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RESEARCH ARTICLE

Qingyu Xu

Disequilibrium in the Supply of Legal Scholars and the Demand by the Judicial Profession and the Correction of This Unbalance through Reforms in the Legal Education System in China

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Abstract The basic function of legal education is to cultivate and create talented legal professionals who will be employed, either directly or indirectly, in judicial practice sectors. Thus, there is, between the legal education system and the judicial profession, a supply-demand relationship—the basic economic principle between the relationship of market supply and demand, driving the relationship between the legal education system and qualified legal professionals. However, this supply-demand relationship in China, between the legal education system and the judicial profession is currently in disequilibrium and in contradiction itself. Therefore, it is necessary to observe and apply the principles of a supply-demand relationship to the reorganization of the legal education system in China in an attempt to find the most efficient balance between legal education and the judicial profession.

Keywords law education, judicial profession, supply-demand relationship, supply-demand contradiction

1 Introduction: A Long-Expected Job Fair

For the past 20 years the legal education system in China has enjoyed rapid growth and development. A large number of legal educational institutions have been established, these institutions have cultivated a great deal of talented

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Qingyu Xu (✉)
Yancheng Intermediate Court, Yancheng 224002, China
E-mail: xqy999@yahoo.com.cn

judicial scholars who have been armed with a sound foundation of legal knowledge. These scholars have gone on to make important contributions to improving China's judicial family as a whole and to promote modernization of the judicial practice and rule of law in China. However, behind these gains and the superficial prosperity of these scholars are hidden concerns, chief among them the increasing difficulty in finding employment for undergraduates who major in legal science. In November 2006, at the "Jiangsu Province & Nanjing City Nonprofit Job Fair" (a job fair for students who were from Colleges and Universities in 2007), there were more than 30,000 jobs available, of those 30,000 jobs, only 0.5% of them were in the legal field. (Jiang, 2006) The court system of Zhenjiang, Jiangsu Province published openings for 6 contracted clerks in 2008; A few days after publishing these openings the court system had heard from 434 applicants, including students from such famous universities as Peking University, Nanjing University and China University of Political Science and Law. (Wang, Wang, Wan, 2007) Zeng Lingliang, president of the School of Law at Wuhan University stated that the supply of legal talents was in "relative surplus" and predicted that the employment situation for law students would become even more difficult in the next few years. Ben Guodong, general secretary of the CPC Branch of Law School, Nanjing Normal University has stated that the employment of law students has tended to cool down and shows signs of continuing down this bath when considered with the current situation of employment. (Lou, 2006) In reality, many law students have confronted the difficult situation of "unemployment or change of profession upon graduation". Such a phenomenon reflects, to some extent, the serious decrease in demand for law students, a sharp contrast to the heavy demand for such law students which existed just ten years ago.

By considering and applying the economic principle of market supply and demand, the author believes that the above-mentioned problems are rooted in the disequilibrium of the supply-demand relationship between the legal education system and the judicial profession. Prof. Zhu Suli once pointed out that as far as the graduates were concerned, the quantity of products of Chinese law colleges and universities still failed to satisfy the urgent demand by the society for their services. This resulted in both a short supply of some products and a surplus supply of other products. The products in short supply were at both ends and what was in surplus was in the middle. (Zhu, 2007) The author believes that the short supply and surplus supply, as put by Prof. Zhu are not just urgent need or surplus in a simple sense, but a structural insufficiency and surplus in serious disequilibrium of supply and demand. Fundamentally, understanding and correction of such disequilibrium is the basic starting point for the educational reform needed in undergraduate courses in Chinese colleges and universities, especially reform on the cultivation of legal talents. To this end, the author seeks

to analyze the problems existing in the current legal education system from the perspective of supply-demand relationship and provide initial opinions on the direction of potential reforms in Chinese legal education in the hopes of improving the legal education system and promoting judicial profession.

2 Weak Signs: The Lack of Transparency in Legal Education Caused by the Vague Demands of the Judicial Profession

The colleges and universities which make up the legal education system in China are challenged to produce products, or rather to produce graduates and academic achievements which fulfill and advance China's social development requirements. Curiously, one of the chief consumers of the products (graduates) of legal education, judicial organs, do not give any guidance or even a clear signal as to the impact or coping strategies which could be enacted to deal with the normal development of supply-demand relationship.

2.1 The Unclear Demands and Duties of the Judicial Profession

Firstly, the technical standards required for attainment and maintenance of judicial positions is somewhat unclear. The basic requirements and provisions on the qualifications of judges in China are laid out in the Judge Law of the PRC. Here the requirements and provisions are related just to educational background and judicial qualifications. It states that a bachelor's degree in law completely meets the conditions of the educational background requirement. It further states, that the qualifications for being a judge as prescribed in the Judge Law are satisfied by the passing of the judicial examination.[1] However, being qualified and getting a job as a judge under these requirements obviously does not mean that one is going to be a good judge. Since the aforesaid two conditions (educational background and judicial qualification) are only a basic background and foundation for judicial work, and a series of profound and internal technical standards are required to be a good and well respected professional judge. This high standard for a professional judge is the essence of judicial profession as well as the pursuit and goal of legal education. Nevertheless, such issues as what skills and talents are demanded by the profession of Judge, specifically what qualifications a professional judge must have and what kinds of skills a law school should provide for those students seeking a career on the bench are

[1] Of course, it is not enough when such two conditions are satisfied to work in the court. Moreover, one shall pass the examination of civil servants, which, though having not been and should not be prescribed in the Judge Law, is in fact a threshold for a law student to become a judge in the special system of China.

indefinite. This lack of clarity as to what skills and talents a potential judge judge should seek to develop results in confusion and turmoil for the legal education system and makes it difficult for this system to provide proper courses which can meet these uncertain demands.

