

The Power of Empty Promises: Quasidemocratic Institutions and Activism in China¹

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In authoritarian regimes, seemingly liberal reforms are often poorly implemented in practice. However, this study argues that even weak quasidemocratic institutions can offer resources to political activists. Formal institutions of participation offer politically anodyne frames for activism, allowing activists to distance themselves from political taboos. Weak institutions also allow activists to engineer institutional failures that in turn fuel legal and media-based campaigns. Evidence comes from the effects of China's 2008 Open Government Information reform. A national field audit finds that local governments satisfy just 14% of citizen requests for basic information. Yet case studies show how Chinese activists exploited the same institution to extract concessions from government agencies and pursue policy change in disparate issue areas. These findings highlight the importance of looking beyond policy implementation to understand the effects of authoritarian institutions on political accountability.

Keywords: Non-Democratic Regimes, Political Institutions, Contentious Politics, China.

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Authoritarian regimes have long been criticized for the gap between *de jure* and *de facto* governance. Seemingly liberal, democratizing reforms that look good on paper may be highly deficient in reality. The rights they appear to enshrine are often subject to political interference when they conflict with higher political priorities of the state (Magaloni 2006; Simpser 2013; Birney 2014; Truex 2014).

This article theorizes how these quasidemocratic institutions influence political activism. However disappointing it may be to see such laws go unenforced, certain authoritarian institutions nonetheless offer resources to activists seeking to change government behavior. Specifically, two qualities of quasidemocratic institutions help activists even if the institutions themselves are weak. First, formal institutions of political participation create politically anodyne “frames” for activism. The presence of safe language for describing one’s own political participation is particularly crucial in nondemocratic regimes, where the boundaries of permissible participation remain shifting and uncertain (Stern and Hassid 2012; Stern and O’Brien 2013). To the extent that activists can channel their participation into these institutions, these frames serve to distance their activities from political taboos.

Second, weak institutions produce institutional failures that fuel activist campaigns. When quasidemocratic institutions embody commitments by the state to respond to participation in predictable ways, they also implicitly define what constitutes institutional failure. This allows activists to participate in ways that ensure that such failures will occur. These failures can themselves serve as assets to activist campaigns. Episodes of institutional failure, and the resulting legal actions and media exposés, draw public attention to the state’s “empty promises,” increasing activists’ chances to extract concessions from authorities or even to stimulate policy change.

These ties between weak institutions and activist opportunities emerge from this study of China's recent government transparency reform. The 2008 *Regulations on Open Government Information* ordered tens of thousands of local agencies to create new channels of political participation. However, an original field audit in a representative sample of local governments reveals its institutional weakness.² Implementation was highly uneven and local governments frequently denied legitimate citizen claims. Despite these shortcomings, case studies of activist campaigns illustrate the mechanisms through which this institution provided resources for activism. These cases, based on interviews with activists, primary source texts, and journalistic accounts, help explain why previous scholarship on the reform observed “widespread and assertive” public use in spite of “impotent judicial protection” (Horsley 2010; Chen 2013). Juxtaposing the field audit and case studies highlights two understandings of the impact of political institutions. In the conventional understanding—the extent to which rules are complied with—the field audit demonstrates that China's transparency reform is weak. Yet the case evidence highlights a second type of impact: the creation of resources for activism.

These findings contribute to scholarship on authoritarian institutions, contentious politics, and Chinese politics. First, this work expands upon regime-focused studies on quasidemocratic institutions by examining their effects on an important segment of society: activists seeking to change government behavior (Magaloni 2006; Brownlee 2007; Gandhi 2008; Blaydes 2010; Simpser 2013). Second, theorizing how “empty promises” empower activists contributes to

² Levitsky and Murillo (2005: 2-3) identify two dimensions of institutional strength: “(1) *enforcement*, or the degree to which rules that exist on paper are complied with in practice; and (2) *stability*, or the degree to which rules survive minor fluctuations in the distribution of power and preferences, such that actors develop shared expectations based on past behavior.” The field audit and theory developed here operationalize institutional weakness as low enforcement of rules and broad discretion in implementation (i.e. dimension 1), as opposed to instability over time.

scholarship in contentious politics on the interplay of political activism and state institutions. In addition to the political opportunities created from declining state repression or political instability (Tilly 2004: 44), opportunity can also emerge from weak institutions that create both new frames and valuable episodes of institutional failure. This builds upon an emerging literature on the “contradictions, conflicts, and ambiguities within the state” that create favorable conditions for political contention (Chen 2012: 15). Finally, this study contributes to a growing literature on seemingly-liberal institutions in China, addressing the growing importance of digital communications, the news media, and new opportunities for political participation (Yang 2009; Shirk 2010; Hassid 2012; Stockmann 2012; He and Warren 2011). It shows how the *shortcomings* of these institutions actually benefit actors attempting to shape the state’s exercise of authority.

Quasidemocratic institutions and contentious politics in nondemocracies

Quasidemocratic institutions resemble political institutions found in democracies, including political parties, legislatures, mechanisms for delivering constituency service, a variety of electoral arrangements, and advisory councils. The adoption of such institutions by nondemocracies has produced a surge of scholarly interest over the last twenty years. One body of research explains the benefits that quasidemocratic institutions deliver to *regimes*. Quasidemocratic institutions help to manage conflict and competition among political elites (Lust-Okar 2005; Magaloni 2006; Brownlee 2007; Gandhi 2008; Blaydes 2010; Malesky & Schuler 2010; Simpser 2013), solve commitment and monitoring problems between dictators and their allies (Boix & Svobik 2013), distribute benefits to key social groups (Gandhi & Przeworski

2006; Gandhi 2008), and generate information for the regime (Magaloni 2006; Dimitrov 2014; Lorentzen 2014; Truex 2014).

A second body of research examines the effects of quasidemocratic institutions on society. Even if their purpose is primarily for sustaining the authoritarian political arrangements, these institutions also influence policy and the distribution of public goods (Gandhi 2008; Luo et al. 2007; Wang & Yao 2007). The incorporation of social elites into these formal institutions has significant consequences for local governance (Tsai 2007; Mattingly 2014). Authoritarian executives and legislators also exhibit responsive and representative behavior despite being selected through relatively undemocratic processes (Manion 2014; Truex 2014; Distelhorst & Hou 2014, Meng, Pan & Yang 2014, Chen, Pan & Xu 2015).

Quasidemocratic institutions are often weak by design. While they serve important functions in terms of buttressing state power, they fail to deliver on a variety of normative promises associated with democracy. In managing elections, regimes enjoy a “menu of manipulation” ranging from exclusion of opposition candidates to outright electoral fraud (Schedler 2002, Simpser 2013). Elections are implemented with fidelity only when they do not conflict with the overriding political priorities of the regime (Birney 2014). Even when citizens can succeed in electing “good types” (Manion 2014), authoritarian legislators execute their representative functions within boundaries set by the regime, limiting their ability to press for core political reforms (Truex 2013).

Although quasidemocratic institutions are intended in part to reduce the threat of opponents unseating the regime, a growing literature theorizes their role in *facilitating* activism and popular resistance. Citizens seeking to change official behavior simultaneously participate in official institutions and engage in transgressive acts, producing “boundary-spanning” forms of

contention (O'Brien 2003). Activists can exploit multi-layered and horizontally fragmented political regimes to seek allies within state institutions (O'Brien and Li 2006, Mertha 2008), and state policies also shape the opportunity structure of civil society organizations, (Hildebrandt 2013). Authoritarian institutions can therefore shape contention in unintended ways. Institutions intended to channel citizen input into enhancing single-party rule may instead encourage “troublemaking” and discourage more moderate forms of participation (Chen 2008, Chen 2012, Hurst et al 2014).

This study builds upon previous research by developing a theoretical link between certain characteristics of quasidemocratic institutions and opportunities for activism. Under certain conditions, these reforms represent important resources for activist campaigns, despite their weakness. First, when such institutions create legitimate modes of political participation, they permit activists to re-frame their campaigns as occurring within state-defined boundaries of political acceptability. This helps activists in the awkward position of demanding change from the government while steering clear of political taboos. Second, when these participatory opportunities are combined with institutional weakness, they permit activists to engineer institutional failures. These episodes of failures are valuable for drawing public attention to hypocrisy and weakness within the state, increasing pressure on authorities to respond to activist claims. Before elaborating on these mechanisms, I first introduce the quasidemocratic institution that serves as my empirical focus and measure its institutional strength.

