

**The Hong Kong University of Science and Technology**  
**UG Course Syllabus**

**Government, Law and Society in China**

[SOSC1840]

[3 credits]

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**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.

**Intended Learning Outcomes (ILOs)**

By the end of this course, students should be able to:

1. understand Chinese legal institutions and their functions.
2. understand the ways legal disputes are resolved in China.
3. understand the mechanisms that can be exploited by citizens or other social actors to address their disputes in Chinese society.
4. analyze basic legal issues in China.

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**

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

2 "Judging judges: To help build "the rule of law", China is demoting judges,"

*The Economists* 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.

#### **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**

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

2. 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**

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

2. 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.

##### **Week 10 Media and justice in China**

Morozov, Evgeny. "Whither Internet Control?" *Journal of Democracy* 22, no. 2 (2011): 62-74.

##### **Week 11 The People's Congress**

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

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

## Week 12 Lawyers in China

Carlos Wing-Hung Lo and Ed Snape, "Lawyers in the People's Republic of China," *The American Journal of Comparative Law*, vol. 53, no. 2 (2005), pp. 433-455

## Week 13 Non-institutionalized modes of conflict resolution

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)

### Assessments:

Summary Table

Assessment Task	Contribution to Overall Course grade (%)	Due date
First quiz	6%	Pop-up
Second quiz	6%	Pop-up
Third quiz	6%	Pop-up
Mid-term	41%	The eighth week
Final exam	41%	The final week

### 1. Quizzes

There are three in-class pop-up quizzes in class time. A quiz includes one or more legal phenomena or cases that need to be analyzed by students. The time for a quiz will NOT be announced beforehand. The context of a quiz covers the lecture note of the previous week.

### 2. Mid-term exam

The mid-term exam covers the content in the first 6 weeks of this course. It includes assessment questions about legal institutions, their operations, and legal phenomena.

### 3. Final exam

The final exam covers the content of Lectures 7 to 13. It includes assessment questions about dispute-resolution channels and legal phenomena.

## Mapping of Course ILOs to Assessment Tasks

Assessed Task	Mapped ILOs	Explanation
Quizzes	ILO1, ILO2, ILO3, ILO4]	This task assesses students' knowledge and understanding of China's legal system (ILO 1) and its operation (ILO 2; ILO 3). It also assesses students' ability to analyze legal issues through specific cases or phenomena (ILO 4).
Mid-term exam	ILO1, ILO2, ILO4]	This task assesses students' understanding of the Chinese legal system and dispute resolution (ILO

		1 and 2). It also assesses students' ability to analyze legal phenomenon in China.
Final exam	ILO3, ILO4]	This task assesses students' understanding of the mechanisms used to address legal disputes in China (ILO 2 and 3). It also assesses students' ability to analyze legal phenomena and legal issues in China (ILO 4).

### Grading Rubrics

[Detailed rubrics for each assignment will be provided. These rubrics clearly outline the criteria used for evaluation. Students can refer to these rubrics to understand how their work will be assessed.]

	Understanding context and concepts	Application of concepts and analysis
Excellent	Have a very clear understanding of the legal history, issues, and concepts introduced and discussed.	Have a very clear understanding of legal phenomena and can clearly analyze such legal phenomena with concepts and knowledge introduced in the course.
Good	Have a clear understanding of the legal history, issues, and concepts introduced and discussed.	Can provide a good explanation of legal phenomena with concepts and knowledge introduced.
Satisfactory	Know the legal history, issues, and concepts introduced and discussed.	Can provide a reasonable explanation of legal phenomena with concepts and knowledge introduced.
Marginal	Have a basic knowledge about the legal history, issues, and concepts introduced and discussed.	Understand the legal phenomena with concepts and knowledge.
Fail	Fail to understand the legal history, issues, and concepts introduced and discussed.	Unable to provide a reasonable explanation of legal phenomena with concepts and knowledge introduced.

### Final Grade Descriptors:

Grades	Short Description	Elaboration on subject grading description
A	Excellent Performance	Demonstrates a deep understanding of legal issues, theories and concepts in the Chinese context. Exhibits excellent critical thinking skills in understanding and analyzing legal issues using relevant theoretical frameworks. Effectively communicates complex ideas about discussed topics.
B	Good Performance	Shows good knowledge and understanding of the main concepts, theories, and legal issues and the ability to analyze and evaluate issues. Shows good critical thinking skills in understanding and analyzing legal issues using relevant theoretical frameworks.
C	Satisfactory Performance	Shows an adequate understanding of concepts, legal theories and legal issues. Displays satisfactory critical thinking skills in understanding and analyzing legal issues using relevant theoretical frameworks. May lack depth in analysis and application.

D	Marginal Pass	Has basic knowledge of concepts, legal theories and legal issues. Shows limited critical thinking skills in analyzing legal issues. Benefits from the course and has the potential to develop in the discipline.
F	Fail	Demonstrates insufficient understanding of the legal issues, legal theories, and concepts. Shows inadequate ability to think critically or analytically and exhibits minimal effort towards achieving learning goals.

### **Course AI Policy**

No use of AI in all exams.

### **Communication and Feedback**

Assessment marks for individual assessed tasks will be communicated via Canvas within two weeks of submission. Feedback on assignments will include [specific details, e.g., strengths, areas for improvement]. Students who have further questions about the feedback including marks should consult the instructor within five working days after the feedback is received.

### **Required Texts and Materials**

[all readings are uploaded to the course website]

### **Academic Integrity**

Students are expected to adhere to the university's academic integrity policy. Students are expected to uphold HKUST's Academic Honor Code and to maintain the highest standards of academic integrity. The University has zero tolerance of academic misconduct. Please refer to [Academic Integrity | HKUST – Academic Registry](#) for the University's definition of plagiarism and ways to avoid cheating and plagiarism.