

the late Mao era, when Party members in “red” areas often worked to mitigate the worst effects of both movements.

That said, on casual reading, the argument seems to turn in on itself by establishing that those regional Party branches that proved most effective in implementing unpopular central initiatives during the reform era were also the most effective at resisting central initiatives during the Mao era. A question naturally arises from this finding: how did the same grassroots Party branches that proved intractable in the face of disastrous Great Leap Forward emerge as the most faithful implementers of the unpopular one-child policy? Here Koss has yet another interesting story to tell about the steadily increasing efficiency of Leninist discipline over time. The disobedience of Party cells that saved many lives in formerly “embattled” areas during the Great Leap period was only possible because “the local leadership had not fully transformed itself from a party-of-revolutionaries to a party-in-power” (p. 243). Yet the post-Mao leadership has worked tirelessly to strengthen Party discipline and central control, with the result that the Party today “is closer to an unquestioning implementer than an effective self-corrective device” than it once was, or could have otherwise been (*ibid.*). The seemingly endless honing of the Party’s disciplinary apparatus in the years since has served to transform it into the ever more perfect and servile tool of the central leadership, a process that has intensified considerably under Xi Jinping. Koss’s fascinating first monograph offers an incredibly complex and empirically rich retrospective examination of precisely how and why the CCP has come to govern in the manner that it does today.

PATRICIA M. THORNTON

patricia.thornton@politics.ox.ac.uk

Red Swan: How Unorthodox Policy Making Facilitated China’s Rise

SEBASTIAN HEILMANN

Hong Kong: The Chinese University Press, 2018

viii + 267 pp. \$49.00

ISBN 978-962-996-827-4 doi:10.1017/S0305741019000109

The main argument of this volume is that China’s exceptional development trajectory provides a fundamental challenge to conventional models of political change. Some scholars would call such a cognitive challenge a “Black Swan.” But, referencing the revolutionary red colours of China, Heilmann instead uses the term “Red Swan” to argue that the uniqueness of the Chinese political process and approach to governance requires a rethinking of traditional models of political systems.

Conventional thinking posits that marketization of communist systems will lead to political liberalization and eventually democratization. However, there are a few dissenting voices arguing that it is not that simple. Andrew Nathan (“Authoritarian resilience,” *Journal of Democracy*, 14(1) [2003], 6–17) has maintained that the Chinese political system is resilient and not about to fundamentally change. Thomas Carothers (“The end of the transition paradigm,” *Journal of Democracy*, 11(13) [2002], 5–21) has warned that instead of a linear process from marketization to liberalization/democratization, transitional economies might just as well get stuck in the transition process. Heilmann adds to these discussions of the Chinese Communist Party-state’s resilience by introducing his own concept of “experimentation under hierarchy.”

The concept denotes that much change in China takes place as a result of local experimentation, which – if successful – is often then implemented on a national scale. This is not a policy tool invented by reformers in the post-Mao era; rather it is related to the guerrilla-style policymaking conducted by Mao. By pointing to the revolutionary period (1927–1949) as well as the early PRC period as sources and inspirations of local experimentation, Heilmann provides an interesting correction to the literature on the Chinese reform process. In his opinion, the “methodology and terminology of policy experimentation” (p. 48) that are still used today date from the revolutionary period of the Chinese Communist Party and are not inventions of Deng Xiaoping and other reform-oriented leaders.

Heilmann underlines that experimentation takes place under hierarchy. Successful local reform experiments only succeed if they come to the attention of powerful leaders. In the first instance support from local leaders is crucial, but for local experiments to become national models, it is crucial to gain support from central leaders. The secret of successful reform in China is ability to be flexible and experimental while upholding central hierarchical control. Experimentation under hierarchy resembles “fragmented authoritarianism,” but the difference is that the experimentation denotes an unfolding dynamic process, whereas fragmentation has a connotation of immobility. In short “a distinctive policy circle, experimentation under hierarchy, is the key to the emergence of an unexpectedly adaptive authoritarianism in China” (p. 75).