China's Open Government Information reform

Even as the Chinese government became notorious for sprawling efforts to monitor and control information in the digital age (King, Pan, and Roberts 2013; 2014), it enacted national

legislation to *increase* the availability of government information to the public. The 2008 *Regulations on Open Government Information* (OGI) state:

...citizens, legal persons, or other organizations can, according to special needs, including their own production, livelihood, and scientific research, apply to receive relevant government information from departments of the State Council, local People's Governments at every level, and People's Government departments at the county level and above.³

This clause opened a new channel of political participation in China. Citizens could now formally request information from a vast number of government agencies. Mainland China is composed of 31 provincial governments, over three hundred prefectural governments, and nearly three thousand county-level governments, with subordinate departments responsible for local education, taxation, land management, transportation, labor, construction, public security, and more. Each was now legally obligated to respond to disclosure requests from the public. The OGI disclosure request joined a handful of formal institutions—administrative lawsuits and appeals, voting in local elections, and petitioning—for all Chinese citizens to engage in legal political participation.

Why would an authoritarian regime commit itself to greater transparency? Cross-national research suggests that transparency reforms are motivated by uncertainty over who will hold power in the future (Berliner 2014), but China drafted and implemented this law when the

³ Article 13, *Regulations of the People's Republic of China on Open Government Information* (*Zhonghua renmin gongheguo zhengfu xinxi gongkai tiaoli*) Adopted by the State Council April 5, 2007. Effective May 1, 2008. URL: http://www.gov.cn/zwgk/2007-04/24/content_592937.htm (Accessed Sep 2, 2014)

ruling party faced neither prominent challengers nor risk of regime collapse. Instead, OGI appeared to be motivated by the confluence of intragovernmental agency problems and transnational pressures surrounding China's integration into the global economy. China's political system is characterized by central-local agency problems, in which the difficulty of monitoring local governments results in local deviation from central policy (O'Brien and Li 2006, Lorentzen 2014). One stated goal of OGI was to address these problems by improving local implementation of the law. In the words of Zhou Hanhua, an architect of the reform, "...some grassroots government bodies and their personnel have low recognition of rule-of-law, low policy proficiency, and exhibit bureaucratic decay. Promoting a system of Open Government Information will inform the public of the work systems and procedures of administrative bodies, placing government action under the supervision of the broad public" (Zhou 2002: 38).

In addition to improving local policy implementation, a more immediate prompt for transparency legislation came from China's 2001 accession to the World Trade Organization. In response to complaints from foreign investors about shifting and vague local policies, the accession included a commitment to establish designated enquiry points that would disclose all policies pertinent to foreign trade to any individual or enterprise.⁴ Zhou (2002: 18-19) cites these pressures among the motivations for drafting the proposed legislation. Immediately following WTO accession the municipality of Guangzhou adopted the first in a series of local transparency reforms. By 2007 local transparency regulations had expanded to cover half of all

⁴ World Trade Organization. "Accession of The People's Republic Of China" November 23, 2001 WT/L/432

prefectural governments, a process which culminated in the national implementation of OGI in May 2008.⁵

The OGI reform stimulated public participation on an impressive scale.⁶ The central government estimated that agencies processed 1.3 million OGI disclosure requests from citizens in 2011.⁷ This rate of 1 disclosure request per thousand citizens puts Chinese per capita use of freedom of information requests on par with Canada and Mexico, and well ahead of the United Kingdom, India, and Germany (Holsen & Pasquier 2012). In contrast, Chinese courts accepted 136,353 administrative lawsuits against government agencies in 2011 (State Bureau of Statistics 2012), roughly one order of magnitude fewer than the disclosure requests submitted through this relatively new institution.

Measuring institutional strength: a field audit of OGI

Although public use of this institution was widespread, public data shed little light on institutional quality from the perspective of ordinary citizens. Early studies blended research with activism, seeking to stimulate improved transparency in certain issue areas. They therefore used designs in which requesters informed government agencies that their behavior was being

⁵ Author collection of local transparency regulations in China. At the start of 2003, 4% of prefectural governments were subject to local transparency regulations. By 2005, coverage had expanded to 19% of local governments, and on the eve of OGI implementation it reached 50%.

⁶ Shi (1997: 21) defines political participation in the Chinese context as, “activities by private citizens aimed at influencing the actual results of governmental policy.” When citizens or organizations request previously unavailable government information, they seek to increase government transparency. Even when the stakes of individual requests are small, they may have a large aggregate impact in terms of both increased government transparency and new bureaucratic processes to support transparency.

⁷ “Over 85% of applications for disclosure are fulfilled on time by local government” (85% *yishang de yi shenqing gongkai xinxi zhongguo difang zhengfu yuyi jishi gongkai*) *Xinhua News Service*. Oct. 24, 2012. URL: http://news.xinhuanet.com/politics/2012-10/24/c_113477921.htm (Accessed Sep 2, 2014)

monitored by researchers. One such study reported that fewer than half of 113 cities responded to researcher applications to disclose enterprises penalized for environmental violations (IPE & NDRC 2010). Another study of financial disclosure scored only one province over 50% on their transparency scale; the remaining thirty fell between 10%-30% (Shanghai University of Finance and Economics 2010). However, it was unclear whether these results were informative about ordinary citizens' access to basic government information.

To measure institutional strength of OGI, I conducted an original field study of local responsiveness to disclosure requests. This audit measured whether government agencies disclosed information when requests came from apparently ordinary citizens. The requesters in this study were research confederates employed by a Chinese research organization, but government agencies were not informed that their responses would be analyzed in academic research. This design reduces concerns about social desirability bias that may emerge when government agencies know their actions are being observed for research purposes.

A random sample (without stratification) of 60 county-level jurisdictions⁸ in China was selected to receive information requests. The sample contained 30 counties, 11 county-level cities, 15 urban districts, and 4 minority regions. Counties within Xinjiang and Tibet were excluded from the sample frame due to concerns about more stringent political taboos in these regions. However, the resulting sample was similar to all unsampled county-level jurisdictions in both demographic and economic characteristics, as summarized in Table 1. Of 27 comparisons between sampled and unsampled jurisdictions, only one covariate (population growth rate)

⁸ In China's administrative hierarchy, provinces are composed of prefectures, and prefectures are composed of county-level jurisdictions. These include counties (*xian*), county-level cities (*xianji shi*), urban districts (*qu*), and variously titled subprefectural minority autonomous regions.

exhibited differences statistically significant at conventional levels.⁹ Estimates of OGI disclosure rates from this sample are therefore likely informative of the national disclosure rates.

Table 1: Field Audit Sample Summary

	Obs	Sampled jurisdictions	Unsampled jurisdictions	<i>p</i> -value
Log population	2,869	12.8	12.7	0.61
Population growth (2000-2010) %	2,869	4.04	5.04	0.03
Gender ratio	2,869	1.05	1.06	0.50
Log population density (person/km ²)	2,869	14.8	14.9	0.62
Migrant population (%)	2,869	15.7	16.9	0.55
Non-agricultural households (%)	2,869	25.9	29.6	0.14
Average years of education	2,869	8.46	8.72	0.14
Illiteracy rate for age 15+ (%)	2,869	7.37	6.32	0.37
Ethnic minority population (%)	2,869	17.3	16.2	0.78
Unemployment rate (%)	2,869	3.00	3.30	0.35
Agricultural workforce (%)	2,869	53.6	51.8	0.56
Industrial workforce (%)	2,869	20.1	20.6	0.77
Service sector workforce (%)	2,869	26.3	27.5	0.54
GDP per capita (1,000 RMB)	2,821	23.7	25.0	0.51
Log GDP per capita	2,821	9.89	9.89	0.99
Log GDP	2,821	8.85	8.84	0.97
Avg GDP growth (2000-2010, %)	2,821	15.4	15.3	0.96
Log agricultural output	2,821	7.15	7.13	0.91
Log industrial output	2,821	7.95	7.97	0.91
Log service sector output	2,821	7.73	7.69	0.73
Enterprises above designated size	2,821	52.5	51.3	0.92
Log total investment	2,821	8.50	8.43	0.59
Log total savings	2,821	6.83	6.80	0.85
Log government revenue	2,821	5.69	5.74	0.77
Log government expenditure	2,821	7.21	7.14	0.36
Log per capita government revenue	2,821	6.75	6.84	0.43
Log per capita government expenditure	2,821	8.27	8.24	0.66

Notes. Means of demographic and economic covariates of sampled (N=60) and out-of-sample (N=2,809) jurisdictions from the Open Government Information disclosure field audit. Data from the 2010 China Census and Provincial Statistical Yearbooks. Data for 48 jurisdictions are missing from the Yearbooks, resulting in fewer observations in the second half of the table.

