Occasional Papers/Reprints Series in Contemporary Asian Studies

NUMBER 7 — 1982 (52)

CHINESE LAW AND JUSTICE: TRENDS OVER THREE DECADES

Hungdah Chiu

School of Law University of Maryland
Occasional Papers/Reprint Series in Contemporary Asian Studies

General Editor: Hungdah Chiu
Executive Editor: David Salem
Managing Editor: Shirley Lay

Editorial Advisory Board
Professor Robert A. Scalapino, University of California at Berkeley
Professor Martin Wilbur, Columbia University
Professor Gaston J. Sigur, George Washington University
Professor Shao-chuan Leng, University of Virginia
Professor Lawrence W. Beer, Lafayette College
Professor James Hsiung, New York University
Dr. Robert Heuser, Max-Planck-Institute for Comparative Public Law and International Law at Heidelberg
Dr. Lih-wu Han, Political Science Association of the Republic of China
Professor K. P. Misra, Jawaharlal Nehru University, India
Professor J. S. Prybyla, The Pennsylvania State University
Professor Toshio Sawada, Sophia University, Japan

Published with the cooperation of the Maryland International Law Society

All contributions (in English only) and communications should be sent to
Professor Hungdah Chiu, University of Maryland School of Law,
500 West Baltimore Street, Baltimore, Maryland 21201 USA.

All publications in this series reflect only the views of the authors.
While the editor accepts responsibility for the selection of materials to be published,
the individual author is responsible for statements of facts and expressions of opinion
contained therein.

Subscription is US $10.00 for 8 issues (regardless of the price of individual issues) in
the United States and Canada and $12.00 for overseas. Check should be addressed to
OPRSCAS and sent to Professor Hungdah Chiu.

Price for single copy of this issue: US $2.00


ISSN 0730-0107
ISBN 0-942182-51-0
CHINESE LAW AND JUSTICE: TRENDS OVER THREE DECADES

Hungdah Chiu


TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Sections</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Introduction</td>
<td>2</td>
</tr>
<tr>
<td>2. Stages of Development of Chinese Law and Justice before 1977</td>
<td>4</td>
</tr>
<tr>
<td>A. 1949-1953</td>
<td>4</td>
</tr>
<tr>
<td>B. 1954-1956</td>
<td>7</td>
</tr>
<tr>
<td>C. 1957-1965</td>
<td>11</td>
</tr>
<tr>
<td>D. 1966-1976</td>
<td>14</td>
</tr>
<tr>
<td>3. Trends of Development of Chinese Law and Justice Since 1977</td>
<td>17</td>
</tr>
<tr>
<td>A. Structural Reorganization</td>
<td>18</td>
</tr>
<tr>
<td>B. Enactment of Necessary Legislation</td>
<td>19</td>
</tr>
<tr>
<td>C. Restoration of Defense Lawyer System</td>
<td>19</td>
</tr>
<tr>
<td>D. Redefinition of Relationship Between Party and Judiciary</td>
<td>20</td>
</tr>
<tr>
<td>E. Restoration and Expansion of Legal Education</td>
<td>20</td>
</tr>
<tr>
<td>F. Renewed Interest in Legal Research</td>
<td>21</td>
</tr>
<tr>
<td>G. Four Basic Principles, Labor Camps and Developmental Trends</td>
<td>23</td>
</tr>
<tr>
<td>4. Overall Evaluation</td>
<td>25</td>
</tr>
</tbody>
</table>

TABLES

1. Number of Laws and Decrees Enacted or Ratified by the

---

* Professor of Law, University of Maryland Law School, Baltimore, Maryland 21201, U.S.A.
Plenary Meeting of the Chinese People's Political Consultative Conference (CPPCC) and the Central People's Government (September 1949-September 15, 1954). ................................................................. 28

2. Number of Laws, Decrees and Other Documents Adopted or Ratified by the 1st, 2nd, 3rd and 4th National People's Congress (NPC) or Its Standing Committee (1954-1977) ................................................................. 30

3. Chart on Number of Laws, Decrees and Other Documents Adopted by Chinese People's Political Consultative Conferences (1949-1954) and National People's Congress or Its Standing Committee (1954-1977) ........................................................................................................ 32

List of Chinese Language Materials Cited in this Paper ...... 33

INTRODUCTION

Until the second half of the 1960s, Chinese Communist law was generally ignored in Western China studies for two principal reasons: First, many scholars doubted, with some justification, whether law had any significant role to play in the People's Republic of China (PRC). Until recently, the PRC's legal system was unique even among its fellow Communist countries, with neither lawyers nor any substantive or procedural criminal and civil laws. Judges were not required to have had legal training, nor were they required or expected to cite legal provisions in rendering judgments. Second, there was a serious lack of scholars trained in both the Western and the Chinese legal tradition and practices. The few lawyers with this special combination of skills might have considered that the study of Chinese Communist law had no practical value or financial reward but was of academic interest only. In the mid-1960s, Harvard Law School began to undertake a systematic study of Chinese Communist law, filling a long-delayed gap in China studies. Unfortunately, even before this study of Chinese law had begun to produce any significant publications, the PRC started the Great Proletariat Cultural Revolution which virtually suspended the operations of the PRC's legal system, legal education, and almost all scholarly writings on law. For almost a decade between 1966 and 1976, Chinese law specialists faced a frustrating lack of PRC legal materials for analysis.

After 1977, the situation underwent a fortunate reversal. Since then, barely a single day has passed without the appearance of some
new material relating to law in the PRC's newspapers or other publications or media. There are now voluminous materials on Chinese Communist law to be digested. The PRC government and leaders have in recent years repeatedly emphasized that China's legal system must be strengthened and perfected so as to provide an orderly environment for the national modernization program. They have also taken a series of steps, including legislative, judicial, educational and other measures, to establish a stable legal system. In view of this development, Chinese Communist law is a subject which cannot now be ignored in China studies if one would like to get a complete picture of current Chinese society.

This paper is an attempt to analyze the trends of legal development in China in the last three decades. It begins with a survey of the stages of development of Chinese law and justice before 1977, proceeds to an analysis of the efforts of the Chinese government and leaders to build a more stable legal system since 1977, and finally assesses certain basic factors that might affect future trends in China's legal development. Several of the objectives of this Conference were to see "how we and the other observers analyzed the situation in China in the past? Where have we been wrong? Where have we been right?" I shall therefore base my analysis of the past trends, to a certain extent, on Chinese writers' own assessments of the situation and, when appropriate, compare these with the views expressed in selected Western writings during that period. However, while there have been published some Western writings on post-Mao legal development in China, it seems too early to make an assessment of

these writings now, so I will not review them.

2. STAGES OF DEVELOPMENT OF CHINESE LAW AND JUSTICE BEFORE 1977

According to a PRC article, the legal development of China’s socialist legal system has undergone the following stages: (1) The period of the establishment of the legal system (1949-1953); (2) the period of the development of the legal system (1954-1956); (3) the period when the legal construction was subject to interference and ceased to develop (1957-1965); (4) the period when the legal system was severely undermined (1966-1976); and (5) the period of the restoration of the legal system and its further development (1977-present). This division does not differ in any significant way from that used by China scholars outside the PRC such as Leng, Cohen, Lubman and myself.

A. 1949-1953

According to a PRC article, the primary role of the PRC state with respect to law and justice during the period 1949-1953 was to demolish the old legal system and establish a new socialist legal system.


Early in February 1949, before it had captured the whole mainland, the Chinese Communist Party issued its Directive Regarding the Abolition of Guomindang’s Complete Book of Six Codes and the Affirmation of the Legal Principles in the Liberated Areas.5 This directive was later incorporated into Article 17 of the Common Program,6 adopted in late September 1949 by the Chinese People’s Political Consultative Conference (CPPCC), which served as an interim constitution until the adoption of a formal constitution on September 20, 1954. The CPPCC was intended to serve as the provisional legislature of the country, but in fact it only exercised limited legislative functions. From 1949 to September 20, 1954, when its legislative function was taken over by the National People’s Congress under the 1954 Constitution, it and the Central People’s Government Council under it only adopted fifty-one laws and decrees (see Table 1). If one includes decrees issued by the Government Administrative Council, the total number of important laws and regulations adopted during 1949-1953 was only one hundred forty-eight.7 Moreover, among the laws, regulations and decrees adopted in this period there was neither criminal or criminal procedure codes nor civil or civil procedure codes. The only important legislation enacted was the Act for the Punishment of Counter-revolutionaries of the PRC,8 promulgated on February 21, 1951. This Act applied retroactively to pre-1949 activities, permitted the use of analogy, and was vaguely drafted for flexible use.

