

Publicity-Driven Accountability in China

by

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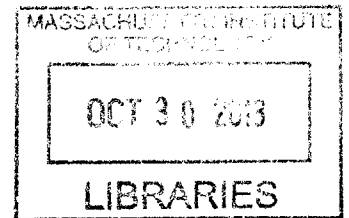
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ABSTRACT

What, if anything, renders unelected bureaucrats accountable to the public? This thesis draws upon field research on contemporary China's news media, officials, and activists to theorize the role of publicity in non-electoral accountability. "Publicity-driven accountability" argues that even in highly undemocratic settings officials respond to critical media coverage for two reasons: revealing agency slippage and producing common knowledge about government failings. This mechanism empowers the news media and individual citizens even when formal political rights are severely curtailed, producing a degree of public accountability within authoritarian institutions. The study begins with original evidence that China's Internet news outlets created forms of journalistic autonomy within the constraints of state censorship. Next it documents the sensitivity of Chinese officials to negative media coverage with an original survey experiment on local bureaucrats. The third empirical chapter provides case studies of contemporary activists in China wielding publicity to change the behavior of unelected officials. Publicity-driven accountability has consequences for theories of political development and the roles of both authority and information in aligning nondemocratic governance with the public interest.

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Chapter 1

A Theory of Publicity-Driven Accountability

Xu Dajiang's lawsuit against a south Chinese government agency stood little chance, and he knew it. Over the years, Xu filed hundreds of complaints against businesses that violated consumer protection regulations. He wanted to learn whether the government had followed-up on his complaints, so in 2009 he submitted a formal request to the relevant local agencies: name which firms you have punished for regulatory violations. The local Administration of Industry and Commerce had denied this request, claiming that such information was private.

In response, Xu filed an administrative lawsuit on the basis of a young and vaguely-worded statute on government transparency. The public had an obvious interest in learning about regulatory violations that might injure consumers, he contended. However, the district court also rejected Xu's disclosure request, and his appeal to the intermediate court met a similar fate several months later, the final word on his legal case.¹

The puzzle here is not the court ruling against Xu, but the subsequent behavior of government. On the heels of its legal victory, the Administration of Industry and Commerce began regularly publishing detailed information about regulatory violators on its website. Why? The courts had ruled against Xu's claim. No prominent interest groups took up his cause. No street crowds blocked roads or chanted pro-transparency slogans. International interest was minimal. Additionally, Xu was operating in authoritarian China, where conventional and scholarly wisdom tell us, "local officials are answerable only to upper-level authorities" (Cai 2010: 85).

Xu's major asset in this confrontation was *publicity*. Influential local newspapers reported on a government agency attempting to withhold information that served the public interest. This media coverage informed other officials and the broader public of the apparent conflict between legal rhetoric and administrative reality, rendering these shortcomings in government common knowledge. This generated pressure on officials to change their behavior. In this sense, the broader public did participate in Xu's confrontation with a government agency, but as witnesses rather than a mob.

¹ "Requesting Administration of Industry and Commerce Disclose Information, Professional Anticounterfeiter Loses First Hearing" (*Yaoqiu gongshangju gongkai xinxi, zhiye dajiaren yi shen baisu*) *Nanfangdushibao*, September 1, 2009.

* * *

This dissertation is about accountability, specifically how the public disciplines unelected officials. The public accountability of unelected officials matters because they control key resources that citizens need. Responsibility for permits, city services, and regulatory enforcement may fall to these actors, who often enjoy *de facto* discretion in policy implementation. Taken together, the behavior of local bureaucrats adds up to public policy: “the discretionary actions of public employees are the benefits and sanctions of government programs” (Lipsky 2010: 3). Although this study focuses on a particularly adverse setting for public accountability—contemporary China—unelected officials play similar roles in democratic states as well. Their responsiveness to the public is important across the spectrum of political regimes.

This study theorizes and demonstrates the role of publicity in non-electoral accountability for bureaucrats. In summary, the interests of bureaucratic principals create opportunities for publicity to discipline bureaucratic agents. Informational asymmetries between branches and layers of government offer a fulcrum for citizens to sanction unelected officials, as publicity makes poor governance common knowledge and incentivizes government response. As a result, publicity and the threat thereof can influence the behavior of unelected officials even in the absence of disruptive action, legal support, or other sources of influence over the state.

By showing that unelected officials are disciplined simply by the circulation of information about their performance and incentives present in many large bureaucracies, this study revises our understanding of social power over state actors. If the vertical control of bureaucrats that produces effective authoritarianism also creates channels for public accountability, then our understanding of nondemocratic accountability is profoundly changed. Instead of straining against authoritarian institutions, public accountability can be aided by them.

The setting for this study is contemporary China, a country where the weakness of formal participatory and legal institutions and the strength of the state suggest we are least likely to find bureaucrats accountable to the public. Although non-electoral accountability matters under all regimes, situating this study in a non-democracy like China has methodological advantages. Bureaucrats in democracies often serve at the pleasure of elected officials. Where we see public sanctioning of officials in democratic settings, it is difficult to separate the role of non-electoral mechanisms from the threat of electoral sanction against elected principals. In China, especially urban China, neither bureaucrats nor the officials that appoint them are subject to election. Where we see public sanctioning of officials, we can be certain that it is unrelated to incentives introduced by competitive elections. By definition, this kind of accountability is non-electoral.

In the empirical chapters, evidence for the role of publicity in non-electoral public accountability is provided through studies of technological and commercial changes in the news media, bureaucrats who attest to their fear of media coverage, and

activists wielding publicity as a weapon in their confrontations with government. This chapter develops the theoretical foundations of the studies in the chapters that follow.

I argue that two common incentives in large bureaucracies sensitize unelected officials to publicity about their performance. The first incentive is for bureaucratic principals to identify and reduce “agency slippage” (Weingast 1984) and conceal incompetence. The information asymmetries between the principals who set goals and the agents who implement them create opportunities for agents to behave in ways inconsistent with the goals of their superiors, either intentionally or by failing to invest sufficient effort. Information about agent performance may expose agency slippage or incompetence to principals, resulting in sanctions against wayward bureaucrats. This mechanism for publicity resembles the “fire alarm” mechanism of accountability developed by theorists of US politics (McCubbins & Schwartz 1984).

The key innovation to this framework is adding that political principals also seek to prevent the emergence of “common knowledge” surrounding governance failures. Principals generally hope to avoid public belief that the principals know about shortcomings in government, yet fail to take any remedial action. Maintaining public confidence in state institutions is an important goal of most states, and this kind of common knowledge may undermine beliefs about the competence or justness of state administration. When publicity makes the shortcomings of government common knowledge, officials attempt to shift blame downward and make demonstrations of responsiveness to public opinion.

These incentives within bureaucracies empower both the news media and citizens who hold information about official performance. Citizens come to obtain information through their interaction with state agents, and they can make efforts to publicize this information via the news media or other channels. Officials face uncertainty about both the ability of citizens to publicize information and who will receive this information if it is publicized. The result is that officials will make concessions to citizens who can credibly threaten to publicize poor governance. When information actually is publicized, chastened officials will often make concessions as part of public remediation. These two effects, pre-publicity restraint and post-publicity responsiveness, are how citizens use publicity to exercise power over unelected officials.

These mechanisms of bureaucratic accountability to the public need not be backed by elected political principals or even a high-quality press. By situating this research in contemporary China, a state with few democratic institutions and severely curtailed media freedoms, I demonstrate that media and publicity play a role in public accountability even in relatively adverse conditions.

This chapter first states the positive, as opposed to normative, concept of accountability, then reviews previous literature on how the public sanctions officials through non-electoral channels. I then present a simple model of a local government bureau, arguing that common political incentives create sensitivity to negative publicity among both bureau chiefs and the low-level bureaucrats they manage. This official aversion to publicity generates hypotheses about the opportunities for citizens to discipline officials, to be tested in the empirical chapters of this dissertation. Finally, in

anticipation of these empirical chapters, I introduce the political institutions of contemporary China.

Defining nonelectoral public accountability

This study uses accountability as a positive concept. Nonelectoral public accountability denotes the ability of the public to monitor and sanction government officials for their behavior.

In common usage, “accountability” carries both normative and positive content, making it a confusing concept to discuss. The normative concept of accountable government implies fairness to the governed and just rewards or penalties to the governors. The positive concept of accountability makes no such assumptions about its relationship to good government. Positive accountability describes a relationship between at least two parties where one attempts to influence the behavior of the other through, “monitoring of behavior, justification of behavior, and enforcement of good behavior” (IEPS 2011). In addition, standards are needed against which to evaluate behavior (Schmitter 2004; Grant & Keohane 2005).

Thus defined, accountability relationships might exist between any number of actors—donors and international organizations, shareholders and CEOs, parents and children, legislators and bureaucrats. Even within the study of bureaucracy there are multiple accountability relationships; bureaucrats are accountable to their direct superiors and to one another (Hupe & Hill 2007). In my study, the relationship of interest is “public accountability” or the ability for citizens or other non-governmental actors to discipline the activities of government agents. Increasing public accountability, in the positive sense, simply means increasing the degree to which citizens can sanction those wielding power. This need not result in better governance; a high degree of public accountability might result in policy instability or sloppy legislation.

This definition of public accountability is quite broad; citizens could conceivably sanction officials through a wide variety of channels. However, discussions of public accountability in modern politics often focus on institutions of liberal democracy, especially openly-contested elections, freedom of association, and an active press to keep the public informed (O’Donnell 1998; Diamond 2004). Although many of the bureaucrats that implement policy in democratic states are not individually accountable through elections, the officials who appoint their leaders, approve their budgets, and write the laws governing them are. In democracies, these elected representatives play a mediating role in the accountability relationships between citizens and the government agents they interact with (Diamond 2004). Even when elections are introduced to illiberal states, they can still increase public accountability. Studies of China’s village-level elections suggest that elections increase official accountability as reflected in reduced implementation of unpopular central policies, improved investment in education, and decreased official rent-seeking (Martinez-Bravo, Miquel, Qian & Yao 2011; Brandt & Turner 2007).

Despite this focus, the absence of elections does not imply the absence of accountability. When denied the opportunity to punish and reward officials with their

votes, citizens in both non-democracies and democracies sanction unelected officials through other channels. This is nonelectoral public accountability. There are three main schools of thought on how citizens can sanction unelected officials: legal remedy, state-society exchange, and disruptive collective action.

Previous thinking on nonelectoral accountability

The crucial difference between communist and democratic systems is the political accountability of the principals. In communist systems...there is no institutional mechanism making [the Communist Party] accountable to citizens' present preferences. In a democracy, the politicians are elected and therefore are the agents of their constituents.

-- Shirk (1992: 61-2)

Substituting "nondemocratic" for "communist" in the passage above yields a default position on public accountability in political regimes that lack sound elections. There is none. Citizens' recourse against an unpopular non-democratic government has frequently been modeled as rebellion (Acemoglu & Robinson 2006; Gandhi & Przeworski 2006). While this approach may be appropriate for regime models based on ideal-types, empirical research has identified three key pathways for citizens to hold unelected officials accountable short of overthrowing them. As accountability mechanisms, each has both merits and key limitations.

Legal and other state institutions

The behavior of unelected officials may be constrained by law or other supervisory regulations. Courts in particular have the power to discipline bureaucratic behavior through mandating administrative reversals, awarding damages to aggrieved parties, and convicting malfeasant officials of crimes. In addition to legal institutions, other state oversight agencies can be "activated" by citizens to sanction officials (Smulovitz & Peruzzotti 2000). This type of accountability has been described as "horizontal" since it comes from functionally distinct state entities rather than from above (i.e. from bureaucratic principals within an agency) or below (i.e. via elections) (O'Donnell 1998). However, since these institutions can be activated by citizen complaints or lawsuits, they provide more than just internal checks and balances between state agencies; they can provide public accountability.

For this mechanism to generate public accountability, formal institutions must be sufficiently powerful and willing to punish other state agencies or bureaucrats (O'Donnell 1998). In addition, there must be some law or standard that the relevant officials have transgressed as a basis for claims against them. Legal constraints cannot sanction officials where law diverges from public preferences; they can only address improper policy implementation, misuse of power, and other illegal activities. Citizens must also have some means of access to these institutions. If barriers to access are too high, even powerful agencies of oversight will not provide a resource for citizens to

sanction officials. Despite these limitations, the horizontal accountability provided by oversight institutions has some advantages as a source of nonelectoral accountability. For example, the legal system can provide access to government authority without the need to mobilize collectively, a costly prospect (Zemans 1983).

The susceptibility of unelected bureaucrats to citizen legal initiatives has been shown in both democracies and authoritarian states. Americans have pursued “strategic lawsuits” against US bureaucrats to seek the reversal of unfavorable administrative decisions (O’Leary 1992), and US environmental lawsuits appear to predict state enforcement actions (Wood 1992). In China, the promulgation of a 1989 Administrative Litigation Law ostensibly provided public access to an institution of horizontal accountability. While this institution has proven weak, the same scholars who have chronicled its shortcomings have also affirmed a lawsuit’s ability to embarrass officials, threaten careers, and damage the legitimacy of government agencies (Pei 1997; O’Brien & Li 2004). In some cases Chinese judges also use *de facto* discretion to validate new types of citizen claims in court (Stern 2009).

These findings notwithstanding, states with poor electoral accountability also commonly have poor rule-of-law. In these states, the efficacy of legal institutions is weakened by their subordination to political authorities, limiting the ability of citizens to use law to discipline officials. Even arguments that authoritarian states might use courts to partially constrain the government also acknowledge that these states have strong incentive to exercise control over courts and prevent them from becoming sites of political change (Ginsburg 2008: p. 72).² To the extent that lawsuits and other legal actions provide some control over unelected officials in weak rule-of-law states, I argue that much of this power is derived from the publicity that lawsuits generate, rather than any procedural legal remedy.

State-society exchange relationships

A second school of thought points to exchange between private citizens and unelected officials as a source of public accountability. The core insight of this literature is that citizens may possess material or symbolic resources that officials desire. By transferring these resources or declining to do so, citizens can reward good performance and penalize poor performance. To make these exchanges, citizens need some relationship to officials through organizational or personal contact. Instead of the sanctioning power of state institutions, this literature locates social power in the resources of individual citizens or their groups and the exchange of these resources with officials.

Exchange-based influence over officials most commonly appears in discussions of patron-client relationships. These ties are instrumental and provide benefits for both parties outside of what is provided for by formal political institutions. Official patrons

² In the case of China, a recent empirical study began by noting: “There is no pretense of judicial independence: judges – who are almost always members of the Communist Party – are appointed by the state and vetted by Party Organization Departments set up within the judiciary that must in practice answer to bureaucratic superiors within local governments” (Landry 2008b: p209)

provide protection or benefits, and citizens reciprocate by offering something in return, often material (Scott 1972). Citizens have other resources to exchange as well; by shirking public duties or refusing to comply with state policies, they can also sanction those that wield power (Scott 1985).

In a vastly different take on accountability through state-society exchange, scholars of social capital have noted that citizens can also hold officials accountable through awarding them social status. Civic groups can offer unelected officials high social status in exchange for their good behavior, incentivizing better governance (Tsai 2007). Although this mechanism is not often grouped with patron-client relationships, it similarly locates power over officials in the resources possessed by citizens or their groups. Citizens have power over officials by virtue of their control over these material or symbolic resources.

Empirical evidence for the power of exchange relationships to influence official behavior comes from manifold studies of political corruption. Exchange-based relationships with unelected bureaucrats can open “fast lanes” for official permits (Della Porta & Vannucci 1999: 132-6), influence regulatory enforcement and taxation (Rose-Ackerman 1999: 18-21), and provide access to rare commodities (Wank 1996). On the positive side, a study of village governance in China also showed that civic groups incentivized better governance by conferring or denying “moral standing” to officials within these groups (Tsai 2007).

While material exchange relationships certainly provide a type of public influence over officials, they are more commonly thought of as political corruption rather than political accountability. The privilege accorded to high-resource individuals certainly falls short of the normative goals of public accountability. The exchange of symbolic resources, such as social standing, is more in keeping with the normative concept of public accountability. However, the social linkages that underlie these interactions appear primarily in smaller political communities, such as villages (Tsai 2007). In the large cities where urban governance takes place, bureaucrats are often at significant social distance from the citizens they serve, rendering it more difficult for these social incentives to play a large role in bureaucratic behavior.

Disruptive collective action

A third pathway to nonelectoral accountability is through collective action that disrupts the normal functioning of society (Olson 1965). In this account, citizens gain power over unelected officials by coordinating their weak individual actions in service of some common purpose. The logic is that social power comes not from state institutions or resources they possess individually, but rather from forming groups that can coordinate their activities to produce a large aggregate impact.

These groups can sanction unelected officials by hampering many goals of the state. Citizens can coordinate resistance to state goals that require some degree of voluntary compliance, such as revenue collection, participation in the armed services, or population control policies. They can also disrupt social and economic order through protests, strikes, and riots. In extreme cases, groups of citizens can take up arms against the state. In each case, the power of citizens to sanction officials grows with their

numbers and their coordination. Collective action is also costly and risky, especially in illiberal states.

The idea that disruptive collective action influences government actors is a mainstay of studies of social movements and contentious politics (Tilly & Tarrow 2007). Evidence that unelected officials can be disciplined by disruptive collective action can be found across the world and across regime-types. Discussions of protest in non-electoral politics often focus on society-wide demands for regime change, such as the collective civil defiance during the “Arab Spring” that forced out rulers in Egypt and Tunisia. However, collective disruption can also play a role in changing policy and policy implementation. Villagers in China have coordinated their resistance to “curb misimplementation of popular policies” by local cadres (O’Brien 2002; O’Brien & Li 2006). Contemporary German immigration bureaucrats responded to citizen mobilization against forced deportations of immigrants by adjusting their strategies to accommodate public preferences (Ellerman 2006). Public demonstrations in Argentina prompted the resignation of judicial magistrates favoring a well-connected criminal defendant (Smulovitz & Peruzzotti 2000). The tolerance of some protest may benefit non-democratic states by providing useful information about governance and public opinion (Lorentzen 2013).

While collective disruption is effective at garnering the attention of unelected officials, there are large barriers and risks to its use. It has been widely noted that anyone attempting to coordinate the behavior of multiple actors faces a “collective action problem,” whereby individuals have incentive to free-ride rather than contribute to the collective good (Olson 1965). This model predicts underprovision of collective action in service of government accountability. Additionally, in authoritarian states, these costs are exacerbated by the high level of discretion in the policing of public protests. The “attention” that officials bring to bear on a disruptive incident may be both responsive and repressive. Protests may end with both concessions to the mass participants and punishments for their leaders. This means that citizens take major risks when engaging in collective disruption.

These three pathways to nonelectoral accountability correctly construe the broad incentives facing unelected officials. Departing from highly stylized claims that non-democracies lack public accountability, they note that unelected officials need not just material goods, but also many non-material resources from the public. Lawsuits can discipline through embarrassment, moral standing is valuable in exchange, and legitimacy is at stake when policies incite large protests.

However, the tools of citizens are construed more narrowly. They either borrow power from the state (legal institutions), expend their own material or moral resources (exchange), or seek power through group coordination (collective action). I argue below that the citizen toolkit is broader than these three resources. Simply circulating information can achieve similar discipline to the channels described above. Furthermore, publicity-driven sanctioning does not demand costly coordination of large groups or transmission of resources from social actors to the state.

This role for publicity has been overlooked in part due to the nature of existing empirical evidence. Most previous research is based on case studies where many

entities are in motion at the same time. Lawsuits are filed, groups protest, news outlets report, and elite allies in the government take sides. Many actors take the stage simultaneously in these studies, making it difficult to tease out which factors do the work. There is very little rigorously causal work on the factors that allow citizens to sanction unelected officials. By utilizing case studies, surveys, and experimental research, this project expands the range of evidence on non-electoral accountability and points to the independent role of publicity in disciplining officials.

Publicity-driven accountability for unelected officials

Bureaus and publicity in hierarchical government

Media's role in bureaucratic accountability begins with a simple model of a service-oriented government bureaucracy. This bureau has direct dealings with the public through its work. The bureau also provides some service—regulation of commerce, provision of public goods, enforcement of laws—that citizens can observe and attribute to the bureau. It is run by a bureau chief and staffed in part with caseworkers or “street-level bureaucrats” who have some direct contact with members of the public.³

The bureau is overseen by superordinate political authorities, who set its goals, control much of its budget, and assign the bureau leadership. In this model, the superordinate authorities have two key goals for the bureau. First, they want the bureau to execute the policies assigned to it. Tax collectors are expected to generate revenue; social insurance authorities are expected to enroll citizens and manage their cases; product safety regulators are expected to prevent major safety incidents. Second, they want the bureau to avoid any additional behavior that harms public opinion about the political principals.

This second incentive is easy to understand in political democracies. If public opinion about elected officials declines, they face poorer odds in the next election. But why would unelected political authorities, such as those in an authoritarian state, care about public opinion? There are short-term and long-term issues at stake here. In the short-term, public confidence in the fairness of state institutions has been argued to be critical to “quasi-voluntary compliance” of citizens with revenue extraction policies and other core state goals (Levi 1988). Social psychological research has found that individual compliance with the law is related to the belief that just processes were observed in legal implementation (Tyler 2004, Tyler & Fagan 2008), although this effect

³ This bureau model diverges slightly from Lipsky's definition of street-level bureaucracy, in which a “significant number” of bureaucrats are, “[p]ublic service workers who interact directly with citizens in the course of their jobs, and who have substantial discretion in the execution of their work” (Lipsky 2010: 3). What is important here is not so much bureaucrats directly interacting with citizens, but publicly observable behavior of the bureau. My definition encompasses Lipsky's street-level bureaucracies, as well as bureaus at greater distance from citizens that provide key public goods, such as bureaus of public finance or transportation.

may be attenuated in settings like China where interpersonal power disparities are viewed as more natural (Brockner et al 2000).

In the long-term, even though public opinion cannot immediately eject authoritarian rulers via elections, the longstanding unpopularity of a political regime may slowly undermine the basis of authoritarian rule. Broad social grievances can produce social movements that eventually turn upon the political regime. Some argue that “procedural fairness based on impartiality” in government administration is even more important than the processes of leadership selection for securing state legitimacy (Rothstein 2009). If the actions of those who implement policy sufficiently tarnish the public image of government, they can undermine this legitimacy and thereby threaten the basis for authoritarian rule.

Our hypothetical bureau is ordered to accomplish these two goals, but political superiors have little direct information about the bureau’s behavior. It is widely recognized that hierarchical organizations are plagued by informational asymmetries between principals who set organizational goals and the agents who implement them, with the former lacking information to accurately evaluate the performance of the latter (Arrow 1964; Moe 1984). Government bureaucracies are perhaps the paradigmatic example of such organizations, and divergent interests between policymakers and policy implementers may lead local bureaucrats to behave in ways counter to the goals of their superiors, a phenomenon termed “agency slippage” (Weingast 1984). Their ability to do so is protected in part by the high costs of gathering information about the behavior of subordinates. In the simplest political agency models, this is presented as the tendency for agents to “shirk” and provide low levels of effort in achieving goals that are difficult to observe and do not directly benefit them (Ferejohn 1986).

In an attempt to overcome these informational disadvantages, the political superiors implement systems to monitor and control the bureau’s outputs. To the extent that outputs can be quantitatively measured and externally observed, they establish output targets for the bureau and measure performance against these. However, many outputs and behaviors cannot be easily externally observed (Fukuyama 2004: 55-58). For this reason, the political superiors also establish “fire alarms” to alert them to the bureau’s deviation from goals (McCubbins & Schwartz 1984). This oversight technology depends upon local actors, including the courts, the news media, interest groups, and individual whistle-blowers, to notify principals when the behavior of subordinates widely departs from the principals’ goals.⁴ Compared to gathering data on bureaucratic outputs, a fire alarm system is a lower-cost system for monitoring. Typical “fire alarm” systems include lawsuits, media exposés, and citizen complaints. Recent models of authoritarian regimes point to this motive—the monitoring of agent behavior—to help explain why certain authoritarian states allow significant press freedoms (Egorov, Guriev & Sonin 2011; Lorentzen 2013).

⁴ Scholars going back to Weber have pointed to the role of professionalization in aligning bureaucratic behavior with the goals of superiors. Fukuyama (2004) argues that professionalization the preferred solution for bureaucracies that engage in a high volume of difficult-to-quantify transactions. Because the theory I develop here operates without regard to bureaucratic professionalization, I do not discuss these theories in detail here.

In the canonical formulation, these monitoring institutions ensure alignment between bureaucratic behavior and the goals of political principals because they transmit information primarily to the political principals. However, principals are not the only audience for “fire alarms.” The public also receives new information when episodes of malfeasance make their way into the media. Media coverage of poor governance also renders these problems “common knowledge” (Chwe 1998). The public learns about poor governance, learns that other citizens know this, and most importantly, learns that the political principals also know of poor governance. Creating common knowledge about governance failures is problematic partially because it directly facilitates collective action (Chwe 1999), but this type of knowledge also threatens to erode public confidence in the political principals. For these reasons, publicized governance failures are problematic to political principals.

The direct political principals of the offending bureau do not want blame for whatever behavior set off the “fire alarm.” When poor governance is publicized, the principals generally endeavor to shift blame downward, onto the bureau (Hood 2011: 35-8). Doing so focuses public dissatisfaction on the bureau and away from the political authorities. They may also punish individuals within the bureau in order to demonstrate their responsiveness to public dissatisfaction. The principals shift blame primarily by publicly identifying responsible parties in the bureau and disciplining them.

To summarize, in this simplified sketch of a public-facing government bureau publicity plays two roles in activating the system of bureaucratic discipline. First, it can communicate the failure of the bureau to achieve difficult-to-observe policy goals. Second, it can incite public discontent that demands a demonstration of responsiveness from political authorities. As political principals exercise a great degree of control over bureaucratic subordinates, the blame tends to flow downhill

The bureau chief and subordinate bureaucrats

What does this system of monitoring and punishment imply about the behavior of bureaus? The bureau is run by a bureau chief. The bureau chief is a valuable position because it controls significant resources. The assumption that political elites want to hold on to their positions is both commonsensical and a “cast iron law” of political agency models (Besley 2006: 104). As noted above, the bureau chief serves at the pleasure of political superiors, who also control bureau resources. The primary formal accountability relationship of the bureau chief is to these superiors, not the public to whom the bureau is providing goods and services.

To ensure the security of their positions, bureau chiefs want to achieve the observable goals assigned by their superiors. They also want to avoid any “fire alarm” public events that both draw the scrutiny of superiors and elicit public displeasure with government. These events raise the possibility that blame will be assigned to bureau chiefs, harming their relationships with superiors and possibly threatening their positions. Consequently, bureau chiefs hope to minimize critical media coverage of their bureau’s behavior. They will be especially avoidant of media coverage that reveals their failure to achieve targets, but even when media coverage solely incites public discontent, their positions are threatened.

As the top managers of their bureaus, bureau chiefs incentivize lower-level bureaucrats to operate with a similar aversion to negative publicity. When major negative publicity strikes, they will attempt to avoid blame by adjusting bureau behavior in response to criticism and shifting blame to lower-level bureaucrats. Assuming that lower-level bureaucrats are similarly interested in keeping their positions, and recognizing that their positions depend upon the wishes of the bureau chief, they internalize this aversion to negative publicity as well.

In reality, both bureau chiefs and street-level bureaucrats have more diverse and nuanced interests than merely keeping their jobs. A rich literature in public administration points to the cultural bases of bureaucratic behavior, and in particular the role of “social, moral, and symbolic incentives” for official behavior (Dilulio 1994). However, these incentives are not a required assumption in this model of publicity-driven accountability. Negative publicity, when it strikes, is highly visible to members of the public and officialdom. By definition, principals do not face information problems about when negative publicity occurs. For this reason, we need not assume that bureaucrats have any purely internal aversion to losing face for government in order for this mechanism to function. Street-level bureaucrats need only recognize that their principal controls their job assignments to understand the possibility of sanction for displeasing this individual.⁵ If, in addition to these traditionally rational concerns, bureaucrats and bureau chiefs are concerned about bureau prestige or the broader public image of government, the incentive to limit negative media coverage is further increased.

To summarize, bureaus are disciplined both for failure to achieve particular goals (agency slippage) and to demonstrate responsiveness when poor governance becomes common knowledge. Both bureau chiefs and low-level bureaucrats are aware of the possibility of sanction for either such episode. As negative publicity can reveal agency slippage and make poor governance common knowledge, the bureau chief and her underlings have purely rational motivations for avoiding negative publicity.

Citizens, publicity, and bureaucratic accountability

Having situated the government bureau and its interests in avoiding negative publicity about its performance, let us now consider the position of social actors on the receiving end of the bureau’s policies. These social actors include citizens attempting to access social services, like welfare and education, and reformers seeking to change patterns of government behavior.

When social actors come into contact with the bureau, they receive information about the performance of bureaucrats. At a minimum, they know whether they received the sought-after services at the expected level of quality. Did the promised social security benefits arrive? Did the police officer show the expected level of concern and effort? Was the permit issued in a timely manner? Did the caseworker have a

⁵ To the extent that civil service protections limit the ability of bureau chiefs to discipline their street-level bureaucrats, these bureaucrats may be insulated discretionary discipline and the negative payoffs of displeasing superiors may be diminished.

helpful attitude? If the information generated by these encounters is relatively anodyne, bureaucrats will be indifferent to whether it is publicized. However, if the information citizens possess yields the possibility of negative publicity surrounding the bureau, it becomes a weapon with which citizens can threaten recalcitrant officials.

When social actors can credibly threaten to create publicity around even minor governance failures, the street-level bureaucrats with whom they interact have increased incentive to address their concerns. If threats of publicity fail to change government behavior, actual publicity can also do the job. When an episode of negative publicity occurs, bureaucrats have heightened incentive to publicly demonstrate responsiveness to negative perceptions in the public.

The effect of publicity on bureaucratic behavior means citizens have incentive to engineer media coverage surrounding their encounters with government. They might invite journalists to accompany them when visiting government bureaus, make records of their encounters with officials to share with others later, and write about their experiences using social media. When involved in some dispute with the bureaucracy, they may engage in political participation purely for the sake of generating publicity. For example, citizens might file frivolous lawsuits purely to highlight an episode of poor governance or make impossible-to-satisfy but morally compelling requests of government. When generating negative publicity is the primary goal of political participation, I term this “publicity-seeking” political participation.