⁹ This may be related to the exclusion of Xinjiang and Tibet from the sample frame. When those provinces are also excluded from balance tests, the estimated difference in population growth falls to insignificance.

Reported p -values from two-sided t -tests assuming unequal variances.

Controlled interaction with officials and government agencies is a popular research strategy in comparative politics (Putnam 1994, Berenson 2010, Malesky, Schuler, and Tran 2012, Distelhorst & Hou 2014), but there are important ethical considerations to such research (McClendon 2012), especially in developing countries where local governments may be resource-constrained. To ensure that disclosure requests would not distract local officials from other important duties, request materials were codesigned with the Chinese research organization. Requested information consisted of documents expected by the research organization to be readily available within the targeted bureaucracies.

Within each jurisdiction, three government agencies received requests via registered mail from citizens residing within the relevant province. These requests, summarized in Table 2 with translations provided in Appendix A2, sought information pertinent to public concerns surrounding transportation safety, education quality, and consumer rights. From the Bureau of Transportation, requesters sought a list of registered passenger transportation service providers. Traffic accidents associated with unlicensed buses and taxis are a public health concern in China.¹⁰ Requesters asked the Bureau of Education for the credentials of elementary and secondary school teachers, which is informative of the quality of public education. Finally, requesters asked for lists of enterprises cited for administrative violations from the Administration of Industry and Commerce. These administrative citations include selling substandard products, operating without a license, brand infringement, and use of misleading

¹⁰ The Ministry of Public Security has exhorted Chinese citizens to avoid patronizing such “black cabs” (*hei che*) for safety reasons. URL: <http://www.mps.gov.cn/n16/n1252/n1837/n2557/4318550.html> (Accessed May 1, 2015)

advertising. Knowing which businesses were cited for these violations aids consumers seeking to avoid purchasing inferior products.

Table 2. OGI Government Disclosure Field Audit Results

Agency	Information requested	Justification for request	Disclosure rate (95% CI)
Bureau of Transportation	Businesses permitted to operate passenger transportation services and stations.	Transportation safety; assurance that bus services are licensed and regulated.	17% (7%, 26%)
Bureau of Education	Educational attainment of local elementary and secondary school teachers.	Education quality; assurance that teachers have appropriate qualifications.	22% (11%, 32%)
Bureau of Industry and Commerce	Businesses recently penalized for administrative violations and the regulations they violated.	Product safety and consumer rights; knowing which businesses have engaged in illegal or deceptive practices.	5% (0%, 11%)
Overall	-	-	14% (9%, 20%)

Notes. Content, requester justifications, and government responses for disclosure requests submitted to 60 randomly sampled county-level jurisdictions in China. In total, 26 agencies disclosed information in response to 180 requests within 30 days of submission. Expanding the time window to 60 days, one additional Bureau of Transportation satisfied the request. Standard errors clustered by county in the overall calculations.

The audit shows that access to even these basic forms of government information was far from guaranteed. Local agencies disclosed information in response to just 14% of these requests within 30 days. The Bureau of Education was most responsive, providing data on teacher qualifications for 22% of requests. Next was the Bureau of Transportation, which provided lists of registered enterprises in response to 17% of requests. Finally, the Administration of Industry and Commerce offered detailed information on administrative sanctions in response to just 3 of 60 requests (5%). The low rate of disclosure for administrative penalties may reflect the fact that such records include information potentially harmful to the penalized businesses, raising privacy

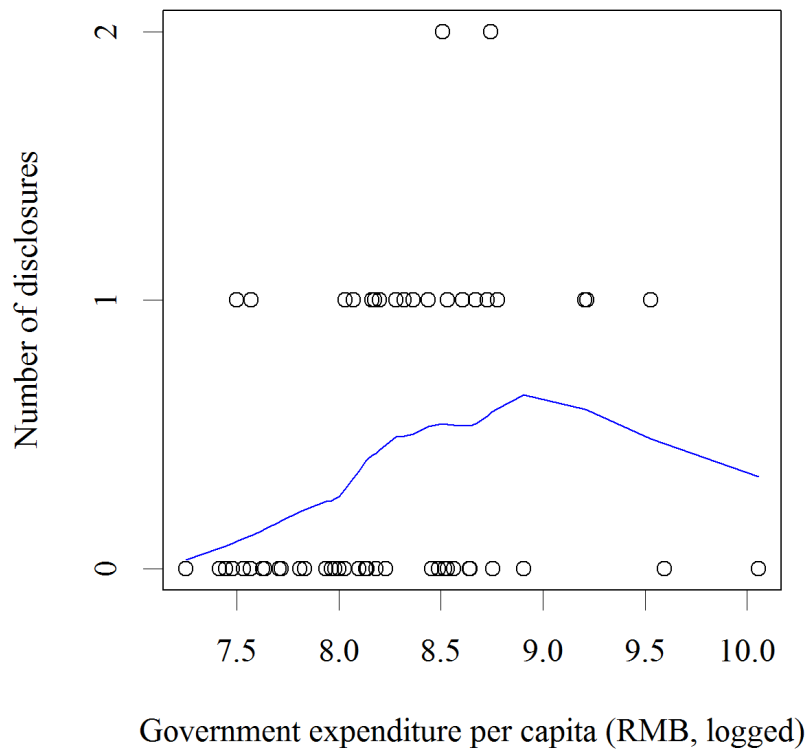
concerns. Not only were disclosure rates low, but just 29% of the contacted agencies provided any sort of reply to these requests after 60 days, despite the OGI mandate that agencies respond to requests within 15 working days. It should be noted, however, that submitting requests via postal mail is not the only option for citizens. In-person and online disclosure requests may more reliably elicit formal responses from targeted agencies. Even so, these findings cast serious doubt on official claims that local governments satisfy over 85% of applications for information.

Measuring institutional strength by, “the degree to which rules that exist on paper are complied with in practice” (Levitsky and Murillo 2005: 2-3), China’s participatory transparency reform was relatively weak. Even requests for relatively benign information on public goods and services were denied or simply ignored. Keeping in mind the limits of analyzing small samples of observational data, the field audit also sheds light on the sources of institutional weakness. As illustrated in Figure 1, the strongest predictor of disclosure is government expenditures per capita (see also Online Appendix A3). This suggests that institutional weakness results in part from limited state resources to respond to disclosure requests. Municipal governments in China face rising needs for expenditures that outpace their fiscal resources (Wong 2013), making it difficult to hire new personnel dedicated to data management and disclosure.

Yet even high-expenditure countries are estimated to disclose information in less than 1 out of 3 requests (Figure 1, local regression line), and there are other sources of institutional weakness as well. Policy implementation can be ensured through horizontal accountability (O’Donnell 1998), whereby agencies are supervised by other agencies, such as courts. However, Chen (2013) shows that China’s courts have provided anemic enforcement of right to information embedded in OGI. In the early years of OGI, China’s courts were hesitant to order officials to comply with citizens’ disclosure requests. When they did issue such orders, agencies

occasionally ignored them, reflecting the limited power that China's courts exercise over government agencies.

Figure 1: Government Expenditures and Information Disclosure



Notes. Number of bureaus within each county that disclosed information in the Open Government Information disclosure field audit, plotted over per capita government expenditures (logged). Local regression (lowess) line in blue. Higher expenditure counties were more likely to disclose than lower expenditure counties, but the relationship is masked in the full sample by the highest expenditure county on the far right.

