



## SCHOOL OF LAW

Year 2023/24 Term 2

### LAW 4025 OVERSEAS PROJECT EXPERIENCE (CHINA)

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### COURSE DESCRIPTION

With its rising economic clout, China has become a magnet for firms from around the world. While the ever-expanding Chinese market provides endless opportunities, many businesses find that the Chinese legal system present a big challenge to their investment in or trade with China. Deeply influenced by a unique legal tradition spanning over two thousand years, the Chinese legal system that exists today also bears heavy marks left by the Civil Law system, the Socialist ideology, as well as the Common Law system in its commercial law. Thus, the Chinese legal system appears unique and complicated. This course aims to help the students to gain an insider's perspective of one of the most important nations in the world today, with a special emphasis on its legal systems. In addition to the doctrinal studies on key areas in the Chinese legal system, the course, under the SMU-XO model, will also expose the students to its practical operations through project-based consultancy with our Chinese partners and a week-long field trip in China. Through this course, the students will not only grasp the basic contours of the Chinese legal system, but also gain hands-on experience by working with Chinese legal practitioners to solve real-world legal issues. This year, we will visit Shanghai and our industrial partner will be Fangda Partners.

### PRE-REQUISITE/ CO-REQUISITE/ MUTUALLY EXCLUSIVE COURSE(S)

Nil.

### RECOMMENDED TEXT AND READINGS

Daniel Chow, *The Legal System of the People's Republic of China (3<sup>rd</sup> ed.)*, West  
Kenneth Lieberthal, *Governing China: From Revolution Through Reform (2<sup>nd</sup> ed.)*, Norton

Additional readings will be assigned including court decisions, journal and news articles.

### ASSESSMENT METHOD

Individual Class Participation:	15%
Mid-term Exam (1.5 hour):	20%

Individual Field Trip Report	15%
Final project report:	50%

No questions from past year papers or published test banks will be used verbatim for the graded assessments in this course.

### **Individual class participation (15%)**

Students are expected to participate actively in discussions in class and during the field trip, using the knowledge they have gained from the readings and other preparations they have done before the class and field trip. Both the quantity and quality of the contributions made by each student will be taken into account in the assessment.

### **Mid-term examination (20%)**

There will be a 1.5-hour **open book** exam in Week 10. The exam paper will consist of a few MCQ and an essay question drawn from the materials covered during the first eight weeks.

### **Individual Field Trip Report (15%)**

At the end of the course, each student shall prepare a written field trip report to summarize his/her field trip experience. The paper will discuss an issue involving the Chinese legal system and the student's reflection over it, such as a comparison between Chinese and Singaporean positions on this issue. To maximize the pedagogical value of the field trip, the students are encouraged to choose a topic that is relevant to the field trip. The paper should be no more than 1,500 words (including footnotes).

### **Final Project Report (50%)**

Students will be divided into 3-4 groups, and each group will be assigned with a project topic related to the real-world legal practices of our partners. Students will receive their projects in Singapore and discuss them with faculty and mentors. During the field trip, students will visit our partner institutions, discuss further with their mentors and obtain feedbacks. Students may also be asked to present preliminary results of their research to the institutions. The final project reports (mostly in the form of legal memoranda or policy reports) should be submitted through e-learn/dropbox.

Note: This course will not meet the requirement to be tagged for research paper requirement.

## **COURSE METHODS**

The course will be taught through active class discussions. It is expected and assumed that students will have read any assigned material prior to class meetings and that they will engage in active discussion of the material during class.

### **FIELD TRIP:**

We plan to conduct a field trip to Shanghai, China, in Week 18. The specific schedules of visits will be announced in due course.

## **ACADEMIC INTEGRITY**

All acts of academic dishonesty (including, but not limited to, plagiarism, cheating, fabrication, facilitation of acts of academic dishonesty by others, unauthorized possession of exam questions, or tampering with the academic work of other students) are serious offences.

All work (whether oral or written) submitted for purposes of assessment must be the student's own work. Penalties for violation of the policy range from zero marks for the component assessment to expulsion, depending on the nature of the offence.

As a reminder on how to avoid plagiarism, students are encouraged to complete this CALI tutorial at:

<http://researchguides.smu.edu.sg/content.php?pid=648621&sid=5370611>

When in doubt, students should consult the instructor of the course. Details on the SMU Code of Academic Integrity may be accessed at <http://www.smuscd.org/resources.html>

## ACCESSIBILITY

SMU strives to make learning experiences accessible for all. If you anticipate or experience physical or academic barriers due to disability, please let me know immediately. You are also welcome to contact the university's disability services team if you have questions or concerns about academic provisions: [included@smu.edu.sg](mailto:included@smu.edu.sg).

Please be aware that the accessible tables in our seminar room should remain available for students who require them.

