

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

Tulane University Law School

New Orleans, United States

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

Course: Comparative Private Law

City University of Hong Kong School of Law

Hong Kong SAR, China

Visiting Fellow (August 2018- June 2019) (May,2024)

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:

Hao Jiang ed. *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, completed forthcoming September 2024)

Contract as Voluntary Commutative Justice: An Moral Theory for Contract of Exchange (in preparation)

Hao Jiang, Pietro Sirena eds. *The Making of the Chinese Civil Code: Promises and Persistent Problems* (Cambridge University Press, 2023) (350 pages)

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

Articles:

Mistake and Fairness: A Philosophical Foundation for Diverse Doctrines (in draft)

Hao Jiang, James Gordley Causa Concreta and Voluntariness: An old doctrine rediscovered **The Italian Law Journal** (forthcoming)

Hao Jiang, James Gordley Fairness in Chinese Contract Law: A Borrowed Mistake **European Review of Private Law** 2-2024 241-258

James Gordley, Hao Jiang THE LOST DOCTRINES OF CAUSA AND THE INCOHERENCE OF CONTEMPORARY CONTRACT LAW 98 **TULANE LAW REVIEW** 1023 (2024) 1023-1075

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

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

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

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

Hao Jiang *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

James Gordley, Hao Jiang *Contract as Voluntary Commutative Justice* 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*

Hao Jiang *Enforcing the Bargain v. Materiality Requirement: The Future of Disclosure-Only Settlements Post-Trulia* 38 **Pace Law Review** 569 (2018), 569-607(Cited by Delaware Court of Chancery in *Allen v. Harvey C.A. No. 2022-0248-MTZ*)

Hao Jiang *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

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

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

Hao Jiang *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:

Hao Jiang A Comparative Study of Contract Law for the Greater Bay Area : An Introduction 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.)

James Gordley Hao Jiang The Duty to Perform a Contract in Good Faith: Two Opposite Views and A Common Explanation 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.)

Hao Jiang 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.)

Hao Jiang, Antonia von AppenThe 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)

Hao Jiang *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)

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

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

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

James Gordley, Hao Jiang *Consideration and causa, Elgar Encyclopedia of Comparative Law 2nd edition* (Jan Smits, Jaakko Husa, Catherine Valcke (eds.), Edward Elgar publishing, 2023) (It has been translated into Chinese)

Hao Jiang *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

Hao Jiang *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

Hao Jiang *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

HAO JIANG CV

ASIA PACIFIC LAW REVIEW

ASIAN JOURNAL OF COMPARATIVE LAW (CAMBRIDGE UNIVERSITY PRESS)

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 5/2013- 4/2017
尚公律师事务所
Foreign Legal Counsel

Whitehead Law Firm, Baton Rouge, LA 12/ 2011 – 4/2017
Of Counsel

The Supreme Court of the People's Republic of China, Beijing, China 7-8/ 2011
Judicial Clerk to Justice Feng Qiang

McCranie, Sistrunk, Anzelmo et al LLC., New Orleans, LA 5-7/ 2011
Summer Associate

**Loyola University College of Law
Immigration Law Clinic**
New Orleans, LA 12/ 2010 – 5/2011
Volunteer Attorney

LANGUAGES

Chinese, English, German (Reading), Italian (Intermediate).

Memberships:

New York Bar since 2011

American Bar Association since 2011

European Law Institute since 2021

PRESENTATIONS

- Fairness in Chinese Contract Law: A Borrowed Mistake , Chinese University of Hong Kong Faculty of Law, May 10th, 2024

-THE MISCONCEIVED DOCTRINE OF *CAUSA* AND THE INCOHERENCE OF CONTEMPORARY CONTRACT, BERKELEY LAW SCHOOL PRIVATE LAW THEORY WORKSHOP, FEB 5,2024

-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, March8, 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.