

The Hong Kong Polytechnic University

Subject Description Form

Please read the notes at the end of the table carefully before completing the form.

Subject Code	CHC427 / CHC427P
Subject Title	Law and Society in Traditional China 古代中國的法律與社會
Credit Value	3
Level	4
Pre-requisite/ Co-requisite/ Exclusion	Nil
Objectives	Law, as a form of social control, is deeply intertwined with customs, mores, and societal values. It both reflects and shapes the institutions and social structure of a given time. Studying legal systems thus offers a critical lens for understanding Chinese history and culture within their broader social context. In particular, Chinese customary law—an integral part of Hong Kong’s legal tradition—continues to exert significant influence on local society, underscoring the relevance of this subject to students’ understanding of contemporary legal and cultural dynamics. This course aims to provide students with a comprehensive platform to explore the historical evolution of the Chinese legal system from its origins to the modern era, examining its complex dimensions within diverse socio-historical contexts. Through the rigorous study of academic classics and systematic analysis of legal codes, statutory texts, judicial records, and case-related documents from various dynasties—as well as the review of historical cases involving crimes such as murder and trial procedures—students will develop a solid understanding of Chinese legal traditions. The course also equips students with specialized skills in interpreting historical legal materials, alongside fostering critical thinking and historical analytical methods.
Intended Learning Outcomes <i>(Note 1)</i>	Upon completion of the subject, students will be able to: a) Identify and describe the evolution and characteristics of Chinese history across different periods through legal and social perspectives. b) Analyse major legal traditions, institutions, and judicial practices in imperial China. c) Develop critical arguments on how law shaped and was shaped by social structures and everyday life in traditional China.

	d) Examine how legal institutions reflected and reinforced Confucian ideology, social hierarchy, and the dynamics between central authority and local society. e) Interpret historical legal texts and case records, and apply this knowledge to independent research with well-developed analytical and academic writing skills
Subject Synopsis/ Indicative Syllabus <i>(Note 2)</i>	1. Origins and Characteristics of Chinese Law 2. State Governance and the Penal System in Early Empires 3. The Tang Code: Codification & Confucianisation 4. Justice, Gender, and Society in the Song Dynasty 5. Law and Commerce in Imperial China 6. Local Governance & Judicial Practice in Late Imperial China 7. Homicide and Criminal Justice in the Ming and Qing Dynasties 8. Extraterritoriality and Legal Encounters with the West 9. The Emergence of Chinese Company Law and Modern Enterprises 10. Legal Transformation in 20th-Century China
Teaching/Learning Methodology <i>(Note 3)</i>	This course will be primarily taught through lectures and tutorials. The theoretical and conceptual frameworks, perspectives, and approaches will be taught in lectures focusing on designated themes. Tutorials will involve student presentations and guided discussions based on assigned topics and reading materials, including classical legal codes, historical legal texts, and judicial case records. In addition, a variety of class activities will be arranged to provide students with a multifaceted learning experience. These may include field trips exploring historical legal disputes between villages, role-playing exercises simulating court proceedings and judicial roles, guest lectures by invited experts in relevant fields, museum visits, and participation in cross-cultural international seminars. The specific activities will be organized depending on availability and circumstances. Generative AI and Digital Humanities Tools will be introduced in both lectures and tutorials to deliver the content in an innovative and effective manner, engaging students through interactive measures. Student participation and group presentations will be assessed. Additionally, students will be required to conduct research on specified topics and write a term paper to demonstrate their understanding of the course content.

**Assessment Methods
in Alignment with
Intended Learning
Outcomes**

(Note 4)

Specific assessment methods/tasks	% weighting	Intended subject learning outcomes to be assessed (Please tick as appropriate)					
		a	b	c	d	e	
In-class Assessment	25	✓	✓	✓	✓	✓	
Group Presentation	25	✓	✓	✓	✓	✓	
Term Paper	50	✓	✓	✓	✓	✓	
Total	100 %						

Explanation of the appropriateness of the assessment methods in assessing the intended learning outcomes:

1. In-class assessment such as group discussion, debates, experience sharing are important for the class to allow students to relate their own experience and thoughts with class content.
2. Group oral presentations give students opportunities in teamwork and present their ideas orally so that they may also review class content as well as discuss their own findings on the topics.
3. As a key component of assessment, each student will complete an individual written paper designed to enhance their academic research, writing, and analytical skills on a designated topic. The final paper, written in English (1,500–2,500 words) or Chinese (2,000–3,000 characters), should incorporate revisions based on the instructor's feedback. This assignment will assess students' ability to consolidate the knowledge and skills gained throughout the course and to present a clear, focused analysis of specific aspects of the subject.

