



CCPL NEWSLETTER FALL 2021

Dear friends,

Greetings from the Centre for Comparative and Public Law (CCPL) at The University of Hong Kong!

2021 has remained a challenging year so far, but CCPL continues to curate and showcase our events via Zoom.

In this Newsletter, we are pleased to share with you highlights from the events we held last semester as well as information on upcoming events for Fall 2021.

We look forward to seeing you soon at our events - in person or on zoom!

With best wishes,

Prof Po Jen Yap

Professor of Law

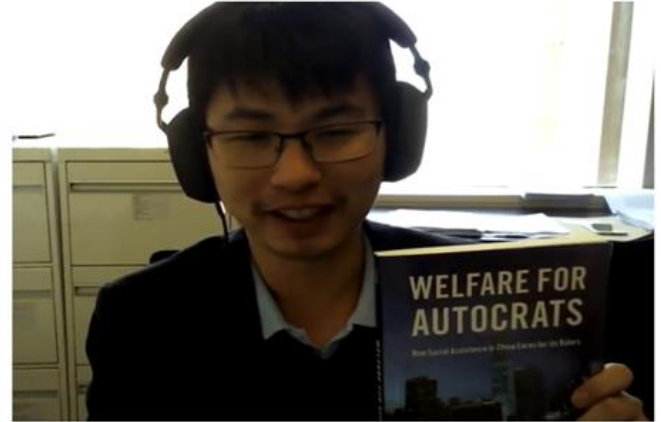
Director, Centre for Comparative and Public Law

Faculty of Law

The University of Hong Kong

PAST EVENTS

6 January 2021



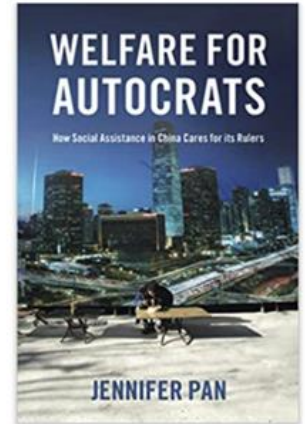
Zoom Webinar Book Talk - Welfare for Autocrats: How Social Assistance in China Cares for its Rulers (OUP, 2020)

Author

Dr Jennifer Pan
Assistant Professor of Communication
Stanford University

Chair

Dr Benjamin Chen
Assistant Professor
Faculty of Law, HKU



What are the costs of the Chinese regime's fixation on quelling dissent in the name of political order, or "stability?" In *Welfare for Autocrats*, Jennifer Pan shows that China has reshaped its major social assistance program, Dibao, around this preoccupation, turning an effort to alleviate poverty into a tool of surveillance and repression. This distortion of Dibao damages perceptions of government competence and legitimacy and can trigger unrest among those denied benefits. Pan traces how China's approach to enforcing order transformed at the turn of the 21st century and identifies a phenomenon she calls seepage whereby one policy--in this case, quelling dissent--alters the allocation of resources and goals of unrelated areas of government. Using novel datasets and a variety of methodologies, *Welfare for Autocrats* challenges the view that concessions and repression are distinct strategies and departs from the assumption that all tools of repression were originally designed as such. Pan reaches the startling conclusion that China's preoccupation with order not only comes at great human cost but in the case of Dibao may well backfire.

27 January 2021



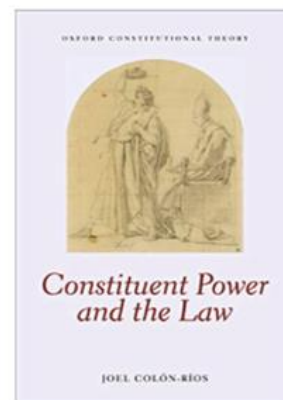
Zoom Webinar Book Talk – Constituent Power and the Law (OUP, 2020)

Author

*Prof Joel Colón-Ríos
Professor of Law
Victoria University of Wellington and
Director of the NZ Centre for Public Law*

Chair

*Dr Alex Schwartz
Associate Professor and
CCPL Deputy Director
Faculty of Law, HKU*



