

Xin HE (Frank)

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Office: 608, Cheng Yu Tung Tower, The University of Hong Kong

CURRENT POSITION

Professor, Faculty of Law, The University of Hong Kong, 2018-

Previous Appointments:

Lecturer to Professor, School of Law, City University of Hong Kong, 2002-2017

Global Visiting Professor, NYU Law School, 2009 (Manhattan), 2014; 2016 (Shanghai)

Visiting Professor, College of Law, University of Illinois, Fall 2009, Spring 2011; 2013

EDUCATION

JSD (Doctor of the Science of Law), STANFORD UNIVERSITY, 2004

JSM (Master of the Science of Law), STANFORD UNIVERSITY, 2000

M. Phil (Master of Legal Philosophy), PEKING UNIVERSITY, 1999

Diploma in Common Law, HONG KONG UNIVERSITY, 1999

LL.B., PEKING UNIVERSITY, 1995

BAR ADMISSION

State of New York, January 2001

AREAS OF RESEARCH AND TEACHING

Law and Society; Chinese Legal Systems; Comparative Law

EDITORIAL ACTIVITIES

Co-Editor in Chief, *Asia Pacific Law Review*, 2014-2017

Associate Editor, *China Law and Society Review*, 2015-

Articles Editor, *Hong Kong Law Journal*, 2012-

Editorial Board Member, *Law & Social Inquiry*, 2015-2017

EXTERNALLY COMPETITIVE RESEARCH PROJECTS

2015, Principal Investigator, General Research Fund (GRF)

“Discourses in the Petition Office of Chinese Courts,”

HK\$615,500, the Research Grant Council, the Hong Kong Government.

2014, Principal Investigator, General Research Fund (GRF)

“Blood Money and Negotiated Justice in China,”

HK\$700,500, the Research Grant Council, Hong Kong Government.

2014, Co-Investigator (Lin Fen as PI), General Research Fund (GRF)

“The Losing Media?”

HK\$566,600, the Research Grant Council, Hong Kong Government

2013, Principal Investigator, General Research Fund (GRF)

“Divorce Law Practice and Gender Inequality in China,”

HK\$667,000, the Research Grant Council, Hong Kong Government.

2013, Co-PI (Kwai Hang Ng as PI), Law and Social Sciences Section, the National Science

Foundation (NSF) “Judicial Mediation in China,” USD 161,000.

2012, Principal Investigator, General Research Fund (GRF)
“Piercing the Veil of the Adjudication Committee in the Chinese Court,”
HK\$547,000, the Research Grant Council, Hong Kong Government.

2012, Co-Investigator (CHEN Lei as PI), General Research Fund (GRF)
“Assessing Property Relations and Formalizing Condominium Ownership in China,”
HK\$471,000, the Research Grant Council, Hong Kong Government.

2011, Co-Principal Investigator (Kwai Hang Ng as Principal Investigator), Chiang Ching-
Kuo Foundation for International Scholarship “Rule of Law from Below,” USD 22,600.

2011, Principal Investigator, General Research Fund (GRF)
“Protest-supported Litigation in Housing Demolition in China,” HK\$699,000, the Research
Grant Council, Hong Kong Government.

2010, Principal Investigator, General Research Fund (GRF)
“Do the Haves Come Out Ahead in Chinese Courts?” HK\$593,400, the Research Grant
Council, Hong Kong Government.

2009, Principal Investigator, General Research Fund (GRF)
“State Channeling of Labor Conflict in China,” HK\$684,000, the Research Grant Council,
Hong Kong Government.

2008, Principal Investigator, General Research Fund (GRF)
“The Enforcement of Contract Judgments in China,” HK\$356,000, the Research Grant
Council, Hong Kong Government.

PUBLICATIONS

A. BOOK

Kwai Hang Ng and **Xin He**, *Embedded Courts: Judicial Decision Making in China*. New York: Cambridge University Press, 251 pages. October 2017.

