

Law's Changing Roles in China; Two Faces of Sovereignty in China



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Introduction

1. Law's Changing Roles in China
 - Reform Era (post-1978), Mao Era (1949-1976), and Xi Jinping Era (1990s-present)
 - Examines the different manners by which the China Communist Party has used law and legal institutions to govern the economy, society, and the party-state
2. China's Janus-Faced Sovereignty and its Implications
 - Explores how sovereignty at the international level is conceived in "naturalist" terms, while domestically, sovereignty is defined in "positivist" views
 - Analyses case studies including: governance of Hong Kong, the Taiwan question, Xinjiang, disputes in the South and East China seas, and China-India border conflicts
3. Not Quite Déjà Vu All Over Again: CPTPP Accession and Taiwan-China-U.S. Relations
 - Investigates geopolitical, legal, and economic contexts surrounding Taiwan's and China's applications to join the Comprehensive and Progressive Agreement for a Trans-Pacific Partnership, as well as the U.S.'s position on related issues

Purpose

1. Explains important issues in China's foreign policy and related behavior, helping to guide U.S. and international responses
2. Explores Chinese approaches to domestic governance in the context of a dynamic political and social landscape
3. Points to an ideational element in China's international disagreements, which tends to lead to harder-to-resolve conflicts
4. Generates a framework with which to interpret Chinese shifts to more aggressive or more accommodative policy postures.

Method

- Qualitative, entailing assessment of source credibility and search for evidence that tested/contradicted hypotheses
- Literature review of primary and secondary sources
- Use of Chinese and English language sources
- Use of online government publications, scholarly journals, and news media

Results

The following cases were investigated over a ten-week period, with compiled sources sent to Professor deLisle for potential use in reports and published works:

- CPTPP Accession and Taiwan-China-U.S. Relations
- China and the Law and Politics of the Sino-Indian Border Dispute
- Events and controversies in Hong Kong SAR since 1998
- Change over time in China's human rights arguments
- Legal bases and controversies of Shanghai COVID lockdown era (January 2021 to present)



Caption: The Line of Actual Control (LAC), a notional demarcation line that separates Indian-controlled territory from Chinese-controlled territory.



Caption: Screenshot of the home page of the Ministry of Foreign Affairs. This site, as well as others from the Chinese government, were frequently used to find official statements

Caption: June 5, 1989, Section A, Page 12 of The New York Times. An article describing American and international uproar against the Tiananmen Square massacre.



Caption: 2019 Hong Kong protest banner.

Conclusion

Main Takeaways:

Research Assistants gained experience in navigating official, scholarly, and media sources, as well as choosing the most appropriate type of source for a given topic or claim. Chinese translation and research skills improved. RAs also developed familiarity with how arguments get refined and structured over time, evolving to accommodate new developments and sources.

Future Research:

- Following mechanisms of law and legal institutions in China given current events
- Contextualizing China's recent COVID responses within its larger foreign policy strategy
- Examining differences between and determinants of various nations' attitudes towards human rights and China
- Diving deeper into economic and environmental factors influencing Chinese decisions

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