Grassroots Participation and Repression under Hu Jintao and Xi Jinping

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ABSTRACT

This study examines changes in grassroots participation and repression under the Chinese leaders Hu Jintao and Xi Jinping. Under Xi, the Party-state has launched political campaigns against a range of grassroots activists and organizations. This entails a shift in state repression from fragmentation to consolidation, and it has resulted in less room for contentious participation. However, institutionalized political participation—activities by ordinary people aimed at changing government behavior through official channels—has persisted. The Hu administration presided over the development of new institutions of public participation, and there is little evidence for their decay. Despite important breaks from the past under Xi, there are noteworthy continuities in the institutions that enable grassroots participation.

Since Xi Jinping took office in China, state power has become increasingly personalized. Xi became the "core leader" (*hexin lingdao* 核心领导) and assumed the title of military commander in chief in 2016.[1] Headlines have declared a sweeping transformation in politics under Xi, from the broad-reaching anticorruption drive to a strong-arm campaign against grassroots civil society. Be it the disappearance of Hong Kong publishers of politically sensitive books or a crackdown on mainland labor activists, lawyers, feminists, and protestant churches, the state has aggressively policed boundary pushers. By most accounts, the present administration has departed from previous trajectories by closing political opportunity structures for participation and backtracking on incremental liberalization.

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1. "Xi Jinping Xinren Junweilianzhi Zongzhihui" [Xi Jinping assumes commander-in-chief of the Central Military Commission], *Renmin Wang* [People Net], April 21, 2016, accessed July 24, 2017, http://cpc.people.com.cn/xuexi/n1/2016/0421/c385474-28293613.html; "Zhonggong Shouci Xingrong Xi Jinping Lingdao Wei Hexin" [Politburo describes Xi as a core leader for first time], BBC, October 27, 2016, accessed July 24, 2017, http://www.bbc.com/zhongwen/simp/china/2016/10/161027_china_xi_core.

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This article interrogates the prevailing narrative that pathways to grassroots political participation have narrowed in the transition from Hu Jintao (2002–12) to Xi Jinping (2013–present). It argues that there are both continuities and discontinuities in political participation during the transition. Opportunities for contentious participation—defined as disruptive behavior ranging from grassroots advocacy to outright protests—have been severely restricted; however, formal institutions for participation that expanded under Hu Jintao continue to provide channels for dialogue between local officials and citizens across China. We find little evidence of institutional decay when examining several of China's quasi-democratic institutions. On the contrary, evidence suggests that these institutions are becoming more widely used under Xi.

DISAGGREGATING OPPORTUNITIES FOR GRASSROOTS PARTICIPATION

Shi Tianjin defined political participation in China as "activities by private citizens aimed at influencing the actual results of government policy."[2] Although Chinese citizens have only limited opportunities to select government officials and directly shape policy, they have other pathways to political influence. China scholars have studied citizen participation through appeals to officials,[3] civil society advocacy,[4] lawsuits against government agencies,[5] and more recently submitting suggestions and complaints over the Internet.[6]

We divide grassroots participation into two modes: contentious and institutionalized. Contentious participation entails using disruptive methods—protests, petitioning, strikes, and forming illegal associations—to influence officials or to make a symbolic statement. In contrast, institutionalized participation uses state-sanctioned channels such as local elections, government hotlines and mailboxes, and courts to influence policy, to handle and resolve complaints, or to adjudicate disputes that arise between the public and government entities. Institutionalized participation is not a recent innovation. Such participation dates to imperial

2. Tianjian Shi, *Political Participation in Beijing* (Cambridge, MA: Harvard University Press, 1997), 21.

3. Yongshun Cai, "Managed Participation in China," *Political Science Quarterly* 119, no. 3 (2004): 425–51; Xi Chen, *Social Protest and Contentious Authoritarianism in China* (Cambridge: Cambridge University Press, 2012.)

4. Guobin Yang, "Environmental NGOs and Institutional Dynamics in China," *China Quarterly*, no. 181 (2005): 46–66.

5. Minxin Pei, "Citizens v. Mandarins: Administrative Litigation in China," *China Quarterly*, no. 152 (1997): 832–62; Kevin J. O'Brien and Lianjiang Li, "Suing the Local State: Administrative Litigation in Rural China," *China Journal*, no. 51 (2004): 75–96.

6. Tianguang Meng, Jennifer Pan, and Ping Yang, "Conditional Receptivity to Citizen Participation: Evidence from a Survey Experiment in China," *Comparative Political Studies* 50, no. 4 (2017): 399–433.

China, when ordinary people presented petitions to officials,[7] yet new institutions of participation have emerged in the early twenty-first century.

Contentious participation occurs outside of official institutions. Rather than relying on formal processes to shape the actions of government, contention drives change through the disruption of ordinary activities and by creating a public spectacle. A large body of literature examines contentious activities taken by Chinese villagers,[8] workers,[9] pensioners,[10] lawyers,[11] religious groups,[12] and journalists.[13] In addition, studies have examined NGOs' contentious participation in environmental activism,[14] and in labor mobilization.[15]

Although we analyze contentious and institutionalized participation separately in this study, it is important to recognize that they are not strictly exclusive. Contentious activities often make use of participatory institutions to achieve their ends.[16] In some cases, public mobilization shapes the actions of nominally impartial public institutions. For instance, activists can place pressure on judges by staging flash pro-

7. Chen, *Social Protest and Contentious Authoritarianism*, 44–53.

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

9. Anita Chan, *China's Workers under Assault: The Exploitation of Labor in a Globalizing Economy* (Armonk, NY: Sharpe, 2001); Feng Chen, "Between the State and Labour: The Conflict of Chinese Trade Unions' Double Identity in Market Reform," *China Quarterly*, no. 176 (2003): 1006–28; Ching Kwan Lee, *Against the Law: Labor Protests in China's Rustbelt and Sunbelt* (Berkeley: University of California Press, 2007); Eli Friedman, *Insurgency Trap: Labor Politics in Postsocialist China* (Ithaca, NY: Cornell University Press, 2014); Mary E. Gallagher, "China's Workers Movement and the End of the Rapid-Growth Era," *Daedalus* 143, no. 2 (2014): 81–95.

10. William Hurst and Kevin J. O'Brien, "China's Contentious Pensioners," *China Quarterly*, no. 170 (2002): 345–60.

11. Kevin J. O'Brien and Rachel E. Stern, "Studying Contention in Contemporary China," in *Popular Protest in China*, ed. Kevin J. O'Brien (Cambridge, MA: Harvard University Press, 2008), 11–25, 219–25; Hualing Fu and Richard Cullen, "Weiquan (Rights Protection) Lawyering in an Authoritarian State: Building a Culture of Public-Interest Lawyering," *China Journal*, no. 59 (2008): 111–27; Eva Pils, *China's Human Rights Lawyers: Advocacy and Resistance* (New York: Routledge, 2014); Sida Liu, "The Changing Roles of Lawyers in China: State Bureaucrats, Market Brokers, and Political Activists," in *The New Legal Realism: Studying Law Globally*, ed. Heinz Klug and Sally Engle Merry (Cambridge: Cambridge University Press, 2016), 180–98.

12. Carsten T. Vala, "Protestant Christianity and Civil Society in Authoritarian China: The Impact of Official Churches and Unregistered Urban Churches on Civil Society Development in the 2000s," *China Perspectives* 3 (2012): 43; Karrie Koesel, *Religion and Authoritarianism: Cooperation, Conflict, and the Consequences* (Cambridge: Cambridge University Press, 2014).

13. Jonathan Hassid, "China's Contentious Journalists: Reconceptualizing the Media," *Problems of Post-communism* 55, no. 4 (2008): 52–61.

14. Yang, "Environmental NGOs"; Andrew Mertha, *China's Water Warriors: Citizen Action and Policy Change* (Ithaca, NY: Cornell University Press, 2008); H. Christoph Steinhardt and Fengshi Wu, "In the Name of the Public: Environmental Protest and the Changing Landscape of Popular Contention in China," *China Journal*, no. 75 (2016): 61–82.