B. BOOK CHAPTERS

Xin He, Lungang Wang, and Yang Su, "Perceived Justice of Migrant Laborers in China," in Susan Trevaskes, Elisa Nessori, Flora Sapio, and Sarah Biddulph eds., *Justice: China's Experience*. Cambridge University Press, 257-282, 2017.

"Protest Supported Housing Demolition Litigation in China," in John Gillespie and Hualing Fu eds., *Resolving Land Disputes in East Asia*, Cambridge University Press, 195-222, 2014.

"If I Award This Case for You, All the Chinese People will Come to Us for Justice: Land Taking Cases in the Shadow of Social Stability," in Susan Trevaskes, Elisa Nessori, Flora Sapio, and Sarah Biddulph eds., *The Politics of Law and Stability in China*, 42-58. Cheltenham UK: Edward Edgar, 2014.

"The Party's Leadership as a Living Constitution in Reform China," in Tom Ginsburg ed., *Constitutions in Authoritarian States*. Cambridge University Press, 246-263, 2013.

"A Tale of Two Chinese Courts: Economic Development and Contract Enforcement," in Yu Guanghua ed., *Rethinking Law and Development: The Chinese Experience*. Routledge: 2013 (reprint from the 2012 article in *Journal of Law and Society*)

Xin He and Kwai Ng, "In the Name of Harmony: the Erasure of Domestic Violence in China's Judicial Mediation," in Guiguo Wang and Fan Yang eds., *The Rule of Law: A Comparative Perspective*. City University of Hong Kong Press, 107-138, 2013 (reprint from the article published in *Law & Social Inquiry* 2013)

"The Judiciary Pushes Back: Law, Power, Politics in Chinese Courts," in Randall Peerenboom ed., *Judicial Independence in China*, Cambridge University Press, 180-195, 2010.

"Administrative Law as a Political Control Mechanism in Contemporary China," in Stephanie Balme & Michael Dowdle eds., *Building Constitutionalism in China*, Palgrave Macmillian, 143-161, 2009.

Reprinted in *The Evolution of Chinese Law Reform in China: An Uncertain Path*, Stanley Lubman ed. Edward Elgar Publishing, 2012.

C. JOURNAL ARTICLES

Yuqing Feng and **Xin He**, "From Law to Politics: Petitioners' Framing of Disputes in Chinese Courts," *China Journal*, June 2018.

Kwai Hang Ng and **Xin He**, "The Logics of Legal Commensuration: Criminal Reconciliation and Negotiated Justice in China," *American Journal of Sociology* 122 (4): 1104-1143, 2017.

Xin He and Fen Lin, "The Losing Media? An Empirical Study of Defamation Litigation in China," *China Quarterly*, 371-398, June 2017.

"No Malicious Incidents": The Concern for Stability in China's Divorce Law Practice,"

Social & Legal Studies 26: 467-489, 2017.

“Chinese Courts in Politics,” *China Law and Society Review* 2: 129-153, 2017.

Xin He and Kwai Ng, “‘It Has to Be Rock Hard!’ Guanxi and Judicial Decision Making in China,” *American Journal of Comparative Law* 65(4): 341-371, 2017.

Xin He, Luoyun Li, and Yuqing Feng, “The Mediatory versus Legalistic Discourse in Chinese Courts,” *POLAR-Political and Legal Anthropological Review*, 324-341, 2017.

“Double Whammy: Lay Assessors as Lackeys in Chinese Courts,” *Law & Society Review* 50(3): 733-765, 2016.

Xin He and Yuqing Feng, “Mismatched Discourses in the Petition Office of Chinese Courts,” *Law & Social Inquiry* 41(1): 212-241, 2016.

“Maintaining Stability by Law: Protest Supported Litigation and Social Change in China,” *Law & Social Inquiry* 39 (4): 849-873, 2014.

