are interested in insightful analyses of the region. It also speaks to students and general readers who feel the need for objective discussions on crucial issues in this area. Each issue devotes to a specific theme while still covering a variety of other topics on economic, political, and social policy. Past issues focused on a variety of themes including Chinese financial system, US-China relations, education, 150 years of Chinese students studying abroad, the environment, and globalization among others.*

*Past contributors include Li Zhaoxing, Tan Dun, Joseph Nye, Robert S. Ross, Tu Weiming, William C. Kirby, William P. Alford, Joseph Fewsmith, Elizabeth Perry, Anthony Saich, Dwight Perkins, Samuel S. Kim, Tian Xiaofei, Wang Gungwu, and Hu Angang.*

*The current editors seek to continue the tradition of Harvard China Review and publish the first Chinese version of the journal in 2010. The theme of the first issue in 2010 is "P.R.C. at 60: Perspectives and Reflections."*

本期主題：

## 中國之路六十年：探索和思考

《規則運行下的中國大眾運動》

ELIZABETH PERRY 哈佛大學政府系講座教授，燕京學社社長

《成功的挑戰：中國新的全球自信和中美關係》

ROBERT ROSS 波士頓學院政治系教授，哈佛大學費正清東亞研究中心研究員

《對香港生育下降問題的分析》

RUBIE WATSON 哈佛大學人類學系高級講師

《論電力市場改革問題》

WILLIAM W. HOGAN 哈佛大學肯尼迪學院國際能源政策教授

《抵抗衰退、調整經濟、促進“和諧社會”》

PIETER BOTTELIER 前世界銀行駐中國代表，美國約翰霍普金斯大學國際學院中國研究客座教授

《對中國行政法問題的反思：來自香港的視角》

陳弘毅 香港大學法學院憲法教授

《大眾化政治與中國法律職業體的困境》

臧東升 美國華盛頓大學法學院助理教授

《中國經濟增長的挑戰》

傅軍 北京大學政府管理學院常務副院長，政治經濟學系教授，哈佛大學費正清研究中心研究員

《尋求和平與繁榮：建立東亞新關係》

李在五 韓國反腐敗與民權委員會主席，大國家黨議會黨團代表