15. Ching Kwan Lee and Yuan Shen, "The Anti-Solidarity Machine? Labor Nongovernmental Organizations in China," in *From Iron Rice Bowl to Informalization: Markets, Workers, and the State in a Changing China*, ed. Sarosh Kuruvilla, Ching Kwan Lee, and Mary E. Gallagher (Ithaca, NY: Cornell University Press, 2011): 173–87.

16. O'Brien and Li, *Rightful Resistance*.

tests outside of court rooms.[17] The news media can also mobilize public opinion that leads to more draconian criminal sentences.[18] Activists can also exploit the unresponsiveness of participatory institutions to publicize government failings.[19] The two modes of participation sometimes occur in tandem, but they still differ in whether they primarily seek to achieve their goals through formal, state-sanction processes or through disruption and confrontation with authority.

We first examine a major discontinuity in governing contentious participation under the two administrations. In tracing state repression under Hu of illegal labor organizations, human rights lawyers, and heterodox religious practitioners, we show that although grassroots activists were harassed, they were nevertheless able to mobilize contentious participation without sacrificing organizational survival. Repression was relatively decentralized and ad hoc, leaving room for maneuver. In contrast, the Xi administration has ushered in a campaign of repression against civil society characterized by national security rhetoric, the criminalization of threatening activism, and proactive repression. The result was not only an increased *degree* of repression but also a shift in its *form*, which contracted opportunities for contentious participation.

The second part of the article turns to everyday participation that takes place within institutions established by the state. We examine how people use three quasi-democratic institutions: constituency service institutions that enable citizens to appeal for help from local authorities; China's Regulations on Open Government Information, which permit citizens to apply for disclosure of government-held data; and China's courts, which allow citizens to file administrative lawsuits against government agencies. Public use of these participatory institutions has persisted across the leadership transition and even expanded in some cases, producing continuity in institutionalized participation.

DISCONTINUITIES IN CONTENTIOUS PARTICIPATION

Fragmented Repression under Hu Jintao

The Hu administration (2002–12) took a fragmented approach toward governing contention on an everyday basis. To be sure, the administration did not hesitate to round up dissidents seeking to promote democracy and human rights, as

17. Diana Fu, *Mobilizing without the Masses: Control and Contention in China* (Cambridge: Cambridge University Press, 2017), chap. 5.

18. Benjamin L. Liebman, "Watchdog or Demagogue? The Media in the Chinese Legal System," *Columbia Law Review* (2005): 1–157.

19. Greg Distelhorst, "The Power of Empty Promises: Quasi-Democratic Institutions and Activism in China," *Comparative Political Studies* 50, no. 4 (2017): 464–98.

evidenced by the detention of 'Charter 08' signatories in 2008[20] and harsh measures against ethnic minorities in the aftermath of the Tibetan and Xinjiang riots in 2008 and 2009, respectively.[21] Such direct coercion was hardly decentralized in nature, as these commands came from the national leadership. In governing civil society, the Hu administration also continued to develop and reform the state corporatism model that regulated the number of organizations that could be formally registered with the state and limited their activities.[22]

Despite such centralized regulatory controls and coercion, everyday governance of contention—spontaneous protests, petitioning, and organizing—allowed local governments considerable discretion to deploy whatever control tactics they saw fit. This fragmented repression was part of a broader agenda of social management[23] that promoted Hu's hallmark idea of establishing a "harmonious society." The goal of this agenda was to secure social stability, a cornerstone of the Party-state's legitimacy in the Hu era,[24] by targeting societal elements that threatened disorder. To this end, the central state issued a mandate to local authorities to maintain social stability at all costs and incentivized them to do so with a so-called one veto system (*yipiao foujue* 一票否决),[25] which stipulated that outbreaks of mass incidents would negatively affect local officials' careers.

As a result, the local authorities commonly used extralegal means to intimidate persistent petitioners, including detaining them in informal jails and forcing them to return to their hometowns.[26] Some local authorities hired thugs to threaten dissenters in what has become an increasingly commercial practice of outsourcing coercion to third parties.[27] In labor disputes, some localities bought off individuals or

20. Human Rights Watch, "China: Retaliation for Signatories of Rights Charter," December 10, 2008, accessed July 24, 2017, https://www.hrw.org/news/2008/12/10/china-retaliation-signatories-rights-charter.

21. Yonghong Han, "'7-5' Shijian Hou Shouci Dao Xinjiang Kaocha Hu Jintao: Xinjiang 'Wending Yadao Yiqie'" [Hu Jintao's first visit to Xinjiang since 7-5 incident: In Xinjiang "Stability takes precedence over all"], August 25, 2009, accessed July 24, 2017, http://prd.zaobao.com/special/report/politic/xinjiang/story20090826-111931; "Marking Time at the Fringes" *The Economist*, July 8, 2010.

22. Jonathan Unger and Anita Chan, "China, Corporatism and the East Asian Model," *Australian Journal of Chinese Affairs* 33 (1995): 29–53; Timothy Hildebrandt, *Social Organizations and the Authoritarian State in China* (Cambridge: Cambridge University Press, 2013); Jessica C. Teets, *Civil Society under Authoritarianism: The China Model* (Cambridge: Cambridge University Press, 2014).

23. "Chinese President Urges Improved Social Management for Greater Harmony, Stability," *Xinhua*, February 19, 2011, http://news.xinhuanet.com/english2010/china/2011-02/19/c_13739874.htm.

24. Vivienne Shue, "Legitimacy Crisis in China?," in *State and Society in 21st Century China: Crisis, Contention and Legitimation*, ed. Peter Gries and Stanley Rosen (New York: RoutledgeCurzon, 2004), 59–89.

25. Maria Edin, "State Capacity and Local Agent Control in China: CCP Cadre Management from a Township Perspective," *China Quarterly*, no. 173 (2003): 35–52.

26. Yongshun Cai, *Collective Resistance in China: Why Popular Protests Succeed or Fail* (Stanford, CA: Stanford University Press, 2010).

27. Yuhua Wang and Carl Minzner, "The Rise of the Chinese Security State," *China Quarterly*, no. 222 (2015): 339–59; Xi Chen, "Origins of Informal Coercion in China," *Politics & Society* 45, no. 1 (2017): 67–89; Lousia Lim, "The Thugs of Mainland China," *New Yorker*, October, 8, 2014.

groups who staged collective action with a stability maintenance fund.[28] In fact, paying for stability was an informal institution under Hu, which allowed the state and protestors to negotiate over the price of rights.[29] In housing demolition disputes, municipal authorities have also used "relational repression"[30] which taps into a protestor's network of friends and relatives to demobilize them. By shifting responsibility for maintaining social stability downward,[31] the central leadership under Hu delegated the dirty work of repression to local authorities, thereby implicitly channeling repression into more informal and extralegal means.

The discretion afforded to local authorities in governing civil society resulted in fragmentation: conflicting strategies of control across bureaucracies at the local levels.[32] While state security apparatuses sought to repress labor organizations, the official labor union attempted to co-opt these groups. This fragmented approach created opportunities for collaboration between local states and civil society groups such as environmental NGOs and service provision NGOs.[33] Driven by the need to minimize political uncertainty and secure their own political power, local authorities often collaborated with civil society groups, offering protection in exchange for support,[34] even as other branches of the local state engaged in repression.

Fragmented repression under Hu also gave rise to forms of mobilization in which grassroots actors continuously tested the ambiguous political boundaries of activism.[35] This operating environment permitted activists to experiment with a range of "boundary-spanning contention" that straddled the line between permissible and transgressive[36] including "rightful resistance,"[37] "cellular activism,"[38] spontaneous protests,[39] and "disguised collective action."[40] While these diverse

28. Ching Kwan Lee and Yonghong Zhang, "The Power of Instability: Unraveling the Microfoundations of Bargained Authoritarianism in China," *American Journal of Sociology* 118, no. 6 (2013): 1475–1508; Yang Su and Xin He. "Street as Courtroom: State Accommodation of Labor Protest in South China," *Law & Society Review* 44, no. 1 (2010): 157–84.

