

Legal Education in Contemporary China

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I. A Brief Historical Survey

China practiced feudal law for over 2,000 years. From 211 B.C., when the first Dynasty Qin was established, to the late Qing Dynasty, the Chinese legal system has remained basically unchanged, marked by its severe penal law. It was one of the four major law families, called the Chinese law family in world legal history.¹ During this period of feudal law, China developed a mature legal system. There were many legal scholars and legal thoughts in every Dynasty. In the Tang and Song dynasties, China already had strong criminal law studies and judicial exams. However, there was no formal law school nor were there licensed lawyers in its long feudal history. Occasionally, clients to write legal documents and to deal with judges employed private agents, but these agents usually did not have a good reputation.

Not until late the nineteenth century, when China was forced to open its door to the Western countries, did China realize that its out-of-date feudal legal system had to be changed. With an aim to introduce “Western law,” the imperial government in the late nineteenth and early twentieth centuries launched a legal reform campaign.² Surprisingly, the “Western law” first introduced into China was not Roman law, but common law.

However, China later found it impossible to transplant common law into China due to the language barrier, the lack of qualified lawyers, and other difficulties. China then began to study law from Japan. Interestingly, Japan had previously followed Chinese law in its feudal history. For example, during the Tang dynasty of China (around the seventh and eighth century) many young Japanese went to China to study Chinese law. Later, however,

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1. The other three major law families were common law, Roman law and Islamic Law. See RENE DAVID & JOHN E. C. BRIERLEY, *MAJOR LEGAL SYSTEMS IN THE WORLD TODAY: AN INTRODUCTION TO THE COMPARATIVE STUDY OF LAW* (2d ed., Stevens & Sons 1978).

2. See Teemu Ruskola, *Conceptualizing Corporations and Kinship: Comparative Law and Development Theory in a Chinese Perspective*, 52 *STAN L. REV.* 1599, 1678 (2000) (discussing the early twentieth century attempts to transplant Western law in China).

China had to learn from its former student. Many young Chinese went to Japan to study Western law, for reasons such as Chinese people knew Japanese better than English. Also, at that time, Japan had already introduced German law and completed its legal modernization program. With the language advantage, Japan was an ideal destination for Chinese people to study Western law.

With the push for legal modernization in China modern law schools were gradually opened. Some were run by the central government or by local governments. Some were private and missionary law schools. The Qing Government established the first modern college for the training of interpreters, T'ung-wen Kuan (Tongwen College), in 1862.³ It offered a public international law course taught by Mr. W. A. P. Martin, who came from the United States.⁴ Mr. Martin later became the head master (chair professor) of T'ung-wen Kuan. He translated Henry Wheaton's International Law book into Chinese and used it as textbook. He also published a famous essay titled "Traces of International Law in Ancient China."⁵ He was regarded as the first law professor in modern China. The first law department was established in the Tianjin-based Chinese and Occidental (zhong xi) College in 1895.⁶ Many foreign lawyers were hired to teach in this school. Since then many law schools have opened.

In the early twentieth century in China, there was no nationwide unified legal education. At that time, the legal systems taught depended on the nationality of the professors of the particular school. British and American lawyers taught common law in some law schools. For example, the famous private Soochow University Law School was patterned exactly after the U.S. law school model.⁷ Mr. Charles W. Rankin, an American attorney practicing in Shanghai in 1915, founded it.⁸ Courses in this school were taught in English.⁹ Many distinguished lawyers in China attended this law school. Some of them are still playing a very important role in the current legal reform in China. European continental law, mainly French law, was also taught in a few schools at that time. For example, the French code of law was taught in the Aurora University Law Department.¹⁰ Most professors at Aurora were French lawyers who practiced law in Shanghai.

The Qing dynasty was overthrown by the Republic of China in 1911. In 1928, the new Republic government eventually reunified China. Legal education then developed rapidly. Generally speaking, the new Chinese legal system was based on the European continental mode. Thus, the international legal community regarded China as a civil law country. That is still the case in the present Taiwan area.

3. Zeyu Xu, *An Overview of Private Education Development in Modern China* 7, at http://ncspe.org/keepout/papers/00038/518_0P38.pdf (last visited Oct. 1, 2002).

