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JOINT LANZHOU UNIVERSITY AND IUC OF TURIN SEMINAR ON THE RECEPTION OF CHINESE LAW IN WESTERN ACADEMIA



Welcome from Professor **Liu Guanghua**
Seminar Moderator
Director of the Lanzhou University Law School
Center for Italy Studies

A warm welcome to everybody in the webinar on ***The Reception of Chinese Law in Western Academia***. It's my great honor to be your moderator for this important event.

In 2013, the Belt and Road initiative was launched with the principles of extensive consultation, joint contribution, and shared benefits with the goal of realizing a community for a shared future of humankind. This initiative has greatly promoted the economic development and social upgrading of participating countries, and has increasingly received positive response from many countries around the world, attracting great attention from the International Community.

This year, 2023, is the 10th anniversary of the Belt and Road initiative, and it is for international law scholars engaged both in China and in western academic circles to revisit the original intention of the initiative, learn from the spirit of the ancient Silk Road, and further strengthen academic communication, infrastructure connectivity, trade integration, and exchange among peoples and countries along the Belt and Road. In particular, we need to strengthen our confidence in the rule of law on the basis of exchange and mutual learning among the world's outstanding civilizations. On the Chinese side, we need to actively explain to foreigners the concepts and successful practices of the rule of law with Chinese characteristics, and tell the story of the Chinese rule of law, actively promoting the



creative transformation and the innovative development of Chinese fine traditional legal culture.

To this end, today the Law School of Lanzhou University, with its Center for Italy studies, and the Center for China studies of the international University College of Turin in Italy, with the support of the National Foreign Study Program “Global Geopolitical Transformation: China and the New International Law”, are jointly hosting the seminar on “The Reception of Chinese Law in Western Academia”, with the participation of Professor Ugo Mattei and his international team from Italy and the United States. These specialists are among the top contemporary scholars of international law and comparative law to focus on China's participation in global governance against the background of the geopolitical pattern of globalization in the post-pandemic era, with the aim of exploring new international law as distinct from the euro and western-centered ones of the past. Our joint project wants to systematically examine the impact of China's growing economic and political power on comparative legal systemology. This term, borrowed from Professor Ugo Mattei, reveals the contribution of a Chinese solution to global governance.

Our seminar today is divided into four sections. My welcome remarks will be followed by the opening remarks of two distinguished guests, and then followed by the presentations by four keynote speakers. After this, there will be a free panel discussion and question section. Finally, Professor Ugo Mattei and I will briefly conclude.

Greetings from Professor **Luo Hongbo**

President of the Italian Studies Branch of the Chinese Society of European Studies

To honor the majority of participants to this seminar, I will make my greetings also in Chinese and Italian. In recent years, in parallel to the global expansion of communication and cultural reciprocity, the exchange of legal culture has increased, allowing for a better knowledge of different legal systems, and providing ideas and materials for the improvement of national legal systems and for social development. This better knowledge of each other reduces the possibility of reciprocal incomprehension, promoting a more harmonious coexistence of nations. In particular, today is the moment to understand that the West needs China as much as China needs the West, and I think that today's seminar will be an important step in this direction.



Greetings from Professor **Wang Xuejun**

Director of the Lanzhou University Social Science Department

Dear Professor Liu and distinguished Professors from Italy, US, and China, Lanzhou University was founded in 1909 in the Gansu Province, and it is one of the top 14 universities in China and the only top university located in the northwest of China. In our campuses, we offer multiple disciplines including philosophy, economics, history, management, Chinese literature and culture, law, journalism, education, and international relations.

The history of our law school can be traced back to the year 1909. During the past 114 years, the Lanzhou Law School has made great contributions in the fields of legal philosophy, economic law, environmental law, and several other areas. In recent years, Professor Liu and his team have played a vital role in the study of economic law and evidence-based law, not only in our law school but also in the more general legal academia. Since 2016, Professor Liu has worked as Director of the Center for Italy Studies in our University, which is a key research base of area and regional studies, and has successfully promoted the exchange with Italian universities and other universities in the world focusing on international law studies. Professor Liu's Center has also more and more actively promoted the reception of Chinese law in western academia.

This is a topic of great importance: this year marks the 10th anniversary of the concept of building a community with a shared future for mankind, which was first proposed in March 2013 by Chinese President Xi Jinping. Since then, the concept has evolved into a vision that is of global significance, and has been recognized by more and more countries and international organizations. This year is also the 10th anniversary of the Belt and Road initiative proposed by Xi: I believe that through the reception of Chinese law in western academia we promote the prosperity of the legal systems and create a new knowledge in legal studies.



Keynote speech by Professor **Ugo Mattei**

It is a great pleasure and honor to be able to speak at this seminar, which I really consider the first step hopefully in a long project of cooperation between

our institutions in order to understand the current situation in comparative and international law from the perspective of the dramatically changing role of China in the global legal



landscape. More than holding a formal speech, I would rather throw some insights for our discussion and especially for what we would like to do next. I will share with you what I'm currently concerned about, and the lines of research that I'm pursuing.

I've been very briefly in China in 2005 with Professor Ignazio Castellucci - we went from Macao to Hong Kong and then a little farther inland. Thus, my experience of China is very limited, and I can't say I've ever been a sinologist. However, my attention to China has greatly increased in recent years, not because of a choice but because of a scholarly necessity, since anybody who is a comparative lawyer or an international lawyer today must start to think thoroughly about the role of China. This is certainly the most important transformation that I have seen in my adult life. I haven't witnessed directly any other large transformations except the one that was supposed to be final: the fall of the Berlin Wall and the collapse of the the Soviet Union back in December 1991.

What is happening today in terms of transformations and changing hegemony in the global landscape might possibly be an even more important event. I'm referring to the fact that today China is for the first time ranked first in the world for GDP, and this change occurred in a very short period of time, and happened in spite of a lot of ideological resistance from many parts of the West against considering China for what it is today, that is to say the first largest economy in the world.

I would like now now to think about the role of comparative and international law these days. But, before getting into that, let me thank particularly Professor Liu Guanghua: I've seen him flourishing from a young student in Hastings, California, into a full-fledged intellectual and international academic, traveling the world and organizing important scientific events. We have remained friends ever since, and I really hope that some of the ideas that we shared a long time ago have remained somewhere in his heart and in his brain.

China has been for a long period of time an object of observation with some sort of detachment by western academics, and scholars like Professor Teemu Ruskola wrote beautifully and masterfully about legal orientalism, that is to say an attitude towards China that ultimately ends up to show a positional superiority of the West. Now, while positional superiority is never something that is justified in social science, it is just absurd and ridicule when it occurs with a culture and a country like China today, which might well be the candidate to become in the next few decades the torch of global development as the United States have been in the recent past. Certainly, what we have today when we think of China, is a candidate for succession to global legal hegemony, and this is a big statement because just 30 years ago this was something that we could not possibly



imagine. When the Berlin Wall fell, the rhetoric in the West was that communism had fallen with the Berlin Wall. China was not even considered in the picture as a place in which Marxism and Leninism remained as the official doctrine of a State, and as a country that was actually producing and offering alternatives to the single thought.

