

The Rise of the Legal Profession in the Chinese Leadership

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Crucial to any analysis of China's political trajectory is an understanding of the kind of leadership that is governing the country. This is even more important now given the emergence of new political elites with distinct educational and professional credentials who will be running the country for the next decade and beyond. Throughout PRC history, changes in the composition of the political elite have often reflected—and sometimes heralded—broad social, economic, political, and ideological changes in the country at large. This essay examines the rapid rise of “lawyers” and legal professionals in both Chinese higher courts and the leadership of the Chinese Communist Party. Focusing on the 52 leaders who hold law degrees in the newly formed 376-member Central Committee of the 18th Party Congress, this essay identifies three distinct sub-types of this elite group for further analysis. This study links the trend of professionalization of the court judges and the emergence of legal professionals in the CCP leadership with paradoxical developments regarding the rule of law.*

Question: What do these leaders have in common?

- Ma Ying-jeou (president of Taiwan)
- Tsai Ing-wen (former presidential candidate in Taiwan)
- Chen Shui-bian (former president of Taiwan)
- Lü Hsiu-lien (former vice president of Taiwan)
- Xi Jinping (president of China)
- Li Keqiang (premier of China)
- Li Yuanchao (vice president of China)
- Liu Yandong (vice premier of China)

Answer: They all hold law degrees!

This question—along with its intriguing answer—has recently made the rounds in social media outlets in the People's Republic of China (PRC).¹ Whether the academic degrees of the top PRC leaders should be called law degrees is certainly subject to debate. Though the official biographies of Xi Jinping, Li Yuanchao, and Liu Yandong all state that they have received doctoral degrees in law, their academic concentrations were actually in Marxism, socialism, and politics, respectively.² Their study of law differs profoundly from that of their Taiwanese counterparts. For example, Ma and Lü received their law degrees from Harvard Law School, and Tsai received law degrees from both Cornell University and the London School of Economics and Political Science (LSE).

The recent controversy over the academic credentials of some law degree holders in the PRC leadership, however, should not overshadow the significance of the rapid rise of

Chinese political leaders who have received their college or postgraduate education in the social sciences, including the study of law. Some PRC leaders have obtained law degrees that are more credible by Western standards. For example, Premier Li Keqiang attended a four-year undergraduate program at the Department of Law at Peking University, where he studied under Professor Gong Xiangrui, a British-educated and distinguished expert on Western political and administrative systems.³ As a student majoring in law, Li was particularly interested in the subjects of foreign constitutional law and comparative government. Li and his classmates translated important legal works from English to Chinese, including Lord Denning's *The Due Process of Law* and *A History of the British Constitution*.⁴ Some of Li's classmates at the Department of Law now hold important positions in China's legal system. Among them are He Qinhu, president of East China University of Political Science and Law; Du Chun, director of the Law and Justice Department of the Ministry of Justice; and Tao Jingzhou, a famous lawyer in the field of international commercial arbitration.⁵

While Li Keqiang did not pursue a career in the legal field after graduation, some of the rising stars in current Chinese leadership have practiced extensively in the judicial and law enforcement fields. The newly formed 18th Central Committee of the Chinese Communist Party (CCP) includes two representatives from the Supreme People's Court and two representatives from the Supreme People's Procuratorate—all of whom serve as full members of this crucial decision-making body. This stands in sharp contrast to previous Central Committees, where only one representative from each of those two supreme legal institutions held full membership on the CCP Central Committee. Each of the four aforementioned leaders attended law school at both the undergraduate and graduate levels, and one taught at law schools in both the United States and Europe as a visiting professor. Leaders with similar legal training and professional experience have also emerged in the national and provincial leadership, serving as ministers, deputy ministers, provincial party secretaries, and governors.

It is particularly interesting to note that despite the significant differences between the political systems and socioeconomic development of Mainland China and Taiwan, both sides of the Taiwan Strait have experienced nearly identical elite transformations over the past few decades.⁶ In Taiwan, the ruling Nationalist Party (KMT), under the leadership of Chiang Ching-kuo, promoted a large number of technocrats—engineers turned political elites—to its leadership beginning in the early 1970s. Most noticeable were Sun Yun-suan (an engineer who was trained at the Harbin Institute of Technology), Li Kwoh-Ting (a physicist who was educated at Cambridge University), Chen Li-an (an MIT-trained engineer who also held a Ph.D. in mathematics from New York University), and Lee Teng-hui (who held a Ph.D. in Agronomy from Cornell University). Sun later succeeded Chiang as the premier of the Republic of China (ROC); Li and Chen both served as ministers of economic affairs and played an instrumental role in Taiwan's economic take-off; and Lee later succeeded Chiang as the president of the ROC.

Taiwan in the late 1970s and most of the 1980s was ruled by a strongman, Chiang Ching-kuo, surrounded by a group of technocrats. Similarly, China throughout most of the Deng era was also ruled by a strongman with the help of a leadership team of technocrats.

Furthermore, three top leaders in the so-called third generation of the CCP leadership—Jiang Zemin (electrical engineer), Li Peng (hydroelectric engineer), and Zhu Rongji (electrical engineer)—were all technocrats, as were the top three leaders of the fourth generation: Hu Jintao (hydraulic engineer), Wu Bangguo (electrical engineer), and Wen Jiabao (geological engineer). Also comparable to Taiwan, China experienced an economic miracle and landmark changes in urban development with a double-digit GDP growth rate during these two decades.

Apparently, the era of technocratic dominance of power is coming to end in the PRC, as those leaders trained in social sciences and law have now moved to the center stage of Chinese politics. In the wake of the most recent political succession, Chinese official media and social media are both filled with discussions about how many of the CCP leaders have an educational background in the study of law. In comparison, lawyers in Taiwan emerged as an important political force in both the government and opposition during the final years of the Chiang Ching-kuo era. The rise of legal professionals in Taiwanese politics has clearly paralleled the consolidation of the legal system and the broad democratic transition on the island.

Does Taiwan's political system today foreshadow a similar political transformation for Mainland China tomorrow? Any political prediction about China's future that is based on comparative studies would certainly need to take serious consideration of many demographic variations and situational factors. Yet, it is notable that identical elite transformations have occurred in these two culturally similar polities. Students of China should pay greater attention to the recent emergence of the legal profession in the CCP leadership and the dynamic changes in the legal communities in the country. This essay begins by illustrating the remarkable elite transformations in the post-Mao era, particularly in recent years. It then explores the paradoxical developments regarding the rule of law in China. Finally, it turns to an empirical analysis of the characteristics of the three main types of law degree holders in the new 18th Central Committee of the CCP.

China's Elite Transformations: Generational and Occupational Changes

China has witnessed remarkable elite transformations over the past three decades. These transformations are not only generational, but also occupational. Communist revolutionary veterans with peasant and soldier backgrounds comprised the first and second generations of the CCP leadership, while engineers-turned-technocrats made up the third and fourth generations.⁷ Both the fifth generation that has now begun to run the country and the emerging sixth generation consist primarily of leaders who are trained in the social sciences, economics, and law.

The Chinese Communist Party rose to power as a military organization. During the late 1920s and early 1930s, a large number of poor peasants, many illiterate, joined the Red Army and the CCP.⁸ Some formed the ruling elite—the first and second generation of the leadership—of the PRC after the Communist victory in 1949. They occupied a large majority of leadership posts above the county level. Therefore, for the first three decades of the PRC regime, the educational background of party cadres was extremely poor. In

1955, for example, only 5 percent of the high-ranking officials held a junior high school education or above.⁹ There was a complete absence of specialists, such as engineers, on the CCP central committee during the period of the Communist takeover.¹⁰ This limited occupational composition of the political elite remained largely intact in the PRC until the “technocratic takeover,” which was initiated by Deng Xiaoping in the 1980s.

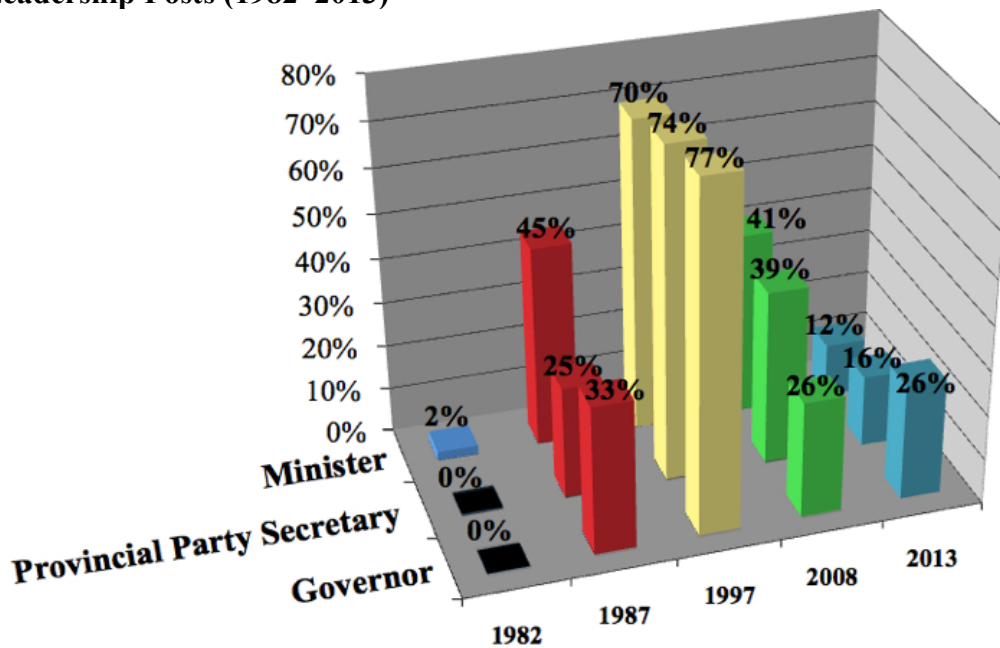
The Dramatic Rise and Decline of Technocrats

A technocrat is defined as a person who *concurrently* holds specialized training in engineering or a natural science, a professional occupation, and a leadership position. In a strict sense (which is also adopted in this study), those leaders who receive specialized training in the fields of economics and finance are not regarded as technocrats. In a broad sense, one may call these leaders “economic technocrats,” a term that distinguishes them from “technocrats” or “engineers-turned-technocrats.”