Citizens may be uncertain which, if any, of the two informational incentives is relevant for their particular encounter with a government official. One publicity incident may reveal previously unknown agency slippage to principals, and another may primarily serve to generate common knowledge about official behavior that was already known to political principals. This ambiguity in the role of a publicity event is largely irrelevant to the citizen, who simply cares about changing government behavior.

Bureaucrats may be similarly uncertain about the results of negative publicity. They may not know whether citizens are able to publicize their encounters, nor whether the public will take interest in a given episode of negative publicity. Bureaucrats also do not know whether publicized information will reach anyone who could influence their careers. Under these conditions of uncertainty, citizens need not successfully attract broad public attention to affect official behavior. If officials *believe* that a citizen has the intention and capability of publicizing their encounter (and that such publicity might be harmful), they have incentive to satisfy the citizen’s request rather than run the risk of damaging publicity.

Some uncontroversial beliefs about the incentives of government bureaus, bureau chiefs, and individual bureaucrats imply that unelected bureaucrats will attempt to avoid negative media coverage. When confronted with negative media coverage about their behavior, bureaus are incentivized to shift blame elsewhere and demonstrate responsiveness to the grievance, either by acquiescing to citizen demands or punishing the responsible bureaucrats. This dynamic creates incentives for citizens to wield publicity as a threat in their interactions with government bureaus.

Political regimes

In this model of publicity and local bureaucracy, we have so far neglected the question of political regime. Unlike other political agency models of media and accountability (Besley & Burgess 2002; Snyder & Stromborg 2010), this publicity-driven mechanism for rendering bureaucratic behavior accountable to the public makes no reference to elections. Bureaucratic principals need not be subject to elections for publicity to sanction policy implementers. In this way, this mechanism of public accountability also departs from the classic political agency models of bureaucratic control in democracies, in which voting is the critical link between voters, legislative principals, and bureaucratic agents (Weingast 1984).

The key elements of publicity-driven accountability are difficult-to-observe behavior by the bureau, self-interested bureau chiefs and street-level bureaucrats, and social actors that are sufficiently autonomous to publicize governance failures. The consequences of this model are bureaucratic aversion to negative publicity and responsiveness to critical media coverage. These features certainly hold in advanced democracies, where the news media are generally free from censorship and the bureaucracies are expected to implement policy according to public law.

What about single-party, authoritarian states? Critics might reasonably wonder whether political authorities in these states are indifferent to public opinion, as their officials are not subject to strong electoral competition or legal oversight. I argue that this is difference of degree rather than type. Authoritarian states do care about public opinion and attempt to minimize negative sentiment towards government. When negative public opinion of government becomes common knowledge, it is even more threatening (see below). Media control and censorship, widely observed practices in authoritarian states, are understood as ways to shape public opinion about government. Various formal models of authoritarian politics assume that the monitoring and protection of public opinion are key concerns for autocratic rulers (Egorov, Guriev & Sonin 2011; Lorentzen 2013). The military dictatorship in Brazil made successful efforts to win public opinion in the first decade of its rule (Geddes & Zaller 1989), and public discontent about the Afghan war was believed to affect foreign policy in the Soviet Union (Pope 1981).

When concern about public opinion combines with hierarchical control of bureaucracies, publicity-driven accountability can obtain in highly authoritarian political regimes. The hierarchies of effective authoritarian governance create incentives for local bureaus to please their superiors. In fact, an effective system of bureaucratic control is critical to the functioning of publicity-driven accountability. In this sense hierarchy in government contributes to—rather than detracts from—responsiveness to the public.

Collective witness, common knowledge, and bias

It is widely noted that citizens and other large groups of individuals face “collective action problems” when trying to coordinate behavior. In publicity-driven accountability, citizens do not face the same problem of aligning the costly actions of many individuals. Their power instead comes from “collective witness.” Social power depends upon the number of people who receive information and the sum of their

individual responses to that information. When these numbers are sufficiently high, publicity can produce common knowledge of dissatisfaction with government. Because individual responses to information are largely passive, low cost, and minimally coordinated (i.e. posting a message to the internet), the barriers to producing collective witness are lower than those associated with disruptive collective action.

Producing “collective witness” involves two actions on the part of individuals. First, the most common and low-cost action is the reception of information. Reading a newspaper or accessing an online video suffices. The second action is publicly signaling reception of information. Prior to the diffusion of internet communications, individuals could signal their reception of information within small social groups, and particularly active individuals could write letters to the editor or contact local officials. Alternatively, researchers could, at great expense, survey the public to find out what they knew and believed. In the internet age, the costs of signaling information reception to a wide audience have plunged. Today, internet-using individuals can signal information reception by leaving a comment on a website, posting a link on a social media account, or simply entering terms into a search box. All of these low-cost signals are to some extent visible to interested parties with access to the internet.

Collective witness gains power by aggregating many signals of information reception and generating common knowledge. When large numbers of individuals signal their information reception (and, better yet, their interpretation of that information), it both informs government officials about public opinion and makes public opinion *common knowledge* to other members of society. Producing common knowledge of dissatisfaction with the government is critical to any collective action that might depend upon knowing others’ dissatisfaction with government, and knowing that they know you know (Chwe 1998, Chwe 1999). For this reason, commonly known dissatisfaction is a greater threat to government than broadly believed private dissatisfaction.

Preventing the collective action that common knowledge facilitates is the short-term interest of power-holders, but there are long-term interests at stake as well. When poor governance becomes common knowledge, it also means that the public knows that political leaders know government’s shortcomings. If political leaders fail to act upon this knowledge, the public will perceive them as indifferent to public opinion or incompetent. These changes in belief about the goodness and efficacy of government represent a long-term threat to government stability.

For these reasons, the government’s interests include preventing the emergence of common knowledge as well as responding to slow the development of new common-knowledge negative beliefs about government. The government identifies the emergence of such common knowledge by reading the signals of information reception sent by citizens. Thus, when high numbers of individuals attend to negative information about government performance, it incentivizes a response from government officials. This explains government responsiveness to even relatively anodyne episodes of negative publicity. When governance failures become common knowledge to large groups of individuals, these are episodes of “collective witness.”

Episodes of “collective witness” are not costless to participants. Information reception needs be signaled to other members of the public, and since this behavior is by definition publicly observable, the government may be able to punish individuals signaling reception of negative publicity. Under the threat of such sanction, we expect lower signaling of information reception when there is high risk of state repression. This might be the case for those discussing issues of extreme political sensitivity, a definition that will vary state by state. When the risk of repression is high, many individuals opt to receive information quietly, and perhaps even avoid seeking relevant information. If the risk of repression is low, then many individuals will choose to signal their reception of information and even insert their own opinions, thus communicating their discontent to authorities and back to other members of the public. In both the low- or high-repression cases, typically the costs of signaling information reception are lower than those associated with participation in street protests, in which individuals must place themselves at risk of physical harm.

The costs of generating “collective witness” also produce biases in whom government is accountable to, which issues can activate government accountability, and temporal changes in accountability. First, individuals with easy access publicity will enjoy more responsive government than those without such access. These individuals might include journalists, popular users of social media, and individuals with rich social networks, including lawyers and officials. A newspaper reporter is predicted to receive more responsive treatment from officials than, say, an engineer.

There are also environmental factors that determine citizen’s access to publicity. Localities with high media market competition and a high degree of media openness will more easily generate the “collective witness” that disciplines officials. Similarly, high levels of internet penetration will also predict greater levels of publicity-driven accountability. In contrast, localities with fewer or politically-captured media outlets will have difficulty publicizing information that challenges the competence or intentions of local officials.

Publicity-driven accountability is also susceptible to “audience bias.” The issues that can successfully mobilize “collective witness” depend upon consumer demand in the media market. Whatever biases are present in the market for media consumption similarly guide the issues that government will respond to via publicity. Audience biases need not be expressed in the purchases of newspapers or preference for television stations; in contemporary online media audience bias can be transmitted through the clicks of internet users. The practical consequence is that scandals of individual vice, major accidents, and natural disasters occupy an outsize proportion of publicity-driven accountability. Even so, I argue in the empirical chapters that more mundane daily issues of governance can also be addressed through “collective witness” so long as they can be framed in socially compelling fashion.

Collective witness may also be short-term biased. While the government may feel pressure to demonstrate responsiveness in the immediate aftermath of an episode, they may backslide once public attention has abated. The time-variant quality of responsiveness to the public is not unique to publicity-driven accountability; voters in democracies also have short attention spans that affect their ability to discipline

incumbent politicians (Huber, Hill & Lenz 2012). Nonetheless, it is worth noting that short-term responses to publicity may not endure longer than public attention.

Contrasts with previous scholarship

This model of publicity-driven accountability for local bureaucrats differs significantly from the legal, collective action, and exchange mechanisms of accountability discussed above. Unlike legal accountability, this model does not rely upon regularized, procedurally consistent sanctions for official behavior, but rather episodic sanctioning on the public reaction to media coverage. It does not assume any horizontal separation of powers between branches of government. Instead, publicity-driven accountability relies upon *vertical* differentiation within the state. The key power relationship is between bureaucratic superiors and inferiors.

Because “collective witness” does not require interpersonal coordination, the use of publicity-driven accountability under authoritarian regimes poses fewer risks than typical forms of collective contention such as peaceful protests, riots, or even signature campaigns. Because public order is not disrupted, the relevant social actors are not thrown into physical confrontations with police or military personnel. That is not to say that the pursuit of publicity is risk-free; the revelation of politically embarrassing news may also lead to repression of the involved citizens or journalists. However, the obstacles to publicity-driven accountability are lower than ordinary collective action and the risk-calculus is different for the social actors involved.

The third body of accountability literature held that exchange relationships between officials and individuals could make government more responsive to the needs of certain members of the public. In the material exchange case, this involved the development of patron-client relationships or outright corruption of political processes by high-resource social actors. Publicity-driven accountability does not have the same socioeconomic barriers to entry. Poor people can also activate publicity that disciplines government, although high-resource individuals have some advantage here too. Whereas exchange relationships need to be sustained through repeated exchange, publicity-driven accountability can restrain officials who have never been subject to an episode of negative publicity. The threat of publicity casts a shadow over official behavior.

In accountability sustained by moral or symbolic exchange (Tsai 2007), officials need be incorporated into small organizations where moral standing can be collectively conferred for good behavior. This limits the mechanism’s function to small political communities. In contrast, the scale of publicity-driven accountability does not have an obvious upper limit. While the model above focuses on a local bureau providing direct services to the public, similar relationships can obtain in larger political jurisdictions. Whenever media coverage can either inform superiors of “agency slippage” or incite sufficiently broad public discontent, members of the bureau are vulnerable to its discipline. It is admittedly more difficult to mobilize public opinion in larger political communities, but this research provides examples from municipalities that have jurisdiction over millions of citizens.

Key hypotheses

The publicity-driven accountability hypothesis for unelected bureaucrats suggests several ways in which bureaucrats, regardless of regime type, will behave. Bureaucrats and bureau chiefs, as the most knowledgeable parties about their own professional incentives, will believe that negative media coverage will harm their careers. As a consequence, when presented with citizens who have greater access to publicity, bureaucrats will perceive these citizens as potential threats to their careers. For this reason, they will exhibit greater responsiveness to these individuals.

The publicity-driven accountability hypothesis also has implications for citizens' political behavior. The power of publicity will structure the political participation of individuals, especially in regimes where other channels to political influence (such as elections or courts) are weak. Citizens will be observed using publicity to exercise power over bureaucrats. In some cases, generating helpful publicity will be the primary goal of citizen political activities.

This dissertation explores these hypotheses in its empirical analysis of contemporary China. First, it documents the emergence of an autonomous online media in the first decade of the twenty-first century. These new media actors devised techniques to present negative media coverage of government behavior despite heavy-handed intervention from the state. They also provided platforms for citizens to signal their reception of information, facilitating the production of common knowledge. In the second empirical chapter, I examine bureaucratic attitudes toward negative publicity through survey research. Finally, I explore the political behavior of citizens, revealing the publicity-seeking motives behind such commonly observed behaviors as lawsuits against the government.

Setting: Contemporary China

The setting for this research is contemporary mainland China, a state that has experienced a radical economic and social transformation while retaining a single-party political framework. Since economic reforms beginning in the late 1970s, China has transformed itself from a largely planned economy to a market-driven system. While China's reform trajectory eschewed market reform orthodoxy by pursuing semi-public ownership in many enterprises (Oi 1992) and preserving high state involvement in key industries, China today is characterized by broad *de facto* private ownership and economic exchange. Economic change precipitated radical social change as well, as employment relationships were privatized (Gallagher 2005) and a massive population of internal migrants left rural farms to participate in the industrial economy.

Despite scholarly and conventional wisdom linking economic liberalization to democratic development (Fish & Choudhry 2007; Gans-Morse & Nichter 2008), China has preserved the core elements of a Leninist party-state through its economic and social revolution. Members of the China Communist Party (CCP) hold all top posts in government, and the party hierarchy mirrors and intertwines with nominally separate government institutions at every level of public administration (Lieberthal 2003). The organization of opposition groups and parties is strictly forbidden in practice, and

organizing to contend with the state is often greeted with repressive countermeasures (Li & O'Brien 2008).⁶

Limited institutions of public accountability

One consequence of the continued dominance of a single-party has been the limited development of institutions for public accountability. Open elections for administrative posts have been implemented at the village level, but not significantly in larger political jurisdictions or China's rapidly growing cities. Village elections are also implemented at varying levels of quality, with some subject to significant political interference (Tsai 2007; Martinez-Bravo et al 2011; Birney 2013).

While scholars have for years pointed to China's legislature—the People's Congress—as an important site for politics (O'Brien 1990), the legislature's role in public accountability remains unclear. It has been argued that local People's Congresses provide a check on budgetary expenditures (Ma 2009); however, it is unclear whose interests they represent in their budgetary review. Recent research points to alignment between National People's Congress deputies' policy proposals and the policy concerns of localities they represent (Truex 2012), but it is unclear whether these proposals result in policy change or simply provide good publicity for the relevant deputies. Independent candidates for People's Congress seats have also been the targets of police repression tactics (He 2010).

China's legal institutions have also seen rapid change in the reform era, yet by all accounts their ability to rein in government behavior remains severely limited (Lubman 2000). Laws and legal professionals have proliferated over the last 35 years, and survey evidence shows that legal institutions enjoy relatively high levels of public trust (Landry 2008b). However, judicial autonomy and innovation is expressed largely in “run-of-the-mill” cases that lack a political dimensions (Stern 2010), and in China's system of civil law, even circumscribed judicial innovations do not diffuse in the same manner as under common law. Collective action and other extra-legal activism improves citizens' chances when citizens sue the state, an indication that legal institutions alone have limited capability to discipline government behavior (O'Brien & Li 2004).

Its shortcomings in political competition, electoral implementation, legislative relevance, and judicial independence mean that China consistently receives low evaluations on global indices of democracy, accountability, and rule-of-law. From 1996 to 2011, while China's economy grew from seventh to second largest economy in the world, its highest rating for Voice and Accountability in the World Governance Indicators was in the 12th percentile globally. In 2011, 95% of the countries of the world were ranked higher than China on this measure of accountability. China fares somewhat better in rule-of-law, ranked behind roughly 60% of the countries in the world (Kaufmann, Kraay & Mastruzzi 2011).

Effective bureaucratic control

⁶ For a detailed account of repressive measures against a nascent political organization in China, see Pan, Philip, “A Study Group Is Crushed in China's Grip,” *The Washington Post*, April 23, 2004.

Whereas scholars point to weak institutions of government accountability, they offer significant praise for China's bureaucracy and management of political agency problems in a decentralized state. China is often credited as the first state to develop bureaucratic institutions (Fukuyama 2011), and a variety of empirical studies cast an approving light on the modern incarnation of this historical legacy. The CCP's mechanism for selection and promotion of officials ("cadre management") has been credited with promoting local developmentalism (Li & Zhou 2005), managing local inflation (Huang 1996), and more generally preserving local alignment with central political mandates (Landry 2008a).

Above the village level, this cadre management system operates in an almost entirely top-down manner. The key accountability linkages are between various levels of party and state bureaucracy, with very limited connections between the public and official incentives. In Chapter 3, I will describe the cadre management system in greater detail and argue that publicity plays a critical linking role between the public and officialdom. The presence of an effective system of bureaucratic discipline noted here is a key precondition for the operation of publicity-driven accountability.

High levels of media censorship

Contemporary China is also renowned for its efforts to exercise political control over the news media during a period of rapid economic change and technological innovation. In keeping with the theme of economic reforms and political authoritarianism, the Chinese government has maintained political controls over the content of news media even as the key outlets for news have transformed themselves into successful market-oriented firms. Newspaper publishers have grown into large media groups with diverse market-oriented information products, yet general interest publications remain linked to party organs who control personnel appointments, if not budgets (Zhao 2008). A variety of censorship authorities regulate communications in the traditional media through print, television, and radio. Despite the absence of prepublication review in print media, shifting and vague standards for political acceptability incentivize risk-avoidant behaviors by vulnerable journalists (Stern & Hassid 2012).

As the rapid growth of the online market transformed China's news media (a process I elaborate upon in the following chapter), the Chinese government has developed a reputation as the global leader in internet censorship (Xiao 2011). Access to overseas websites is restricted by a filtering mechanism commonly referred to as "The Great Firewall." Domestic websites also incorporate keyword filtering and human review to limit discussion of politically sensitive topics on social media websites, particularly communications that facilitate collective action (King, Pan & Roberts 2012).

Scholars are divided on whether high state activity in censorship reflects an harbinger of political liberalization (Xiao 2011) or an effective guarantor of continued CCP political dominance (Stockmann 2013). I argue that, whether or not media change portends future changes in formal political institutions, new commercial players and the changing dynamics of news distribution in the internet age create a more precarious environment for local bureaucrats. Even the limited autonomy in China's contemporary

media presents a serious threat to local bureaucracies hoping to avoid negative publicity about their performance. These beneficial effects for media openness obtain even in the absence of party competition or other democratic reforms.

Contemporary China is an authoritarian state with highly circumscribed mechanisms of public accountability. It possesses a bureaucracy with effective institutions of top-down control, but little formal input from the public. In addition, the news media is subject to significant political censorship. In the following chapters, I argue that even under the conditions of political authoritarianism, weak civil society, and media censorship, the news media remain a significant asset to improving public accountability. Public officials remain concerned about negative media coverage, and citizens knowingly manipulate this fear to exercise some control over official behavior.

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Chapter 2

The Emergence of Media Autonomy in China— News Websites and their Censors in the 2000s

The Chinese government is globally “renowned” for its control over the news media and communications, yet as news and public discourse have migrated to the internet, for-profit firms have become the dominant platforms for consuming news and interaction between web-users. Commercialized, publicly traded corporations like Sina, Sohu, and QQ are the primary purveyors of news on the Chinese internet. They host lively social media services where discussion by ordinary citizens can get ahead of official news media coverage and exacerbate social conflict (Hassid 2012). These commercial websites are the most popular and influential centers of online activity for China’s half-billion internet users.

How did China’s online news environment come to be dominated by foreign-invested firms? What were the consequences of the rise of commercial firms for news and government in China? This chapter describes how Internet firms changed China’s national media landscape in the 2000s. Working largely within the constraints of state regulation, new media firms developed techniques to create editorial autonomy and then used this autonomy in part to highlight and criticize governance failures in China. This represented a serious disruption to the state-dominated system of national news, as these social actors had power to influence national narratives about Chinese state and society. In response to these trends, government regulators upped their intervention in online news, developing new ways to exert power over the media. In an arms race with media firms, the state expanded its statutory and actual intervention in the production of online news. But even after the emergence of a mature, highly interventionist system of censorship, commercial website editors retained power to publish content at odds with propaganda goals. To many website editors, it remained worthwhile to publish news that they knew censors would delete.

This autonomy of the news media is an important precondition for the “publicity-driven accountability,” which I develop in greater detail in the following chapter. By turning accounts of local malfeasance into national news, news websites produce new common knowledge of governance shortcomings. When a story of local police abuses or arbitrary administration appears on the front page of a national news portal, the public *learns that this information is widely known*. Political officials at multiple levels of government can no longer plausibly claim to be ignorant of whatever

problem the media highlights. This raises the stakes for government to make some public response to the event, thereby motivating changes in government behavior.

This finding suggests a new orientation to the debate surrounding media change and political change in authoritarian regimes. To date the major debate focuses on whether and how commercialization and liberalization of the news media lead to regime change. When applied to China, where the news media has become considerably more commercialized over the past 25 years without appreciable change in political institutions, scholars have divided into two camps. One argues that commercialization has largely strengthened single-party rule by creating more entertaining and persuasive pro-regime propaganda (Stockmann & Gallagher 2011, Stockmann 2013, Esarey unpublished). Another camp suggests the potential for professionalized, market-oriented journalism to promote resistance to the state, but laments that heavy-handed state control has so far limited their potential to transform politics (Esarey 2005, Hassid 2008).¹

My study of Internet news highlights the space for contentious behavior and more accountable government within existing political constraints. These constraints stimulate and shape contentious behavior by journalists, but the news media can still transform political dynamics while subject to politically-motivated censorship. This chapter shows how China's online news media achieved the autonomy required to impact the politics of accountability.

News at the dawn of the Internet

To explain the impact of Internet development on China's news we must first characterize news before the year 2000. In China's news system, all media outlets were subject to strict licensing requirements. For example, general interest newspapers were required to seek affiliation with local Communist Party committees, which also exercised control over key editorial appointments. While China never had a universal system of prepublication review and censorship, editors and journalists were accountable for their publications *ex post* to political authorities. A "Critical Reading Group" within the propaganda bureaucracy regularly reviewed newspaper articles and distributed its critiques to officials and the news media.² In addition to these mechanisms of discipline, uncertainty about the political "red lines" and financial incentives for journalists to maximize their published articles incentivize politically anodyne news coverage (Esarey 2005; Hassid 2008).

Within these political constraints, the print media in China were allowed to deemphasize political duties and embrace market incentives in the 1980s and 1990s. During this period, media outlets were redefined as members of the new "information industry," rather than pure instruments of propaganda (Xin 2006). Newspapers and magazines multiplied through the 1990s, as party mouthpieces spun off market-oriented dailies to meet consumer demand (Lynch 1999: Ch 5; Esarey 2005; Zhao 2008).

¹ Scholarly positions have shifted as the media has grown evidently more powerful. See Esarey and Xiao (2011) for the perspective that media power has empowered citizens vis-à-vis the state.

² For an overview of the Critical Reading Group, see: http://www.zonaeuropa.com/20060305_1.htm

As state subsidies dried up and the advertising market grew, reader interest played a greater role in the orientation of newsrooms, leading to more diverse, entertaining coverage that was difficult to control (Lynch 1999: Ch 3; Esarey 2005; Zhao 2008). By the early 1990s local media outlets had started to detach themselves from an earlier reliance on central and centrally controlled news providers like Xinhua (Lynch 1999: 34). Although local news media enjoyed increased discretion as a result of marketization, national news outlets remained highly centralized and subject to tight political control. National news was dominated by the national CCTV News Broadcast and the Xinhua News Agency, both headquartered in Beijing and dominated by political concerns. Only a small handful of central media outlets could simultaneously reach the entire country. While much news was increasingly covered by local newspapers, CCTV and Xinhua continued to provide the authoritative party line for sensitive political events. Xinhua retained power to mandate that local papers carry their articles by marking them as 'extremely important' (*jiyao*) (Lynch 1999: 163-4), and, "newspapers ensured their safety by publishing Xinhua's reports on politically sensitive issues." (Xin 2006: 52). While central news agencies were weakened by marketization and the flourishing of local news media, through the late 1990s no alternative organizations had achieved a comparable national reach in hard news.

The limited commercialization of national news media in China represented a market opening, and new Internet firms, rather than newspapers or broadcasters, made an aggressive push into this space.³ The 1990s saw a huge expansion of technology firms in developed countries, including firms dedicated purely to the provision of information such as Yahoo, AOL, and Google. In the second half of the decade, investor enthusiasm for technology firms drove stock prices skyward; between 1996 and 1999 Yahoo's stock price grew by 10,000%.

Economic policy leaders in China were interested in developing domestic firms to take part in the technology stock free-for-all. Using the official argot of "informatization," the growth of local technology firms was hailed as an important component of economic development in this new era. Premier Zhu Rongji bemoaned the gap between China and the global leaders: "Software development and information services obviously lag behind...the development of information sources is severely insufficient."⁴ The establishment of Chinese Internet firms to do whatever Yahoo was doing in more developed countries was an important part of this push for informatization.

In the late 1990s, several such technology companies were founded by Chinese entrepreneurs (Table 1). This chapter focuses on the four companies that would later become China's most influential purveyors of online news. Sina, Sohu, Netease, and Tencent (QQ) provided online services in the "portal" format popularized by Yahoo.com, including games, news, discussion forums, blogs, and most recently, microblogs. All four

³ Arguably, Phoenix Satellite Television also made a strong push to become a national alternative to CCTV in the 2000s.

⁴ "Zhu Rongji: Promoting the construction of informatization must Adhere to five guiding principles" (*Zhu Rongji: Tuijin xinxihua jianshe xu zunxun wu da fangzhen*) *China News Service*. December 28, 2001.

firms were founded during the late 1990s “Dot-com bubble” and the first three listed on NASDAQ during the mass implosion of technology stock prices in 2000.

Table 1: China’s Top Portal Websites

Firm	Founded	Founder background	IPO	Alexa Traffic Rank, Jan 2013 (China)
Sohu	Aug. 1996	Charles Zhang (b. 1964) Tsinghua University, MIT Ph.D.	NASDAQ Jul. 2000	53 rd (9 th in China)
Netease	Jun. 1997	Ding Lei (b. 1971) University of Electronic Science and Technology of China	NASDAQ Jul. 2000	29 th (6 th in China)
Sina	Nov. 1998	Wang Zhidong (b. 1967) Peking University	NASDAQ Apr. 2000	16 th (4 th in China)
Tencent	Nov. 1998	Pony Ma (b. 1971) Shenzhen University	SEHK Jun. 2004	9 th (2 nd in China)

The founders of these firms ranged from 26 to 32 years old, and their backgrounds were in neither journalism nor politics but technology. The early business models for portal websites turned upon advertising, which meant attracting the attention of consumers. They achieved this through a variety of means, but one of them was by aggregating news. In doing this, the new websites had several advantages which now seem obvious; they could update their news throughout the day and provide more rapid coverage for ongoing events than ordinary newspapers. Sina rose to prominence in online news for its coverage of the NATO bombing of China’s Belgrade embassy in 1999 and the September 11, 2001 attacks on the United States.

Portal websites represented a new phenomenon; the first fully-marketized national news outlets in China. Led by technology entrepreneurs, these new media firms were not integrated into the traditional news system of state sponsorship and oversight, yet they sought to provide general interest news to a national audience. As one newsroom editor put it, “Sina wants to be USA Today!”⁵

Statutory Regulation of Online News

State regulators recognized the possibility that these firms would disrupt China’s carefully calibrated news system, and as portal websites grew in popularity formal rules and informal practices of regulation grew up around them. The apparent goal of regulation was to force these new websites into China’s existing system of news control.

Regulations targeting news websites arrived in late 2000, when less than two percent of the Chinese public had access to the Internet⁶ and Sina was the primary provider of online news to this tiny subset of the population. The *Temporary Regulations on Management of Websites Engaged in Publishing News* recognized the

⁵ Interview 90-1.

⁶ China had an estimated 22.5 million Internet users at end of 2000. CNNIC. 2001. *China Internet Development Statistical Report, 2001/1*. Contrast this with nearly 50% penetration in 2012.

State Council Information Office (SCIO) as the core regulator of these websites, with the Information Offices of local governments responsible for firms in their jurisdictions (Art. 4).⁷ The SCIO was nearly a decade old, one of several organizations tasked with the regulating and guiding China's news industry. Under the new regulation, the SCIO and its subordinates had the authority to regulate market entry for both existing news organizations (newspapers, television stations, radio stations) and non-news entities like portal websites (Arts. 5-8).

While both existing news organizations and the new online firms described above were permitted to run news websites, the technology firms were saddled with an additional, odd restriction: "Non-news work units that establish general websites according to law...with approval can take part in publishing [news from official news entities]...but they are forbidden to publish self-gathered news and news from other sources" (Art. 9). Their involvement in news was limited to the reprinting of news stories generated by the existing media core. They were excluded by law from the news generation process.

This was in many ways a deft measure for authorities anxious about the potentially disruptive role of internet news but also eager to develop a domestic internet sector. It balanced tech firms' development needs with the political goals of news control. As the early revenue model for portal websites relied heavily on advertising, news was a critical source of content to attract user-views and increase the value of advertisements. Forbidding portal websites from displaying news could adversely affect their prospects to grow through advertising revenues. If these websites failed to develop while portals flourished in the West, regulators might later have to decide between allowing wholly foreign websites to dominate the Chinese market or excluding the Chinese public completely from certain areas of the growing online economy. At the same time, China's media sector has always been tightly linked to the political interests of the Communist Party, and the entry of purely market-oriented organizations into this sector might threaten the political objectives of news. This statutory compromise identified the new firms as news aggregators, granting them rights to revenue streams from existing news while excluding them from content production.⁸

The licensing requirements provided a second government check on the role of private websites in domestic news. While there was no statutory limit to the number of websites that could receive news licenses, in practice very few received them.⁹ While state news agencies and newspapers were widely approved to develop their own websites, only a handful of private firms received permission to transmit news. In

⁷ State Council Information Office & Ministry of Information Industry. "Temporary Regulations on Management of Websites Engaged in Publishing News" (*Hulianwangzhan congshi dengzai xinwen yewu guanli zanxing quding*) November 7, 2000.

⁸ This was contingent upon having agreements with the newspapers, news agencies or other sources of any news they reprinted (Art. 11).

