### Course Details

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<tr>
<th>Course Details</th>
<th>Topics in Law &amp; Society: Law, Culture and Politics in China</th>
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<tbody>
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<td></td>
<td>LWSOC-UA 9251</td>
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<td>4 points</td>
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### Instructor Contact Information

<table>
<thead>
<tr>
<th>Name</th>
<th>Dan Guttman</th>
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<tbody>
<tr>
<td>Email</td>
<td><a href="mailto:djguttman@aol.com">djguttman@aol.com</a></td>
</tr>
<tr>
<td>Office Hours</td>
<td>Thursdays, 4:00-5:00pm</td>
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### Class Time

| Thursdays, 5:00-8:00pm |

### Course Description

We live in a world where there is an emerging global focus on governance—the ways in which government, market and civil society can be used to address public problems—both domestic and global.

In Beijing as well as Washington experts now use the same global vernacular of “governance” to discuss approaches to pressing public problems. Conference goers in either place will hear terms (often in English) such as democracy, rule of law, transparency, civil society, NGO/NPO (Nongovernment organization, nonprofit organization), GDP, crisis management, environmental sustainability, and CSR (corporate social responsibility.)

But however flat the new common language may make the world seem to observers, the same words may have different meanings in different heads. In each country the practical meanings of such terms are shaped by what might be called different “operating systems.”

In its remarkable rise, China studies the experiences of the world. America may have invented modern pragmatism, but China (“black cat white cat, it does not make a difference as long as it catches mice”) may now be its leading practitioner.

But while China seeks to learn from the western—it seeks to modify them to “Chinese characteristics,” China’s own cultural values and traditions, as they have evolved over millennia.

### Course Objectives

This course will study China’s governance in the context of America’s own governance system. We will consider how to compare American and Chinese governance systems, and whether and how concepts can be translated between them—so that the countries, and their citizens can learn from, and cooperate with, one another. In the process, we hope to learn about China, but also to reflect—in the light of 911 and Iraq and the global economic crisis—more deeply on our own understanding of how American governance works—and how it is seen by the world.

### Grading Components

As will be further discussed in class, Students will be expected to participate in class, to do readings and to try to keep current with China related news. There will be quizzes to test basic knowledge of readings and class materials. As will be discussed in class, the primary grade component will be a final paper which will draw on each student’s personal experience in China, and place this experience in the context of class readings, further scholarship and comparative experience in America (or other country).

- **10%:** Class Participation
- **15%:** Quizzes (two throughout the semester, to be announced the week before and covering the work to date)
- **75%:** Semester Paper (including email conversations, research and the final
Instructor Bio

Dan Guttman is a lawyer and teacher. He is visiting Professor at the Peking University School of Law public interest law program, visiting senior fellow at the Tsinghua University US/China Center, Lecturer at the Johns Hopkins University Whiting School of Engineering and fellow at the Johns Hopkins Center for Advanced Government Studies, and at the University of California Santa Barbara Bren School Center for Sustainability and Governance. As a Fulbright scholar he taught at Tsinghua, Peking, Fudan, Nanjing, and Shanghai Jiao Tong Universities.

Dan Guttman served in the Clinton administration as Executive Director of a Presidential Advisory Commission on bioethics, and as Presidentially appointed Commissioner of the U.S. Occupational Safety and Health Review Commission. He was special counsel to Senator David Pryor in investigations of Federal government management.

As a private lawyer, he represented nuclear weapons workers in litigation relating to the environmental cleanup of the US nuclear weapons complex and Congressional enactment of a law to compensate workers; school workers in litigation that led to Congressional enactment of a law to protect against asbestos hazard in schools; “whistleblowers” in litigation against the oil industry and military contractors that led to hundreds of millions of dollars of recovery by the US government; janitors in litigation that enforced the Washington DC Human Rights Act against Washington DC realtors; workers in Freedom of Information litigation leading to a US court finding that a major US privatization was a model of “what not to do” in privatizing, employment discrimination victims in litigation leading to a multimillion dollar settlement. He was a partner in a law firm that pioneered in the application of competitive principles to the electric energy industry on behalf of citizens and public agencies. He has been counsel to globally involved NGOs focused in gender equity in international development funding, Horn of Africa development, and advised on energy efficiency in Eastern Europe.

He co-authored The Shadow Government, a seminal study of the contracting out of the U.S. government, testified on many occasions before the U.S. Congress and other public bodies, and has written many articles/book chapters. He has shared in journalism awards, most recently for investigation of $900 billion in Pentagon contracting. He is a Fellow of the US National Academy of Public Administration, is on the Board of Shanghai Roots and Shoots, and graduated from Yale Law School and the University of Rochester.

