some countries (perhaps, say, Mexico) are more inward looking and thus resistant to change than are lawyers and legal actors in other, more outward-looking legal cultures (say, Colombia)? Or are the decisive actors located elsewhere, either in the judiciary or, as Pablo Rueda's contribution suggests, in the agendas of the actors who use the courts?

But the third and perhaps most important question concerns the effects of these cultural changes on key variables in Latin American law and politics. Where the new constitutionalism has been broadly received by courts, does it change the way these institutions interact with international actors and other institutions in their own systems? Huneeus provocatively points out that the influence of the reception of "new constitutionalist" ideas is complex: relatively receptive courts such as the Argentine Surpeme Court, as well as relatively resistant courts like the Chilean high courts, have rejected rulings of the Inter-American Court, although in subtly different ways. And in countries where a constitutional rights discourse is spreading beyond the courts to affect the way lawyers and civil society approach problems, and a constitutional culture is being constructed, do these developments strengthen democracy or undermine it by shunting legitimacy away from democratic institutions? These are big questions with complicated answers, but they are the kinds of broader questions opened up by the approaches of this volume. And they are the right questions to be asking.

References

Ginsburg, Tom (2003) *Judicial Review in New Democracies: Constitutional Courts in Asian Cases*. New York: Cambridge Univ. Press.

Hilbink, Lisa (2007) *Judges beyond Politics in Dictatorship and Democracy: Lessons from Chile*. New York: Cambridge Univ. Press.

Hirschl, Ran (2004) *Towards Juristocracy: The Origins and Consequences of the New Constitutionalism*. Cambridge: Harvard Univ. Press.

Whittington, Keith (2007) *Political Foundations of Judicial Supremacy: The Presidency, the Supreme Court, and Constitutional Leadership in U.S. History*. Princeton: Princeton Univ. Press.

* * *

Chinese Justice: Civil Dispute Resolution in Contemporary China. Edited by Margaret Y. K. Woo and Mary E. Gallagher. Cambridge, UK: Cambridge University Press, 2011. 407 pp. $99.00 cloth.

Reviewed by Stanley B. Lubman, University of California, Berkeley

This collection of essays, the result of a conference at Harvard in 2007, is a welcome contribution to the small body of interdiscipli-

https://doi.org/10.1111/j.1540-5893.2012.00481.x Published online by Cambridge University Press

nary research that is deepening insights into the contested role of legal institutions in Chinese society. The social scientists and legal scholars who wrote these essays focus on understanding "law in action" as opposed to "law on the books." By raising issues about the reform of civil justice over the last 30 years and about the recent policy-dictated retreat from those reforms, they add dimension to speculation on the future course of legal reform.

The book provides valuable readings for use in courses on Chinese law, Chinese politics, and Chinese society. Its three major sections examine legal institutions, popular perceptions of the legal system, and how law is used in civil society to categorize and resolve "everyday disputes" (p. 15).

In the first section, two essays focus on the courts. Fu Hualing and Richard Cullen trace policies toward dispute settlement, which has most recently turned away from reform of civil justice to mediation in order to maintain social stability in a "harmonious society." Carl Minzner, in setting forth in detail the system for discipline of judges, illuminates the Chinese conception of the courts as bureaucratic organizations much like other agencies of the Chinese state.

In a groundbreaking essay on "administrative legality," Douglas Grob dissects the little-understood but important role of the local legal affairs offices (*fazhiban*, here FZB) that are charged with monitoring the consistency of legal norms adopted at subnational levels of the Chinese state. He finds that FZBs may act as mediators between the local government and higher levels in interpreting the implementation of national laws and, sometimes, help settle disputes between local agencies at the same level. He examines the complex interaction between the process of reviewing administrative decisions, known as "administrative reconsideration," and judicial review of disputes arising from that process. He also notes that the FZB may both reinforce and make citizens aware of procedural legality.

The first section ends with Randall Peerenboom's study of the correlation between economic development and the legal profession, emphasizing geographic and economic disparities in access to professional legal assistance, regulation of the profession, the lack of sophistication among potential clients, and the necessarily slow pace of development.