In 1951, the PRC set up a three-level, two-trial (one appeal) system of people’s courts: County Court, Provincial Court, and the Supreme People’s Court. All people’s courts were organic parts of the people’s government of the corresponding level.9 A people’s procuracy was also established on a level corresponding with each people’s court; the procuracy was at the same time a component of the people’s government at the same level.10 As a result, both the courts and the procuracy were, in law and in fact, under the control

7. See Lan Chuanbu, Sanshi nian lai woguo fagui yange gaiguang (Survey of the development of the laws and regulations of our country in the last thirty years), Beijing: Quanzhong chubanshe, 1980, pp. 3, 4.
10. See General Rules Governing the Office of the Local People’s Procurators at Various Levels, promulgated on September 4, 1951. Chinese text in Zhongyang renmin
of administrative organs and there was no separation of power among them. At first, because of the insufficient numbers of legally trained communist personnel, many former Nationalist legal personnel were retained to serve the people's judiciary. However, in 1952 a Judicial Reform Mass Movement was launched against such "old law" principles as "judicial independence," "no punishment without pre-existing law," or "law has no class character"; the movement was intended to strengthen the Communist Party's leadership over judicial work. As the result of this movement, most former Nationalist judicial personnel were dismissed from office or even condemned as counterrevolutionaries. Their positions were taken by Communist cadres who received little or no legal training at all.\footnote{zhengfu fa'ing huipian (Collection of laws and decrees of the Central People's Government), Vol. 2 (1951), Beijing: Renmin chubanshe, 1953, pp. 86-87.}

In fact, legal training was not essential to implementing people's law and justice, as the judiciary were frequently instructed to follow orders or policies of the government or the party in cases not covered by existing law. Also, the courts were neither required nor expected to cite the applicable provisions of law in rendering their judgments. Moreover, the dynamics of the Chinese mass movement included a disregard of law as an ordering force in society. A recent PRC article justified this approach to law and justice as follows:

In the early years of the People's Republic, the Communist Party initiated several mass movements on a nationwide scale. Direct mass action rather than the force of law fuelled these tempestuous revolutionary movements. The aim then was to break down the old, reactionary social order, and in its place establish a new, revolutionary order. Examples are the land reform movement of 1949-51 to overthrow the landlord class, the 1950 movement to suppress counter-revolutionaries and the 1952 san fan \[three anti, i.e., anti-corruption, waste and bureaucratism\] and wu fan \[five anti, i.e., anti-bribery, tax evasion, stealing state property, cheating in workmanship and materials and stealing state economic intelligence\] movements against the bourgeoisie. These mass movements were absolutely necessary because the reactionary forces riding on the backs of the people were still very powerful when the old society was being superseded by the new.\footnote{See Leng, Justice in China, supra note 3, pp. 39-44.}
Another PRC article, which also took a positive view of the legal development during this period, nevertheless acknowledged that the 1952 Judicial Reform Movement overreacted in denouncing the "old law" viewpoints of "judicial independence" or "inheritability" of old or bourgeois law and therefore facilitated the subsequent abnormal development in which there was no differentiation between the party and the government and between the party and the law. All Chinese articles were, however, silent on the severe punishment or death sentences imposed by extra-legal organs on thousands of Chinese during this period.

Western China scholars such as Cohen and Leng were more willing to disclose fully the complete picture of law and justice in China during this period. Cohen wrote:

During this period the criminal process served as a blunt instrument of terror, as the Chinese Communist Party proceeded relentlessly to crush all sources of political opposition and to rid society of apolitical but antisocial elements who plagued public order . . . Although the Communist government created a judicial structure, much criminal punishment during these years was administered outside the regular courts . . . During the regime sponsored "mass movement" or campaigns that swept the country, such as those instigated to carry out the land reform. To suppress revolutionary and eradicate official corruption and related illegal activities in the business community . . . ad hoc "people's tribunals," which were thinly veiled kangaroo courts, dispensed their own brand of justice . . .

Be that as it may, the trend in the PRC was to develop a legal system and legal education along the Soviet Model; thus Soviet law books were translated into Chinese and Soviet lawyers were invited to China to help the transplantation of the Soviet legal model.

B. 1954-1956

On September 20, 1954, the PRC promulgated a formal constitution incorporating provisions concerning a judiciary and people's rights that indicated a tendency to follow the Soviet model of establishing a stable legal order and a permanent judicial structure.

15. Text in Wu, China, supra note 6, pp. 799-810.
Among the four chapters of the constitution, Chapter IV (Articles 85 to 103) was entirely devoted to the "Fundamental Rights and Duties of Citizens." This chapter guaranteed, among others, equality before the law and freedom of speech, of the press, of association, of demonstration, and of religion, as well as the right to work, to leisure, to education, and to social assistance. Article 89 of the Constitution specifically provided protection against arbitrary arrest: "Freedom of the person of citizens of the People's Republic of China is inviolable. No citizen may be arrested except by decision of a people's court or with the sanction of a people's procuratorate." To implement this article, on December 20, 1954, an Arrest and Detention Act of the People's Republic of China\^16 was promulgated.

The Constitution also provided in Articles 73 to 84 the basic organization structure of the people's court and the people's procuratorate. On September 28, 1954 the PRC promulgated organic laws governing people's courts\^17 and people's procuratorates.\^18 The Constitution and organic laws gave the PRC judicial system a permanent structure. Under the National People's Congress and its Standing Committee, two separate but interlocking hierarchies were established. The people's courts, headed by the Supreme People's Court, were given the sole authority to administer justice; the people's procuratorates, culminating in the Supreme People's Procuratorate, were to exercise the supervisory power over the execution of the law. Below the Supreme People's Court, local courts were divided into higher people's courts, intermediate people's courts, and basic people's courts. In 1962, it was reported that there were 30 higher courts, 200 intermediate courts, and over 2000 or 3000 basic courts.\^19

Both the constitution and the organic law introduced a number of democratic features to the new judicial system, including the right of legal defense and the principle of public (open) trials. The PRC also, for the first time, seemed to accept in a limited form the concept of judicial independence. Article 78 of the Constitution provided: "In administering justice the people's courts are independent, subject only to the law." Article 80 of the Constitution provided that the courts should be responsible to the people's Congress at corresponding levels and should report to them. This was in clear contrast with the earlier laws which had required the subordination of the courts

---

to the leadership of the people's government at each corresponding level.

However, people's rights and judicial independence under the new Constitution remain qualified. In the first place, both the government and the courts were under the control of the Communist Party of China and both were supposed to carry out party policy.

Second, the people's rights guaranteed by the Constitution were not applicable to all individuals within the country. "Reactionaries" or "class enemies" had no rights whatever under the Constitution.20

Third, the constitutional guarantee of equality before the law did not mean that the law in the PRC would lose its class character. As a PRC scholar pointed out, such equality did not mean "when the state enacts law, it would treat individuals from different classes equally in legislation."21

PRC leaders such as Liu Shaoqi and Dong Biwu also expressed their view in favor of establishing a stable legal system. In the political report to the Eighth National Congress of the Communist Party of China delivered by Liu on September 15, 1956, he said:

The period of revolutionary storm and stress is past... and the aim of our struggle is changed to one of safeguarding the successful development of the productive forces of society; a corresponding change in the methods of struggle will consequently have to follow and a complete legal system becomes an absolute necessity. It is necessary, in order to maintain a normal social life and to foster production, that everyone in the country should understand and be convinced that as long as he does not violate the laws, his civil rights are guaranteed and will suffer no encroachment by any organization or any individual. Should his civil rights be unlawfully encroached upon, the state will certainly intervene. All state organs must strictly observe the law, and our security departments, procurators' offices and courts must conscientiously carry out the system of division of function and mutual supervision in legal affairs.22

Similarly, Dong Biwu, then President of the Supreme People's

20. See Li Guangcan, Woguo gongmin di jiben quanli he yiwu (The fundamental rights and duties of the citizens of our country), Beijing: Renmin chubanshe, 1956, pp. 7-8.
Court, also pointed out the need for basic codes and a stable legal system:

The problem today is that we still lack several urgently-needed, fairly complete basic statutes such as a criminal code, a civil code, rules of court procedure, a labour law, a law governing the utilization of land and the like . . . .

A present . . . from the point of view of both the need and the objective possibility of building up a legal system, we should gradually complete the structure of our legal system. It would have to be regarded as a serious problem, if we allowed our legal system to remain incomplete or unduly deferred its completion.