In the 1980s and 1990s, China experienced a rapid “technocratic turnover” in the state-party leadership. But over the past few years, the country has witnessed an equally rapid decline of technocrat representation in various levels of the civilian leadership. Both the rise and the decline of technocrats reflect the fluidity of elite transformations in post-Mao China, paralleling the remarkable economic growth, educational development, and social changes that have occurred in the country.

The variability of technocrat representation in different leadership posts over the past three decades is the topic of Chart 1. In 1982, there was not one single technocrat among
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Chart 1: Changes in Technocrat Representation in Ministerial/Provincial Leadership Posts (1982–2013)



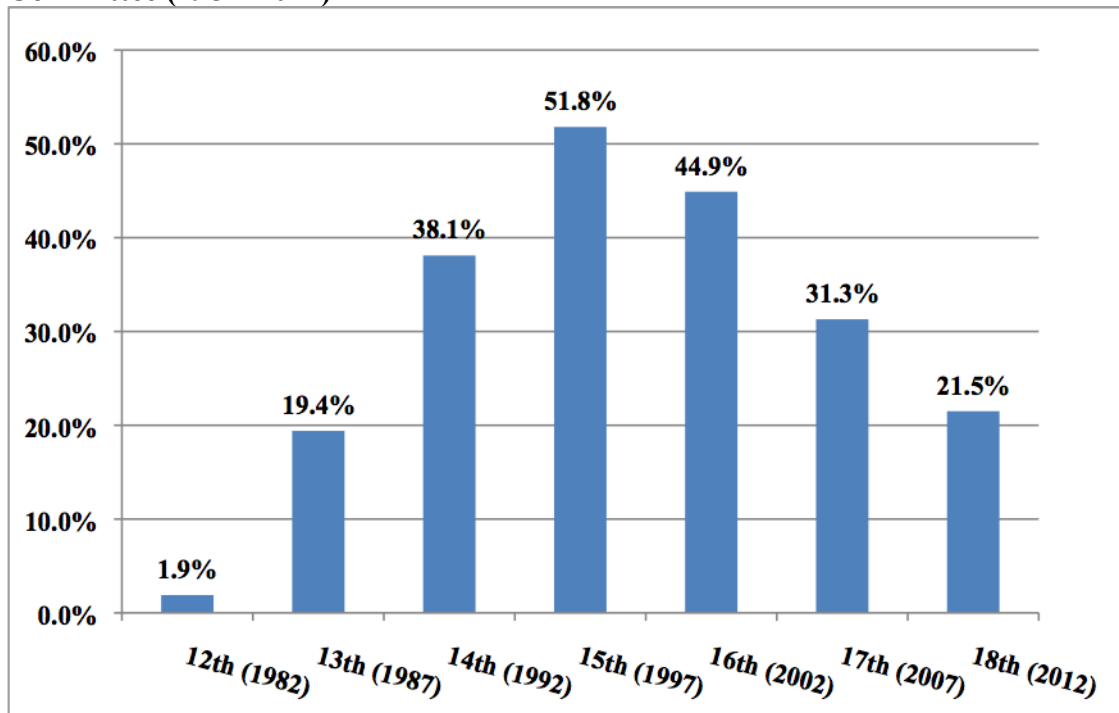
SOURCE: The data for the years 1982, 1987, and 1997 are based on Hong Yung Lee, *From Revolutionary Cadres to Party Technocrats: The Changing Cadre System in Socialist China* (Berkeley: University of

California Press, 1991), 268; Kenneth Lieberthal, *Governing China: From Revolution through Reform* (New York: W.W. Norton, 1995), 236; and Cheng Li and Lynn White, “The Fifteenth Central Committee of the Chinese Communist Party: Full-Fledged Technocratic Leadership with Partial Control by Jiang Zemin,” *Asian Survey*, Vol. 38, No. 3 (March 1998), p. 251. The data for 2008 and 2013 were primarily compiled by the author using Xinhua News Agency and Chinese-language search engines provided by Google, Baidu, and Yahoo.

China’s provincial party secretaries or governors. Only one minister in the State Council (representing just 2 percent of the total), minister of Electric Power Industry Li Peng, was regarded as a technocrat. Technocrats increased dramatically over the following 15 years, however, and reached a peak in 1997 when they occupied over 70 percent of ministerial, provincial party secretary, and governor positions. Thereafter, technocrat representation has significantly declined in all of these three major leadership categories. In 2013, technocrats now constitute only 12 percent of ministers, 16 percent of provincial party secretaries, and 26 percent of governors.

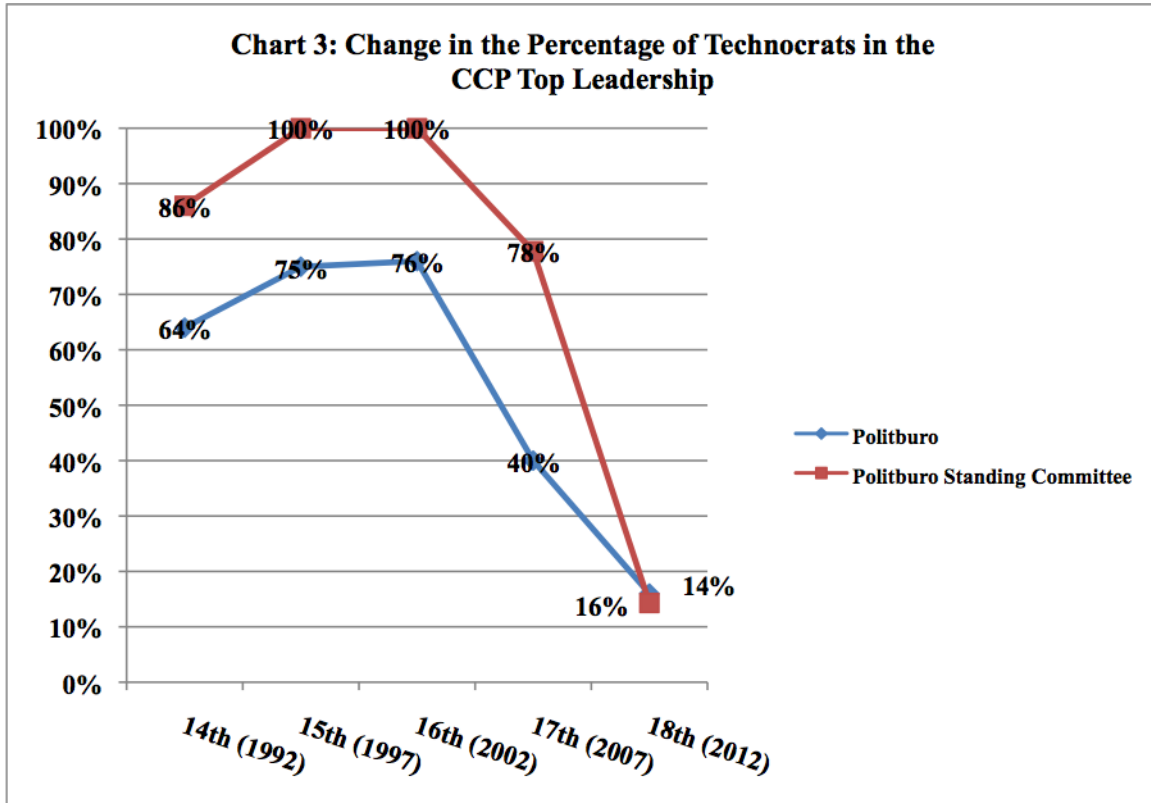
A similar change can be found among the CCP Central Committees over the past three decades. Chart 2 shows that in 1982, technocrats constituted just two percent of full
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Chart 2: Changes in Technocrat Representation among Full Members of the Central Committee (1982–2012)



SOURCE AND NOTES: The CCP Organization Department and Research Office of the History of the Chinese Communist Party, comp., *中国共产党历届中央委员大辞典, 1921–2003* [Who’s Who of the Members of the Central Committees of the Chinese Communist Party 1921–2003]. (Beijing: Zhonggong dangshi chubanshe, 2004). Xinhua News Agency, <http://www.news.cn/politics/leaders/index.htm>, accessed on September 17, 2013. Calculated by Cheng Li. If a leader’s undergraduate major differs from his or her postgraduate education focus, this study counts the latter only.

members of the Central Committee, but by 1987 they made up 19 percent. By 1997 they made up over half (52 percent). Then, in 2002, the percentage of technocrats serving as full members of the Central Committee began a precipitous decline from 45 percent in 2002 to only 22 percent of the 18th Central Committee, which was formed in 2012. The rapid decline in recent years of technocrats serving in the leadership has been particularly evident on China's two most important decision-making bodies, the Politburo Standing Committee (PSC) and the Politburo, both of which changed significantly at the most recently held 18th Party Congress (see chart 3). Only one technocrat (the equivalent of 14 percent), Chairman of the Chinese People's Political Consultative Conference (CPPCC)



SOURCE AND NOTES: The CCP Organization Department and Research Office of the History of the Chinese Communist Party, comp., *中国共产党历届中央委员大辞典, 1921–2003* [Who's Who of the Members of the Central Committees of the Chinese Communist Party 1921–2003]. (Beijing: *Zhonggong dangshi chubanshe*, 2004). Xinhua News Agency, <http://www.news.cn/politics/leaders/index.htm>, accessed on September 17, 2013. Calculated by Cheng Li. If a leader's undergraduate major differs from his or her postgraduate education focus, this study counts the latter only.

