

Course Profile

Course Name: Chinese Law and Society

Course Code: X190643

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:

The objective of this course is to introduce you to the study of Chinese law as a developing legal system in its local and global social context. Law as contemporary lawyers understand it didn't emerge spontaneously in traditional Chinese society. It has developed in China as part of the modernization project since the second half of 19th century. Since 1978, in order to initiate and carry out economic reforms, within a short period of time the Chinese Party-State has generated an extraordinary outpouring of laws. However, China has not been widely recognized as a "rule of law" society until now, due to the lack of some key institutional values which are

“essential” to such a society. In this seminar, we shall examine the traditional Chinese ways of governing before China encountered modernity, the structure and roles of contemporary Chinese legal institutions, constitutional law, administrative law, criminal justice and civil procedure from historical and comparative perspectives.

After taking this course, the students are expected to be able to:

1. Describe the institutional framework, procedural arrangements, and fundamental principles structuring contemporary Chinese legal system;
2. Explain the major cultural, economic and political forces informing and transforming the formal legal institutions in China;
3. Compare the fundamental features of Chinese legal system with other major legal systems in our contemporary world;
4. Apply the basic concepts and principles in various branches of Chinese law to solve real-world problems in China;
5. Evaluate the performance of Chinese legal institutions by relying upon well-developed legal principles and concepts embodies in the universal ideal of “rule of law” with proper consideration of China’s particular historical and cultural background.

Teaching Method and Reading Materials

The course will be organized as a seminar in its classical sense. During our recurring meetings, we will focus on a particular topic each time, in which everyone present is expected to actively participate. I will assign you some materials to read before each meeting and will give an introductory lecture at each meeting. Then we’ll have discussions and dialogues on the topic covered by the reading materials and my lecture.

There is no required textbook for this course. Albert HY Chen’s *An Introduction to the Legal System of the People’s Republic of China* (Fourth Edition, LexisNexis 2011) is recommended for those who have never taken a Chinese law course. Compulsory reading materials will be sent to the students as the course proceeds.

Grading Policy:

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

Syllabus:

1. Chinese Legal Traditions
2. Sources of Chinese Law
3. Constitutional Law
4. Judiciary

5. Legal Profession and Legal Education
6. Legislative Process
7. Administrative Law
8. Criminal Law
9. Criminal Procedure
10. Civil Law
11. Civil Procedure