29. Chen, *Social Protest and Contentious Authoritarianism*, 44–53; Lee and Zhang, "Power of Instability."

30. Yanhua Deng and Kevin J. O'Brien, "Relational Repression in China: Using Social Ties to Demobilize Protesters," *China Quarterly*, no. 215 (2013): 533–52.

31. Lee and Zhang, "Power of Instability."

32. Jude Howell, "Shall We Dance? Welfarist Incorporation and the Politics of State–Labour NGO Relations," *China Quarterly*, no. 223 (2015): 702–23; Diana Fu, "Fragmented Control: Governing Contentious Labor Organizations in China." *Governance* 30, no. 3 (2017): 445–62.

33. Mertha, *China's Water Warriors*, 11–12; Teets, *Civil Society under Authoritarianism*.

34. Anthony J. Spires, "Contingent Symbiosis and Civil Society in an Authoritarian State: Understanding the Survival of China's Grassroots NGOs," *American Journal of Sociology* 117, no. 1 (2011): 1–45.

35. Rachel E. Stern and Kevin J. O'Brien, "Politics at the Boundary: Mixed Signals and the Chinese State," *Modern China* 38, no. 2 (2012): 174–98.

36. O'Brien and Stern, "Studying Contention in Contemporary China."

37. O'Brien and Li, *Rightful Resistance*.

38. Lee, *Against the Law*, 10–11.

39. Chen, *Social Protest and Contentious Authoritarianism* 44–53; Cai, *Collective Resistance in China*, 149.

40. Diana Fu, "Disguised Collective Action in China," *Comparative Political Studies* 50, no. 4 (2017): 499–527.

forms of contentious participation have persisted under Xi, three qualitative shifts in repression have significantly changed the political opportunity structure for contentious participation.

Consolidated Repression under Xi Jinping

When Xi took the reins in 2013, repressing boundary pushers in civil society was a cornerstone of his political campaign to consolidate power. Embarking upon the largest ideological campaign since Mao Zedong,[41] Xi viewed civil society as a conduit through which dangerous Western ideas flowed into China. A 2013 internal directive known as Document No. 9 listed an independent civil society among the seven perils to the Chinese state.[42] Placing it in the company of other Western perils such media freedom and universal human rights, Xi's document saw civil society as both a practical threat to everyday social stability and an ideological threat, which called for a qualitatively different, stronger approach to repression. While much press coverage has focused on the intensified degree of repression, there have also been three important shifts in the nature of repression under Xi: from sporadic harassment to criminalization, from post facto to preemptive, and from social stability to national security framing. All three shifts have resulted in a more consolidated form of repression, a departure from the fragmented repression under Hu.

From Social Stability to National Security Framing

Hu's administration upheld social stability as one of the guiding principles of governance.[43] Accordingly, the portion of its budget allocated to maintaining domestic security surpassed the national defense budget for three consecutive years from 2011 to 2013.[44]

Maintaining social stability remains an important prerogative under Xi. However, the lack of full disclosure on the domestic security budget makes it difficult to judge just how much social stability maintenance is prioritized by the current administration. Recent data released by the Ministry of Finance suggests that the 2016 spending on public security was earmarked at 166.8 billion yuan (US$25.6 billion) which represented a 5.3 percent increase from the previous year. In con-

41. Suisheng Zhao, "Xi Jinping's Maoist Revival," *Journal of Democracy* 27, no. 3 (2016): 83–97.

42. Shi Shui Sheng, "Wangchuan 9 Hao Wenjian Yuanwen" [Original text of Document No. 9], August 21, 2013, accessed July 24, 2017, http://chinadigitaltimes.net/chinese/2013/08/自由微博-网传9号文件原文/.

43. Willy Lam, "Beijing's Blueprint for Tackling Mass Incidents and Social Management," *China Brief*, March 25, 2011.

44. "China Withholds Full Domestic Security Spending Figure," *Reuters*, March 4, 2014, http://www.reuters.com/article/us-china-parliament-security-idUSBREA240B720140305.

trast, the defense spending for 2016 reached as high as 950 billion yuan (US$146 billion), $783.2 billion more than domestic security.[45] Although the budget for domestic security is likely an underestimate, these budget allocations represent, on their surface, a reversal in priority from the Hu era.

Accompanying this reversal in budgetary allocation is a shift in rhetorical framing of repression that underscores national security in addition to maintaining social stability. The Xi administration is more likely than its predecessor to frame crackdowns of NGOs and detention of activists as part of safeguarding national security. This rhetorical change is also reflected in the bureaucratic restructuring of the security apparatus. Xi demoted the once-powerful Politics and Law Committee in charge of maintaining domestic security and purged its retired head, Zhou Yongkang, who had been considered "China's security czar."[46] In his place, Xi established the National Security Commission and installed himself as the head of this coordinating body.[47]

This pivot toward national security affected the government's management of civil society in two respects. First, the emphasis on national security is reflected in recent laws and regulations governing civil society. In addition to the National Security Law passed in 2015 which outlaws a number of potential threats to the economy, society, and cyberspace, the Xi administration also passed the Overseas Non-governmental Organization (NGO) Law in April 2016. This law effectively isolates Chinese NGOs from outside funding bodies and influences, using the language of national security, and gives the Ministry of Public Security the power to regulate foreign organizations operating in China.[48] Article 5 stipulates that NGOs "must not endanger China's national unity, security, or ethnic unity; must not harm China's national interests, societal public interest and the lawful rights and interests of citizens, legal persons, and other organizations; . . . must not engage in or fund for-profit activities or political activities, and must not illegally engage in or fund religious activities."[49] Local governments have responded accordingly, with Jilin Province's state security bureau setting up a hotline for its citizens to report on those suspected of breaching national security.[50] Effectively,

45. "China to Spend 'at Least' U.S. $25 Billion on 'Maintaining Stability,'" *Radio Free Asia*, March 8, 2016, accessed July 24, 2017, http://www.rfa.org/english/news/china/china-security-03082016144158.html.

46. "Zhongong Zhongyang Jueding Geiyu Zhou Yongkang Kaichu Dangji Chufen" [Central Committee of Party decides to revoke Zhou Yongkang's Party membership], *Xinhua Net*, December 6, 2014, accessed July 24, 2017, http://news.china.com/focus/zhouyongkang/11163098/20141206/19063885.html.

47. Wang and Minzner, "The Rise of the Chinese Security State."

48. *The People's Republic of China's Law on the Management of the Activities of Overseas NGOs within Mainland China*, China Development Brief, May 3, 2016, accessed July 24, 2017, http://chinadevelopmentbrief.cn/articles/the-peoples-republic-of-chinas-law-on-the-management-of-the-activities-of-overseas-ngos-within-mainland-china/.

49. "Foreign NGO Law Emphasizes National Security" *China Digital Times*, April 30, 2016, accessed July 24, 2017, http://chinadigitaltimes.net/2016/04/china-passes-foreign-ngo-law-emphasizing-national-security/.

50. Austin Ramzy, "Seen a Spy? With New Hotline, China Invites You to Call It In," *New York Times*, November 2, 2015.

the new law's political goal is to ensure that foreign interests do not infiltrate China through linking up with domestic civil society. Whereas foreign groups used to operate in a legal gray zone, any that seek to set up a representative office in China are now required to register with the Ministry of Public Security. To do so, foreign entities such as foundations, NGOs, think tanks, and trade associations must first obtain formal approval from a supervisory government-related unit.

