Chinese justice, its working and transformations from the end of the Maoist period up to the present, is the subject of Stéphanie Balme’s book. The result of ten years’ research, it is supported by a wide range of official documents – legal texts, formal reports or five-year plans – academic studies issued both in and out of China, as well as observations of the functioning of law courts. The idea is to draw the picture of Chinese law as it has become thirty years after 1978, when Deng Xiaoping announced the end of ‘government by men’ and the need to ‘govern the country according to law’. The very slogan was taken up more recently by the present General Secretary of the Central Committee of the Chinese Communist Party, Xi Jinping. The building-up of a modern legal system is actually a major source of legitimacy for the Chinese political leadership.

The introductory chapter deals with the drive to give more space to law. Similarly to the other areas of the reform, the transformations have taken place gradually, without any prior plan. Notwithstanding the publishing of numerous texts and an easier access to law for people subject to being tried, numerous normative conflicts still remain. Chapter II moves from law to justice and indicates, again chronologically, the general outlines of the reforms, with a comment on the different projects from 1999 onwards. Chapter III takes up the organisation of the judiciary system – the number of affairs handled, the number of people on the staffs, and the part still played by the Party in the working of the system. The last three chapters deal with civil, penal and constitutional law. That way, the book offers a comprehensive view of Chinese law.

The quality, as well as the quantity of the information supplied, makes the book a useful reference tool. The author, fluent in Chinese, has gathered considerable data bringing to light the Chinese legal world, a world poorly known so far, even though it includes up to 3,000 popular courts, 220,000 judges and 110,000 prosecutors. More than once, the argument is supported by valuable quantitative data never hitherto gathered. For instance, the reader can follow the law production curve from 1978 to 2013, whether the laws were voted by the National People’s Congress or by its Permanent Committee. In spite of the poor transparency of the legal system, the author was able to gather figures to provide a quantitative analysis. Thus the book
provides the number of law suits – from 2014 onwards, one counts a single penal affair among ten civil affairs, the exact opposite of what was going on at the start of the reforms. Also provided, is the number of professional staff. In addition to that, the book gives interesting details about the many different norms produced at the various administrative levels. Stéphanie Balme counts 35 of them.

The main conclusion is that, while all the fields of law have been rebuilt and reformed, while laws have become more stable, it has not been enough to generate a state of law. Granted, the law has been modernised, it has received funds that ensure a better working, it has become more professional, more standardised. But legal institutions are still not autonomous and remain under the supervision of politics. The making of a state of law is curbed by the difficulty, or worse the denial, of developing an administrative and constitutional law.

Another major conclusion points to the hybrid nature of the Chinese legal system. Using law as a government tool has been a long tradition in China. Stéphanie Balme underlines various other influences: Japan at the Meiji era, Marxist thought, the early XXth century European philosophy of a state of law, Soviet law from 1930 to 1960, and, more recently, the European Union for civil law and the United States for business law.

But the book misses at least one point. At the beginning, Stéphanie Balme had tried to initiate her study of the Chinese law system ‘from above’, taking constitutional law as a subject. She was soon forced to admit that it was quite impossible to investigate the sources of its making; this is why she then turned towards ordinary courts (civil, administrative and penal courts) in order to study the law system from ‘below’. The purpose, however, has only partly been achieved. The author is fully acquainted with provincial courts, whether in the poor and deprived inland provinces of Shanxi and Gansu, or in Zhejiang and Jiangsu, the rich coastal provinces open to the world, but the book offers sparse ethnographic material in the end. Not before page 89 do we come across the first quote of an interview with a court president. A downright anthropological analysis of the practice of law in China is still to be written.

Several points also call for argument. The analysis of interactions between Chinese law and foreign and international laws could be carried further and deeper. Leïla Choukroune, for instance, has examined the way in which the reform of Chinese law is largely connected with the interdependences coming from the integration of China into the world economy. While entering the World Trade Organisation in 2001, China complied with a series of obligations aiming at the gradual change of its legal scene. Despite significant realisations, Beijing, however, failed to grasp the opportunity to implement a genuine legal reform – as many Chinese observers and leaders had hoped. Internationalisation has led to an ‘uncompleted normative revolution’, a source of tension between the members of the World Trade Organization.

As to the space taken by law, the Maoist period seems to have been more complex than the author implies. Through the analysis of legal statistics, David Bachman has shown that, shortly before the Cultural Revolution, taking legal proceedings was frequent. As regards civil law, most of the affairs handled dealt

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with divorce or marital disagreement. Contrary to the generally accepted idea of a mostly political law applied to penal matters during the nineteen-sixties, ‘counter-revolutionary’ affairs did not amount to many. In addition to that, a great number of the people sued, were, in the end, neither sentenced nor pronounced guilty. All of that challenges a mostly punitive vision of the Chinese law during the Maoist period. In David Bachman’s view, Chinese law from 1958 to 1965 was one of the ways used to regulate society. He urges a reconsideration of the chronology usually followed. “The pre-Cultural Revolution period can be seen as a continuation of some of the trends, highlighted in the scholarship on law and society in pre-PRC China. It is the cultural Revolution that marks the sharp break … “.

Stéphanie Balme’s book offers an overall picture of China’s remarkable course – a picture easy to read, well-summarised and based on a wide range of data. The author shows that, even though the Chinese legal system today shares, in many respects, the management technics of the Western world, this is not meant to support an impartial legal institution. Much to the contrary, China could show a possible way to build a post-democratic state without having ever experienced democracy. Such a study will be of interest not only to those acquainted with China, its laws and its courts, but also to political scientists generally.