

**City University of Hong Kong**

**Course Syllabus**

**offered by School of Law  
with effect from Semester A 2024/25**

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**Part I Course Overview**

<b>Course Title:</b>	<u>Law and Society in China</u>
<b>Course Code:</b>	<u>LW6172E</u>
<b>Course Duration:</b>	<u>One semester</u>
<b>Credit Units:</b>	<u>3</u>
<b>Level:</b>	<u>P6</u>
<b>Medium of Instruction:</b>	<u>English</u>
<b>Medium of Assessment:</b>	<u>English</u>
<b>Prerequisites:</b> <i>(Course Code and Title)</i>	<u>Nil</u>
<b>Precursors:</b> <i>(Course Code and Title)</i>	<u>Nil</u>
<b>Equivalent Courses:</b> <i>(Course Code and Title)</i>	<u>LW5966</u>
<b>Exclusive Courses:</b> <i>(Course Code and Title)</i>	<u>Nil</u>

## Part II Course Details

### 1. 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.

### 2. Course Intended Learning Outcomes (CILOs)

(CILOs state what the student is expected to be able to do at the end of the course according to a given standard of performance.)

No.	CILOs	Weighting (if applicable)	Discovery-enriched curriculum related learning outcomes (please tick where appropriate)		
			A1	A2	A3
1.	Identify, evaluate and synthesize the theoretical framework of issues relating to law and society and in particular their impact on legal policies.		√	√	√
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.		√	√	√
3.	Identify the legal issues that affect China's society.		√	√	√
4.	Critically assess the legal development relating to social forces.		√	√	√
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.		√	√	√
		100%			

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.

### 3. Learning and Teaching Activities (LTAs)

(LTAs designed to facilitate students' achievement of the CILOs.)

LTA	Brief Description	CILO No.					Hours/week (if applicable)
		1	2	3	4	5	
Lecture and discussion	Students will be provided with certain reading materials every week that will form the basis for	√	√		√	√	3 hours/week or a total of

	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.							39 hours of block teaching.
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.			√	√	√		

#### 4. Assessment Tasks/Activities (ATs)

(ATs are designed to assess how well the students achieve the CILOs.)

Assessment Tasks/Activities	CILO No.					Weighting	Remarks
	1	2	3	4	5		
Continuous Assessment: 50%							
Coursework	√	√	√	√	√	50%	The use of Generative AI tools is not allowed.
Examination: 50% (duration: 3 hours)							
Open book examination	√	√	√	√	√	50%	The use of Generative AI tools is not allowed.
						100%	

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.

## 5. Assessment Rubrics

*(Grading of student achievements is based on student performance in assessment tasks/activities with the following rubrics.)*

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

Assessment Task	Criterion	Excellent (A+, A, A-)	Good (B+, B, B-)	Fair (C+, C, C-)	Marginal (D)	Failure (F)
Coursework	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.	Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.	Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.	Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.	Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.	Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.
Examination	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	Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.	Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.	Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.	Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.	Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.

	perspective of law and society.					
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Applicable to students admitted from Semester A 2022/23 to Summer Term 2024

Assessment Task	Criterion	Excellent (A+, A, A-)	Good (B+, B)	Marginal (B-, C+, C)	Failure (F)
Coursework	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.	High	Significant	Moderate	Inadequate
Examination	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.	High	Significant	Moderate	Inadequate

### Part III Other Information (more details can be provided separately in the teaching plan)

#### 1. Keyword Syllabus

*(An indication of the key topics of the course.)*

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.

#### 2. Recommended Readings

*(Additional references for students to learn to expand their knowledge about the subject.)*

Max Weber, *Max Weber on Law in Economy and Society*, Max Rheinstein ed, Harvard University Press, 1954.

Stuart R. Schram, *The Political Thought of Mao Tse-tung*, New York: Praeger. 1963.

Yang Su, *Collective Killings in the Cultural Revolution*, Cambridge University Press, 2012.

Stanley B. Lubman, *Bird in a Cage: Legal Reform in China after Mao*, Stanford: Stanford University Press, 2000.

Shucheng Wang, *Law as an Instrument: Sources of Chinese Law for Authoritarian Legality*, Cambridge University Press, 2022.

Stephanie Balme and Michael Dowdle, eds., *Building Constitutionalism in Contemporary China*, Palgrave, 2009.

Mary E. Gallagher, *Authoritarian Legality in China: Law, Workers, and the State*, Cambridge: Cambridge University Press, 2017.

Kwai Hang Ng and Xin He, *Embedded Courts: Judicial Decision-Making in China*, New York: Cambridge University Press, 2017.

Yu Mou, *The Construction of Guilt in China – An Empirical Account of Routine Chinese Injustice*, Oxford: Hart Publishing, 2020.

Sida Liu and Terence C. Halliday, *Criminal Defense in China: The Politics of Lawyers at Work*, Cambridge University Press, 2016.

Randall Peerenboom, *China's Long March toward Rule of Law*, Cambridge University Press, 2009.

Taisu Zhang, *The Ideological Foundations of Qing Taxation: Belief Systems, Politics, and Institutions*, Cambridge University Press, 2023.

Carl Minzner, *End of an Era: How China's Authoritarian Revival is Undermining Its Rise*, Oxford University Press, 2018.

Ching Kwan Lee, *The Specter of Global China: Politics, Labor, and Foreign Investment in Africa*, University of Chicago Press, 2017.

Fenggang Yang, *Religion in China: Survival and Revival under Communist Rule*, Oxford University Press, 2011.

Teemu Ruskola, *Legal Orientalism: China, the United States, and Modern Law*, Harvard University Press, 2013.

Rachel Stern, *Environmental Litigation in China: A Study in Political Ambivalence*, Cambridge University Press, 2013.

Marlene Laruelle, ed., *The Oxford Handbook of Illiberalism*, Oxford University Press, 2024.

Jean Oi and Andrew Walder, eds., *Property Rights and Economic Reform in China* Stanford: Stanford University Press, 1999.