4. Peter Duus, *Science and Salvation in China: The Life and Work of W.A.P. Martin (1827-1916)*, in Kwang-Ching Liu (ed.), *AMERICAN MISSIONARIES IN CHINA: PAPERS FROM HARVARD SEMINARS* (Harvard, 1966), at 22; see TANG NENGSONG ET AL., *THE HISTORY OF LEGAL EDUCATION IN CHINA* (The Law Press, Beijing 1995), at 116; see also <http://www.bris.ac.uk/Depts/History/Projects/Missions/Beijing>.

5. W.A.P. Martin, *Traces of International Law in Ancient China*, in *The International Review*, vol. 14, 1883, at 63-77, reprinted in *THE CHINESE RECORDER*, vol. 14, 1883, at 380-389; see also WANG TIEYA, *INTRODUCTION TO INTERNATIONAL LAW* (Peking Univ. Press 1998), at 358, 377.

6. TANG NENGSONG ET AL., *supra* note 4, at 120.

7. See generally Alison W. Conner, *Training China's Early Modern Lawyers: Soochow University Law School*, 8 *J. CHINESE L.* 1 (1994) (discussing the creation and rise of Soochow as one of the premier law schools in China).

8. *Id.* at 5.

9. *Id.* at 13.

10. UNIVERSITE L'AURORE, *UNIVERSITE L'AURORE SHANGHAI* 63-88 (1935).

II. Legal Education after 1949

The Communist Party of China replaced the nationalist government in China in 1949 after a civil war. The People's Republic of China was established. The nationalist laws were abolished and a Soviet Union legal system was introduced. A new socialist legal system and legal order gradually took shape. Legal education was also changed based on the new legal system and theories. The former law professors, attorneys, and judges were required to study the new Soviet Union law. Many law professors and experts from the Soviet Union were invited to train new Chinese law professors. Legal textbooks were imported from socialist countries and were used in Chinese law schools. A new legal order and legal education were gradually established.

However, everything changed again after the Cultural Revolution broke out in 1966. Any laws, including the newly imported Soviet Union laws, were labeled as bourgeois instruments that must be abandoned. Even law enforcement agencies, including courts and attorney general's offices, were smashed. Law schools were closed. Law professors were sent to factories and farms to be reeducated by workers and farmers. The Chinese people suffered much from this nationwide, long-term, political and legal turbulence that inflicted such immense losses. The economy in China was almost on the verge of collapse at the end of the Cultural Revolution. It was a political disaster.

After the end of the Cultural Revolution in 1976, China reviewed the painful experience and longed for peace and order. The Chinese reached a common consensus that the legal order must be restored and a rule of law must be established. The next two decades then witnessed the most rapid development of the legal system and legal education in China. Since the late 1970s the legislative body in China, the National People's Congress and its Standing Committee, has adopted over 390 laws and relevant legal decisions.¹¹ The State Council has enacted over 800 administrative regulations and people's congresses and their standing committees at the local level have enacted more than 8,000 local regulations.¹² The law enforcement improved significantly compared with previous law enforcement. The legal profession has been restored and has taken shape. Since law schools were reopened, legal education has been rapidly developing. Law has again become one of the popular disciplines for young people to study. According to the incomplete statistics by the Ministry of Justice, to date there are over 260 law schools and over 60,000 law students in China.¹³ The number of law professors has also increased substantially. The law school facilities have been improving. The Ministry of Education of the Central Government has established new governing bodies on legal education.¹⁴

China has a population of 1.3 billion, and a fast developing market economy and rule of law. However, there are only 109,000 licensed attorneys, or about one for every 11,000 citizens, compared with one per 300 in the United States, one per 700 in the United Kingdom, and one per 6,300 in Japan.¹⁵ Moreover, this does not take into account that only

11. Beijing, PEOPLE'S DAILY ONLINE, Mar. 5, 2001, available at <http://www.people.com.cn/GB/shizheng/16/20010305/408505.html> (last visited Oct. 28, 2002).

