

In analyzing and forecasting lawyers' struggle for freedom and accountability in China, the book sends out a strong reminder that lawyers' struggle in China is not *sui generis*. Historically and comparatively, Chinese lawyers contribute to a global endeavour. Where there are lawyers, there are entrenched battles to hold the government accountable. China is not exceptional in this. As the authors put forcefully: "the burden of proof lied upon those who would insist that liberal-legal impulses seen across many varieties of illiberal regimes over several centuries make China the one exception" (p. 137).

Hualing FU

Faculty of Law, The University of Hong Kong

Carol A.G. Jones, *Lost in China? Law, Culture and Identity in Post-1997 Hong Kong* (Cambridge: Cambridge University Press, 2015) pp 284.

doi:10.1017/als.2016.57

First published online 21 October 2016

Published in 2015, Carol Jones's *Lost in China?* captures the macro- and micro-level changes taking place in Hong Kong after the 1997 retrocession to China. The overarching theme of the book is Hong Kong's resistance to mainlandization and its various attempts to maintain its identity, or the "bordering practices" employed by Hong Kongers to "construct and defend their social world since 1997."¹ Two aspects are of particular interest to the author: law and culture. As the author suggests, rule of law in Hong Kong is an unshakable core value: it is not only a system that sets the institutional boundaries apart from the Mainland, but also a communal symbol that mobilizes a "unified Hong Kong identity."² Hong Kongers in recent years have resorted to illustrative actions or rhetorical discourse as checkpoints to substantiate the distinction between home and alien space, China.

Law is at the heart of Hong Kong's identity. Ever since the British administration first acquired the rule of law rhetoric to address its legitimacy crisis in the late 1960s, Hong Kongers have been promised a fair system where everyone is rewarded according to merits and efforts to achieve prosperity. An identity centred on equality, fairness, and procedural justice thus was forged, making Hong Kong as a "city of law." Shaken by the Tiananmen massacre and the negotiation between China and the UK, the colonial government installed a number of rights-based legislations, including a Bill of Rights and the Basic Law, to "construct an indomitable wall of law around Hong Kong."³

Yet, often times, these walls have been susceptible to Mainland incursion. Jones records three major controversies in great detail: a series of right of abode cases, the flag-defiling case, and the fierce legislation debate on Article 23 of the Basic Law. In these cases, the

1. Jones (2015), p. 30.

2. *Ibid.*, p. 37.

3. *Ibid.*, p. 59.

interaction between the Court of Final Appeal (CFA) and the National People's Congress Standing Committee (NPCSC) demonstrates power dynamics surrounding the contentious rule of law. The CFA is the highest court of the judicial system in Hong Kong, enjoying the power to interpret the Basic Law. However, the Chief Executive has, more than once, reached out to the NPCSC in Beijing for clarification on pertinent policy issues, such as the accreditation of permanent residents in the right of abode cases. The bypassing not only undermines the CFA's supremacy, but also creates a state of exception within the rule of law, as there is no clear mechanism in the Basic Law that allows the government to send out the request to Beijing. After the NPCSC directly contradicted the CFA's decision in one of the right of abode cases, the Court in fact issued a supplementary judgment "that contained enough deferential language about the supremacy of the NPCSC."⁴

In the second part of the book, Jones contextualizes these legal debates in the socio-political tensions and "culture wars" between Hong Kong and China. She nicely portrays the uncertainty, insecurity, and the sense of threat faced by Hong Kongers when experiencing China. Violence, disappearance, and even deaths are woven into her narrative: businessmen in debt disputes with Mainland companies are kidnapped and extorted; intellectuals are formally and informally slandered. The government acquiesces when gangsters attacks journalists, while the police bullies protesters during Chinese officials' visits. The disillusionment of China's promise—that Hong Kong will continue to enjoy a high degree of autonomy and to maintain its own way of life for at least 50 years—is now gradually confirmed. As the author writes, "neither the border nor the law prevented the 'two system' from becoming 'one country'."⁵

Yet, Hong Kongers have yet to raise the white flag. For instance, in 2012, the Hong Kong government announced that moral and national education would become a compulsory subject in middle school to cultivate Chinese virtues among the younger generation. The project was criticized as a hegemony-building project that served the interests of the Chinese party-state, with Hong Kong society responding with a huge protest of over 90,000 people. As the author suggests, this is a sign of how the Hong Kong local identity grew in opposition to the construction of Chinese cultural hegemony. It is therefore inaccurate to characterize Hong Kongers as *homo economicus* without collectivities and political ideals, as evidenced by Hong Kong society's long tradition of dissent.

This book is an informative project and inter-disciplinary in nature. It incorporates a wide range of scholarships and data, from textual records in newspapers and public speeches, to vivid depiction of visual scenes and audio experiences. This comprehensive presentation of societal transformation allows readers to relate to Hong Kongers' perspective, and connect dots from seemingly trivial issues to revealing lines of narrative. For students of law and society, the most inspiring point raised by this book is that law bears the function of boundary drawing for identity in a political transition context. This entangled relationship between law and politics in a quasi- or, arguably, non-democratic setting is undoubtedly a hot topic in the field of law and society. Along with recent publications, such as Rachel Stern's *Environmental Litigation in China*⁶ and Rothie Raja's *Authoritarian Rule of Law*,⁷ Carol Jones's *Lost in China?* contributes greatly to the

4. *Ibid.*, p. 159.

5. *Ibid.*, p. 112.

6. Stern (2014).

7. Rajah (2012).

dynamic understanding of the political role of courts in the East Asian region. Again, and compellingly, the practice of law provides us with a powerful angle to study governance in jurisdictions with authoritarian legacies.

REFERENCES

- Jones, Carol A.G. (2015) *Lost in China? Law, Culture and Identity in Post-1997 Hong Kong*, Cambridge: Cambridge University Press.
- Rajah, Jothie (2012) *Authoritarian Rule of Law: Legislation, Discourse and Legitimacy in Singapore*, Cambridge: Cambridge University Press.
- Stern, Rachel E. (2014) *Environmental Litigation in China: A Study in Political Ambivalence*, Cambridge: Cambridge University Press.

Ching-Fang HSU
University of Toronto