Secondly, the demands of the judicial profession vary significantly and inconsistently between the different levels of the courts. China has implemented a four-level court system. The courts at different levels perform different basic functions. The courts at a lower level mainly focus on trial of a large number of ordinary cases and settlement of actual disputes. The courts at a higher level, when dealing with the with legal principles and the basic functions of a court, attach more attention to supervision, guidance, and formulation of policies as well as unification of judicial standards and measures. Such differences between the courts is reflected in the demands for judges, specifically different professional standards between the judges of the different levels. However, the Judge Law and other laws and regulations guiding the qualification of Judges do not deal with this disparity. As such graduates from colleges and universities, with the same qualifications may work as a judge in grass-roots courts, intermediate courts, higher courts and even the Supreme Court. The lack of requirements and limitations in this regard is bound to cause confusion in the establishment of adequate content material and the orientation of legal education as it creates too broad and vague a potential area.

Lastly, the regional demands of the judicial profession are unclear. In the vast land of China, there are big differences between the demands and requirements for judges in different regions, and it is manifested by unbalanced economic and social developments, divergent social situations, local conditions and customs. These differences are reflected in the cases received by the courts in different regions. The cases are different in terms of level, type and quantity; hence leading to different requirements for the judges who must decide such cases. However, the current judicial system has not attempted to deal with this provincial and judicial disparity; it has not delivered any guidance to the legal education system which could help to prepare for and deal with such regional divergence. Law colleges and universities in the central and western areas of China fail to cultivate legal talents gearing to local demands, students are schooled and trained in accordance with the standards of the eastern regions of China. This familiarity and knowledge with eastern law leads graduates to “fly to the southeastern areas like peacocks”, causing serious regional disequilibrium in the quality, education, application and distribution of law and law graduates.

2.2 Low Standards and the Reputation of the Judicial Profession

A certain functional relationship exists between the level of judicial profession in

a country and its legal education system. This functional relationship has been made very positive in some countries which have managed to blend their judicial profession into their legal education, resulting in the attainment of higher levels of judicial profession. It becomes clear when looking at practice in these countries with higher levels of judicial profession, that a higher level of profession, requires stronger requirements for membership and more reliance on legal education, and vice versa. The present situation of judicial professionalization in China is at a low overall level, and this leads to low demand for legal talents and very little attraction for the most qualified and skilled of legal minds, hence this trend and low standards makes it difficult to increase the quality of legal education. Such a phenomenon results in a passive tendency in two aspects: On the one hand, the demands and requests for legal talents in the judicial profession, which should be very strong, seeking loudly and clearly the best and brightest, are not clear at all; and on the other hand, the reliance of the judicial profession on legal education and legal talents is very low meaning that the dominant force of the judicial profession does not come from law colleges and universities.

2.3 Academia and the Public's Low Degree of Clarity on the Demands and Needs of the Judicial Profession

The inherent passiveness of judicial activities requires a relatively low degree of openness in profession. Thus, objectively there is poor and inconsistent communication between the judicial profession and the legal education system, a communication issue which is difficult to eliminate.

On the one hand, the judicial process is not as open as it should be. The openness of the operation of judicial rights, especially the decision-making process of judicial policies, is wholly inadequate. Scholars have held that the issue of disconnection between "theories and practices" is a result of the phenomenon of "slacking law enforcement" existing in the works of the courts and procuratorates in many regions rather than in the schools. As a result of this phenomenon and lack of transparency, the so-called "hidden rules" have begun to replace the law, a situation for which no law school can be to blame. We cannot require schools to neglect established legal provisions and teach students how to adapt to the illegal reality, nor can we ask them to put aside evaluation of the existing laws. (Zhou, 2007) The partial validity of such a view is real in a sense and is worthy of consideration.

Currently, judicial profession is only a process promoted by public power; it is kept far away from the attention of outside interests and criticisms, seemingly indulging in self-admiration. The lack of positive, assertive and regular transmissions of even basic information regarding profession to the educational

circles of law in China reduces the enthusiasm and initiative of legal educators and scholars to participate in such processes. There is an established, natural relationship between judicial profession and legal education. Thus, if they go their own ways separately, it is harmful to both of them. Without theoretical support from the legal education system and absorption, adaptation, adoption and utilization of achievements in the legal academic world, the judicial profession's theoretical base will become even more unstable and it will lose even more attention from the legal education system. If judicial profession opens up to the legal education system, the contents and aims of legal education will refresh and enrich, leading to more accurate positioning and preparation of the products of legal education.

