

Study on Legal Education of Shanghai National Jinan University in the Republic of China Era

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Abstract: In the early Republic of China, the legal education demonstrated the situation of overdevelopment. Many Law Schools existed in name only, this situation forced the Ministry of Education of Nanjing National Government to reevaluate the purpose of legal education. In order to fill the vacuum of legal education which was ran by national universities, the National Jinan University established a Law Faculty in 1927 to start the legal education. The early legal education of Jinan University was dominated by Anglo-American Law, later it gradually developed into a combination of legal system which attached importance to Anglo-American Law and Comparative Law. The legal education of Jinan University inherited the goal of “Training Judicature Talent”. After the triumph of the Anti-Japanese War, in 1946, the legal education of Jinan University was reran in Shanghai. With the effort of Zhou Nan, the legal education gradually backed on track. In August 1949, the Law Faculty of Jinan University were merged to Fuh-Tan University, the legal education of Jinan University was interrupted temporarily.

1. Introduction

In the early years of the Republic of China, under the influence of the new trend of thought and the Western rule of law, there was a craze for the school in the country, and the legal education developed rapidly. After the establishment of the National Government, “the rule of law has become a common paradox in the whole country.” With the growing prosperity of overseas Chinese higher education, in 1927 the National Government upgraded Jinan School to National Jinan University, and the Jinan Law Faculty came into being.

The history of legal education in the Republic of China has gone through several generations of scholars, and there are still some leaks. The academic circles on the study of the history of legal education in the Shanghai area focus on the Soochow University, while the research on the Jinan Law School is rarely involved. The doctoral thesis of Shen Wei of East China University of Political Science and Law, “Research on Modern Shanghai Higher Legal Education(1919 - 1937)” has mentioned the legal education in Jinan University, but it is only so far. Deepening the study of legal education in Shanghai National Jinan University is of great benefit to the development of the legal education in the Republic of China, and it also provides a reference for today's legal education and overseas Chinese higher education.

2. New paintings: National Jinan University to organize legal education

At the beginning of the Republic of China, legal education was in a state of flux. In October 1912, the National Government announced the “Specialized Schools Order” and the “University Order”, the two orders allowed private or private legal persons open private specialized schools. In November of the same year, the Ministry of Education promulgated the “Procedures of the School of Law and Politics”, which stipulated that “the law and political colleges should take the purpose of developing special talents in law and politics”. The academic system is one year for the first year and three years for the undergraduate course. The decentralization of school-running has sprung up in Shanghai's private legislative and political colleges. In just three years from 1912 to 1914, there

were 14 new private legislative schools in Shanghai, and “Many law schools exist in name only.” The educational chaos in the private legislative colleges forced the Ministry of Education to reassess the key points of legal education. In 1914, the Ministry of Education suspends six law schools in Shanghai, and the overall legal education in Shanghai fell into “silence”. The rectification of the law school by the Ministry of Education is, in the final analysis, the result of the inconsistency between the central and local legal education concepts and the inability of both parties to adjust. The National Government expects legal education to achieve the goal of cultivating specialized legal and political talents. However, the original intention of running schools in Shanghai is “to soak up the society with legal common sense and subsidize the national schools.” In order to fill the gap in the opening of legal education in the National University in Shanghai, in the autumn of 1927, the National Jinan University created a law faculty to carry out legal education.

The predecessor of the National Jinan University was the Jinan School founded in Nanjing in 1906 by the Qing court. In the summer of 1927, Zheng Hongnian took over as the president of Jinan School and reorganized Jinan School into “National Jinan University”. On July 2 of the same year, the *Shen Pao* (Shanghai Post) disclosed: National Jinan University, since the beginning of this year, thoroughly reformed, and added one class of the first-year undergraduate students in the Department of Politics and Law of the University. The legal education in Jinan University was born.

Zheng Hongnian regarded hiring famous teachers as the key to running a good legal education. “At the beginning of the service, the focus is on the talents as the first picture. Those who are good at learning and good at moral conduct are good example for students, no matter how far we will hire them. In the autumn of 1927, the Faculty of Law hired Shi Chaoyong, Liu Shifang, Wang Hanzhang and Zhang Shuming. In September 1928, the Faculty of Law hired Li Zhongdao, Zhang Yuanmei, Liu Ming, and Huang Hua. In 1929, the legal education in Jinan was further promoted, and Sheng Zhenwei, Pan Xulun, Song Yunhui, Li Wei, Wei Weiqing, Qian Shusheng, Xie Hongen, Yuan Yangan, etc. were recruited. In 1930, the Law school of National Jinan University was formally established. “The newly hired and re-employed administrative and teaching staff are all in a good position.” The dean of the law school is Wang Renlin, and the law department newly hires Mei Jiejie, Ge Zhiqin, Dai Xiuzan, Zhang Zhirang, Huang Yingrong. In February 1931, Xu Zhanxing, Lin Duxin and Xu Gongdian were hired. The development of legal education in Jinan prevailed for a time. There were more than 50 teachers in the hospital. As a rising star in the field of legal education in Shanghai, it is not easy to have such a strong faculty lineup.

