



Young Scholar Forum: Reconsideration of Imperial Monarch in Song China from a Comparative Perspective (29 June 2023)

In light of a forthcoming book on Histories of International Law in China: All Under Heaven? (edited by Ignacio de la Rasilla, Jiangyu Wang, and Congyan Cai, Oxford University Press 2025), the Centre for Chinese and Comparative Law (CCCL), in partnership with Wuhan University Law School and Fudan University Law School, is organizing a massive series of public lectures on the histories of international law from both Chinese and global perspectives. On 29 June 2023, the Centre for Chinese and Comparative Law (CCCL) of the City University of Hong Kong's School of Law hosted the third distinguished lecture to assist students and lawyers in reconsidering imperial monarch in Song China. Mr. **Huo Xiaobin**, PhD Candidate at the School of Law, the City University of Hong Kong, was invited as our awesome speaker.

Prof. Sin Chit Martin Lai, assistant professor, delivered a welcome speech to start the seminar.

Mr. Huo Xiaobin is a PhD candidate at the School of Law, City University of Hong Kong. His research interests include constitutional law, legal history, comparative law, and intellectual property law. His current research focuses on the comparative study of the power distribution schemes in Song China and pre-industrial England.

Mr. Huo, in his lecture, discussed the role of the monarchy in different contexts, specifically focusing on the internal and external perspectives of the monarch's power and status.

According to Alan T. Wood, the fundamental concern of neo-Confucianism in Northern Song was to establish a view of authority that would maintain civil order and national unity while acknowledging the moral purposes of human social life. This served to prevent the arbitrary exercise of imperial power and the degeneration of government into tyranny.

The role of the monarch was examined under two models of power. English constitutional law scholar Maitland emphasized the distinction between the monarch's private capacity and public capacity. This distinction was crucial in determining the extent of the monarch's power. However, in practice, especially in ancient England, the roles of the monarch often became conflated, leading to issues of despotism.

The internal perspective focused on the monarch's status as an individual person and their inclination to use their public position to satisfy personal needs, regardless of reasonableness. The external perspective, on the other hand, considered the interaction between the monarch and other power forces in society. The two perspectives were closely related, as the development of one set of binaries could impact the development of the other.

To limit the power of the monarch, it was necessary to separate their public and private capacities. The primary focus should be on limiting the power exercised by the monarch in their personal capacity, rather than the power exercised in the public interest. In England, the monarch's personal capacity often overshadowed their public capacity, leading to power conflicts. In contrast, in Song China, the emperor represented the public capacity of the monarch.

Overall, Mr. Huo emphasized the need to understand and manage the roles and power of the monarch from both internal and external perspectives. By separating the public and private capacities of the monarch, it became possible to restrict the arbitrary exercise of power and maintain a balance between the monarch's personal needs and the public interest. Mr. Huo not only explored the internal and external perspectives of the monarch's role and power, but also highlighted the importance of separating the public and private capacities of the monarch to prevent despotism and maintain a balance between personal and public needs.

Dr. Li Teng, Post-doctoral Fellow, National University of Singapore then led a discussion session following Mr. Huo's thought-provoking speech, in which they shared their insights. The majority of all those attending took the opportunity to demonstrate their insightful opinions.

In the end of the seminar, **Prof. Lai** gave a closing remark in which he thanked all of the attendants for their contributions to the lecture's success.



Mr. HUO Xiaobin



Prof. Martin Lai



Dr. Teng LI