

Maoist – »Cultural Revolution Left« against the inexorable ascendancy of a powerful ›pragmatist‹ *apparat* in Party and government.

Dr. Jakobs retraces the unsuccessful attempt of the Maoist Left to galvanise significant numbers of the population into a nationwide struggle for more radically egalitarian, less ›performance‹ oriented policies, as well as this faction's eventual fall-back, in the shape of an ideologised campaign whose inconsistencies involuntarily betrayed how the ongoing confrontation had degenerated from formerly broadly based social conflicts into a Byzantine wrangle between two camarillas within the Communist power structure. The description of the Left's case makes thrilling reading, showing how the ›leftist deviationist‹ image of Lin Biao was suitably revamped, to be trotted out as a ›rightist‹ bogeyman, and how the historical mishmash of *pi-Lin*, *pi-Kong* admits only of quite un-Marxian interpretations leading inescapably towards a reading which reveals the campaign as a mere reflection of clique rivalry. The experience would not appear entirely unfamiliar to Western Europe where radicals have likewise attempted to shift and reshift the location of their particular Billancourt until it suited one's wish to see oneself as the Vanguard of History. In the Chinese case the focus shifted, not in space as with Western seekers of revolutionary epiphany, but back in time, to the beginnings of the centralised Chinese state.

The author justly regrets the present lack of opportunities to conduct empirical research in mainland China which prevented him from pursuing many of his hypotheses beyond a scrutiny of media sources. Notwithstanding these limitations his analysis of the forces driving the Left's campaign remains incisive and illuminating, and a strong antidote against any penchant to view *pi-Lin*, *pi-Kong* as a sublime form of Marxist discourse.

Wolfgang Kessler

W. E. Butler (Ed.),

The Legal System of the Chinese Soviet Republic 1931–1934,

Dobbs Ferry, New York: Transnational Publishers, 1983, pp xi, 212, U. S. \$ 47.—

At a time when the rôle of law is much enhanced in China, and when former revolutionary base areas are among the objects of particular efforts at improving economic conditions,¹ a presentation of laws from the Kiangsi (Jiangxi) Soviet might add another element of perspective to the recent legal renaissance in the People's Republic.

The present volume contains papers originally read at a workshop on the legal system of the Chinese Soviet Republic at University College, London, in March 1982, together with an annex of English translations of legislation from the Kiangsi period (The transla-

1 Cf »Zhonggong zhongyang, guowuyuan guanyu bangzhu pinkun diqui jinkuai gaibian mianmao de tongzhi«, in: GUOWUYUAN GONGBAO, No 446, 30 Oct 1984, p 866.

tions are of: constitutions of the Chinese Soviet Republic; land law; labour law; laws on enterprises, co-operatives and loans; family law; the judiciary, and criminal law). The essays, occasionally quite brief, all address the relationship between the Chinese soviet rulers in the Kiangsi area and the U.S.S.R. dominated Comintern which substantially shaped local Chinese policies through directions from outside and by the influence of Chinese communist cadres who had been trained in Russia. Unfortunately a paucity of materials on the events of the period appears to have led the authors to concentrate heavily on theoretical and textual comparisons of Russian legislative antecedents and the Kiangsi enactments, at the expense of conditions on the ground in China. Nonetheless Professor Schram's succinct introductory remarks on the general political setting of the Chinese Soviet Republic and Professor Oda's article on criminal law stand out as informative contributions, as does Professor Lapenna's discussion of parallels between the forms of political control in early soviet Russia, Kiangsi soviet China and during the National Liberation War of 1941–45 in Yugoslavia.

Some of the variant redactions of Kiangsi law located by the authors in Russian sources² can also be found in the Chinese texts reprinted in a collection published in Peking in 1982.³

Wolfgang Kessler

Shing-I Liu,

Die Begründung des Rechts und des Staates nach der klassischen chinesischen Philosophie

– im Vergleich mit den Grundgedanken der klassischen abendländischen Naturrechtslehre

Jur. Diss., Ludwig-Maximilians-Universität, München, 1983, pp xi, 119

Die Schrift stellt Exponenten verschiedener wichtiger Schulen der chinesischen Philosophie, vornehmlich aus den VI.–III. vorchristlichen Jahrhunderten, biographisch und mit den vertretenen Auffassungen, an Themen der Staatsphilosophie orientiert, neben die Schulen neuzeitlicher westlicher Naturrechtsphilosophen, hauptsächlich Hobbes, Locke und Rousseau.

Um hergebrachte Fragestellungen – über vorstaatliche »Naturzustände« menschlichen Lebens, Vorstellungen über die menschliche Natur, Gründe für Entstehung und Rechtfertigung des Staats sowie Struktur- und Normelemente von Staaten – erscheinen die Ansichten chinesischer und westlicher Philosophen breviarisch versammelt.

Die vom Autor zugrundegelegten Voraussetzungen der Vergleichbarkeit solcher Lehren aus verschiedenen Orten und Zeiten erhellen aus der Darstellung nicht. Eine Verbindung

2 Vide pp 153 (land law), 159 (labour law) of the book under review.

3 Lan Quanpu, editor, *Jiefang diqu fagui gaiyao*, Peking: Qunzhong chubanshe, 1982.