

BOOK REVIEWS

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: Stanford University Press, 2005. 256 pp. \$49.50. Cloth.

In China, how, when, and to whom does law matter? And for what purposes is law used in contemporary China? For those interested in these questions, *Engaging the Law in China*, a volume edited by some of the best-known specialists in the fields, is a must-read. Contributors include political scientists and sociologists who have been brought together by their inquiry into the dynamic law-and-society relationship in China. Because the book takes an interdisciplinary approach, it has benefited from a wide range of research methodologies—from archival research, transcribed letters, and the popular legal press, to participant observation and interviews.

The first section following the editors' introduction deals with the legal mobilization of various social groups, including peasants, workers in state-owned enterprises, migrant laborers, pensioners, and veterans. Invoking the notion of the "disputing pyramid," which describes broad-based "grievances" and the few cases that are successfully transformed into "claims" or "disputes"—and the fewer that involve "legal professionals" and are "filed" successfully—the editors draw from the essays common threads that highlight the importance of understanding the case characteristics that determine which ones will ultimately be taken to court. The underlying rationale of the pyramid is that in the eyes of the Chinese government, law is essential insofar as it contributes to a more orderly society, and the fact that the grievances of the citizens are heard makes the regime more palatable even if those grievances are never filed.

A key characteristic that determines whether a case will progress up the pyramid rank is the moral and ethical norms that have been violated. The analyses by Mary Gallagher and by Mark Frazier of the efforts of former workers in state-owned enterprises to obtain unemployment and pension benefits through legal means illustrate the fact that workers perceived the state as violating its moral obligation to provide

for their livelihood in the event of layoffs or retirement; that is, the notion of the “iron rice bowl” had been shattered. In Neil Diamant’s essay, civil war veterans invoked what they considered sacrosanct moral and political “contracts” they entered with the state that specified the state’s obligation to take care of them after they had completed their military service to the country. The other shared attribute among the cases is the existence of a “support structure” that contributes to community solidarity. This depends on whether the leaders of the aggrieved parties can couch their grievances in a manner that will generate a public discourse or persuade a mass audience. The analyses by Frazier and by Gallagher detail efforts by the social groups in courting support from the media to varying degrees of success; in Diamant’s essay, he argues that the veterans’ attempt to seek redress was hindered by a weak support structure, because their plight was underreported for security reasons.

The articles in the next section examine the question of how effectively legal institutions are in enforcing the law. Andrew Mertha, in analyzing anticounterfeiting efforts, concludes that administrative enforcement by Chinese bureaucracies (for example, by conducting raids on the counterfeiters) offers some major benefits over the judicial process, because administrative procedures are less formal, relatively inexpensive, and more effective than legal procedures. Yet, the most interesting observation is that the institutional design of Chinese bureaucracies hinders their ability to protect and enforce the law. In my opinion, Mertha’s article contributes to bridging the gap between studies of Chinese politics and Chinese law, which the editors fail to highlight. The Administration for Industry and Commerce (AIC), a key agency with anticounterfeiting enforcement power, has the clout to shut down enterprises found to be violating trademarks. However, the AIC also derives income from registration and continuing management fees paid by enterprises. Hence, “taking the path of least resistance often meant that the AIC would allow counterfeiting to continue” (p. 168).

In similar fashion, H. L. Fu argues that the integrity of penal institutions in facilitating the rehabilitation of prisoners has been significantly compromised by the bureaucratic structure, which dictates that prisons must be financially self-sustainable units. Penal institutions, because of declining financial support from the government have been forced to increase production and cut costs by utilizing free prisoner labor. It was estimated that the state provides only one-third of the 17 billion yuan needed annually to run the penal institutions, with the shortfall being met by proceeds from the goods produced by prison inmates. The prison cadres are evaluated according to responsibility con-

tracts that specify targets for economic production and prisoner rehabilitation. To the extent that the two elements are in conflict, the goal of rehabilitating prison inmates often gives way to the goal of maximizing inmates' production for the benefit of the penal economy. This illustrates how politics is intrinsically intertwined with the ability of the legal system to deliver justice.

■ *Lynette Ong*
College of Asia and the Pacific
Australian National University

Think Global, Fear Local: Sex, Violence, and Anxiety in Contemporary Japan. By David Leheny. Ithaca: Cornell University Press, 2006. 248 pp. \$35.00. Cloth.

At the heart of this book is a tale familiar to scholars of Japanese politics. It is the story of *gaiatsu* (foreign pressure), a strategy whereby policymakers invite intervention by foreign actors for domestic political cover. *Gaiatsu* allows Japanese policymakers to lay blame for having “unwillingly” pursued difficult, bloodletting reforms on foreign agents. It is also a ploy whereby domestic reformers gain legitimacy by arguing that their policies are needed to prevent Japan from international isolation or to pressure Japan to abide by international standards.

David Leheny's book is not, however, simply one that examines new cases to tell an old story. He successfully exports existing insights from the field of Japanese politics to question and to advance important debates in international relations theory. This book is therefore an example of how area studies can advance our understandings of general causal mechanisms. More specifically, Leheny investigates the question of how international norms have important effects on a country's domestic policies. He challenges the usual causal argument found in the literature, where normative change typically involves “good” people with “good” intentions, implementing “good” policy domestically, based on some “good” international norm—be it a norm advancing environmental protection or one promoting the eradication of child labor. Rather, Leheny's account is one where normative change involves a more Machiavellian process.

In his story, political actors pushing for contentious reforms use international norms instrumentally. His heroes are hardly the true believers bleeding for a cause, but calculating political agents using whatever means are available, including international norms, to get what they