COURSE DESCRIPTION

This course serves as a broad introduction to the general framework and main issues of the legal system in contemporary China. This is a four-credit course, and we will meet on Tuesdays and Thursdays at 10:30 am - 12:20 pm at William H. Gates Hall #118. No Chinese language is required.

The substance of the course is divided into four parts: In the first week, Part I, there will be an introduction to the theoretical/analytical framework for the study of Chinese law, and students are expected to apply these analytical tools in class discussions throughout the course. Part II covers constitutional structures of the People’s Republic and the prospect of constitutionalism, independence of the judiciary, citizenship, and gender. Part III discusses law and economy, where we will cover contract and property law. Part IV covers law and society, where we will discuss criminal law and criminal justice, environmental law, family law, labor law, mediation, and civil procedure reform.

There will be a Chinese movie The Story of Qiu Jü (秋菊打官司) with English subtitles (web link), a film starred by Gong Li and directed by Zhang Yimou. Guest speakers, depending on availability, may be invited to give talks.

REQUIREMENTS AND GRADING

Students are encouraged to participate actively in class discussions conducted with a strong emphasis on the methodology of “perspective taking.” Depending on the topic, common perspectives include: American law (doctrinal), socio-historical, economic, and critical thinking. Each student will be asked to do an in-class presentation, in addition to a take-home exam at the end of the spring quarter. Grading for the course will be weighted as follows:

- Class attendance and participation 25%
- Response Paper & Presentation 25%
- Final Paper (to be turned in by the end of the exam period) 50%

OFFICE HOURS

Tuesdays, 2:00-5:00 pm; Thursdays, 2:00-5:00 pm. Please sign up the schedule sheet or arrange a meeting by email.
COURSE MATERIALS

There is no standard textbook for the purpose of this course. Statutes, cases, commentaries and academic papers will either be distributed and/or posted on UW’s Canvas online site.

COURSE SCHEDULE

Content is subject to change, depending on the availability of updated information. The following are required readings only; recommended readings will be listed in instruction sheets posted on course website.

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#1. Tuesday, January 3rd  
Introduction

Agenda:  
Introduction of the course;  
Introductory Lecture: Fascism, Law and State in China

Assignment:  
No required readings for this first session. Please watch the following documentary on the Cultural Revolution (1966-1976) before the class:

- Chairman Mao Documentary: The Cultural Revolution - Destruction of China (NorthernControversy 2014), YouTube web link.

Relevant Literature:

PART I. INTRODUCTION: THEORETICAL FRAMEWORKS

#2. Thursday, January 5th  
§1. Critical Approach

Required Readings:
- Fuchsia Dunlop, “California Dreaming through Chinese Eyes” (from BBC website, Dec. 11th, 2004);

#3. Tuesday, January 10th  
§2. Sociological/Historical Approach  
§3. Cultural Approach (1/2)

Required Readings:
#4. Thursday, January 12th  (no class due to instructor’s travel)

#5. Tuesday, January 17th  

§3. Cultural Approach (2/2)
§4. Institutional Approach

Required Readings:
- Douglass C. North, “Institutions,” *Journal of Economic Perspective* 97 (Winter 1991, No.1);

PART II. CONSTITUTIONALISM IN CHINA

#6. Thursday, January 19th

§1. The Constitutional Structure

Required Readings:
- The Constitution of the People’s Republic of China: full text of 1982 Constitution in English, [web link];
- The United States Constitution, web [link];
- The Constitution of Japan (in English), web [link].

Relevant Literature:

#6. Tuesday, January 24th

§2. The Party and the State

Required Readings:

Relevant Literature:
§3. The Judiciary

Required Readings:
- Excerpt from United States Supreme Court, Marbury v. Madison, 5 U.S. 137 (1803);

Relevant Literature:

§4. Judicial Review

Required Readings:
- Statute: Law on Legislation (Mar. 2015), English translation, web link; the statute was amended on March 15, 2015 by the National People’s Congress, web link for Chinese version.

Relevant Literature:
- Marbury v. Madison, C-SPAN landmark case, web link.

§5. Rule of Law as Resistance

#9. Thursday, February 2nd
Required Readings:

Relevant Literature:

#10. Tuesday, February 7th

§6. “One Country, Two Systems”: Hong Kong

Required Readings:
- Sino-British Joint Declaration on the Question of Hong Kong (1984), web link;
- The Basic Law of Hong Kong (2000), web link;
- The Six-monthly Report on Hong Kong 1 January to 30 June 2014 (deposited in Parliament by the Secretary of State for Foreign and Commonwealth Affairs, July 2014), web link.

