

HAROLD LASKI AND HIS CHINESE DISCIPLES: A WORKSHOP ON THE LEGACY OF LASKI'S LEGAL PHILOSOPHY

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Abstract

On 2 July 2020, a virtual workshop entitled 'Harold Laski and His Chinese Disciples: A Workshop on the Legacy of Laski's Legal Philosophy' was organised by Dr Ting Xu (School of Law, University of Sheffield; now Professor of Law, University of Essex). This workshop was supported and funded by Professor Xu's British Academy Mid-Career Fellowship (2019-2020) on 'Harold Laski and His Chinese Disciples: Using Biographical Methods to Study the Evolution of Rights'. This workshop provided the first opportunity for UK and Chinese studies scholars to discuss Laski's long-neglected impact on China, contributing to reviving an interest in the significance and legacy of Laski's legal philosophy. Speakers included eminent scholars who have conducted research in related areas, including Professor Roger Cotterrell (Queen Mary University of London), Professor Ross Cranston (London School of Economics and Political Science (LSE)), Dr Peter Lamb (Staffordshire University), Professor Martin Loughlin (LSE), Professor Michael Palmer (SOAS University of London) and Professor Francis Snyder (Peking University School of Transnational Law). Twenty-five people participated in the workshop, including academics, students and several members of the public.

[A] INTRODUCTION

This workshop regarding the influence of Harold Laski on China had several objectives. The first was to uncover Laski's impact on intellectual thinking and institution building, in particular the evolution of rights, in Republican China (1911-1949). In addition it aimed to apply biographical methods to the study of law and explore new materials and methods for comparative law, legal history and socio-legal studies. And, thirdly, it was hoped that the workshop would revive interest in the legacy

of Laski's legal philosophy and its contemporary implications as part of the study of the legal history of China–Britain relations. These aims of this workshop also formed the key themes in the discussion.

[B] CONTEXT

Harold Laski (1893-1950) was one of the most important twentieth-century public intellectuals. He taught political science at the LSE from 1926 to 1950. He was also one of the major theorists of democratic socialism. While Laski's impact on the English-speaking world has been well studied (see, for example, Martin 1953; Kramnick and Sheerman 1993; Newman 1993), his equally profound influence on intellectual thinking and institution building in Republican China (1911-1949) and its contemporary implications have been overlooked by both academics and lay audiences for decades.

China's search for modernity and democracy has been heavily indebted to Laski, even though Laski never set foot in China, and China never occupied a place in his writing and thinking. The discussion and dissemination of Laski's work was driven by Chinese intellectuals' search for solutions to what were seen as 'indigenous' problems standing in the way of the attempt to build a modern and democratic China. Laski's idea of rights was particularly attractive to Chinese intellectuals and had a great impact on the conception of human rights in Republican China. The appreciation of Laski's work was, however, interrupted by Communist rule in 1949. The development of rights in China was suppressed in the Cultural Revolution (1966-1976), and Laski's significance in China was therefore neglected for decades.

Laski's teaching influenced many Chinese students when he taught in the United States in 1916-1920. Those students include Zhang Xiruo (1889-1973, Professor of Political Science at Tsinghua University and Secretary of Education 1952-1958) and Lu Xirong (1895-1958, Head of the School of Law at the National Central University and one of the founders of the Chinese Association of Political Science). Zhang Xiruo published a book review on Laski's *Communism* in *Xiandai Pinglun* (*Modern Review*) in 1927, which was probably the earliest Chinese language review of Laski's work. Zhang Xiruo wrote *Zhuquan lun* (*On Sovereignty*) in 1925, one of the earliest introductions to Laski's political thought in China. Lu Xirong published a discussion of Laski's political thought on sovereignty in 1934.

Laski also influenced Chinese intellectuals who did not study in the United States but who had travelled to Europe to pursue further study, for example Zhang Junmai (also known as Carsun Chang, 1887-1969, a social democratic politician, theorist of human rights, and drafter of the Constitution of Republican China). Zhang Junmai translated Laski's *Grammar of Politics* into Chinese in the years 1926-1928.

The British parliamentary system and cultural and philosophical traditions attracted many Chinese students to choose to study in the United Kingdom. After Laski returned to England and started teaching at the LSE in 1926, he supervised a number of Chinese students, including Qian Changzhao (1899-1988, secretary of the Ministry of Foreign Affairs 1928-1929 and Senior Vice-Minister of Education 1930-1932), Chen Yuan (also known as Chen Xiyong, 1896-1970, Dean of the Faculty of Arts at Wuhan University), Hang Liwu (1903-1991, Professor of Political Science at the National Central University, founder of the British-Chinese Culture Association, and Deputy Minister of Education 1944) and Wang Zaoshi (1903-1971, lawyer and advocate for human rights and Head of the Department of Political Science at Guanghua University). There were also scholars who may not have been directly supervised by Laski but considered themselves as Laski's students, for example Luo Longji (1898-1965, founder of the China Democratic League and advocate for human rights).