On August 24, 1927, Dr. Shi Chaoyong, a doctor of law at Yale University, was appointed as the head of the law department of the National Jinan University. He taught 11 subjects such as the Anglo-American Contract Law, the International Public Law, and the Private International Law. When Shi was invited by Zheng Hongnian to form the Faculty of Law, he recalled the original intention of starting the legal education in Jinan:

The immaturity of Chinese legal system and the chaos of the judiciary in recent years has enabled the imperialists to excuse their people's property to lack legal protection in China, and to apply their gunboat policy, forcing our nation to establish an unequal treaty of partiality and private rights. Thus disrupting China's judiciary and undermining China's administration, if our nation want to restore sovereignty, it depends the abolition of the treaty, the improvement of the law, the rectification of the judiciary, if we want to improve the law and rectify the judiciary, we must cultivate legal talents.

Shi Chaoyong believes that the key to restoring sovereignty and eliminating unequal treaties lies in improving the law, rectifying the judiciary, and creating useful legal talents. At the same time, Jinan legal education shoulders the heavy responsibility of cultivating overseas Chinese law talents. “The university is the highest institution for educating young people of Nanyang overseas Chinese. In addition to ordinary subjects, the Nanyang General Law Course is specially set up, and the overseas Chinese and those who are interested in Nanyang are eligible to apply. “

3. Create judicial talent: exploration of curriculum

The early curriculum of Jinan legal education was mainly based on Anglo-American law, which

was related to Dr. Shi Chaoyong, the head of the law department, who was studying in the United States. In 1927, Shi Chaoyong formulated the “Guide to the Department of Law”, which stipulated that the duration of the course of study was five years. The courses of the Anglo-American law must be taught by celebrity selection. Students must read 200 credits. At the same time, the required courses must be fully completed and graduated. Credits for the first grade are not included in this 200 credits.

Shi Chaoyong believes that “in this year's trial, the training with the students and the selection of the training, the results of the training, the results are obvious, and then continue to seek, after several counts, the Department in China's law school, will be the best, and students contribute more to the future of China's judiciary.”

In addition to the “translation or thesis”, the Department of Law has a total of 68 courses, including 53 compulsory courses and 15 elective courses. There are 28 courses about the civil law and Anglo-American law which are taught in English teaching plans and English. It can be seen that while cultivating constitutional and judicial talents, Jinan Legal Education pays special attention to expanding students' international horizons. Shanghai's complicated legal environment for legal practitioners, “legal people who are bilingual in both Chinese and English, and who have mastered the Anglo-American law and Chinese law, are extremely rare in reality. They were also the talents that Shanghai law firms had dreamed of at the time.”

Jinan legal education adheres to the educational concept of emphasizing quality but not number. Shi Chaoyong believes that “We want only to build up the quality of the students, and not to count the quantity of them”. A total of 15 students were recruited in the first law department. Due to the heavy academics in the law department, most of the students in the first year chose to transfer, and eventually only 5 students are remained.

In the autumn of 1930, the College of Law was formally established, it consists of law department, political-economy department and diplomatic-consular department. The curriculum of the Law Department is based on both Anglo-American law and comparative law. The English and American law modules are specially designed to cultivate judicial talents that are in line with international standards. In order to create useful judicial talents, Jinan Legal Education regards legal ethics and morality as a prerequisite for cultivating students. Zhang Zhirang's “Legal Ethics” course selects the British and American cases and the laws and regulations related to China, instilling students' concept of legal ethics and borrowing the morality of those who perform lawyers. In addition, the Anglo-American law theory is highlighted, and the rules of the United States and the United States are compared vertically. In order to enable students to obtain sophisticated training and long-term memory, comparative research is the main method of teaching. At the same time, taking into account both Roman law and civil law. Jinan legal education pays special attention to legal skills training, and offers a “type court” course, “to familiarize students with the procedures for trials, in the case of actual or false cases, students themselves as judges, lawyers, activists, witnesses, appraisers and registrars, etc. Position, in the type court, hold trial procedures and guide students to write, judge and submit documents.”

Judging from the curriculum of Jinan Law School, its main goal is to train students to have legislative ability. The Constitution course taught by Mei Jiejie represents the goal of Jinan legal education: “Comparing the constitution of each country and thinking that it will be used as a mirror for China's constitutionalism in the future” And reserve judicial talents for the constitutional period.

In 1932, the “1·28” incident broke out, giving a fatal blow to the growing legal education in Jinan University. In September of the same year, the School of Education was changed to the College of Liberal Arts, the Law School was abolished, and the Department of Political Economy was incorporated into the College of Liberal Arts.

