

# 8

## Conclusion

I began to engage with the long tradition of scholarship concerning the public sphere after becoming intrigued by the lively political discussion I saw in the mid-2000s in China's online forums. The English translation of Jürgen Habermas's *The Structural Transformation of the Public Sphere* in 1989, along with a series landmark events between 1989 and 1991—the 1989 Tiananmen democratic movement in China, the fall of the Berlin Wall, and the collapse of the Communist regimes in Eastern Europe—sparked interest in and debates over the study of the public sphere in the Chinese context (Huang 1993). Several scholars employed Habermasian concepts to suggest the existence of a public sphere in China in the nineteenth century or the early republican period (Rankin 1986; Rowe 1990; Strand 1989), but such findings have been disputed (Wakeman 1993). Furthermore, some scholars cautioned against uncritical extensions of Habermas's intellectual agenda to the Chinese context, considering the enormous disparity between socioeconomic, political, and cultural conditions in the Chinese and European contexts (Calhoun 1993; Huang 1993; Wakeman 1993).

Yet, efforts to study the history of public opinion in the Chinese context were not without precedent. Chinese writer and linguist Lin Yutang published *A History of the Press and Public Opinion in China* in the United States in 1936. Like Habermas, Lin conceptualized public opinion as public discourse rather than as aggregated political attitudes or individual opinions. In addition, Lin's and Habermas's views on the normative role of public opinion in substantiating democracy were remarkably similar. Lin narrated the history of public opinion from the Han dynasty (206 BC to AD 220) to the republican era in the early twentieth century. He described the development of public opinion in China as a tug-of-war between the ruler and the people, given the tendency of

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rulers to suppress public criticism and the long-standing institution of censorship. His narrative portrayed a passive public that generally remained inactive except in unusual circumstances. As he put it, “It seems that the power of public opinion was always dormant in the nation, and if only placed under a good leadership or goaded by national danger, could and did it assert itself, fighting under great odds” (1936, 5). Lin showed that, even after the transition from imperial to republican rule, the antagonism between the state and public opinion endured. Rather than developing into a permanent sociopolitical force, public opinion returned instead to a more dormant state, partly due to continued state censorship in the republican era. Lin wrote, “We cannot ignore the contemporary censorship of books, magazines and newspapers in China, because it alone explains the retarding of the growth of public opinion” (1936, 168). He ended *A History on the Press and Public Opinion* with a call to awaken public opinion in China.

Censorship and authoritarian rule continue to exist in China, yet I have demonstrated and explained the rise of a nationwide contentious public sphere in PRC in the post-2005 period. The durability of such a contentious public sphere is precarious because of inadequate institutional protection against the aggression of the state. Nonetheless, the very existence of such a sphere reflects a fundamental social, cultural, and political transformation. Instead of existing as atomized individuals, many Chinese citizens are now able to coordinate and constitute a public that asserts nationwide influence. Rather than being obedient or indifferent, they have developed a contentious culture organized around the concept of law and rights. Through social and cultural practices, this public has uncovered societal problems and demanded responsiveness and accountability from the Chinese state, which now increasingly, if reluctantly, views public opinion as a force it must reckon with.

When I began this project in the late 2000s, I intended simply to explore how the Internet and information communication technologies (ICTs) had empowered and facilitated political communication in China—a subject very much on the minds of scholars in various contexts. But the story turned out to be much more complex than I had expected. I soon realized that I couldn’t answer a number of questions—such as where public opinion leaders came from, why a specific group of media professionals took so many high-level positions in major Internet companies, and why so-called public opinion incidents were so highly associated with law and rights—without considering the marketization of media and the development of legal institutions in China, as well as the relationship between these institutional processes and their role in China’s broader project of modernization. Throughout this book, I have sought to demonstrate that the rise of China’s contentious public sphere has been an unintended consequence of the Chinese state’s authoritarian modernization project, specifically the ways in which the Chinese state institutionalized and

constrained the double-edged instruments of modern law, marketized media, and the Internet to pursue modernization. I have also suggested that the development of such a sphere continues to be subject to the authoritarian state's adaptive yet fragmented rule. Furthermore, I argue that examining the public sphere in China provides valuable insights that extend beyond the Chinese case alone; I discuss these insights in turn.

### **Modernization and Political Development**

The development of the contentious public sphere in China is essentially a narrative about modernization, specifically, the unintended consequences of the Chinese state's modernization project. There have been long-standing, albeit often criticized, efforts to study and theorize the relationship between modernization and democratization (Inglehart and Welzel 2005).<sup>1</sup> Although the Chinese case is not one of transition to liberal democracy, the development of China's public sphere still provides some insights into the mechanisms through which modernization influences political development, particularly the rise of a more participatory and critical political culture.

