

Perspectives in History: Crime and Justice in China

Fall 2021
21:510:316:Q2

Monday, 2:30 – 3:50 pm
Wednesday, 1 – 2:20 pm
Location: Hill 217 (in-person)

Instructor: Prof. Daniel Asen
Office hours: Virtual, by appointment. Contact me and we can set up a time.
Email: daniel.asen@rutgers.edu

1. Course Description

This class examines the history of crime, punishment, and justice in China from the late Qing dynasty (1644-1911) to the present day. At the most basic level, we will examine how crimes were committed, investigated, adjudicated, punished, and represented in culture during a period that saw deep changes in every aspect of Chinese politics, society, economy, and culture. We will pay special attention to the ways in which societal values and power relations have influenced the practice of criminal justice in China, but also how the handling of crime has itself played a role in the definition and negotiation of social identities and roles, including gender, race, and class. Finally, we will examine the roles that policing and law have played in China since the communist revolution of 1949 as well as how the relationship between criminal justice and surveillance has been negotiated historically and in the present.

We will analyze these issues by examining a varied collection of historical sources, including legal cases, law codes, political speeches, media reports, propaganda posters, and even fiction. In examining these sources, we will focus on practicing the basic skills that historians use to learn about past events, to interpret their significance, and to communicate their findings. Aside from reading and analyzing historical sources (or “primary sources”), we will also read a range of works written by historians and other scholarly authors (“secondary sources”) that will help us to contextualize historical documents and to consider the most effective strategies for understanding and narrating the past.

2. Learning Goals

By the end of this course students should be able to:

1. Demonstrate in class and through their writing a basic understanding of modern Chinese history, the different roles that crime, law, and concepts of justice have played in China's modern transformation, and the relevance of these issues in China today.
2. Analyze historical documents (primary sources) and scholarly works (secondary sources). Emphasis will be placed on developing an understanding of what primary sources are, their strengths and limitations, how they are used in historical research, and how to use them as evidence when constructing arguments about the past. When reading primary sources, we will especially address questions such as who authored the source, who the intended audience was, and the agenda or politics that might be underlying the text. When reading secondary sources we will focus on identifying and critically analyzing the main arguments.
3. Use the Rutgers University Libraries website and a few other online resources that are used in historical research. Emphasis will be placed on the ability to locate journal articles and other sources online and to use some of the most important databases and other resources that are used when planning and carrying out research.
4. Produce a persuasive historical argument in writing. By the end of the course, students should be able to write analytical essays that contain historical arguments based on analysis of textual evidence drawn from primary and secondary sources.

3. Assignments and Grading

Your semester grade will be based on the following:

- Attendance and participation – 10%
- Library resources worksheet (due 9/22) – 5%
- Reading worksheets (4) – 25%
- Paper #1 (due 10/1) – 20%
- Paper #2 (due 11/5) – 20%
- Paper #3 (due 12/5) – 20%

Attendance and participation (10%). To receive full credit, you must arrive on time, participate in in-class discussions and activities, and be respectful of your classmates.

I will take attendance at the beginning of every class. If you arrive late, after I have taken attendance, I will give you half credit for being in class. This means that two late arrivals will count as one unexcused absence.

Students are required to read the assigned texts before class (by the date indicated on the syllabus), to come to class ready with questions or observations about the readings, and to take part in the discussion to earn a good participation grade. We will devote much of our class time to analyzing primary sources. I will be checking whether students have brought the readings to class and include that in the participation grade.

According to the Rutgers-Newark Undergraduate Catalog: “The recognized grounds for absence are illness requiring medical attention, curricular or extracurricular activities approved by the faculty, personal obligations claimed by the student and recognized as valid, recognized religious holidays, and severe inclement weather causing dangerous traveling conditions.”

These are the situations in which an absence can be counted as excused – for all other situations, an absence is unexcused. If you will be absent for one of these reasons, please let me know in advance.

Any student who misses eight or more sessions through any combination of excused and unexcused absences will automatically fail the class. Such students should withdraw to avoid getting an F.

Library resources worksheet (5%). You will complete a worksheet that will familiarize you with the Rutgers University Libraries website and other online resources. I will give you instructions about what this will involve and how it will be graded.

Reading worksheets (4) (25% total, 6.25% each). Over the semester you will complete four worksheets. Each worksheet will ask you to analyze that session’s readings, make connections between the readings and other course materials, and consider how these readings – especially the primary sources – could be used for historical research.

