

2000s, yet women's plight in divorce litigation persisted. Li notes that recent legislative changes and judicial reforms, such as the introduction of the "cooling off period for divorce" in the new PRC Civil Code in 2020, have made divorce harder, not easier. She concludes the epilogue with a call for collective action and resistance, for women whose land rights are threatened upon or after divorce. It almost feels like the author was out of steam when writing down those words. Indeed, readers can see and feel the enormous effort that Li put into her research and writing for this excellent book—the final product of a very long scholarly journey. Perhaps its theoretical contributions would be underappreciated by political scientists who are not interested in culture or socio-legal researchers who are not interested in power, but the book will surely find its place in the classics of Chinese law and society research because of its richness and sophistication, as well as the author's sincerity and compassion. When today's academic publishing is filled with fast and junk food, this fine cuisine is a rarity.

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The Faces of Modern Chinese Legal Identity

Legal Scholars and Scholarship in the People's Republic of China: The First Generation, 1949–1992. By Nongji Zhang. Cambridge, MA and London: Harvard University Asia Center, 2022. 254 pp. Hardcover \$39.95
doi:[10.1017/als.2023.7](https://doi.org/10.1017/als.2023.7)

In her recent monograph, Zhang Nongji introduces the untold stories of the first generation of Chinese legal scholars who shaped the legal landscape of the People's Republic of China (PRC) through their intellectual thinking, research, teaching, and many more types of contributions. Zhang is a librarian and an experienced bibliographer for East Asian Law at the Harvard Law School Library, where she edits the guide "People's Republic of China Legal Research."¹ Her book profits from her skilful work with Chinese legal sources and provides foreign researchers, students, and librarians with a unique research tool.

Zhang's monograph contains a concise but ambitious compilation of 33 short biographies of the selected Chinese legal scholars. The short biographies are preceded by a short introduction (pp. 1–8), in which Zhang tells the reader about the main challenges faced while carrying out the book project. The introduction also contains a short historical remark on the dramatic transformation that Chinese law has undergone since the end of the Qing Dynasty, facing the need for legal reconstruction and development, especially since the market economic reforms of the PRC were implemented.

From the very beginning, Zhang had to cope with the problem of narrowing the scope of her book. She initially chose four criteria to select the scholars: (1) they belong to a certain scholarly generation (from the end of the nineteenth century to the present); (2) they have a high command of individual influence or are considered pioneers in their field of work; (3) they hold a "robust record of scholarly publications;" and (4) they conducted their entire careers in mainland China (p. 2). As regards the second criterion, one may ask what makes a scholar influential or a pioneer in his field? The number of publications and citations might

¹ Harvard.edu (2023).

be indicators.² In the case at hand, influence stands more for an overall impact on the recent development of a “modern” Chinese legal system, which is even more difficult to measure. Given the great variety of contributions of the legal scholars to be considered, Zhang was forced to make a personal choice. She did not include the pioneering scholars working solely as translators. She also excluded jurists who (exclusively) focused on their judicial or political positions. These opt-out decisions were simply due to “purposes of a work of bibliographic reference” (p. 3). Zhang also acknowledges “the paucity of female scholars” (p. 3), given the fact that Wu Changzhen (巫昌祯) remains the only female selected scholar (pp. 157ff.).

Still facing a rather unrealistic and abundant list of all major jurists—initially also including late Qing Dynasty as well as Republican era scholars—Zhang needed to narrow down the scope of her project even more. Therefore, she opted for one specific target group of legal scholars, namely “the first generation of legal scholars of the People’s Republic of China from 1949 to 1992” (p. 3). The uniqueness of this group lies in the “resilience in the face of interruptions of their work, career, and research by political movement in China” (p. 7). Though this might be the hidden highlight of her book, Zhang’s short analysis of the (common) features and experiences of the selected group almost unexpectedly appears in the introduction and a little on the short side, covering only five pages (pp. 4–8). Although Zhang’s book does not strive for a methodological analysis of the compiled biographies, it might have been a suitable alternative to include her analysis in some concluding remarks and expand the legal historical overview to have its own introductory chapter. However, given the main purpose of the book—namely to provide a research tool—this even more calls for a comprehensive study of Chinese legal scholarship that would include how the latter shaped today’s Chinese legal thinking and contributed to the development of Chinese law. Understanding the careers, thoughts, academic struggles, and contributions of these scholars will help Western researchers to see Chinese law and normativity through Chinese eyes.

