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Capítulo quinto

LEGAL HISTORY IN CHINA: PANORAMA, CHALLENGE, AND PROSPECTS IN LEGAL EDUCATION

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Summary: I. *A Brief History: 1978-2024*. II. *Legal Histories Education in China*. III. *Research of Legal Histories in China*. IV. *Conclusions*. V. *Bibliography*.

I. A Brief History: 1978-2024

Over the past hundred years, the teaching and research of legal histories[1] in China have undergone significant changes. In China, legal history is not merely one among many fields of legal science, but it also has the task of justifying the historical transformation of law that was essential for the process of state-building. Consequently, while its content primarily pertains to the past, it deeply reflects the state's and academia's commitment to understanding and shaping the present and future of Chinese law. For a better understanding of the teaching and research of legal histories in mainland China, we aim to present an overview in this chapter. This chapter sets out with a brief overview of the development of legal history in China over the past

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[1] Since there are many courses on legal history in China, which involve different types of knowledge, in this chapter we use the singular form "legal history" to refer to the name of the discipline, and the plural form "legal histories" to refer to the complex and diverse types of legal history knowledge.

40 years (I). The current state of legal history education will then be examined through an analysis of undergraduate textbooks and graduate student training programs (II). There, we will show that the vast temporal scope and extensive content within the field of legal history education in China. The education of legal histories can be categorized into four different types of knowledge; each aligned with different educational goals. We will then take a closer look at the academia and research situation in China (III), followed by a brief conclusion (IV).

1. *Reconstruction and Flourishing after 1978*

In 1978, China entered the "Reform and Opening up"[2] era, thereby embarking on its pursuit of a modern legal system in the late 1970s. Legislative, administrative and judicial institutions were re-established and gradually resumed their normal functions. At the same time, legal education and research experienced a revival and underwent further development. The remarkable expansion of law schools and legal studies programs provided the fertile ground required for the further advancement of the study of legal history: in 1979, Renmin University of China (RUC) took the lead in offering master programs in *Chinese Legal History*. In May 1984, the first doctoral degree program in *Chinese Legal History* was established at the China University of Political Science and Law (CUPL), with Zhang Jinfan as its main supervisor. During this period, other than *Chinese Legal History*, dozens of faculties across the country also started to offer mandatory courses in *Foreign Legal History*. Fudan University, Anhui University, Xiamen University, and East China University of Political Science and Law (ECUPL) all recruited master's students specializing in *Foreign Legal History*. It is particularly noteworthy, that at that time, legal history was one of the most popular subjects compared to other fields of law. In fact, there are reasonable grounds to argue that the revival of legal science since the "Reform and Opening up" era began with legal history. There are many reasons for the prosperity of legal history in 1980s China. First, writing and studying histories have been woven into Chinese tradition and thus history managed to maintain its position

[2] "Reform and Opening up" (policy) refers to a variety of economic and political reforms that were launched under the leadership of Deng Xiaoping after the third plenary session of the 11th CPC Central Committee in 1978. Since then, it has emerged as the principal force driving China's unparalleled economic growth.

within academia even during the "Cultural Revolution",[3] which provided a foundational foothold for legal history to eventually develop.[4] Second, legal history was much less constrained by the lack of positive law in that period, while scholars working in fields such as civil law and commercial law were always facing the problem of making bricks without straw. Third, the reflection on the aftermath of the past 30 years of progress since the founding of the People's Republic triggered a wave of "cultural fever"[5] and enlightenment, in which reflection on China's legal tradition and the Western tradition of the rule of law played a central role.[6] However, the prosperity of legal history did not last much longer. For the next 30 years, it faced continuous challenges and even crises.

2. *Challenges and Crises*

When China started the far-reaching "socialist market economy"[7] reform in the 1990s, several fields of legal studies underwent significant expansion, driven by many legislative activities and the necessity to adapt to the needs of the market. In contrast, the actual development of legal history

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[3] The Cultural Revolution, formally known as the Great Proletarian Cultural Revolution, was a sociopolitical movement launched by Mao Zedong in 1966 and lasted until his death in 1976. During this period, research and teaching fell into disarray and even stagnation. See Macfarquhar, Roderick and Schoenhals, Michael, *Mao's Last Revolution*, Cambridge (Massachusetts) and London, Harvard University Press, 2008.

[4] Li, Yiheng and Jin, Jian, "Lun Falvshi Yanjiu Fangfa De Lujing Xuanze [On the Path Choice of Legal History Research Methods]", *Academia Bimestris*, núm. 5, 2009, pp. 142-146.

[5] The term refers to the intellectual and cultural movement in the 1980s. This movement aroused great interest and enthusiasm among intellectuals on various cultural issues. It also reached a larger audience beyond academic institutes and college campuses and had very wide repercussions in society. See Zhang, Xudong, "On Some Motifs in the Chinese «Cultural Fever» of the Late 1980s: Social Change, Ideology, and Theory", *Social Text*, Summer Edition, núm. 39, 1994, pp. 129-156.

[6] You, Chenjun, "Zhishi Zhuanxing Beijingxia De Zhongguo Falvshi – Cong Zhongguo Faxueyuan De Lichang Chufa [Chinese Legal History in the Context of Intellectual Transformation: From the Position of Chinese Law Schools]", *Journal of Yunnan University Law Edition*, vol.21, núm.1, 2008, p. 113.