The national security frame goes beyond written laws. Foreign activists operating in China have also been accused of threatening China's national security. For instance, the detainment and deportation of Swedish activist Peter Dahlin was framed in the official media as a national security case: "In recent days, national security and relevant agencies coordinated to break a case of national security, successfully cracking down on a group that called itself 'China Rights Emergency Aid.' This group has accepted foreign funding and has trained and supported a number of 'legal representatives' who have engaged in illegal activities harming national security."[51] According to his own testimony, Dahlin was investigated for violating article 107 of the criminal law for using foreign funding for illegal and subversive activities. However, he was never formally charged in court for violating national security and was later deported under the Espionage Law without a hearing.[52] In a more recent case, Taiwanese NGO worker Li Ming-che was also detained and investigated on suspicion of "threatening national security"[53] These cases highlight the links drawn by the Xi administration between civil society activities and threats to national security.

The passage of a series of national security laws combined with a concerted propaganda effort further justifies extending the security apparatus' reach into civil society. Activists can now be targeted as internal enemies who threaten national security. Moreover, the new law regulating foreign NGOs is a form of soft repression of civil society as it effectively restricts foreign funding from flowing to domestic organizations that the government does not favor. In addition, the fewer the number of foreign NGO workers in China, the harder it is for knowledge transfer to take place.[54]

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51. "Woguo Zhifabumen Pohuo Yiqi Weihai Guojiaanquan Anjian: Bide Deng Fanzui Xianyiren Bei Yifa Caiqu Xingshiquangzhi Cuoshi" [Law enforcement agencies break national security case; Peter Dahlin and other suspects subject to criminal procedures according to law], *Xinhua News*, January 19, 2016, accessed July 24, 2017, http://news.xinhuanet.com/legal/2016-01/19/c_1117827737.htm.

52. "Q&A with Peter Dahlin, the Swedish NGO Worker Who 'Endangered the National Security' of China," *China Change*, January 3, 2017, accessed July 24, 2017 https://chinachange.org/2017/01/03/q-a-with-peter-dahlin-the-swedish-ngo-worker-who-endangered-the-national-security-of-china/.

53. "Yin Shexian Weihai Guojia Anquan Li Mingzhe Bei Youguan Bumen Diaocha" [Li Mingche investigated by relevant agencies on suspicion of threatening national security], *Xinhua News*, March 30, 2017, accessed July 24, 2017, http://news.sina.com.cn/w/2017-03-30/doc-ifycwunr8112530.shtml.

54. "How Foreign Non-profit Organizations Should Respond to China's New Overseas NGO Management Law," *China Development Brief*, March 5, 2016, accessed July 24, 2017, http://chinadevelopmentbrief.cn/articles/how-foreign-non-profit-organisations-should-respond-to-chinas-new-overseas-ngo-management-law/.

Xi's personification of power, as exemplified in his self-installation as the head of the National Security Commission in 2014, directly impacts the political opportunity structure for contention. Although the Commission has not, thus far, executed any of its stated plans to crack down on domestic unrest and foreign infiltration,[55] it nevertheless has served a symbolic purpose. It made an unequivocal statement that coercion is directed by the supreme leader, not by an institution such as the Central Political and Legal Affairs Commission. This personification of power sends an immediate and powerful signal. With Xi denouncing civil society as among the seven most deadly Western perils to state power, local officials are less willing to risk even tacitly tolerating contention by civic organizations, regardless of the issue, participants, or region.

From Sporadic Harassment to Criminalization

The second shift under Xi is from sporadic harassment to the criminalization of contentious participation. Ever on guard against the ideological perils of a growing civil society, Xi's government has a propensity for criminalizing contention, which includes mass arrests of activists and staging of public confessions. As a result, a number of individuals and organizations across different sectors that had been tacitly tolerated by local states became targets.

Under Hu's leadership, the Party-state also charged boundary pushers with disruption of social order and subversion of the state. However, according to data analysis by the Duihua Foundation, the number of people indicted with endangering state security (ESS crimes) under Xi has significantly increased. The number of trials in the category that includes ESS increased by 20 percent from 2013, the year during which the leadership transition took place.[56] In 2014, this figure reached the highest recorded by the China Law Yearbook since 1999. Overall, the number of ESS charges in 2013 and 2014 under Xi's reign was close to the highest year recorded under Hu—2008, when the Beijing Olympics were held. According to official statistics, the number of ESS indictments dropped by 50 percent in 2015, but analysts believe this may be due to an increased number of charges against activists in non-ESS categories, including "picking quarrels and provoking trouble."[57]

55. "China's Much Heralded NSC Has Disappeared," *Foreign Policy*, June 30, 2016, accessed July 24, 2017, http://foreignpolicy.com/2016/06/30/chinas-much-heralded-national-security-council-has-disappeared-nsc-xi-jinping/.

56. "China State Security Indictment Hits Record High in 2014," *Duihua Human Rights Journal*, November 25, 2015, accessed July 24, 2017, http://www.duihuahrjournal.org/2015/12/hrj-china-state-security-indictments.html.

57. "China State Security Trials Fell 50 Percent in 2015, Official Data Suggest," *Duihua Human Rights Journal*, April 6, 2016, accessed July 24, 2017, http://www.duihuahrjournal.org/2016/04/hrj20160406-china-state-security-trials.html.

Qualitative research also suggests that the Xi administration has criminalized a wider range of activism. A case in point is the 2015 mass arrest of labor activists who had been previously tolerated under Hu. Between 2009 and 2011, local authorities in Guangdong Province had periodically harassed labor activists and shuttered organizations from time to time, but the fragmented nature of local state control had allowed activists to resurrect their organizations in other localities and to "mobilize without the masses"—coordinate contention without rallying large-scale collective action.[58]

This limited space for activism all but collapsed under Xi. In December 2015, the Party-state launched a crackdown on labor organizations in Guangdong Province, arresting at least twenty-five staff members and activists from five different organizations. At least three activists, including the director of the province's largest labor NGO, were charged: one for alleged embezzlement and two others for "organizing a crowd to disrupt social order."[59] The coordinated raids and criminal detentions of leaders represent a departure from the period of 2009–11 in which arrests and organizational closures were reserved for mass disturbances.

In addition to the crackdown on labor activists, in July 2015 nearly 250 rights lawyers were also rounded up in the largest mass detainment of lawyers since the 1990s.[60] Several lawyers were formally charged with subversion and inciting subversion of state power, both serious charges normally reserved to challenges to the Party-state's rule.[61] The authorities have also effectively legalized forced disappearances of activists by using the amended article 73 of China's Criminal Procedure Law, which permits incommunicado residential surveillance of up to six months for individuals suspected of crimes against national security.[62] A lawyer belonging to the New Citizens' Movement was also charged with inciting to subvert state power in June 2016.[63]

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58. Fu, *Mobilizing without the Masses*, chap. 1.

59. Yaxue Cao, "Chinese Authorities Orchestrate Surprise Raid of Labor NGOs in Guangdong," *China Change*, December 10, 2015. This raid may have been instigated by the labor organization's involvement in two incidents of collective action—the Lide Shoe Factory strike and the Shatou sanitation workers' strike. In both cases, the organizations coached workers in collective bargaining.

60. Eva Pils, "'If Anything Happens. . .': Meeting the Now-Detained Human Rights Lawyers," July 8, 2016, https://chinachange.org/2016/07/08/the-709-incident-some-testimony-from-the-human-rights-lawyer-community/.

61. "Zhou Shifeng An Yishen Dangting Xuanpan Dianfu Guojia Zhengquan Zuiming Chengli Panchu Youqi Tuxing Qi Nian" [First trial finds Zhou Shifeng guilty of attempting to overthrow the regime, sentenced to seven years], *Xinhua She*, August 4, 2016, accessed July 24, 2017, http://news.xinhuanet.com/legal/2016-08/04/c_1119336487.htm; "China Arrests Rights Lawyer and Her Husband on Subversion Charges," *New York Times*, January 13, 2016.

62. Eva Pils, "The '709 Incident:' Some Testimony from the Human Rights Lawyer Community," July 8, 2016, https://chinachange.org/2016/07/08/the-709-incident-some-testimony-from-the-human-rights-lawyer-community/.