**Student Study Effort
Expected**

Class contact:	
▪ Lectures	22 Hrs.
▪ Tutorials	13 Hrs.
▪ Class activities	4 Hrs
Other student study effort:	
▪ Readings	60 Hrs.
▪ Writings	30 Hrs.
▪ Discussion	3 Hrs
Total student study effort	132 Hrs.

Reading List and References

- 《中國法制史》編寫組：《中國法制史》（北京：高等教育出版社，2017）
- 張晉藩主編：《中國法制史》（北京：中國政法大學出版社，1999）
- 戴炎輝：《中國法制史》（台北：三民書局，2015）
- 瞿同祖：《中國法律與中國社會》（北京：中華書局，1981）
- 劉俊文主編：《日本學者研究中國史論著選譯》（第8卷·法律制度）（北京：中華書局，1992）
- 高道蘊、高鴻鈞、賀衛方編：《西方學者論中國法律傳統》（北京：清華大學出版社，2004）
- 大庭修著，徐世虹譯：《秦漢法制史研究》（上海：中西書局，2017）
- 富谷至著，柴生芳、朱恒曄譯：《秦漢刑罰制度研究》（桂林：廣西師大，2006）
- 富谷至著，周東平、薛夷風譯：《漢唐法制史研究》（北京：中華書局，2023）
- 高明士：《律令法與天下法》（上海：上海古籍出版社，2013）
- 高明士：《中國中古禮律綜論：法文化的定型》（台北：元照出版，2014）
- 蘇基朗：《唐宋法制史研究》（香港：中文大學出版社，1996）
- 趙鼎：《〈天聖令〉與唐宋法制考論》（上海：上海古籍出版社，2014）
- 柳立言主編：《史料與法史學》（台北：中央研究院歷史語言研究所，2016）
- 柳立言主編：《中國史新論·法律史分冊——中國傳統法律文化之形成與轉變》（台北：聯經出版，2008）
- 邱澎生、陳熙遠：《明清法律運作中的權力與文化》（台北：聯經出版，2009）
- 邱澎生：《當法律遇上經濟：明清中國的商業法律》（台北：五南圖書出版公司，2008）
- 邱澎生：《當經濟遇上法律：明清中國的市場演化》（台北：聯經出版公司，2018）
- 卜永堅：《婦人楊氏之「復活」：十八世紀中國的法律與社會》（北京：北京師範大學出版社，2024）
- 張偉仁：《清代法制研究》（台北：中央研究院歷史語言研究所，1983）
- 滋賀秀三等，王亞新等譯：《明清時期的民事審判與民間契約》（北京：法律出版社，1998）
- 滋賀秀三著，張建國、李力譯：《中國家族法原理》（北京：法律出版社，2002）
- 黃宗智：《清代的法律、社會與文化：民法的表達與實踐》（上海：上海書店，2001）
- 黃宗智：《民事審判與民間調解：清代的表達與實踐》（北京：中國社會科學出版社，1998）
- 黃宗智：《法典、習俗與司法實踐：清代與民國的比較》（上海：上海書店出版社，2007）
- 黃宗智、尤陳俊編：《歷史社會法學：中國的實踐法史與法理》（北京：法律出版社，2014）
- Anthony J. Barbieri-Low & Robin D.S. Yates, *Law, State, and Society in Early Imperial China* (Leiden and Boston: Brill, 2015)
- Derk Bodde, *Law in Imperial China* (Cambridge: Harvard University Press, 1967)

	Matthew H. Sommer, <i>Sex, Law, and Society in Late Imperial China</i> (Stanford: Stanford University Press. 2000) McKnight, Brian. <i>Law and Order in Sung China</i> (Cambridge: Cambridge University Press, 1996) Thomas M. Buoye, <i>Manslaughter, Markets, and Moral Economy in China; Violent Disputes over Property Rights in 18th-Century China</i> (Cambridge: Cambridge University Press, 2009) Xiaoqun Xu, <i>Heaven Has Eyes: Law and Justice in Chinese History</i> (Oxford: Oxford University Press, 2020)
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Note 1: Intended Learning Outcomes

Intended learning outcomes should state what students should be able to do or attain upon subject completion. Subject outcomes are expected to contribute to the attainment of the overall programme outcomes.

Note 2: Subject Synopsis/Indicative Syllabus

The syllabus should adequately address the intended learning outcomes. At the same time, overcrowding of the syllabus should be avoided.

Note 3: Teaching/Learning Methodology

This section should include a brief description of the teaching and learning methods to be employed to facilitate learning, and a justification of how the methods are aligned with the intended learning outcomes of the subject.

Note 4: Assessment Method

This section should include the assessment method(s) to be used and its relative weighting, and indicate which of the subject intended learning outcomes that each method is intended to assess. It should also provide a brief explanation of the appropriateness of the assessment methods in assessing the intended learning outcomes.

(Form AR 140) 8.2020