[7] This term was coined by Jiang Zemin at the 14th National Congress of the CPC in 1992 to describe the goal of China's economic reforms, *i.e.*, a market economy in which public ownership and state-owned enterprises are the mainstay. See Ding, Xiaoqin, "The Socialist Market Economy: China and the World", *Science & Society*, vol. 73, núm. 2, 2009, pp. 235-241.

at the time was relatively minimal.[8] Even scholars engaged in the study and teaching of legal histories often expressed concern about the survival of the discipline.[9]

In terms of teaching, some subjects that were once fundamental and mandatory courses (such as *Chinese Intellectual History of Law*, and *Foreign Legal History*) were reassigned to the status of elective courses. At the examination level, *Chinese Legal History* and *Foreign Legal History* were dropped from the National Bar Examination in 1997 and remained excluded after its integration into the National Unified Judicial Examination in 2002. It was the persistent efforts of legal historians that led to the reinstatement of *Chinese* and *Foreign Legal History* in the National Unified Judicial Examination since 2003.

Although the teaching and research of legal histories made significant progress over the following decade, its academic value continued to be questioned at times. For instance, in 2012, China's Ministry of Education revised the undergraduate law curriculum,[10] and removed *Chinese Legal History* from the list of mandatory courses. In response, the legal history community voiced strong opposition on multiple occasions.[11] Finally, the Ministry of Education issued a statement attributing the omission of *Chinese Legal History* to an "editorial oversight".[12] Despite the clumsiness of this explanation, the legal history community breathed a sigh of relief —the discipline's formal status was finally preserved.

3. *Legal History as a "Fundamental Subject"*

In the past 10 years, legal history gained new dynamics and opportunities. For example, in 2023, the *Opinions on Strengthening Legal Education and*

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[8] Lin, Qian, "Huihuang Yu Yinyou: Falvshixue Liushinian Pingshu [The Glory and the Worry Concern: Comment on the Legal History in Sixty Years]", *Journal of Southwest University* (Social Sciences Edition), vol. 35, núm. 5, 2009, pp. 6-12.

[9] Wang, Zhiqiang, "Women Weishenme Yanxi Falvshi —Cong Faxue Shijiao De Tantao [Why we study legal history— an Exploration from a Jurisprudential Perspective]", *Tsinghua University Law Journal*, vol. 9, núm. 6, 2015, pp. 30-35.

[10] Department of Higher Education, Ministry of Education of China, Putong Gaodeng Xuexiao Benke Zhuanye Mulu He Zhuanye jieshao [Catalogue and Introduction of Undergraduate Majors in General Colleges and Universities], Beijing, Higher Education Press, 2012.

[11] Available at: *http://legalhistory.cupl.edu.cn/info/1033/1142.htm* (last accessed: 31 March 2025).

[12] Available at: *http://www.moe.gov.cn/jyb_xxgk/s5743/s5744/A08/201212/t20121218_181006.html* (last accessed: 31 March 2025).

Legal Theory Research in the New Era was issued,[13] which explicitly positioned jurisprudence and legal history as "fundamental subjects", even prioritising them over various other specific studies of law. As a result, legal history is not expected to face an existential crisis again in the near future.

Despite this positive development, legal history remains far from being a favoured subject within Chinese law schools. Currently, 68 institutions in China have the authority to grant doctoral degrees in law, and they take in more than 1500 doctoral students annually.[14] However, in 2023, only 25 universities and institutions offered doctoral programs in legal history, with 70 doctoral supervisors and an enrolment of approximately 80 doctoral students, which reflects a slight downward trend in the enrolment figures when compared to the previous year.[15] For instance, RUC admitted 82 doctoral students in law for 2024, but only one specialized in legal history.[16] As a result, the challenge of "revitalising" the legal history profession has become a frequent topic of discussion within the legal history community.[17]

II. Legal Histories Education in China

This section will elaborate on the current state of legal history education in mainland China. After providing some basic details such as the division of fields, course objectives, and format requirements (1), we will analyse some representative textbooks as examples to illustrate the core components of legal history education at the undergraduate level (2). Finally, we will focus on graduate-level education by targeting the training programs (3).

1. *Basic Information*

Legal history in China has been traditionally divided into two primary fields: *Chinese Legal History* (A) and *Foreign Legal History* (B). Additionally, *Chi-*

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[13] Available at: *https://www.gov.cn/zhengce/2023-02/26/content_5743383.htm* (last accessed: 31 March 2025).

[14] Available at: *https://zjpy.cdgdc.edu.cn/pgpspt/sqshjggb*, (last accessed: 31 March 2025).

[15] Information collected by the Review of Legal History, available at: *https://mp.weixin.qq.com/s/QlYYXZXzKcKshT1MGkw5Aw,* (last accessed: 31 March 2025).

[16] Available at: *http://www.law.ruc.edu.cn/home/t/?id=59871* (last accessed: 31 March 2025).

[17] Xia, Xinhua, "Xianxue Yihuo Juexue – Falvshi Xueke Bainian Fazhan Zhouqilv Yanjiu [Prestigious Study or Lost Study -Research on the Cyclical Law of the Centennial Development of the Legal History Discipline]", *Jiangsu Social Science*, núm. 5, 2020, pp. 116-128.

nese Intellectual History of Law and *Western Intellectual History of Law* also hold significant positions (C). Based on their faculty's own expertise, universities may also offer a series of courses. For instance, CUPL has introduced the emerging field of *Global Legal History*, setting a new trend in legal history education in China (D).

A. *Chinese Legal History*

Chinese Legal History has long held a central position in the field of legal history in China. In terms of content, it focuses on the nature, characteristics, role, and development of various legal systems in China. It is typically taught in the first year, with three credit hours per week, and is assessed by written examinations. In general, these exams typically place a strong emphasis on students' memorisation skills, requiring them to recall the key legal systems, reforms, and influential figures of each dynasty. However, in some cases, lecturers have the flexibility to assess the students' ability to think critically and discursively.