I think we also have another serious question to deal with: that is, a few of our Party members and government personnel do not attach importance to the legal system of the state, or do not observe its provisions.23

With respect to legal education and research between 1954 and 1956, a PRC article stated:

Various political-legal institutes have compiled lectures and teaching materials for various subjects of law and they are basically suitable for our country's situation. At the same time, legal journals and translations of [foreign works on law] were one by one published. Generally speaking, [at that period] the development of our science of law was basically normal and achieved certain results.24

Despite the general trend toward establishing a stable legal system, two mass movements or campaigns were conducted during this period. The first one was launched in the spring of 1955 against counterrevolutionaries, centering on the case of a writer, Hu Feng, who was cited as an example to the whole country of a new type of counterrevolutionary. At the end of May, 1955, Hu was dismissed from all his posts and later accused of having formed a "conspiratorial group with Guomindang agents." He was reported to have been tried in July 1955, but no details of the trial were ever made public. Another mass movement was launched in June 1955, again against counterrevolutionaries, aimed at certain government departments, the so-called democratic parties and the Chinese Communist Party itself, as well as at cultural, industrial and religious circles. How-

23. Ibid., Vol. 2, Speeches, p. 87.
ever, comparing these two movements or campaigns with those carried out in the early 1950s, their scope and the number of people arrested were quite small. This was because these two were directed at specific groups. Also, there appeared to have been no mass executions in connection with these two movements.

C. 1957-1965

During 1956-1957, the PRC launched the movement of “letting one hundred flowers blossom and one hundred schools contend.” Many jurists and scholars took this opportunity to criticize the government for the lack of basic laws and the defective administration of justice. Alarmed at the strong criticism evoked by the “Blooming and Contending” Movement, the PRC launched an Anti-Rightist Movement in the summer of 1957 to silence its critics. So far as law and justice were concerned, this meant a serious setback for the development of a stable and less arbitrary system of justice. Two years later, in 1959, another movement against so-called Rightist opportunism was launched within the Party, further undermining the efforts to establish a stable legal system. A recent PRC article described the impact of these two movements on PRC legal development as follows:

In 1957, it was necessary to counterattack the attack launched by an extremely small number of bourgeois rightist elements; however, this class struggle was artificially expanded. Two years later, there was improperly started the struggle against the so-called rightist opportunism within the Party, which caused unfavorable results as it undermined the democracy within the Party and people’s democracy. In political-legal circles, the impact of this “left” thought was extremely obvious. The principles of democracy and legal system provided in the Constitution were subject to criticism and the position was erroneously taken that the independent exercise of trial and procuratorial authority by the judicial organs were opposing Party leadership. Moreover, the leadership over subordinate organs and legal supervision over other state organs exercised by the procuratorial organs were accused of “invoking law to resist the Party” or “opposing party leadership,” the principle of “all citizens are equal before the law” was considered

as "disregarding the class character of law" and "talking equality with counterrevolutionaries"; the principle of "relying on facts as basis and law as criterion" [in trials] was described as "abandoning party policy" or "favoring legal isolationism"; the emphasis of doing business according to law was described as a bourgeois viewpoint of "supremacy of law"; the socialist defense system and lawyer system were described as "defending bad elements and making no differentiation between us and the enemy" and others.

Thus, from idea, theory and institution aspects, many laws and systems, which were in force and had proved their usefulness, were disturbed and undermined and many comrades who defended the principles of the constitution were declared as rightists and anti-Party elements under various false accusations which upset right from wrong. The result of such development greatly undermined the enthusiasm of the broad political-legal cadres and encouraged the tendency of rather "left" than right ideas and the doctrine of abolishing the law. As a result, an adverse development emerged which despised legal system, relying on the party to substitute for the government and using ["officials"] words to replace law. The legislative work of the state was totally suspended. . . . Our country's legal work has [since then] continued to go downward and thus opened the gate for Lin Biao and the "Gang of Four" to take this opportunity to usurp power and occupy government positions to engage in counterrevolutionary restoration activities.26

The trend toward total suspension of the legislative function can be seen from the number of laws, decrees and other documents adopted by the NPC or its Standing Committee in each year. In 1957, 108 items were adopted and in 1966 it was down to 7, while none was adopted between 1967 and 1974 (See Tables 2 and 3).

Legal education and research were also severely affected during this period, as described in a PRC article:

In 1957 . . . in legal circles and all political-legal fronts, the error of "left" tendency was obvious . . . Many good comrades were declared as rightists and thus caused great confusion in idea and theory and many taboos emerged in legal circles which seriously obstructed the normal development of the research in law in new China.

In 1959, the struggle against rightist opportunism within the party was erroneously conducted within the Party. Under the influence of left tendency thought, the Ministry of Justice was abolished, the Legal Bureau [of the State Council] was also abolished, and the phenomenon of "if there is business then handle political-legal affairs, if not engage in product work" emerged in political-legal departments. Teachers and students in political-legal institutes or schools were gradually sent down to the countryside to engage in productive labor. Different professional legal subjects in school were either abolished or combined and professional education was replaced by political theory study. Then, came a series of political movements, the doctrine of legal nihilism was spread over the whole country and one could hardly talk of any legal research work . . . . Works concerning building the legal system, including research in law continued to go downward.27

Between 1957 and 1966 when the Cultural Revolution broke out, the PRC's judiciary gradually regressed to its earlier practice, with the public security (police) organs playing a growing role at the expense of the procuracy and the courts.28 While some legal writings continued to appear in the PRC, those available to Western scholars did not discuss such important issues on law and justice in China as the practice of "deciding a case by the [party] secretary"29 or how the

---

28. In 1957, two formerly practiced administrative sanctions, which could be imposed by the public security (police) without judicial review, were formalized. The first is the Security Administrative Punishment Act which authorizes police to impose such minor sanctions as a fine or detention up to 15 days. For English translation of this Act and commentaries, see Cohen, Criminal Process, supra note 3, pp. 200-237. The second formalized sanction is the Decision of the State Council of the PRC Relating to Problems of Rehabilitation through Labor, promulgated on August 3, 1957, English translation in Cohen, ibid., pp. 249-250. The sanction of rehabilitation through labor was designed to control vagrants, minor offenders, troublemakers who did not work properly or who refused to comply with work assignments or transfer and people who were unemployed because they had been expelled from their place of work for a breach of discipline or for being labeled a rightist. There is no time limit for placing a person under rehabilitation. Thus, those intellectuals who were labeled rightists in the 1956-57 Hundred Flower Movement and the Anti-Rightist Campaign were detailed for rehabilitation through labor for almost 20 years. The treatment of these people is similar to those who are subject to the criminal sanction of reform through labor. See Political Imprisonment in the PRC, supra note 25, pp. 82-83.
29. A recent PRC article described this system as follows: Whether the facts of a case are clear, the evidence is convincing; the defendant
court rendered a criminal decision in the absence of a published criminal code. Thus, the comprehensive study of the Chinese criminal justice system by Leng, Cohen and Lubman only vaguely touched on these two important questions. Another important Western writing on Chinese law and justice is Bao Rue-wang's *Prisoner of Mao* which, based on his personal experience, gave us many details on the actual operation of Chinese criminal justice. Unfortunately, despite his release from Chinese prison in 1964 when France recognized the PRC, his book was not published until 1973, so Leng, Cohen and Lubman were unable to consult Bao's personal experience in their research on Chinese criminal justice.

D. 1966-1976

Although law and justice were not among the major revolutionary targets at the beginning of the Cultural Revolution in 1966, they were no exception to the ensuing destruction of the "establishment." An article entitled "In Praise of 'Lawlessness'" appearing in the authoritative *Renmin ribao* (People's Daily) on January 31, 1967, bluntly advocated the elimination of the so-called bourgeois law:

To destroy the bourgeois "law" and the capitalist "world" is precisely the revolutionary goal of all proletarian revolutionaries. Like the Monkey King who turns the heavenly

should be subject to criminal sanction and what criminal punishment should be imposed on the defendant, should be sent to the secretary in charge of political-legal affairs of the local party committee at the same level for review and approval. This is called the system of deciding a case by the secretary.


30. In 1962, a draft criminal law was distributed to the judicial departments throughout the country to solicit comments; it was also referred to by courts in deciding cases. See "China's Socialist Legal System," *supra* note 12, p. 26. The draft was not published and the text was not available to Chinese law specialists outside China.

31. Both Cohen and Leng did discuss the question of judicial independence but neither mentioned the system of "deciding a case by the [Party] Secretary." Leng, however, did report a case on direct party interference in a court's judgment. See Leng, *Justice in China*, *supra* note 3, p. 100. Regarding the law applied by PRC courts in the absence of published written laws, Cohen did point out that, based on his interview, there were "unpublished regulations defining murder, rape, arson, and many other common crimes and setting the maximum and minimum penalties for each." See his *Criminal Process*, *supra* note 3, p. 317.

palace upside down, we will destroy your "law," smash your "world," rebel against you, and seize your power.