Grading Expectations

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<tr>
<th>Grade</th>
<th>Description</th>
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<tr>
<td>A</td>
<td>Excellent performance showing a thorough knowledge and understanding of the topics of the course; all work includes clear, logical explanations, insight, and original thought and reasoning.</td>
</tr>
<tr>
<td>B</td>
<td>Good performance with general knowledge and understanding of the topics; all work includes general analysis and coherent explanations showing some independent reasoning, reading and research.</td>
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<tr>
<td>C</td>
<td>Satisfactory performance with some broad explanation and reasoning; the work will typically demonstrate an understanding of the course on a basic level.</td>
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<tr>
<td>D</td>
<td>Passable performance showing a general and superficial understanding of the course’s topics; work lacks satisfactory insight, analysis or reasoned explanations.</td>
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<tr>
<td>F</td>
<td>Unsatisfactory performance in all assessed criteria.</td>
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Attendance Policy

NYU Shanghai has a strict policy about course attendance that allows no unexcused absences. Each unexcused absence will result in the deduction of three percentage points from the final grade. More than two unexcused absences will result in failure.
Students should contact their instructors to catch up on missed work but should not approach them for excused absences. All absence requests and excuses must follow the application procedure directions here: https://wikis.nyu.edu/pages/viewpage.action?pageId=30017155

Students are expected to arrive to class promptly both at the start of class and after breaks. Arriving more than 10 minutes late or leaving more than 10 minutes early can be considered an unexcused absence. Unexcused absences from exams are not permitted and will result in failure of the exam. If you are granted an excused absence from an exam by NYU Shanghai administration, your instructor will decide how you will make up the exam.

This attendance policy also applies for classes involving a field trip or other off-campus visit. It is the student’s responsibility to arrive at the agreed meeting point on time.

There will be no adjustment of attendance records after the end of the semester. If you wish to contest a marked absence, you must do so before you leave Shanghai; if you think that there may be a discrepancy about your attendance in class on a given day, ask the NYU Shanghai academic staff to let you look at the attendance record.

**Submission of Late Work**

Written work due in class must be submitted during class time.

Late work should be submitted in person to the Academic Assistant during regular office hours (9:30-6:00, Monday-Friday). The Academic Assistant will mark down the date and time of submission in the presence of the student. In the absence of the Academic Assistant, another member of the administrative staff can accept the work in person, following the same protocol.

Work submitted within five weekdays will be penalized one portion of a grade for every day that it is late (so if it is late by one day, an assignment marked an “A” will be changed to an “A-,” and so on). Work submitted more than five days after the due date without an agreed extension will be given a zero.

Please note that final essays must be submitted on time.

**Plagiarism Policy**

*Plagiarism:* the presentation of another person’s words, ideas, judgment, images or data as though they were your own, whether intentionally or unintentionally, constitutes an act of plagiarism.

Students must retain an electronic copy of their work until final grades are posted on Albert. They must be prepared to supply an electronic copy if requested to do so by NYU in Shanghai. Not submitting a copy of their work upon request will result in automatic failure in the assignment and possible failure in the class. Penalties for confirmed cases of plagiarism are set out in the Student Handbook.

**Submission of Late Work**

Written work due in class must be submitted during class time.

Work submitted within five weekdays will be penalized one portion of a grade for every day that it is late (so if it is late by one day, an assignment marked an “A” will be changed to an “A-,” and so on). Work submitted more than five days after the due date without an agreed extension will be given a zero.

Please note that final project report must be submitted on time.
1. **Required Text(s)**
   - **Title:** Governing China: From Revolution through Reform (Second Edition)
   - **Author:** Kenneth Lieberthal
   - **ISBN-10:** 0393924920
   - **ISBN-13:** 978-0393924923
   - **Publication Date:** W. W. Norton & Company; Second Edition edition (December 15, 2003)

   2. Online readings available for free through Bobost Digital Resources. URLs provided to online readings in document on Blackboard.

   3. **Digital Coursepack A**
      
      Go to the NYU Bookstore web site: [http://www.bookstores.nyu.edu](http://www.bookstores.nyu.edu)
      
      Click on the "Textbook Inquiry and Ordering" link
      
      In the "Search by ISBN" option, enter **97820006033B**
      
      Proceed to Checkout and complete your order.
      
