

Perry Keller, (edited by), *The Citizen and the Chinese State*, (*The library of Essays on Chinese Law*), Ashgate, 2012, pp. XXV+522

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What makes many articles on legal matters captivating reading is their blending of very technical issues with very concrete examples. Indeed, the stories, or cases, are the ground on which legal edifices are built. If it were not for people and social welfare, the legal system would lose its relevance, and probably its existence. The collection of essays and articles assembled in this book is just another proof of the vivid reality of legislation, the court system, and lawyer profession in any society, China as well as others. There may be more arduous aspects of a legal system, in economic and financial matters for example, but they always reflect something happening in the real life of society.

Probably people would not subscribe to academic legal journals if they are not professionals in law. Maybe also not too many people will buy the book edited by P. Keller. But it should be in any library, public or private, interested in China and/or legal systems as such. Many, if not all, the papers here presented again in their original form, are surely known by specialists. For them, as for students, the book will be a convenient tool, as well as a historical witness of what is happening in China. And this history is still evolving. Other important cases of unrest, or alleged tax-evasion, or escape from police harassment, will surely be followed, analyzed, and perhaps proposed for progressing the rule of law in China.

For a representation of the content of the book, one can go to the introduction (pp. xv-xxv) in which, as customary for this kind of publication, the main conclusions of each article are presented. Because there is no comprehensive index, but just an index of names, this introduction with its table of contents for the whole book and for some articles, helps the reader to go quickly to what he/she wants to learn or check, concerning legal relations between people and the government in China. One will also discover a variety of opinions, but with common points, among the authors.

As a general impression, it cannot be said that the experts have a very positive view of China's law and legal system when scrutinizing relations between citizens and the State. But they do not have a pessimistic view either. Actually many cautiously note signs which can be qualified as advance, or promising steps, without hiding pitfalls, or blockades, or sheer reluctance to change because of fear of losing power, or upsetting so-called social stability. The article of Frank K. Upham (Ch. 7), which is a critical review of the book by Zhu Shuli *Sending the Law to the Countryside*, and the strong response of Zhu (Ch. 5) is the only instance of clear polemic, and an open clash of basic conceptions.

So, with the exception of the text of Zhu and the first chapter, which is a historical view of the legal power of rulers in ancient China, the authors seem to rely on largely accepted views among them on legal matters. Of course legal systems in the so-called West are widely different; it remains that the rule of law seems to engage toward constitutionalism, a division of power, independence of the judiciary, the protection of lawyers and judges from undue interference from political authorities, etc. - all areas in which China looks hesitant, but where changes are obviously needed.

Could it be different? Perhaps some translations of articles by Chinese legal scholars or practitioners would be a good complement, when they have something creative to offer. The articles here gathered make abundant reference to Chinese sources, and this guarantees the seriousness of their studies. But why not listen directly to the Chinese? Are they too timid to

say much? But that is not true; see for instance Ch. 9 (K.J. Hand, "Using Law for Righteous Purpose: The Sun Zhigang Incident and Evolving Forms of Citizen Action in the People's Republic of China"). This is not a critique of the excellent collection edited by Perry, but just a suggestion for other books.

What can we glean from this one? Of course different readers will reap different harvests. One may highlight Ch. 11, by Fu Hualing, where lawyers' struggles are described, with the intriguing but observable central argument: "the abuse are in some ways signals of (or result of) the progress that is being made in establishing China's legal systems" (p.342). Here the point is not so much a judgmental evaluation of progress, but more the fact that society cannot but keep on the move, despite many troubling consequences of political decisions, and may well be a pragmatic option which is particularly relevant again today in China.

Hopefully such an awareness of important reforms could activate the abolition of still existing troubling detention, some being plainly extra-legal, as exposed by Flora Sapio in Ch. 10. Many other reforms are awaited by ordinary people, for instance a real use of media for public opinion supervision (Ch.15, by Anne Cheung) since it appears clear, according to Cheung, that media supervision serves what is acceptable to the Party and decided by it. This is not very new, but even there Cheung concludes that China's media experience has been a quiet revolution, giving them a more significant role in society.

So what to do? The articles do not propose clear answers, except perhaps a better understanding of the rule of law, and a better distinction between different functions and powers in society. It may take time to find a new and more balanced relationship linking citizens and their state. Should China copy the West? The authors do not readily promote their system as a universal standard. They ask for clarification of conceptions and functioning of the rule of law, as this is the orientation that the highest Chinese authorities declare so important for social stability and development.