Constituent power is the power to create new constitutions. Frequently exercised during political revolutions, it has been historically associated with extra-legality and violations of the established legal order. This book examines the relationship between constituent power and the law. It considers the place of constituent power in constitutional history, focusing on the legal and institutional implications that theorists, politicians, and judges have derived from it. Constitutional courts have also at times employed constituent power to justify their jurisdiction to invalidate constitutional amendments that alter the fundamental structure of the constitution and thus amount to a constitution-making exercise. Some governments have used it to defend the legality of attempts to transform the constitutional order through procedures not contemplated in the constitution's amendment rule, but considered participatory enough to be equivalent to 'the people in action', sometimes sanctioned by courts. Building on these findings, *Constituent Power and the Law* argues that constituent power, unlike sovereignty, should be understood as ultimately based on a legal mandate to produce a particular type of juridical content. In practice, this makes it possible for a constitution making body to be understood as legally subject to popularly ratified substantive limits.

3 February 2021



Zoom Webinar Book Talk – Administrative Competence: Reimagining Administrative Law (CUP, 2020)

Author

Prof Elizabeth Fisher

Professor of Environmental Law

Corpus Christi College, University of Oxford

Prof Sidney A. Shapiro

Frank U. Fletcher Chair in Administrative Law

Wake Forest University

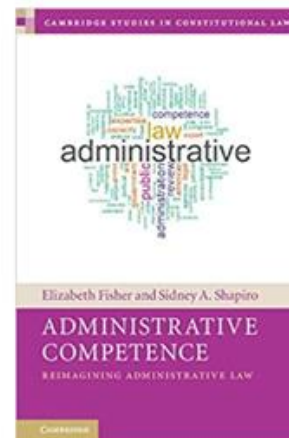
Chair

Dr Alex Schwartz

Associate Professor and

CCPL Deputy Director

Faculty of Law, HKU



This book, by two of the world's leading administrative law scholars, reimagines administrative law as the law of public administration by making competence the focus of administrative law. Grounded in extensive interdisciplinary, historical, and doctrinal analysis, Fisher and Shapiro show why understanding both the capacity and authority of expert public administration is crucial to ensure the legitimacy and accountability of the administrative state.

24 February 2021

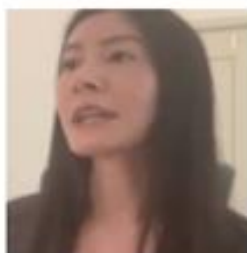
Welcome Remarks



Panel 2: Transparency and Good Governance



Closing Remarks



Panel 1: Debt Sustainability



Panel 3: Dispute Resolution



Zoom Webinar – Belt and Road Initiative in Africa Conference

In 2013, President Xi Jinping launched the Belt and Road Initiative (BRI), which aimed to integrate China's global strategies of promoting infrastructure-led development, trade, finance, policy, and people-to-people connectivity. Boosted by China's global initiatives such as the BRI, the country has become the fastest-growing investor in Africa. From 2003 to 2018, the annual flow of China's foreign direct investment (FDI) in Africa surged from \$75 million to \$5.4 billion, and the stock value of Chinese FDI increased from \$491 million to \$46 billion.

To what extent has the BRI promoted sustainable development in Africa by dealing with the tremendous differences in financial and legal systems in China and African countries? The COVID-19 pandemic has posed a variety of new challenges, such as the decline of commodity prices and economic downturns. How have the BRI and the pandemic impacted the debt profile of resource-producing countries in Africa?

This conference brings together leading scholars, policymakers, and practitioners from the fields of law, political economy, and sociology to explore these issues. Speakers addressed them from the perspectives of debt sustainability, transparent governance, and dispute resolution.