B. *Foreign Legal History*

Foreign Legal History is generally an elective course. However, in some law schools, such as ECUPL, it is mandatory. There, and in some other law schools, the course covers the emergence, development, and evolution of various legal systems across different historical periods worldwide, making it a rather ambitious and broad-ranging subject. The course is usually taught in the third or fourth year of undergraduate programs, with two credit hours per week. Assessment methods vary from university to university and may include written examinations, essays, and presentations.

C. *Chinese and Western Intellectual History of Law*

Chinese Intellectual History of Law (also known as "*Chinese Cultural History of Law*" in some universities), and *Western Intellectual History of Law*, place less emphasis on specific legal systems. Instead, they explore the history of legal thought, concepts, norms, and systems, along with their development and evolution. These courses emphasise the core characteristics and historical

legacy of civilizations with a traditional legal basis and observe them from a cultural perspective. As a result, at certain institutions, such as at CUPL, *Western Intellectual History of Law* is often taught by a faculty member specializing in jurisprudence rather than in legal history. The course structure and assessment methods are similar to those of *Foreign Legal History*.

D. *Global Legal History*

In recent years, *Global Legal History* has been appealing to numerous scholars and students in China. For instance, at RUC, Gao Yangguang has been teaching *Global Legal History* as a general course since 2020. Zhang Yongle also offers a general course —*Public Law and Intellectual History*— from a global perspective at Peking University (PKU). At CUPL, Li Fupeng has also established a master program in *Global Legal History* in close cooperation with the Max Planck Institute for Legal History and Legal Theory in Frankfurt am Main (Germany) and also offers a course on *Global Legal History* for undergraduates as from 2024. These programs focus on transcultural legal comparisons from a global perspective, emphasizing the study of legal traditions, the history of legal exchanges, and the historical patterns of legal globalisation in different global regions.

2. *Undergraduate Teaching: Examining Textbooks*

With over 600 colleges and universities in China offering law programs,[18] there is a considerable load for research to gain a thorough understanding of legal history education. A basic overview of undergraduate legal history education, however, can be obtained by examining the textbooks. China has a tradition of producing standardized textbooks through state-led initiatives. Since 1980, for example, the Ministry of Justice has coordinated the development of standardized textbooks. Particularly after 2018, many subjects, including *Chinese Legal History*, have been suggested to use a new series of textbooks. Consequently, by analysing these representative textbooks, we may reveal valuable insights into the curriculum structure, content and patterns of undergraduate legal history education as practiced at Chinese universities.

[18] Available at: *http://www.moe.gov.cn/jyb_xxgk/s5743/s5744/A02/202403/t20240329_1123001.html*, (last accessed: 31 March 2025).

A. *Chinese Legal History*

A textbook of *Chinese Legal History* which was initiated and organised by the Ministry of Education of China serves as a representative for the present study.[19]

As shown in Table 1 below, the content of this textbook is organized chronologically to cover the entire history of China from the pre-state period, until 2010. However, the allocation of content varies across time periods, with earlier dynasties generally receiving less coverage. Approximately 60% of the material covers the period from the Late Neolithic period until 1911, when the imperial system ended. By contrast, around 40% is focused on the period after the abolition of the imperial system, with approximately 27% dedicated to the history of the People's Republic of China as well as its previous revolutionary practice.

In terms of analytical framework, this textbook primarily employs the modern legal terminology and concepts to examine each dynasty's legal system. The analysis generally encompasses legislation, criminal law, civil law, economic law, and judicial practice for each period. Although this potentially ahistorical approach has been met with some controversy, it has remained the dominant framework employed by scholars from the 1980s to the present.

TABLE 1. THE CONTENT OF THE *CHINESE LEGAL HISTORY* TEXTBOOK PUBLISHED BY THE HIGHER EDUCATION PRESS

Chapter	*Section*	*Pages*	*Proportion*
Introduction		7	1.93%
Chapter 1 Origin and character of Chinese Law	I. Origin of Chinese law	9	2.48%
	II. Character of Chinese law		
Chapter 2 Legal system of Xia and Shang Dynasty	I. Legal System of Xia Dynasty	5	1.38%
	II. Legal System of Shang Dynasty		

[19] Zhu, Yong (eds.), *Zhongguo Fazhishi* [Chinese Legal History], second edition, Beijing, Higher Education Press, 2019.

Chapter	*Section*	*Pages*	*Proportion*
Chapter 3 Legal System of West Zhou Dynasty	I. Legislation	12	3.31%
	II. Criminal law system		
	III. Civil law system		
	IV. Judicial system		
Chapter 4 Legal System of Spring and Autumn Period and Warring States Period	I. Legislation	10	2.75%
	II. Legal system of Spring and Autumn Period		
	III. Legal system of Warring States Period		
Chapter 5 Legal System of Qin Dynasty	I. Legislation	13	3.58%
	II. Administrative legal system		
	III. Criminal law system		
	IV. Civil law system		
	V. Economic law system		
	VI. Judicial system		
Chapter 6 Legal System of Han Dynasty	I. Legislation	19	5.23%
	II. Administrative legal system		
	III. Criminal law system		
	IV. Civil law system		
	V. Economic law system		
	VI. Judicial system		
Chapter 7 Legal System of Wei, Jin and North-South Dynasties	I. Legal system of Wei and Jin Dynasties	18	4.96%
	II. Legal system of North-South Dynasties		