A recent PRC article described the situation of law and justice during this period as follows:

**Judicial Organs Smashed.** The socialist legal system stood in [the] way [of Lin Biao and the “Gang of Four”] to usurping Party and state power, so right at the start of the Great Cultural Revolution in 1966, they began dismantling the public security departments and the procuratorial organs and charged that the socialist legal system was “a shackle” and “a straight-jacket” holding back the mass movements. China’s judicial organs were suspended. Abusing the power they had usurped, Lin Biao and the “Gang of Four” began cracking down on large numbers of revolutionary cadres and people. They let loose hoodlums and thugs to smash, grab and loot, to break into and ransack homes, illegally detail people, set up kangaroo courts and torture innocent people to extort confessions. In places and units they controlled there was no freedom of person because socialist social order was non-existent.

**Feudal-Fascist Rule.** In those days, declared a special commentator of the journal Zhongguo Qingnian (China Youth) anyone who dared show his disapproval of Lin Biao or the “Gang of Four” was immediately condemned and punished for committing a heinous crime. Anything that was regarded as a slight disrespect to them constituted a “counter-revolutionary crime.” One Nanjing worker got five years merely because he inadvertently commented in public on Lin Biao’s build. The whole thing was, of course, extremely absurd, but at least it was done with a semblance of “judicial proceedings,” the special commentator added. At least, some sort of “reason” was given and it was known where the worker was imprisoned so members of his family could visit him occasionally. In many cases even a semblance of judicial proceedings was dispensed with. Personal property and personal freedom were wilfully encroached upon and safety of people’s lives was not guaranteed. In short, wherever Lin Biao and the “Gang of Four” held sway, socialist democracy gave way to feudal despotism married to 20th-century fascism.33

The high point of the legal development during this period was in 1975 when the new constitution formally abolished the procuratorial organs and also placed people's courts under the control of the administrative organs (renamed as the revolutionary committee) at the same level.

Legal education and legal research were virtually suspended beginning in 1966, as described in a PRC article:

Under the reactionary thinking of "power is everything," [Lin Biao and the Gang of Four counter-revolutionary clique] . . . put out the slogan of thoroughly smashing the public security, procuracy and courts, and without exception, legal education and legal research were subject to thorough destruction. Basically, all political-legal institutes were abolished, legal research totally disappeared, teaching materials, books and research materials were destroyed or disappeared, some law teachers and legal researchers changed their occupations, others waited to be transferred to other positions. It can be said that the 10 year period of Cultural Revolution was a 10 year holocaust for the research in law.

Because of the scarcity of available legal materials from the PRC during 1966-1976, there have been few Western writings on PRC law until 1977. Based on some internally circulated legal documents such as court notices, interviews with former residents of China and other secondary sources, Randle Edwards, Tao-tai Hsia, Shao-chuan Leng and myself did put out a few articles on various aspects of China's criminal justice. There are, however, several articles written by Western scholars based on their visits to China or


3. TRENDS OF DEVELOPMENT OF CHINESE LAW AND JUSTICE SINCE 1977

In early 1978, the PRC itself began to denounce its own legal system, especially the cruelty and abuses during the 1966-1976 Cultural Revolution period. At the same time, the PRC also began to end its lawlessness and attempted to build a more stable legal system. The necessity of the PRC's reversing its pre-1977 policies of antipathy to law arose from China's modernization program.

The PRC's ambitious modernization program clearly required a strengthening and perfecting of the Chinese legal system, so as to provide an orderly, predictable environment for economic develop-
ment. Beyond that, the PRC was also confronted with a population demoralized and frightened by years of chaos and uncertainty, so it was also necessary to provide a more secure environment for the people. This was especially true in regard to gaining the confidence of the intellectuals, who had suffered most in the past decades. Without the enthusiastic participation of the intelligentsia, it would be simply impossible to modernize China's economy and technology. Moreover, the leaders of the PRC have apparently decided that expansion of the PRC's foreign trade program and the inflow of foreign investment funds were essential to the success of the modernization program, so it became necessary to provide a legal framework for foreign trade and investment.

The trend toward establishing a more stable legal system can be discerned from following PRC efforts in the structural organization of legal organs, enactment of necessary legislation, restoration of a defense lawyer system, redefinition of relations between the party and the judiciary, restoration and expanding of legal education, and renewed interest in legal research.

A. Structural Reorganization

The 1978 Constitution\(^43\) revived the people's procuratorates “to ensure observance of the Constitution and the law by all the departments under the State Council, the local organs of state at various levels, the personnel of organs of state and the citizens” (Article 43). It also abolished the provisions on placing courts under the control of the administrative organ at the same level.

While the new Constitution adopted on December 4, 1982\(^44\) does not have an article similar to Article 43 of the 1978 Constitution, it has an article to ensure a more independent exercise of procuratorial power in Article 131. That article provides:

People's procuratorates shall, in accordance with the law, exercise procuratorial power independently and are not subject to interference by administrative organs, social organizations [shehui tuanti]\(^45\) or individuals.

The Ministry of Justice was restored to take charge of the judi-


\(^45\) The English translation of the term appeared in *Beijing Review* is “public organizations” which does not correspond to the Chinese original.
cial administrative works, compilation of laws, legal research, etc.46

B. Enactment of Necessary Legislation

In 1979-80, several major laws relating to law and justice were enacted: Arrest and Detention Act,47 Criminal Law, Criminal Procedure Law, Organic Law for Courts, Organic Law for Procuratorate48 and Provisional Act on Lawyers.49 The PRC also enacted several laws relating to foreign trade and investment.50 In early 1982, the PRC also enacted a provisional Civil Procedure Law51 and is in the process of actively drafting a Civil Law.

C. Restoration of the Defense Lawyer System

Both the 1978 Constitution (Article 41, paragraph 3) and the Criminal Procedure Law (Article 26) explicitly recognize the right of an accused to defend himself, and the latter also recognizes the right to hire a lawyer to defend one’s case. In 1980, the Provisional Act on Lawyers was enacted,52 formally restoring the lawyer system. The Act came into force on January 1, 1982, but before that the PRC had already allowed certain lawyers to start practice. According to official figures in 1981, there were 6,800 lawyers, of whom 5,500 were in full-time practice. By mid-1981, 1,300 legal advisors’ offices, where lawyers are supposed to conduct their practice, had been established in urban areas in all parts of the country.53

47. English translation in Foreign Broadcast Information Service (hereinafter cited as FBIS), People's Republic of China (PRC), February 26, 1979, pp. E3-E5.
48. All these laws are conveniently collected in Gonganbu zhengce falu yanjiushi (Policy and law research office of the Ministry of Public Security), ed., Gongan fagu huipian, 1950-1979 (Collection of laws and regulations on public security), Beijing: Quanzhong chupanshe, 1980, pp. 87-90 (Arrest), 4-33 (Criminal), 35-65 (Criminal Procedure), 449-457 (Court), and 458-464 (Procuratorate).
52. See note 49 supra.
D. Redefinition of the Relationship between the Party and the Judiciary

The present leadership of the PRC has attempted to some extent to separate the party and the government in administration. On August 24, 1980, Jiang Hua, President of the Supreme People's Court, told the Beijing Criminal Trials Conference that the Party had decided to abolish the system of Party Committee review (in fact exercised through the political-legal secretary of the Committee) and approval of cases. The extent to which this policy will be fully implemented remains to be seen. The new Constitution adopted on December 4, 1982, provides in Article 126:

The people's courts shall, in accordance with the law, exercise judicial power independently and are not subject to interference by administrative organs, social organizations [shehui tuenti] or individuals.

Since the Party is neither an administrative organ nor a social organization, this provision appears not to prohibit Party interference in the judiciary.

E. Restoration and Expansion of Legal Education

Although in 1974, the Law Department of Beijing University reopened on a limited basis with about sixty students for a three-year program, the students were selected on the basis of their class and political backgrounds rather than their academic competence. In 1977, the PRC restored the system of nationwide university entrance examinations for high school graduates, replacing the admission of students based primarily on political background as instituted during the Cultural Revolution period. In the same year, the Beijing University expanded its education program to four years, including law. In the fall of 1980, about 230 more law students were enrolled, bringing the total number of law students enrolled to 570.

