

History 3615F
Crime and Punishment in Imperial China
History Department
Huron University College at Western University
Sept.-Dec. 2021

Course Instructor: Dr. Jun Fang

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Office Hours: Mon. & Wed., 10:30 am-12:00 pm

Class: W103, HUC; Thurs., 2:30-5:20 pm

Anti-requisites: None

Prerequisite:

2.0 History courses numbered 2200 or above. If you do not have the prerequisite for this course, you need to seek special permission from the chair of Huron's History department.

Course Description:

This half course examines competing legal concepts and their proponents, the principles of the Chinese legal system, penal and civil laws, and forms of punishment in imperial China. It also explores the impact of imperial legal practice on traditional Chinese society and contemporary Chinese policies, laws, and legal praxes.

The objective of the course is fourfold: to increase students' understanding of imperial Chinese legal system and laws as well as their impact on traditional and contemporary East Asian societies; to enhance students' analytical and critical thinking skills; to refine the students' ability to articulate their views both in class discussions and written works; and to demonstrate the value of historical inquiry.

The course outline specifies the weekly reading assignments which must be completed before attending the class.

Evaluation:

1. A three-hour in-class essay examination, to be written on Nov. 11, 2021, is worth 35% of the final mark.
2. One major research paper (ca. 3,000 words in length) using at least 12 sources, due on Dec. 2, 2021, is worth 40% of the final mark.
3. Class presentations and participation will account for 25% of the final mark. Students will be marked following each class. Those who attend every class and participate in every discussion in such a fashion as to indicate that they have read and thoughtfully considered the material will receive 100 percent of the participation mark. Those who attend every class but do not speak will receive 50 percent. **Those who attend fewer than 50% of the seminars will fail the course.**

Texts:

Basic:

Weekly readings listed below are available at the resource section of the course website.

Further:

Geoffrey MacCormack, *Traditional Chinese Penal Law*. London: Wildy, Simmonds & Hill Publishing, 2013.

Teaching Schedule and Reading Assignments:

- Sept. 9 **Introduction to the Course and Imperial China**
- Sept. 16 **Why Study Chinese Law?**
William Alford, "Law, Law, What Law? Why Western Scholars of Chinese History and Society Have Not Had More to Say about Its Law?," *Modern China*, Vol. 23, No. 4 (Oct. 1997), pp. 398-419; Robert Marsh, "Weber's Misunderstanding of Traditional Chinese Law," *American Journal of Sociology*, Vol. 106, No. 2 (Sept. 2000), pp. 281-302.
- Sept. 23 **Confucianism and Legalism**
Paul Goldin, "Han Law and the Regulation of Interpersonal Relations: 'The Confucianization of the Law,'" *Asia Major*, Vol. 25, No. 1 (2012), pp. 1-31; Geoffrey MacCormack, "The Legalist School and Its Influence upon Traditional Chinese Law," *Archives for Philosophy of Law and Social Philosophy*, Vol. 92, No. 1 (2006), pp. 59-81.
- Sept. 30 **Basic Concepts of Chinese Imperial Law**
Derk Bodde, "Basic Concepts of Chinese Law," in Derk Bodde and Clarence Morris, eds., *Law in Imperial China* (Cambridge, MA: Harvard University Press, 1967), pp. 3-51.
- Sept. 30 **Law and Punishment in Tang China**
Brian McKnight, "Tang Law and Later Law: The Roots of Continuity," *Journal of the American Oriental Society*, Vol. 115, No. 3 (Jul.-Sept. 1995), pp. 410-420; Wallace Johnson and Denis Twitchett, "Criminal Procedure in Tang China," *Asia Major*, Vol. 6, No. 2 (1993), pp. 113-146.
- Oct. 7 **Selected Articles of *The Tang Code***
"Articles 287-316," in Wallace Johnson, trans., *The Tang Code, Volume II, Specific Articles* (Princeton: Princeton University Press, 2014), pp. 301-349.