Chapter	*Section*	*Pages*	*Proportion*
Chapter 8 Legal System of Sui and Tang Dynasties	I. Legal system of Sui Dynasty	30	8.26%
	II. Legislation in Tang Dynasty		
	III. Administrative legal system in Tang Dynasty		
	IV. Criminal law system in Tang Dynasty		
	V. Civil law system in Tang Dynasty		
	VI. Economic law system in Tang Dynasty		
	VII. Judicial system in Tang Dynasty		
Chapter 9 Legal System of Song Dynasty	I. Legislation	20	5.51%
	II. Administrative law system		
	III. Criminal law system		
	IV. Civil law system		
	V. Economic law system		
	VI. Judicial system		
Chapter 10 Legal System of Liao, Xixia, Jin and Yuan Dynasties	I. Legal system of Liao Dynasty	16	4.41%
	II. Legal system of Jin Dynasty		
	III. Legal system of Xixia Dynasty		
	IV. Legal system of Yuan Dynasty		
Chapter 11 Legal System of Ming Dynasty	I. Legislation	20	5.51%
	II. Administrative legal system		
	III. Criminal law system		
	IV. Civil law system		
	V. Economic law system		
	VI. Judicial system		

Chapter	*Section*	*Pages*	*Proportion*
Chapter 12 Legal System of Qing Dynasty	I. Legislation	24	6.61%
	II. Administrative legal system		
	III. Criminal law system		
	IV. Civil law system		
	V. Economic law system		
	VI. Judicial system		
Chapter 13 Legal Reform at the End of Qing Dynasty	I. Society and law at the end of Qing Dynasty	19	5.23%
	II. Preparatory constitutionalism		
	III. Criminal law system		
	IV. Civil law and commercial law system		
	V. Judicial system and consular jurisdiction		
Chapter 14 Legal System in the Early Republic of China (1912-1927)	I. Legal system during the Nanjing Provisional Government	12	3.31%
	II. Legal system during the Beiyang Government		
Chapter 15 Legal System in the Late Republic of China (1928-1949)	I. Constitution	23	6.34%
	II. Administrative legal system		
	III. Criminal law system		
	IV. Civil law system		
	V. Economic law system		
	VI. Judicial system		
Chapter 16 Legal System in Democratic Regimes during the Democratic Revolution	I. Overview of the development of the legal system	16	4.41%
	II. Constitution		
	III. Criminal law system		
	IV. Civil law and commercial law system		
	V. Judicial system		

Chapter	*Section*	*Pages*	*Proportion*
Chapter 17 The Development and Setbacks of the Legal System of the People's Republic of China	I. Constitution	16	4.41%
	II. Administrative legal system		
	III. Criminal law system		
	IV. Civil law system		
	V. Judicial system		
	VI. International law		
	VII. Setbacks of legal system during 1966-1976		
Chapter 18 Formation of the Socialist Legal System with Chinese Characteristics (1977-2010)	I. Constitution	30	8.26%
	II. Civil law and commercial law system		
	III. Administrative legal system		
	IV. Economic law system		
	V. Social law system		
	VI. Criminal law system		
	VII. Judicial system		
	VIII. International law		
Chapter 19 Legal System of the Hong Kong and Macao Special Administrative Regions	I. Theory and Practice of "One Country, Two Systems"	34	9.37%
	II. Legal system of Hong Kong Special Administrative Region		
	III. Legal system of Macao Special Administrative Region		
Chronology of Events in Chinese Legal History		10	2.75%

B. *Foreign Legal History*

We have selected a *Foreign Legal History* textbook prepared by CUPL, which is one of the most widely used textbooks on the subject in China.[20]

[20] Cui, Linlin (eds.), *Waiguo Fazhishi* [Foreign Legal History], Beijing, Higher Education Press, 2022.

As shown in Table 2 below, the *Foreign Legal History* textbook is significantly more ambitious than its *Chinese Legal History* counterpart. Chronologically, it ranges from the Mesopotamian civilization to the present day, covering the legal systems of ancient civilizations, medieval canon law, and the laws of modern nation-states. Given this broad scope, lecturers often concentrate on selected areas during lectures. In some universities, the course is further divided, with each section taught by specialists in particular fields.

Similar to the *Chinese Legal History* textbook, the content of the *Foreign Legal History* textbook is predominantly centred on more recent historical periods. For example, the sections on Britain, USA, Germany, France, and Japan together account for about 64% of the textbook. The only significant exception in pre-modern legal history is Roman law, which occupies nearly 9% of the content. This emphasis is particularly notable, as many law schools also offer specialized courses on Roman law.

TABLE 2. THE CONTENT OF THE *FOREIGN LEGAL HISTORY* TEXTBOOK BY CUPL

Chapter	*Section*	*Pages*	*Proportion*
Chapter 1 Mesopotamian Law	I. Early Development of Mesopotamian Law	9	3.85%
	II. Flourishing and Decline of Mesopotamian Law		
	III. Characteristics and Historical Significance of Mesopotamian Law		
Chapter 2 Ancient Indian Law	I. Formation Period of Ancient Indian Law	8	3.42%
	II. Prosperity Period of Ancient Indian Law		
	III. Characteristics and Historical Significance of Ancient Indian Law		
Chapter 3 Ancient Greek Law	I. Concepts and Practices of Early Greek Law	9	3.85%
	II. Evolution of Greek Law		
	III. Characteristics and Historical Significance of Greek Law		

Chapter	*Section*	*Pages*	*Proportion*
Chapter 4 Ancient Roman Law	I. Archaic Period (Monarchy and Early Republic)	20	8.55%
	II. Late Republic (367 BCE-27 BCE)		
	III. Principate Period (27 BCE-284 CE)		
	IV. Dominate Period (284 CE-565 CE)		
	V. Characteristics and Historical Significance of Roman Law		
Chapter 5 Germanic Law	I. Formation and Development of Germanic Law	9	3.85%
	II. Basic Institutions of Germanic Law		
	III. Characteristics and Historical Significance of Germanic Law		
Chapter 6 Canon Law	I. Early Medieval Christian Church and Canon Law	11	4.70%
	II. Papal Revolution and Church Freedom		
	III. Church Schism and Conciliarism		
	IV. Characteristics and Historical Significance of Canon Law		
Chapter 7 Medieval Roman Law, Urban Law and Commercial Law	I. Revival of Medieval Roman Law	11	4.70%
	II. Urban Law in the Middle Ages		
	III. Commercial Law in the Middle Ages		
	IV. Characteristics and Historical Significance of Secular Law in the Middle Ages		
Chapter 8 Islamic Law	I. Beginnings of Islamic Law	9	3.85%
	II. Formation of Islamic Law		
	III. Completion and Stagnation of Islamic Law		
	IV. Characteristics and Historical Significance of Islamic Law		

