

PHIL400001**Traditional Chinese Political and Legal Philosophy****Program** : Global Summer Program**Term** : Summer 2024**Duration** : June 5, 2024 - August 2, 2024**Contact Hours** : 54**Fudan Credits** : 3**Course Description:**

China in the so-called pre-Qin period (770 B.C.E.-221 B.C.E.) experienced a profound political transition from the Chinese version of feudalism or “the Ancien Régime” (the regime of Western Zhou, 1150 B.C.E. to 770 B.C.E.) to a centralized bureaucratic state or a kind of “modern” state. During this tumultuous period, competing schools of political philosophers offered proposals to restore order, which would lay the foundations of the political and legal framework for traditional China in the next 2,000 years (221 B.C.E.-1911 C.E.).

Early Confucians took an apparently “reactionary” approach, calling for a return to the old regime. They emphasized on the rule of virtue, and the Confucian proposal has often been blamed for the lack of the spirit of law in traditional and contemporary China. The Lao Zi (and the Daoist school in general) is very critical of the Confucian proposal, and it appears to be truly reactionary and apolitical, although Han Fei Zi the Legalist may read the Lao Zi rather differently. Finally, the so-called “Legalists” were forward-looking and advocating a form of the rule of law, although critics claim that they actually advocated the rule by law. Both the Confucian and the Legalist schools advocated an equality-based meritocracy, but they differed on what should be considered merits.

In this course, we will examine some primary texts by some early Confucians (mostly Confucius and Mencius) and the Legalist philosopher Han Fei Zi in order to understand their general legal and political philosophy, with the reading of the Lao Zi as a transitional text. We will also investigate how early Confucians and Legalists treated particular legal issues such as the conflict between the interest of society and the interest of the law, laws of international relations, etc.

To help us understand the implications and the influences of these philosophical ideas, we will also look into some real legal codes and legal judgments in traditional China. The state of Qin that conquered all other states and unified China followed the Legalist philosophy, and the Han Dynasty and later dynasties, seeing how short-lived the Qin Dynasty (221 B.C.E.-206 B.C.E.), tried a mixture of both Legalist and Confucian political proposals after a brief “flirtation” with the Laozian philosophy.

Course Goals:

Through the studies of these schools, we can understand the philosophical foundations of traditional Chinese political and legal practices in traditional China. Moreover, we will also examine their relative merits and shortcomings by comparing them with one another and with Western political and legal ideas, thus helping us to reflect on the issue of the best political regime, if we refuse the myth of “the end of history,” that is, the idea that our search for the

Web: <https://www.fdsf.fudan.edu.cn> Email: studytour@fudan.edu.cn Add: 670 Guoshun RD ,Shanghai ,China,200433

best regime has already ended with the apparent victory of liberal democratic orders after the fall of the Soviet Union.

Prerequisites:

No prerequisites.

Textbook & References:

Required texts:

- Bai, Tongdong (2012), China: The Political Philosophy of the Middle Kingdom. London: Zed Books. (BTD)
- Lau, D. C. (tr.) (2002), Confucius: The Analects (paperback bilingual edition). Hong Kong: The Chinese University Press. (L-A)
- Lau, D. C. (tr.) (2003), Mencius (revised and bilingual edition). Hong Kong: The Chinese University Press. (L-M)
- Wing-tsit Chan, The Lao Zi part in A Source Book in Chinese philosophy. (CL)
- Burton Watson (tr.) (1964), Han Fei Tzu, Basic Writings. New York, Columbia U. Press. (BW)
- Supplement materials: selected legal cases in traditional China and other related materials, to be provided electronically by the instructor. (SUP)

Supplementary texts

- W. K. Liao, The Complete Works of Han Fei-tzu
<http://www2.iath.virginia.edu/saxon/servlet/SaxonServlet?source=xwomen/texts/hanfei.xml&style=xwomen/xsl/dynaxml.xml&chunk.id=tpage&doc.view=toc&doc.lang=bilingual>
(LWK)
- Chan, Wing-tsit (1969), A Source Book in Chinese Philosophy. Princeton: Princeton U. Press. (CWT)
- Note: be aware of the different romanizations through pinyin and Wade-Giles.

Schedule:

Lecture	Date	Time	Topic
1	June 5, 2024	Online Sessions Lecture 1 - 8: 13:30-17:00 BJT (UTC+8)	Introduction
2	June 6, 2024		Part I: Early Confucians: Rule of Virtue vs. Rule of Law 1) The social glue
3	June 12, 2024		2) The conflict among duties
4	June 13, 2024		3) Rule of virtue vs. rule of law
5	June 18, 2024		4) International relations
6	June 20, 2024		5) Animal rights
7	June 25, 2024		6) Confucian “bureaucracy”

8	June 27, 2024		Part II: The Laozi the Reactionary
9	July 29-August 2, 2024	Offline Sessions Lecture 9 - 12: TBD	Part III: Han Fei Zi: An Early Advocate of the Rule of Law and Rational Bureaucracy; And the ultimate synthesis
10			
11			
12			Essay

Assessment:

Assessment Task	Weighting
1. Essay (Four in Total)	92% (23% for each essay)
2. Presentation	8%

Grading Scale:

Grades	A	A-	B+	B	B-	C+	C	C-	D	F
100	90-100	85-89	82-84	78-81	75-77	71-74	66-70	62-65	60-61	<60

The instructor will use the grading system as applied by Fudan University.

Credit Point Value:

Component	Contact Hours	Fudan Credits
Academic Lectures	44	3
Thesis/Exam	4	
Field Trip	3	
Seminar	3	
Total	54	

At Fudan University, the duration of one contact hour is 45 minutes, and 18 contact hours are equivalent to 1 credit.

Note: The document is subject to change at the discretion of School of Management, Fudan University.