

## Embedding Law into Politics in China's Networked Public Sphere

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Although the notion of the rule of law is often connected to liberal democracy in public and academic discourse, many authoritarian states, including the Chinese Party-state, embrace the rule of law as well. As the legal scholar Brian Tamanaha states, authoritarian states' adoption of a thin formulation of the rule of law is beneficial for capitalist development, while still being compatible with the authoritarian regime. As such, when an authoritarian state espouses a thin notion of the rule of law, the strategy can strengthen the authoritarian state's legitimacy and domination.<sup>1</sup>

Indeed, law has become a critical instrument for the Chinese state to rule the country. The Chinese state initiated legal reform in 1979 in order to reap the benefits from China's integration into the global economy. The principle of "ruling the country in accordance with the law (*yifazhiguo*)" was endorsed by the Fifteenth Party Congress in 1997 and added to the constitution in 1999. The strategy of Chinese rulers has been to enhance state legitimacy and governmental capacity by associating the regime with the notion of

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rule of law, while still stopping short of liberal democracy.<sup>2</sup> This is called a legalistic legitimization strategy.<sup>3</sup> The Chinese state has demanded that the media disseminate law and legal knowledge to the populace as part of the state's propaganda. The state-controlled media promote stories of citizens' positive experiences in the legal system and avoid exposing any failings of the system.<sup>4</sup> Consequently, the Chinese public has increasingly come to adopt legal ideology and to regard and use law as a tool to facilitate their participation in the market economy. There is a general consensus among scholars that China's legalistic legitimization strategy has worked effectively.

This strategy serves not only to facilitate economic development, but also to buffer political confrontation. Research suggests that Chinese people without direct personal experience with the law generally have positive views of the legal system.<sup>5</sup> Even when local governments and courts fail to deliver what law promises, Chinese people tend to blame local rather than central government. As sociologist Ching Kwan Lee explains, because local governments are in charge of legal enforcement, people believe that it is local governments that should be blamed when questions of law arise.<sup>6</sup> In short, problems with the legal system do not tarnish the central government or the regime's overall legitimacy. Furthermore, the state's legalistic legitimization strategy has bolstered approval of state power. Stressing the distinctiveness of Chinese culture versus Western democratic culture and the resilience of Chinese imperial culture specifically, Perry argues that Chinese people have *rule consciousness* instead of *rights consciousness*.

Chinese people see law as their rulers' language. Even when Chinese people invoke the language of law and rights to demand things from the state, they confirm rather than contest the state's political power. And thanks to their cultural heritage, Chinese people tend to care more about socioeconomic, rather than political and civil rights.<sup>7</sup> In essence, the Chinese government has successfully used law to enhance its own legitimacy and the regime's resilience.<sup>8</sup>

Studies of the Internet in China, however, complicate this portrayal of the Chinese state's legalistic legitimation strategy and its success. Problems related to justice, rights, corruption, and abuse of power by government officials have routinely triggered public contention and online activism in China's networked public sphere.<sup>9</sup> What connects these issues is the failure of law to protect citizens and punish wrongdoers. Research on the relationship between public opinion and Chinese courts also indicates that the Chinese public has become increasingly critical of China's legal system. The rising tide of public opinion is deemed by scholars to constitute "a populist threat" that pressures the Chinese courts to satisfy "populist demands."<sup>10</sup> Problems related to China's legal system are given particular critical attention and discussion in China's networked public sphere. This expanding public sphere and the increasing importance of public opinion in Chinese politics provide a compelling context in which to reconsider the efficacy of the Chinese state's legalistic legitimation strategy, especially the extent to which law buffers political confrontation. Unfortunately, little effort has been made to study how the online public

engages with law in the emerging networked public sphere and what the political consequences are when the online public is skeptical about China's legal system. Our study aims to address this lacuna.

This article reveals neglected aspects of the Chinese state's legalistic legitimation strategy by examining how Chinese people engage with law and relate it to politics in China's networked public sphere. In order to analyze this phenomenon, we first conducted a content analysis of the 2007–08 South China tiger scandal—a scandal that attracted national-level attention and aroused much discussion online. We decided to study this scandal given its relation to court decisions and problematic local government officials. The case allowed us to examine the ways in which netizens<sup>11</sup> engage with law and the extent to which netizens relate problems about law to China's political system. We qualitatively and quantitatively analyzed official news reports and texts produced by participants in a major online forum. To enhance the generalizability of our study, we also analyzed a nationally representative dataset—the 2008 Asian Barometer Survey. We specifically focused on the relationship between Internet use, perception of the government's legality, and trust in the government. Integrating our findings based on content analysis of the South China tiger scandal and statistical analysis, we argue that the Chinese state's legalistic legitimation strategy can backfire with the expansion of China's networked public sphere, as the online public's interaction with law and with one

another in the public sphere enables citizens not only to uncover problems in China's legal system, but also to connect these problems to the political regime more generally.

In the rest of the article, we first outline our data analysis strategy. We discuss how we analyzed the South China tiger scandal by describing our primary data sources and our methods of conducting qualitative content analysis and computer-assisted co-occurrence analysis. Then, we describe how we analyzed the 2008 Asian Barometer Survey. Next, we present the results of our empirical analysis. In the last section, we discuss the implications and limitation of our findings.

## **DATA ANALYSIS STRATEGY**

### **Content Analysis of the South China Tiger Scandal**

We first conducted a content analysis of official and grassroots discourses regarding the South China tiger scandal. The South China tiger is a critically endangered subspecies of tiger whose continued existence in the wild is in question. Zhou Zhenglong, a ranger, made and circulated fake photos of a South China tiger that he claimed to have seen living in the forest. The Shaanxi Forestry Bureau held a press conference in October 2007, releasing Zhou's photos to the press. Although the authenticity of the photos was questioned by many netizens, Zhou was backed up by certain officials in the Shaanxi local government, who viewed evidence of a living South China tiger as a political achievement and a source of financial funding. The pressure and scrutiny of online public

opinion eventually revealed the photos to be fake, turning this minor event into a lightning rod for heated discussion. In 2008, Zhou received a two-year sentence for fraud, and many local government officials were dismissed from office.

