

International Conference “Social Change and the Constitution – a Conference on the Occasion of the 30th Anniversary of the Constitution of the PR China of 1982”, 15.-17. June 2012, Free University Berlin, Germany

The Conference will address the following key questions:

- How did the constitution develop and change since political reform and opening was introduced?
- How is constitutional practice characterized in China?
- What are possible perspectives for the future?

Conference Languages:

English and Chinese with simultaneous interpreting.

Organization:

Dr. Katja Levy, FU Berlin and Juniorprofessor Ruhr-University Bochum, E-Mail: katja.levy@rub.de.

In co-operation with:

Prof. Dr. Dr. h.c. Mechthild Leutner, FU Berlin

Prof. Dr. Klaus Mühlhahn, FU Berlin

Financial support and/or Cooperation Partners:

Heinrich-Böll-Foundation, Deutsche Forschungsgemeinschaft (DFG), Confucius-Institute at the Free University Berlin, Free University Berlin, Ruhr-University Bochum.



Konfuzius-Institut
AN DER FREIEN UNIVERSITÄT BERLIN

Program

1. Day (15.6.2012)		
Registration	8:30-9:00	
Welcome Address	9:00-9:15	Katja Levy (Initiator of the Conference, Ruhr-University Bochum) Werner Väth (Vice-President, FU Berlin) n.n. (Heinrich-Böll-Foundation) Mechthild Leutner (China Studies, FU Berlin, Director of the Confucius Institute at FU Berlin)
Panel 1: Retrospection: 30 years of the Constitution of the People's Republic of China		
Part 1: Politics and Constitution	9:30-9:40	(1) Gao Quanxi: The Rise of Political Constitutionalism in Mainland China
	9:40-9:50	(2) Xie Libin: The Relation between Politics and Constitution
Part 2: Experiences with the Constitution of the PR China	9:50-10:00	(3) Mary Gallagher: Legislating Disharmony: The Right to Strike in Chinese Law, A Historical Perspective
	10:00-11:00	Discussion
	11:00-11:30	<i>Break</i>
Panel 2: Constitutional Reality: The Interrelation between Societal Development and Constitution in China		
Part 1: Case studies	11:30-11:40	(1) Yu Jianrong: Mass incidents
	11:40-11:50	(2) Donald Clarke: China's informal constitutional order
	11:50-12:00	(3) Stéphanie Balme: Current state and development of the Chinese judicial system
	12:00-12:10	(4) Eva Pils: Popular constitutionalism and the use of constitutional arguments by China's human rights lawyers and human rights defenders
	12:10-13:10	Discussion
	13:10-14:10	<i>Lunch</i>

Part 2: Public opinion, media and law consciousness	14:10-14:20	(1) Zhu Yi: Input with regard to the new criminal procedure law regulations
	14:20-14:30	(2) Marina Svensson: Constitution and the media with special regard to social media
	14:30-14:40	(3) Susan Whiting: Legal Consciousness of the rural population in the PR China
	14:40-14:50	(4) Ethan Michelson: The Constitution and the public opinion in the cities
	14:50-15:50	Discussion
	15:50-16:20	<i>Break</i>
Part 3: Debates on the constitution in the PR China		
	16:20-16:30	(1) Katja Levy: What is the function of the constitution with regards to social and political stability in the PR China?
	16:30-16:40	(2) Klaus Mühlhahn: Criminal Law and the Constitution
	16:40-16:50	(3) Huang Hui: Where are Chinese Constitutional Studies Heading?
	16:50-17:50	Discussion
2. Day (16.6.2012)		
Panel 3: Outlook and Comparative Perspective		
	9:00	Registration
Part 1: The basic law of Hong Kong and the constitution of Taiwan	9:10-9:20	(1) Lee Bing-Nan: The constituent assembly in Taiwan
	9:20-9:30	(2) Hsu Tsong-Li: Constitutional Practice in Taiwan
	9:30-9:40	(3) Chen Hsian-Wu: Rule of Law in the Taiwanese Constitution and the Hong Kong Basic Law
	9:40-9:50	(4) Georg Gesk: Structural changes in Taiwan's constitutional reality

	9:50-10:50	Discussion
	11:00-11:30	<i>Break/change of location for work groups</i>
Part 2: Work Groups	11:30-13:00	<p>1. What happens if no constitutional reforms are introduced?</p> <p>Input: Stanley Lubman: „Emergent Constitutionalism“ - administrative law as an analogue and substitute for constitutional law</p> <p>2. What happens if reforms do take place? Where are they likely to begin? Which areas are unlikely to change?</p> <p>Input: Benjamin Liebman: Over-Protected Rights?</p> <p>3. If no reforms of the wording of the constitution take place, how could improvement be introduced in other ways?</p> <p>Input: Björn Ahl: How could legal norms and standards in China and their compatibility with the constitution be best reviewed?</p>
	13:00-14:30	<i>Lunch</i>
	14:30-15:30	Each working group resumes discussion and discusses the results to be presented in the plenum.
	15:30-15:50	<i>Break</i>
	15:50-16:50	Presentation of work group results and discussion.
Part 3: Conclusion	16:50-17:20	Closing remarks Klaus Mühlhahn Michael Buesgen

List of Participants

Name	Position
1. Ahl, Björn Professor	Associate Professor of Chinese Legal Culture, University of Cologne, Germany
2. Balme, Stéphanie	Senior Research Fellow, Sciences Po Paris Visiting Professor, Tsinghua University School of Law Program Director: "Justice, Law and Society in China"
3. Buesgen, Michael	Heinrich-Böll-Foundation
4. Chen, Hsien-wu	Professor at National Taiwan University, Graduate Institute of National Development
5. Clarke, Donald	Professor, George Washington University Law School, Washington, USA
6. Gallagher, Mary	Associate Professor, Center for Political Studies, University of Michigan
7. Gao, Quanxi	Professor, Beihang University, Beijing, PR China
8. Gesk, Georg	Associate Professor, Hsuan Chuang University, Taipei, Taiwan
9. Hsu, Tsong-li	Law Professor at National Taiwan University and Honorable Justice at the Judicial Yuan
10. Huang, Hui	Associate Professor, Beihang University, Beijing, PR China
11. Lee, Bing-nan	Professor at National Taiwan University, Graduate Institute of National Development, Taipei, Taiwan
12. Leutner, Mechthild	Professor, Free University Berlin, China Studies
13. Levy, Katja	Assistant Professor for Society and Culture in East Asia, Ruhr-University Bochum, Germany
14. Liebman, Benjamin	Professor and Director, Center for Chinese Legal Studies, Columbia Law School, New York, USA
15. Lubman, Stanley	Distinguished Lecturer Emeritus, Senior Fellow of the Miller Institute for Global Challenges and the Law, Berkeley, University of California, Los Angeles, USA
16. Michelson, Ethan	Associate Professor, Maurer School of Law, Indiana University, Bloomington, USA
17. Mühlhahn, Klaus	Professor, Chinese Studies, Free University Berlin, Germany
18. Pils, Eva	Associate Professor, Chinese University of Hong Kong, Hong Kong, PR China
19. Svensson, Marina	Associate Professor, Center for East- and Southeast Asian Studies, Lund, Sweden
20. Whiting, Susan	Professor, Department of Political Science, University of Washington, USA
21. Xie, Libin	Associate Professor, University of Politics and Law, Law Institute, Beijing, PR China
22. Yu, Jianrong	Professor, Chinese Academy of Social Sciences, Beijing, PR China
23. Zhu, Yi	Heinrich-Böll-Foundation