---

55. For party officials' resistance to the abolition of this system, see Leng, "Justice in Post-Mao China," supra note 1, pp. 460-461.
56. See note 45 supra.
Since 1977, law departments that had existed prior to the Cultural Revolution have begun to reopen, and new law departments have been formed. Similarly, the political-legal institutes which were suspended during the Cultural Revolution have also been reopened. In September 1981, PRC First Vice-Minister of Justice Li Yunchang said that the PRC now had 15 law departments and political-legal institutes with an enrollment of 5,500 and that more than 8,000 law students would be graduated in 1985. He also revealed that 57,000 outstanding army officers, between 29 and 45 years old, were receiving judicial training and, after their graduation, would be assigned to public security departments, procuratorates and courts at all levels.59

Beyond the college level legal education, it was reported that the PRC now has two post-graduate law schools for advanced training of law graduates. There are also junior-college-level or below cadres' school with law divisions. Moreover, the public security (police) organs have set up their own cadres' school which also offer law courses.60

In addition to formal legal education, the PRC has launched a mass legal education campaign to familiarize the people with the substance of such laws as the Criminal Law and Criminal Procedure Law. Also, because of the increase in juvenile criminals, the PRC has also conducted campaigns in universities, colleges and high schools on observance of laws. All colleges and university students, since the fall semester of 1979, must complete either a special course on the legal system or a general course on politics with a strong emphasis on law. A popular weekly newspaper on law—Zhongguo fazhi bao (China legal system paper) began publication in 1980 for promoting general legal education. Furthermore, some traditional operas and contemporary plays with the theme of law and justice are being performed in television and stages to attract people's interest in law.61

F. Renewed Interest in Legal Research

In 1977, the Philosophy and Social Science Division of the Chinese Academy of Sciences was separated from the Academy and re-

---

60. Information provided by Dr. Tao-tai Hsia of the Far Eastern Law Division of the Library of Congress.
61. Ibid.
organized as the Chinese Academy of Social Sciences. An Institute of Law was established under the Academy. The institute soon sponsored a 10-day Conference on Legal Research Planning which was held on March 21-31, 1979. It set forth an outline for a 7-year legal research plan. The Institute also undertook translations of foreign legal works and original studies of various subjects of law.

Legal journal publications were also soon resumed. The following are four major legal journals now published in China:

*Faxue yanjiu* (Studies in Law), bi-monthly, 1979—(Institute of Law of the Chinese Academy of Social Sciences)

*Minzhu yu fazhi* (Democracy and Legal System), monthly, 1979—(Shanghai Law Association and East China Political-Legal Institute)

*Faxue yi cong* (Law Translation Series), bi-monthly, 1980—(Institute of Law of the Chinese Academy of Sciences)

*Guowai faxue* (Foreign Law, bi-monthly, 1980—(Department of Law, Beijing University).

Certain political-legal institutes also publish their own journals, but only for internal circulation. There are also three law journals published as restricted items, i.e., not available to the public: *Renmin sifa* (People's judiciary), published by the Supreme People's Court; *Renmin jiancha* (People's procuracy), published by the Supreme People's Procuratorate; and *Renmin Gongan* (People's public security), published by the Ministry of Public Security. Moreover, increasing numbers of scholarly legal articles have been published in university academic journals on humanities or social sciences. A comprehensive law dictionary—*Faxue cidian*—was published in 1980 and the PRC is now in the process of compiling the law section of the comprehensive Chinese encyclopedia.

In 1980 the PRC government also resumed its two important official gazettes which contain legal matters: *Quanguo renmin daibiao dahui changwu weiyuan hui gongbao* (Gazette of the Standing Committee of the National People's Congress) and *Zhonghua renmin gongheguo guowuyuan gongbao* (Gazette of the State Council of the People's Republic of China).

---

63. Ibid., p. 447.
64. Shanghai: Shanghai cishu chubanshe, 1980.
Since 1979, a number of scholarly conferences on various subjects of law have been held, Chinese lawyers have been sent to visit foreign legal institutes, and foreign lawyers have also been invited to China.

G. Four Basic Principles, Labor Camps and Developmental Trends

Since 1977, the general trend in the PRC toward law and justice has clearly been in the direction of establishing a more stable legal system; that is why several Chinese lawyers have described the post-1977 period as the period of the restoration and further development of the legal system. However, this trend does not mean that Chinese law and justice will move closer to Western concept of the rule of law. In this connection, the PRC itself has made it clear that its legal system is subject to the so-called "Four Basic Principles"—namely, keeping to the socialist road, upholding the dictatorship of the proletariat, and supporting Party leadership and Marxism-Leninism-Mao Zedong Thought. These principles were also incorporated in the new Constitution of the PRC adopted on December 4, 1982. Thus, regardless of the present leadership’s pledge to establish a stable legal system, if an individual attempted to challenge one or more of the four basic principles, it would be futile for that person to rely on the PRC constitution or statutes to guarantee him a fair trial. Here one must realize that the PRC has retained some of its vaguely drafted earlier laws to deal with such situations. The 1951 State Secret Law, which includes almost everything in the PRC as "state secrets," provides under Article 13, that anyone who leaks those

66. See note 44 supra.
“secrets” to a domestic or foreign enemy is subject to punishment as a counterrevolutionary. This law was republished in the People's Daily (Renmin ribao) of April 11, 1980 to warn the public. The system of rehabilitation through labor, which authorizes the police to send a person to labor camp for up to four years without judicial review, was also retained. This system has sometimes been invoked to deal with dissidents. Finally, the criminal law still retains the principle of analogy which may serve as the last resort for dealing with dissident elements. If the handling of a case through regular legal procedure would undermine state interests as defined by the Communist Party of China, then the regular legal procedure can be distorted to suit state interests. The trial of the “Gang of Four” is a vivid recent example. In this connection, the PRC legal system is clearly moving in the direction of the Soviet concept of socialist legality, i.e., no principle, however normatively stated in the constitution or law is permitted to conflict with the policy needs of the Communist Party, though in normal situations the legal system still operates generally in a reasonable and predictable manner.

The labor camps to hold criminals or political prisoners are still maintained, though the number of persons kept there seems to have been reduced. The PRC officials and legal publications have so far declined to discuss the problem of abolishing this system or of improving the miserable conditions there as revealed by several recent Western reports. In 1979, the PRC republished its 1957 rules about labor reform and the Guangming (Enlightenment) Daily even


praised the success of labor reform.74

4. OVERALL EVALUATION

In the PRC, in the last thirty years, the state policy toward law and justice has not only been inconsistent; it has also been subject to several radical fluctuations. It was not until after the death of Mao and the emergence of a new leadership under Deng Xiaoping in the late 1970s that the PRC government acknowledged that a stable legal system is a prerequisite for development and modernization; only then did the PRC begin to seriously establish a stable legal system. In this connection, one would naturally raise the question whether this trend will continue. On the positive side, compared with the PRC's law program in the 1954-1956 period, present developments are more ambitious and extensive. In the 1954-1956 period, the PRC's goal was to establish a legal system based on the Soviet model, categorically rejecting any Western influence. Now, while the trend of the PRC's legal development seems clearly to be moving in the direction of the Soviet model of socialist legality, the PRC does not appear to accept the Soviet model in its totality but is also looking at the experiences of some other countries; including Western countries. This tendency is reflected in PRC's studies or translations of some Western legal writings and laws,75 the exchange of visits between Chinese lawyers and Western lawyers, and the sending of students to Western law schools. If this trend continues, the evolving Chinese legal system may be subject to some Western influence, especially in technical and non-political aspects.

Another positive factor is that the present leadership is fully aware that during the turmoil of the Cultural Revolution, the lack of discipline among the people, workers, and peasants seriously affected production on various levels; there were also serious problems, including inefficiency, corruption and waste, in the operation of state enterprises. To put its house in order, it will also be necessary to re-establish social discipline and order and to regularize the operation of state enterprises through the mechanism of law. Moreover, the experience of the Cultural Revolution, in which the present leadership and their followers were also victims, seems to

74. See Butterfield, “China Labor Camps,” supra note 73, p. 4.
75. E.g., Gong Xiangrui, Lo Haocai and Wu Xieyin, Xifang guojia de sifa zhidu (The judicial system of Western countries), Beijing: Beijing University Press, 1980 and Institute of Law of the Chinese Academy of Social Sciences, translator, Riben xingshi suxongfa, riben lushi fa (Japanese criminal law, Japanese criminal procedure law and Japanese lawyers' law), Beijing: Zhongguo shehui kexue chubanshe, 1981.
have taught the present leaders that a more stable legal system not
only benefits the great majority of the Chinese people but also bene­
fits the leaders themselves and their followers. This concern can be
seen from more specific protections for personal freedoms and ex­
plicit provisions on independence of courts and procuratorates in the
1982 Constitution,76 prepared by the Deng leadership, though
whether these constitutional provisions will in fact be reasonably im­
plemented remains to be seen.