We collected two forms of data to study the South China tiger scandal. The first is news written by the *People's Daily* and Xinhua News Agency from October 2007 to 2010. We selected the *People's Daily* and Xinhua News Agency because their news reports represent and reflect the stance of the central government. They are also the most important and widely-distributed official news sources. As the central Party-state's official newspaper, the *People's Daily* serves as the mouthpiece of dominant official discourse. Affiliated with the State Council, the Xinhua News Agency is China's official press agency.

The second form of data is online text produced by participants in the Tianya Forum from October 2007 to 2010. We extracted textual data from webpages of the Tianya Forum. We selected the Tianya Forum because it is the most popular, influential, and relatively diverse online discussion forum in China. Online forums are critical sites for public discussion and public opinion formation in China, especially before the rise of *weibo* (i.e., microblogs) in 2010. By the end of 2010, China had 457 million Internet users, or 34.3% of the population. Among these users, 77.2% read news online and 32.4% visited online discussion forums. At that time, only 13.8% of the country's Internet users used *weibo*.<sup>12</sup> Established in 1999, Tianya already had more than 32

million registered users in 2010.<sup>13</sup> The forum has become famous for vibrant political discussion. In 2009, Tianya was identified by the government as one of the major forums where grassroots public opinion emerges.<sup>14</sup> Compared with other popular online forums, such as KDnet (凯迪社区) and the Strong Nation Forum (强国论坛), participants in Tianya are more diverse in terms of their political orientation.<sup>15</sup>

Since it is difficult to collect precise demographic data about Tianya users, we rely on the estimates of the Tianya Forum itself, which collects self-reported demographic information from users for the purpose of marketing. In 2009, the estimated average age of users in Tianya was 28 years old. About 75% of the users were between 23–35 years old. Most users lived in economically prosperous areas. The estimated average monthly income was about 3,000 RMB, and around 60% of users had a bachelor's degree.<sup>16</sup> The average Tianya user was more highly educated than the average Internet user in 2009, as only 12.4% of Internet users had a bachelor's degree.<sup>17</sup>

We then selected news reports and discussion threads related to the South China tiger scandal for analysis. We first used keywords listed in Table 1 for the preliminary selection. Then, we read each news report and the first post in a discussion thread to decide whether the news report or discussion thread was relevant to the tiger scandal. If the tiger scandal was the main theme of an article or an initial post in a discussion thread, that article or thread was included in the data set. Accordingly, we generated two text

corpuses or sets of texts used for content analysis: (1) *People's Daily* and Xinhua News Agency-South corpus, and (2) Tianya corpus.

TABLE 1  
Keywords for Text Selection

Events	Keywords
The South China tiger scandal	(华南虎) or (周正龙) or (老虎)

We examined textual data in two ways to fully leverage the richness and quantity of our data. We first analyzed the entire official discourse corpus (37 articles) and a 20% random sample of the Tianya corpuses data in-depth. The 20% random sample comprises 33 threads (including 984 posts). To code the data, we analyzed how the narratives of the scandal were constructed in the two discursive spaces. Specifically, we examined how problems were defined, how causes of the problems were identified, what solutions were proposed, and whether and how law was related to the problems, causes, and solutions.

In addition to qualitative content analysis, we applied computer-assisted co-occurrence analysis to the two text corpuses without sampling. We conceptualized semantic meaning of a term as its co-occurrence relations with other terms in the same context. For instance, suppose the term “democracy” co-occurs frequently with “human rights,” “election,” and “freedom,” as in the liberal tradition; its meaning would thus be quite different from the Maoist definition of “democracy,” which co-occurs frequently with “class,” “people,” etc. We first used ICTCLAS (Institute of Computing Technology,

Chinese Lexical Analysis System)<sup>18</sup> to process word segmentation. As the Chinese language is written without spaces between words, a natural language process that segments a string of words into meaningful units is needed to understand the text. Next, we used a synonym table to combine synonymous terms. After the word segmentation process, we analyzed the co-occurrence of terms. Following convention in content analysis, we considered two terms as co-occurring when they were within 50-words distance of one another. Finally, we identified the terms that co-occurred with the term “law (法律)” in the two text corpuses in turn. It should be noted that we removed terms other than nouns to keep our analysis parsimonious.

### **Statistical Analysis of the 2008 Asian Barometer Survey**

In addition to content analysis of the South China tiger scandal, we also analyzed a nationally representative dataset—the 2008 Asian Barometer Survey. The 2008 Asian Barometer Survey contains several questions that allow us to examine the relationship between Internet use, perception of the government’s legality, and trust in the government and political regime. We first analyzed the relationship between Internet use and perception of the government’s legality—specifically, whether the government at different levels could be corrupt, whether the central government always abides by law, and whether government officials withhold information. We then examined the extent to which perception of the government’s legality correlates with trust in the central government, local government, courts, and the political regime.

## **ANALYZING THE RELATIONSHIP BETWEEN LAW AND POLITICS IN THE SOUTH CHINA TIGER SCANDAL**

In this section, we present our empirical analysis of the South China tiger scandal. We first present the qualitative analysis results. We describe how the *People's Daily* and the Xinhua News Agency constructed the narrative about these scandals and their implications for legality. Then, we present how the public in the Tianya Forum engaged with this official discourse and collectively constructed its own narrative of events and their relation to legality. Finally, we report the results of our computer assisted co-occurrence analysis, comparing the two different conceptions of law that are captured in the data.

### **Official Discourse about Problems and Law**

In official discourse, the South China tiger scandal was primarily about harm to the Chinese government's image and, secondly, about the difficulty for citizens to obtain truth in China. According to analysis of official discourse, the cause of the tiger scandal was twofold. The scandal was first triggered by a greedy individual, Zhou Zhenglong, who forged photos of the South China tiger and deceived Shaanxi local government officials in order to obtain monetary rewards from the Shaanxi Forestry Bureau. The negative consequences of Zhou's criminal behavior were amplified by the local governments' lack of discipline and their failure to comply with administrative regulations. The Shaanxi local government officials were too excited by the possible

survival of the South China tiger. As a result, they rashly announced the discovery of the South China tiger without rigorously investigating the authenticity of the photos and going through the required regulatory process. The local government officials also failed to respond to public opinion that called for investigation in a timely manner. Their negligence ultimately exacerbated public criticism, severely damaging the Chinese government's credibility and citizens' rights to be informed. It was the intervention and supervision of the central government, especially the State Forestry Administration, that finally pushed the local governments to investigate further, discover the truth, and accept public criticism.