2.4 The Inadequate Qualification Standards and Demands of the Judicial Profession

To begin with, the qualification standards of the judicial profession are wholly inadequate and inconsistent. Some courts attach importance only to a candidate's educational background but neglect their capability, essentially a system where "education and degree determines all"; a system which causes undergraduates majoring in law to become "cheap" products. In this system, the higher an individual's education, the more likely for them to enter into courts of a higher level and the more relaxed the requirements of professional experiences for appointment as judge.[2] Though it may represent a certain attainment of knowledge, educational background cannot necessarily tell one's capability. The profession of judges is special, as was once stated by Holmes: "The life of the law has not been logic, but experience". The "doctrine that education and degree determines all" not only deviates from the practical features of the judge profession, but also conflicts with the judge selection system.

Secondly, the regional positioning of demand for judicial professionals is causing problems, the chief of which is the deviation of the positioning of demand for undergraduates majoring in law. In the supply-demand model, the value of products is reflected by market price, thus employment and employment opportunities reflect the value of a graduate's education. Currently, the education thresholds for employment in the Supreme Court, higher courts, some intermediate courts and even the grass-root courts in developed economic regions has been raised to master level or above, and therefore undergraduates are unqualified. This high level educational requirement lends itself to a "view of an undergraduate education being useless". Meanwhile, less developed regions are troubled by a lack of even undergraduate students to fill job vacancy, here there

[2] See Article 9 of the Judge Law of China.

exists a serious situation of talent shortage in these less developed areas. Thus, the demand for undergraduates majoring in law is only a regional demand, rather than a whole nationwide demand.

Thirdly, the regional recruitment and retaining of judicial scholars and professionals is detrimental to the legal system. Due to traditional factors and elements in institutional design, some courts focus on recruiting graduates who are originally from local areas. This practice not only compresses the space where those individuals with undergraduate law degrees can find work in courts across the country, but unfortunately also strengthens judicial localization. These practices and their subsequent effects exist in different regions of the country and in different areas of the same province. Thus, there is a need to establish a mechanism for the employment and flow of law graduates into a larger regional scope, spreading and diversifying the nation's legal talent. Such a mechanism would help shape the development of legal education and the future of the work of courts.[3]

3 Output in Negligence of Quality: Negative Impacts of Fake Inflation of Supply of Law Education on Judicial Profession

In just 20 years the number of law students in China has grown from right around 700 at the end of the 1970s to 400,000 today.[4] This rapid growth has both positive and negative implications for the future. One of the first issues is with the quality and conditions of educational institutions themselves, including many newly established legal educational institutions. Another concern is that the large number of students is likely or even sure to cause the decline of educational quality, which will in turn harm to the quality of judicature and further harm the reputation of the judicature. (He, 2005) Hence, such legal education and the legally educated is just an inflation, without a guarantee of quality. The danger of such inflation will have several adverse effects on judicial profession.

3.1 Improper Philosophies

Scholars point out that many of the shortcomings and defects of the legal education system in China are rooted in backward educational philosophies.

[3] For example, some scholars proposed that after strict judicial professional selection, judges and prosecutors may be scheduled uniformly within a province and meanwhile the circuit system shall be set up to enable judges and procurators to circulate within a province, which may not only solve the problem of the loss of judges and procurators in central and western China, but also avoid of judicial localization. Refers to Chen Ruihua (2007), p.1.

[4] See the Forward by President XIAO Yang of the Supreme Court to the book "Present Situation of Law Education in China", 2006-12-20. Refers to Xu Xianming, ed. (2006), p.41.

Some of these backward philosophies include excessive blind worship of past experiences and traditions. Clinging to these philosophies causes has led to a failure to observe and react to the recent changes in the legal world and judicial profession and a failure to adapt to market demands in cultivating qualified legal talents. (Jiao, 2003) Furthermore, the author believes that there is a tendency toward "target orientation" in Chinese legal education, i.e. shifting China's problems, which should have been solved by Chinese thinking and approaches, to western countries on a belief that by following suit with the ideas and proposed solutions of western countries is the best solution to these Chinese problems. This blind belief in the rule of law of western countries stifles creativity and innovation and limits the development of the Chinese system. Many legal faculties around the country regularly introduce and disseminate the philosophies and laws of western countries. They do this at the cost of ignoring the national situation of justice in China. By so doing, these faculties make it harder for law students to adapt to the judicial environment and specific judicial situation that exists in China. This causes them great difficulty after graduation when they get to work and feel at a loss facing complicated Chinese legal disputes. This blind worship and belief are, to some extent, a reflection of doctrinarism in legal education, law research and the progress of rule of law. The author believes that it is proper to introduce the philosophies of rule of law of western countries to law students, as it is possible to learn from any civilization which has an intelligible legal system and has attained a high level of scientific advancement. However, in the learning process, attention must also be given to the unique judicial situation, the cultural traditions and features of China. For the education to be both complete and worthwhile, foreign achievements and the domestic situation must be given the same emphasis.