63. "China Tries Civil Rights Activist for Subversion, Detains Supporters" *Radio Free Asia*, June 24, 2016, http://www.rfa.org/english/news/china/tries-06242016105003.html.

In what has become a routine feature under Xi's reign, the Party-state created a public spectacle of these arrests by compelling some detained lawyers to make confessions on television.[64] Similarly, the regime forced Hong Kong book publishers who were detained in October of 2015 to confess their crimes on television, as did the Swedish activist Peter Dahlin, who confessed to providing funding to human rights lawyers.[65] These public confessions are part and parcel of the criminalization of activism. They have Maoist characteristics, as they are reminiscent of the parading and public shaming of counterrevolutionaries during the Cultural Revolution. This public form of repression also constitutes part of a larger agenda under Xi to create a 'new normal' (*xin changtai* 新常态) in which challengers are targeted and destroyed for all to see.[66]

From Reactive to Proactive Repression

Reactive repression seeks to contain social unrest by demobilizing protestors after the outbreak of mass incidents, while preemptive repression seeks to contain contention before it occurs. There has been no shortage of reactive repression under Xi's administration, as evidenced by the examples above. However, a more insidious form of repression is proactive, with the goal of cutting emergent threads between networks of activists and civil society organizations. If reactive repression is akin to putting out small fires of dissent, then proactive repression is akin to ensuring that the disaffected do not possess the wood chips needed to kindle a fire.

In the realm of civil society, this involves a combination of meticulous oversight of existing organizational networks and cutting links between civil society groups and protestors. One of the most threatening elements of civil society is its ability to mobilize citizens. The Chinese government is keenly aware of civil society organizations' role abroad as facilitators of mobilization in the Color Revolutions and Arab Spring. Thus, it keeps a hawkish watch on budding activism that has an organizational backbone. While neo-Tocquevillians may applaud the formation of such social capital,[67] the larger networks that can be created on the backs of civil society associations seem far more ominous to the Chinese

64. Xiong Zhi, "Dianshi Renzui Gai Chengwei Lishi Le" [Put televised confessions in the past], *Fenghuang Wang*, March 2, 2016, accessed July 24, 2017, http://news.ifeng.com/a/20160302/47658390_0.shtml; "Jailed Chinese Lawyer Reappears to Deliver a 'Confession,' but the Script Seems Familiar" *Washington Post*, August 1, 2016.

65. "Hong Kong Booksellers Reappear, Offer 'Confession' on Chinese TV," *CBCNews*, February 29, 2016, accessed July 24, 2017, http://www.cbc.ca/news/world/hong-kong-booksellers-1.3468689; "Ruidian Renquan Gongzuozhe Yangshi Renzui Yin Yulunchang Reyi" [CCTV confession of Swiss human rights worker leads to fierce debate], *Duowei Xinwen*, January 20, 2016, accessed July 24, 2017, http://china.dwnews.com/news/2016-01-20/59712248.html.

66. Jeremy Wallace, "The New Normal: A Neo-Political Turn in China's Reform Era" (paper presented at "Citizens and the State: Comparing Mass Politics and Policy in China and Russia," Notre Dame University, March 10–11, 2017).

67. Robert D. Putnam, "Bowling Alone: America's Declining Social Capital," *Journal of Democracy* 6, no. 1 (1995): 65–78.

Party-state than small-scale collective action. Thus, proactive repression that aims to preempt organized contention is deemed critical to sustaining state power.

The recent squelching of China's burgeoning feminist movement is a prime example of proactive repression that targets activism supported by an organizational backbone. The "feminist five" who had planned to hand out anti–sexual harassment pamphlets on public buses were preemptively detained even before they could distribute their literature.[68] They were initially informally charged with "picking quarrels," later changed to a charge of illegal assembly.[69] Their planned actions were considered threatening because they were coordinated across several different cities, including Beijing, Guangzhou, and Hangzhou.[70] The government proactively rounded up these women even though they appeared to be lobbying for a goal the Chinese Communist Party propagated—against sexual harassment and on behalf of "women holding up half the sky." By proactively policing the younger generation of feminists, Xi's government is sending a signal to other potential rabble-rousers—especially if done in multiple localities and in conjunction with social organizations and networks outside of the Party.

The feminists were also considered a serious threat because of their alliances with other civic organizations. The feminist five did not carry out their actions in isolation. They were embedded in a broader network of NGOs and informal groups at universities that regularly exchanged information, discussed tactics, and provided mutual support. For example, staff members from the antidiscrimination organization Yirenping sent regular email updates to international supporters and circulated public statements calling for the release of the feminist five.[71] So, too, numerous social media groups on Wechat including Feminist Voices (*nu quan zhi sheng* 女权之声) and Female Springwater Voice (女泉之声) constituted a robust online community of students, scholars, NGO workers, and professionals supporting the feminists' activism.[72]

In February 2016, just one month prior to the arrest of the feminist five, China's most influential women's rights organization—Beijing Zhongze Women's Legal Counseling Service Center—was forced to close.[73] In the Hu era, the Center had

68. Wang Zheng, "Detention of the Feminist Five in China," *Feminist Studies* 41, no. 2 (2015): 476–82.

69. Yaxue Cao, "A Café Chat with Li Tingting," *China Change*, July 26, 2016, accessed July 24, 2017, https://chinachange.org/2016/07/27/a-cafe-chat-with-li-tingting/.

70. Leta Hong Fincher, "China's Feminist Five," *Dissent* 63, no. 4 (2016): 84–90.

71. "Beijing Yirenping Zhongxin: Zhengzai Huyu Shifang Wuwei Nvquan Renshi De Fanqishi Gongyi Jigou Beijing Yirenping Zhongxin Bei Duoming 'Jingcha' Chachao" [Beijing Yirenping Center: Beijing anti-discrimination organization calling for release of feminist five searched by multiple "police"], *Human Rights in China (HRIC)*, March 25, 2015, accessed July 24, 2017, http://www.hrichina.org/chs/zhong-guo-ren-quan-shuang-zhou-kan/bei-jing-yi-ren-ping-zhong-xin-zheng-zai-hu-xu-shi-fang-wu-wei-nu.

72. Diana Fu, "Why Is Beijing Afraid of Chinese Feminists?," *Washington Post,* July 27, 2017, accessed October 19, 2017, https://www.washingtonpost.com/news/monkey-cage/wp/2017/07/27/why-is-beijing-afraid-of-chinese-feminists/.

73. Yaxue Cao, "Guo Jianmei, Zhongze, and the Empowerment of Women in China," *China Change*, February 14, 2016.

taken on a number of politically sensitive cases that attracted national media coverage and was a key proponent of China's first domestic violence law passed in 2015.[74] Repression had begun under the Hu administration as Beijing University (which used to be the Center's supervisory unit) cut off its affiliation with the Center in 2009, but allowed the center to continue operating under a different name.[75] Under Xi, the organization was shuttered completely. Some have speculated that the center's closure was triggered in part by its leader's growing international reputation and the Center's close ties to foreign politicians such as Hilary Clinton. Although the Center was not directly involved in the new feminist movement, it was part of a broader network of women's advocacy organizations that the Xi administration found deeply threatening because of its ties to the international community. Proactive repression under Xi seeks to completely dismantle advocacy organizations and clip their ties to activist networks before the outbreak of organized mass incidents.