The official reaction to the tiger scandal was very legal-centric. Legal procedures were used to uncover truth, impose punishment, and ostensibly prevent any future scandal. In June 2008, after nine months of investigation, the Shaanxi provincial government announced that the photos taken by Zhou were fake and arrested him for criminal investigation. The investigation did not find that Zhou had any accomplice. The Xunyang People's Court in Shaanxi sentenced Zhou to two and half years for fraud and illegal possession of firearms. The intermediate court later suspended the sentence for three years. The decisions of the courts detailed Zhou's motivation and criminal behavior. In addition to the criminal procedure, the governments also initiated an administrative investigation that resulted in thirteen government officials in the Shaanxi local governments being disciplined for violation of administrative regulations. Some of the

officials were even removed from their posts. In sum, the criminal and administrative processes ended the tiger scandal in accordance with the law and brought truth to the public.

### **Discourse about Problems and Law in the Networked Public Sphere**

As in official discourse, discussion in the Tianya Forum pointed out that the tiger scandal manifested a serious problem—lack of truth in China. And yet, this problem was seen as more pervasive by participants in Tianya than it was in official discourse. Many incidents, such as the Sanlu milk scandal in 2008, the “tofu-dregs schoolhouses” in the Wenchuan earthquake in 2008, and the Shanxi mudslide incident in 2008, were brought into the discussion of the tiger scandal. Participants used these cases to make a general statement about the scarcity of truth in China and its consequences for citizens’ rights, health, and lives. The public in Tianya contended that numerous serious problems in China cannot be addressed properly given this difficulty of getting to the truth.

Considering this lack of truth to be a ubiquitous problem, participants in the Tianya Forum identified the causes of the tiger scandal as extending beyond Zhou Zhenlong’s individual illegal behavior and local governments’ negligence to comply with administrative regulations. Instead, the public cited many cases to contend that government officials at various levels often and intentionally cover up truth, distort information, and hinder efforts to seek truth in order to pursue their own political and economic interests. Examples cited included the government’s blocking of information

during the Severe Acute Respiratory Syndrome (SARS) outbreak in 2003; the government's effort to avoid public criticism in 2007 by concealing plans to build a xylene (PX) plant in Xiamen; and the efforts of local government officials in Jiangsu to make residents respond to public opinion surveys according to the "official correct answers" in 2009. These cross-temporal and cross-local instances were marshaled as evidence that the Chinese state maliciously obstructs the discovery of truth.

Interpreting the tiger scandal in light of such cases, the public in Tianya blamed the government as a whole for contributing to the scarcity of truth in China. Participants believed that the Shaanxi local governments actively hid truth from public scrutiny and that Zhou Zhenglong was only a puppet of local government officials. Despite official discourse that attempted to limit blame to the local government by praising the central government for its supervision of the former, Tianya participants included the central government in their criticisms. For example, one participant commented: "The Shaanxi provincial government keeps deceiving people. The central government continues to be indifferent about the issue. Chinese people have always been treated as idiots by the governments."<sup>19</sup> Another participant stated: "Local governments? Local officials? If the upper beam is not straight, the lower ones will go aslant."<sup>20</sup> In short, participants rejected the central government's efforts to promote a bifurcated view of government.

As the discussion expanded beyond the tiger scandal to the government's role in hiding and distorting the truth, participants in Tianya also discussed institutional

conditions related to the production of truth, particularly media autonomy, freedom of speech, and judicial independence. These topics did not appear in official discourse even when said discourse addressed citizens' rights to be informed. For many participants in Tianya, the government's promise to protect citizens' rights to be informed is seen as empty, given the government's own unwillingness to loosen its grip on media, freedom of speech, and law. The Tianya public pointed out the irony that media and law in China, ironically, function as obstacles to truth as opposed to guarantors of it. Many participants expressed cynicism as a result. "All news organizations in China serve the interests of their own governments. When a government agency needs to have certain kinds of news, its news organization will produce whatever it needs," one participant said.<sup>21</sup> Some participants also discussed how law was used to suppress whistleblowers in China. Implicit comparisons with institutions in Taiwan and United States were made by some participants to argue that the Chinese government's control over media and law deviates from the norm.

As the government's control of media and law became a critical issue in the online discussion, participants began to incorporate arguments linking the scarcity of truth to China's political regime. The public in Tianya pointed out that the rule of the CCP has been sustained through violence and restrictions on freedom of speech, and they concluded that the government would not forsake such control. As long as China's political regime remains in place, Tianya participants reasoned, the truth will remain

elusive. As one participant stated, “We do not have judicial independence, education autonomy or freedom of press—the most fundamental conditions to resolve problems about truth. Now everything is controlled by the Party, which in its essence is based on authoritarianism and deception.”<sup>22</sup> At times, the conversation extended beyond the relationship between truth and political regime to include general arguments about the political regime itself. Some participants compared China with other countries in order to criticize the notions of “socialism with Chinese characteristics” and “socialist democracy with Chinese characteristics. “ For example, one participant said: “China is just a feudalist society in the clothing of Marxism-Leninism. Sweden and Switzerland are closer to the ideal of socialism. And yet, the government insists ‘crossing the river while feeling the rocks’ and do not bother to learn from great experiences elsewhere.”<sup>23</sup> Some participants also compared China’s political regime with that of the United States in order to mock the notion of socialist democracy with Chinese characteristics. In short, the online public framed the tiger scandal as symptomatic of much broader trends and traced its causes to the political regime itself. We summarize these processes in Figure 1.