Relevant Literature:

#11. Thursday, February 9th

§7. One Country, Two Systems? Taiwan

Screening in Class:

Relevant Literature:
- [TBA]

PART III. STATE, SOCIETY AND LEGAL PROCESS

#11. Tuesday, February 14th

§1. Introduction

Screening in Class:
- Film, “The Story of Qiuju” (1992), shown in class;
- Statute: Tort Code of 2009 (English translation);
- Statute: General Principle of Civil Law (English translation).

Relevant Literature:

#12. Thursday, February 16th §2. Reflections on the Story of Qiu Ju and Legal Process in China [Class Discussion]

Before the Class:
o Documentary, “The Warriors of Qiugang” (2010), full video at e360.yale.edu, web link.

Class Discussion:
o Taking Qiu Ju or Chai Jing as your client;
o Analyzing the legal framework for civil remedy by studying statutes.

#13. Tuesday, February 21st §3. Legal Remedy for Civil Wrongs

Assignment Due: February 15, 2016 (Monday), 5:00 pm. Please upload your legal memo to Canvas in “File,” “Assignment 01” If you have any technical difficulty, please email your memo to: zangd@uw.edu.

Required Readings:
o Statute: Environmental Protection Act (2014) (English translation);
o Comparative Law: *Native Village of Kivalina v. ExxonMobil Corp.*, 696 F.3d 849 (9th Cir. 2012).

Relevant Literature:


Assignment Due: February 17, 2016 (Wednesday), 5:00 pm. Please upload your legal memo to Canvas in "Assignments," "02.Government Wrongs." If you have any technical difficulty, please email your memo to: zangd@uw.edu.

Required Readings:
o Alex Wang, “The Search for Sustainable Legitimacy: Environmental Law and Bureaucracy in China,” *37 Harvard Environmental Law Review* 365 (2013);
o Statute: State Compensation Act (Revised in 2010) (in English), web link.
Relevant Literature:
  o State Compensation Law of Japan (English translation), web link.

#15. Tuesday, February 21st  §5. Climate Change: Domestic Politics and International Law

Assignment Due: February 22, 2016 (Monday), 5:00 pm. Please upload your legal memo to Canvas in “Assignments,” “03.International Law.” If you have any technical difficulty, please email your memo to: zangd@uw.edu.

Required Readings:
  o International Agreement: U.S.-China Joint Presidential Statement on Climate Change (September 25, 2015 Beijing)

Relevant Literature:


Assignment Due: No legal memo assignment today.

Required Readings:
  o Statute: Regulations on Letters and Visits (State Council 2005), English translation;
  o Statute: The Overseas NGO Management Law (Second Draft) (April 2015), English translation by China Development Brief, web link;
  o Guest Speaker: Allison McCarty, “My Experience in a NGO in China.”

Relevant Literature:

#17. Tuesday, February 28th  §7. Legal Remedy for Public Wrongs: Criminal Justice

Assignment Due: February 29, 2016 (Monday), 5:00 pm. Please upload your legal memo to Canvas in “Assignments,” “04.Public Wrongs.”

Required Readings:
  o Case: BU Xinguang, A Case of an Application for Compensation for Illegal Criminal Recovery, translation available at Stanford Library, web link;
  o Statute: State Compensation Act (Revised in 2010) (in English), web link.
  o Statute: Criminal Law (1997), and eight Amendments afterwards, English translation, web link; a summary in English of the Ninth Amendment, August 29, 2015, web link.

Relevant Literature:
#18. Thursday, March 2nd

§8. **Cyber Space: National Security & Privacy**

Assignment Due: No legal memo is required.

Required Readings:
- Statute: Criminal Law (1997), and eight Amendments afterwards, English translation, web link; a summary in English of the Ninth Amendment, August 29, 2015, web link.
- Statute: Counter-Terrorism Law, December 27, 2015, English translation, web link.
- “Role for State in Internet Policy Shows China’s Influence at U.N.,” *New York Times*, Dec. 17, 2015, B2 (uploaded on Canvas);

Relevant Literature:

#19. Tuesday, March 6th

**Review** (last day of class)