The seminal argument in this respect is that offered by Seymour Martin Lipset (1959), who argued that economic development leads to democracy because it produces certain sociocultural changes that shape human actions. According to Lipset, various aspects of economic development—industrialization, urbanization, wealth, and education—enhance the conditions for democracy and contribute to a democratic culture. He argued that macro-level transformation, particularly education and communication, leads to individual transformation and more political participation. Subsequent studies, alternately critiquing or supporting Lipset, have examined the relationship between economic development and political regime. Despite the actual complexity of Lipset's writing, his statement that “the more well-to-do a nation, the greater the chances that it will sustain democracy” has often been singled out and used to fuel research examining the statistical association between per capita income and the probability that a country will transition to and sustain a liberal democracy (Epstein et al. 2006; Lipset 1959, 75; Przeworski and Limongi 1997). Other studies have investigated the links between political regime and the interaction between social classes in the process of modernization (Moore 1966; Rueschemeyer, Stephens, and Stephens 1992), or between political regime and levels of inequality (Acemoglu and Robinson 2001; Acemoglu 2006; Boix and Stokes 2003).

The literature in this area, however, does not adequately attend to how modernization can lead to a prodemocratic cultural change; it also tends to focus more on the strategic action of elites than the masses (Inglehart and Welzel 2010; Welzel and Inglehart 2008). To tackle these problems, Ronald

Inglehart and Christian Welzel (2005) proposed a revised version of modernization theory and analyzed several waves of cross-national survey data. For Inglehart and Welzel, democracy is not just about elite bargaining and constitutional engineering but depends on entrenched orientations among ordinary people that motivate them to demand freedom and government accountability. Rising levels of education, expanding mass communication, and increasingly knowledge-intensive work widen people's intellectual recourses, make people more cognitively autonomous, and lead to an emphasis on human autonomy. Finally, Inglehart and Welzel deal with the causal linkage between values and institutions. They ask, "Is a prodemocratic political culture among the public a precondition for the success of democratic institutions at the system level? Or are prodemocratic mass values simply a consequence of living under democratic institutions?" (Inglehart and Welzel 2005, 8). Inglehart and Welzel contend that the causal flow runs from values to institutions rather than the other way around, and they emphasize that such value change can occur under either democratic or authoritarian institutions.

In keeping with Inglehart and Welzel's theory, the rise of China's contentious public sphere is linked to the rise of expressive practices and increased demands for state accountability and responsiveness based on the concept of law and rights. Nonetheless, the Chinese case also challenges Inglehart and Welzel's theory in certain ways. First, in their original argument, Inglehart and Welzel contended that since mass demand for freedom already exceeded the institutional supply in China, they predicted in 1995 that China would make a transition to a liberal democracy within the next two decades (Inglehart and Welzel 2005, 191). They were correct to point out the increasing demand for state responsiveness and accountability in China, but importantly, demands do not equal or necessarily produce democratization. Formal institutional change (or lack thereof) is still influenced by a wide range of factors, such as geopolitics and the structure of the state and society (e.g., the level of fragmentation of the state) as well as the interaction of these factors. Inglehart and Welzel's theory does not adequately specify how and under which conditions demands for democracy will actually lead to a transition to liberal democracy.

Second, the Chinese case suggests the significance of institutions in shaping a more liberal and participatory political culture. Whereas Inglehart and Welzel stress the causal influence of values and culture on the building of democratic institutions, the Chinese case shows the influence of institutions, particularly modern legal institutions and the market, on the formation and dissemination of values and culture, even though the design and operation of these institutions remains subject to the control of an authoritarian state. Within a context characterized by market competition and the dissemination of the concept of rights, institutional processes in China created capable individuals, enhanced individual autonomy, and led to the overlap of multiple

social networks. Both the media and legal professions became more diverse and relatively autonomous while the legal institution, legal service market, and news market were developing. Rising levels of educations and expanding mass communication certainly contributed, as Inglehart and Welzel would predict, but institutional processes also affected what *kinds* of values and culture were produced and transmitted.

It is worth reiterating that institutions do not emerge and exist in a vacuum. The specific ways in which the Chinese state built China's institutions and the ways in which certain key actors (e.g., legal and media professionals) interacted with institutions were deeply influenced and conditioned by China's active pursuit of modernization and selective adoption of globally hegemonic institutions originating from the West since the late Qing period.

### **Media, the Internet, the Law, and Political Liberalization**

The institutionalization of modern law, marketized media, and the Internet was a critical part of the Chinese state's modernization project. The study of China's contentious public sphere also speaks to the relationships among media, the Internet, law, and political liberalization. The general insight gleaned from the Chinese case is that although marketized media, the Internet, and law have been used by the Chinese state as important instruments to pursue its authoritarian modernization project, they have also unequivocally empowered Chinese people in various ways. The level and scope of empowerment is drastic if we compare civic life in the post-2005 period with life before the reform and consider the accumulative and multiplying effects of institutional processes in both media and legal fields. I emphasize accumulative effects because the development of China's contentious public sphere is related to the convergence of media, the Internet, and law, rather than the operation of just one or the other. The limited emancipation and empowerment generated by marketized media was hugely magnified through network processes mediated by the Internet. Indeed, one of my central arguments is that we need to trace such complicated processes and map their connections to explain the development of China's contentious public sphere, rather than looking for any single explanation.

