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### Chinese Law and Legal Research (book review)

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revealed to be a “theme park with a death sentence,” because drug trafficking violations incur a mandatory death sentence and are considered to lead to the economic demise of the nation. In some of the final chapters, the laws of Japan and China are analyzed. Japan is the only other democratic nation that still kills citizens on a regular basis and whose executions are still much lower than the United States. In China, there are recent social revelations that capital punishment might not be extremely effective, even though writings on the topic are not widely available because the death penalty historically hasn’t been considered a topic to be studied in China. Overall, all of the national studies provide a fascinating comparative reflection on the cultural roots of capital punishment and the continuing evolving nature of this divisiveness of this issue in legal systems around the world.

In the end, readers are better equipped to recognize the varying cultures in which capital punishment still exists and the reasons for its abolishment in other countries. Standard myths about society and the relationships between forms of punishment and types of government are abolished. More importantly, the editors provide a reflective group of essays on the institution of capital punishment within the cultural framework and histories of nations while revealing the drawbacks of the retention of the death penalty. I would recommend this title for libraries with an academic emphasis and law libraries that want a comparative legal title with a deeper discussion of penal laws and their social context.

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***Chinese Law and Legal Research.*** By Wei Luo. New York: W.S. Hein, 2005. Pp. xviii, 380. ISBN 0-8377-3409-6. \$85.00.

Since China began its reform policies in 1978, it has received growing attention from the rest of the world. After China became a member of the World Trade Organization in 2001, many legal researchers around the world have focused on how China governs itself and how it interacts with the world. The enormous interest in China is not only due to its insatiable appetite for energy, its manufacturing prowess, and its ambiguous stance on its currency. It is also due to the problems that China’s economic development has posed to the world, such as environmental damage and lack of effective ways to prevent epidemics. This “China fever” has already been reflected in the U.S law school curriculums. More than 40 U.S. law schools offer courses in Chinese law. At least 10 U.S. schools have study-abroad summer programs to study Chinese law in China. In addition, prominent law firms are

competing to open law offices in Beijing and Shanghai in the hope capturing a piece of China's potential legal market. As a result, the need for an understanding of the Chinese legal system and the demand for access to Chinese legal materials has increased dramatically in recent years. This trend will continue as China stays on its present high growth course trajectory.

However, the task of searching for Chinese law is a daunting one, even for legal scholars and lawyers well immersed in the language and culture. Among the many factors that make Chinese legal research formidable, the primary one is that China does not have a law codification or uniform compilation system. Even though the Chinese government retains centralized control in many crucial areas, there is no central government publishing office that is comparable to that in the United States. Ministries and provincial governments have their own ways of promulgating legally binding rules and regulations. In extreme cases, different departments within the same locality issue conflicting rules through their own channels. At national level, the lack of access to crucial legal provisions has hampered foreign investment and other business activities.

Against this backdrop, Mr. Wei Luo has taken up the enormous challenge of establishing a subject-arrangement codification system and a uniform legal citation standard for China. Mr. Luo's codification proposal has been endorsed by the officials in charge of law compilation at the Legislative Affairs Office of the State Council of China (the central government), and his draft of a uniform Chinese legal citation system was accepted by several major Chinese legal publishers and Peking University Law School. His efforts also won the financial supports of the U.S.-China Legal Cooperation Fund. Since 2000, Mr. Luo has been back to China every year to direct these projects. During his trips to China, he has had "many occasions to discuss various issues regarding Chinese legislature, government information dissemination, legal research, and legal publishing with Chinese legislators, judges, lawyers, law professors, law librarians, and law publishers and gained much inside information..." Mr. Luo's unique exposure to the Chinese legal system and law making process has made him the ideal scholar to address Chinese legal research. As a result of his five-year-long endeavor, Mr. Luo has published his outstanding volume *Chinese Law and Chinese Legal Research*, which consists of nine chapters and four appendixes.

As the title of the book indicates, Mr. Luo's work has gone far beyond the scope of an ordinary research guide or an annotated bibliography. He devotes the first four chapters of the book to explaining Chinese legal culture and legal system. In the Preface, Luo explained the reasons for these chapters.

In the last twenty-six years since 1978, the PRC has established a quite sophisticated legal system, which not only is departing from the course of the old socialist ideology that the PRC used to have but also is different from the Western legal tradition. Therefore, to be successful in Chinese legal research, a researcher needs to understand

the aspects of Chinese political establishment, government structure, law making, judicial system, government information dissemination system, censorship, legal publishing industry, and the impacts of the Internet.