Chapter	*Section*	*Pages*	*Proportion*
Chapter 9 English Law	I. Historical Overview of English Law	32	13.68%
	II. Common Law		
	III. Equity Law		
	IV. Statutory Law		
	V. Characteristics and Historical Significance of English Law		
Chapter 10 American Law	I. Historical Foundations of American Law (Colonial Period)	32	13.68%
	II. Formation Period of American Law (independence to Mid-l9th Century)		
	III. Period of "Energy Release" in American Law (Late 19th Century)		
	IV. Modern Development of American Law (Since the 20th Century)		
	V. Characteristics and Historical Significance of American Law		
Chapter 11 French Law	I. Plural Legal System of the French Kingdom (843-1789)	34	14.53%
	II. Initial Creation of Modern Legal System (1789-1799)		
	III. Comprehensive Establishment of Modern Legal System (1799-Mid-l9th Century)		
	IV. Development of Modern Legal System (Mid-l9th Century to Present)		
	V. Characteristics and Historical Significance of French Law		
Chapter 12 German Law	I. Law of the Holy Roman Empire	25	10.68%
	II. Law from the Confederation of the Rhine to the German Empire		
	III. Law from the Weimar Republic to the World War II Period		
	IV. Characteristics and Historical Significance of German Law		

Chapter	*Section*	*Pages*	*Proportion*
Chapter 13 Japanese Law	I. Ancient Japenese Law	25	10.68%
	II. Meiji Restoration and Creation of the Modern Legal System		
	III. Development and Setbacks of Modern Japanese Law		
	IV. Establishment of the Modern Japanese Legal System		
	V. Characteristics and Historical Significance of Japanese Law		

C. *Chinese Intellectual History of Law*

We selected one of the most recent and popular textbooks available in order to elaborate on this course.[21] As reflected in Table 3 below, the text is divided into three main periods: the pre-imperial period (before the Qin dynasty),[22] the imperial period (from the Qin to the end of the Qing dynasty),[23] and the period of modern legal reform. The pre-imperial and imperial periods each account for about a third of the course, while the section on late imperial legal reform, which bridges ancient and modern Chinese legal thought, comprises approximately 20% of the text.

Each section, notably, concludes with an appendix comparing Chinese legal thought with Western legal thought of the same period. This comparative approach situates Chinese legal thought in a global framework, emphasizing both contrasts and parallels between Eastern and Western legal traditions. This structure is especially significant for countries that have looked to Western legal systems as models for modernization since the nineteenth century.

[21] Hou, Xinyi (eds.), *Xinbian Zhongguo Falv Sixiangshi* [New Chinese Intellectual History of Law], Beijing, Higher Education Press, 2022.

[22] 221 BC-207 BC.

[23] 1644 CE-1911 CE.

TABLE 3. THE CONTENT OF THE *CHINESE INTELLECTUAL HISTORY OF LAW* TEXTBOOK PUBLISHED BY THE HIGHER EDUCATION PRESS

Chapter	*Section*	*Pages*	*Proportion*
Introduction	I. The Research Object and Scope of Chinese Intellectual History of Law	24	9.41%
	II. The Development Course of Chinese Legal Thought		
	III. The Significance of the Chinese Intellectual History of Law		
	IV. The Arrangement of This Book Structure		
Part One Pre-Qin Period: The Establishment of Traditional Chinese Legal Thought			
Chapter I Legal Thought of the Xia, Shang, and Western Zhou Periods	I. Overview of Legal Thought in the Xia, Shang, and Western Zhou Periods	10	3.92%
	II. Legal Thought of the Xia and Shang Periods		
	III. Legal Thought of the Western Zhou Period		
Chapter 2 Legal Thought of the Spring and Autumn Period	I. Various Manifestations of Social Transformation	10	3.92%
	II. Legal Thoughts of Reformers		
	III. Legal Thoughts of the Guan Zi School		
Chapter 3 Legal Thought of the Warring States Period (Part 1)	I. Pre-Qin Confucian Legal Thought	32	12.55%
	II. Legal Thought of Daoism		
Chapter 4 Legal Thought of the Warring States Period (Part 2)	I. Legal Thought of Mohism	33	12.94%
	II. Legal Thought of Legalism		
Appendix Overview of the Development of Contemporaneous Western Legal Thought			

Part Two Imperial Era: The Perfection of Traditional Chinese Legal Thought			
Chapter 5 Legal Thought of the Qin and Han Periods	I. The "Rule by Law" Thought of the Qin Dynasty	28	10.98%
	II. Reflections on Qin Governance and Thought Innovation in Early Han		
	III. Establishment of Orthodox Confucian Legal Thought		
	IV. Transformation of Orthodox Legal Thought in the Late Western Han and Early Eastern Han		
Chapter 6 Legal Thought of the Wei, Jin, Sui, and Tang Periods	I. The Rise of Metaphysical Thought and Its Legal Ideas	48	18.82%
	II. Legal Proposals of Jurists		
	III. Concentrated Presentation and Institutional Expression of Orthodox Legal Thought		
	IV. Legal Thought of Buddhism		
	V. Legal Thought of Daoism		
Chapter 7 Legal Thought of the Song, Yuan, Ming, and Qing Periods	I. Development of Orthodox Legal Thought	16	6.27%
	II. Criticism of Orthodox Legal Thought		
	III. Legal Thought of Pragmatic Officials		
Appendix Overview of the Development of Contemporaneous Western Legal Thought			
Part Three Transition Period: The Rise of Modern Chinese Legal Thought			