You will see on the class schedule that many sessions have this symbol (✍) next to the dates. This means that there is a reading worksheet available for that session. You may choose which sessions’ worksheets you want to do, but over the semester you must complete 4 in total.

Each worksheet is due by the start of class on the date of that session. So, for example, the worksheet that is available for the Monday 9/27 session would be due by 2:30pm on that day. I will post a rubric on Canvas showing how the worksheets will be graded and the late submission policy.

Papers (3) (60% total, 20% each). This course has three 3-4 page papers, each of which will ask you to do a close reading and analysis of primary sources. I will give you instructions for each paper as well as a rubric showing how it will be graded. I will also provide general guidance about writing academic papers.

If you have any questions at all about the papers or writing in general, feel free to contact me. I’m happy to give you comments on a first draft of your paper. If you’d like to do this, email me your draft at least one week before it is due.

If you would like general guidance on writing beyond this, you may also contact the Writing Center for tutoring and other support: <https://sasn.rutgers.edu/student-support/tutoring-academic-support/writing-center>.

Grading scale. Each graded assignment will have its own grading scale, which will be provided along with its rubric. Below is the scale that I will use to determine your semester grade at the end of the semester:

| | |
|------------|----|
| 90 - 100 | A |
| 87 - 89 | B+ |
| 80 - 86 | B |
| 77 - 79 | C+ |
| 70 - 76 | C |
| 60 - 69 | D |
| 59 or less | F |

4. Course Readings

Most readings are available on Canvas. Go to our course's Canvas site (after logging in here: <https://canvas.rutgers.edu/>). You can find the readings for each week listed under that week's module.

The following book ("Karl") is required for this class. It will be made available on reserve at Dana Library for in-library reading or can be purchased from the campus bookstore or online:

Rebecca E. Karl, *Mao Zedong and China in the Twentieth-Century World: A Concise History*. Duke University Press, 2010. ISBN: 978-0-8223-4795-8.

5. Academic Integrity

Academic dishonesty in this class will not be tolerated. Period. This includes plagiarism, cheating, and any other behavior described in the Rutgers University Academic Integrity Policy. For this reason it is absolutely crucial that you familiarize yourself with this policy, which describes the actions that will be counted as violations of academic integrity: <http://academicintegrity.rutgers.edu/>

You must include the following Rutgers Honor Code Pledge statement on every assignment that you turn in: "On my honor, I have neither received nor given any unauthorized assistance on this assignment. (Name) (Signature – typing your name is fine) (Date)".

If anyone has any questions at all about this policy, what counts as a violation of academic integrity, or even simply how to cite sources on a paper (a topic that we will cover in class), I am always willing to discuss these issues with you. Students who plagiarize assignments or otherwise violate academic integrity will receive serious penalties, ranging from a failing grade in the class to suspension.

6. Accommodations and Support

Rutgers University Newark (RU-N) is committed to the creation of an inclusive and safe learning environment for all students and the University as a whole. RU-N has identified the following resources to further the mission of access and support:

For Individuals with Disabilities: The Office of Disability Services (ODS) is responsible for the determination of appropriate accommodations for students who encounter barriers due to disability. Once a student has completed the ODS process (registration, initial appointment, and submitted documentation) and reasonable accommodations are determined to be necessary and appropriate, a Letter of Accommodation (LOA) will be provided. The LOA must be given to each course instructor by the student and followed up with a discussion. This should be done as early in the semester as possible as accommodations are not retroactive. More information can be found at ods.rutgers.edu. Contact ODS at (973)353-5375 or via email at ods@newark.rutgers.edu.

For Individuals who are Pregnant: The Office of Title IX and ADA Compliance is available to assist with any concerns or potential accommodations related to pregnancy. Students may contact the Office of Title IX and ADA Compliance at (973) 353-1906 or via email at TitleIX@newark.rutgers.edu.

For Absence Verification: The Office of the Dean of Students can provide assistance for absences related to religious observance, emergency or unavoidable conflict (e.g., illness, personal or family emergency, etc.). Students should refer to [University Policy 10.2.7](#) for information about expectations and responsibilities. The Office of the Dean of Students can be contacted by calling (973) 353-5063 or emailing deanofstudents@newark.rutgers.edu.

