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ACADEMIC NEWS

RENMIN LAW FACULTIES OFFER PUBLIC LECTURES ON THE CIVIL CODE

Renmin University of China Law School (Renmin Law School) and Baidu, jointly produced 12 public lectures, from May 28 to June 3, 2020, in order to fully interpret the meaning and impact of the newly legislated Civil Code. These lectures have been delivered by 10 outstanding civil law professors, including WANG Liming, WANG Yi, GAO Shengping, LONG Yifei, SHI Jiayou, ZHU Hu, YANG Lixin, YAO Hui, SUN Ruojun and ZHANG Xinbao. They have disclosed the spirit and Chinese characteristics embodied in the Civil Code, thus interpreting major changes within the civil law system, and its impact on people's daily life.

The Civil Code of the People's Republic of China (PRC), was adopted at the 3rd Session of the Thirteenth National People's Congress (NPC) of the PRC on May 28, 2020, and will come into force on January 1, 2021. The Civil Code is the first law that was termed "the Code" since the foundation of PRC. This created a precedent for the codification and legislation of code in China. There are 1,260 articles in total. In addition to general and supplementary provisions, the Civil Code includes six chapters on Real Rights, Contracts, Personality Rights, Marriage and Family, Succession, and Tort Liability.

The promulgation of the Civil Code has undergone a long process. Before the "General Principles of Civil Law" was enacted in 1986, the Civil Code had been codified three times, yet was stranded, since the economic conditions were not mature. When Professor WANG Liming participated in the "Three-Person Talk" Event on the Civil Code, sponsored by *Procuratorate Daily*, he explained that "The Civil Code is the fundamental law of the market economy and can only be produced on the soil of the market economy. At that time, a highly centralized planning system was implemented. The basic rules of civil law are difficult to be shaped, and even if they are written out, it is hard to produce a marked effect."[1] Although many attempts were unsuccessful, early civil law legislative activities and achievements had laid an important foundation for the compilation of the current Civil Code.

In 1986, the "General Principles of the Civil Law of the People's Republic of China" was enacted, which outlined the civil law, as formulated for urgent and relevant problems,

[1] XU Jianbo, GONG Yunfei, GUAN Shixin, *The Birth of the Civil Code in the New Era*, Procuratorate Daily, Apr. 6, 2020.

when the economic and legislative conditions were insufficient to complete the work of the Civil Code during the early stage of reform and opening up. The "General Principles of Civil Law" fully absorbed the accomplishments of the previous process of the compilation of the Civil Code. Subsequently, China successively adopted separate civil laws, such as the "Contract Law," "Property Law," and "Tort Law," to regulate civil activities in specific areas, which have supplemented and improved the Chinese civil law system, on the basis of the "General Principles of Civil Law."

In 2014, the Fourth Plenary Session of the Eighteenth Central Committee of the Communist Party of China proposed the Civil Code Codification, and the compilation of the Civil Code was once again on the agenda. In practice, the codification adopted a two-step mode, which first compiled the general provisions, and then compiled the other chapters. The first step was to pass the "General Principles of the Civil Law" in 2017, and the second step was to compile the sub-parts of the "Civil Code," and merge the revised drafts of the various sub-parts with the "General Principles of the Civil Law" into a complete "Civil Code."

The compilation of the Civil Code is not only a systematic organization and unification of the existing separate civil laws and systems, but also an establishment of a new system, through combining various new situations and problems in practice, since the reform and opening up in China. Based on the experiences of the existing legislation and judicial system, improvements were carried out, thus inheriting the past laws and making innovations that kept pace with the times. Counting from the first attempt to compile the Civil Code in 1954, the compilation of the "Civil Code" can vividly be described as "66 years of polishing a sword," to borrow from a Chinese idiom.

The Renmin Law School, China's top law school, has long been committed to cutting-edge legal research. Many outstanding jurists have emerged, and lots of books and academic papers on civil law have been published. Since the drafting of "General Principles of Civil Law," the School scholars have been devoted to drafting separate civil laws, and the codification of the Civil Code. They provided a theoretical basis and various means of support for the legislation process.

The late Renmin Law Professor TONG Rou, who was recognized as the pioneer of the new Chinese civil law and the founder of civil law theory, was well-known as the "Father of Chinese Civil Law." After the resumption of Renmin University of China (RUC) in 1978, he presided over, and had been leading, the civil law teaching and research section. During the early stage of reform and opening up, although the planned economy still dominated, Professor TONG Rou stuck to his initial proposal that Civil Law is the law that adjusts the relationship between the commodity economy, and helped to establish the Civil Law Economic Law Research Association. Professor Tong Rou was one of the main drafters of the "General Principles of Civil Law," and many important contents of the General Principles are from his views. In addition, he also participated in

the drafting of a series of laws and regulations, such as Economic Contract Law, Marriage Law, Inheritance Law, and Copyright Law. Professor Tong Rou had always advocated and called for the formulation of a Civil Code, and actively participated in the drafting of the early Civil Code. His ideas and achievements have become an important cornerstone of today's Civil Code.

