

SOSC 1840 Government, Law and Society in China

Time: 9:00 am – 10:20 am
Mon.; Wed.; Frid
Venue: 3008
Instructor: Yongshun Cai
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Office Hour: 3:00 pm – 5:00 pm, Tue.
or by appointment

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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.

Learning outcomes

After taking this introductory course, students are expected to: (1) know 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 in-class pop-up quizzes (5 points each)
 - a. The quiz only covers what has been discussed in the previous class.
e.g., the quiz on Friday will be about the lecture on Wednesday in the same week; or if the quiz is on Monday, it will be about what has been discussed in the previous Friday.
 - 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 Zhoutiti: zhoutiti@ust.hk and cc me at socai@ust.hk in advance. But one cannot take too many leaves.

2. Mid-term exam (37 points, multiple-choice questions)

3. Final exam (48 points, multiple-choice questions; non-cumulative)

Lecture notes and reading materials are available at the course (<http://lmes2.ust.hk/portal>
Or <http://lmes2.ust.hk>). Optional readings are available in the reserve section of the library.

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.

"The Cultural Revolution"

<http://members.fortunecity.com/stalinmao/China/Cultural/Cultural.html>

Week 2 Introduction to legal institutions in China

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

Suggested reading:

Randall Peerenboom, *China's Long March toward Rule of Law*, pp. 280-290; 302-314.

Week 3 Legal workers in China

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

Robert Marquand, "Change begins for a legal system that even China's president has criticized," *The Christian Science Monitor*, 16 August 2001.

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).

Philip P. Pan, "In China, Turning the Law into the People's Protector," *Washington Post*, December 28, 2004; Page A01

Geoffrey York, "Low wages, cruel bosses, no rights: An army of migrant workers grows restless," <http://www.theglobeandmail.com/servlet/ArticleNews/TPStory>.

Week 6 Suing the government in China

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

“Peasants’ burden prompts litigation, violence,” <http://www.chinadevelopmentbrief.com>,

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.

Seeking Justice in China: Redress Mechanisms

Week 8. Appeals and justice in China

(Mid-Term Exam) is in the last class of this week; it covers Lecture 1 to Lecture 6)

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.

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:

“The extrajudicial execution of Cao Haixin, a good citizen of Zhengzhou,” translated from Chinese by Joe Chung.

Week 10 Media and justice in China

Li Xiaoping, “Focus (jiaodian fangtan) and the Changes in the Chinese Television History,” *Journal of Contemporary China*, vol. 11, no. 30 (2002), pp.17-34.

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.

Week 14 Final Exam