      After completing your order you will receive an email with your access code and instructions regarding accessing the Digital Coursepack.

   4. **Digital Coursepack B**
      
      You only need this if you don’t have the book **Governing China: From Revolution through Reform**. It contains just one article—“Part One: Legacies” which is used in Class 2. Instructions on access are same as above but code is **97820006209B**.

   **Supplemental Text(s)**
   
   Basic Online Materials:
   - *New York Times*
   - *Wall Street Journal*
   - *South China Morning Post*
   - *China Law listserv*
   - *Danwei*
   - *China Daily*
   - *China Dialogue*

   **Suggested Activities**
   
   The class has featured visiting expert speakers. In addition, optional and suggested trips and events will be discussed throughout the semester.

   **Class 1**
   
   Aug. 30
   
   **Introduction and Overview**
   
   Introduction of one another and the class
   
   Readings:
   
   Guttman: “Operating Systems” (only one page!)

   **Class 2**
   
   Sept. 6
   
   **China and America: Comparing Operating Systems**
   
   Confucius—*Analects* (Commentary and Excerpts from DeBary and Bloom: *Sources of Chinese Tradition*: Chapter 3)
   
   Lieberthal: Part One: Legacies (The Legacies of Imperial China and The Republican Era)
   
   Madison: Federalist Ten

   **Class 3**
   
   Sept. 13
   
   **The American Presence in China: The Missionary and Commercial Tradition**
   
   Fairbank: *The United States and China* (excerpts)
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| Class 4 | Sept. 20 | The PRC: Introduction to History and Governance  
The Birth of the PRC and the Beginning of the Reform Era  
| Class 5 | Sept. 27 | China’s Economic Opening Up and Remarkable Economic Rise  
Lieberthal: Chapter 5 “Economic Development”  
Keindl: “China’s Economic Rise: Fact or Fiction”  
Cheng Li: “The Rise of the Middle Class in the Middle Kingdom” |
| Class 6 | Oct. 11  | China Governance Today  
Lieberthal: Part Three: “The Political System”  
Cheng Li: “Will China’s ‘Lost Generation’ Find a Path to Democracy?” |
| Class 7 | Oct. 18  | Course Part Two: China’s Current Challenges and the Search for Chinese Characteristics  
The Search for Chinese Characteristics  
Suisheng Zhao: A Nation State by Construction: Dynamics of Modern Chinese Nationalism (excerpts)  
Kao Guan: “Rule of Law with Chinese Characteristics” |
| No Class| Oct. 25  | No Class                                                                                   |
| Class 8 | Nov. 1   | Challenges for the Coming Fifth Generation China Leadership  
Pei: “Trapped in Transition”  
Further current materials to be provided |
| Class 9 | Nov. 2   | Course Part Three: Going Deeper into China Rule of Law and Civil Society  
China Law Overview  
The Chinese Constitution  
De Lisle: “Legalization Without Democratization in China Under Hu Jintao” |
| Class 10| Nov. 8   | Environment: Problems and Governance  
Pan Yue Der Spiegel Interview  
http://service.spiegel.de/cache/international/spiegel/0,1518,345694,00.html  
Guttman: Comparative China-US Environmental Governance |
| Class 11| Nov. 15  | China: Emerging Civil Society?  
Jia Xijin, Text on Civil Society (Chapter I, part III, pages 14-18)  
Roundtable discussion of Mertha book “China WaterWarriors” |
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| 12     | Nov. 22 | Comparing the The Ages of American Law and the Possible Evolution of China Law  
          Guttman: Public Interest Law: Career Models, Tools, Strategies  
          He Weifang: Letter on Li Zhuan case  
          Jerome Cohen: selected articles to be provided |
| 13     | Nov. 29 | China and the US in the (Post 911/Economic Crisis) Obama Era: China’s Continued Rise, U.S. Economic Crisis, Climate Change, Human Rights  
          Economy and Segal “The G-2 Mirage”  
          Kahn, “Walking Dragon: When China Rules the World” (review of The End of the Western World and the Birth of a New Global Order”)  
          Pei, “China’s Not a Superpower”  
          Ronnie Chan, “The West’s Preaching to the east must stop” |
| 14     | Dec. 6  | Wrap Up: Discussion of Papers |
| 15     | Dec. 13 | Final papers due last day of exam week  
          Please deliver to the Academic Support Office. Also email papers to Professor Guttman (djguttman@aol.com) and CC Joyce Ge (joyce.ge@nyu.edu) by that same time.  
          Class will not meet during the final exam week. |