Welcome Remarks

- *Prof Victor Ramraj* (University of Victoria, Canada)
- *Prof Po Jen Yap* (HKU)

Panel 1: Debt Sustainability

Keynote Address

- *Prof Deborah Brautigam* (Johns Hopkins)

Speakers

- *Dr Ching Kwan Lee* (HKUST)
- *Prof Deborah Brautigam* (Johns Hopkins)
- *Prof Stephen Harder* (NYU Shanghai)
- *Prof Gu Bin* (BFSU)

Panel 2: Transparency and Good Governance

- *Prof Muna Ndulo* (Cornell)
- *Prof Larry C. Backer* (Pennsylvania State)
- *Mr Bady Baldé* (Extractive Industries Transparency Initiative, Norway)
- *Prof Yves Tiberghien* (UBC)
- *Mr Ngozi S. Nwoko* (University of Victoria, Canada)

Panel 3: Dispute Resolution

- *Prof William P. Alford* (Harvard)
- *Ms Mariel Dimsey* (CMS Hasche Sigle, Hong Kong LLP)
- *Prof Heng Wang* (UNSW)
- *Prof Won Kidane* (Seattle)
- *Dr Weixia Gu* (HKU)

Closing Remarks

- *Dr Ying Xia* (Co-convener of BRI Conference, HKU)

1 March 2021



**Zoom Webinar Book Talk – Open
Democracy: Reinventing Popular Rule for
the Twenty-First Century (Princeton
University Press, 2020)**

Author

*Dr Hélène Landemore
Associate Professor of Political Science
Yale University*

Chair

*Dr Benjamin Chen
Assistant Professor
Faculty of Law, HKU*



To the ancient Greeks, democracy meant gathering in public and debating laws set by a randomly selected assembly of several hundred citizens. To the Icelandic Vikings, democracy meant meeting every summer in a field to discuss issues until consensus was reached. Our contemporary representative democracies are very different. Modern parliaments are gated and guarded, and it seems as if only certain people—with the right suit, accent, wealth, and connections—are welcome. Diagnosing what is wrong with representative government and aiming to recover some of the lost openness of ancient democracies, *Open Democracy* presents a new paradigm of democracy in which power is genuinely accessible to ordinary citizens. Hélène Landemore favors the ideal of “representing and being represented in turn” over direct-democracy approaches. Supporting a fresh nonelectoral understanding of democratic representation, Landemore recommends centering political institutions around the “open mini-public”—a large, jury-like body of randomly selected citizens gathered to define laws and policies for the polity, in connection with the larger public. She also defends five institutional principles as the foundations of an open democracy: participatory rights, deliberation, the majoritarian principle, democratic representation, and transparency.

2 March 2021



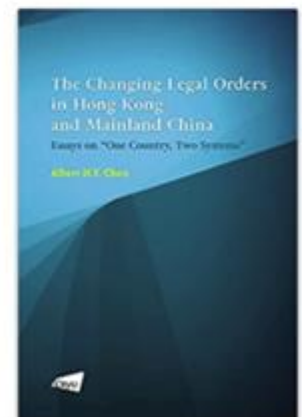
Dual Mode (In-person with Simultaneous Zoom Broadcast) Panel Discussion and Book Launch: The Changing Legal Orders in Hong Kong and Mainland China: Essays on 'One Country, Two Systems' (City University of Hong Kong Press, 2021)

Author

*Prof Albert H.Y. Chen
Cheng Chan Lan Yue Professor in Constitutional Law
Faculty of Law, HKU*

Chair

*Prof Fu Hualing
Warren Chan Professor in Human Rights and Responsibilities
Dean, Faculty of Law, HKU*



Discussants

Ms Cora Chan

Associate Professor

Faculty of Law, HKU

Prof Zhu Guobin

School of Law

City University of Hong Kong

Director, City University of Hong Kong Press

Prof Po Jen Yap

Professor and CCPL Director

Faculty of Law, HKU

This collection of selected works by the author shows the contours of the author's scholarship as it developed over his academic career, from 1984 to the present. Part I covers the legal developments and controversies of "One Country, Two Systems" since the HKSAR was established. Part II shifts to focus on how the socialist legal system in China evolved and modernised in the era of "reform and opening". Part III examines the transplantation of Western constitutionalism to East Asia in modern times. The Preface sets out the basic orientation and paradigm of these studies, and the Epilogue reflects on the main themes of the book.