Of course, the existence of emancipatory and empowering effects does not mean that marketized media, the Internet, and law have generated nothing but benefits for the public sphere. Abundant problems exist, such as the infiltration of money into marketized media's news production, political polarization on the Internet, and citizens' misunderstanding of law. Ordinary citizens, media and legal professionals, media organizations, and business actors are not all innocent in or ignorant of these issues. But the most fundamental problem still comes from the Chinese state. Few, if any, institutional mechanisms restrict the Chinese state's ability—particularly at the highest level—to powerfully shape

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and delimit the role of media, the Internet, and the law. As a result, while these technologies and institutions have enabled and empowered Chinese people to some extent, the Chinese state continues to adapt to the situation, seeking to turn media, the Internet, and the law into better tools for propaganda, repression, and surveillance. Such state aggression threatens the durability of China's contentious public sphere.

Despite the uncertain future of China's contentious public sphere, it is still important to consider what its development means for relevant debates on the relationships among media, the Internet, the law, and politics. Extant studies tend to predict or point out unequivocal political consequences of media marketization in authoritarian contexts. Market mechanisms are expected to generate forces that counteract the monopolistic power of the authoritarian state (Curran 1991, 48; Keane 1991, 152–53). The acceleration of media marketization in China since 1992 has drawn several scholars to study its political implications, but the expected liberalizing effects have not been found—at least not in the form expected. The most common explanation for this has been to point to the state's updated control mechanisms, which effectively monitor news content, journalists, and media (Lee 2000; Lynch 1999; Zhao 1998, 2004). Scholars also argue that media marketization has, in fact, rendered media into even more effective propaganda organs for an authoritarian state, thus enhancing the state's legitimacy (Stockmann and Gallagher 2011; Stockmann 2013). Another argument is that media marketization has led to the triumph of political and capitalist market power, as well as the exclusion of disadvantaged groups (Zhao 2004).

This book contributes to the debate in two ways. First, rather than seeing media marketization as a process with a homogeneous impact in China, my analysis in chapter 4 provides a more nuanced understanding of this process and highlights the significance of political fragmentation in moderating the effect of media marketization. In localities where journalist communities were paired with a competitive newspaper market and less unified state agencies, the fragmented environment allowed journalists to produce critical news reports. Specifically, journalists were able to develop social networks across media and legal fields and collaborate with liberal-leaning legal professionals in ways that resisted political pressure and facilitated critical news reporting. The production and circulation of news was, simultaneously, a process of coalition building among professionals in different fields, a process of establishing civil society networks, a process of culture making and diffusing, and a process of resistance. Conversely, in localities without this conjunction of conditions, such coalition building and critical news reporting did not develop to the same degree. My analysis shows that, although media is often described as depoliticized in various contexts, media organizations in authoritarian contexts can act as de facto social movement organizations under certain conditions. Second,

as noted in chapter 5, I attend more explicitly to the connection between the traditional press and the Internet news market by tracing the connection between the two sectors. I find that liberalization effects in the press, albeit limited, played a significant role in shaping the operation of online news services and social media, as well as the growth of the contentious public sphere.

My findings also help us rethink the debate over the political consequences of the rise of the Internet. Conventional wisdom understands ICTs as conducive to democracy. There are two main rationales. First, technology can spread liberty and democracy. Technology is believed to contribute to a participatory citizenry and culture, both of which are essential for democracy. Scholars continue to debate this relationship between technology and democracy, with some praising the democratic potential of technology, and others viewing the conventional wisdom as unrealistically romantic (Barber 1998, 2000; Barney 2000; Benkler 2006; Sunstein 2007). In the Chinese context, some argue that the Internet has had democratic consequences (Lei 2011; Tai 2006, 289; Tang 2005, 87, 98; Yang 2009; Zheng 2008). Others contend there has been no real democratizing effect because the Internet remains primarily a playground for entertainment that is well within the state's control (Kluver et al. 2010; Peters 2002; Yang 2009, 10). Middle-ground arguments are more ambivalent about the development (Zhao 2008; Zhou 2006).