On the other hand, one must realize several negative factors that
may affect the trend toward a more stable legal system. The modern
type of legal system, even in its Soviet style, with a separation of
power among the police, procurator and courts was unknown to
traditional China. The thirty years of Communist rule further
strengthened, rather than weakened, the Chinese tradition. In order
to overcome the obstacles embedded deeply in Chinese tradition, the
leadership must make strenuous efforts to comply fully with the laws
they promulgate and to show to the people that they are serious
about implementing the laws. Most Chinese people still seem skepti­
cal about this.77

Second, Chinese society, instead of practicing the egalitarianism
that some China scholars ascribed to the PRC, has been a strict class
society since 1949. The higher one's position, the greater one's ac­
tess to the amenities of life which cannot be purchased by money,
privileges and immunities from legal restrictions.78 Since the PRC
relies on the loyalty of this privileged class to control the people, the
means of implementing the principle of universal equality before the

76. See Articles 33-56 of the 1982 Constitution on basic rights and duties of citizens.
See also Articles 126 (Court's independence) and 133 (Procuratorate's independence) of
the Constitution discussed in pp. 18, 20 supra.

77. Cf. the following comments made by a knowledgeable observer on Chinese
affairs:

Decades of political uncertainty, characterized by numerous changes in Party
line, power struggles and purges, have inculcated a sense of cynicism in young
and old alike. Skepticism over the Party's true intentions and its ability to carry
out its declared intentions is widespread.

It won't be possible to eradicate overnight, or even in a year, the doubts and
suspicions built up over decades. Only when the Party shows, through concrete
actions, that there isn't any justification for such feelings, will the people be
convinced of their intent. In this sense, those in power in China are still on
probation, and their credibility is still being questioned.

nal; July 11, 1979, p. 4.

78. See Fox Butterfield, "China, for a Fortunate Few at the Top, Is Paradise of Privi­
law remains a challenging question for the PRC leadership.

Third, the chronic lack of a sufficient number of trained legal personnel to run the legal system remains a serious problem. It was reported by several visiting Chinese scholars that in most instances only intermediate courts' judges are staffed with persons having some form of formal legal training. While China is in the process of expanding its legal education, for the foreseeable future the insufficient number of legally trained personnel will continue to be a serious problem in building the legal system.80

The last negative factor relating to the continued progress of Chinese law is the political stability in China of which, based on the last thirty years' experience, no one can be sure. In the event of a power struggle after the death of Deng Xiaoping, now 78, the legal system may be among the very first to be disrupted, as demonstrated by past experience. On the other hand, if Deng and his followers continue to hold power for a considerable period of time, the outlook may be more positive. That leadership, having endorsed and publicized a fairly specific blueprint for a stable legal system as revealed in its recent enactments, has an identifiable political stake in the general implementation of the program. Therefore, under that circumstance, one might expect the present trend toward a stable legal system to continue.

79. See Article 33 of the 1982 Constitution.
80. Information supplied by Tao-tai Hsia.
Table 1
Number of Laws and Decrees Enacted or Ratified by the Plenary Meeting of the First Session of the Chinese People's Political Consultative Conference and the Central People's Government (September 1949 - September 15, 1954).1

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Constitutional Law</td>
<td>Constitutional Law 4</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Highest State Organs and Adm. Organs</td>
<td>Highest State Organs and Adm. Organs 1 4</td>
<td>4</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Election</td>
<td>Election 0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td>Organization of Central State Organs</td>
<td>People's Courts 16</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>People's procuratorates 15</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Local State Organs and Adm. Organs</td>
<td>Local State Organs and Adm. Organs 3</td>
<td>3</td>
<td>0</td>
<td>1</td>
<td>4</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>Appointments and Removal of State Organ Personnel</td>
<td>Appointments and Removal of State Organ Personnel 0</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Politics and Law</td>
<td>Land Reform 0</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Suppression of counter-revolutionaries 0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>3-Anti and 5 Anti 0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Marriage and Family 0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Keeping State Secret 0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>National Defense</td>
<td>People's Armed Work 0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Finance</td>
<td>Finance 1</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Labor</td>
<td>Labor 0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>National Minorities</td>
<td>National Minorities 0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Foreign Affairs</td>
<td>Foreign Affairs 0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>TOTAL</td>
<td>TOTAL 14</td>
<td>8</td>
<td>10</td>
<td>10</td>
<td>5</td>
<td>4</td>
<td>4</td>
</tr>
</tbody>
</table>

1. Quanguo remain daibiao dahui changwu wen yuanhui bangong ting zhengfazu [and] quanguo renmin daibiao dahui fazhi weiyuanhui falu shi (Political-Legal Section of the Office of the Standing Committee of the National People's Congress and the
Legal Office of the Legal System Committee of the Standing Committee of the National People's Congress, editors, *Zhongguo renmin zhengzhi xiexiang huiyi diyi quanti huiyi, zhong yang renmin zhengfu, diyi zhi sijie quanguo renmin daibiao dahui ji qi changwu weiyuanhui zhiding hezhe pizhun de falu, fa ling he qita wenjian mulu* (List of laws, decrees and other documents enacted or ratified by the plenary meeting of the first session of the Chinese People's Political Consultative Conference, Central People's Government, first to fourth session of the National People's Congress and its Standing Committee) (September 1949 - October 1977), Beijing: Qunzhong chubanshe, 1980), pp. 3-23. Hereinafter referred to as *List of Laws and Decrees between 1949-1977*.

2. Classification made by the author to make it consistent with Table 2.
4. Provisional Organic Act for the Supreme People's Court of the People's Republic of China, no date was given in *List of Laws and Decrees between 1949-1977*, p. 11, but the author believed that this law was enacted in 1949.
5. Provisional Organic Act for the Supreme People's Procuratorate of the People's Republic of China, no date was given in *List of Laws and Decrees between 1949-1977*, p. 12, but the author believed that this law was enacted in 1949.
Table 2
Number of Laws, Decrees and Other Documents Adopted or Ratified by the 1st, 2nd, 3rd and 4th National Peoples Congress (NPC) or its Standing Committee (September 16, 1954-October 1977)

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Constitutional and Organic Law for State Agencies</td>
<td>6</td>
<td>2</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>10</td>
</tr>
<tr>
<td>NPC Election, Activities and Meetings</td>
<td>0</td>
<td>10</td>
<td>5</td>
<td>6</td>
<td>4</td>
<td>5</td>
<td>1</td>
<td>4</td>
<td>2</td>
<td>8</td>
<td>4</td>
<td>0</td>
<td>0</td>
<td>4</td>
<td>0</td>
<td>1</td>
<td>47</td>
<td></td>
</tr>
<tr>
<td>Organization of Central State Organs</td>
<td>2</td>
<td>3</td>
<td>3</td>
<td>1</td>
<td>5</td>
<td>3</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>4</td>
<td>3</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>33</td>
</tr>
<tr>
<td>Organization of Local State Organs</td>
<td>3</td>
<td>5</td>
<td>2</td>
<td>2</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>13</td>
<td></td>
</tr>
<tr>
<td>Delimitation of Administrative Area</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>Election, Appointment, Removal, Punishment, and Award for State Personnel</td>
<td>9</td>
<td>3</td>
<td>2</td>
<td>6</td>
<td>4</td>
<td>9</td>
<td>1</td>
<td>0</td>
<td>3</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>1</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>National Economic Planning, Budget and Financial Statement</td>
<td>0</td>
<td>4</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>2</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>National Defense</td>
<td>0</td>
<td>10</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>16</td>
<td></td>
</tr>
<tr>
<td>Politics and Law</td>
<td>3</td>
<td>2</td>
<td>7</td>
<td>17</td>
<td>6</td>
<td>1</td>
<td>6</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>41</td>
<td></td>
</tr>
<tr>
<td>Finance</td>
<td>1</td>
<td>1</td>
<td>3</td>
<td>5</td>
<td>8</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>18</td>
<td></td>
</tr>
<tr>
<td>Industry and Commerce</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>4</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>Agriculture</td>
<td>0</td>
<td>2</td>
<td>4</td>
<td>2</td>
<td>3</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>13</td>
<td></td>
</tr>
<tr>
<td>Labor</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>8</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>Culture, Education and Health</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>National Minorities Affairs</td>
<td>0</td>
<td>3</td>
<td>15</td>
<td>14</td>
<td>18</td>
<td>22</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>2</td>
<td>15</td>
<td>6</td>
<td>6</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>103</td>
<td></td>
</tr>
<tr>
<td>Overseas Chinese Affairs</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>4</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>International Affairs</td>
<td>3</td>
<td>14</td>
<td>17</td>
<td>17</td>
<td>15</td>
<td>20</td>
<td>31</td>
<td>24</td>
<td>14</td>
<td>8</td>
<td>11</td>
<td>9</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>184</td>
<td></td>
</tr>
</tbody>
</table>

