COURSE DESCRIPTION:
There is crime and there is, supposedly, punishment. Behind law and order, or disorder, there were tears, blood, emotions, stories and history. The history of law and crime can be as exciting as detective novel and as sad and profound as Greek tragedy. This course provides an introduction to Chinese legal history through an examination of judicial practice, the evolution of codified law, and other aspects of legal culture in the late imperial period. The Ming (1368-1644) and Qing (1644-1911) dynasties' criminal cases, law, and legal procedures are the central topics of the course. We will also explore how Europeans viewed China's criminal justice and how their imperial gaze changed China's history of crime and punishment. As legal history has become an important sub-discipline within history, this course will introduce students to how a legal system reflects a society's structures and values in a mutual reinforcing manner, and how a legal sensibility of a society was created.

LEARNIN OBJECTIVE:
This course will examine legal cases and literary representations of the legal system in operation. Through reading primary and secondary sources about substantive law, legal institutions and the supporting political-philosophical norms, the course aims to equip students with knowledge on major topics in Chinese legal history in the late imperial period.

ASSESSMENT
100% Continuous Assessment
(1) Group and individual research and presentation, 35% (15% group grade; 20% individual grade (10% peer grading within group; 10 % instructor grading))
(2) Group documentary making 35% (15% group grade; 20% individual grade (15% peer grading within group; 5% instructor grading)
(3) Citizenship (class participation: attendance and discussion) 10%
(4) One research essay (3000-word) 20% —due on 20 November noon
(further details on page 5)

WEEKLY COURSE OUTLINES

- All required readings and archival documentary materials are available on Edventure, unless otherwise stated.
- All further readings and selected bibliography are available from NTU libraries.

W1, 14 January, Introduction: Law and Order
Reading:
Lawrence Rosen, 'Max Weber, The Evolution from Irrationality to Rationality in Law' in Sally Falk Moore eds., Law and Anthropology, pp. 53-63

Further readings:
Foucault, Discipline and Punishment,

W2, 21 January, Death by a Thousand Cuts
Required readings:
Chapter 1 and 2, Death by a Thousand Cuts, by Brook, Bourgon, and Blue, pp. 1-67

Further readings:
Brook, Bourgon, and Blue, Death by a Thousand Cuts
David Der-Wei Wang, The Monster That Is History: History, Violence, and Fictional Writing in Twentieth-Century China,

W3, 28 January, The Death of Woman Wang: a social-economic context of crime and punishment
Required readings:
Spence, The Death of Woman Wang
'Reading Guide to The Death of Woman Wang’

Further readings:
Huang Liu-hung (Huang Liuhong), A Complete Book Concerning Happiness and Benevolence: or in Chinese 福惠全書
Pu Songling, Strange Stories from a Chinese Studio; or in Chinese 聊齋志異
W4, 4 February, Crime Administration: General

Required readings:
'Translator's introduction', and Chüan 11, and 12, in 'Huang Liuhung, A Complete Book Concerning Happiness and Benevolence, pp1-49, and 251-306

Further readings:
Huang Liuhung, A Complete Book Concerning Happiness and Benevolence: or in Chinese 福惠全書, Chüan 14-20
'From the Perspective of Magistrate Handbooks', in Huang, Civil Justice in China: Representation and Practice, pp198-222.

W5, 11 February, Crime Administration: Prison; Forensic Practice; Litigation Masters

Required readings:
Chüan 13, in Huang Liuhung, A Complete Book Concerning Happiness and Benevolence, pp. 307-318
Chapter 2, 'Skilled Coroners and Skeletal Remains: The Problem of “Expertise” in Late Imperial Forensics', in Asen, Daniel. 'Dead Bodies and Forensic Science : Cultures of Expertise in China, 1800-1949,' pp. 72-104
Macauley, Melissa Social Power & Legal Culture: Litigation Masters in Late Imperial China, (Stanford, 1998);

Further readings:

W6, 18 February, Runners and Clerks

Required readings:
Chapters, 1 and 3, and Appendix A, B, C, D, E, and F in Reed, Talons and Teeth: County clerks and Runners in the Qing Dynasty, pp. 31-75, pp 122-159, 269-283

