

HAO JIANG

Assistant Professor of Comparative Private Law
Department of Legal Studies
Bocconi University
Via Röntgen 1 - 20136 Milano
hao.jiang@unibocconi.it

ACADEMIC APPOINTMENTS

Università Bocconi Department of Legal Studies

Milan, Italy

Assistant Professor of Comparative Private law September 2020-Present

Courses: Comparative Private Law

Chinese Business Law

Private and Business Law

Introduction to Private Law (Common Law)

Service: diversity delegate for the department of legal studies (January, 2021-Present)

member of the University Equal Opportunities Commission (March, 2021-October 2022)

Yale Law School

Visiting Fellow, Yale Center for Private Law

Spring, 2024

City University of Hong Kong School of Law

Visiting Scholar, Hong Kong Commercial and Maritime Law Centre

Spring, 2024

Durham Law School

Visiting Scholar

Summer, 2024

Tulane University Law School

New Orleans, United States

Visiting Assistant Professor (2017- 2018) (2019- 2020)

Course: Comparative Private Law

Post-doctoral Research Fellow

Eason Weinmann Center for International and Comparative Law (March 2016- June 2018)

City University of Hong Kong School of Law

Hong Kong SAR, China

Visiting Fellow (August 2018- June 2019)

Courses: Chinese Law of Obligations

Chinese and Comparative Company Law

Legal Systems of Hong Kong and Mainland China

Theory and Practice of Comparative Law

Service: JD program committee, LLM program committee

Max Planck Institute for Comparative and Private International Law

Hamburg, Germany

Post Doctoral Visiting Research Fellow (June- September 2016, May 2017, March-April,2018, September 2021)

Recipient of Max Planck Society Scholarship.

Università Trieste,

Trieste, Italy

Visiting Professor (Spring, 2014/Spring, 2015)

Courses: Comparative Legal Systems

Comparative Contract Law

Université Panthéon Assas (Paris II)

Paris, France

Visiting Associate Professor (maître de conférences) (Spring,2014)

Courses : *Introduction to Comparative Law (Chinese Law)*

Comparative contract law (Chinese contract law)

Comparative Legal Systems: Common Law

EDUCATION

TULANE UNIVERSITY LAW SCHOOL, New Orleans, LA

Doctor of Juridical Science (S.J.D.)

May 2016

Juris Doctor (J.D.)

May 2012

Master of Laws (LL.M.), International and Comparative Law

May 2009

Dissertation: *Freedom of Contract under State Supervision* (advisor: James Gordley)

Lectured *Introduction to Chinese law* Eason Weinmann lecture series (Fall 2013/Spring2014)

Tulane Law Review, Guest Editor (2009)

Tuition Waiver Scholarship

NANJING AUDIT UNIVERSITY LAW SCHOOL, Nanjing, China

June 2008

Bachelor of Laws (LL.B.), Minor: Accounting and Auditing

Honors: Thesis received Provincial Award and awarded the top degree thesis in the Law School, Academic Scholarships, Research Scholarship, Social Work Scholarship

PUBLICATIONS

Books:

Towards a Model Sales Law in the Greater Bay Area: A Comparative Study of Contract laws in mainland China, Hong Kong and Macau (Edward Elgar, under contract)

Contract as Voluntary Commutative Justice: A Theory of Contract Law (in preparation)

The Making of the Chinese Civil Code: Promises and Persistent Problems (co-edited with Pietro Sirena) Cambridge University Press, 2023 (350 pages)

An Introduction to the Comparative Study of Private Law 2nd Edition (with James Gordley) (Cambridge University Press, 2021) (The book has been translated into Chinese) (672 pages)

Articles:

Mistake and Fairness: Diverse Doctrines and Room for Harmonization (in draft)

Fairness in Chinese Contract Law: A Borrowed Mistake (in draft) (with James Gordley)

THE MISCONCEIVED DOCTRINE OF *CAUSA* AND THE INCOHERENCE OF CONTEMPORARY CONTRACT LAW
(WITH JAMES GORDLEY) **TULANE LAW REVIEW** (FORTHCOMING)

The Maze of Contemporary Contract Theory and a Way Out **68 The American Journal of
Jurisprudence (Oxford University Press) (with James Gordley) (Lead article) (2023) 1-33**