In 2010, I wrote with Boris Mamlyuk, a Russian student of mine at the University of California, an article called “Comparative International Law”, saying at the time that there was not just one international law. International law, as every other branch of the law, in spite of its claim of being universal is interpreted in fact in many different fashions in different areas of the world. Therefore, comparisons can happen: international law as developed in the Soviet Union after the October Revolution, I and Mamlyuk argued, was something deeply different from international law as applied and interpreted in the western block, but these two visions had to communicate to each other to try to find some common grounds and principles in order to avoid the catastrophic consequences of the Cold War. In our article, we actually showed that the comparative international law community, a small group of scholars belonging to the West and to the Soviet Union, had been crucial in accompanying the process of reciprocal knowledge in the Cold War period. That project was first developed by Professor William Butler, who was a Soviet-law scholar at the University College in London. He entered in relationship with the Moscow State Law University, and they organized a series of meetings and seminars both in Moscow and in London in order to discuss international law from both the perspectives, and to build bridges between one culture and the other outside of the caricatures used on both sides of the Cold War context.

Today, what is going on is that the United States and the West are finally perceiving that the economic conditions of China make it a strong candidate for future hegemony. Thus, a strategy of downplaying China is deployed that is absolutely dangerous and we should try to overcome. On the other hand, it seems to me that China is showing more maturity in its attitude to the West, perhaps because it has come from a long period of being not a hegemonic country, but a country that was intellectually and economically on the receiving side of western imperialism.

I think that our ambition in this seminar series is to play the same role that Butler and the Moscow Law University played. At least, this is the ambition of the International University College of Turin, to play the same role that the University College of London played in the dialogue with the Soviet Union. We are in an advantage position, since we are not in the United States. Yes, we are in Italy, thus detached but still very much part of the West, still colonized by the US and the NATO, and therefore able to understand the legal and geopolitical culture of the United States that we've been studying for a long period of time.



But we can also be in the condition of trying to understand the idea of international law of China, and how China is actually playing its very important role in trying to organize multi-centrism, and lay the bricks of a pluralistic system of sovereignty as opposed to the western block that is more and more tightly integrated with the United States.

What is going to happen is something that we have to understand by considering that international law is the most politicized field that we can possibly imagine. But the law has always its own logic; the law is always capable in some way of autopoietic phenomena; it is always possible that the law offers some contribution even if it is limited in steering towards peace rather than towards a complete clash. After the fall of the Berlin Wall, in the West it was clear that history was over, and the idea that there was another very important communist country such as China was actually downplayed in every possible way. Many western scholars would say that China was just hypocritically communist, and that in fact China was just another capitalistic system with the same traits and conditions of capitalism in the West. I have never believed that vision; I have always believed in a different story that comes from the reading of the classics of marxism-leninism: I believe that every transformative project of the magnitude of trying to construct a full-fledged socialist system capable of universal emancipation requires a lot of time, and I believe that the Chinese culture has always showed that the long term and patience are extremely important in the history of the people.

A long time is required in order to make transformations, because transformations that occur in short periods of time usually evaporate after short periods of time. I'm putting it as a question for all of you: Is it true that the perception of the dimension of time in global transformation seen from Chinese eyes is different than the one seen from the West? If my hypothesis that the perception of time can be actually different in these different civilizations is well grounded, then we can really read the current phase and even China's overtaking of the US in the GDP as a moment of accumulation of capital that, as Lenin explained, is necessary in order to actually move a step farther in the direction of the full-fledged construction of an emancipated socialist society. So, this dimension has to be taken in consideration, and those that look at China as yet another capitalist system are simply losing sight of the long-term trait of the evolution of China. Can we see what China and Chinese international law are today as the substitute of the Soviet international law that declined after 1992? If so, then my 2010 little article on "Comparative International Law" has to be rewritten; in fact, I am now in the process of revising it, and reflecting on what is really happening 15 years after that article in the global perspective. This is what I'm trying to do in international law.



Of course, this is also something that I'm trying to do in comparative law, because keeping separate comparative and international law is again a sort of culturally specific move but is not something that is ontologically necessary at all. Comparative law and international law share so much of the common ground and the common concerns that if we move away from disciplinary formalism we have to look at them both with the same kind of tools. Now, in comparative law China emerged after 2001. I would say that in the period between 1990 and 2001, when there was the rhetoric of the end of history and of the single thought, there was a big attempt to attract China to the same idea of the rule of law of the West, and to bring China into the World Trade Organization in order to impose on China a legal system that showed a break with its past. The attitude that China didn't have the rule of law and the West had to provide China with it lasted for at least 10 years, together with what I considered a very unfair treatment, that is to say the obligation to translate Chinese laws into English, an obligation that other countries don't have.

However, at the beginning of the new millennium big global changes occurred: the very idea of the rule of law deployed as a tool of humanistic propaganda by the West in order to impose on the world the notion that western civilization is better than that of the others suffered a deep crisis, first of all in the US. After September 11, the number of emergency transformations in the United States was substantial, and it appeared very clearly that even in a highly professionalized context the idea of the law is going to yield to political necessity and to the state of exception. After that, I don't think that the prestige of US law and US academia has ever really recovered, since rather than making some serious self-analysis of how academia had departed from any contact with the political process there was a big rush to pretend that nothing had occurred, that business was as usual, and what was happening was part of the transformation of law into technology, which is part of that vision of the rule of law that West-controlled institutions such as the World Bank and the International Monetary Fund were trying to export globally.

I started arguing that for China the western rule of law didn't have much of a meaning as a notion for comparative law quite early in my career, in 1997, when I published a paper called "Three Patterns of Law: Taxonomy and Change in the World's Legal Systems". In that paper, I identified three patterns of law that I believed could explain many unconscious assumptions and much of the behavior of social actors, and I tried to show a general taxonomy of global legal systems. There, I refused the use of the notion of rule of law *per se*, and I always added to "rule of law" something before the term law, so that the western legal tradition to me was not just the "rule of law" but was the "rule of professional law". There were other rules of law, I wrote, and the Chinese experience was somewhere between two models that I tried to identify at the time: the rule of professional law, on the one hand, and on the other hand the so-called "rule of traditional law" that would put



together countries that had not professionalized their legal systems but were losing the use of either religion or long tradition as tools to manage everyday social conflicts. Similarly, I called “rule of political law” the third one from post-socialist systems that maintained certain aspects of the critique that scholars like Evgeny Pashukanis and others moved to western legality in the Soviet Union. These scholars claimed very openly that the rule of law is just false consciousness, just a technical system to dispossess the people of their sovereign will.