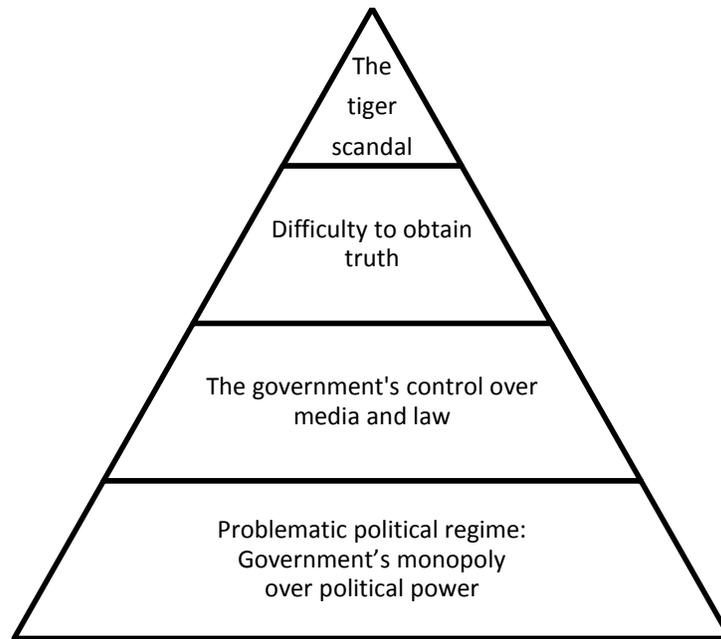


FIG 1.—How the public in Tianya conceptualized problems related to the tiger scandal

Now we move to discourse related to law in Tianya. Discussion of law was actually intertwined with other aspects of the scandal. We focus here on analyzing how participants in Tianya framed and understood law when it came up in their discussions. The ways in which Tianya participants understood law were related to the ways in which they understood the nature of the problem at hand. At first, the discussion about law focused on specific court decisions in the tiger scandal, but the discussion soon expanded to include the very nature of the legal system in China and its relations to the authoritarian political regime.

Although official discourse framed judicial process as a way to uncover truth and punish individuals who manipulate or hide the truth, the trials and the court decisions in the tiger scandal were strongly criticized by the Tianya public, even described as “laughable” and “shameless.” Participants argued that the police unduly detained Zhou and restricted his freedom in order to extract a confession. There was also much concern over whether Zhou’s behavior actually constituted fraud as determined by the police and courts. Given that Zhou was, then, a poorly-educated peasant in his fifties, the public did not believe that he possessed the ability to use computer software to forge photos that tricked even experts. And yet, Zhou was the only person in the tiger scandal who was sentenced by the courts. The investigation did not find any government officials criminally liable. The participants in Tianya thus believed that Zhou was only a scapegoat for corrupt local government officials who hid “backstage,” while attempting to gain economic and/or political interests by announcing the possible survival of the South China tiger. Members of the public also noted that, although the government claimed the trial in the Xunyang People's Court was “open,” the court prohibited many journalists and lawyers from attending the hearing, without providing any justification. The public’s sense of cynicism and contempt for the trials and the courts can be seen in the following statements:

The trial of Zhou Zhenglong tore the last piece of cloth that covers the dirty politicized judicial system because no one on the earth, including the judges themselves, would believe the court decisions.<sup>24</sup>

I know the trial is just a public performance. But my dear government, can you try to be a neutral audience? Everything is determined by power and money... I do not want to see this kind of ridiculous judgment. Why does not the court make decisions independently? I hope we can have judicial independence. This is a trial conducted by legal illiterates against an illiterate person.<sup>25</sup>

In sum, many participants in Tianya considered the judicial process in the tiger scandal to be simply another ruse to obstruct truth, rather than deliver justice.

Tianya participants further situated the trials and court decisions in the tiger scandal in relation to other court decisions, arguing that courts and law tend to be the government's instruments and that this instrumentality renders law illegitimate. Yang Jia's case was often mentioned in the discussion. Yang Jia was sentenced to death in 2008 for killing six policemen and injuring another four. The public in Tianya contended that the trials of Yang Jia and Zhou Zhenglong were similar in two ways. First, the two cases are both directly related to the interest of government actors—the Shanghai Department of Police in Yang's case and the Shaanxi local governments in Zhou's case. Furthermore, in both cases, the police, prosecutors, and courts failed to appropriately address critical procedural concerns, such as requests to investigate more evidence and issues related attorney appointment. Many Tianya participants suspected that this failure was due to efforts to protect the interests of government actors. The following comment illustrates how the public connected the cases of Yang and Zhou:

Zhou's case is similar to Yang Jian's case in that the trials of both cases are illegitimate....Why do we speak for Zhou Zhenglong or Yang Jia, given that Zhou is really annoying and Yang killed six policemen? This is because we think law should be fair and just. The consideration of procedural justice requires us to pay attention to

impartiality...Zhou did deceive Chinese people, but so did the Xunyang People's Court.... Now, Zhou sacrificed himself for the Party...Perhaps we should join the Party to avoid being sacrificed?<sup>26</sup>

Online discussants argued that government actors intentionally disregard procedural concerns to pursue their own benefits at the expense of citizen rights and justice. This instrumentality not only obscures the truth, but ultimately contaminates the legitimacy of court decisions and law in China. As a result, many Tianya participants perceive the legal system in China as actually counterproductive to the notions of fairness, justice, and human dignity.

Discussions in Tianya also considered the very meaning of rule of law and what distinguishes the “rule of law with Chinese characteristics.” Although there was no explicit discussion of what rule of law is, there was much discussion of what rule of law is *not*. Participants suggested that when the government is not under the law but above it, and/or when law does not aim to protect citizens’ rights or respect fairness and justice, the rule of law does not exist. Because the Chinese government uses law as its own instrument and inhibits judicial autonomy, Tianya participants argued that “rule of law with Chinese characteristics” is, in fact, incompatible with the rule of law. As one participant stated: “Law and judicial system? So what? The party is ultimately the boss of law and courts.”<sup>27</sup> The term “Chinese characteristics” was often used and emphasized by the public as a negative qualifier to ridicule the legal and political institutions in China.

Finally, online discussion also touched on the relationship between law and political regime, specifically, whether rule of law is possible under China's political regime. Some participants mentioned that as long as the authoritarian regime remains, the government will continue to hold itself above the law. For instance, one participant said, "It is meaningless to have too much expectation on law and judicial system because everything is controlled by the party under the authoritarian rule."<sup>28</sup> Many participants pointed out the impotency of law when democracy is not in place. How the public in Tianya connected concrete cases, the abstract idea of rule of law, and political regime is illustrated in the following comment:

The events in this year totally woke me up. My brain was partly washed in the past. I saw the failure of rule of law from the trials of Yang Jia and Zhou Zhenglong. Now I have a clearer understanding of the legal system and the regime in China. I understand the nature of the regime from the ways in which the government dealt with the Sanlu milk scandal. Perhaps the regime did represent Chinese people in the past, but it does not care about Chinese people anymore....The regime represents the government, capitalists, and other privileged people.<sup>29</sup>

In light of this relationship between rule of law and political regime, some participants declared that the regime has to be fundamentally reformed in order to realize citizens' rights. We summarize how the Tianya public constructed legality in Figure 2.

