

wird zusätzlich durch restriktive Regierungspolitik eingeengt. In zahlreichen Ländern sind politische Stabilität und innere Sicherheit als absolute Prioritäten gesetzt, welche die gewerkschaftliche Betätigung als abträglich ansehen (S. 165). So dürfte das Plädoyer Schregles für einen »tripartite approach« (Arbeitnehmer, Arbeitgeber, Regierung), demzufolge die nationalen Regierungen gerade die Verhandlungsschwäche der Gewerkschaften kompensieren helfen sollten, in der Praxis oft verhallen.

Durch die Einbeziehung der sozialen, ökonomischen und vor allem kulturellen Phänomene in Südostasien ist das Buch von Schregle auch als wichtiger rechtssoziologischer Beitrag zu würdigen und somit für jeden mit dem Arbeitsrecht der Dritten Welt Befassten mit Gewinn zu benutzen.

Maximilian Fuchs

Raymond Blet et al.

La Justice en Chine

Des cent fleurs aux cent codes

Maspéro, Paris, 1979, 282 pp

The hindsight at the disposal of a reviewer dealing with a book published three years ago, on a topic in many ways ephemeral would, for the sake of fairness, impose on the critic to de-emphasise those aspects on which the work in question has since been overtaken by events.

The book under review is the account of a journey through China in 1978 by a group of French jurists, members of the judiciary, the legal profession, the trade union movement, and of a university law faculty. All were, apart from their occupation with the law, united by an association with French unions – of magistrates (Syndicat de la magistrature) of legal practitioners (Syndicat des avocats de France), of workers (C.F.D.T.) and of academic teachers (Syndical national de l'enseignement supérieur). They have all »taken part in the ongoing class struggles in France« and went to China as »militant lawyers«. Seven of them had already travelled there briefly in 1976 and 1977.

Their report of their tour of the country and of the motives which impelled their investigation on »la justice en Chine« is, above all an object lesson about confusion of concepts, of labels current in China and taken by the authors at a face value of their own definition. When the Chinese speak of *tóng chuáng, yì mèng* (same bed, but different dreams) they have in mind those who, united for the moment by circumstances, are yet separated by diverging desires and intentions. The authors of this legal travelogue on the other hand seem guided by a wish to evoke a unity of fact by virtue of a mere identity of words.

It is thus that they set out to explore the »place and rôle of law in socialist transition« and to advocate an interpretation of events in China as a »historical attempt to establish a genuine dictatorship of the proletariat«.

The group of authors must be credited with commendable discrimination and reflection vis-à-vis their brief Chinese experience: Not for them the slathering enthusiasm of »l'intelligence au pouvoir«, of a seductively sougning »Wind in the Tower«. They pause with reassuring frequency at pat assertions of social harmony and expositions on benignly efficacious modes of social control, to query whether their hosts' affirmations are not instances of orthodox antiphrasis.

Yet the historical specificity of China is conspicuously absent from the account and its conclusions despite occasional references to works on the older forms of Chinese government.¹ The historical sounding board over which the authors' finding were recorded was obviously rigid and of poor resonance. Its acoustic deficiency has led the group to assume that the question for China today is »l'organisation concrète et réelle de la démocratie socialiste«. They recognise clearly enough the bureaucratic underpinnings of the latest, post-Mao efforts to reform People's China. But, in accordance with their point of departure, they fail to ponder the ambiguity of merely nominal equivalents: »Les réussites de la voie chinoise tout autant que ses échecs ou, au moins, ses difficultés sont, d'une manière, les nôtres. Non que nous tentions soit de transposer mécaniquement les institutions et le comportement chinois dans notre société, soit de nous approprier indûment ces réalisations, mais les cheminements, les choix et les conséquences en oeuvre dans la politique chinoise sont des enseignements obligés pour tous ceux qui se battent pour une transition socialiste«.

The helpless relativity of this passage marks a sincere, but ill-informed, effort to equate long and complex, and different, histories by an identity of mere catchwords. It is one of the numerous examples where Occidental observers have failed to appreciate that the verbiage of Western politics, spilled across all continents in the wake of Imperialism, has been re-translated locally, and blended with autochthonous ideas, thus barring simple re-transposition into the framework from which they sprang.

Wolfgang Kessler

1 E. g., Etienne Balasz, **La Bureaucratie céleste**, Paris: Gallimard, 1978.