



LESSON PLAN



Comparing China's and America's Concepts of Law, Constitutions and Legal Systems

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Essential/Central Questions:

- How are China's and America's legal systems similar and/or different?
- Are rights culturally universal or culturally relative?
- What is a constitution?
- Is illegal dissent ever justified; under what circumstances?

Lesson Summary:

This lesson explores the Chinese legal system created in 1976 after the Cultural Revolution and the creation of the Chinese Constitution in 1982. Students will learn the differences between the Chinese culture's concepts of the law and America's view of the legal system. Students will determine if rights are universal or culturally relative, and discuss the different reasons for dissent. Students will use a variety of sources to draw conclusions, develop persuasive skills during discussions, and create and defend an argument.

Grade Levels and Courses:

This lesson is designed for a high school class in American Government or U.S. History (11th- 12th grades). It would also be appropriate for International Relations or an AP Comparative Government course.

Duration:

2-3 50-minute periods, or 2 90-minute block periods.

Objectives:

- Consider the importance of law in Chinese and American society.
- Identify the differences between the Chinese and American constitutions and views regarding the law.
- Examine the importance of individual rights in Chinese and American culture.
- Understand the role of protest in Chinese and American society.
- Use a variety of sources to draw conclusions, and develop persuasive skills to discuss and defend an argument.

Resources:

Video Lecture - A Generation of Law in China. Two Stories of Change” by Tobias Smith at the 1990 Institute’s 2018 Teacher Workshop

Tobias Smith’s Power Point – “A Generation of Law in China. Two Stories of Change.”

Handout – Lecture Focus Questions

Handout – Key Terms

Handout – Structured Academic Conversation Notes

Handout -- Comparison Chart on China vs. America

Plan of Instruction:

Day 1:

1. **Activate prior knowledge:** (10 minutes)

Begin by asking the students if they have heard or read anything about Chinese law or its constitution. Students should share their ideas with you, a partner, or they can do a quick write. Explain to the students that to better understand our own rights, sometimes its valuable to compare our beliefs and values to another culture. Studying China’s legal system may give us a better understanding of our own rights. Share everyone’s responses with the class. Ask the class if they can explain some aspects of the U.S. Constitution such as the Bill of Rights, the separation of powers, the three branches of government, etc.

2. **Introduce the Tobias Smith Lecture:** (5 minutes)

After the students respond, ask the students for examples of how laws affect our every day lives, i.e., traffic laws, the right to protest, freedom of speech, politics, freedom of religion, TV legal dramas, crime shows, etc. Explain that they will be seeing a lecture on Chinese legal practices, and they should be careful to note the differences between our culture and Chinese culture in regards to the law.

3. **Introduce the video and pass out the video lecture Focus Questions Handout and the Key Terms to the class:** (40 minutes)

Give the students a brief synopsis of the video before they watch it and tell them listen carefully to the information while they take notes. (The video is 39 minutes long, so this may take up the rest of the period). Pass out the Key Terms Handout and the Focus Questions Handout before the students watch the video. (An alternative is to watch the video at home for homework and answer the Focus Questions for homework. The video is also available on YouTube.)

Day 2/3:

1. **Review the previous day:** (15 minutes)

Ask the students what they learned from listening to the video or if they have any questions about the video. Some students will have difficulty listening and completing the focus

questions, so this is an excellent time to see what parts of the video were difficult for them to understand. Help the students answer the focus questions if necessary.

2. Partner work: (15 minutes)

After all the students have seen all of the video and completed the Focus Questions Handout, tell the students that they will be working in partners to compare their answers to the questions. Divide the class into pairs and pass out the Structured Academic Conversation Handout. Have each partner use the answers to their focus questions to discuss the handout questions with their partner. Have each of the pairs take individual notes on the conversation handout.

3. Meet with another partner group: (10 minutes)

Students should share their work and their partner's work with another partner group. Each group should present their answers to the central questions in #1. Students should use their active listening skills to listen and take notes on each other's answers, noting the similarities and differences.

4. Whole Class Discussion: (30 minutes)

Once the pairs have discussed their answers, expand the discussion to the whole class. Have the students take notes on what the members of the class say about the questions and their own opinions of the legal system in China. All students should have evidence that answers the central questions. After the discussion, students should be prepared to write an essay to one of the prompts.

5. Summative Assessment: (homework)

Have the students write an essay using the prompts on the summative assessment section of the Structured Conversation Handout. Students can do this as a take home essay or an in-class essay.

Alternative Activity:

1. Instead of a Structured Academic Conversation, teachers can use a Socratic Seminar to have a class discussion about Tobias Smith's lecture.
2. Teachers can also assign Graham Allison's essay on China vs. America to collect more data on the differences in Chinese and American ideas the role of the law, government, and protest in society. A Comparison Chart on Allison's essay is included in the handouts section of this lesson plan.

Summative Assessment:

Students will write an essay answering one of the following prompts:

- How are the U.S. Constitution and the Chinese Constitution similar or different?
- Are legal rights culturally universal or does culture affect people's fundamental legal rights?
- Is dissent against the government ever justified? Under what circumstances?
- Compare Chinese and American ideas about the role of law, government, individual rights, and protest in society.

Readings/Websites/Documents/Power Points/Documentaries:

Tobias Smith, "A Generation of Law in China. Two Stories of Change." (Video and power point from the 1990 Institute's 2018 Teacher Workshop: https://teachers.1990institute.org/2018/08/a_generation_of_law/)

Congressional-Executive Commission on China

<https://www.cecc.gov/publications/annual-reports/2017-annual-report>

Xi Stresses Importance of the Communist Manifesto (summary)

<https://www.xinhuanet.com/english/2018-04/24/c137134081.html>

Xi Stresses Importance of the Communist Manifesto (full text)

<https://www.xinhuanet.com/english/2018-04/24/c137134060.html>

Allison, Graham, "China vs. America, Managing the Next Clash of Civilizations." Foreign Affairs, September/October 2017, pages 80-89. (This article is not currently available to download from the Internet; however, you can subscribe to Foreign Affairs for free online and get one free probably access the article from the database.)

The National People's Congress of the People's Republic of China (March 2004)

www.npc.gov.cn/englishnpc/Constitution/node_2825.htm

2018 Amendment to the P.R.C. Constitution.

www.npcobserver.com/2011/03/11/translation-2018...

China Moves to Let Xi Stay in Power by Abolishing Term Limit. Feb. 25, 2018. *New York Times.*

www.nytimes.com/2018/02/25/world/asia/china-xi...

"The Umbrella Movement: Protests in Hong Kong"

The Choices Program, Brown University – Teaching with the News

"The Umbrella Movement in Hong Kong. Interview with Joshua Wong conducted by Dr. George Koo and Nichol Kwan." (2015). China Now Teachers Workshop 2015. Teacher's Resources. <https://www.1990institute.org>.

Remembering the 709 Crackdown

www.world.wrg.org/2018/07/remembering_the_709_crackdown

We (can't) Chat "709 Crackdown" Discussion Blocked on Weibo and WeChat

www.chinalawandpolicy.com/tag/709crackdown

The U.S. Constitution Online

www.usconstitution.net/const.html

"The Warriors of Qiugang" (2010) – a 39-minute documentary of the stories of villagers who attempt to stop a factory from polluting their land. YouTube.

“Joshua: Teenager v. Superpower” (2017) – Joshua Wong, the leader of the Hong Kong Umbrella Movement. Netflix.

Common Core Standards:

RH 1, 2, 3, 4 – grades 11-12

WHS 1, 6, 7,8, 9 – grades 11-12