

of evaluating Lee's attempts to aggregate up from the specific fieldwork data to regions or types.

Second, if regional variation really is key to understanding workers' protest, Lee does not demonstrate it convincingly. Rather, variation by cohort and sector, as well as between social classes (e.g. "native" urban workers and rural-to-urban migrants), seems often to trump region in her analysis. Even when she first lays out the regional argument, Lee refers to "two regions and two generations of workers" (p. 24). Later, she speaks of the "unmaking of an entire generation of workers rooted in Maoist socialist tradition and institutions; and, second, the making of a new generation of young migrant workers who are inserted into the orbit of capitalism" (p. 39). To this reader at least, that sounds more like an argument about urban-rural and cohort variation than about regional political economy per se.

Finally, Lee's rich data and findings are presented with insufficient linkages to existing debates. Rarely does Lee engage other work on Chinese labour directly. It would have been interesting to learn, for example, why the workers Lee studied at the Tieling Valves Factory deployed subsistence rhetoric only strategically, while those Feng Chen looked at several years ago at the "WTC factory" in Henan had genuinely-felt subsistence grievances; or why the state almost always appears repressive in Lee's story of the Northeast, in contrast to what Yongshun Cai has told us about the variety of state responses to workers' protests. The book would have also been stronger had Lee specified how her findings speak to the wider contentious politics field – for example, by relating her discussion of nostalgia to work on frames by people like Snow and Benford, or linking her "insurgent identities" to Tilly's idea of contentious repertoires, or either one to McAdam, Tarrow and Tilly's new formulation of mechanisms of social construction.

All in all, though, *Against the Law* is a fine piece of scholarship, one that presents large volumes of impressive and fascinating new data in a well-crafted and accessible package, which all students of labour or contentious politics in China (from undergraduates to senior researchers) must read and respond to – and that is more than most books accomplish.

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China's Death Penalty: History, Law and Contemporary Practices

HONG LU and TERENCE D. MIETHE

London and New York: Routledge, 2007

xi + 259 pp. £50.00

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This is a timely book on death penalty in China. The Supreme People's Court in China has started to reform the approval procedure for death penalty (DP) cases, and the authors, like many other observers, hoped that the procedural reform will have a substantial impact on the reduction of DP cases. Some scholars and judges in China are confident that the procedural reform could reduce, and indeed may have already reduced, the number of DP cases in China substantially. This book contributes to this debate.

Research on DP is growing in China, and a large number of books and articles have been published in this area in the past several years. Unfortunately, they are mostly written by academic lawyers, who, with few exceptions, tend to take a legalistic and normative approach in their research. Naturally, readers have other

expectations for criminologists/sociologists, who have the expertise to examine the issue from a different perspective.

Lu and Miethe succeed in part in achieving this goal. Through the statistical analysis of over 1,000 criminal cases, including 544 DP cases, the authors provide interesting data on the profile of DP offenders in China, in comparison with non-capital offenders, and the variation in procedures for prosecuting capital and non-capital offences. For example, it is of great interest to know that the percentage of voluntary surrender in capital cases is lower than in non-capital cases (indicating that judges take post-offence remedial behaviour seriously) and that the process from arrest to the completion of trial varies from three days to three years.

The authors are on a shaky ground when they move from statistical to legal analysis of DP. Chapter two is particularly weak, in which the authors attempt to examine the legal aspect of DP by studying Western “legal formalism, sociological jurisprudence and legal realism,” in addition to examining of “the Chinese rationale and conception of law, and the unique socio-political and legal conditions that may facilitate or hinder the actual operation of the law on death penalty” (p. 11). This is an ambitious goal and, at the end, this 15-page chapter says little about any of the above.

Instead, the authors could have better used this chapter to identify key issues relating to DP in the United States of America. As indicated by the authors, there are several issues that are common to both the US and China, such as the political use of crime and punishment and the discriminatory use of DP against marginalized groups in society, such as ethnic minorities in the US and migrant workers in China. It would be fascinating to compare the use of DP in the largest democracy and in the largest one party-state. While the authors refer to a large amount of literature on DP in the US in their notes and bibliography, the issues are not brought out clearly and forcefully.

