

## Chinese Legal Culture

**Department:** Fudan International Summer Session 2025

<b>Course Code</b>	LAWS170005						
<b>Course Title</b>	Chinese Legal Culture						
<b>Credit</b>	2	<b>Experiment (including Computer) Credit</b>		<b>Practice Credit</b>		<b>Aesthetic Education Credit</b>	
<b>Credit Hours Per Week</b>	36+3 tutorial hours (one credit hour is 45 minutes)	<b>Education on The Hard- Working Spirit Credit Hours</b>		<b>Language of Instruction</b>		<b>Honors Course</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Course Type</b>	<input type="checkbox"/> Core General Education Course <input type="checkbox"/> Specific General Education Course <input type="checkbox"/> Basic Course in General Discipline <input checked="" type="checkbox"/> Others			2+X Major :			
				<input type="checkbox"/> Professional Core Course <input type="checkbox"/> Professional Advanced Course			
			Non 2+X Major :				
			<input type="checkbox"/> Professional Compulsory Course <input type="checkbox"/> Professional Elective Course				
<b>Course Objectives</b>	<p>To precisely grasp the basic concepts in Chinese legal culture, such as legalist, penal code , etc.</p> <p>To thoroughly understand the mainstreams of traditional legal thoughts in China.</p> <p>To critically look at contemporary legal phenomena in China.</p>						
<b>Course Description</b>	<p>This course will examine the spirit of Chinese law from a historical perspective, with a particular emphasis on its political context. We will explore the early transition of Chinese politics and law by the 2nd century B.C.E. (including doctrines of Confucian and legalist schools), development and spirits of imperial codes, mechanism of judicial administration in criminal and civil justice, local mediation, and family law.</p>						
<b>Course Requirements:</b>							
This course requires the students' attendance at classes and participation in class discussions.							
<b>Teaching Methods:</b>							
Lecture, presentation, group discussion							
<b>Course Director's Academic Background:</b>							

**Instructor's Academic Background:**

Prof. SHI Daxiao obtained his undergraduate and postgraduate degrees from Peking University, Ph.D. in Foreign Legal History from Peking University Law School. His research interests include the history of foreign legal systems, the history of Western legal thoughts, and jurisprudence. He has translated classic works of foreign legal history such as *European Law: Past and Future: Unity and Diversity in Two Thousand Years*, and *Common Law Tradition*.

Email: dxshi@fudan.edu.cn

**Members of Teaching Team**

Name	Gender	Professional Title	Department	Responsibility
SHI Daxiao	Male	Professor	Law	Instructor of the course

**Course Schedule** (Please supply the details about each lesson):

Part I: Introduction to Chinese Law and Legal Culture (3 hours)

Chronology, in *1 Sources of Chinese Tradition xxvii-xxxiii* (Compiled by Wm. T. de Bary and I. Bloom, 1999)

Part II: Confucians v. Legalists (6 hours)

T'UNG-TSU CH'U, *LAW AND SOCIETY IN TRADITIONAL CHINA* 226-79 (1961)

DERK BODDE & CLARENCE MORRIS, *LAW IN IMPERIAL CHINA* 17-27 (1967)

WERNER MENSKI, *COMPARATIVE LAW IN A GLOBAL CONTEXT* 493-593 (2006)

\*\*\*HE WEIFANG, *IN THE NAME OF JUSTICE* 40-59 (2012)

Part III: Imperial Codes: from Qin to Qing (6 hours)

DERK BODDE & CLARENCE MORRIS, *LAW IN IMPERIAL CHINA* 55-75 (1967)

William C. Jones, *Studying the Ch'ing Code-The Ta Ch'ing Lü Li*, 22 *AMER. J. COMP. LAW* 330 (1974)

*THE GREAT QING CODE* xi-xxx, 1-28 (William C. Jones trans., 1994)

Brian E. McKnight, *T'ang Law and Later Law: The Roots of Continuity*, 115 *J. AMER. ORIENTAL SOC.* 410 (1995)

\*\*\* Civil Code in China.