Further readings:
'Extent, Cost, and Strategies of Litigation', in Huang, *Civil Justice in China: Representation and Practice*, pp.172-197
Reed, 'Money and Justice: Clerks, Runners, and the Magistrate's Court in Late Imperial Sichuan'
Reed, *Talons and Teeth: County clerks and Runners in the Qing Dynasty*,

**W7, 25 February, Confucian Family and Law**

Required readings:
Ocko, 'Hierarchy and Harmony: Family Conflict as Seen in Ch'ing Legal Cases', in Liu eds., *Orthodoxy*, pp. 213-230
Maram Epstein, 'Making a Case: Characterizing the Filial Son,' in Hegel, Robert E. and Katherine Carlitz ed. *Writing and Law in Late Imperial China*, pp. 27-43

Further readings:
- 'Filial piety and Murder,' *Register*, 4:20 (15 Oct 1831)
- 'Insane Parricide,' *Register*, 5:5 (8 March 1835)
- 'Execution' *Register*, 6:10 (15 July 1833)

Essay Questions for summative research essay available

4 March: RECESS WEEK

**W8, 11 March, Gender and Crime**

Required readings:
Chapter 5, 'Widows in the Qing Chastity Cult', in Sommer, *Sex, Law and Society in Late Imperial China*, pp166-209
Ruskola, 'Law, Sexual Morality, and Gender Equality in Qing and Communist China',

Further readings:
Sommer, *Sex, Law and Society in Late Imperial China*
W9, 18 March, The Ming, and Qing Codes and their Translations

**Required readings:**

St. André, 'But Do They Have a Notion of Justice?: Staunton's 1810 Translation of the Great Qing Code'
'Introduction', Jiang, *The Great Ming Code* / Da Ming lu

**Further readings:**

Chapter 4, 'Formal Justice: Codified Law and Magisterial Adjudication in the Qing', in Huang, Philip *Civil Justice in China: Representation and Practice*, pp76-109.
Farmer, Zhu Yuanzhang and Early Ming Legislation,
Jones, *The Great Qing Code*
chapter 1 and 3, 'Recreating China' and 'Creating the New Order,' in Farmer, Zhu Yuanzhang and Early Ming Legislation, pp. 1-17, 37-47
Jiang, Yonglin, (trans.) *The Great Ming Code* / Da Ming lu, University of Washington Press, 2004

W10, 25 March, Murders in Canton Bay

**Required readings:**

Chen, Li, 'Law, Empire, and Historiography of Modern Sino-Western Relations: A Case Study of the Lady Hughes Controversy in 1784,' *Law & History Review* 27, No. 1 (Spring 2009), 1-53

**Further readings:**

Chapter One, Keeton, G. W. *The Development of Extraterritoriality in China*, (2 Volumes), New York: Howard Fertig, 1969

W11, 1 April, Extraterritoriality in the Later Qing

**Required readings:**

Chapter 1 and 2, Cassel, Pär *Grounds of Judgment: Extraterritoriality and Imperial Power in Nineteenth Century China and Japan*
Further readings:
Cassel, Pär *Grounds of Judgment: Extraterritoriality and Imperial Power in Nineteenth Century China and Japan*
Keeton, G. W. *The Development of Extraterritoriality in China*, (2 Volumes), New York: Howard Fertig, 1969

W12, 8 April, Chinese immigrants and crimes /Law
AUERBACH, S., 2013. 'Margaret Tart, Lao She, and the opium-master's wife: race and class among Chinese commercial immigrants in London and Australia, 1866–1929 ', Comparative Studies in Society and History. 55(1), (35-64)
AUERBACH, S., 2009. *Race, law, and "the Chinese puzzle" in imperial Britain* (Palgrave Macmillan. )
(Also Chinese in America /Australia / were not allowed to bring white man to court and other legal restrictions. )