The authors are uncomfortable in tackling law and legal issues. There are several erroneous and confusing statements in describing the legal system in China: criminal trial in China involves one trial and one appeal, not one trial and one judicial review (p. 20). They are fundamentally different concepts. Does the Chinese system really practice the presumption of guilt given the procedural reform in the criminal justice system?; has the legal reform introduced “judicial independence” given the extensive political control of the courts?; has tension between lower courts and high courts intensified over the years given the frequent informal consultations before or during the trial of a case? (p. 20) or is it true that only the court can convict a person given the wide use of administrative penalties over “minor offences” (p. 57)? These are highly controversial claims to say the least and need further supporting evidence.

The questions of why DP has been so commonly used by courts, and who are its strongest supporters are important for the authors and for policy makers in China. If it is true that the “culture” is to blame for China’s high execution rate, as commonly presumed, then there may be little that can be done before a cultural shift. The government can hide behind this cultural argument and justify the abuse of DP by invoking popular support. Thus on-going procedural reform would contribute little towards reducing DP in China. As the authors point out, all the surveys that have been undertaken in China tend to support this cultural argument.

But the issue can be framed differently by looking at the debate from another perspective, as suggested by the authors’ own case studies. The case of Dong Wei, like many other DP cases, was hotly debated in China’s cyber space and tens of thousands netizens passionately participated in the debate. Nearly all postings were against the application of DP and demanded caution and restriction in the use of DP. Judging from the response in the Dong Wei case, it is clear that after debate the

public may not support DP as strongly as the surveys indicate, having developed a better understanding of how the Chinese system operates, the high likelihood that a person may be wrongfully executed, and the available alternatives to DP.

The book is a timely call for a more cautious and restrictive use of DP in China. But what matters most at the moment, it seems, is not to educate the general public, or to tighten the procedural rules, but to challenge the mentality of the Party/state: excessive use of DP does not deter crime and does not stabilize society. Instead, it undermines the legitimacy of legal institutions and erodes trust in the political system.

FU HUALING

Chinese Cyber Nationalism: Evolution, Characteristics, and Implications

XU WU

Lanham, MD: Lexington Books, 2007

xi + 267 pp. \$72.25

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The title of this book promises a lot, as there is a currently a need to uncover many facets of Chinese online nationalism in order to understand the motivations, ideas, operation and impact of it on both the domestic political scene, i.e. the tension between state and popular nationalism, and the reverberations it creates on the international arena of world politics. The author's main argument is that "this new phenomenon of Chinese cyber nationalism is going to cause more social, economic, political, and technological phenomena in China's historical transition." This may well be the case, but I do not see any strong evidence for it in the present study.

Three questions are posed in the introduction: first, what is the evolutionary path of Chinese cyber nationalism?; second, what are the social, cultural and political origins of this online movement?; third, what are the characteristics of and implications of this movement? The author answers the first question in the first part of the book carrying the rubric "Evolution." It is a lengthy and detailed history of the phenomenon of online based nationalism in China, recapitulating the protests against the 1997 anti-Chinese riots in Indonesia, the 1995 so-called Sino-US Cyber wars and the post 9/11 period leading up to the anti-Japanese demonstrations in the "Chinese street" that in 2005 caught worldwide attention. The reader is served with a lot of information, some useful, such as the description of the early patriotic hacker associations who gained momentum and a sense of purpose from the anti-Chinese riots in Indonesia. Much information, however, seems superfluous, and is presented in a rather unstructured way.

The author attempts to answer the second question through a conceptual breakdown and analysis in the book's second part called "Definitions." This section is devoted to defining the author's own concept of "Chinese cyber nationalism." Standard concepts in mainstream China studies and social science literature like "Chineseness," "nationalism," "Chinese nationalism" and the more novel "cyber public sphere" are used, in order to present an explanation of what "Chinese cyber nationalism" amounts to in increasingly Internet-mature PRC. The core concepts nationalism, cyber nationalism and Chinese nationalism are treated more as labels than ideological and theoretical constructs. Unfortunately, too much of the theoretical literature on these topics is left out. As a result, the theoretical framework employed is insufficient to render the author's analysis valid and coherent. Having said that, the explanation that Chinese cyber nationalism is a non-government,