

BOOK REVIEWS

Chinese Law in Imperial Eyes: Sovereignty, Justice, and Transcultural Politics. By LI CHEN.
New York: Columbia University Press, 2016. 416 pp. \$60 (cloth).

REVIEWED BY STEVEN S. NAM, Center for East Asian Studies Stanford University
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In this nuanced and convincing study, Li Chen not only probes why and how oversimplified, reductive culturalist interpretations of Sino-Western legal collisions in the eighteenth and nineteenth centuries became dominant, but also pushes past the discourses of Euro-American hegemonic creep typically found in revisionist scholarship. Eschewing tidy theory-based narratives, Chen instead embraces Chakrabarty's characterization of transcultural and/or transimperial encounters as "contradictory, plural, and heterogeneous struggles whose outcomes are never predictable, even retrospectively" (p. 250). Often revisited and deconstructed are confluences of perceived moral corruption and despotism in the Qing Dynasty with the actual integrity and sophistication of Chinese law.

Chen argues in five coherent chapters that normative assumptions of cultural hierarchy, combined with the parochial looking glass of Western legal thought, severely complicated the task of viewing the Chinese legal regime on its objective merits. Nonetheless the Western racialization of international law that came to enable its arbitrary application evolved via uneven, sporadic responses to historical episodes, rather than in inevitable hegemonic fashion. Indeed, as Chen notes, British legal reforms well into the early nineteenth century stressed a scale of proportionate punishment attributed to the Qing Code—evinced some respect for a Chinese legal system that would be cast and recast in different trappings of legitimacy by the West (a practice which continues into the present day).

However, while transnational legal influences could be incorporated into domestic law, the process was selective and had little bearing on the matter of the opium trade, specifically bilateral failures to reach a compromise over it. Chen observes that Qing efforts to stall the flow of opium employed legal arguments that appeared to make some headway, but ultimately suffered collaterally from persistent British demands that compensation be paid for opium destroyed by a Qing special commissioner. Where—and what—was international law in the midst of this struggle of comparative legal interpretation? The author is excellent in tracing how the fragile concept of comity then as now bent beneath shifting national economic interests, subject to political winds.

Chen also proves persuasive in his coverage of "emotional communities," marked by convergent reactions *en masse* in the face of Chinese legal and social practices, capable of spanning national or international communities. He examines "the ways in which emotions and sentiment were disciplined, standardized, and mobilized to serve particular cultural and political agendas," (p. 164) a non-linear process that did not develop overnight. Repeated reconstructions of and fixations with Chinese judicial violence reinforced over time a sense of the West's superiority, cultural and legal, prompting (re)action. Crucially, according to the author, the Western empires rarely predicated their China policies on political or military domination, instead equating their interventions with the protection of life, property, treaty rights, and/or national feeling—further obfuscating the gray area of legal and moral norms in which they operated. It did not help that the Chinese periodically fanned the flames by themselves publishing on the hardships of "others" in their courts, an

ironic instance of national propaganda that new emotional communities would wield against their maker as power dynamics increasingly tilted.

In moments of comparative insight, Chen draws upon more contemporary parallels such as the post-9/11 visual frames of the US-led wars on terror. He could have gone further and cited ongoing extraterritorial drone strikes (with their collateral consequences), which certainly bear an uncanny resemblance to the Sino-Western conflicts of the covered time period in their rationalizations depending on the sovereign lens used, geographic backdrop, and divisiveness. Moreover, Chen warns of “the continued tendency to reduce the Sino-Western historical relationship to one of fundamental incommensurability and inevitable clash” (p. 250) despite the interdependent constellation that is today’s international economic order. Beijing’s modern reluctance to simply relent to the wants of neoliberal governments and their free market dictates, e.g. with respect to its national system of corporate governance and competition laws, becomes more understandable in light of its intense security concerns (with their historical origins).

Chen’s overly frequent references to the book’s and any given chapter’s objectives can detract, at times, from the flow of his work, but this is a minor quibble for a remarkable and important volume. His balanced eye and command of both Western and Chinese sources, a number of them mined and juxtaposed for the first time, render the work free of unnecessary dogma. Although China’s economic rise in recent decades via its own variety of capitalism and legal infrastructure may seem novel to lay observers, adversarial international reactions to it have triggered flashbacks and *déjà vu* among the historically conscious Chinese population. Chen has done much to illustrate the true extent of the subversive forces that helped shape this centuries-old anxiety.

Failed Democratization in Prewar Japan: Breakdown of a Hybrid Regime. By HARUKATA TAKENAKA. Stanford: Stanford University Press, 2014. 256 pp. \$55 (cloth).

REVIEWED BY JONAH GOLDBERG, Department of Political Science University of Toronto
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In *Failed Democratization in Prewar Japan*, Harukata Takenaka has two major goals: to better understand semi-democratic regimes and to explain why Japan descended from semi-democracy to military authoritarianism in the early 1930s. Takenaka spends the first portion of the book laying out his conception of a hybrid semi-democratic regime. He suggests that semi-democratic regimes have three major characteristics. First, while elections are held regularly and for important posts, they are not completely free or fair because of restrictions on freedom of expression and association. Second, not all major political offices are held accountable to the voters: there are important posts that are not subject to elections. Third, only a small portion of the population has the right to vote. Takenaka argues that Japan’s political regime from 1918 to 1932 met all three characteristics, and can therefore be considered a semi-democratic regime.

Takenaka argues that semi-democratic regimes are understudied in the literature. He suggests that too much scholarly work on regimes and transitions focuses on the shift from authoritarianism to democracy. Takenaka argues that transitions in other directions, such as Japan’s experience of going from semi-democracy to military authoritarianism, should receive scholarly attention as well. In addition, Takenaka submits that too many academics seem to believe that a transition from semi-democracy to democracy is swift and inevitable, but Japan’s experience demonstrates that transitions toward democracy are far from preordained.

Semi-democratic regimes, according to Takenaka, tend to break down when the balance of power between democratic and nondemocratic forces within the regime begins to change. When