12. See *id.*

13. Huai Xiaofeng, *A Survey of China's Legal Education System*, 1997, 4 CHINA LAW Q. 62, 63.

14. Li Hui, *Distance Education Opens Minds*, Oct. 30, 2000 (discussing the Chinese Government's efforts to expand access to legal education in rural China).

15. Richard McGregor, *China Reduces Lawyer Numbers*, FIN. TIMES, Nov. 21, 2000, at 1.

around 80 percent of these licensed attorneys actually practice law.¹⁶ The remaining 20 percent get law licenses for other purposes.¹⁷ For example, a large number of Chinese seek licenses just for the sake of having another license. Young people are eager to get any license, such as a driving license, an accountant license, or a law license. It is sad for a law license to be so compared. U.S. experience has taught us that we need a lot of legal engineers to operate a developed market economy and to implement the rule of law. As legal educators, we need to try our best to train more qualified lawyers to operate the complicated modern legal machines.

III. Types of Law Degree Programs

Present legal education in China offers several types of law degree programs. In the United States, only a Juris Doctor (J.D.) degree makes one eligible for law practice. Some leading schools also operate Master of Laws (LL.M.) and Doctor of Juris Science (S.J.D.) programs, which are mainly for academics and foreign students. Therefore, there are in total three kinds of law degree programs in the United States, but only the J.D. is related to law practice in most states.¹⁸ In China, however, there are at least ten different kinds of law degree programs, while eight of them are "license-connected."

1. Two-year or three-year Law Diploma Program, also named Associate Law Degree Program is open to high school students. After two or three years of study, students may get a law diploma and take the bar exam.¹⁹ One can conduct this program, without going to a law school. After passing all fourteen required course exams organized by the Government, one may get a law diploma. This is called self-study program.²⁰
2. Two-year Bachelor of Laws Program is for people who have completed their diploma program (whatever discipline it may be) and wish to get a bachelor of laws degree and pursue a law career. It is good for the bar exam. This can also be a self-study program or through distant learning means or even through the Internet.²¹
3. Four-year regular Bachelor of Laws program (LL.B.) is designed for high school students. This is the mainstream legal education in China. During the four years of study in law school, students study law but also political science, economics, philosophy, one foreign language, etc. Upon graduation, many people do not take the bar exam and practice law, though the trend is that more and more graduates go into

16. Lehman, Lee & Xu, *WTO & China*, at <http://www.lehmanlaw.com/FAQ/faq/WTO.htm> (last visited Oct. 1, 2002).

17. *See id.*

18. In some states of the United States, the bar exam is also open to U.S. LL.M. holders.

19. According to the 2001 Lawyers Law, 2001 Judges Law, and 2001 Prosecutors Law, the national judicial exam (China's new bar exam) will be open only to college bachelor degree holders starting in 2003. Law diploma holders will not be allowed to take the bar exam after 2003. *See* Vincent Cheng Yang, *Judicial and Legal Training in China: Current Status of Professional Development and Topics of Human Rights*, available at http://www.icclr.law.ubc.ca/Publications/Reports/Beijing_August_2002.pdf (last visited Oct. 1, 2002).

20. *See* China Higher Education Self-study Program Guide Web site, at <http://www.selfstudy.com.cn/> (last visited Oct. 28, 2002).

21. *See* Peking University Modern Distant Learning Web Site, at http://www.smde.pku.edu.cn/english_version/e_index.html; *see also* Tsinghua University Distance Education Program Web site, at <http://www.itsinghua.edu.cn>.