3.2 Obscure Objectives

In general, many law schools have unclear objectives, especially law colleges and universities which have poor qualifications, a weak faculty team and/or poor conditions. These kinds of institutions often have obscure or even incorrect teaching objectives. They are unable to state: Why law specialties and programs are offered? What talents their students will have after graduation or how they will apply the specialties they gained from the program? They are often unable to provide a clear answer as to what jobs will be available to the students or even what jobs they are suited for after graduation? As part of the backbone of their programs, many institutions, in light of the implementation of a unified judicial examination by the state, tend to stress utility. The primary objective of which is to help students get their diplomas and pass judicial examination. The problem with such a diploma and examination based system is that the students, which are

its products, usually only know theories, but have no understanding of practice, knowledge or legal skills.

3.3 Weak Bases

The Chinese Legal system has a relatively low quality of student. According to the newly-revised International Standard Classification of Education of the UNESCO, legal talents and those engaged in law are people of excellent abilities, and legal education is a kind of advanced education. (Xu, 2006) In the 1980's and 1990's, the number of law specialties and the number of law students in China saw a rapid increase and this "bubble" in Chinese legal education got even bigger after the 1990's. With more educational institutions, providing more law programs, a drop in the quality of legal education as a whole is inevitable, we are spreading our resources too thin. Not only financial and economic colleges and universities, normal colleges and universities and foreign language colleges and universities now offer law specialties, even some science and engineering institutions such as colleges and universities of agriculture, mechanical engineering, electric power and mining now provide law specialties. Such a large expansion of student recruitment and educational opportunities lowers the threshold at all law colleges and universities, resulting in all of these institutions receiving a number of students of relatively low quality. The direct consequences of such modes of thinking, those that focus on expansion in quantity but neglect improvement of quality, lead to a decline of legal education as a whole and a considerable depreciation of the value of law graduates.

Most law colleges and universities focus on traditional teaching methods, where most teachers lecture in class and are used to following textbooks without any supplements. In these institutions, the teacher-centered and one-way infusion methods are very popular in teaching, leading to a lack of interaction between teachers and students. Within this system, students always take examinations as the objectives of learning, but they lack activity and initiative in their studies. They rarely engage in deep analysis of legal phenomena or theories. In short these teaching methods are backwards.

Lack of consistent quality on faculty teams. Prof. Zhuo Zeyuan holds that among the major issues facing legal education in China, the composition and quality of faculty teams is undoubtedly the most important issue. China has a significant shortfall of qualified and excellent professors, a very serious problem. (Zhuo, 2007) The professors of law at colleges and universities are usually comprised of pure academics, those who went into academia directly after graduating from law colleges and universities themselves, essentially moving from one classroom as students to another as teachers without any practice in the legal field. Thus, they may do well in research on legal theories, but they fall

short in recognition and understanding of actual judicial practice, especially in teaching judicial skills and relaying valuable real world experiences.

The inferior quality of some textbooks. Textbooks are first-hand vital materials which are made available to students in an effort to assist their learning of the law. They are essential to good education and as such their quality is paramount. At present, there is a shortage of law textbooks for many subjects, many special subjects do not even have substantive textbooks, and hence teachers have to draft some simple teaching materials for their own classes to use in place of uniform textbooks. However, in some other subjects there is an over abundance of textbooks. Literally, there are too many editions of law textbooks on the same subject, making it difficult for professors and students to choose what books to use. The diversification of law textbooks is necessary, however, a balance must be struck so that the "contentions of different thoughts" in academy shall be advocated, and simple repetition and convergence, which would affect the consistence and authority of law textbooks, is avoided. A major problem with current law textbooks is this intermingling of good and bad quality books.

3.4 Improper Structure

The improper structure which exists in the Chinese legal education system becomes clear when one looks at its backward establishment of subjects and its lack of clear and consistent features within its legal education programs. As far as the establishment of subjects is concerned, many legal institutions fail to catch up with or at least stay with modern social and economic development in China today. The lack of flexibility and rapid modernization within these programs cause them to fall behind the progress of rule of law and keeps them from adding important subjects which are closely related to the market economy and international trade. Such as courses which deal with laws concerning the WTO, antimonopoly, antidumping and anti-subsidy; this lack of education has resulted in a lack of experienced and knowledgeable professionals in such areas. With respect to the features of education which have been confined by backward philosophies and an insufficiency of faculty, some legal institutions fail to utilize what abilities they do have to form their own features, meaning that it is common for legal institutions to provide "similar programs for hundreds of students".

3.5 Poor Adaptability

Lack of practice in law education. The ultimate objective of teaching in legal institutions is to give students systematic training in legal theories and legal knowledge and by so doing laying a theoretical foundation for them to use in

their future judicial professions. However, the legal institutions in China usually focus too much on this theoretical foundation at the expense of the development and training of legal skills and capacities of students. This leaves many students ill prepared for real practice and thus they need a long time to adapt to work after graduation. Due to this disconnection between the judicial profession and legal education, it is difficult for legal practice to become the rose bed of professional knowledge. High level lectures in books and poor operation in practice form a sharp contrast. (He, 2005)