Chapter 8 The Rise and Development of Modern Legal Thought	I. Background of the Emergence and Development of Modern Chinese Legal Thought	30	11.76%
	II. Early Reformists' Legal Thought		
	III. Legal Thought during the Self-Strengthening Movement		
	IV. Legal Thought of the Reform and Modernization Faction		
	V. Legal Reforms and the Debate on Rites and Laws in the Late Qing Dynasty		
Chapter 9 Legal Thought in the Early Republic of China	I. Legal Thought of the Revolutionary Faction	24	9.41%
	II. Legal Thought of the Radical Democrats		
Appendix Overview of the Development of Contemporaneous Western Legal Thought			

D. *Reflections on the Content of Undergraduate Teaching*

The above overview of textbooks demonstrates that contemporary legal history education encompasses a vast timeline and a wide array of topics. In summary, it can be broadly categorized into four main domains of knowledge:[24]

a. The History of Traditional Chinese Law

China possesses a distinct legal culture with a history spanning thousands of years. Based on their understanding and pursuit of social order, good politics and the needs of real life, Chinese people have developed and created a rich body of legal thought and legal systems, which have played an important role in the development of law in other ethnic groups throughout

[24] See Hou Xinyi's speech, "Types of Knowledge, Functions and Problems in Contemporary Chinese Legal Education: An Example from the Chinese Legal History Course", delivered at the Second World Jurists' Forum held by the China University of Political Science and Law on 15 May 2024.

the East Asian region.[25] In recent years, the strengthening of the study of the traditional Chinese legal system has also been continuously emphasized by China's political leaders. This historical knowledge has always maintained a central position in the field of legal histories.

b. The History of Western Law

Since the early twentieth century, China has built a modern legal education system inspired by Western models. Higher legal education in China, including curricula and teaching content, has been based on the principles, legal systems, and judicial practices of modern Western jurisprudence, which have been translated and introduced to China since the late Qing dynasty onward. This body of knowledge is therefore crucial not only for understanding Western legal traditions, but also for tracing the foundations of the modern rule of law in China.

c. The History of the Legal System in the Revolutionary Base Area Regimes of the Communist Party of China

From 1927 to 1949, the CPC established numerous bases in areas with limited control from the central government (Kuomintang), establishing relatively stable regimes, and gradually assuming partial power. These regimes fully accepted the leadership of the CPC and formulated numerous laws, regulations, and judicial documents based on Marxism —particularly Leninism— and the practical experience of the Soviet legal system, as well as the autonomous practices of the Chinese Communists. These legal frameworks differed significantly from both traditional Chinese legal cultures, and from the modern Western legal systems introduced during the late Qing and early Republican periods. The sheer size of these documents was considerable, as exemplified by Zhang Xipo's "Selected Legal Documents of the Revolutionary Base Areas," which alone contains around 12 million words. The history of the legal system during this period has consistently formed an essential component of legal education. Furthermore, the already mentioned *Opinions on Strengthening Legal Education and Legal Theory Re-*

[25] See Yang, Honglie, Zhongguo Falv Zai Dongya Zhuguo Zhi Yingxiang, *The Impact of Chinese law in East Asian Countries*, Beijing, Commercial Press, 2015.

search in the New Era of 2023[26] explicitly called for enhanced research into the legal history of the revolutionary base areas, suggesting that the significance of this subject in legal education is likely to increase in the future.

d. The History of the Legal System of the People's Republic of China, especially since the Reform and Opening-Up Period

The People's Republic of China has developed a relatively complete and distinctive legal system up to the present. Although this part of knowledge accounts for only a small portion of the overall historical context, it occupies approximately 20% of textbook space, underscoring its significance.

These four types of knowledge not only reflect the richness of material available for Chinese legal history education but also reveal considerable challenges for teaching. Due to the different cultural and historical contexts from which these materials originated, the distinct problems they aimed to address, and the diverse perspectives employed in their analyses, these four types of knowledge are fundamentally different in terms of the concepts they utilize, the systems they design, and the mechanisms by which they operate. This diversity complicates the integration of these various types of knowledge into a coherent legal framework.

This results in a complex learning environment for students. For academic staff, the challenge is even more significant, as it is rare to find instructors capable of integrating and teaching all four knowledge systems. As a result, it becomes nearly impossible to comprehensively cover all four types of knowledge within the limited course time available.

3. *Teaching in the Master's Programs: Examining Training Programs*

In 2023, approximately 34 Chinese law schools admitted around 200 students into master's programs specializing in legal history.[27] We have selected the master's training programs from several prestigious law schools as

[26] Available at: *https://www.gov.cn/zhengce/2023-02/26/content_5743383.htm* (last accessed: 31 March 2025).

[27] Available at: *https://mp.weixin.qq.com/s/rareiGNCtzp2Nkksr7s0HA* (last accessed: 31 March 2025).

examples. These include institutions specializing in law, such as CUPL and ECUPL, as well as comprehensive universities like PKU and RUC.

A. *China University of Political Science and Law*

Compared to bachelor's programs, graduate schools offer a wider variety of courses. Taking the CUPL's Training Program as an example, a graduate student is required to complete core courses such as *Jurisprudence*, both *Chinese* and *Foreign Legal History*, as well as one seminar. The teaching format is primarily lecture-based, concluding in a written examination. Additionally, students have to select at least five elective courses from a designated category. The assessment for these elective courses is more flexible, utilizing examination methods such as essays and oral presentations.