Part IV: Criminal Justice (6 hours)

William P. Alford, Of Arsenic and Old Laws: Looking Anew at Criminal Justice in Late Imperial China, 72 CAL. L. REV. 1180 (1984)

Deng Yushu (1792) Zhang Erhuan et al.(1870) in Derk Bodde & Clarence Morris, Law in Imperial China 251-54, 461-67 (1967)

HUANG LIU-HUNG, A COMPLETE BOOK CONCERNING HAPPINESS AND BENEVOLENCE 251-306 (Djang Chu trans. & ed., 1984)

Shuzo Shiga, Criminal Procedure in the Ch'ing Dynasty, in 32 & 33 MEMOIRS OF THE RES. DEPT. OF THE TOYO BUNKO 1 & 115 (1974, 1975)

\*\*\*CAO XUEQIN, THE STORY OF THE STONE, CHAPTER 4

Part V: Civil Justice (6 hours)

You Cheng v. You Hongfu (c. 1220), Liu v. Liu (after 1205), Li Bian v. Tang Zhongzhao (after 1232), in The Enlightened Judgments Ch'ing-ming Chi 149-50, 301-02, 316-20 (Brian E. McKnight and James T.C. Liu trans., 1999).

PHILIP C. C. HUANG, CIVIL JUSTICE IN CHINA: REPRESENTATION AND PRACTICE 76-109 (1996)

\*\*\*MARGARET Y. K.

WOO&MARY E. GALLAGHER: CHINESE JUSTICE (2011)

Part VI: Precedent: A Comparative Perspective (3 hours)

R. Randle Edwards, The Role of Case Precedent in the Qing Judicial Process as Reflected in Appellate Rulings, in UNDERSTANDING CHINA'S LEGAL SYSTEM 180 (C. Stephen Hsu ed., 2003).

Wang Zhiqiang, Case Precedent in Qing China, 19 COLUM. J. ASIAN L. 325 (2005).

\*\*\*China Guiding Cases Project: <http://cgc.law.stanford.edu>

Part VII: Family Law (6 hours)

T'UNG-TSU CH'U, LAW AND SOCIETY IN TRADITIONAL CHINA 14-127 (1961)

FEI XIAOTONG, FROM THE SOIL 60-79 (1992)

**The design of class discussion or exercise, practice, experience and so on:**

Group Discussion, presentations, and home exercise

**If you need a TA, please indicate the assignment of assistant:**

**Grading & Evaluation** (Provide a final grade that reflects the formative evaluation process):

1. Attendance (3% per 3 credit hours) and participation (1% per 3 credit hours) in class discussions. Each student will be responsible for leading at least one class discussion (12%). Depending on the number of students this may be done in teams. Leaders for each week need to distribute questions via email the day prior to class. (In a total of this section 60%)

2. Students need to submit a critique of one topic of readings, approximately 5 pages (double space, 12 font). (40%)

There will be no make-up test.

**Usage of Textbook:**  Yes (complete textbook information form below)  No

**Textbook Information** (No more than two textbooks) :

Title	Author	ISBN	Publishing Time	Publisher	Type I	Type II
					<input type="checkbox"/> Self-compiled Textbook (Published) <input type="checkbox"/> Non-mainland Textbook <input type="checkbox"/> Other Textbook (Published)	<input type="checkbox"/> National Planning Textbook <input type="checkbox"/> Provincial and Ministerial Planning Textbook <input type="checkbox"/> School Level Planning Textbook <input type="checkbox"/> Others
					<input type="checkbox"/> Self-compiled Textbook (Published) <input type="checkbox"/> Non-mainland Textbook <input type="checkbox"/> Other Textbook (Published)	<input type="checkbox"/> National Planning Textbook <input type="checkbox"/> Provincial and Ministerial Planning Textbook <input type="checkbox"/> School Level Planning Textbook <input type="checkbox"/> Others

**Teaching References :**

See it above