Items on Agenda, Press Communiqué, Speech of Foreign Guests and Other (Publication) omitted.
Table 2 (continued)

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>31</td>
<td>79</td>
<td>79</td>
<td>108</td>
<td>79</td>
<td>80</td>
<td>60</td>
<td>37</td>
<td>54</td>
<td>45</td>
<td>58</td>
<td>25</td>
<td>7</td>
<td>0</td>
<td>8</td>
<td>3</td>
<td>3</td>
<td>756</td>
</tr>
<tr>
<td>Total if excluding Reports of Work</td>
<td>23</td>
<td>63</td>
<td>61</td>
<td>85</td>
<td>72</td>
<td>63</td>
<td>40</td>
<td>31</td>
<td>24</td>
<td>28</td>
<td>37</td>
<td>20</td>
<td>7</td>
<td>0</td>
<td>4</td>
<td>1</td>
<td>1</td>
<td>560</td>
</tr>
<tr>
<td>Total if excluding International Affairs and Reports of Work</td>
<td>20</td>
<td>49</td>
<td>44</td>
<td>68</td>
<td>57</td>
<td>43</td>
<td>9</td>
<td>7</td>
<td>10</td>
<td>20</td>
<td>26</td>
<td>11</td>
<td>7</td>
<td>0</td>
<td>4</td>
<td>1</td>
<td>1</td>
<td>377</td>
</tr>
<tr>
<td>Total if excluding National Minorities Affairs, International Affairs and Reports of Work</td>
<td>20</td>
<td>46</td>
<td>29</td>
<td>54</td>
<td>39</td>
<td>21</td>
<td>9</td>
<td>7</td>
<td>8</td>
<td>18</td>
<td>11</td>
<td>5</td>
<td>1</td>
<td>0</td>
<td>4</td>
<td>1</td>
<td>1</td>
<td>274</td>
</tr>
</tbody>
</table>

Source: List of Laws, Decrees and Other Document Adopted by CPPCC and NPC . . . (see complete citation in Table 1, note 1), pp. 27-217.
### Table 3
Chart on Number of Laws, Decrees and Other Documents Adopted By Chinese People's Political Consultative Conference (1949-1954) and National People's Congress or Its Standing Committee (1954-1977)

<table>
<thead>
<tr>
<th>Year</th>
<th>49</th>
<th>50</th>
<th>51</th>
<th>52</th>
<th>53</th>
<th>54</th>
<th>55</th>
<th>56</th>
<th>57</th>
<th>58</th>
<th>59</th>
<th>60</th>
<th>61</th>
<th>62</th>
<th>63</th>
<th>64</th>
<th>65</th>
<th>66</th>
<th>67</th>
<th>68</th>
<th>69</th>
<th>70</th>
<th>71</th>
<th>72</th>
<th>73</th>
<th>74</th>
<th>75</th>
<th>76</th>
<th>77</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>I</td>
<td>I</td>
<td>I</td>
<td>I</td>
<td>I</td>
<td>I</td>
<td>I</td>
<td>I</td>
<td>I</td>
<td>I</td>
<td>I</td>
<td>I</td>
<td>I</td>
<td>I</td>
<td>I</td>
<td>I</td>
<td>I</td>
<td>I</td>
<td>I</td>
<td>I</td>
<td>I</td>
<td>I</td>
<td>I</td>
<td>I</td>
<td>I</td>
<td>I</td>
<td>I</td>
<td>I</td>
<td>I</td>
</tr>
</tbody>
</table>

**Number of Acts Adopted**

- **110–**
- **105–**
- **100–**
- **95–**
- **90–**
- **85–**
- **80–**
- **75–**
- **70–**
- **65–**
- **60–**
- **55–**
- **50–**
- **45–**
- **40–**
- **35–**
- **30–**
- **25–**
- **20–**
- **15–**
- **10–**
- **5–**
- **0–**

Part of two lines overlapped each other because no government reports and acts on foreign affairs and national minorities affairs were adopted.

This line includes government reports and acts on foreign affairs and national minorities affairs.

This line does not include government reports and acts on foreign affairs and national minorities affairs.
LIST OF CHINESE LANGUAGE MATERIALS CITED IN THIS PAPER

Title of Periodicals

人民公安
人民司法
人民检察
西南政法学院学报
法学研究
法学译丛
民主与法制
国外法学

Title of Newspapers

人民日报
中国法制报
光明日报

Title of Articles in Chinese Periodicals

廖俊学 独立审判与书记法案 西南政法学院学报 1979年第一期
陈守一, 刘升平, 赵震江 我国法制建设三十年 法学研究 1979年第四期
陈守一 新中国法制三十年一回顾 法学研究 1980年第一期
王群 坚持四项基本原则是法制工作者的战斗任务 法学研究 1981年第三期

Books

(*Denotes that books were published in original Chinese characters.)

*中央人民政府法令汇编 第三卷 (1951) 北京：人民出版社，1957年
中国大百科全书出版社 中国百科年鉴 1980 北京：中国
国际书店发行，1980年
中国社会科学院法学研究所译，日本刑法日本刑诉司法日法本律师事务，北京：新华书店北京发行所发行，1981年

公安部政策法律研究室编，《公安法规汇编》，1950—1979，北京：群众出版社，1980年

全国人民代表大会常务委员会办公厅政策研究室编，全国人民代表大会常务委员会法制委员会法律委员会编，《中国人民政治协商会议第一届全体会议、中央人民政府、第一至第四届全国人民代表大会及其常务委员会制定或者批准的法律法令和其他文件目录》（一九四九年九月—一九七七年十月），北京：群众出版社，1980年

*李光耀《我国公民的基本权利和义务》，北京：人民出版社，1956年

法学词典，上海：上海辞书出版社出版，新华书店上海发行所发行，1980年

杨春洗《中国刑法》，北京：北京大学出版社，1981年

《中国法律法规的司法制度》，北京：中国法制出版社，1980年

蓝金普《三十年来我国法规沿革概况》，北京：群众出版社，1980年
Occasional Papers/Reprints Series in Contemporary Asian Studies

500 West Baltimore Street
Baltimore, MD. 21201
U.S.A.
(301) 528-3870

1977 Series

No. 1 - 1977
ISSN 0730-0107
ISBN 0-942182-00-6
Chinese Attitude Toward Continental Shelf and Its Implication on Delimiting Seabed in Southeast Asia (Hungdah Chiu) 32 pp. $1.00

No. 2 - 1977
ISSN 0730-0107
ISBN 0-942182-01-4
Income Distribution in the Process of Economic Growth of the Republic of China (Yuan-Li Wu) 45 pp. $1.00

No. 3 - 1977
ISSN 0730-0107
ISBN 0-942182-02-2
The Indonesian Maoists: Doctrines and Perspectives (Justus M. van der Kroef) 31 pp. $1.00

No. 4 - 1977
ISSN 0730-0107
ISBN 0-942182-03-0
Taiwan's Foreign Policy in the 1970s: A Case Study Adaptation and Viability (Thomas J. Bellows) 22 pp. $1.00

No. 5 - 1977
ISSN 0730-0107
ISBN 0-942182-04-9
Asian Political Scientists in North America: Professional and Ethnic Problems (Edited by Chun-tu Hsueh) 148 pp. Index $3.00

No. 6 - 1977
ISSN 0730-0107
The Sino-Japanese Fisheries Agreement of 1975: A Comparison with Other North Pacific Fisheries Agreements (Song Yook Hong) 80 pp. $2.00

No. 7 - 1977
ISSN 0730-0107
Foreign Trade Contracts Between West German Companies and the People's Republic of China: A Case Study (Robert Heuser) 22 pp. $1.00
Reflections on Crime and Punishment in China, with Appended Sentencing Documents (Randle Edwards, Translation of Documents by Randle Edwards and Hungdah Chiu) 67 pp. $1.00

Chinese Arts and Literature: A Survey of Recent Trends (Edited by Wai-lim Yip) 126 pp. $3.00

Legal Aspects of U.S.-Republic of China Trade and Investment — Proceedings of a Regional Conference of the American Society of International Law (Edited by Hungdah Chiu and David Simon) 217 pp. Index $5.00


1978 Series

Indian Ocean Politics: An Asian-African Perspective (K.P. Misra) 31 pp. $1.00

Normalizing Relations with the People's Republic of China: Problems, Analysis, and Documents (Edited by Hungdah Chiu, with contributions by G. J. Sigur, Robert A. Scalapino, King C. Chen, Eugene A. Theroux, Michael Y.M. Kau, James C. Hsiung and James W. Morley) 207 pp. Index $3.00