Yu Zhengsheng (missile engineer), serves on the newly formulated seven-member PSC. Similarly, the 25-member Politburo contains only four technocrats (16 percent): Beijing Party Secretary Guo Jinlong (physicist), Xinjiang Party Secretary Zhang Chunxian (mechanical engineer), Chongqing Party Secretary Sun Zhengcai (agronomist), and Yu Zhengsheng.¹¹ In contrast, the seven-member PSC in 1997 and the nine-member PSC in 2002 were comprised entirely of technocrats. Most of the current CCP leaders hold their highest academic degrees in economics, law, politics, and the humanities. Similarly, in the

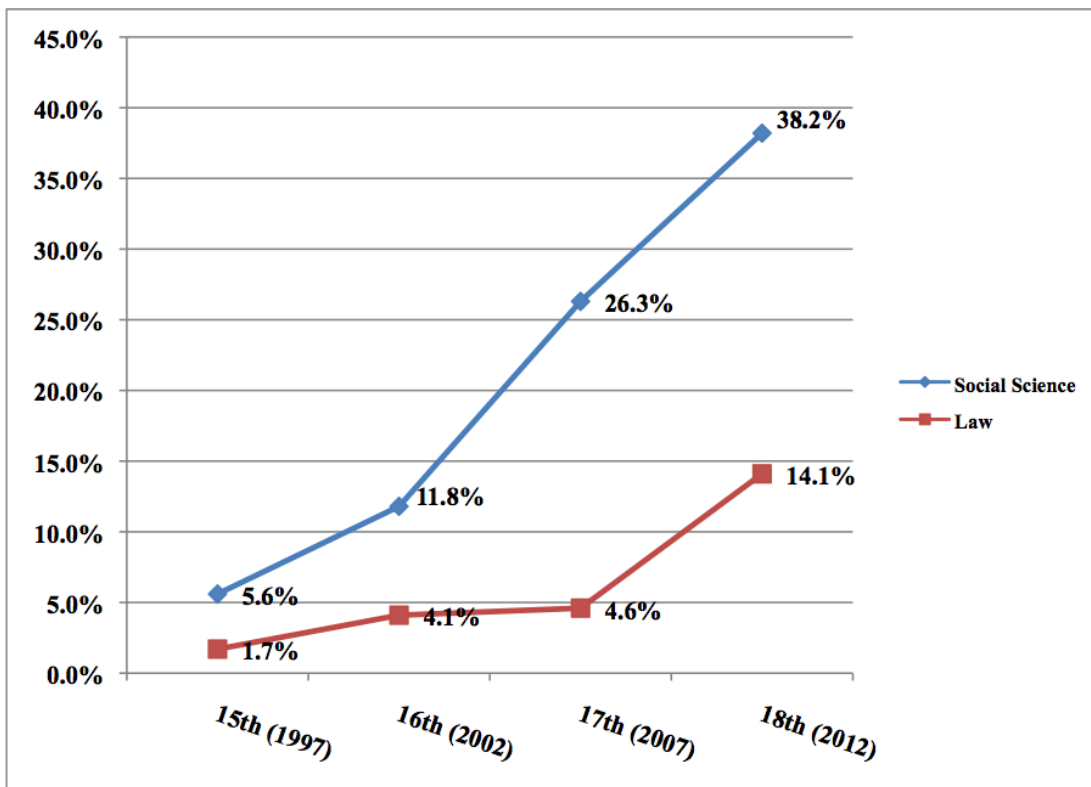
State Council, the top five leaders (the premier and four vice premiers) all received their highest degrees in economics and social sciences.

The Educational Backgrounds of Current CCP Leaders

Table 1 (next page) shows the undergraduate or postgraduate academic majors of the full members of the CCP Central Committees between 1997 and 2012. Leaders trained in the social sciences, including law, have significantly increased on the Central Committee over the past 15 years, as clearly illustrated in Chart 4. Full members of the Central Committee who were trained in the social sciences increased from 5.6 percent in 1997 to 38.2 percent in 2012, while those who held law degrees increased from 1.7 percent to 14.1 percent in the same period. As chart 5 shows, the substantial increase over the past decade of full members of the Central Committee trained in the social sciences, law, and economic management has come at the expense of leaders trained in engineering and the natural sciences. *(text continues on p. 9)*

Chart 4

Full Members of the Central Committee Trained in Social Science and Law (1997–2012)



SOURCE AND NOTES: The CCP Organization Department and Research Office of the History of the Chinese Communist Party, comp., *中国共产党历届中央委员大辞典, 1921–2003* [Who's Who of the Members of the Central Committees of the Chinese Communist Party 1921–2003]. (Beijing: Zhonggong dangshi chubanshe, 2004). Xinhua News Agency, <http://www.news.cn/politics/leaders/index.htm>, accessed on September 17, 2013. Calculated by Cheng Li. If a leader's undergraduate major differs from his or her postgraduate education focus, this study counts the latter only.

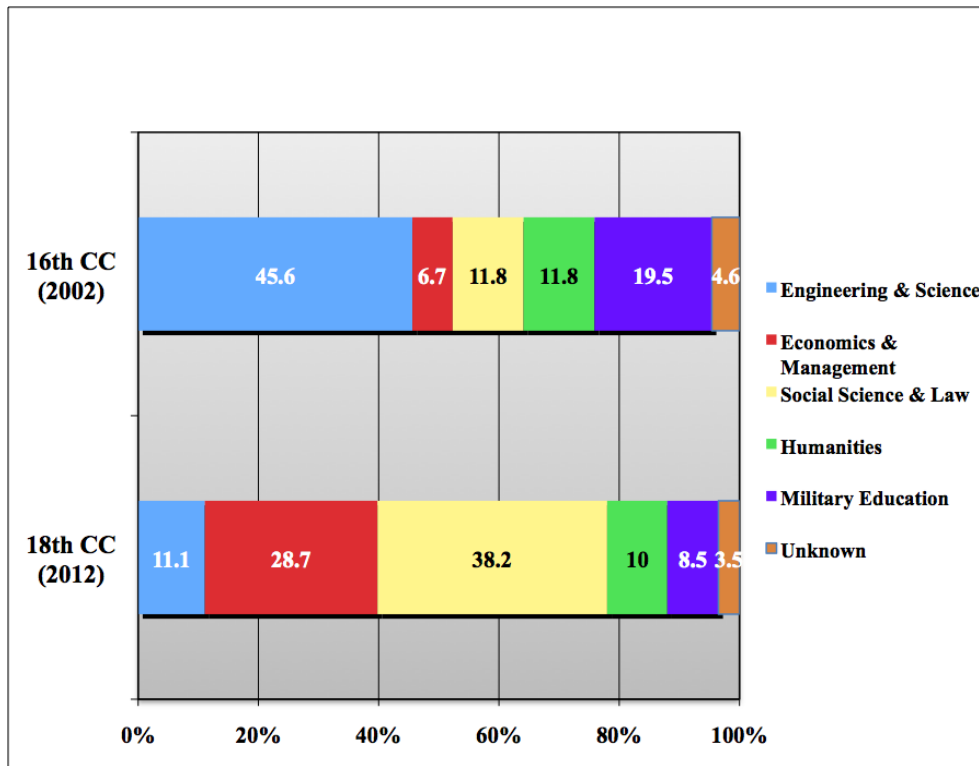
Table 1*Academic Majors of Full Members of the Central Committees with College or Post-Graduate Degrees (1997–2012)*

<i>Majors</i>	1997 CC (N = 180)		2002 CC (N = 195)		2007 CC (N = 198)		2012 CC (N = 199)	
	<i>no.</i>	<i>%</i>	<i>no.</i>	<i>%</i>	<i>no.</i>	<i>%</i>	<i>no.</i>	<i>%</i>
Engineering & Science								
Engineering	78	43.3	67	34.4	41	20.7	16	8
Geology	3	1.7	1	0.5	2	1.0	0	0
Meteorology	1	0.6	0	0	0	0	0	0
Agronomy	5	2.8	4	2.1	3	1.5	1	0.5
Biology	3	1.7	0	0	0	0	0	0
Physics	7	3.9	9	4.6	6	3.0	1	0.5
Chemistry	2	1.1	2	1.0	3	1.5	4	2
Mathematics	0	0	2	1.0	2	1.0	0	0
Architecture	0	0	3	1.5	1	0.5	0	0
Medical Science	1	0.6	1	0.5	1	0.5	0	0
Subtotal	100	55.6	89	45.6	59	29.8	22	11.1
Economics & Management								
Economics & Finance	7	3.9	10	5.1	19	9.6	23	11.6
Management	3	1.7	1	0.5	18	9.1	33	16.6
Accounting & Statistics	0	0	2	1.0	2	1.0	0	0
Foreign Trade	1	0.6	0	0	0	0	1	0.5
Subtotal	10	5.6	13	6.7	39	19.7	57	28.7
Social Sciences & Law								
Politics	2	1.1	6	3.1	29	14.6	35	17.6
Sociology	1	0.6	0	0	1	0.5	2	1
Party History & Party Affairs	4	2.2	7	3.6	8	4.0	8	4
Journalism	0	0	2	1.0	5	2.5	3	1.5
Law	3	1.7	8	4.1	9	4.6	28	14.1
Subtotal	10	5.6	23	11.8	52	26.3	76	38.2
Humanities								
History	1	0.6	4	2.1	7	3.5	7	3.5
Philosophy	2	1.1	4	2.1	7	3.5	7	3.5
Education	1	0.6	3	1.5	0	0	0	0
Chinese Language & Literature	5	2.8	6	3.1	5	2.5	4	2
Foreign Language	7	3.9	6	3.1	2	1.0	2	1
Subtotal	16	8.9	23	11.8	21	10.6	20	10
Military Education, incl. Military Eng.	31	17.2	38	19.5	22	11.1	17	8.5
Unknown	12	6.7	9	4.6	5	2.5	7	3.5
Total	180	100.4	195	100.0	198	100	199	100

