



## **CCCL Online Symposium on ‘Sources of Law, Authoritarian Legality, and Chinese Jurisprudence’ (7 May 2021)**

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For the past few decades, there sees an increasing in importance of law in China’s development. Notwithstanding that, however, both the nature and function of law in today’s China could hardly be understood and explained by traditional legal concepts and theories, and this is particularly true in the context of its continuous rise of authoritarianism.

Having considered that, with the aim of attempting to ascertain the meaning and contents of law in contemporary China, on 7 May 2021 the Centre for Chinese and Comparative Law (CCCL) of the School of Law of City University of Hong Kong (CityU SLW) organized a small-scale half-day online symposium to provide a platform for critical examination and debate over issues such as the sources of law, authoritarian legality and Chinese jurisprudence from an interdisciplinary perspective.

Six Chinese law experts from Canada, Hong Kong and the US were invited to speak at this online symposium which attracted many audiences from Hong Kong, mainland China and overseas, including many legal, social science and political scholars.

The Symposium started with the opening speech of CCCL Director Prof. Jiangyu Wang who welcomed and thanked all the speakers and audience for their participation in this event, and introduced the aim and the proposed output of this Symposium. As the convenor of this Symposium, CCCL Core Member Dr. Peter Shucheng Wang also introduced all the speakers to the audience.

After the opening session, the six legal experts took turn to make their presentations. The first speaker was Prof. Taisu Zhang (Professor, Yale Law School) who started his presentation with an analysis of scholars’ view on the relationship between the rule of law, legality and political legitimacy from the perspective of jurisprudence, pointing out that they generally believe that pure legality stripped off the rule of law components would not enhance popularity and political legitimacy. After that, Prof. Zhang reported in detail that according to his in-depth study, such a view might not be correct in reality across the board, especially in contemporary China.

This was followed by the presentation of Prof. Sida Liu (Associate Professor of Sociology & Law, University of Toronto) who, from socio-legal perspective, examined the social transformation of Chinese law and the changes in the interaction between law and various social groups in Chinese society over a decade between 1999 and 2019. He commented that this past decade's transformation has transformed Chinese law from 'a bird in a cage' into a cage itself trapping birds, meaning that law in China has now become a repressive instrument being used to control everyone in the Chinese society in different ways.

Our third speaker was Prof. Hualing Fu (Dean & Warren Chan Professor in Human Rights and Responsibilities, Faculty of Law, The University of Hong Kong) who shared with the participants his current research relating to the interaction between the internal rules and norms of the Chinese Communist Party (CCP) and the state law of China. Through studying court cases involving Party rules, norms and decisions, he tried to find out Chinese courts' response to Party decisions and the extent of the influence of Party rules and norms on judges' decisions.

Continuing the discussion about the relationship between law and the CCP in China, Prof. Samuli Seppänen (Associate Professor, Faculty of Law, The Chinese University of Hong Kong) discussed this issue from the perspective of party governance. Focusing on the intraparty regulations of the CCP, he examined the different views on CCP's effort to reform its intraparty regulation from both political and theoretical perspectives, the effectiveness of using intraparty regulations as a tool of party governance, as well as the nature and the relationship between law and politics under China's one-party rule.

After all our four external speakers finished their presentations, two representatives from CityU SLW also took their turn to present their speeches. Prof. Jiangyu Wang (Professor & CCCL Director, CityU SLW) analyzed China's approach to international law from three conceptual perspectives, namely instrumentalism, Westphalian traditionalism, and authoritarian legalism. Besides, he also discussed the factors that should be taken into account in evaluating China's compliance with international law.

Finally, from the perspective of jurisprudence, Dr. Peter Shucheng Wang (CCCL Core Member & Associate Professor, CityU SLW) provided a detailed account of the concepts of authoritarian legality and legal instrumentalism, compared the difference between these two concepts, and reached the conclusion that, in his opinion, instantiation of instrumentalism is currently driving for China's development.

The six fascinating presentations were critical, insightful and thought-provoking which stimulated audience to actively participate in the discussion during the Q&A session by posing acute questions and comments to our speakers. In response to the audience' challenges, our speakers enthusiastically engaged in the debate by further elaborating their views. While the Q&A session was short due to time limit, views exchanged were constructive and laid the foundation for further discussion.

This half-day Symposium was concluded with the closing speech by Dr. Peter Shucheng Wang who thanked the speakers for their valuable contributions and all the audience for their attendance which made this Symposium a great success and fruitful.

All the six speakers are invited to reduce their presentations into short essays for inclusion in a mini-symposium to be published by an internationally-referred journal.



Speakers of the Symposium (according to order of presentation): First row (from left): Prof. Taisu Zhang; Prof. Sida Liu; Prof. Hualing Fu. Second row (from left): Prof. Samuli Seppänen; Prof. Jiangyu Wang; Dr. Peter Shucheng Wang