⁹ By late 2010, nearly 200 websites, including official news work units, had received the relevant permissions to print news. See: <http://news.sina.com.cn/c/2011-04-29/105522381145.shtml>

December 2000, Sina and Sohu were the first commercial portals permitted to publish news under the new regulations.¹⁰

Guiding principles for news content were also built into the new regulations. News websites were forbidden from violating basic principles of the Constitution, harming national security, leaking state secrets, inciting the overthrow of government, harming national unity, or otherwise damaging national honor or interests (Art. 13). Ethnic hatred, violation of national religious policy, spreading rumors, disseminating pornography, and slander were also forbidden (Art. 13). These articles established standards of behavior and gave pretext for government intervention based on the social impact of news websites.

Conspicuously absent from these regulations was any mechanism for political authorities to exercise direct control over content. The 2000 regulations establish the authority for Information Offices to request changes to the content only when websites publish self-written news, news from domestic outlets in the absence of a contractual agreement, or unapproved foreign news (Art. 15). Nowhere do these regulations permit the government to request removal of news articles that were already published in the existing media and reprinted legally by news websites.

The *Temporary Regulations* stood for nearly five years before being replaced with the more extensive *Internet News Information Service Management Regulations*¹¹ in 2005. The new regulations were more detailed, reflecting the growing sophistication of both the news regulation system and the practices of news firms (described in more detail below). These regulations clarified the definition of news, incorporated cell phone services into the scope of regulation, and mandated that firms create internal systems for monitoring news content. Information Offices also received formal authority to request deletions or modifications of content (Art. 23), a practice that had already been in place for several years.

These laws provide an adumbration of the regulatory system that emerged around private news portals, but they are far from the whole story. The regulation of online news in China has been a coevolutionary process, with innovations by firms and regulatory constraints in constant dialogue throughout the 2000s. To understand this process, we need to bring in the perspective of the professionals in the online news industry in the 2000s.

Inventing Online Media Freedoms

If the goal of regulation was to re-create China's print media regime on the internet, the initial regulations were insufficient. Their shortcomings were in both technical loopholes and a fundamental misunderstanding of the tools editors have to set the agenda for public discourse. Editors at news portals exploited these loopholes to increase autonomy over their news content, frequently incurring the displeasure of

¹⁰ "Summary of China's Online News Media in 2001" (*2001 nian zhongguo xinwen wangluo meiti zongshu*). Chinese Academy of Social Sciences. September 17, 2010.

¹¹ State Council Information Office & Ministry of Information Industry. "Internet News Information Service Management Regulations" (*Hulianwang xinwen xinxi fuwu guanli qiding*) September 26, 2005.

regulatory authorities and the officials whose interests were challenged by their actions. The evident disobedience of private news portals in turn led to a strengthening of the state regulators and, only later, their statutory powers. In this way online newsmaking and online censorship evolved through interaction between news professionals seeking greater autonomy and state agencies learning to regulate these new actors.

This section draws upon interviews with editors and managers from the China's four most popular online news portals: Sina, Sohu, Tencent (QQ), and Netease.¹² The interviews began in 2007 and 2008, with intermittent follow-ups with individuals in the following years. Due to the continued political sensitivity of news censorship in China, interviewee names are anonymized, and their firms are anonymized if disclosure would make it easier to identify interviewees. That said, much of the information in this chapter was well-known in the Beijing journalistic community. Any number of online news editors could have described similar episodes in their experiences. The autonomy-expanding practices I describe below were common to all four of the major news portals, and therefore do not help to identify particular respondents.

Exploiting loopholes to create content

The 2000 regulations were intended to prevent online newsrooms from generating their own news, but these regulations were also rife with loopholes. One major loophole was a vague definition of "news." All portals accepted that they were not to field a corps of journalists who went out and collected news, but they believed that exclusion from news did not imply exclusion from generating original content. If they could not generate news, they could at least *comment* on news. In the early years, news portals built commentary sections that used current events as a window to broader questions of ethics, political development, and justice in Chinese society. In doing so, these news commentary sections often tread into gray areas of public discourse and aroused the ire of officials and news regulators.

Although forbidden from fielding reporters, the editors of commercial news websites hired people to write *commentary* on existing news articles, adding opinions and historical context to the current public discourse. A founder of one portal's commentary section described its formation:

"I said, even though you can't publish original news on the Internet—you don't have the right to interview—you can seriously reorganize existing news, giving it great additional news value. That was how I established [the news commentary section]...According to hot news topics, we put together opinion pieces and reports."

These commentaries provided novel content to competitors that (due to regulations) otherwise struggled to differentiate their news products. In addition, by presenting controversial viewpoints they could draw their users into online debates, another way to build usership in the internet. One prominent effort in this field was

¹² Their news sites can be found at news.sina.com.cn, news.sohu.com, news.qq.com, and news.163.com,

“Sohu Viewpoint.” It combined existing news articles with original news commentary, with a particular focus on social critique. In 2001 and 2002, the commentary section directed social critiques at China’s one-child policy, high cost of education, obstacles to suing the government, restrictions on internal migration, child labor, and high suicide rate.¹³

Sohu Viewpoint persisted until a legal scholar posted commentary in March 2003 on the mass sale of babies on western China. Sohu’s front page headline read: “Rescue These Smuggled, ‘Packaged’ Infants.”¹⁴ His article pointed to the presence of a criminal syndicate and suggested grim motivations for the trade.¹⁵ In response, the monitoring authorities demanded its removal and the closure of “Sohu Viewpoint.” Sohu complied, and by April 3 the section heading had disappeared from the Sohu news page.¹⁶ But in this early period the monitoring authorities were derided by many editors as “unprofessional” and weak. A second incarnation of the commentary section—“Sohu Starlit Sky”—emerged one month later.¹⁷ It retained the same management structure and made opinion articles in the same way as before. This new section survived until February 2004, when a commentary on freedom of thought stirred up new trouble with authorities.¹⁸ The Information Office called a meeting of the news portals to announce the closure of all opinion sections and original columns.¹⁹ On February 23, the Starlit Sky section disappeared from Sohu’s front page.²⁰ Competitor firms were also ordered to halt their original commentary sections at this time.²¹

Even after these commentary sections were forbidden, commercial news websites continued similar practices under the heading “Specials” (*zhuan ti*). Although these special sections dropped the original commentary, they collected articles themed on a particular issue and added a brief introductory paragraph from the editors. Some specials were little more than aggregations of all the news on a trending topic, but in others the editors used passages from existing news stories to make complex, provocative arguments to their readers.

Netease was widely recognized for its politically aggressive Specials in the second half of the decade. One notorious special in 2006 proposed that China should say, “Thank you Japan for Assistance to China.” Praising Japan is controversial in China, and proposing that Chinese people should thank Japan was incendiary. One of the people involved in developing this piece explained how they were able to make such a controversial statement *using only officially printed news material*.

¹³ Zhao Mu (ed.) *Sohu Viewpoint Hurricane (Souhu Shixian Kuangbiao)*, 2003. Xiyuan Publishing House.

¹⁴ See the headline “*Jiujiu zhexie ‘dabao’ touyun de yinger*,” available in Sohu’s archived homepage from [March 30, 2003](#).

¹⁵ Xiao Han. “Xiao Han: Do not hesitate to use infer the worst intentions about Chinese people” (*Xiao Han: Budan yi zuihuai de eyi tuice zhongguoren*). *Zhongpingwang*. March 30, 2003.

¹⁶ Contrast the archived Sohu homepages from [April 2](#) and [April 3](#), 2003.

¹⁷ See archived page for [May 8, 2003](#), Sohu Starlit Sky (*souhu xingkong*) appears on the left side of the page

¹⁸ The link to this article was removed, but the original article [remains online](#).

¹⁹ Interview 88-1.

²⁰ Contrast archived pages for [Feb 22](#) and [Feb 23](#), 2004

²¹ Interviews 20-1, 99-1.

“...Chinese leaders at every level have said, ‘Thank you Japan’, starting with Mao Zedong all the way to [Foreign Minister] Li Zhaoxing today...with regard to Official Development Assistance they thank Japan for support. Furthermore, we did not say, ‘Thanks Japan.’ We said, ‘Thanks Japan for Assistance to China.’...All leaders have said this sentence, so everything we used was quotes. At the time, the monitoring departments didn’t think it was a problem.”²²

However, the public response was so overwhelmingly negative that monitors later requested Netease remove the page. In the reader poll about this special, over 900 thousand respondents (89%) chose: “Rotten, after reading it I want to beat up the editors.”²³ Monitoring officials later visited Netease to investigate who was responsible, but the only formal punishment was a modest fine.

Online editors also pursued even more aggressive, if less successful, channels to create their own content. Sohu considered purchasing its own news agency, but this was forbidden. Instead, it attempted to achieve the same effect through a contractual relationship with a regional newspaper: the Wuhan-based *Changjiang Ribao*. Under this arrangement, a team within the newspaper would take direction from the Sohu editors in Beijing and conduct investigative reports to appear exclusively on Sohu. The portal’s superior platform would allow the newspaper to improve its national profile, and Sohu would gain the ability to generate original news content. This was initially successful, including an investigative series on how a local cadre attempted to bomb the county government. However, after only a few months Sohu was ordered to shut down the special section and dismiss the employees involved.²⁴

While access to traditional newsrooms through agreements like the above failed, portal editors discovered a more sustainable mechanism for achieving the same effect: “Article laundering (*xi gao*)”.²⁵ Editors would write or commission original articles, send these articles to an official news source, and post them to the commercial website after their publication by an approved news source. It would appear that the article originated with an official news agency, despite originally being written by either a news portal editor or a freelancer. One portal editor summarized this relationship with official news sources as follows:

“I know editors from all kinds of news sources. They’re the same as me. Actually their work is the same as mine. But because their websites have that permit...I say, ‘Can you launder this for me?’ They take it and have a look. If there is no risk, politically, they say they’ll do it for me. Because this is a win-win situation. Because I pay the [nominal] author, they are more willing to post it...Actually this

²² Interview 20-1

²³ The exact phrasing: “Hen lan, kanwan xiang tongbian bianji” (很烂,看完想痛扁编辑).

²⁴ Interview 42-1

²⁵ Interviews 20-1, 28-1, 33-1, 42-1, 63-1, 90-1, 91-1. Some editors instead used the term *zou gao*.

relationship is completely a private relationship between friends. Sometimes they'll have an article that they need me to post, because we have greater influence with internet users. Generally we'll publish it, because in practice they can help you more than you can help them...They don't really care if the article is [politically] left or right, they only care if it is risky. If it's not risky, they'll publish it."²⁶

Article laundering on a variety of topics remained widespread through 2008. One commentary editor described laundering articles in a two week period on the six-party talks on North Korean nuclear program, changing interest rates by the Bank of China, and national land-use statistics.²⁷ Aside from content differentiation, this process was useful for commentary and breaking events.²⁸ One editor described covering a bridge collapse, "We will immediately get in touch with the local media...And we do a very short article or, the simplest format, a question-and-answer article. We have many ways to 'launder' articles...so we can, for example, use China News Service...and publish it in their name."²⁹

Article laundering also allowed news portals to skirt another regulatory limitation on their journalism: the ban on reprinting foreign news. Both Sina and Sohu translated foreign news articles and laundered them through contacts at official media such the China News Agency and Qianlong.³⁰ However, a lack of editorial oversight led to some ridiculous articles laundered by portal websites and published by official media, including stories that George Bush intended to sell Hawaii and that Bill Gates was assassinated.³¹

Early loopholes surrounding the definition of "news" allowed online editors to generate new content despite a nominal ban on doing so. First through hiring news commentators and later through simply reorganizing existing news content, online editors found ways to put their own imprint on China's national news, at times to the discontent of their regulators in the state. Even after these larger regulatory loopholes were closed, editors continued to create original news content through *ad hoc* arrangements with official news sources to republish articles written by freelancers or the website editors themselves. Editors used these tactics to violate the spirit, if not the letter, of the 2000 regulations barring them from the creation of news.

The Editor's Toolkit

The second shortcoming of the initial regulatory scheme had nothing to do with loopholes. Instead, it was a misunderstanding of how news editors guide public opinion. The initial regulations required commercial news websites to use only articles already published in the Chinese official media. As the official media were subject to significant

²⁶ Interview 33-1

²⁷ Interview 33-1

²⁸ Interview 33-1, 90-1, 91-2.

²⁹ Interview 90-1

³⁰ Interview 42-1, 90-1.

³¹ Interview 90-1

restrictions (see above), a naïve assumption might be that online news coverage would be unable to diverge greatly from existing print media. In the realm of content, this was superficially true. But the huge role of editorial discretion was not addressed by this regulation. Even without the ability to write their own articles, editors were free to choose among many thousands of articles in the domestic media when constructing the front pages of their websites. While restricted sources meant that news websites would never have articles directly criticizing national leaders, the national narratives they could create with this power were quite diverse, including many that implicitly or explicitly criticized the Chinese government. This agenda-setting role for media was insufficiently addressed by early regulations, and China's news websites took full advantage of the opportunity.

To understand the power enjoyed by website editors even when prevented from generating original content, one needs to appreciate the number and diversity of China's local media. In 2007, the top portals had signed contracts to reprint news from 300-400 domestic media outlets.³² Night editors would pull new headlines from these outlets into databases and make recommendations about which to feature more prominently on the webpage. When the day-shift editors arrived they would review the proposed pages and update the website prior to the high-traffic period around 8 AM.

Despite the system of news control summarized above, China's traditional media cover many kinds of negative social phenomena. By giving these local stories prominent place on websites, news portals provided a national platform for issues *that otherwise would have gone unnoticed nationally*. Placing a local news story as a national headline could draw attention to a broader social problem (about which articles may not have been published), and an article about a few individuals' lives might similarly reflect a larger social problem. One editor pointed out that a story about a single bank might indirectly communicate criticism of China's entire banking system.³³

Editors' agenda-setting powers could even transform the meaning of individual articles. Readers' takeaways from a newspaper article can be greatly altered simply by changing the headline. One editor described this as taking a story and "wrapping it up" (*gei tamen baozhuang*). Changing the headlines of articles was always a part of what news portal editors did, although this power was never specifically enumerated in the regulations. In most cases, headlines were changed minimally in order to match the editorial style of a given portal. However, when necessary, headlines could be changed to completely alter the narrative framework of a given newspaper article. Consider the following testimony from a portal news editor, recalling his first weeks at the post:

One day, I went through the whole [China Youth Daily] without finding a single article worth posting on our site. The chief editor said, "That's impossible", and looked it over himself. I had just been looking at the headlines, but he said that you needed to read the articles. He found one with the simple headline, "Rural Girl Drowns" but the article itself was about an auto accident where a local

³² Interviews 31-1, 90-1

³³ Interview 31-1.

official knocked a girl on a bicycle into a lake. The official did not call an ambulance to save her, and the girl drowned. We gave it a different headline, “Village Official Knocks Girl Into Water, Refuses to Rescue.” This was placed as a headline the next day.³⁴

The headline received many hits before Information Office monitors demanded its removal. Another reframing example transforms an individual tale of heroism into a critique of the indifference of society to those in need of help.

Table 2: Using headlines to reframe news stories

3:00 AM <u>Hebei Youth Daily</u>	70 Year-Old Xing Fuping Bravely Saves Drowning Girl—Girl Attempts Suicide by Jumping into Lake, Repeatedly Rejects Senior’s Efforts to Save Her
6:30 AM <u>Netease News</u>	70 Year-Old Shijiazhuang Man Bravely Saves Drowning Girl, Bystanders Offer No Assistance
7:50 AM <u>Sohu News</u>	70 Year-Old Hebei Man Bravely Saves Drowning Girl, Young Bystanders Offer No Assistance— “Although I’m Old, I Could Not Sit By Idly When I Saw Someone Struggling in the Water.”

Notes. Articles from June 28, 2007. URLs last accessed March 1, 2013.

Both of the above are also examples of using local news to tap into national social critiques: that officials are coldhearted; that social trust and care are waning in today’s China.

Even reprinting an official press release could constitute controversial news. In 2006, the Uyghur-Chinese dissident Rebiya Kadeer was nominated for a Nobel Peace Prize. Kadeer was a businesswoman and an advocate for rights of the Uyghur minority group in northwest China, but to Chinese authorities she was also a separatist who opposed the government. Online editors who wanted to draw attention to this news item simply reprinted the government’s *objection* to the nomination as a top headline:

Originally, if we wanted to report it, it would be ‘Rebiya Receives Nomination for Nobel Peace Prize.’ But we didn’t dare to report it like that. So we reported, ‘Foreign Ministry Objects to Rebiya Receiving Nobel Peace Prize Nomination.’ The regulatory authorities (*zhuguan bumen*) think that this was not to be reported. The article was from the Xinhua News Agency. At the time we thought, since it’s Xinhua we can use it. But they thought, even though Xinhua

³⁴ Interview 42-1 (F3)

had this story, you couldn't report it. This was political common sense. The fewer people who knew about it, the better.³⁵

Editors even found ways to use headlines about foreign countries to implicitly criticize Chinese politics. One chief editor described posting the front-page headline, "Bloomberg's Salary Is Just One Dollar." On its face, the article was completely irrelevant to Chinese politics, but internet users responded with comments that harshly criticized corruption in the Chinese civil service, declaring, "America has the real socialism!"³⁶

Even within the statutory constraints of "no original news," website editors found many ways to generate original content—a dictate of their business model. As the boundary-pushing possibilities for online news became apparent and the total pool of Chinese internet users grew, state regulation matured into a more interventionist and *ad hoc* process.

Regulatory response

News websites were eager to grasp opportunities to stimulate online discourse and build loyalty among users. They were largely indifferent, and at times hostile, to state propaganda goals in news work. The editorial autonomy they created for themselves raised the specter of a news sources largely outside of regulatory control that deployed fast-moving communications technologies. Their audience of internet users was growing by tens of millions each year, and they were consistently among the most popular websites in China.

Regulators did not wait upon statutory changes to expand their power to intervene in online news. Instead, regulatory practice adapted gradually to the innovative behavior of online websites. In the decade since portals' rise to prominence in national news, government regulators expanded their manpower, intervened more frequently and intimately in online newsrooms, and repeatedly redefined the rules of acceptable behavior by portal websites. By 2007, a complete system of state regulation was in place, leading one editor to claim, "Now, if there is illegal content [on our website], they [the regulators] can find stuff that we can't. Really!"³⁷

When I asked editors how they could pursue practices in the early years that violated the spirit, if not the letter, of the regulations for news websites, they often replied that prior to 2004 the regulatory authorities at the Information Office were "unprofessional."³⁸ One well-connected online editor explained:

"In 2000 and 2001 the internet had just appeared. The government didn't know what it was because lots of officials didn't use the internet. So they really didn't know what kind of thing it was...So from the nineties on there was basically no law regarding the internet. Now, in 2000 some regulations finally appeared. But

³⁵ Interview 20-1

³⁶ Interview 20-1.

³⁷ Interview 88-1

³⁸ Interview 88-1

they was just some laws, there were not yet people to specifically monitor (*guan*) [websites]. In 2001-2002 some people began to monitor, but at the time it was very few. Two or three people were monitoring [all websites]"

The development of a bureaucracy to effectively implement regulations on news websites lagged behind the growth of these websites. When editors were devising commentary channels like Sohu Viewpoint to circumvent the ban on original news content, the small group of government content regulators reacted slowly to boundary-pushing content. It might take hours for authorities to send a censorship request: "You'd do a feature and put it up at 8 AM. At 11 AM a phone call would come from the Beijing Information Office telling you to take it down."³⁹ By that time, tens of thousands of users might have already read the article, and the editors would have already achieved their goal of attracting traffic and building a news brand with their user base.

The early freedoms of weak regulation were multiplied by the fact that news websites were not creating most of the news they posted online. The 2000 regulations mandated the use of existing news content. This meant that the vast majority of what appeared online was already published in some official media outlet. In the early years, regulators focused more on the original sources of news, rather than the news portals themselves. When an objectionable news item appeared online, the regulators would begin by pressuring the source media—newspaper, news agency, TV station. The leadership of the official source media would then contact the portal website's editor-in-chief. "Usually if we had a problem the traditional media took responsibility. At that time, when we saw an explosive piece of news we would definitely post it."⁴⁰

The lethargy of regulators led portal websites to extend their competition into the realm of censorship. News websites tested the limits of monitors by dragging their feet when complying with official requests:

"[In 2003 and 2004] the websites were in a tug-of-war (*jiao jinr*). For example, when there was an instruction from above, they'd look [at their competitors] and say, 'They didn't do it.' One says, 'If they're not taking it down, I'm not taking it down.' The other says, 'If they're not taking it down, I'm not taking it down.' So when [the monitoring authorities] spoke no one listened (*shuo hua mei ren ting*)."⁴¹

The loose initial stage of regulation led to portals' exploration of generating original content and arguably culminated in an early high-point for the role of online media in driving a change in national policy. In 2003, online media played a large role in what is now known as the Sun Zhigang case (Zhao 2008). After a young migrant worker was wrongfully imprisoned and beaten to death, a combination of traditional news media coverage, online dissemination, and intellectual activism led to a public admission

³⁹ Interview 28-1

⁴⁰ Interview 42-1

⁴¹ Interview 99-1

that national laws were insufficient and an effort to reform regulations on migration enforcement. Online media were also very important for spreading information during the Severe Acute Respiratory Syndrome (SARS) health crisis in the same year (Tai & Sun 2007). Both cases have been covered in detail elsewhere; suffice to say that the power of online news was in evidence in 2003.

In step with the growing power of the Internet, regulation of news websites increased markedly in 2004.⁴² Besides SARS and the Sun Zhigang case described above, which at least one editor connected to increased stringency⁴³, this period coincided with the leadership transition from Jiang Zemin to Hu Jintao. In addition to the 2004 closure of original commentary webpages (see above), editors noticed increased scrutiny surrounding China's major annual political event, the national congresses that take place early each year:

“When Hu and Wen took power, it was clearly different. The first thing was the Two Congresses. All the sections created by people at all different websites [about the congresses]—opinion features, analysis features—were taken down...in Feb or Mar 2004, just before the Two Congresses.”⁴⁴

Instructions from authorities also became more frequent in this period: “For example, in the past, instructions...came maybe once per day. At the loosest, maybe one every two or three days. Now, at least four or five per day. At most, perhaps twenty in a day. They give you a list: what you need to pay attention to; what you can't post.”⁴⁵ These frequent after-the-fact instructions on how to change news content would become a key feature of China's online news management system. It is worth noting that the new manpower and practices arrived in advance of new legal regulations, which did not take effect until 2005.

Another change was an increased focus on the interactive element of internet news. Online news presented a challenge unseen in the management of broadcast and print news: public participation. Portal websites allowed readers to write responses to the articles they had read, a practice which helped them to gauge user response and develop loyalty as individuals engaged with other users online. At the same time, user comments were also the places where criticisms implied by the news article could become explicit. For example, in the story about Bloomberg's \$1 salary above, the charge that Chinese officials compared unfavorably appeared in the comments section rather than the news story itself. In 2003 and 2004, the authorities began to monitor the comments sections as well, but they were quickly overwhelmed by the volume of comments. They asked the portal websites to develop systems of internal controls, like keyword filtering, to eliminate pornographic use of comments. Politically sensitive keywords were gradually added later.⁴⁶

⁴² Interviews 28-1, 20-1, 88-1, 90-1, 99-1.

⁴³ Interview 99-1.

⁴⁴ Interview 28-1

⁴⁵ Interview 20-1

⁴⁶ Interview 99-1.

In 2005 another layer of regulation was added: new restrictions on sourcing news from within China. As discussed above, news editors were particularly adept at using news from seemingly innocuous domestic sources to cast a critical eye on contemporary society and government in China. Within these domestic sources, there is significant variation in news coverage, with metro papers (*dushibao*) often serving up more salacious gossip and sensationalistic tales of the dark side of society. In order to further constrain the behavior of news editors, regulators created lists of “standard sources.” These were newspapers and news services approved to provide news to news websites. The list of sources included the major national news services and excluded many of the metro papers known to print more provocative news stories. Many high-circulation newspapers were excluded from the standard sources, including the *Southern Metropolis Daily*, which broke the Sun Zhigang story and aggressively reported on the SARS crisis, Shanghai’s *Oriental Morning Post*, and Guangdong’s *21st Century Business Herald*. Several news sources with close affiliations with the government were excluded as well. The official websites of the national procuratorate⁴⁷ (*Zhengyi Wang*) and All-China Federation of Labor Unions Justice Net (*Zhong Gong Wang*) were left off, as well as the Beijing mouthpiece of the Communist Youth League, the *Beijing Youth Daily*.⁴⁸

The 2005 introduction of “standard sources” coincided with new formal regulations on news websites. These regulations clearly specified that news commentary was forbidden to portal websites, but they also provided more leeway to create original content in sports, science, and entertainment. The regulations sought to move competitive behavior from the arena of political and social news to the world of “soft” news. The regulations also specifically forbade collaborations between official news units and portal websites, such as those explored by editors in the early years. Finally, these regulations gave Information Offices the right to request deletions of website content (i.e. censorship) and assign penalties to firms that violated regulations. It is important to note, again, that most changes to regulatory practice *preceded* the 2005 formal regulations. While legal records and regulatory practice moved in sympathetic patterns, the statutory record is not an accurate guide to the history of regulation of online news.

⁴⁷ This is comparable to the national prosecutor’s office.

⁴⁸ For a list of the three waves of approved sources for news websites, see: <http://henan.people.com.cn/news/2012/07/13/630075.html>

Table 3: “Standard Sources” of news for China’s portal websites

Region	Standard sources	Non-standard sources
Central	<ul style="list-style-type: none"> - People’s Daily - China Youth Daily - Legal Daily 	<ul style="list-style-type: none"> - Website for Legal Daily (legaldaily.com.cn) - Website of official trade union (workercn.cn)
Beijing	<ul style="list-style-type: none"> - The Beijing News - Beijing Morning Post 	<ul style="list-style-type: none"> - Beijing Youth Daily - The Mirror
Guangdong	<ul style="list-style-type: none"> - Guangzhou Daily - Southern Daily - Website for Southern Daily (southcn.com) 	<ul style="list-style-type: none"> - Southern Metropolis Daily - Xinkuaibao - 21st Century Business Herald
Shanghai	<ul style="list-style-type: none"> - Liberation Daily - Xinmin Evening News 	<ul style="list-style-type: none"> - Oriental Morning Post - China Business News

Notes. Example media outlets designated standard (*guifan gaoyuan*) and non-standard for use by online news providers by the State Council Information Office. Data from portal website’s list of 157 standard sources for news. Editors still review and post news from non-standard sources, but if detected authorities may demand its removal.

Regulatory stringency tightened again in 2006, and the Information Office personnel assigned to monitor websites noticeably grew in number.⁴⁹ One news website noticed the change in May 2006. Previously, their editors would update the webpage around 6 AM and allow their users several hours to read the headlines before the monitors issued instructions about what to remove and change. One day, the editorial staff discovered that regulators had also arrived to work at 6 AM, and began receiving coverage instructions immediately after the news page updated. When the editor-in-chief asked the Information Office who these early-risers were, the regulators replied, “New hires.”⁵⁰

By 2007, a mature system for monitoring and guiding the output of news websites was in place. Portal news pages were monitored continuously and authorities responded rapidly to any controversial headlines. News editors estimated receiving between five and twenty instructions per day from the Information Office.⁵¹ “My inbox is full of those things. Besides articles sent from the print media, it’s all [instructions from the authorities]!”⁵² These instructions were increasingly varied and detailed:

⁴⁹ Interviews 20-1, 99-1, 30-1.

⁵⁰ Interview 20-1

⁵¹ Interviews 20-1, 22-1, 90-1

⁵² Interview 33-1

“Some things have already appeared on the internet, but have not been reported by the print media, and cannot be posted. Some things have been reported in the print media, but it had a negative effect, and cannot be posted [online]. Some things can be reported, but you cannot put them too high up [in the headlines].”⁵³

The primary technique of control is after-the-fact instructions to delete articles entirely or simply move headlines away from influential sections of the websites. The “first screen” that appears immediately upon loading a news website is roughly equivalent to “above-the-fold” headlines in traditional newspapers; the news placed here reaches the largest proportion of readers. In many cases, monitoring authorities merely asked websites to move articles from headlines to less prominent locations lower on the webpage. “Some need to be completely deleted...Some are put on the server, so if you don’t know the URL you can’t see it, but the article is still there...Some news we temporarily hide...and put it back when things aren’t as tense.”⁵⁴

Another common instruction from authorities is to “standardize the source.”⁵⁵ When websites reprint prominent news from outlets that do not appear on the Standard Sources List, authorities may ask editors to link to similar news items on standard sources instead. In many cases, an article published by *Southern Metropolis Daily* may be reprinted on *Southern News Net*, in which case the portal editor can legally use the latter as a source instead. If the article has not been reprinted by a standard source, then the editors can only remove the offending article.

Finally, instructions sometimes extended to management of user comments too. As noted above, user comments tend to expand upon themes contained in articles, transforming seemingly innocuous news stories into critical narratives of government. As a result, regulators began paying attention to user comment on news articles in 2003.⁵⁶ By 2007, they were issuing nuanced orders for portals to manage user comments as well:

“Some things you cannot open to user comments (*gentie*). You can let people read, but they can’t comment (*pinglun*)...There are also some that people can read, and can comment on, but they can only say good things. Any [comments] that say it is bad (*cha*) must all be deleted. Or you can let people say bad things, but the proportion between bad and good must be 50%, and you have to control it”.⁵⁷

These orders occasionally left editors with few options but to pose as ordinary internet users and write positive comments in response to their own news articles.⁵⁸

⁵³ Interview 20-1

⁵⁴ Interview 20-1.

⁵⁵ Interview 33-1, 91-2.

⁵⁶ Interview 99-1.

⁵⁷ Interview 20-1

⁵⁸ Interviews 28-1, 20-1.