Therefore, I believe that we should not use in our research the term “rule of law” *per se*. On the contrary, I think that we have to qualify what we are talking about, as much as we don't want to talk about international law as if there were only one system of international law. We all know that whenever there is law there will be interpretation, and whenever there is international law there will be a politically guided interpretation, and that those interpretations will become part of the law.

In 2020, together with Liu Guanghua and Emanuele Ariano, we published a paper called “The Chinese Advantage in Emergency Law”, where we investigated the idea of emergency and particularly the phase of global emergency generated by the Covid-19 pandemic. We found that a major technological transformation was occurring, and that the law itself was moving steps backwards, while communication technology based on a completely different logic was moving steps forward. This was the “Chinese advantage”, in our opinion, that is to say the advantage of a system that concentrates the power in an institutional organization such as a Communist Party, which enjoys a level of trust and confidence from the people and a capacity of controlling and centralizing what happens with technology that a system like the western one will not allow. In the western system, in fact, technology is controlled by very opaque structures of private capital that will prevent any kind of political control by the people. In other words, our idea was that the emergency phase and the increase in the role of technology can actually be the turning point that will make us witness China's overtaking, moving from being a context of legal reception to become a context of production of law.

Then, in 2021, I delivered my farewell address at the University of California, when I left my chair of international comparative law, whose title was “The Death of the Law”. In that address, I defined the law as a construct of the western legal tradition made on professionalism, and explained that its use might become much less determinative and important to explain and predict political, economic, and even legal transformations in the future. So, this is where I am now, and this is the extremely ambitious research program that I am openly proposing to you. I am old, so I feel I will not have either the time or the energy to carry on all this by myself, but I believe that this is the frontier of research we



should try to pursue in our moving ahead together: a research that tries to understand and explain global and geopolitical transformations both in comparative law taxonomy and in international law taxonomy to reassess the role of China, and build possible bridges so that these developments will happen in a framework of conversation and reciprocal understanding, outside of any renewed orientalism.

I think that the most important thing we can offer is mutual respect.

Keynote Speech by Professor Teemu Ruskola

The topic of “The Reception of Chinese Law in Western Academia” presents already in its title a lot of key terms. I'll focus first on “law”, a term which is not as obvious as it appears, and then on “China” and on what it is that makes law “Chinese”, and on what “reception” of Chinese or whatever law means. To do that, I'll be talking a little more historically and theoretically, which is not to say that I want to step away from politics. In fact, I want to politicize both history and theory.

Just to anticipate my conclusion, in my view the reception of Chinese law, however you define Chinese law, is not that there is a reception of a thing out there that exists and is just waiting for us to discover. What we conventionally might call the reception of Chinese law is not just a mechanical act of importation: it's necessarily a question of intercultural interaction not exclusively but partly ethical and political as well. So, I would say that reception is always part of a larger process of cross-cultural engagement that I will call for lack of a better word “comparison”. I do realize that the question really is how to compare, which is to say that reception is really a question of method, and that in what way a legal system is received is always a question of comparative law. So, in recognition of our being hosted by the Lanzhou University Center for Italian Studies, let me start by reading a short excerpt from a novel by Italo Calvino, “Invisible Cities”. In that amazing novel, the great Kublai Khan asks Marco Polo to describe all the cities that he has seen in his travels.

"Did you ever happen to see a city resembling this one?" Kublai asked Marco Polo, extending his be-ringed hand from beneath the silken canopy of the imperial barge, to point to the bridges arching over the canals [...].

The emperor, accompanied by his foreign dignitary, was visiting Kin-sai, ancient capital of deposed dynasties, the latest pearl set in the Great Khan's crown.

"No, sire," Marco answered, "I should never have imagined a city like this could exist." The emperor tried to peer into his eyes. [...] "Tell me another city," he insisted.



Marco resumed saying, enumerating names and customs and wares of a great number of lands. His repertory could be called inexhaustible, but now he was the one who had to give in. Dawn had broken when he said: "Sire, now I have told you about all the cities I know." "There is still one of which you never speak."

Marco Polo bowed his head.

"Venice," the Khan said.

Marco smiled. "What else do you believe I have been talking to you about?"

The emperor did not turn a hair. "And yet I have never heard you mention that name."

And Polo said: "Every time I describe a city I am saying something about Venice."

"When I ask you about other cities, I want to hear about them. And about Venice, when I ask you about Venice."

"To distinguish the other cities' qualities, I must speak of a first city that remains implicit. For me it is Venice."

So the point seems to be that you can never leave home. Using Calvino's excerpt as a template for thinking about what we are trying to do here, I think we should note that in Calvino's novel the protagonist is a sovereign, the Great Khan, who is trying to understand places beyond his realm: China. Of course, historically China has been one of Europe's key civilizational "others" against which Europe has defined itself as "Europe", except that here of course the Chinese Emperor is a projection of a European author's imagination. In fact, there are a lot of different levels of projection going on here: you have a 20th-century European author who's imagining a late medieval Chinese emperor who is trying to understand foreign cities through the eyes of a 13th-century European visitor. To me, that really illustrates several important things about comparative law: (a) it's always an imaginative enterprise; (b) it's always or nearly always refracted through the eyes of a sovereign whether real or imagined; and, (c) it's always a historical act that takes place within a kind of political and cultural context.

So, for my remarks I'll start with literally a global view of the historic enterprise that today we call comparative law, and I want to talk about its relationship to international law like Ugo Mattei just did. Then, I'll focus a bit more on China. But let me start with a little bit of intellectual biography: I grew up in Finland, but I came to the United States for college, and to the study of law indirectly by way of area studies. When I was an undergraduate in California, I studied Chinese history and Chinese philosophy, and later I got a graduate degree in those fields as well. Thus, when I eventually went to law school, I was naturally led to the study of Chinese law. Of course, in the US and Europe the study of Chinese law belongs under the rubric of comparative law. As Ugo just said, I too have come to believe that it's very difficult to do comparative law well, especially in the age of globalization, without thinking about its relationship to international law as well. That's why I have come



to believe that a truly comparative understanding of China and Chinese law must account for China in terms of international law as well, which is to say we have to think of China itself as an international legal subject.

I believe that there is a kind of conventional wisdom and division of labor, where international law tends to focus on the universal and the supranational whereas comparative lawyers tend to focus on the local and the particular. I've always been more interested in the latter, presumably that's why I've been doing comparative law and not international law. I resisted the call or lure of international law for a long time: universals have always seemed so abstract to me, but I came to appreciate the relationship between comparative law and international law kind of accidentally. Since I'm interested in the history of the museum, I was reading a book by the art historian Douglas Crimp called "On the Museum's Ruins". In that book, Crimp talks about how his own scholarship has moved in time: he used to focus on the artwork, but then he became more interested in the museum itself. I thought that my growing interest in international law, moving from comparative law, was not dissimilar to Crimp's move from the artwork to the museum. The museum is a kind of representational matrix that constitutes certain objects of art: a soup can in a store is a soup can; on the contrary, a soup can in a museum is a piece of art. Similarly, we could say international law constitutes certain nordic communities as States, and just like art critics are called to critique the objects inside a museum, comparative legal scholars are called upon to analyze the national legal systems that international law frames for our consideration. So, from that perspective, when you think of these fields together, I think they form part of a joint cultural political epistemological project that has transformed the entire planet into a judicial formation that consists of nation States. It's an enterprise that basically nationalizes or privatizes culture by delegating to the domestic sphere of each State, and then it leaves international law in this kind of ostensibly a-cultural or super-cultural space.