- Oct. 14 **Crime in Late Imperial China**
 William Rowe, "Violence in Ming-Qing China: An Overview," *Crime, History & Society*, Vol. 18, No. 2 (2014), pp. 85-98; "Fraternity and Fratricide in Late Imperial China," *The American Historical Review*, Vol. 105, No. 5 (Dec. 2000), pp. 1630-1640.
- Oct. 21 **Criminal Justice in Late Imperial China**
 Ann Waltner, "From Casebook to Fiction: Kung-an in Late Imperial China," *Journal of the American Oriental Society*, Vol. 110, No. 2 (Apr.-Jun. 1990), pp. 281-289; William Alford, "Of Arsenic and Old Laws: Looking Anew at Criminal Justice in Late Imperial China," *California Law Review*, Vol. 72, No. 6 (Dec. 1984), pp. 1196-1249.
- Oct. 28 **Legal Compensation in Late Imperial China**
 Frederic Constant, "Compensation of Injuries and Homicide in Ming and Qing Law," *Law and History Review*, Vol. 35, No. 4 (Nov. 2017), pp. 977-1016.
- Nov. 11 **In-Class Examination**
- Nov. 18 **Selected Articles of *The Great Ming Code***
Great Ming Code (Seattle: University of Washington Press, 2005), pp. xxxiii-civ; "Articles 277-338," *The Great Ming Code*, pp. 154-185.
- Nov. 25 **Late Qing Legal Reform**
 Jerome Bourgon, "Abolishing 'Cruel Punishments': A Reappraisal of the Chinese Roots and Long-Term Efficiency of the Xinzheng Legal Reforms," *Modern Asian Studies*, Vol. 37, No. 4 (Oct. 2003), pp. 851-862; Qiang Fang, "A Silent 'Revolution': The Late Qing Reform on the Jumping Appeal System, 1899-1911," *Journal of Asian History*, Vol. 46, No. 1 (2012), pp. 97-115.
- Dec. 2 **The Influence of the Traditional Chinese Law & Course Review**
 Dan Fenno Henderson, "Chinese Legal Studies in Early 18th Century Japan: Scholars and Sources," *The Journal of Asian Studies*, Vol. 30, No. 1 (Nov. 1970), pp. 21-56.

Rules and Regulations

The History Department has specified that:

1. All essays are to be typed and double-spaced.
2. Footnotes, endnotes and bibliographies are to be prepared according to the Departmental Guide (which follows).
3. Late marks are calculated on the paper copy submitted to the instructor or in the Essay Drop Box. Late penalties are calculated according to calendar day, including weekends.
4. In first and second year courses lateness will be penalized as follows: First day late -- 3 marks deduction. Each subsequent calendar day late -- 2 marks per day deduction.
5. Third and fourth year seminars will be penalized for lateness at the rate of half a grade (5%) per day.
6. No paper or seminar will be accepted if it is more than seven calendar days late.

7. Extensions will only be given for assignments worth more than 10% with medical documentation submitted through Academic Counseling.
8. Since this is an essay course, students must complete the written assignments worth more than 10% to pass the course.

Appeal

Before appealing a mark, take time to consider the assignment and the instructor's comments. Then discuss the mark with the instructor. If the resolution is not satisfactory, make your appeal in writing to Dr. Thomas Peace (tpeace@huron.uwo.ca), chair of Huron's History Department.



Appendix to Course Outlines: Academic Policies & Regulations 2021 - 2022

Prerequisite and Antirequisite Information

Students are responsible for ensuring that they have successfully completed all course prerequisites and that they have not completed any course antirequisites. Unless you have either the requisites for this course or written special permission from your Dean to enroll in it, you may be removed from this course and it will be deleted from your record. This decision may not be appealed. You will receive no adjustment to your fees in the event that you are dropped from a course for failing to have the necessary prerequisites.

Pandemic Contingency

In the event of a COVID-19 resurgence during the course that necessitates the course delivery moving away from face-to-face interaction, all remaining course content will be delivered entirely online, typically using a combination of synchronous instruction (i.e., at the times indicated in the timetable) and asynchronous material (e.g., posted on OWL for students to view at their convenience). Any remaining assessments will also be conducted online at the discretion of the course instructor. In the unlikely event that changes to the grading scheme are necessary, these changes will be clearly communicated as soon as possible.

