

**HIS 374**

**LAW AND SOCIETY IN CHINESE HISTORY**

**SPRING 2024**

Instructor      Xiao Chen (he/him) History Dept. | [chenxiao@grinnell.edu](mailto:chenxiao@grinnell.edu)

Time & Room              MW 14:00-15:50 JRC 203

Office Hour              N3148 Tuesday 16:00-17:00 or By Email Appointment

**COURSE DESCRIPTION AND OBJECTIVES**

This undergraduate seminar is open to students who are interested in Chinese law or law and society from comparative perspectives. During this seminar, we will 1) explore the latest themes on Chinese law and society discussed by recent scholarship in English 2) know how to





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Please familiarize yourself with these policies (<https://www.grinnell.edu/doc/2023-2024-academic-honesty-booklet>) to avoid misunderstandings. Do not hesitate to ask me if you are ever in doubt about what constitutes plagiarism, cheating, or any other breach of academic integrity.

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Everyone is allowed 1 extensions of 24 hours on 1 writing assignments without penalty. You must notify me if you plan to take an extension. 2 or more late submissions (regardless of reasons) will incur grade deduction.

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I will make my best efforts to refer to you in the pronoun of your choice and I expect classmates to respect each other's pronoun preference.

## COURSE SCHEDULE

This syllabus represents my current plan. I will communicate changes, if any, clearly.

### Week 1 (Jan 22 - Jan 24): Introduction to the Course

Jan 22 (Mon): Intro & Signup for weekly discussion leader(s)

Jan 24 (Wed): *H&C, 2 J!.&'(, 2.#?* by Teemu Ruskola

### Week 2 (Jan 29 - Jan 31): Law and Kinship in Imperial China

Jan 29 (Mon):

Readings: ["S>G Ch'ü, T'ung-tsu. "Family and :#%DK\*H, 5\*, 'I\*="I.&(0 . '\*:!, I.( "'', 2\* 7. ', . Paris: Mouton & Co, 1965, 15-78; 1D;C Intro and Chapters 1-2 and part of Chapter 3 (section 3.4) of Du Y. =(, (&\*, 'I\*L, ?.20\*. '\* 7. ', . Cambridge: Cambridge University Press; 2021.

Listen to Matthew Sommer's discussion of Ch'ü, T'ung-Tsu's work at <https://www.iheart.com/podcast/269-old-china-books-122019064>

Jan 31 (Wed):

Readings: [Optional: Chapters 4-5 of Du Y. =(, (&\*, 'I\*L, ?.20 . '\* 7. ', ]

### Week 3 (Feb 5 - Feb 7): Gender and Status

Feb 5 (Mon):

Readings: [Sommer, Matthew Harvey. *Sex, Law, and Society in Late Imperial China* : *Matthew H. Sommer*. Stanford University Press, 2000, 1-114.]

Feb 7 (Wed):

Readings: [Bernhardt, Kathryn. "A Ming-Qing Transition in Chinese Women's History? The Perspective from Law." In *The History and Theory of Legal Practice in China*, 3:27–50. BRILL, 2014.]

### Week 4 (Feb 12 - Feb 14): How to Read the Great Qing Code

Feb 12 (Mon):

Readings: [excerpts from Derk Bodde and Clarence Morris, *Law in Imperial China: Exemplified by 190 Ch'ing Dynasty Cases* (Harvard University Press, 1967)]

Feb 14 (Wed):

Readings: [Primary source reading]

### Week 5 (Feb 19 - Feb 21): Popular Understanding of Law

Feb 19 (Mon):

Readings: [Intro, Chapter 12 and selected chapters from Hegel, Robert E, and Katherine N Carlitz. *Writing and Law in Late Imperial China: Crime, Conflict, and Judgment*. University of Washington Press, 2017 & Excerpts from Macauley, Melissa. *Social Power and Legal Culture: Litigation Masters in Late Imperial China*. Stanford University Press, 1998.]

Feb 21 (Wed):

Readings: [excerpts from Lean, Eugenia. *Public Passions the Trial of Shi Jianqiao and the Rise of Popular Sympathy in Republican China*. Berkeley: University of California Press, 2007 & Goodman, Bryna. "'Law Is One Thing, and Virtue Is Another': Vernacular Readings of Law and Legal Process in 1920s Shanghai." In *Chinese Law*, 3:148–175. BRILL, 2015.]

### Week 6 (Feb 26 - Feb 28): Judicial Administration

Feb 26 (Mon):

Readings: [Bradly W. Reed, *Talons and Teeth, County Clerks and Runners in the Qing Dynasty* (Stanford U Press, 2000), 1-30, 122-159]; Chen, Li. "Legal Specialists and Judicial Administration in Late Imperial China, 1651–1911." *Late imperial China* 33, no. 1 (2012): 1–54.

Feb 28 (Wed): Readings: [TBA]

Documentary: Petition (2009)

Week 10 (Apr 8 - Apr 10)

Apr 8 (Mon):

Readings: [Readings TBA of secondary sources selected by presenters]  
Discussions of Proposal and Outline of 2 papers.

Apr 10 (Wed): TBA

Week 11 (Apr 15 - Apr 17): Writing Week

Apr 15 (Mon): Class writing time

Apr 17 (Wed): Class writing time

Week 12 (Apr 22 - Apr 24): Discussion of first “chunk” of 4-5 pages of a section you have ready.

Apr 22 (Mon): 3 papers

Apr 24 (Wed): 3 papers

Week 13 (Apr 29 - May 1): Revising and Writing

Apr 29 (Mon): Class writing time

May 1 (Wed): Class writing time

Week 14 (May 6                      yÒ