

A Certain Justice: Toward an Ecology of the Chinese Legal Imagination. By Haiyan Lee. Chicago: University of Chicago Press, 2023. Pp. 352. \$32.5 paperback.

Instead of introducing the typical courtroom-centered legal history of the People's Republic of China (PRC), Haiyan Lee's *A Certain Justice: Toward an Ecology of the Chinese Legal Imagination* is a *tour de force* cultural studies of works of modern Chinese literature and popular culture that touch upon issues marginally related to justice in the broadest sense. The expected judicial justice is at best treated in this book as a backdrop to this intellectual quest to review how the Mainland Chinese people managed the social order (or disorder) in the absence of the legal code until the late 1970s, and the aftermath of this chaos in a society struggling to adopt a legal order in people's daily life under the control of an all-powerful party that sees law merely as one of the many tools of social control.

Lee warns us in the introduction that "*A Certain Justice* is a study of the Chinese legal imagination that proceeds from the assumption that justice is more than a matter of law and that law is necessary but not sufficient for justice" (p. 3), and therefore the various kinds of justices discussed in the following chapters are not really about the law but the concept of justice. By putting forward an analytical framework to different levels or types of justice, namely, high justice, low justice (the legal justice in the common sense), transitional justice, exceptional justice, poetic justice, and multispecies justice, this work elaborates in essence a turn-the-table concept that justice, at least in the People's Republic of China, should not be confined to the narrowly defined legal domain in the western professional sense, or else justice (other than the Western legal form) would have completely disappeared in a literally "lawless" China before and during the Cultural Revolution (1966–1976).

The different types or levels of justice mentioned in the book are new labels, however, of some widely used old concepts, such as sovereignty or national security for high justice, and animal rights for multispecies justice. It is not helpful to relate and explain a wide variety of concepts which are originally irrelevant to legal or moral justice by rephrasing them as different types of "justice." For example, one might quite naturally ask why issues about animal rights should be discussed alongside spies and national security. Indeed, without sidetracking to poetic justice or multispecies justice, it is already amply clear that low justice of legal rights and criminal laws is so marginal in the Chinese state that it could be sacrificed when contradicting high justice. The vertical structure suggested in this book is instructive for the elaboration of the relative weight of sovereignty and criminal justice, but even without the vertical structure, the situation is already well-known by the general readership. Indeed, rather than asking how the supremacy of sovereignty and national security in China manifests itself in matters such as the rehabilitation of the prisoners of war (POW) and animal rights, it is more productive to focus on the *why*. As long as legal justice is concerned,

the chapter on “High Justice” has provided us with more insightful clues than other chapters on different types of rather untraditional “justice.”

The first chapter of “High Justice” deals with how the state achieves its legitimacy and safeguards it against internal and external threats. Lee does not give us examples of disputes between the people and the Chinese Communist Party in the search for high justice since the establishment of the People’s Republic of China; rather, she compares the fates of detective fiction and spy fiction in the new regime. The fact that the spy genre continues to thrive is explained by the need of the Maoist ideology to create shadow enemies so as to fuel the permanent revolution and the bid for world power status. Technically, in Lee’s analysis, the high justice matters surrounding the protection of China’s sovereignty relate only to the spy imagination, and it is quite confusing to read a discussion of the non-existing detective genre in the chapter. The conclusion is rather simple: national security in China is, above all, “above all.”

The second chapter of “Low Justice” discusses novels and movies produced since the Republican era, including the famous *Ah-Q Zhengzhuan* 阿Q正傳 by Lun Xun 魯迅. Surprisingly, almost no literary excerpts about the courtroom or the law in general are mentioned. Lee’s key insight on Chinese low justice is that absolute equality is not feasible in the Chinese context, so much so that employing hypocrisy and giving way to the powerful can be a practical way to seek minimal low justice.

The third chapter, titled “Transitional Justice,” focuses first on the consolidation of a society full of discontent and potential opposition to Communist rule in the period when the People’s Republic of China was freshly established. The dilemma of the chapter lies in sketching the legal history of a period lacking legal codes and proper court procedures. Another transitional period in the PRC history constitutes the second focus of the chapter: the post-Cultural Revolution trials that supposedly ended the lawlessness of the ten-year chaos. Lee asks, “How to reduce state-sponsored political violence to common criminality? How to exculpate the Party leaders who instigated and sometimes participated in such violence while holding the rank and file to criminal accounts? That is, how to redress high injustice in a low justice setting?” (p.131). By analyzing the storylines of movies such as *Fating Neiwei* 法庭內外 (1980), Lee argues that by following “judicial populism” to pass harsh sentences on cases where public sentiments run high, these literary and cinematic works are making an impression on the public that low justice is summoned to foster the legitimacy of the one-party rule. “The message is blunt: The Party is a true champion of the rule of law, and has always been” (p. 149).