“Administrative Reconsideration’s Erosion of Administrative Litigation in China,” *Chinese Journal of Comparative Law* 3: 1-18, 2014.

Kwai Hang Ng and **Xin He**, “Internal Contradictions in China’s Judicial Mediation,” *Law & Social Inquiry* 39 (2): 282-312, 2014.

Xin He, Lungang Wang, and Yang Su, “Above the Roof, Beneath the Law: Perceived Justice among Migrant Wage Claimants in China,” *Law & Society Review* 47(4): 703-737, 2013.

Xin He and Yang Su, “Do the ‘Haves’ Come Out Ahead in Shanghai Courts?” *Journal of Empirical Legal Studies* 10(1): 121-146, 2013.

Xin He and Kwai Hang Ng, “Pragmatic Discourse and Gender Inequality in China,” *Law & Society Review* 47(2): 279-310, 2013.

Xin He and Kwai Hang Ng, “Inquisitorial Adjudication and Institutional Constraints in China’s Civil Justice,” *Law & Policy* 35(4): 290-317, 2013.

Xin He and Kwai Hang Ng, “In the Name of Harmony: The Erasure of Domestic Violence in China’s Judicial Mediation,” *International Journal of Law, Policy and the Family* 27(1): 97-115, 2013.

“Judicial Innovation and Local Politics: Judicialization of Administrative Governance in East China,” *China Journal*, no. 69, 1-23, 2013.

“Black Hole of Responsibility: The Adjudication Committee’s Role in a Chinese Court,” *Law & Society Review* 46(4): 681-712, 2012.

“A Tale of Two Chinese Courts: Economic Development and Contract Enforcement,” *Journal of Law and Society* 46 (3): 384-409, 2012.

“The Party’s Leadership as a Living Constitution in Reform China,” *Hong Kong Law Journal* 42(1): 73-94, 2012.

“Debt-Collection in the Less Developed Regions of China: An Empirical Study from a Basic-Level Court in Shaanxi Province,” *The China Quarterly*, 253-275, 2011.

Yang Su and **Xin He**, “Street as Courtroom: State Accommodation of Labor Protests in South China,” *Law & Society Review* 44(1): 157-185, 2010.

Reprinted in *The Evolution of Chinese Law Reform in China: An Uncertain Path*, Stanley Lubman ed. Edward Elgar Publishing, 2012.

“Enforcing Commercial Judgments in the Pearl River Delta of China,” *American Journal of Comparative Law* 59 (2): 419-56, 2009.

Reprinted in Perry Keller ed., *Law and Market Economy in China*, Ashgate, 2011.

“Court Finance and Court Reactions to Judicial Reforms: A Tale of Two Chinese Courts,” *Law & Policy* 31(4): 463-486, 2009.

“Routinization of Divorce Law Practice in China: Institutional Constraints’ Influence on Judicial Behavior,” *International Journal of Law, Policy and the Family* 23(1): 83-109, 2009.

Reprinted in Perry Keller ed., *Obligations and Property Rights in China*, Ashgate, 2012.

Randall Peerenboom and **Xin He**, “Dispute Resolution in China,” *East Asia Law Review* 4:1-61, 2009.

Reprinted by Oxford: Foundation for Law, Justice and Society, 32 pages. Also available at <http://www.fljs.org/content.asp?pageRef=55>.

“Why Did They not Take the Disputes? Law, Power, Politics in the Decision-Making of Chinese Courts,” *International Journal of Law in Context* 3(3): 203-25, 2007.

An early version appeared at New York University School of Law’s Global Law Working Paper Series, in hardcopy and online at www.nyulawglobal.org, 2006.

“Recent Decline in Chinese Economic Caseload: Exploration of a Surprising Puzzle,” *The China Quarterly*, 352-374, June 2007.

“Why Do They Not Comply with the Law? Illegality and Semi-Illegality among Rural-Urban Migrant Entrepreneurs in Beijing,” *Law & Society Review* 39(3): 527-62, 2005.

