

SOSC 1840 Government, Law and Society in China

Time: 3:00 – 4:20 pm
Tues. and Thur.
Venue: Online
Instructor: Yongshun Cai
Office: 3381

Tel: 2358-7823
Email: socai@ust.hk
Office Hour: 3:00 pm – 5:00 pm, Wed.
or by appointment

TAs:
Warren Lu: warren.lu@connect.ust.hk

Course description

This course introduces to students the basic knowledge about the operation of the Chinese legal system or legal institutions. It examines how laws are used in the social, economic, and political activities of the Chinese people. The course focuses not on the Chinese laws *per se* but on how laws are used in people's daily lives. Examples or cases will be used extensively in the course to illustrate the topics included. Major topics discussed in the course include the interactions between legal institutions and the party-state (i.e., the party and the government), the behavior of legal workers (e.g., judges, police officers), citizens' use of civil lawsuits and administrative litigation, and some important mechanisms through which citizens or other social actors seek justice in China.

Learning outcomes

After taking this introductory course, students are expected to: (1) know about Chinese legal institutions and their functions; (2) be familiar with the ways legal disputes are resolved in China; (3) understand the mechanisms that can be exploited by citizens or other social actors to seek justice in Chinese society; and (4) be able to analyze basic legal issues in China.

Course requirements:

Students are expected to attend the lectures and complete the assigned readings. Students will be assessed in light of the following criteria:

1. Three pop-up quizzes (5 points each)
 - a. The quiz covers what has been discussed in the previous lecture.
 - b. Make-up quiz is possible but conditional.
Asking for a leave in advance is needed in order to take the make-up.
If you need to take a leave, you need to email Jingyang HUANG at jingyang.huang@connect.ust.hk in advance.
2. Mid-term exam (42 points, multiple-choice + short essay questions)
3. Final exam (43 points, multiple-choice + short essay questions, noncumulative)

Lecture notes and reading materials are available at the course (<https://canvas.ust.hk/courses>).

Lectures

Week 1 Introduction: law and society in China

Wang Shaoguang, "The Problems of State Weakness," *Journal of Democracy*, vol. 14, no. 1 (2003), pp. 36-42.

Week 2 Introduction to legal institutions in China

1. "China's Judicial System: people's courts, procuratorates, and public security," <http://www.olemiss.edu/courses/pol324/chnjudic.htm>

2. Richard Wong, "Why China chose the German instead of English legal system," *South China Morning Post*, October 13, 2015.

Week 3 Legal workers in China

Peerenboom, *China's Long March toward Rule of Law*, pp. 290-302.

"Judging judges: To help build "the rule of law", China is demoting judges," *The Economist* Sep 26th 2015

Week 4 Citizens' use of law in China (I)

Yongshun Cai, "Social Conflicts and Modes of Action in China," *China Journal*, vol. 59 (2008), pp. 62-82.

Zhang Shouzhi, "Litigation and enforcement in China: overview," global.practicallaw.com/8-502-1965

Week 5 Citizens' use of law in China (II)

Video: "The Story of Qiu Ju" (秋菊打官司) (English Subtitle).

Randall Peerenboom, *China's Long March toward Rule of Law*, pp. 280-295.

Week 6 Suing the government in China

Peerenboom, *China's Long March toward Rule of Law*, pp. 414-424.

Kevin O'Brien and Lianjiang Li, "Suing the local state: Administrative Litigation in Rural China," *China Journal*, vol. 51 (2004), pp. 75-96.

Week 7 Law enforcement in China

Cindy Chu, "Human trafficking and Smuggling in China," *Journal of Contemporary China*, vol. 20, no. 68 (2011), pp. 39-52.

Suggested reading:

Donald, Clarke, "The Execution of Civil Judgments in China," *China Quarterly*, vol. 141 (1995), pp. 65 –81.

Xin He, "Debt-Collection in the Less Developed Regions of China: An Empirical Study from a Basic-Level Court in Shaanxi Province," *The China Quarterly*, no. 206,

Seeking Justice in China: Redress Mechanisms

Week 8. Appeals and justice in China

Peerenboom, *China's Long March toward Rule of Law*, pp. 302-312.

Jim Yardley, "Desperate Search for Justice: One Man vs. China," *The New York Times*, 12 November 2005.

(Mid-Term Exam; it covers Lecture 1 to Lecture 6, second class of **week 8)**

Week 9 Petitions and justice in China

Yongshun Cai, "Managed Participation in China," *Political Science Quarterly*, vol. 119, no. 3 (2004), pp. 425-452.

Suggested reading:

Xi Chen, *Social Protests and Contentious Authoritarianism in China*, "'Trouble Making' Tactics and their efficacy," pp. 159-186.

Week 10 Media and justice in China

Ben Liebman, "Changing media, changing courts" in Susan Shirk (ed.), *Changing Media, Changing China* (Oxford: Oxford University Press, 2011), pp. 150-174.

Week 11 The People's Congress

"The National People's Congress," <http://www.china.org.cn/english/27743.htm>

Suggested reading:

Pitman Potter, *The Chinese Legal System* (London: Routledge, 2001), pp. 16-26.

Week 12 Lawyers in China

Yongshun Cai and Songcai Yang, "State Power and Unbalanced Legal Development in China," *Journal of Contemporary China*, vol. 14, no. 42 (2005), pp. 117-134.

Week 13 To the Court or to the Street: Social Protests in China

Chen, Chih-Jou Jay, "Growing Social Unrest and Emergent Protest Groups in China", editor(s): Hsin-Huang Michael Hsiao and Cheng-Yi Lin, *Rise of China: Beijing's Strategies and Implications for the Asia-Pacific* (London and New York: Routledge, 2009), pp. 87-106.

Suggested reading:

Kevin O'Brien, "Collective Action in the Chinese Countryside," *The China Journal*, no. 48 (2002), pp. 139-154.

Final Exam (second class of the last week)