In addition to directly promoting the rapid development of China's civil law, Professor Tong Rou had also trained a large number of Chinese academic talents, such as Professor WANG Liming and Professor LONG Yifei, who have become indispensable backbone forces within the field of China's civil law, and the compilation of the Civil Code.

Professor WANG Liming, standing vice president of RUC, is the vice president of the Chinese Law Society, and the president of the Chinese Civil Law Research Association. He has been committed to the drafting and research of the Civil Code for a long time. He also serves as the deputy leader of the Civil Code Codification Project Leading Group of the Chinese Law Society. He is the convener of the Real Rights of the Civil Code. It is worth noting that Professor WANG Liming is a representative scholar, who has fully promoted the compilation of personality rights in a separate chapter. During the formulation of the Civil Code, there was always a dispute about whether personality rights should be compiled separately. As early as 1999, Professor WANG Liming proposed, in an academic article, that it was necessary for the Personal Rights Law to be independent as a system in the Civil Code.[2] Since then, he has always insisted that personality rights should be compiled independently in the Civil Code, believing that this is needed to enrich and perfect the Civil Code system, conform to the internal logic of the Civil Code system structure, and also a need for the development of personality rights themselves.[3] With the unremitting research and demonstration of Professor WANG Liming, the compilation of personality rights finally became one of the most important innovations and highlights of the Civil Code. The Civil Code creatively stipulates the personality right as an independent volume, overcoming the defect of the traditional concept of "objects over people" in most civil law countries, comprehensively strengthening the protection of personality rights, and safeguarding personal dignity.[4] Additionally, Professor WANG Liming also played an important role in facilitating the independent compilation of the Tort Liability Law.

Apart from Professor WANG Liming, many civil law scholars at RUC have

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[2] WANG Liming, *The Formulation of the Chinese Civil Code*, 1 Journal of Liaoning Administrators College of Police and Justice, (1999).

[3] WANG Liming, *The Position of the Personality Right System in the Chinese Civil Code*, 2 Chinese Journal of Law, (2003).

[4] WANG Liming, *The Comprehensiveness and Uniqueness of the Protection of Personality Rights — Taking the "Civil Code" As the Object of Analysis*, 4 Law and Economy, (2020).

participated in the compilation of the Civil Code. Professor WANG Yi is a member of the Leading Group and Secretary General of the Civil Code Codification Project of the Chinese Law Society, and Professor YANG Lixin and Professor ZHANG Xinbao are members of the leading group. WANG Yi, LONG Yifei, YANG Lixin, and ZHANG Xinbao, serve as the conveners and leaders of special topics in the Real Rights, Marriage and Family, Succession, and Tort Liability of the Civil Code of the Chinese Law Society, with Professor GAO Shengping, YAO Hui, and SHI Jiayou participating as main members. Professor WANG Yi and ZHANG Xinbao have attended the deliberation of the Civil Code by the Standing Committee of the National People's Congress many times. Professor YE Lin and XING Haibao, two of the leading commercial law scholars, have offered legislative consultations on the harmonization between civil law and commercial law. Professor LIN Jia, a leading labor law expert, has contributed similarly to harmonize social law and civil law.

Young Renmin Law faculties also contributed to the research and legislative consulting of the Civil Code. Associate Professor ZHU Hu, as a member of the Civil Code Compilation Class of the NPC Legal Work Committee since April 2017, has directly participated in the compilation of the Civil Code of the NPC Legal Work Committee, engaged in drafting drafts during various stages, and completed several briefings for legal workers and citizens. Associate Professor GUO Rui has been a leading scholar on how civil law can be adapted to regulate the emerging new technologies, such as Artificial Intelligence. He is a member of the Sub-Committee of Artificial Intelligence and the National Standardization Committee of Information Technology. He is also the lead expert for the Research Group on Ethics of Artificial Intelligence of the Artificial Intelligence Working Group, Standardization Administration of the People's Republic of China (SAC). Associate Professor XIONG Bingwan has contributed to the civil law treatment of e-commerce platforms.

The promulgation of the "Civil Code" carries with it the dreams and expectations of several generations of civil law scholars in China. It covers all aspects of peoples' lives, and serves as an "encyclopedia of social life," comprehensively protecting the rights and the interests of individuals and civil organizations. This opens up the "Civil Code Era" of China.

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