In this, I find there is a particular kind of dialectic between universality and particularity in which there's very little room for a radical political or cultural difference. There's only room for a difference that fits within a certain larger state-based liberal logic: we could think of that framing as a part of a larger style of political organization, which sociologist Timothy Mitchell has called "The World as Exhibition", a way of thinking about the world as if the world were a kind of art gallery, or maybe a living museum, to go back to my earlier metaphor. Basically, international law provides the frames, the structure for displaying the pictures at this global exhibition. Comparative lawyers, instead, are asked to paint exotic little portraits of each national jurisdiction in these prefabricated frames.



Well, I think that the conventional opposition between universal international law versus particular national legal systems must now be challenged. Universal norms can never be considered only in the abstract: to be understood, they always have to be ultimately translated into a particular legal idiom of some actor somewhere on planet Earth. So, without the mediation of comparative law, international law would be literally unintelligible. At the same time, comparative lawyers' descriptions of the local and the particular are also exercises of translation explaining one legal system in terms of another, which assumes the possibility of communication across local difference. Therefore, conceptually as well as practically, the universal and the particular are here part of a single dialectic. But that is a very particular way of visualizing the world, which made me think about a famous essay by Martin Heidegger called "The Age of the World Picture", in which he observes that modernity is defined by the emergence of the world as a visual object. So, when he talks about the world picture, Heidegger is talking about the specifically modern idea that the world can be conceived of and grasped as a picture. It's not that there's an old world picture that becomes a modern one: it's the very fact that the modern world becomes a picture that distinguishes the modern notion from the old one, and so now we can think of law as a transnational political and cultural form that imagines and organizes differences among peoples in a particular way.

Therefore, it's from that perspective in which law is a kind of grid of intelligibility that the modern world itself is made thinkable, and embedded in this worldview is the assumption of a certain kind of global commensurability in the field of international law that gives us for example the idea of human rights as universal standards. In the field of comparative law, it has given us what is sometimes called the western model of comparison, which is drawing up tables of taxonomies of legal systems that include list of similarities and differences, which is one way to do comparison, but maybe not the most fruitful one.

Now, where do we go from here? Well, importantly, Heidegger's analysis of this idea of modern world picture actually also includes a political claim in addition to his philosophical one. Heidegger claims that "the fundamental event of the modern age is the conquest of the world as picture". That conquest has not been just metaphorical, since modernity was accompanied by the western colonial conquest of the rest of the world, which was justified and ratified by the emerging system of international law. Modern international law, thus, is no accident.

I think that both international law and comparative law became professionalized in their modern form precisely in the second half of the 19th century, at the height of western imperialism. This was also the period of world affairs and of the institutionalization of the museum and the institutionalization of the zoo. All these cultural forms follow a similar



logic: they display diversity and difference in an objectified and flat form for the visual enjoyment of western viewers. They do all of that by bringing the world to the West. So, the division of the world into formally equal nation states that constitute a global gallery of sovereigns is a European notion that has been globalized by means of colonialism and imperialism. Accordingly, European notions of sovereignty, of law, of political subjectivity have become the basis for standardized global ones in the 19th century. This standard was called the standard of civilization. Today, as I said, we call it human rights or some such thing, which gets us to the question: What is law when we do comparative law? Well, that's especially relevant if you step outside Europe, or North Europe, or North America, and come to China, for instance.

In fact, it was when I started studying and teaching Chinese law that I became interested in understanding what motivates the persistence of that question, and more importantly who gets to decide what law is and why, and what is at stake in asking the question, which is why I wrote the book called "Legal Orientalism: China, the United States, and Modern Law". Now, I think the issue is that the idea of law assumes that a polity is organized in the manner of a Euro-American nation state, so the fact that historically the Chinese imperial legal system didn't fit that model was one problem: China was an Empire, not a national state, hence it was assumed under the idea of Oriental despotism. However, if we come back to the notion of what comparative law is, look at what I've done: I just compared comparative law and international law, which I think is doing a certain kind of comparative law.

There's no reason why comparison has to be horizontal on the national level among formerly similar entities, so the units of comparison are never predetermined. To be sure, what we find is determined or at least constrained by what we're looking for. However, we're allowed to look for whatever we want, wherever we want: so, even in order to do comparative law, we have to have some idea of what law is. As my China example suggests, as far as law is concerned we can compare it across regions, which gets us to the question of comparative international law, so the nation to nation comparison is hardly self-evident.

Now, where does this leave us, then? I don't believe there is an objective way to compare. We all have histories, backgrounds, experiences, and we have no choice but to bring those things to the table, which is Italo Calvino's point: we can go all the way to China without ever really having left Venice. Yet, there are different ways to compare: we do have choices, and they do matter. Sometimes, people complain that my comparisons are comparing apples to oranges, which apparently is "illegal". I do think comparing apples to apples is important, but we can't really know what an apple is in the first place unless we



can compare it to and distinguish it from an orange or something else. This is to say that, in order to make “a” and “b” comparable and to make them commensurate, we imagine that there has to be some objective third term that will allow us to identify “a” and “b” in the first place. Well, let's take “water” in English and “acqua” in Italian, two different words: do they mean the same thing? Well, water means one thing in the middle of the Pacific Ocean, and another thing in the middle of a desert, but there is still a scientific way to define it H₂O. When we're talking about global legal political terms, there are no universal standards: all we can do is to translate “a” to “b” or vice versa. We're not discovering anything objective, yet we are doing something that is socially and ethically important: we are relating two things to one another, whether for better or for worse.

Now, it's not that anything goes, it does matter how we compare, but the key point to me is whatever is comparison is always an act. Which means that the reception of Chinese law, or the reception of any foreign law, is always an act of engagement. It's a dynamic undertaking with political and ethical consequences, whether the objects we choose to compare are pre-given to us or we have actually chosen them. I would say that the most fundamental effect of any act of comparison is that it produces and affirms the objects that are being compared. It is ultimately through such acts of comparison that we create and maintain our others as well as ourselves.