INSTITUTIONALIZED PARTICIPATION UNDER HU JINTAO AND XI JINPING

The shift in governing contentious participation was stark, but contention is not the only avenue to political participation. Although few would characterize China's political trajectory under Hu as "democratizing," the first decade of the twenty first century witnessed the introduction or expansion of quasi-democratic institutions that enable grassroots political participation.[76] First, government agencies, Party organizations, and legislative bodies used information technology to lower the difficulty for citizens to make direct appeals to political authorities, establishing channels like the "Mayor's Mailbox."[77] Second, government transparency regulations were introduced locally and later formalized nationally by the 2008 "Regulation on Open Government Information."[78] This statute obligated government agencies to respond to "Freedom of Information" requests from ordinary citizens. Third, throughout this period, citizens took government agencies to court by filing administrative lawsuits in the Chinese justice system. Although this kind of participation is less confrontational than the activism discussed above, it nonetheless constitutes

74. Didi Kirsten Tatlow, "China Is Said to Force Closing of Women's Legal Aid Center," *New York Times*, January 29, 2016.

75. The center was previously called the Beijing University Legal Aid and Research Center.

76. "Grassroots" participation refers to acts to that are open to individuals without special political designations. Excluded in this definition is participation through *serving* as a political official, such as People's Congress deputy or Village Committee head. However, voting in these elections qualifies.

77. Kathleen Hartford, "Dear Mayor: Online Communications with Local Governments in Hangzhou and Nanjing," *China Information* 19, no. 2 (2005): 217–60.

78. Distelhorst, "Power of Empty Promises;" Yongxi Chen, "Transparency versus Stability: The New Role of Chinese Courts in Upholding Freedom of Information," *Tsinghua China Law Review* 9, no. 1 (2016): 79–138.

attempts to change "the actual results of government policy." In fact, both letter writing to officials and taking officials to court are participatory acts observed by Shi in the late 1980s.[79] Opportunities to submit freedom of information requests and to make electronic appeals to officials only emerged later.

In light of the change in approach to contentious participation, did the state also reduce access to participatory institutions under Xi Jinping? Did the government take actions either to reduce the quality of participatory institutions (e.g., make them less responsive) or to increase barriers to accessing these institutions? We look for empirical evidence of these trends in three participatory institutions: online appeals to officials, freedom of information requests, and lawsuits against government agencies.

Written Appeals to Officials

Contacting public officials through letters and visits has a long history in China.[80] In its modern form, petitions (*xinfang* 信访) to political authorities are managed through the National Administration of Letters and Visits, as well as similarly named departments within administrative, Communist Party, legislative, and justice organs.[81] The purpose of these institutions is to resolve conflicts, improve policy, and collect information about the complaints and dissatisfaction of the public. In Beijing in the 1980s, filing complaints to work units and through the bureaucratic hierarchy were among the most common forms of political participation.[82] Archival evidence suggests that Chinese officials believe that responsiveness to inquiries and letters of complaint is important. If citizens' appeals fall on deaf ears—or worse, induce retribution from authorities—the public may cease contacting officials altogether and thereby deprive the government of useful information.[83]

Due to the decentralized nature of the various channels to make appeals, both written and in person, estimates of its usage are hard to find. One widely cited figure put the national total at 12.7 million personal visits in 2003,[84] and estimates based on provincial reporting show petitions peaking in 2004 before falling to roughly 10 million in 2009.[85] By these figures, one petition was filed for every 133 persons in 2009. Using an alternative methodology, the 2010 China

79. Shi, *Political Participation in Beijing*, 21, 63, 83.

80. Chen, *Social Protest and Contentious Authoritarianism*, 44–53.

81. Martin K. Dimitrov, "Internal Government Assessments of the Quality of Governance in China," *Studies in Comparative International Development* 50, no. 1 (2015): 50–72.

82. Shi, *Political Participation in Beijing*, 94.

83. Dimitrov, "Internal Government Assessments."

84. Jianrong Yu, "Zhongguo Xinfang Zhidu De Kunjing He Chulu" [The predicament and way out for China's petitioning system]," *Zhanlue Yu Guanli* [Strategy and management] (2009): 29–45.

85. Dimitrov, "Internal Government Assessments."

General Social Survey asked respondents how they dealt with "unjust" treatment by political authorities, and directly appealing to officials or agencies was the most frequent action.[86] Our estimates based on this survey put the overall prevalence of direct appeals to upper level authorities through any channel—not just formal petitions—at roughly one in every 60 persons.

One reform during the Hu Jintao administration added a new channel to submit written appeals to officials. Local governments throughout China established mechanisms to receive citizen letters over the internet. The city of Nanjing allowed citizens to contact government departments online starting in 2001, and Hangzhou established a web-based "12345 Mayor's Mailbox" in 2003.[87] Since then, online participation mechanisms have spread across China. Although observers have understandable skepticism about their efficacy, evidence suggests that the mere presence of these online opportunities has a positive impact on public opinion about government.[88] We obtained and analyzed publicly posted letters from 293 local governments. We found that people use these mailboxes to seek official intervention in property disputes, queries about household registration (*hukou* 户口) and childbearing regulations, garbage and noise pollution, grievances about local schools and hospitals, and disputes with employers.

Do we observe any change in the quality of online appeals institutions across the two administrations? Although researchers can observe publicly posted letters and official responses,[89] it is difficult to assess what proportion of citizens' appeals led to helpful actions by authorities. Officials may omit some letters from public records. Instead, researchers have studied the quality of online appeals institutions by field audits that submit information requests to local agencies. These studies cannot tell us about any concrete actions that officials take in response to citizens' grievances, but they do offer evidence of changes in staffing or funding over time. If local Mayor's Mailboxes lost funding or head count in the Xi era, we would expect local responsiveness to citizens' queries to decline.

A series of field studies of online contacting institutions conveniently spans the Hu-Xi leadership transition.[90] In July 2012, prior to the leadership transition, an initial study found that 43 percent (111 of 258) of contacted prefectural governments offered helpful replies to requests for information. Subsequent audits were undertaken between May and August 2013, after the leadership transition.

86. *Zhongguo Zonghe Shehui Diaocha* [China General Social Survey], Renmin University of China, http://www.cnsda.org/index.php?r=projects/view&id=15553986.

87. Hartford, "Dear Mayor."

88. Rory Truex, "Consultative Authoritarianism and Its Limits," *Comparative Political Studies* 50, no. 3 (2017): 329–61.

89. Zheng Su and Tianguang Meng, "Selective Responsiveness: Online Public Demands and Government Responsiveness in Authoritarian China," *Social Science Research* 59 (2016): 52–67.

90. Greg Distelhorst and Yue Hou, "Constituency Service under Nondemocratic Rule: Evidence from China," *Journal of Politics* 79, no. 3 (2017): 1024–40.

The average rate of helpful replies across the later studies was precisely identical to the prior year's: 43 percent (417 of 967).[91] There is little evidence that local Mayor's Mailboxes suddenly lost funding or personnel in the first year of Xi's leadership.

Freedom of Information Requests

Under Hu's leadership, the Party-state embarked on a government transparency reform. The reform involved not only top-down mandates for agencies to disclose more information; it also sought to stimulate government transparency through public participation. When the Regulations on Open Government Information took effect in May 2008 during Hu's administration, ordinary citizens were permitted to request information from tens of thousands of government agencies across the country. The reform thus created a new channel of citizen participation in China, broadening the freedom to request information.

It may seem puzzling that a regime widely known for censoring and manipulating information[92] would also pursue reforms to increase government transparency. However, two imperatives in the early 2000s motivated transparency reforms, as reflected in the writings of reform architect Zhou Hanhua. The first was a long-standing concern among the leadership in Beijing about monitoring local governments to reduce local corruption, ineptitude, and deviations from laws.[93] The second was China's entry to the World Trade Organization in 2001. China's accession agreement included a commitment to make local policies more transparent, a pledge that Zhou cited when arguing for the reform.[94]

Opening freedom of information requests to ordinary citizens was proposed in the earliest drafts of the new Open Government Information regulation. Zhou viewed public participation in improving transparency as integral to aligning public administration with legal statutes: "Other than strictly following the law, administration by law emphasizes the openness and participatory nature of government activities, so as to allow the public to truly participate in the policymaking process. It may be said that openness and participation are the most concentrated

91. This "helpful response" rate of 43 percent is in the middle of the distribution of previous studies of similar contacting channels in the United States, Italy, Brazil, and South Africa. Unsurprisingly, the quality of online contacting institutions in China declines at lower levels of government. In a study of county governments only 32 percent of requests for information were answered (Jidong Chen, Jennifer Pan, and Yiqing Xu, "Sources of Authoritarian Responsiveness: A Field Experiment in China," *American Journal of Political Science* 60, no. 2 [2016]: 383–400, table 2).

