A Constitution without Constitutionalism?
Paths of Constitutional Developments in China

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Venue: CPD 2.16, 2/F, Central Podium Level,
Centennial Campus, HKU
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Abstract:
The talk will focus on the recent constitutional developments in China along two paths. One is the official path initiated by the Supreme People's Court’s judicial interpretation for the Qi Yuling case in 2001, which opened up the possibility, met with enormous enthusiasm, for the judicial application of the 1982 Constitution. The other is the unofficial, populist path symbolized by the Sun Zhigang incident in 2003, when the public, for the first time since 1989, expressed strong protest largely via the internet against the mischief of a local government. The talk will review the key constitutional developments achieved along both lines and will examine the causes of their successes or failures. Finally, it will point out the inherent limitations in a populist path toward constitutionalism when pursued within an institutional structure where governments at various levels view the Constitution more as a threat to the status quo pertaining to a small minority than as a protection of basic rights for all.

About the speaker:
Qianfan Zhang obtained his Ph.D. in Government from University of Texas at Austin (1999). He taught comparative constitutional law and administrative law at School of Law, Nanjing University, and served as the Chief Editor of the faculty law journal, Nanjing University Law Review before he joined the law faculty in Peking University in 2003, where he is now the director of the Center for the People’s Congress and Parliamentary Studies and the senior deputy director of the Constitutional and Administrative Law Center. He has authored or edited 30 books, and published more than 140 articles and 320 commentaries in the area of constitutional law. His representative works include an influential two-volume treatise The Constitutional Systems in the West (2nd Ed., 2004/2005), Constitutional Commentary in Daily Life: Between Ideal and Reality (2007), Introduction to the Study of Constitutional Law (2nd Ed., 2008), Selection of Classical Constitutional Cases (2008), Comparative Administrative Law: Systems, Institutions, and Processes (2008, first author), From Constitution to Constitutionalism: A Comparative Study of Judicial Review (2008, first author), and the Constitution of China: A Contextual Analysis (Hart, 2012). He can be reached at qfh@pku.edu.cn.

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