- law practice. Therefore, the LL.B. education is regarded as a general arts education, not a professional education.
4. Two-year Second Bachelor in Law Degree is for non-law bachelor degree holders. The purpose of this program is to train multi-background legal talents. After two years of study, participants may get a Second Bachelor in Law degree. According to the hierarchy in China, this degree is higher than LL.B. but lower than LL.M.
 5. Joint/Double Degree Program is based on the same objective as the Second Bachelor in Law degree. This program is for current college students registered in a non-law school or department. They may study in the law school and at the university simultaneously. Upon five to six years of study in law and in the other discipline, they may obtain a LL.B. and a B.S. or B.A.
 6. Two-year or three-year Chinese Juris Master (J.M.) Program was introduced to China in 1995 with an aim to train versatile legal talents.²² Originally, it was modeled after the J.D. program in North America. But in China, LL.B. holders can also take the program, and many of them do. The reason for LL.B.s to repeat their legal education is to get a higher Master degree that will bring them more and better job opportunities. In addition to the regular full-time program, the part-time J.M. program for working professionals is also very common.
 7. Three-year LL.M. Program for bachelor degree holders is available to anyone having a bachelor degree (not restricted to law). China has a large population of LL.M. students. The Government divides the LL.M. Program into ten sub-programs.²³
 8. Three-year Ph.D. in Law Program is similar to the U.S. S.J.D. program. In China, however, as long as you have a master's degree you may apply for a Ph.D. in law. The discipline in which one has a master's degree does not matter.
 9. Two-year Post-doctoral Law Program is for those who hold a Ph.D. in law.
 10. LL.M. Program in China started only three years ago. Temple University Law School and China University of Political Science and Law jointly started a U.S. LL.M. program in Beijing with approval from the American Bar Association (ABA) and China's Ministry of Education. Professors come from the U.S. law schools to teach in this program. This creates an opportunity for many Chinese lawyers who want to study U.S. law but cannot physically go to a U.S. law school.²⁴ Some other U.S. and Chinese law schools are also exploring the possibility of offering similar programs in China.

There are too many law degree programs in China. The problem is that most programs are eligible for the bar exam. Before 1996, those holding an LL.M. or Ph.D. in law could even apply for a license without taking the bar exam. Moreover, people are not even required to go to law school to practice law because the bar exam is open to anyone who has a bachelor degree in any discipline. Before 1986, if one had no college education and wanted

22. Wang Jian, *A Chinese J.D. Program? Review on the Legal Professional Master Degree Education in China*, in *THE WAY OF LEGAL EDUCATION IN CHINA* (He Weifang ed., 1997), at 83.

23. There are sub-programs in legal theory, constitutional and administrative law, legal history, civil and commercial law, economic law, criminal law, procedural law, international law, environmental and resources protection law, and military law. See Academic Degrees Commission of the State Council, at http://www.moe.edu.cn/moe-dept/xueweiban/py_zym1.htm#3 (last visited Oct. 1, 2002).

24. This program moved to Tsinghua University Law School in 2002. See <http://www2.law.temple.edu/files/chinagrnt.htm> (last visited Sept. 22, 2002).

to be a lawyer, it was still possible. At that time there was no admission requirement for lawyers and judges. A prospective lawyer simply needed to submit an application to the government justice department. After becoming an attorney, public prosecutor, or judge, the individual could receive legal training on the job. This was very dangerous. One cannot become a doctor first and then receive on-the-job medical training afterwards. Law is the same as medicine in this respect. Admission requirements for being a lawyer or a judge should be very strict.

IV. Other Aspects and Problems of the Legal Education in China

Other problems with China's legal education include faculty development, facilities, and libraries. More high quality law professors are needed in China. We need to enrich our law libraries and provide faculty with good offices.

A. THE LEGAL EDUCATION AND HIGHER EDUCATION ARE TOO HIGH-DEGREE ORIENTED

The education resources are inclined to Ph.D. and Master programs, with less attention to the basic law program (LL.B.). Established, reputable professors usually teach only Ph.D. and Master students. After the basic legal education, more and more LL.B.s rush for an LL.M. or even a Ph.D. In some famous law schools, Ph.D. and Master candidates outnumber LL.B. students. This is seen as an important feature of a top law school. The key element used to assess the quality of a leading law school in China is how many Master and Ph.D. programs and higher degree students there are at the school. This is unreasonable.

Also, every law school claims its primary mission is to train "high-level or senior legal talents."²⁵ What are "high-level or senior legal talents?" Do "high-level or senior legal talents" equal "higher degree legal students?"