92. Gary King, Jennifer Pan, and Margaret Roberts, "How Censorship in China Allows Government Criticism but Silences Collective Expression," *American Political Science Review* 107, no. 2 (2013): 326–43.

93. Hanhua Zhou, "Qicao Zhengfu Xinxi Gongkai Tiaoli (Zhuanjia Jianyi Gao) de Jiben Kaolv" [Basic considerations on drafting the "Regulations on open government information" (Expert recommendation draft)], *Faxue Yanjiu* [Legal research] 6 (2002): 82–83.

94. Zhou, "Qicao Zhengfu Xinxi Gongkai Tiaoli," 81–82.

Table 1. Key Local Government Transparency Reforms

Year	Prefectures	Provinces
2001		Fujian
2002	Guangzhou	
2003	Harbin, Shantou, Taiyuan	
2004	Anshan, Changchun, Chengdu, Datong, Hangzhou, Jinan, Kunming, Ningbo, Wuhan	Chongqing, Hubei, Jilin, Shanghai
2005	Guiyang, Haikou, Suzhou, Urumqi, Zhengzhou	Beijing, Guangdong, Hainan, Hebei
2006	Benxi, Shenzhen	Heilongjiang, Jiangsu, Liaoning, Shaanxi, Sichuan

Note: Years of enactment listed. The national Open Government Information reform was enacted in 2007, effective May 1, 2008.

embodiment of contemporary administration by law."[95] These transparency reforms began at local levels. Fujian Province and the municipality of Guangzhou adopted China's earliest local transparency regulations. Throughout the decade similar regulations diffused across China's municipal and provincial governments. When the national Regulations on Open Government Information took effect in May 2008, more than 50 percent of China's local governments had already enacted local government transparency regulations (table 1).

How well did these participatory transparency institutions function in practice under Hu? Several field studies of the new Regulations on Open Government Information showed that the response and disclosure rates were discouragingly low. On environmental transparency, a 2009 study found that fewer than half of 113 city governments responded to requests for information about enterprises violating pollution regulations.[96] On financial transparency, one audit rated the majority of provinces as responding to less than 30 percent of requests.[97] The response rate was even poorer at lower levels of government. A 2010 audit submitted requests for basic information about local public services to a random sample of county-level governments and found that county agencies fulfilled just 14 per-

95. Ibid., 83.

96. Institute of Public and Environmental Affairs and Natural Resources Defense Council, *Environmental Open Information: Between Advance & Retreat: The 2009–2010 Pollution Information Transparency Index (PITI) Second Annual Assessment of Environmental Transparency in 113 Chinese Cities* (2010), http://wwwoa.ipe.org.cn//Upload/Report-PITI-09-10-EN.pdf.

97. Shanghai University of Finance and Economics, *Zhongguo caizheng toumingdu baogao—shengji caizheng xinxi yu bumen xingzheng shouzhi gongkai zhuangkuang pinggu* [2010 China financial transparency report—An evaluation of provincial finance information and departmental administrative expenditures disclosure] (Shanghai: Shanghai University of Finance and Economics Press, 2010).

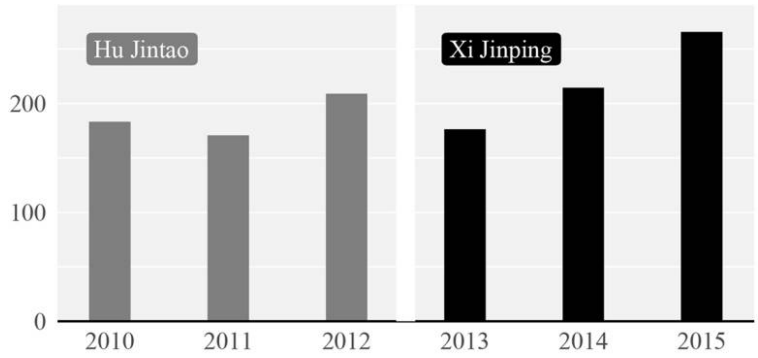

Figure 1. Public participation in freedom of information requests (thousands). Note: Total Open Government Information requests from 20 provinces collected from annual provincial reports by Yongxi Chen, University of Hong Kong. Only 20 provinces reported annual totals for each of the six years under study.

cent of these basic requests.[98] Inquiries about the educational qualifications of local teachers received the highest disclosure rate (22 percent); disclosure of registered businesses in the public transport sector were second most likely (17 percent); and disclosure of enterprises penalized for regulatory violations was only provided by a small handful of counties (5 percent).

Given the Xi administration's embrace of censorship, we might expect public participation through transparency institutions to contract or even collapse under his leadership. Yet the available data suggest that public enthusiasm for freedom of information requests has not changed across the two administrations. Recent data examining trends in participation across 20 provinces in China show that total requests slightly declined between 2012 and 2013, recovered in 2014 during the second year of Xi's administration, and exceeded previous years in 2015 (fig. 1).

Assessing changes in the quality of the information that was accessed is more challenging. However, the available evidence again suggests more continuity than change from Hu to Xi. On financial transparency, the Shanghai University of Finance and Economics has maintained a largely consistent transparency evaluation methodology through the leadership transition. Its mean provincial financial transparency score nearly doubled between 2011 and 2016, from 23 points to 42 points, suggesting that financial transparency actually improved under Xi.[99]

On environmental transparency, the Pollution Information Transparency Index provides data, but its scoring system changed across time periods, making it difficult to directly compare results across the two administrations. The new

98. Distelhorst, "The Power of Empty Promises."

99. "Caizheng Touming, Jin Liang Shengfen Jige" [In financial transparency only two provinces pass], *Bandao Dushibao* [Peninsula metropolis daily], November 28, 2016.

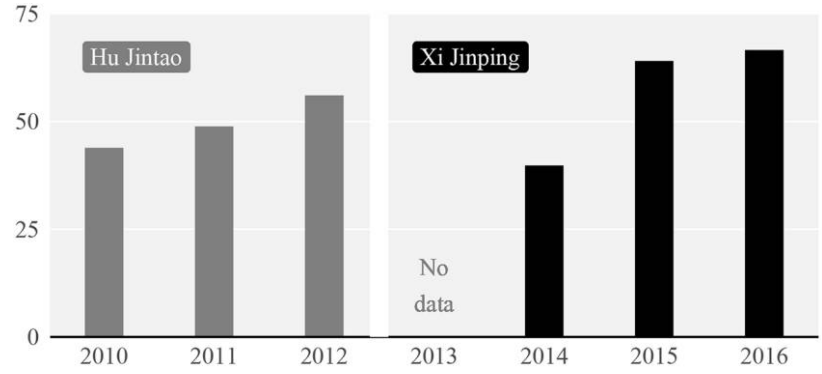

Figure 2. Local environmental protection bureau "disclosure by application" scores. Note: Average percentage scores of city-level Environmental Protection Bureaus for "Disclosure by Application" in the Pollution Information Transparency Index reports, 2010–16. The scoring system became more stringent in 2014 by incorporating completeness of government responses; 113 cities are analyzed in 2010–12 and 120 are analyzed in 2014–16. Examining only cities available in all six years does not change the results. Original reports available from http://wwwen.ipe.org.cn/reports/Reports.aspx?cid =18336 (accessed January 2017).

scoring system adopted in 2014 for freedom of information requests added "completeness" of government responses to the scoring criteria, which previously focused on whether a government agency provided a channel and offered timely responses to inquiries. The share of prefectures achieving a perfect score declined from 56 percent under the old scoring system to just 23 percent in the new system. However, the researchers reported similar three-year trends in the performance of information disclosure in both the Hu and Xi administrations by local Environmental Protection Bureaus. When the local environmental bureaus in both administrations were exposed to information showing their shortcomings, they responded by improving the quality of those channels. If the Xi administration took a fundamentally different approach, we might have expected these local bureaus to ignore poor marks rather than invest in improvements in informational disclosures (fig. 2).