HK and Singapore
HK multiply wife law

W13, 15 April, Conclusion and Revision
Required readings:
Chapter 9, 'Max Weber and the Qing Legal and Political System,' in Huang, Philip *Civil Justice in China: Representation and Practice*, Stanford University Press, 1 Jul, 1998, pp223-236
• Please go through your own notes to families what we have learnt

22 April, noon time, 3000 word summative research essay due

ASSESSMENT, FURTHER DETAILS
(1) Group and individual research and presentation, 35% (15% group grade; 20% individual grade (10% peer grading within group; 10 % instructor grading))
Students will be assigned to a group and the group will stay together as a team leaning together throughout the course. As a group the most important project is to do a group presentation to the class on an assigned topic. Each student will have a group grade (20%) and an individual grade (10%), emphasizing on both team work and individual contributions. The group presentation should complete comprehensive literature review, develop a research question, and present their research to the class. It is expected that students present their ideas in a coherent and appealing manner.
Assessment criteria include clear and succinct articulation of the research results, the background to the research issue, the objective of the research effort, and the major findings.

(2) Group documentary making 10-15 minutes
35% (15% group grade; 20% individual grade (15% peer grading within group; 5% instructor grading)---two rounds of showing and grading.
Given that video technology is widely available and students are using it for their presentation and daily live; also documentary is an important media in the spread of historical knowledge, we will make a short film to explore the learning experience!

Students will stay in the same group as the presentation group to make a 5-10 minutes documentary on a given topic. This is a third way of presentation, in addition to written form and oral presentation. This will make students think about Chinese history, and think historically. The documentary will be premiered to the class for peer-review between week 6 and 12, before final revision and resubmission for peer-assessment in week 13.

(3) Citizenship (class participation: attendance and discussion) 10%
Students must read assigned articles and book chapters. In each seminar a group will be assigned to summarize and evaluate the readings. For the rest of the class, they will demonstrate their understanding during discussion. Point award system will be used during discussion to encourage participation.

(4) One research essay (3000-word) 20% —due on 20 November noon

Class participation and discussion (40%)

Final research essay (30%)
The final research essay should be a piece of writing that demonstrates each student learning outcomes. The most important criterion is to critically reflect on the issues, question, debates, controversies that have been raised in the class. Essay structure, literature review, writing coherence, arguments, and clarity are all important parts of the essay.

Group documentary film making
20 % towards your final mark (The same mark for a group), 5-10 minutes
Given that video technology is widely available and students are using it for their presentation and daily live; also documentary is an important media in the spread of historical knowledge, we will make a short film to explore the learning experience!

Students will stay in the same group as the presentation group to make a 5-10 minutes documentary on a given topic. This is a third way of presentation, in addition to written form and oral presentation. This will make students think about Chinese history, and think historically. The documentary will be premiered to the class for peer-review between week 6 and 12, before final revision and resubmission for peer-assessment in week 13.
Grading system for documentary film

Organisation (30%)
- is there a strong introduction?
- does the narrative structure make sense?

Analysis (20%)
- ability to answer the ‘so what?’ question
- coherent central argument
- Ability to synthesise material
- ability to marshal the evidence to prove a point

Use of sources (20%)
- does the students engage a wide variety of sources?
- does the students use sources with critical thinking?

Style and creativity of presentation (30%)
- is there something extra that make the short film outstanding?

Grading System for Group Research and Presentation
The group will be graded according to following criteria:

Organisation of presentation (20%)
- is there a strong introduction containing a clear statement of purpose?
- are there statements defining the parameters of the presentation?
- are the arguments properly structured and arranged?

Analysis (30%)
- ability to answer the ‘so what?’ question
- coherent central argument
- Ability to synthesise material
- command of the literature
- ability to marshal the evidence to prove a point

Use of sources (20%)
- does the students engage a wide variety of sources?
- does the students use sources with critical thinking?

Group synergy (15%)
- test of group cooperation and the ability to work together with each other

Style and creativity of presentation (15%)
- is there something extra that make the group outstanding?

THE RESEARCH PAPER
Plagiarism in writing research papers
It is important that all unacknowledged material in essay is your own work. The University has strict rules relating to plagiarism that may result in disciplinary procedures. Remember
that copying or using any part of another student’s essay or written work also falls within the definition of plagiarism.