Now, in my field in the United States it's a common complaint about people who study Chinese law in the legal academy that we kind of live in a ghetto: we talk to each other, and we're unable or unwilling to make ourselves available for mainstream law people who do American constitutional law for example. That criticism is not untrue, but I think it is unfair. It is true that as American scholars of Chinese law we often fail to articulate just how and why what we do matters not just for ourselves, not just for the field of Chinese law, but for others too. What is problematic, however, is that the people who study Euro-American law are not subject to the similar demand: they are not asked to explain how and why their work is relevant for understanding the rest of the world, and of course the reason for that is as profound as it is simple. People who study European law or legal theory are not doing “area studies” because Europe is not just an area: it is the home of the disciplines including law, so studies of European law or European philosophy are just studies of law and of philosophy. But I do think that to the extent that law matters today, and it does matter, it's not the only thing that matters: I think that we all must not remain just curators of cultural difference in a political structure that has been built for us by international law. Why is it that China, even within the field of comparative law, yields only comparative and not absolute legal knowledge? Why can't the study of Chinese law generate primary knowledge, instead of being just an “area study”? Why can't it generate theory, rather than



just secondary data that would either disprove or confirm theories that have been developed elsewhere?

To conclude, my hope is that if we allow Chinese law and other non-western legal fields to do so, this will liberate us from some of that historical heritage, and maybe give us expanded different notions of sovereignty, political space, and political time.

Keynote Speech by Professor Ignazio Castellucci

I want to go quickly to the merits of my speech, and underline that China law studies in Italy have followed in the past decades various different streams approximately as follows.

A first stream was related to the historical and cultural or systemic dimension of Chinese law. There are few well-known old writings from the University of L'Aquila, but I remember something very old from the 1960s from Gabriele Crespi Reghizzi as well. Then, we have a more recent generation of scholars like Renzo Cavalieri and Marina Timoteo, revealing to the Italian public the specific cultural characteristics of the Chinese legal experience throughout history. So, this was probably stage one of Chinese law studies in Italy.

Then, there was a second wave related to the political dimension of law, which started with the scholars analyzing the socialist dimension of Chinese law, and then all the big issue of the rule of law.

We have then a third very interesting stream of research, which is probably uniquely Italian and Chinese, which is the one about Roman law and Chinese law, and their interaction in combination, with a number of scholars on both sides developing research and also dialogue, which is useful not only to understand but also to develop new legal ideas on both sides. This is very Italian in the western landscape.

Then, there is a fourth stream of China law studies that is more or less related to the technical side, including scholars from the three previous streams and many others. This of course includes hybrid research approaches like the very interesting one mentioned by Ugo earlier on the Chinese advantage in managing pandemics and emergencies, showing how experience and legal models and tradition can serve different purposes or serve the same purposes in different ways.

Also, after generations of Italian scholars mostly looking at China from the outside, increasingly we've had scholars, especially younger ones, studying Chinese law from the



inside as well, having traveled and made research in China. So, clearly there is a growing interest in Italy about Chinese law as there is in China about Italy and Italian law. This mutual knowledge can be also fruitful to develop new tools for cooperation and to produce legal reforms in each of our respective jurisdictions.

Let me give you an example that is historical and personal as well: in 2019, I published an article about combining Marco Polo, legal history, and global law to show how the Italian merchants since the Middle Ages to present times behaved in comparison to their Chinese colleagues. This is a particular point of view where you can bind global law, business law, legal history, and culture to develop deeper knowledge and better understanding of some geo-legal issues, so to speak. Geopolitics seems to be fashionable in these war times, and geo-legal issues can certainly be put at the center of the stage to be researched, including overcoming the legal fiction that comparative law is something different from international law. Both Ugo and Teemu highlighted how these two areas are not really impermeable to each other. There is a connection region between international law and local laws that are necessarily used to implement the former. In order to develop tools for East to West cooperation, whether it be the Belt and Road initiative or not, you still need legal interfaces to interact, and so by this multi-dimensional comparison we can develop a better understanding of our respective backgrounds in which the law operates, and of legal concepts, and of legal topics, and then legal normative models to deal with new matters of common interest.

I'm thinking now about the very important innovation in the 2020 Chinese Civil Code, about the idea of “greening” the law, which is also becoming current in many other countries like Argentina and a number of other Southern American legislations, for instance. So, this is clearly one of the many dimensions of law that can be fruitfully explored through a comparative approach. Greening the law, social justice, public interest, revising or developing international law through comparative law, and ultimately - I'm again citing Ugo here - there can be a larger ambition in a project of developing comparison to develop “convivencia”. Comparing means living together somehow, and while maintaining our respective differences we can learn how to deal friendly and fruitfully with one another. This is paramount these times. This is clearly something we should not forget in developing our common project.

For instance, exactly today, by chance but also significantly, while we are here together a call for papers is being launched by the Juris Diversitas Association, of which I'm vice-president, for a conference that will be held in October 2024 on the themes of comparative law and “convivencia”, to compare, convene, and develop legal strategies to foster better



living together while preserving our respective characteristics. Having said this, I'm now quickly going to conclude my speech with three simple proposals.

First, some time ago Professor Liu Guanghua, Professor Mastruzzo, and myself considered editing a book describing the different dimensions of legal scholarship in Italy about Chinese law, to which a number of scholars gave their availability. We have a rough idea of how the book could be structured, so that book could be one of the side products of our project. I think we should develop that idea, which has been left on the shelf for some time but which we could revive.

Second, within our joint project a panel could be formed to participate in the Juris Diversitas conference in Macau in October 2024. I shall send the call for papers to all of us.

Third, just a concluding note on methodology: we are seasoned comparative lawyers, so in this new ambitious project we should be driven by our educated instinct of people who have studied the laws of the world for long. So, let's not lose time in developing an initial description of our methodology; let's go and see what happens, and then develop the appropriate amount of methodological description of what we do while we go, so that we are not confined in our research by our own self-imposed limits. Let's start exchanging views: I'm sure it will be a most fruitful process and we will have great satisfaction in what we do.

Keynote Speech by Professor **Ivan Cardillo**

I'm really happy to be here today because, as Professor Liu remarked, I have a lot of friends in the meeting. So, I feel at home, and I see this as a real opportunity for having some conversations on a topic that is extremely challenging like “The Reception of Chinese Law in Western Academia”, and “Global Geopolitical Transformation: China and the New International Law”.

I guess we are exactly on the opposite side of where Chinese scholars were sitting in the middle of the 19th century, when they were just thinking about the reception of western law in Chinese academia, and the new international law meant something completely new that was supposed to be studied and then to be used to modify Chinese domestic law. Here again, I totally agree with what has been said before on the connection between international law and comparative law. It is not by chance that some of the first books



translated into Chinese are books and treaties related to international law and treaties on international law.

Now, here we are sitting after roughly 200 years, and after we have been witnessing an extraordinary development, and this is the keyword: development. I mean, from the way I'm trying to approach this topic, development seems like the way everything started in China, a journey of developing the legal system. On the other hand, many western scholars have been studying Chinese law through the lens of development, understanding how a legal system moves forward towards an ideal goal. However, the idea that the Chinese legal development is working on a straight line towards western models or turning away from western models is a pretty western approach to time and development, an approach that comes all the way from the Enlightenment, when the definition of law as something sacred was secularized, yet then law was sanctified again into the basis for fundamental values of international order, the same global order that we use to set up zoos and museums.