As shown in Table 4 below, CUPL leverages the broad expertise of its faculty to offer not only standard courses but also a range of specialized courses, such as *Legal Cases of Manchu Language Archives*, *Legal Cases of Palace Documents*, and *Legal Archives of Frontier Land*. Such a level of specialization is uncommon in many smaller law schools, where such specializations within the curricula are often considerably limited.

TABLE 4. CUPL'S COURSES

Mandatory Courses	Jurisprudence
	Constitutional law
	Chinese Legal History
	Foreign Legal History
	Seminar on Law, History and Society
Elective Courses	Seminar on Chinese Legal History
	Seminar on Chinese Intellectual History of Law
	Seminar on Foreign Legal History
	Seminar on Global Legal History
	Reading on Masterworks in Legal History
	Legal Historical Theory and Legal Historiography
	Research on Ancient Chinese Legal Texts
	Research on Supervision Legal System in Ancient China
	History of Chinese Litigation Law
	Seminar on Comparative Legal History
	Chinese and Western Legal Culture
	Seminar on American Constitutional History
	History of Public Law in Germany
	Reading on Legal Cases of Manchu Language Archives
	Reading on Legal Cases of Palace Documents
	Reading on the Legal Archives of Frontier Land in Qing
	English for Legal History
	Introduction to Legal Latin

B. *East China University of Political Science and Law*

The master's program in legal history at ECUPL differentiates between two tracks: *Chinese Legal History* and *Foreign Legal History*. This program mandates more mandatory courses compared to CUPL. In addition to core courses such as *Methodology of Legal History*, *Roman Law,* and *Chinese and Foreign*

Legal History, the successful attendance of *Civil Law* and *Jurisprudence* courses is also required. While the number of elective courses offered at ECUPL is fewer than at CUPL, the university leverages its traditional strengths to provide specialized courses, such as *the Study of the Tang Code*, and *the Legal System of Concessions*. Courses for each program are presented in table 5 and table 6.

TABLE 5. ECUPL'S COURSES (FOREIGN LEGAL HISTORY PROGRAM)

Mandatory Courses	Methodology and Thesis Writing in Foreign Legal History
	Comparative Law
	Western Intellectual History of Law
	Roman Law
	Jurisprudence
	Research in Foreign Legal History
	Civil Law
	Research in Chinese Legal History
Elective Courses	History of Western Legal Science
	Special Topics in British Law
	History of Western Judicial Systems
	Special Topics in American Law

TABLE 6. ECUPL'S COURSES (CHINESE LEGAL HISTORY PROGRAM)

Mandatory Courses	Methodology and Thesis Writing in Chinese Legal History
	Research on Historical Materials in Chinese Legal History
	History of the Chinese Judicial System
	Chinese Intellectual History of Law
	Jurisprudence
	Research in Foreign Legal History
	Civil Law
	Research in Chinese Legal History

Elective Courses	Special Topics in Excavated Legal Documents
	Special Topics in Legal Modernization
	Special Topics in Tang Code
	Special Topics in the Legal System of Concessions

C. *Peking University and Renmin University of China*

PKU and RUC are among the most prestigious universities in the humanities and social sciences in China, with their law schools ranking among the top in the country.[28] However, due to the limited faculty resources in the law schools of the comprehensive universities, the programs they offer are not as comprehensive as those of several specialized law schools. As far as PKU is concerned, in terms of training programs, there is an almost equal distribution between courses in legal history and courses in *Comparative Law*, *Civil Law*, *General Criminal Law*, *Constitutional Law*, and other non-historical legal education subjects. Courses are presented in Table 7.

TABLE 7. PKU'S COURSES

Mandatory Courses	Chinese Legal History
	Chinese Intellectual History of Law
	History of Foreign Legal Systems
	Western Intellectual History of Law
	Legal Documentation Studies
	Comparative Law
Elective Courses	General Principles of Civil Law
	Civil Procedure Law
	Criminal Procedure Law
	General Principles of Criminal Law
	Principles of Constitutionalism
	Common Law

[28] For the results of the Ministry of Education's fourth round of national disciplinary assessment, available at: *https://www.cdgdc.edu.cn/dslxkpgjggb/xkpm/rwskl/a0301_fx.htm* (last accessed: 31 March 2025).

The School of Law at RUC also requires that master's students majoring in legal history take certain law courses in other fields, including *General Principles of Civil Law*, *Chinese Constitution*, *General Principles of Criminal Law*, *General Principles of Economic Law*. Additionally, students are required to take at least 7 out of eleven elective courses. Courses are presented in Table 8.

Courses offered by the law schools of comprehensive universities in general exhibit limited systematic coherence and comprehensiveness, primarily due to the limited size of their faculties. Consequently, the curriculum is largely influenced by individual research expertise of the faculty members. Nevertheless, this approach facilitates specialization in certain areas of research.

It is also worth noting that, similar to undergraduate programs, master's students at all universities are required to attend a range of ideological and political courses, language courses, and writing courses, as well as participate in social practice and internships, in addition to their compulsory and elective major courses. Consequently, the overall workload can be quite demanding.

TABLE 8. RUC'S COURSES

Continental Law
Study on Legal History of Revolutionary Bases
Chinese Legal History in Modern Time and The Republic of China
Roman Law
Ancient Foreign Legal History
Common Law
History of Chinese Legal Thoughts
Taiwanese Law
Cultural Heritage Law
Judicial Systems in Foreign Countries
Intensive reading of selected Chinese legal literature

III. Research of Legal Histories in China

1. *Academic Society*

In September 1979, the first national symposium on legal history was held in Changchun. The meeting formally established the China Institute of Legal History, the first national academic organisation in Chinese legal academia. At present, it has more than 300 members, and the several committees under its jurisdiction include not only the Committee on the History of the Chinese Legal System, the Committee on the Chinese Intellectual History of Law, the Committee on the Western Intellectual History of Law, but also the Specialized Committee on Ancient Legal Documents, the Committee on Confucianism and Legal Culture, the Committee on Oriental Legal Culture, all of which are quite distinctive. The Institute holds regular annual meetings, and the title of the annual meeting in 2024 was "Chinese Legal Civilization and Modernization Transformation", attracting more than 230 experts and scholars from universities and research institutes, as well as press and publishing houses in China. To be held in the month of July, the 2025 annual meeting will focus on "The Historical Origins and Lineage of Modernization of Chinese-Style Rule of Law."