For Individuals with temporary conditions/injuries: The Office of the Dean of Students can assist students who are experiencing a temporary condition or injury (e.g., broken or sprained limbs, concussions, or recovery from surgery). Students experiencing a temporary condition or injury should submit a request using the following link: <https://temporaryconditions.rutgers.edu>.

For English as a Second Language (ESL): The Program in American Language Studies (PALS) can support students experiencing difficulty in courses due to English as a Second Language (ESL) and can be reached by emailing PALS@newark.rutgers.edu to discuss potential supports.

For Gender or Sex-Based Discrimination or Harassment: The Office of Title IX and ADA Compliance can assist students who are experiencing any form of gender or sex-based discrimination or harassment, including sexual assault, sexual harassment, relationship violence, or stalking. Students can report an incident to the Office of Title IX and ADA Compliance by calling (973) 353-1906 or emailing TitleIX@newark.rutgers.edu. Incidents may also be reported by using the following link: tinyurl.com/RUNReportingForm. For more information, students should refer to the University's Student Policy Prohibiting Sexual Harassment, Sexual Violence, Relationship Violence, Stalking and Related Misconduct located at <http://compliance.rutgers.edu/title-ix/about-title-ix/title-ix-policies/>.

For support related to interpersonal violence: The Office for Violence Prevention and Victim Assistance can provide any student with confidential support. The office is a **confidential resource** and does *not* have an obligation to report information to the University's Title IX Coordinator. Students can contact the office by calling (973) 353-1918 or emailing run.vpva@rutgers.edu. There is also a confidential text-based line available to students; students can text (973) 339-0734 for support.

For Crisis and Concerns: The Campus Awareness Response and Education (CARE) Team works with students in crisis to develop a support plan to address personal situations that might impact their academic performance. Students, faculty and staff may contact the CARE Team by using the following link: tinyurl.com/RUNCARE or emailing careteam@rutgers.edu.

For Stress, Worry, or Concerns about Well-being: The Counseling Center has confidential therapists available to support students. Students should reach out to the Counseling Center to schedule an appointment: counseling@newark.rutgers.edu or (973) 353-5805. If you are not quite ready to make an appointment with a therapist but are interested in self-help, check out *TAO at Rutgers-Newark* for an easy, web-based approach to self-care and support: <https://tinyurl.com/RUN-TAO>.

For emergencies, call 911 or contact Rutgers University Police Department (RUPD) by calling (973) 353-5111.

Some other resources that might be useful:

- Link to RU-N "Technology LaunchPad": <https://runit.rutgers.edu/technology-launch-pad/>
- Contact information for OIT-Newark Help Desk: <https://runit.rutgers.edu/hd/>

7. Weekly Schedule

Wednesday 9/1

- Introduction / overview of class

Monday 9/6 – NO CLASS

Late Qing (1800 – 1911)

Wednesday 9/8 (follows Monday class schedule)

- “The Hong Brothers: A Quarrel Over Manure” (1738), from Hegel, *True Crimes*.
- Excerpts from Qing Code, from Jones, *The Great Qing Code*, 278-284, 297-305.

Monday 9/13 ✍

- Matthew H. Sommer, “The Gendered Body in the Qing Courtroom.” *Journal of the History of Sexuality* 22, no. 2 (2013): 281-311.

Wednesday 9/15

- “The First Opium War: The Anglo-Chinese War of 1839-1842.” Essay by Peter C. Perdue. Read all of the sections on the menu bar at the top (from “Opium Trade” to “War Stories.” [Link](#).)

Monday 9/20 ✍

- “Treaty of Peace, Amity, and Commerce, Between the United States of America and the Chinese Empire” (1844)
- Look over the Paper #1 assignment (due Friday 10/1) if you have not already done so. We will discuss the assignment in class today.

Republican China (1912 – 1940s)

Wednesday 9/22

- Karl, 1-27
- **Library resources worksheet due by start of class today (1pm). Submit it on Canvas.**

Monday 9/27 ✍

- “Summary and Recommendations of the Report of the Commission on Extraterritoriality in China,” *The American Journal of International Law* 21, no. 3 (1927): 58-66.

Wednesday 9/29 ✍

- Cheng Xiaoqing, “The Odd Tenant,” in Cheng Xiaoqing (Timothy C. Wong, trans.), *Sherlock in Shanghai: Stories of Crime And Detection* (Honolulu: University of Hawai'i Press, 2007), 94-112.

