

HKU CCPL TALK

Not So Powerless: How Chinese Criminal Defense Lawyers Encourage Judge-Prosecutor Disagreement

20 November 2023 (Monday) 5:30 pm - 6:30 pm
CCT723, 7/F, Cheng Yu Tung Tower, HKU (in-person only)

In authoritarian regimes, courts are often seen as tools of the autocrats, while lawyers are perceived as powerless. We challenge these assumptions by examining the role of criminal defense lawyers in China. Analyzing an original database of drug cases in Chinese criminal courts from 2014 to 2018, we find that the presence of criminal defense lawyers significantly increases the likelihood of judges rejecting prosecutors' arguments by 3.6 times and deviating from recommended sentences by 2 times. These findings suggest that legal representation has a notable impact on judicial decisions in relatively less politically sensitive cases and that lawyers can encourage judge-prosecutor disagreement. Using original interviews, detailed readings of lawyers' effective arguments and structural topic modeling, we demonstrate that the quality of legal representation is crucial in understanding lawyers' effectiveness in influencing court decisions. These results contribute to our understanding of authoritarian politics, showcasing how non-state agents such as lawyers can exert influence within state institutions.

(This is joint work with Jieun Kim at NYU-Shanghai)

SPEAKER:

**Yue HOU**

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Yue Hou is an Associate Professor in the Division of Social Science. Her research interests include political economy, authoritarian politics, and identity politics with a regional focus on China. Her first book, *the Private Sector in Public Office: Selective Property Rights in China* (Cambridge Studies in Comparative Politics), addresses the long-standing puzzle of how China's private sector manages to grow without secure property rights. Her work has also appeared or is forthcoming in the *Journal of Politics*, *Political Science Research and Methods*, *Quarterly Journal of Political Science*, *the China Quarterly*, among other peer-reviewed journals.

CHAIR:

**Sida LIU**

Professor of Law and Sociology & Director, Centre for Comparative and Public Law, Faculty of Law, The University of Hong Kong



Prior registration is required for this in-person event: <https://bit.ly/3rVrttN>
For inquiries, please contact Phoenix To at ccpl@hku.hk.