

countries in some instances, but a narrower focus on the pursuit of China's own energy, economic and security interests in others.

Horsburgh makes a strong case for her claims that China has had “a bigger hand than previously thought in the creation, consolidation, and maintenance of global nuclear order” (p. 38), albeit sometimes indirectly, and that Beijing's nuclear policies are in large part of function of China's pursuit of its broader diplomatic and security interests. In addition, throughout the book, Horsburgh draws on an impressive collection of Chinese language sources, including official documents, statements, journal articles, memoirs and other publications, and fieldwork that included interviews with some 65 experts on nuclear issues in China and the US.

Whether the closing prediction that flows from the book's main findings – that major changes in China's approach to its engagement with the “global nuclear order” are unlikely to take place under Xi Jinping's leadership – is correct remains to be seen, but either way the book should be of value to China specialists and to scholars and practitioners who focus on nuclear, arms control and nonproliferation issues.

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*State and Agents in China: Disciplining Government Officials*

YONGSHUN CAI

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Yongshun Cai's new book discusses agent management by focusing on the political rationale behind the state's use of selective or differentiated discipline. In order for the government to menace officials and contain rampant corruption while reducing costs, the state authority uses selective or differentiated discipline to balance the need for, and the difficulties in, disciplining agents. What kinds of officials are “selected” as targets? The criteria for punishment are based on (1) the severity of the consequences of the official's failure in performing his or her duties, and (2) his or her role or responsibility in the failure. Cai also argues that the state's tolerance varies depending on the type of malfeasance. The state authority is more likely to tolerate duty-related malfeasance, especially cases with less severe consequences or cases that are not directly caused by government officials. Although some agents have been exempted or given less serious punishment, whether a particular agent will be held liable may not be predetermined. Inconsistency in the disciplining of erring agents implies uncertainty. When the party-state decides to mete out punishment, the penalty can be harsh and career ending. For this reason, state agents in China are strongly motivated to avoid blame and punishment by adopting various strategies, from covering up their malfeasance to seeking help through personal connections.

Cai assesses the CCP's effort to build an efficient and functional government through structural reform, including comprehensive ways of assessing the cadres' performance based on qualification, loyalty and performance. In the cadre evaluation system, the Party authority is responsible for the selection, promotion, transfer and removal of cadres using criteria such as qualification, loyalty and performance. In order to put themselves in good positions for promotion, officials who are assigned

multiple responsibilities assume discretion in prioritizing their responsibilities in light of their careers or personal interests, resulting in selective policy implementation. Local officials tend to avoid serious political risk by playing safe, which leads them to ignore certain low-priority policies. This helps explain why the government's ability to ensure the accountability of its agents is inconsistent.

There is confusion in Cai's book regarding how corruption cases are handled and how corrupt officials are punished. The author states that "cases involving lower-ranking officials are normally forwarded to lower-level state authorities to handle" and the investigation of important local officials is decided by local leaders (pp. 114–15). In the 1950s, it was true that local leaders were in charge of cases involving lower-ranking officials. But in the reform era, local disciplinary agencies were established to handle corruption cases; in 1979, for example, 98 per cent of counties, prefectures and provinces in China had their own disciplinary agencies. Since the 1990s, local disciplinary agencies have been under the dual leadership of local Party leadership and upper-level disciplinary agencies. Thus, cases involving lower-ranking officials are not handled by local leaders alone. The book also says that the Central Discipline Inspection Commission normally needs to obtain the agreement of the members of the Politburo Standing Committee and requires the approval of the politburo meeting to investigate an official with the administrative rank of vice minister (p. 114). In fact, in determining whether a central-level party official such as a member of the Politburo should be investigated, influential retired leaders such as Jiang Zemin, Zhu Rongji and Qiao Shi often play a crucial role.