In the 1920s, these Chinese elite students returned to China and became academics, government officials and journalists. They occupied positions of great influence before the Communist Party took power in 1949. In China, Laski's students formed literary societies and provided intellectual platforms for the dissemination of Laski's thoughts. They also influenced more Chinese intellectuals to discuss, translate and publish Laski's work.

[C] PAPERS DISCUSSED AT THE WORKSHOP AND BIOGRAPHICAL METHODS

The workshop started with Professor Xu's presentation on her draft paper entitled 'Travelling Concepts: Harold Laski's Disciples and the Evolution of the Human Rights Idea in Republican China (1919-1949)'. This paper focuses on a case study of Harold Laski's long neglected but very significant influence on the evolution of human rights, one of the key concepts that has emerged in China's search for modernity and democracy. It examines the idea of human rights as a 'travelling concept', draws on Edward Said's discussion on 'travelling theory' and published

biographies of the Chinese intellectuals who were highly influenced by Laski, and applies and develops actor–network theory in a new context. In so doing, this article explores the ways in which Laski’s conception of rights was translated, reinterpreted and recast as a human rights idea in Republican China (1911-1949). It sheds new light on our understanding of the ways in which the concept of human rights may ‘travel’ across different contexts.

Professor Xu also discussed the application and development of biographical methods in her presentation. Biography provides a rich and important source of materials for socio-legal studies and the study of legal history (Sugarman 2014). As a methodological strategy, it remedies the shortcomings of the dominant approach to studying law that overlooks individual stories and contributions in favour of an examination of concepts, systems and events. For example, the LSE Legal Biography Project draws upon legal biographies and autobiographies to study the legal system and culture and the evolution of case law and statute. Other initiatives include Duxbury (2004) on Pollock, Lacey (2004) on Hart, Dukes (2008 and 2009) on Kahn-Freund, and Mulcahy and Sugarman (eds 2015) on legal biography and legal life-writing. However, very few of these studies have a strong comparative focus.

Professor Xu discussed the ways in which the paper developed a comparative biographical approach to studying the ways in which the human rights idea travelled in China, transcending jurisdictional and disciplinary boundaries. It did so by examining a series of biographical studies of the Chinese intellectuals who were highly influenced by Laski’s discussion on rights and their relationships with individuals, groups and the state. Analysis of individual biographies is located in the cultural, political and social context in which Laski and these Chinese intellectuals lived. This comparative biographical approach falls into the genre of ‘intellectual biography’ through which we can examine ‘wider movements, ideas, and processes’ through the medium of the individual (Parry 2010: 217). The combination of Said’s travelling theory, actor–network theory and biographical methods enables the examination of individual contributions to the emergence of the human rights idea and the ways in which the human rights idea travelled through the individual’s interaction with their friends, mentors, networks, institutions and social movements, as well as their translation and dissemination of Laski’s works. The human rights idea was further developed in a larger debate on human rights among Chinese intellectuals and embedded in the draft of a new constitution.

[D] DISCUSSION AT THE WORKSHOP

Professor Xu's talk was followed by five presentations from the speakers and rigorous and in-depth discussion of her paper from the audience; each presentation addressed one of the objectives/themes of the workshop. Professor Cotterrell's and Professor Palmer's presentations addressed the theme on Laski's impact on intellectual thinking and institution building, in particular, the evolution of rights in Republican China. Professor Cotterrell discussed Laski's focus on rights and explored the possibilities of developing Laski's work on rights from the sociological perspective and relevant challenges. Professor Palmer introduced Laski's legacy in China as part of a wider LSE influence in China on the thinking and practice of issues such as rights and liberty and suggested that the comparative legal studies literature on the diffusion of law might be a useful perspective with which to examine the impact in China of Laski and other scholars at the LSE. Professor Cranston's presentation focused on the use of biographical methods in legal research. He gave an overview of the LSE Legal Biography Project, introduced different types of legal biography, and examined the limits of traditional legal biography. Dr Lamb and Professor Loughlin focused on the legacy of Laski's legal philosophy in their presentations. After giving a brief overview of Laski's legal philosophy, Dr Lamb discussed Laski's legacy in China after the 1950s. He argued that Laski's influence is still alive and important for promoting democracy and the rule of law in China. Professor Loughlin discussed the ways in which Laski provided an intellectual framework for public law, as well as political jurisprudence. Professor Snyder outlined and examined the legal history of China–Britain relations from the Opium Wars to the handover of Hong Kong in 1997 and its contemporary implications in his presentation.

[E] CONTEMPORARY IMPLICATIONS

For the contemporary implications of the workshop, we examined the complex interaction of social, political, economic and intellectual forces that have shaped the travel of legal and political ideas in general and the human rights idea in particular from a transnational perspective. Laski seems almost forgotten today. Yet at the workshop we discussed the relevance of Laski's ideas to many contemporary issues we are dealing with in our own time, including the relationship between the individual, society and the state, the socio-economic conditions that make social democracy feasible, and the ways in which we may mitigate the tensions between liberty and state control.

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