Regarding *Foreign Legal History*, in April 1982, the first symposium of the Society for Foreign Legal History was held at Wuhan University. Since then, it has been a subordinate branch of the China Institute of Legal History. In 1991, it was renamed the National Society for Foreign Legal History and registered as an independent academic association.[29] The 2024 annual meeting was held on the theme of "The Eastward Progression of Western Law and the Transformation of China's Traditional View of the World", and about 240 scholars from universities, research institutes, and publishing houses participated in this meeting. The 2025 annual meeting will be held in August with the theme of "The History and Present of Regional Country Laws-Centring on the Pluralistic Development of Laws in Northeast Asia".

2. *Universities and Institutions*

Researchers in the field of legal history in China are concentrated in more than twenty universities and research institutes being authorized to

[29] Available at: *http://iolaw.cssn.cn/cilh/xhgk/* (last accessed: 31 March 2025).

grant doctoral degrees in legal history. The core institutions of Chinese legal scholarship are commonly referred to as the "Five Institutes and Four Schools." The "Five Institutes" refer to five universities of political science and law strategically located across China's major administrative regionsnamely, CUPL and ECUPL as mentioned above,[30] as well as three others situated in Southwest, Northwest, and Central South China. The "Four Schools" refer to the historically prominent law faculties of four comprehensive universities: PKU, RUC, Jilin University, and Wuhan University. The Chinese Academy of Social Sciences, where the permanent office of the China Institute of Legal History locates, also plays one of the key roles in legal history studies. Beyond these universities and institutions with long tradition in legal history, some that have successfully developed legal history studies in the past two decades are also impressive. For instance, Tsinghua University and Fudan University, respectively rebuild law schools in 1999 and 2000, both have fantastic faculty and are excellent in legal history research.

3. *Academic Journals*

Publication in core academic journals (CSSCI), especially core legal journals (CLSCI), is one of the most important criteria for evaluating scientific research in China. Legal history is one of the most difficult disciplines to publish in the field of law, and this difficulty is due to the long time it takes to write legal history articles, and because of the low citation rate, which is not favoured by journals.

In terms of academic journals, a total of 1877 articles were published in CLSCI source journals for the whole year of 2023, 1861 articles were published in 2022, 1884 in 2021, and 1938 in 2020. Of these, 48, 71, 61, and 54 were legal history articles, accounting for 2.56, 3.82, 3.24, and 2.79%, respectively. A certain number of legal history articles were published in general and historical journals. Indeed, the trend in recent years has been precisely towards a decreasing number of publications in law journals and an increasing number of historical journals publishing legal history articles.[31]

[30] The other three are Zhongnan University of Economics and Law in Wuhan, Southwest University of Political Science and Law in Chongqing and Northwest University of Political Science and Law in Xi'an.

[31] Available at: *https://mp.weixin.qq.com/s/PWHgXNr33XS6gmAJiz8FKA and https://mp.weixin.qq.com/s/NyylNeMgY1Nq1RyB0AafYw* (last accessed: 31 March 2025).

In 2023, of the 439 legal history articles published, the majority (395 articles, or 89%) focused on *Chinese Legal History*, while 44 articles (11%) covered *Foreign Legal History*. Within *Chinese Legal History*, the research results were divided into four major fields: traditional law (pre-Qing), transitional law (late Qing and Republican), contemporary law (revolutionary base and republican law), and general theory and methodology. Traditional law accounted for approximately 38% of the total articles, followed by general theory and methodology at around 37%, transitional law at approximately 22%, and contemporary law at about 3%. Ming and Qing legal history, modern legal history, and general theory and methodology were the primary areas of research within *Chinese Legal History*. In contrast, *Foreign Legal History* faced even less favourable publication environments, with research results primarily concentrated in developed countries. Research on legal history in Asian, African, and Latin American countries remains relatively underdeveloped and requires further expansion.[32]

IV. Conclusion

We have introduced the basic aspects of legal history education in China, including the division of fields, curriculum structure, credit hours, and assessment methods. By examining representative textbooks for undergraduates and training programs for postgraduates, we have outlined the overall situation of legal history education. Additionally, we have provided insights into the relatively small legal history research community in China, including academic societies, academic journals, and research hotspots.

Legal history in China faces several challenges. A significant factor contributing to these crises is the broad scope of its content, which may seem disconnected from contemporary legal system. However, at the same time, legal history also has a promising future to contribute to the understanding of the present and the future by revisiting profound changes in the state, society, and knowledge structures.

The evolution of the Chinese legal system over the past century —from traditional Chinese law at the end of the Qing dynasty, to continental law influenced by nations such as Germany and Japan, to Soviet-influenced law, to the socialist system of laws with Chinese characteristics— has given rise to a diverse body of legal knowledge. This knowledge diversity shapes, to varying degrees, our current understanding of law in China. Without

[32] *Idem*.

engaging with these historical narratives, we cannot adequately address crucial questions about the origins and future trajectories of Chinese law.

In this sense, legal history is more than a mere record of past events and figures. For a country undergoing tremendous transformations such as China, it functions as a landscape that situates the past, present, and future. Despite ongoing debates regarding its value, the pivotal role of legal history in legal education and research is unlikely to be undermined.

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