

Singapore, an issue right at the intersection of democracy and the rule of law. In the only chapter dedicated to mainland China, Xiaobo Zhai shows that the Chinese concept of “rule of law” is thicker in design than often claimed and assesses challenges in implementing rule of law through a sensitive discussion of the relationship of the ruling party to the law.

At the end of his chapter, Zhai quotes a sentence from an unpublished paper by Gerald Postema, “Laws do not, indeed laws cannot, rule, only *people* rule,” and adds, “The rule of law is, in fact, a sophisticated mode of the rule of men and is ultimately a matter of interest, power and force” (p. 217). This is a key point, and understanding how power lies with individuals and institutions, not abstract concepts, could further clarify the relationship between rule of law and democracy.

One issue not covered is the time and money required to access the court system, at least in Hong Kong. Fu and Jackson comment that “protest [in Hong Kong] has become a middle-class activity” (p. 21), but can most of the middle class afford to hire a lawyer? Although class analysis may be out of fashion, maybe Hong Kong has more of an “elite rule of law” than a democratic one.

Finally, it is a little disappointing that a volume on the rule of law and democracy – both of which depend on respectful discussion of alternative views – gives most coverage to one side of the protest movements in Hong Kong and Taiwan which are the catalyst for the book. In Hong Kong at least, these events are open to more than one interpretation, and society has been politically polarized for years. Given how central assumptions about the social movements are to the arguments, the limited critical attention to this polarization is a little frustrating.

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China's National Security: Endangering Hong Kong's Rule of Law?

Edited by CORA CHAN and FIONA DE LONDRAS

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Law book authors know the risk that their work may be outdated by the time of publication. That risk compounds when the topic is connected to ongoing political contestation. *China's National Security* belongs to a particular moment in the Hong Kong Special Administrative Region's troubled history, when the dust was finally settling after the 2014 Umbrella Movement. It was largely completed before the 2019 protests which threw the region into turmoil unseen for over half a century. By the time this paperback edition hit the streets, protesters were far less inclined to do the same, due to the mid-2020 promulgation of a national security law drafted for Hong Kong by the National People's Congress Standing Committee. This reviewer has written elsewhere that the national security law sits uncomfortably alongside Hong Kong's liberal-constitutional Basic Law, and if one accepts that proposition then the question posed in this book's subtitle may already be answered in the affirmative. What, then, does this collection have to offer?

The book comprises 17 chapters organized into three parts: the first exploring the relationship between China's national security and Hong Kong's rule of law; the

second probing sources of resilience in Hong Kong's politico-legal culture; and the third looking outwards and ahead. Contributors are mainly legal scholars, including many well-known present or past members of the Faculty of Law at the University of Hong Kong (HKU).

The editors' introduction sets the stage by explaining Hong Kong's uniqueness, citing the familiar example of the then annual (since banned) June 4th vigil, and explaining how the Basic Law is intended to preserve the rule of law, human rights and the separation of powers within the envelope of China's Leninist legal system which, contrastingly, regards law as instrumental. The question is whether these special characteristics can coexist with China's national security imperative. The asking of this question represents something of a watershed in Hong Kong legal scholarship, the mainstream of which had spent some years striving to rationalize events while maintaining a degree of optimism. Some of that tendency remains evident in this volume, including in the editors' suggestion that the rule of law is "not necessarily" endangered, but many contributors show signs of moving beyond denial into the later stages of grief.

Part one begins with two essential contributions. Albert H. Y. Chen, with his unwavering attention to detail, explains the contradictions of the "one country, two systems" design, existing as it does within a state said to be unitary, yet nominally constraining Beijing's powers in Hong Kong whilst granting the central authorities control over key issues, including democratic development. He charts the evolution of the regional-national relationship and provides the insight that the differences are no longer economic but political and legal. Then Hualing Fu, in the book's highlight chapter, explains the crux of the conflict between China's national security and Hong Kong's regional interests. He sets out Hong Kong's supposed threats, to territorial integrity and as a base for subversion, contextualized in the recent and twentieth-century history of China and its peripheries. Fu's rich, incisive and accessible analysis lays bare the stakes and the incentives at work, significantly revealing that law may not be so important after all. Lin Feng concludes part one by suggesting that, although the more powerful side should take the initiative to resolve political and ideological differences, both sides must work to rebuild trust, otherwise Beijing might take measures which would see "two systems" abandoned in favour of "one country." This frankest of forecasts has proven accurate.