This volume is divided in two parts. The first part consists of four chapters which are revised versions of previously published book chapters and journal articles. They provide a good overview of the experimental dimension of China’s policy process. This reviewer has very few critical remarks to this part of the book. However, Heilmann appears to unduly downgrade changes in the SOE sector prior to the 1990s. Actually, already in the 1980s, business groups were formed on the basis of state assets that belonged to central ministries. Thus China National Offshore Oil Company (CNOOC), China Petrochemical Corporation in 1983 and China National Petroleum Corporation (CNPC) in 1988 were carved out of the assets of the Ministry of Petroleum. Also, it appears that Heilmann underestimates the extent of private sector development during the 1980s. Huang Yasheng (*Capitalism with Chinese Characteristics*, Cambridge University Press, 2008) shows that this was the decade when the private economy really took off.

The last two chapters (five and six) of the volume, look at the policy process from the perspective of the central state. Heilmann argues that, contrary to the widely shared view, “the ‘demise of the plan’ has not taken place” (p. 148). In fact, according to Heilmann the planning system remains one of the driving forces in the economy and shapes relationships at all levels of government. These chapters detail how five-year plans are made and why they continue to function as macroeconomic guidelines for the economic policymaking process. Basing his argument on a good grasp of Chinese sources, Heilmann shows that the NDRC and other planning agencies are constantly engaged in working out outlines and drafts of future plans as well as evaluating current plans. Cadres are evaluated according to how well they meet planning objectives. These chapters, which are also revised versions of previously published publications, leave the impression that the Chinese economic policymaking process is much more centrally directed than the concept of experimentation under hierarchy would leave us to believe.

Finally, the volume carries an Epilogue that is an abridged revised version of an analysis that was originally published in Heilmann’s recent book *China’s Political System* (Rowman and Littlefield, 2017). The Epilogue deals with developments in the era of Xi Jinping and concludes that there are “no longer any credible or powerful

incentives to permit local policy makers to embrace the political risks inherent in bottom-up policy experimentation” (p. 210). This statement, indicating a departure from the policymaking process and governance model under Deng as well as under Jiang Zemin and Hu Jintao, opens new areas of inquiry that could be further pursued.

This is an interesting analysis of unorthodox policymaking in China and a must for everyone interested in China’s unique development process. The volume is also highly recommended for students of comparative politics. One can find the original versions of the various chapters elsewhere, but it is useful to have them collected in one volume.

KJELD ERIK BRØDSGAARD

keb.egb@cbs.dk

Rural Land Takings Law in Modern China: Origin and Evolution

CHUN PENG

Cambridge and New York: Cambridge University Press, 2018

xv + 336 pp. £95.00; \$125.00

ISBN 978-1-107-19093-1 doi:10.1017/S0305741019000110

Focusing on rural land takings law, Chun Peng has produced the rare doctrinal study that will be appreciated by scholars of both law and social science. He analyses the “historical lineage” of the current legal framework governing rural land takings and finds “no substantial alteration” (p. 110) from China’s first (1954) constitution to the current (1982) constitution and contemporary land laws. The core of the argument begins with chapters four and five, which focus on Article 13 of the 1954 Constitution, examining its relationship to East Germany’s 1949 Constitution, China’s 1915 Land Acquisition Law, and the KMT’s 1928 Land Expropriation Law, among others. Chapters six and seven focus on Article 10 of the 1982 Constitution and make the case that it is not a drastic departure from the 1954 Constitution. In light of the minor role of the constitution in the functioning of the Chinese legal system, specific constitutional underpinnings of land law may get more attention than they deserve. Most insightfully, Peng draws a contrast with the classical liberal tradition to identify a social function of property that prioritizes national development over individual rights.

Peng identifies four enduring features of China’s land takings law. First, state plans regarding land are in the public interest by definition: “[u]nder the socialist principle, the state is the embodiment of public interest, which is superior to and at the same time in harmony with private interests” (p. 208). The state, through economic and, more recently, spatial planning, undertakes the mission of development (i.e. urbanization and industrialization) on behalf of the people. Second, expropriation decisions are essentially non-justiciable, according to Peng, although some types of administrative litigation involving land takings have increased over time (p. 253). “[F]or a variety of reasons [that Peng discusses], both the national and local courts in China have so far failed to take on the task” of reviewing expropriation decisions (pp. 263–64). Third, voluntary transactions of land were forbidden during socialist transformation in the mid-1950s, and since then the state has exercised a monopoly on the conversion of rural to urban land for non-agricultural uses (p. 133). This monopoly is a reflection of the “rural–urban divide, under which rural collectives carried out agricultural production to serve industrialization that was the sole responsibility of state government” (p. 219). Fourth, compensation for the taking of rural land is determined by subsistence or livelihood needs. Peng argues that, legally, rural land “serves not as a return-