4 March 2021



Zoom Webinar Book Talk – Constitutional Statecraft in Asian Courts (OUP, 2020)

Author

Dr Yvonne Tew

Associate Professor

Georgetown University Law Center

Chair

Prof Rehan Abeyratne

Associate Professor

Chinese University of Hong Kong

Discussants

Prof Po Jen Yap

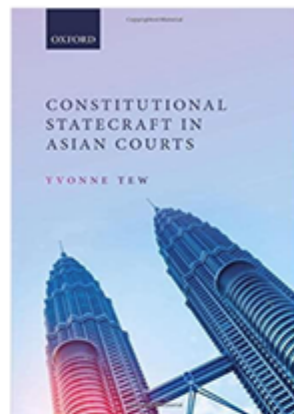
Professor and CCPL Director

Faculty of Law, HKU

Dr Dian A.H. Shah

Assistant Professor

National University of Singapore



Constitutional Statecraft in Asian Courts explores how courts engage in constitutional state-building in aspiring, yet deeply fragile, democracies in Asia. Yvonne Tew offers an in-depth look at contemporary Malaysia and Singapore, explaining how courts protect and construct constitutionalism even as they confront dominant political parties and negotiate democratic transitions. The book explores the judicial strategies used for statecraft in Asian courts, including an analysis of the specific mechanisms that courts can use to entrench constitutional basic structures and to protect rights in a manner that is purposive and proportionate. Tew's account shows how courts in Asia's emerging democracies can chart a path forward to help safeguard a nation's constitutional core and to build an enduring constitutional framework.

15 March 2021



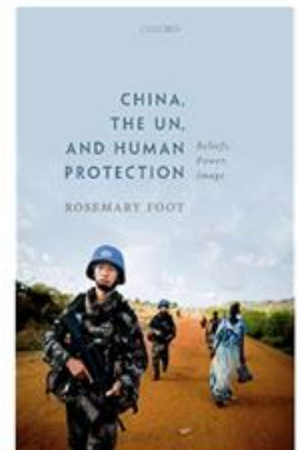
**Zoom Webinar Book Talk – China, The UN,
and Human Rights – Beliefs, Power, Image
(OUP, 2020)**

Author

*Prof Rosemary Foot
Senior Research Fellow, Department of Politics and International
Relations Emeritus Fellow, St Antony's College
University of Oxford*

Chair

*Dr Ying Xia
Assistant Professor
Faculty of Law, HKU*



Over a relatively short period of time, Beijing moved from passive involvement with the UN to active engagement. How are we to make sense of the People's Republic of China's (PRC) embrace of the UN, and what does its engagement mean in larger terms? Is it a 'supporter' that takes its fair share of responsibilities, or a 'spoiler' that seeks to transform the UN's contribution to world order? Certainly, it is difficult to label it a 'shirker' in the last decade or more, given Beijing's apparent appreciation of the UN, its provision of public goods to the organization, and its stated desire to offer 'Chinese wisdom and a Chinese approach to solving the problems facing mankind'. This study traces questions such as these, interrogating the value of such categorization through direct focus on Beijing's involvement in one of the most contentious areas of UN activity—human protection—contentious because the norm of human protection tips the balance away from the UN's Westphalian state-based profile, towards the provision of greater protection for the security of individuals and their individual liberties. The argument that follows shows that, as an ever-more crucial actor within the United Nations, Beijing's rhetoric and some of its practices are playing an increasingly important role in determining how this norm is articulated and interpreted. In some cases, the PRC is also influencing how these ideas of human protection are implemented. At stake in the questions this book tackles is both how we understand the PRC as a participant in shaping global order, and the future of some of the core norms that constitute global order.

29 March 2021



Zoom Webinar – Public Law Legacy of Chief Justice Geoffrey Ma

Chief Justice Geoffrey Ma served with distinction as the HKSAR's second Chief Justice of the Court of Final Appeal from September 2010 till January 2021. In this CCPL Panel Discussion, Professors from the Faculty of Law, HKU, will examine four topics relating to his public law legacy, and explore how he has shaped our legal landscape.