Lack of comprehensive legal education. The most glaring indication of this lack of comprehensiveness in Chinese legal education is the lack of moral education or ethics classes in the judicial profession. The motto of the School of Law, Soochow University in Taiwan (China) is “unto a full-grown man”, which means “the men of law” “shall have knowledge of law, ethics of law and common sense”. Thus, it is clear that professional ethics are an important part of the judicial profession, and only when judges have more faith, conscience and sense of justice than ordinary people can they use law to serve the society. With these skills legal scholars would be more motivated and free to follow what they know to be true and to pursue fairness and justice rather than to merely use their knowledge of the law as a tool for making a living. In recent years, the circle of judicial practices has formulated regulations on professional ethics, these regulations include the Basic Norms on Professional Ethics of Judges, the Codes on Professional Ethics of Procurators and the Codes on Professional Ethics and Practice Disciplines of Lawyers, these regulations indicate emphasis on and demands for education of Chinese legal professionals in professional ethics. However, even in light of these new regulations the legal education system still has made no response or efforts to develop ethical and moral skills in students, they have failed to provide any education or training on professional ethics.

Poor application and breadth in legal education. As a subject of humanistic science, law is related to and necessarily interacts with many other subjects and aspects of the human experience. There are certain subjects and areas which lie very close to and even cross with the law such subjects include: Politics, philosophy, sociology and economics. Thus, a balanced legal education must pay attention to the development of other subjects and their research; keeping abreast of their developments and changes, in short staying current so as to enlarge and improve the knowledge and usefulness of legal students. However, in general, only slow responses have been made in the current legal education system. Some of the latest research achievements in other key subjects such as economics and sociology have not been properly introduced into the legal education curriculum, thus, hindering the progress of teaching in emerging subjects of law, such as those in economics and sociology. This lack of progress creates a lack of competence in legal students when they try using their knowledge in

interdisciplinary subjects.

Low issue sensitivity in legal education. One of the basic objectives of a legal education is to cultivate students who can solve any number of specific issues which will arise in a future legal career. Thus, in legal education, follow-up research and teaching of common, current and difficult issues which are being dealt with in today's judicial practice must be enhanced as must students' capabilities for dealing with practical problems. With social transitions and developments constantly going on and changing, conflicts and disputes are constantly being presented in new forms and with many difficult issues arising which require urgent solutions. Such issues include difficult enforcement, complaint letters, visits involved in lawsuits, mediation, judicial administration and construction of judicial teams. These are all material and practical issues which require urgent research and solutions. However, the circle of legal education are unconcerned with and less sensitive to such ripe difficult judicial issues, and, do to this lack of interest by the educational element, graduating students are not as capable as they could be when it comes to solving these kinds of issues; a clear indication of the disequilibrium between their educational backgrounds and their actual capabilities.

4 Magnified Effects: The Impacts of the Insufficient Interaction between the Legal Education and the Judicial Profession in the Construction of Rule of Law in China

4.1 Impacts on the Establishment of the Idea of Rule of Law

Though the idea of rule of law with regard to judicial practitioners is, to a large extent, formed step by step through practice, it is also related to the enlightening education received at the undergraduate stages of a legal career. Due to the poor interaction which today exists between legal education and the judicial profession, the legal education system fails to adequately develop its students understanding and use of judicial concepts in accord with the demands of the judicial profession. This creates students who usually bear no judicial concepts, or worse, have false or deviated ones, which are not useful and in fact are an incorrect guidance in judicial practice. Such issues in the understanding and use of judicial concepts will eventually effect the establishment of the idea of rule of law and delay the progress of rule of law.

4.2 Impacts on the Progress of Judicial Profession

Judicial profession is the basic requirement and most important guarantee of the

modernization of rule of law; to be successful it must be supported by professionalized judges. As the sole source of legal talents and scholars, the legal education system must serve judicial profession and cultivate quality legal talents. In practice, however, the legal education system has failed to rely effectively on judicial profession as the focal point in professional training. Thus, quite a number of law graduates end up exposing their deficiencies in professional awareness, qualification and competence not in the classroom but instead in judicial practice, hindering the progress of judicial profession.

4.3 Impacts on the Authoritativeness and Public Confidence in the Justice System

In terms of quality, the low quality of students at some legal institutions affects the reputations and quality of law students as a whole. Moreover, it is hard for the current system to cultivate and produce a generic law practitioner community. Furthermore, due to the absence of admirable and respectable professional quality as a whole, it is difficult to win sufficient recognition from the society, thus reducing the authoritativeness and public confidence in the justice system. In terms of the quantity of legal scholars and graduates, a number of legal education institutions provide too many law students, making law students no longer rare resources, and thus intensifying the competitions for employment and bringing about adverse effects on the authoritativeness of justice.

5 Correction of the Disequilibrium: The Basic Starting Point of Reform for Undergraduate Legal Education in Universities and Colleges in China

5.1 Analysis of the Mechanism: Understanding the Internal Law Which Governs the Relationship between the Supply of Legal Education and the Demands of the Judicial Profession

Though the current mainstream view regards the basic positioning of undergraduate legal education as a cultivation of “universal legal talents” and “practice-oriented interdisciplinary legal talents”, and opposes excessive emphasis on professional orientation (Yang, 2003), the author still holds that the main objective of undergraduate legal education is to provide professionals for the judicial profession, and there is in fact a market supply and demand relationship between legal education and the judicial profession. Legal education is the supplier and the judicial profession is the demander. There is a clear internal law which governs this sort of relationship. Therefore, rejection of the professional nature is adverse to the scientific development of legal education;

and as a supply-demand relationship, the relationship between legal education and the judicial profession must comply with the basic law of market economic activities. Because "supply, demand, equilibrium and growth" are the most basic and core issues in economic activities (Stiglitz, 2000; Wang, Zhang, Liu, 2002); they must be considered in the research and interpretation of the supply-demand relationship in legal education by adopting economic theories.

