

Katrin Blasek, Rule of law in China – a comparative approach, Springer-Verlag, Berlin Heidelberg 2015, 80 pages, paperback, 49,99 €, ISBN978-3-662-44621-8

Professor Dr Blasek's book addresses a concept much used, but not often or well enough elucidated in the field of Chinese law. 'Rule of law' is often cited by diplomats, business-people, and policy makers both inside China and out as a desirable end but the phrase is shorthand. Shorthand for what, exactly? Are those who use it 'in the same bed, with different dreams' to use the colourful Chinese phrase?

The rule of law is often referred to in comparative endeavours, such as in trying to rank the world's economies. The World Bank's reference work in the field, for example, breaks this aspect down into rather concrete examples: 'enforcing contracts' or 'resolving insolvency'.¹ The relatively few other works in the field take a historical view, seeing legal reform as a process aiming for or not yet having reached its apparent goal of 'rule by law'² for various reasons. Other authors place 'rule of law' in the context of political reform.³

Blasek takes a step back from these approaches, all of which may be worthwhile, but which also to some extent limit their conclusions by the very questions they choose to pose. In this slim volume, by contrast, the author unpicks elements of the 'rule of law' from three European traditions (German, French, and that of the United Kingdom) and compares each of those elements to its counterpart phenomena in modern China so that the reader may be more aware of the risks of the comparative process, notably the tendency to compare the real in one jurisdiction to the ideal in another.

The book begins with a brief introduction defending the validity of the inquiry - there have been what Blasek terms 'calls for rule of law' not only from Western interlocutors, but from policymakers and others within China. A short outline of key characteristics of the rule of law in each of the three European nations follows and the body of the work compares each of five selected characteristics with the present situation in China. The aspects selected for comparison include: separation or concentration of power; supremacy of law; protection of human rights; legal certainty; and independence of courts and judges.

Blasek's work is thus more an empirical study than a reasoned argument, which is precisely why it is valuable. It forces the reader, whether academic or practitioner, to unpick and question underlying assumptions before proceeding further. This study thus fills a significant gap. It is also valuable in that its chief comparators - Germany, France, the UK -

1 Doing Business, Economy Rankings, <http://www.doingbusiness.org/rankings> (last accessed on 26 July 2017).

2 See, e.g., *Randall Peerenboom*, China's Long March Toward Rule of Law, Cambridge 2002; *Cai Dingjian / Wang Chenguang*, China's Journey Toward the Rule of Law, Leiden 2010; *Zou Keyuan*, China's Legal Reform: Towards the Rule of Law, Leiden 2006; *He Weifang*, In the Name of Justice: Striving for the Rule of Law in China, Washington D.C. 2012.

3 *Yu Keping*, Democracy and the Rule of Law in China, Leiden 2010; *Suisheng Zhao*, Debating Political Reform in China: Rule of Law vs. Democratization, New York 2015; *Karen Turner / James Feinerman / Kent Guy (eds.)*, The Limits of the Rule of Law in China, Seattle 2015.

are European. This is not merely a matter of national pride or self-interest, but historically significant, given the German civil law building blocks of modern Chinese legal reform. Such comparisons are less widely available in the English language literature in the field and this one adds something unique in avoiding the more common China-USA comparison. There is great utility in this structure as it separates out aspects which may be held to express a particular quality of the rule of law in one or the other system, but which may be addressed differently in another.

In each of the five areas of comparison, Blasek looks at historical, cultural, and jurisprudential factors. It is perhaps an inherent risk of such a concise approach that there must of necessity be generalisations with which one might quibble – summaries of each nation's legal history in the space of one or two paragraphs for example – but overall the effect is usefully syncretic. In particular, the work combines elements of legal history and philosophy with details of court administration and judicial qualifications, ranging from the abstract to the very concrete.

Ultimately the book is eminently worthwhile as a brief tour of a complex and demanding subject. It could be very useful for the practitioner or academic seeking an outline of the field allowing one to focus further work in a structured manner. The logic and analysis leave the reader wanting more, whether more case studies or deeper theoretical analysis. This is only to be expected in a volume of this brevity and is ultimately a compliment to the author, who has identified a gap in Chinese legal studies which can usefully be filled.

A review of this book would not be complete, however, without a note of frustration. This critique is probably more correctly directed at the series of which it forms part rather than at this individual volume. The concept of 'Briefs in Law' is presumably the laudable aim of offering a timely way to approach significant subjects rapidly and synthetically, rather than with a more encyclopaedic approach which would ultimately reach fewer readers and take far more time to research and draft. Unfortunately, brevity should not imply neglect of editing. On present evidence this has not been the case: inconsistent use of fonts, abbreviations, and other stylistic errors are distracting. Sophisticated work of this nature by an author whose first language is not English deserves good editing to do justice to the author's approach and analysis. It is not evident that this manuscript benefited from that important modicum of care. It is therefore to be hoped that further investment in this regard in future volumes may rise to a standard which would enhance the content, as this work would have merited.

Stephanie J Mitchell, Brussels