Comparing two studies that filed information requests with provincial governments under Hu and Xi, we again find no evidence of discontinuity across the two administrations. The Center for Public Participation and Support at Peking University reported that at least 15 of 30 provinces (Tibet was excluded) responded to their applications for government information in 2010.[100] When the Chinese Academy of Social Sciences conducted a similar study in 2015, it received

100. Center for Public Participation Studies and Support, Peking University, "Zhongguo Xingzheng Touming Guancha Baogao" [China administrative transparency observations report] (Beijing, 2011).

on-time replies from 23 provinces (77 percent) via postal mail.[101] In requests sent via email, 12 of 17 provincial authorities (71 percent) replied on time. Although these two evaluations sought different information and did not make detailed results publicly available to researchers, they offer little suggestion that provincial governments have become more closed to information requests under Xi.

Administrative Lawsuits

Finally we briefly examine a third institutionalized channel of political participation: administrative lawsuits, colloquially known as "folks suing officials" (民告官案件).[102] Although the courts tend to defer to core regime interests,[103] every year judges rule on many thousands of claims against government authorities. This reflects a combination of the willingness of citizens to invest their time and money and the capacity of courts to process and rule on their claims.

If Xi's clampdown on participation extended to administrative lawsuits, we might expect such lawsuits to decline under his leadership, through increased barriers to entry or reduced judicial resources. Instead, we observe broad continuity in the popularity of administrative lawsuits across the two administrations. Total administrative lawsuits heard by Chinese courts declined slightly in the first year of Xi's administration, followed by a rebound in 2014. Administrative lawsuits increased dramatically in 2015, reaching a per capita level almost 50 percent higher than any of the previous fifteen years. The increased volume of cases heard suggest the institution is attracting increased public interest or is the recipient of additional resources, or both (fig. 3).

CONCLUSION

By distinguishing between two pathways for political participation—contentious and institutionalized—we showed that there are both continuities and discontinuities in the political opportunity structure for participation under Hu Jintao and Xi Jinping. Xi's accession to power has had dire consequences for civil society and contentious participation more broadly. Repression of civil society under Xi not only has increased in degree but has also changed in form. Specifically, we identified three major shifts: from framing repression as safeguarding social stability to safeguarding national security; from sporadic harassment to criminalization; and from reactive to proactive repression.

101. Chinese Academy of Social Sciences, "Zhongguo Zhengfu Xinxi Gongkai Disanfang Pinggu Baogao (2015)" [Third party evaluation report of open government information in China (2015)] (Beijing, 2016).

102. Pei, "Citizens v. Mandarins"; O'Brien and Li, "Suing the Local State."

103. Chen, "Transparency versus Stability."

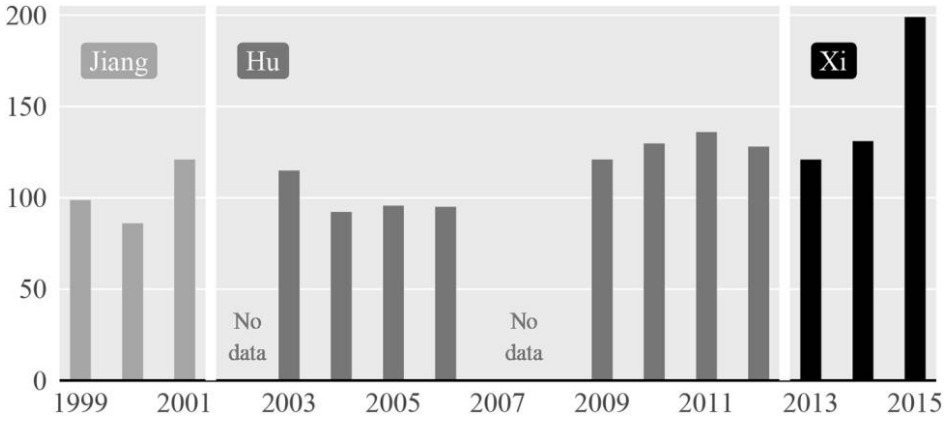

Figure 3. Administrative lawsuits tried (per million population). Note: Administrative lawsuits tried in courts reported in the annual Work Report of the Supreme People's Congress under Jiang Zemin, Hu Jintao, and Xi Jinping, normalized by national population. No data were reported in the reports for 2002, 2007, and 2008.

Taken together, these shifts represent a discontinuity. Xi is pursuing a more consolidated, top-down approach to repression than his predecessor, which signals a significant change in opportunities for contentious participation. Whereas activists and organizations were able to exploit both vertical and horizontal divisions within the state to carve out spaces for maneuvering in the Hu era, they are less able to do so under Xi. Few state actors are willing to aid activists and organizations in a political system that celebrates repressive acts by extracting public confessions from boundary pushers. The act of making repression a public spectacle evidences the Party-state's desire to buttress its legitimacy not only by maintaining stability but also through ostentatious displays of state power.

This consolidation of coercive power should not be conflated with the formalization of coercion. While the number of activists formally charged for criminal activities has increased,[104] the state has also continued to use informal coercion. This entails the extensive use of third party agents such as thugs and private security companies[105] as well as state-organized disappearances. These informal coercive tactics occur simultaneously with the increasing criminalization of activism, thus leading to a shrinking opportunity structure for contentious participation.

This does not mean, however, that Xi has restricted access to institutionalized participation. As the second part of this article has shown, several formal institutions for public participation under Hu Jintao have persisted under Xi's reign.

104. "China State Security Indictment Hits Record High in 2014," *Duihua Human Rights Journal*, November 25, 2015, http://www.duihuahrjournal.org/2015/12/hrj-china-state-security-indictments.html.

105. Chen, "Origins of Informal Coercion."

These institutions facilitate relations between local governments and the public and provide channels to address complaints. We find little evidence of institutional decline, and the evidence in fact suggests that these institutions are becoming more rather than less effective. Local responsiveness to online appeals remained steady or increased across the two administrations. Both freedom of information requests and lawsuits against government agencies have recently hit new highs. Admittedly, these are only a subset of China's participatory institutions. Others like local elections or deliberative meetings[106] are omitted from our analysis and may be experiencing different trends under Xi.

Although a shift to institutionalized participation may appear to be in the interest of the state, there are potential shortcomings to repressing contentious participation. Both institutionalized and contentious participation help the Party-state to collect information about society,[107] but it is not clear that both reveal the same kind of information. From the state's perspective, institutionalized participation may offer only a suboptimal substitute for the information that disruptive contention brings to the fore. The high costs of participating in collective action demonstrate the intensity of public feeling. In comparison, clicking "send" on an email to the mayor's office costs citizens relatively little. That kind of participation may provide information about low-stakes quibbles rather than major grievances.

The implications for the decline in opportunities for contentious participation under Xi awaits further observation and research. It remains to be seen whether simply preserving institutions of public participation from the Hu administration will be sufficient to meet public demands for input into policymaking and responsive governance. If not, the decision to repress more contentious activity may have the undesirable effect of political disengagement, pushing discontent out of the view of public officials. Losing sight of the concerns of the public is a dangerous situation for any political regime.

106. Jonathan Unger, Anita Chan, and Him Chung, "Deliberative Democracy at China's Grassroots: Case Studies of a Hidden Phenomenon," *Politics & Society* 42, no. 4 (2014): 513–35.

107. Peter Lorentzen, "Regularizing Rioting: Permitting Public Protest in an Authoritarian Regime," *Quarterly Journal of Political Science* 8, no. 2 (2013): 127–58.