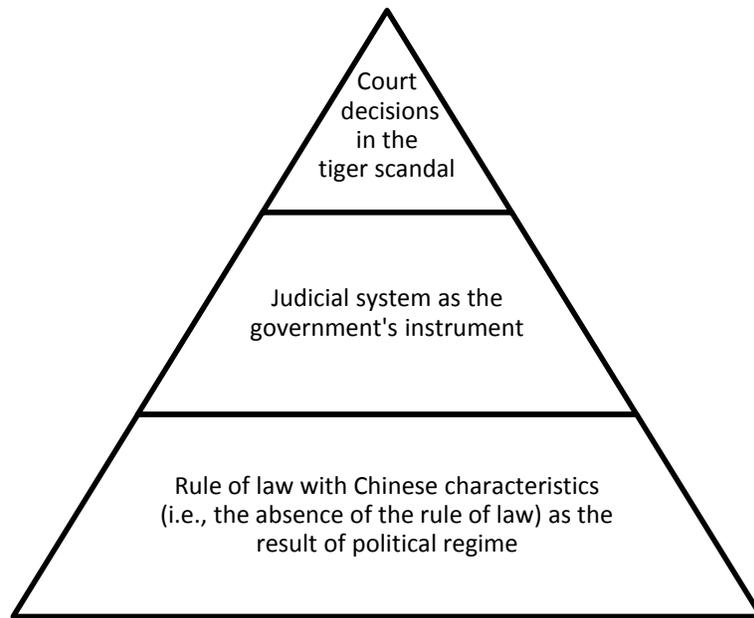


FIG 2.—How the public in Tianya conceptualized law in the Tiger scandal

### **Conceptions of Law in Official Discourse and the Networked Public Sphere**

Our analysis finds that the term “law” was central in both discursive spaces. In the *People’s Daily* and Xinhua News Agency text corpus, the term “law” was ranked number 62 out of 769 terms (percentile rank: 91.94%) in terms of frequency. In the Tianya corpus, the term “law” was ranked even higher—number 28 out of 1408 terms (percentile rank 98.01%). However, although law was salient in both China’s official and grassroots discourses, our co-occurrence analysis found that the ways in which legality was constructed in the two discursive spaces varied greatly. Below, we compare how the term “law” was connected to other terms in the two spaces based on co-occurrence analysis.

We first describe the characteristics of the conception of law in official discourse based on the top 67 terms that co-occurred most frequently with the term “law.”<sup>30</sup> The notion of law in official discourse correlated strongly with concepts related to government, truth, court decision, punishment, Chinese people, and public opinion. Terms related to government (#1:政府), government agencies (#3:部门; #26:机关) and government officials (#43:官员) frequently co-occurred with the notion of law. Terms related to truth, particularly, truth (#6:真相), fact (#28:事实) and investigation (#27:调查), were also strongly associated with the notion of law. In addition, the terms “court decisions” (#12:判决) and “trials” (#36:审判) were connected to the notion of law, even though more abstract terms like court and judiciary did not appear in the top 67 terms. Furthermore, the notion of law in official discourse was often linked to terms related to punishment, such as harsh punishment (#21:严惩) and sentence (#6:无期徒刑; #48:有期徒刑). Finally, the notion of law was related to Chinese people and public opinion, such as the public (#15:公众), public opinion (#19:舆论), and citizen (#34:公民). The co-occurrence analysis thus suggests that, in official discourse, law was framed as a technical institution that helps the government to search for truth, punish illegal behavior, and respond to public opinion and Chinese people.

In comparison, the top 100 terms associated most frequently with law in Tianya show that the notion of law among Tianya participants was constructed much more

broadly and characterized by its association with rights, normative values, Chinese people, a wide range of institutions, space, and problems. Similar to our analysis in the Sanlu scandal, although the term “rights (权利)” did not appear as a top term in official discourse, it was ranked number nine in the top 100 terms in Tianya. The term “human rights (人权)” also occurred in the top 100 terms (#95). As such, law was framed as an institution that should not only facilitate governance, but also protect citizens and their rights. Whereas the notion of law was not significantly connected to normative principles in official discourse, it was associated by the public in Tianya with normative values, particularly freedom (#6:自由), fairness (#32:公正), justice (#47:正义), and freedom of speech (#63:言论自由). This suggests that, for the public, law was expected to have a certain moral quality. In addition, law was related to citizens (#6:公民), people (#21:百姓; #26:人民; #61:群众), netizens (#59:网民), and victims (#83:受害者). The notion of law was connected to terms related to various aspects of a wide range of institutions, such as government (#4:政府), judiciary (#10:司法), court (#14:法院), democracy (#11:民主), institution (#13:制度), responsibility (#14:责任), procedure (#16:程序), family planning (#17:计划生育), policy (#28:政策), law enforcement (#30:执法), publicity (#39:公开), legislation (#43:立法), media (#60:媒体), the Internet (网络), and legal system (#65:法制). The notion of law also correlated to problems, particularly corruption (#54:贪污) and mistake (#87:错误). Finally, law was connected to terms related to space, particularly

Taiwan (#19:台湾), Mainland China (#34:大陆), and the United States (#85:美国). This suggests the Tianya public appraised the legal system and law in China in relation to their counterparts elsewhere.

We summarize the characteristics of the conception of law in official discourse and in the Tianya Forum in Tables 2 and 3, respectively.

TABLE 2

Co-occurrence of the Term “Law” with Other Terms in Official Discourse

Category	Term
Government	government (#1:政府), government agencies (#3:部门; #26:机关), Forestry Bureau (#22:林业厅), government officials (#43:官员).
Truth	truth (#6:真相), fact (#28:事实), investigation (#27:调查).
Court decisions	court decisions (#12:判决), trials (#36:审判).
Punishment	life imprisonment (#6:无期徒刑), harsh punishment (#21:严惩), punishment (#44: 处罚), limited term of imprisonment (#48:有期徒刑).
Chinese people and public opinion	the public (#15:公众), public opinion (#19:舆论), public (#20:公共), and citizen (#34:公民).

TABLE 3

Co-occurrence of the Term “Law” with Other Terms in the Tianya Forum

Category	Term
Rights	rights (#9:权利), human rights (#95: 人权).
Normative values	freedom (#6:自由), fairness (#32:公正), justice (#47:正义), freedom of speech (#63:言论自由).
Chinese people	citizens (#6:公民), people (#21:百姓; #26:人民; #61:群众), netizens (#59:网民), victims (#83:受害者).