Institutional weakness may also come from officials' unfamiliarity with new rules and functions. When officials execute even well-written regulations, they typically cannot be trained to respond to every contingency. Implementing officials inevitably encounter new situations that they respond to using their own discretion. When discretion is combined with a thoroughgoing understanding of policy and a strong sense of mission, it can result in more effective policy

implementation (Lipsky 2010). However, discretion and unfamiliarity with policy can produce more or less random variation in policy implementation. In the period of this study, China's OGI reform was new; officials may have been unclear about their new transparency obligations.

Finally, institutional weakness can also result from political boundaries on institutions that look nominally democratic. Even when quasidemocratic institutions introduce new opportunities for political participation, they remain limited by political taboos. In China, participation is generally closed on issues including religious freedom, opposition political parties, and minority rights. If seemingly apolitical requests to disclose budgetary information, city land-use plans, or other government information threaten the interests of powerful officials, the law offers little guarantee that government will prioritize citizens' right to information over elite interests. Although the requests submitted in the field audit eschewed such topics, these taboos represent another source of institutional weakness for OGI.

Notwithstanding these sources of weakness, previous research defined the benefits of OGI for activism by its occasional success in unlocking information or court cases in which judges sided with citizen plaintiffs over government agencies (Horsley 2010). This study argues that the reform created opportunities for activists even when it *failed* to unlock information. Weak quasidemocratic institutions still offer two important resources to activists seeking to change government behavior.

The Power of Empty Promises

China's transparency reform exhibited institutional weakness—low enforcement and broad local discretion in implementation—common to quasidemocratic institutions in authoritarian regimes. Yet weakness does not imply worthlessness to social actors attempting to

exercise power over political authorities. Certain features of weak institutions offer resources for activists. New channels of legitimate political participation allow activism to take place within politically anodyne frames, allowing activists to distance themselves from political taboos. Moreover, the very weakness of these institutions allows activists to engineer institutional failures, which can be exploited to put additional pressure on the state.

Weak institutions as politically anodyne frames for activism

When quasidemocratic institutions create new channels of political participation, they provide official frames for claimsmaking against the state. Frames provide the common understanding among participants surrounding the problems and goals of activism (Benford and Snow 2000, Hurst 2008).¹¹ Framing represents a major challenge for activists in nondemocratic regimes. Political activism seeks to change the behavior of government agencies and officials, and activist frames must therefore identify problems in government and the proper steps to remedy these problems. In nondemocracies, both asserting problems in government and advocating for changes in government behavior may verge upon the politically taboo. Activists thus operate in a narrow band of political acceptability, advocating for political change without crossing over into opposition to the regime.

These challenges are exacerbated by the scope and uncertainty of political taboos under authoritarian rule. While the availability of non-state frames has expanded widely in the reform era (Mertha 2008), Chinese activists still struggle to frame their appeals in ways that insulate themselves from political risk. Triggers of political sensitivities include protests and issues

¹¹ Snow and Benford define a collective action frame as a, “a shared understanding of some problematic condition or situation they define as in need of change, make attributions regarding who or what is to blame, articulate an alternative set of arrangements, and urge others to act in concert to effect change” (2000: 615).

surrounding “social stability, religious and ethnic conflict, the one-child policy, and corruption among senior officials.”¹² This results in a wide variety of taboos for activists, including ethnic autonomy, religious freedom, cross-straits relations, criticism of top leadership, government corruption, political protests, and major health and safety scandals. Moreover, the definition of politically unacceptable activism in China is rendered deliberately uncertain by constantly shifting boundaries (Stern and Hassid 2012), making it impossible for activists to enjoy confidence that their activities are politically safe. Violating political taboos may prevent activists from accessing the news media and the courts, which are subject to considerable political constraints (Stockmann 2013; Stern and Hassid 2012). These risks lead activists to pursue self-limiting forms of activism that eschew collective action in favor of individualized contention (Fu 2013).

When quasidemocratic institutions create new channels of political participation, they offer politically-acceptable frames for claims that might otherwise trigger suspicions of enmity against the state. By conducting activities within institutions established and promoted by the state, activists render these claims more politically legitimate, allowing for more assertive activism. This role of framing differs from the prognostic, diagnostic, or mobilizational functions emphasized in previous research (Benford and Snow 2000). Instead, its purpose is primarily to establish the identity of activists in relation to the political system. As these institutions are established and implemented by the state, activities taking place within them can be framed as politically anodyne. This measure of political legitimacy facilitates access to allies and other institutions, such as the courts and press.

¹² Freedom House. 2012. *Freedom of the Press*. URL: <http://www.freedomhouse.org/report/freedom-press/2012/china> (Accessed Sep 2, 2014)

By allowing citizens to re-frame contentious claims within state-sanctioned institutions of participation, this function of weak institutions has family resemblance to the concept of rightful resistance (O'Brien and Li 2006). Similarly, activists exploiting quasidemocratic institutions make use of government commitments in order to render their activism more politically anodyne. However, when political taboos are at stake, even rightful resistance that draws upon the commitments of the powerful can be extraordinarily risky. Activists' need for re-framing their claims does not come from an absence of relevant legislation. A variety of Chinese laws offer guarantees on sensitive political issues, including land takings and housing demolitions discussed below. Yet despite the presence of these elite commitments, activism that directly addresses these issues remains politically sensitive, limiting the ability of citizens to seek out allies in the courts or news media. However, when these claims are re-framed within other institutions (here, as issues of government transparency), activists can pursue them more assertively.

Failure is an option: institutional failure as activist resource

The second asset that quasidemocratic institutions offer to activists is due to, not in spite of, their weakness. When institutions embed government commitments to respond to participation in certain ways, they define institutional success and failure. Activists can use their participation to engineer institutional failures by making claims that they know the state will not honor. They can then exploit these failures to focus public attention on their campaigns, using lawsuits and media coverage to highlight the failure of the state to live up to its own commitments.

Institutional failures occur when political institutions fail to deliver on implicit or explicit commitments contained therein. Examples could include preventing eligible citizens from

voting, denying the needy access to the social safety net, deciding court cases on political rather than legal merits, or rejecting valid citizen claims to government information. Quasidemocratic institutions that open new channels of participation therefore also tend to create new opportunities for activists to provoke institutional failure. Citizen claims via these weak institutions are frequently rebuffed. Although these rejections can be demoralizing experiences (O'Brien & Li 2004), activists can exploit them to draw public attention to their campaigns. First, documented institutional failures may be legally actionable, allowing activists to pursue their campaigns in the courts. Even if courts do not honor activists' claims, legal proceedings are formal, public events that may attract the attention of both the bureaucracy and the broader public. Simply trying a case may focus attention on the activist cause and increase urgency for the government to respond. Second, these institutional failures offer an opportunity to attract public disapprobation of government through media coverage. Even when rejected appeals are not legally actionable, they can lead to publicity that increases pressure on government to respond. Weak institutions may produce government behavior that is inconsistent or flies in the face of common sense. When publicized, these failures paint a picture of government that is ineffective and self-contradictory.

Public attention is a source of power for activist campaigns, but attracting this attention and ensuring that it is sympathetic presents a major challenge (Gamson and Wolfsfeld 1993, Gamson 2004). Public institutional failures help to achieve this by highlighting inconsistent or otherwise disappointing behavior by the authorities. So long as citizen actions to engineer these failures are not viewed as frivolous or excessive, the resulting publicity highlights the shortcomings of government, rather than intransigent or unreasonable activists. This kind of public attention is generally favorable to activist campaigns, and is therefore sought after.

Using institutional failures to attract public attention requires the presence of complementary institutions. Legal action requires institutions that permit citizens to sue government agencies. Publicizing institutional failures requires the presence of either traditional mass media organizations or a social media infrastructure with some independence from the government agencies targeted by the campaign. A totalitarian system in which these institutions were completely subordinated to the preservation of government power would curtail these tactics. At the same time, the exploitation of institutional failures does not require that the courts or the media be particularly strong institutions. Productive complementarities can arise even if these institutions are politically compromised, as they are in contemporary China.

Activist Campaigns and OGI

These dynamics emerged in the context of China's transparency reform, as illustrated in the following case studies of activist campaigns. While OGI did not replace other important frames for claimsmaking in China, its introduction created new opportunities to re-frame potentially transgressive claims as politically legitimate requests for information. Because those requests were frequently denied, activists also exploited OGI to create institutional failures that garnered public attention through lawsuits and media coverage.

