

Conference
Rule of Law and Governance in China at Home and Abroad
March 14, 2018

Concept Note

Sponsored by Penn State Law, Penn State School of International Affairs the Coalition for Peace & Ethics, the Rock Ethics Institute, and the Research Career Development Network of Law and International Affairs.

It is well known that China has emerged as a leading driver of global economic activity. China is now a major producer of goods, and it is quickly becoming an important source of services as well. Chinese investment worldwide is now an important factor in driving global production. With that economic expansion has come a measure of influence, especially in matters of economy and trade. China has sought to institutionalize this role through a number of initiatives. Many of these suggest a new Chinese oriented multilateralism. Among these is the [One Belt One Road](#) (OBOR) Initiative, through which China will seek to put its own stamp on the operation of global production chains. Also increasingly important is China's role as a leader of states in developing strategies for infrastructure development through the [Asia Infrastructure Investment Bank](#).

The Chinese economic system has emerged as a model, especially for developing states. It offers a combination of state direction (the leadership of the political sphere) that is informed by the operation of market forces in a constant interaction that produces guided economic growth that meets the political objectives of the nation. This model has appeal to developing states and offers a measure of autonomy for states that might otherwise find themselves at the mercy of outside forces over which they have little control. This model is built around three sectors—a strong state sector that can provide leadership in the form of objectives (macro choices among possibilities for economic activities) and rules to ensure an appropriate functioning of such activity; a strong state enterprise sector through which the state can manage economic activity in markets; and a strong market sector through which private markets activity might be exercised in coordination with or that complements the activities of the state.

What is less well known is that the drive toward economic leadership in the world has also been accompanied by a strong effort to develop Chinese normative and rule structures through which [power can be put in a cage](#) and leadership exercised in conformity with norms. The fundamental objective of the development of the productive forces of Chinese governance is to foster a rules basis for the operation of the state and to manage the exercise of discretion by officials in accordance with the norms and rules—to “lead by example, follow the party constitution and rules, conform to the party's political norms and disciplines, always remember the party's mission, and set a good example for party members” ([CPC to hold key plenum in October, focus on Party management](#)). These objectives apply to all aspects of the organization of

society. They are meant to produce stability and order within the context of Chinese political principles. The focus of this activity is not merely on the regulation of conduct but also on the regulation of markets—most importantly now the regulation of markets for information (data and assessment), social and economic, and protection against abuse from internet rumors through regulations designed to protect the integrity of channels of communication in accordance with the political framework of the state.

China has been moving forward its project to develop a coherent and autonomous theory of Socialist Rule of Law and Socialist Legality that is meant to provide a conceptual and operational basis for the functioning of state, economy and society in accordance with rules that would guide individuals and officials alike. It is meant to derive from the fundamental political principles of Chinese governance and to institutionalize those norms within the operational systems of the core institutions of politics, economics, and society. What distinguishes Socialist Rule of Law is inherent in its Chinese characteristics. These touch on both Chinese culture and on the operational political structure of the state—one based on the leadership of a vanguard party the leadership of which is essential to the operational decisions undertaken by the administrative organs of state, and which serve as guidance for activities in the non-state sectors. For Westerners, the distinguishing qualities of Socialist Rule of Law tends to focus on the relationship of the judiciary to the state ([Xi urges socialist rule of law](#)). Western notions of the relationship of the role and scope of the state constitution and of the allocation of political authority and leadership also distinguish Socialist Rule of Law from its Western variant.

The development of the structures of Chinese governance was highlighted in the work of the 19th Congress of the Chinese Communist Party, which concluded in October 2017. The 19th CCP Congress outlined an ambitious program of development of the structures of governance to meet the challenges of the contemporary world. That development will be guided by the thought on *Socialism with Chinese Characteristics in the New Era* –新时代中国特色社会主义思想 –introduced by Xi Jinping as the central theme of the Report delivered on 18 October 2017 (original language version of that Report – [中文](#)).

In the wake of the 19th CCP Congress China has moved aggressively to reform its governance systems and their implementation. On October 24, 2017, the CCP Congress adopted a [resolution on the Constitution of the Communist Party of China](#) (Amendment), effective immediately. The revision represents an important development in the evolution of the political constitution of China, defining the vanguard party's program, organization, organization system, party members, party members' rights and obligations, party discipline, and the like. On 28 December 2017, the Politburo of the CCP announced an intention to amend the [state constitution](#) as well.

Taken together, these changes mark the rise of China not merely as a leader in the economic field, but increasingly now as a leader in the development of law and governance structures, including the higher law of a state. It becomes necessary, then, to study the developments in Chinese governance, including constitutionalism and approaches to the legalities of relationships within the international community. These changes also require a recognition that the principles of governance being developed may affect not

just state to state relations, but also the relations between Chinese actors and global partners in emerging multilateral structures.

This conference hopes to draw these trends together. Bringing speakers together from the U. S., China and Europe, Conference participants will consider the internal and external consequences of the current development of Chinese governance. Conference participants will explore these developments within the normative framework of the Chinese politics and government from a variety of perspectives. The discussion will also consider the global implications of these developments for China and states and private actors with which China will continue to engage in the political, economic, and societal spheres. The Conference is scheduled for 14 March 2018 and held at Katz Hall, Pennsylvania State University, University Park, PA. It will be livestreamed and thereafter available on video. The Conference is sponsored by the Coalition for Peace & Ethics, Penn State Rock Ethics Institute, the Penn State School of International Affairs, Penn State Law and the Research Career Development Network of Law and International Affairs.



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