Actually, the very idea of defining alterity is something also pretty connected to western languages: first we define, so we have limited the meaning into certain borders, then we try to force diversity into those borders by simplifying diversity. This is exactly what led to the so-called convergency theory, according to which at one point the law would be the same everywhere, with democracy and the rule of law as fundamental values shared by all countries. And WTO, of course, was one of the ways to spread these values, as if you join the WTO club and you have to accept these values. This is exactly what happened with China and the Constitutional revisions in the late 1990s, right before joining the WTO.

Then, we had an approach of trying to study Chinese law in a way declined according to Chinese “western” terms. And then now there are scholars saying that we need to pay attention to the issue of isomorphic categories that from the outside are pretty similar but in reality are very different, which of course is a result of isomorphism, a result of when you try to force diversity into a certain category. Here, I just want to read the first sentence of an academic paper written by an American scholar, where it is argued that China has been building a system for the maintenance of order, and the political priority of the Communist party is not the delivery of justice. Again, how do we define justice? And here again, we are not anymore discussing the rule of law: now we are focusing on the category of justice, we are moving our attention from the category of law to the category of justice. And it is important to stress the connection between comparative law and international law, because the way we define the other has a concrete impact on justice. Within the western borders, if we say that for example China is not a just legal order according to our standards, this means that a criminal escaping from China to the United States will not



face any charges because Chinese law is an unjust law, and the ultimate result will be of a criminal not facing responsibility for his crime. Take fraud, for example: recently, the European Court of Human Rights denied extradition in the case of “Liu versus Poland” because China is an unjust system.

So, the way we define has a strong impact in international law but also in international politics, and here again the connection between politics and law is extremely important. The idea of exporting the law was also based on the myth that law is simply a technical tool that has nothing to do with political values. Professor Mattei has written many articles on this topic. The entire School of Law and Development that started in the United States in the late 1950s, and the idea of comparative law as an Americanization of law itself are products of this trend. I am here obliged to quote from Antony Blinken, US Secretary of State, who in May 2022 at George Washington University said that China is the only country with both the intent to reshape the international order and the power to do it. Later, Blinken said that the US don't seek to prevent China from growing its economy or advancing the interests of its people. This is a key word: a government acting for protecting the interest of its people. And this is a key word for China when it comes to the right of developing countries to have their own development path. Here again, I am obliged to quote Antony Blinken when he says that the transformation of the Chinese system and economy was due to the talent and hard work of Chinese people but was also made possible by the stability and opportunity that the international order provides. Arguably, no country on Earth has benefited more from that than China, and this possibility of development is thanks to the western values at the foundation of the international order.

So, on the American side we have this political approach that is underlining this aspect of the international order; on the other side, we have a Chinese approach to the international legal order that started mainly through WTO and the idea of reforming the country and of moving away from poverty. Here, a high-level WTO official once said that the US sold ideals to the world while China is only selling stuff; the Chinese are merchants, not missionaries, and here we see how these two approaches to the international legal order differ: selling ideas and selling stuff. Yet, here again the false premise is that international law can be completely separated from political values.

Ten years ago, Xi Jinping said that China will actively promote international cooperation through the Belt and Road initiative. In doing so, China hopes to build a new platform for international cooperation, and to create new drivers of shared development. Here, we see not only the Chinese approach of supporting the entire world to grow, but also the idea of a community for a shared future for the humankind. These new drivers as defined by Xi Jinping are meant to reform and improve the existing international system to keep up with



the times. This would serve the common interest of all countries and humanity as a whole. This will lead to recognize all countries and to shape the future of the world by making international rules, managing global affairs, and sharing the fruits of development.

Here we have, after 30 years of reforming and opening up of the Chinese economy, the idea of producing something new you and going global, and this clearly will lead to conflicting values. If we look from a cultural perspective, we see a move from cultural humiliation to cultural confidence in the political narrative, and the idea of a necessary reception of modernity but at the same time the refusal of an idea of modernity that implies westernization.

Thus, the idea of creating a Chinese style of modernity is connected with what Teemu was saying before, with the idea of chineseness or describing China in its own terms. I believe this is extremely important; but, at the same, if we describe China in its own terms, we might just end up discussing in Chinese, and then also saying what “fà” means in today's Chinese legal culture as opposed to what it meant in the past. Here also, we have to be aware of historical issues. In China, when professors of civil law want to study the history of contract law, they go and study Roman law, as Ignazio was remarking before: they will not go and study the evolution of contract law in the Song Dynasty. Now, there is a new generation of scholars who try to study Chinese civil law in the past, but then again they don't communicate with each other, because the categories are completely different, and this is also part of the way law is studied in China, and of the revolution in the legal studies in China that occurred at the beginning of the 20th century.

So, the stress must be again on the idea of dialogue as Gadamer understood it, when the two speakers become part of the dialogue without first of all trying to keep their own identity, and try to communicate to each other by trying to create something new together. I like a lot the idea of Harold J Berman of developing a communifying language, where at one point there won't be need to translate a concept, and this communifying language requires that we adopt a comprehensive approach combining the economic, political, cultural, and international dimensions. So, I'm perfectly in line with what Teemu said before: let's try to change approach, without setting any prejudice or pre-understanding; let's just develop an understanding within the comparative exercise.

Intervention by Professor **Elisabetta Grande**

I think that in this seminar we are emphasizing the idea that comparative law is really important to create bridges, and that's what we need today: bridges among cultures, and



especially among legal cultures, the idea of being able to look into the mirror from the beginning, something like being able to leave Venice, being able to understand the other and then look back to our self. This is exactly what we need in order to find common grounds, especially today, in a moment in which we are shifting to a multicultural and multipolar world.

I would like just to say a few words about the production and the reception of the law, and I would like to understand from the past how these dynamics worked, in order to understand how the Chinese style of law can become the new model to be imported. Comparative lawyers tell us that in history it is the prestigious country the one that is able to export its own ideas. But what is prestige? What does prestige mean? This is something that it has never really been explored and explained.

So, I think that if we look at the past and at the country that has been the hegemonic one so far in the last - say - 80 years, the US, what we can see is that it's not only economic or political power what drove the US model outside. Something else was needed in order to make the American model able to go abroad. For instance, in private law what was very important was to have a very strong academia: an academia authoritative in terms of what the courts were looking for to write their decisions. So, the strength of the academia was very important inside the United States, and also the fact that scholarship was able to explain the law in terms that could be understood and applied everywhere. That was the same characteristics that German scholarship had earlier, and then when the United States had this kind of academia in private law, they were able to export their own ideas and legal solutions.