Courts and law firms are always proud of hiring holders of a Ph.D. in Law and an LL.M. If one has a Ph.D. or LL.M., despite lacking an LL.B., one may directly get a senior position in a court, in a government organization, or in a law firm. More job opportunities, better pay, and many other benefits will be available for these higher degree holders. This is a serious waste of human resources because the resources spent on Ph.D. student equals that of four college students, while the expenditure for a Master student equals that of two college students.²⁶ It is especially so given that so many young people still cannot even go to college due to insufficient higher educational resources. We spend too much of our educational resources training Ph.D.s and LL.M.s to do jobs that require only an LL.B. upon graduation. This is very unreasonable and unfair. In any country, only a few people are engaged in the academic field and in teaching, so there is no need to train so many Ph.D.s and LL.M.s.

B. TOO MUCH THEORY, TOO LITTLE PRACTICE

Legal education in China is too theoretical. It seems that the mission of every law school is to train legal academics, law professors, and Ph.D.s. No law school is willing to define

25. See China University of Political Science and Law Web site, at <http://www.cupl.edu.cn/xxgk/xxgk.htm>; see also Zhejiang University Law School Web site, at <http://www.cl.zju.edu.cn/xueyuan/jianjie.htm>.

26. Wang Zhenmin, *Why Universities? Some Thoughts on the Higher Education Reform in China*, in *Global Management Review*, Beijing, vol. 6, 2002, at 27.

its mission as the training of practitioners. Professors usually teach only legal theories and statutes. They pay little attention to practical experience. This is particularly evidenced by the lack of a practical training aspect to legal education. Only in recent years did some Chinese law schools start preliminary clinical programs with support from U.S. clinical professors and foundations. However, there is so far no formal commitment and support from law school deans or from the legal education governing body on this important reform.

Very few law professors ever practiced law before they became law professors. Law schools have little to do with the legal profession. There are no attorneys being formally appointed by law schools to teach. Law professors are directly recruited from newly graduated Ph.D.s or LL.M.s.

How do we define the so-called "high-level or senior legal talents?" "High-level or senior legal talents" should be lawyers who can handle the most complicated cases, those that cannot be solved by ordinary lawyers. Law is not a subject of theoretical science. It is an applied discipline of study. The purpose of law study for most people is not to go into the academic field, but to practice.

C. LEGAL EDUCATION IS STRICTLY GOVERNMENT-CONTROLLED

There is almost no formal involvement by the legal profession in China's legal education. Law schools cannot control their own development. All law schools are public and government-dominated. It seems that people cannot accept the idea of a private law school. People question how a law school could be private, though China did have many elite private law schools before 1949.

D. DISCIPLINE OF LAW IN CHINA WAS DIVIDED INTO SEVERAL SUB-DISCIPLINES SUCH AS GENERAL LEGAL STUDIES, ECONOMIC LAW, AND INTERNATIONAL LAW

In some cases, a law school is divided into three or more departments. To attend law school, one must first select a department and sub-discipline of law. In the following three to four years, study is concentrated on the specialized area of law chosen. In Master and Ph.D. levels, the specialization is even more defined. There are over ten sub-disciplines, such as Master or Ph.D. in constitutional law, in criminal law, in civil law, or in jurisprudence. It seems that the more sub-discipline programs a law school has, the more prestigious it is. The study of law should be comprehensive. A law student in the economic law sub-discipline knows little about other areas of law upon graduation. However, in practice, different areas of law are interrelated in many legal issues. A commercial case may also involve constitutional law, criminal law, and international law. If a lawyer knows only commercial law, how can he or she handle such complicated cases successfully? Fortunately, five years ago the division of law study in the bachelor program was abolished. This is good progress.

E. THERE ARE TOO MANY REQUIRED COURSES IN THE CURRICULUM

According to the instruction of the Ministry of Education, fourteen core courses are required for the regular LL.B. program.²⁷ Many schools can offer only a few elective

27. These required courses are jurisprudence, Chinese legal history, constitutional law, civil law, criminal law, administrative law, economic law, commercial law, civil procedure law, criminal procedure law, public international law, international economic law, private international law, and intellectual property law.

courses. In some extreme cases, a law school does not have elective courses at all. It seems that elective courses are unimportant, and professors are always reluctant to teach elective courses. However, a top law school should be like a good restaurant that can offer a comprehensive menu. The choice of dishes should be very diverse. If you dine in a restaurant that is not as good, you do not have many choices. Instead, only several "required" dishes are provided. A significant common feature of top law schools in the world is that they offer many elective courses. This enables law students to have much more room to design their own "menu" and future career.