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Institutions	government (#4:政府), judiciary (#10:司法), court (#14:法院), democracy (#11:民主), institution (#13:制度), responsibility (#14:责任), procedure (#16:程序), family planning (#17:計畫生育), policy (#28:政策), law enforcement (#30:執法), publicity (#39:公开), legislation (#43:立法), media (#60:媒体), the Internet (网络), legal system (#65:法制).
Places	Taiwan (#19), Mainland China (#34), the United States (#85).
Problems	corruption (#54:贪污), mistake (#87:错误).

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Lastly, we consider the most important similarity and difference between the conceptions of law in the two discursive spaces based on difference in percentile ranking. This particular analysis is not restricted to the most frequent terms, but rather, takes into account every term that co-occurred with law in the two text corpuses. We compare the percentile rankings of each term in both discursive spaces. Our analysis finds that the most salient similarity between the conceptions of law in the two spaces is that the notion of law was highly correlated with society (社会) and government (政府). The most salient difference between the official and grassroots conceptions of law is how the notion of law was related to citizens' rights, the moral quality of law, institutions, responsibility, and space. Specifically, terms related to rights, the moral quality of law (particularly, freedom and fairness), certain institutions (particularly, democracy, judiciary, court, and procedure), responsibility, and space (specifically, Taiwan and Mainland China) were closely associated with the concept of law in Tianya, but hardly connected to the notion of law in official discourse.

## **INTERNET USE, PERCEPTION OF THE GOVERNMENT’S LEGALITY, AND TRUST IN POLITICAL INSTITUTIONS**

In addition to content analysis, we also examined the 2008 Asian Barometer Survey to examine the relationship between Internet use, perception of government legality, and trust in political institutions. We present basic descriptive statistics in Table 4. We first examined the relationship between main source of political information and perception of the government’s legality. From our content analysis of the tiger scandal, we find that the online public tends to think government officials are involved in illegal practices, particularly corruption, violation of law, and withholding information. Analyzing the 2008 Asian Barometer Survey, we do find respondents whose main source of political information is the Internet are more likely to think that government officials withhold information, that the central government does not always follow the law, and that local government could be corrupt (Table 5). As such, Internet use clearly correlates with perception of the government’s legality. In contrast, respondents who rely on television as their main source of political information are less likely to think that the central government does not always abide by law and that government officials at both local and central levels could be corrupt. In short, people’s main source of political information appears to affect to some extent their perception of the government’s legality, controlling for gender, age, education level, subjective class, and interests in politics.

TABLE 4: Descriptive Statistics of the 2008 Asian Barometer Survey.

Variable	Definition	Mean	Min	Max	SD
Female	1=female	0.49	0	1	0.50
Age	Respondent's age in years	47.66	18	99	16.07
Education level					
Below primary	1=below primary	0.23	0	1	
Primary	1=primary	0.20	0	1	
Secondary	1=secondary	0.47	0	1	
Tertiary	1=tertiary	0.04	0	1	
No answer	1=no answer	0.06	0	1	
Local government could be corrupt	0=not very corrupt 1=others	0.69	0	1	0.46
Central government could be corrupt	0=not very corrupt 1=others	0.66	0	1	0.47
Government officials withhold information	1=government officials withhold important information at least occasionally 0=others	0.40	0	1	0.49
Central government does not always abide by law	0=central government officials abide by the law most of the time 1=others	0.33	0	1	0.47
Trust in the central government	1=quite a lot of trust or a great deal of trust 0=others	0.88	0	1	0.33
Trust in local governments	1=quite a lot of trust or a great deal of trust 0=others	0.55	0	1	0.50
Trust in courts	1=quite a lot of trust or a great deal of trust 0=others	0.70	0	1	0.46
Our form of government is the best for us	1=agree 0=others	0.74	0	1	0.44
Main source of political information					
Internet	1=Internet	0.07	0	1	0.25
Newspaper	1=newspaper	0.21	0	1	0.41
Television	1=television	0.89	0	1	0.32
Radio	1=radio	0.12	0	1	0.32

TABLE 5: Logistic Regression Analysis of Perception of the Government' Legality

	(1) Government officials withhold information	(2) National government does not always abide by law	(3) Local government could be corrupt	(4) Central government could be corrupt
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Main source of political information				
Internet	0.458** (0.165)	0.457** (0.173)	0.492** (0.179)	0.141 (0.163)
Newspaper	0.345*** (0.101)	0.00352 (0.112)	0.0355 (0.104)	-0.197† (0.102)
Television	0.378** (0.142)	-0.645*** (0.124)	-0.444** (0.149)	-0.532*** (0.146)
Radio	0.148 (0.119)	-0.305* (0.132)	-0.209† (0.120)	-0.182 (0.115)
n	5075	5075	5075	5075

1. Standard errors in parentheses. \*  $p < 0.05$ , \*\*  $p < 0.01$ , \*\*\*  $p < 0.001$ .
2. Source: 2008 Asian Barometer Survey (n=5,075).
3. Control variables include gender, age, education level, frequency of following political news, subjective class, and perceived impact of politics on daily life, and media use.

Then, we analyzed the 2008 Asian Barometer Survey to examine the relationships between perceptions of the government’s legality and trust in political institutions because our content analysis found that netizens often connect problems related to law—particularly the government’s instrumental and selective use of law—to China’s political system. Applying logistic regression, we find that perception of the government’s corruption, violation of law, and withholding information have constant negative impacts on trust in all kinds of institutions (Tables 6). Specifically, when a respondent believes that local or central governments could be corrupt, withhold information or violate law, he or she is less likely to trust the central government, local government, and courts. A respondent is also less likely to believe the current form of the government is the best for the Chinese people. The effect of Internet use on trust in

political institutions is mainly mediated by perception of the government's legality. It should be noted that, although literature suggests that problematic practices of local governments and courts do not tarnish the central government's legitimacy, our statistical analysis finds that Internet use is positively related to the perception that the government officials are involved in illegal practices. Such perception decreases trust in the central government and the current form of the government (Table 6).<sup>31</sup> Furthermore, as we show in Table 7, distrust in the local government and courts are associated with less trust in the central government.

TABLE 6: Logistic Regression of Trust in Institutions.