The Chinese case does support the notion of the Internet having liberalizing effects, partly owing to its technological properties (Benkler 2006). The Internet has significantly undermined the role of the state and the state-controlled media as gatekeepers of news and information, despite the continuing existence of censorship. It is true that people's chances of being heard remain far from equal in the networked public sphere, but the situation is, nonetheless, vastly improved compared to when there was only the mass media. The Chinese case also clearly shows that the Internet has enhanced individuals' capabilities and helped them not only pursue their personal interests but also build associational life through establishing connections (however loose) and organizations. Compared with the mass media, the Internet is far more effective at facilitating social connection. Through enabling the overlap of multiple social networks, the Internet has helped to break social and spatial boundaries and connect various social groups previously unable or unlikely to communicate, particularly elites and nonelites. The Internet's technological properties have thus weakened the Chinese state's technique of "divide and rule," which aims to prevent interaction between various social groups to avoid the formation of competitive social forces (Perry 2007).

The Chinese case also reminds us that the political effects of technology are context dependent. Before elaborating on this point, I should clarify what we can and cannot glean from the Chinese situation. The Chinese case is about incremental political change—how an influential contentious public sphere

capable of regularly holding the government accountable was able to emerge in an authoritarian context. It is not an example of revolution and regime transition as in the events composing the Arab Spring. In the Chinese case, technology was a catalyst to consolidate a series of historical processes. On the one hand, had it not been for ICTs, an influential contentious public sphere could have taken much longer to arise in China, as ICTs did help to produce and spread critical political culture across social groups. ICTs are especially important in extending critical culture and practices from politicized elites to ordinary citizens. On the other hand, had it not been for the previous development and institution building in the media and legal fields, the effect of ICTs would have been very limited. ICTs do not automatically spread democracy or lead to critical culture and practices. Sociocultural foundations that support the production of critical culture and capable agents need to exist. In essence, technology is critical and operative but not deterministic.

The study of China's contentious public sphere also contributes to discussion of a global trend—states' use of the Internet and ICTs for hypersurveillance around the world in the name of national security. In chapter 7, I describe how the Chinese state under the Xi leadership has come to see the Internet as a battlefield for national security and has been accelerating efforts to repurpose ICTs, cloud computing, and big data science for censorship and surveillance. In China, the fact that most Internet users use the same platform, particularly WeChat, to deal with many aspects of life (e.g., public discussion, private messaging, group interaction, traffic arrangement, payment, etc.) makes surveillance even easier and the scope of surveillance enormous. But it is not only authoritarian states that are deeply implicated in surveillance abuses using ICTs. In 2013, Edward Snowden's disclosure of global surveillance programs run by the U.S. National Security Agency revealed the extent to which even liberal-democratic states work with one another and with telecommunication companies to conduct surveillance of citizens. The difference between the situation in China and that in liberal democracies is that, in the latter, people have more freedom to criticize surveillance, seek redress through a system of checks and balances, and oversee (at least in theory) the state's actions. Moving forward, how liberal democracies, especially the United States, handle the question of state misuse of ICTs will be an issue watched closely by the Chinese state, which is always looking for ways to debunk liberal democracy.

Finally, I turn to the relation between law and political development. The notion of the rule of law is often connected to liberal democracy in public and academic discourse. The rule of law reflects the notion of self-determination. The lawmaking process requires democratic procedures to ensure that the law reflects the will of citizens. Law can bind the state and citizens because the law derives its validity from the consent of citizens (Habermas 1996). In other words, consent from the governed justifies and counterbalances the law's



oppressive characteristics. Nonetheless, many authoritarian states, including the Chinese party-state, embrace law as well, although they have different understandings of the “rule of law.” As legal scholar Brian Tamanaha (2004) states and Jothie Rajah’s (2012) study of Singapore show, authoritarian states’ adoption of a thin formulation of the rule of law is beneficial for capitalist development, while still being compatible with authoritarian rule. According to this formulation of the rule of law, or what scholars have variously called “authoritarian rule of law” (Rajah 2012), “a thin theory of rule of law” (Peerenboom 2002, 3), or most commonly “rule by law” (Ginsburg and Moustafa 2008), law is an instrument for government action. Rule by law can be said to exist as long as the government uses law to conduct its affairs. This formulation puts few legal limitations on the government (Tamanaha 2004, 92). As such, when an authoritarian state espouses rule by law, the strategy can actually strengthen the authoritarian state’s domination (Lee 2007, 10; O’Brien and Li 2006; Tamanaha 2004, 111). As I show in chapter 3, China also adopted rule by law. Intent on installing law as a critical instrument of governance, the Chinese state used media to disseminate legal knowledge and transform Chinese people into legal subjects. Although the Chinese state defends rule by law by invoking the concept of “rule of law with Chinese characteristics,” scholars and commentators contend that the situation in China is undemocratic and lacks the true quality of rule of law (Diamond 2003; Tamanaha 2004; Zhao 2003).