## CLASS SCHEDULE

Week No.	Topic	Readings (recommended)
1	No Class	
2	Chinese History, Society and Culture	C: Ch1 A 1-4; L: Ch1, Ch2; <i>Economist</i> : Special Report – Chinese Youth, Jan. 23, 2021
3	Chinese Political System and Economic Reform	C: Ch1 A 5-8, Ch4; L: Ch4, Ch5, Ch6, Ch7, Ch8; <i>Economist</i> : Special Report – The Pearl River Delta, Apr. 8 <sup>th</sup> , 2017; <i>Economist</i> : Portrait of a Purge, Feb. 13 <sup>th</sup> , 2016; Special Report – Business in China, Sept. 10 <sup>th</sup> , 2015; Fixing China Inc., Aug. 30 <sup>th</sup> , 2014; Looking for Ways to Spend, Sept. 10, 2015; Are China's State Giants Reformable?, Mar.3 <sup>rd</sup> , 2018; The Walking Debt, Nov. 18 <sup>th</sup> , 2017; Clash of the Titans, Jul. 7 <sup>th</sup> , 2018; Life after Digging, Apr. 21 <sup>st</sup> , 2018; The Bitter Generation, May 5 <sup>th</sup> , 2018; Ten-year Hangover, Nov. 17 <sup>th</sup> , 2018; Mind Boggling, Nov. 10 <sup>th</sup> , 2018; Keeping Tabs, Mar. 30, 2019; Deeper in Red, Jun. 22, 2019; Flowerbeds of Enterprises, May 2, 2020; Blooming for the Glory of the State, Aug. 15, 2020; Over the Great Wall, Mar. 20, 2021; An Uncertain Path,

		Apr. 10, 2021; Serving a Higher Purpose, Jun. 5, 2021; Chasing a Pot of Gold, Jun. 12, 2021; Special Report – A Hundred Years of Revolution, Jun. 26, 2021; Marxism vs. Markets, Jul. 31, 2021; Home Comforts, Sept. 11, 2021; Fortified But Not Enriched, May 28, 2022; Zhang & Li, Weak Law v. Strong Ties: An Empirical Study of Business Investment, Law and Political Connections in China, 13 <i>Review of Law &amp; Economics</i> ; Huang, <i>Capitalism with Chinese Characteristics</i> , Cambridge University Press 2008.
4	Overview of the Chinese Legal System	C: Ch2, Ch5, Ch6, Ch8 B-E; Minzner, China's Turn Against Law, 59 <i>American Journal of Comparative Law</i> 935; He & Su, Do the "Haves" Come Out Ahead in Shanghai Courts?, 10 <i>Journal of Empirical Legal Studies</i> 120; Zhang, Managing Judges Mathematically, 28 <i>Constitutional Political Economy</i> 373; <i>Economist</i> : Judging Judges, Sept. 26 <sup>th</sup> , 2015; China with Legal Characteristics, Nov. 1 <sup>st</sup> , 2014; See You in Court, Sep. 30 <sup>th</sup> , 2017;
5	Contracts, Torts, and Property	C: Ch9 B 1, 2 a-d, Ch 11; <i>Economist</i> : <u>China Finally Starts to Write a Proper Civil Code</u> , Mar. 18 <sup>th</sup> , 2017; Zhang, Understanding the Law of Torts in China, 11 <i>University of Pennsylvania Asian Law Review</i> 171; <i>Economist</i> : Property Rights in China: China's Next Revolution, Mar 8 <sup>th</sup> , 2007.
6	Corporate and Securities Law	C: Ch9 B 2 e, Ch10; <i>Economist</i> : Chinese Companies' Weak Record on Foreign Deals, Jun. 8 <sup>th</sup> , 2017; <i>Economist</i> : Unequal Before the Law?, Aug. 23 <sup>rd</sup> , 2014; The Weakest Link, Sep. 16 <sup>th</sup> , 2017; IPO: Proof of Life, Mar. 17 <sup>th</sup> , 2018.
7	The Constitutional and Criminal Law	C: Ch3, Ch8 A, Ch9 A; Morris, China's Marbury: Qi Yuling v. Chen Xiaoqi, 2 <i>Tsinghua China Law Review</i> 273; <i>Economist</i> : Liu Xiaobo, A Dying Dissident, <u>Liu's Comrades</u> , July 15 <sup>th</sup> , 2017.
8	Mid-term Break	
9	Legal Profession and Legal Education	C: Ch7; <i>Economist</i> : China's Crushing of Independent Lawyers Is a Blow to the Rule of Law, Jun. 17 <sup>th</sup> , 2017.
10	Mid-Term Exam	
11	No Class	
12	No Class	
13	Project Mentoring	
14	No Class	

<b>15</b>	No Class	
<b>16</b>	No Class	
<b>17</b>	No Class	
<b>18</b>	Field Trip	
<b>19</b>	Submission of Final Project Report and Individual Field Trip Report	
<b>20</b>		

Note: The above syllabus/schedule is meant only as a guide and is subject to amendment.

### **DROPPING A COURSE**

Students are reminded to follow the dates and procedures of add/drop modules found in

<https://oasis.smu.edu.sg/Pages/RO/All-About-BOSS.aspx#parentHorizontalTab5>

UG and JD students need to drop the electives via BOSS unless otherwise instructed by the School for specific electives (e.g. Moots).

Students who fail to follow the correct procedures and stipulated timelines for dropping their modules will obtain a “W” or “F” grades as indicated on OASIS.

Do note that a “W” and ‘F’ grade is reflected **permanently** on a student’s transcript.

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### **DIGITAL READINESS FOR TEACHING AND LEARNING (DRTL)**

As part of DRTL, instructors may conduct lessons online via either the Zoom or WebEx platform during the term, to prepare students for online learning. During an actual emergency, students will be notified to access the Zoom or WebEx platform for their online lessons. The class schedule will mirror the current face-to-face class timetable unless otherwise stated.