For example, on the sixtieth anniversary of World War II, the People's Daily published an editorial praising the Chinese Communist Party as the main force of resistance in the war against Japan in China.⁵⁹ However, many internet users disagreed, believing that the Nationalists were the main fighting force at the time. When portal websites reprinted the editorial, many aggressively critical comments from readers appeared, such as, "Really shameless!" A high-level political leader was rumored to have seen these comments and intervened; as a result, portal websites told that they must allow comments, but *all* comments had to be positive. This forced news editors had to get creative: "We were up a creek, because no one left positive comments. We could only write comments ourselves, like: 'That's absolutely right!'"⁶⁰ Another editor explained that the comment function for articles about national leaders was always closed: "Sometimes we [the editors] would make some comments, like 'Good! We support him!' (*hao a! women zhichi!*)"⁶¹

For a snapshot of the mature news management system in action, I collected one week of instructions from the Beijing Information Office to a major news portal in 2007 (Table 2). Roughly half of the instructions are to completely remove news from the servers. In this week, the apparent priorities were limiting attention on issues of public safety and official cruelty. The first major event was a bridge collapse in central China that resulted in over sixty deaths.⁶² The second was a scandal in which county officials drove a homeless person out of their political jurisdiction and left him by the roadside, where he died.⁶³ These news items have obvious consequences for public faith in the quality of government regulation and the moral fiber of public officials, as do articles on food safety, mine accidents, monopolistic state enterprises, and persecution of media that reveal official wrongdoing. In at least one case the motivation for censorship is a mystery; this portal was ordered to delete its coverage of the Miss Hong Kong pageant.

In roughly half of the cases, the portal was not required to delete articles completely. Instead, the Information Office instructed editors to move articles out of top headlines to less prominent locations on the website. These articles span a similar set of issues to the deleted ones, and even overlap with the deletion orders on the Fenghuang bridge collapse. Included in this group are grisly crimes and accidents, several articles that draw attention to official corruption, the international flashpoint of the Yasukuni Shrine in Japan, and one article on a contentious land dispute near Beijing.

⁵⁹ "Chinese Communist Party Was Mainstay in War of Japanese Resistance" (中国共产党是全民族团结抗战的中流砥柱) ([link](#))

⁶⁰ Interview 20-1

⁶¹ Interview 42-1

⁶² See: http://www.china.com.cn/city/txt/2007-08/14/content_8679412.htm

⁶³ See: http://news.xinhuanet.com/local/2007-12/06/content_7207462.htm

Table 4: Censorship orders from Beijing Information Office, one week in Aug 2007

Instructions to delete 23 articles		
People's Daily and Other Reporters Beaten While Interviewing Families of Fenghuang Bridge Collapse Victims <i>[+2 more articles on bridge collapse]</i>	Cadre Hires Someone to Cast Beggar Into Next County, Leading to His Death <i>[+5 Op-Eds on driving beggars across county lines]</i>	Development and Reform Commission Gives Economic Report to People's Congress, Demands Accountability for Government to Regulate and Control "Three Failures"
Study Shows Beijingers With and Without Cars Have Divergent Attitudes on Normalization of Transportation Restrictions	2007 Miss Hong Kong Contest Interviews, Registrants Number Roughly 3000 (photos)	Investigation of Smuggled Salt in Hunan, Hengyang: One Million People Possibly Eating Fake Salt
The Five Year Ordeal of a Kidney Seeker: No Channel for Donors and the Chaos of Intermediaries	Shandong Governor Committed to Emergency Rescue of Flooded Mine	Reporting via the Web: Anti-Corruption Enters Informatization Era
How the Urban and Rural Planning Law Constrains the Enclosure Movement	Jin Renqing Resigns as Minister of Finance for Personal Reasons	Taiwan Official Claims 16 "Friendly Nations" Support Taiwan's Bid for UN
Deciphering Another Face of Ministries' Subordinate Organizations: Enjoying the Benefits of Monopolistic State Enterprises	Former Construction Ministry Vice-Minister Denies Existence of "Mortgage-Slaves", Meets United Opposition from Scholars	Hangzhou Information Network Co. Investigated, Claims Because Reported Nude Death of Town Official
Handan City Has Seven Mayors in Ten Years		
Instructions to move 20 articles out of headlines		
Alcohol Ban for Xinyang, Henan Officials Leads to 1/3 Decline in Liquor Factory Sales	Deciphering the Six Characteristics of New Provincial Leaders: Many Ph.D. Officials	Merkel Does Not Stay in Presidential Suite on China Visit, Media Says This Shames Corrupt Officials
Negative Event for Guangzhou Literary Federation Vice-Chair Xie Shaojiang Called Slander	Huangshi, Hubei Political Consultative Committee Member Suffers Group Beating While Shopping in Beijing (Photo)	Explaining the Frequent Occurrence of Major Accidents: Fenghuang Bridge Construction Timeline Was Tight
Guangzhou-Shenzhen High Speed Train Enters Station With Dead Man Hanging from Car (Photo)	State Administration of Work Safety Circulates Notice of Fenghuang Bridge Collapse and Other Major Accidents	After Raping and Killing Beautiful Cadre Man Disposed of Body with Grandfather
Sword, Shrine, Emperor: First Documentary of Yasukuni Shrine Arrives	Guangdong Jiujiang Bridge Manager Claims Bridge Toll Losses of 25.58 Million	Beijing-Shanghai Airfares Rise Against Market, Attracts Suspicion
Five Hubei Students Lose Access to Financial Aid, Continued: One is the Daughter of Vice-Bureau Chief	Dual Contracts Exposed in Beijing Changping Village Transformation, Compensation Gap Nearly 100%	Looking Back at Ten Years of Housing Prices: Three Documents in Three Years Could Not Restrain Housing Prices
Mine Boss in Guangyuan, Sichuan Dies in Explosion While Driving With Huge Sum of Cash (Photo)	Stolen Mining Truck from Miyun, Beijing Passes Freely Through Checkpoint at Night (Photo)	Two People's Congresses in Changzhi, Shanxi Refuse to Dismiss Suspected Corrupt Representative (Photo)
Beijing News: Gao Shan Rewarded With Car After Internal Investigation	WHO Says World Faces Threat of New Deadly Illness	

The balance between deleted and relocated articles highlights both the depth of regulatory control achieved by 2007 and the nuanced incentives of censors. At this point regulators had the capacity to make very detailed requests of news websites, and editors reported that they always complied with direct instructions from the Information Office.⁶⁴ Regulators did not simply demand the removal of all news that shed negative light on Chinese politics and society; they permitted many articles to remain on the website while imposing conditions that mitigated public exposure.

Innovation and Regulation in Tension

By the end of the first decade of the 21st century, roughly 450 million Chinese citizens had access to the internet, compared to just 9 million in 2000, and 80% reported using the Internet to read news.⁶⁵ The Internet portals Sina, Sohu, Netease and QQ remained the primary national gateways to news for this growing population of internet users. However, the regulatory environment had grown far more restrictive than in the early years of online news. In response to aggressive innovations by online editors early in the decade, the Chinese government empowered the Information Office with jurisdiction and manpower to actively intervene in the dissemination of news online. Portal news editors had grown to expect daily instructions from these news authorities, as well as frequent meetings to guide coverage of major political events.

Aside from their direct impact on coverage, news regulations had other effects on the behavior of online media outlets. Many editors reported that newsrooms routinely reported on one another to the authorities, pointing out objectionable behavior by their competitors.⁶⁶ This behavior was not thought to have a strong influence on the content of news coverage, but it highlights a kind of prisoner's dilemma of state censorship: while it is in most newsroom's interest to reduce state intervention, there are high incentives to use censorship to punish competitors rather than coordinate to evade or resist it.

Portal websites were also required by both practical considerations and the 2005 regulations to establish internal monitoring departments that comb their own websites for objectionable content. These monitoring departments implement keyword filtering to ensure that users cannot discuss certain topics, and they also conduct some human review of news comments, blogs, and discussion forum posts. Editors indicated that the staff of internal monitoring departments was young, overworked, and suffered from low status within portal websites: "Generally, the people who do this work [monitoring] do not need much creativity, and you don't need any abilities either. They are pretty replaceable (*tidaixing bijiao qiang*). Their salary and everything else is relatively low. Their daily work is pretty mechanical (*jixie*)."⁶⁷ In one case, temporary assignment to the internal monitoring department was used to punish an editor who had conflicts with a colleague.⁶⁸ Low status notwithstanding, the work of internal monitoring departments

⁶⁴ Interview 9-1, 31-1.

⁶⁵ CNNIC. *China Internet Development Statistical Report*. Jan 2000 and Jan 2011.

⁶⁶ Interviews 20-1, 31-1, 90-1, 42-1.

⁶⁷ Interview 20-1.

⁶⁸ Interviews 34, 36.

greatly shapes what internet users see on portal websites and how they are permitted to interact with others.

In the face of this mature, invasive system of news control, website editors freely admitted that, unlike the early years when they might delay implementing a deletion order, they were now powerless in 2008 to resist orders coming from the Information Office.⁶⁹ As one editor put it, “We have no countermeasures (*meiyou duice*).”⁷⁰

At the same time, the power of news authorities did not lead editors to wholly internalize the state’s propaganda priorities in their work. In fact, many editors testified that even posting articles *they knew would be removed* made professional sense for them and their websites.⁷¹ Even if the article lasted less than an hour, it could bring benefit to the website. An editor explained in our discussion of a deleted post, “There is something good about the Internet. After it’s posted, if someone calls and tells you to take it down you can always take it down. And at the time it [this deleted post] had been up for an hour. It was already very influential.”⁷² Another editor discussed overseeing the publication of seven consecutive specials that they were ordered to delete.⁷³ When I asked another editor whether it was worthwhile to post something if they believed it would be delete, the reply came back: “Yes. Yes. Yes.”⁷⁴ The relatively low penalties associated with Information Office orders meant that portal news coverage continued to test the limits of censorship by promoting critical narratives of government and society in China.

Why do state regulators continue to permit boundary-pushing coverage by the online news media? Firstly, it is clear that some within the Chinese government view the news media system as a force for improving governance. Information is an important tool for reducing abuses and corruption by local officials, and a variety of systems including the public news media help to ensure that knowledge of local behavior can reach superiors in government.⁷⁵ Secondly, regulators have an interest in maintaining and even growing the targets of their regulation: “...as the managing authority (*zuowei zhuguan*)...they also hope that the industry they manage improves rather than declines. If you don’t have money, they don’t have money. They manage you, so they hope you have money too.”⁷⁶ Editors noted that the Beijing Information Office staff had grown enormously as news websites gained in popularity among internet users. One editor described a meeting in which the portal staff was told by content regulators: “We treasure you.”⁷⁷

⁶⁹ Interview 9-1, 31-1.

⁷⁰ Interview 31-1

⁷¹ Interviews 20-1, 28-1, 90-1

⁷² Interview 42-1.

⁷³ Interview 20-1

⁷⁴ Interview 90-1

⁷⁵ For more detail on how a free media improves accountability even in an authoritarian regime, see the following chapter: Publicity-Driven Accountability.

⁷⁶ Interview 20-1

⁷⁷ Interview 28-1

Portal websites also benefit from the system of internet regulation that evolved over the previous decade. Most importantly, the licensing system for news websites presents a useful barrier to entry, limiting the number of private competitors in online news.⁷⁸ During fieldwork in 2007, editors discussed the difficulty for even large, successful websites to obtain news licenses.⁷⁹ This obviously benefits the large incumbents—Sina, Sohu, Netease, and QQ: “...the major trends of our business development benefit from (*de yi yu*) the news monitoring system implemented by the Chinese government. If the government completely opened it up, we would suffer competition, and this would have a huge effect.”⁸⁰

Conclusion

China’s news websites developed innovative techniques in order to compete in a highly-regulated market for online news. They utilized loopholes and editorial discretion to create autonomy from state regulators. In turn, they used this autonomy to disseminate information that implicitly or explicitly criticized qualities of the Chinese government, such as official corruption, poor safety conditions, and a failing social safety net. While China’s news websites are constrained by daily intervention from censors, they still push frontiers of political acceptability in online news. Boundary-pushing by the most popular in websites China is nationally influential, and their importance is only expanding as the population of internet users continues to grow.

The autonomy of news websites allows them to play an important role in stimulating accountability. National news stories generate new common knowledge of governance failures. This common knowledge (as opposed to widely held private knowledge) raises the reputational stakes for upper-level officials, who no longer enjoy the benefits of deniability. When citizens know that officials know about a set of problems, it becomes incumbent upon those officials to at least demonstrate responsiveness to the citizens, if not completely solve the problem. This link between media autonomy and “publicity-driven accountability” is developed in greater detail in the following chapter.

The findings of this chapter also speak to a broader debate regarding the consequences of media commercialization for politics in China and authoritarian states more broadly. First, the commercialization discussion has tended to separate the marketization of China’s news media from the technological revolution that took place in the first decade of the twentieth century. Any discussion of Chinese news in the last decade must acknowledge the role of the Internet in creating new *de facto* national news agencies in Sina, Sohu, QQ, and Netease. Technology enabled these actors to bring local news of their choosing to the attention of a national audience, serving the national market for news that was previously under the control of staid official outlets like CCTV. This development necessitated the creation of an entirely new system of news regulation by the state: daily instructions from Information Offices detailed above.

⁷⁸ Interview 42-1, 20-1

⁷⁹ Interview 99-1

⁸⁰ Interview 20-1

The debate on commercialization and political change has also focused too narrowly on the news media being either “for” or “against” the regime. One camp of researchers points to the ability of marketized news outlets to produce more entertaining propaganda, ultimately promoting regime legitimacy and securing public compliance (Stockmann & Gallagher 2011, Stockmann 2013, Esarey unpublished). In this account, the commercialization of news media further contributes to authoritarian stability in China. A second camp points to the “contentious” potential of journalists to pressure authorities for political change (Hassid 2008). The failure of the news media to generate larger resistance movements and support democratization is attributed to heavy-handed state intervention.

This study of China’s news websites rejects the view of commercial media as simply more effective regime cheerleaders, but it also diverges from the “contentious journalists” account in important ways. The back-and-forth between regulators and website editors suggests that the boundary-pushing elements of commercial media are not “contentious” in the sense of seeking regime change. Continued state tolerance of these marketized media players raises the possibility that the commercialized media is at once contentious *and regime-strengthening*. By drawing attention to social problems that engage public attention, an autonomous media provides opportunities for the state to react to social problems by punishing local officials, changing policies, or at least engaging in spin control. The following chapter develops this argument in more detail. When the news media provokes a public response in today’s China, it can produce a form of public accountability.

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Chapter 3

Bureaucrats and Publicity-Driven Accountability

What makes the unelected officials that implement policy accountable to the public? Theoretically, this question is important because it addresses an imbalance between our theories of elected officials and unelected ones. In contrast to a rich literature on electoral accountability, the relationship between unelected officials and the public remains poorly understood. Moreover, the accountability of unelected officials is substantively important; they control key resources that citizens need. The behavior of these actors matters all the more in non-democracies, where electoral channels are weak or wholly absent. With billions living in states where elections function poorly or not at all, non-electoral accountability is relevant to governance on a massive scale.

This chapter shows how the news media makes officials more accountable *in the absence of electoral incentives*. Even in the highly restricted media environment of contemporary China, publicity can function as a “fire alarm” (McCubbins & Schwartz 1984) that produces common knowledge of governance failures, or “collective witness.” Official trepidation surrounding media coverage allows citizens to use publicity to discipline unelected officials, a mechanism that I term “publicity-driven accountability.”

Neither the political economy literature on media and accountability nor studies of state-society relations under authoritarianism have explored this pathway to accountability. The core political economy models linking the news media to political accountability turn upon the presence of electoral incentives (Besley, Burgess & Prat 2002; Stromberg 2004). They posit that the news media improves accountability through electoral channels by better informing voters about politicians. Empirical studies across a variety of national settings corroborate the effects of political information on electoral accountability (Besley & Burgess 2002; Ferraz & Finan 2008; Snyder & Stromberg 2010). As apparent confirmation for the critical role of elections, a study of U.S. judges found that elected judges were influenced by media pressures, while appointed judges were not (Lim, Snyder, and Stromberg 2010).

Publicity-driven accountability hypothesizes an alternative non-electoral channel through which media can discipline power holders. By drawing both public and higher-level official attention to local failings, media coverage can potentially invoke sanctions from bureaucratic principals. Local officials, sensitive to this possibility, seek to

minimize any negative portrayals of their work in the news media. This allows individuals or organizations to use the threat of media coverage to influence the actions of unelected bureaucrats.

The literature on state-society relations in non-democracies has also largely neglected this media hypothesis, focusing on contentious or transactional pathways to public influence over officials. One tradition highlights how disruptive collective action can influence otherwise unaccountable actors and examines conditions for its success and failure (Olson 1965; Tilly & Tarrow 2007). The public's recourse against unelected political elites turns upon their advantage in numbers and their ability to disrupt elite goals. Another school of thought suggests that citizens can exercise influence via exchange relationships with unelected officials. Social actors may have control over material or symbolic resources that unelected officials want. Exchange-based theories of influence underlie accounts of both patron-client relationships (Scott 1972) and the ability of civic organizations to ensure accountability by conferring social status to responsible officials (Tsai 2007). These theories of nondemocratic state-society relations have informed media scholarship in authoritarian states. Scholarly works show how the media can legitimate civil society organizations under authoritarianism (Lawson 2002: Ch. 7) as well as create and sustain issue frames that aid public mobilization (Mertha 2008: 104-107, 145-147) and attract elite support (O'Brien & Li 2006: 62).

With their focus on collective or transactional pathways to public power over officials, these accounts neglect the important everyday role of information and publicity in the incentives of unelected officials. Informational asymmetries between branches and layers of nondemocratic government offer a fulcrum for citizens to sanction officials. Citizens can influence many official decisions simply by subjecting them to publicity or threatening to do so. This mechanism operates on a more widespread scale than studies of contentious episodes lead us to think.

By arguing that unelected officials are disciplined by virtue of the incentives present in large state bureaucracies and the circulation of information about their performance, publicity-driven accountability suggests a counterintuitive mechanism for sanctioning state actors. If the vertical control of bureaucrats that produces effective authoritarianism also creates channels for public accountability, then our understanding of public accountability is profoundly changed. Instead of suffering under authoritarian institutions, certain forms of public accountability may be aided by them.

Chapter 1 proposed that even authoritarian regimes can possess the necessary characteristics for publicity-driven mechanisms to discipline bureaucratic behavior. The key ingredients were limited autonomy in the media environment—to draw public attention to governance failures—and hierarchical bureaucratic controls whereby local officials are subject to blame and punishment when these failures become common knowledge. In the previous chapter, I argued that the emergence of new corporate players and technologies in the first decade of the twenty-first century have increased media autonomy in China. In particular, opportunities for local stories of malfeasance to become national topics of conversation grew due to the growth of market-driven national news websites and social media.

This chapter describes the incentives faced by local officials in contemporary China, linking the system of bureaucratic management to their concerns about publicity and punishment. This is followed by a case study illustrating how publicity can make the difference between a quiet cover-up and the highly visible punishment of officials for identical “offenses.” The final section of the chapter presents an original survey of local bureaucrats in three different Chinese cities, including an experimental manipulation designed to test whether the threat of publicity is viewed as harmful to their professional prospects.

Bureaucratic management in China

The subjects of my research are officials in core government bureaus (*jiguan danwei*)¹ that have official administrative positions (*xingzheng bianzhi*). These personnel are recruited through competitive examination and are commonly referred to as civil servants (*gongwuyuan*). In 2005, there were reported to be 6.4 million civil servants across China² and they are key group leading and manning government agencies. The following discussion of incentives does not apply to non-civil servant public employees, such as the employees of extra-bureaus (*shiye danwei*) or core bureau personnel that are hired outside of the quota of official administrative positions (Ang 2012). These non-civil servants in official agencies may face similar incentives vis-à-vis publicity, but they are managed under different formal systems that I am unable to discuss here. Core government bureaus in China are responsible for implementing key policies for governing society, including tax collection, law enforcement, disbursing social assistance, construction of public works, approving major land-use projects, and regulating many sectors of the economy. Although each bureau is part of a national functional hierarchy, their key principals are the leaders of the local governments who control their finances and personnel appointments.

In contemporary China, formal incentives ensure that these bureaus are accountable to their superiors in the local government and within the nationwide bureaucracy. Similar to the powers central leaders use to control local authorities (Huang 1996), local leaders enjoy power to appoint, promote, and remove the leaders of administrative bureaus. The behavior of bureau leaders is managed through performance targets set by local principals, officially termed the “Target Responsibility System” (*mubiao zerenzhi*) (Tsui & Wang 2004). These targets are specific and quantitative. For example, one prefectural Bureau of Industry and Commerce set targets of promoting at least 10% growth in the private sector, helping over 80 entrepreneurs start new businesses, and recommending the registration of at least one new famous brand.³

The scope of these performance targets is exceptionally broad. One review of municipal and county performance targets documents targets for government

¹ Throughout this paper I follow Ang (2012) for the English translations of these organizations.

² “Authoritative explanation: China current administrative personnel total 6.4 million” (*Quanwei jiedu: Zhongguo muqian xingzheng bianzhi zongshu 640 wan ren*) *People’s Net*. Jun. 8, 2005.

³ Linyi Bureau of Industry and Commerce. “Linyi Bureau of Industry and Commerce defines five core targets for 2012.” (*Linyi shi qingshangju mingque 2012 nian wu xiang hexin zhibiao*) April 17, 2012.

transparency, administration according to law, family planning, the maintenance of social stability, work safety, environmental protection, citizen complaints and petitions, and becoming “public functionaries with whom the public are satisfied” (Chan & Gao 2008). This is only a subset of all the listed goals in this study. Economic and administrative development represents a significant share of the overall points, but veto items such as fertility control, social stability, and major industrial and environmental accidents exercise veto power (*yi piao fougue*) in official evaluations; failing in these targets can nullify all other achievements (Chan & Gao 2008; Liu & Tao 2007; Tsui & Wang 2004; Edin 2003). The consequences for failing performance evaluations can include loss of bonuses, reduced prospects for promotion, and possibly additional financial penalties for the implicated officials (Birney 2013).

In addition to the performance targets passed down from bureau leaders, low-level civil servants are subject to other formal systems of upward accountability. Their work performance is annually evaluated within the bureau, but this system is largely ineffective since nearly all bureaucrats are rated highly and receive only small performance bonuses (Burns & Wang 2010). More relevant is the Civil Servant Law⁴ and accompanying regulations which proscribe a wide range of behavior.⁵ In addition to rules against embezzlement and dereliction of duty, Chinese civil servants are prohibited from engaging in speech that harms national prestige (Discipline Regs., Article 18), any for-profit activities (Article 27), and even taking a paramour (Article 29). Many of these punishable offences relate to civil servants’ interaction with the public: violations of ethnic or religious policy, neglecting to implement political or legal decisions, responsibility for explosions, fires, communicable disease, environmental pollution, and collective protests (“mass events” in Chinese official argot), irregularities in issuing of permits, unsanctioned use of coercion or administrative penalties, beatings and other violations of citizens’ personal rights, illegal confiscation of property, and retaliation against whistleblowers. The penalties for violations include warnings, demotions, and even expulsion from the civil service. In 2011, over 140 thousand civil servants were disciplined under this system.⁶ The list of punishable offenses is quite long and civil servants are subjected to these disciplinary measures relatively often.

While top-down management of Chinese officials through targets and other career incentives has been credited with providing effective local governance (Huang 1996; Landry 2008), others have noted knock-on consequences that may reduce high-quality government and strain single-party rule. The emphasis on social stability in the early twenty-first century has been argued to generate high costs, necessitate increased use of force by state, reduce trust between levels of government, and encourage more disruptive behavior by citizens (Chen 2013; Zhao 2012). This “Rule of Mandates” system

⁴ *Civil Servant Law of the P.R.C. (Zhonghua Renmin Gonghequo Gongqiwuyuan Fa)*. Effective Jan. 1, 2006.

⁵ *Regulation on Administrative Organ Civil Servant Disciplinary Actions (Xingzheng Jiquan Gongqiwuyuan Chufen Tiaoli)*. State Council. Effective Jun. 1, 2007.

⁶ “140 thousand civil servants subject to disciplinary action last year, engineering and construction projects will be thoroughly investigated” (*Qunian 14 wan gongqiwuyuan shou chufen, gongcheng jianshe lingyu anjian jiang yanqia*) *Jinghua Shibao*. Jan 7, 2012. This is roughly one in fifty-six civil servants, or 1.8%, using the estimated total of 8 million civil servants in 2012.

of target-driven official governance also renders corrupt behavior more difficult to detect, as laws may be violated so long as they are in service of official mandates (Birney 2013).

Publicity-driven accountability necessitates a re-interpretation of the formal system of agent control in China. The institutional and practical conditions for bureaucratic to superiors to punish their subordinates are critical to this mechanism, but the formal incentives as written on paper are only part of the story. While the targets and goals for local officials are nominally clear, their enforcement is discretionary and subject to the influence of public opinion. When poor or abusive governance is made common knowledge, the higher-level officials *to whom local officials are formally accountable* attempt to shift blame downwards and demonstrate responsiveness to the public. In other words, publicity-driven accountability helps to explain *when* this bewildering system of official mandates is actually enforced by the top. When publicity makes poor governance common knowledge, upper-level elites are pressured to act.

In the next section, I present a pair of case studies illustrating the role of publicity in determining which officials receive blame and punishment for engaging in malfeasance. Due to the long list of rules surrounding official behavior, the potential conditions for punishing lower level officials are extremely rich. It is unclear to local officials which behaviors, if publicized, will lead to punishments. This produces a more general trepidation surrounding media coverage that extends to cover even small-scale interactions between officials and the public. The final section of the paper tests whether local bureaucrats in China are indeed concerned about the effects of publicity on their professional lives.

Publicity and punishment: two cases of family planning abuses

A recent case from China illustrates the key features of publicity-driven accountability. First, social actors publicize information about official behavior, which reaches both upper-level officials and the broader public. This information incites public outrage and makes both the malfeasance and public discontent common knowledge. Upper-level officials demonstrate responsiveness to the public by punishing the implicated local officials. In contrast, when a similar episode of malfeasance was reported to authorities but suppressed in the news media, the social actors involved were repressed and the officials were not evidently subject to punishment.

Family planning abuses in 2012: collective witness and official punishment

In June 2012, an internet user posted a grisly account of a forced abortion to the Huashang BBS online forum. Family Planning officials in rural Shaanxi had harassed and detained a woman whose pregnancy violated birthing policies, ultimately coercing her into an abortion during her eighth month of pregnancy. The post included disturbing photos of the anguished mother lying on the hospital bed, and later added an

unremorseful response in which county family planning authorities described, “terminating the extra-legal pregnancy of a migrant according to law.”⁷

A fundamentally local account official malfeasance can be amplified by the rich media landscape spanning media professionals and ordinary internet users. The post appeared on the morning of June 11 and was quickly reposted by other internet users to microblogs and other discussion forums.⁸ By the evening of June 12, China’s most popular news websites published a journalistic version of the posting: “Web Exposes Shaanxi Ankang Seven-Months Pregnant Mother Suffers Forced Abortion.”⁹ Public interest was evident from national news coverage, re-postings of the story to other forums, and a mid-June spike in related web searches.¹⁰

In response to this negative publicity and evidence of broad public interest, higher level officials intervened to punish lower-level officials. The original post named town-level officials as responsible, and the county Family Planning Bureau initially offered public defense of the official’s actions.¹¹ On June 14, the government superior to the county—Ankang prefecture—suspended the county and town Directors of Family Planning and the town government chief, pending investigation. It cast the late-term abortion as a violation of central and provincial family planning policies (i.e. agency slippage), shifting blame downwards onto local agencies and away from the policies themselves.¹²

The punishment of these officials was swift and highly public. The prefectural government announced disciplinary action against seven county and town officials on June 26, including the dismissal of the county Director of Family Planning and the Zengjia Town Chief.¹³ The punished individuals were named, and the articles on officials’ suspension and removal from their posts appeared as “above the fold” headlines on the Sina and QQ national news websites. Although the relationship between the family and

⁷ The post, which contains disturbing images, was still available as of Sep. 8, 2012. See: <http://bbs.hsw.cn/read-htm-tid-3697258.html>

⁸ As of Sep 9, 2012, the original post had been accessed nearly fifty thousand times. Several hundred contemporary re-postings remain available on Sina’s Weibo service as of Sep. 8, 2012. They are accessible by searching for Ankang and induced labor (*yinchan*) with the dates constrained to Jun 11 & 12, 2012. Discussion forum posts prior to formal media coverage can also be found in major forums including Tianya (<http://www.tianya.cn/publicforum/content/free/1/2580265.shtml>) and Maopu (http://tt.mop.com/read_12267657_1_0.html).

⁹ “Web Exposes Shaanxi Ankang Seven-Months Pregnant Mother Suffers Forced Abortion.” (*Wangbao Shaanxi Ankang huaiyun 7 yue yunfu zao qiangzhi yinchan*) *Huashang BBS via Netease News*. Jun 12, 2012. This article had attracted 388,458 user comments as of Sep 12, 2012.

¹⁰ The mid-June spike in searches is visible by searching Google Trends for either “forced abortion” (*qiangzhi yinchan*) or the victim’s name (*Feng Jianmei*).

¹¹ The Chinese administrative hierarchy runs (low to high) town, county, prefecture, province, and central.

¹² “Update on Shaanxi 7-months pregnant woman forced abortion: 3 local officials suspended” (*Shaanxi 7 yue yunfu zao qiangzhi yinchan xu: 3 ming difan quanyuan bei tingzhi*). *China News Service via QQ News*. Jun. 14, 2012.

¹³ “Shaanxi Ankang announcement on forced abortion: 7 held accountable” (*Shaanxi Ankang tongbao qiangzhi yinchan shijian: 7 ren bei wenze*) *China News Service via Netease News*. Jun 26, 2012.

local officials remains somewhat tense¹⁴, through April 2013 there was no evidence of direct retaliation against the parties involved.

Family planning abuses in 2005: cover-up and repression

Contrast the outcome above to a similar episode seven years earlier. In 2005, a wave of complaints emerged in Linyi, Shandong province surrounding family planning practices. Citizens accused local officials of sterilizations, forced abortions, and even imprisoning the family members of pregnant women to coerce their compliance. At the time, a rural activist attempted to draw public attention to these abuses by gathering testimony from the victims and filing a collective lawsuit against local family planning authorities.

