Syllabus and Reading

Ancient Chinese Law and Philosophy

– Syllabus –

What is a good government? What is good law, or a good method of bringing people to the state of ultimate, collective happiness? How to explain human conduct? How to understand the role of law and other normative apparatuses available in society for shaping and guiding human behaviour? How to justify the State-sponsored violence carried out against individuals? Why do we observe law? Do we have to observe law? Why? These are questions of fundamental importance which may interest many students. This course aims to tackle these questions by examining some of the influential schools of thought which arose from pre-Han (before 206BC) China. The ancient Chinese approaches to these questions will widen the intellectual horizons of many students. The legal and philosophical texts of ancient China will be presented not merely as an object of veneration or exotic and esoteric interest, but as vital sources of inspiration which could open up new possibilities of inquiry into the questions which have so far been approached from European or 'Western' angles of analysis. The course will attempt to establish a connection between the way these questions are explored and the way we understand Nature, human-beings and the purpose of our existence in this Universe. Students will also have an opportunity to study how these early ideas were transformed and manipulated during the Han empire (206BC – 220AD) and become the orthodox political ideology which was to have a decisive impact in determining the overall character and ethos of the East Asian culture until today. No knowledge of the Chinese language is required. No background in ancient history is necessary.

1. Outline understanding of pre-Confucian legal and political institutions of China
2. Confucian vision of law, ethics and human conduct
3. Continuations and variations of the Confucian system
4. Legalist ideas of law, human nature and statecraft
5. Daoist outlook on human-beings, Nature and Universe; ideas of Yin and Yang
6. Creation of State orthodoxy in Han empire
7. The limits of law, language and human understanding

READING

1. Essential (Students should all obtain a copy of their own for the following):
    - Annping Chin, The Analects (2014)
    - D. C. Lau, Mencius (1970)
2. General texts:
    - Loewe and Shaughnessy, The Cambridge History of Ancient China (1999)
        - pp. 292-351, ‘Western Zhou history’;
        - pp. 545-586, ‘The Spring and Autumn Period’
    - Liu Yongping, *Origins of Chinese law: penal and administrative law in its early development (1998)*, ch. 1, pp.19-60, ‘Law in Shang-Zhou China’
    - Denis Twitchett and Michael Loewe, The Cambridge history of China, vol. 1. The Ch’in and the Han Empires, 221 BC – AD 220 (1986), pp. 520-544, ‘Ch’in and Han Law’
    - Fung, Yu-lan (Feng, Youlan), A history of Chinese philosophy, 2 vols. trans. Derk Bodde (1952-53) vol II, ch. 2, pp. 7-87, ‘Dong Zhongshu and the new text school’
    - de Bary et al., ed. Sources of Chinese Tradition,
        - vol. I, ch. 1, pp. 3-23, ‘The oracle-bone inscriptions of the late Shang dynasty’
        - vol. I, ch. 4, pp. 64-76, ‘Mozi: Utility, uniformity and uniersal love’

        - vol. I, pp. 159-183, ‘Xunzi’
        - vol. I, pp. 199-212, ‘Han feizi; Li si’
        - vol. I, pp. 292-310, ‘Dong Zhongshu’
    - □□ □□, □□□ □□, □□, □□ □□ – □□, □□, □□□ □□ □□□ (□□□□, 2011)
    - □□□, □□□ □□, □□ □□: □□□□ □□□□ (□□□□□□□, 2012)
    - □□□, □□□□ □□ □□ (□□□) (□□□□, 2013)
    - □□□ □□, □□□ □□, □□□□□ (□□, 1999)
        - vol.1, pp. 177-213, ‘□□□ □□ □□ □□□’
        - vol.1 pp. 79-128, ‘□□□ □□□ □□’
    - □□□, □□□ □□□ □□ – □□(□), □□(□), □□(□)□ □□ □□ □□ (□□, 2021)
3. Occasional references will be made to the following:
    - Yao, Xinzhong, An introduction to Confucianism (2000)
    - Shun, Kwong-loi, Mencius and early Chinese thought (1997)
    - John Knoblock, Xunzi: a translation and study of the complete works (1988-94)
    - J J L Duyvendak, The book of Lord Shang (1928)
    - Burton Watson (trans.), Basic writings of Mo Tzu, Hsün Tzu, and Han Fei Tzu (1967)
    - Wang, Hsiao-po and Leo Chang, The philosophical foundations of Han Fei’s political theory (1986)
    - Angus Graham, Disputers of Dao (1989)
    - R. P. Peerenboom, Law and morality of ancient China: the silk manuscripts of Huang-Lao (1993)
    - Sarah Queen, From Chronicle to Canon: the hermaneutics of the Spring and Autumn according to Tung Chung-shu (1996)
    - Mark Lewis, Writing and authority in early China (1999)
    - Anthony Hulsewé, Remnants of Ch’in law (1985)
    - Anthony Hulsewé, Remnants of Han Law (1955)
    - Michael Loewe, Early Chinese texts: A bibliographical guide (1993)
    - Theodore de Bary et al., Sources of Chinese

tradition, 2nd edn., vol. 1 (1999)