Opening part two, Swati Jhaveri's chapter introduces the important idea that Hong Kong's courts may utilize the common law to mitigate the pro-security slant of constitutional and other instruments and to cultivate their influence. She declines to accept that the situation is dire but acknowledges both the trend line and the limitations of institutions, including the courts. That theme is echoed by Pui-Yin Lo, who laments the drift from liberal values towards deference among the judiciary and legal professions and the legitimacy cost to the courts. Former legislator Margaret Ng, meanwhile, pulls no punches in describing the Legislative Council, by then stripped of many (now all) of its pro-democracy members, as "a travesty of an elected legislature," "worse than dysfunctional," useful only for "legitimising tyranny in the name of the rule of law" (pp. 175–7). Michael C. Davis extols the value of Hong Kong's formerly vibrant civil society and calls on the government to exercise moderation in dealing with it, but one senses that he knows this fight is lost.

Part three is a mixed bag. Highlights include the internationally focused chapters by Carole J. Petersen, Jill Cottrell Ghai and Yash Ghai; also notable are contributions at opposite ends of the optimism-pessimism spectrum from the editors (whose proposals are aspirational by design) and Danny Gittings. Parts two and three of the book do, however, reveal two of its main shortcomings. The first is its emphasis on Basic Law Article 23, which requires Hong Kong to pass its own

national security laws; this focus on the well-known constitutional mechanism, whilst entirely understandable, has frequently obscured the point that Beijing might intervene in ways not described by the Basic Law, as it indeed did with the national security law and earlier with the controversial express rail development. The second is simply the subsequent unfolding of events, although in some cases knowledge of those events is rewarded. For example, Simon N. M. Young suggests that Macau's home-grown national security law, which contains 15 articles, might serve as a model; this reveals the comprehensiveness of Hong Kong's 66-article national security law. Similarly, Petersen's argument that the international community has a legitimate interest in the situation is confirmed by the fact that at least nine countries have now suspended their extradition agreements with Hong Kong.

In the co-authored introduction, Cora Chan suggests that the beauty of "one country, two systems" is not in its harmony but in its inherent tension. That now reads like an epitaph. The imposition of the national security law and subsequent developments, like the reconfiguration of Hong Kong's political system to eliminate opposition, have confirmed that such pluralistic thinking is unwelcome. Unity under central leadership is the only way, whether in law, politics, education, the media or civil society. What, then, is the value in discussing a diminished concept like the rule of law? As well as clarifying (via Wai-Man Lam's chapter) that the rule of law retains substantial meaning for the Hong Kong people, this book suggests much about Beijing's governance philosophy and its interaction with rules-based systems, ironically unencumbered by the details of the national security law which was to come. Naturally, the scholarly unpicking of those details has since begun, and contributors to this book may return in a forthcoming volume edited by Hualing Fu and Michael Hor, *The National Security Law of Hong Kong: Restoration and Transformation* (Hong Kong University Press, 2022).

This collection continues the tradition of strong scholarship emanating from HKU's law faculty. The survival of that tradition, like others, is not assured. As Benny Y. T. Tai said (*New York Times*, 18 November 2018), Hong Kong isn't what it was, nor what it's supposed to be. Tai took part in the conference that led to this book, but he is absent from its list of contributors. As the book was being compiled, he was belatedly facing trial for his role in the 2014 peaceful civil disobedience movement. Around the time of its publication, he was sentenced to 16 months in prison. Within a month of the national security law's promulgation, he was extraordinarily dismissed from his associate professorship by the HKU Council. This book, and others we may be fortunate to receive in the future, must be read with these new realities in mind.

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Rethinking Authority in China's Border Regime: Regulating the Irregular

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In 2018, China established the National Immigration Agency, a new bureaucratic body charged with standardizing practice across the PRC. Prior to the COVID-19 pandemic, China was becoming a growing destination of migration for foreign labourers and experts, but also for refugees and displaced persons. Regulatory