

*Judicialization of the Chinese Constitution Revisited: Empirical Evidence from Court Data**

Daniel Sprick

Abstract

The repeal of *Qi Yuling v. Chen Xiaoyi* in 2008 seemed to bring an official end to China's judicialization of its constitution. The application of the Chinese constitution has since been banned from judicial practice, although legal disputes that entail constitutional arguments nevertheless continue to be argued before the courts. This article is based on a study of more than 900 court cases heard between 2014 and 2016 in which judges referred to the constitution for their legal reasoning. The cases were retrieved from the China Judgements Online database. In the article, I demonstrate the mechanism and effects of this low-key constitutional jurisprudence in three case groups depicting different understandings of the constitution at the local level.

Although the People's Republic of China (PRC) has a fairly extensive formal constitution, efficacious mechanisms or institutions for enforcing constitutional provisions have never been established. Furthermore, after the Supreme People's Court (SPC) repealed the country's first constitutional case, *Qi Yuling* (齊玉苓) *v.* *Chen Xiaoyi* (陳曉琪), in 2008, and effectively banned the use of the constitution in court the following year, the

Daniel Sprick is a Research Associate in the Chair of Chinese Legal Culture, Institute of East Asian Studies, University of Cologne, Germany. Correspondence should be sent to dsprick@uni-koeln.de.

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