F. THE RELATIONSHIP BETWEEN THE LEGAL PROFESSION AND LEGAL EDUCATION

There are three major streams of the legal profession in China, namely the bar, the court, and the public procurators. Each stream has its own independent admission requirements. For the bar, there was a national Law on Lawyers (1996) to regulate its admission and practice.²⁸ There is only a single national bar exam in China. If one passes the bar exam, one will be licensed to practice law all over China, except Hong Kong, Macau, and Taiwan. A prerequisite to take the bar exam was to have a law diploma or college degree, but not necessarily a law degree. Before 1996, attorneys were defined as licensed persons who provided legal services to the country. Therefore, there were no private attorneys before 1996. All attorneys were civil servants, even when they represented an individual person in court. The 1996 Lawyers' Law redefined attorneys as licensed practitioners who provide legal service for society, including the government.²⁹ This is also remarkable progress. This law was again revised in 2001 and the degree requirement to take the bar exam was upgraded to require a bachelor degree for admission.³⁰

Judges are not licensed attorneys and do not have private practice experience before joining the bench. They are a separate legal profession from the bar. This is the case in some civil law countries. According to the 1995 Judges Law, to be called to the court a law diploma or college degree and a two-year clerkship in the court, or a shortened one-year clerkship for LL.B. degree holders was required.³¹ There is no clerkship requirement for LL.M. or Ph.D. Law degree holders before being admitted to the court directly from law school. This law was also amended in 2001, and the degree requirement for admission was upgraded to a bachelor degree.³²

The public procurators are not licensed attorneys either. They are a separate legal profession from the bar and the court. According to the 1995 Procuratorates Law, admission requirements are the same as those of judges.³³ Again, one can be directly admitted to the public prosecution service if he or she has a LL.M. or Ph.D. degree in law. This law was also amended in 2001, and the degree requirement was upgraded to require a bachelor degree for admission.³⁴

28. See Carola McGifert, *Bottom-up Legal Reform*, CHINA BUS. REV., May 1, 2002.

29. *Id.*

30. Yang, *supra* note 19, at 19–20.

31. Shao Zongwei, *Reforms to Improve Quality of Judges*, CHINA DAILY, July 8, 2002.

32. *Id.*

33. *Public Procurators Law of the People's Republic of China* (1995) (P.R.C.), at <http://www.chinalaw114.com/englishlaw/shownews.asp?id=87>; *Judges Law of the People's Republic of China* (1995) (P.R.C.), at <http://www.chinalaw114.com/englishlaw/shownews.asp?id=85> (last visited Oct. 1, 2002).

34. Yang, *supra* note 19, at 19–20.

Therefore, there are three legal professions in China, but none of them is directly related to legal education. Like most East Asian countries, the government mainly regulates legal education. China's legal education system needs more involvement from the legal profession in order to make legal education more practical and useful.

G. THE IMPACT OF CHINA'S ENTRY INTO THE WORLD TRADE ORGANIZATION (WTO) AND THE IMPACT OF GLOBALIZATION

Another significant feature of top law schools in the world is that they put particular emphasis on the international aspect of legal education. With the globalization of the world economy, we not only need many international MBAs, but also many international lawyers. There should be at least several law schools in every country that can train these cross-jurisdiction lawyers. However, there is no law school in China that can specifically train lawyers with international vision and knowledge. This should be the mission of top law schools in China.

China joined the World Trade Organization (WTO) in 2001. China is facing many unprecedented legal challenges. China has already promised to open its legal services market to foreign lawyers as of two years after entering the WTO. Many leading foreign law firms have opened or are applying to open offices in China. It is envisaged that in the future, foreign lawyers may take Chinese judicial and practice law in the most populous country. Unlike the United States, an advantage of getting a Chinese lawyer license is that it is nationally unified and recognized. If one passes the national bar exam, one may practice law anywhere in the country except Hong Kong, Taiwan, and Macau. The legal professions in China are facing strong competitors from foreign countries. Therefore, as a major preparation for the arrival of WTO, many laws have been revised based on the WTO requirements. Although China will not benefit too much economically from the WTO in the beginning, at least it is positive for China to modernize its legal and judicial systems.