SOURCE AND NOTE: The information from the 15th CC (1997) is based on Shen Xueming 沈学明 and others, comp., 中共第十五届中央委员会中央纪律检查委员会名录, (Who's who among the members of the Fifteenth Central Committee of the Chinese Communist Party and the Fifteenth Central Commission for Discipline Inspection) (Beijing: Zhonggong wenxian chubanshe, 1999). The information from the 16th-18th CC (2002-2012) is based on Cheng Li's database. Also see Cheng Li and Lynn White, "The Fifteenth Central Committee of the Chinese Communist Party: Full-Fledged Technocratic Leadership with Partial Control by Jiang Zemin," *Asian Survey*, Vol. 38, No. 3 (March 1998), pp. 231-264 and Cheng Li and Lynn White, "The Sixteenth Central Committee of the Chinese Communist Party: Hu Gets What?" *Asian Survey* Vol. 43, No. 4 (July/August 2003), pp. 553-597. Percentages do not add up to 100 due to rounding. If a leader's undergraduate major differs from his or her post-graduate education focus, this study counts the latter only.

Chart 5

Changes in Educational Background among the Full Members of the Central Committee (comparison between the 2002 CC and the 2012 CC)



SOURCE AND NOTES: The CCP Organization Department and Research Office of the History of the Chinese Communist Party, comp., *中国共产党历届中央委员大辞典, 1921–2003* [Who’s Who of the Members of the Central Committees of the Chinese Communist Party 1921–2003]. (Beijing: Zhonggong dangshi chubanshe, 2004). Xinhua News Agency, <http://www.news.cn/politics/leaders/index.htm>, accessed on September 17, 2013. Calculated by Cheng Li. If a leader’s undergraduate major differs from his or her postgraduate education focus, this study counts the latter only.

This new trend is striking because, throughout the history of the PRC, social scientists have been marginalized and have occasionally become political targets. Jiang Zemin’s well-publicized 2002 visit to Renmin University, a school famous for programs in economics and the social sciences, apparently contributed to this dramatic shift in elite recruitment and promotion. During his visit to this school, Jiang explicitly stated that in the future, “Chinese social scientists should be valued as highly as natural scientists.”¹²

Top CCP leaders have spoken often of the need to strengthen the country’s legal system in recent decades. Jiang Zemin’s work report to the 2002 Party Congress also specified that the nation should establish a new Chinese-style legal system. More recently, both Hu Jintao and Xi Jinping have made widely publicized speeches stressing the importance of the rule of law. Within his first month as secretary general of the CCP, Xi Jinping made an important speech at the 30th anniversary of the amendment of the PRC constitution. In the speech he claimed that “No organization or individual has the privilege to overstep the Constitution and the law.”¹³ He said that the Chinese leadership “must firmly

establish, throughout society, the authority of the Constitution and the law and allow the masses to fully believe in the law.”¹⁴

Consequently, legal professionals—including political elites who received law degrees (regardless of whether they actually practice in the legal field)—have become an important elite group within the leadership. To a great extent, receiving a law degree has become a valuable credential for party leadership.

The fifth generation of leaders—leaders who were born in the 1950s—constitute a majority of the current Central Committee. In contrast to the fourth generation of leaders, most of whom completed their college education (often in engineering or natural sciences) prior to the Cultural Revolution, members of the fifth generation were elementary and middle school students during the Cultural Revolution—a period when the Chinese school system was largely paralyzed and students engaged in political campaigns and ideological indoctrination in place of academic studies. Deprived of the opportunity for formal schooling, fifth-generation leaders belong to the so-called lost generation. This age cohort suffered extraordinary hardships during adolescence, with many having been forced to work in the countryside as farmers, thus acquiring the title “sent-down youths.”

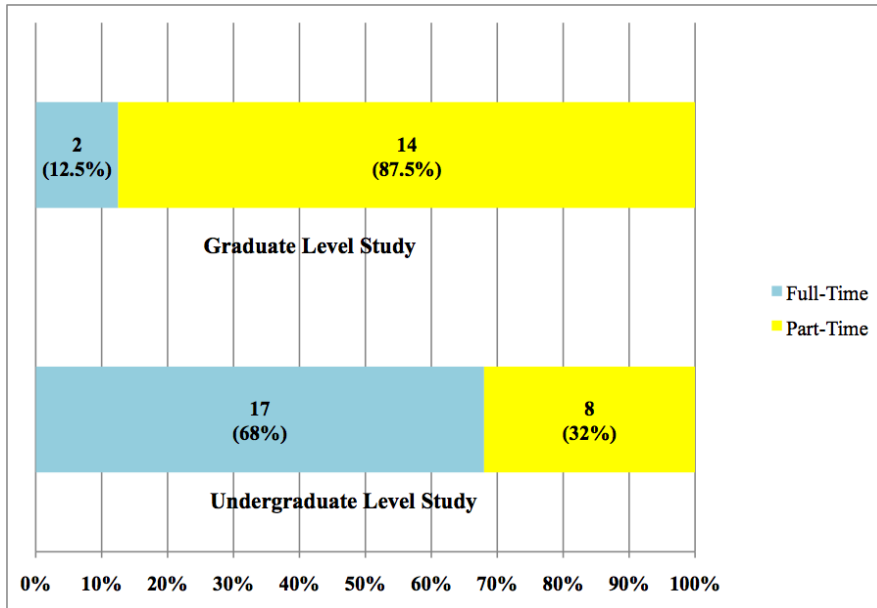
As a result of Deng Xiaoping’s policy initiatives, in 1977 China resumed the use of college entrance exams. Many fifth-generation leaders entered college at that time, when they were in their mid- or late 20s. They majored in a wide range of newly resumed or established academic disciplines rather than concentrating on engineering and the natural sciences as the third- and fourth-generation leaders had done. A significant number of these fifth-generation leaders later pursued postgraduate studies on a part-time basis. Chart 6 shows that of the 16 current Politburo members who obtained advanced degrees, 14 (87.5 percent) did so on a part-time basis. Eight Politburo members (32 percent) actually received their undergraduate education on a part-time basis, as well. Many obtained these degrees at the Central Party School.

Among the 376 members of the 18th Central Committee, 286 leaders have provided information about their graduate education and 336 leaders have identified their undergraduate training. Chart 7 shows that 76 percent received their graduate education and 25 percent received their undergraduate education on a part-time basis. It has been widely believed in China that many of these part-time degree programs, especially those offered to party officials at the various party schools, do not meet high academic standards. As a result, some of these part-time academic degrees may turn out to be a political liability for some leaders.

This weakness in the academic credentials among some law degree holders in the CCP leadership aside, however, some leaders in the fifth and sixth generation did receive solid legal education. Furthermore, the fact that a large number of CCP leaders now seek to claim credentials in the field of law itself may not only indicate an important political and ideological shift in the Chinese political establishment, but may also reflect societal change and a greater demand for judicial development in the country at large.

Chart 6

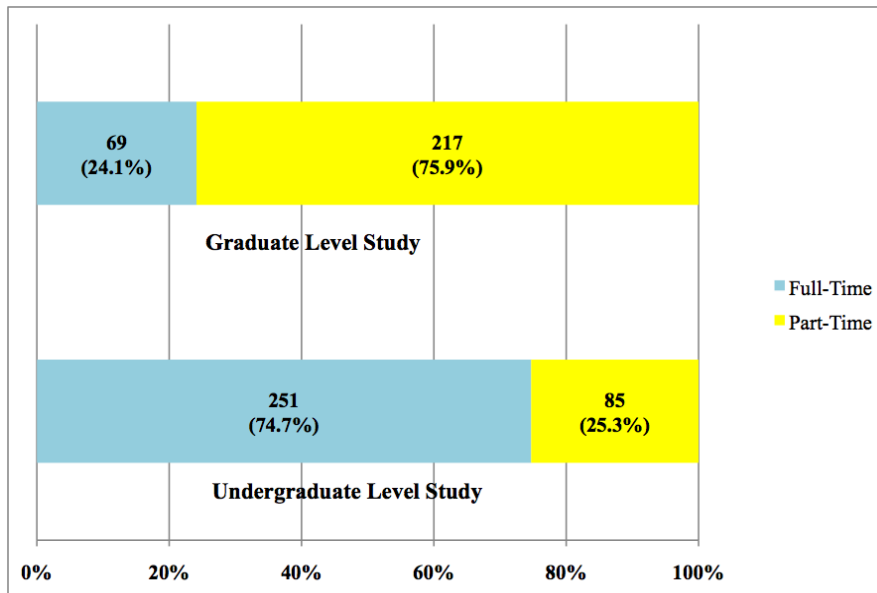
Educational Background of Members of the 18th Politburo: Ratio of Part-time versus Full-time Study



SOURCE AND NOTES: Xinhua News Agency, <http://www.news.cn/politics/leaders/index.htm>, accessed on September 17, 2013. Calculated by Cheng Li.