Two cases are presented in detail—one of ordinary citizens contending with local agencies over their property rights and another of semi-professional activists attempting to provoke broader changes in government policy. They are followed by briefer vignettes that highlight similar dynamics across a range of activists and campaign goals. Cases were identified through newspaper reports, interviews with journalists and academics, and review of publicly-available legal documents during field research in mainland China between 2009 and 2011.

Those selected for presentation were chosen to illustrate the two key benefits of quasidemocratic institutions: re-framing activism and creating opportunities to engineer institutional failures. They are not intended to offer statistically representative generalizations about all activism in China that made use of OGI. Instead, they illustrate how even weak institutions can be profitably exploited by activist campaigns. These dynamics are not restricted to a handful of individuals or issue areas; quasidemocratic institutions can be exploited by diverse actors for a variety of causes. However, estimating the prevalence of these dynamics (what proportion of activists in authoritarian regimes use similar tactics?) and the magnitude of their effects (how much do these tactics, on average, change the probability of activist campaign success?) is left to future research.

Property activists in Guangdong

An activist campaign in southern China's Guangdong province illustrates how the transparency reform allowed activists to re-frame their participation and to engineer public institutional failures that ultimately helped their cause.¹³ The district government approved the redevelopment of a tract of urban land, including plans for the demolition and relocation of over three thousand households. The homeowners were notified and shortly thereafter evicted in late 2008. However, they were extremely dissatisfied with the compensation offered, which was estimated to be 35% below market. Those with small apartments feared the low valuation per square meter would make it impossible to buy a replacement property at market prices.

¹³ The property activists case is based on seven open-ended interviews (five with the lead activist, one with a second activist, and one with a journalist who covered their story) and related media coverage. Although some aspects of the case were publicized in China's domestic media, the participants were offered anonymity during candid interviews.

Seeking to challenge the expropriation, the homeowners quickly identified questionable practices in the relocation and demolition process. They found that demolition began months before the required demolition permit was obtained, and the compensation formula appeared to use preposterously low estimates of land value. They first attempted to directly contest the legitimacy of the expropriation through administrative review and litigation in local courts. However, the actions of government authorities were repeatedly upheld. Their challenges rebuffed, the homeowners began to see pursuing claims through ordinary legal channels as futile: “When the verdict on the first hearing was announced, we got the feeling that this [administrative lawsuit] was completely useless.”

To this point, the case resembles thousands throughout China. Political incentives to spur economic growth and state control over increasingly valuable land have resulted in land expropriations unfavorable to homeowners and land tenants (Hsing 2010), pitting local social elites against local officials (Mattingly 2014). Disputes between land occupants, local governments, and development corporations have become a significant source of social unrest (Cai 2010). This link between property disputes and social unrest has rendered such activism politically sensitive and risky for individuals to engage in.

However, rather than continuing to pursue direct challenges or escalating to disruptive collective action, the homeowners responded by re-framing their activism as appeals for government transparency. They pursued the same agencies for information disclosure surrounding the land sale and demolitions, generating a politically safer narrative for both media coverage and administrative lawsuits. Their disclosure requests targeted a range of agencies involved in the development project, including the State Land Resources Bureau, the

Development and Reform Commission, the Bureau of Construction, and the Bureau of Water Resources.

These requests were frequently rejected, but rejections allowed them to file administrative lawsuits against the agencies. In China, suing government agencies requires plaintiffs to establish that a government agency has taken a “specific administrative act” that resulted in infringement of “[the plaintiff’s] lawful rights and interests.” Plaintiffs must present evidence that a government act caused them harm. This can be difficult to substantiate in court, even more so when harm occurs through government *inaction*. Rejected OGI requests served precisely this purpose, providing legal evidence of rights infringed through the inaction of government. When agencies denied requests for information, OGI requires agencies to provide notice of their decision within 15 days of an application for government information. When requests are denied, agencies typically provide a document stating that the request was denied, as in the right panel of Figure 2 (unrelated to this anonymous case). In this example, the Ministry of Public Security declined a request to disclose the total sum of administrative penalty fees it collected in 2009; “Upon review, the government information that you requested does not fall under the scope of this agency...you are recommended to apply to the relevant agencies.”

The legal value of these documents led the Guangdong property activists to strategically pursue institutional failure. They engineered these failures by making requests that they knew government agencies would not satisfy:

We ask them to disclose things we could not get. And when we ask, we have already concluded it will be impossible for them to give these to us...If they do disclose, then we look at the information they disclosed for loopholes or anything illegal. Then we sue. If

they do not disclose, then we sue them for not disclosing. No matter what, I'm gonna sue them once."

The courts accepted and considered these cases according to government transparency obligations in the OGI regulation, rather than questions about the legality of the land-taking. When courts ruled against them, the activists converted these additional institutional failures into further legal action:

[I]f I use an information case to sue them, they need to find an excuse for not disclosing to me...no matter whether the reason is rational or irrational. Then, I have one more illegal thing they did in my hands...if they say they can't disclose to me because it touches on a third party's interests, they are distorting legal principles. That is also an illegal action, and furthermore they give it to me written in black and white. This might be useful to me later.¹⁴


Are lawsuits against the government helpful if citizens never prevail? Although courts in China operate within political constraints (Lubman 1999), citizens do occasionally prevail. Yet even unsuccessful lawsuits generate publicity and provide opportunities to mobilize support from other political actors (O'Brien & Li 2004: 87-91). China's media has shown considerable interest in publicizing legal cases that challenge government agencies, so long as they avoid political taboos (Liebman 2005, Fu & Cullen 2008). Officials therefore have an aversion to

¹⁴ Interview, Guangdong housing activist, May 2010.

becoming the target of even fruitless legal cases and try to prevent citizens from filing administrative litigation against their agencies (O'Brien & Li 2004).

Figure 2: Records of information request and government rejection

公安部政府信息公开申请表			
申请人信息	姓名	王瑾熙	联系电话
	联系地址	[Redacted]	
	邮政编码	510000	电子邮箱
	身份证号	[Redacted]	
	名称(全称)		
法人/其他组织	注册号/登记证号		
	法人代表	联系人姓名	
	联系人电话	电子邮箱	
申请人签名或者盖章		时间	2010年3月3日
所需信息情况	所需信息的内容描述	2009年度(公安部)所收取的行政处罚金的数额 (可加附页)	
	所需信息的使用	研究人民和国家的信息公开的必要性, 以便行政处罚金信息公开对社会公众广泛告知的信息. (可加附页)	
	所需信息的介质形式	所需信息的提供方式	是否申请减免费用
<input checked="" type="checkbox"/> 纸质 <input type="checkbox"/> 光盘 <input type="checkbox"/> 邮寄 <input type="checkbox"/> 传真 <input type="checkbox"/> 是, 请提供相关证明 <input checked="" type="checkbox"/> 电子邮件 <input checked="" type="checkbox"/> 电子邮件 <input type="checkbox"/> 否			
填表说明 1. 申请人对所填申请材料的真实性负责; 2. 本表复制有效, 请用中文填写; 3. 申请公开的政府信息超过一项的, 应分别填写申请表; 4. 本表填毕, 请通过传真、邮寄方式送达(地址: 北京市东长安街14号公安部政府信息公开办公室, 邮编: 100741)。个人请附身份证复印件, 法人或其他组织请附合法有效的营业执照或登记证的复印件一并送达。			
以下项目由公安部填写			
申请表编号	年第 号	收到时间	
备注			

公安部政府信息公开答复书	
编号:	2010年(答)003号
王瑾熙:	
本机关于2010年3月18日受理了你(单位)提出的政府信息公开申请(2010年第004号)。	
经查, 你(单位)申请获取的政府信息:	
<input type="checkbox"/> 不存在	
<input checked="" type="checkbox"/> 不属于本机关掌握的范围, 根据《中华人民共和国政府信息公开条例》第二十一条的规定, 建议你(单位)向有关部门咨询。	
	
备注: 应每份一式两份, 一份交申请人, 一份由公安部政府信息公开办公室存档。	

Left panel URL: http://blog.sina.com.cn/s/blog_5dbcbbbe00100hzi9.html

Right panel URL: http://blog.sina.com.cn/s/blog_5dbcbbbe00100ilx0.html

Notes. Citizen's written request for information and reply from the Ministry of Public Security. A university student requested that the Ministry disclose its total annual income from administrative fines, and the Ministry replied by claiming it did not have the relevant information. These images were posted by the requester to his blog, and they resulted in the newspaper article, "Internet User Writes to Request Information Disclosure, Ministry of Public Security Replies: Please Seek Relevant Departments," which appeared in the Southern Metropolis Daily on April 4, 2010. URL: <http://gcontent.oeeee.com/6/9a/69a5b5995110b36a/Blog/e14/f67da8.html>. Accessed Sep 2, 2014.