The accusations were similarly grisly and in violation of law, but the media environment in 2005 was vastly different from 2012. The social media which took off towards the end of the decade had yet to emerge as a potent force in public opinion. China's Facebook (Renren) had only just been founded, and microblogging (*weibo*) services that are so influential today remained years away from deployment. Although news portals had made the information environment freer and more threatening to officials, they continued to depend upon the traditional media for news stories. In the case of Linyi family planning abuses, China's newspapers and magazines were remarkably gun-shy. The activist, Chen Guangcheng, noted in an interview that "State media have been afraid to report on the crackdown."¹⁵ The last domestic journalist to write about Chen noted that the editors were highly circumspect about the article, and required that it not be posted to the internet. When it was accidentally posted online, local officials from Linyi called the magazine and demanded its removal.

In the absence of media coverage, the family planning abuses in Linyi failed to register on national public opinion. When the activist traveled to Beijing in an attempt to garner publicity, local officials traveled to Beijing and seized him. He was placed under house arrest back in Linyi, the beginning of nearly seven years of detention.¹⁶ Despite the media blackout, upper-level authorities were made aware of the abuses, and told foreign journalists that they took these abuses seriously.¹⁷ However, the only public acknowledgment of these punishments was a vague report that declined to specify who was punished and the consequences.¹⁸ Neither the abuses themselves nor the supposed punishments were widely publicized in the news media.

¹⁴ In a [2013 interview with Dragon TV](#), Feng Jianmei claimed that her husband still feared retaliation from the local government.

¹⁵ Pan, P. "Who Controls the Family? Blind Activist Leads Peasants in Legal Challenge To Abuses of China's Population-Growth Policy" *The Washington Post*. August 27, 2005

¹⁶ Pan, P. "Rural Activist Seized in Beijing; Legal Campaign Has Targeted Forced Sterilization, Abortion" *The Washington Post*. September 7, 2005

¹⁷ Pan. "Who Controls the Family?"

¹⁸ Pan, P. "China Terse About Action on Abuses of One-Child Policy" *The Washington Post*. September 20, 2005

When publicity garners discontent and makes government shortcomings common knowledge, officials are under greater pressure to respond to citizen grievances. This is a characteristic cycle in contemporary China. Information about officials is publicized by laypeople and professional journalists. This both informs higher-level officials about behavior of their subordinates and incites public discontent directed at government activity. Upper-level officials respond by shifting blame to agencies and punishing the bureaucrats involved; in this way publicity feeds back into the bureaucracy to damage lower-level officials' careers.

These examples of family planning abuses are admittedly extreme cases of broad public interest, and they also deal with the politically sensitive issue of China's one-child policy. Finding oneself an object of criticism in the national media is not experienced by the vast majority of officials in any regime. However, the causal chain between unfavorable publicity and bureaucratic punishment operates on smaller scales of local bureaucrats and the citizens they serve. The possibility of punishment creates official trepidation towards journalists and the modern media. The hypothesis that low-level bureaucrats worry about the consequences of negative publicity is tested more rigorously in the survey experiment that follows.

Survey: bureaucrats, publicity, and professional concerns

The cases described above illustrate how negative publicity feeds back into bureaucratic career paths and actions, but the quality of this evidence is limited. First, there is the problem of selection bias: the news media may cover stories only when they know the local government will be sympathetic to their message. Second, these cases involve relatively high-level decisions made at the bureau chief level. Finally, these cases involve extraordinarily high levels of public interest and extreme malfeasance by officials. Do incentives for responsiveness to publicity influence the behavior of local bureaucrats engaged in more mundane activities? How do these bureaucrats react to the prospect of negative media coverage?

To shed light on this question, I surveyed Chinese bureaucrats in three urban agencies that have extensive interaction with the public. Accessing Chinese bureaucrats in a systematic manner is difficult, and I therefore relied on personal connections to civil servants to gain access to these personnel and distribute surveys. The survey consisted of three parts: biographical information and habits, events that might affect a bureaucrat's career prospects, and a survey experiment testing the influence of citizen access to publicity.

Sample and questionnaire

Using personal connections to active civil servants, I solicited the participation of officials in core bureaus in three large Chinese cities, one city in Guangdong province and two cities in Jiangsu province. In Guangdong, the subjects were tax collectors (*shuishou guanliyuan*) from one district tax agency. These officials are responsible for monitoring the registration and operations of local taxpaying entities, offering tax advice, verifying tax declarations, and offering advice on how to rectify violations of tax code. In this capacity, tax collectors have extensive contact with the proprietors and

accountants of local businesses.¹⁹ In both Jiangsu cities, subjects were bureaucrats from district Administrations of Industry and Commerce (AIC), an entity responsible for businesses registration, certain aspects of food and product safety, investigating illegal direct sales schemes, unfair competition, and illegal advertising, and generally regulating local market order. AIC officials also have frequent contact with the public. Across the three bureaus, 89% of respondents reported frequent professional contact with business managers, employees, or small business owners.

The instrument was a self-administered two-page questionnaire in Chinese distributed and collected in July 2011. A low-level official in the tax agency, a bureau leader in Jiangsu 1, and a mid-level official in Jiangsu 2 distributed the survey instruments to other bureaucrats. The survey distributors were instructed to reach as many colleagues as possible, and both distributors reported zero rejections. This sampling strategy is non-random and therefore places some constraints on inference. Distributors may be inclined to distribute instruments to similar colleagues due to homophily or features of workplace organization. Indeed the female survey distributor in Guangdong returned 70% female employees, while the male survey distributor in Jiangsu reached predominantly male respondents (Table 1). The lower-ranking official distributor in Guangdong did not retrieve results from higher-ranking cadres, while the higher-ranked official in Jiangsu AIC 1 retrieved surveys from 12 high-ranking bureau officials (Jiangsu AIC 2 had just one bureau official at the section chief level). Party membership, which is associated with higher official ranks, was similarly divergent across the samples, with only half of the tax bureau respondents being members of the CCP. Despite these limitations, the instrument reached a large total proportion of bureaucrats in each bureau. Over 40% of the tax collectors in five district sub-offices responded, as did 29% of the 166 total employees of the Jiangsu 1 AIC. The sample was overwhelmingly composed of civil servants (recall that not all government employees in China are civil servants), and roughly two-thirds were members of the China Communist Party (Table 1). In other words, the respondents were not only street-level bureaucrats but also party members who should be knowledgeable of the professional incentives faced by local political elites.

Table 1: Survey experiment sample composition

	N	Female	Mean age	Party member	Civil servant	University graduate
Jiangsu 1 AIC	37	47%	40.6	84%	96%	86%
Jiangsu 2 AIC	29	43%	48.2	69%	76%	11%
Guangdong Tax	44	70%	37.5	49%	98%	68%
Total	110	56%	41.3	65%	90%	63%

Bureaucrats get the news

¹⁹ Tax collector interview, Jul. 2011.

The previous chapter argued that China’s contemporary news environment presented a threat to official careers. In particular, the online news media was a site where negative publicity about the behavior of local official could emerge and inform the public. To what extent do bureaucrats actually monitor the news through traditional and online media? I asked respondents which channels they ordinarily used to learn about the news. Every respondent reported to learning about the news through at least one of the listed routes (Table 2). Newspaper reading (94%) and television (92%) were the most popular ways for surveyed bureaucrats to access news, but the news portal websites described in the preceding chapter were also widely accessed (55%). Additionally, roughly one-third of respondents reported using microblogs (*weibo*) to learn about the news.

The growing importance of online news is evident when contrasting these results from 2011 with a 2004 study of media reception in Beijing. This study estimated that a cadre in Beijing—one of China’s wealthiest and most technologically advanced cities—22% likely to read news online (Stockmann 2010). Across the three less-prominent cities in this survey in 2011, 69% of bureaucrats reported gathering news through at least one of four online channel: portal websites, microblogs (*weibo*), online chat, or social networks. Bureaucrats are exposed to news through both traditional media and new online channels.

Table 2: Where do bureaucrats get news? (%)

	Total	AIC 1	AIC 2	Tax
Newspapers	94	89	93	98
TV	92	97	100	82
Portal websites	55	62	38	61
Radio	40	68	31	23
Microblogs	31	46	7	34
Online chat	14	27	17	0
Social networks	11	14	3	14
Observations	110	37	29	44

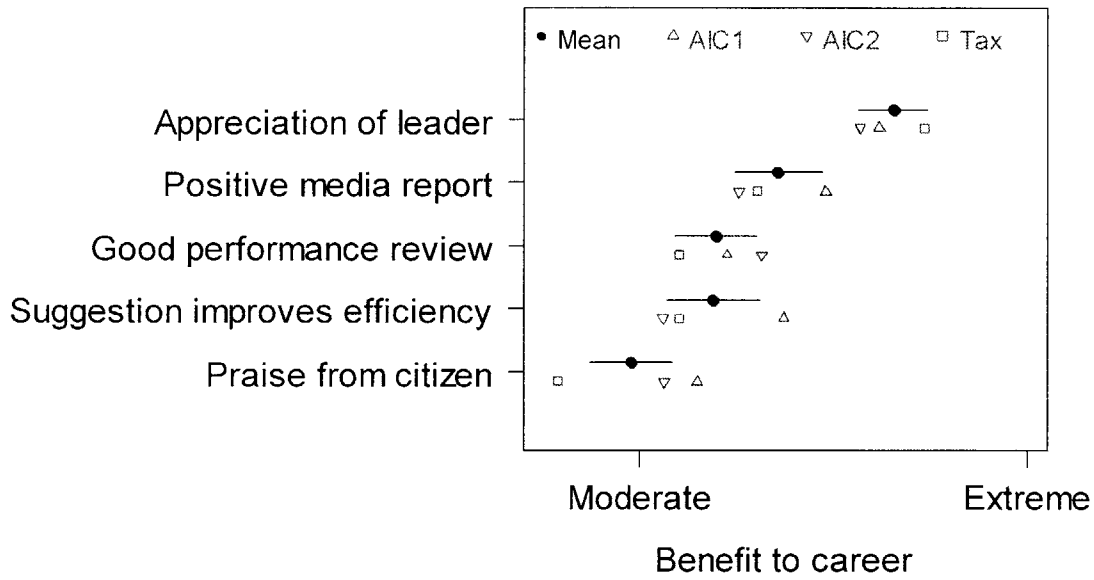
Public events and professional concerns

The second part of the survey asked bureaucrats to rank the positive consequences of beneficial events and the negative consequences of adverse events for their professional lives. Respondents were asked about five potentially beneficial events and five potentially detrimental events. For each item, they recorded how much negative or positive influence the event would have on their careers on a five-point scale.

Among the conditions that benefit the career prospects of bureaucrats, the personal appreciation of the bureau leaders was held to be most important across all three bureaus (Figure 3). The second most beneficial event was doing something to elicit positive media coverage about the bureau, which was generally regarded as more

beneficial than measures of success in work that is not externally visible. Receiving a letter from a member of the public praising the bureaucrat’s work was rated as the least beneficial event for bureaucrat’s career prospects. In other words, bureaucrats feel that their personal relationship with leadership, whether they are viewed positively or negatively by their leaders, is a very important determinant of career prospects.

Figure 2: Perceived professional benefits of positive events



Notes. Officials rated the positive impact of these five scenarios on their professional prospects. Ratings were provided on a five-point scale ranging from no positive influence to “moderate” to “extreme”, with the option to choose points between these values. The horizontal axis only displays “moderate” to “extreme” as none of the bureau means fell outside this range. Means and 95% confidence intervals across the entire sample are displayed in black, with bureau-specific means marked in gray.

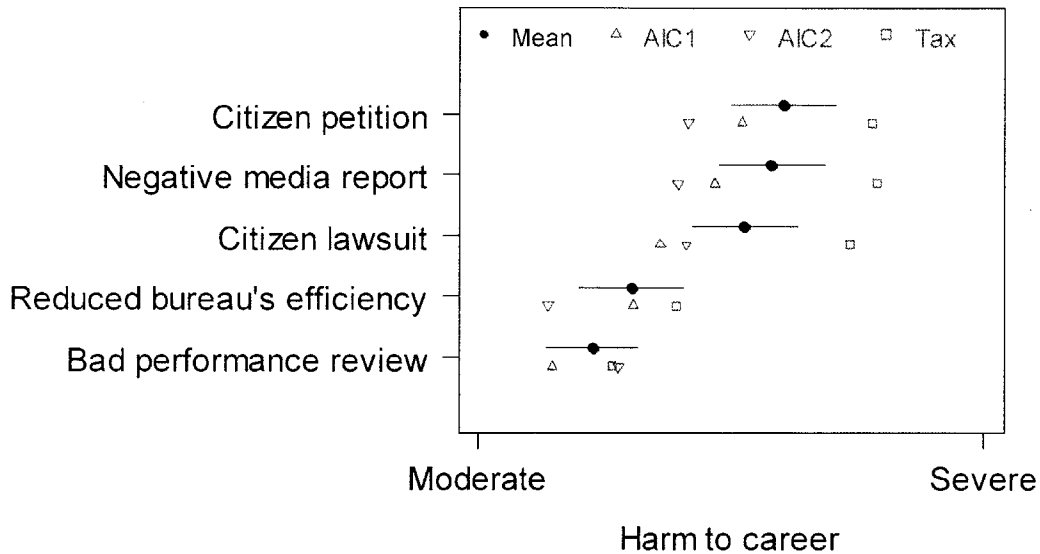
Respondents were also asked about negative events that might adversely affect their professional lives. These events included making mistakes that led to negative media coverage, lawsuits, petitions by citizens, or the reduction of the bureau’s efficiency, as well as receiving a poor performance review.

The most surprising result is that negative media coverage and lawsuits are statistically tied with citizen petitions as the most detrimental to their professional lives. The rank ordering of these three most harmful events is generally consistent across the bureaus, with the Guangzhou tax collectors considering negative media coverage to be slightly more detrimental than the other two. As discussed above, citizen petitions represent a “veto target” for local agencies, and it is therefore unsurprising that making mistakes that lead to petitions is perceived as detrimental to their careers. However, negative media reports and lawsuits are not widely understood to be folded into the formal incentives of the Target Responsibility System, yet officials still rated these events as equally threatening to their careers.

The second result is that all three events that take place in the public eye—media coverage, petitions, and lawsuits—were held to have greater negative impact on careers than either internal mistakes that reduce efficiency or poor individual performance reviews (Figure 3). As bureaucrats selected the leader’s perceptions as the most important determinant of career benefits, it stands to reason that adverse events that take place in the public eye are more displeasing to the leaders of these bureaus than events that disrupt the internal work of the bureau.

Figure 3 also highlights that the tax authorities in Guangdong view petitions, media reports, and lawsuits as more detrimental to their careers. This difference across bureaus is obvious in the absolute values, which may be an anchoring effect, but similar differences emerge when looking at the gap between the negative impact of these three public events and the two “internal” adverse events. Taking the mean of the three public events and the two private events, the mean increase in harm attributed to public events is 0.77 units in the Guangdong tax bureau, compared to 0.44 in AIC1 and 0.56 in AIC2. While officials in the Guangdong agency did not report higher levels of media consumption, they do operate in a richer, more critical media setting than those in Jiangsu. Guangdong is home to the Southern Media Group, including the investigative journalism leader *Southern Weekend* and a competitive tabloid market led by the aggressive *Southern Metropolis Daily* (*Nanfang Dushibao*). The Guangdong officials reported reading both party flagship newspapers and local tabloids in an open-ended question about their most-read newspapers. Exposure to a more aggressive and politically critical local media may explain the Guangdong respondents’ perception that lawsuits, petitions, and media coverage stand to harm their careers more than bureaucrats in Jiangsu.

Figure 3: Perceived professional harm of adverse events



Notes. Officials rated the negative impact of these five scenarios on their professional prospects. Ratings were provided on a five-point scale ranging from no negative influence to “moderate” to “severe”, with the option to choose points between these values. The horizontal axis only displays “moderate” to “severe” as none of the bureau means fell outside this range. Means and 95% confidence intervals across the entire sample are displayed in black, with bureau-specific means marked in gray.

Survey experiment: journalists and complaints

Even if bureaucrats report that negative media coverage has a large negative effect on their careers, it remains unclear whether this worry would have an impact on their interactions with ordinary citizens. Perhaps when bureaucrats answered these questions about media coverage they imagined massive scandals like the family planning abuses in Shaanxi, rather than ordinary criticism of poor governance. To test the sensitivity of bureaucrats to media exposure in more quotidian interaction with citizens, I designed a survey experiment and implemented it at two of the bureaus studied.²⁰ Respondents were asked to evaluate the harm that complaints made by citizens would have on their professional lives, and the identities of citizens were manipulated to vary the amount of negative publicity these complaints could generate.

Bureaucrats were presented with two “complaint scenarios”, one-sentence vignettes about people making formal complaints about bureaucrats. One complaint scenario was attitudinal (e.g. “...the bureaucrat had a bad service attitude”) and the other had more serious consequences (e.g. “...the bureaucrat acted sluggishly, when the firm applied for a business license, [he] was tardy issuing it”). After reading each complaint, the respondents rated the negative impact such a complaint would have on a bureaucrat’s career, using a five-point scale ranging from “No negative influence” to

²⁰ Due to an oversight by survey administrators, the respondents in Jiangsu AIC 2 did not participate in the experiment. The survey distributors only provided one version of the survey, and therefore the respondents were not exposed to the experimental manipulation.

“Severe negative influence” (Appendix A). The experimental manipulation varied the identity of the complainant in these complaint vignettes (Table 3).

Table 3: Experimental manipulation

Scenario type	Question text
Attitudinal complaint	A [firm employee / reporter] complains that the bureaucrat* has a bad service attitude
Substantive complaint	A [reporter / firm employee] complains that the bureaucrat* acted sluggishly. When the firm applied for a business license, he was tardy issuing it.**

Notes. Experimental manipulations **bolded**. *The word “bureaucrat” is replaced with “AIC staff” in the AIC instrument and “tax collector” in the tax bureau instrument. **On the tax bureau instrument, the second part of this scenario reads, “...when the firm applied to conduct tax transactions, [he] was tardy executing it.”

In the control scenario, the complainant was “a firm employee.” These are the members of the public with whom bureaucrats in the AIC and tax bureaucracy were believed to interact most frequently, and indeed 85% of survey respondents indicated they interact frequently with “firm employees,” the most common choice among twelve social groups. In the treatment scenario, the complainant was “a journalist.” As each respondent rated both an attitudinal complaint and a substantive complaint, the randomization was whether the substantive scenario or the attitudinal scenario received the journalist treatment. Random manipulation of the identity of complainants allows for an unbiased estimate of the difference between how officials’ perceive complaints from ordinary citizens versus those from journalists.

The key covariates of treatment groups were highly balanced, with only one statistically significant difference: newspaper readership (Table 4). One failed balance test across ten covariates is unsurprising given the small sample size, and the findings reported below are robust to the inclusion of all individual-level covariates.

Results: the journalist effect

Presented with a substantive complaint, officials viewed it as significantly more detrimental when it came from a journalist rather than a firm employee (Table 5). The journalist treatment increased official perceptions of complaint severity by 27% (0.58 standard deviations, $p = .01$). This effect is observed in each bureau separately, although it dips below the threshold of statistical significance in the AIC-only analysis ($p = .12$). The journalist treatment had an insignificant effect (+6%) on the perceived severity of the attitudinal complaint.

Table 4: Covariate balance across treatment groups, journalist experiment

	Group 1	Group 2	p-value
AIC official	47%	40%	.58
Party member	62%	67%	.69
Civil servant	91%	97%	.36
Female	59%	63%	.72
Age	38.3	37.9	.85
Education (7 point scale)	5.9	6.0	.49
Years at bureau	14.7	13.4	.57
Interacts with journalists	18%	13%	.64
Uses microblogs	35%	40%	.7
Uses portal websites	65%	63%	.91
Reads newspaper	88%	100%	.04

Notes. For Group 1 the attitudinal scenario was treated with “journalist”; for Group 2 the substantive scenario was treated. Final column reports p-values for two-sided t-test of equal means. Education scale runs elementary school (1), junior HS (2), technical HS (3), ordinary HS (4), technical college (5), undergraduate (6), Masters Degree or higher (7).

This finding is subjected to additional robustness tests in Table 6. Column (1) presents an OLS estimate of the treatment effect (substantive scenario) including separate constants for the two bureaus. Ten individual-level covariates (see Table 1) are introduced in column (2), resulting in a slightly larger treatment effect. The final two columns relax assumptions about the distribution of the dependent variable by recoding perceived complaint severity as binary: 1 for any complaint perceived as “somewhat” severe or worse and 0 otherwise. The treatment effect is robust to these additional controls and re-specification of the dependent variable. The journalist treatment increases officials’ perceived severity of the complaint by 27-32%.

Contrasting journalists with lawyers

This survey embedded a second complaint-scenario experiment using “lawyer” as the treatment identity. Lawyers enjoy privileged access to the legal system and can sue government agencies in China using the Administrative Litigation Law (Pei 1997, O’Brien & Li 2004). Chinese lawyers also seek connections to officials (Michelson 2007) and have in recent years been involved in high-profile challenges to state authority (Fu & Cullen 2008, Human Rights Watch 2008). Lawsuits against government agencies can also garner media attention, meaning lawyers have access to both legal and publicity-based recourse when dissatisfied with officials. In other words, if the disciplinary power of legal activism is at all comparable to that of publicity, we should expect lawyers to pose a greater threat to bureaucratic careers than journalists do.

Table 5: Perceived harm of complaints to official career, journalist experiment

Complaint	N	Complainant is...		difference	p-value
		employee	journalist		
Attitudinal —Bureaucrat displayed bad service attitude	80	2.11 (.15)	2.24 (.15)	.13 (.21)	.54
Substantive —Bureaucrat late with license or transaction	80	2.19 (.16)	2.79 (.15)	.60 (.22)	.01
- AIC only	37	2.05 (.21)	2.53 (.21)	.48 (.30)	.12
- Tax Bureau only	43	2.32 (.24)	3.00 (.21)	.68 (.32)	.04

Notes. Results of t-test for journalist complaint experiment. Officials rated the consequences for each complaint on a five-point scale from 0 (“No negative influence”) to 4 (“Severe negative influence”).

Table 6: Journalist effect on perceived harm of complaints, regression estimates

	5-point severity scale		High vs. low severity	
	(1)	(2)	(3)	(4)
DV mean (employee)	2.19	2.09	.71	.69
Journalist treatment	.59** (.22)	.68** (.25)	.23** (.08)	.22* (.09)
Bureau dummies	✓	✓	✓	✓
Individual covariates		✓		✓
Change in perceived severity	+27%	+33%	+32%	+32%
R ²	.12	.30	.12	.40
N	80	67	80	67

Notes. OLS regression estimates for substantive complaint scenario in journalist experiment. Robust standard errors in parentheses. Individual covariates include all variables in Table 1. Change in perceived severity reports the treatment effect divided by the DV mean under the control. The distribution of the DV in (1) and (2) is unimodal and not highly skewed. The DV in (3) and (4) is dichotomized as one for severity scores of 3, 4 or 5, and zero otherwise. * $p < .05$, ** $p < .01$.

To avoid tipping off respondents to the experimental manipulation, the complaint scenarios in this experiment were slightly different from those in the journalist experiment. The attitudinal complaint scenario was “the bureaucrat argued

with the [complainant]”, and the substantive complaint was, “the policy explanation given by the bureaucrat [was inaccurate].” The control identity remained “firm employee”, and the treatment identity was changed to “a lawyer.” This experiment was randomized independently from the journalist treatment groups, and the covariates across treatment groups were again quite balanced, with a significant difference only in the proportion of civil servants (Appendix C).

The estimated treatment effect for “lawyer” in the attitudinal scenario is even closer to zero (+2%) and statistically insignificant (Table 7). The effect for the substantive scenario is larger (+17%), but still falls below the threshold of statistical significance ($p = .12$). OLS estimates with various controls yield similar findings. This second experiment provides statistically uncertain evidence that officials perceive lawyers as more threatening than ordinary employees to their careers. However, the magnitude of the lawyer effect is roughly half that of the journalist effect.

Some caution is required in interpreting this finding. Since the complaint scenarios are not identical across the two experiments, a direct comparison between the effects involves an assumption of no interaction between the scenario qualities and treatments. A more conservative inference is simply that this experiment offers robust evidence that officials feel more threatened by dissatisfied journalists, and only equivocal evidence for a similar effect for lawyers.

The publicity-driven accountability hypothesis holds that reporters, with their easy access to the news media, should be perceived as more threatening to officials than ordinary citizens. Indeed, these bureaucrats perceived identical complaints as more harmful to their careers when they originated with journalists. In contrast, another elite identity with less privileged access to media—lawyers—exerted a smaller effect on the perceived harm of complaints. The strength of the journalist treatment illustrates officials’ perceptions that journalists pose a greater threat to their careers than ordinary citizens do.

Table 7: Perceived harm of complaints to official career, lawyer experiment

Complaint	N	Complainant is...		difference	p-value
		Employee	lawyer		
Attitudinal —Bureaucrat argued with complainant	79	2.32 (.18)	2.36 (.17)	.05 (.25)	.84
Substantive —Bureaucrat inaccurately explained policy	80	2.07 (.16)	2.44 (.16)	.36 (.23)	.12

Notes. Results of t-test for lawyer complaint experiment. Officials rated the consequences for career prospects on a scale from 0 (“No negative influence”) to 4 (“Severe negative influence”).

The complaint scenarios in this experiment deal with everyday services provided by local bureaucrats; they are a far cry from national scandals of family planning abuses.

Nonetheless, the presence of a publicity threat in these minor complaints increases their perceived severity. Even low-level bureaucrats doing the unglamorous work that their job titles imply are subject to the disciplinary effects of publicity. More examples of publicity influencing mundane issues of policy implementation are presented in the following chapter on citizen activism.

Discussion

This study argues that a liberalized media can benefit public accountability even in the absence of democratic institutions. Publicity of poor governance—by making governance failures common knowledge—can activate institutions of bureaucratic discipline. Political superiors attempt to shift blame downward onto lower-level policy implementers.

As episodes of negative publicity can initiate bureaucratic punishments and policy adjustments, they help provide justice and compensation for the harm caused to aggrieved citizens. This is a form of after-the-fact accountability to citizens that has many shortcomings; as with the family planning cases described above, many abuses cannot be undone. However, publicity does more than provide occasional episodes of punishment to wayward officials. The threat of public exposure also imposes restraint upon official behavior. When journalists, as opposed to ordinary citizens, complain about official behavior, these complaints are viewed as more detrimental to official careers. It stands to reason that officials would be more hesitant to displease journalists and others with privileged access to publicity.

Fear of the consequences of negative publicity also extends down to China's street-level bureaucrats. My survey finds that even low-level caseworkers are sensitive to the risks of negative publicity for their careers. This holds despite the fact that neither these individuals nor the bureaus they work for have likely ever experienced an episode of negative publicity. Their worries about journalists are more likely due to having read about episodes of negative publicity that hit other bureaucrats. The sensitivity of even the lowest-level functionaries to negative media coverage speaks to the scope of publicity's power.

When considering the findings of this research, it is important to keep in mind the many constraints placed upon media and political participation in contemporary China. Both traditional news outlets and online communications are subject to high levels of political censorship. With the exception of village elections, political elites at all levels are insulated from meaningful political competition. The developing legal system remains a weak and fickle check on official power. This is in many ways an adverse environment for citizens to attempt to exercise any form of control over official behavior. By studying this phenomenon in such a difficult setting, we can confidently eliminate many elements of political development from the list of preconditions for publicity-driven accountability. Competitive elections for official posts are not required; a rule-of-law system that encompasses official behavior is not required; even an organized social movement in opposition to government is not required. Instead, a system of bureaucratic control and a partially-autonomous media are the key elements to publicity-driven accountability.

This importance of bureaucracy highlights an unusual complementarity between the institutions of effective authoritarianism and public accountability. Bureaucratic discipline, enforced through top-down punishments, is integral to publicity-driven accountability. Without the threat of punishment by superiors, low-level officials have little to fear from information about their performance circulating through the bureaucratic hierarchy. The same hierarchical discipline that previously helped central authorities to contain local inflationary pressures (Huang 1996) also provides a fulcrum for the public to discipline officials from below.

This theory also envisions a role for civil society under authoritarianism outside the dichotomy of regime-challenging and regime-sustaining. Other scholars of contemporary China have argued that the news media sustains authoritarian rule by delivering persuasive messages to the public that overstate the efficacy and justice of legal institutions (Stockmann & Gallagher 2011). Publicity-driven accountability does not make strong claims about regime longevity, but it does argue that the marketization and digitization of news media in the internet era have done more than simply provide more sophisticated propaganda for the existing regime. These changes have also created a more unpredictable environment for officials, where their interaction with the public is exposed to greater scrutiny and news of even small missteps or abuses can spread through society more easily.

It would be a mistake to equate this channel of public accountability, which is probabilistic and unequally distributed across society, with core democratic institutions like free elections. But it would be equally mistaken to think that strengthening authoritarian governance necessarily weakens accountability to the public. Publicity-driven accountability shows that the combination of effective top-down control of bureaucrats with an active civil society can also improve government accountability from the bottom-up.

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Appendix A: Complaint scenarios in survey experiment

Below are some complaint situations against [AIC employees/tax collectors]. According to your own views, please evaluate how much negative influence these situations would have on the career prospects of an AIC employee / tax collector.

	No negative influence	1	2	3	4
A [reporter / firm employee] complains that the bureaucrat* has a bad service attitude	0	1	2	3	4
A [firm employee / reporter] complains that the bureaucrat acted sluggishly, when the firm applied for a business license, [he] was tardy issuing it.**	0	1	2	3	4
A [lawyer / firm employee] complains that the bureaucrat argued with them.	0	1	2	3	4
A [firm employee / lawyer] complains that the policy explanation given by the bureaucrat is different from the 12315 telephone service and other publicity channels.***	0	1	2	3	4

Notes. Author translation from Chinese. * The word “bureaucrat” is replaced with “AIC staff” in the AIC instrument and “tax collector” in the tax bureau instrument. ** On the tax bureau instrument, the second part of this scenario reads, “...when the firm applied to conduct tax transactions, [he] was tardy executing it.” *** On the tax collector instrument, the second part of this scenario reads, “...the 12366 telephone service and other publicity channels.”

