

Lost in China? Law, Culture and Identity in Post-1997 Hong Kong

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Rule of law is a sacred institution in Hong Kong. As a core value for Hong Kong society, rule of law has received the strongest support from forces of different political persuasions in Hong Kong. When it is under threat, real or perceived, people come to its defence with resolve and passion. Carol Jones, a veteran observer of Hong Kong's legal scene, has written a lively and engaging book on the social origin, social support and social consequence of rule of law in Hong Kong. The book also serves as a timely reminder of the threat that rule of law in Hong Kong may face, and the inevitable struggles that Hong Kong communities will have in pushing back real or potential mainland impositions.

China's authoritarian system is much more sharply perceived in Hong Kong than elsewhere. And for many on Hong Kong, mainland China remains a lawless place notwithstanding decades of legal reform, as Jones vividly points out. Politically, China, accordingly to its constitution, is a socialist state practicing "democratic dictatorship." While rule of law is entrenched in the constitution, it is subject to the overwhelming leadership of the Communist Party. However sincere the Party may be in developing a stronger and more credible legal system, the system can only be as autonomous, effective and credible as the Party allows it, however. The authoritarian legacy may have diminished to some degrees inside the mainland thanks largely to the continuous liberalizing social and economic reform, but the authoritarian image proves to be particularly sticky for the Chinese in Hong Kong, many of whom escaped to Hong Kong as political or economic refugees decades ago and may not be ready to forget and forgive the brutality that they may have experienced in the not so distant past.

The colonial government in Hong Kong capitalized on the fear and offered an alternative that had been appealing to the Chinese population. The colonial rule was of course the antithesis of democracy, but rule of law offered by British rulers was able to compensate for the democratic deficit. It was rule of law, initially exported by the British to Hong Kong and then appropriated by the Chinese in Hong Kong that offered a thin line to keep the authoritarian mainland, often perceived as a land of lawlessness bordering on chaos, apart from the free and orderly Hong Kong.

Gradually rule of law became well-accepted cultural practice in Hong Kong. In the long historical process, rule of law, which was brought in as a governance strategy, seeped deeply into heart and soul of Hong Kong and became an essential component in the moral fabric of Hong Kong. For the Hong Kong Chinese, rule of law is so essential and indispensable and is so much part of Hong Kong's cultural DNA that the possession of it seems to make Hong Kong Chinese a distinct ethnicity.

The thin line offered by rule of law to separate Hong Kong from the mainland became fragile after Hong Kong's return to China, and Jones's book provides many details of the challenges that Hong Kong's rule of law has to face. The process of "mainlandization" has brought to Hong Kong mainland legal rules, cultural practices and even mainland police officers or their agents.

Alleged intrusions from the mainland that may put Hong Kong's rule of law at risk abound. Jones provides a vivid examples of those intrusions, including the disappearance of an under-aged boy from Hong Kong in Shenzhen, celebrated court cases such

as flag desecration and the right of abode, the failed attempt to enact law to punish subversion, succession and sedition, and the controversies surrounding the interpretation of the Basic Law by the National People's Congress Standing Committee. The book offers succinct summary of those controversies and, in particular, it critically analyses the dynamic process in which those events are interpreted in Hong Kong.

The book is not merely about the diminishing rule of law as a result of “mainlandization.” It is also about efforts made in Hong Kong to resist the application of Chinese laws, the spread of mainland values and practices and the further integration between Hong Kong and mainland China, all made in the name of preserving and entrenching Hong Kong's rule of law. Indeed, to save rule of law from mainlandization can be seen as the driving force behind the Occupy Central Movement and the emergence of various sorts of localism. With authoritarian China serving as the political master, Hong Kong is no longer confident that its treasured rule of law can survive on its own without democratization. Jones's book sheds lights on that delicate relation between rule of law and democratization as experienced in Hong Kong.

There is also hope on the horizon, as Jones's book articulates well. Hong Kong has a vibrant civil society and a particularly powerful liberal-leaning “legal complex” composed of lawyers, judges, law-makers, legal scholars and, of course, law students. That “legal complex” has led the charges against mainland intrusions in the court of law and beyond. With the further integration of Hong Kong into the mainland system and the political and cultural crisis on the horizon, rule of law in Hong Kong will be put to tougher tests in the near future.

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The Taiwan Independence Movement In and Out of Power

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The Taiwan independence movement (TIM), which pursues the establishment of an independent Taiwan sovereign state, has been an important factor in the relations between the two sides of the Taiwan Strait. Beijing threatens to use force against Taiwan should the island move toward permanent separation from China. In order to discourage people in Taiwan from taking such a radical move, which might trigger a war, most countries in the international community, including the United States, adopt a one-China policy and do not support a *de jure* independent Taiwan. There are not many books that systematically study the TIM, in particular, its relationship with the Democratic Progressive Party (DPP) – one of the two most important political parties in Taiwan. Dongtao Qi's book is the most up-to-date work to explore this issue.

The book consists of two parts. The first part studies the TIM in power from 2000 to 2008. Qi does an excellent job of analysing the dilemma faced by the DPP government, using the theory of movement government. When the DPP under President Chen Shui-bian tried to perform its governmental role by adopting a conciliatory policy toward China in 2000–2002, it upset TIM supporters. When the DPP government's performance did not meet public expectations, President Chen abandoned