That was not the only way through which the American model was able to export its own ideas. In criminal procedure, there was a different way through which the US was able to export its ideas, and that was the image that they were able to present of themselves as a system that was more civilized from the legal point of view: because the idea was that the criminal process was not paternalistic; it was not the parental model where the judge was in control of everything while the two parties were having an even battle. Of course, this was not true, because one of the parties would often be much more powerful than the other one, but anyway that image of a system that was legally more progressive was able to export to other countries the US criminal procedure model.

In our joint project, I think the question that we should ask to ourselves is: Now that China is obviously becoming the leading country from the political and the economic point of view, the one that can really present itself as the country where the law is produced, does



China have also other characteristics that will make the Chinese legal system able to be exported abroad, and of being fascinating for other countries?

Intervention by Professor **Emanuele Ariano**

I have both a comment and a question. But firstly let me take up Betta's remark that comparative law is also about dialogue and building bridges between different legal cultures, also because in comparative law it's conventional wisdom that the more a legal culture closes up and takes a narrow and inward look the less likely it is to achieve leadership in the field.

That being said, both my comment and my question revolve around the idea of reception, which is also a part of this seminar's title. I would like to address very briefly the issue of quantitative reception versus qualitative reception of Chinese law in western academia. What I mean is that if we start from a quantitative perspective, it is almost unquestionable that Chinese law in the last round of years has gained unprecedented momentum and success in western academia. It is enough to produce the pages of the most prestigious western law reviews to see that Chinese authors and Chinese law related topics are omnipresent in the scholarly debate. For example, at the end of 2022, there was a very interesting discussion on legal orientalism hosted by the American Journal of Comparative Law, with Teemu Ruskola as the main protagonist. In Europe, a prestigious institute of comparative studies such as the Max Planck Institute publishes the German Journal of Chinese Law, which, while publishing many articles in different areas of Chinese law, produces every year a bibliography of academic writings in the field of Chinese law published in western languages - mainly French, German and English.

However, quantity does not always imply quality of reception, and what I mean by this is that, despite the growing attention to Chinese law, it is difficult to get rid of the biases through which western lawyers look and interpret Chinese law, because we use legal taxonomies, and as Teemu said before taxonomy can be useful but also tends to replicate a certain vision of the legal order and of the legal economic order. Also, taxonomies replicate the time and the places of their origin.

And now I get to my question, which I would like to address to Teemu, because in one of his last works, "Beyond Anti-Anti-Orientalism: How not to Study Chinese Law", he argues that orientalism tends to interpret the nonwestern legal system, and specifically Chinese law, as deviating from the western canon and as lacking something, e.g. the rule of law and so on. Basically, Teemu argues that this is an inescapable framework of analysis, a



structural condition which is ingrained in the scholarly discourse, which in the end affects the way the knowledge is produced and interpreted, and also shapes its reception.

Hence, my question would be: Has the reception of Chinese law in western academia been influenced by orientalist perspectives, and which strategies legal scholars should adopt to address orientalist biases and still be able to produce valuable works in the field of comparative studies?

Reply by Professor **Teemu Ruskola**

Thank you for that question, which really is the question.

I do believe that orientalism is a structural condition of knowledge in the world in which we live. To me, it is just a function of the fact that knowledge is always produced under conditions of power. We can't get outside of power, so we just have to accept that there's no "pure" knowledge. But we should consider that power is dynamic, it's changing, as we understand in this very panel.

In history, China is not without power, China was once a really huge hegemonic power. China set the standard of legal civilization for East Asia in the Tang dynasty, it provided the basis for the political legal systems in Vietnam, Japan, and Korea. So, China's rising is not something new. If you are a Chinese nationalist, you might even think China is just resuming its natural position, a hegemonic position.

I have no overall solution about how to approach this. I think it really depends on you as a scholar, what your goals are, what you want to achieve, and I can tell you that there isn't one right method, it really depends on what you are looking at. Are you doing a Chinese legal history? Are you talking about WTO? Are you talking about something else? The political context for each of these things is different. The political consequences of how you approach it are different. The ethical consequences are different. Therefore, I think the answer is always contextual, it's always changing, and unfortunately, or fortunately, there is not a single way to do this. I understand mine is a very unsatisfying answer, but yours is both a political and personal question for all of us. How do we live in this world? How do we make it better? What we think will make a difference; what we do even as comparative lawyers has some consequences to people: we should be very mindful of those.



Two questions from the public to Professor **Teemu Ruskola**

Could we think about a sort of code of ethics for western legal minds studying Chinese law, since an approach absolutely free from a legal-orientalism approach is impossible?

Do you believe rethinking comparative legal methodology would require a reorientation of comparative law towards a decolonizing critique? If so how would you qualify the relationship between notions of globalization and colonization for the sake of comparative law and its outcomes?

Reply by Professor **Teemu Ruskola**

Thank you for those questions. I think I have addressed the first one. I don't think there is a code of ethics, I wish there were. I can't think of a practice that could be codified for comparison. So, again, it's contextual.

As for the decolonizing critique, there is a big debate among people who do postcolonial theory versus people who do decolonizing theory. I'm not especially invested in those debates, whether we call it decolonizing or something else, although I think it is a very useful critique. It seems to me it's reproducing a lot of what was done by postcolonial theorists, some of which was good and some bad. So, we need to pick and choose, there. But I think the key is that there are different forms of hegemony. Globalization works differently. Imperialism might be a better word than colonialism, because imperialism could be territorial, it could take other hegemonic forms. So, I think it is important to develop more fine-grained vocabularies and historical understandings about the ways in which at any particular historical place or time these processes work. So, I don't think there is one singular category that's superior to another.

Question from the public to Professor **Teemu Ruskola**

With reference to orientalism and China, is there a disconnection between the legal system as it exists versus its enforcement? I think legal orientalism is more focused on the family business or the corporate law, but it's also influenced by the Chinese government. "Realistic" socialism also has a strong impact on Chinese governance, like corporate governance, so what do you think a more pragmatic solution for this would be?



Reply by Professor Teemu Ruskola

I am not suggesting that orientalism is the most important or comprehensive critique or way to understand Chinese law. Orientalism is a form of power, but there are many forms of power in today's world, and obviously socialism is one. I do think that even socialist law, as all forms of modern law, is to some extent self-orientalist. It takes a modern centralized state with a certain kind of bureaucratic institutions, to obtain a certain kind of positivist notion of law. So, I think there's an orientalist element even if you're thinking from a socialist point of view. Even there, I don't think we can get wholly outside that frame, but I think your question is an important one: again, orientalism is not an all-purpose lens; it may be more significant at other times and especially with China's growing power. I think the appeal or efficacy of thinking about Chinese law from an orientalist critical point of view may become less important. As I said, it all really is highly contextual and specific.