Growth, Distribution, and Social Change: Essays on the Economy of the Republic of China (Edited by Yuan-li Wu and Kung-chia Yeh) 227 pp. Index $3.00

The Societal Objectives of Wealth, Growth, Stability, and Equity in Taiwan (Jan S. Prybyla) 31 pp. $1.00
No. 5 - 1978 (17) ISSN 0730-0107 ISBN 0-942182-16-2
The Role of Law in the People's Republic of China as Reflecting Mao Tse-Tung's Influence (Shao-Chuan Leng) 18 pp. $1.00

No. 6 - 1978 (18) ISSN 0730-0107 ISBN 0-942182-17-0
Criminal Punishment in Mainland China: A Study of Some Yunnan Province Documents (Hungdah Chiu) 35 pp. $1.00

A Guide to the Study of Japanese Law (Lawrence W. Beer and Hidenori Tomatsu) 45 pp. $2.00

No. 8 - 1978 (20) ISSN 0730-0107 ISBN 0-942182-19-7
The Pueblo, EC-121, and Mayaguez Incidents: Some Continuities and Changes (Robert Simmons) 40 pp. $2.00

No. 9 - 1978 (21) ISSN 0730-0107 ISBN 0-942182-20-0
Two Korea's Unification Policy and Strategy (Yong Soon Yim) 82 pp. Index $2.00

1979 Series

No. 1 - 1979 (22) ISSN 0730-0107 ISBN 0-942182-21-9
Asian Immigrants and Their Status in the U.S. (Edited by Hungdah Chiu) 54 pp. $2.00

No. 2 - 1979 (23) ISSN 0730-0107 ISBN 0-942182-22-7
Social Disorder in Peking After the 1976 Earthquake Revealed by a Chinese Legal Documents (Hungdah Chiu) 20 pp. $2.00

The Dragon and the Eagle — A Study of U.S.-People's Republic of China Relations in Civil Air Transport (Jack C. Young) 65 pp. $3.00

No. 4 - 1979 (25) ISSN 0730-0107 ISBN 0-942182-24-3
Chinese Women Writers Today (Edited by Wai-lim Yip and William Tay) 108 pp. $3.00

No. 5 - 1979 (26) ISSN 0730-0107 ISBN 0-942182-25-1
Certain Legal Aspects of Recognizing the People's Republic of China (Hungdah Chiu) 49 pp. $2.00

No. 6 - 1979 (27) ISSN 0730-0107 ISBN 0-942182-26-X
China's Nationalization of Foreign Firms: The Politics of Hostage Capitalism, 1949-1957 (Thomas N. Thompson) 80 pp. Index $3.00
<table>
<thead>
<tr>
<th>No.</th>
<th>Year</th>
<th>ISSN</th>
<th>ISBN</th>
<th>Title</th>
<th>Pages</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>1979</td>
<td>0730-0107</td>
<td>0-942182-27-8</td>
<td>U.S. Status of Force Agreement with Asian Countries: Selected Studies</td>
<td>130</td>
<td>$2.50</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>(Charles Cochran and Hungdah Chiu)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>1979</td>
<td>0730-0107</td>
<td>0-942182-28-6</td>
<td>China's Foreign Aid in 1978 (John F. Copper)</td>
<td>45</td>
<td>$2.00</td>
</tr>
</tbody>
</table>

**1980 Series**

<table>
<thead>
<tr>
<th>No.</th>
<th>Year</th>
<th>ISSN</th>
<th>ISBN</th>
<th>Title</th>
<th>Pages</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1980</td>
<td>0730-0107</td>
<td>0-942182-29-4</td>
<td>The Chinese Connection and Normalization (Edited by Hungdah Chiu and Karen Murphy)</td>
<td>200</td>
<td>$5.00</td>
</tr>
<tr>
<td>3</td>
<td>1980</td>
<td>0730-0107</td>
<td>0-942182-31-6</td>
<td>Policy, Proliferation and the Nuclear Proliferation Treaty: U.S. Strategies and South Asian Prospects (Joanne Finegan)</td>
<td>61</td>
<td>$2.50</td>
</tr>
<tr>
<td>5</td>
<td>1980</td>
<td>0730-0107</td>
<td>0-942182-33-2</td>
<td>Certain Problems in Recent Law Reform in the People's Republic of China (Hungdah Chiu)</td>
<td>34</td>
<td>$1.50</td>
</tr>
<tr>
<td>6</td>
<td>1980</td>
<td>0730-0107</td>
<td>0-942182-34-0</td>
<td>China's New Criminal &amp; Criminal Procedure Codes (Hungdah Chiu)</td>
<td>16</td>
<td>$1.00</td>
</tr>
<tr>
<td>7</td>
<td>1980</td>
<td>0730-0107</td>
<td>0-942182-35-9</td>
<td>China's Foreign Relations: Selected Studies (Edited by F. Gilbert Chan &amp; Ka-che Yip)</td>
<td>115</td>
<td>$3.00</td>
</tr>
</tbody>
</table>
1981 Series

Structural Changes in the Organization and Operation of China’s Criminal Justice System (Hungdah Chiu) 31 pp.  $1.50

Readjustment and Reform in the Chinese Economy (Jan S. Prybyla) 58 pp.  $1.00

No. 3 - 1981 (40)  ISSN 0730-0107  ISBN 0-942182-39-1
Symposium on the Trial of Gang of Four and Its Implication in China (Edited by James C. Hsiung) 118 pp.  $2.50

No. 4 - 1981 (41)  ISSN 0730-0107  ISBN 0-942182-40-5
China and the Law of the Sea Conference (Hungdah Chiu) 30 pp.  $2.00

No. 5 - 1981 (42)  ISSN 0730-0107  ISBN 0-942182-41-3
China’s Foreign Aid in 1979-80 (John Franklin Copper) 54 pp.  $2.00

No. 6 - 1981 (43)  ISSN 0730-0107  ISBN 0-942182-42-1
Chinese Regionalism: Yesterday and Today (Franz Michael) 35 pp.  $2.00

Elite Conflict in the Post-Mao China (Parris H. Chang) 40 pp.  $2.00
(Out of print, please order No. 2 - 1983 (55) for a revised version of this item.)

No. 8 - 1981 (45)  ISSN 0730-0107  ISBN 0-942182-44-8
Proceedings of Conference on Multi-system Nations and International Law: International Status of Germany, Korea, and China (Edited by Hungdah Chiu and Robert Downen) 203 pp. Index  $5.00

1982 Series

Socialist Legalism: Reform and Continuity in Post-Mao People’s Republic of China (Hungdah Chiu) 35 pp.  $2.00

No. 2 - 1982 (47)  ISSN 0730-0107  ISBN 0-942182-46-4
Kampuchea, The Endless Tug of War (Justus M. Van der Kroef) 51 pp.  $2.50

Social Change on Mainland China and Taiwan, 1949-1980 (Alan P.L. Liu) 55 pp.  $3.00
Taiwan's Security and United States Policy: Executive and Congressional Strategies in 1978-1979 (Michael S. Frost) 39 pp. $2.50

Constitutional Revolution in Japanese Law, Society and Politics (Lawrence W. Beer) 35 pp. $2.00

Review of Selected Books on Contemporary Asian Studies, 1981-1982 (Edited by David Salem, Roy Werner and Lyushen Shen) 67 pp. $2.00

Chinese Law and Justice: Trends Over Three Decades (Hungdah Chiu) 35 pp. $2.00

Disarmament and Civilian Control in Japan: A Constitutional Dilemma (Theodore McNelly) 15 pp. $2.00

1983 Series

Essays on Sun Yat-sen and Economic Development of Taiwan (Maria Hsia Chang and A. James Gregor) 60 pp. $3.00

Elite Conflict in the Post-Mao China (Revised edition) (Parris H. Chang) 42 pp. $2.50
ORDER FORM

To Occasional Papers/Reprints Series in Contemporary Asian Studies, University of Maryland School of Law, 500 West Baltimore Street, Baltimore, Maryland 21201, U.S.A.

Check One:

☐ Please Send:

<table>
<thead>
<tr>
<th>No.</th>
<th>Author</th>
<th>Title</th>
<th>Copies</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

☐ Please start my subscription of the OPRSCAS:
Starting issue _________
Subscription price is U.S. $10.00 for 8 issues (regardless of the price of individual issues in the U.S. and Canada and $12.00 for overseas.)

My check of U.S. $___________ is enclosed _________ copy(s) of invoice/receipt required. (Institution/library may request billing before making payment) (Make check payable to OPRSCAS)

Please send book to:
Name/Corp./Library:
Address: (Please include zip code)