The New Validity Rules in Chinese Civil Code and Chinese State-owned Enterprises' Freedom in
Contracting : One Step too Far (with Antonia von Appen) **The Chinese Journal of Comparative Law
(2022)1-19 (Oxford University Press)**

The Three Myths of Tort Law in the Chinese Civil Code, **7 The Italian Law Journal 713-730(2021)**

The Rule against Recovery of Pure Economic Loss in China: A Misconceived Doctrine **96 Tulane Law
Review 261 (2021) (with Peter Chan) 261-292**

The Making of a Civil Code in China: Promises and Perils of a New Civil Law **95 Tulane Law Review
777 (2021) (Lead article) 777-820**

Contract as Voluntary Commutative Justice (with James Gordley) **2020 Michigan State Law Review
725, 725-801**

Translated into Spanish as *El contrato como justice conmutativa voluntaria* (Part I) *Instituto de
Estudios Sociales, Politica y Cultura* (2021) *Vol.1 Issue 10*, 168-195

El contrato como justice conmutativa voluntaria (Part II) *Instituto de Estudios Sociales, Politica y
Cultura* (2021) *Vol.2 Issue 11*, 71-106

El contrato como justice conmutativa voluntaria (Part III) *Instituto de Estudios Sociales, Politica y
Cultura* (2023) *Vol.1 Issue 13*, 229-274

*Enforcing the Bargain v. Materiality Requirement: The Future of Disclosure-Only Settlements Post-
Trulia* **38 Pace Law Review 569 (2018), 569-607**

寻找正当价格理论 - 当国企遭遇契约自由 *The missing just price theory— when freedom of
contract meets state ownership (in Chinese)* ,**10 Roman Law and Modern Civil Law 1(2018) (罗马
法与现代民法) (Lead article, invited submission) 1-27**

Freedom to Mislead: Fictitious Freedom To Contract Around Fraud Under Delaware Law,
13 NYU Journal of Law and Business 393 (2017), 393-424

Freedom of Contract under State Supervision **8 George Mason Journal of International Commercial
Law 202 (2016), 202-254**

Enlarged State Power to Declare Nullity: the Hidden State Interest in the Chinese Contract Law 7 *Journal of Civil Law Studies* 147 (2014).(Peer Reviewed) 147-193

Book chapters:

The Duty to Perform a Contract in Good Faith: Two Opposite Views and A Common Explanation (With James Gordley) in *Towards a Model Sales Law in the Greater Bay Area: A Comparative Study of Contract laws in mainland China, Hong Kong and Macau* (Hao Jiang ed, Edward Elgar 2024.)

Mistake and Fairness: Diverse Doctrines and Room for Harmonization *Towards a Model Sales Law in the Greater Bay Area: A Comparison of Contract laws in mainland China, Hong Kong and Macau* (Hao Jiang ed., Edward Elgar 2024.)

The New Validity Rules in Chinese Civil Code and Chinese State-owned Enterprises' Freedom in Contracting : One Step too Far *The Making of the Chinese Civil Code: Promises and Persistent Problems* (Hao Jiang & Pietro Sirena eds, Cambridge University Press 2023)

The Making of a Civil Code in China: Promises and Perils of a New Civil Law, The Making of the Chinese Civil Code: Promises and Persistent Problems (Hao Jiang & Pietro Sirena eds, Cambridge University Press 2023)

Obvious Unfairness and Unconscionability: The (Indirect) American Connection to the Chinese Contract Law (with James Gordley), Mauro Bussani, Ivan Cardillo, Marta Infantino, Xue Jun (eds.), *The Chinese Civil Code in the Global Legal Order. Inner and Outer Perspectives*, Brill

Fair Exchange (with James Gordley) *Foundations of American Contract Law* (James Gordley, Oxford University Press 2023)

Voluntary Exchange (with James Gordley) *Foundations of American Contract Law* (James Gordley, Oxford University Press 2023)

Consideration and causa (with James Gordley) *Elgar Encyclopedia of Comparative Law* 2nd edition (Jan Smits, Jaakko Husa, Catherine Valcke (eds.), Edward Elgar publishing, 2023)

Chinese Tort Law: Tradition, Transplants, and Some Difficulties (Book chapter) *Comparative Tort Law: Global Perspectives* 2nd edition (M. Bussani, A. Sebok eds, **Edward Elgar** Publishing, 2021) 397-426

