

LW6172E: LAW AND SOCIETY IN CHINA

Effective Term

Semester B 2024/25

Part I Course Overview

Course Title

Law and Society in China

Subject Code

LW - Law

Course Number

6172E

Academic Unit

School of Law (FL)

College/School

School of Law (FL)

Course Duration

One Semester

Credit Units

3

Level

P5, P6 - Postgraduate Degree

Medium of Instruction

English

Medium of Assessment

English

Prerequisites

Nil

Precursors

Nil

Equivalent Courses

LW5966

Exclusive Courses

Nil

Part II Course Details

Abstract

This course aims to provide a basic understanding of the theoretical and practical issues relating to law and society in China, the extent to which law as a tool for social engineering has affected social development and how far social forces have influenced the functioning of law and the interaction among legal institutions in China.

Course Intended Learning Outcomes (CILOs)

CILOs		Weighting (if app.)	DEC-A1	DEC-A2	DEC-A3
1	Identify, evaluate and synthesize the theoretical framework of issues relating to law and society and in particular their impact on legal policies.		x	x	x
2	Explain the relationship between law and society in China, examine their interaction for the purpose of understanding the rule of law and promoting social development.		x	x	x
3	Identify the legal issues that affect China's society.		x	x	x
4	Critically assess the legal development relating to social forces.		x	x	x
5	Explain, evaluate and compare issues relating to constitutional law, administrative law, property law, labor law, etc. in China with a view to critically analysing these issues within the framework of law and society.		x	x	x

A1: Attitude

Develop an attitude of discovery/innovation/creativity, as demonstrated by students possessing a strong sense of curiosity, asking questions actively, challenging assumptions or engaging in inquiry together with teachers.

A2: Ability

Develop the ability/skill needed to discover/innovate/create, as demonstrated by students possessing critical thinking skills to assess ideas, acquiring research skills, synthesizing knowledge across disciplines or applying academic knowledge to real-life problems.

A3: Accomplishments

Demonstrate accomplishment of discovery/innovation/creativity through producing /constructing creative works/new artefacts, effective solutions to real-life problems or new processes.

Learning and Teaching Activities (LTAs)

LTAs		Brief Description	CILO No.	Hours/week (if applicable)
1	Lecture and discussion	Students will be provided with certain reading materials every week that will form the basis for discussions in the seminar each week. While the reading materials that will be given for the purposes of discussions will be essential reading, the students will also be encouraged to identify of their own additional materials relevant to the topic of discussion in a particular seminar.	1, 2, 4, 5	3 hours/week or a total of 39 hours of block teaching.
2	Seminar/presentation/problem specific debate/tutorial	Students will engage with group discussions which will be conducted in an interactive manner. The lecturer will provide an overview of the subject matter of the topics that will be discussed in a particular seminar and the students are expected to participate in the discussion that would follow. The lecturer will be moderating the discussion. The focus on the seminar will be to analyse and critically examine the key issues relating to the topic for discussion on the basis of the arguments given in the reading materials. Students are expected to be prepared for questions and other forms of assessment during the seminars.	3, 4, 5	

Assessment Tasks / Activities (ATs)

ATs		CILO No.	Weighting (%)	Remarks (e.g. Parameter for GenAI use)
1	Coursework	1, 2, 3, 4, 5	50	The use of Generative AI tools is not allowed.

Continuous Assessment (%)

Examination (%)

50

Examination Duration (Hours)

3

Additional Information for ATs

Open book examination: The use of Generative AI tools is not allowed.

Assessment will be formative to enable students to demonstrate their capacity to understand and analyse socio-legal phenomena. It is also the purpose of the assessment pattern to assess the ability of students to creatively and critically analyse issues relating to the subject with a holistic perspective of law and society.

Applicable to students admitted before Semester A 2022/23 and in Semester A 2024/25 & thereafter

Students must obtain a minimum mark of 40% in both coursework and examination and an overall mark of 40% in order to pass the course.

Applicable to students admitted from Semester A 2022/23 to Summer Term 2024

Students must obtain a minimum mark of 50% in both coursework and examination and an overall mark of 50% in order to pass the course.

Assessment Rubrics (AR)

Assessment Task

Coursework (for students admitted before Semester A 2022/23 and in Semester A 2024/25 & thereafter)

Criterion

Students to demonstrate their capacity to understand, analyse socio-legal phenomena. It is also the purpose of the assessment pattern to assess the ability of students to creatively and critically analyse issues relating to the subject with a holistic perspective of law and society.

