

HKU CCPL TALK

Embedded Supervision: China's Prosecutorial Public Interest Litigation against Government

22 January 2024 (Monday) 5:30-6:30 PM
Room 723, 7/F Cheng Yu Tung Tower, HKU

A commonly held view maintains that diminished autonomy substantially weakens the capacity of legal institutions to challenge state entities, particularly in authoritarian contexts. Challenging this notion, this study offers a different viewpoint through an empirical analysis of China's recent implementation of prosecutor-led public interest litigation against state agencies. It posits that integration within an authoritarian framework might actually enhance the effectiveness of justice institutions in supervising other state mechanisms. The research indicates that prosecutors have effectively elicited compliance from the scrutinized agencies by deploying a strategic mix of legal deterrence, informal collaboration, and political threat. This methodology is tailored to align with the objectives of local party-state authorities, thereby securing their support and facilitating governmental compliance. These insights reveal the complex interplay between institutional independence and legal enforcement within authoritarian regimes.

SPEAKER:

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Yueduan Wang, an Assistant Professor at the School of Government at Peking University, specializes in comparative judicial politics and constitutions, with a particular emphasis on China and other non-liberal countries. He is the author of "Experimentalist Constitution: Subnational Innovations in China, India, and United States," published by Harvard Asia Center and Harvard University Press in 2024. Wang holds both a JD and an SJD from Harvard Law School and previously worked as an attorney in Washington, DC.

CHAIR:

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