Chart 7

Educational Background of Members of the 18th Central Committee: Ratio of Part-time versus Full-time



SOURCE AND NOTES: Xinhua News Agency, <http://www.news.cn/politics/leaders/index.htm>, accessed on September 17, 2013. Calculated by Cheng Li. In the 376-member 18th Central Committee, the educational backgrounds of 40 members are not identified.

Paradoxical Developments Regarding the Rule of Law in China

Critics of China's legal development are cynical about the growing numbers of legal professionals in the CCP leadership, partially due to the aforementioned controversies over some leaders' educational credentials and mainly because the new leadership has neither loosened party control over the legal profession nor pursued judicial independence. On the contrary, liberal legal scholars and human rights lawyers are often among the primary targets for harsh treatment—including imprisonment, as in the recent case of Xu Zhiyong, a doctoral graduate of Peking University Law School and well-known human rights lawyer.¹⁵

Many Chinese public intellectuals have become dispirited over the lack of substantive progress toward much-needed political reform. In particular, they have become dismayed by orders instructing them not to speak about the seven sensitive issues: universal values, freedom of the press, civil society, civil rights, past mistakes made by the CCP, crony capitalism, and judicial independence (or constitutionalism). Media censorship has undoubtedly tightened after the leadership transition at the 18th Party Congress. The authorities have sparked public concern—or even “outrage” in the words of some liberal public intellectuals—by threatening three-year prison terms for those posting “slanderous” content on social media platforms that attracts more than 5,000 views or is reposted more than 500 times.¹⁶

These troubling incidents remind students of Chinese politics both in China and abroad of the formidable obstacles that China's legal and political reform confronts. This should not be a surprise in a country that lacks a legal tradition and one in which the political leadership has often exerted unconstrained power. During the first three decades of the PRC, legal nihilism and legal instrumentalism dominated the public view of law. A good example of legal nihilism was embodied in the remarks Mao made at the important CCP Politburo meeting in August 1958: “Every one of our party resolutions is law, and every meeting itself is law, and we can therefore maintain social order through resolutions and meetings.”¹⁷ The neglect of even a basic legal consciousness accounted for the fact that from 1949 to 1978, the PRC promulgated only two laws, one being the constitution itself and the other being the marriage law.

In Mao's China law was largely seen as a tool of the ruling class to maintain its power and exercise its dictatorship. Not surprisingly, prior to the late 1990s, when discussing the role of law in the country, Chinese authorities often used the phrase “to use law to rule the country” (以法制国) rather than “to govern the country according to the law” (依法治国). These two phrases have exactly the same pronunciation in Chinese, but are fundamentally different in connotation. The former emphasizes the utility of law from the party perspective, and the latter emphasizes that no individual, group, or party should be above the law.¹⁸

Building a Legal Framework from Scratch

It is based upon this historical background that legal development in the reform era has become more significant. Since economic reforms began in 1978, many top leaders who

had suffered from the lawlessness of the Cultural Revolution—including Deng Xiaoping and then chairman of the Legal Committee of the NPC Peng Zhen—have made systematic efforts to issue important laws.¹⁹ Over the years, many laws have been established in China, including the criminal law and the code of criminal procedure in 1979, the general principles of civil law in 1987, the administrative procedure law in 1989, the administrative punishment law in 1996, and the property law in 2007.

The main motivation for the Chinese leadership to issue these laws has not been liberal legal thinking but rather self-interest, as the late Cai Dingjian—one of the prominent drafters of some of these laws—stated specifically in regard to the CCP leadership’s desire to vindicate property rights.²⁰ China’s transition to a market economy understandably requires more laws and regulations, without which the economy would fall into anarchy. In July 1981, the State Council established the Research Center of Economic Laws, which was responsible for drafting large-scale economic legislation. From 1979 to 1993, among the 130 laws approved by the NPC, more than half were in the areas of economic and administrative law.²¹

According to the Chinese authorities, China’s legal framework had largely been established by the end of 2010. This legal system includes seven main functional areas: the constitution, civil and commercial law, administrative law, economic law, social law, criminal law, and litigation and non-litigation procedural law. According to official counts, China has promulgated 239 laws in the reform era. The State Council has issued an additional 690 administrative rules and regulations, while local governments have issued about 8,600 local laws and regulations. Taken together, these developments are a substantial improvement over the legal vacuum of Mao’s China.²² Admittedly, many of these laws either have not been implemented or are insufficiently enforced, but they nonetheless represent an important foundation on which a more effective system can be built.

Nearly keeping pace with this rapid emergence of a Chinese body of law has been a burgeoning legal profession.²³ In the early years of the PRC, the country had only four colleges that specialized in politics and law.²⁴ Only a few universities had law departments. Furthermore, these were all closed during the Cultural Revolution. In 1977 Peking University, Jilin University, and the Hubei Institute of Finance and Economics admitted law students for the first time following the Cultural Revolution, with the entire country registering only 200 law students that year.²⁵ Even then, the legal specialization remained only part of the broad academic major called “politics and law” (政法). By 1980 fourteen colleges and law departments in the country had admitted an underwhelming total of 2,800 undergraduate law students.²⁶ It is also interesting to note that in the early 1980s, there were only about 3,000 lawyers in the PRC, at the time a country of approximately one billion people.²⁷

By the end of 2010, however, this group had expanded sixty-eight-fold to 204,000 licensed lawyers.²⁸ In that year about 40,000 PRC nationals received licenses to become registered lawyers in the country. And in 2011 China’s 640 law schools and law departments produced roughly 100,000 law graduates.²⁹ These numbers will continue to

swell in the coming years. Meanwhile, programs in legal studies—such as jurisprudence, constitutional law, administrative law, criminal law, civil law, procedural law, and environmental law—over the past two decades have become well-established professional subfields. The curricula of these legal studies are heavily influenced by similar courses taught in the West.³⁰

The Trend toward Professionalization of Judges

Throughout the 1980s and 1990s, the main avenue for recruiting judges and other law enforcement professionals was the People's Liberation Army (PLA)—this despite the fact that many ex-servicemen did not have any formal legal training. He Weifang, a famous law professor at Peking University and China's leading advocate for legal professionalism, criticized this practice as being akin to appointing demobilized servicemen to be medical doctors. He pointed out that because a judge is as responsible as a medical doctor for the life and death of people, the position requires specialized knowledge and thus professional training.³¹

For He Weifang and other like-minded legal scholars, judiciary specialization (司法专业化) should consist of many specific components, including the professional training of lawyers and judges, separation between judicial and administrative functional areas in legal and law enforcement institutions, and ultimately an increase of judicial power and authority.³² By the nature of their profession, lawyers are responsible for containing state power. Yet lawyers and legal specialists are also professionally interested in developing legal norms to reshape state power. As for the professional specialization of judges, Professor He argues that a judge must have received formal legal education and should possess both a capacity for superb legal thinking and an analytical mind. The relationship between the public security sector, prosecutors, and the courts should be well defined.

The efforts by Chinese legal scholars to promote legal professionalism in China have yielded some very positive results. For example, in 2001 the PRC established the judicial examination system. Not only are lawyers and legal scholars no longer considered state officials (as they were in China's recent past), they also now boast an unprecedented degree of political autonomy and a steadily increasing level of professionalism, which was noticeable in the recently held Bo Xilai trial. While Chinese judges are far from able to maintain professional standards for judicial independence or even the spirit of judicial professionalism, an increasing number of judges have received solid legal education, which is a major change: just a decade ago PLA ex-servicemen almost completely dominated the Chinese court at various levels.

Table 2 shows the biographical backgrounds of justices of China's Supreme People's Court. Each of the country's top seven justices received post-graduate level legal education in China's most prestigious law schools. Four of them were also members of the famous undergraduate class of 1982, the first class admitted based on academic credentials rather than political background, as China reassumed its college entrance examination following the end of the Cultural Revolution. Xi Xiaoming also studied law as a visiting scholar for a year at the London School of Economics and Political Science. Wan Exiang, a justice and former vice president of the Supreme People's Court who was

appointed in March 2013 as vice chairman of the National People's Congress, received an LL.M degree from Yale University Law School in 1987 and also did research at Michigan Law School and the Max Planck Institute for Comparative Public Law and International Law in Heidelberg, Germany in 1990–1991.

Table 2

Biographical Sketches of Justices in the Supreme People's Court of the PRC (2013)

Name	Birth year	Position	Law degree (year graduated)	School	Main work experience	Foreign studies
Zhou Qiang 周强	1960	President	BA (1982), MA (1985)	Southwest U. of Political Science & Law	CCYL, admin.	
Shen Deyong 沈德咏	1954	Executive VP	MA (1983)	Chinese U. of Political Science & Law	Court, admin.	
Jiang Bixin 江必新	1956	VP	BA (1982), MA (1985), LLD (2004)	Southwest U. of Political Science, Peking U.	Court	
Xi Xiaoming 奚晓明	1954	VP	BA (1982), MA (1992), LLD (2002)	Jilin U., Peking U.	Court	London School of Econ. (1991–92)
Nan Ying 南英	1954	VP	BA (1980), MA (2002)	Peking U., Southwest U. of Political Science & Law	Court	
Jing Hanchao 景汉朝	1960	VP	BA (1982), MA (1997), LLD (2003)	Southwest U. of Political Science & Law, Peking U.	Court	
Huang Ermei 黄尔梅 (f)	1951	VP	BA (1979), MA (1997)	Peking U.	Court	

SOURCE AND NOTES: The Supreme People's Court of the PRC website, <http://www.court.gov.cn/jgsz/zgrmfyld>. Accessed on September 30, 2013. Tabulated and expanded by Cheng Li. admin = administrative; CCYL = Chinese Communist Youth League; (f) = female; LLD = doctor of laws.