Student Code of Conduct

Membership in the community of Huron University College and Western University implies acceptance by every student of the principle of respect for the rights, responsibilities, dignity and well-being of others and a readiness to support an environment conducive to the intellectual and personal growth of all who study, work and live within it. Upon registration, students assume the responsibilities that such registration entails. While in the physical or online classroom, students are expected to behave in a manner that supports the learning environment of others. Please review the Student Code of Conduct at:

<https://huronatwestern.ca/sites/default/files/Res%20Life/Student%20Code%20of%20Conduct%20-%20Revised%20September%202019.pdf>.

Attendance Regulations for Examinations

A student is entitled to be examined in courses in which registration is maintained, subject to the following limitations:

- 1) A student may be debarred from writing the final examination for failure to maintain satisfactory academic standing throughout the year.
- 2) Any student who, in the opinion of the instructor, is absent too frequently from class or laboratory periods in any course will be reported to the Dean of the Faculty offering the course (after due warning has been given). On the recommendation of the Department concerned, and with the permission of the Dean of that Faculty, the student will be debarred from taking the regular examination in the course. The Dean of the Faculty offering the course will communicate that decision to the Dean of the Faculty of registration.

Review the policy on Attendance Regulations for Examinations here:

https://www.uwo.ca/univsec/pdf/academic_policies/exam/attendance.pdf.

Statement on Academic Offences

Scholastic offences are taken seriously and students are directed to read the appropriate policy, specifically, the definition of what constitutes a Scholastic Offence, at the following website:

https://www.uwo.ca/univsec/pdf/academic_policies/appeals/scholastic_discipline_undergrad.pdf.

The appeals process is also outlined in this policy as well as more generally at the following website: https://www.uwo.ca/univsec/pdf/academic_policies/appeals/appealsundergrad.pdf.

Turnitin.com

All required papers may be subject to submission for textual similarity review to the commercial plagiarism detection software under license to the University for the detection of plagiarism. All papers submitted for such checking will be included as source documents in the reference database for the purpose of detecting plagiarism of papers subsequently submitted to the system. Use of the service is subject to the licensing agreement, currently between The University of Western Ontario and Turnitin.com (<http://www.turnitin.com>).

Statement on Use of Electronic Devices

It is not appropriate to use electronic devices (such as, but not limited to, laptops, cell phones) in the classroom for non-classroom activities. Such activity is disruptive and distracting to other students and to the instructor, and can inhibit learning. Students are expected to respect the classroom environment and to refrain from inappropriate use of technology and other electronic devices in class.

Statement on Use of Personal Response Systems (“Clickers”)

Personal Response Systems (“clickers”) may be used in some classes. If clickers are to be used in a class, it is the responsibility of the student to ensure that the device is activated and functional. Students must see their instructor if they have any concerns about whether the clicker is malfunctioning. Students must use only their own clicker. If clicker records are used to compute a portion of the course grade:

- the use of somebody else’s clicker in class constitutes a scholastic offence
- the possession of a clicker belonging to another student will be interpreted as an attempt to commit a scholastic offence.

Academic Consideration for Missed Work

Students who are seeking academic consideration for missed work during the semester may submit a self-reported absence form online provided that the absence is **48 hours or less** and the other conditions specified in the Senate policy at https://www.uwo.ca/univsec/pdf/academic_policies/appeals/accommodation_illness.pdf are met.

Students whose absences are expected to last **longer than 48 hours**, or where the other conditions detailed in the policy are not met (e.g., work is worth more than 30% of the final grade, the student has already used 2 self-reported absences, the absence is during the final exam period), may receive academic consideration by submitting a Student Medical Certificate (for illness) or other appropriate documentation (for compassionate grounds). The Student Medical Certificate is available online at https://www.uwo.ca/univsec/pdf/academic_policies/appeals/medicalform.pdf.

All students pursuing academic consideration, regardless of type, must contact their instructors no less than 24 hours following the end of the period of absence to clarify how they will be expected to fulfill the academic responsibilities missed during their absence. **Students are reminded that they should consider carefully the implications of postponing tests or midterm exams or delaying submission of work, and are encouraged to make appropriate decisions based on their specific circumstances.**

Students who have conditions for which academic accommodation is appropriate, such as disabilities or ongoing or chronic health conditions, should work with Accessible Education Services to determine appropriate forms of accommodation. Further details concerning policies and procedures may be found at: <http://academicsupport.uwo.ca/>.