In fact, the property activists never won a single court case against a government agency, but their OGI-fueled legal campaign eventually attracted sufficient public attention to change their fortunes. During yet another court hearing on an OGI lawsuit in 2011, a high-ranking local official appeared in court to defend his agency's actions. The court appearance by a ranking

official was covered by a local newspaper, and less than two weeks later the activists finally received a new offer of compensation: more than double the initial offer and 43% above the market price. They accepted and concluded their campaign after two and a half years.

This case shows how new opportunities for participation created by quasidemocratic institutions offer resources for campaigns. The OGI reform allowed these expropriated homeowners to re-frame property rights activism as transparency activism. The weakness of OGI then permitted them to engineer and exploit institutional failures to file lawsuits that attracted public attention, ultimately resulting in success. To show that these tactics are not idiosyncratic to financial disputes between citizens and government, the following case draws out similar dynamics in a campaign to change government policy.

Wu Junliang's Budgetary Transparency Campaign

The opportunities created by institutional failures, and the possibilities for driving policy change, are illustrated by the case of Wu Junliang's budgetary transparency activism.¹⁵ Wu ran a financial services firm in Shenzhen, but he had an abiding interest in budgetary transparency in China. Was the Bureau of Education spending on teachers' salaries or investing in new school construction? How much did local governments spend on lavish overseas "observation and study tours" for civil servants? Wu viewed such questions as integral to public accountability and good governance. Yet though the mid-2000s, very little information was available on how local governments and central ministries spent public funds in China.

¹⁵ This case is based on 50 pages of source material from their campaign, including field notes, conversation transcripts, and written correspondence with government agencies, as well as a two-hour interview with Wu Junliang and a second budgetary transparency activist in April 2010. Secondary sources consulted as cited.

In 2005, Wu founded the *China Budget Network* website and recruited two employees of his own firm, Chinese returnees from overseas, to assist him. Aside from their regular duties, they could dedicate up to two hours daily to researching and promoting budgetary transparency in China. When OGI took effect in 2008, they took particular interest in Article 10, which instructs government agencies at and above the county-level to emphasize disclosure of “financial budgets and accounts.” The team immediately applied for disclosure of budgets from 37 local governments and central ministries. However, only one agency disclosed detailed budgets in response.¹⁶ The most common government justification for rejection was that government budgets constituted “state secrets” and were therefore illegal to publish.¹⁷

In 2009, Wu’s group again applied for budgetary disclosure from a variety of government agencies, including the large cities of Guangzhou and Shanghai. The previous year Guangzhou had replied to their request with the familiar claim of state secrecy: “According to ‘The Guangzhou Scope of Specific Work Secrets’ issued by the Guangzhou State Secrets Protection Bureau...the content you applied to disclose is a ‘work secret.’”¹⁸ However, in 2009 it surprised the activists by agreeing to share the budgets of 114 municipal agencies, which were made publicly available via the Bureau of Finance website. In contrast, the Shanghai Bureau of Finance replied: “State secret; disclosure not granted.” The contradictory behavior of China’s second- and third-largest cities was immediately highlighted in the press. One headline read,

¹⁶ “Shenzhen Citizen’s ‘Public Budget Voyage’” (*Shenzhen gongmin de ‘gonggong yusuan zhi lv’*). *Southern Weekend*. Nov. 5, 2008. URL: <http://www.infzm.com/content/19585>

¹⁷ In 2008, ten agencies responded to their disclosure requests by claiming that government budgets were state secrets, five claimed that budgets were not within the legislated scope of disclosure under OGI, and two argued that Wu’s team failed the needs test for disclosure. The remainder did not respond. In total, 73% of the agencies failed to reply within the legally mandated 15 working days.

¹⁸ “2008 Budget Application Summary” (*2008 nian yusuan shenqing jiyao*) Unpublished field notes.

“Guangzhou Finance Bureau Publishes Government Budgets, Can Other Official Websites Follow Suit?”¹⁹ The *Guangzhou Daily* published an article reprinted by over one hundred online media on Guangzhou’s disclosure and Shanghai’s rejection:

“...this year [Wu Junliang’s Group] applied for budgetary disclosure from 33 agencies. To date they have received formal replies from the Shanghai Bureau of Finance, the Guangzhou Bureau of Finance, and the Shenzhen Futian District Bureau of Finance. Shanghai and Futian respectively replied “disclosure not granted” and “pardon our inability to disclose.”²⁰

The Shanghai government had strong legal basis for its claim of secrecy. China’s State Secrets Law grants broad discretion in the definition of state secrets, including sensitive economic information, and the campaigners’ requests had been routinely rejected by other governments (including Guangzhou’s) for precisely this reason. Yet despite this sturdy legal foundation, the Shanghai authorities quickly reversed course in the face of public attention. On October 29, the Bureau of Finance published “Regarding an Implementation Plan for Further Promoting Disclosure of City-Level Budgetary Information,” which included commitments to

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

http://news.dayoo.com/guangzhou/200910/26/73437_11123560.htm (Accessed Sep 2, 2014)

²⁰ “Guangzhou Discloses Financial Budgets of 114 Government Departments on Internet ” (*Guangzhou wangshang gongkai 114 ge zhengfu bumen caizheng yusuan*). *Guangzhou Daily*. Oct 23, 2009. URL: <http://news.sina.com.cn/c/2009-10-23/043218889279.shtml> (Accessed Sep 2, 2014)

disclose more detailed budgetary information.²¹ They did not immediately publish departmental budgets, but their reply to Wu shed the pretense that government budgets could be treated as state secrets:

Financial disclosure is important content for open government information. According to the demands of both this city and the nation, deepening reform of the financial management system and promoting disclosure of budgetary information are important actions for creating ‘Financial Administration in the Sunlight. (*yangguang caizheng*)’ We will earnestly implement [the plan for budgetary disclosure] ... further deepening publicized content and opening channels of disclosure.²²

Media coverage of Wu’s campaign and the turnaround in Shanghai preceded an enduring change in government budgetary transparency. In 2011, six Shanghai district governments published the budgets of subordinate departments on their official webpages, and by 2014 at least 14 of 16 had done so.²³ Guangzhou also continued to publish departmental budgets each year since 2009.²⁴ Today, this level of budgetary transparency is being diffused nationwide. In

²¹ Shanghai Bureau of Finance. “Regarding an Implementation Plan for Further Promoting Disclosure of City-Level Budgetary Information” (*Guanyu jin yi bu tuijin shiji yusuan xinxi gongkai de shishi fang’an*). Oct 29, 2009. URL: http://code.fabao365.com/law_454864_1.html (Accessed Sep 2, 2014)

²² December 7, 2009 communication from Shanghai Bureau of Finance. Recorded in “Summary of 2009 Departmental Budget Applications” (*2009 nian bumen yusuan shenqing huizong*). Unpublished field notes.

²³ Author compilation of Shanghai district government departmental budgets disclosure, per publicly available documents posted to district government websites as of April 2015.

²⁴ Guangzhou’s departmental budgets can be found on the respective bureau websites. For example, budgets for the Guangzhou Environmental Protection Bureau from 2009 to 2015 are available at: <http://www.gzepb.gov.cn/root43/gov/146/1112/list.htm> (Accessed April 29, 2015).

January 2015, a revised Budget Law of the People’s Republic of China took effect, requiring that any government budget be disclosed to the public within 20 days of approval.