With the exception of Zhou Qiang, the seven justices have spent most of their professional careers, if not their entire careers, at court. Shen Deyong, Jiang Bixin, Xi Xiaoming, and Jing Hanchao are all accomplished legal scholars who have written some important books on various aspects of China's legal developments and comparative laws. None of them are ex-service officers of the PLA.³³

Higher People's Courts in China's 31 provincial-level governments, the level just below the Supreme People's Court, seem to be less professionalized in terms of the legal education background of the court presidents. According to a recent Chinese report, about half of the presidents of these 31 higher courts did not receive any formal legal education.³⁴ Thirteen presidents obtained bachelor's or master's degrees at the Central Party School, and most of them majored in party affairs and politics. Several of them were ex-service PLA officers who transferred to the legal field. This widely circulated online report enhanced public concern and sparked criticism of the qualification of some judges serving in province-level higher courts, especially in the wake of the recent prostitution scandal that involved four judges in the Shanghai Municipal Higher Court.³⁵

Yet, it does not pay to be too cynical about the educational and professional backgrounds of this elite group of judges. The other half of the presidents have, in fact, received a solid legal education and have catalogued substantial work experience in courts and other legal domains. Table 3 (next page) lists 15 presidents of Higher People's Courts in China's provincial-level governments who hold law degrees. A majority of them (12 out of 15) attended some of the most prestigious law schools in China in the 1980s as full-time students. Most had legal training at both the undergraduate and graduate levels. Three of them spent a year as visiting scholars in a law school in the United States, England, or Australia.

With the exceptions of the president of the Jilin Higher Court Wang Changsong and the president of the Henan Higher Court Zhang Liyong, all higher court judges advanced their careers primarily by way of court affairs and other law enforcement fields. Four presidents were born in the 1960s, and they are the rising stars among the court judges in the country. In general, this trend toward the professionalization of judges should result in an increasing number of judges with solid legal education and court experience—and thus with more competitive résumés as they look for career advancement opportunities.

Call by Legal Scholars for Judicial Reforms

The qualification of court judges has apparently become a major issue in recent Chinese public discourse, especially in the country's social media. Xu Xin, a well-known public intellectual and a professor of law at the Beijing Institute of Technology, recently made an intriguing comparison of educational credentials between Cui Yadong, currently president of the Shanghai Municipal Higher Court, and Guo Yunguan, president of the Shanghai Higher Court on the eve of the Communist takeover in 1949, by posting their biographies online.³⁶ Cui held only a correspondence education degree from the Central Party School, worked as a police chief for many years (first in Anhui and then in Guizhou), and did not have any court experience before taking the post as president of the Shanghai Higher Court.

By contrast, over six decades ago, then president of the Shanghai Municipal Higher Court Guo Yunguan held a bachelor's degree in law from Northern University (Imperial Tientsin University), China's first modern university, and a doctoral degree in law from Columbia University in New York. A prolific legal scholar, Guo had devoted his entire career in legal education to being a professor of law at several prestigious universities—such as Yenching, Tsinghua, Fudan, and Soochow—and to advancing the city's legal development as judge and president of the Shanghai municipal higher court. Within a day, this posting was forwarded via Twitter over 250,000 times.

(text continues on page 18)

Table 3*Biographical Sketches of the Presidents of Higher People's Courts in China's Provincial-Level Governments Who Hold Law Degrees*

Name	Birth Year	Higher People's Court	Law degree & year graduated	School	Main Work Experience	Foreign Studies
Li Shaoping 李少平	1956	Tianjin	BA (1982); MA (1987)	Southwest U. of Poli-Sci & Law	Court, procuratorate	
Wang Changsong 王常松	1962	Jilin	MA (1986)	Peking University	Auditing, administrative	
Miu Disheng 缪蒂生	1956	Liaoning	doctorate (?)	Nanjing Normal University	Court	
Zhang Xuyuan 张述元	1956	Heilongjiang	MA (1988) doctorate (2004)	China U. of Poli-Sci & Law, Southwest U. of Poli-Sci & Law	Court	
Xu Qianfei 许前飞	1955	Jiangsu	MA (1984) doctorate (1988)	Wuhan University Wuhan University	Law school, court	New York U. (1988–89)
Qi Qi 齐奇	1955	Zhejiang	BA (1983) MA (2000)	East China U. of Poli-Sci & Law	Procuratorate, court	U. of Nottingham (2004–05)
Ma Xinlan 马新岚 (f)	1955	Fujian	BA (1985)	East China U. of Poli-Sci & Law	Court, administrative	
Zhang Zhonghou 张忠厚	1952	Jiangxi	3-year program (1984)	Southwest U. of Poli-Sci & Law	Court, administrative	
Bai Quanmin 白泉民	1955	Shandong	BA (1982) MA (2000)	Southwest U. of Poli-Sci & Law, Anhui University	Procuratorate	
Zhang Liyong 张立勇	1955	Henan	MA (2003)	Northwest U. of Poli-Sci & Law	Administrative	
Li Jing 李静 (f)	1963	Hebei	BA (1983) MA (1990)	East China U. of Poli-Sci & Law, China U. of Poli-Sci & Law	Court	
Qian Feng 钱峰	1964	Chongqing	MA (2001) doctorate (2007)	Renmin U.; Foreign Economic and Trade U.	Court	
Wang Haiping 王海萍 (f)	1956	Sichuan	BA (1982) MA (2000)	Southwest U. of Poli-Sci & Law, Renmin U.	Court	
Sun Huapu 孙华璞	1956	Guizhou	BA (1984) MA (2002)	East China U. of Poli-Sci & Law, Peking U.	Court	
Dong Kaijun 董开军	1962	Qinghai	BA (1985), MA (1988), doctorate (1992)	Heilongjiang U.; Chinese Academy of Social Sciences	Court, auditing	U. of Victoria, Australia (2003–04)

SOURCE AND NOTE: Mo Ju 墨钜, "Biographical Sketches of Presidents of Higher People's Court in China's Provincial Level Governments." (各省市自治区高级人民法院院长简历统计表), <http://china.dwnews.com/news/2013-08-16/59312251.html>, accessed on September 30, 2013. Updated and expanded by Cheng Li. (f)=female; Poli-Sci = Political Science; U.=University.

Based on this provocative comparison, Professor Xu called for the establishment of basic criteria for the post of court president or vice president, including a degree in law at the college level or above, a certificate of judicial qualifications (司法资格证书), and a minimum of five years of court experience. On another occasion, Xu proposed prioritizing judicial reforms with a focus on judicial independence.³⁷ In his view, judicial reforms are in line with the need for social stability and thus should be considered the least disruptive way to advance China's much-needed political transformation.

Xu proposed several bold and systematic changes to China's legal system including:

- adjusting the role of the CCP from appointing presidents of courts and chief prosecutors to only nominating them (with an independent selection committee, rather than the party organization department, tasked to make these appointments);
- prohibiting interference by the CCP in any legal cases, especially by prohibiting judges from being CCP members and banning party organizations within law firms; and
- reducing the power of both presidents of courts and chief prosecutors in order to enhance procedural justice.³⁸

For Xu Xin, He Weifang, and many like-minded Chinese legal scholars, these proposed judicial reforms constitute the approach to China's inevitable political transformation that entails the lowest political costs and risks. The frequent manifestations of social unrest and the growing public criticism surrounding the inadequacy of legal professionalism further underscore the urgency of developing a credible legal system.

Law Degree Holders in the CCP Leadership: Typology and Characteristics

The calls by Chinese liberal scholars for legal professionalism and their criticism of the questionable "law degrees" held by some political elites seem to reflect the sentiment and hope that lawyers or legally educated leaders will "bring to policymaking not only legal expertise but, more importantly, a deep commitment to justice."³⁹ It would be naïve and highly problematic to assume that a top leader's legal education can guarantee a genuine commitment to the law and thus contribute to the rule of law as part and parcel of the country's governance. Chen Shui-bian, the aforementioned lawyer-turned-president of Taiwan, was notorious for his disregard of the law as he engaged in corruption and other criminal activities. Similarly, Russian president Vladimir Putin is apparently not famous for his promotion of rule of law or political democracy despite holding a law degree from the prestigious Leningrad State University.

But it would be too simplistic to overlook the importance of the occupational composition of governing elites. In a given country the rise of lawyers often parallels sociopolitical and legal transformation. The strong representation of lawyers in democracies around the world is arguably an essential component of a democratic political system. China's legal development—including the authority of lawyers and the influence of the legal community—is, of course, still in its embryonic stage. The potential consequences of this development for the Chinese political system, however, deserve greater scholarly

attention. It is particularly essential to develop a better understanding of the different subgroups of “law degree” holders in the CCP leadership based on their educational and professional backgrounds.

A review of the biographical backgrounds of the newly formed Central Committee of the CCP shows that 52 members (34 full members and 18 alternate members) hold “law degrees” or received formal legal education, accounting for about 14 percent of this important leadership body. In the 25-member Politburo, there are six law degree holders (24 percent). Chun Peng, a student of the Chinese legal system at Oxford University, has rightly noted that “law/legal studies (法学) is actually an umbrella term that encompasses not only the discipline of law *stricto sensu* but also political studies, sociology, ethnography, and Marxism.”⁴⁰

This study divides the CCP leaders holding law degrees into three categories, largely based on the nature of their academic training and professional experience: (1) leaders who hold a law degree in name only, (2) leaders who are legally trained but have never practiced law, and (3) leaders who are legal professionals in terms of both educational credentials and professional practice in the field of law. Table 4 shows the distribution of these three types among the 52 leaders in this study.