Exact texts cited from other’s works and placed in your paper must be put within quotation marks. Otherwise, paraphrase. The sources of both quotations and paraphrasing have to be properly noted. On how to cite properly, please see the section on ‘style’ below.

How to paraphrase:
‘Paraphrase 1’ below will be deemed as plagiarism;
‘Paraphrase 2’ is an example of proper paraphrasing.

Original text
Wilson took personal responsibility for the conduct of the important diplomacy of the United States chiefly because he believed that it was wise, right, and necessary for him to do so. Believing as he did that the people had temporarily vested their sovereignty in foreign affairs in him, he could not delegate responsibility in this field to any individual. His scholarly training and self-disciplined habits of work made him so much more efficient than his advisers that he must have thought that the most economical way of doing important diplomatic business was for him to do it himself. Experience in dealing with subordinates who sometimes tried to defeat his purposes also led him to conclude that it was the safest method, for he, and not his subordinates, bore the responsibility to the American people and to history for the consequences of his policies.

Paraphrase 1 (Plagiarism)
Wilson took personal responsibility for conducting diplomacy because he believed it was right for him to do so. Believing that the people had vested their sovereignty in foreign affairs in him, he could not delegate this responsibility. His scholarly training and self-discipline made him more efficient than his advisers. He thought that the most economical way of doing important diplomatic business was to do it himself. Experience in dealing with subordinates who sometimes tried to defeat his purposes led him to conclude that it was the safest method because he bore responsibility to the American people for the consequences.

Paraphrase 2 (Not plagiarism)
Wilson felt personally responsible for major diplomacy, because he believed that the voters had entrusted him with such matters. He was more capable than his advisers in this area. He, and not his advisers, was responsible to the people.

Penalties for late submission
There will be penalties for late submission of 5% per day unless there are approved medical or other certificated reasons explaining the delay. Please ensure that the instructor is aware of these circumstances as soon as possible. Students failing to submit an assignment will be denied their credit points for this course.
Extensions
In exceptional circumstances extensions may be granted for individual students, but only for students who ask BEFORE the essay submission date.

Word Limit
You are required to provide a word count on the front page of your paper. Students failing to include a word count will automatically incur a 2% penalty, as will students falsifying their word count. The word count excludes notes, appendices and the reference list. The following penalties will also be levied for essays that do not adhere to the word limits:

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<thead>
<tr>
<th>Words over and under length</th>
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<tr>
<td>0-200</td>
<td>1% off original mark</td>
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<td>2000 plus</td>
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Factors taken into account
In grading assignments the following factors will be taken into account by markers:
- The relevance of the answer to the question set;
- A clear introduction, the ability to structure an argument clearly and a conclusion;
- Critical analysis;
- The use of relevant reading;
- The recognition, where appropriate, of different perspectives;
- The avoidance of sexist, racist, xenophobic, homophobic, and ageist language;
- Grammar, style and presentation, including accurate acknowledgement of sources.

Grading System for research paper
Your papers of research and exam will be graded according to following criteria:

Organisation (20%)
- is there a strong introduction containing a clear statement of purpose?
- are there statements defining the parameters of the essay?
- are the arguments properly structured and arranged?

Analysis (40%)
- ability to answer the ‘so what?’ question
- coherent central argument
- Ability to synthesise material
- command of the literature
- ability to marshal the evidence to prove a point

Writing/Grammar (20%)
- test of writing skills; choice of words; ability to convey complex ideas

Use of sources (20%)
- does the student engage a wide variety of sources?
- does the student use sources with critical thinking?
Style
Research papers must follow these guidelines:
- typed; **NO** need to be double-spaced
- must be within the word limits
- footnotes **must** follow the Chicago Manual of Style; if not, you grade on the 20% of ‘use of sources’ will be low:
  http://www.chicagomanualofstyle.org/tools_citationguide.html
- MARKS WILL BE DEDUCTED FOR INCORRECT REFERENCING.

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