4. Continue the string song: 1946 Jinan legal education in Shanghai

After the victory of the Anti-Japanese War, Jinan legal education was reran in Shanghai in the autumn of 1946. The dean of the law school was chaired by Zou Wenhai and the head of the law department was Zhou Nan. After the demobilization, the law department is tantamount to new

construction, and it has a slight scale. At that time, there was no teacher, no books, no students, and it was a self-made. Whether education is good or not, whether it is enthusiasm for the staff, is also teaching whether to win people. When Zhou Nan managed the main department, the professors were having long enjoyed a good reputation scholars, such as Hu Yuanyi, He Xianzhang, Xue Siguang, Qiu Riqing, Xu Zhu, Luo Shiji, Wu yuxin, Chen Shengqing, and Li Zixin. The source of the students, the first-year freshmen are admitted by recruiting, and the second- and third-grade students are admitted to the transfer students and the students of the school.

Since the establishment of the legal education in Jinan University, we have always adhered to the concept of valuing students more on quality than quantity, and the Law Faculty is known as “strictly tight”. If you think that you can be muddling alone in the Law Faculty, we suggest not to try. Especially for the law studying, it needs to understand and to remember, the credits are more than other departments, if you are not interested, even if you enter the law faculty, you will regret it. The post-war revival of Jinan legal education relied on Zhou Nan’s painstaking efforts.

Department of Law, Dr. Zhou Nan, an expert in Roman law, he looks like a heroic young man. In fact, he has been an professor for many years. He is painstaking about the operation of this department. Some people think that reading law can be “ muddling alone.” However, this major is indeed a very heavy one, so the learning atmosphere is favorable, the professors such as Hu Yuanyi, Yu Guandu, Qiu Riqing, Xue Siguang, etc. are scholarly. The Law department set up administrative law group, and the class is selected in the third grade.

In October 1945, the National Government revised the subjects of the law school. According to the second meeting of the National Government Legal Education Committee, the university law department is a mixed system and group system (four groups of judicial, administrative law, international law, and theoretical law). In the course of implementation, due to the difficulties of teachers and equipment in each school, there is still no school for all group members. At the beginning, the Jinan University Law Department only had an administrative law group, and later a judicial group. The curriculum was mainly based on the civil law system, and the Nanyang general course was retained. After the end of the Anti-Japanese War, the political intention of the National Government to control the university was clear. The space for the independent courses of the universities was further narrowed. Under the dual supervision of the Ministry of Education and the Ministry of Justice, the proportion of courses in the civil law was significantly improved.

The curriculum of legal education in Jinan University has gone through the Anglo-American law, comparative law, and civil law system, but its initial focus on training judicial talent has not changed. First of all, in order to study academics, encourage learning, and enrich campus life, the Faculty of Law established the Law Society and published the Academic Journal of the Law Society. The Association aims to study the law, promote the spirit of the rule of law and connect with the feelings. All the law students are members of the association. Other students who are interested in research law can join. The establishment of the Law Society provides a vehicle for professors of law, students' research on legal theory and its applications. Second, focus on training students' legal practice skills. “This semester, the students of the department organized an internship court to try the case of 'rape and kill'. All the referees, prosecutors, lawyers, secretaries and plaintiffs were all performed by the classmates.” As National University, the Legal Education of Jinan not only shoulders the responsibility of training legislation and judicial talents, but also has the mission of supporting the rule of law. “In a country with democratic constitutionalism, the rule of law replaces the rule of the people, especially today, when the country begins to implement the constitution, the concept of the rule of law needs to be universally spread, so the responsibility of the students of this department is very important.”

On August 20, 1949, the Shanghai Military Control Commission took over the cum, and issued the first command of the military-teaching word: “The liberal arts college, the law school, the business school were merged with the same department of Fuh-Tan University.” September 9, 1949 On the day, all the students of the Law School moved out, and the legal education in Jinan University in the Shanghai period came to an end.

5. Conclusion

Shi Chaoyong believes that Chinese people advocate ruling by virtue and their legal concepts are very weak. The legal education of Jinan University is intended to provide reference for the legislative formulation of the National Government according to the Chinese old legal system and the current system.

Early legal education of Jinan University attached importance to foreign law and comparative law teaching, which is conducive for students to broaden their international law knowledge and enrich foreign law knowledge. In the medium term, the Anglo-American law elective module was set up, which will not only help students to study abroad after graduation, but also make them to deal with foreign-related legal affairs, they can calmly deal with it; later legal education of Jinan University adjusts the curriculum according to the national government policy, and focuses on the teaching of Chinese law and civil law, and cultivates constitutional and judicial talents.

The transformation of legal education of Jinan University is actually a microcosm of China's modern legal education, and it also reflects the twists and turns of modern Chinese legalization. The Law School of Jinan University has trained nearly 1,000 legal and political talents. The teachers and students of Law school are indispensable forces to promote the modernization of China's legal system. For example, Professor Xue Siguang was hired as an advisor to the International Court of Justice after the victory of the Anti-Japanese War. He made a major contribution on trial of the Japanese war criminals; Professor Qiu Hanping and Zhou Nan are Roman jurists, their Roman jurisprudence had a profound influence on later generations. The Law graduates of Jinan University are either engaged in teaching or working as judges or lawyers, making positive contributions to the legal construction and legal education in modern China.

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