In the second section three essays based on survey research explore various aspects of popular attitudes toward law. History is considered by Pierre Landry, who examines popular trust in selected counties and finds trust of the courts highest in areas that were ruled longest by the Kuomintang (KMT). In their study of popular attitudes toward official justice, Ethan Michelson and Benjamin Read find an incongruity between "upbeat" general perspectives and "downbeat" experience-based assessments. They also find

that in their surveys, unlike the results of a comparable survey in the United States, respondents "conflated procedural justice with distributive justice" (p. 171). In other words, if they won, they thought well of the system, but if they lost, they blamed the system without attention to the fairness of the procedures utilized. Mary Gallagher and Yuhua Wang studied workers involved in labor disputes and found that they usually lack knowledge of legal procedure or their rights, but with involvement they acquire some legal knowledge and greater self-confidence in solving disputes (p. 212). Respondents who were legal plaintiffs found the system less responsive and less effective than they expected.

Sida Liu explores some implications of the growing professionalization of the legal profession. Specifically, lawyers are often difficult to understand because they have increasingly developed "a disinterested and rigid manner of providing popular legal advice" (p. 261). By contrast, grassroots legal workers, both those in legal assistance centers and other citizens who provide advice even though they are not legally authorized, communicate better with rural residents.

The third section begins with Benjamin Liebman's discussion of populist pressures on the courts. Complaints about the courts can impel them to modify their decisions, rehear cases, or pay petitioners. Judges know that they must assuage petitioners because their promotions and salaries are tied to their ability to resolve cases without generating petitions. The autonomy of the courts is fragile; political ideology and stability continue to take precedence; and procedural regularity is impaired in the interest of substantive justice.

Fu Yulin surveys the system of grassroots legal services created in the 1980s to provide needed legal services and finds that it fails to receive adequate support and organization. It may be, he concludes, that a diversified dispute-resolution model is necessary and the legal services offices must be responsive to "the diverse needs and remands of the various regions" (p. 339).

Thomas Kellogg discusses attempts to judicialize the constitution through litigation that invokes constitutional principles even though the constitution has been declared nonjusticiable, with the most recent cases involving plaintiffs denied employment because they are infected with hepatitis B. Kellogg is not optimistic about prospects for success of attempts to make the constitution an effective source of justiciable rights.

In her conclusion, Margaret Woo reprises major emphases of the various chapters. Some of the findings in the volume suggest that the closer a dispute is brought to the legal system, the less positive the plaintiffs will feel about the experience. Rights education may be counterproductive because expectations will be too

https://doi.org/10.1111/j.1540-5893.2012.00481.x Published online by Cambridge University Press

high. A lack of procedural justice further contributes to litigants' disenchantment. Access to justice can shape a legal culture that is conducive to asserting rights, but if litigation results in denial of a claim of violation of rights, "the experience of disempowerment goes beyond the outcome of the dispute" (p. 392).

Woo concludes forcefully. She argues that the essays in this volume have exposed unmet expectations, the impact of historical determinism, the fragmentation of different sources of law, and alienation from law as a byproduct of lawyers' professionalization. Greater participation and rights consciousness do not necessarily create better justice. Woo would like to see mechanisms for dispute resolution raise citizens' consciousness of their rights and thereby change China's legal culture. She goes so far as to say that "legal technicalities have replaced legal justice" and concludes that until law reformers become more aware of these issues, it will be impossible to gauge the future of the role of law and courts in China.

* * *

Making Rights Real: Activists, Bureaucrats, and the Creation of the Legalistic State. By Charles R. Epp. Chicago: The University of Chicago Press, 2009. 358 pp. $24.00 paper.

Reviewed by Anna-Maria Marshall, University of Illinois, Urbana-Champaign

Charles Epp's fascinating new book analyzes the dynamics of how bureaucracies respond to political and social demands for law reform. Epp situates his analysis in long-standing debates about the nature of expanding legalism in American political and organizational culture. In differing accounts, this expansion might be attributable to successful social movements that won important reforms reflecting new rights claims; or it might represent an encroachment on the professional discretion and prerogatives of organizational actors who fear liability; or it might be nothing more than institutional mimicry of popular public norms that actually require few significant changes in the way an organization operates.

Epp's analysis introduces a fourth possibility: that reform-minded professionals in bureaucracies have actually welcomed the "fertile fear" of liability and have adopted law reforms holding the bureaucracies accountable. Activists seeking institutional change stoked that "fertile fear"; they participated in networks of civil rights lawyers and progressive policy reformers that filed lawsuits

https://doi.org/10.1111/j.1540-5893.2012.00481.x Published online by Cambridge University Press