The Rule of Law in China: If It Has Been Built, Do People Know about It?

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Abstract

This paper assesses the current state of public legal knowledge in China, which we regard as an essential aspect of and an empirical indicator for the development of modern legal culture. Using data from the 2004 survey on Institutionalization of Legal Reforms in China, we first demonstrate the relatively low level of public legal knowledge in China and the stark disparities between urban and rural populations. We further explore factors that can explain the variations through multivariate analyses. We find that the level of public legal knowledge is associated with individual characteristics such as gender, age, education, income, residency, and mode of production. Exposure to the outside world serves as a learning process about functions of the legal system, and the media play an important role in disseminating legal information. Educational activities focusing on the legal system or legal issues also provide an important channel for the public to acquire practical legal knowledge. We conclude by discussing potential
approaches to increasing Chinese public legal knowledge and narrowing the disparities, including increasing the population’s education and income levels and broadening access to special educational activities and coverage by the media.

**Introduction**

Since the beginning of economic reforms in 1978, the re-building of laws and the legal system in China has been widely noted.\(^1\) China’s legal infrastructure has improved thanks to rapid economic development and the strengthening of the state’s legal capacity.\(^2\) In contrast to the notable development of — and research on — the modernization of legal institutions, little systematic information is available about the transformation of China’s legal culture in the reform era. Few researchers have examined what the public actually know about laws and the legal system, how this knowledge is acquired, the degree of awareness of new legal instruments, and how much, in turn, the public have learned to trust these institutions. This article is an effort to fill this gap by assessing the current state of public legal knowledge, which we regard as an essential aspect of and an empirical indicator for the development of modern legal culture in the Chinese context.

A modern legal culture consists of a set of values based on which a society of rule of law and a state of rule by law are built.\(^3\) The debates about the rule of law and modern legal culture in the English-language literature are embedded in the institutional context of Western societies,\(^4\) including democracy, market capitalism, industrialization, a vibrant civic culture, as well as prevailing religious values.\(^5\) Given the lack of such established institutions in the People’s Republic of China, the Chinese modernization of legal culture is taking place in a vastly different context. On the one hand, China’s market economic reform process has created opportunities for, and requires, the establishment of formal legal institutions as well as a corresponding modern legal culture in which the public recognize and accept the established formal legal system.\(^6\) On the other hand, the development of a modern legal culture among the Chinese public will in turn promote and sustain the formal legal system as well as other market and democratic institutions.\(^7\)

Scholars have different opinions regarding the proper definition of a modern legal culture in the Chinese context. Kawashima notes that the core of modern legal culture is “the spirit of obeying the law”,\(^8\) Potter’s