Panellists

1. Central-HKSAR Constitutional Relations:

Prof. Albert H.Y. Chen

Cheng Chan Lan Yue Professor in Constitutional Law

Faculty of Law, HKU

2. Judicial Independence and Judicial Value Choices:

Prof. Johannes Chan SC (Hon)

Professor and Chair of Public Law

Faculty of Law, HKU

3. Constitutional Rights:

Prof Po Jen Yap

Professor and CCPL Director

Faculty of Law, HKU

4. Criminal Law:

Prof Simon Young

Professor and Associate Dean of Research (Law)

Faculty of Law, HKU

Chair

Ms Cora Chan

Associate Professor

Faculty of Law, HKU

19 April 2021



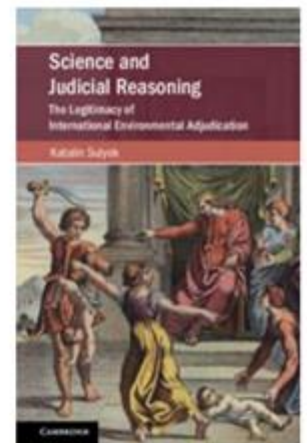
Zoom Webinar Book Talk – Science and Judicial Reasoning: The Legitimacy of International Environmental Adjudication (CUP, 2020)

Author

Dr Katalin Sulyok
Lecturer at Department of International Law
ELTE Law School, Budapest

Chair

Dr Xia Ying
Assistant Professor
Faculty of Law, HKU



Science, which inevitably underlies environmental disputes, poses significant challenges for the scientifically untrained judges who decide such cases. In addition to disrupting ordinary fact-finding and causal inquiry, science can impact the framing of disputes and the standard of review. Judges must therefore adopt various tools to adjust the level of science allowed to enter their deliberations, which may fundamentally impact the legitimacy of their reasoning. While neglecting or replacing scientific authority can erode the convincing nature of judicial reasoning, the same authority, when treated properly, may lend persuasive force to adjudicatory findings, and buttress the legitimacy of judgments. In this work, Katalin Sulyok surveys the environmental case law of seven major jurisdictions and analyzes framing techniques, evidentiary procedures, causal inquiries and standards of review, offering valuable insight into how judges justify their choices between rival scientific claims in a convincing and legitimate manner.

20 May 2021



Zoom Webinar Book Talk – The Politics of International Law (OUP, 2021)

Author

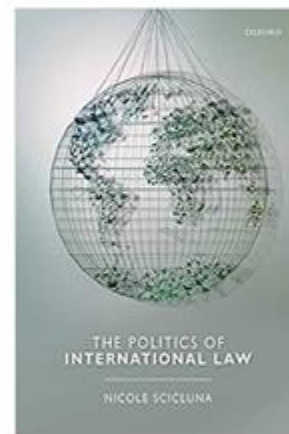
*Dr Nicole Scicluna
Visiting Lecturer
Department of Politics and Public Administration*

Chair

*Dr Courtney Fung
Associate Professor
Department of Politics and Public Administration*

Discussant

*Prof Karen J. Alter
Board of Lady Managers of the Colombian Exposition Chair of
Political Science and Law, Northwestern University
Permanent Visiting Professor, iCourts Center for Excellence,
University of Copenhagen*



What is international law? What are its possibilities and limits in a world in which rules are pervasive and deeply institutionalised and, yet, might often seems to make right?

The Politics of International Law provides an advanced introduction to the role of law in contemporary international affairs. Through a case study-driven analysis of topics such as human rights, self-determination, the use of force, global environmental governance, global trade governance, and international criminal justice, the book elucidates the interaction between international law and international politics, demonstrating that one cannot be understood without the other.

8 June 2021



Zoom Webinar Book Talk – Nationals Abroad: Globalization, Individual Rights, and the making of Modern International Law (CUP, 2020)