Cai argues that the state authority's leniency toward duty-related malfeasance contributes to the cost that the party-state suffers because "the government relies on its agents instead electoral support to stay in power and to govern" (p. 3). In fact, the state authority's leniency toward duty-related malfeasance comes mainly from its inability to face the strong resistance of local Party and government organizations. Official publications reveal that there has been growing lenience towards duty-related malfeasance in China's court system, as shown in the case of the early 2000s, when the percentage of those exempt from criminal punishment and probation increased from 52.6 per cent in 2001 to 82.83 per cent in 2005 (*Jiancha ribao*, 23 March 2009). Although the economic damage caused by duty-related malfeasance has been on average more than 17 times that caused by corruption per case (*Xinhua wang*, 23 May 2007), punishment against cadres for duty-related malfeasance has been highly unpopular. When a case is established under the legal system, it always faces the so-called "three difficulties and one strong [resistance]" (*sannan yida*): difficult to discover, difficult to obtain evidence, difficult to convict (cadres of duty-related malfeasance), and strong resistance.

The reasons for the dominant leniency are complicated. One of them is that in cases of duty-related malfeasance, the officials are widely viewed sympathetically as having "good intentions which turn into bad results" (*haoxin banle huaishi*) and, thus, they cannot be morally blamed. As far as the officials and the general public are concerned, these duty-related malfeasances often take place with the cooperation of government organizations, and work for the interests of the "public" instead of the official(s). Because the money stolen through corruption serves the interests of the organizations instead of the officials themselves, they should not receive severe punishment. Similarly, the public believe officials should not be punished severely for losing government money or damaging organizations if their intention was to pursue the interests of those organizations.

Overall, the book shows serious scholarship and makes a significant contribution to the research on Chinese state and how it disciplines government officials. It is

well written and highly informative. The book has lots of data and in-depth discussions on the issues that will appeal to experts and policy makers. At the same time, the essays are very readable and provide enough background to make this book accessible to members of the general public.

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*Resolving Land Disputes in East Asia: Exploring the Limits of Law*

Edited by HUALING FU and JOHN GILLESPIE

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Property has been central to the historic growth of Hong Kong and Taiwan since the 1960s, and of China and Vietnam beginning some two decades later. While the role of property in the global shift to East Asia over the past half-century has been most commonly understood in economic terms (i.e. real estate markets, urbanization and consumer classes) there are other dimensions to property in East Asia's (re)emergence. Property also means justice, piety and home, among other expressions of value and identity. *Resolving Land Disputes in East Asia* helps us understand why it is that land and the fixtures upon it mean so much to their owners and occupants and how they seek to protect their property rights in the face of the modern metropolitan state.

One of the main puzzles that prompt the volume is that increasing clarification of property rights in East Asia has not necessarily led to a reduction in conflicts over land. In response, the volume stands for the proposition that the state does not have a monopoly in defining rights in property; rather, there are a number of non-state actors that shape ownership over land. The "limits" of the law are exposed when state institutions confront such informal authorities; the complex relationship between "state" and non-state norms assumes a variety of forms across East Asia – in courts, extralegal mechanisms such as mediation, discourse about law, and rights activism. The volume thus contributes to a growing "law and society" scholarship that corrects earlier assessments of Chinese law that focused too narrowly on the state. Instead, as argued by collaborators Hualing Fu and John Gillespie in their introduction, the local state and non-state norms "imaginatively interact" (p. 4), each trying to frame conceptions of property.

The volume consists of contributions by legal scholars, political scientists and practitioners of law from the US, PRC, Taiwan and Hong Kong. In terms of organization, the book is divided into five parts that provide its comparative backbone; these include a theoretical discussion of land disputes in socialist Asia (i.e. China and Vietnam) and case studies on China, Vietnam, Taiwan and Hong Kong. The country-focused case studies are loosely based around an initial chapter that lays out the history of property developments in the country which is followed by chapters that address specific concerns. Arriving at the problem of pluri-legal property norms from diverse disciplines, the contributors rely on a number of different methodologies and data sets from case analysis to county-wide surveys and interviews. The eclectic use of both quantitative and qualitative methods enriches the volume, and gives credence to a growing interest in law and society research in East Asia.