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Professional Resistance of Lawyers: Defending Human Rights and the Rule of Law in Hong Kong After Umbrella Movement

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Going Against the Grain

University of Dayton Human Rights Center

Social Practice of Human Rights Conference, Oct. 1-4, 2019

Professional Resistance of Lawyers: Defending Human Rights and the Rule of Law in Hong Kong After Umbrella Movement

Presented by:

Yan-Ho Lai, *University of London*

Session: Defending Human Rights

Abstract:

Purpose: Against the backdrops of deteriorating human rights protections and the rule of law after the unprecedented Umbrella Movement in Hong Kong, this paper investigates the roles and impacts of mobilised legal profession in resisting China's authoritarian rule over and defending domestic human rights regime in Hong Kong. This paper argues that, despite the legal profession of Hong Kong becomes further divided under the political and economic statecraft, lawyer activism as a professional resistance becomes a new force to resist the political intervention of the rule of law as well as deepening the cultural and institutional foundations of the rule of law. This paper enhances our understanding of the relationship between lawyers and the state under authoritarian context.

Design: Based on semi-structured interviews with founders of two lawyer groups, solicitors, barristers and legal academics in Hong Kong, as well as content analysis over media materials, published materials of various legal associations and institutions, this paper identifies the majors challenges to the rule of law and human rights protections by the Chinese authority, examines the rhetorical, intellectual and mobilisational responses of the organised and individual Bar, post-Umbrella groups including Professional Lawyers Group and Law Lay Dream, and explains their contributions alongside limitations through institutional, economic and cultural perspectives.

Originality: Theoretically speaking, this paper theorise the relationship between legal profession and the state under authoritarian and semi-authoritarian contexts. This paper also explains the causes, roles and impacts of legal elites in political and social transformation. Empirically speaking, this paper contributes to socio-legal study of China by offering an original investigation of the responses of the legal profession to the new political and legal environment engineered by China after Hong Kong's Umbrella Movement.

Presenter information:

Mr. Yan Ho Lai is a Doctoral Candidate in Law at the School of Oriental and African Studies (SOAS), University of London. He was awarded Bachelor Degree of Social Science in Government and Public Administration at the Chinese University of Hong Kong in 2008-2012.

He began his service of research and teaching in universities and tertiary education institutions since 2014, after being awarded a degree of Master of Science in Political Sociology at London School of Economics and Political Science during 2012-2013. He is a Visiting Fellow in Centre for Comparative and Public Law (CCPL) in the Faculty of Law of the University of Hong Kong in year 2018/19, and has been involving in human rights advocacy and lobbying work in civil society of Hong Kong.