Appendix B: Treatment configurations in survey instruments

Complaint scenario	Treatment configuration			
	1	2	3	4
Bad attitude	R		R	
Slow implementation		R		R
Argument	L	L		
Inaccurate policy			L	L

Notes. R = “reporter” treatment. L= “lawyer” treatment. Unmarked areas represent complaints from firm employees.

Appendix C: Covariate balance across treatment groups, lawyer experiment

Lawyer experiment	Group 1	Group 2	p-value
AIC official	45%	42%	.83
Party member	74%	55%	.1
Civil servant	100%	88%	.04
Female	58%	64%	.65
Age	39.1	37.3	.4
Education (7 point scale)	6.0	5.9	.24
Years of service	14.4	13.8	.8
Interacts with journalists	10%	21%	.21
Uses microblogs	42%	33%	.49
Uses portal websites	68%	61%	.56
Reads newspaper	97%	91%	.33

Notes. For Group 1 the attitudinal scenario was treated with “lawyer”; for Group 2 the substantive scenario was treated. Final column reports p-values for two-tailed t-test of equal means. Education scale runs elementary school (1), junior HS (2), technical HS (3), ordinary HS (4), technical college (5), undergraduate (6), Masters Degree or higher (7).

Chapter 4

Participation in Search of “Collective Witness”— China’s Freedom of Information Activists

Publicity-driven accountability posits that citizens can exercise power over unelected officials by mobilizing negative media coverage (or threatening to do so). Officials fear becoming the object of blame from their superiors, inducing them to avoid negative media coverage. When subject to negative publicity, they attempt to shift blame downwards and make public demonstrations of responsiveness.

These episodes of “collective witness” do not happen on their own. This chapter explores the behavior of Chinese activists trying to engineer episodes of publicity in order to change official behavior. It draws upon original fieldwork with Chinese activists working on budgetary transparency, housing rights, and consumer protections across five major cities. Their goals range from personal material interests to campaigns seeking to reform China’s political institutions, but they are united by their attempts to produce episodes of “collective witness” that can incentivize changes in government behavior (failing that, they present officials with the *threat* of publicity). They do not always succeed in their efforts, but even when they fail their campaigns illustrate activists’ belief that publicity is an effective tool in confrontations with unelected officials.

Their stories illustrate publicity-driven accountability in action and also lead to an alternative perspective on participatory institutions under authoritarianism. Alongside the informal mechanism of publicity-driven accountability, China and other authoritarian regimes have diverse *formal* institutions of public accountability. The government permits—and sometimes encourages—citizens to complain about official behavior, seek information about government performance, and file lawsuits against malfeasant agencies. The stated purpose of these institutions is to make policy more accountable to the public, but these institutions are often subordinated to political mandates in ways that limit their efficacy. In most important ways, the government remains unconstrained by these participatory channels.

Publicity-driven accountability necessitates a reexamination of these formal institutions. This chapter’s study of Chinese activist behavior illustrates the critical role that formal institutions of participation play in informal accountability. Formal laws help to define the standards of good governance utilized by publicity-driven accountability.

When violations of these laws become common knowledge, officials are prompted to demonstrate responsiveness. In addition, formal political participation provides a gateway to media coverage. Participatory acts generate records of government behavior and narratives for journalists to publicize. In some cases, activists participate purely for the publicity that it generates. The cases in this chapter document such publicity-seeking participation and testify to its efficacy. Formal institutions of participation and the informal weapon of publicity complement one other in improving government accountability.

This finding implies that the value of formal political participation under authoritarianism does not end with the formal outcomes of these participatory acts. For example, judging the efficacy of China’s legal system based on court rulings alone is overly narrow. It overlooks the role that lawsuits play in activating media coverage; the publicity generated by a “failed” lawsuit might be *more* efficacious than a court ruling in changing government behavior. More generally, formal political participation needs to be understood in relation to informal mechanisms of accountability.

This chapter examines activist campaigns after the introduction of a new formal channel of political participation. China’s 2008 *Regulations on Open Government Information* mandated that government agencies respond to citizen requests for information. When this law came into effect, many activists migrated existing campaigns into the participatory space created by this law, finding ways to use disclosure requests in support of their activism. A close study of their political behavior—spanning the issue areas of budgetary transparency, housing disputes, and consumer protections—illustrates the complementary relationship between publicity-driven accountability and participation within the formal legal system.

“Open Government Information” in China

In the first decade of the 21st century the Chinese government became notorious for its measures to monitor and control information even as the country embraced decentralized, digital communications technologies. As its population of internet users grew into the hundred-millions, the government refined a multilayered filtering system—the “Great Firewall”—to screen information entering the country from without. Both paid and volunteer human monitors policed online venues of discussion, and activists were jailed for online speech.¹ These measures were not always successful, but the message was clear: at the height of the “Information Age” the government would decide *which* information was welcome in mainland China.

Even as the government built fortifications against foreign information and monitored domestic internet use, it enacted legislation to make government information more transparent to the public. The 2008 *Regulations on Open Government Information* (OGI) declared:

¹ French, H. “As Chinese Students Go Online, Little Sister Is Watching” *The New York Times*. May 9, 2006; Kahn, J. “Yahoo helped Chinese to prosecute journalist” *The New York Times*. September 8, 2005

...citizens, legal persons, or other organizations can, according to special needs, including their own production, livelihood, and scientific research, apply to receive relevant government information from departments of the State Council, local People’s Governments at every level, and People’s Government departments at the county level and above.²

This clause of the OGI regulation opened a new channel of formal political participation. Citizens could now request whatever information they thought the government owed them, and if they could not imagine what information might be interesting to seek out, the ordinance listed 23 key pieces of information for government agencies to disclose (Appendix A1). This rule applied to a vast number of government agencies; mainland China includes 31 province-level governments, hundreds of prefectural governments, and nearly three thousand county-level governments, each with subordinate departments responsible for local education, land, transportation, labor, construction, public security, budgets, and more. Each of these departments was now legally obligated to accept and respond to disclosure requests from members of the public. The OGI disclosure request joined a small handful of formal channels—lawsuits, administrative review, and petitioning (*xinfang*)—for ordinary Chinese citizens to engage in legal, institutionalized political participation.³

Public uptake of this channel has been difficult to measure, in part because it affected so many thousands of localities and agencies. The annual reports that provinces are obligated to publish use divergent reporting standards, but among those that used consistent standards over this period, citizen requests had increased by an average of 29% between 2009 and 2011 (Figure 1). The Central Commission of Discipline Inspection estimated that government agencies processed 1.3 million OGI disclosure requests from citizens in 2011.⁴ This estimate of nearly 1 disclosure request per thousand citizens puts Chinese per capita use of freedom of information requests on par with Canada and Mexico, and well ahead of the United Kingdom, India, and Germany (Holsen & Pasquier 2012). Looking across forms of political participation in China, disclosure requests were also remarkably widespread. Chinese courts accepted 136,353 administrative lawsuits against government agencies in 2011 (SBS 2012), roughly one tenth of the total volume of disclosure requests.

While some observers emphasize the potential for OGI requests to unlock new budgetary information, provide a platform for policy advocacy, and publicize useful details of public regulations (Horsley 2010), systematic evaluations of OGI

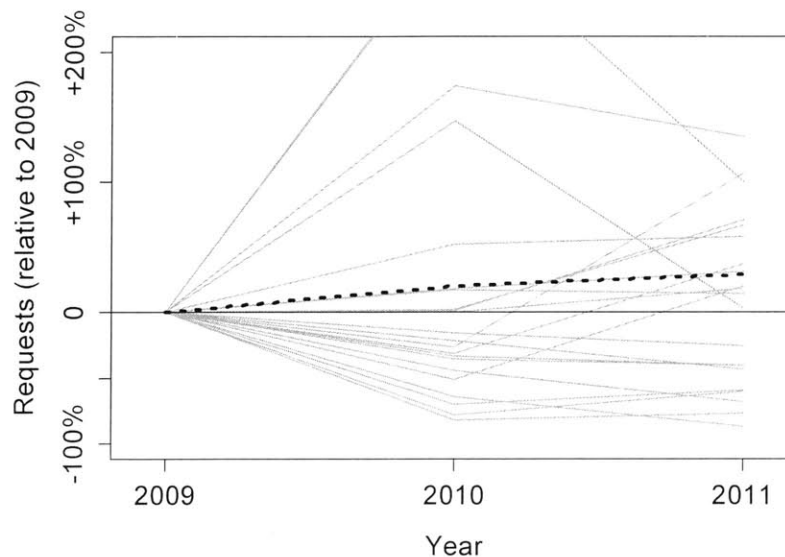
² Article 13, *Regulations of the People’s Republic of China on Open Government Information* (*Zhonghua renmin qonghequo zhengfu xinxi qongkai tiaoli*) Adopted by the State Council April 5, 2007. Effective May 1, 2008. Author translation.

³ Millions of Chinese citizens also participate in village elections, which have been shown to improve local accountability and public goods provision (Birney 2007; Kennedy, Rozelle & Shi 2004; Martinez-Bravo et al 2011). However, Chinese citizens do not have the opportunity to elect government leaders for political units above the village-level: township, county, prefecture, and province.

⁴ “Over 85% of applications for disclosure are fulfilled by local government” (*85% yishang de yi shenqing qongkai xinxi zhongquo defang zhengfu yuyi jishi qongkai*) *Xinhua News Service*. Oct. 24, 2012.

implementation have been discouraging. A study of environmental transparency reported that just 20%-30% of prefectural cities disclosed information on businesses penalized for environmental violations (IPE & NDRC 2010). A study of budgetary disclosure scored only one province over 50% on their transparency scale; the remaining thirty fell between 10%-30% (SUFU 2010). An exhaustive study of litigation against government agencies concerning OGI shows barriers to access to courts, narrow judicial interpretations of standing to sue, and weak remedies in the rare cases when courts rule in favor of citizen plaintiffs (Chen 2013). The uncertain implementation of OGI will be echoed in the case studies below, and in my own pilot study of OGI responsiveness, three government agencies across 60 randomly-sampled counties satisfied fewer than 15% of requests for information about public services.

Figure 1: Increase in citizen applications for government information, 2009-2011



Notes. Trend lines for the 22 provinces that consistently reported OGI requests over 2009-2011. Gray lines show percent changes in request volume in individual provinces relative to the 2009 baseline. The black dotted line shows the unweighted mean of these 22 provincial trends. Data compiled by the author from annual Open Government Information Work Reports issued by China’s provincial governments. Nine provinces have been omitted due to inconsistent reporting standards: Gansu, Hebei, Heilongjiang, Hubei, Jilin, Liaoning, Ningxia, Yunnan, and Zhejiang.

The OGI regulation has not guaranteed that officials actually disclose information in response to public requests, and China’s courts have been generally unsympathetic to citizens seeking to enforce their “right to information” (Chen 2013). This presents a question; if information disclosure is so poor, why does China enjoy such high per-capita usage? Are these laws important in some other way? One possibility is that citizens are ignorant of the law’s poor implementation, and over time their enthusiasm for filing

requests will abate. However, the provincial reports suggest that citizen use of OGI has increased since its implementation in 2008.

I show in the cases below that while OGI may not be especially effective at unlocking government information, the law and the formal participation it facilitates are effective at generating publicity about social problems. The legal mandate of OGI defines standards for official behavior that influence their negotiations and the publicity surrounding them. The disclosure requests and lawsuits that activists can file under OGI provide fodder for critical media coverage of government, even when their requests and lawsuits nominally “fail.” In the case studies below, activists often *expect* failure of their formal political participation, but they appreciate that these failures provide a gateway to the disciplinary power of publicity. This is the complementarity between formal channels of political participation and informal accountability that I document in this chapter.

Case selection: three types of activism

This chapter documents the tactics of three activist groups attempting to influence the actions of local officials. Given the degree of selection bias involved in identifying cases, these studies are not intended to provide the basis for statistical inferences about activist behavior in contemporary China. The activists most available for researchers to study are those who have been covered in the news media; therefore it is inappropriate to use their behavior to draw conclusions about the behavior of Chinese activists more generally. Instead, these cases document a common strategy for influencing local officials across disparate domains of activism. The three groups are united by their use of the OGI regulation and the activist strategies I identify, but they vary in their demographics, the information they seek from government, the government agencies they target, and their material interest in the campaigns.

Budgetary transparency activists seek disclosure of government financial data, such as budgets for administrative agencies, accounting figures for public spending projects, and revenues generated through fees and fines. This broad field of activism has enjoyed the highest media profile of all OGI cases both domestically and internationally.⁵ Activists tend to be highly-educated individuals, such as lawyers, professors, and members of non-governmental organizations. They interact with a wide variety of government agencies, with a particular focus on the Ministry of Finance and its local branches. They are primarily political reformers who rarely have a material interest in the information they seek.

This is not the case with *property activists*, the second group I examine. These people have been (or will be) displaced from their dwellings for the sake of land development projects, and they are either trying to forestall demolition or increase their compensation. Official records of their land-use rights and the administrative processes governing the transfer of those rights, demolition of buildings, and compensation standards all have obvious material value to these people. Unlike the budgetary

⁵ The cases of Wu Junliang and Ren Xinghui, discussed in detail below, were also referenced in the US media. Oster, S. “Activists Test China's Openness Vows” *The Wall Street Journal*. March 10, 2010.

activists, who select the government departments to target with requests, land and property activists are often thrown into activist roles by circumstance. By necessity, the targets of their activism are local land and housing agencies. They do not share the highly-educated profile of the budgetary activists, varying more broadly in profession, gender, and economic well-being.

The third activist group requests information as part of their ordinary conduct of business. In Chinese, they are referred to as “professional anticounterfeiters” (*zhiye dajiaren*). These are for-profit consumer advocates who identify businesses violating consumer protection regulations and, deploying a combination of legal maneuvers, media campaigns, and private negotiation, seek settlement payments from the relevant firms. They request information from regulatory agencies, such as the Administration of Industry and Commerce, the Price Bureau, and the Bureau of Health, in order to accumulate evidence of firms’ wrongdoing. They often have some legal background, but tend towards self-education, in contrast to the more elite budgetary transparency activists. Their interest in government information is also material, but unlike property activists it is not related to personal grievances. Instead, the information they seek facilitates the normal conduct of business, and in this sense their political participation is relatively routinized.

These activist groups vary in their motives, information sought, targeted bureaus, and personal backgrounds (Table 1), yet they share a common strategy: the use of formal political participation to generate publicity.⁶ Despite the weakness of China’s legal institutions, law remains an important facilitator of publicity-driven accountability. It establishes common standards of government behavior and provides routes to garnering media coverage. At times, these activists engage political participation that is primarily motivated by the goal of generating publicity. The following sections examine activist episodes from each of the three groups, highlighting the commonalities of their tactics and experiences.

Budgetary transparency activists

Of all the information held by the government, financial data on taxation, spending, and remuneration of government officials are among the most sought-after. Financial transparency has a salutary effect on economic performance across a variety of locales (Alt & Lassen 2006), but it also has strong moral appeal to the public. Budgetary transparency is government’s answer to the question, “What are you doing with our money?” Thus, it is no surprise that budgetary transparency activism has enjoyed a high profile since China’s adoption of OGI. In fact, the first major citizen request for information sought an accounting of fees collected along the toll-road leading to the Beijing airport over the last fifteen years.⁷

⁶ These groups by no means exhaust the uses of OGI requests since the regulation’s adoption in 2008. Some other compelling categories of activism I do not study include those seeking information related to environmental protection, government decisionmaking processes, and historical grievances from previous political campaigns.

⁷ “Exactly how many years can a freeway collect tolls?” (*Yi tiao qaosu qonglu daodi neng shoufei duoshao nian?*) *Legal Daily*. June 29, 2008.

Table 1: Three activist groups

Group	Information sought	Targeted bureaus	Interest in activism	Typical biography
Budgetary activists	Government budgets	Finance Development	Reformist	Elite professionals and academics
Property activists	Documentation of demolition and relocation	Land Housing Mgmt. AIC ⁸	Material	Homeowners
Professional anticounterfeiters	Records of regulatory violations	Environment Health Prices	Material	Self-educated, self-employed

The experiences of the budgetary transparency activists first reinforce how media coverage drives the government’s implementation of law. Without publicity, or the threat thereof, government behavior appears relatively unconstrained by the OGI regulation. At the same time, the OGI regulation publicly defines what citizens can expect of officials. These standards create the context for negotiations between activists and officials about what government will and will not do. Sitting in the background of these negotiations is the threat that citizens may push these negotiations into the public sphere, where government disregard for the law could become common knowledge. Laws establish standards for official behavior that are easy to ignore in private, but costly to flout in public.

Most importantly, political participation through OGI creates the conditions for media coverage of government behavior. It forces the government to make explicit communications about what it will and will not do. These communications, often provided in official documents, can form the basis for media coverage that criticizes government behavior.

Wu Junliang’s budgetary activism

If one person has achieved national fame as a result of OGI campaigns, it is Wu Junliang.⁹ Wu spent over twenty years in the United States, receiving a master’s degree in Political Science. He was particularly attuned to the importance of budgetary

⁸ Administration of Industry and Commerce, a regulatory agency.

⁹ I interviewed Wu and his fellow transparency campaigner Li Detao in Shenzhen in April 2010. The following case studies of his activism draw primarily upon that interview and unpublished personal records of their campaigns provided by Wu and Li. Journalistic accounts supplement the story and cited accordingly. This passage on Wu’s background draws in part from “Shenzhen Citizen’s ‘Public Budget Voyage’” (*Shenzhen qonqin de ‘qonqong yusuan zhi lv’*). *Southern Weekend*. November 5, 2008.

transparency and the role of extra-governmental actors in promoting its development in the United States. When the Chinese government announced public budgetary reforms in the late 1990s, he followed hopefully from abroad.

When Wu relocated his asset management firm to Shenzhen in late 2005, he also gave himself a side project. He founded a website called China Budget Network¹⁰ and recruited two young employees—Chinese returnees with degrees from France and Australia—to assist him. Aside from their regular duties at Wu’s firm, these employees could dedicate up to two hours daily to researching and promoting budgetary transparency, with Wu reimbursing their expenses. (He declines to estimate how much he has spent over the years.) Their early efforts left little to show; requests for disclosure were denied on grounds of secrecy. China’s State Secrets Law allowed great discretion for the designation of state secrets, and without some countervailing legal code Wu’s team was easily thwarted.

The unveiling of the OGI regulation in 2007 gave new hope. The new law established formal obligations for government agencies to disclose exactly what Wu sought. Article 10 exhorts all government departments at and above the county-level to emphasize disclosure of “financial budgets and accounts.”¹¹ OGI’s implementation on May 1, 2008 marked the beginning of a spate of applications from Wu’s group. According to their own records, between May 19 and August 10 they requested budgets from four Shenzhen prefectural departments, all six of Shenzhen’s urban districts, fifteen national ministries and agencies, and eleven finance departments of other cities and provinces. They often followed rejections with additional requests and argumentation, totaling 61 separate requests to these 37 administrative units.¹²

Just as before, the overwhelming majority of agencies declined to disclose. Some, like the Ministry of Agriculture and the People’s Bank of China, claimed the budgetary documents were state secrets.¹³ Others, such as the city of Xiamen, told them they failed to satisfy the needs-test conditions of Article 13, which states that citizens can make requests “according to the special needs of their personal production, life, scientific research, etc.” Wu and his volunteers replied that analysis of government budgets was part of their work, constituting a special need, but to little effect.

However, on May 27, Wu and his volunteers were invited to the Shenzhen Department of Finance and handed a thick binder. A staff member informed them, “This is the final edition, approved by the People’s Congress. It cannot be lent out, nor can it be copied. You can only look.” However, when they asked to photograph the data, the staff member replied, “They didn’t say you weren’t allowed to take photos.”¹⁴

¹⁰ The China Budget Network website has been sporadically inaccessible in the past. As of May 11, 2013 it could be accessed at: <http://www.budgetofchina.com>

¹¹ *Regulations of the People’s Republic of China on Open Government Information (Zhonghua renmin gongheguo zhenqfu xinxi gongkai tiaoli)* Adopted by the State Council April 5, 2007; Effective May 1, 2008.

¹² Interview, April 2010.

¹³ *Ibid.*

¹⁴ “Shenzhen Citizen’s ‘Public Budget Voyage’” (*Shenzhen gongmin de ‘gonggong yusuan zhi lv’*). *Southern Weekend*. November 5, 2008.

They photographed each page and brought the photos back to their office for analysis, reorganizing the data into a financial database covering 103 prefectural departments and over 50,000 official positions.¹⁵ In the words of an official media report, “This was the first such disclosure since the founding of New China.”¹⁶ This early coup was a surprise, and provided motivation and stature for their future activism.

Enforcing weak laws through publicity

Uneven local implementation of OGI is evident from local governments’ varying responses to Wu’s requests. While the Shenzhen Department of Finance decided he was entitled to review local budgets, other agencies contended that their budgets were state secrets, and still others claimed that Wu lacked a legitimate interest in the information. A national regulation is no guarantee of local implementation in contemporary China. While no doubt frustrating, this variation in government behavior created opportunities to use publicity, rather than courts, to bring government into line with the transparency demands of the new law.

Wu’s efforts extended far beyond Shenzhen. In 2008, his team requested budgets from ten other cities as well. Their targets included Guangzhou, a city of ten million up the river delta from Wu’s office, and the metropolis of Shanghai. Both are huge, economically dynamic cities where rivers empty into the sea. Both had early contact with the world outside China and attracted great foreign investment in the reform era. Both had also introduced local transparency regulations years before OGI took effect nationally. And, in 2008, both declined Wu’s entreaties to disclose the budgets of local government agencies. According to both governments, budgetary documents were state secrets.

The following year, Wu’s budget volunteers again sought ten city budgets, applying to both Guangzhou and Shanghai on October 8, 2009. Volunteer Li Detao received a reply eight days later:

“I received a phone call from Mr. Zhuang Tingqin of the Guangzhou Bureau of Finance. ... He spoke with extreme courtesy. He said that the ‘Guangzhou City ‘09 Departmental Budgets’ that we requested for disclosure, because they pertained to 114 departments, would be very inconvenient to send via email. Therefore, they placed the 114 departmental budgets on the Bureau of Finance website for disclosure.”¹⁷

Li spent the entire afternoon downloading over two gigabytes of Guangzhou budgetary records. That same day, the Shanghai Bureau of Finance also replied: “State secret; disclosure not granted.”

¹⁵ Sun TV’s “Luminary” (*Liyanzhe*) episode on Wu. Transcript available at: <<<http://www.chinasuntv.com/pro/pr619.aspx>>>

¹⁶ “Public Budget Observer Volunteers: Promoting Disclosure of Government Budgets” (*Gonggong yusuan gongkai zhiyuanzhe: tuidong gongkai zhengfu yusuan*). December 10, 2009.

¹⁷ This phone conversation is recorded in Li Detao’s personal notes. English translation by the author.

The Shanghai government had strong legal basis for its claim of secrecy. China’s State Secrets Law (*Baomi Fa*) grants broad discretion in the definition of state secrets, including sensitive economic information. The evaluations of OGI suggest that many local governments were continuing to classify budgetary information as secret in their denials of disclosure requests.

Despite the sturdy legal foundation of Shanghai’s response, the contradictory behavior of China’s second- and third-largest cities was striking. One week later, the *Guangzhou Daily* newspaper reported on the massive disclosure. This article was reprinted by over one hundred online media, including the front pages of online news portals QQ and Netease (see Chapter 2). After describing the scale of information disclosed by Guangzhou, the local media pointed out Shanghai’s rejection of the same request:

...this year [Wu Junliang’s Group] applied for budgetary disclosure from 33 agencies. To date they have received formal replies from the Shanghai Bureau of Finance, the Guangzhou Bureau of Finance, and the Shenzhen Futian District Bureau of Finance. Shanghai and Futian respectively replied “disclosure not granted” and “pardon our inability to disclose.”¹⁸

Another headline read, “Guangzhou Finance Bureau Publishes Government Budgets, Can Other Official Websites Follow Suit?”¹⁹

The Shanghai authorities quickly reversed their position in light of Guangzhou’s disclosure. On October 22, the Shanghai Bureau of Finance published a document instructing its subordinate district- and county-level bureaus to publicly disclose several categories of financial data, including departmental budgets. By October 29, the Bureau published “Regarding an Implementation Plan for Further Promoting Disclosure of City-Level Budgetary Information,” which included commitments to disclose more detailed budgetary information and choose certain departments to experiment with disclosing more detailed budgetary data.²⁰

The proximal cause of Shanghai’s about-face was apparent to domestic audiences. One magazine article summarized the event:

This rapid-fire promulgation of two documents by Shanghai has its origins on October 9, 2009, when member of ‘Public Budget Observer Volunteers’ Li Detao applied separately to Guangzhou and Shanghai to disclose 2009 city-level departmental budgets. Guangzhou disclosed all accounts on the government

¹⁸ “Guangzhou Discloses Financial Budgets of 114 Government Departments on Internet” (*Guangzhou wanqiang gongkai 114 ge zhengfu bumen caizheng yusuan*). *Guangzhou Daily*. October 23, 2009.

¹⁹ “Guangzhou Finance Bureau Publishes Government Budgets, Can Other Official Websites Follow Suit” (*Guangzhou caizhengju gongkai zhengfu yusuan, qita guanwang neng fou xiaofang*) *Yangcheng Wanbao*. October 26, 2009.

²⁰ Shanghai Bureau of Finance. “Implementation plan on further promoting actual budgetary information openness” (*Guanyu jin yi bu tuijin shiji yusuan xinxi gongkai de shishi fang’an*). October 29, 2009.

website; Shanghai, however, rejected [the request] giving ‘state secret’ as its reason. This generated a huge reaction on the Internet. Quickly, the Shanghai government accepted popular opinion and declared its stand on information disclosure.²¹

Shanghai found its position on budgetary secrecy untenable when publicly contrasted with Guangzhou’s disclosure. The government adjusted its definition of “state secret” and accepted new obligations to the public. Wu’s experience here illustrates the power of publicity to accomplish what law alone cannot. Without newspaper coverage and internet user discussion of the contrast with Guangzhou, it seems unlikely that the Shanghai government would have reversed itself so quickly. It was publicity, not legal enforcement, that altered government behavior.

At the same time, without the OGI regulation Wu’s team would have neither the opportunity to make these disclosure requests nor official documentation of local governments’ responses. In the absence of public law, the news media and the public would not have a standard against which to judge government behavior. The combination of formal laws—which create standards for government behavior and produce formal records of political participation—and publicity surrounding failure to respect these laws was crucial to changing government behavior.

Negotiating standards of official behavior

Laws establish public standards and expectations for government, even when they are not enforced. Activists rely upon these laws in their negotiations with officials. The threat behind these negotiations is that activists will publicize the government’s illegal behavior. It is this threat, rather than effective courts, that vests the legal standards with power. Officials and activists argue back and forth about what the law requires of government, even in this weak enforcement environment. The private negotiation of legal obligations is to some extent a preview of the arguments that may be deployed before the public. Although the standards are legally unenforceable, activists have the option to “go public” when officials fail to live up to them. The following case illustrates these dynamics through close examination of Wu Junliang’s negotiation with district finance officials over the disclosure of government budgets. This account is drawn entirely from unpublished notes shared by Wu and Li, and recorded during their campaign; the government agency has been anonymized.

Wu’s team requested budgets from a district-level²² Finance Bureau of one Guangdong city in late May 2008. The bureau’s initial reply in June deflected his request, but two weeks later he was called to the Bureau of Finance to inspect the budgets. On the heels of Wu’s publication of the Shenzhen budgets, the district officials instructed him not to take notes, make photocopies, or photograph the documents. They were

²¹ “Shanghai Financial Budgets: From ‘State Secrets’ to Rapid-fire Disclosure” (*Shanghai caizheng yusuan: cong “guojia mimi” dao huosu gongkai*). *Time-Weekly*. November 19, 2009.

²² China’s large prefectural cities are divided into districts. One urban district might contain several million residents.

politely received by two bureau officials and told that “bad outcomes” would result if this information was publicly disclosed. The section chief who met them claimed insufficient authority to access to budget documents himself; of course they could not be released to the public. Wu’s team reviewed the materials but did not take home any records. This, as far as they were concerned, was not budgetary transparency. They continued to pressure the bureau with disclosure requests.

One week later, they received a written response to their latest request, invoking law to defend government secrecy. “According to [the OGI regulation], our department reported the information you requested for disclosure to our district department for secret-protection work for confirmation; this content does not fall within the scope of disclosure to the public.” This was the first attempt by officials to demonstrate the legality of their actions, and it was a common response to budgetary disclosure requests. As noted in the previous case, there is good legal basis for this claim of secrecy in China. Nonetheless, Wu’s team responded with a written challenge:

Hello! Your response was very disappointing. According to your response we raise the following two questions:

1. The “2008 [District] Department Budgets” we requested for disclosure are public budgets; the people have the right to know (*zhiqingquan*). From our multifaceted understanding of the situation, public budgets do not constitute secret content. We believe your department should grant disclosure.

2. Does your district secret-protection work department assertion that the “2008 [District] Department Budgets”...are secret documents have a basis in law[?] Please indicate the legal clause on which it is based; which item, which clause? Furthermore, please inform us of the process by which you established this as secret. Because we believe that this document is not a secret document, if the word “secret” is used lightly to reject people’s requests, we believe it is highly inappropriate. The people’s right to know is the highest principle; please grant it sufficient importance. We will continue to discuss this with you. If we continue to be treated in this way, we will consider submitting this issue to the District Chief and head of the District People’s Congress, and also invite the public to discuss it.

We will continue to apply to your department for disclosure of this document.

Wu’s response demanded a legal account of the secrecy process. In addition, he deployed the rhetoric of central leaders, invoking the public’s “right to know” (*zhiqingquan*). This phrase appeared in Government Work Reports in 2007, as part of a pledge to, “according to law, guarantee citizens’ *right to know*, right to participate, right to expression, and right to supervise.” Wu contended that both the law and the intentions of central leaders were on his side.