Inapplicability of Freedom of Contract to Chinese State-owned Enterprises (Book Chapter) *Comparative Law and ... / Le droit comparé et ...* (A. Albarian, O. Moréteau eds, **Presses universitaires d'Aix-Marseille**, 2016). 377-394

Chinese Tort Law between Tradition and Transplants (Book chapter) *Comparative Tort Law: Global Perspectives* (M. Bussani, A. Sebok eds, **Edward Elgar Publishing**,2015). 385-411

PEER REVIEWER

ASIA PACIFIC LAW REVIEW
JOURNAL OF ENVIRONMENTAL LAW (OXFORD UNIVERSITY PRESS)
THE ITALIAN LAW JOURNAL
JOURNAL OF CIVIL LAW STUDIES
LAW AND DEVELOPMENT REVIEW
EUROPEAN JOURNAL OF COMPARATIVE LAW AND GOVERNANCE
SAGE OPEN
JOURNAL OF PUBLIC HEALTH POLICY
HONG KONG LAW JOURNAL

PROFESSIONAL EXPERIENCE

Shanggong & Partners LLP , Beijing, China 尚公律师事务所 Foreign Legal Counsel	5/2013- 4/2017
Whitehead Law Firm , Baton Rouge, LA <i>Of Counsel</i>	12/ 2011 – 4/2017
The Supreme Court of the People's Republic of China , Beijing, China <i>Judicial Clerk to Justice Feng Qiang</i>	7-8/ 2011
McCranie, Sistrunk, Anzelmo et al LLC. , New Orleans, LA <i>Summer Associate</i>	5-7/ 2011
Loyola University College of Law Immigration Law Clinic New Orleans, LA <i>Volunteer Attorney</i>	12/ 2010 – 5/2011

LANGUAGES

Chinese, English, German (reading knowledge), intermediate Italian.

Memberships:

New York Bar since 2011
American Bar Association since 2011
European Law Institute since 2021

PRESENTATIONS

- THE MISCONCEIVED DOCTRINE OF *CAUSA* AND THE INCOHERENCE OF CONTEMPORARY CONTRACT,
BERKELEY LAW SCHOOL PRIVATE LAW THEORY WORKSHOP, FEB,2024
-THE MISCONCEIVED DOCTRINE OF *CAUSA* AND THE INCOHERENCE OF CONTEMPORARY CONTRACT LAW ,
Annual Meeting, American Society of Comparative Law, Miami, October 27th, 2023
-THE MISCONCEIVED DOCTRINE OF *CAUSA* AND THE INCOHERENCE OF CONTEMPORARY CONTRACT LAW ,
PRIVATE LAW CONSORTIUM , CITY UNIVERSITY OF HONG KONG SCHOOL OF LAW, MAY 3RD, 2023.

