

## Book Review<sup>1</sup>

### *Tying the Autocrat's Hands: The Rise of the Rule of Law in China*

Yuhua Wang

New York: Cambridge University Press, 2015.

By Hayley Alexandra Russell<sup>2</sup>

In his work, *Tying the Autocrat's Hands: The Rise of the Rule of Law in China*, Yuhua Wang offers a comprehensive and thoroughly researched publication on the rise and development of the rule of law within autocratic countries. Specifically, Wang examines the development and spread of the democratic principle of rule of law within the autocratic country of China. He addresses several questions central to this topic, including regional variation, judicial corruption, court funding and state-business relations. Wang supports his assertion through the use of both quantitative and qualitative research, thus clearly and concisely translating his theoretical hypothesis into practical examples. The writing style employed is clear, effective and written to a level appropriate for the intended audience. While not without flaw, Wang's prudent examination is careful to stress the importance of the rule of law without overstating its significance as it pertains to democratic development. Wang's work presents a convincing and well-supported argument for why the rule of law has shown significant development in the autocratic country of China recently, and examines a case for subsequent growth in the future. His work will not only benefit political scientists in their research, but also anyone interested in the advancement of the rule of law.

A series of fundamental questions are posed in the introduction of this work. Wang considers "under what conditions would authoritarian rulers be interested in the rule of law? What type of rule of law exists in authoritarian regimes? [and] How do authoritarian rulers promote the rule of law without threatening their grip on power?" (2015: 2). The author defines rule of law as, "the protection of individual liberty against the exercise of discretionary power by government officials" (Wang, 2015: 16). However, the development of this principle has largely been limited to the economic realm rather than the political realm. Wang argues that, in the competitive marketplace that is the Chinese economy, a dynamic between foreign investors (FIEs) and state-owned enterprises (SOEs) has developed. Wang's central argument is that foreign investors have largely advanced the rule of law in China as they seek a competitive advantage against state-owned indigenous institutions. Due to the fact that SOEs are essentially an extension of the government, Wang argues that they use avenues such as bribery and personal connections to influence policy in their favour. Conversely, FIEs are often subject to intense anti-bribery regulation and therefore have to seek a different avenue to level the playing field with their indigenous competitors. In order to obtain this competitive advantage, Wang argues, FIEs seek to influence the judicial process within China, reforming the rule of law in the process. An assumption critical to this hypothesis is that the state of China is a revenue seeker, and as such, will act in a manner that will maximize profits. These reforms are conceded to by the Chinese state due to the enormous wealth these foreign companies bring into the country. Thus, the rule of law begins to become more and more prevalent as FIEs aim to compete and level the playing field with SOEs through legitimate channels.

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<sup>1</sup> Book reviews are not refereed.

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For this hypothesis to hold any weight, one would expect to see a stricter rule of law in regions with a greater number of foreign investors, and increased corruption in regions with a larger number of state-owned enterprises. Wang clearly demonstrates this reality in the Chinese regions of Guangdong and Jiangsu, and the level of court funding each area receives from the state. Though the regions are similar, Guangdong has more foreign investment than Jiangsu. The FIEs in Guangdong, seeking competitive parity for their investment, drive reform in the court system; China, eager to keep these investments, provides increased funding to these courts.

Wang's contribution to the study of the development of rule of law in autocratic countries is his demand-side theory of authoritarian rule of law. Until this work, the majority of theories focused on a supply-side development of the rule of law, which, as Wang posits, is only appropriate for analyzing democratic regimes, not autocratic ones. By focusing on development, as driven by bargaining between interest groups and rulers, Wang offers a new and potentially revolutionary way of looking at the development of rule of law.

Wang's insights also provide a critical examination of existing assumptions in the field. For instance, he rightfully refutes the idea that rule of law is solely a democratic principle, and instead explores how it can benefit authoritarian rulers by bolstering, rather than undermining, autocratic regimes. Wang also challenges the assumption that economic reform is driven by interest groups, instead positing that state-owned enterprises within China have actually halted reforms to preserve the benefits afforded to them under the current system.

Not only do these findings help to explain why a purportedly democratic principle has developed under conditions of autocratic rule but they also offer perspective on China's future progression towards potential democratic reform. With respect to future implications on democratic development, Wang argues, that "Authoritarian rulers have no interest in implementing the rule of law in its full scale, which involves both fairness and efficiency" (2015: 18). As such, it is important to note that rule of law, as it develops in this instance, is unlikely to contribute to the development of civil and political rule of law in authoritarian China.

Wang's work examines the importance of the development of the rule of law, but stops short of predicting how this will affect China's potential democratic development. Wang is careful not to overstate the value of these developments in China's judicial system, as he acknowledges FIEs are largely relegated to the commercial realm; the political realm, wherein citizens would be able to challenge their government, remains firmly corrupt and autocratic. While Wang does offer a thorough examination, his work is not without flaw. The characterization of the state solely as a revenue maximizer ignores ulterior motives and factors that drive policy. As with many economic theories, Wang assumes the state is a rational actor in pursuing wealth; however, this may not necessarily be the case. Another potentially flawed assumption (which is somewhat acknowledged) is that, through the use of within-country comparison, Wang is, "assuming that respondents share similar standards across the country" (2015: 12). This fails to take into account large variations in the standard for the rule of law across the ethnically and regionally diverse country of China. While Wang attempts to account for this through his direct comparison of the similar regions of Guangdong and Jiangsu, problems may arise when large-scale country comparison is attempted.

Yuhua Wang's *Tying the Autocrat's Hands: The Rise of the Rule of Law in China* is a comprehensive volume on the development of the rule of law within China. Wang clearly outlines his argument that stricter rule of law in the region has developed exclusively within the economic realm of China. Wang's volume is clear and convincing, and should be applauded for its

contribution to the examination and explanation of the advancement of the rule of law within autocratic states.