



HAMBURG LECTURE SERIES

ON CHINESE LAW

Philipp Renninger

“A ‘New Era’ of Chinese Law? Legal Studies in Times of ‘Xi Jinping Thought on Law Rule’”

Thursday, 16 December 2021 – 4 pm (CET)

The lecture will be held as a video conference via Zoom.

Please register no later than Wednesday, 15 December 2021 for the lecture using this [LINK](#).

You will receive the login details on Wednesday afternoon.

All employees and guests of the institute as well as other interested parties are cordially invited to the lecture.

Knut Benjamin Pißler



About the speaker:

Philipp Renninger is a Postdoctoral Researcher at Lund University's Centre for East and South-East Asian Studies (Sweden). He holds a joint PhD in law from the Universities of Freiburg (Germany) and Lucerne (Switzerland). Previously, Philipp studied law and Chinese language in Freiburg and Nanjing (China). His research specializes in comparative, constitutional, and administrative law and legal theory with a focus on Sino-Marxism and Xi Jinping Thought. Besides, Philipp researches legal philosophy, paying particular attention to ancient Chinese Legalism. From next year on, he will be an Assistant Professor of public law and legal theory at Nanjing University.

About the topic:

Sino-Marxism has officially been described as the “sinicized and modernized” version of Marxism or “Marxism with Chinese characteristics”. In this significantly modified form, Marxism is still authoritative for Chinese state organs, the Chinese Communist Party (“CCP”), China’s population, and Chinese academia. Whilst Sino-Marxism requires all researchers in all disciplines to “uphold” its basic principles as a “guiding ideology”, it confronts legal scholars with even further-going claims to authority: Since 2021, all university lecturers of legal studies have been assigned compulsory training on “Xi Jinping Legal Thought”, the most recent version of juristic Sino-Marxism. This demonstrates that the influence of Sino-Marxism is not limited to juristic schools explicitly propagating a “Marxist jurisprudence with Chinese characteristics”. Rather, it yields far-reaching implications for both (Chinese) positive law and legal studies, especially in the area of public law.

Sino-Marxism has “canonized” its most important elements both in the Chinese Constitution and in the CCP Statute. Enumerated are Marxism-Leninism, Mao Zedong Thought, Deng Xiaoping Theory, the “Important Thought of Three Represents”, and the “Scientific Outlook on Development”. Its newest element, “Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era”, was included in the CCP Statute in 2017 and the Constitution in 2018. Xi pursues a “four-pronged comprehensive strategy” and propagates twelve “socialist core values” in order to create and ensure a “new normal” in China. This shall contribute to the “great rejuvenation of the Chinese nation” and thus realize Xi’s “China Dream”.



Despite claiming to lead China into a “new era”, Xi Jinping continues and develops the four basic paradigms of traditional Sino-Marxism: First, Sino-Marxism conceptualizes both law and (legal) science as subordinate to practice. Enacting, interpreting, and analyzing the law (as part of the superstructure) must “seek truth from facts”. This is due to the base-superstructure-theory, the core element of (historical) materialism. Second, the practice that law must abide by is the “actual” one. The actuality criterion merges the base-superstructure model and dialectics into dialectical materialism. However, the “actual” situation in China – as expressed by the “main contradictions” in Chinese society – is exclusively determined by the CCP. Third, Sino-Marxism propagates an integrated “politics and law” concept. It considers law (and legal studies) as intrinsically interwoven with, and subordinate to, politics. Both the political system and all policies in China can ultimately be drawn back to CCP as the exclusive “ruling party” exercising “party leadership”.

Following this subordination of law and science to facts, actuality, and party politics, Sino-Marxism demands both legal norms and legal studies to “emanate from political realism”, “repel abstract and void idealism”, and “be born out of political power”. This cumulates in a factualist positivism of power undermining the normativity and autonomy of (Chinese) law and jurisprudence.

About the Hamburg Lecture Series on Chinese Law:

The “Hamburg Lecture Series on Chinese Law” was established in 2002 as a series of guest lectures from notable legal scholars and legal practitioners, who engage in research stays at the Hamburg Institute. It aims to provide insight into legal fields under development in the People’s Republic of China and which are thus attracting great international interest.