



KENNETH B. AND ANNE H.H.
PLYE CENTER
FOR NORTHEAST ASIAN STUDIES

Agenda for the 2013 Conference

CONTENDING PERSPECTIVES ON THE RULE OF LAW IN CHINA

November 15, 2013 • Magnuson/Jackson Trial Courtroom
University of Washington School of Law

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**The National Committee on U.S.-China Relations' Public Intellectuals Program
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The Severyns-Ravenholt Seminar in Comparative Politics at the University of Washington

The Asian Law Center of the University of Washington School of Law

Beneath the surface of its remarkable rise to power, China continues to face profound challenges that could threaten economic growth, internal stability, and U.S.-China relations. At the heart of many of these challenges is China's ongoing inability to institute the rule of law and the continued use of extralegal practices in all aspects of political, economic, and social life.

From the abuse of power by corrupt officials, environmental disasters, illegal land seizures, and violations of labor rights, to weak enforcement of intellectual property rights, questions about the rule of law are roiling throughout China. When Xi Jinping assumed power in late 2012, he declared: "We must firmly establish, throughout society, the authority of the Constitution and the law and allow the overwhelming masses to fully believe in the law." Yet his time in power has so far seen intense debate on political and legal reforms as well as detention and marginalization of dissenters.

This conference will consider key aspects of the rule of law in China, assess the regime's ability to manage calls for greater adherence to the rule of law, and ultimately address the question of whether the ruling party can be constrained by law. The organizers have assembled an array of top scholars, practitioners, and advocates from the United States and China to assess these issues through two critical segments of China's population: the elite and the general public.

All sessions will include opening remarks by experts and an opportunity for questions and answers.

Speakers and panels will be introduced by **Abraham M. Denmark**, *The National Bureau of Asian Research*; and **Susan H. Whiting**, *University of Washington*.

9:00-9:15 AM WELCOME

Kellye Y. Testy, *University of Washington School of Law*

Lara Iglitzin, *The Henry M. Jackson Foundation*

Richard J. Ellings, *The National Bureau of Asian Research*

9:15-10:00 AM KEYNOTE ADDRESS

Frank Upham, *New York University*

A renowned scholar of comparative law with an emphasis on East Asia and the developing world, Frank Upham is Wilf Family Professor of Property Law at New York University School of Law. His research examines the functions and significance of the law in China, Japan, the United States, and elsewhere.

10:00-10:15 AM BREAK

10:15-12:15 PM ELITE PERSPECTIVES ON THE RULE OF LAW

This panel will examine the role of the constitution and the courts in governing state action, as well as recent shifts in security policies, legal theory, and perspectives on economic development. Questions to be addressed include:

- How do different leadership factions, judicial elites, and Chinese business leaders view further development of the rule of law?
- Will Beijing professionalize the police and allow greater independence in the judicial system, or instead restrict the actions of lawyers and judges?
- What would be the implications of adherence to the rule of law for China's economic development, the political legitimacy of the Communist Party, and internal stability?

Moderator & Discussant: **Stanley B. Lubman**, *University of California—Berkeley*

Keith J. Hand, *University of California—Hastings*

Carl F. Minzner, *Fordham University*

Dongsheng Zang, *University of Washington*

Zhu Jingwen, *Renmin University*

12:15-1:00 PM LUNCH

1:00-2:00 PM SPECIAL GUEST SPEAKER

He Weifang, *Peking University*

One of China's most influential public intellectuals and an outspoken proponent of political leaders being subject to the constitution, He Weifang is a professor of law at Peking University in Beijing and an expert on legal development in China. His most recent book in English is *In the Name of Justice: Striving for the Rule of Law in China* (2012).

2:00-2:15 AM **BREAK**

2:15-4:15 PM **POPULAR PERSPECTIVES ON THE RULE OF LAW**

This panel will address the Chinese public's consciousness of the law and their ability to use it to defend their rights and interests in domains such as land, labor, and the environment. Questions to be addressed include:

- What are popular attitudes toward the development of the rule of law in China, and what are the political implications of these attitudes?
- How does the Chinese public use the legal system in forced evictions, abuses of power by corrupt officials, discrimination, and economic inequalities?
- Will dissatisfaction with local injustices and the increasing incidence of local unrest develop into national dissatisfaction or demands for additional rights and freedoms?

Moderator & Discussant: **Donald C. Clarke**, *George Washington University*

Mary E. Gallagher, *University of Michigan*

Li Lingyun, *East China University of Politics and Law*

Alex Wang, *University of California—Los Angeles*

Susan H. Whiting, *University of Washington*

4:15-4:30 PM **CLOSING REMARKS**

Susan H. Whiting, *University of Washington*

Abraham M. Denmark, *The National Bureau of Asian Research*