These four chapters are a valuable treatise not only for law librarians, but also for law professors, practitioners, and law students. To explain the development of Chinese law, Luo draws extensively original texts and prominent scholarly writings. He also uses many flow charts to illustrate convoluted Chinese government structures and legislative processes. In addition, Mr. Luo offers a clear account of the relationships among statutes, judicial interpretations (a very unique source of law in China), and case law. So far, only a few scholars on Chinese law have addressed this issue. At the end of the each chapter, further reading list is provided; these lists serve as very useful research tools.

Chapter Five gives an in-depth analysis of the Chinese publishing industry, censorship, government information dissemination, the Internet, and foreign publishers with a focus on legal publishing. The chapter is extremely valuable for scholars and librarians who want to build a decent Chinese law collection. There is no other literature in English that offers comparable information on the Chinese legal publishing industry.

In Chapter Six, Mr. Luo explores Internet sources on Chinese Law. As a pioneer in Chinese legal research, Mr. Luo created his well known Internet Law Center for Chinese Law in 1996. At the beginning of 2006, the site has received 103,825 hits and has been widely linked to by prominent law library websites and other scholarly websites worldwide. It is the most important gateway to Internet sources for Chinese legal research. Drawing on nearly a decade of research experience, Mr. Luo identifies the major online sources and prominent databases for Chinese legal research in Chapter Six, and he contrasts and analyzes the pros and cons of the various online resources. For law libraries and researchers that are torn between their tight budgets and the desire to conduct Chinese legal research, this chapter serves as an excellent guide on what to buy and how to use online sources in conjunction with print sources.

Chapters Seven and Eight list major Chinese legal bibliographies. In addition, annotations are furnished for each title. The listed bibliographies are divided into primary and secondary materials, and are further classified according to their publication, frequencies, formats, and media.

At the end in Chapter Nine, Mr. Luo advises American law school graduates to change their approach to legal research in order to successfully adapt to the Chinese legal system and available materials. He also recommends a Chinese legal research strategy based various scenarios.

Mr. Luo's seminal work has many virtues, but three in particular should be noted. First, unlike other bibliographical literature, Mr. Luo has successfully integrated scholarly writing with extensive, up-to-date bibliographical information. He has set a precedent for future bibliographical

writing. Second, Mr. Luo has creatively imbedded Chinese sources in their original form in the text and footnotes of the book. Before Mr. Luo's work, scholars usually used Pin-yin to indicate sources, which often led to difficulty in verifying original sources. Mr. Luo's work will be of great value to researchers who want to utilize original legal documents in Chinese. Third, Mr. Luo's work is comprehensive. The sources that he uses in this book ranges from commercial law, administrative law, civil law, criminal law to intellectual property protection. It is the most important source for researchers who try to navigate through the labyrinth of Chinese legal materials. I highly recommend *Chinese Law and Legal Research* to academic libraries that support Chinese law research.

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***Legal Aspects of Implementing the Kyoto Protocol Mechanisms: Making Kyoto Work.*** Edited by David Freestone and Charlotte Streck. Oxford; New York: Oxford University Press, 2005. Pp. 682. ISBN 0-19-927961-6. GB£95.00;US\$175.00.

The Conference of the Parties to the United Nations Framework Convention on Climate Change (UNFCCC) adopted the Kyoto Protocol on December 11, 1997. The Kyoto Protocol entered into force on February 16, 2005. The present work, completed in July 2004 and published in April 2005, includes contributions from lawyers, government officials, accountants, and NGO representatives on the requirements for successfully implementing the Kyoto Protocol. The authors did not know at the time of writing whether enough countries would ratify the Kyoto Protocol for it to enter into force. In the context of this uncertainty, the authors detail the structures and procedures that would be essential to achieving the aims of the Kyoto Protocol.

The fundamental idea driving the Kyoto Protocol is that market-based mechanisms can achieve a reduction in greenhouse gas emissions on a large scale. Through the Protocol's "flexibility mechanisms," a Party can acquire the right to emit a certain amount of carbon gases by offsetting its emissions with emission reduction units. A Party can purchase the emission reduction units from another Party engaged in a project that will help reduce overall carbon emissions. By such a mechanism, Parties to the Protocol intended to encourage the private sector in developed countries to invest capital and technology in low carbon and clean energy projects in less developed countries.