Furthermore, Wu threatens to “invite the public to discuss” the bureau’s behavior. He is asking the chief whether he wants his particularly accounting of behavior to go public. He is counting on the official being unwilling to take the position communicated privately *in public*. This threat to go public and bring in other government agencies is the only threat he makes; the courts do not enter into the dialogue.

The officials called back five days later, having backed off their initial claims of secrecy. Now they explained that the budget was “possibly for optional disclosure” and that only some “sensitive” elements were ineligible. In response, Wu reiterated his request for the non-secret elements of the budget and an accounting for any redaction of secret data.

This new impasse led to a late-July meeting between Wu’s team and two section chiefs from the Bureau of Finance. Wu brought photos of the Shenzhen city budget to show that their supervisory department had already disclosed departmental budgets to him. The points made by the section chief and Wu are recorded in Wu’s notes:

Section chief: “As decided by our country’s current conditions, China is currently in the early stages of socialism. It has some differences with capitalist society. / We welcome public supervision of our work. / Without approval of the leaders, we do not have the authority to disclose departmental budgetary information. / Your application certainly gave us a major dilemma. ... If the prefecture-level Bureau of Finance can disclose, then we can disclose too. / We are the kind of people who have a strong sense of righteousness. Speaking for myself, I really support your work promoting reform of the budgetary system.”

Wu: “You cannot use societal qualities as an excuse. The age of not letting the common folks see the account books and spending money behind closed doors is coming to an end. ... We want to look at the departmental budget books. If there are parts you believe should not be disclosed, you only need sufficient reasons and legal basis to prove that this is non-disclosable content. We need a formal written response, not a face-to-face brush-off. ... Today we are requesting disclosure of departmental budgets. If you don’t hand them over today, you will tomorrow. If you don’t hand them over this month, you’ll do it next month. If not this year, then next year. “

Wu cited the government’s legal obligations to disclose (“legal basis”) as well as broader narratives of social development (“The age of...spending money behind closed doors is coming to an end.”) Despite their apparent disagreements, the notes characterize the meeting as generally positive. Wu’s team left copies of their identification with the district officials and waited for a response. They later exchanged more messages with the officials but were ultimately denied access to budgets that year.

When Wu’s team returned to the same district in October 2009, their application received a quick reply. This time the legal reasoning was clearer and different from the previous year: “2009 district departmental budgets are not part of our department’s

responsibility to disclose. As our district departments create and execute departmental budgets, their budgets must be provided by each individually. Please apply to each department individually according to relevant regulations.” In other words, Wu would have to ask each individual government bureau for its budget, rather than simply relying on the Bureau of Finance to disclose all budgets. He replied that, according to this logic, the Bureau of Finance must have sufficient authority to disclose its own budget. On December 29, 2009, the bureau finally handed over its own departmental budget.

This story illustrates the negotiations between activists and officials that take place under the threat of publicity. There is evidently huge gap between the OGI regulation’s exhortations in Article 10 and actual government disclosures. It required over a year of persistent activism to unlock a single departmental budget. However, this case also reveals the assets that law provides to citizens confronting officials. Wu’s team repeatedly demands a legal basis for the bureau’s claims and explicitly threatens to “invite the public to discuss” the officials’ intransigence. This threat of publicity hamstring officials. The bureau could no doubt provide a formal document certifying that the budgets are secret documents, but doing so would provide Wu with a bombshell resource for media coverage. Even if the law protects government budgets from public scrutiny, public opinion would recoil from official claims that budgets funded by taxpayers are state secrets. When officials refuse to provide formal documentation of their legal claims, they can only cajole, delay, claim insufficient authority, and bully.

Who owns the Three Gorges Dam?

Wu Junliang’s campaigns illustrated the complementarity of formal laws, which set the stage for disclosure requests and establish standards of government behavior, with the threat of publicity, which helps enforce these laws. In the following case of budgetary transparency activism, the law again plays a crucial role in a budgetary activist’s negotiation with government. His disclosure request and lawsuit facilitate publicity, but at the same time these legal actions are evidently powerless without the threat of publicity. The complementarity of informal publicity-driven accountability and formal laws is again evident. The media coverage successfully forces a government response to the activist’s requests, although it ultimately fails to unlock the sought-after information. This account is based on a long interview conducted with Ren in Beijing in October 2010, with additional details drawn from journalistic accounts as noted.

When Ren Xinghui graduated from law school, he accepted a research position at the Transition Institute, a Beijing-based non-governmental think-tank²³ addressing contemporary social issues. Like nearly everyone in China, he knew of the Three Gorges Dam project—a huge and nearly-completed engineering marvel on the Yangtze River—but he was no expert. However, his first assignment at the new job was to develop a website dedicated to the project and its far-reaching implications for the environment, economy, and well-being of nearby populations.

²³ Due to the difficulties of registering non-governmental organizations in China, The Transition Institute was registered as an enterprise at the Bureau of Industry and Commerce when I visited in October 2010.

As Ren gathered content for “Three Gorges Observer” website²⁴, he realized how little information was publicly available about the project’s finances. In particular, he could find little data on the Three Gorges Project Construction Fund. This fund was generated by surcharges on nearly every electricity bill in China. Each individual charge was negligible, but between 1992 and 2006 the fund accumulated roughly 73 billion RMB.²⁵ Ren could not find any public records of annual income and expenditures or even a provincial breakdown of contributions to the fund. After initial inquiries, he decided to use OGI to apply for disclosure to the Ministry of Finance in Beijing, seeking yearly and provincial data on the Construction Fund as well as any additional Ministry allocations to the project.²⁶

Preparing the application was straightforward for someone with Ren’s legal training, but actually submitting it was another matter.²⁷ On the afternoon of October 12, 2009, Ren traveled a few miles from his Beijing office to the Ministry headquarters. However, when he arrived he could find no one to accept his request. He called a phone number from the Ministry website; the person who answered told him, “There was no need for you to come here,” and that no one was available to accept his request. Ren pointed out that he had come during working hours to the address specified on the Ministry website. After several phone calls and an hour-long wait, an employee came down to the lobby to accept his request materials and provide him with a receipt.

Then, he waited. The OGI regulation allows fifteen days for an applicant to respond. When the response period neared its end, he received a phone call from a Ministry employee. The caller requested documentation of his reasons for requesting the information. Ren noted that there was no legal basis for the Ministry’s request but agreed to submit the relevant documents as long as the Ministry provided written notice of this condition. The Ministry balked at this condition, responding that it, “never had this procedure” for providing written documentation. Ren declined to submit supplemental information, and the Ministry notified him that consideration of his request would be delayed by another fifteen days.

On the afternoon of November 16, Ren received a fax from the Ministry. It rejected all his requests for new data, stating, “The other information you applied to receive does not have any direct connection to your production, life, scientific research or other special needs.” More than the failure to disclose, this justification for the rejection incensed Ren. After all, as a consumer of electricity he had paid into the Three Gorges Project Construction Fund just like everyone else. In his own words:

²⁴ “Three Gorges Observer” (*Sanxia guan cha*) at <<<http://www.sanxia2008.org/>>>.

²⁵ 73 billion RMB is roughly USD \$9.4 billion at late-2006 exchange rates. “Citizen Ren Xinghui pursues details of Three Gorges Construction Fund Revenues and Expenditures” (*Gongmin Ren Xinghui zhuiwen sanxia jianshe jijin shou zhi xijie*) *Procuratorial Daily*. February 8, 2010.

²⁶ This application to the Ministry of Finance was concurrent with two other requests to the Three Gorges Construction Committee and the Three Gorges Corporation.

²⁷ The following account is based on my interview with Ren in October 2010, with additional detail from a published narrative available at <<<http://www.chinatransparency.org/newsinfo.asp?newsid=5855>>>.

[T]he Three Gorges Project is a key national engineering and construction project, and we pay attention to it. Everyone in the country pays attention to it. I believe the most important thing is, what? Paying for it. For over ten years, consider this, as a common consumer of electric power, every person paid for it. Almost every single person in China...and you tell me that this has no relationship to me? First, in terms of law...I can't find a reasonable explanation for it in law. Also, in terms of feelings...you accept so much money and then tell people, “It's not related to you.”...it's an absurd thing to say.²⁸

He responded by applying for administrative review. Since this was a ministry-level decision, he could only ask the Ministry to review its own decision. His application was denied, which opened a fifteen-day window to take the next step: suing the Ministry of Finance.

More than three months into his campaign to unlock information about the Three Gorges dam, Ren had avoided media attention. He worried it would put finance officials on the defensive, perceiving him as an antagonist. These experiences, however, suggested that cooperation was getting nowhere.

On the day he submitted his lawsuit, Ren also contacted a reporter at *The Beijing News*. The reporter was unsure whether Ren's story was publishable. As a prominent national project, controversies surrounding the Three Gorges Project—the struggles of displaced populations, the environmental impacts of its massive reservoir, the destruction of historical sites along its old riverbanks—had often been considered politically sensitive. In fact, the first journalist Ren had contacted nixed the story after talking to his editors. The second reporter told Ren, “Let's give it a try.”

The following morning, the story appeared in *The Beijing News*, buried on page A20.²⁹ This was not the coverage given to a media bombshell, but its influence was amplified by China's online media. The Three Gorges Dam was a major engineering project vested with national pride, but its human, cultural, and financial costs generated years of controversy. Perhaps because of the national appeal of this topic, at least 42 online media outlets reprinted the story of Ren's lawsuit, including major official media like People Net and China.com. The headline appeared on the front page of QQ.com, the second most-popular website in mainland China.³⁰ Headlines of this coverage included “Citizen Sues Ministry of Finance for Right to Know” and “How Is 20 Billion Per Year Spent?” The most-reprinted article carried Ren's analysis of the public interest in the information, “It's not just me; electric bills paid by Beijing residents are also included in that money.” Four of this article's seven paragraphs are based on quotes from Ren, while just one paragraph reprints the Ministry's assertions about the requested information. In the following days opinion pieces such as “How Can 20 Billion in Annual

²⁸ Interview, Beijing, 2010.

²⁹ “Urbanite Sues Ministry of Finance for Right to Know” (*Yi shimin su caizhengbu yao zhiqinquan*) *The Beijing News*. January 27, 2010.

³⁰ China website traffic rankings retrieved from Alexa.com on November 1, 2010. An archived QQ front page is available at: <<<http://www.qq.com/b/history/index20100127am.shtml>>>

Fees Have No Relation to You?” and “What Reason for not Disclosing Three Gorges Construction Income and Expenditures?” also supported Ren’s position. The author of the latter wrote:

It is widely known that in order to support the Three Gorges project, the masses have at the same time they paid their electric bills also been donating to the construction fund. It can be said that each person participated; each has a stake. They all have the right to apply for and learn about [the fund’s] income and expenditures. How did this become “no direct relationship”? If this is “unrelated” to Ren Xinghui, then please tell me exactly who is it “related” to? Is it possible that this is not relevant to anyone, that this sum of money fell out of the sky, or that only when everyone in the country comes and leaves a red thumbprint will the Ministry of Finance be willing to make this public?

The media embraced Ren’s narratives surrounding the public’s interest in the fund and a “right to know.” In the following weeks, journalists from Procuratorial Daily (February 8), Fangyuan Legal Magazine (February 21), and People’s Court Daily³¹ (March 29) all reported on his lawsuit. The extent of media coverage, Ren thought, was ideal. If anything could put pressure on the court and Ministry, it was this.

The Beijing Intermediate Court had seven working days to decide whether to accept his lawsuit against the Ministry, but Ren heard nothing. On the seventh day, he returned to the court to inquire about the status of his lawsuit. The judge told him to go home and keep waiting. Ren pointed out that, if they failed to rule today, he was empowered to bypass this court and appeal directly to the Beijing Superior Court. The judge replied, “You go ahead.” Thinking that response did not bode well for his chances at the Superior Court, Ren continued to wait instead.

More than two months after submitting his lawsuit, Ren returned to the Beijing Intermediate Court on April 8. His previous visit failed to generate a response, so this time he brought a magazine reporter in tow. With the reporter present he finally learned the court’s decision: the lawsuit had been rejected. (He would wait another seven days before receiving a written copy of the ruling.) Ren appealed this decision to the Beijing Superior Court. Despite two more sympathetic articles published in official media outlets, his appeal was declined.

While Ren’s campaign failed to unlock the information he sought, publicity again generated additional pressure on government agencies. Although the law provided the opportunity for his actions, the courts only responded to his lawsuit when he brought a journalist to the courthouse. The relationship between formal and informal participation is complementary; without his OGI request and subsequent lawsuit, the media would have little story to tell.

However, publicity is not a magic bullet for activist campaigns, and official actors can choose to ride out negative publicity when it suits them. On politically sensitive issues such as the Three Gorges dam, which displaced over one million residents from

³¹ Respectively, in Chinese: *Jianchayuan Ribao*, *Fangyuan Fazhi*, and *Renmin Fayuan Bao*.

the reservoir zone, the state opted for a short-term hit in credibility rather than opening up the issue of its finances for additional public debate.

Property activists

Wu, Ren and others pressing for budgetary transparency are political reformers. Their activist projects seek to shape government institutions around new principles of law and good governance. Their campaigns are also projects of choice, and their material interests are rarely at stake. Are the activist strategies documented in the previous section unique to this particular type of reform-minded activism? This section examines activists thrust into the role and motivated primarily by personal materials concerns: the houses they live(d) in. These activists target a different set of government agencies about a radically different issue, but their cases show an identical combination of legal participation and publicity threats when attempting to influence official behavior.

One element of China’s transition from command planning was the commodification of urban land-use rights (though not land ownership) in the late 1980s. Since then, local governments have been heavily involved in land redevelopment as a means of securing local revenue streams and promoting local economic development (Hsing 2005). Urban redevelopment projects often involve evicting thousands of tenants and property owners. The processes and standards of compensation in these demolition projects have generated significant social conflict, as aggrieved evictees complain of low compensation, circumvented legal processes, and harassment at the hands of demolition companies (Cai 2010). Local governments’ fiscal reliance on land transfers generates the widespread perception of corruption. It is widely charged that local governments and developers concoct inexpensive land-transfer agreements that under-compensate the displaced, to the benefit of both local government and private developers. Widespread media coverage of self-immolations surrounding land disputes in 2003 led to policy changes addressing some complaints of evictees (Cai 2010), but urban demolition and relocation remained a persistent source of state-society conflict throughout the first decade of the twenty-first century.

I found housing evictees pursuing remarkably similar strategies to those of the budgetary activists described above. They used formal participation and publicity in complementary fashion, filing disclosure requests and lawsuits that they did not expect to win in order to generate media coverage of their cases. Their experiences again illustrate the weakness of formal legal processes relative to the power of the publicity. The cases below are based on interviews with the activists in May and June 2010 and January and March 2011.

Death by a thousand lawsuits in Guangdong

In a large city in Guangdong province, a swath of downtown land was approved by the government for redevelopment, necessitating the demolition and relocation of

over 3,000 households.³² According to the homeowners who would later dispute this process, eviction notices were issued in May or June and demolition began shortly thereafter, before residents had an opportunity to utilize formal processes of review and comments. More importantly, these homeowners were dissatisfied with the proposed compensation; one disputant claimed that it was roughly 35% below the contemporary market price for housing in that neighborhood. These displeased homeowners quickly found many faults in the relocation and demolition procedures. Demolition, they claimed, began months before the demolition permit was issued. The compensation calculation for the displaced appeared to use ridiculously low estimates of land value.

The homeowners began their campaign for higher compensation by applying to the city government for administrative review (*xingzheng fuyi*) of the demolition permit. When the review upheld the government’s decision, the homeowners filed an administrative lawsuit against the Construction Bureau that issued the permit, contending that the proper procedures were not observed. The plaintiffs lost this case, but they learned an important lesson about the value of engaging with the legal system. Through this process, they acquired several official documents that were previously inaccessible, including the approval of land reclamation, the state land-use permit, the land-use plan permit, and the program establishment document from the Development and Reform Commission.

The plaintiffs used these new documents to multiply the volume of their political participation. They pored over these materials looking for omissions or inconsistencies, and then filed administrative lawsuits against the agencies involved. In turn, these lawsuits generated more documentation, facilitating additional lawsuits. The courts consistently ruled against the plaintiffs, but they were not discouraged by their losses in the formal legal system. They took a different accounting of lawsuit utility, one largely unrelated to court rulings. I spoke to these activists more than one year into their campaign, before their efforts produced any results.

...when we sue the Construction Bureau, they can’t say that they have no pressure (*yali*), they certainly have some pressure. Whether it’s a little or a lot, they have some pressure. We thought we should use the legal process—walking the path of lawsuits—to give them pressure, to give the city government pressure. Furthermore, we think that for the administrative organs we sue, the higher their rank the greater the pressure. Of course, they won’t tell you verbally not to sue them. But from what the developers said in our conversation with them, actually they [government agencies] are afraid of us suing them.³³

³² (Article A.) The land and housing disputes discussed here have been anonymized in order to protect the identities of interviewees, who are not public figures. These accounts draw upon interviews with housing activists in May and June 2010 and January and March 2011. I also use coverage in Chinese newspapers for supplementary information, also anonymized here to protect source anonymity.

³³ Interview, Guangdong housing activist, May 2010.

The activists believed this “pressure” came not from the courts, which consistently ruled against them, but rather from potential embarrassment generated by the lawsuits themselves. These suits might be visible to the public and political higher-ups within the defendants’ agencies. They believed that getting sued by citizens signaled public dissatisfaction with an agency’s work, a sign that the bureaucrats were failing to manage their affairs well.

With the goal of multiplying their lawsuits against government agencies, rather than winning a court-enforced settlement, the OGI regulations became an invaluable resource. Even when agencies rejected their requests for additional materials, the activists were often able to sue the agencies for failing to disclose. “If they disclose, then we look at the information they disclosed for loopholes or anything illegal. Then we sue. If they do not disclose, then we sue them for not disclosing. No matter what, I’m gonna sue them once.” The OGI Applications were particularly helpful for generating the documentary basis for more activist participation:

[I]f I use an information case to sue them, they need to find an excuse for not disclosing to me...no matter whether the reason is rational or irrational. Then, I have one more illegal thing they did in my hands...if they say they can’t disclose to me because it touches on a third party’s interests, they are distorting legal principles. That is also an illegal action, and furthermore they give it to me written in black and white. This might be useful to me later.³⁴

Their lawsuits attracted media coverage by a local legal journalist; the report sympathetically portrayed the concerns and demands of the complainants. Before their first OGI case went to trial in 2009, local newspapers reported on the case, including a somewhat embarrassing admission by the State Land Resources Bureau that the bureau did not know what information they were obligated to disclose.³⁵ When the court ruled in favor of the agency several months later, a local newspaper led the story by repeating that the plaintiffs, “believed the [agency’s] response to be ‘suspicious equivocating and false pretenses.’” This detail was excised from the edition carried by national online media, but Sina, QQ and other national news portals still publicized the case, including the plaintiffs’ assertion that the State Land Resources Bureau was guilty of “administrative omission” (*xingzheng bu zuowei*). Even after this supportive media coverage, the plaintiffs did not receive the settlement offers they hoped for in 2009 or 2010, though they continued to file information requests and lawsuits.

Their decisive moment came in early 2011, after they filed suit against yet another a local agency for rejecting their disclosure application. In accordance with new local regulations, a top agency official personally attended the court hearing. This attracted local media attention, and the story was reprinted in a number of Guangdong media: “Citizens Sue District [Bureau], Leader Appears in Court.” Less than two weeks after the publication of this article, the activists received new settlement offers from the

³⁴ Interview, Guangdong housing activist, May 2010.

³⁵ Article B.

developer. According to the activists, the new compensation offer was 43% above the market price, more than double the original offer.

In light of these activists’ success, the formal failure of the legal system merits reiterating. In over two years of legal activism, courts and government agencies never once ruled in their favor. But legal victory was not their goal; they testified that even failed lawsuits generated “pressure” roughly one year before the settlement was reached. The publicity-value of lawsuits was part of the activist plan, not a retrospective accounting of their success. The Guangdong property activists again demonstrate how the law gains power when complemented by media attention, as well as the role of legal activism in generating valuable publicity.

Publicity self-help in Shanghai

A second property case illustrates another way in which activists combine legal action with media activism to influence officials: self-help publicity. Mr. Qiu³⁶, a Shanghai businessperson, lost his shop to forced demolition, and was dissatisfied with the compensation package proposed by the demolition firm. His neighbors told him that they had received more money, but they would not show him their agreements due to confidentiality clauses. To learn how others were compensated, in early 2009 he began requesting disclosure of compensation packages offered to others evictees of the same construction project. He submitted dozens of disclosure requests to a variety of agencies, and they were rejected with similarly diverse justifications: this information does not constitute “government information”; this information does not exist; this information is not within the jurisdiction of this agency.

Qiu had also visited the petition office of the local People’s Congress. There, he met a bureaucrat who reviewed his petition. “[The People’s Congress employee] looked at my materials and told me, if the media reported on it, then things might be different.” It was a government bureaucrat who pointed Mr. Qiu towards publicity-driven accountability. Recall that officials believe negative publicity to be detrimental to their careers, and they view complaints from journalists as more damaging than those from ordinary citizens (Chapter 3). The petition bureaucrat was in many ways well-positioned to guide Mr. Qiu’s activism towards publicity-driven accountability. Rather than rely on legal processes, he needed to increase pressure on government agencies by taking his case public.

After losing his first two lawsuits against agencies that he sought information from, Qiu followed the bureaucrat’s advice. He posted a message to an online discussion forum: “Demolition victim requests disclosure of compensation information, wins in Beijing, loses in Shanghai—The door for Shanghai demolition victims to request disclosure of compensation is about to close.” This post invited journalists to attend his next trial, and it ended with this summary: “Openness, fairness, and justice is the slogan for Shanghai building demolition and relocation...The local government and courts’ obstruction of disclosure by hook or by crook is in order to cover-up the reality that local demolition and relocation is closed, unfair, and unjust.”

³⁶ The name of the plaintiff has again been anonymized.

Although this posting appeared just one day before his trial, a journalist from one of China’s most highly regarded news magazines contacted Qiu, attended the trial, and published an article days later. Its early paragraphs presented a thesis in support of Qiu’s narrative and broadened the scope of issues involved: “Non-transparency of the demolition process remains a major source of conflict facing demolition and relocation. Although the adoption of regulations on Open Government Information is beneficial to improving the situation, there remains layer upon layer of resistance to their actual implementation.” It referred to demolition as happening “within a black box” and quoted legal professionals rejecting the governments’ claim that publicizing this information would necessarily violate the privacy of others. Another national newsweekly covered Qiu’s case several months later under a headline that sarcastically criticized government intransigence: “Is demolishing your house unrelated to you?”

If formal lawsuits could not provide justice, they could at least provided access to greater publicity. Both Qiu and at least one official were optimistic that this publicity would increase pressure on the government. However, even coverage by two high-profile publications failed to change Qiu’s fortunes. As of 2011, he had not successfully negotiated greater compensation. Qiu attributed this failure in part to the timidity of national online media in reprinting the articles on his cases. Unlike the Guangdong demolition case and the budgetary activists discussed above, major news portals like Sina, Sohu, QQ, and NetEase declined to cover Qiu’s story. He even phoned editors at these news portals to request that they reprint the articles, but they did not. “If that [national newsweekly] article was placed on Sina, that would have been different. But they didn’t dare to post it.” His experience illustrates some of the limitations of publicity-driven accountability as we move from politically anodyne transparency questions into sensitive issues that have motivated public protests, such as housing demolitions. On these topics, national media outlets are hesitant to publicize the kind of critical stories that that allow citizens to discipline officials.

Similar to Wu Junliang’s volunteers, these property activists obsessively collected documentation of their encounters with government and sought to take their stories public. Despite endless lawsuits, they expressed little hope that legal authorities would discipline officials or corporations. When the Guangdong activists solicited involvement from other evictees, the homeowners with formal legal background declined to join the campaign; “They didn’t dare file suit. They all said filing lawsuits was not helpful.” Rather than harboring naïve ideas about the efficacy of formal justice systems, property activists hoped that pressure against government agencies would accumulate through publicity about their lawsuits. They did not trust in solutions delivered via procedural justice, but rather those motivated by official concerns about publicity.

Consumer activism

A final group of OGI activists using similar tactics are for-profit consumer advocates, referred to in Chinese as “professional anti-counterfeiters” (*zhiye dajiaren*). They differ from both budgetary activists and parties to housing disputes in key ways. First, although they publicly adopt the mantle of consumer advocacy and reform, they

have material interests at stake that the budgetary activists do not. Professional anti-counterfeiters profit from pressuring firms that they accuse of violating consumer protection regulations. They investigate potentially illegal practices in marketing, product composition, or safety and then approach the relevant companies seeking compensation (often accompanied by the threat of media campaigns or legal action).³⁷ Aside from whatever principled objection they have to certain practices, there are strong material incentives at work too. The most frequent targets of their campaigns are consequently firms, not governments.

Compared to land and property activists, professional anticounterfeiters (PAs) are less desperate. Whereas a property or housing settlement is possibly worth millions of yuan, each individual case for a PA might only be worth several thousand yuan. They do not have high incentives to take risks in their activism, though perhaps this odd profession only attracts individuals with a certain appetite for risk. Despite their biographical and incentive differences from our previous two cases, PAs use similar tactics to budgetary and property activists when trying to change government behavior. They again combine legal activism and publicity campaigns. Below, I present one PA’s encounter with local government to illustrate that these strategies are neither purely for the desperate (property activists) nor the principled (budgetary activists); citizens combine legal activism with publicity because the tactic yields results.

“I attack counterfeits for a living,” is how Xu Dajiang described his profession to a reporter. A migrant from China’s interior with a secondary-school education, his resume included elevator worker, garment factory employee, and salesman before discovering an aptitude for professional consumer advocacy.³⁸ Today, he is based in Guangzhou and runs a website that disseminates information on consumer protection and solicits new complaints from the citizenry.³⁹

The activists described above incorporated China’s OGI regulations into their activist campaigns against government agencies, but Xu and other PAs use OGI requests as part of their work identifying business opportunities. He estimated submitting disclosure requests on over fifty different topics, starting in 2005 with Guangzhou’s local OGI regulation, several years before the national ordinance took effect. One fruitful pattern of requests has gone to the Ministry of Health in Beijing. Xu and his colleagues have sought disclosure of products deemed to violate the Food Safety Law. Although these products are usually unavailable for sale in Guangzhou, his team can often find other, locally-available products with similar ingredients. They then approach these yet-unpunished firms on “suspicion of violating the law” and try to negotiate monetary settlements and the removal of offending items.

As part of his work in Guangzhou, Xu had complained to local regulatory agencies about many firms that he believed to be violating consumer protection laws. In most cases, however, he never learned whether these firms were subsequently

³⁷ Interview, Guangdong professional anticounterfeiter, May 2010.

³⁸ “Professional ‘anti-counterfeiter’ loses second hearing in lawsuit against AIC” (*Zhiye “dajiaren” zhuangqiao gongshangju er shen baisu*). *Southern Metropolis Daily*. December 10, 2009

³⁹ Yiwei Wang. <http://www.80012315.com> Functional as of Aug. 3, 2011. Under construction during most recent load, May 13, 2013.

punished by local agencies. In an attempt to unlock this information, Xu applied for disclosure of the administrative penalties levied by seven different Guangzhou regulatory agencies in summer 2009. In his words, “From 2007 to 2009, while attacking counterfeiting I reported over one hundred cases of marketing fake products to the Administration of Industry and Commerce (AIC), but to date not one has been punished. Usually, their response is simply to say that the firm has removed the illegal product.”⁴⁰ His requests sought to follow-up on his complaints and see whether local regulators imposed any penalties against the relevant firms.

The AIC declined his request, claiming that as someone unrelated to the firms punished, he had no right to access the information. However, each of the remaining six agencies gave different responses. The Bureau of Prices agreed to disclose the information; the Bureau of Food and Drug Supervision bureau only agreed to release a summary of illegal behavior; the Bureau of Safety Supervision requested Xu name particular firms that he hoped to check; the Bureau of Health claimed to not have any records of administrative penalties in the relevant timeframe.

With help from Xu, who gave several interviews, this episode generated media coverage of both the AIC’s nondisclosure and the confounding variation in the agencies’ responses. One headline read, “Anticounterfeiter Requests Government Disclosure of Administrative Penalties, 7 Departments, 7 Answers.”⁴¹ A local newspapers’ Op-Ed drew explicit connections between the case and poor legal implementation:

As long as there is a large gap in implementation and effort between citizens’ right-to-know and Open Government Information, Xu Dajiang will not be the last to file such a lawsuit... Against the background of many shortcomings in open information, rather than saying Xu Dajiang’s lawsuit is protecting his personal rights, it would be better to say that he is teaching a class on Open Government Information. Naturally, the students in this class should not only include citizens but also government departments.⁴²

Xu filed an administrative lawsuit against the AIC. Despite the media pressure, the district court upheld the AIC’s decision on August 31, ruling that Xu’s application failed to demonstrate that the requested information was related to his production, life, or scientific research.⁴³ A post-ruling Op-Ed gloomily summarized, “Expectations for Open Government Information Regulations Should Not Be Too High.”⁴⁴

⁴⁰ “Anticounterfeiter Requests Government Disclosure of Administrative Penalties, 7 Departments, 7 Answers.” (*Dajiaoren yaogiu zhengfu qongkai xingzheng chufa qinakuang 7 bumen 7 zhong huiying*) *Xinkuaibao*. July 10, 2009

⁴¹ *Ibid.*

⁴² “Citizen lawsuit teaches class on government information disclosure” (*Gongmin susong zai qei zhengfu xinxi qongkai buke*) *Yangcheng Wanbao*. July 3, 2009.

⁴³ “Demand for AIC Disclosure, Professional Anticounterfeiter Loses First Hearing” (*Yaogiu gongshangjiu gongkai xinxi, zhiye dajiaoren yishen baisu*) *Southern Metropolis Daily*. September 1, 2009

⁴⁴ “Expectations for Open Government Information Regulations Should Not Be Too High” (*Dui zhengfu xinxi qongkai tiaoli bu ying qidai quogao*) *Zhujiang Liaowang*. September 2, 2009

However, not long after the ruling, the Guangzhou AIC began publishing reports on the punishment of regulatory violators on its website, including the names of punished businesses, the regulations violated, and the type of punishment administered.⁴⁵ This was precisely the information sought by Xu, and these disclosures have continued through February 2013. Nonetheless, Xu lost his formal legal appeal in December 2009.⁴⁶ The courts failed to uphold his right to information, but the media coverage generated by his lawsuits produced an enduring change in local governance in Guangzhou.