Policy on Academic Consideration for a Medical/ Non-Medical Absence

(a) Consideration on Medical Grounds for assignments worth *less than 10%* of final grade: Consult Instructor Directly and Contact Academic Advising

When seeking consideration on **medical grounds** for assignments worth *less than 10%* of the final course grade, and if the student has exceeded the maximum number of permissible Self-Reported absences, the student should contact the instructor directly. The student need only share broad outlines of the medical situation. The instructor **may** require the student to submit documentation to the academic advisors, in which case she or he will advise the student and inform the academic advisors to expect documentation. If documentation is requested, the student will need to complete and submit the [Student Medical Certificate](#). The instructor may **not** collect medical documentation. The advisors will contact the instructor when the medical documentation is received, and will outline the severity and duration of the medical challenge as expressed on the Student Medical Certificate and in any other supporting documentation. The student will be informed that the instructor has been notified of the presence of medical documentation, and will be instructed to work as quickly as possible with the instructor on an agreement for accommodation.

(b) Consideration on Non-Medical Grounds: Consult Huron Support Services/Academic Advising, or email huronsss@uwo.ca.

Students seeking academic consideration for a **non-medical** absence (e.g. varsity sports, religious, compassionate, or bereavement) will be required to provide appropriate documentation where the conditions for a Self-Reported Absence have not been met, including where the student has exceeded the maximum number of permissible Self-Reported. All consideration requests

must include a completed [Consideration Request Form](#). Late penalties may apply at the discretion of the instructor.

Please review the full policy on Academic Consideration for medical and non-medical absence at: https://www.uwo.ca/univsec/pdf/academic_policies/appeals/accommodation_illness.pdf. Consult [Huron Academic Advising](#) at huronsss@uwo.ca for any further questions or information.

Support Services

For advice on course selections, degree requirements, and for assistance with requests for medical accommodation, students should email an Academic Advisor in Huron's Student Support Services at huronsss@uwo.ca. An outline of the range of services offered is found on the Huron website at: <https://huronatwestern.ca/student-life/student-services/>.

Department Chairs, Program Directors and Coordinators are also able to answer questions about individual programs. Contact information can be found on the Huron website at: <https://huronatwestern.ca/contact/faculty-staff-directory/>.

If you think that you are too far behind to catch up or that your workload is not manageable, you should consult your Academic Advisor. If you are considering reducing your workload by dropping one or more courses, this must be done by the appropriate deadlines. Please refer to the Advising website, <https://huronatwestern.ca/student-life/student-services/academic-advising/> or review the list of official Sessional Dates on the Academic Calendar, available here: <http://www.westerncalendar.uwo.ca/SessionalDates.cfm>.

You should consult with the course instructor and the Academic Advisor who can help you consider alternatives to dropping one or more courses. Note that dropping a course may affect OSAP and/or Scholarship/Bursary eligibility.

Huron Student Support Services: <https://huronatwestern.ca/student-life/student-services/>

Office of the Registrar: <https://registrar.uwo.ca/>

Student Quick Reference Guide: <https://huronatwestern.ca/student-life/student-services/#1>

Academic Support & Engagement: <http://academicsupport.uwo.ca/>

Huron University College Student Council: <https://huronatwestern.ca/student-life/beyond-classroom/hucsc/>

Western USC: <http://westernusc.ca/your-services/#studentservices>

Mental Health & Wellness Support at Huron and Western

University students may encounter setbacks from time to time that can impact academic performance. Huron offers a variety of services that are here to support your success and wellbeing. Please visit <https://huronatwestern.ca/student-life-campus/student-services/wellness-safety> for more information or contact staff directly:

Wellness Services: huronwellness@huron.uwo.ca

Community Safety Office: safety@huron.uwo.ca

Chaplaincy: gthorne@huron.uwo.ca

Additional supports for Health and Wellness may be found and accessed at Western through, <https://www.uwo.ca/health/>.