Table 4

Subgroups of Law Degree Holders in the 18th Central Committee (2012)

	<i>Status as CC member</i>		<i>Student status during education</i>		<i>Total</i>	
	<i>Full</i>	<i>Alternate</i>	<i>Full-time</i>	<i>Part-time</i>	<i>Number</i>	<i>%</i>
Law degree in name only	9	3	2	10	12	23.1
Legally trained but non-practicing	15	12	7	20	27	51.9
Legal professionals	10	3	6	7	13	25.0
Total	34	18	15	37	52	100.0

SOURCE AND NOTES: Xinhua News Agency, <http://www.news.cn/politics/leaders/index.htm>, accessed on September 17, 2013. Cheng Li’s database.

Category 1 includes four Politburo or PSC members: President Xi Jinping, who attended a part-time doctoral degree program in law (Marxism) at the School of Humanities and Social Sciences of Tsinghua University in Beijing from 1998 to 2002 when he served as a top provincial leader in Fujian; Vice President Li Yuanchao, who attended a doctoral degree program in law (scientific socialism) at the Central Party School in Beijing 1991–95 when he worked at the CCP Leading Group on Foreign Communication; Vice Premier Liu Yandong, who was enrolled in a doctoral degree program in law (politics) at the School of Public Administration of Jilin University in Changchun from 1994 to 1998 when she was a deputy director of the CCP United Front Work Department; and Wang Huning, who was enrolled in a master’s degree program in law (international politics) at Fudan University in Shanghai from 1978 to 1981. Wang later also served as dean of the Law School at Fudan University in 1994–95. With the exception of Wang, all of these leaders earned their advanced degrees on a part-time basis.

Other leaders who have a law degree in name only include Minister of Culture Cai Wu, who received a doctoral degree in law (international politics) from Peking University; Jiangsu Party Secretary Luo Zhijun, who attended a master's program in law (politics) at the Chinese University of Political Science and Law in Beijing 1994–95 when he worked in the national leadership of the Chinese Communist Youth League (CCYL); and Chairman of China Insurance Regulatory Commission Xiang Junbo, who obtained a doctoral degree in law (international politics) in Peking University in 1998. All of these leaders attended their law degree program on a part-time basis. As table 4 shows, among the 12 leaders in this category, 10 (83 percent) attended the program on a part-time basis.

Category 2 constitutes more than half of the law degree holders in the 18th Central Committee. In addition to the aforementioned Premier Li Keqiang, other prominent leaders in this category include Politburo member and Chongqing Party Secretary Sun Zhengcai, who attended a part-time master's degree program in law at the Central Party School in 2002–03, majoring in legal theory; member of the CCP Secretariat and executive vice chairman of the CPPCC Du Qinglin, who obtained his BA degree in law through a correspondence program from the Law School of Jilin University in 1992–93 when he was deputy secretary of Hainan Province; Minister of Agriculture Han Changfu, who attended a master's degree program in economic law at the Chinese University of Political Science and Law in Beijing 1990–93 when he worked at the CCYL Central Committee; Sichuan Party Secretary Wang Dongming, who attended the master's program in law at the Central Party School from 1996 to 1999; Chairman of Bank of China Xiao Gang, who received a master's degree in law at the Department of Law of Renmin University in 1996; and Shandong Governor Guo Shuqing, who received a master's degree in law at the Chinese Academy of Social Sciences (CASS) in 1988.

Similar to Premier Li Keqiang, several leaders in this category received solid and full-time undergraduate training in law soon after the resumption of the national entrance examination for college admission. They include Deputy Party Secretary of Beijing Ji Lin, who attended the BA degree program in law at Renmin University from 1978 to 1982; Chairman of CPPCC of Xinjiang Nuerlan Abudumanjin, who received a BA degree in law from Xinjiang University in 1985; and Deputy Party Secretary of Xijiang Han Yong, who received undergraduate training in law at Jilin University from 1977 to 1980. Legally trained leaders in this category, however, have neither practiced law as an attorney nor worked in the legal field.

Category 3 consists of 13 leaders who have not only received formal training in law but have also practiced as attorneys, judges, prosecutors, or legal scholars or who have worked in other fields of law enforcement. For example, Executive Vice Minister of Public Security Yang Huaining received his BA degree in law and forensic science from Southwest University of Political Science and Law in 1983, and his master's degree in criminal law from Peking University in 2001 and advanced his career almost exclusively in the domain of public security and law enforcement.

Table 5 (next page) presents biographical information about eight of these leaders. All of these leaders were born in the 1950s or early 1960s, and all attended some of the country's

best law schools, notably the Southwest University of Political Science and Law, the Chinese University of Political Science and Law, and Peking University. Most pursued their legal education on a full-time basis, especially at the undergraduate level.

Three leaders had the experience of studying abroad. Procurator-General of the Supreme People's Procuratorate Cao Jianming served as professor and president of East China University of Political Science and Law for many years before he moved to Beijing to become vice president of the Supreme People's Court in 1999. Earlier in his career, he studied law in Ghent University in Ghent, Belgium, in 1988–89 and taught as a guest professor of law at the University of San Francisco in the United States from July to December 1990. Deputy Party Secretary Shi Taifeng studied at the Law School of University of Amsterdam, the Netherlands, in 1991–92. Secretary General of the CCP Central Political and Legal Committee and Deputy Secretary General of the State Council Wang Yongqing was a visiting scholar at Harvard University's Kennedy School of Government for a short time in 2006.

Like Cao Jianming, several leaders taught at law schools as professors. He Zejun, for example, taught at her alma mater, Southwest University of Political Science and Law, for 10 years (1985–1995) after she received her master's degree there, during which time she also served as secretary of the CCYL and later party secretary of the university. Shi Taifeng also taught law at the Central Party School for 20 years (1990–2010) during which he served as chairman of the Department of Law and vice president of the school in charge of legal studies.

All of those mentioned above have had substantial work experience in the legal field. With the exception of Shi Taifeng, all currently still work in the legal field. Several of them, earlier in their careers, gained worked experience as *mishu* (personal assistants) to senior lawmakers or justices in the country. In the mid-1990s, Zhou Qiang served as a *mishu* for then Minister of Justice Xiao Yang, who later also became president of the Supreme People's Court, the position that Zhao now holds. Newly appointed director of the PRC Central Government's Liaison Office in Hong Kong Zhang Xiaoming served as a *mishu* for Liao Hui, director of the Hong Kong and Macao Affairs Office of the State Council, between 1986 and 2006, during which he witnessed the entire legal and political process (including the diplomatic negotiations) surrounding Hong Kong's turnover to the PRC.

Another leader, Wang Yongqing, had worked as a *mishu* in the legal system for almost his entire career until now. After receiving his BA degree in law from Jilin University and then his master's degree in Law from Peking University in 1987, Wang began his career as a clerk in the Research Department of the State Council Legislative Affairs Office. There, he moved up to serve as a *mishu* and office director for more than 20 years before assuming the post of deputy chief of staff of the State Council in 2008. Now he also concurrently serves as the chief of staff of the Central Political and Legal Committee of the CCP Central Committee.

Table 5
Members of the 18th CCP Central Committee with Formal Training and Professional Experience in the Legal Field

<i>Name</i>	<i>Birth year</i>	<i>Position</i>	<i>18th CC membership status</i>	<i>Legal education</i>	<i>Studies basis</i>	<i>Legal experience</i>
Zhou Qiang 周强	1960	President, Supreme People's Court	Full member	BA, Law (SWUPSL) MA, Law (SWUPSL)	Full-time Full-time	Ministry of Justice (1985–95), Supreme People's Court (2013–present)
Shen Deyong 沈德咏	1954	Executive vice president, Supreme People's Court	Full member	MA, Law (Chinese U. of Political Science & Law)	Full-time	Jiangxi Provincial Higher People's Court (1988–97), Supreme People's Court (1998–06, 2008–present)
Cao Jianming 曹建明	1955	Procurator-General, Supreme People's Procuratorate	Full member	BA, Law (East China U. of Political Science & Law) MA, Law (East China U. of Political Science & Law)	Full-time Full-time	East China University of Political Science and Law (1986–99), Supreme People's Court (1999–2008)
Hu Zejun 胡泽君 (f)	1955	Executive Deputy Procurator-General, Supreme People's Procuratorate	Full member	BA, Law (SWUPSL) MA, Law (SWUPSL)	Full-time Full-time	SWUPSL (1985–95), Ministry of Justice (1995–2004), Supreme People's Procuratorate (2010–present)
Wang Yongqing 汪永清	1959	Secretary General, CCP Central Political & Legal Committee; Deputy Secretary General, State Council	Full member	BA, Law (Jilin U.) MA, Law (Peking U.) Doctorate, Law (Jilin U.)	Full-time Full-time Part-time	Legislative Affairs Bureau of the State Council (1987–98) Legislative Affairs Office of the State Council (1998–2008)
Yang Huanning 杨焕宁	1957	Executive Vice Minister of Public Security	Full member	BA, Law (SWUPSL) Doctorate, Law (Peking U.)	Full-time Part-time	Public Security Bureau of Heilongjiang Province (1992–96), Ministry of Public Security (1996–present)
Zhang Xiaoming 张晓明	1963	Director, PRC Central Government's Liaison Office in Hong Kong	Alternate member	BA, Law (SWUPSL) MA, Law (Renmin University)	Full-time Full-time	State Council's Hong Kong and Macao Office in charge of Hong Kong basic legal issues (2001–2012)
Shi Taifeng 石泰峰	1956	Deputy Party Secretary, Jiangsu	Alternate member	BA, Law (Peking University) MA, Law (Peking University)	Full-time Full-time	Law Department of the Central Party School (1990–2010)

SOURCE AND NOTES: Cheng Li's research. CC = Central Committee; CCP = Chinese Communist Party; (f) = female; SWUPSL = Southwest University of Political Science and Law; U. = university.