5.1.1 The Relative Lack of Demand for the Judicial Profession Is the Source of the Current Buyer's Market in Legal Education

Famous UK economist Keynes stated that in the contradiction of supply and demand, what is often determined as demand is often supply. (Huang, 2006) The economic thoughts of classic works also criticized the assertion that "supply will create demand automatically". The starting point of economy as a whole shall be demand rather than supply: The supply which is not based on certain demand or which satisfies demand to a lesser extent with high cost cannot sustain by itself or facilitate economic development. The aim of supply is to satisfy demand, i.e. demand goes ahead of supply as motive. (He, Wang, 2005) Thus, in the supply-demand relationship between the legal education system and the judicial profession, the buyer's market of the demander is decisive and therefore the judicial profession, as demander, must send demand information as a reference to the providers of legal education in China so as to assist in organizing production.

5.1.2 The Supply of Legal Education Is the Terminal of the Seller's Market for Demand of the Judicial Profession

In the seller's market, the supplier shall provide qualified products of merchantability in a timely manner. In the supply-demand relationship of legal education, the provider of the legal education, as supplier, must observe the relevant law and follow the market guidelines with respect to the market demand whenever they are making decisions on the production scale and product contents of the legal education. This must be done according to the factors and demands of the judicial profession, so as to supply to the demand. Meanwhile, the provider of the legal education must make sensitive responses to the market demands of the judicial profession and adjust its teaching methods and strategies in a timely manner. Further, it must cultivate high quality legal talents who meet market requirements according to the demands of the judicial profession for legal talents, so as to satisfy the demand for talents by the judicial profession to the maximum extent possible without sacrificing quality.

5.1.3 Balance of Supply and Demand Is the Requirement for the Stability of Market Structure

In economics, supply and demand shall develop in a coordinated way. More emphasis on demand and restriction on supply will lead to stagnation, and if this relationship is reversed, production surplus may occur. Hence, supply and demand must develop harmoniously in total quantity and structure. (He, 2005) In an economic system, in the "invisible hand" of the market, supplier and demander may undertake automatic adjustment and reach equilibrium. (Wang, Zhang, Liu, 2002) In considering the supply-demand relationship between legal education and the judicial profession, we shall follow the law of supply and demand in the market economy with its goal being to promote its coordination and equilibrium, hence enabling supply of legal education and demand of the judicial profession to keep a balanced development in total quantity and structure and ensure the stable relationship and structure thereof of both. Though absolute equilibrium is difficult if not impossible to achieve with such a complex relationship, a relative equilibrium must be reached to the maximum extent possible, hence avoiding excessive supply or demand. As long as legal education is provided in accordance with the objective law, it is possible to achieve the maximum equilibrium between legal education and the judicial profession. Prof. Zhang Weiping also believes that the fittest will survive the resulting competition of so many schools. Thus, we neither have to artificially create nor restrict the establishment of legal institutions in China; we merely have to let the market make its choice. (Wang, Dai, 2007)

5.2 Research from a Macro Perspective: Basic Stance on the Reform of Undergraduate Legal Education

5.2.1 To Adapt to the Reality of Rule of Law in China

The undergraduate legal education is stuck in the past, while China is promoting rule of law and building a country, which serves the low construction, thus the reality must be taken into consideration in cultivating the kind of legal talents which are in urgent demand. The realities and specific situations in China must not be ignored in undergraduate legal education. The optimal approach is for excellent western legal theories and the national situations of China to be closely combined so as to vitalize legal education.

5.2.2 To Promote the Progress of Judicial Profession in China

One of the most important tasks of the legal education system is to provide

talents for judicial profession. The safeguard of human resources for the judicial profession provided by legal education is the key element of influence on the degree of judicial profession and a batch of high quality legal talents would be the foundation necessary for significant progress in judicial profession. Without adequate and well-rounded human resources, the so-called judicial profession would only be a mirage. Thus, legal education must shoulder this historic responsibility and take provisions of service to and promotion of the judicial profession as the starting and ending point of teaching. In effect, cultivating legal talents may conform to the features and meet the requirements of the judicial profession.

5.2.3 To Improve the Inner Quality of the Subject of Law

As quality is the life of a product popular in the market, good quality of products promotes their development and improves their image, while those with inferior products are eliminated by the market. Thus, the inner quality of the subject must be emphasized in legal education and through this the quality of education shall be enhanced so as to develop the comprehensive legal quality of students. This is not just a requirement of legal education to act responsibly, but a basic guarantee for the survival and development of the legal education system.

5.3 Thoughts from a Micro-Perspective: Specific Measures for Reforms of the Undergraduate Legal Education System

The general trend for reforms of legal education is to streamline the mutually interactive relationship between legal education and the judicial profession. The latter must direct and guide the former, and the former must make an active response to the latter.