Nonetheless, the development of China’s contentious public sphere suggests that even rule by law can bring about significant social and cultural changes. As David Clark (1999, 34) argues, “The risk to political rulers of using the rhetoric of legal rule and legal equality is that these terms will be deployed to press for real political accountability by political rulers.” In E. P. Thompson’s study of legal history in England, he found that although English liberal law reinforced social inequalities and benefited the ruling class, the ideology of law—the thinking that rulers ought to be bound by law—enabled the transformation of rhetoric to reality. As the ideology of law spread, it became a culture that shaped the behavior of both the rulers and the ruled (Tamanaha 2004; Thompson 1975). Indeed, when rhetoric is taken for granted and deeply rooted in culture, it can become a sociocultural force with self-fulfilling properties.

Studies of the legal profession in China have shown that the Chinese state’s establishment of rule by law has led to the emergence of lawyers who have, in contrast, developed a liberal ideology of the rule of law and pushed for a thicker version of it. For instance, Terence C. Halliday and Sida Liu (2007) find that some Chinese lawyers have developed a liberal ideology of the rule of law, while also challenging the state’s discourse of the rule by law and pointing out the illiberal aspects of China’s legal institutions. Furthermore, Liu and Halliday (2011) identify variation among Chinese criminal lawyers in terms of their political and legal ideology. A group of politically liberal lawyers Halliday

and Liu term “notable activists” rely on the media and the Internet to protect themselves and to influence public opinion. The research of rights defense (*weiquan*) and public interest lawyers has also reached similar findings (Fu and Cullen 2008; Fu and Cullen 2011). Such viewpoints of liberal and public-minded lawyers compete with official legal discourse through the mediation of the media. These lawyers have also mobilized law to push for legal, political, and social changes.

Existing literature also finds that not only legal professionals but also ordinary citizens mobilize law to demand accountability from the state. Studies in the Chinese context of labor and peasant protests have already pointed out that the Chinese state is pressured by Chinese people to live up to its promises under the law and that failure to deliver on those promises can lead to rightful resistance—resistance that aims to restore interests or rights in accordance with the law (Lee 2007, 261; O’Brien and Li 2006). Research also suggests that disputants share their experiences with journalists or on the Internet as a strategy to fight for their rights. He Xin, Wang Lungang, and Su Yang’s (2013) study of migrant wage claimants finds that migrant workers who feel alienated by formal legal institutions have appealed to the court of public opinion to address their grievances. In a similar vein, Guobin Yang’s (2009) research on the Internet finds disputants often discuss their frustrations regarding legal and political institutions online to mobilize public support and restore justice.

Adding to the above literature, I have demonstrated that law serves as a medium connecting individuals to the Chinese state and to other Chinese people. As my analysis in chapter 6 shows, various kinds of issues, contentions, and incidents as well as different social groups have been connected through the concept of law and rights. The results have led to both antagonism and social integration. Law has given Chinese people a legal status as citizens, allowing them to demand that the state itself follow the law and fulfill their rights. As laws and rights have become the major cultural framework used by citizens to make sense of social problems and make moral judgments, the state’s continuing inaction to enforce the law and protect rights has created tension between the Chinese state and the people, leading some citizens to point out the structural roots of many societal problems in China. Whereas previous studies on law and resistance in China have found that Chinese people blame only their local party-state for ignoring rights or violating the law (Lee 2007, 261; O’Brien and Li 2006), my findings in chapter 6 demonstrate that some Chinese people have directed their contestation to the central party-state and the very nature of the political regime. In addition to affecting the vertical relationship between individuals and the state, the law has also aided social interaction, reshaping the horizontal relations among Chinese people. Previous studies have focused primarily on how individuals with personal

grievances engage with the law (He, Wang, and Su 2013; He 2014; Lee 2007, 261; O'Brien and Li 2006), whereas I have demonstrated how various actors in the public sphere without personal grievances came to constitute a public through the mediation of media, collectively invoking legal claims to challenge the Chinese state. Legal and media professionals, NGOs, activists, grievants, and netizens came together in this sphere, united by a common citizen identity and an understanding that citizens' rights should be respected and protected.

I have also shown that China's rule by law has led to contestation about the very meaning of the rule of law and the relationship between the rule of law and the political regime. The Chinese party-state sees law as its instrument and embraces a top-down, paternalistic legal order. Echoing liberal-leaning media and legal professionals who advocate a thicker version of the rule of law, some Chinese netizens have begun to reflect on the normative meanings of law and question the "rule of law with Chinese characteristics." They have developed a conception of the rule of law that is similar to the common conception of the rule of law in liberal democracies (Tamanaha 2004), while even challenging law on the books itself when it deviates from their substantive, normative understanding of law.