Media coverage of Wu’s campaign was not merely serendipitous. He carefully considered when to share the results of his requests with journalists. In his own words, “It is challenging to handle an event such that it becomes ‘an incident.’”²⁵ In dealing with the press, he took care to select moments when public attention was not distracted by major sporting events or natural disasters. Because media coverage of institutional failures was a source of power, Wu’s activists used publicity as a threat when exhorting government agencies to disclose. In a written exchange with one of Shenzhen’s district governments, one transparency volunteer wrote:

“Is there legal basis for the State Secrets department’s determination that the ‘2008 [district] Departmental Budgets’ we applied to disclose are secret documents? Please specify: which article, which clause? ...The People’s right to know is the highest principle; please grant it sufficient recognition. We will continue to discuss this matter with you. If we continue to receive this treatment, we will consider submitting this to the district chief and the district People’s Congress, and *inviting the press to discuss*.”²⁶

While OGI erratically fulfilled its commitments, as when it unlocked the Guangzhou municipal budgets, its institutional weakness was also exploited by Wu to drive media coverage and policy change. When public attention focused on the absurdity of one city classifying government budgets as state secrets while another posted them to the Internet, one of China’s

²⁵ Interview, April 2010.

²⁶ China Budget Network. 2008. “Shenzhen [district government] Finance Bureau Application Process.” Unpublished Field Notes. Emphasis added.

most powerful local governments reversed itself and publicly affirmed the principle that such information should be shared with the public.

OGI in other activist campaigns

Activists in other campaigns also exploited the opportunities to re-frame and pursue institutional failures afforded by the transparency reform. First, re-framing politically sensitive activism was not limited to property disputes. OGI also helped to re-frame activism targeting government financial malfeasance surrounding the Three Gorges Dam. As a national construction project, the Three Gorges Dam incited controversies surrounding both its environmental impact and the human cost of relocating 1.3 million residents to accommodate its massive reservoir. Corruption and embezzlement of project funds ensnared hundreds of officials, including at least one death sentence.²⁷ Although these episodes were publicly reported, the political significance of this project rendered activism highly risky. One advocate for the displaced population was attacked and partially paralyzed after meeting with police in 2006.²⁸

One Three Gorges activist, Ren Xinghui, sought to draw attention to the unaccountable use of public funds in financing the project. The Three Gorges Project Construction Fund was generated by surcharges on nearly every electricity bill in China. Each individual charge was negligible, but between 1992 and 2006 the fund accumulated roughly 73 billion RMB.²⁹ Instead

²⁷ “Three Gorges Corruption Scandal” *BBC*. Jul 21, 2000. URL: <http://news.bbc.co.uk/2/hi/asia-pacific/844786.stm> “Corrupt official steals Three Gorges’ cash” *China Daily*. Dec 5, 2005. URL: http://www.chinadaily.com.cn/english/doc/2005-12/05/content_500400.htm (Accessed Sep 2, 2014)

²⁸ “China Says Activist Broke His Own Neck” *The Washington Post*. Jul 27, 2006. URL: <http://www.washingtonpost.com/wp-dyn/content/article/2006/07/27/AR2006072700657.html> (Accessed Sep 2, 2014)

²⁹ 73 billion RMB is USD \$9.4 billion at late 2006 exchange rates. “Citizen Ren Xinghui pursues details of Three Gorges Construction Fund Revenues and Expenditures” (*Gongmin Ren*

of directly questioning the legality of the fund and its oversight, Ren used OGI to re-frame his Three Gorges activism in terms of government transparency obligations. He requested information for “scientific research,” referring to the permissible bases for information requests in Article 13 of the OGI regulations. This politically neutral frame permitted him to file disclosure requests, sue the Ministry of Finance, and attract media coverage for his case, without directly leveling accusations about government waste or corruption.³⁰

Historical grievances from political campaigns dating back to the 1960s were also re-framed using the new transparency institution. During China’s Cultural Revolution, millions of “class enemies” were forced to relinquish urban properties to local governments. In theory houses were temporarily leased, but in practice this often meant the permanent loss of property. In many families the sense of injustice surrounding these lost properties remains strong, especially in light of the skyrocketing value of China’s urban land. Many extended activist campaigns seek to reclaim property or win compensation for their losses. These claims are politically sensitive, not only due to their connection to land disputes, but also because they recall a sordid period in the history of the Communist Party. As unresolved historical grievances for a significant number of urbanites, these claims offer a possible foundation for sustained urban unrest (Chen 2013: 300).

The transparency reform opened a new frame for these old grievances: publicizing official documents. Urban housing departments had records of home ownership during the periods of Cultural Revolution expropriation. Use of OGI in this way was particularly common

Xinghui zhuiwen sanxia jianshe jijin shouzhi xijie) *Procuratorial Daily*. Feb 8, 2010. URL: <http://finance.people.com.cn/GB/10947499.html> (Accessed Sep 2, 2014)

³⁰ The rejection of Ren’s request, “Notice on Open Government Information, 2009 #39,” is available on his blog. URL: <http://renxinghui86.blog.sohu.com/143274984.html> (Accessed Sep 2, 2014). The full text of Ren’s lawsuit is also available online. URL: http://blog.sina.com.cn/s/blog_449d613d0100hc7a.html (Accessed Sep 2, 2014)

in Shanghai, where the very first transparency lawsuit addressed this issue (Horsley 2007). In fact, the early success of activists in re-framing their claims and reinvigorating debates over Cultural Revolution injustices led the Shanghai government in 2006 to classify documents pertaining to housing history as state secrets, which effectively prevented future lawsuits.³¹ This case also illustrates limits to the use of quasidemocratic institutions to re-frame activism in repressive environments. Certain political taboos remain closed (or can be closed by dictate) no matter how they are re-framed.

Consumer advocates also used institutional failures to induce concessions from government. One south China consumer activist applied for information disclosure to several local market regulators. These agencies replied with highly inconsistent responses to identical requests for information, spanning rejection, delayed disclosure, full disclosure, and denial that the agency had jurisdiction over such information. The activist then used these official documents to sue a local agency and simultaneously granted interviews to local journalists. The resulting newspaper coverage highlighted the contradictions among government agencies. One headline read, “Anticounterfeiter Requests Government Disclosure of Administrative Penalties, 7 Departments, 7 Different Answers.”³² Another article explicitly addressed the institutional weakness of the transparency reform, noting “a large gap in implementation and effort between

³¹ It remains unclear exactly how many requests addressed real estate disputes from the Cultural Revolution, but the determination of these documents’ secrecy is cited in public court records. E.g. “Chen vs. Shanghai Huangpu District Housing Bureau.” Shanghai No. 2 Intermediate Court, 2010. <http://www.shezfz.com/view/cpws.html?id=22529> (Accessed Sep 2, 2014). “Huangpu’s First Administrative Chief Appears in Court for Lawsuit” *Shanghai Law Daily* Feb 24, 2012. URL: http://newspaper.jfdaily.com/shfzb/html/2012-02/24/content_755274.htm (Accessed Sep 2, 2014)

³² “Anticounterfeiter Requests Government Disclosure of Administrative Penalties, 7 Departments, 7 Different Answers.” (*Dajiaren yaoqiu zhengfu gongkai xingzheng chufa qingkuang 7 bumen 7 zhong huiying*) *Xinkuaibao*. Jul 10, 2009. URL: <http://news.sohu.com/20090710/n265110831.shtml> (Accessed Sep 2, 2014)

citizens' right-to-know and Open Government Information.”³³ Similar to the Guangdong property activists discussed above, the consumer advocate lost both his court case and the appeal. However, the agency responded to the negative media attention by regularly publicizing the information sought by the activist, a practice which continues today.