Zhang lists the 33 short biographies according to their chronological age in descending order. Each of them is divided into four parts: Zhang provides the reader with first-hand information on (1) the scholars’ “Educational Background,” (2) “Career Highlights,” (3) “Research Areas and Publications,” (4) bibliographical “References” and, if applicable, “Bibliography of English Publications” by the respective scholar.

The portrayed scholars worked in a total of twenty (sub-)disciplines of law,³ *inter alia* (1) constitutional law (seven); (2) civil law (six); (3) jurisprudence (five); (4) administrative law (four); (5) legal philosophy (three); (6) international law (two); (7) public international law (two); (8) private international law (two); (9) law of the sea (two); (10) historical studies of Chinese law (two); (11) historical studies of foreign law (including Roman law) (one); (12) comparative law (one); (13) international organizations (one); (14) commercial law (one); (15) criminal law (one); (16) criminal procedure (one); (17) economic law (one); (18) intellectual property law (one); (19) international economic law (one); and (20) marriage law (one). The distribution of these areas of law indicates two major foci of the selected scholars: constitutional law and (general) civil law, reflecting the legislative needs of the young PRC at that time.⁴ However, it appears prominently that at the same time there is an early turn towards the study of international law and dedication to foreign legal studies. This especially holds true for the conducted (historical) studies of foreign law and legal philosophy, taking for instance Han Depei’s (韩德培) writings on Roscoe Pound, Hans Kelsen, and Léon Duguit; Wang Mingyang’s (王名扬) translation of

² See Chambers & Miller (2014), p. 572, *inter alia* elaborating on the ranking of influence measures; in terms of statistics, the relevant citation database in China is the “Chinese Social Sciences Citation Index” (中文社会科学引文索引), developed by Chinese Social Science Research Evaluation Center of Nanjing University.

³ The number of representations is indicated in brackets.

⁴ Xiao Weiyun (肖蔚云) and Xu Chongde (许崇德), for instance, participated in the drafting of the Constitution of the People’s Republic of China (中华人民共和国宪法), which was promulgated on 4 December 1982 (pp. 115, 151).

Hans Kelsen's "The Communist Theory of Law;" Wang Tieya's (王铁崖) co-translation of Oppenheim's "International Law" (p. 62); Zhou Nan's (周柎) findings on Roman law (p. 35); or Jiang Ping's (江平) learnings from Anglo-American case-law (p. 176).

It is a distinctive feature of the selected scholars that many of them were multilingual jurists, studied abroad, or held positions as visiting scholars. Li Haopei (李浩培), for instance, translated various classics of international law from English, French, and German into Chinese (p. 24); Rui Mu (芮沐) was fluent in German, English, French, Japanese, and Latin (p. 41); and Xie Huaishi (谢怀栻) published several translations of European civil-law codes (p. 93). Zhao Lihai (赵理海) was visiting professor at New York University (p. 72). Wang Mingyang earned a doctoral degree at the University of Paris and studied Russian and Japanese in France (p. 78). Chen Tiqiang (陈体强) taught *inter alia* at Harvard University (p. 84). These scholars shared their legal knowledge of foreign legal systems and traditions not only in their published works, but also in newly established institutions of Chinese legal thinking and databases such as the *Beida Fabao* (北大法宝), which Rui Mu initiated at Peking University in 1999.⁵ Some of the scholars also contributed to an early interdisciplinary research approach of legal professionalism by conducting socialist legal studies, like Chen Shouyi (陈守一) (p. 18). Rui Mu practised his legal studies in his work in applied science and paved the way for the separation of international economic law from public international law studies (pp. 40ff.).