V. Some Suggestions

What criteria best assess the success of a law school? Why is this school better than the other? What kind of lawyers are the so-called "senior or high-level legal talents"? These are the basic questions to be clarified. In China, as mentioned earlier, this question mainly centers on how many Ph.D. in Law and LL.M. programs a school has. It also depends on how many qualified LL.M. and Ph.D. supervising professors there are, and how large the LL.M. and Ph.D. student population is. A board established by the government controls all the LL.M. and Ph.D. in Law (S.J.D.) programs. There are better solutions to these problems than those that China has provided so far. Suggestions are as follows:

1. Given that there are so many law degree programs and so many channels leading to law practice, China needs to re-define the nature of legal education. Legal education should not be only a part of the general higher education, but also an important component of the judicial system of a country. Therefore, law study should be regarded as a professional education, not a general arts subject. The task of legal education is to train lawyers, not generally educated citizens. In China, on the one hand, the bar and judiciary are open to people in any discipline and it is not the monopoly of law schools to train lawyers. On the other hand, law schools are required to train other personnel, like public administrators and educated citizens. This is the crux of

the legal education. Law schools should be the only institute to train lawyers in order to safeguard the rule of law.

Should legal education be redefined as professional education? Shall it be provided as undergraduate education like that in the United Kingdom, or graduate education like that in the United States? More legal educators think it should be provided as graduate education.

2. There should be a unified law degree program that can lead to law practice. All law degree programs should be integrated into one basic law degree program, either an LL.B. or a Juris Master (JM) program. All other basic law degree programs should be eliminated. There should be a single path leading to law practice. LL.M. and S.J.D. holders should not have any advantage in license admission. Judicial and bar exam and license application should be open to basic law degree holders only. Also, the number of LL.M. and S.J.D. students should be reduced substantially. Attention should be paid to the basic law degree. The Bar Association and the judiciary should have more say in operating the basic law degree education. In the meantime, LL.M. and S.J.D. programs should be controlled by law schools rather than by supervision from the government. The post-doctoral program in law should also be closed.
3. To realize the unification and integration of the three legal professions into one single legal profession, judges and public procurators should be selected from licensed attorneys rather than separately. This is because attorneys, judges, and public procurators should have a common education, a common language, and a common way of legal thinking. This was partly realized in 2002 with the three revised laws, namely Lawyers Law (2001), Judges Law (2001), and Procurators Law (2001). The first unified judicial exam was held in March 2002.³⁵
4. A bridge should be established between the unified basic law degree program and the unified legal profession qualification (the judicial exam).
5. A taskforce should be set up to conduct research on these issues and reforms. Members should come from leading law schools, the Supreme People's Court, All China Lawyers' Association (the national Bar association), the Ministry of Justice, the Ministry of Education, the National People's Congress Standing Committee, and the general public.

The legal circle has realized that many problems exist in legal education and the legal profession. Realization of these problems is the very first step to resolving them. Many legal scholars are conducting research on these issues, and some reforms are under way while some are being proposed. The first step to modernizing legal education and to establishing the rule of law in China has begun.

35. More than 360,000 people applied to take part in the first unified national judicial exam on March 30 and 31, 2002. See *Over 360,000 People Apply for Judicial Exam*, PEOPLE'S DAILY, Feb. 8, 2002, available at <http://english.peopledaily.com.cn/200202/08/eng20020208.90516.shtml> (last visited Sept. 22, 2002). The previous three separate exams for recruiting people into the judicial sector were formally replaced. The new exam also requires that applicants should be graduates from a regular college. Minister of Justice Zhang Fusen said at a press conference "the establishment of the judicial exam is a major step in China's judicial reform and will be crucial for guaranteeing the quality and proficiency of people in law enforcement." *Id.*