Author

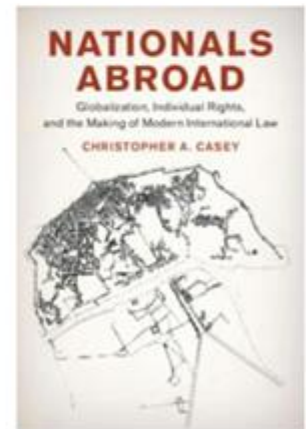
Dr Christopher Casey

Instructor

Syracuse University Maxwell School of Citizenship and Public Affairs

Chair

*Dr Christopher Szabla
Global Academic Fellow
Faculty of Law, HKU*



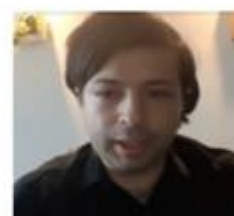
It is a fundamental term of the social contract that people trade allegiance for protection. In the nineteenth century, as millions of people made their way around the world, they entangled the world in a web of allegiance that had enormous political consequences. Nationality was increasingly difficult to define. Just who was national in a world where millions lived well beyond the borders of their sovereign state? As the nineteenth century gave way to the twentieth, jurists and policymakers began to think of ways to cut the web of obligation that had enabled world politics. They proposed to modernize international law to include subjects other than the state. Many of these experiments failed. But, by the mid-twentieth century, an international legal system predicated upon absolute universality and operated by intergovernmental organizations came to the fore. Under this system, individuals gradually became subjects of international law outside of their personal citizenship, culminating with the establishment of international courts of human rights after the Second World War.

29 and 30 June 2021

Panel 1: Comparative Perspectives



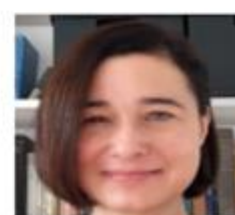
Panel 2: International Elements



Panel 3: Mainland Significance



Panel 4: Special Ramifications
for Hong Kong



Panel 5: Constitutional and Systemic Consequences



29th and 30th June Dual Mode (In-person with Simultaneous Zoom Broadcast) Hong Kong Under China's National Security Law Conference

Promulgated on 30 June 2020, the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong SAR (the National Security Law, NSL) promises to be the most important legal development in Hong Kong since the advent of the Basic Law. Supporters of the law say it is essential to public order in Hong Kong and security in China. Critics fear that it will have a significant and adverse impact on the spirit of the "One Country Two Systems" arrangement which has been in place since the return of Hong Kong to China. One year on, this Symposium brings together some of the leading experts on the Hong Kong and Chinese law who will discuss how the different aspects of Hong Kong's legal system has been or will be affected by the NSL. It anticipates the release of a collection of essays edited by Fu Hualing and Michael Hor, which will be published by Hong Kong University Press later in the year.

Panel 1: Comparative Perspectives

- *Prof Kent Roach* (Toronto), "Echoes that Build to a Cacophony: Hong Kong's Security Law Compared to Illiberal Elements of the Security Laws of Liberal Democracies"
- *Prof Cherian George* (HKBU), "Media Freedom and Censorship under Post-Orwellian Authoritarianism"
- *Prof Michael Hor* (HKU), "National Security in Hong Kong and Singapore"

Panel 2: International Elements

- *Prof Survyva Deva* (CityU), “The Business of National Security in Hong Kong: Do Human Rights Matter”
- *Prof Ryan Mitchell* (CUHK), “Theories of Sovereignty in the Origins and Implementation of Hong Kong’s NSL”
- *Prof Bing Ling* (Sydney), “The Extraterritorial Application of Hong Kong’s NSL”

Panel 3: Mainland Significance

- *Prof Albert Chen* (HKU), “The National Security Law of the HKSAR: A Contextual and Legal Study”
- *Dr Zhu Han* (HKU), “The Hong Kong National Security Law: The Shifted Grundnorm of Hong Kong’s Legal Order and Its Implications”
- *Dr Zheng Tang* (Wuhan) & *Dr Xu Huang* (Wuhan), “State Secrets in Hong Kong’s NSL”

Panel 4: Specific Ramifications for Hong Kong

- *Prof Fu Hualing* (HKU) & *Prof Zhai Xiaobo* (Macau), *The New Political Policing in Hong Kong*
- *Prof Simon Young* (HKU), “Police Powers under the NSL: Legitimacy and Safeguards”
- *Ms Kelley Loper* (HKU) & *Prof Carole Petersen* (Hawaii), “Academic Freedom in the Shadow of Hong Kong’s NSL”

Panel 5: Constitutional and Systemic Consequences

- *Dr Jie Cheng* (UBC), “Hong Kong’s Constitutional Order After the National Security Law”
- *Prof Po Jen Yap* (HKU), “Judging Hong Kong’s National Security Law”
- *Prof Johannes Chan* (HKU), “National Security Law and Judicial Independence: A Clash of Fundamental Values”