It is meaningful to situate my findings regarding law in relation to Habermas's account of the rise of the classic bourgeois public sphere in Europe. In Habermas's study, private law secured the individual autonomy so that private people were able to pursue their affairs with one another, free from impositions by the state (Habermas 1989, 76). In the Chinese case, although law does not secure autonomy for individuals or society, the authoritarian rule by law in China has paradoxically led to a relatively democratic and participatory political culture and more organized citizenry. The Chinese situation suggests that three conditions were important for the rule by law to have such social and cultural effects. The first condition is that modern Chinese law *acknowledges* similar basic civil, political, and socioeconomic rights as their counterparts in liberal democracies, even though these rights are not realized and may even be suppressed by the state. Even when confined to a largely rhetorical existence, these rights empower citizens and give them grounds to make demands on the state. The second condition is that law became a shared cultural medium, providing a common language for citizens to discuss problems and develop a common identity. The Chinese state is one of the very few authoritarian states willing and able to disseminate law widely. The third condition is that experts, especially legal and media professionals, provided citizens with interpretations of laws and rights that competed with the official interpretation, thus raising citizens' expectations about the rule of law and democracy. Under these conditions, the authoritarian rule by law—however flawed—has generated sociocultural forces that aim to hold the government accountable and enhance citizen rights.

### **Institutions, Individuals, Networks, and Civil Power**

The study of China's contentious public sphere is also relevant to what John Padgett and Walter Powell call "the problem of emergence" (Padgett and Powell 2012a). Unlike Poland under communism, China does not have an independent trade union or a strong religious organization like the Catholic Church. Given the CCP's penetration of Chinese society (Zhao 2001, 41), it is reasonable to ask how civil power could emerge in the first place, let alone consolidate. Padgett and Powell argue that new organizational forms or inventions often emerge through spillover across multiple intertwined social networks. In addition, movement of a practice from one domain to another (i.e., what they call "transposition") as well as feedback among multiple social networks constitute sources of novelty. Furthermore, transformation at the individual level co-occurs with the evolution of networks. In other words, Padgett and Powell contend that the coevolution of individuals and multiple networks leads to the emergence of novelty.

Padgett and Powell's argument is borne out by the developments in China. As I argue, the overlapping of multiple social networks involved in uncovering and addressing societal problems, as well as the constitutive relationship between such network processes and individual transformation, gave rise to civil power in China. In the beginning, the key social networks were networks of journalists. These networks intersected with networks of lawyers and intellectuals through law dissemination programs, provision of legal aid, and critical news reporting. Growing BBS forums incubated activist networks, which then led to the creation of some NGOs. These activist networks further intersected with the networks of journalists, lawyers, and intellectuals through two mechanisms. First, some journalists were simultaneously activists and key players in NGOs. Second, activists and NGOs working on various issues from public health to antidiscrimination, environment, food safety, and labor came together to provide legal aid and/or disseminate legal knowledge to related social groups. As a result, these activists and NGOs connected themselves to lawyers. The activist networks associated with BBS forums also included grievants who were using the new medium to voice their problems, as well as ordinary citizens who participated in discussion or served as donors or volunteers. Moreover, the above networks extended to major Internet companies and an enormous number of netizens through the labor market of media professionals and social media, particularly Weibo. In short, continuous expansion and overlapping of social networks—a process aided by market mechanisms and ICTs—contributed to the connection of various social groups and the rise of civil power. Accordingly, although existing literature emphasizes the importance of associational life to the development of a public sphere (Calhoun 1993; Eley 1992), the Chinese case

reveals the importance of not only associational life but also processes of network overlap.

Innovative and contentious practices emerged and spread through these network overlap processes. As I demonstrate in chapter 4, the commingling of media and legal professionals contributed to innovative critical news reports that overcame certain aspects of censorship and highlighted public dimensions of the law and rights—particularly those aspects of the law and rights related to the relationship between individuals and the state and the communal relationship among individuals. The practices of using law and rights to uncover problems and demand state responsiveness and accountability soon spread across multiple networks. My empirical analysis also demonstrates individual transformation, especially empowerment, in this process. For instance, media professionals became more capable and felt empowered by their collaboration with lawyers, while netizens became politicized in the process of discussing societal problems and discerning the structural connections between only-seemingly individual issues. In essence, one of the reasons that the Chinese state did not have absolute control of its authoritarian modernization project was this unexpected emergence of overlapping network processes, as well as the growth of key actors' creativity and capability in the process.

Nonetheless, as much as I agree with Padgett and Powell (2012a, 2012b) that spillover across multiple networks provides a powerful answer to “the problem of emergence,” I don't think their answer gives enough credit to the role of institutions. As the development of China's contentious public sphere shows, individuals and networks coevolve in institutional contexts. Actors are empowered, enabled, and constrained by institutions. Institutions also influence what kinds of social networks actors form, as well as how likely it is that multiple networks will overlap. In the case of China's contentious public sphere, the Chinese state's emphasis on rule by law and its dissemination of legal knowledge and the concept of rights rendered legal professionals key players in relevant social networks and made the cultural medium of law and rights critical to the formation of a contentious political culture. The institutional structure, such as the fragmentation of the state, also affects whether and how multiple networks intersect with one another. Therefore, I argue that the coevolution of not only individuals and networks but also institutions plays a critical role in the emergence of civil power.

