
Karin Buhmann’s book analyzes the potential and challenges of recent administrative law reforms in the People’s Republic of China (PRC) and Vietnam in contributing to the implementation of “human rights on justice in administration” (pp. 31, 34), meaning the “procedural and substantive rights necessary as safeguards and remedies against abuse of power by the administration” (p. 34) enshrined in the international bill of rights.


The historical analysis focuses on Confucianism and Legalism, “two normative currents which dominated norms on administrative governance and the use of law in relation to safeguards and remedies against abuse of power” (p. 40). The contemporary analysis focuses on five statutes of administrative law in the PRC (the Administrative Reconsideration Law, the Administrative Litigation Law, the Administrative Supervision Law, the Administrative Penalties Law, and the State Compensation Law) and two in Vietnam (the Law on Complaints and Denunciations and the Ordinance on Procedures for the Settlement of Administrative Cases) that were enacted in the 1990s as part of broader legal reforms.

The author concludes that both traditional and contemporary administrative law in China and Vietnam exemplify an “idea on the proper exercise of power by the executive,” which is consistent with the modern human rights standard that “administrative powers should not be exercised arbitrarily or for private interest or illegitimate public interest” (p. 540 n. 4). The existence of this indigenous thought on good administrative governance in China and Vietnam provides a strong normative foundation upon which future reforms of administrative law and governance can be built. This presents a potential for acceptance and sustainability of these reforms and, thus, better implementation of human rights on justice in administration in these two countries.

The author also points out that many challenges must be overcome in order to realize this potential. These include the application of administrative statutes by administrative bodies and courts, the enactment of these statutes in accordance with the principle of legality and the rule of law, and the existence of a political will to expand the scope of these statutes (pp. 546–48).
The conclusion of this study leads to an important question: Are these challenges so difficult that they outweigh or even negate the potential? These challenges are real problems about which observers of China and Vietnam have been very concerned. Although Buhmann states clearly that "the study does not pretend to give a full account of these challenges" (p. 38), the potential that she claims to be embodied in the administrative statutes cannot be fully assessed without balancing it against the challenges encountered when these statutes are applied.

A complete answer to this difficult question is perhaps beyond the book’s intended scope, but some insights would have been a useful addition to the study. The lack of such insights in the book is probably linked to the fact that the study is designed to focus only on "the formal substance of the new or amended administrative law" (p. 38).

Another limitation of this study is the lack of references to materials published in the original languages of the two countries addressed. Buhmann, who only has a basic knowledge of these languages, is aware of the problem. She explains, "these weaknesses have been taken into account in the conclusions which are worded softly and in suggestive rather than definite terms" (p. 47). Her efforts in pursuing this difficult research are appreciated. The problem is to some degree compensated by her ability to bring in relevant works written in European languages that many readers may not read.

The organization of this book is clear. Buhmann's discussion of the relationships and administrative governance and Confucianism and Legalist traditions, as well as her comparison of historical and contemporary safeguards and remedies against abuse of power by the executives in China and Vietnam, shed some light on these important topics that little existing literature has covered.

She also makes a first attempt to design an analytical tool for cross-cultural analysis of human rights and their forms of articulation and implementation. The cross-cultural approach is an effort to strengthen the implementation and universality of international human rights standards by providing an avenue for learning about human rights ideas of different legal cultures and feeding these ideas, to the extent that they conform with the overall objectives and ideals of international human rights law, into a "universal legacy of human rights" (p. 19; for detailed discussion of the cross-cultural approach, see chap. 3.5). Buhmann’s tool is graphically depicted as a four-level hierarchy of human rights ideals, objectives, standards, and forms of articulation or implementation in domestic law. The realization of each higher level depends on the achievement of lower levels (chap. 3.5.4). Her self-critique of the design of the tool provides useful references for future researchers (chap. 10.4).

The intended readership of the book spans both academic audiences and "development actors," including "donor agencies, NGOs, and others" (pp. 28–30). Readers who are interested in administrative law and human rights in China or Vietnam and debates about "universality vs. cultural relativity" of human rights may find this book of interest. The "Guide to Readers" (pp. 28–30) helps individual readers identify sections that are most relevant to their interests.

Veron Hung

Carnegie Endowment for International Peace