

Translation

TRANSLATORS' NOTE

One of the major aims of the *Journal of Chinese Law* is to facilitate intellectual exchanges between Chinese and American scholars and lawyers. A prerequisite to valuable communication of this type is access by American and Chinese legal scholars to the writings of their colleagues abroad. Since 1979, there has been a remarkable expansion of legal scholarship in the People's Republic of China (PRC), with the inauguration of scores of legal journals that present an increasingly rich abundance of legal information and theoretical debate on often controversial questions of legal theory, legislative priorities and institutional reform.¹ Regrettably, most of this critical information is inaccessible to interested American lawyers and scholars unable to read Chinese. The *Journal* hopes to address this problem and promote greater understanding of Chinese legal development by publishing translations of important articles from Chinese law journals.

To commence its translation efforts, the *Journal* has chosen an influential article that surveys the twists and turns in China's legal policy and practice between 1949 and 1979. The article was authored by Professor Chen Shouyi, one of China's most prominent jurists. "A Review of Thirty Years of Legal Studies in New China" was first published in 1980² and later republished in a major collection of legal articles.³ The author gives us a concise, thoughtful and comprehensive overview of China's legal development during the period from 1949 to 1979. He also deals frankly with some of the reasons for the backwardness of law and legal science in the PRC, and identifies important and controversial jurisprudential and practical issues that have long challenged Chinese legal scholars, Party theoreticians and legislative bodies. Even today, there is still no consensus on many of these problems which are of vital and immediate importance to legal construction in China. The editors believe that the following excerpt from Chen Shouyi's seminal article will not only give our readers an overview of Chinese legal development from 1949 to 1979, but will also provide a deeper understanding of the key issues of legal theory and practice facing Chinese scholars and officials in China now

1. See Sidel, *Recent and Noteworthy Legal Works Published in China*, 1 J. CHINESE L. 251 (1987).

2. 1 FAXUE YANJIU 1 (1980).

3. FAXUE LUNWENJI 13 (1984).

engaged in the demanding and important task of creating a “comprehensive socialist legal system with Chinese characteristics.”

The footnotes have been added by the editors, and the bracketed citations written in the text were part of the author’s original article.