### **Fragmentation and Adaptability of the State**

The study of China's contentious public sphere also sheds light on the relationship between the state's fragmentation and adaptability and the public sphere. As I demonstrate in chapter 4, fragmentation of the state structure, interacting with market competition, opened up space for public-spirited journalists to

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collaborate with lawyers. In other words, media and legal networks would not have overlapped and facilitated the emergence of innovative practices had it not been for the state's fragmentation. Therefore, the state's fragmented structure, especially when paired with market competition, is a key factor explaining the Chinese state's inability to fully control how its authoritarian modernization project unfolded and why the state's action led to unintended consequences.

There is a striking parallel between this finding that political fragmentation in China opened up space for political mobilization and what Paul Starr describes as the emergence of de facto public spheres in Western Europe and North America. By a de facto public sphere, Starr means a public sphere that is not constitutionally protected. The contentious public sphere in China belongs to this category. In *The Creation of the Media*, Starr (2004, 47) finds that the development of public spheres in Western Europe and North America varied, but an embryonic, or de facto, public sphere generally emerged "once communications networks developed if and when there were significant political cleavages and competition among printers." Such de facto public spheres helped to create the experiences that laid a critical foundation for later constitutionally protected public spheres.

In the English case, a vigorous de facto public sphere emerged in the 1690s owing to the division in parliament—the competition between two parties, Whigs and Tories. Both parties used party-sponsored, market-oriented newspapers to mobilize political support in order to win elections. Such competition led to the growth of the press and the emergence of a space for public discussion and debate. In the case of the Netherlands, an independent press developed by the eighteenth century owing to the absence of a strong central government capable of ensuring censorship. As political power resided at the city level, printers moved from one location to another to evade censorship. Such fragmented conditions cultivated relatively independent newspapers. In British North America, competition and divisions among local elites contributed to the outbreak of public controversy in Boston, New York, and Philadelphia during the 1700s. The commonality between the above cases and the Chinese case indicates the critical significance of political fragmentation to the emergence of a de facto public sphere.

In addition to fragmentation, which is a weakness of the state, my analysis also shows the importance of the Chinese state's adaptability—something that has long been considered by scholars of Chinese studies as a strength of the Chinese state and a key to explaining the CCP's endurance (Heilmann and Perry 2011; Nathan 2003; Tsai 2006). As I show in chapter 7, the Chinese state under President Xi Jinping has also clearly recognized this fragmentation as weakening the state's regulatory capacity and as a factor that contributed to the rise of China's contentious public sphere. The state under Xi has thus moved to consolidate administrative and regulatory power, and has cracked down on key

actors to cease the expansion and overlap of social networks. These measures might work in the short term but could have uncertain effects in the long term.

Various examples discussed in the empirical chapters suggest this possibility for unintended long-term consequences. For example, after the 1989 Tiananmen incident, the Chinese state did not publicly repudiate the notion of “supervision by public opinion” proposed by the reformist leader Zhao Ziyang; instead, the state emphasized the need to guide and control public opinion. Since then, propaganda officials have been assessing the general climate of public opinion and adjusting the state’s efforts to control it accordingly. When the general climate of public opinion is considered unruly and threatening to stability, propaganda officials tighten the leash. Conversely, when the general climate of public opinion is not seen as threatening, propaganda officials loosen their grip. Such adaptability enabled the Chinese state to take public opinion into consideration in its decision making without risking instability—but only for a limited period. By the mid-2000s, the notion of “supervision by public opinion” helped liberal-leaning journalists and lawyers to produce critical news reports and provided justification for Chinese citizens to voice their problems. The Chinese state’s flexible adjustment of its “leash” on public opinion did not forestall the rise of public opinion in the post-2005 period.

The state’s adaptability has also led to ideological fragmentation, which undermines the state’s ability to win “ideological battles” in China’s contentious public sphere as well as to gain legitimacy based on ideology (Zhao 2001). As I point out in chapter 7, the Xi leadership considers the management of public opinion a question of not only social stability but also ideological struggle and national security. This concern is very real. To achieve their respective images of modernity, Chinese leaders after Mao have come up with contradictory policies, theories, and practices and adopted institutional arrangements associated with capitalism and liberal democracy. Deng Xiaoping shifted away from Communist ideology under Mao. At the Twelfth National Congress of the CCP in 1982, Deng used the term “socialism with Chinese characteristics.” Based on Deng’s talk during his Southern Tour in 1992, President Jiang Zemin employed the notion of “socialist market economy” in the Fourteenth National Congress the same year. President Jiang further announced the building of a “socialist legal system with Chinese characteristics” in the Fifteenth National Congress in 1996.

