LAW AND SOCIETY IN CHINA

Fall, 2005

Prof. Frank Upham
VH 502
Phone 998-6243
Email frank.upham@nyu.edu

INITIAL SYLLABUS

This syllabus covers the first three classes. Additional syllabi will be forthcoming.

Each assignment includes basic reading, which every student should complete, and optional further reading related to that week’s topic. Both sets of materials are available on Blackboard, and there are hard copies of the basic reading available on the fifth floor of Vanderbilt Hall.

I have tried to limit the amount of required reading, which has two consequences besides the obvious. First, you may have adequate time to look at one or two of the optional readings, and, second, the required reading alone may not fully acquaint you with the topic. The latter may be especially true when we are trying to cover broad subjects such as the imperial or socialist legal traditions as we do in weeks two and three. In most instances, we have arranged the list of further readings in the order in which we feel will be most informative, but you may also wish to ask Eva Pils for advice on this.

Class 1 (August 31) The Hanyuan Incident


Basic Reading
Li Yong Yan, ‘Anger rages in Sichuan;’ ‘China halts dam, sacks official after protest.’

Further Reading

Class 2 (September 14) The Imperial Chinese Legal Tradition

Very superficial introduction to the essentials of Confucianism and Legalism and the 19th Century attempts to reform Qing Dynasty legal institutions. As an entry into contemporary legal developments, we will ask whether Chinese individuals and groups had rights under the traditional legal system.

Basic Reading
Excerpts from Confucius, Analects, and Han Feizi, On Having Standards.


Further Reading


**Class 3 (September 21) The Chinese Socialist Tradition**

Equally superficial introduction to the Chinese version(s) of Marxist legal thought and their impact on legal practice, and the transition from socialism to a new legal and political order.

Basic Reading


Definition and explanation of Jiang Zemin’s ‘Three Represents’ from www.china.org.cn webpage.


Further Reading

Jiang Zemin’s reports at the 15th and 16th Party Congresses on 12 September 1997 and 8 November 2002, respectively.

Constitution of the Communist Party of China (as of 2002)
As online recommendation: Landsberger’s propaganda posters website, http://www.iisg.nl/~landsberger/ on various topics including the Mao cult and the Three Represents Theory.