UPCOMING EVENTS

2 September 2021

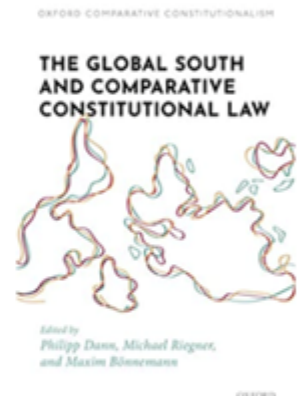
Zoom Webinar Book Talk – The Global South and Comparative Constitutional Law (OUP, 2021)

Editors

Prof Philipp Dann
Professor of Public and Comparative Law
Humboldt-Universität zu Berlin

Dr Michael Riegner
Postdoctoral Researcher
Humboldt-Universität zu Berlin

Mr Maxim Bönnemann
Researcher
Humboldt-Universität zu Berlin



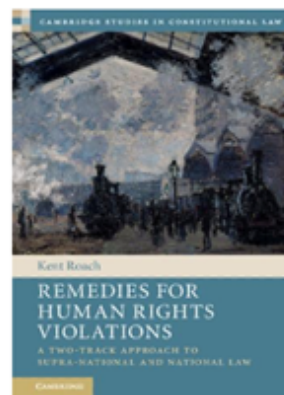
This volume makes a timely intervention into a field which is marked by a shift from unipolar to multipolar order and a pluralization of constitutional law. It addresses the theoretical and epistemic foundations of Southern constitutionalism and discusses its distinctive themes, such as transformative constitutionalism, inequality, access to justice, and authoritarian legality. This title has three goals. First, to pluralize the conversation around constitutional law. While most scholarship focuses on liberal forms of Western constitutions, this book attempts to take comparative law's promise to cover all major legal systems of the world seriously; second, to reflect critically on the epistemic framework and the distribution of epistemic powers in the scholarly community of comparative constitutional law; third, to reflect on - and where necessary, test - the notion of the Global South in comparative constitutional law. This book breaks down the theories, themes, and global picture of comparative constitutionalism in the Global South. What emerges is a rich tapestry of constitutional experiences that pluralizes comparative constitutional law as both a discipline and a field of knowledge.

16 September 2021

Zoom Webinar Book Talk – Remedies for Human Rights Violations (CUP, 2021)

Author

*Prof Kent Roach
Professor of Law
University of Toronto*



An innovative book that provides fresh insights into the neglected field of remedies in both international and domestic human rights law. Providing an overarching two-track theory, it combines remedies to compensate and prevent irreparable harm to litigants with a more dialogic approach to systemic remedies. It breaks new ground by demonstrating how proportionality principles can improve remedial decision-making and avoid reliance on either strong discretion or inflexible rules. It draws on the latest jurisprudence from the European and Inter-American Courts of Human Rights and domestic courts in Australia, Canada, India, New Zealand, Hong Kong, South Africa, the United Kingdom and the United States. Separate chapters are devoted to interim remedies, remedies for laws that violate human rights, damages, remedies in the criminal process, declarations and injunctions in institutional cases, remedies for violations of social and economic rights and remedies for violations of Indigenous rights.

23 September 2021

Zoom Webinar – Empirical and Computational Research in UK Public Law

Speakers:

- Mikołaj Barczentewicz (University of Surrey), 'Answering Legal Questions with AI: State of the Art and Future Research in UK Law'
- Rachel Cahill-O'Callaghan (Cardiff University), 'Disappearing Dissents: Concerns about Consensus'
- Alex Schwartz (The University of Hong Kong), 'The Changing Concepts of the Constitution'
- Lewis Graham (Public Law Project/University of Cambridge), 'Does the UK Supreme Court care about underdogs?'

Chairs:

- Brian Christopher Jones (University of Sheffield)
- Eloise Ellis (University of East Anglia)

This webinar showcases new empirical and computational approaches to the study of UK public law. The panellists will discuss the use of AI to predict court decisions, the use of psychometrics to study dissenting judicial opinions, machine learning methods for modelling semantic change in constitutional discourse, and statistical analysis for estimating ideological tendencies in judicial decisions.