	(1) Trust in the central government	(2) Trust in local governments	(3) Trust in courts	(4) Our form of government is the best for us
Local government could be corrupt	-0.439* (0.196)	-0.663*** (0.0972)	-0.465*** (0.112)	-0.413** (0.137)
Central government could be corrupt	-0.962*** (0.185)	0.222* (0.0929)	-0.396*** (0.105)	-0.586*** (0.128)
Government officials withhold information	-0.312* (0.128)	-0.491*** (0.0787)	-0.551*** (0.0861)	0.445*** (0.103)
National government does not always abide by law	-0.929*** (0.120)	-0.714*** (0.0821)	-0.645*** (0.0860)	-0.950*** (0.0937)

1. Standard errors in parentheses. \*  $p < 0.05$ , \*\*  $p < 0.01$ , \*\*\*  $p < 0.001$ .

2. Source: 2008 Asian Barometer Survey (n=5,075).

3. Control variables include gender, age, education level, subjective class, frequency of following political news, and perceived impact of politics on daily life.

TABLE 7: Relationships between Distrust in Local Government and Courts and Trust in the Central Government

	Trust in the central government 2008
Not much trust in local government	-1.194*** (0.232)
Not much trust in courts	-2.349*** (0.220)
n	5075

1. Standard errors in parentheses. \*  $p < 0.05$ , \*\*  $p < 0.01$ , \*\*\*  $p < 0.001$ .
2. Control variables include gender, age, education, and subjective class.
3. Source: 2008 Asian Barometer Survey (n=5,098).

## CONCLUSION

Our evidence consistently shows that, although the government attempts to frame law in a very practical, technical, and apolitical way, the online public connects law—particularly problematic aspects of law—to China’s political system. In the tiger scandal, official discourse pointed to law as the ultimate solution to public outrage. However, the online public aggregated various scandals to point out that China’s legal system is itself generative of problems, such as the lack of truth in China. Furthermore, court decisions in the tiger scandal not only failed to appease the online public but generated broader criticism of China’s legal system, the government’s instrumental use of law, and China’s political regime. Our analysis of survey data reveals a similar story. Respondents whose primary source of political information is the Internet are more likely to question the legality of the government at both central and local levels. This skepticism

undermines trust in central government, the local government, the court system, and the current political regime. Furthermore, distrust in the local government and courts raises distrust in the central government.

The politicization of law in China's networked public sphere is also manifested by the enormous difference between the official and grassroots conceptions of law. Our content analysis of the tiger scandal shows that, in official discourse, law was framed as a technical institution that helps the government to search for truth, punish illegal behavior, and respond to public opinion and Chinese people. However, the online public's conception of law was characterized by its emphasis on citizens' rights, human rights, the moral quality of law (freedom of speech, freedom, fairness, justice, etc.), a wide range of institutions (such as democracy, court, procedure, media, etc.), and places outside of China (Taiwan and the United States)—almost everything that a sophisticated jurisprudence scholar could think of about the conception of law. This grassroots conception of law reveals that the online public is not limited to the rule consciousness and view of law as the “rulers' language” that existing scholarship would suggest. Rather, the online public believes that law must protect rights, including civil and political rights, and that the rule of law eventually rests on the support of many political institutions.

As a whole, our analysis suggests that the networked public sphere is a critical venue for the online public to link law with politics and develop a more systematic way of thinking about the two. In fact, studies about how Chinese people engage with law often

assume that the ways in which people understand law is largely constrained by their own experiences and local contexts. As a result, Chinese people are seen as only blaming local governments without thinking about how the central government and political regime contribute to the failure of law in China. In addition, Chinese people are assumed to think about law and rights from a Confucian perspective, which differs enormously from a Western perspective. These assumptions are challenged, however, in China's networked public sphere. Our analysis of the tiger scandal shows that the online public in the Tianya Forum clearly situated the tiger scandal in tandem with other local cases in a national context. Our statistical analysis also finds that perception about the illegality of the local government and court system did extend to undermine trust in the central government and the regime more broadly. In addition, our analysis of the tiger scandal demonstrates that, when the online public thinks about law in China, they look to legal and political systems elsewhere, particularly Taiwan and the United States. The case of Taiwan is particularly important because it shows Chinese citizens' awareness that the Confucian tradition can be combined with liberal democracy and a rule of law compatible with liberal democracy. In short, the networked public sphere allows people to engage with and understand law and politics in a more systematic ways.

The online public's political contention and engagement with law is consequential because rising public opinion in China has imposed pressure on the government. As research on Chinese courts points out, the surging tide of public opinion pressures the

Chinese courts to satisfy “populist demands.”<sup>32</sup> Our analysis of the tiger scandal supports this observation. We find that the term “public opinion” frequently co-occurs with the term “law” in official discourse. This suggests that public opinion is likely to influence the ways in which government agencies engage with the law. And yet, it is unclear whether and how the government can satisfy public demands if the government remains reluctant to address fundamental concerns about and problems in China’s legal system, particularly the government’s instrumental use of law, in order to sustain its own political monopoly.

In summary, our content analysis of the South China tiger scandal and statistical analysis of survey data find that the online public connects law and China’s political context through their interaction with publicized cases like the tiger scandal and one another in China’s networked public sphere. Consequently, although the government attempts to highlight the law’s ability to address social problems and public concerns, the online public remains more critical of China’s rule of law and sees it as politicizing rather than pacifying public concerns. This politicization process undermines the efficacy of the Chinese state’s legalistic legitimation strategy.

In closing, it is important to acknowledge that the findings of this research are still limited and, thus, invite further study. As we restricted our analysis to official discourse and discussion about the South China tiger scandal discussed in the Tianya Forum, the generalizability of our findings can be restricted—though it is worth noting that, in

another article, we analyzed the Sanlu Milk scandal in addition to the tiger scandal, and found almost identical findings.<sup>33</sup> Furthermore, the content of the online discourse about law and politics may not represent the views of Internet users in general, as people who perceive China's political and legal systems negatively could be more likely to participate by actively posting their views. We did try to address this problem by analyzing a nationally representative survey and found evidence consistent with our finding based on content analysis. But one could argue that this issue of whether there is a larger "silent majority" online is, in a sense, moot: the point is that it is those who actively voice their opinions online who influence the Chinese government and potentially mobilize their quieter counterparts. As such, studying online discourse has value in itself. Having said that, we still invite further research to examine more events and settings and assess the generalizability of our findings.