Even consistent policy implementation can become an institutional failure when it flies in the face of common sense. In 2011, graduate student Li Yan applied to two dozen central government ministries for basic information on the roles of their vice-ministers for a research paper. Despite the evidently reasonable nature of her request, several ministries refused her or established frivolous barriers to acquiring the information. The failure to disclose even general descriptions of these officials' duties produced incredulous media coverage: “Without a doubt, vice-ministers' division of labor is information that should be proactively disclosed. Failing to disclose what should be proactively disclosed is already a neglect of one's duties; facing a request for this information, how could they say no?”³⁴ In the wake of this publicity the ministries eventually complied with her requests.³⁵

³³ “Citizen lawsuit teaches class on government information disclosure” (*Gongmin susong zai gei zhengfu xinxi gongkai buke*) *Yangcheng Wanbao*. Jul 3, 2009. URL: http://www.ycwb.com/ePaper/ycwb/html/2009-07/03/content_535512.htm (Accessed Sep 2, 2014)

³⁴ “The Vice-Premier's division of labor can be disclosed, why not the Vice-Ministers'?” (*Fu zongli fengong neng gongkai, fu buzhang za jiu bu neng?*) *Xinwen Wanbao*. Sep 16, 2011.” URL: <http://news.sina.com.cn/c/2011-09-16/131823166334.shtml> (Accessed Sep 2, 2014)

³⁵ “Open Government Information needed ‘Li Yan Gate’” (*Zhengfu xinxi gongkai xuyao “Li Yan Men”*) *Qianjiang Wanbao*. Oct 11, 2011. URL: <http://news.163.com/11/1011/06/7G2JMOKE00014AED.html> (Accessed Sep 2, 2014)

Quasidemocratic Institutions and Authoritarian Accountability

Weak quasidemocratic institutions can thus benefit activists through two mechanisms. When they create new opportunities for participation, they offer politically anodyne frames for activism. By participating through officially recognized channels, activists can identify themselves as operating within the bounds of political permissibility. Second, these institutions repeatedly fail to deliver on state commitments. Activists can provoke these failures to facilitate legal action and media campaigns. Both provide opportunities to sustain activist campaigns and attract the attention of the public and higher-level officials, both important determinants of campaign success (Mertha 2008, Cai 2010).

The campaigns described above show how the political consequences of quasidemocratic institutions are shaped through an interactive process with society. In this sense, the institutions themselves are “amphibious,” characterized by, “indeterminacy in the character and functions of individual institutions, and of boundaries among them” (Ding 1994). Citizens can alter their function through a process of institutional conversion (Thelen 2003, Chen 2008). These findings elaborate the concept of boundary-spanning contention (O’Brien 2003), in which contention takes place in the gray area between officially-permitted and transgressive acts. Similarly, quasidemocratic institutions offer an opportunity to cloak potentially transgressive claims in official language and channels of participation. The goals of such activism may extend beyond the existing legal commitments of the state. These campaigns may pursue fundamental changes to the culture of government and public expectations of the state. Wu Junliang’s campaign sought to raise public expectations for budgetary transparency, even though Chinese law permitted continued secrecy. Citizen claims are thus not rigidly constrained by existing laws and regulations. Instead, activists use the resources embodied in these formal institutions to pursue

their own interests. The resulting activism is “rightful” insofar as it strategically deploys the commitments of the powerful (O’Brien and Li 2006), but it goes beyond these commitments to smuggle in the activists’ own agendas and exploits media coverage to extend its reach beyond local jurisdictions.

This study examined one institution that created new opportunities for political participation and embodied commitments by the state to respond in certain ways. These qualities opened the door for citizens to re-frame existing claims in new, state-approved language and to engineer public institutional failures. Yet quasidemocratic institutions vary, and some may be more amphibious than others (Table 3). Authoritarian institutions allowing citizens to challenge the state in court (such as China’s Administrative Litigation Law) and encouraging citizens to request constituency service from the state share many features with participatory transparency laws. They offer state-legitimated channels of mass political participation, and they embody state commitments to respond to this participation in certain ways. These institutions are expected to offer resources to activists similar to those identified in this study. Future comparative research may shed light on these dynamics by contrasting different types of quasidemocratic institutions (e.g. transparency reforms vs. legal challenges) or different variants within an institutional type (e.g. OGI vs. village financial transparency reforms in China).

Quasidemocratic institutions that lack these qualities—such as authoritarian legislatures or political parties with restricted memberships—are unlikely to afford the same resources for activism by the public. Without channels of mass participation, there are not the same opportunities to re-frame activism in the guise of permissible political activities. Absent public commitments by the state to respond to participation, activists cannot engineer the same institutional failures that proved valuable to the campaigns above.

Table 3: Quasidemocratic Institutions and Potential Opportunities for Activist Use

Institution	Opportunities for public participation	State commitments to public
Participatory transparency institutions Chen 2013 Horsley 2007	Requesting disclosure of government information.	To respond within defined timeframe; to disclose information in response to valid requests.
Institutions permitting legal challenges to government actions O'Brien & Li 2004 Pei 1997	Filing lawsuits against government agencies; offering testimony in court.	To follow legal procedures; to admit public testimony; to decide case according to facts and law.
Constituency service and petitioning institutions Chen 2008 Hurst et al 2014	Appealing for government assistance; reporting official malfeasance.	To respond to requests in timely manner; to make efforts to investigate and solve problems.
Deliberative meetings He & Warren 2011 Ergenc 2014	Attending public meetings to express opinions before officials.	To permit attendance and participation; to adapt policies to feedback.
Elections of officeholders Blaydes 2010 Magaloni 2006 Manion 2014	Casting votes; campaigning for candidates; participating as candidates	To permit citizens to vote; to permit campaigns; to accurately tally votes and appoint officeholders.
Legislative institutions Gandhi 2009 Malesky & Schuler 2010 Truex 2014	Submitting proposals or comments.	-
Political parties Brownlee 2007	Joining political parties.	-

Within China, a range of contemporary institutions encourage public participation and establish state commitments to respond. In addition to local elections of varying quality that give rise to contentious episodes (Kennedy 2002, O'Brien 2003), these also include deliberative

institutions such as citizen evaluation forums, legislative hearings, and consultative meetings (He & Warren 2011, Ergenc 2014), all of which have similar properties to the Open Government Information reform. They create officially-recognized frames of public participation while also embedding political constraints that can lead to institutional failures and public disenchantment. China also has institutions of what democracies would term “constituency service” that span both traditional petitioning offices (Chen 2008) and modern digital channels (Hartford 2005, Distelhorst & Hou 2014). Examination of these institutions, as well as other weakly implemented legal guarantees such as environmental impact assessments, is a promising avenue for extending this research.

There are limitations to the conclusions we can draw from research on a single country. Yet China’s transparency institutions are not unique among nondemocracies. In a global wave of transparency legislation (Ackerman and Sandoval-Ballesteros 2006), governments such as Angola, Azerbaijan, Tajikistan, Uganda, and Uzbekistan have adopted similar transparency institutions. Expanding our purview to weakly-institutionalized democracies in the developing world, participatory transparency institutions also appear in Bangladesh, Guatemala, Nepal, Pakistan, Thailand, and Ukraine. Similar to China’s transparency reform, these laws are plagued by uncertain implementation, low official awareness of their obligations, and weak legal guarantees (Banisar 2006, Mendel 2008).

The power that Chinese activists draw from the empty promises of Open Government Information also contributes to our understanding of political opportunities in nondemocratic regimes. A rich literature on political opportunity has grown out of the study of social movements and contentious politics, demonstrating how even nondemocratic states create opportunities for contention when political elites find common cause with activist citizens

(Mertha 2008, Johnston 2012). China's transparency reform highlights how political opportunities also emerge from weak institutions and even institutional failures. From the vantage of institutional design, these opportunities are somewhat counterintuitive. Political constraints intended to weaken quasidemocratic institutions also produce new opportunities for contention. At the same time, creating new opportunities for effective activism need not weaken authoritarian regimes. To the extent that increased participation brings policies more in line with public preferences, the political opportunities created by such institutions may enhance regime stability, even as they facilitate some forms of contention. Recent research highlights how apparently contentious activities like collective protest and watchdog journalism may be managed in such ways as to be regime-strengthening (Lorentzen 2013, 2014). An empirical evaluation of the consequences for regime stability is left to future research.

The claim that institutional weakness can be exploited to improve governance represents a different perspective on the political consequences of authoritarian institutions. The growing empirical and theoretical literature on nondemocratic institutions documents their limitations as true tools of democratic accountability (Lust-Okar 2005, Magaloni 2006, Brownlee 2007, Gandhi 2008, Blaydes 2010, Levitsky & Way 2010). Yet even when quasidemocratic institutions are subordinated to other political mandates (Birney 2014; Truex 2014), they still create resources for activists. These activists, in turn, work to change official behavior and government institutions. This suggests an alternative approach to studying how authoritarian institutions contribute to government accountability. Their value comes not only from the fidelity of their implementation, but also from their capacities to re-frame activism and to fail spectacularly.

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