

actions in response to failures to implement law-based rights continues. The stability imperative thus becomes the stability paradox.

6. For readers interested in human rights and the rule of law, Biddulph's work proves quite helpful in bridging the nuanced relationship between China's international rights participation and its domestic undertakings. The book provides a clear understanding of what the state's emphasis on stability and "harmonious society", a legacy of Confucianism that endures as a mainstay of Party rhetoric, really means for the citizens living under it.

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Yuwen Li, *The Judicial System and Reform in Post-Mao China*. Ashgate Publishing Limited, 2014, ISBN 978-1-4724-3605-4, viii, 283 pp.; list of figures, list of tables, list of abbreviation, preface and acknowledgement, introduction, appendices, select bibliography, index.

1. Chinese contemporary judiciary and its reform interest more and more foreign politicians, practitioners, scholars and investors. But for a long time there had been lack of a book specializing in this theme before this volume named *The Judicial System and Reform in Post-Mao China* written by Yuwen Li was published the year before last. The author, who was educated and worked in Peking University and now is a professor and the director of the China Law Centre of Law School of Erasmus University Rotterdam, reviews and discusses the judicial system and reform in post-Mao China in an objective, comprehensive and comparative approach.

2. This volume begins with "Introduction" which traces back the history of China's judicial system and presents the structure of the book. The author also demonstrates her methodology applied in this book which combines traditional modes of legal analysis with case studies and empirical research.

3. Named "Jurisdiction, Hierarchy and Actors", Chapter 1 deals with the jurisdiction of the courts and the relationship between higher and lower courts. The author carefully uncovers the maze of the jurisdiction of the courts in China which is classified into jurisdiction by levels, territorial jurisdiction, transferred or designated jurisdiction as well as jurisdiction over foreign-related cases. To reveal the relationship between higher and lower courts, the author analyses the remand for re-trial system and the system of re-opening a trial or request for instruction. People's assessors and adjudication committee are also discussed in depth in this chapter.

4. Chapter 2 focuses on the courts' relationship with extra-judicial bodies such as the people's congress, the Communist Party, governmental organizations and public prosecution. The author holds the view that due to historical reasons and the political system, courts are the weakest organs compared to other powers, and the most fundamental and

serious problem is that the people's congress, the Party organ, the government and the procuratorate at all levels have the *de facto* power to "supervise" courts in handling individual cases (p. 63).

5. The topic of Chapter 3 is the professionalization of the judiciary. The author discusses the qualification, the appointment and the rights of judges in the context of the Judges Law and its practice. Then the author devotes much space to discussing the judicial corruption in China. The author thinks that the professional quality of Chinese judges is not only determined by their legal knowledge, moral standards and judicial experience, but is also affected by the external environment in which they function. Improving the ethical standards of Chinese judges is among the most critical of ongoing efforts towards the judicial reform (p. 86).

6. Named "The Criminal Trial Process", Chapter 4 mainly examines the most fundamental and controversial subjects arising from the wording and application of The Criminal Procedure Law (1996) and its amendment (2012). Then it discusses the reviewing system of the death penalty. Eventually it introduces several cases of injustice and analyses the lessons learned from them. The author thinks that the all-around criticism on The Criminal Procedure Law (1996) is not surprising since it reflects the phenomenal transition of Chinese criminal system: the Law is working in some cases while neglected in others, and the effectiveness of the Law depends on the strength and weakness of the various players involved (p. 132). The author also thinks that China's current important task is to improve the institutional capacity and professional quality of various actors involved in criminal justice proceedings.

7. Chapter 5 stresses on the civil trial process. On the basis of the introduction to Chinese civil laws and civil procedure laws, this chapter identifies the characters of civil litigation since the 1980s in China and numerous reform measures initiated by Chinese courts. The author describes the reality of settling civil and economic disputes as two pictures: one is the emphasis on the modern conceptions of the rule of law, due process, litigation efficiency, the system of withdrawal, burden of proof and evidentiary rules; the other is that of judges continuously applying the mediatory method of handling civil disputes, proactively getting involved in both the pre-trial and trial stages. The author holds the view that Chinese courts and judges have played a unique role in strengthening the judicial settlement of disputes and ultimately contributing to social stability and economic prosperity (p. 163).

8. The administrative trial process is dealt with in Chapter 6. It begins with identifying the limitations of the Administrative Litigation Law (the ALL) promulgated in 1989 by the National People's Congress with respect to the scope of case acceptance and handling. Then it discusses the shortcomings of the jurisdiction of the court in handling administrative cases and the appeal for establishing special administrative courts. After that, it reviews the main differences between the adjudication of civil and administrative cases. The fourth section analyses the relatively small number of administrative cases and relatively high rate of administrative cases won by plaintiffs due to voluntary or reluctant withdrawal. Eventually it illustrates the positive impact of the ALL and the challenges faced by the Chinese judiciary in improving its immature administrative justice.

9. Named "The Role of the Legal Profession in the Judicial System", Chapter 7 first reviews the Chinese traditional disregard for lawyers and recent development. Second, it discusses the lawyers law and legal practice about qualifications to become a licensed lawyer, the management system for lawyers and law firms, the personal rights of lawyers, the rights of lawyers during the course of litigation and their duties and legal liability. Third,

it analyses the opportunities and risk for defence lawyers. Eventually it identifies the tensions between lawyers and law enforcement officers.

10. In “Conclusion”, the author reviews progress and limitations from the perspective of a judicial system with Chinese characteristics. Then Chinese judicial reform is discussed as an unfolding process of modernization rather than westernization. Finally the author maps the path towards further judicial reform in such an interdependent approach as improving the competence and ethics of the judiciary, accelerating internal court reform and strengthening judicial independence (pp. 250-251).

11. Chinese judicial system is a maze with complicated hierocracy and challenges. The research regarding it is easy to initiate, but hard to conduct and complete. As a witness having been educated and having worked in China in her early years, the author knows Chinese judicial system fairly well and has contemplated it for a long time. With great familiarity she reviews clearly the history and development of Chinese judiciary, and identifies certainly the progress and problems in Chinese judicial system and reform. As an observer teaching and researching Chinese law in Europe in recent years, the author has been paying continuous attention to Chinese judicial reform, thinks about the challenges and resolution regarding Chinese judicial reform from a global and multiple perspective, and draws independent conclusions on the course and direction of Chinese judicial reform. Much inspiration comes from such suggestions or conclusions as: the Chinese administrative litigation system is currently infantile; Chinese judicial reform is an unfolding process of modernization rather than westernization; China should strengthen judicial independence in future judicial reform; the judicial system and reform in post-Mao China are stumbling towards justice. Therefore there is no doubt that legal practitioners, scholars, policy-makers as well as investors can benefit a lot from this volume.

12. In the same year when this volume was published, the fourth plenary session of the 18th Communist Party of China (CPC) Central Committee published the full text of the decision on comprehensively advancing the rule of law. Ever since then, Chinese judicial reform is being promoted in the framework of main task of the CPC and national fundamental policy. More and more problems including such key ones as registration for accepting cases, budget management at provincial level, de-administration of judicature, establishment of circuit courts and the recording system of interference to judiciary from leading cadres mentioned or implied in this volume have been settled or possible solutions have been delivered to them. It seems that the judicial system and reform in China are currently striding towards justice.

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