

Course Profile

Course Name: Law and Development: Chinese Experiences

Course Code: LA26031

Course Credits: 2

Course Category: Required Elective

Terms Offered:

Fall _____

Spring 1-11 week

Summer_____

Course Pre/Co-requisites: none

Textbook: own materials, including slides and journal articles

Instructor: George Zheng

[Name] George Zheng

[Email] gezheng@hotmail.com

[Office] 450, Leo Koguan Law Building

[Office Hours]: Wednesday-Friday, 3-5 pm or by appointment.

Course Description:

“Law and Development” broadly refers to the theory and practice of advancing economic and social progress through legal reform and institutional capacity building. The beauty of this particular area of scholarship and practice lies in the fact that hardly anyone can disagree with the goal of building a neutral, fair, and universally accessible institutional framework which is meant to benefit all people in equal terms. Nevertheless, how to achieve this goal is an unsettled question. Even the causal relationship between rule of law and economic development is under dispute.

China presents a uniquely rich case for law and development study. While responses towards China’s economic development range from outright pessimism about China’s future to fear of China as “superpower”, what is undeniable is the rapid economic growth of China over the past

three decades. Meanwhile, few would deny that China has grown economically without an effective legal system.

This perplexity can be decomposed into a number of questions, for example: is corruption not just a by-product but rather a necessary component in the current mode of “doing business in China”? Has the economic development in China deterred the democratization of Chinese politics (by providing an alternative basis of legitimacy for the Communist Party)? Is economic development sustainable in China given the rapidly degrading environment and how should law do about it? Insights on each of these questions can be drawn from the rich literature which we are going to read for this course and generated in our class discussions. While these insights are recomposed into the broader picture, we’ll have a clearer idea on the complex relationship between rule of law and social/economic development.

A student who has successfully completed this subject should:

- Be familiar with the range of theoretical approaches to understanding and evaluating various law and development initiatives;
- Have the capacity to comprehend and explain basic quantitative indicators and qualitative conceptions of development;
- Have a thorough knowledge of the major processes and actors involved in the institutionalization of development in the People’s Republic of China;
- Have a general understanding of the role of International Organizations, esp. the UN, the World Bank, and the International Monetary Fund, in rule of law and development projects in China and other developing countries;
- Be able to apply the conceptual, historical and theoretical framework of this subject to situate and critically assess what he or she has learnt in other Chinese law and common law subjects;
- Have a cultivated sensitivity to social, historical and political-economy issues that arise in the implementation of the rule of law. (

Grading Policy:

Students will be evaluated based on active participation (20%) and final Exam (80%)

Syllabus:

1. Law and Development: conceptual framework
2. Law and Development: the case of China as a model or deviation
3. The role of the judiciary in development

4. The “stability” business: security v. liberty
5. Corruption and its impact on development
6. The changing color of the state: property rights and redistribution
7. Contract law and economic development
8. Internet governance and the information society
9. Democratization in subtle ways
10. Ethnic Minority Issues
11. Environment law and sustainable development