

26 January 2017, Thursday ✦ 3.00pm – 5.00pm
Executive Seminar Room, Block B, Level 3, NUS (Bukit Timah Campus)

Chinese Constitutionalism: An Oxymoron?

Professor David Law

*Sir Y.K. Pao Chair in Public Law, The University of Hong Kong
Charles Nagel Chair of Constitutional Law and Political Science, Washington University in St. Louis*

Chairperson: Assistant Professor Swati Jhaveri

ABSTRACT

This seminar explores what is at stake in the scholarly debate over whether and to what extent the People's Republic of China (PRC) possesses a "constitution" and/or practices "constitutionalism". This ostensibly definitional debate is, in reality, a normative debate that reflects noble intentions on the part of critics of the PRC regime. However, the marginalization of China has deleterious effects not only for the development of the field of comparative constitutional law, but also for the development of constitutionalism in China itself. It would be beneficial for comparative constitutional scholars and regime critics alike to define constitution[alism] in a manner that places China at the core of a genuinely comparative discourse, rather than relegating it to the domain of China specialists. First, we propose a typology that highlights the numerous options for defining constitution[alism]. The definition of constitution[alism] can incorporate a combination of normative, practical, and formal standards, each of which in turn can be defined leniently or stringently. The fact that scholars have available to them not just a binary choice between "thick" and "thin" definitional approaches, but rather an entire matrix of possibilities, means that there are numerous options for placing China at the heart of comparative constitutional discourse without appearing even implicitly to endorse its current government. Second, we explore the value to the field of comparative constitutional law of taking China seriously as an appropriate object of study. Even though—or, perhaps, especially because—China lacks judicial review, the study of constitutionalism in China stands to benefit the field in several ways. China is not only an intrinsically important case to study, but also a rich and unique source of comparative data and experience with respect to various phenomena that are (or ought to be) of considerable importance to comparative constitutional scholars, including (1) the role of statutes in the constitutional order; (2) the availability and operation of political rather than judicial forms of constitutional implementation and enforcement; and (3) the relationship between domestic constitutional law and international law.

ABOUT THE SPEAKER



Dr David Law is Sir Y.K. Pao Chair in Public Law at The University of Hong Kong and Charles Nagel Chair of Constitutional Law and Political Science at Washington University in St. Louis. His interests include public law, comparative law, law and social science, judicial politics, and constitutional and political theory. His interdisciplinary and comparative approach combines quantitative data analysis and foreign fieldwork. His scholarship on global constitutional trends has been featured in a variety of media outlets including the New York Times, the Washington Post, the Globe and Mail, and the Asahi Shimbun and has been translated into Chinese, Japanese, and Romanian. He has served as a UN consultant on legal and political reform in Yemen and provided training sponsored by the U.S. State Department to Burmese lawmakers on constitutional reform. His first book, *The Japanese Supreme Court and Judicial Review*, was published in Japanese by Gendaijinbunsha, and his current projects include a handbook on research methods in constitutional law (under contract with Edward Elgar) and a textbook on constitutionalism.

REGISTRATION

There is no registration fee for this seminar but seats are limited.

Closing Date: **23 January 2017, Monday**

For enquiries, please contact Maha at cals@nus.edu.sg

To REGISTER,
click [HERE](#)
or scan the QR Code:

