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Book Review of Engaging the Law in China: State, Society, and Possibilities for Justice

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Engaging the Law in China: State, Society, and Possibilities for Justice. Edited by NEIL J. DIAMANT, STANLEY B. LUBMAN and KEVIN J. O'BRIEN. [Stanford, California: Stanford University Press, 2005. xi and 240 pp. Hardback £34.50. ISBN 0-8047-5048-3.]

THIS BOOK collects essays from a conference convened at the University of California at Berkeley. The papers analyse a range of issues precipitated by modern China's evolving legal institutions. The contributions are notable for two reasons. First, the authors are non-lawyers who write mainly from political science and sociology perspectives. Second, most of the essays are by-products of field research. Hence the volume provides law and society analyses of legal institutions and is informed by practical experience. The book has three sections. Part I is an introductory chapter, Part II focuses on "Legal Mobilization and Culture" and Part III concentrates on "Legal Institutions".

Written by the editors, chapter one ("Law and Society in the People's Republic of China") argues that analysing China's emerging legal structures through a law and society lens yields insight into how law affects social practice and cultural understandings of rights. The introduction also provides general background for the discussions that follow.

Chapters two through six, which comprise Part II, address the modality of various actors seeking legal redress and their outcomes. Chapter two ("Suing the Local State: Administrative Litigation in Rural China") by Kevin J. O'Brien and Lianjiang Li describes the "problematic" efficacy of the much-heralded Administrative Litigation Law in rural China where local officials and judges often protect one another. These advantages, however, have been offset in several instances by the use of collective action, media attention, support from officials and non-alienating claims, suggesting that alternative procedures may yield better results. In chapter three ("'Use the Law as Your Weapon!': Institutional Change and Legal Mobilization in China"), Mary E.

Gallagher argues that raw empirical data on China's burgeoning labour disputes may not provide an accurate assessment of labour-related conflict. Thus, although non-state-owned firms are engaged in labour disputes at a rate that is four to seven times higher than that of state-owned enterprises, the lower frequency of formal complaints directed at the latter is due to labour contracts that restrict complaints, rather than workplace harmony.

Chapter four ("One Law, Two Interpretations: Mobilizing the Labor Law in Arbitration Committees and in Letters and Visits Offices") by Isabelle Thireau and Hua Linshan compares labour disputes raised in arbitration committees with those pursued in letters and visits offices. The authors note that arbitration committees are mandated to solve labour disputes, assess complaints in formal legal terms, and are used by better-off employees; letters and visits offices handle general complaints as an adjunct to the legal system, are concerned with averting injustice, and are widely preferred by poorer workers despite their bleak success rate. In chapter five ("What's in a Law? China's Pension Reform and Its Discontents"), Mark W. Frazier addresses China's broad pension reform which shifted administrative responsibility from state enterprises to "society" and thereby shifted financial responsibility from central to local government. It challenges the common perception that local officials have been lackadaisical pension agents by demonstrating the efforts some have undertaken to pressure enterprises to contribute to local pension pools. Chapter six ("Hollow Glory: The Politics of Rights and Identity among PRC Veterans in the 1950s") by Neil J. Diamant avers that, despite being relatively better off than most fellow citizens during the 1950s and 1960s, the status of People's Liberation Army veterans was eroded by the politics of modernisation and industrialisation. The depletion of privileges, which were founded in administrative convention rather than in legislation, left these veterans viewing the state as hypocritical and unjust.

Part III contains chapters seven through nine, and centres on legal institutions enforcing Chinese law. In chapter seven ("Shifting Legal and Administrative Goalposts: Chinese Bureaucracies, Foreign Actors, and the Evolution of China's Anti-Counterfeiting Enforcement Regime") Andrew C. Mertha challenges the received wisdom that the Chinese government condones intellectual property law violations. Instead, foreign commercial actors in cooperation with local administrative enforcement agencies and officials have begun making modest strides against counterfeiting. Chapter eight ("Rethinking Law Enforcement and Society: Changing Police Analyses of Social Unrest") by Murray Scot Tanner maintains that China's law enforcement officials have had a profound effect upon the state-law-society relationship. Specifically, the post-Tiananmen period has engendered introspection as to the best means of handling social unrest. Finally, chapter nine ("Punishing for Profit: Profitability and Rehabilitation in a *Laojiao* Institution") is a case study by H. L. Fu of the penal economy of a "reform through labour" institution. Although pressure for fiscal profits has decreased the emphasis on reform, increased scrutiny on production has ameliorated the severity of punishment and increased inmates' living standards.

Overall this book is an intrepid and worthy entry into the literature examining China's rapidly developing legal institutions, and especially laudable as a precedent for future investigations into the topic.