There are many more facets of the contributions of the selected scholars. But those aforementioned aspects may give a hint of the multilayered process of remodelling one of the oldest legal traditions in the world to the social and political reality of the PRC and the very different roles of legal scholars assisting in this century-long task. Chinese law needed to serve the political and ideological needs of the new "Socialism with Chinese Characteristics" (中国特色社会主义).⁶ Moreover, Chinese legal scholars needed to pioneer and design the intellectual genealogy and the disciplinary framework of this new legal system. Zhang puts faces on the intellectual underpinnings of Chinese legal thinking by telling the stories of the pioneering legal scholars who conceptualized and established new disciplines of legal studies and contributed to the dogmatization and professionalization of Chinese law in the PRC. By narrating Chinese law through their eyes and lives, Zhang reconstructs contemporary Chinese legal studies in a very significant way.

In conclusion, Zhang's book is a fascinating read, for many reasons. First, it provides a much-needed introduction to legal scholarship in China, addressed to an English-speaking audience interested in Chinese law and to the people who formed it. The stories of legal knowledge production⁷ revealed in her book form a precious methodological tool when striving for a deeper understanding of Chinese legal scholarship and legal thinking. Since Western legal writing on Chinese law frequently focuses on its own influence on Chinese law, this book may enable genuine intellectual debates about Chinese legal traditions and Chinese legal identity.

Second, Zhang masterfully narrates the stories behind the scenes of China's legal rejuvenation. With her collection, she gives access to a comprehensive holding of biographical records of the selected scholars to everyone interested in doing research on Chinese law.

Third, the book adopts a minimalist approach, focusing solely on the short biographies without a further—and potentially distracting—methodological framework. The facts on the selected Chinese scholars revealed in the book uniquely respond to a blind side of Western research on Chinese law and legal scholarship. Therefore, the collected data in

⁵ Pku.edu (2011).

⁶ See Rui Mu on the establishment of a "Socialist System of Laws with Chinese Characteristics" (中国特色社会主义法律体系), *ibid.*

⁷ See Duve (2022), pp. 71ff., *inter alia* looking at "legal history as a process of norm production through absorption, new creation and transformation of normative knowledge;" (convenience translation by reviewer) see also Duve (2021).

the book call for future research on the different aspects of contributions of the selected scholars to Chinese legal development. Given the paucity of female scholars in the monograph, an approach focusing on Chinese women in legal research and education⁸ could contribute to a more integrated picture of Chinese legal scholarship in the PRC. In light of the transnational experiences of the selected scholars—especially their enormous cultural translations—the research approach of *Global Legal History*⁹ may also prove an enriching perspective on Chinese legal scholarship.

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Dynamics and Themes of Fourth World Advocacies and Activisms

Indigenous Identity, Human Rights, and the Environment in Myanmar. By Jonathan Liljeblad. New York: Routledge, 2022. 140 pp. Hardcover \$59.65
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Jonathan Liljeblad’s work, *Indigenous Identity, Human Rights, and the Environment in Myanmar*, is commendable for highlighting the many moving parts of indigenous struggles within his geographical womb, Myanmar, as well as how its dynamics transnationally inform, and in turn is informed by, a global discourse on indigeneity. By harnessing a Fourth World perspective advocated by scholars such as Manuel and Posluns (2019), Griggs (1992), Bhatia (2012), LaDuke (1983), and Fukurai (2018; 2019), Liljeblad offers for readers access to ontological and epistemological concerns of the subaltern as they exhibit their agency, thus adding important insights into indigenous conceptions of stress, especially under duress if internal colonialism is involved. Liljeblad’s work evokes Ranajit Guha’s (1982) project of decolonizing history through the latter’s subaltern studies group—a post-colonial endeavour in which Guha himself first employed the term “subaltern” to refer to actors populating the liminal spaces of duress: the state. Although Guha deployed the term within the South Asian context to highlight subordinated populations intersected by “class, caste, age,

⁸ For research on constraints of gender discrimination and an analysis of gender structure statistics in nowadays legal education, see Liu (2013), pp. 1324ff.

⁹ A methodological approach by Thomas Duve, see recently Duve (2020), pp. 112ff.