



# *The Hebrew University of Jerusalem*

## *Syllabus*

### *Introduction to Chinese law: between law and politics - 46916*

*Last update 18-12-2023*

*HU Credits: 2*

*Degree/Cycle: 2nd degree (Master)*

*Responsible Department: Asian Studies*

*Academic year: 0*

*Semester: 1st Semester*

*Teaching Languages: English*

*Campus: Mt. Scopus*

*Course/Module Coordinator: Dr. Tamar Groswald Ozery*

*Coordinator Email: [Tamar.groswald@mail.huji.ac.il](mailto:Tamar.groswald@mail.huji.ac.il)*

*Coordinator Office Hours: Monday 12:00-13:00*

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Teaching Staff:

Dr. Tamar Groswald Ozery

Course/Module description:

The course aims to provide an overview of the current methods of governance in the People's Republic of China ("PRC") with an emphasis on Chinese law and legal institutions. China's modern legal system cannot be understood in isolation from its political, economic, and social structures. Much of the course will, therefore, focus on the interaction between the legal system and the parallel, often more powerful, mechanisms of political governance.

The Chinese world has a rich legal and governance tradition, expanding over more than 2000 years before the complex encounter with the modernizing "West" (and Meiji Japan) in the 19th century. That long tradition continues to shape the PRC's struggle with "Legal Construction" which started in the late 1970s and continues until contemporary days. Our discussions will be focused on contemporary days, with some observations on the historical path when relevant.

\*The course is an MA course and open for 3rd year BA students with the professor's approval

Course/Module aims:

Through selected readings of primary sources in English translation and secondary materials, along with selected video sections in class, students will become acquainted with the most current governance issues in contemporary China and with the legal institutions that are designed to address them. The students will be exposed to primary legal sources (laws & regulations) as well as to Party policy documents and will learn how to tackle reading and analysis of such sources (translated).

Learning outcomes - On successful completion of this module, students should be able to:

By the end of the course, students will become familiar with the PRC's governance methods in a variety of substantive areas. Students will gain knowledge about the institutional design of Chinese laws and legal institutions, their development and purpose, how they function, and their interaction with a parallel political governance system. Students will get experience reading and analyzing Chinese laws, regulations and policy documents. Students will begin to understand the reality and feasibility of "rule of law" (as contrasted with "rule by law") under China's Party-state system.

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Attendance requirements(%):

100%

*Teaching arrangement and method of instruction: Seminar*

Course/Module Content:

- *Segment 1: Introduction: The Party-state system. Political, legal and administrative institutions*
- *Segment 2: Law & Politics in Market Development: economic transition; foreign impact on economic law; ownership organization of companies and capital markets*
- *Segment 3: Individuals vs. The Party-state: crime & punishment; constitutionalism & human rights*
- *Segment 4: Recent Governance Challenges: legal & administrative autonomy in Hong Kong SAR; Law & Politics, where to?*

Required Reading:

*Syllabus uploaded to Moodle*

*The course is set to cover a wide variety of sub-legal fields. Therefore, it is heavy on reading of English material, and much of which use legal terminology. If you wish to understand contemporary China and its governance system, you must recognize that there is a certain amount of information that needs to be absorbed. Hence, prior reading of the assigned materials is vital for the understanding of our discussions in class.*

Additional Reading Material:

*Syllabus uploaded to Moodle*

Grading Scheme:

*Essay / Project / Final Assignment / Home Exam / Referat 50 %  
Active Participation / Team Assignment 20 %  
Submission assignments during the semester: Exercises / Essays / Audits / Reports / Forum / Simulation / others 30 %*

Additional information:

*Class attendance and participation take a substantial part in the evaluation and final grading (details in syllabus)*

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*Students will be evaluated based upon:*

*(i) mandatory attendance (ii) 50% class engagement &eq; 15% Class Presentation + 15% Reaction Memo + 20% Active Participation in class discussions, and (iii) 50% Final Paper assignment (or a seminar paper). In addition, an Optional Reaction Memo may add up to 5 points to your course grade*