The law degree holders within this subgroup certainly do not hold law degrees in name only. They are true legal professionals in the CCP leadership in terms of their educational credentials and work experiences. Of course, in present-day China, they are still first and foremost party officials. It remains to be seen whether this subgroup of law degree holders will expand in number and influence within the Party leadership, and even more important, whether their extensive legal training will lead them consciously to promote China's judicial independence.

Final Thoughts

During a visit to China in 1998, in a meeting with his Chinese hosts, President Bill Clinton was rumored to have exclaimed, "You have too many engineers and we have too many lawyers . . . let's trade!" Although clearly said in jest, President Clinton's witticism shapes an interesting analytical perspective in the study of political elites. An important theoretical proposition in Western social science literature on political elites is that the occupational identities of political leaders usually have some bearing on other characteristics of a country's political system.⁴¹

Naturally, if political elites have a personal or professional interest in a certain policy area, then they will strive to leave a legacy of strong leadership in that area.⁴² Technocrats, for example, have been known to devote special attention to economic growth and technological development, subjects they studied early in life or around which they centered their careers. This understanding is clearly reflected in the legacy of the engineer-dominated third and fourth generations of PRC leadership. It stands to reason that the current fifth generation and the emerging sixth generation, populated as they are by a higher percentage of leaders educated in social science and law, may seek to have an impact on the domains of political and legal reform.

Today, in contrast to President Clinton's assumption, China no longer needs to "trade" her political elites with—or "import" them from—the United States. In a single generation, law degree holders have come to occupy some of the most powerful posts in the leadership. This ongoing elite transformation, just like the previous elite transformation known as "technocratic turnover," will likely shape the leadership's socioeconomic and political policies. It may also determine the way in which the world's most populous country will be governed.

The paradoxical relationship between the demands of advanced legal reform and continued CCP interference in the legal system—the growing representation of law degree holders and the regime's harsh treatment of independent lawyers and NGO activists—is a defining characteristic of present-day Chinese politics. China's future will hinge, to a large degree, on whether the continued development of legal professionalism and constitutionalism can resolve this impasse.

Notes

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¹ This comparison of political leaders of the Republic of China (ROC) in Taiwan and the PRC focuses on a similar or even parallel elite transformation, and no usage here should be construed as having legalistic meaning for cross-Taiwan Strait relations.

² Xinhua News Agency, <http://www.xinhuanet.com/politics/leaders/>; and http://news.xinhuanet.com/rwk/2013-02/01/c_114586554.htm. Accessed on September 24, 2013.

³ Zhao Lei 赵蕾, “The Graduates of the First Class of the Huangpu Academy: The Students of the Class of ’77 at the Law Department of Peking University” (黄浦一期那班人——北大法律系七七级), *Southern Weekly* (南方周末), June 7, 2007.

⁴ Li Meng 李蒙, “Li Keqiang and His Class of ’77 at the Department of Law at Peking University” (李克强所在的北大法律系77级), *Democracy and Law* (民主与法制), October 26, 2009; also see

http://news.ifeng.com/history/zhiquing/ziliao/200910/1026_6858_1404826.shtml; and *Zhengzhou Evening News* (郑州晚报), March 16, 2013; http://www.ce.cn/xwzx/gnsz/gdxw/201303/16/t20130316_24204792.shtml.

⁵ Li, “Li Keqiang and His Class of ’77 at the Department of Law at Peking University.”

⁶ For a comparative study of technocrats across the Taiwan Strait in the 1970s and 1980s, see Cheng Li and Lynn White, “Elite Transformation and Modern Change in Mainland China and Taiwan: Empirical Data and the Theory of Technocracy,” *China Quarterly* 121 (March 1990), 1–35.

⁷ For more discussion of the definition and characteristics of the CCP generations, see Cheng Li, *China’s Leaders: The New Generation* (Lanham, Maryland: Rowman and Littlefield Publishers, 2001), 1–24.

⁸ Tsai Wen-hui, “Patterns of Political Elite Mobility in Modern China, 1912–1949,” Ph.D dissertation, University of California, Berkeley, 1974; and Paul Wong, *Chinese Higher Leadership in the Socialist Transition* (New York: Free Press, 1976).

⁹ See *Xinhua bimonthly* (新华半月刊), January 2, 1957, 89. Quoted in Franz Schurmann, *Ideology and Organization in Communist China*, 2nd enlarged edition (Berkeley: University of California Press, 1968), 283.

¹⁰ Robert North and Ithiel Pool, *Kuomintang and Chinese Communist Elites* (Stanford: Stanford University Press, 1952).

¹¹ Xi Jinping and Liu Yandong both received their undergraduate education in the field of engineering, but neither held an occupational post as an engineer. Also, their highest academic degrees are not in the field of engineering or in the natural sciences.

¹² For Jiang’s remarks, see <http://sina.com>, April 24, 2002.

¹³ Quoted from Zhao Yanan, “Uphold Constitution, Xi Says,” *China Daily*, December 5, 2012, also http://usa.chinadaily.com.cn/china/2012-12/05/content_15985894.htm.

¹⁴ *Ibid.*

¹⁵ For the recent imprisonment of Xu Zhiyong, see Hua Ze, “Misrule of Law,” *New York Times*, August 21, 2013, also see <http://cn.nytimes.com/opinion/20130821/c21hua/en-us/>.

¹⁶ Josh Chin and Paul Mozur, “China Intensifies Social-Media Crackdown,” *Wall Street Journal*, September 19, 2013. Also see

<http://online.wsj.com/article/SB10001424127887324807704579082940411106988.html>.

¹⁷ Quoted from Chen Su 陈甦, *Research on Law in Contemporary China, 1949–2009* (当代中国法学研究 1949–2009; Beijing: Zhongguo shehui kexue wenxian chubanshe, 2009), p. 27.

¹⁸ Yu Keping, *Governing the Country and the Party by Law* (依法治国与依法治党; Beijing: Zhongyang bianyi chubanshe, 2007), p. 2.

¹⁹ This discussion is based on Cheng Li’s introductory chapter, “Fighting for a Constitutional China: Public Enlightenment and Legal Professionalism,” in He Weifang, *In the Name of Justice: Striving for the Rule of Law in China* (Washington DC: The Brookings Institution Press, 2012), pp. xvii–xlix.

²⁰ Cai Dingjian “The Development of Constitutionalism in the Transition of Chinese Society,” *Columbia Journal of Asian Law* 19, no. 1 (Spring–Fall 2005): 27.

²¹ Cai Dingjian 蔡定剑, “Rule of Law” (依法治理), in *China’s Political Reform toward Good Governance: 1978–2008* (中国治理变迁三十年), edited by Yu Keping 俞可平 (Beijing: Shehui kexue wenxian chubanshe, 2008), p. 142.

²² Ren Miao 任淼, “The texts of laws are all available, but the rule of law is still far off” (法律文本成形, 法治认同尚远), *Duowei Times* (多维时报), March 18, 2011, 17.

²³ For discussion of a more optimistic view of China’s legal development in terms of professional expansion, see Cheng Li and Jordan Lee, “China’s Legal System,” *China Review* 48 (Autumn 2009): 1–3.

²⁴ Chen, *Research on law in contemporary China*, 13.

²⁵ He Weifang 贺卫方, He Qinhua 何勤华, and Tian Tao 田涛, eds., *A Tripartite Discussion of Legal Culture* (法律文化三人谈; Beijing: Peking University Press, 2010), 87.

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²⁷ Gu Xin, “Revitalizing Chinese Society: Institutional Transformation and Social Change,” in *China: Two Decades of Reform and Change*, edited by Wang Gungwu and John Wong (Singapore: Singapore University Press and World Scientific Press, 1999), 80.

²⁸ Cui Qingxin 崔清新, “The Total Number of China’s Practicing Lawyers Surpasses 200,000” (我国执业律师总数突破二十万人), Xinhua News Agency, January 18, 2011, http://news.xinhuanet.com/legal/2011-10/18/c_111104799.htm.

²⁹ Ren, “The texts of laws are all available, but the rule of law is still far off,” 17.

³⁰ He Qinhua 何勤华, “30-year development of China’s legal studies” (中国法学研究三十年), Law School of Huazhong University of Science and Technology website, March 26, 2012, <http://law.hust.edu.cn/Law2008/ShowArticle.asp?ArticleID=10806>.

³¹ He Weifang 贺卫方, “Ex-servicemen of the PLA now serving at the court” (复转军人进法院), *Southern Weekend* (南方周末), January 2, 1998.

³² He, *In the Name of Justice*.

³³ Nan Ying was a PLA soldier for a few years before he entered law school.

³⁴ Mo Ju 墨钜, “Biographical sketches of presidents of Higher People’s Court in China’s provincial-level governments” (各省市自治区高级人民法院院长简历统计表), <http://china.dwnews.com/news/2013-08-16/59312251.html>, accessed on September 30, 2013.

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³⁶ See <https://freeweibo.com/weibo/3610404222050846>, accessed on September 30, 2013.

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³⁸ Ibid.

³⁹ Chun Peng, “Is the Rule of Law Coming to China?” *The Diplomat*, September 10, 2013, also <http://thediplomat.com/2013/09/10/is-the-rule-of-law-coming-to-china/>.

⁴⁰ Chun Peng, “Is the Rule of Law Coming to China?”

⁴¹ For example, see Robert D. Putnam, *The Comparative Study of Political Elites* (New York: Prentice Hall, 1976).

⁴² Li and Lee, “China’s Legal System,” 3.