5.3.1 To Speed Up the Judicial Profession

The general direction for the development of the judicial profession is yet to be determined. To enable legal education which comes closer to the needs of construction for the judicial profession, the general direction of development and the long-term development plan on the judicial profession must be further clarified and stabilized. The general objectives, basic principles and important measures of the judicial profession should be made open to the public in a proper form, enabling the circle of legal education to fully understand the thoughts of the people with regard to professional development, hence facilitating the determination of the general plan on legal education and consequently realizing the coordination and equilibrium of legal education and the judicial profession in general.

The basic standards and conditions for professional judges must be specified

and codified. The absence of basic standards and conditions for professional judges is having an impact on the choice of objectives by the legal education system, making it hard for them to provide programs according to the demands of the system. Considering the current issue of unclear standards and relatively vague basic conditions for professional judges, a system of indicators for professional judges must be established and improved as soon as possible. This system would clarify specific standards and conditions and provide a professional blueprint of clear orientation for the legal education system to consider.

The selected promotion of judges must be fully implemented. The judicial profession is based on experiences, the finding of facts, the application of laws and even judgment of the values; indeed, judicial processes are usually based on the empirical recognition of judges. Since law graduates lack real world experiences and practice with these aspects, it is more proper for them to start with relatively simple cases in grass-roots and intermediate courts. Giving them a chance to accumulate trial experience gradually, as opposed to putting them immediately to work in higher courts or even the Supreme Court where they would be forced to participate in handling complicated cases. Due to such inadequate features and effects of the current judicature, the selected promotion system must be fully implemented within the court system. This system which would require legal graduates to start their work experiences in grass-root courts, among which excellent judges may be chosen to be promoted to work in superior courts by selected promotion, forming a mechanism whereby greater talents are made to flow to higher positions. Such a promotion system would not only provide enough grass-root positions for legal graduates to find work and practice, but it would also create a great opportunity for recent graduates to gain experience and orientation for their careers.

A relatively unified national judge administration system must also be established. Considering the two extreme phenomena of the regional surplus and the lack of professional judicial talents, a unified judge administration system at a national or at least a provincial level must be established to schedule uniformly the positions of judges in the country or a province, so as to keep a relative equilibrium of judge talents at the local levels. Unified administration and scheduling could even guide legal education to some extent, this would not only guarantee the accuracy of demand of the judicial profession and avoid any falsely strong market demand, but it would also enable law students to keep a mental balance and rationally choose their positions as judges.

5.3.2 To Establish a Resource Sharing and Exchange System between the Judicial Profession and the Legal Education System

Establishment of the lecturing system of expert judges. Judicial practice

departments give a lot advantages, as such, it is wise to encourage senior judges of theoretical achievements and practical experiences to give lectures in colleges and universities and to adopt measures to assess the lectures of such senior judges in legal colleges and universities. As a useful supplement to the teaching faculty in law, expert judges could focus on teaching courses of practice including judicial cases, skills and experiences, in the process making up for the current insufficiency of the faculties in colleges and universities.

Establishment of a system for case handling by practice-oriented faculties of law. Encourage the faculties of law to participate in judicial practices and handle cases as part-time judges and associate justices so as to improve their capabilities for judicial application. To this end there should also be the establishment of measures for assessing the handling of cases by the faculties of law and considering the experience in handling cases as a necessary or reference condition for promotion to senior titles of professional posts.

Establishment of a system of qualification assessment and appointment for legal practice. Since legal practice is an important link in legal education, an internship is an opportunity for students to enter "the practical field of law", this has a relatively substantial influence on the formation of their professional habits and as such a quality internship is critical. It shall be acknowledged that the capabilities and levels of judges and courts are currently different in different courts in China, some courts and judges do not possess the capabilities and conditions which are necessary to guide the practice of students. At present, legal educational institutions and judicial practice departments fail to pay due attention to or make sound management of the links of practice, and as a result, all courts are allowed to accept students for practice and every judge must act as the tutor of students in their practice. Thus, legal practice becomes a sheer form and quite a number of students fail to obtain satisfying results once in practice. Considering such situations, the system of qualification assessment and appointment for legal practice must be established. Specifically, the judicial practice departments should determine some excellent courts, procuratorates and law firms as the legal practice bases for legal education. They should select a number of excellent judges, procurators and lawyers to act as tutors of practice, to enhance the assessment on the practice bases, to ensure the provision of good conditions for internship students and to improve results in practice.

5.3.3 To Further Advance Reforms of the Legal Education System

In the period of the Republic of China before 1949, Mr. Yan Shutang stated in his paper "Objectives of Legal Education" that the objective of a legal education is to cultivate a person with a good sense of the law. To such end, there are four

essential requirements: Social common sense, capability of analysis, broad thoughts and historical viewpoint. Wu Jingxiong also held that the highest objective of legal education is to help students find a natural law to enter in a higher state from the current position in the shortest period. Some contemporary scholars also held that the features and historical mission of the subject of law determined its core objective to cultivate legal talents who should meet the needs of economic and social development and rule of law of the country. Quality education shall be the ideal mode of legal education so as to realize the convergence of quality education and legal education in a real sense. (Jiao, 2003) The author holds that those views have appropriately emphasized the ideal objectives of law programs and the overall direction and ideas of the teaching mode and that the current reforms in legal education should be furthered on the basis of such objectives and modes.