“Ideology or Reality? Limited Judicial Independence in Contemporary Rural China,” *Australian Journal of Asian Law* 6(3): 213-30, lead article, 2004.

“The Stickiness of Legal Collusion: A Difficulty of Legal Enforcement,” *International Journal of the Sociology of Law* 32(2):103-117, 2004.

“Sporadic Campaigns as a Means of Social Control,” *Columbia Journal of Asian Law* 17(1):121-45, fall 2003.

“Explaining the Development of Migrant Businesses in Beijing,” *Asian and Pacific Migration Journal* 12(3): 385-406, 2003.

“Legal Evasion: the Strategies of Rural-urban Migrants to Survive in Beijing,” *Canadian Journal of Law and Society* 18(2): 69-90, 2003

“Regulating Rural-Urban Migrants in Beijing: Institutional Conflict and Ineffective Campaigns,” *Stanford Journal of International Law* 39(2): 177-206, 2003.

D. CHINESE ARTICLES (MOST TRANSLATED FROM ENGLISH ARTICLES)

“法院推动的司法创新实践及其意涵,” 《法学家》2012年5期

“马路上的法庭,” 《北大法律评论》(Peking University Law Review), 苏阳、贺欣, 2011年第2辑

“司法财政与司法改革——两个基层法院的比较”, 《中国法律》, 2009年6期, 40-47

“中国法院的财政来源不足与司法腐败”, 载《二十一世纪》, 12-23, 2008年1期

“离婚法实践的常规化”，《北大法律评论》No.2, 2008

“为什么法院不受理外嫁女案件？”《法律和社会科学》，No.3 2008

Partly reprinted in 《中国社会科学文摘》，No. 2, 2009.

“我国近期经济案件数量下降的考察”，载《现代法学》No. 1, 3-16, 2007

Reprinted by 《经济法学、劳动法学》（人大复印资料）No. 1, p3, 2007

“作为政治控制机制之一的行政法—当代中国行政法的政治学解读”《法哲学与法社会论从》，No. 8, 207-26, 2005

“在法律的边缘—部分外地来京工商户经营执照中的‘法律合谋’”，《中国社会科学》，No. 3, 91-103, 2005

“经济合同案件的执行：来自珠三角某基层法院的经验研究”，载《司法》，2007 第 2 期，72-109

“运作不良的基层法院？”《法律和社会科学》No. 1, 30-65, 2006.

“转型中国背景下的法律与社会科学研究” Vol. 7, 《北大法律评论》No. 2, 21-36, 2005

“中国农村紧张的官民关系与有限的司法独立” 25 期《香港社会科学学报》75-95, 2003 年春/夏

Reprinted in Mainland China by 《乡村中国评论》，创刊号，45-59, July 2005.

“中国民事诉讼确实存在逆向选择效应吗？——评张维迎、柯荣住的《诉讼过程中的逆向选择及其解释—以契约纠纷的基层法院判决上书为例的经验研究》”《法学》No. 7, 49-56, 2005

“‘专家评审制’应当实行：美中法学刊物编辑过程的比较研究”，《中外法学》，No.5, 2004, 584-93.

Partly reprinted by 《中国社会科学文摘》No. 1, 2005; Also partly reprinted by 《中国学术年鉴》，2005.

“地方的兴起和‘政治双轨’的淤塞：重读费孝通的《乡土重建》” 27 期《香港社会科学学报》27-40, 2004 春/夏, 27-40.

“特定物所有权转移时间的经济分析”，《法学家》，No. 5, 114-23, 2003.

Reprinted by 《民商法学》（人大复印资料），No. 1, 87-97, 2004.

“自由市场和普选民主中的民族仇恨”《读书》，No. 10, 15-23, 2004.

“对‘消费者权益保护法’惩罚性赔偿规定的思考”《中央政法管理干部学院学报》35-38, Jan 1998.