- The Maze of Contemporary Contract Theory and a Way Out* Society of Legal Scholars Conference, King's College London, September 8th, 2022
- *The Maze of Contemporary Contract Theory and a Way Out* Bocconi Faculty Workshop, March 14th, 2022
- The Making of a Civil Code in China: Promises and Perils of a New Civil Law*, invited lecture (virtual), Institute of Comparative Law, University of Tehran, Iran , October 18th, 2021
- Contract as Voluntary Commutative Justice* (with James Gordley), Phd seminar at Università Trieste and Università Udine, Trieste, October 5th, 2021
- State-owned enterprises' freedom in contracting: a persistent difficulty*. Bocconi Law School, June 22nd, 2021
- Contract as Voluntary Commutative Justice* (with James Gordley), Melbourne Law School, December 4th, 2020
- Perspectives of Chinese Civil Code 2020*, Durham Law School, November 5th, 2020.
- *The Making of a Civil Code in China: Promises and Perils of a New Civil Law*, Annual Meeting, American Society of Comparative Law, UCLA Law School, October 16th, 2020.
- *Exercise of Judicial Discretion in China*, Judicial exchange seminar (Chaired a panel of four Chinese judges), City University of Hong Kong Law School, March 21, 2019.
- Fairness and the Law of Contract* (with James Gordley) 14th International Conference on Contracts, Tulane Law School, March 8, 2019
- Unconscionability as Violation of Voluntary Commutative Justice* , Hong Kong Commercial and Maritime Law Center Working Paper Series, City University of Hong Kong School of Law, Oct. 25th, 2018
- Substantive Unfairness as Unconscionable*, 7th Max Planck PostDoc Conference on European Private Law, Max Planck Institute for Comparative and International Private Law, Hamburg, Germany, April 23, 2018
- *Substantive Unfairness as Unconscionable*, Tulane Law School Faculty Workshop, New Orleans, Feb. 26, 2018
- *Substantive Unfairness as Unconscionable*, 13th International Conference on Contracts, Barry Law School, Orlando, FL Feb. 23, 2018
- Enforcing the bargain v. the Materiality Requirement-----The Future of Disclosure-only Settlements Post-Trulia*, UCLA School of Law Fifth Annual Corporate and Securities Litigation Workshop, Los Angeles, October 20th, 2017
- Does Fairness Matter and Does Materiality Requirement Achieve Fairness?*
-----*Business as Usual in Approving Disclosure Settlement Post-Trulia* Tulane Law School Faculty Workshop, New Orleans, June 21st, 2017
- Marine Environment and South China Sea Arbitration*, (Panel Moderator) Tulane Summit on Environmental Law and Policy, New Orleans, March 10th, 2017
- Freedom of Contract under State Supervision*, American Society of Comparative Law Younger Comparativists Committee fifth annual meeting at Tulane Law School, New Orleans, March 19, 2016
- Freedom of Contract under State Supervision*, 11th International Conference on Contracts, St. Mary's Law School, San Antonio, TX, February 26, 2016
- China Going Forward*, (Panel Moderator), Tulane Summit on Environmental Law and Policy, February 20, 2016
- Freedom of Contract under State Supervision*, Faculty Workshop, Tulane Law School, November 2, 2015
- Law and Development in China* (Seminar Sponsored by Italian Ministry of Foreign Affairs and International Academy of Comparative Law), University of Trieste Faculty of Law, April 28, 29, 2015

- Enlarged State Power to Declare Nullity: the Hidden State Interest in the Chinese Contract Law* New Haven School of Jurisprudence Global Conference by Yale Law School and Zhejiang University Law School, Hangzhou, China, October 31, 2014
- Inapplicability of Freedom of Contract to Chinese State-owned Enterprises* Annual Conference of Juris Diversitas, Aix-Marseille University, Aix-en-Provence, France July 18, 2014
- The Enlarged State Power to Declare Nullity On the Hidden State Interest under Article 52 (§1) of the Chinese Contract Law* American Society of Comparative Law Younger Comparativists Committee third annual meeting at Lewis & Clark Law School, Portland, Oregon April 5, 2014
- Property and Foreign Investment law in China*, Eason Weinmann Center of International and Comparative Law lecture series, Tulane Law School, January 27, 2014
- Contract Law, Introducing China*, Eason Weinmann Center of International and Comparative Law lecture series, Tulane Law School, November 6, 2013
- The Judicial System, Introducing China*, Eason Weinmann Center of International and Comparative Law lecture series, Tulane Law School, October 23, 2013
- Constitutional Structure, Introducing China*, Eason Weinmann Center of International and Comparative Law lecture series, Tulane Law School, October 14, 2013 (with Jörg Fedtke)
- China: A First Glance, Introducing China*, Eason Weinmann Center for Comparative Law lecture series, Tulane Law School, September 25, 2013(with Jörg Fedtke)
- The State Interest Harmed by Fraud and Duress under Chinese Contract Law* American Society of Comparative Law Younger Comparativists Committee Second Annual Meeting at Indiana University Robert H. McKinney Law School in Indianapolis, April 17, 2013.
- The State Interest Harmed by Fraud and Duress under Chinese Contract Law* Third Annual Workshop on International and Comparative Law at Washington University Law School in St. Louis, March 2, 2013.
- Autonomy of Contract v. Protection of State Interest: Annulable Contract under Chinese Law in Comparison with other Civil Law Jurisdictions*, Faculty Intellectual Life Workshop, Tulane University Law School, November 26, 2012.
- The Chinese Judicial System and Legal Transplants in China*, Eason Weinmann Center of International and Comparative Law, Tulane University Law School, November 8, 2011.