A Bibliography of English Sources on the Criminal Process in the People's Republic of China

Eugene L. Shapiro

Follow this and additional works at: http://lawdigitalcommons.bc.edu/iclr
Part of the Comparative and Foreign Law Commons, Criminal Law Commons, and the Criminal Procedure Commons

Recommended Citation

This Article is brought to you for free and open access by the Law Journals at Digital Commons @ Boston College Law School. It has been accepted for inclusion in Boston College International and Comparative Law Review by an authorized editor of Digital Commons @ Boston College Law School. For more information, please contact nick.szydłowski@bc.edu.
English Sources on the Criminal Process in the People’s Republic of China

by Eugene L. Shapiro*

I. INTRODUCTION

For one wishing to trace the criminal process in the People’s Republic of China (PRC) since the beginning of the cultural revolution, the problem of a scarcity of English materials has been compounded by the difficulty of their location. For the period prior to 1966, two major bibliographies, Fu-shun Lin’s CHINESE LAW PAST AND PRESENT (1966) and that contained in Jerome Alan Cohen’s THE CRIMINAL PROCESS IN THE PEOPLE’S REPUBLIC OF CHINA, 1949-1963: AN INTRODUCTION (1968), are useful. This bibliography seeks to update those efforts, including both Chinese material which is available in English and recent non-Chinese commentary on the criminal process since 1949.

In July of 1979, Chairman Ye Jianying of the Standing Committee of the National People’s Congress issued orders promulgating seven laws which had been adopted at the Second Session of the Fifth National People’s Congress, including a comprehensive Criminal Law, a Law of Criminal Procedure, the Organic Law of the People’s Courts and the Organic Law of the People’s Procuratorates.¹ These laws will become effective on January 1, 1980, supplementing the new Regulations of the People’s Republic of China Governing the Arrest and Detention of Persons Accused of Crimes, effective since February 23, 1979. While authoritative English translations of these new laws are not yet available, they may certainly be expected soon. Available commentary concerning both the codification process and a renewed emphasis upon principles of legality is included below.

* Associate Professor of Law, Memphis State University. The author wishes to thank Dr. Taotai Hsia of the Library of Congress for his suggestions concerning this project.

II. BASIC MONOGRAPHS AND BIBLIOGRAPHIES


Hsiia, Tao-tai, Guide to Selected Legal Sources of Mainland China (1967).


III. CHINESE MATERIALS IN ENGLISH

Notice by the Joint Committee of Kwangtung Revolutionary Rebels—Strengthen the Dictatorship of the Proletariat and Suppress Counter-Revolutionary Activities, KUANG-CHOU JIH-PAO (Canton), Feb. 7, 1967, translated in SURVEY OF CHINA MAINLAND PRESS SUPP. No. 179 at 28 (1967).


The Seven Point Agreement to Check Armed Clashes—Formulated by the Provincial Military Control Committee, KUNG-AN CHAN-PAO (Public Security Combat Bulletin, Canton), August 1, 1967, translated in SURVEY OF CHINA MAINLAND PRESS SUPP. No. 199, at 19 (1967).

Selected Big-Character Posters, translated in SURVEY OF CHINA MAINLAND PRESS SUPP. No. 193 at 1-18 (1967) (accounts of Hunan disturbances compiled by Hunan University groups).


2. Published by the U.S. Consulate-General in Hong Kong. Succeeded by SURVEY OF PEOPLE'S REPUBLIC OF CHINA PRESS SUPP.


General Condition of Judicial Work in T'ai-hang District, reprinted in 6 CHINESE L. & GOV'T NO. 3, at 7 (1973) (Department Director's Summary Report to the Judicial Conference of T'ai-hang District).

Chinese Supreme People's Court Grants Special Amnesty to and Releases All War Criminals in Custody, HSINHUA WEEKLY (Hong Kong) 5 (March 24, 1975).

N.P.C. Standing Committee Decision on Granting Special Amnesty to and Releasing All War Criminals in Custody, HSINHUA WEEKLY (Hong Kong) 5 (March 24, 1975).

N.P.C. Standing Committee Decides to Grant Special Amnesty to and Release All War Criminals in Custody, HSINHUA WEEKLY (Hong Kong) 9 (March 24, 1975).

N.P.C. Standing Committee's Decision: Granting Special Amnesty to and Releasing All War Criminals in Custody, 18 Peking Rev. No. 12, at 11 (1975).

Chinese Judicial Organs Decide to Pardon and Release Kuomintang Personnel in Custody, HSINHUA WEEKLY (Hong Kong) 23 (December 29, 1975).


3. Published by the U.S. Consulate-General in Hong Kong.


4. Publications of the U.S. Joint Publications Research Service may be obtained from the National Technical Information Service, 5285 Port Royal Road, Springfield, Va., 22161.


Ling Yun on Counter-Revolutionary Offenses and Capital Punishment, 22 BEIJING REV. NO. 28, at 16 (1979) (Description of a speech before the Fifth National People's Congress by the Vice-Minister of Public Security).


Excerpts from Peking Trial Transcript, N. Y. Times, Nov. 15, 1979, at 22, col. 1.

IV. RECENT COMMENTARY


Bell, Inside China: Conformity and Social Change, 8 JURIS DOCTOR NO. 4, at 23 (1978).


Ch’iu, K’ung-yüan, Current Social Problems in Mainland China, 10 ISSUES & STUD. NO. 4, at 54 (1974).


Huan, Cheng, *Law in China: Will the People Please Take the Stand?*, 75 FAR EASTERN ECON. REV. No. 4, at 14 (1972).


Perlov, The Departure from Democratic Principles of Justice in the Chinese People’s Republic, 1 CHINESE L. & GOV’T No. 3, at 23 (1968) (Transl. from Sovetskoe gosudarstvo i pravo, No. 1 (1968)).

Public Trial Rallies in People’s China, BULL. INT’L COMM. JURISTS No. 35, at 25 (1968).


Ruge, An Interview with Chinese Legal Officials, CHINA Q. (LONDON) No. 61, at 118 (1975).


Van Der Valk, Voluntary Surrender in Chinese Law, in 14 LAW IN EASTERN EUROPE (1967).