Xu’s case is especially noteworthy for its relatively technical, anodyne nature. Although product safety has become a widely discussed and occasionally politically sensitive topic in recent years, there was no evident threat of citizens protesting or otherwise disrupting social order on this issue. Legal institutions failed to defend Xu’s interests, and he lacked any personal relationship to power-holders. Instead, he used fruitless lawsuits to attract coverage from southern China’s aggressive news media. Publicity, not law, drove the change in government behavior.

Conclusion

The cases presented here illustrate the merging of formal institutions of accountability—lawsuits, administrative review, and information disclosure requests—with the informal sanction of publicity. Although these groups’ activism makes significant use of the OGI regulations and administrative lawsuits, the formal powers of these institutions play an ancillary role in disciplining official behavior. Most disclosure requests are rejected and judges never rule in favor of citizen-plaintiffs, a pattern here that is echoed in other research (Chen 2013). Instead, the institutions aid publicity-driven accountability by generating formal documentation of state-society interaction and providing narrative content for news articles. These formal institutions are important for their ability to *dramatize governance failures* rather than enforce good governance.

Because of this complementarity, the value of formal institutions is intertwined with the power of China’s news media. The rapid development of online media in China has allowed local investigative journalism to reach higher levels of government and a broader audience of citizens. Since these cases were examined over 2009-2011, the growing popularity of domestic microblogging (*weibo*) has only increased the ability of citizens and journalists to widely publicize their own encounters with power, leveraging publicity to their advantage in interactions with officials.

This observation necessitates a different perspective on formal participatory institutions under authoritarianism. While authoritarian courts provide notoriously fickle enforcement power (Ginsburg & Moustafa 2008), they generate opportunities for

⁴⁵ Records available on the Guangzhou AIC website: <<<http://www.gzaic.gov.cn/zwgk/xzcf/index.htm>>> Accessed May 2013.

⁴⁶ “Professional ‘anti-counterfeiter’ loses second hearing in lawsuit against AIC” (*Zhiye “dajiaren” zhuangqiao qongshangju er shen baisu*). *Southern Metropolis Daily*. December 10, 2009

publicity that allow citizens to discipline officials. Formal participation can be better understood within the broader context of publicity-driven accountability.

The value of formal participation for generating publicity drives activists to continue to utilize the legal system even when the courts are consistently ineffective. Several episodes described in this chapter exemplify this type of publicity-seeking participation. This is one way in which publicity-driven accountability influences political behavior; it creates incentives for participation even when the institutions themselves are apparently dysfunctional. The goal is not to make use of the institutions for their nominal purposes, but rather to dramatize their failures.

While the activist strategies all made common use of publicity (or threats thereof), their campaigns were not uniformly successful. While a bureau chief appearing in court garnered national media coverage for the Guangzhou housing activists, the Shanghai evictee in a similar position was unable to attract enough national attention for his lawsuit about the more sensitive issue of transparent compensation for housing demolitions. Ren Xinghui’s requests for financial transparency surrounding the Three Gorges project were rebuffed even after his lawsuit generated national media coverage. Unlike formal institutions of accountability, the state remains in important ways “above the law.”

More surprising is that in several cases media coverage successfully changes government behavior. Publicity succeeds in unlocking government budgets, disclosing regulatory violators, and increasing compensation for urban evictees. These successes help explain why publicity-seeking behavior is a common feature across diverse fields of citizen activism.

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Appendix A: Areas of Emphasized Government Disclosure in China’s Regulation on Open Government Information

<i>County-level governments and higher, including their departments (Art. 10)</i>	<i>Cities with districts and county governments, including their departments (Art. 11)</i>	<i>Town and township governments (Art. 12)</i>
<p>1) Administrative regulations, rules, and regulatory documents;</p> <p>2) Plans for national economic and social development, plans for specific projects, plans for regional development and related policies;</p> <p>3) Statistical information on national economic and social development;</p> <p>4) Reports on financial budgets and final accounts;</p> <p>5) Items subject to an administrative fee and the legal basis and standards therefor;</p> <p>6) Catalogues of the government’s centralized procurement projects, their standards and their implementation;</p> <p>7) Matters subject to administrative licensing and their legal bases, conditions, quantities, procedures and deadlines and catalogues of all the materials that need to be submitted when applying for the administrative licensing, and the handling thereof;</p> <p>8) Information on the approval and implementation of major construction projects;</p> <p>9) Policies and measures on such matters as poverty assistance, education, medical care, social security and job creation and their actual implementation;</p> <p>10) Emergency plans for, early warning information concerning, and counter measures against sudden public events;</p> <p>11) Information on the supervision and inspection of environmental protection, public health, safe production, food and drugs, and product quality.</p>	<p>1) Important and major matters in urban and rural construction and management;</p> <p>2) Information on the construction of social and public interest institutions;</p> <p>3) Information on land requisition or land appropriation, household demolition and resettlement, and the distribution and use of compensation or subsidy funds relating thereto; and</p>	<p>1) Information on the implementation of rural work policies of the state;</p> <p>2) Information on fiscal income and expenses and the management and use of various specialized funds;</p> <p>3) Overall township (town) land use plans and information on the verification of land to be used by farmers for their primary residences;</p> <p>4) Information on land requisition or land appropriation, household demolition and resettlement, and the distribution and use of compensation or subsidy funds therefor;</p> <p>5) Information on township (town) credits and debts, fund raising and labor levies;</p> <p>6) Information on the distribution of social donations in funds and in kind for emergency and disaster relief, special care for families of martyrs and military service personnel, and assistance to poverty stricken and low income families;</p> <p>7) Information on contracting, leasing and auctioning of township and town collectively owned enterprises and other township and town economic entities; and</p> <p>8) Information on implementation of the family planning policy.</p>

P.R.C. Ordinance on Open Government Information (2008) Translation by The China Law Center, Yale Law School February 2009.

Chapter 5

Conclusion—Media, Accountability, and Authoritarian Political Development

This chapter explores the theoretical contributions of publicity-driven accountability and proposes areas of future research. Identifying this mechanism of accountability has consequences for theories of political development and the roles of both authority and information in generating public accountability. Improving the media environment in an authoritarian regime stands to make officials more accountable *to the public*, rather than purely their bureaucratic superiors. Improved accountability represents an important form of political development, even when it occurs largely within the boundaries of an authoritarian regime. In fact, hierarchical political authority is a critical element of publicity-driven accountability.

Publicity-driven accountability also represents an advance in our understanding of state-society relations in China. While adopting no clear position on the future of the political regime, this study contends that changes to China's media and communications environment have improved accountability to the public. It also provides a straightforward framework for understanding a key concern of officials when they deal with the public, a missing piece of previous state-centered accounts of cadre incentives and behavior in China. Publicity-driven accountability also enhances the study of contentious politics in China by specifying a mechanism that links public events, the incentives of officials, and state responsiveness.

This study generates additional hypotheses for exploration in future research. One issue deals with the costs to producing "collective witness," including costs associated with garnering public attention and the risks of state repression of the individuals seeking publicity. A second area for future research concerns the temporal dimensions of accountability. How "sticky" are policy changes engendered by negative publicity? Finally, I consider the prospects for examining the aggregate effects of publicity-driven accountability across larger political units, including the plausibility of cross-national research.

Contributions

Media and political development

Two key themes have dominated scholarship on the politics of media and communications in authoritarian states. The first theme focuses on the techniques, motivations, and consequences of political control of the news media. A wide variety of scholars in political science and communications have described how the political objectives of illiberal states are expressed in their control or harassment of the news media. These studies span the Soviet Union (Dewhirst & Farrell 1973), post-communist Russia (Dewhirst 2002; Oates 2007), Singapore (Rodan 2003; Lee 2005), and cross national studies of African states (VonDoepp & Young 2013) and authoritarian regimes more broadly (Egorov, Guriev & Sonin 2011). China in particular has been a recent focal point for the study of authoritarian media control. Studies range from the technical details of its online censorship regime (Xu, Mao & Halderman 2011; Zhu et al 2013) to the mapping of observed censorship practices onto regime goals (Chan 2007; Lorentzen 2012; King, Pan & Roberts 2013; Stockmann 2013). These accounts generally investigate how media policies serve to benefit the powerholders in authoritarian regimes.

The second major scholarly theme surrounding media and authoritarianism involves media liberalization and regime change. For decades scholars have pointed to the role of the news media and communications technologies in democratic development (de Sola Pool 1984), going so far as to brand the new communications tools in the early 21st century “Liberation Technologies” (Diamond 2010). Media and communications technologies have been credited with hastening the demise of authoritarian regimes in Mexico (Lawson 2002), Eastern Europe (McFaul 2005; Mungiu-Pippidi & Munteanu 2009), and several countries involved in the “Arab Spring” (Howard & Hussain 2011).

Opposing voices have pointed to the role of new communications technologies and media commercialization in enhancing state prestige and providing greater control over the public. New communications technologies have assisted authoritarian governments in identifying and punishing activists, disseminating demobilizing propaganda, and surreptitiously guiding public discourse (Kalathil & Boas 2003; Morozov 2012). Scholars of China contend that media commercialization has created more persuasive and credible pro-state propaganda, resulting in inflated public perceptions of government efficacy (Stockman & Gallagher 2011; Stockman 2013).

This scholarly focus on media’s promotion or inhibition of democratic change is natural. Democratic development is important, and not only do media freedoms appear linked to democratization, but a vibrant and independent media is considered critical to the political health of mature democracies (Diamond & Morlino 2004). Press independence is used to measure progress in post-communist democratizations (Kaldor & Vejvoda 1997), and concerns about democratic dysfunction in the United States focus in part on the role of an ideologically bifurcated news media that reinforces citizens’ polarized views (Iyengar & Han 2009).

In both the above themes of media research, the political regime enjoys pride of place. How are regime objectives expressed through media policies? Do press and

communications freedoms hasten or postpone changes to the political regime? I agree that these questions are theoretically and substantively compelling, but this scholarly emphasis on formal institutions has distracted scholars from qualitative changes to state-society dynamics occurring *within authoritarian systems*. There are a wide variety of political outcomes and dynamics that have nothing to do with regime transition, yet have a major impact on the lives of those living under these regimes. The 2011 Polity IV index of political authority assigns identical scores to Iran, Belarus, Cuba, Eritrea and China (-7). Obviously a tremendous amount of political variation is not captured by these countries' shared position on measures of institutionalized democracy. Citizens' political lives and relationship to the state under these regimes are radically different, but questions about quality of political responsiveness under authoritarianism are (with a few exceptions) little studied. Under what conditions do authoritarian policies align with public preferences? Which institutions, if any, improve this alignment?

This dissertation has narrowly focused on the ability of publicity to discipline and restrain officials in authoritarian China, but this research suggests a role for the media in improving this alignment between public preferences and policy implementation in non-democratic regimes. Repeated episodes of blame-shifting in response to publicity and millions of bureaucrats who internalize a fear of negative media coverage should result in the reduction of arbitrary behavior in government and lower implementation of unpopular policies. By orienting research on media in authoritarianism toward these changes *in the quality* of state-society relations rather than democratic transitions, this study opens up a promising research agenda for the study of authoritarian politics. There remain many open questions about these aggregate consequences of publicity-driven accountability for authoritarian governance, which I discuss below. A focus on the quality of accountability also allows social scientists working in authoritarian regimes to keep their research grounded in retrospective empirics, rather than prospective evaluations of possible democratic futures.

Information asymmetry, authority, and accountability

This study offers a new perspective on informational asymmetries in government. Information asymmetries are usually cited as a source of negative outcomes such as opportunities for bribery (Manion 1996), suboptimal allocation of economic resources (Kornai 1992: 127-130), and severe market distortions (Akerlof 1970). This study shows that informational asymmetries between activists and the broader public generate opportunities for citizens to sanction unelected officials. Citizens, by virtue of their encounters with local bureaucrats, come to possess information about local bureaucrats that is not yet common knowledge. Because this information is not widely known, upper-level officials enjoy the benefits of deniability; they enjoy the benefit of being perceived to be in the dark. When broad media coverage renders this pretense untenable, they are incentivized to demonstrate responsiveness.

In a sense, the protection of these perceived informational asymmetries is what allows this mechanism to function. When it is widely understood that upper-level authorities know about and are indifferent to lower-level failings in government, then the state would have less to fear from additional media coverage. It would already be

common knowledge that government was aware of and indifferent to problems, and publicity would lose much of its disciplinary power. From the perspective of citizens, the state's attempt to preserve public perception of these asymmetries helps turn publicity into a tool of accountability. These information asymmetries possess potential energy for use in accountability, like a boulder poised at the top of a hill.

Publicity-driven accountability also represents an operationalization of the benefits of a vigorous "public sphere" to governance (Habermas 1991). The public sphere as a normative good has been an influential and debated concept; this project describes its benefits for governance using a language more amenable to positivist investigations of politics. Publicity-driven accountability, by specifying the roles of political incentives, common knowledge, and the circulation of information, provides a detailed explanation why the emergence of a public sphere stands to benefit government accountability.

By pointing to information and the institutions that circulate it as a source of public accountability, this project suggests a reconsideration of where accountability falls in political development. Some scholars advocate accountability as the defining feature of democracy (Schmitter & Karl 1991), and most agree that accountability is a core goal of democratic government. However, there is a tendency to study changes in formal institutions of leadership selection as the primary measure of political development.

In contrast to accountability mechanisms that depend upon democratic institutions, hierarchical political authority is critically important to publicity-driven accountability. Without effective control of bureaucrats from above, lower-level officials have little incentive to reduce and respond to negative publicity. In this account, liberalized information flows can improve public accountability without any formal democratization. This theory proposes that bureaucratic discipline can combine with features of civil society—the media, public expectations about the state, and an active citizenry—to improve public accountability. Democratic institutions of public participation are wholly absent from this account.

If forms of public accountability manifest in such unfavorable institutional terrain, perhaps the study of accountability should focus more on political outcomes rather than the presence or absence of participatory institutions. Specifically, the responsiveness of policy and policy implementation to citizen demands might take center stage in the study of political development. This would allow measurement of accountability from the perspective of implementation outcomes, rather than mechanisms of policy input. It also leaves open the possibility that public accountability (measured by outcomes) may vary greatly across states with identical formal institutions. As the features of civil society surrounding the state change, so does the extent of nondemocratic public accountability.

State-society relations in China

Finally, this study sheds light on the relationship between state and society in contemporary China. Previous research on Chinese officialdom has been highly state-centric, with a limited role envisioned for society in governance. Research has probed

the internal characteristics of state and party that promote successful governance in a period of radical economic change and administrative decentralization (Shirk 1993; Huang 1996; Landry 2008a; Shih, Adolph & Liu 2012). Political elites are analyzed primarily with regard to their embedding in political institutions of control and autonomy. One scholar recently argued for the superiority an entirely “state-centered” paradigm of Chinese politics (Gilley 2011).

Publicity-driven accountability represents an important corrective to studies of the state that focus entirely on its internal characteristics. It integrates the study of official incentive structures with strategic behavior by social actors to help us understand how the role of the public in governance. While acknowledging the observation that the government continues to enjoy a high level of autonomy (Gilley 2011), publicity-driven accountability rejects the claim that the public’s role is ignorable in contemporary China, and it argues for caution in assuming that the consequence of electoral disenfranchisement is political irrelevance.

The counterbalance to the state-centered research paradigm in China has been a growing body of scholarship on social groups and contention in China. The 1990s research on state-society relations found China’s social organizations to be “enveloped in a rhetoric of corporatist interpenetration” (Shue 1994: 83), but more recent work has increasingly documented grassroots resistance to state policies by relatively autonomous individuals and groups. Research on contention in contemporary China has proposed a wide variety of resources for citizens when confronting officials, including personal connections to officials, divergent interests between government agencies or levels of government, mobilizing structures, social networks, media frames, and morally resonant symbolic acts (e.g. Lee 2007; Mertha 2008; Hurst 2004; O’Brien & Li 2006; Cai 2010). The level of detail that emerges from these studies in China is both the strength of contention research and its weakness in developing a more general theory of factors that yield social power over a strong state. Scholars’ attention to the diverse forces shaping the outcomes of complex social episodes renders it difficult to develop more general propositions about bureaucratic accountability from the study of China.

Publicity-driven accountability does not exhaustively characterize the terrain of state-society contention in China; specifying the role of publicity does not deny the importance of any of the factors mentioned above. However, publicity-driven accountability represents an advance insofar as it provides a general conceptual framework for understanding why unelected officials in an authoritarian state remain highly sensitive to negative publicity. They are the targets of blame-shifting within the bureaucracy, and their superiors control their resources and career paths. This conceptualization makes it clear that publicity-driven accountability is not culturally or historically specific to China. Publicity-driven accountability also proposes general conditions for improving public oversight of unelected officials. Where citizens enjoy greater access to publicity, officials find themselves subject to greater pressures to avoid negative publicity and thereby reduce arbitrary use of power. The research uses these insights in China to propose a general mechanism hypothesized to hold across any state

that combines official concern for public opinion, hierarchical control of officials, and a semi-autonomous news media.

This produces a clear hypothesis to apply in future studies of contention in China: media coverage generally benefits citizens in their confrontations with officials. (I will discuss the question of repression in a subsequent section.) The apparent benefits of media coverage have been noted, if not entirely theorized, by many studies of contentious politics in China (e.g. O'Brien & Li 2006; Mertha 2008; Cai 2010). However, this hypothesis has not been subject to quantitative testing. I have started this process here with a survey experiment (Chapter 3) revealing that officials see more to fear in citizens with access to publicity, and my future research will test the relationship between citizen media threats and official responsiveness on a national scale. Previous research on contention in China has not lent itself to such straightforward hypothesis testing.

Most recently, the study of contention and study of the state in China have been integrated into a framework emphasizing officials' incentives to preserve "social stability" (*weiwen*). We know that Chinese officials face stiff penalties for failing to maintain social stability (Chan & Gao 2008; Birney 2013), which partially helps to explain why low-level protests are effective ways of extracting concessions from the state. The social stability framework is also highly amenable to political scientists trained to interpret the complex world of state-society relations as a set of collective action problems. This stream of literature provides clear hypotheses about the relationship between citizen political behavior and government response, summarized by the contemporary folk saying: "Little disruption, little solutions. Big disruption, big solutions." (小闹小解决, 大闹大解决). Where citizens can engineer disruptive, forceful resistance, they may receive greater concessions from the state (Cai 2010).

Publicity-driven accountability folds the *weiwen* imperative imposed on Chinese officials into a broader framework of how bureaucratic controls affect state-society relations under authoritarianism. The *weiwen* mandate happens to be the most key mandate for state-society relations in early 21st century China. However, we could imagine that in future stages of Chinese authoritarianism that core mandates might be the inflation management, environmental protection, or other concerns. Publicity-driven accountability is not particular to any set of official mandates; it obtains whenever publicity generates common knowledge about governance failures.

Publicity-driven accountability enriches another recent account of Chinese state-society relations: the role of deliberative institutions in politics. Scholars point to the growth of consultation with society on policy issues and view this as a form of influence on policy achieved through persuasion (He & Warren 2011). Identifying this texture to authoritarian rule rightfully corrects more extreme characterizations of officials force-feeding policies to a subordinate public. However, the problem with the deliberation paradigm for understanding state-society relations (a problem acknowledged by the authors) is its theorization of the sources of society's power over officials, and in determining whether deliberation actually results in changed official behavior. Hypotheses about why and when officials will incorporate opinions gathered through these deliberative processes remain vague. In contrast, publicity-driven accountability

posits that any persuasive effects of public deliberation are accompanied by real stakes for bureaucrats; negative publicity threatens their positions. In this way, publicity-driven accountability generates explanations for why citizens can gain power over officials through public events and generates testable hypotheses regarding the impact of publicity on bureaucratic behavior.

Finally, by pointing to the role of informal, publicity-driven public accountability, this study suggests an alternative to the view that contemporary China contradicts the modernization hypothesis linking economic development to the democratic exercise of state power (Lipset 1959). These accounts either claim that China has employed special strategies of reform to avoid democratization (Gallagher 2002) or that the hypothesis itself was fundamentally flawed (Bueno de Mesquita & Downs 2005). They correctly observe that Chinese political reform, as measured by its formal institutions of political participation, has not kept pace with the radical changes to its economic institutions and its rapid growth over the last thirty years. However, if freer circulation of information improves official accountability, then the economic and technological revolution taking place in China may indeed make the state more accountable to the public. In particular, the proliferation of marketized media outlets and the wide diffusion of the internet have provided easier public access to channels of publicity. Thinking in terms of accountability outcomes rather than formal processes, democratization of Chinese state-society relations may be progressing even during institutional stagnation. It is simply that these changes are happening largely in the society surrounding the state rather than the state itself.

Future research

The theory of publicity-driven accountability points to several areas of future research, including the costs associated with engineering episodes of collective witness, the temporal qualities of policy changes induced by publicity, and the aggregate effects of increased media freedoms on governance outcomes.

The costs of collective witness

By pointing to the role of publicity, this study revises our understanding of the costs imposed on citizens trying to discipline unelected officials. The public gains power through the information they acquire when interacting with bureaucrats. Aggrieved citizens need not form groups, seek redress through formal institutions, or exchange their resources with state actors. Instead, they can use publicity (or the threat thereof) to bring official behavior in line with their demands.

The power of this mechanism lies in the creation of common knowledge through episodes of “collective witness.” Collective witness imposes generally lower costs on participants than involvement in collective action targeting state actors. Participants primarily need to signal their reception of the relevant information. The lowest level of participation is as simple as purchasing a newspaper or clicking on a weblink. A less anonymous form of participation is re-posting the information received onto one’s own online communications platform, such as a chat signature, blog, or microblog. These actions signal one individual’s reception of information to others. When this type of

signaling occurs *en masse*, it becomes implausible that government officials are ignorant of behavior in question. When official deniability is lost the reputational costs of failing to redress opinion grow, and therefore officials are incentivized to respond.

It is clear that the information receivers who do most of the “witnessing” are subject to minimal costs on their time and low risk of encountering repression. This is a key difference in the costs associated with collective witness and collective action: the costs imposed on non-leaders are much lower for collective witness. As noted above, the costs of signaling information reception are low, and the risk of encountering state repression is lower as well. The audience for episodes of collective witness participates at physical remove from any sites of conflict, through the reception of information via newspapers, computers, or cell phones. They are largely anonymous to the state, though that anonymity may be compromised if they choose to re-post news events to their own social media accounts. For these reasons, audience members in an episode of collective witness are subject to lower costs than participants in collective action.

On the other hand, the activists who drum-up publicity surrounding their own grievances incur larger costs than the audience; they gather evidence of poor governance, solicit media coverage, and perhaps engage in formal political participation in order to generate publicity. This imposes high costs on their time and resources, and their leadership also exposes them to the risk of state repression. In 2013, anti-corruption campaigners in China have found themselves at risk of repression as they try to draw attention to this issue.¹ The family planning abuses discussed in Chapter 3 suggest that publicity itself helps to insulate the involved social actors against repression, but the question of when publicity leads to policy change versus payback (or both outcomes) would benefit from additional research.

Temporal dimensions of publicity-driven accountability

Publicity-driven accountability is hypothesized to operate in two different temporal patterns. The first pattern is constant and difficult-to-observe: inducing everyday restraint among officials. When officials are subject to the threat of publicity, the mechanism incentivizes them to adjust quotidian administrative activities in order to reduce the probability of generating negative publicity. Officials’ trepidation of media coverage and its influence on their perceptions of complaints was described in Chapter 3. This affects official behavior on an ongoing, daily basis and produces hypotheses about the aggregate impact of media freedoms across the polity (see the following section).

The second temporal pattern is episodic and highly visible: major episodes of publicity that provoke state response. Many of the case studies presented in this study are examples of this pattern. The public collectively witnesses episodes of poor governance, producing common knowledge about governance shortcomings, and political principals are incentivized to shift blame downwards and make public demonstrations of responsiveness. In the cases covered in this dissertation, officials

¹ Andrew Jacobs. “China Presses Crackdown on Campaign Against Graft” *The New York Times*. April 21, 2013.

demonstrated responsiveness by changing policies on government transparency, compensating the victims of expropriation and other official abuses, and publicly punishing the officials implicated in the events.

It remains an open question whether these episodes of publicity-driven accountability produce enduring changes or merely short-term responses to public opinion. In the cases explored in Chapters 3 and 4, successful campaigns have produced enduring changes. Since the 2009 budgetary disclosures achieved by Wu Junliang, Guangzhou local government has continued to allow public supervision of local budgets. The transparency has highlighted public discontent with international travel financed with public funds and exorbitant subsidies to kindergartens that serve privileged children.² Wu's website has continued to publish and analyze the budgets provided by a variety of cities and ministries across China.³ The Guangzhou Administration of Industry and Commerce has also continued to publish the names of regulatory violators on the heels of Xu Dajiang's lawsuits.⁴

However, publicity need not lead to enduring changes, nor are the participants necessarily protected from retaliation. When public attention to a particular issue wanes, officials have the opportunity to roll back the clock on policy and take revenge on the individuals involved. China's first case of publicity-driven accountability in the internet age provides an example of the opportunity for state repression after public concern turns away from an episode. In 2003, a young professional was beaten to death when officers mistakenly detained him for lacking proper migration credentials. Local media reports on his death blossomed into an outpouring of sympathy and anger on the internet, and an open letter from Beijing professors calling for an end to the detention and repatriation system for internal migrants. The law was indeed scrapped, and many hailed this as documenting the power of online public opinion (Zhao 2008). However, in the aftermath of this event, the newspaper leadership were subjected to harsh punishment in what was seen as retaliation by local authorities for the embarrassment caused by the Sun coverage and other sensitive media reports.⁵ While media coverage changed an unpopular law, the law did little to protect the journalists from payback.

The daily restraint posed by publicity-driven accountability does not preclude extra-legal behavior by officials. It raises the costs for such behavior, but in important ways the state remains "above the law." Episodes of negative publicity do not commit the state to a certain course of action indefinitely into the future. The stickiness of publicity-motivated behavioral change remains an open question for future research.

² "Guangzhou City Management Visited 9 Countries in One Year; Openly Admits Car Expenditures Exceed Budget (*Guangzhou chengguan 1 nian bu 9 guo kaochao, gongkai chengren gongche feiyong chaozhi*). *Southern Daily*. July 4, 2012. "Public Outcry Over Cash for Kindergartens." *Shanghai Daily*. January 25, 2011.

³ Wu's list of budgetary disclosures is posted online at <<<http://www.budgetofchina.com/>>> Accessed May 2013.

⁴ See: <<http://www.gzaic.gov.cn/zwgk/xzcf/index.htm>> Accessed May 2013.

⁵ Pan, P. "China's Watchdogs Push the Limits; Bold Newspaper Stalled After Editor, Manager Are Arrested" *The Washington Post*. August 1, 2004.

Micro-level versus aggregate effects

This study has focused on the micro-politics of accountability, showing how unelected officials under bureaucratic hierarchy are sensitive to negative media coverage. On an individual level, exposure to negative publicity induces more restraint in exercise of power and greater responsiveness to citizen demands. This mechanism suggests a hypothesis about the aggregate effects of publicity in politics: that improving media autonomy to criticize government creates greater pressure on bureaucracies to improve governance. If this hypothesis holds, we might imagine that dialing-up media freedoms in authoritarian states like China will generally benefit measures of public accountability.

However, these aggregate effects are contingent on a host of factors that require future research. One important set of issues deals with the political psychology of media reception. A high volume of negative news stories may saturate the public's attention, rendering it less sensitive to revelations of state incompetence or malfeasance; the audience may grow accustomed to the politics of scandal. If this occurs, the pressures created by negative publicity are reduced. It is worth noting that a public which is acclimated to poor governance is unlikely to hold the political leadership in high regard, thereby undermining public confidence in the state and subjecting political leaders to risks of low trust, low compliance, and unrest. Then again, many governments in developing countries enjoy much lower political trust than the contemporary Chinese regime. Understanding why certain political communities enter low-trust, poor governance equilibriums, while others like China continue to pursue favorable public opinion of government, may be a fresh topic for future research.

The prospects for cross national research on the aggregate impact of publicity driven-accountability on governance are murky. The hypothesized causes of publicity-driven accountability are media freedoms and high-quality bureaucratic controls, both of which are measurable features of polities. The appropriate outcome measure would capture the quality of government accountability through measurable outcomes, rather than the institutional and procedural measures of accountability used in most governance indicators. Measures of public goods provision are not necessarily the relevant quantities, as publics have varying preferences about the scope and scale of public goods provision by the state. One promising outcome measure would be a distance metric that defines the gap between public preferences and policy implementation. Where the distance is smaller, we know that government is doing what the public wants it to do. With this metric in hand, we could measure how well this outcome is explained by the interaction between media openness and bureaucratic control.

However, this metric of accountability is likely to correlate with the explanatory variables above for a host of reasons other than the aggregate impacts of publicity-driven accountability. High-quality bureaucratic controls ensure less agency slippage even without media monitoring, and regimes with high media freedoms are also likely to have implemented other institutions of accountability that could similarly improve governance. Cross-national research on publicity-driven accountability faces many

challenges for achieving plausible causal inference, but such work could at a minimum assess whether the observed patterns are consistent with the hypothesis about this mechanism's aggregate impacts.

* * *

This dissertation began with a puzzle. Why were authoritarian officials changing policy in response to critical media coverage? What did they have to fear? Through chapters on the news media, official incentives, and activists in contemporary China, I show that even officials in an authoritarian political regime have much to fear from negative publicity. Managing public perceptions of government, particularly what is and is not common knowledge, lead actors in the state to respond to episodes of damaging publicity. These are the rational bases for unelected officials to fear media coverage, and they help explain why patterns of authoritarian state-society relations are not endlessly repressive. Aside from legal rights and physical resistance, the public has a hidden source of power.

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