### **Bibliography:**

William Alford, "A Second Great Wall? China's Post-Cultural Revolution Project of Legal Construction," *Cultural Dynamics*, vol.11, no. 2 (1999).

Stockmann, Daniela and Mary E. Gallagher. "Remote Control: How the Media Sustains Authoritarian Rule in China," *Comparative Political Studies*, vol. 43, no. 4 (2011), pp. 436-46.

Mary Gallagher, "Mobilizing the Law in China: Informed Disenchantment and the Development of Legal Consciousness," *Law and Society Review*, vol. 40, no. 4 (2007), pp. 783-816.

Benjamin Liebman, "Watchdog or Demagogue? The Media in the Chinese Legal System," *Columbia Law Review* vol. 105, no. 1 (2005), pp.1-157.

Ching Kwan Lee, *Against the Law: Labor Protests in China's Rustbelt and Sunbelt*, Berkeley, C.A.: University of California Press, 2007.

Andrew Nathan, "Chinas Changing of the Guard: Authoritarian Resilience," *Journal of Democracy*, vol. 14, no. 1 (2003), pp.6-17.

Elizabeth Perry. "Chinese Conceptions of "Rights": From Mencius to Mao—and Now," *Perspectives on Politics*, vol. 6, no. 1 (2998), pp.37-50.

Keven J. O'Brien and Lianjiang Li, *Rightful Resistance in Rural China*, Cambridge: Cambridge University Press, 2006.

Brian Z. Tamanaha, *On the Rule of Law: History, Politics, Theory*. New York, N.Y.: Cambridge University Press, 2004.

Yang, Guobin, "Internet Activism & the Party-State in China," *Daedalus*, vol. 143, no. 2 (2014), pp. 110-123.

Yuezhi Zhao, *Communication in China: Political Economy, Power, and Conflict*. Lanham, M.D.: Rowman & Littlefield, 2008,

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<sup>1</sup> Brian Z. Tamanaha, *On the Rule of Law: History, Politics, Theory*. New York, N.Y.: Cambridge University Press, 2004, pp. 2-3, 111.

<sup>2</sup> William Alford, "A Second Great Wall? China's Post-Cultural Revolution Project of Legal Construction," *Cultural Dynamics*, vol.11, no. 2 (1999), pp. 193-213.

<sup>3</sup> Ching Kwan Lee, *Against the Law: Labor Protests in China's Rustbelt and Sunbelt*, Berkeley, C.A.: University of California Press, 2007, p.10.

<sup>4</sup> Daniela Stockmann and Mary E. Gallagher. "Remote Control: How the Media Sustains Authoritarian Rule in China," *Comparative Political Studies*, vol. 43, no. 4 (2011), pp. 436-46.

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<sup>5</sup> Mary Gallagher, “Mobilizing the Law in China: Informed Disenchantment and the Development of Legal Consciousness,” *Law and Society Review*, no. 40, no. 4 (2007), pp. 783–816;

<sup>6</sup> Ching Kwan Lee, *Against the Law*, p. 21.

<sup>7</sup> Elizabeth Perry. “Chinese Conceptions of “Rights”: From Mencius to Mao—and Now,” *Perspectives on Politics*, vol. 6, no. 1 (2008), pp.37-50.

<sup>8</sup> Andrew Nathan, “China’s Changing of the Guard: Authoritarian Resilience,” *Journal of Democracy*, vol. 14, no. 1 (2003), pp.6-17.

<sup>9</sup> Guobin Yang, “Internet Activism & the Party-State in China,” *Daedalus*, vol. 143, no. 2 (2014), p. 111; Yuezhi Zhao, *Communication in China: Political Economy, Power, and Conflict*. Lanham, M.D.: Rowman & Littlefield, 2008, p. 245.

<sup>10</sup> Benjamin Liebman, “Watchdog or Demagogue? The Media in the Chinese Legal System,” *Columbia Law Review* vol. 105, no. 1 (2005), pp.1-157.

<sup>11</sup> Chinese people call Internet users “netizens” in China. When I use the term “netizens,” I simply refer to Internet users.

<sup>12</sup> CNNIC, “Statistical Report on Internet Development in China,” <http://www.cnnic.cn/hlwfzyj/hlwxzbg/201101/P020120709345289031187.pdf> (last visited Feb. 17, 2014).

<sup>13</sup> Phone interviews with employees at Tianya in July 2011.

<sup>14</sup> CNNIC, “Statistical Report on Internet Development in China,” <http://www.cnnic.cn/hlwfzyj/hlwxzbg/200912/P020120709345307778361.pdf>.

<sup>15</sup> Phone interviews with employees at Tianya in July 2011.

<sup>16</sup> Phone interviews with employees at Tianya in July 2011.

<sup>17</sup> CNNIC, “Statistical Report on Internet Development in China,” <http://www.cnnic.net.cn/hlwfzyj/hlwxzbg/200907/P020120709345315706062.pdf> (last visited Feb. 17, 2014).

<sup>18</sup> ICTCLAS, <http://www.ictclas.org/>.

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<sup>19</sup> ID:kanliuying8, 2008/09/29.

<sup>20</sup> ID:十方居士, 2007/10/26.

<sup>21</sup> ID:天边的黑云, 2008/06/18.

<sup>22</sup> ID:37383940, 2009/02/24.

<sup>23</sup> ID:迷失的农民, 2007/11/7.

<sup>24</sup> ID:you jk, 2008/10/2.

<sup>25</sup> ID:nelson1983, 2008/09/27.

<sup>26</sup> ID: nelson1983, 2008/09/27.

<sup>27</sup> ID: normanzhang, 2008/09/27.

<sup>28</sup> ID:37383940, 2009/02/24.

<sup>29</sup> ID:突厥汉族, 2008/09/30.

<sup>30</sup> We excluded terms that co-occurred with the term “law” only once. As this text corpus was relatively small, we only identified 67 nouns that co-occurred with the term “law” more than once.

<sup>31</sup> Ching Kwan Lee, *Against the Law*, p. 21.

<sup>32</sup> Benjamin Liebman, “Watchdog or Demagogue? The Media in the Chinese Legal System.”

<sup>33</sup> We analyzed the Sanlu Milk scandal in “Constructing Legality: The Contestation and Valorization of Law in China’s Networked Public Sphere.”