(1) Reforms on institutional establishment. Some rigid measures must be taken to solve the problem of relatively low educational quality output which is being caused by the excessive provision of law programs with different qualities. Firstly, the existing legal educational institutions should be streamlined and a proper scale of on-campus students should be determined. Some of the small institutions with a weak faculty, poor teaching conditions and insufficient hardware and software facilities should be closed down, adjusted or integrated with other programs. Secondly, the access system for undergraduate legal education should be implemented. In this system, newly-established legal institutions would be under strict examination as to their qualifications and the phenomenon of "vogue-following", and could be eliminated even if such conditions are satisfied. Thirdly, the system of national indicator-based assessment of undergraduate legal education should be established, whereby legal institutions shall be subject to regular assessment in terms of teaching results and those that fail to reach the indicators shall make corrections within a specified time limit or face penalty.

(2) Reform on length of study. The new teaching mode of 2+2+1x may be adopted: 2-year study of basic subjects of law, including main courses of law and courses for examination, mainly aiming at helping students grasp basic knowledge of the law and principles of the law; 2-year education on comprehensive quality in law, including the concepts of rule of law, language of law, human science of law, thinking of law, legal skills, ethics of law and distinctive special programs, mainly aiming at improving the basic legal quality of students and enabling them to develop professional qualities; and x in 1x refers to 1-year in practice in law for students who plan to engage in judicial practice or 1-year theoretical research for students who are interested in legal research.

(3) Reform on teaching contents. Over 60 years ago, Mr. Cai Shuheng

proposed that a properly formulated curriculum might not necessarily bring forth good results while an unreasonable curriculum would be bound to result in bad consequences. Hence, the curriculum should be well arranged in legal education. The professional quality required for the men of law include the capabilities of thinking and expression in law and the capability to find legal facts. (Zeng, Zhang, 2003) The contents of legal education shall be conducive to the cultivation of those professional qualities of the men of law. The teaching contents shall be closely related to the judicial profession and the linkage between law curriculum and judge professionals should be enhanced. Such courses as linguistics of law, reasoning of law, hermeneutics of law, legal skills and ethics of law should be incorporated into the backbone courses and education on the knowledge of emerging and applied disciplines of law should be added.

(4) Reform on teaching methods. The practical features of the judicial profession require judges to be capable of solving actual problems by using a wide pool of knowledge both in and out of the law. They have a certain "capability of operation" much like doctors. For doctors, their duty is to cure patients of their illness; and for judges, it is to make every effort to settle the accepted disputes. The judge who has poor "capability of operation" is not a professional judge in the real sense, and thus the capabilities for application and practice of students would be improved through reform on teaching methods. As stated in a media report, the one-time employment rate of the graduates from Jiangsu Polytechnic College of Agriculture and Forestry reached 98% for three consecutive years and the graduates had become the "shopping-rush goods" of employers because the college had insisted in "zero-distance" between training of vocational skills of students and demands by industries. This was summarized as "five combinations", i.e. combination of classroom and workshop, combination of students and workers, combination of teachers and work masters, combination of works, and commodities and combination of training and performance, in the process substantially improving the capabilities for employment and entrepreneurship of its students.[5] The successful practices and experiences of the college are worth learning from and applying to legal education, a field where importance should be attached to strengthening the cultivation of practice-oriented talents, and the teaching methods and measures focusing on high level of practice are necessary. Efforts should be made to reduce the spoon-feeding, academic and library-style teaching methods which are so common in the current legal system. China should assimilate and learn from the teaching methods and experiences of foreign countries such as the UK and the US, adopting such methods as case methodology, discussion, moot court and law clinics so as to strengthen training on practice and comprehensively improve

[5] "Zero-distance" creates "best seller". Report by Xinhua Daily, 2007-7-6, B8.

the capabilities of students in listening, speaking, writing, thinking and practice as well as analysis in law and settlement of actual problems.

(5) Reform on law internship. The system of assessment and management of internship must be improved, whereby the specific contents, standards and requirements of an internship and the measures for assessment of an internship shall be clarified and no students who fail to pass the assessment may graduate. Efforts should be made to enable students to feel the profundity of court trial, they may not always act as clerks, engaging in routine works, but may handle or participate in handling of a certain number of cases as intern judges at the later period of their internship, so as to help them understand the truth of the judicial practice. Moreover, a national judicial practice fund should be established to provide a necessary material safeguard for guiding institutions and student interns.

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Author

Mr. Qingyu Xu, master of law, is a Chinese judge and also a mentor at Nanjing University and Suzhou University, China. His main publications include 国际司法制度 (International Legal System), 维护公平竞争法 (Maintain Fair Competition Law), 审判新视野 (New Vision of Trial). Moreover, he has over 40 articles published, including 打开案件的另一把“钥匙”：论公共政策在司法裁判中的运用 (Another “Key” to Open the Case: The Public Policy Utilization in the Administration of Justice), etc.