Although this adaptability on the part of Chinese leaders has contributed to China’s economic success, it has triggered backlash as well. On the one hand, the shift away from Mao alienated those who had supported him and his version of communism. This then manifested among some Chinese people as support for Bo Xilai, who endeavored to develop an alternative socioeconomic development model that hewed more closely to Mao’s thinking. On the other hand, as I demonstrate in chapter 6, many Chinese citizens use institutions and

ideologies in liberal democracies to criticize the Chinese “versions” that are then developed. For instance, they claim that “rule of law with Chinese characteristics” is essentially the absence of rule of law and an opposition to justice, citizens’ rights, and conscience. In addition, although the notion of “Chinese characteristics” provides the flexibility for Chinese leaders to adapt the state to new situations, what exactly “Chinese characteristics” are remains vague. President Xi Jinping has been promoting what he terms “socialist core values,” which include prosperity, democracy, civility, harmony, freedom, equality, justice, the rule of law, patriotism, dedication, integrity, and friendship. But the efficacy of this strategy in terms of helping the CCP achieve ideological coherency and win ideological battles remains to be seen.

In short, the development of China’s contentious public sphere reveals both the weakness and the strength of the Chinese state, as well the contingency of its governance in general. As Bröckling, Krasmann, and Lemke (2011, 49) write, “Government is always a precarious affair: it must always take into account the unforeseen and crises of governability. It thus realizes itself as crisis prevention and management, performs continual reinterpretations, produces unintended effects, and necessarily falls short of its goals.”

### **Looking Back and Looking Forward**

The goal of this book is to describe and explain the development of China’s contentious public sphere. Back in the late 2000s, when China’s contentious public sphere was on the rise, many media and legal professionals, netizens, public opinion leaders, activists, scholars, and observers, including me, saw a rosy picture of political and civil life in China. Despite the state’s continued control and suppression, people were nonetheless thrilled by the rising power of public opinion as social and political forces disciplining the authoritarian state and holding the state accountable. The very responsiveness of the Chinese state in meeting certain demands of the public strengthened confidence in the power of public opinion. Scholars have thus begun to emphasize the responsive side of China’s “responsive authoritarianism” (Hassid 2015; Reilly 2012). But developments have not stood still. The last couple years have witnessed severe crackdowns on China’s contentious public sphere. The ruthless crackdowns and escalating control and surveillance have muted perceptions of the state’s responsiveness and shown the authoritarian and precarious side of China’s “responsive authoritarianism.” Despite the crackdowns, however, looking back to the late Qing period and China’s prereform years, the development of China’s contentious public sphere remains a truly significant social, political, and cultural transformation. I still believe that the common measurements that social scientists have been using to determine level of liberty and regime types do not fully capture the dynamics of political and civil life in China. In



addition, I still think we should not underestimate or simply disregard the relatively democratic aspects of so-called authoritarian rule, even though these democratic aspects are subject to the state's discipline and aggression.

Looking forward, how political and social forces align will greatly influence the development of China's contentious public sphere. The Xi leadership's effort to consolidate power and crack down on corruption may have alienated some within the party-state. This could create opportunities for political mobilization. If the media and intermediary actors can continue to speak for the disadvantaged, promote public interests, and mobilize public support, there remains hope for a contentious public sphere with a better capacity to address societal problems. A less promising outcome would see the state and the middle class form an alliance, affording those in the middle class some room for contention, while foreclosing it for all others. Whether the Chinese state can positively and meaningfully engage with public opinion will largely influence whether China's contentious public sphere will lead to more social tension or serve as a platform for consensus building and social integration.

The continuously evolving process of globalization is another factor that will influence the development of China's contentious public sphere. As Nettl and Robertson argue, societies often compare themselves with one another, selecting among various versions of modernity and picking and choosing particular elements therein. Such comparisons are often intertwined with issues related to national identity (Nettl and Robertson 1966; Robertson 1992). Since the late Qing period, Chinese states and people have perceived China as a "latecomer" and looked to normative images of modernity associated with the West. As I describe in chapters 4 through 6, many media and legal professionals, public opinion leaders, and a proportion of Chinese netizens admire the idea of liberal democracy and see it as a superior and more just political model. With the increasing economic and social development in China and China's rise in global power, how the Chinese state, Chinese people, and even foreign actors perceive China in relation to other countries and societies has changed and will continue to change over time. In addition, scholars have been warning about the decay of liberal democracies (Fukuyama 2012). Indeed, the rising support for antisystem populist-nationalists in Europe and in the United States seems to indicate the decline of liberal democracy and its decreasing moral appeal as a political model in the West. These recent developments in the West have been surprising for many Chinese people, particularly intermediary actors in China's public sphere, while also prompting them to rethink and compare different political and developmental models. The changing phase of globalization and the shifting perceptions of various political and developmental models, in turn, may affect the Chinese state's constitutive choices in the future about institutions and technologies, the participation of various actors in China's institutional process, and the development of China's contentious public sphere.