Intervention by Professor Giuseppe Mastruzzo

Well, I must be from Venice myself, as you understand, and as even our “Chinese” Marco Polo would have said. So, let me talk to you more specifically about the Italian reception of Chinese law: one of the dates that I think is a watershed in the Italian studies of Chinese law is 2007, when the “Law of Real Rights” was passed in China. Following that, in the Italian academia there was all of a sudden a widespread acknowledgment of the Chinese attempt to build some common language with the West on property law, with particular attention to Roman law. This, of course, in its turn raised attention in the Italian academia.

Before 2007, if I may quote a Latin poet since we are talking Roman law, students of Chinese law in Italy “*apparent rari nantes in gurgite vasto*”, which means “they appear as rare swimmers in the vast eddies”. Yet, after that, all of a sudden university courses in Chinese law multiplied in the whole of Italy from north to south, and with them the right perception of how Chinese law was important in itself, not just as the reception of something from the West.

I would here stress the word “real”, which made us understand all of a sudden that in other legal contexts “rights” must be “real”, since there is a material condition to be met for those rights to be legally understandable in other cultures.

A few years later, in 2020, for the first time in recent Chinese legal history a code, namely a civil code, was passed. Here, I would like to add something to what Ivan Cardillo and



Ignazio Castellucci told us about Italian academia and Chinese law, something quantitative that I hold is also a qualitative development, to answer Professor Ariano's earlier preoccupation. Today in Italy, we have dozens of universities that offer courses in Chinese law. What started in Rome with La Sapienza under the leadership of Professor Diliberto in the 1990s has now developed into a disciplinary movement, and now we have, to stay in Rome, Luiss Guido Carli, which is a mainstream neoliberal university, offering courses in Chinese law, and Lumsa, a catholic university, as well. In Milan, we have Bocconi, a prestigious private university, then the Milan State University, and also the Milan Catholic University. Additionally, if you go from north to south through the Italian Peninsula from Trento to Verona to Bologna to Macerata all the way south to Sicily and its universities of Palermo and Enna, you will see that in the last 5 to 10 years attention to Chinese law has risen overwhelmingly, not to mention here the Chinese Law Institute founded by Professor Ivan Cardillo, and last but not least the International University College Center of China Studies.

For this, here at the International University College of Turin, we are obliged to Professor Liu Guanghua, who first promoted Chinese studies in law and beyond when he came to Italy in 2016 and stayed with us for one year.

Question to Professor **Ugo Mattei** from **Zhuolun Li**, PhD Candidate at the University of Urbino and Assistant to Professor **Liu Guanghua**

My question for Professor Ugo Mattei is about the approach to international law. As you know, traditionally and still predominantly, we have the eurocentric approach to international law. More recently, we have something called the new approach, or let's say the critical approach, to international law, so that we talk about the Chinese approach to international law.

My question is: From your point of observation, is there really a distinctive Chinese approach to international law?

If your answer is yes, what is the distinctive characteristic of this kind of international law approach, especially when we compare it with the critical approach to international law, or a third-world approach to international law?



Reply and conclusive remarks by Professor Ugo Mattei

I think this is something that is crucial in our discussion: look where we are... we have a massacre going on in Israel right as we are talking; we observe a complete bankruptcy of any western standard of international law, considering a western standard the fact that the United Nations were created by the West, and now they have been ridiculed and dwarfed by the mere power display of Zionism. Mine is not just a political statement of solidarity for our fellows Palestinians, which I think we should always do whenever we talk about law in moments like the present one, but it is also to really think about what international law itself means today, and whether new approaches to international law, or third-world approaches to international law, or now even Chinese approaches to international law, are something that can really be understood as going in a direction of making international law a better infrastructure than what it has been so far.

In 2012, I wrote an article with another scholar that was called "The Evil Technology Hypothesis: A Deep Ecological Reading of International Law". In other words, we wanted to investigate the very way in which international law is structured, and how this makes it an evil technology in the sense that it makes it a false consciousness covering up with phoney ideas of formal equality. These ideas cover up brutal relationships of military power that are determined by just a few strong players against all the others. I don't think we should go in that direction right now. I don't know whether there is a Chinese approach to international law, and this joint project I'm participating in with the Law School of Lanzhou University is exactly to figure out if there is such a thing. I think we have to work together on an approach of international law that is actually dialogical, as Elisabetta said. An approach that is actually emancipatory; that is something that belongs to the people and not to the states; that is something that questions the hierarchies of power wherever they are, because power is always arbitrary, and the law should at least introduce some principles that are not arbitrary.

Now, what could these non-arbitrary principles be at play, today? And, can we actually work them out in some way or another? These are all questions that I would like to see approached in our common path in the next weeks or months in which we are going to work together. I don't think that the new approaches to international law have added much, except they have introduced some sort of internal critique in the international law community that certainly has pointed at the fact that international law has been developed as a sort of old old boys' club in the last few decades. I would say that there is always a political project in international law, there is always a political project in law. The question is: What political project are we talking about? Today, in this seminar, the western component of our research team has been presenting itself. I think that we need to convey



pretty soon a very similar message in which the Chinese component of this team presents itself, in which we westerners are the ones that will be there to hear and understand, and ask the questions, and you, Professor Liu and your school, and other Chinese scholars from other universities who are very knowledgeable of Italian law or of American law give their answers. We should have a very similar panel with four or five keynotes from Chinese colleagues. Then, when we have these two sides, we can move to a third moment in which we actually decide what emerges as most interesting topics.

We cannot talk about everything, so we have to pick up something more defined. International law, comparative law are too broad fields. We might want to talk about sovereignty, or about sovereignty and property, or about the relationship between the two, which might be another question. We might want to talk about your Chinese development law: yesterday, I received for review the 2024 “Oxford Handbook of International Law and Development”, where there is a very interesting article by a young Chinese scholar from Peking University, Kangle Zhan, on “International Law, Development, and the Making of a Chinese Model”. So, we have to ask blunt questions to power, and power is much more unified that we understand, which means that the questions we ask the Chinese powers are the very same questions we ask the western powers. And we might have to say to western powers: “Look, you have to declare at this point intellectual bankruptcy, and you are not in the condition of preaching international law to anybody”. Yet, whether some other power is in the condition of doing that is something to figure out.

My suggestion now is: Let's work hard in the next months to form a similar panel with four or five Chinese keynote speakers, not necessarily all from Lanzhou, as we didn't pick up the western ones only from the International University College of Turin. Let's do the same on our Chinese side, and move from here, from this seminar which was so interesting and productive.

Conclusive address by Professor **Liu Guanghua**

Yes, this seminar was a very interesting first step together, indeed, which was made possible by the collaboration of the Law School of Lanzhou University and its Center for Italy Studies with the Center for China studies of the IUC of Turin. We should now further focus on the theme of “Global Geopolitical Transformation: China and the New International Law”, to invite other scholars from Europe, United States and China to carry out a series of online activities including round tables, disciplinary research method training and academic lectures, and so on.