Paper #1 due Friday 10/1 by 11:59pm

Monday 10/4

- Karl, 27-72

Wednesday 10/6 ✍

- Mao Zedong, “Report on an Investigation of the Peasant Movement in Hunan” (1927). Only read the following sections: The Importance of the Peasant Problem, Down with the Local Tyrants and Evil Gentry! All Power to the Peasant Associations!, “It’s Terrible!” or “It’s Fine!”, The Question of “Going Too Far.” [Link](#).
- William Hinton, *Fanshen: A Documentary of Revolution in a Chinese Village* (Berkeley: University of California Press, 1997 [1966]), Chapter 3: Eating Bitterness, 37-45.

Communist revolution and the Maoist period (1949 – 1976)

Monday 10/11 ✍

- Mao Zedong, “On the People’s Democratic Dictatorship,” June 30th, 1949. [Link](#).

Wednesday 10/13 ✍

- Robert Jay Lifton, *Thought Reform and the Psychology of Totalism: A Study of “Brainwashing” in China* (Chapel Hill and London: The University of North Carolina Press, 1989 [originally published 1961]). Only read: 3-7, 473-484.

Monday 10/18 ✍

- J.M. Chris Chang, “Paper Affairs: Discipline by the Dossier in a Mao-Era Work Unit.” *Administrative Science Quarterly* 4, no. 1 (2019): 125-40.

Wednesday 10/20

- Karl, 73-116
- Look over the Paper #2 assignment (due Friday 11/5) if you have not already done so. We will discuss the assignment in class today.

Monday 10/25

- Karl, 117-158

Wednesday 10/27 ✍

- “Decision of the Central Committee of the Chinese Communist Party Concerning the Great Proletarian Cultural Revolution” (1966)
- “In Praise of ‘Lawlessness’” (1967)

Deng Xiaoping’s “Reform and Opening Up” (1978 –)

Monday 11/1

- Karl, 159-184

Wednesday 11/3 ✍

- Indictment of “Lin Biao and Jiang Qing counter-revolutionary cliques” (1980)

Paper #2 due Friday 11/5 by 11:59pm

Monday 11/8 ✍

- “The Basic Character of Crime in Contemporary China” (late 1980s), translated by Michael Dutton. *The China Quarterly*, no. 149 (1997): 160-177.

Wednesday 11/10 ✍

- “CIA Directorate of Intelligence Report, *China: Potential for Political Crisis*, February 9th, 1989.”

Monday 11/15 ✍

- Deng Xiaoping, “Address To Officers At the Rank of General and Above In Command of the Troops Enforcing Martial Law In Beijing” (1989). [Link](#).
- Look over the Paper #3 assignment (due Sunday 12/5) if you have not already done so. We will discuss the assignment in class today.

Post-Deng China (1990s – Present)

Wednesday 11/17 ✍

- Daniel C. Lynch, “Xi Jinping Confronts the Network Society.” *Modern China*, OnlineFirst (first published April 19th, 2021), 1-22.

Monday 11/22 ✍

- Darius Longarino, Yixin (Claire) Ren, and Changhao Wei, “Legal Obstacles to #MeToo Cases in China’s Courts.” *China Brief* 21, no. 9 (May 7th, 2021). [Link](#).
- “Open letter on PKU #MeToo Case.” [Link](#).

THANKSGIVING RECESS

Monday 11/29 (follows Wednesday class schedule) ✍

- Sean R. Roberts, “The Biopolitics of China’s ‘War on Terror’ and the Exclusion of the Uyghurs.” *Critical Asian Studies*, 50, no. 2: 232-58.
- “Xinjiang on the road to modern governance.” *China Daily*, 6/25/19. [Link](#).

Wednesday 12/1

- No reading for today. Work on Paper #3 (due 12/5).

Paper #3 due Sunday 12/5 by 11:59pm

Monday 12/6 ✍

- Austin Ramzy, “Protester Who Crashed Into Police Faces Hong Kong’s First Security-Law Trial.” *New York Times* (June 22nd, 2021).
- “Law of the People’s Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region” (2020). Selections TBA. [Link](#).

Wednesday 12/8

- Straton Papagiannas, “Automation and Digitalization of Justice in China’s Smart Court Systems.” *China Brief* 21, no. 11 (June 7th, 2021). [Link](#).

Monday 12/13

- Briefly review the syllabus, your class notes, and what you learned over the semester. We will have a general discussion about what was covered, including the past, present, and future of crime and justice in China.