13 October 2021

**Zoom Webinar Book Talk – Eternity Clauses
in Democratic Constitutionalism (OUP,
2021)**

Author
Dr Silvia Suteu
Lecturer in Public Law
University College London



This book analyses unamendability in democratic constitutionalism and engages critically and systematically with its perils, offering a much-needed corrective to existing understandings of this phenomenon. Whether formalized in the constitutional text or developed as part of judicial doctrines of implicit unamendability, eternity clauses raise fundamental questions about the core democratic commitments underpinning any given constitution.

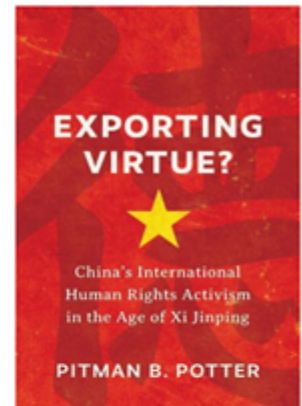
The book takes seriously the democratic challenge eternity clauses pose and argues that this goes beyond the old tension between constitutionalism and democracy. Instead, eternity clauses reveal themselves to be a far more ambivalent constitutional mechanism, one with greater and more insidious potential for abuse than has been recognized. The 'dark side' of unamendability includes its propensity to insulate majoritarian, exclusionary, and internally incoherent values, as well as its sometimes purely pragmatic role in elite bargaining. The book adopts a contextual approach and brings to the fore a variety of case studies from non-traditional jurisdictions. These insights from the periphery illuminate the prospects of unamendability fulfilling its intended aims - protecting constitutional democracy foremost among them. With its promise most appealing in transitional, post-conflict, and fragile democracies, unamendability reveals itself, counterintuitively, to be both less potent and potentially more dangerous in precisely these contexts.

26 October 2021

Zoom Webinar Book Talk – Exporting Virtue? China’s International Human Rights Activism in the Age of Xi Jinping (UBC Press, 2021)

Author

*Prof Pitman B. Potter
Professor of Law Emeritus
Peter A. Allard School of Law
University of British Columbia*



Under the leadership of President Xi Jinping, China has attempted to change international human rights values to accommodate its own interests, causing increasing friction with international standards of law and governance.

Exporting Virtue? examines human rights as an example of China’s international assertiveness and considers the implications of internationalizing PRC human rights policy and practice. Pitman B. Potter suggests that in the absence of clear and enforceable global human rights standards, China uses its international influence to promote its human rights policies on global governance, freedom of expression, trade and investment policy, and labour and environmental regulation. The PRC’s efforts to export its human rights principles and standards exemplify the rise of authoritarian governance models internationally. Couched in terms of virtue but manifested as authoritarianism, China’s international human rights activism invites scholars and policy makers around the world to engage critically with the issue.

Drawing on both Chinese- and English-language sources, *Exporting Virtue?* investigates the challenges that China’s human rights orthodoxy poses to international norms and institutions, offering normative and institutional analysis and providing suggestions for policy response.

16 November 2021

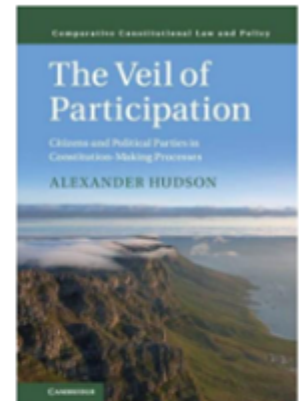
Zoom Webinar Book Talk – The Veil of Participation (CUP, 2021)

Author

Dr Alexander Hudson

Democracy Assessment Specialist

International IDEA – Institute for Democracy and Electoral Assistance



Public participation is a vital part of constitution-making processes around the world, but we know very little about the extent to which participation affects constitutional texts. In this book, Alexander Hudson offers a systematic measurement of the impact of public participation in three much-cited cases - Brazil, South Africa, and Iceland - and introduces a theory of party-mediated public participation. He argues that public participation has limited potential to affect the constitutional text but that the effectiveness of participation varies with the political context. Party strength is the key factor, as strong political parties are unlikely to incorporate public input, while weaker parties are comparatively more responsive to public input. This party-mediation thesis fundamentally challenges the contemporary consensus on the design of constitution-making processes and places new emphasis on the role of political parties.

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