Then follows the fourth chapter of “Exceptional Justice” that discusses the fate of the POW in the movies and soap operas in modern China. Contrary to the emphasis on the brutality of Japanese invaders in the war films, the stories on the rehabilitation of POWs are about turning devils into men and foes into friends. In the newly established People’s Republic of China, in Lee’s point of view, because low justice was

of low priority, the judicial procedures towards the POWs were never emphasized by the Communist Party. Rather, for both the Japanese and Nationalist surrenderers, the party employed educational and corrective measures to restore the social order that they broke even at the expense of legal justice. This is the sovereign exception of granting amnesty that bypasses normal judicial procedures. Yet this sort of exceptional justice is indeed exceptional, because “the PRC has not issued a single special pardon, let alone general amnesty, since the last contingent of Nationalist POWs were released in 1975, even though the power to do so is stipulated in the Constitution” (p. 187).

The whole fifth chapter of “Poetic Justice” is devoted almost entirely to magical realism’s strong impact on contemporary Chinese literature. To demonstrate how the ruthless One-Child Policy might have hurt low justice of the common people, Lee discusses Mo Yan’s 莫言 novel *Wa* 蛙 and Ma Jian’s 馬建 *Yin zhi Dao* 陰之道 and suggests that only magical realism can help the Chinese people make sense of the social world where low justice hardly exists. The negative literary imaginations, however, are too indirect to be related to the discussions on modern justice issues in other chapters.

“Multispecies Justice” is the title of the sixth chapter. It revolves around animal rights and ecological integrity. But as the human problems of justice and morality mentioned in the earlier chapters are already complicated and abundant enough to reveal the suppressive nature of high justice in China, it seems too excessive to devote an entire chapter to this topic alone. Lee is right to point out that there is a lack of bestiary in Chinese literary tradition, and since the classical period, the animal has never been allowed to speak: “the low justice of animal rights and welfare must be subordinated to the high justice of cosmic harmony” (p. 227). The most important connection of this chapter to the other parts of the book is the argument that the paramount function of justice of all types, including multispecies justice, is to maintain social order instead of guarding the rights of the defendants at court or finding the truth of crimes (p. 270).

In the Conclusion, Lee finally gives the outstanding explanations for her inclusion of so many “unlawful” elements in a book about legal justice. She maintains that justice is not necessarily related to the law, and that the central questions of this book include the following: “Is law coterminous with justices? Is low justice possible in a system that prioritizes high justice?” (p. 274). By selective inclusion of only the non-legal materials in her analysis, we are led to see that justice is not exclusively related to the courtroom. Indeed, courtroom justice and related literature do exist in contemporary China. But Lee’s skepticism on the effectiveness of the legal system in maintaining justice, and the expectation that the establishment of statutory laws may bring justice to China are cautions to readers both inside and outside the Chinese legal culture that without the supremacy of the Rule of Law, legal apparatuses are only claws and talons of the state.

This line of argument, unfortunately, is not sufficient to justify the exclusion of the more direct legal materials. If the aim of this work is to provide evidence to the ways that the low justice is undermined through the author's perspective, which stands on the side of high justice, then it is difficult to ponder over the legal imaginations of the Chinese films in recent decades without some basic knowledge about the judicial reality.

The absence of direct treatments on Modern Chinese legal practices notwithstanding, *A Certain Justice* provides excellent reviews on an array of highly interesting novels, movies and soap operas produced in Mainland China since 1949. (The inclusion of *The Stolen Bicycle* 單車失竊記, a Taiwanese work, however, is another piece of evidence of the somewhat loose structure of the book.) Indeed, from the perspective of literary criticism, the discussions of the literary pieces are absorbing and convincing. The problem is the non-legal reasoning and decentralized ways by which these works are assembled in a book with a claim to shed light on legal justice. Perhaps, the proper approach to this book is not to see it as a discussion on legal matters, but as a guide to popular imaginations about right or wrong, morality, or "a certain (degree or kind of) justice" in a country where the legal system is not yet equipped to achieve the different types of justice in Lee's categories.

Instead of being framed by a coherent design aiming to answer a well-crafted research question, this work appears to be an assemblage of the author's insightful musings about a wide range of research topics that are conveniently put into the book form. Whether scholars should streamline their many research interests under a major research question beforehand or weld together different topics that may have emerged from different stages of their academic life to form a megastructure afterwards—that is the question! The chapters of this book can provide great enjoyment and enlightenment to all without the burden of the wrappings of legal studies, and the samples of different genres of contemporary Chinese literature discussed in this book are attractive enough to deserve their own focused treatments.

The "three-body problem" of justice, morality, and law suggested at the very beginning of this book (p. 1), just like its counterpart in science fiction, can be too ambitious to be solved in one go. The two-body problem of justice and morality, however, is well-explored in Lee's superb account of the literature of the People's Republic of China, and her book can be a good read if we are not too bothered by the third body of law.