

# PROFESSOR STANLEY LUBMAN: A BRIEF BIOGRAPHY

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This special issue of the *Columbia Journal of Asian Law* honors Stanley Lubman, one of the pioneers of modern Chinese law studies in the United States and indeed in the western world. Like that of many others in that founding generation, Stanley's early academic career showed little to foreshadow his subsequent move into China studies. Upon graduating from the Bronx High School of Science, Stanley took an undergraduate degree at Columbia, where he majored in history and graduated Phi Beta Kappa. After that, Columbia Law School must have seemed an almost inescapable fate, and he received his LL.B. in 1958. Presaging the course of his career, he also avoided some practical courses to study comparative law, Roman law, and Soviet law, which aroused his interest in studying foreign legal systems.

At this point things began to take an unusual turn. He was tapped by Willis Reese, one of his professors at Columbia, for a Jervey Fellowship in Comparative Law, which enabled him to study French law, first for a year at Columbia and then in Paris for a second year. His international career had begun.

A brief post-LL.M. stint at Paul, Weiss, Rifkind, Wharton & Garrison in New York was followed by a clerkship with newly-appointed Judge Wilfred Feinberg of the Southern District of New York, and then by a year as Assistant Director of the Legislative Drafting Research Fund at Columbia Law School. In 1963, a key event occurred: the Rockefeller Foundation, having decided a few years earlier that the law of the People's Republic of China was a worthy subject of study, was looking for bright young scholars willing to undertake the task. Stanley stepped forward and Willis Reese and James Morley, then acting head of Columbia's East Asian Institute, proposed Stanley to the Foundation, which then supported four years of study and research, along with the Columbia Law School and the Foreign Area Fellowship Program of the Ford Foundation.

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It is hard to imagine in 2005 what setting out to study the law of the PRC must have seemed like in 1963. The country was isolated from much of the world, it was virtually impossible for Americans to visit, and information was extremely difficult to obtain in any language. Nobody foresaw the China of today, and it must have been in the face of a forest of raised eyebrows that Stanley dove into the study of China, Chinese, and Chinese law.

Stanley's initial studies of Chinese language and history at Columbia were followed by two years of research at the Universities Service Centre in Hong Kong. The lack of documentary sources forced Stanley, like other American scholars at the time, into interviewing émigrés, a research technique that is hardly used today because of the recent explosion of documentary materials in Chinese law and the appearance of opportunities for foreign scholars to do empirical research in China.

Stanley followed his Hong Kong years with five years of full-time teaching on the faculty of Boalt Hall, the School of Law of the University of California at Berkeley and, following that, for the next three decades he combined the careers of scholar and practitioner in the field of Chinese law. Stanley was a partner at two large San Francisco firms, and his career in practice culminated with his founding and heading the China practice (which now has over 100 lawyers) at the British firm of Allen & Overy.

Even while in practice, he remained active on the scholarly front. He taught at Harvard, Yale, Stanford, Columbia, Heidelberg, and the School of Oriental and African Studies in London. After leaving full-time practice in 1997 he taught at Stanford for four years, and is now teaching again at Berkeley. He has also produced a sheaf of works on Chinese law culminating in the publication in 1999 of his magnum opus, *Bird in a Cage*,<sup>1</sup> a book warmly received not only outside of China but within it as well. More recently, he co-edited a book highlighting the work of young social scientists looking at the Chinese legal system, *Engaging the Law in China*.<sup>2</sup>

Since 1997 Stanley has been advising the Asia Foundation on law-related projects in China, in particular organizing small groups of American law professors to meet and consult with Chinese scholars and officials drafting legislation to reform various aspects of Chinese administrative law. But this is only the latest of his contributions to

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<sup>1</sup> STANLEY B. LUBMAN, *BIRD IN A CAGE: LEGAL REFORM IN CHINA AFTER MAO* (1999).

<sup>2</sup> *ENGAGING THE LAW IN CHINA: STATE, SOCIETY, AND POSSIBILITIES FOR JUSTICE* (Neil J. Diamant, Stanley B. Lubman & Kevin J. O'Brien eds., 2005).

institutions and capacity-building in the field: he served on the Committee for Legal Educational Exchange with China from 1982 until it expired in 1996, helping a succession of promising Chinese legal scholars to study in the United States, and has been on the editorial board of the *China Quarterly* since 1992.

As this all-too-brief survey shows, Stanley's contributions to the field have been as diverse as they have been lasting, and it is a mark of his stature that in April 2005, a major conference on *New Scholarship in Chinese Law* was held in his honor at Columbia Law School. This special issue is the published result of that conference.