

**C.V. Starr Lecture
Legitimacy Through Law in China
November 16, 2005**

“The [Chinese] government is embracing law to an unprecedented degree while Communist ideology is not embraced to a wide degree,” said Benjamin Liebman in his C.V. Starr lecture on November 16, 2005, which described the rapid development of China’s legal system in recent years. While China’s leaders have been trying to construct a legal system which provides efficient and fair justice, it has also been trying to prevent fundamental challenges to Communist Party rule. As a result, Liebman – who is Associate Professor of Law and Director of the Center for Chinese Legal Studies at Columbia Law School – said that “we see a legal system evolving in many different directions.”

Although China has a rich legal history stretching back thousands of years, its legal system nearly ceased to function during the Cultural Revolution. But Liebman described the changes over the past three decades as “remarkable” – thousands of new laws and regulations have been enacted, significant reforms have taken place in China’s courts, and legal education has grown dramatically. Liebman noted that while China had 3,000 lawyers in 1978, there were more than 100,000 today, making its legal profession the third largest in the world.

Despite this progress, significant problems remain. China’s laws protecting individual rights are often ignored, and human rights abuses continue. Notwithstanding improvements in the quality of lawmaking, many laws are unclear, or lack significant detail. Many judges remain poorly trained. And the quality of legal education at China’s more than 400 law schools and law departments is often low.

Liebman then described three broad trends in China’s legal development. First, he pointed to the growing role of the state-controlled media in the legal system. In recent years, the media have been giving broader coverage to social and environmental problems in China, alleged wrongdoing and examples of incompetence by local officials, and shortcomings in the criminal justice system. This expanded media coverage, said Liebman, has increased transparency in the law and ensured that justice was carried out. But he also pointed out that the expanded media coverage has reinforced Communist party rule because public pressure has forced high-ranking officials to intervene quickly in sensational cases of alleged wrongdoing, which have frequently raised questions on the independence of the court system.

Liebman also described the growth of litigation as another trend in the development of China’s legal system. Although the courts still don’t function very well when compared to their Western counterparts, he said that more and more people have turned to the courts to resolve disputes on a variety of subjects, including labor and wage abuses, housing problems, and environmental disputes, and that resolving these disputes through a still-growing legal system was preferable to “rioting and burning down local government offices.” But Liebman also noted that rising expectations of people using the legal system have accompanied its growing use. He worried that letdowns in the carriage of justice could then lead to increasing dissatisfaction.

Given these problems, Liebman described a third trend where officials are trying to implement more fundamental reforms in China’s legal system. For example, while some reforms have been simply technical – such as passing new regulations and providing better training in law schools – there have been other instances where judges have overturned local regulations that conflict with national laws.

While Chinese legal experts and officials have acknowledged the problems that continue to undermine the effectiveness of the Chinese legal system, Liebman noted that there are still differing views on the best steps forward, and that this debate continues today. Many argue that China should be doing more to bring its legal system into line with international standards – in particular if China is to ensure continued stability and economic growth. Others argue, however, that progress has already been significant, and that China should move slowly with further reforms. Liebman concluded that further reforms will be carried out by the Communist party in ways – which he described as a process of “controlled transparency” – that reflect aspects unique to China’s legal system.