Excellent

(A+, A, A-) Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.

Good

(B+, B, B-) Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.

Fair

(C+, C, C-) Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.

Marginal

(D) Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.

Failure

(F) Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.

Assessment Task

Examination (for students admitted before Semester A 2022/23 and in Semester A 2024/25 & thereafter)

Criterion

Students to demonstrate their capacity to understand, analyse socio-legal phenomena. It is also the purpose of the assessment pattern to assess the ability of students to creatively and critically analyse issues relating to the subject with a holistic perspective of law and society.

Excellent

(A+, A, A-) Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.

Good

(B+, B, B-) Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.

Fair

(C+, C, C-) Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.

Marginal

(D) Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.

Failure

(F) Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.

Assessment Task

Coursework (for students admitted from Semester A 2022/23 to Summer Term 2024)

Criterion

Students to demonstrate their capacity to understand, analyse socio-legal phenomena. It is also the purpose of the assessment pattern to assess the ability of students to creatively and critically analyse issues relating to the subject with a holistic perspective of law and society.

Excellent

(A+, A, A-) High

Good

(B+, B) Significant

Marginal

(B-, C+, C) Moderate

Failure

(F) Inadequate

Assessment Task

Examination (for students admitted from Semester A 2022/23 to Summer Term 2024)

Criterion

Students to demonstrate their capacity to understand, analyse socio-legal phenomena. It is also the purpose of the assessment pattern to assess the ability of students to creatively and critically analyse issues relating to the subject with a holistic perspective of law and society.

Excellent

(A+, A, A-) High

Good

(B+, B) Significant

Marginal

(B-, C+, C) Moderate

Failure

(F) Inadequate

Part III Other Information

Keyword Syllabus

Various dimensions of discourses relating to law and society in China and their impact on the rule of law, social and economic development, and civic and political culture of the people. The role of social forces and their impact on law. Policy and theoretical issues relating to the functioning of legal institutions in China.

Reading List**Compulsory Readings**

Title	
1	Nil

Additional Readings

Title	
1	Max Weber, Max Weber on Law in Economy and Society, Max Rheinstein ed, Harvard University Press, 1954.
2	Stuart R. Schram, The Political Thought of Mao Tse-tung, New York: Praeger. 1963.
3	Yang Su, Collective Killings in the Cultural Revolution, Cambridge University Press, 2012.
4	Stanley B. Lubman, Bird in a Cage: Legal Reform in China after Mao, Stanford: Stanford University Press, 2000.
5	Shucheng Wang, Law as an Instrument: Sources of Chinese Law for Authoritarian Legality, Cambridge University Press, 2022.
6	Stephanie Balme and Michael Dowdle, eds., Building Constitutionalism in Contemporary China, Palgrave, 2009.
7	Mary E. Gallagher, Authoritarian Legality in China: Law, Workers, and the State, Cambridge: Cambridge University Press, 2017.
8	Kwai Hang Ng and Xin He, Embedded Courts: Judicial Decision-Making in China, New York: Cambridge University Press, 2017.
9	Yu Mou, The Construction of Guilt in China – An Empirical Account of Routine Chinese Injustice, Oxford: Hart Publishing, 2020.
10	Sida Liu and Terence C. Halliday, Criminal Defense in China: The Politics of Lawyers at Work, Cambridge University Press, 2016.
11	Randall Peerenboom, China's Long March toward Rule of Law, Cambridge University Press, 2009.
12	Taisu Zhang, The Ideological Foundations of Qing Taxation: Belief Systems, Politics, and Institutions, Cambridge University Press, 2023.
13	Carl Minzner, End of an Era: How China's Authoritarian Revival is Undermining Its Rise, Oxford University Press, 2018.
14	Ching Kwan Lee, The Specter of Global China: Politics, Labor, and Foreign Investment in Africa, University of Chicago Press, 2017.

15	Fenggang Yang, <i>Religion in China: Survival and Revival under Communist Rule</i> , Oxford University Press, 2011.
16	Teemu Ruskola, <i>Legal Orientalism: China, the United States, and Modern Law</i> , Harvard University Press, 2013.
17	Rachel Stern, <i>Environmental Litigation in China: A Study in Political Ambivalence</i> , Cambridge University Press, 2013.
18	Marlene Laruelle, ed., <i>The Oxford Handbook of Illiberalism</i> , Oxford University Press, 2024.
19	Jean Oi and Andrew Walder, eds., <i>Property Rights and Economic Reform in China</i> Stanford: Stanford University Press, 1999.